

LESSON 2

The Nature of Representation in the U.S. Congress

OVERVIEW

The framers of the Constitution set up a system of representation for the United States, which although informed by the experiences of other republics, was different from them. Outside the U.S. today, the main system of representation in republics is the parliamentary system, which lacks separation between the executive and the legislative branch. Under a parliamentary system, the chief executive, usually called a prime minister, is a member of parliament, but the Constitution establishes the legislature and the executive as two independent, but closely connected, branches. Members of the U.S. Congress experience a fundamental tension between being a trustee for the interests of the people and being their delegate. They also must balance the demands of the district with the interest of the nation, as well as determining the appropriate level of political party loyalty.

OBJECTIVES

- Students will identify the chief differences between the U.S. congressional system and a parliamentary system of representation, and evaluate the relative merits of each.
- Students will identify the chief characteristics of a single member election district and a proportional representation system and evaluate the relative merits of each.
- Students will distinguish between representation by trustee and representation by delegate, and evaluate the relative merits of each.
- Students will describe the different competing interests facing a member of the U.S. Congress, and evaluate which interest should supersede the other in different situations.

THE DEBATES IN THE FEDERAL CONVENTION OF 1787, MAY 31, 1787

Mr. Mason [Virginia] argued strongly for an election of the larger branch [of the legislature] by the people. It was to be the grand depository of the democratic principles of government. It was, so to speak, to be our House of Commons—It ought to know and sympathize with every part of the community; and ought therefore to be taken not only from the different parts of the whole republic, but from different districts of the larger members of it, which have in several instances, particularly in Virginia, different interests and views arising from difference of produce, of habits, etc. etc.... We ought to attend to the rights of every class of people.

RECOMMENDED TIME

90 minutes

MATERIALS LIST

- **Handout A: Background Essay—The Nature of Representation in the U.S. Congress**
- **Handout B: Two Hypothetical Countries**
- **Handout C: Proportional or Single Member Districts?**
- **Handout D: Delegate or Trustee?**
- **Handout E: Congressional Voting Scenarios: Competing Interests**
- **Answer Keys**

CONSTITUTIONAL PRINCIPLES

- Separation of Powers
- Republican Government
- Public Virtue
- Civic Virtue

STANDARDS

- **C3 Framework (NCSS):** D2.Civ4:6-8; D2.Civ4:9-12; D2.Civ5.6-8; D2.Civ5:9-12; D2.Civ8.6-8; D2.Civ8:9-12; D2.Civ11:6-8; D2.Civ.11:9-12
- **Center for Civic Education (CCE):** II.C.2; II.D.4; III.B.1; III.E.6
- **UCLA Department of History (NCHS):** Era 3, Standard 3

KEY TERMS

- Parliamentary system
- Chief executive
- Prime minister
- Legislature
- Executive
- Political party
- Delegate
- Trustee
- Competing Interests

Lesson Plan

Background » 15 minutes

Prior to the lesson, have students read **Handout A: Background Essay—The Nature of Representation in the U.S. Congress**, and answer the Critical Thinking Questions.

Warm-up activity » 5 minutes

Students should respond to this question in their class journal or notebook: What are six things that make the job of a member of the U.S. Congress a challenge? Have students share their list with a partner or with the class as time permits.

Activity I: Two Hypothetical Countries » 10 minutes

- A. Divide students into small groups of 3-5 students.
- B. Give each group a copy of **Handout B: Two Hypothetical Countries**
- C. Have each group read the handout, and discuss the questions:
 1. In which country does the system of representation most closely resemble a parliamentary system? Why?
 2. In which country does the system of representation most closely resemble the U.S. congressional system? Why?
 3. Encourage students to refer to the background essay as they decide each case.
- D. Have each group share their conclusions with the whole class. Point out why Transalpinia represents the U.S. system, why Tutonia represents a parliamentary system.

Activity II: Proportional or Single Member Districts? » 30 minutes

- A. Distribute a copy of **Handout C: Proportional or Single Member Districts?** to each student.
- B. Have students read the handout individually and record on their own paper:
 1. List the arguments in favor proportional representation. In your opinion, which of these arguments is the strongest? Why?
 2. List the arguments in favor of single member districts. In your opinion, which of these arguments is the strongest? Why?

3. Divide students into small groups of three to five students and have each group discuss the question: Which system is better? Why?
- C. Ask students to form an opinion continuum (Take a Stand!)
1. Have the students “take a stand” or form an “opinion continuum” across the room, with those who most strongly support proportional representation at one end, and the students who most strongly support single member districts on the other. In between, have students arrange themselves according to how strongly they support one system or another. Rather than have undecided students in the middle, you might allow them to keep their seats until students on each side have explained their positions, at which time the undecided students should also take a stand somewhere along the continuum.
- D. Invite students to explain why they are standing where they are standing and dialogue with one another regarding advantages and disadvantages of the positions they have taken. Students may shift positions in the continuum, but must articulate their reasons.

Activity III: Delegate or Trustee? » 15 minutes

- A. In groups or individually, have students review the background essay on the nature of representation. Have them list one or two characteristics of representation as a trustee, and one or two characteristics of representation as a delegate.
- B. Then, with students working either individually or in groups, distribute the cards that make up **Handout D: Delegate or Trustee?**—a profile of two representatives.
- C. Have the student read the description of each member of Congress, and then write down which representative is acting as trustee, and which is acting as a delegate, and explain why.
- D. Have the students, either individually or in groups, explain the reasons for their choice.

Activity IV: Congressional Voting Scenarios: How do representatives deal with competing interests? » 30 minutes

- A. Have students review the background essay section on competing interests.
- B. Divide students into small groups of three to five students
- C. Give each group the five scenario cards (**Handout E: Congressional Voting Scenarios—Competing Interests**). For each card have each student read the scenario and then write or discuss the following:
 - a. List the competing interests: What are the interests of the district? Of the nation? Of the member’s political party? The member’s own principles?

- b. Explain how they would vote in that situation and why.
 - c. Explain whether and in what ways each congressperson is acting as a delegate or as a trustee in making the decision about how to vote.
- D. Hold a class vote on each scenario, and allow students to explain why they are voting in the way they are.
- a. Extension: Have students research a controversial bill or other important vote to write their own scenarios similar to **Handout E: Congressional Voting Scenarios: Competing Interests**. This could be given in very simple form as a homework assignment, or it could be done in more extensive form as a research paper, depending on the time available in your classroom. Consult resources such as <http://billofrightsinstitute.org/educate/educator-resources/headlines/> and <http://billofrightsinstitute.org/educate/educator-resources/headlines/separation-of-powers/>.

Wrap-up: » 5 minutes

- A. Have students reflect on the four activities they completed during the lesson, identifying constitutional principles at issue in each one.
- B. Have students write in their class journals, or on another sheet of paper:
 - a. Having completed the lesson, is the job of being a representative harder or easier than you thought it might be? Why or why not?
 - b. Do you have more or less respect for the way politicians do their job? Why or why not?

Extension

Have students research a controversial bill or other important vote that has occurred in the U.S. Congress, either in the recent past or the distant past, and have them write their own scenario, indicating the competing interests faced by two different members of Congress, how those representatives voted, why they voted the way they did, and the students assessment of whether they were acting as a delegate or a trustee.

Background Essay—The Nature of Representation in the U.S. Congress

Directions

Read the essay and answer the critical thinking questions at the end.

The Differences between the United States System and the Parliamentary System

In Philadelphia in the summer of 1787, fifty-five men worked together to develop a framework of government that would secure the people's inalienable rights and promote their safety and happiness. While the Framers borrowed from the tradition of ancient republics, as well as from their history as Englishmen, they developed a system that was (and remains) significantly different from other types of representative systems.

Outside the U.S. today, the main system of representation in republics is the parliamentary system. While there are many varieties of parliamentary systems, they share certain important features. The legislature is usually called a parliament, rather than a congress. Sometimes members are elected from single member districts, similar to the method of electing members to the U.S. House of Representatives, and sometimes members are elected from the nation at large.

One of the most significant features of a parliamentary system is that, unlike the United States system, it lacks separation between the executive and the legislative branch. Under a parliamentary system, the chief executive, usually called a prime minister, is a member of the parliament, and is chosen by the parliament. The

prime minister is often the leader of the majority party in parliament, which allows him or her to carry out a lawmaking program without much difficulty. Those who support a parliamentary system maintain that this gives the party that wins the parliamentary elections a mandate to legislate without the compromise and delay demanded by the U.S. system. Critics of the parliamentary system might quote Montesquieu, saying it allows a government to “enact tyrannical laws [and] execute them in a tyrannical manner.” They might also contend that legislatures can be too responsive to temporary majorities, changing laws constantly and undoing the good work that a previous parliament has done.

A second major difference is the role of political parties in the legislature. Under some parliamentary systems, members of the legislature are not elected by the people of a geographic district, but are elected by the nation as a whole, in proportion to the total votes received by the party across the nation. This method of organizing a parliamentary system is generally called a proportional representation system. Under such a system, people vote for a party, not an individual candidate. In these systems candidates strongly identify with their parties, and the members of the parties agree on most major issues, unlike in the American system. Some countries that use proportional

representation today are Germany, Ireland, Israel, and Spain.

The Changing Nature of Representation over Time

One of the major changes in representation in the U.S. House and Senate has been the role of political parties. When the first elections for the U.S. Congress were held in 1788, there were no political parties. Parties emerged in the 1790s as Jefferson and Madison organized the opposition to Alexander Hamilton's program of national government action to build a strong commercial republic. Two groups emerged in Congress—one supporting the Hamilton program, and the other opposing it. By the 1820s, suffrage expanded as state after state eased prerequisites for voting, and political parties became mass movements as we know them today. While political parties are important in the U.S. Congress, they have never been as critical as they are in a parliamentary system with proportional representation. Consequently, individual representatives in Congress tend to be more responsive to their local constituents rather than national party leaders and national majorities.

A second change over the last two hundred years has been the time of service in Congress. In the early years of the republic, few members of Congress served more than a few terms. In these early decades the republican spirit inspired by George Washington's example emphasized a rotation of service without accumulation of power. Before the Civil War, those who were elected or appointed were typically already financially secure through their law practices, or had considerable business capital, or were from the landed gentry. Therefore, lengthy

government service was likely to be an inconvenience to them. This began to change after the Civil War, and between 1860 and 1960, the average time in office doubled. Moreover, as transportation improved, it became easier for politicians to make their careers far away in Washington. In addition, as more power was transferred to the national government it became more prestigious to serve in Congress than in the state legislatures.

While the salary for members of Congress has increased over the years, so too has the amount of work required of them. From the 1790s until the 1940s, sessions of Congress generally only lasted six months of the year. With the dramatic increase in size of the federal government brought about by the New Deal of the 1930s and World War II in the 1940s, sessions became much longer, typically running all year.

Challenges Facing Representatives: Trustee or Delegate?

One of the challenges facing members of Congress is the distinction between members as delegates and members as trustees. Traditionally, representatives in Congress have been seen as trustees of the people. Using this view, members are elected by the people because voters trust their judgment. Members are expected to know their constituents' opinions, but then use their judgment and vote for policies that will best serve the interests of the voters in their district and the nation as a whole. In an understanding of members of Congress as delegates of the people, a member is expected to survey the opinions of his or her constituents, and vote as they expect him or her to vote, even if the member's judgment might be different.

In some ways, both conceptions of representation are present in the Constitution, as House members are elected directly by the people every two years, forcing them to function as delegates who are attentive to the demands of the voters. Senators, representing their entire state and elected for a six-year term, are more likely to function as trustees. This feature was even more pronounced before the Seventeenth Amendment when Senators were elected by their state legislators, distancing them from the immediate pressures of voters.

Challenges Facing Representatives: Competing Interests

A further challenge facing members of Congress is the competing interests they face. Members of Congress are simultaneously expected to be representatives of the people, lawmakers, and members of a political party. As representatives of the people, they are expected to act for the benefit of both their particular district and for the nation as a whole. The conflict between these interests can perhaps be most clearly seen in so-called pork barrel spending bills. These bills call for federal money to be spent on specific projects in various congressional districts—money for a bridge few motorists will use in Alaska, or the Lawrence Welk birthplace restoration in North Dakota, for example. This kind of spending rarely serves the national interest. However, for the individual members of Congress, it very clearly represents the will of the district. Which interest should a member of Congress represent? In a Parliamentary system with proportional representation, the conflict between representing a district and the nation as a whole is eliminated, since the whole nation elects the members and party loyalty replaces

the incentive to put one's local district ahead of the good of the country.

A second set of competing interests involves lawmaking. As representatives, members of Congress are expected to support the interests of their constituents. However, passing laws frequently requires compromise among members, which necessitates sacrificing some constituent desires in hopes of achieving others. A district may wish to see lower taxes, but also want a military base kept open. A law keeping the base open will require spending by the Department of Defense, and might well prevent the possibility of a tax cut. As a trustee, such a member, while carefully considering the competing desires of constituents, would use independent judgment. If considered a delegate, that same member will have a harder time knowing which opinion to follow.

Furthermore, members of Congress must take into account the desires of their political party. Party membership provides critical resources for re-election, so a member cannot ignore his/her party's wishes. However, members can find themselves in a difficult position if their party asks them to support policies that their constituents oppose. For example in 1991, both political parties realized the need to raise taxes in order to slow the growth of the national debt, and urged their members to support a tax increase. However, many members' constituents were opposed to tax increases. Members of Congress had to decide if the interest of their party or their constituents should come first. In such a case, a trustee is free to act in the best interest of the nation, while a delegate can only act on the wishes of his/her constituents. Furthermore, in a parliamentary system using

proportional representation, since members are elected not as individuals, but as party members, such a conflict is dramatically reduced.

The framers of the Constitution set up a system of representation for the United States, which although informed by the experiences of other republics, was different from them. More than two hundred years later, the U.S. system remains different from those of other republics. Although

the work expected of Congress and the time of service for members have both increased, the fundamental tension between being a trustee for the interests of the people and being their delegate has not disappeared. Neither has the tension between the demands of the district and the interest of the nation, or the potential tension between the member and the member's political party.

CRITICAL THINKING QUESTIONS

1. In what ways does the U.S. system of electing the legislature preserve the principle of separation of powers? What trade-offs does this require compared to parliamentary systems where separation of powers is not as strong?
2. What roles do political parties play in the U.S. system of representation? How is the role of political parties different in a parliamentary system?
3. What are some of the different groups that a member of the U.S. Congress is expected to represent? In being a representative for different groups, what tension is created for the member?
4. What does it mean when we say members of the U.S. Congress are acting as trustees rather than as delegates? What characteristics (or civic virtues) are expected when a member is acting as a trustee?

Two Hypothetical Countries

Directions

Work with your group to analyze the hypothetical countries below and discuss these questions:

- A. In which country does the system of representation most closely resemble a parliamentary system? Why?
- B. In which country does the system of representation most clearly resemble the United States congressional system? Why?
- C. Refer to **Handout A: Background Essay: The Nature of Representation in the U.S. Congress** as needed.

Hypothetical Country A: Transalpinia

In Transalpinia, the people elect a president every ten years. Every five years, the people elect members of a legislature, called the National Assembly. The country is divided into 87 departments, and each department sends a number of representatives based on its population. In decades past, the president and most of the members of the National Assembly were from the same political party, and so the president could accomplish much of his legislative agenda. In the last several elections, however, the majority of the Assembly has been from a party in opposition to the president's party, and so the president has been forced to compromise on her goals.

Does the election system of Transalpinia more closely resemble the United States system of representation, or the parliamentary system of representation? Why?

Hypothetical Country B: Tutonia

In Tutonia, elections are held about every five years, but can be held sooner if the governing party decides to do so. At election time, people vote for the political party they prefer, and parties are awarded seats based on the percentage of votes they receive. The members of the legislature elect the chief executive, called the chancellor. The chancellor along with his cabinet members are in charge of enforcing the laws of the country. The chancellor, who is a member of the legislature, is almost always selected from the largest party in the legislature.

Does the election system of Tutonia more closely resemble the United States system of representation, or the parliamentary system of representation? Why?

Proportional or Single Member Districts?

Directions

Read both passages below and then answer these questions.

- A. List the arguments in favor of proportional representation. In your opinion, which of these arguments is the strongest? Why?
- B. List the arguments in favor of single member districts. In your opinion, which of these arguments is the strongest? Why?
- C. Prepare to defend your opinion regarding which system is a better method for providing representation in a republic and why.

The Case for Proportional Representation

BY ROB RICHIE

Nearly all elections in the United States are based on the winner-take-all principle: voters for the candidate who gets the most votes win representation; voters for the other candidates win nothing. ... Proportional representation (PR) is based on the principle that any group of like-minded voters should win legislative seats in proportion to its share of the popular vote. Whereas the winner-take-all principle awards 100 percent of the representation to a 50.1 percent majority, PR allows voters in a minority to win their fair share of representation.

How does this work? A typical winner-take-all system divides voters into “one-seat districts,” represented by one person. With PR, voters in a constituency instead have several representatives: ten one-seat districts might, for example, be combined into a single ten-seat district. A party or group of voters that wins 10 percent of the popular vote in this district, then, would win one of the ten seats; a party or slate of candidates with 30 percent of votes would win

three seats, etc. Various mechanisms work to provide proportional representation....

Consider [two] current failures of our winner-take-all system of representation:

1. Members of racial and ethnic minorities are underrepresented;
2. Voters’ choices are restricted to candidates within the two-party, Republican/Democratic monopoly...

Representation of Racial Minorities. At every level of government, the proportion of black, Latino, and Asian-American elected officials lags far behind these groups’ share of the electorate. When members of a racial or ethnic group make up a majority of the electorate in a winner-take-all election, they tend to elect a member of their racial or ethnic group. Every majority-black U.S. House district has a black representative; and in the 49 white-majority states, 144 of 147 U.S. senators and governors are white. Most racial minorities clearly prefer representatives of their race, but winner-take-all elections often deny

them a realistic opportunity to elect candidates of their choice. A quarter of our population is black or Latino, but these groups are in the minority in every state and as a consequence hold only one of 100 U.S. Senate seats. The fact of such underrepresentation throughout our legislatures undercuts their legitimacy and effectiveness in addressing issues of concern to racial and ethnic minorities.

Two Parties. Winner-take-all elections prop up our two-party monopoly. Since 1960, new parties have formed at comparable rates in the United States and in European democracies using PR. But new parties in the United States are almost completely shut out of representation, whereas half the new parties in the European systems eventually have won seats--and the influence and organizing ability that comes from electoral viability. Polls show most Americans would like to see a third party electing candidates at

every level of government, but only three of our nearly eight thousand state and congressional legislators were elected on a minor party ticket--all of them in Burlington, Vermont.

Minor parties by definition begin with minority support, which wins nothing in winner-take-all elections unless it is geographically concentrated. With little chance to win, minority party candidates cannot build or sustain support. Ross Perot's well-financed independent candidacy in 1992 won 19 percent of the vote, but he did not finish first in any congressional district. In 1996, his vote was reduced by more than half, although one voter in ten still voted for minor-party presidential candidates, and half of all eligible voters saw no reason to participate.

Source: Fair Vote: The Center for Voting and Democracy "The Case for Proportional Representation" (www.fairvote.org) Excerpt from 1998 article used by permission of author

The Case for Single Member Districts (the U.S. System)

BY MARK ROBINSON

The first major advantage for the single member district system that the U.S. uses is strong accountability. Voters know for whom they voted, and they know whom they can hold accountable if they do not like his votes in Congress. Furthermore, they can also hold the individual member accountable for issues around corruption. Sometimes members of Congress may do things that, while not illegal in a strict sense, are nevertheless troubling. Voters in the U.S. can hold an individual member accountable. In a proportional representation system, voters can only hold the entire party responsible. In the U.S. system, a voter can use party membership as one criterion for

evaluating a member of Congress, but can use others as well. In a proportional system, voters can only select a party, not an individual man or woman. Furthermore, if a constituent has a specific problem with a government agency, they have a person to whom they can turn for help—an ombudsman who can advocate for their individual interests against a faceless executive bureaucracy.

Supporters of proportional representation will point out that there are systems which allow voters to select not only the party they wish to support, but also an individual candidate (the list system), but such systems tend to be extremely confusing to voters, and have the potential to have elections decided by the courts over

questions of ballot complexity, rather than by the voters. An example of this type of complexity in Florida's ballots for the 2000 U.S. presidential election resulted in the Supreme Court decision in *Bush v. Gore*.

Those who support proportional representation correctly point out that it allows a larger number of parties to have representation in Congress. But this supposed advantage is really a weakness. Under the U.S. system of two broad political parties, the party of the president generally promotes a vision for the role of government in the U.S. The other party can then present an alternative vision, and voters can choose between them. In a proportional system,

the governing party will still promote its vision, but instead of a single alternative, voters will be faced with many different visions, and it may not be clear to a voter which alternative will prevail. With confusion over a plethora of alternatives, instability and chaos may reign.

Furthermore, under a proportional system, small parties sometimes gain an influence larger than expected. If there are several parties, and no single party can form a majority in Congress, the larger parties are forced to negotiate with the small parties to accomplish anything. Small parties can then essentially veto legislation of larger parties.

Delegate or Trustee?

Directions

Read each description and decide whether each representative is acting as a delegate or a trustee. Support your answer with evidence from **Handout A: Background Essay: The Nature of Representation in the U.S. Congress**.

Congressman Alvarez

Several times a year Congressman Alvarez hires a political research firm to survey his constituents about different issues facing Congress. He instructs his staff to carefully monitor email, letters, and phone calls from people in the district, and present him with a weekly summary of their opinions. Congressman Alvarez believes that if he listens to his constituents, knows their thoughts and opinions, and votes accordingly, he should have no problem getting re-elected. Is Mr. Alvarez acting as a delegate or as a trustee? Why?

Congresswoman Zito

Congresswoman Zito spends as much time as she can in her district, talking with constituents, both to hear their ideas, and to explain her vision about the role and direction of government. She regularly appears on TV programs, where she debates other politicians about the issues facing Congress. Few people in her district have any doubt about where she stands, and she is confident that by remaining consistent in her vision, and explaining her vision to her constituents, she will have little difficulty in getting re-elected. Is Ms. Zito acting as a delegate or a trustee? Why?

Congressional Voting Scenarios: Competing interests

Directions

Work in small groups to discuss and develop your responses to these questions for each scenario. Refer to **Handout A: Background Essay—The Nature of Representation in the U.S. Congress** as needed.

- A. List the competing interests: What are the interests of the district? Of the nation? Of the member's political party? The member's own principles?
- B. Explain how you would vote in that situation and why.
- C. Explain whether and in what ways each congressperson is acting as a delegate or as a trustee in making the decision about how to vote.

Scenario 1

A bill has been proposed to increase income taxes by 20%, and cut spending on all government programs by 20%. The district that you represent has made it clear they do not want to pay any more taxes, but they also do not want to see their social security and other government benefits cut. Your political party has also stated that no new taxes should be considered, only cuts in spending and benefits. If no changes are made in taxation and spending, in the next few decades, the U.S. will no longer have enough money to do anything other than pay Social Security, Medicare, and interest on the national debt. How will you vote?

- A. List the competing interests: What are the interests of the district? Of the nation? Of the member's political party? The member's own principles?
- B. Explain how you would vote in that situation and why.
- C. Explain whether and in what ways each congressperson is acting as a delegate or as a trustee in making the decision about how to vote.

Scenario 2

The president wants to go to war with a country in the Middle East. He has stated that it will bring stability and democracy to the region and make the U.S. more secure against its enemies. Other military experts have testified that the U.S. may be drawn into a long and difficult conflict. The military base in the district that you represent will play an important role in the war, but will also bear the burden of injuries and deaths the war will bring. Your party is divided on the war, although the opposition party is solidly behind it. Your constituents are in support of the war, but only by a thin margin. How will you vote?

- A. List the competing interests: What are the interests of the district? Of the nation? Of the member's political party? The member's own principles?
- B. Explain how you would vote in that situation and why.
- C. Explain whether and in what ways each congressperson is acting as a delegate or as a trustee in making the decision about how to vote.

Scenario 3

The interstate highway that runs through the district that you represent is in need of major repairs. A proposed law would pay for the repairs of the road in your district, as well as roads all over the country, but the money would come from additional borrowing, increasing the U.S. national debt. Both your party and the opposition party are in favor of the bill. How will you vote?

- A. List the competing interests: What are the interests of the district? Of the nation? Of the member's political party? The member's own principles?
- B. Explain how you would vote in that situation and why.
- C. Explain whether and in what ways each congressperson is acting as a delegate or as a trustee in making the decision about how to vote.

Scenario 4

In three days, the federal government will run out of money and will have to shut down all non-essential operations. One of the major employers in the district that you represent is a military base, and although it will remain open, some civilian contractors may no longer be paid. The reason the government will run out of money is because Congress and the president cannot agree on a plan for spending. There is a bill proposed that will sidestep the issue, but it will not solve the basic problem that the president and Congress cannot agree on how much to tax and how much to spend. Shutting down the government might create a crisis that will force both Congress and the president to reach a compromise, or it may simply make people angry at you and your political party. Your political party is largely in support of allowing the government to shut down; the opposition party is in favor of sidestepping the issue. Will you allow the government to shut down, or will you vote for the bill to sidestep the issue?

- A. List the competing interests: What are the interests of the district? Of the nation? Of the member's political party? The member's own principles?
- B. Explain how you would vote in that situation and why.
- C. Explain whether and in what ways each congressperson is acting as a delegate or as a trustee in making the decision about how to vote.

Scenario 5

The president has proposed building two hundred new and very expensive airplanes as part of the modernization of America's national defense. Military experts in the Department of Defense have said the plane would be helpful, but there might also be other uses for the money. The planes will be built in your congressional district, and will create thousands of new, well-paid jobs in engineering and other technical fields in your district. There is no additional tax money available to pay for the airplanes, so it will require additional borrowing by the federal government. Your political party is against the program as waste of money. The opposition political party is in favor of it. How will you vote?

- A. List the competing interests: What are the interests of the district? Of the nation? Of the member's political party? The member's own principles?
- B. Explain how you would vote in that situation and why.
- C. Explain whether and in what ways each congressperson is acting as a delegate or as a trustee in making the decision about how to vote.

Handout A: Background Essay—The Nature of Representation in the U.S. Congress Answer Key

Critical Thinking Questions

1. The U.S. system separates power by electing Congress separately from the election for president. This means that the President might not be from the same political party as the majority in Congress. Legislation in the U.S. system takes longer to pass, and Presidents are not guaranteed to achieve any of their legislative program. Nor can Congress easily legislate without presidential support.
2. Political parties in the U.S. provide resources to help elect and re-elect members. Political parties in the U.S. are generally weaker than political parties in a parliamentary system, particularly one that uses proportional representation.
3. U.S. members of Congress represent both their geographic district and the nation as a whole, as well as their political party. Conflict and tension can result when the interests of a district do not match the interests of the entire nation, or when the program of a political party does not match the interest of a member's district.
4. To act as a trustee rather than a delegate means that a member acts in what s/he believes is the best interest of the district or the nation, even if that decision may not match the opinion of a majority of the people in the district. Civic virtues needed for this include: courage, moderation, responsibility and prudence.

Handout B: Two Hypothetical Countries Answer Key

Country A: Transalpinia is using a system closest to the U.S. Congress. Members of the legislature are elected separately from the executive and serve terms of a length different from the executive. Power is separated between the executive and the legislature but political parties serve to connect the branches. It is possible, however, for the executive and legislative to be at loggerheads. Transalpinia is roughly based on the French Fifth Republic.

Country B: Tutonia is using a system that more closely resembles a parliamentary system. Members of the legislature are elected using a proportional representation system, rather than the single district system of the United States. Elections are not held at fixed times, but at the will of the legislature. The chief executive is elected by the legislature, and so there is little separation between branches. Political parties play an essential role in organizing the legislature and choosing the executive. Tutonia is roughly based on the Federal Republic of Germany.

Handout C: Proportional or Single Member Districts? Answer Key

1. The major arguments in favor of proportional representation:
 - a. Allows for ethnic minorities to have a greater voice
 - b. Allows for a greater number of political parties to be present
 - c. Gives voters more alternatives and policy options.
2. The major arguments in favor of single member districts
 - a. Allows voters to hold individual members accountable
 - b. Allows constituents to have an ombudsman to advocate for them
 - c. Organizes government and opposition to give two clear alternatives to voters
 - d. Prevents small parties from exerting disproportionate control
3. When doing the opinion continuum, consider prohibiting students from standing in the exact middle—encourage them to take a stand at least to some extent, toward one system or the other.

Handout D: Delegate or Trustee? Answer Key

Congressman Alvarez is acting as a delegate—notice his attention to discovering his constituent’s opinions, and his intention to vote as they wish, not as he thinks is in the best interest of the district or the country.

Congressman Zito is acting as a trustee. Notice how she takes pains to explain her guiding principles to her constituents, and her intention to follow those guiding principles.

Handout E: Congressional Voting Scenarios: Competing Interests Answer Key

The scenarios are loosely based on real events

Scenario 1: The competing interests:

- District: no new taxes, no benefit cuts
- National: growing debt will strangle future budgets.
- Lawmaking: this may be the only way to get spending cuts.
- Party: no new taxes, but consider spending cuts.

This scenario is based on the dilemma faced by the Republicans when presented with George H. W. Bush’s 1991 budget. The Congress voted for a tax increase and a freeze, although not a reduction,

in government spending. Both Democrats and Republicans voted against the budget, although enough members from both parties voted in favor, and the budget as passed. George H. W. Bush was defeated for re-election in 1992, and some believe his decision to raise taxes was held against him by Republicans, who chose to stay home rather than vote for him.

Scenario 2: The competing interests:

- District: very thin majority in favor of the war
- National: will the war advance the interests of the country more than the cost?
- Party: own party divided, opposition party in favor. A “no” vote could be held against you at re-election time.

This scenario is based on the situation faced by the Democrats in 2002, when George W. Bush asked for congressional authorization to go to war with Iraq (although in keeping with all presidents since Harry S Truman, he denied he needed such permission). The Democrats were badly divided on the question, with many of them voting in favor of the war, and a smaller number voting against. Hillary Clinton, then senator from New York, voted in favor of the war. Bernie Sanders, then senator from Vermont, voted against.

Scenario 3: The competing interests:

- District: good for the people of the district
- National: increase the public debt
- Lawmaking: this may be the only way to get the money to fix the road
- Party: your party supports the bill, so does the opposition. A no vote could be held against you at re-election time.

This scenario is the general dilemma faced by so-called “pork barrel” spending programs. What is good for a single district might be bad for the country as a whole.

Scenario 4: The competing interests:

- District: May well hurt civilian contractors, inconvenience other constituents
- National: Will forcing a resolution of the underlying problem through a crisis be good for the country?
- Lawmaking: Does the bill to sidestep the issue simply put off the problem for later?
- Party: if your party is blamed for the shutdown, will it affect your re-election?

This scenario is based on the various government shut downs and threatened shut downs in 1994, 1995, 2011, 2013, and 2015.

Scenario 5: The competing interests:

- District: lots of good jobs might be gained
- National: Could the money be used more effectively for national defense?
- Party: your party expects you to vote against.

We go back to the early 1980s for this scenario, to the experience of Alan Cranston, Democratic senator from California. The plane was the B1 bomber, supported by Ronald Reagan. Senator Cranston, who supported a freeze on the building of nuclear weapons, nevertheless voted in favor of building the B1. When Cranston ran for president in 1984, the Democrats held the B1 vote against him, and they nominated Walter Mondale instead. Mondale lost to Ronald Reagan in a landslide.

Congress: Beginnings and Today

by Joseph Postell, Assistant Professor of Political Science, University of Colorado–Colorado Springs

Establishing a government in which laws are made by an assembly of elected representatives is one of the great achievements in the last several centuries of human history. Yet most people today have a low regard for our legislative branch. Congress has become more democratic since the Founding, and yet today people think their representatives care about their opinions less than ever. The Constitution places the lawmaking power in Congress, yet people look more to the president as our chief legislator. What accounts for these contradictions? Examining the ideas that inspired the creation of our legislative branch and the history of its development helps us to answer these questions.

Constitutional Convention

At the Constitutional Convention, the structure of the legislative branch was the most contentious issue that the delegates faced. The amount of representation that would be granted to the large and the small states nearly tore the Convention apart. One side favored equal representation in the legislature – an arrangement befitting a league or confederacy of equal and independent sovereign states where each distinct sovereignty gets a single vote. Others advocated for proportional representation based on the idea of a republican government. After much debate, the issue was settled by a compromise which exists to this day: one house of Congress provides proportional, the other, equal representation.

Ratification Debate

During the ratification debate over the Constitution, other aspects of the legislative branch prompted criticism. Opponents of the Constitution, known as Anti-Federalists, objected that the legislature would be too far removed from the people, and would become an aristocracy that would betray the people the legislators were supposed to serve. The term lengths were too long. The lack of term limits would allow representatives to serve for very long periods of time, becoming removed from the day-to-day concerns of their constituents. There would be too few representatives (the Constitution allowed *no more* than one representative per 30,000 inhabitants) and each representative would have too large a district, detaching the representative from personal contact and intimacy with his constituents. These arrangements, Anti-Federalists feared, would produce a legislative body that is aristocratic, elitist, and out of touch.

Federalists, those who supported the Constitution, responded by pointing to the problems occurring in the states during the 1780s as evidence that representatives needed time and space in order to “refine and enlarge the public views,” not simply reflect them. Sometimes majorities are tyrannical and representatives must protect the people from themselves. Longer term lengths would provide this space, and the opportunity for indefinite re-election would ensure the people get to decide, at intervals,

whether to keep their legislators in office. A smaller representative body would prevent the legislature from turning into mob rule. The Federalists' vision for Congress differed significantly from the Anti-Federalists', and the debates they had are still part of today's debates over how our legislators should behave and be held accountable.

In one of his most famous writings, *Federalist No. 10*, James Madison described an additional benefit of having a Congress covering a large territory and divided into local districts. This would prevent a majority faction from taking over the government and infringing the rights of the minority. By representing all of the different districts throughout the country, the diversity of the country would be brought into the deliberations in the legislative branch. This view of Congress would ensure that disagreement, and hopefully compromise, would be part of the legislative process. Individual members of Congress are *supposed* to represent the interests of their local constituencies. No single member is elected by the whole country, yet through bringing together all of the various interests some sort of compromise that advances the common good can be reached.

Federalists ultimately won the debate and the people ratified the Constitution through their state ratifying conventions. Federalists rejected the Anti-Federalists' view that the powers of the new Congress would be broad and expansive, focusing on the limited nature of Congress's powers under the Necessary and Proper Clause and the General Welfare Clause. They barely mentioned the Commerce Clause because, at the time of the Founding, nobody believed that power to be very broad. As Madison explained in *Federalist No. 45*, "The regulation of commerce, it is true, is a new power, but that seems to be an

addition which few oppose, and from which no apprehensions are entertained."

Federalists also advanced a new theory of separation of powers that included checks and balances. Prior to 1787, most people thought separation of powers would be preserved by simply laying out the three branches and mandating that no branch trample on the others. However, experience demonstrated that such "parchment barriers" would not be very effective. In a republic, the strongest branch of government is the legislature, and the Federalists were concerned that it would gradually usurp the powers of the other branches. Their remedy was to divide the legislature into two chambers and check each against the other. The House and the Senate, in other words, were designed to work against each other, not together. This would be accomplished by (to quote *Federalist No. 51*) giving each house "different modes of election and different principles of action" in order to make them "as little connected with each other" as possible. The internal division of Congress, the Federalists argued, would maintain the checks and balances needed to preserve separation of powers.

While Federalists won the major debates about Congress, the Constitution said very little about how Congress would function in practice. Many of the rules of Congress were left to be worked out through experience. As a result, Congress has been shaped by historical developments that have changed how it operates, resulting in the "Three Congresses" we have experienced throughout American history.

The First Congress

The "First Congress" was in place during the early decades of American history. From today's perspective it probably looks chaotic,

unpredictable, and disorganized. In these years Congress didn't use committees to specialize in specific policy areas. Most bills were worked out collectively on the floor of the chamber, then referred to a special committee to be written and sent back to the whole assembly for passage. There were advantages and disadvantages to this arrangement. Everyone had an equal opportunity to contribute to every bill. This encouraged deliberation and ensured that every representative, reflecting the views of each part of the country, could influence the laws. Debate was extensive, and the speeches made during debates affected the outcome and were enlightening to the citizens who read them. Since strong and disciplined parties had not yet developed, legislators changed their minds frequently and were free to bargain and compromise. On the other hand, this setup was extremely inefficient, and leadership was lacking to coordinate policies. Because every legislator was a generalist, policy expertise was absent.

The Second Congress

This arrangement worked while Congress was small. After the 1800 census there were 142 representatives in the House and even as late as 1833 there were only 48 senators. But as the nation grew, the Congress expanded and its business became more complex. These changes produced a new kind of Congress by the middle of the nineteenth century, very different from what came before. Two main parties had developed with extensive tools to ensure party discipline. Representatives were nominated by their parties, and therefore had to follow the party leadership to stay in office. Party platforms were carefully constructed and widely read, so that citizens knew where each party stood on

the major questions of the day. Permanent standing committees were created to ensure policy specialization, and these committees were supervised by the leaders in each chamber to ensure that the committees pursued the priorities of the party.

Especially in the House, party leaders became the most powerful members of the government. The Speaker of the House – not the president – was the center of power in the late nineteenth century. Speakers became so powerful that they were called “czars,” and the epitome of the strong Speaker was Joseph Cannon of Illinois. The Speaker's power over the House ensured that the party set the agenda in Congress. Today most are skeptical of party leadership and control, but there were significant advantages. Parties prevented Congress from becoming too fragmented, where all of the local interests simply clashed with each other and gridlock ensued. Because they were elected by a majority of the whole country, these parties reflected the will of the majority, were efficient in implementing that will, and ensured that elections mattered. Congress became a highly coordinated and responsive institution as a result of party leadership – at the expense of independent members representing their constituents' local interests.

The Third Congress

This “Second Congress” came to a sudden end in 1910. In a dramatic sequence of events the Speaker was stripped of most of his powers over members. Similar events occurred in the Senate. This produced a very different, “Third Congress.” Just as power became centralized under party leaders during the “Second Congress,” it filtered back down in this new setup. But the committee

structure remained in place, so committee leaders, rather than all of the legislators, controlled the legislative process. Because committees could refuse to send bills to the floor for votes, the chairs of these committees could ensure (or prevent) the passage of a proposed law. If power was exercised collectively in the “First Congress” and by party leaders in the “Second Congress,” the “Third Congress” is characterized by committee leadership. Power was dispersed from party leaders, but centralized in the hands of the committee chairs.

At the same time, Congress changed the very nature of its functions. Originally designed as a legislative body, Congress began to transfer that power to administrative agencies by delegating its powers over to these agencies. But, just as Madison had predicted, legislators did not want to relinquish control over public policy. Therefore, Congress organized itself to maintain oversight and control over the programs it was delegating to administrative agencies. It did this by maintaining its organization into numerous committees whose members had the specialized knowledge to oversee these programs.

Challenges for Today and Tomorrow

Today, we live in the world of the “Third Congress” that was set in place back in 1910. Some important changes have occurred, but the basic dynamic is the same. Power became even more decentralized in the 1970s, as reformers seized control from conservative Southern Democratic senators who used their powers to block important civil rights laws. They succeeded in placing more power and autonomy into subcommittees, which now can set their agendas without permission from the chairs of the committees that oversee them. More recently,

leaders of both parties have tried to regain control of the agenda in Congress by reclaiming powers to control debate and which bills are voted on. Their efforts have met with limited success, and it is an open question whether Congress will remain a decentralized, committee system where party leadership is weak, or whether party leaders can regain leadership and influence over their members.

Some of the aspects of Congress we dislike so much are rooted in these recent developments. The lack of party leadership and control, for example, has produced a Congress where representatives have more to gain by asserting their own districts’ interests than by bargaining and compromising. Because of the arrangement of Congress into districts, as Madison described in Federalist No. 10, there are very few incentives for members to work together without strong party leadership. The decentralization of power, moreover, has provided more access points for lobbyists and more checkpoints where an individual can stop even the majority in Congress from acting. The “Second Congress” was a responsive, majoritarian institution because of its centralized structure, but today Congress is decentralized, fragmented, and vulnerable to special interest influence.

There is no simple way to think about Congress. It is a complicated institution which raises critical questions about the nature of a republican form of government, and ultimately whether and under what conditions self-government is possible. Congress is the centerpiece of this American experiment in self-government. For that experiment to succeed, it is imperative that citizens understand how their legislature was meant to function, and how it actually functions today.

CRITICAL THINKING ACTIVITY

1. Read the essay and underline the main sentence or two in each paragraph.
2. Next, use those main sentences to write a summary of the essay.
3. Finally, work with a partner or two to discuss the essay, compare your summaries and team-write an outline that traces the changes in Congress from its beginnings to the present.

Founding Principles

Checks and Balances: Constitutional powers are distributed among the branches of government allowing each to limit the application of power of the other branches and to prevent expansion of power of any branch.

Consent of the Governed/Popular Sovereignty: The power of government comes from the people.

Civic Virtue: A set of actions and habits necessary for the safe, effective, and mutually beneficial participation in a society.

Civil Discourse: Reasoned and respectful sharing of ideas between individuals is the primary way people influence change in society/government, and is essential to maintain self-government.

Due Process: The government must interact with all people according to the duly-enacted laws and apply these rules equally with respect to all people.

Federalism: The people delegate certain powers to the national government, while the states retain other powers; and the people, who authorize the states and national government, retain all freedoms not delegated to the governing bodies.

Individual Responsibility: Individuals must take care of themselves and their families, and be vigilant to preserve their liberty and the liberty of others.

Liberty: Except where authorized by citizens through the Constitution, government does not have the authority to limit freedom.

Limited Government: Citizens are best able to pursue happiness when government is confined to those powers which protect their life, liberty, and property.

Majority Rule/Minority Rights: Laws may be made with the consent of the majority, but only to the point where they do not infringe on the inalienable rights of the minority.

Natural/Inalienable Rights: Rights which belong to us by nature and can only be justly taken away through due process. Examples are life, liberty, property, and the pursuit of happiness.

Private Property: The natural rights of all individuals to create, obtain, and control their possessions, beliefs, faculties, and opinions, as well as the fruits of their labor.

Private Virtue: The idea that, in order to sustain liberty, individuals must be knowledgeable and must conduct themselves according to principles of moral and ethical excellence, consistent with their rights and obligations.

Representative/Republican Government: Form of government in which the people are sovereign (ultimate source of power) and authorize representatives to make and carry out laws.

Separation of Powers: A system of distinct powers built into the Constitution, to prevent an accumulation of power in one branch.

Rule of Law: Government and citizens all abide by the same laws regardless of political power. Those laws are justly applied, consistent with an ethos of liberty, and stable.

Virtues

Contribution: To discover your passions and talents, and use them to create what is beautiful and needed. To work hard to take care of yourself and those who depend on you.

Courage: The ability to take constructive action in the face of fear or danger. To stand firm in being a person of character and doing what is right, especially when it is unpopular or puts you at risk.

Honor: Demonstrating good character, integrity, and acting honestly.

Humility: To remember that your ignorance is far greater than your knowledge. To give praise to those who earn it.

Integrity: To tell the truth, expose untruths, and keep your promises.

Initiative: Exercising the power, energy, or ability to organize or accomplish something.

Justice: Upholding of what is fair, just, and right. To stand for equally applied rules that respect the rights and dignity of all, and make sure everyone obeys them.

Moderation: The avoidance of excesses or extremes.

Perseverance: To continue in a task or course of action or hold to a belief or commitment, in spite of obstacles or difficulty. To remember how many before you chose the easy path rather than the right one, and to stay the course.

Respect: Honor or admiration of someone or something. To protect your mind and body as precious aspects of your identity. To extend that protection to every other person you encounter.

Responsibility: Acting on good judgment about what is right or wrong, or deserving the trust of others. To strive to know and do what is best, not what is most popular. To be trustworthy for making decisions in the best long-term interests of the people and tasks of which they are in charge.

Resourcefulness: Taking constructive action in difficult situations quickly and imaginatively.

Self-Governance: To be self-controlled, avoiding extremes, and to not be excessively influenced or controlled by others.

Vigilance: Being alert and attentive to take action to remedy possible injustices or evils.

Glossary

Administrative State: The idea that government agencies should be part of an efficient, planned bureaucracy in which legislative, executive, and judicial powers are combined in specific agencies organized according to scientific management, headed by experts, and empowered to solve social, economic, and political problems. This approach to government eliminates separation of powers, checks and balances, and removes most limits on government power.

Agrarian: The cultivation of land; agriculture; a person who favors equitable distribution of land.

Agricultural Adjustment Act of 1933: An act of Congress passed in 1933 as part of New Deal legislation to help relieve the economic emergency of the Great Depression by increasing agricultural purchasing power and provide emergency relief.

Antebellum: Before the war; in particular, the period before the American Civil War.

Anti-Federalists: A faction of Founders who supported amending the Articles of Confederation and opposed the Constitution of 1787, were concerned about a strong central government, wanted to maintain strong state governments, and fought for the Bill of Rights as a way to protect citizens from a strong central government.

Antiquated: Something that is no longer useful; old; out-of-date.

Apothegm: A short, witty, instructive saying.

Appropriations Committee: A legislative panel that is responsible for passing appropriations, or spending, bills.

Articles of Confederation: The original governing document of the United States that was written in 1777 and was in force until the ratification of the Constitution by nine of the thirteen states in 1788. Under the Articles, states retained sovereignty and created a firm league of friendship in which the national government held little power.

Bicameral/Bicameralism: A legislative body composed of two chambers; in the United States, the Congress is composed of the House of Representatives and the Senate.

Brutus: An Anti-Federalist writer, thought to be Robert Yates of New York. Brutus asserted that it was impossible to provide fair and true representation in such a large republic as the United States.

Bureaucracy: The administration of government through departments and subdivisions; the concentration of authority in a complex structure of administrative bureaus.

Casework: The work done by congressional staffers to assist constituents by contacting government agencies on behalf of the constituent to attempt to resolve problems.

Cato: An Anti-Federalist writer, thought to be George Clinton of New York, who believed that the legislature would not be able to respond to the needs of people from all walks of life and would end up representing the interests of only the wealthy and influential few.

Caucus: A meeting of supporters of a specific political party who gather to elect delegates to choose whom they believe should be the candidate in a given election that is organized by political parties. In the modern congress unit, *caucus* is not used in the electoral sense, but in the sense of a body of individuals belonging to the same faction —“a meeting of the members of a legislative body who are members of a particular political party, to select candidates or decide policy. *Synonyms:* meeting, assembly, gathering, congress, conference, convention, rally, convocation” - Webster’s

Chief Executive: The leader of the executive branch of government. In the British system, the Prime Minister is part of the legislative branch, whereas in the American system, the president is the head of the executive branch.

Clayton Antitrust Act of 1914: An act of Congress that prohibited mergers, interlocking directorates, and other forms of monopolistic business organization.

Cloture: the parliamentary procedure by which debate is closed and the measure under discussion is put to an immediate vote.

Coalition: An alliance of people who come together for a specific purpose.

Coincide: To occur at the same time; to occupy the same place.

Commerce: The economic system that constitutes the working environment for business including the legal, economic, political, social, cultural and technological systems that are in operation in any nation-state.

Commerce Clause: Article I, Section 8, Clause 3 of the U.S. Constitution states, “Congress shall have the power...to regulate commerce with foreign Nations, and among the several States, and with the Indian Tribes.”

Competing Interests: Members of Congress are simultaneously expected to be lawmakers, representatives of the people, and members of a political party. As representatives of the people, they are expected to act for the benefit of both their particular district and for the nation as a whole. Passing laws frequently requires compromise among members, which necessitates sacrificing some constituent desires in hopes of achieving others.

Comply: To act in accordance with a request or order.

Confederation: A league or alliance of independent states, nations, or political organizations.

Congressional Support Staff: Employees of representatives or senators who assist members in their daily work including constituent communication and advocacy, drafting legislation, or research.

Consent: To give permission, approval, or assent.

Constituent: Being a voting member of a community or organization and having the power to appoint or elect.

Contemptible: Despicable; dishonorable; disgraceful.

Contentious: Being argumentative or causing controversy.

Co-opt: To cause or force someone to become part of your group or movement; to use or take control of something for your own purposes.

Delegate: A person designated to represent others.

Deliberative: Carefully weighing or considering.

Democratize: To make or become democratic.

Disappearing Quorum: The refusal to vote on a measure though physically present during a meeting of a deliberative body.

Divisive: Forming or expressing division or distribution.

Dupe: A person who is easily deceived.

Dysfunction: Any malfunctioning part or element.

Economic Opportunity Act of 1964: An act passed by Congress to combat poverty in the United States through work-training programs, urban and rural community action programs, adult education programs, and assistance to needy children under the Office of Economic Opportunity in the executive branch.

Electoral College: The Electoral College is the system used by the United States to elect its chief executive. The College is outlined in Article II, Section 1 and in the Twelfth and Twenty-Third Amendments to the United States Constitution. It calls for each state to be designated a number of electors that is equal to the number of senators and representatives in each state. To win the presidency, a candidate must receive an absolute majority of votes, currently 270 electoral votes.

Enlightened Administrator: A member of the government with specialized knowledge or education about a specific issue who acts as an administrator for government programs.

Enumerated Powers: The powers set forth by the Constitution to each branch of government.

Excess of Democracy: The idea that if there is too much democracy, governing decisions will reflect a mob mentality rather than the long-term best interests of the people.

Executive: The president leads the executive branch of the United States government; the executive is tasked with enforcing the laws, acting as commander in chief of the military, and making treaties and appointing officers with the advice and consent of the Senate.

Federal Farmer: An Anti-Federalist writer, thought to be Melancton Smith of New York, who believed that “a full and equal representation, is that which possesses the same interests, feelings, opinions, and views the people themselves would were they all assembled.”

Federal Pyramid: When James Wilson referred to the federal pyramid, he was arguing for a central government of a “considerable altitude,” or powerful enough to address the injustices and inadequacies that the union had experienced under the Articles of Confederation. A stable structure required a broad and deep foundation, and to Wilson, that meant a high level of participation by the people themselves in choosing their representatives. Wilson believed the new government must be both energetic and popular.

Federal Supremacy: Under the Supremacy Clause of Article VI of the Constitution, the Constitution, laws, and treaties of the federal government are the supreme law of the land.

Federal Trade Commission (FTC): An office under the executive branch created by the Federal Trade Commission Act in 1914 to promote consumer protection and anticompetitive business practices.

Federalists: A group of Founders that believed the central government was not strong enough under the Articles of Confederation and advocated for the new Constitution. They believed a bill of rights was not needed because the Constitution itself limited the government’s powers.

Filibuster: The use of obstructive tactics, especially long speeches, by a member of a legislative body to prevent the adoption of a measure or force a decision.

Food and Drug Administration (FDA): the oldest consumer protection regulatory agency in the federal bureaucracy. It began with the Pure Food and Drug Act of 1906, which prohibited interstate commerce in contaminated food or drugs.

Free State: A state that had banned slavery prior to the Civil War and the ratification of the Thirteenth Amendment.

Gridlock: A situation in which nothing can move or proceed in any direction.

Hepburn Act of 1906: An act by Congress that increased the power of the Interstate Commerce Commission by allowing it to set rates for railroad shipping.

Impartial: Not biased; fair; just.

Impasse: A position or situation from which there is no escape.

Impeachment: The presentation of formal charges against an elected official.

Imperialism: The policy of extending the rule or authority of an empire or nation over foreign countries.

Impetuous: Sudden or rash action, emotional; impulsive.

Implied Powers: Powers of Congress that are said to be implied by the Necessary and Proper Clause in Article I, Section 8 of the Constitution even if they are not listed under the enumerated powers in that section.

Insurgent: A person who rises in opposition to lawful authority, especially one who engages in armed resistance to a government or the execution of its laws.

Interpose: To put a barrier or obstacle in between or in the way of action.

Interstate Commerce: The movement of goods or money from one state to another. Congress has the power to regulate interstate commerce through Article I, Section 8 of the Constitution.

Interstate Commerce Act of 1887: An act passed by Congress that regulated interstate commerce including transportation of goods between states and established the Interstate Commerce Commission.

Interstate Commerce Commission (ICC): An executive agency created under the Interstate Commerce Act of 1887 to regulate trade practices.

Joseph Cannon: A member of the Republican Party and Speaker of the House of Representatives from 1903 to 1911. Cannon was considered to be one of the most dominant Speakers of the House in United States history.

Laissez-faire: The practice of noninterference in the affairs of others; the theory or system of government that upholds the autonomous character of the economic order, believing that the government should intervene as little as possible in economic affairs.

Lame Duck: An elected official or group of officials who continue in office during the period between an election defeat and the new officers' assumption of the office.

Legislation: A law that is made or enacted by a legislature.

Legislature: A deliberative body of persons, usually elected, who make, change, or repeal laws of a nation or state; the branch of government that has the power to make laws.

National Industrial Recovery Act of 1934 (NIRA): An act of Congress to encourage national industrial recovery, foster fair competition, provide for public works, and other purposes as part of New Deal legislation to combat the Great Depression.

National Recovery Administration (NRA): An executive agency created by the National Industrial Recovery Act of 1934 that set production quotas, prices of goods, and wages for each industry. The NRA regulated commerce between the states and within states.

Nationalism: Devotion or loyalty to one's country.

New Jersey Plan: A plan introduced by the New Jersey delegation to the Constitutional Convention that provided for equal representation of the states in a unicameral legislature—in essence just tweaking the Articles of Confederation to revise and strengthen the existing system.

Nullification: The failure or refusal of a U.S. state to enforce a federal law within its limits, usually on constitutional grounds.

Oversight: Supervision or care of a task or governmental agency.

Parliament: A legislative body; the legislature of Great Britain made up of the House of Lords and the House of Commons.

Parliamentary: Formal rules governing the methods of procedure, discussion, and debate in deliberative bodies.

Parliamentary System: A system of government in which there are two chambers of the legislative body, but which lacks separation between the executive and the legislative branch. Under a parliamentary system, the chief executive, usually called a prime minister, is a member of parliament.

Patronage: The power to make appointments to government jobs or the power to grant political favors.

Perpetual Union: A union in which members are not allowed to withdraw or overthrow the government. The Articles of Confederation purported to be a government document in which all members agreed to be members of a perpetual union.

Political Party: A group of people who agree on major policies, programs, and practices of government.

Pork-barrel: A government appropriation, bill, or policy that supplies federal funds for local improvements designed to allow legislators to establish favor with their constituents by benefitting local interests even though the project has little or no broader benefit.

Prime Minister: The head of the government in parliamentary systems.

Privileged: Favored; entitled.

Procedural: The course or mode of action in conducting legal, parliamentary, or other business proceedings.

Progressive/ Progressivism: A person who advocates for progress, change, improvement, or reform; the movement of the people who advocate for progress. As the term is often used in the United States, Progressives see the Constitution as a living document whose limits on the federal government's powers are obsolete.

Proportional representation: A method of voting by which political parties are given legislative representation in proportion to their popular vote.

Quarrel: An angry argument, dispute or altercation.

Quorum: The minimum number of members needed to conduct business in a deliberative body.

Ratify/Ratification: formal approval. With respect to the U.S. Constitution, the process required that nine of the thirteen original states had to approve the Constitution in order for it to become law.

Reform: To change by alteration, substitution, or abolition.

Regulation: A law, rule, or order prescribed by authority.

Reins: The controlling or directing of power.

Repeal: To officially revoke or withdraw.

Representation: The state, fact, or right of having one's interests expressed by delegates in the government.

Republic: A state in which the supreme power resides with the citizens who choose government representatives directly or indirectly through voting.

Revolt: To break away from or rise against authority.

Rules Committee: A committee of the House of Representatives that is in charge of determining which laws will come to the House floor based on the rules of the House.

Schechter Poultry Corp. v. United States (1935): A unanimous Supreme Court case that ruled that the National Industrial Recovery Act was unconstitutional because the federal government could not regulate intrastate trade and because the Congress could not delegate its legislative authority to the executive branch.

Sectionalism: Regard for sectional, or local, interests.

Select Committee: A legislative panel made up of a small number of legislators who were appointed to deal with a specific issue.

Seniority: Priority, precedence, or status obtained as a result of a person's length of service or relative prestigiousness or authority of their position.

Slave State: A state that had not outlawed slavery prior to the Civil War and the ratification of the Thirteenth Amendment.

Sovereign: The supreme power or authority.

Speaker of the House: The leader of the majority party in the U.S. House of Representatives and presiding officer of the House.

Special Interest Groups (SIGs): A group of people with shared interests who seek support of their interests from politicians through legislation, appropriations, or other means.

Stalwarts/Radical Republicans: A wing of the Republican Party whose platform was an opposition to slavery prior to and during the Civil War, fighting for the rights of freed slaves during Reconstruction, and punishing the South for the Civil War.

Stamp Act: An act passed by the British Parliament in 1756 that required colonists pay a tax on every piece of printed paper in order to help pay debts accumulated during the French and Indian War. The act was repealed in 1766.

Standing Committee: A permanent legislative panel in the House of Representatives or Senate that considers bills, recommends measures, or oversees programs and activities.

Suffrage: The right to vote.

Tariff: A bill, cost, or charge imposed by the government on imports or exports.

Tenure of Office Act: An act of Congress, in place from 1867 to 1887, which restricted the power of the president to remove officials from office without the advice and consent of the Senate.

***The Jungle* by Upton Sinclair (1906):** A novel that portrayed the harsh conditions of the meatpacking industry in the early twentieth century and led to the passage of the Meat Inspection Act and the Pure Food and Drug Act, also in 1906.

Three-Fifths Clause: A compromise regarding representation determined in the Constitutional Convention that counted three-fifths of the enslaved individuals in calculating representation and taxation. The clause was adopted as part of the Constitution.

Transformative: To change in form, appearance, structure, condition, or character.

Trustee: A person who administers the affairs of others.

Unicameral/Unicameralism: A legislative assembly consisting of one chamber.

Vetting: To appraise or verify validity or accuracy.

Virginia House of Burgesses: The first representative colonial assembly in the British American colonies.

Virginia Plan: A plan introduced by the Virginia delegation to the Constitutional Convention that recommended not just a revision of the existing confederation of sovereign states but the creation of a powerful national government that would be supreme over the states. The plan included a bicameral legislature in which the lower house was elected by the people of each state and the upper house was elected by the members of the lower house. In each chamber, the number of the state's delegates would be based on state population.

Virtue: Conduct that reflects universal principles of moral and ethical excellence essential to leading a worthwhile life and to effective self-government. For many leading Founders, attributes of character such as justice, responsibility, perseverance, etc., were thought to flow from an understanding of the rights and obligations of men. Virtue is compatible with, but does not require, religious belief.

War Industries Board: An executive agency that directed the wartime economy during World War I.

Ways and Means Committee: A legislative panel that reviews and makes recommendations for government budgets, usually involving taxation.

Whip: A party manager in a legislative body who secures attendance for voting and directs other members.