



LESSON 3

Congress in the Twentieth and Twenty-First Centuries

OVERVIEW

As the United States entered a new century, it found itself a new country. Reborn from the ashes of the Civil War, the nation was establishing itself as a world economic power. The promise of freedom and opportunity had brought millions of European immigrants to the United States, and more were coming. These sweeping changes led many progressive reformers to advocate change at the state and national level. The Congress of the United States, too, was swept up in the spirit of reform. Constitutional amendments passed during this era fundamentally altered how the Congress functions. In addition, Congress changed its rules to reduce the influence of party leadership and decentralize power, distributing it to individual members and committees. As the century progressed, the legislature continued to shift and adapt to better respond to its ever-expanding reach.

OBJECTIVES

- Students will analyze twentieth and twenty-first century reforms of Congress.
- Students will analyze the difference between constitutional reforms and the reforming of congressional rules.
- Students will assess the arguments for and against congressional reforms.
- Students will analyze the effects and significance of these reforms on Congress.

THE DEBATES IN THE FEDERAL CONVENTION OF 1787, JUNE 6, 1787

James Madison [Virginia]: Mr. Madison said, that he had brought with him into the Convention a strong bias in favor of an enumeration and definition of the powers necessary to be exercised by the National Legislature; but had also brought doubts concerning its practicability. His wishes remained unaltered; but his doubts had become stronger. What his opinion might ultimately be, he could not yet tell. But he should shrink from nothing which should be found essential to such a form of government as would provide for the safety, liberty and happiness of the community. This being the end of all our deliberations, all the necessary means for attaining it must, however reluctantly, be submitted to.

RECOMMENDED TIME

130 minutes

MATERIALS LIST

- **Handout A: Background Essay: Congress in the Twentieth and Twenty-First Centuries**
- **Handout B: Critical Reading Graphic Organizer**
- **Handout C: The Indirectly Elected Senate**
- **Handout D: The Directly Elected Senate**
- **Handout E: The Seventeenth Amendment Class Discussion**
- **Handout F: Filibuster**
- **Handout G: *Mr. Smith Goes to Washington***
- **Answer Keys**

CONSTITUTIONAL PRINCIPLES

- Limited Government
- Representative Government
- Federalism
- Civil Discourse
- Rule of Law

STANDARDS

- **NCSS C3 Framework:** D1.1.9-12, D2.Civ.2.9-12, D.2.Civ.4.9-12, D2.Civ.5.9-12, D2.Civ.10.9-12, D2.His.2.9-12
- **CCE:** I:B, I:D, II:D, III:A, V:C, V:D
- **NCHS:** Era 7: Standard 1, Era 7: Standard 3, Era 9: Standard 3, Era 10:Standard 1

KEY TERMS

- Reform
- Progressivism
- Vetting
- Revolt
- Transformative
- Reins
- Seniority
- Deliberative
- Interpose
- Impetuous
- Impartial
- Coopted
- Privileged
- Coincide
- Democratize
- Electoral
- Filibuster
- Procedural
- Coalition
- Contemptible
- Cloture
- “Lame duck”
- Antiquated

Lesson Plan

Background and Warm-up Activity » *20 minutes of Homework, 10 minutes of class time*

- A. Prior to the lesson, have your students read **Handout A: Background Essay: Congress in the Twentieth and Twenty-First Centuries**.
- B. When students arrive in class, pass out **Handout B: Critical Reading Graphic Organizer**.
- C. Have students complete the handout individually or in groups. Then discuss the answers as a class.

Activity I » *50 minutes*

- A. Divide the class in half.
- B. Distribute **Handout C: The Indirectly Elected Senate**, to one half of the class. Have them read the quotes and answer the questions at the bottom of the page.
- C. Distribute **Handout D: The Directly Elected Senate**, to the other half of the class. Have them read the quotes and answer questions at the bottom of the page.
- D. Now, switch the sides. Have those who first completed **Handout C** read **Handout D** and have those who read **Handout D** complete **Handout C**, and answer the questions at the bottom of the page.
- E. Once both sides have completed the handouts, pass out **Handout E: The Seventeenth Amendment Class Discussion**, and conduct a Socratic discussion with your class.

Activity II » *30 minutes in class, 30 minutes homework*

- A. Distribute **Handout F: Filibuster** to the class.
- B. Distribute the two articles on **Handout F** or read them together as a class.
- C. Have your students complete the critical reading questions.
- D. As a class, discuss how political views on filibusters change over time.
- E. Have students write letters to the editor outlining their positions regarding a hypothetical controversy explained on **Handout F**.

Extension

- A. Distribute **Handout G: *Mr. Smith Goes to Washington***.
- B. Have your students watch the filibuster clip from *Mr. Smith Goes to Washington*. (<https://www.youtube.com/watch?v=HX8aFpnWxPA>) and lead your class in a discussion about the themes in the clip.
- C. After the discussion, have students reassess the letters to the editor that they wrote at the end of **Handout F**. Did their position change or did it stay the same? Take a class vote to determine the outcomes.

Background Essay: Congress in the Twentieth and Twenty-First Centuries

Directions

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

As the United States entered a new century, it found itself a new country. Reborn from the ashes of the Civil War, the nation was establishing itself as a world economic power. The promise of freedom and opportunity had brought millions of European immigrants to the United States, and more were coming. These sweeping changes led many progressive reformers to advocate change at the state and national level. The Congress of the United States, too, was swept up in the spirit of reform. Constitutional amendments passed during this era fundamentally altered how the Congress functions. In addition, Congress changed its rules to reduce the influence of party leadership and decentralize power, distributing it to individual members and committees. As the century progressed, the legislature continued to shift and adapt to better respond to its ever-expanding reach.

Changes in the House of Representatives

During the latter part of the 1800s, the power of the Speaker of the House grew dramatically. It peaked under the speakership of Joseph Cannon (1903-1911), a representative from Illinois. His power rested on his chairmanship of the rules committee and his authority to name the chairmen of the various committees in Congress responsible for vetting legislation. In 1910, members tired of his control revolted and overthrew

Cannon as Speaker of the House. The breaking of Joseph Cannon's stranglehold on the legislature was a transformative moment in Congress. Representatives quickly moved to pick up the reins of power. Because committees still dominated proceedings in the House and Senate, the committee chairs dictated the congressional agenda. With the Speaker's power as the sole elector of committee leadership broken, a new system arose. Instead of the Speaker naming the chairman, the position was given to the most senior member of Congress on the committee. The result was the increase in power of seniority in Congress.

Now, instead of party leaders controlling the Congress, the most senior members chairing the most powerful committees took control. Those members who made a career in Congress suddenly gained immense power. The most senior members were those in the South, where one party was dominant and most incumbents coasted to victory for decades. Power was decentralized down to committees, but centralized in the hands of the various committee chairs. The era of the "czars" was followed by an era of the committee "barons."

Reform in the Senate

While the landscape of Congress was shifting, movements to reform the Senate were also under way. Many of the new progressive reformers demanded a change to the process of electing senators.

The Founders intended the Senate to be the more deliberative congressional body who would act in the interests of the states themselves. To accomplish this, they granted its members six-year terms and had senators selected indirectly by the state legislatures rather than directly by the people. This part of the “Great Compromise” was designed to craft a Senate that would, in the words of James Madison during the Constitutional Convention on June 26, 1787, “select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous councils.” In this way, the Senate was meant to be a more stable branch of the federal government that could take the time to deliberate legislation. It would be, “a firm, wise and impartial body, it might not only give stability to the General Government in its operations on individuals, but hold an even balance among different States.”

Political reformers, however, stated that this system was failing. They claimed that the system of indirectly electing senators had been co-opted by privileged classes, and that these senators were unresponsive to the true will of the people. This coincided with a drive to expand the electorate at a state and national level. States worked to democratize their own electoral systems and believed the federal government should follow suit. The result was the passage of the Seventeenth Amendment, providing for direct popular election of U.S. senators. This change led to a fundamental shift in the operations of the federal government and in the principle of federalism.

Furthermore, the Senate changed its rules, limiting the minority’s ability to filibuster legislation. A filibuster is a procedural tool that allows a single Senator to speak for as long and

on any topic the senator wishes, thus delaying a vote and obstructing the passage of legislation. A filibuster is generally used by a minority party or coalition in the hopes of preventing passage of a piece of legislation that they oppose.

In 1917, President Woodrow Wilson saw his administration’s Armed Neutrality Bill halted in a Senate filibuster. He stated, “The Senate of the United States is the only legislative body in the world which cannot act when its majority is ready for action. A little group of willful men, representing no opinion but their own, have rendered the great government of the United States helpless and contemptible.” The Senate responded by passing Rule XXII, allowing for a two-thirds majority to vote for cloture, or the ending of debate on the topic, and so end a filibuster. Revised several times over the succeeding decades, the rule today requires three-fifths of the Senate (60 votes) for a vote of cloture. Then debate on a bill can proceed for only thirty more hours before it is brought up for a vote.

The New Deal and an Expanding Executive Branch

By the 1930s, Democrats established a firm grasp on both the House and Senate and passed the New Deal legislation in response to the Great Depression. During the New Deal, the reach of the federal government greatly expanded. The New Deal programs gave the government vast new administrative responsibilities, and Congress authorized dozens of new executive agencies. These agencies represented a massive growth in the power of the executive. By 1946, however, many believed the rules governing the day-to-day operations of Congress had become antiquated.

That year, in an effort to maintain their check on the executive branch, Congress required that each agency have congressional oversight. The power and vast number of standing congressional committees limited Congress's ability to effectively pass timely legislation. In an effort to increase efficiency, Congress passed the Legislative Reorganization Act of 1946. The act decreased the number of committees in the House from 48 to 19 and in the Senate from 33 to 15. It also detailed specific committee jurisdictions to avoid overlapping duplication of efforts. In addition, it provided for professional committee staff to be hired to help develop complex legislation, and it established a pay raise for members of Congress and new disclosure requirements for lobbyists.

Decentralized Operations

The Legislative Reorganization Act illustrated the new, decentralized Congress. In the era of party control, most decisions and policies were made first by party leaders, and then by the majority party voting on the floor of Congress. By the middle of the twentieth century, power shifted to smaller units within Congress. Having delegated its power to agencies, Congress strengthened the committees that had jurisdiction over the agencies' policy areas so that they could shift from legislation to oversight. Now instead of passing legislation in response to the majority, the emphasis in Congress shifted to supervising the agencies' policies that implemented existing programs. These committees reflected not the will of Congress and the majority as a whole, but the organized interests that were most concerned with that area of policy. Further reforms were made to the committee system in 1970. The Legislative Reform Act of 1970 lessened the power of committee chairs by ensuring

greater transparency in committee meetings and more inclusion of minority views. This gave all members of the committee more power to direct legislative initiatives. In the middle of the 1970s power was decentralized even further, down to subcommittees that could hire their own staff and consider legislation without the permission of the chair of the committee under which they served.

In 1994, a minor reversal of this decentralization occurred. The internal organization of Congress shifted once again as Newt Gingrich assumed the role of Speaker of the House. Winning the first Republican majority in five decades, Gingrich was determined to achieve what he saw as crucial pieces of legislation. Under his stewardship, the Speaker once again gained power by naming committee appointments, selecting chairs, and controlling the congressional rules committees.

The Influence of Technology

As a result of historical changes, Congress has dramatically changed how it functions. Although outwardly the same, much of what drives Congress has changed. Instead of deliberating collectively on the floor, and engaging in great debates on the policy issues of the day, Congress has shifted its work into committees, where independent members can appeal to the constituencies that elect them. Technology has made this even easier. The Cable-Satellite Public Affairs Network, or C-SPAN, now allows anyone in the world to watch the day-to-day proceedings of Congress. Therefore, every floor speech is potentially a chance to campaign directly to constituents. Technology has also given members the ability to know the opinions of their constituents and communicate directly to them. At the same time, 24-hour news channels

have increased the visibility of all members of Congress. All of these changes have made individual members independent of each other and less likely to compromise. Rather than working together, members of Congress are re-elected by building personal power bases and appealing to their own constituencies back in their districts. We are seeing the effects of these changes in the reduced ability of Congress to compromise for the sake of the good of the whole country.

Democratically elected republican government is slow, messy, and often frustrating. Throughout the history of the United States, the operations of Congress have been adapted. Majorities have shifted and fallen, coalitions have risen and faded. Long and often brutal legislative battles have played out. But, through it all, men and women elected by us, to speak for us, continue to create and pass legislation, shaping the nation for generations to come. Our government, of, by, and for the people continues to depend on their watchful participation more than ever.

Critical Reading Graphic Organizer

Directions

Review **Handout A: Background Essay: Congress in the Twentieth and Twenty-First Centuries** and complete the graphic organizer below. You should fill out whether the reform was “procedural” meaning done within the rules of Congress, or “constitutional,” meaning a change within the Constitution that altered the governing structure of the United States.

Reforms	Procedural or Constitutional	Purpose	Effect
Speaker Reforms (1910)			
Seventeenth Amendment (1912)			
Rule XXII (1917)			
Legislative Reorganization Act of 1946			
Legislative Reform Act of 1970			

The Indirectly Elected Senate

Directions

The question over whether the Senate of the United States should be elected indirectly by State legislatures or directly by the people has been contentious throughout American history. Read the three quotes below concerning this question, and answer the critical thinking questions.

“...the principal of which reasons are that the extension of the spheres of election will present a greater option, or latitude of choice, to the people; that through the medium of the state legislatures — which are select bodies of men, and which are to appoint the members of the national Senate — there is reason to expect that this branch will generally be composed with peculiar care and judgment; that these circumstances promise greater knowledge and more extensive information in the national councils, and that they will be less apt to be tainted by the spirit of faction and more out of the reach of those occasional ill-humors, or temporary prejudices and propensities.”

-Alexander Hamilton, *Federalist No. 27*

“The whole world knew well that the tendency of democratic government was toward frequent change; that the weakness of democratic government was its liability to change with the impulse and enthusiasm of the moment. And since the time when our fathers framed the Constitution half a score of nations, seeking to follow the lines of our experiment, have, in varying degree, and some of them to the last degree of failure, justified such an apprehension. But with us there has been one great anchor, our Constitution. The American democracy bound itself to the rules of right, which are essential to the protection of liberty, and justice, and property, and order, and made it practically impossible that the impulse, the prejudice, the excitement, the frenzy of the moment shall carry it into those excesses which have wrecked our historical prototypes.”

-Elihu Root, “Tampering with the Constitution” 1911

“Although the Senate has made itself eminent and respected, and has maintained an intellectual supremacy over the other coordinate branch of the legislative department; although it has fulfilled the ardent hopes and verified the profound wisdom of its creators by its ability to check what has been termed the “democratic recklessness” of the House on the one hand, and the tendency to executive usurpation on the other; has performed all its functions with marked ability, patriotism and efficiency; and has drawn into its ranks the most distinguished men who have entered public life, yet in recent years a powerful movement has been growing to destroy the very feature which, in the judgment of all former students and critics, has been the chief cause of its excellence — the indirect election of its members.

“Have the lurid headlines of yellow journalism as to the treason of the Senate — the irresponsible utterances of those whose sorry role is to pander to the morbid appetite for the sensational — so affected the public mind that the American people are ready to welcome any change, however radical?”

-Emmet O’Neal, “Election of United States Senators by the People”, 1908

QUESTIONS TO CONSIDER

1. How do these quotes portray the role of the Senate?
2. Do you think their concerns are justified?
3. Using these quotes as a guide, write a sentence that outlines why the Senate should be indirectly elected.

The Directly Elected Senate

Directions

The question over whether or not the Senate of the United States should be elected indirectly by State legislatures or directly by the people has been contentious throughout American history. Read the three quotes below concerning this question, and answer the critical thinking questions.

“If we are to establish a national government, that government ought to flow from the people at large. If one branch of it should be chosen by the legislature and the other by the people, the two branches will rest on different foundations, and dissensions will naturally arise between them...If the legislatures, as was now complained, sacrificed the commercial to the landed interest, what reason was there to expect such a choice from them as would defeat their own views? [Wilson] was for an election by the people, in large districts, which would be most likely to obtain men of intelligence and uprightness; subdividing the districts only for the accommodation of voters.”

-James Wilson, *Debates in the Federal Convention of 1787*

“Take it altogether, the choice which the people have as a rule in the election of United States senators under our present system is involved in so many uncertainties, and surrounded by so many restrictions, that virtually they have no choice at all in relation to it. The present system is un-republican, undemocratic, and vicious in all respects. Not the least offensive of these restrictions imposed by our present system is that which deprives the individual voter of the right to cast his vote directly, and without circumlocution through vicarious instrumentalities, for a United States senator.”

-John H. Michel, “Elections of Senators by Popular Vote,” 1896

“Rhode Island is the smallest of our states in area and thirty-fourth in population—twelve hundred and fifty square miles, less than half a million people, barely seventy thousand voters with the rolls padded by the Aldrich machine. But size and numbers are nothing; it contains as many sturdy Americans proportionately as any other state. Its bad distinction of supplying the enemy with a bold leader is due to its ancient and aristocratic constitution, changed once, away back before the middle of the last century, but still an archaic document for class rule. The apportionment of legislators is such that one-eleventh of the population, and they the most ignorant and most venal, elect a majority of the legislature—which means that they elect the two United States senators. Each city and township counts as a political unit; thus, the five cities that together have two-thirds of the population are in an overwhelming minority before twenty almost vacant rural townships—their total population is not thirty-seven thousand—where the ignorance is even illiterate, where the superstition is mediaeval, where tradition and custom have made the vote an article of legitimate merchandising.”

-David Graham Phillips, “The Treason of the Senate”, 1906

QUESTIONS TO CONSIDER

1. How do these quotes portray the role of the Senate?
2. Do you think their concerns are justified?
3. Using these quotes as a guide, write a sentence that outlines why the Senate should be directly elected.

The Seventeenth Amendment Class Discussion

Directions

Many of the Framers of the Constitution believed that the Senate needed to be indirectly elected in order to balance passion and impulse with stability and reason. As Madison stated in *Federalist* No. 10, the goal was to strike a balance between allowing the people to govern themselves while still protecting individual rights and the powers of states. By the end of the nineteenth century, many were questioning if this idea had been misguided. Many claimed the Senate had become a guard of moneyed interests against the common man. A discussion about a fundamental constitutional principle followed. The quotes you have read represent both sides of this question. You and your classmates will discuss what you believe to be the correct interpretation. The question at hand is as follows:

Does the Senate need to stand apart from the passions of the people in order to make reasoned decisions, or, do they need to be elected and directly controlled by the people to ensure their will is carried out?

Socratic Discussion: The goal for this Socratic discussion is to work together to better understand the arguments on both sides of the Seventeenth Amendment, not necessarily to discover which side personally you agree with most. Be sure to focus on the ideas and worth of each position. Keep an open mind and try to get everyone involved in the discussion.

Discussion Directions: Divide the class in half and arrange the desks in your classroom so that there are two concentric circles (inner/outer) all facing the center. Have one half of the class sit in the inner circle, and the other half in the outer. The inner circle is the discussion panel. The outer circle may only ask questions to help move the discussion productively, but they are not able to actively participate or answer questions. Halfway through the period, the groups will switch places. It may be helpful to have outer circle students sit on the writing surface of their desks in order to more effectively observe the inner circle discussion panel and jot down notes. No question or comment should be disparaged. All responses must be courteous and thoughtful.

Possible discussion questions include the following:

- What good could come out of separating senators from the electorate?
- What negative could come out of separating senators from the electorate?
- Do the responsibilities of the Senate mean that they are more in need of reasoned deliberation?
- Why do you think having senators indirectly elected makes them more inclined to be controlled by the very wealthy?

- If the people cannot be trusted to elect state legislators that represent their interests and subsequently elect a senator who also does, why do you believe they could directly elect a senator?
- Should representatives always vote for what they believe their constituents want? Why might this be dangerous or beneficial?
- To what extent does not allowing state legislatures to elect their senators endanger states by limiting the representation of their interest in Congress?

The Filibuster

Directions

Below are two articles dealing with the “nuclear option,” meaning completely eliminating the filibuster by altering the Senate rules to remove the power of the filibuster. Long seen as a protective tool for small minorities in Congress, the filibuster has been alternately hated and loved by all political parties since it emerged as a parliamentary tool. Read both articles and answer the questions below.

Washington Post-ABC News Poll

Filibuster Rule Change Opposed By Richard Morin and Dan Balz

Washington Post Staff Writers
Tuesday, April 26, 2005

As the Senate moves toward a major confrontation over judicial appointments, a strong majority of Americans oppose changing the rules to make it easier for Republican leaders to win confirmation of President Bush’s court nominees, according to the latest Washington Post-ABC News poll.

GOP leaders are threatening a rule change to prohibit the use of filibusters to block judicial nominees and have stepped up their criticism of the Democrats for using the tactic on some of Bush’s nominees to the federal appellate courts. They say they are prepared to invoke what has become known as the “nuclear option” to ensure that Bush’s nominees receive an up-or-down vote on the Senate floor.

But by a 2 to 1 ratio, the public rejected easing Senate rules in a way that would make it harder for Democratic senators to prevent final action on Bush’s nominees. Even many Republicans

were reluctant to abandon current Senate confirmation procedures: Nearly half opposed any rule changes, joining eight in 10 Democrats and seven in 10 political independents, the poll found.

The wide-ranging survey also recorded a precipitous decline in support for the centerpiece of Bush’s Social Security plan — private or personal accounts — despite the fact that the president and other administration officials have been stumping the country in a 60-day blitz to mobilize support. The Post-ABC poll found that a bare majority — 51 percent — opposed such accounts, while 45 percent supported them.

The poll also registered drops in key Bush performance ratings, growing pessimism about the economy and continuing concern about U.S. involvement in Iraq.

On the issue that has consumed the capital’s political community this spring, four in 10 said that House Majority Leader Tom DeLay of Texas, under fire for alleged ethics violations, should resign his leadership post, while a third

of the public said he should remain in his job. Among the 36 percent who said they have been following the allegations against DeLay, nearly two in three said DeLay should step down.

Taken together, the findings suggest that Bush is off to a difficult start in his second term, with Democrats far less willing to accommodate him and his agenda than his reelection victory last November may have foreshadowed. Beyond that, the survey highlights the divisions within the Republican Party, whether that involves Bush's signature Social Security proposal or the intersection of religion and politics that has become a defining characteristic of today's GOP.

A total of 1,007 randomly selected adults were interviewed by telephone April 21-24 for this Post-ABC News poll. The margin of sampling error for the overall results is plus or minus three percentage points.

The survey found that Bush's overall job approval rating stood at 47 percent, matching his all-time low in Post-ABC News polls. Half disapproved of the job he is doing as president.

On several other key measures of performance, Bush's standing with the public was at or near new lows, with less than half the public supporting the way the president is handling the economy, energy policy and Iraq. Four in 10 approved of Bush's handling of the economy, down six points since the start of the year. Slightly more than a third of the public approved of Bush's energy policies, and Americans were more inclined to blame the president rather than oil companies or other countries for soaring gasoline prices.

Just over four in 10 — 42 percent — endorsed the way the president is dealing with the situation in Iraq, a slight increase from the all-time

low in March of 39 percent. Almost six in 10 (58 percent) said the United States has gotten bogged down there, and 39 percent said they are confident Iraq will have a stable, democratic government in a year.

Bush continues to get strong marks on his handling of the campaign against terrorism, with 56 percent supporting his actions, down five points since January. But the survey also found that the sluggish economy has eclipsed terrorism on the public's list of top priorities, fueling Bush's drop in the polls.

A third of those interviewed (32 percent) said the economy should be the highest priority for the administration and Congress, up five points in the past month, followed by Iraq (22 percent) and health care (15 percent). Only 12 percent cited terrorism as the top issue, down five points since March.

The biggest changes in opinion came on Social Security, which Bush has made the principal domestic priority of his second term. Three in 10 (31 percent) approved of the job Bush is doing on Social Security, while 64 percent disapproved, an eight-point increase in disapproval in a month. Only a third said they trust Bush more than the Democrats to handle the Social Security issue, a new low for the president.

In little more than a month, there has been a double-digit shift in sentiment. In mid-March, 56 percent favored private accounts, compared with 45 percent in the latest poll, which marked the first time in Post-ABC News polling that less than half of the public supported allowing workers to invest some of their Social Security contributions in the stock market.

The decline in support was widespread. The poll found that support among Republicans fell

by nine percentage points, among Democrats by 10 percentage points and among political independents by 12 percentage points.

Neither party is held completely blameless in the increasingly acrimonious Senate battle over judgeships, with only four in 10 saying they approved of the way Democrats or Republicans were handling the confirmation process. But other findings suggested that Senate GOP leaders risk alienating the public over their efforts to circumvent opposition to nominees who Democrats say are far too conservative.

So far, the Senate has confirmed 35 federal appeals court judges nominated by Bush, while Senate Democrats have blocked 10 others by threatening to filibuster. According to the poll, nearly half of the public said Democrats are right to block the 10 contested Bush appointees, while slightly more than a third said they are wrong.

Religious and ideological splits are now at the center of the debate over judicial appointments, and the survey found that the deep partisan divide is matched by large differences over the proper role of religion in politics. For example, more than six in 10 Republicans said they think political leaders should rely on their religious beliefs in making policy decisions, while an equally large proportion of Democrats disagreed.

Four in 10 Americans said they think religious conservatives play too large a role in the Republican Party, a view shared by about half of all Democrats and independents but only one in five Republicans. Conversely, nearly as many Americans (35 percent) said liberals have too much influence over the Democratic Party, a view held by nearly six in 10 Republicans.

Assistant polling director Claudia Deane contributed to this report.

Reid, Democrats trigger ‘nuclear’ option; eliminate most filibusters on nominees

By Paul Kane November 21, 2013

The Washington Post

Senate Democrats took the dramatic step Thursday of eliminating filibusters for most nominations by presidents, a power play they said was necessary to fix a broken system but one that Republicans said will only rupture it further.

Democrats used a rare parliamentary move to change the rules so that federal judicial nominees and executive-office appointments can advance to confirmation votes by a simple majority of senators, rather than the 60-vote supermajority that has been the standard for nearly four decades.

The immediate rationale for the move was to allow the confirmation of three picks by President Obama to the U.S. Court of Appeals for the District of Columbia Circuit — the most recent examples of what Democrats have long considered unreasonably partisan obstruction by Republicans.

In the long term, the rule change represents a substantial power shift in a chamber that for more than two centuries has prided itself on affording more rights to the minority party than any other legislative body in the world. Now, a president whose party holds the majority in the Senate is virtually assured of having his nominees approved, with far less opportunity for political obstruction.

The main combatants Thursday were the chamber's two chiefs, Majority Leader Harry M. Reid (D-Nev.) and Minority Leader Mitch McConnell (R-Ky.), who have clashed for several years over Republican filibusters of Obama's agenda and nominees.

Reid said the chamber "must evolve" beyond parliamentary roadblocks. "The American people believe the Senate is broken, and I believe the American people are right," he said, adding: "It's time to get the Senate working again."

McConnell linked the rule change to the methods used to approve Obama's health-care law solely with Democratic votes. The normally reserved GOP leader paced at his desk during his speech, often turning his back to Democrats to address only his fellow Republicans.

"It's a sad day in the history of the Senate," McConnell told reporters, calling the move a Democratic "power grab."

The clash ended with a vote nearly as partisan as the times — 52 to 48, with all but three Democrats backing the move and every Republican opposing it.

The vote was the culmination of more than 25 years of feuding over nominations, beginning with President Ronald Reagan's choices for the Supreme Court and including Obama's picks for obscure federal regulatory agencies. Each side in Thursday's debate cited its own statistics to state its case.

Democrats said the attempted filibusters of Chuck Hagel during his confirmation hearing to become defense secretary, a first for any nominee to lead the Pentagon — as well as a blockade of picks to head the National Labor Relations Board and the Consumer Financial

Protection Bureau — exceeded anything Democrats did when they were in the minority. In addition, Democrats charged that Republicans didn't even have substantive objections to the D.C. Circuit nominees they filibustered.

After the vote, Obama told reporters at the White House that Republicans had turned nomination fights into a "reckless and relentless tool" to grind the gears of government to a halt and noted that "neither party has been blameless for these tactics." However, he said, "today's pattern of obstruction. . . just isn't normal; it's not what our founders envisioned."

Republicans countered that they had confirmed 99 percent of Obama's judicial selections. McConnell accused Democrats of eyeing the D.C. Circuit in an effort to stack the court, which reviews many cases related to federal laws and regulations, to tilt its balance in a liberal direction.

What made the day so historic for senators, former senators and the small collection of parliamentary experts in Washington was the simple majority vote used to execute the changes — a tactic so extreme it is known as the "nuclear option."

Previous majorities had threatened to upend filibuster rules in this manner, but relying on a simple majority vote had been used only for relatively minor procedural changes to how amendments were handled, never to eliminate the supermajority requirement altogether. Before Thursday, the standard precedent was that major rule changes needed a two-thirds majority. The change was so significant that Reid and his leadership team held a victory party with liberal activists afterward in a room just off the Senate floor.

Republicans said the way Democrats upended the rules will result in fallout for years. “It’s another raw exercise of political power to permit the majority to do anything it wants whenever it wants to do it,” Sen. Lamar Alexander (Tenn.), the GOP’s parliamentary expert, told reporters.

Republicans vowed to reciprocate if they reclaim the majority.

“Democrats won’t be in power in perpetuity,” said Sen. Richard C. Shelby (Ala.), a 27-year member. “This is a mistake — a big one for the long run. Maybe not for the short run. Short-term gains, but I think it changes the Senate tremendously in a bad way.”

After the vote, Reid told reporters that his views on the issue had evolved — from eight years ago, when Republicans held the majority and he led the fight to protect the filibuster. He acknowledged that he wouldn’t mind seeing the supermajority requirement abolished for everything but that there were not enough votes in his caucus to support such a move.

Reid first faced pressure on this issue from junior Democrats four years ago, particularly Sen. Jeff Merkley, a former speaker of the Oregon state House, who became the point person for growing the anti-filibuster movement. But Reid repeatedly rejected their effort as too radical.

Even if Republicans want to do away with the filibuster someday, Reid said, Thursday’s move was worth it because the current climate had become too hostile to get anything significant done. Reid said he faced a choice: “Continue like we are or have democracy?”

The rule change does not apply to Supreme Court nominations or to legislation.

Individual senators will still be able to seize the floor for marathon speeches opposing nominees, as Sen. Rand Paul (R-Ky.) did in a nearly 13-hour session in March against the nomination of John Brennan as CIA director. But once such speeches end, the majority will be able to confirm nominees without needing bipartisan support.

With the Senate majority very much up for grabs in midterm elections next year, Democrats placed a big bet on maintaining control of the chamber. GOP leaders have suggested that, if given the Senate majority back, they might further strip filibuster rules so they could dismantle Obama’s landmark domestic achievement, the Affordable Care Act, on a simple majority vote.

In his remarks, McConnell finally turned to Democrats and said that a majority of them had never served in the minority and then lectured the longtime members who knew what it was like to be on the other side.

“The solution to this problem is at the ballot box,” he said. “We look forward to having a great election in 2014.”

William Branigin and Ed O’Keefe contributed to this report.

Paul Kane covers Congress and politics for the Washington Post.

CRITICAL READING QUESTIONS

1. Why is the filibuster seen as an obstructive tool?
2. Does one's position on the filibuster change depending on who holds power?
3. Should the position of political parties regarding the filibuster change depending on whether they are in power or not?
4. How does having a tool like the filibuster help to protect the voice of the minority in the Senate?
5. To what extent do you think senators who are obstructive, but represent the views of their constituency, are acting against the common good?
6. Do you think senators who are obstructive, but do not represent the views of their constituency, are acting against the common good?
7. Do you think senators that ignore the voice of the minority in order to pass their legislation or obtain their nominations are acting against the common good?
8. How do you think the filibuster helps balance this dilemma? Or does the filibuster in fact ruin the balance that would otherwise exist?

WHERE DO YOU STAND?

The Senate is having a vote to decide whether or not a new dam should be built with federal money in your state. If the dam is built, it will supply much needed power and water to an economically depressed area of your state. The plan promises to create at least 1,000 new jobs and several million gallons of easily accessible clean water. However, an historic town stands in the way of the future reservoir. For the dam to be built, this town will have to be demolished. The vast majority of the state favors the building of the dam, but those who live in or grew up in the town are strongly opposed. Compromise efforts have failed and the bill looks set to pass. However, one of the state's senators changes his mind. Knowing he cannot block the bill with votes, he rises to filibuster it.

Directions: Write a letter to the editor outlining your position on the filibuster. Is it an obstructive tool preventing the majority from acting on popular will? Or is it a vital tool preventing majority tyranny from oppressing opposing views? The length of your letter should be 150-300 words.

Mr. Smith Goes to Washington

Directions

Watch the filibuster clip from *Mr. Smith Goes to Washington* and use the questions below to discuss the themes of the film.

1. What democratic themes do you see represented in the clip?
2. Why does Mr. Smith's speech resonate with us today?
3. How is the filibuster represented in the film?
4. To what extent does Mr. Smith hold the Senate hostage?
5. How is freedom of the press represented in the clip?
6. How is freedom of speech represented in the clip?
7. What responsibility does Mr. Smith have to speak the truth, even if that means going against his constituency?
8. How does the clip show the balancing of individual concerns of senators and the common good of the country?
9. How would this clip look different if it were filmed in the present day?
10. Does this clip, as the reporter says, show democracy in action? If so, in what ways?
11. Do you recognize any of the works he quotes? Which ones? What do you think they reveal about the theme of the movie?
12. What do you think he means when he says, "...it's the blood and bone and sinew of this democracy that some great men handed down to the human race"?

Handout B: Critical Reading Graphic Organizer Answer Key

Reforms	Procedural or Constitutional	Purpose	Effect
Speaker Reforms	<i>Procedural</i>	<i>To decentralize power and take it out of the hands of the Speaker of the House.</i>	<i>Power was decentralized giving more power to long-serving members of Congress.</i>
Seventeenth Amendment	<i>Constitutional</i>	<i>Changed the method of electing senators indirectly by state legislatures to directly electing by popular vote in the state.</i>	<i>Altered the mode of election for the Senate to the people of the state rather than the legislatures, and shifted the motivation of senators from state interests to the interests of the people.</i>
Rule XXII	<i>Procedural</i>	<i>Changed the Senate rules to allow two-thirds majority vote for cloture.</i>	<i>This rule made it easier for the majority to defeat a filibuster and bring a motion to a vote.</i>
Legislative Reorganization Act of 1946	<i>Procedural</i>	<i>Decreased the number of committees in the House from 48 to 19 and in the Senate from 33 to 15 and provided for the hiring of committee staff.</i>	<i>Helped in the decentralization of power in Congress, allowing for closer oversight of executive agencies.</i>
Legislative Reform Act of 1970	<i>Procedural</i>	<i>Decreased the power of committee chairs by ensuring greater transparency in committee hearings.</i>	<i>Allowed all members of a committee to have an influence on legislative initiatives before the committee, strengthening the position of the minority.</i>

Handout C: The Indirectly Elected Senate Answer Key

1. How do these quotes portray the role of the Senate?

Answers may be similar to the following:

The quotes portray the Senate as a stabilizing feature of American government that served as a check against the more passionate and popular House. According to these quotes, the Senate was limited to the most respected and distinguished members.

2. Do you think their concerns are justified?

Answers may be similar to the following:

Yes, I believe that indirectly electing senators provided for a more stable government that checked the popular passions of the people while preserving federalism. This system also allowed the best in the nation to serve in the advising role to the president, particularly on foreign policy.

No, I do not believe their concerns were justified. The system of indirectly electing senators prevented the Senate from acting for the common good of the country by limiting the voice of the people. Democratic reform was needed.

3. Using these quotes as a guide, write a sentence that outlines why the Senate should be indirectly elected. You do not have to agree with the sentence.

Answers may be similar to the following:

The Senate should be indirectly elected because this system creates a stabilizing effect upon the government by helping uphold reason instead of passion.

Handout D: The Directly Elected Senate Answer Key

1. How do these quotes portray the role of the Senate?

Answers may be similar to the following:

These quotes portray the Senate as an instrument of propertied and moneyed interests that denies the people a voice in government. These quotes outline a system that is broken and held hostage by these interests. The only way the system can be set right is to democratize it.

2. Do you think their concerns are justified?

Answers may be similar to the following:

Yes, the indirect election of senators prevents the will of the people from being recognized. It is clear that denying direct election opens the door for political interests to take hold and prevents the people from controlling their government.

No, these quotes seem to ignore the arguments laid out by those in favor of direct election. They make no comment about the stabilizing influence of the Senate, nor do they counter the idea that states would lose representatives that protect their interests, or that this system would help uphold reason instead of passion.

3. Using these quotes as a guide, write a sentence that outlines why the Senate should be directly elected. You do not have to agree with the sentence.

Answers may be similar to the following:

The Senate should be directly elected to ensure the will of the majority is carried out.

Handout F: The Filibuster Answer Key

Critical Reading Questions:

1. Why is the filibuster seen as an obstructive tool?

The filibuster is often seen by the majority party as an obstructive tool because it prevents the majority, who believe they embody popular will, from accomplishing their agenda.

2. Does the position of the filibuster change depending on who holds power?

Yes, whoever is in the majority tends to look down upon the filibuster as an inconvenient and obstructive tool.

3. Should the position of political parties regarding the filibuster change depending on whether they are in power or not?

No, all parties should respect the filibuster as an essential tool protecting minority rights.

Yes, political parties should judge how crucial the legislation they are trying to pass is. If the minority is endangering the nation by their obstruction, the filibuster should be reevaluated

4. How does having a tool like the filibuster help to protect the voice of the minority in the Senate?

The filibuster gives the minority recourse when their voice would otherwise be drowned out by the majority. It makes their presence meaningful, even if they do not have the votes to stop legislation.

5. Do you think senators that are obstructive, but represent the views of their constituency, are acting against the common good?

No, those senators are acting as their constituents would want and so are fulfilling their obligation as an elected representative.

Yes, senators should independently evaluate whether or not something is in the interest of the nation. They should not act against the national interests of the country for their individual constituency.

6. Do you think senators that are obstructive, but do not represent the views of their constituency, are acting against the common good?

No, all elected officials should act for what they believe is the best course for the nation. They should not be limited simply by what their constituents believe. If they believe going against a piece of legislation is necessary, they should do so.

Yes, representatives should always act as their constituents would wish. If senators obstruct the Senate for their own purposes, they are going against the common good.

7. Do you think senators that ignore the voice of the minority in order to pass their legislation or obtain their nominations are acting against the common good?

No, the majority was elected because they represent the will of the majority of people in the United States. They are not going against the common good by acting as they have been elected to act.

Yes, the United States is a diverse country with many different interests represented. No one party or coalition should act with complete disregard for the minority. To do so is to act against the common good of the whole nation.

8. How do you think the filibuster helps balance this dilemma? Or does the filibuster in fact ruin the balance that would otherwise exist?

The filibuster helps to ensure that all views have the opportunity to be expressed and to influence the course of the nation. In that way it helps balance minority and majority rights.

The filibuster disrupts the nation by not allowing the majority to rule. This tends to halt progress and prevent the nation from moving in the direction the people of the country wish it to go.

Where Do You Stand?

Student responses should reflect a reasoned approach using evidence from the documents provided or from student research of other sources. The rubric below can act as a guide for assessing student responses.

Score (Grade)	Thesis	Analysis (tends to be the most difficult component)	Entire Prompt	Organization and Writing Skill	Errors
4	Contains a well-developed thesis which clearly addresses all aspects of the prompt and shows an organizational roadmap.	Effective analysis which shows and proves relationships; fully answers the “so what?” questions; more analytical than narrative.	Addresses all aspects of the prompt, though coverage may be slightly uneven.	Clearly organized & well-written evident on first reading, but will read it again just for pleasure.	May contain minor errors.
3	Contains a thesis which addresses the prompt.	Limited analysis; mostly descriptive; knowledge and comprehension level in use of facts.	Slight or neglects some parts of the prompt.	Acceptable organization; language errors do not interfere with comprehension and do not indicate misunderstanding of the topic.	May contain errors that do not seriously detract from quality of the essay.
2	Presents a limited, confused, and/or poorly developed thesis.	Simplistic explanations that do not indicate mastery of the content; may list facts without analysis.	Deals with one aspect of the prompt in a general way or with additional parts in a superficial way.	Demonstrates weak organizational and/or writing skills which interfere with comprehension.	May contain major errors.
1	Contains no thesis or a thesis which does not address the prompt.	Shows inadequate or inaccurate understanding of the prompt.	Ignores part of the question.	Is so poorly organized or written that it is difficult to understand.	Contains numerous errors both major and minor

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.

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.

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.

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.

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.

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

Virtues

Virtue is conduct that reflects universal principles of moral and ethical excellence essential to living a worthwhile life and to effective self-government. For many leading Founders, attributes of character such as justice, responsibility, perseverance, respect, and others were thought to flow from an understanding of the rights and obligations of human beings. Virtue is compatible with, but does not require, religious belief. One's thoughts and words alone do not make a person virtuous. According to Aristotle, virtue must be based on a just objective, it requires action, and it must become a habit.

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.

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.

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.

Essential Virtues: Page 2

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

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.