

# Chapter 1

## Introduction

### Congress on the Brink



President Donald Trump addressed a joint session of Congress on March 5, 2025, six weeks into his second term. Relations between the legislature and executive branch were put to a stress test almost immediately following Trump's second inauguration.

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#### Learning Objectives

- 1.1 Gain the dual perspective of voters and representatives on the modern Congress as a dysfunctional legislative body.
- 1.2 Differentiate between models of political representation and evaluate which are most crucial to how Congress operates.
- 1.3 Identify important representational challenges facing the modern Congress.

The opening weeks of President Donald J. Trump's second administration were a whirlwind. Although Trump won the office by a narrow margin in the national popular vote, he had the strength of a Republican Congress at his back. His party held majorities in the legislature's two chambers—the House of Representatives and the Senate—which promised a smooth path to success for Trump's legislative policy priorities.

But even before Trump's inauguration, the incoming executive seemed wholly uninterested in traditional legislative achievement—or in working with Congress at all. Trump's unconventional cabinet picks, like embattled Rep. Matt Gaetz (R-FL) for attorney general and vaccine skeptic Robert F. Kennedy, Jr., for secretary of health and human services, indicated that the U.S. Senate should not expect to be consulted on his staffing choices, as the Constitution prescribes. Trump's nominations telegraphed that the administration assumed the Senate would act more like a rubber stamp than a sounding board, even for cabinet nominees who lacked any traditional qualifications for the job.

Once Trump took office, his actions showed even less regard for Congress's constitutional responsibilities. In an effort spearheaded by Trump's chief advisor, billionaire tech entrepreneur Elon Musk, the new administration unilaterally swept through the federal government with executive orders, mass firings of federal employees, bureaucratic reorganization, and in some cases outright abolition of entire programs and agencies, like the United States Agency for International Development (USAID) and the Consumer Financial Protection Bureau (CFPB). Perhaps most notable was a memo pursuing a total spending freeze on all federal grants and loans; this despite the fact that Congress, which is constitutionally responsible for setting the federal budget, had already authorized and appropriated this money through legislation passed in the previous fiscal year.

Piece by piece, Trump claimed the legislature's constitutionally mandated powers as his own. Democrats, then the minority in both the House and the Senate, protested vociferously but could wield little institutional leverage with the new president. Some congressional Republicans supported Trump's sweeping vision of executive power, seeming eager to hand over those powers to the executive. "If it's expenditures that the majority of American people don't agree with, that the president doesn't agree with," said Sen. Joni Ernst (R-IA), "[then] we're glad to see it gone."<sup>1</sup> Other Republican members remained silent as the authority of the first branch of government seemed to wash away before their eyes.

Trump's actions during his first few months show that Congress's powers are both fragile and contested. His unilateral actions during the first year of his second term were unprecedented. But the buildup of power in the executive branch predates Trump and tells us a great deal about how Congress's role has changed in recent decades. Congress's capacity to do the job that the framers of the Constitution envisioned for it has receded significantly during this time, in part thanks to its own willingness to give this power away. In this textbook, we'll investigate many of these changes and how

they've led Congress to the brink of potential irrelevance. But we'll also outline the many tools it has to claw back its power and restore the vision the framers had of clear, equal separation of powers.

## How Is Congress Perceived Today?

By challenging Congress's authority, President Trump seemed to be counting on two central assumptions about the institution: first, that Congress was too weak to fight his unilateral tendencies, and second, that American voters were too sour on Congress to defend it as an institution important to their lives. These two assumptions are, in fact, fairly reasonable.

Congress is widely thought to be ineffectual and inefficient—from both outside and inside the chambers. Even members themselves are down on the legislature. Many run for office with genuine intentions to do good for their constituents. They willingly give up their careers, privacy, and time with their families to debate and solve America's most pressing challenges, and they do so accepting that half of the country wants to see them defeated. But the modern congressional and political environment has frustrated even the most hopeful lawmakers. Bipartisan solutions have taken a back seat to political tribalism. An endless campaign cycle has created a constant need for fundraising, leaving little time for legislating. Members operate in, and exacerbate, a partisan, siloed, and personally curated media environment—increasingly on social media platforms—that seems intent on circulating party talking points more than unbiased news. Deliberation on the House and Senate floors is so minimal that members of both parties in both chambers can go years without their bills or amendments ever receiving an audience outside of their own staff.

As a result, representatives and senators across the ideological spectrum don't feel like they are members of a healthy, functioning legislative body. After just a year in Congress, Representative Dean Phillips (D-MN) wrote: "I speak for most in Congress when I say we're disgusted just like you. We who serve to solve problems find ourselves at the mercy of a system that rewards obstinance and punishes cooperation."<sup>2</sup> Phillips's Republican colleague, Rep. Debbie Lesko (R-AZ), had similar sentiments as she announced her retirement in 2023: "Right now, Washington, D.C., is broken; it is hard to get anything done," she said. Senator Angus King, one of Congress's three independents, used fewer words to express the same despondent sentiment: "We are failing our oaths, we are failing our most fundamental responsibility, we are failing the American people."<sup>3</sup> Former Senator Joe Manchin (D-WV) put it even more succinctly: "This place sucks!"<sup>4</sup>

Public opinion of Congress is similarly low. Since 2010, public approval ratings of the legislative branch have only cracked 30 percent once and have more often been in the single digits.<sup>5</sup> Congress is so disliked it has lost popularity battles to traffic jams,

root canals, and even the rock band Nickelback.<sup>6</sup> Most citizens simply don't trust that members of Congress are doing their jobs as elected representatives of the people.

It is not hard to see why. The signs of dysfunction are all around. Fewer bills are being passed than in years past. Huge societal problems—from immigration to climate change—are left untouched by those with the power to address them. Government shutdowns are becoming more common. Voters feel that political parties are more interested in getting and maintaining power than working with each other for the good of the country. Multiple members every year seem to be embroiled in personal or ethical scandals. Lawmakers seem to listen more to those who can write huge campaign checks than to their own constituents. Put simply, the public is sick of broken promises and feels unrepresented by their elected leaders.

## What Does It Mean to Represent?

The feeling of being “unrepresented” is key to many of these frustrations. To understand what it means to be unrepresented, we must first understand what it means to be *represented*. What should a representative government look and act like? Should elected representatives always reflect the will of the voters, or should they use their own judgment when they deem it necessary? Should voters elect a representative based on what they've done in office, or what they promise to do next? Is it important for a representative to share descriptive traits and identities with their constituents? Or is that irrelevant, so long as they pursue policies that help constituents in their daily lives? In the absence of a single framework of representation on which all Americans agree, these questions lack a single clear answer. But they must be tackled head-on if our goal is to understand whether the legislative branch is doing its job as a representative institution.

## Balancing Constituents' Voices and Members' Judgment

The essence of the republican government the founders designed seems simple: The people elected to Congress should do their best to reflect the will of the voters who sent them there. One reason we have 435 different members of the House of Representatives is that the policy and ideological views of a rural district in Middle Tennessee are much different from those of a district encompassing the South Side of Chicago. Should the members of Congress who represent these districts reflect the differences between them in their policymaking activity? The answer is not quite so simple.

For example, we might think of representatives as nothing more or less than a conduit for their constituents' viewpoints. This **delegate model of representation** holds that the explicit wishes of the people they were elected to represent, and nothing else, should influence the official activity of a member of Congress. The bills they introduce, their behavior in committee hearings, and of course their votes on important

legislation should be guided first and foremost by the preferences of their constituents. Members constantly point to the wishes of their constituents to justify their legislative behavior, particularly on hot-button issues. For example, when decision time arrived for Senator Susan Collins (R-ME) on whether to convict President Trump of the charges for which he had been impeached in January 2020, Collins cited the calls she had gotten from constituents—“two-thirds in favor” of acquittal—as a key justification for her vote to acquit the president.<sup>7</sup>

But others argue that constituents are best off electing representatives with sound judgment and decision-making capability, even if those judgments run against constituents’ personal beliefs. This is the core of the **trustee model of representation**: Representatives are not our mirrors, but stewards we trust to make the right decisions for us. Although many voters and politicians embrace this model, it does not imply that representatives can act with impunity. In reality, trustee-inclined legislators often need to spend considerable time explaining their process to the voters back home in order to create more freedom to act independently. For example, during a nationwide discussion of whether the United States should intervene militarily in Syria following a suspected chemical weapons attack by that country’s leader on his own citizens, Rep. Chris Gibson (R-NY) sought to persuade his constituents of his good judgment derived from personal experience: “It is my judgment, as a 29-year veteran of our Armed Forces,” Gibson wrote in a newsletter to his constituents, “that military intervention would make the situation worse and make us responsible for that conflict.”<sup>8</sup> Trustee representation is especially important for issues that most constituents don’t have considered opinions about—such as military intervention in an unfamiliar country.

In reality, many representatives blend delegate and trustee representation and embrace each to suit the issue at hand. Some issues find legislators and their constituents in complete lockstep; in others, disagreement leads a representative to trust their own experience or judgment based on the facts. The delegate and trustee models are useful, but they also tend to oversimplify the painstaking process many representatives face in trying to understand and aggregate the opinions of their districts. Regardless of the path representatives choose, it is the voters who ultimately decide the words and actions on which they will be judged.

## Looking Forward and Looking Backward

Political theorists have observed that voters may look to the past or to the future when judging the quality of representation they’re getting from their legislators. According to the **promissory model of representation**, voters choose representatives based on the promises candidates make about what they’ll do in Congress if elected. As we’ll explore later in this book, whether members make new promises to their constituents—and whether they can keep them—depends largely on the partisan balance of power in Congress. Those most likely to engage in promissory representation are members in

the minority during periods when Americans are skeptical about the direction of the country. The out-party promises voters that they will turn the country around in the next term. For example, in 2006 and 2008, Democratic incumbents and challengers made broad promises to end the War in Iraq and fix the economic crisis, and they were elected largely on those expectations.

Just as often, rather than asking, “What will you do for me?” voters ask, “Did you do what you said you’d do last time?” This is the **retrospective model of representation**, in which constituents treat their vote as a referendum on the previous performance of their representative or party, and representatives respond in kind. In their communications with constituents, members of Congress tout their legislative accomplishments in the hope that voters will reelect them on the strength of positive retrospective evaluations. With incumbent reelection rates in the House and Senate consistently above 90 percent, it may appear as though retrospective appeals are a winning strategy for sitting members of Congress. But amid a period of historic legislative gridlock, Congress appears to have little to show for its efforts and finds little public support as an institution. Throughout this book, we will explore the reasons for this consistent incumbent support as well as members’ incentives for sustaining gridlock.

## Connecting Identity with Policy

The delegate, trustee, promissory, and retrospective theories of political representation, though valuable, can gloss over challenges of representation faced by underserved or minority communities of Americans. Contemporary political science research has tackled the key question of how best to ensure that Congress meets the needs of these communities—people of color, LGBTQ Americans, young voters, or the rural poor, to name just a few. How crucial is it that representatives in Congress come directly from these communities and share their experiences? Or do these identity-based traits not matter so long as substantive policy outcomes are positive for these groups?

Research tells us that the **descriptive model of representation**—electing representatives who mirror their constituents’ identity-based traits and characteristics—matters both symbolically and substantively. For example, descriptive representation “increases knowledge about and contact with” these similar-identifying representatives,<sup>9</sup> and it helps change public attitudes for the better about who “belongs” in positions of power like Congress.<sup>10</sup> This approach to thinking about representation is a crucial foundation for understanding many of the activities members of Congress undertake, particularly as the institution undergoes a number of long-overdue representational changes in areas like race and gender. Many representatives say these descriptive traits are crucial to guiding how they think about policy and how they communicate with their constituents. Descriptive representation also has lasting generational impacts. “It’s surreal taking a picture knowing that it’ll end up in a history book,” mused newly elected Rep. Cori Bush (D-MO) while being photographed for her official congressional portrait



following her election in 2020. Bush had the distinction of being the first African American woman sent to Congress by the people of Missouri. “I want girls who look like me to see me and think, ‘If she can do it, I can do it.’”<sup>11</sup>

Another theory of representation related to issues important to underserved groups is the **substantive model of representation**. Substantive representation has less to do with *who* is passing policy and more to do with *what policies* are passed. For example, in a 2014 newsletter to his constituents, Rep. Ami Bera (D-CA) touted his support for the reauthorization of the Violence Against Women Act: “Fighting for equal rights for women is a deeply personal issue to me. As a father, I want my daughter to grow up in a country where her gender is not a barrier to her success.”<sup>12</sup> Rep. Bera and others with no direct experience within a particular subcommunity of Americans therefore shift the focus away from their own identities and toward the practical implications of policies they support or oppose.

Descriptive and substantive representation are by no means mutually exclusive. Surely we can have a Congress that both reflects our diverse public and passes legislation that improves the lives of all Americans.

## Staying Rooted in a Nationalized Age

Political representation in Congress is fundamentally geographic: Members of the U.S. Senate are elected by states to represent their interests, and House members are elected from smaller geographical districts. This fragmentation is necessary to ensure that the diverse political beliefs and policy priorities of local communities across the country are all represented. In this way, Congress is an institution founded on the **dyadic model of representation**, in which the relevant relationship for any member of Congress (indeed, the only one that should actually matter) is the one they share with the particular constituency who voted them in—the “dyad” of the member and the people from their state or district.

Members of Congress recognize the importance of this relationship. They do so not just by attempting to please their constituents on policy grounds but also by engaging in nonpartisan constituent casework. Members conduct person-to-person outreach within the communities they represent to help their constituents navigate bureaucracy, to explain their positions on salient political issues, and to solicit constituent opinions. The relevant phone calls received by Senator Collins discussed earlier in this chapter were not the ones from out-of-state voters and interest groups, but calls from people who live and vote in her constituency in Maine.

However, the nationalization of American politics has increasingly emphasized representational relationships based on identities like race, ideology, and partisanship, rather than geography. This kind of representation is known as the **collective or surrogate model of representation**. As fewer and fewer Americans can even name the member of Congress who represents their home district or state, they instead turn to politicians who represent them based on other identities. Ideologically liberal voters in

deep-red Idaho may turn to nationally known progressives like Senator Bernie Sanders (I-VT) or Representative Alexandria Ocasio-Cortez (D-NY) rather than the more conservative members in their home state. For decades, African American voters from coast to coast derived strength and political empowerment from the late civil rights legend and House Rep. John Lewis (D-GA), regardless of whether they lived in his Atlanta-based congressional district.

This brand of representation has always been a part of American politics in one manner or another, but it has become simpler and more salient in recent years due to ideological and identity-based polarization around the two major parties. Although the “dyads” of local representation may be the relationship the founders were focused on, collective identities like race, religion, and partisanship have taken on a more central role in our politics. The overlapping of many of these identities has sharpened the differences between the two parties, leading to the gridlock, animosity, and dysfunction we’ve already previewed.

The most instructive challenges and promises of congressional representation can occur when these collective identities conflict with each other. South Carolina Senator Tim Scott is the first African American to ever serve in both the House and the Senate, an inspiring rise considering his grandfather’s humble upbringing picking cotton in the Jim Crow South. Senator Scott is also a Republican, and he has continually faced questions and criticisms about his fealty to a party that often loses the African American vote by 90 percent or more. Scott summed up the complexity of his dual roles as a “surrogate” leader in both the Republican Party and the Black community to journalist Tim Alberta: “I’m not at a point where my grandfather was. He could say nothing. He had to eat his anger. Or the next generation, who harnessed their anger and led marches. I’m on the inside track. I have a very different responsibility.”<sup>13</sup>

This responsibility, Scott says, is to chart a pathway out of the gridlock and frustration that Congress has come to epitomize in recent decades. Members of Congress must find a way to harness a more aspirational form of representation that cuts across collective identities and serves the American people, as well as their particular constituents at home, in good faith. Only time will tell whether Senator Scott is successful in his effort, but his struggle in the area of representation is not unique. Throughout this book, we will explore how these fundamental and conflicting perspectives on representation weave through the many responsibilities a member of Congress shoulders and shape political and policy calculations for lawmakers both at home and in Washington.

## What Big Challenges Does Congress Face?

The diverse array of theories guiding how we think about representation corresponds to an equally vast set of modern challenges that Congress faces when it comes to representation. These challenges are both symbolic and deeply substantive, with



enormous implications for how American politics works, who gets to be in power, and whose interests get sidelined. They illustrate that representation is not just an idea but a never-ending process that Americans must make sure their elected leaders take seriously.

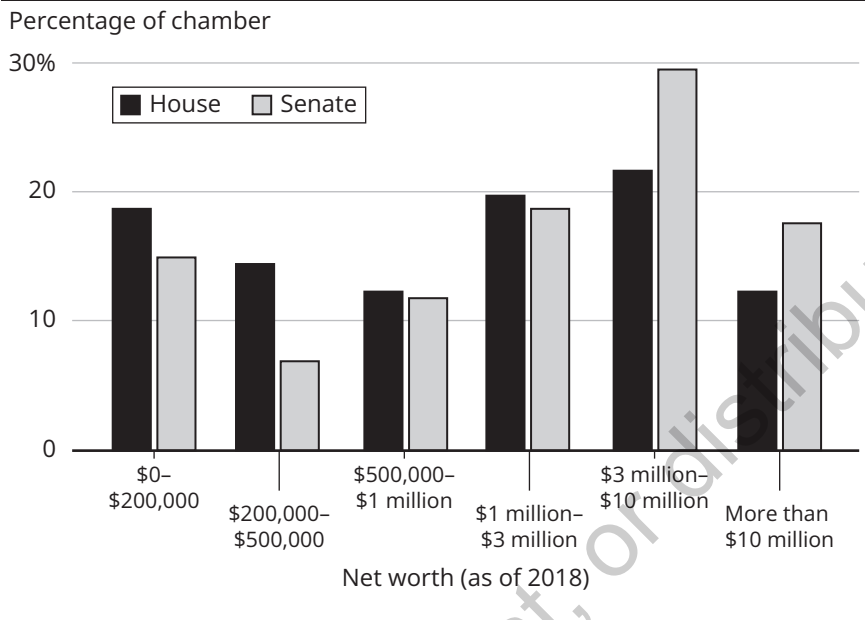
## Descriptive Challenges: A Congress “Of the People”?

Early leaders of the United States engaged in great debates about what the structure of Congress would be and what types of men should serve in each chamber. From the beginning the House of Representatives was envisioned as a “People’s Chamber” occupied by a cross-section of citizens, but the Senate was thought to be more aristocratic. Until the ratification of the Seventeenth Amendment to the Constitution in 1913, senators were elected by state legislatures, not by ordinary citizens as they are today.

Despite these early musings intended to “keep down the turbulence of democracy,” as Constitutional Convention delegate Gouverneur Morris put it, the nation has slowly adopted a more democratic mindset. More and more, Americans seem to want their Congress run not by an aristocratic collection of dignitaries but by individuals who truly seem like regular people. In their efforts to elect a Congress that mirrors themselves, the American people have made strides but continue to have a mixed record. Particularly in the last two decades, Congress has become substantially more racially and generationally diverse. Congress has also moved closer to gender balance during this period, with important legislative consequences.<sup>14</sup> And prior political experience, particularly at the state level, has begun to take a back seat in favor of political amateurs intent on shaking up the system.

Yet in other areas, particularly the economic status of its members, Congress remains empirically out of touch with the average American voter, with little incentive to fully contend with the issue. According to estimates calculated by the Center for Responsive Politics (see Figure 1.1), the median net worth of a member of Congress is more than \$1 million, more than five times as much as the net worth of the median American (\$193,000). As we’ll explore further in Chapter 4, Congress’s massive wealth gap is due, in large part, to how elections are run and how candidates build their campaign apparatus. Money, and who has it, is central to congressional campaigns and elections. And as we’ll learn, it is nearly impossible to unseat entrenched power in Washington without raising and spending millions of dollars from both grassroots and wealthy donors—or self-funding a campaign. The hard truth is that both sources of campaign cash remain out of reach for the average American: a clear barrier to entry for many Americans to run for office themselves. The wealth gap has also contributed to the feeling that representatives are out of touch with their constituents, which has undoubtedly influenced Congress’s low approval ratings.

**Figure 1.1 ■ Net Worths of Members of the 116th Congress**



Source: OpenSecrets. “Personal Finances.” Accessed March 24, 2025. <https://www.opensecrets.org/personal-finances>.

## Policy Challenges: Can Congress Empower the Disempowered?

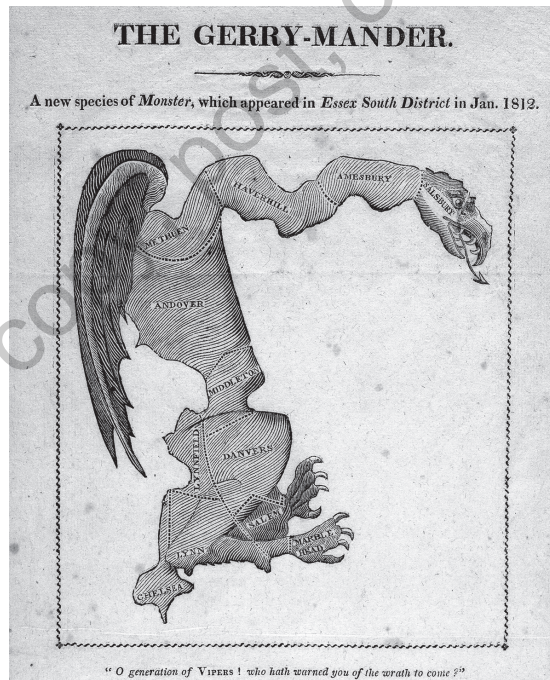
These descriptive gaps between members and constituents also have substantial practical impacts on policy. One thing that a Congress inclusive of traditionally underrepresented groups brings to the table is a more nuanced agenda. If Congress is missing members with certain identities or life experiences, it will also be missing attention to issues particular to those communities. Congress does have extensive powers to hold hearings, call witnesses, and solicit outside sources for policy information and expertise. But as a policymaking institution, Congress can only act on bills introduced by its members. Having representatives who can speak directly to the experiences of their communities—particularly when those communities have traditionally been disempowered in the public sphere—makes it far more likely these issues will have a voice within Congress. This is a serious challenge, particularly for financially distressed communities who have traditionally had difficulty getting a seat at the table in a Congress dominated by lawyers, business owners, and other well-connected white-collar workers.

Another policy consequence of this lack of direct representation can be that pressure to fight for the underserved must come from outside the halls of Congress. For example, the Congress that passed the Civil Rights Act of 1964 was composed of only

five Black members out of 435 House members and exactly zero Black senators. This was a legislative body unlikely to take significant action to upend the status quo on race without significant grassroots organizing from groups like the Southern Christian Leadership Conference and the Student Nonviolent Coordinating Committee, as well as millions of Americans hungry for change. This organizing, along with lobbying on the part of President Lyndon Johnson (who himself had faced significant pressure from these groups), combined to induce Congress to take the necessary steps to protect the rights of those it claimed to represent.

## Foundational Challenges: Who Counts and How Much?

“What’s old is new again” could describe a number of the key representational issues that remain controversial in the modern Congress. Many of these issues center on geographic representation. As we’ll discuss in Chapter 2, where Americans live, and how their location determines their political power and influence, was one of the most contentious issues in 1787 Philadelphia, and it remains so across the country today. Convention delegates from large-population states bristled over the perceived



Elbridge Gerry's original "gerrymander"

*The Gerry-mander: a new species of monster, which appeared in Essex South District in Jan. Salem, Mass.: s.n. Salem, 1812; archived in the Library of Congress web archives at <https://www.loc.gov/resource/rbpe.00000100/>*

unfairness of allocating the same number of senators to Virginia as to Delaware, a state nearly 13 times smaller. Over time, this discrepancy has become even more pronounced: California elects the same number of senators as Wyoming, despite having more than 68 times the population, and the fairness debate rages on. In 1812, Massachusetts governor Elbridge Gerry signed legislation creating a series of strangely shaped districts designed to favor his own Democratic-Republican party in the state legislature. Today, the process of “gerrymandering,” which we’ll revisit in Chapter 4, is both par for the course and the subject of innumerable court challenges.

The very process of “counting” Americans also continues to be rife with controversy. The Constitution explicitly empowers Congress to execute a national census to count every American and learn important information about them. Other nations had traditionally used censuses solely for taxation purposes or merely to oppress their citizens, but the founders put the U.S. Census in place primarily to empower Americans by ensuring equal representation in the House of Representatives and state legislatures.<sup>15</sup> Although counting may seem like a fairly straightforward process, the 2020 census was subject to great controversy centered on a Trump administration proposal to include a question about U.S. citizenship that had never previously been included. What followed was significant outcry from immigration rights activists and the legal community, who argued that including the question could influence undocumented immigrants to avoid responding to the census due to fear of deportation. Although the question was ultimately not added to the census, this move raised a number of crucial questions about representation that continue to be fought on the national stage.<sup>16</sup> Should undocumented people count the same in the congressional apportionment process as American citizens do? How can we best count people of color or minority populations in dense urban areas who don’t feel comfortable answering when anyone, let alone a government employee, knocks on the door? What about counting people without stable housing? Will government programs be able to adequately service underserved communities if we leave out such sizable portions of the population? In a time of dizzying change, how does Congress make sure that every American—and every American’s vote—counts as it should?

## Conclusion

Many members of Congress, as well as many Americans, pine for the “golden age” of congressional policymaking and negotiation of the 1950s and 1960s, in which bipartisan majorities passed enormously consequential legislation like Social Security and Medicare. Yet in reality, much of this era’s “back-slapping” agreement and bipartisanship succeeded because, as *New York Times* columnist Ezra Klein notes, both parties were willing to stomach abject racism, sexism, and xenophobia in order to maintain the political status quo. “People often believe the alternative to polarization is agreement, compromise, civility, comity,” Klein says. “But the alternative—depolarization—is often suppression.”<sup>17</sup> That is, Congress had less partisan disagreement in the “golden age” of the 1950s because it was willing to ignore many injustices against racial minority

groups, Indigenous Americans, people in poverty, and other underserved groups. Agreements were more easily forged because dissenting voices were purposefully left out of the conversation altogether.

But Congress has changed enormously since that time. Despite the widespread frustration it faces from voters and members alike, there are reasons to be optimistic about Congress and even more reasons we should want it to succeed. Congress and its members have shown, even in these dysfunctional times, that big ideas can be translated into passable policies that improve the day-to-day lives of everyday Americans. Never has Congress had a membership who looks more like its voters, though admittedly there is still a long way to go. And as recent elections have made clear, voters can significantly alter who they send to Washington to represent their interests and, consequently, what issues and solutions get on the congressional agenda.

Make no mistake about it, though: Congress faces enormous challenges and is in need of dramatic changes. It is important to admit this at the outset of a book aimed at explaining the complexities and processes of the legislative branch. We aren't interested in painting our current Congress in the most flattering light. We believe that our best chance at revitalizing Congress into a robust, representative, and functioning legislative body requires honesty about its defects. And we are not naive enough to think that fixing a broken government and legislature is an easy task. Change and progress will come incrementally and frustratingly slow and sometimes not at all.

But we believe that it can be done. This book is an effort to help readers understand the inner workings of Congress in order to address some of the significant challenges of representation and lawmaking we've begun to touch on in this chapter.

Together, we'll explore the basics of each chamber and how the members of each chamber come to be members through elections; how committees and parties shape the policymaking process and how that process has changed in recent years; how Congress contends with major federal institutions like the president, the courts, and the federal bureaucracy; and whether and how much they are influenced by outside forces like the media, special interest groups, lobbyists, and of course, voters. As we learn more, we will continue to revisit these challenges of representation in order to gain a better understanding of the legislative branch and perhaps even stumble upon a solution or two to revitalize the United States Congress.

## Key Terms

collective or surrogate model of  
representation  
delegate model of representation  
descriptive model of representation  
dyadic model of representation

promissory model of representation  
retrospective model of representation  
substantive model of representation  
trustee model of representation

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# Chapter 2

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## Mastering the Basics

Organization, Rules, and Leaders  
of the House and Senate



The Signing of the Constitution of the United States.

Howard Chandler Christy, *Signing of the U.S. Constitution*, Architect of the Capitol. <https://www.aoc.gov/explore-capitol-campus/art/signing-constitution>

### Learning Objectives

- 2.1 Describe the main enumerated powers given to Congress by the Constitution.
- 2.2 Differentiate the unique roles, responsibilities, and structures of the House of Representatives and the Senate, and analyze how these differences impact legislative processes.

- 2.3** Evaluate the relationship between congressional representatives and their constituencies, exploring how representation varies in the House versus the Senate and its effects on policymaking.
- 2.4** Explain how Congress has developed into an institution that meets the needs of the modern United States.
- 2.5** Identify and describe the powers, responsibilities, and influence of pivotal congressional leadership positions, such as the Speaker of the House and Senate Majority Leader.

When delegates from the thirteen American states arrived in Philadelphia in the summer of 1787 to amend the Articles of Confederation, the document that had governed them since independence, they carried with them a deep distrust of concentrated power. After years of life under monarchy—and a failed experiment with a powerless national legislature under the Articles—they understood that any successful government would need checks and balances, especially on its lawmaking authority. But they also knew that for citizens to accept a stronger federal government, that government had to feel responsive and representative. The question was: Representative of whom?

Designing a legislature was no simple task. The delegates had to balance the interests of large states and small states, cities and rural areas, slaveholding and free populations. They debated who should be represented and how that representation should be apportioned. They argued over whether the people themselves should choose their lawmakers or whether the process should be filtered through the states.

The final result was a legislature built to check both power and the passions of the public: a carefully calibrated system that reflected the ideological tensions of the founding era and still shapes lawmaking today.

## The Constitution and Congress

At its core, the U.S. Constitution's structure reflects two major concerns of the founders: preventing the concentration of power in any one branch or person, and ensuring that the new national government meaningfully represented the diverse people and interests of the states.

To address the first concern, the Constitution created a national government divided into three branches, each with distinct powers and responsibilities. Article I establishes the legislative branch, Article II the executive, and Article III the judiciary. This sequence was no accident. The framers placed Congress first for a reason: they intended it to be the most important and powerful branch of the federal government—what would become known as the “First Branch.”

To prevent power from accumulating too easily, the framers made Congress a **bicameral legislature**—a two-chamber legislature that would balance and slow lawmaking. One chamber, the House of Representatives, would be closer to the people and modeled after the energetic House of Commons in Britain. The other, the Senate, would be more deliberative and conservative in pace, akin to the British House of Lords.

The central fight at the Constitutional Convention was over how states would be represented in this new legislature. Larger states wanted proportional representation based on population, arguing that with more people (and more economic contributions), they deserved more say. Smaller states demanded equal representation, fearing domination by their more populous neighbors. After weeks of stalemate, the Great Compromise, championed by Connecticut's Roger Sherman, proposed a solution: proportional representation in the House, and equal representation in the Senate.

But representation wasn't just about numbers of people. It was also about who counted as a person. In what became one of the most shameful compromises in American history, delegates agreed that enslaved individuals would count as three-fifths of a person when calculating state populations for representation and taxation. This Three-Fifths Compromise gave southern slaveholding states disproportionate influence in the House and the Electoral College.

Another key debate centered on the selection of members of Congress. Should citizens directly vote for their representatives? Some delegates, like Elbridge Gerry of Massachusetts, opposed **direct elections**, fearing that too much democracy could destabilize the young country. Others, like George Mason of Virginia, argued that Congress should reflect the will of the people. The final compromise split the difference: members of the House would be directly elected by the people, while senators would be chosen by state legislatures—a method that lasted until the ratification of the 17th Amendment in 1913.

When the Constitution was signed on September 17, 1787, the document outlined a Congress that would not only make laws but also hold the power of the purse, oversee the executive, and shape the federal courts. It was, in the minds of many framers, the cornerstone of the republic.

## Congressional Power in the Constitution

The framers vested Congress with the authority to debate, draft, and pass national laws. Article I, Section 1 states: "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." Congress's powers don't stop there. In Article I, Section 8, the Constitution lists Congress's **enumerated powers** related to national security, foreign affairs, and oversight of the executive branch, solidifying the legislature as the central engine of the federal government. Table 2.1 outlines some of Congress's key enumerated powers.

Table 2.1 ■ Key Powers of Congress Under the Constitution	
Category	Constitutional Powers
Legislative Powers	<ul style="list-style-type: none"><li>● Pass federal laws to carry out its responsibilities</li><li>● Declare war</li><li>● Establish post offices and roads</li><li>● Create rules for naturalization</li><li>● Establish copyright protections</li><li>● Exercise authority over the District of Columbia</li></ul>
Economic Powers	<ul style="list-style-type: none"><li>● Collect taxes, duties, and fees</li><li>● Borrow money on behalf of the United States</li><li>● Regulate commerce (domestic and international)</li><li>● Coin money and set its value</li><li>● Fund the government through appropriations</li><li>● Raise and support armies and a navy</li><li>● Organize and manage the militia</li></ul>
Powers Over the Executive	<ul style="list-style-type: none"><li>● Impeach and remove the president and other federal officials</li><li>● Oversee actions of executive departments</li><li>● Approve or reject presidential nominees (Senate only)</li></ul>
Powers Over the Judiciary	<ul style="list-style-type: none"><li>● Create lower federal courts</li><li>● Approve or reject judicial nominations (Senate only)</li></ul>

One of Congress’s most significant powers is its authority to raise and spend federal funds, known as the **power of the purse**. Article I, Section 8, covers the legislature’s power to levy taxes, and Article I, Section 9 ensures that “No money shall be drawn from the Treasury, but in consequence of appropriations made by law.” Simply put, Congress—not the executive branch nor the judiciary—is the only federal branch of government with the legal authority to raise or spend federal dollars, a power that provides remarkable opportunities to shape the direction of federal policy through funding decisions.

Congress wields other critical economic powers, including the ability to coin money, borrow funds, and regulate commerce. The latter comes from the Constitution’s **commerce clause**—Article I, Section 8, Clause 3—which grants Congress the power “to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.” This clause has been the source of debate for

centuries because people and courts have disagreed over what it means to “regulate commerce.” Some believe the clause gives Congress wide authority to oversee any activity that might affect the national economy across state lines, while others insist its reach should be much narrower. The courts have ruled in both directions over time. For instance, in the 2012 case *National Federation of Independent Business v. Sebelius*, the Supreme Court decided that the Affordable Care Act’s individual mandate, which required most Americans to have health insurance, exceeded Congress’s power under the commerce clause. However, the Court upheld this provision under Congress’s separate taxing power.

The **necessary and proper clause** similarly raises questions about the extent of Congress’s powers. The Constitution states that Congress has the authority “to make all laws which shall be necessary and proper.” But necessary for what? Who gets to determine whether a law is proper? It was left to others to decide what the framers meant by such vague language. In the landmark case *McCulloch v. Maryland* (1819), Chief Justice John Marshall interpreted this clause broadly, stating that Congress could enact any laws so long as they were consistent with the Constitution’s intentions. This interpretation has sparked ongoing debates over Congress’s authority, especially on issues like antidiscrimination laws, gun control, and legal protections for undocumented immigrants who came to the United States as children. Indeed, the necessary and proper clause has earned the nickname of the “elastic clause” or the “sweeping clause” because of how broadly it has been invoked as a source of lawmaking authority.

## Constitutional Limits on Congressional Power

In addition to granting certain powers to Congress, the Constitution also limits Congress’s authority as a way of guarding against concentrated federal power. Article I, Section 9 lists things that Congress cannot do. These prohibitions include a ban on suspending habeas corpus (except when necessary for public safety) and a prohibition on bills of attainder, which would punish individuals without a trial. In a circular bit of language, Article I, Section 9 also made it illegal for Congress to pass a law that altered or eliminated the slave trade until at least the year 1808. It’s hard to believe (and hard to stomach), but it’s true: the Constitution made it illegal to make the slave trade illegal for a period of twenty years.

Originally, the Constitution did not include a specific list of protections for individuals, sparking demands for amendments from the outset. In response, the first Congress, led by Virginia representative James Madison, drafted twelve amendments to the Constitution. In the end, ten of the twelve were ratified, becoming what we know today as the Bill of Rights. These amendments are often seen as *protections from* government, rather than rights *granted by* government. And these, too, place limits on what Congress can do. For example, the First Amendment states, “Congress shall

make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble.”

The Second Amendment similarly states that the right of people to bear arms “shall not be infringed,” and the Fourth Amendment guarantees no one “should be held to answer for a capital crime” without a grand jury indictment. Later amendments also reinforce limits on government overreach. The Fifteenth Amendment, ratified in 1870, states that “The right of citizens...to vote shall not be denied...on account of race, color, or previous condition of servitude.”

The Tenth Amendment warrants particular attention when contemplating the framers’ intent regarding the limits of the new Congress, and especially the division of power between the federal government and the individual states, a principle known as **federalism**. The amendment states that “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” In other words, if a power is not explicitly granted to the federal government within the Constitution, it’s within the realm of the states to make laws and exercise judgment. Interpretations of the Tenth Amendment vary today, underpinning debates over state control on issues like cannabis legalization (some states have legalized it despite federal prohibitions) and voter registration laws (states differ widely in their eligibility requirements and registration processes). Federalism was also central to the Supreme Court’s decision overturning *Roe v. Wade*, which returned authority over abortion laws to individual states and led to widely differing laws on reproductive rights across the country.

## One Congress, Two Different Chambers

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Whether in the classroom, the media, or opinion polls, Congress is commonly considered a single body that debates, votes, and legislates as one entity. And indeed, the House and Senate share many similarities. Both chambers must vote on and pass the same bill for it to become law, and both have similar powers for overseeing the president and executive branch. Lawmakers in both chambers depend on their constituents and prioritize constituent service, employing about half of their staff in district offices for closer interaction with the public. Decision-making and scheduling are centralized among a few elected party leaders in each chamber, and both chambers employ a committee system with similar jurisdictions. The party with the majority in either chamber has significant power over the legislative agenda and committee leadership.

But it’s important to remember that Congress is made up of two distinct chambers, each designed to act largely autonomously from the other. The Constitution directs each chamber to determine its own rules and procedures independently of the



other, keep a journal of its own proceedings, and act as a judge of its own membership elections and qualifications. Each chamber also holds exclusive powers not shared by the other, diffusing legislative authority within Congress itself. The design was purposeful. The framers envisioned a Congress in which neither chamber could legislate on its own and each was to play a different role in representing the nation's many diverse interests. Table 2.2 outlines the main differences between the House and Senate.

**Table 2.2 ■ House and Senate Differences**

Characteristic	House of Representatives	Senate
Number of members	435 voting members	100 voting members
Term length	2-year terms	6-year staggered terms
Threshold for legislative action	Majoritarian procedures	Supermajoritarian procedures
Unique powers	Originates all revenue bills, determines presidential winner in case of tie, has power of impeachment	Ratifies treaties, provides advice and consent on nominees, holds impeachment trials
Constituency characteristics	More homogeneous, narrow constituencies	More heterogeneous, varied constituencies
Approach to floor amendments	Germaneness requirement for floor amendments	No germaneness requirement for floor amendments
Members' approach to policy	Policy specialists	Policy generalists
Staff size	Smaller staff (maximum of 18 full-time staffers)	Larger staff (average of 41 staffers)
Debate rules	Debate heavily restricted	Unlimited debate on most measures
Average congressional tenure	8.5 years	11.2 years
Average number of committees and subcommittees per member (2024)	5.7	13.4

(Continued)

Table 2.2 ■ House and Senate Differences (Continued)		
Characteristic	House of Representatives	Senate
Average number of bills introduced per member (2022)	22.5	54.3
Average age	57.9 years	64.0 years
Average cost of winning election (2022)	\$2.79 million	\$26.53 million

Sources: U.S. Library of Congress, Congressional Research Service, *Senate Staff Levels in Member, Committee, Leadership, and Other Offices, 1977–2016*, by R. Eric Petersen and Amber Hope Wilhelm, R43946 (2016); U.S. Library of Congress, Congressional Research Service, *Congressional Careers: Service Tenure and Patterns of Member Service, 1789–2023*, by Sarah J. Eckman and Amber Hope Wilhelm, R41545 (2023); Molly E. Reynolds and Naomi Maehr, “Vital Statistics on Congress,” The Brookings Institution, November 4, 2024, <https://www.brookings.edu/articles/vital-statistics-on-congress/>, Tables 4-4, 4-5, 6-1, 6-2; U.S. Library of Congress, Congressional Research Service, *Membership of the 118th Congress: A Profile*, by Jennifer E. Manning, R47470 (2024), <https://crsreports.congress.gov/product/pdf/R/R47470>; “Election Trends,” OpenSecrets.org, <https://www.opensecrets.org/elections-overview/election-trends>.

## House and Senate Structure

The House of Representatives, with 435 members, is the larger of the two chambers. The number of seats designated for each state is based on state population: States with more people have more representatives. As James Madison put it, House Representatives “should have an immediate dependence on, and an intimate sympathy with, the people.”<sup>1</sup> To reinforce this, all House members are elected every two years from smaller, population-based districts. Representatives must be at least 25, a citizen for seven years, and a resident of the state they represent (though notably, not the district).

The Senate, the (self-) proclaimed “greatest deliberative body in the world,” has just 100 members. Each state, regardless of its population size, elects two senators. Senators serve six-year terms, with elections staggered so only a third of seats are up for election every two years. This setup fosters a slower, more thoughtful legislative approach, one less dependent on the passions of any political moment. Senator John McCain described the Senate as “a careful body that operates at a greater distance from public passions.”<sup>2</sup> Originally, senators were chosen by state legislatures, but the Seventeenth Amendment established direct elections in 1913. Senators must be at least 30 and a citizen for nine years.

The Senate is often referred to as the “upper chamber,” symbolizing its prestige. (Though this title actually came about because the first few Senates met in the much hotter upstairs of Federal Hall in New York City.) Nearly half of current senators previously served in the House, but it’s rare for former senators to move to the

House—underscoring the Senate’s exclusive status. Campaign costs also reflect this difference: In 2022, a winning Senate race cost on average \$26.53 million, compared to \$2.79 million for a House seat.

## House and Senate Powers

The House alone has the power to originate **revenue bills** and select the president in the case of an Electoral College tie. Additionally, the House has the “sole power of impeachment,” most recently exercised in the impeachments of President Donald Trump in 2019 and 2021.

The Senate has the authority to ratify treaties, conduct impeachment trials, and provide “**advice and consent**” on all presidential and executive branch nominations, including the Supreme Court and presidential cabinet nominees.<sup>3</sup>

## House and Senate Rules—and How They Change

Although the framers detailed the limits of congressional power, they provided little guidance on how Congress should conduct its work. The Constitution does not specify how legislation should be drafted, debated, or how long it should be considered. Apart from defining a quorum as a majority present and allowing a two-thirds vote to override a presidential veto, the framers left procedural decisions up to Congress. In fact, the Constitution explicitly states that the House and Senate make their own rules for how to organize and conduct business. When the first Congress met in 1789, members had to create rules from scratch. James Madison described this challenge to Thomas Jefferson: “We are in a wilderness without a single footstep to guide us. Our successors will have an easier task.”<sup>4</sup> Over 230 years, these initial choices have led to distinct sets of rules for the House and Senate.

The House’s 435 members adhere to strict rules that prioritize the majority’s agenda. As former House Speaker John Boehner put it, “the House works best when it is allowed to work its will,” meaning the majority’s will drives decisions.<sup>5</sup> This is why the House is aptly thought of as a **majoritarian** institution—it operates predominantly on majority rule. “This is the House of Representatives of the United States,” remarked Representative Michael C. Burgess (R-TX). “Any bill can pass on the floor of this House with 218 votes.”<sup>6</sup> In the House, what a united majority wants, it often gets. Because its rules so heavily favor the majority, and despite its much larger size, the House is often the faster-moving congressional chamber. In May 2020, for example, the House introduced and passed the \$3 trillion COVID-19 stimulus bill<sup>7</sup> in a single day. Only a simple majority is needed no matter how long, controversial, or expensive a piece of legislation may be.

The Senate operates on a system of informal traditions and consensus rather than strict rules, slowing its pace but fostering debate. As Senator Lamar Alexander noted,

If a party wins a majority in the House, a freight train rolls through the House and the bill is passed and sent to the Senate. The Senate, throughout its history, has been the saucer into which the tea is poured to cool it a little bit. In other words, it takes a little more deliberation here to pass something.<sup>8</sup>

For example, in 2021, Senator Joe Manchin exercised significant influence over negotiations on climate and spending provisions within the Build Back Better bill, illustrating the power individual senators can wield.

The Senate's slower pace stems from rules that prioritize individual senators over a simple majority. Each senator, regardless of party status, has broad privileges like unlimited debate and amending options without needing to stay on topic. As we'll discuss in Chapter 7, the Senate can streamline noncontroversial matters with unanimous consent agreements, which temporarily suspend senators' individual freedoms. However, a single objection can block these agreements, reverting to regular rules and slowing progress. This system means that legislative power is more widely distributed in the Senate, as any senator can impact the chamber's flow by objecting to consensus.

A strong minority wields significant power over the Senate's agenda by using or threatening a filibuster, which requires at least sixty votes to overcome. As we'll discuss in Chapter 7, at least sixty votes—far more than a simple majority—are necessary in the Senate to end debate and move to final passage on any bill. In today's polarized Senate, this means a minority party can often block legislation unless the majority gains support from some minority members. The sixty-vote threshold has led many to refer to the Senate as a **supermajoritarian** institution because it often requires a supermajority of its members—as compared to the simple majority within the House—to advance policy.<sup>9</sup> For example, the filibuster was pivotal in stalling federal voting rights legislation in 2022, as the Democratic majority in the Senate could not secure the sixty votes it needed for passage, despite having a simple majority.

Each chamber has the constitutional authority to change its rules. A significant example is the Senate's change to the filibuster rule. In 2013, Senate Democrats lowered the vote threshold from sixty to a simple majority for President Obama's lower court nominees. In 2017, Senate Republicans extended this change to Supreme Court nominations to confirm Neil Gorsuch, President Trump's pick.

Although major procedural changes are rare, smaller adjustments occur regularly, especially in the House, where rules must be readopted at the start of each Congress. New majorities often tweak these rules to align with their priorities. For instance, House Democrats created the Select Committee on the Climate Crisis when they gained control in 2019, reflecting their commitment to addressing climate change. When Republicans took over the majority in 2021, they disbanded this committee. In the 118th Congress, they created new ones of their own, including the Select Committee on the Chinese Communist Party and a Task Force on the Attempted Assassination of President Donald J. Trump.

The Senate, on the other hand, is known as a continuing body. Because of the Senate's staggered elections, its members are never all up for election at the same time, and its rules continue from one Congress to the next without ever expiring. Rules can still be changed (recall the filibuster rule changes, for example), but there is no Senate equivalent to the expiration and re adoption of the rules package in the House each and every Congress.

The most important takeaway is that the current rules and processes of each chamber exist because they serve the needs of a majority of its members. If there were enough

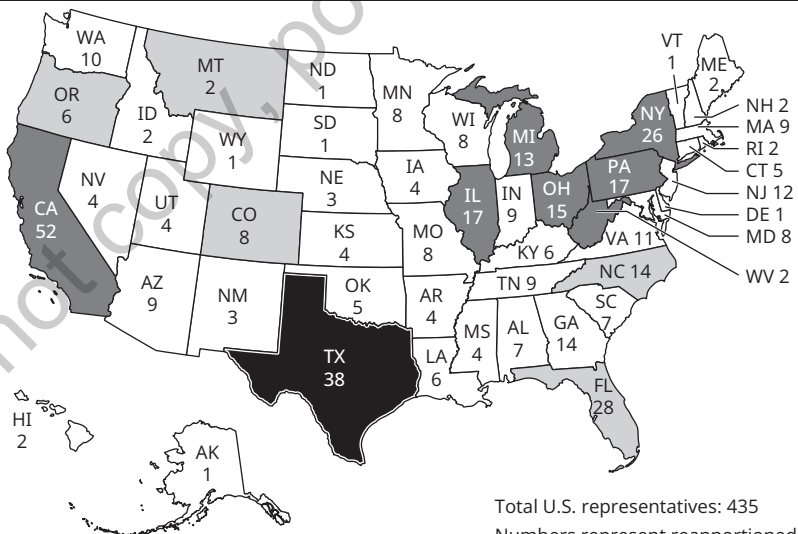
agreement to change them, they would be altered. The organization of Congress is a direct result of members' decisions—both explicit and implicit—and reflects what they find workable at any given time.

## Constituents Empower Representatives

Beyond their differences in structure, responsibilities, and rules, the chambers differ in constituency scope. Senators represent entire states and must balance the diverse demographics within them. House members represent smaller districts of about 750,000 people, so they tend to focus on more local issues. The six states with the smallest populations each comprise one House district.

The number of seats in the House has grown with the nation's population, from 59 members in the first Congress to 435 in the seventy-first, when that number was fixed by the Permanent Apportionment Act of 1929. After each national census, conducted every ten years, the number of House seats for each state is reevaluated based on state gains and losses in population. This process of **apportionment** explains why California has fifty-two House members while Idaho has only two (see Figure 2.1).

**Figure 2.1** ■ 2020 Census: Apportionment of the U.S. House of Representatives



This simple yet vital dissimilarity between House and Senate constituencies—the former more local and the latter more diverse—produces a much different set of electoral, legislative, and representational pressures and incentives for the two types of lawmakers, and it greatly impacts how each carries out the many duties of their respective elected offices. As a general rule of thumb, as the diversity of a constituency increases, so does a lawmaker’s struggle to represent them.

## Local Constituencies Affect Strategy and Policy: House Specialists and Senate Generalists

House representatives are often seen as “specialists” and senators as “generalists,” a distinction rooted in differences in membership size and constituency. Senators represent entire states, which means they must address a wide range of issues to satisfy their diverse constituencies. For example, a senator from California must balance the needs of tech industry hubs like Silicon Valley, agricultural concerns in the Central Valley, and environmental issues along the coast. In contrast, House members represent smaller districts that often have more politically homogeneous interests. A representative from an urban district—like Chicago or New York City—might focus heavily on affordable housing and public transportation, while one from a rural area—say, the eastern plains of Texas—may prioritize agricultural subsidies.

House members’ two-year terms mean they are constantly preparing for reelection, pushing them to respond quickly to constituent demands. Their jobs depend on it. Senators, with their six-year terms, have more time to engage in longer-term policy initiatives. This can be seen in senators like Elizabeth Warren (D-MA), who has focused on broader economic reform and consumer protection, or Susan Collins (R-ME), who often takes moderate stances and engages in bipartisan efforts, such as her pivotal role in negotiating the 2021 infrastructure bill and addressing healthcare issues, reflecting the diverse needs of her constituents in Maine. This difference in electoral timelines allows senators to take stances that may not yield immediate political benefits but align with state or national interests. This contrasts with House members who often have to respond swiftly to shifting voter preferences to secure their reelection every two years.

Senators’ responsibilities contribute to their generalist role. Their constitutional duties, including providing advice and consent on treaties and judicial and executive nominees, require them to stay informed on a range of topics while representing their constituents. This broad focus can limit their ability to specialize deeply in policy areas. For example, Senator Amy Klobuchar (D-MN), known for her work on antitrust and judiciary matters, must still maintain knowledge across issues such as healthcare and agriculture to serve her constituents in Minnesota. Similarly, Senator Tim Scott (R-SC) has addressed a range of topics from education reform to police policy, reflecting the demands of his statewide representation.

The Senate has historically been seen as a stepping stone to running for a governorship or the presidency. This ambition often further broadens a senator’s focus, which



many have found helpful in campaigns for the White House. In 2020, this was evident when seven sitting senators, including Bernie Sanders and Kamala Harris, sought the Democratic presidential nomination, all of whom eventually lost to Joe Biden, himself a long-serving senator before becoming vice president to Barack Obama (another former senator). Such aspirations drive senators to cultivate expertise on various topics and engage in media and public appearances to bolster their national profile.

The smaller size of the Senate also promotes a generalist approach. As we'll discuss in Chapter 6, both the House and Senate have developed similar committee systems in order to more efficiently study, deliberate, and draft legislation. This division of policymaking labor helps members become familiar with the issues their committees oversee. Because both chambers have a similar number of committees, senators must serve on more committees to cover the same range of policies as their House counterparts. During the 118th Congress (2023–2024), for example, senators averaged 13.4 committee and subcommittee assignments, compared to 5.7 for House members.<sup>10</sup> This workload forces senators to spread their focus across many issues, limiting deep specialization. Conversely, House members can dive deeply into fewer areas, enhancing their expertise and influence.

Other data highlights senators' broad legislative scope. On average, they introduce about 54 bills per Congress, compared to 22.5 by House members, driven by the broader needs of their constituencies. House members face less pressure to propose multiple bills due to their focused districts and the competition among 435 lawmakers for attention. The low success rate—only 3 percent of bills passed in the 118th Congress—also affects this pattern.

A final key difference between the two types of lawmakers is the number of congressional aides each employs to assist them in carrying out the varied aspects of their elected office. Senators have an average of 51 aides, while representatives are limited to 18 by law. Why the large difference in employee resources? Again, chamber differences in constituencies and membership size provide the answer. This staffing difference allows senators to handle more diverse policy areas, manage constituent communication, and support statewide or national initiatives.

## Representation Beyond the District: Nationalized Elections and the Role of Parties

Although lawmakers are elected to represent the interests of their district's constituents, broader political forces affect their legislative behavior. Two of the most powerful forces today are nationalized elections, which we'll return to in Chapter 4, and political parties, which we'll return to in Chapter 5. Both have fundamentally altered the electoral and legislative landscape, shaping how members of Congress think about who they represent and how they engage in policymaking.

In recent decades, **nationalization** trends have shaped elections for the House and Senate. That is, outcomes depend more on party affiliation and presidential politics

than on individual candidates or local issues.<sup>11</sup> This trend, coupled with ideological and geographic voter sorting, has made election results more predictable.<sup>12</sup> For example, in the final week of the 2024 elections, the Cook Political Report—one of the most respected election forecasting firms in the business—rated only 22 of 435 House seats (5 percent) and 4 of 33 Senate races (12 percent) as true toss-ups. Relatedly, reelection rates are high in both chambers: Since 1990, 87.9 percent of senators and 94 percent of House members seeking reelection have kept their seats.<sup>13</sup>

Senators and representatives also represent and answer to their political parties. The two parties in either chamber, largely through their party leaders, work with their copartisans in the other to develop schedules and coordinate legislative activity. Despite the different methods of legislating in the House and Senate, legislators and parties in both chambers typically work hard to present united fronts in messaging and legislating, evidenced by high degrees of party-line voting on all matters of policy. On the political front, members and parties in both chambers have invested heavily in robust electoral, fundraising, and communication organizations to take their party's message to the American public. The parties dole out talking points to their members and test messaging campaigns in order to broadcast politically advantageous themes to specific audiences—both inside and outside members' districts.

## The Modern Institutionalized Congress

Today's Congress and federal government are vastly different from those established in 1789. More than 230 years of technological and medical advancements, population growth, and economic globalization have reshaped the landscape. (Imagine the Congress of 1789 needing to address artificial intelligence, the COVID-19 pandemic, or trade policy with China!) These changes, along with shifting political dynamics and evolving public expectations, have continually pushed Congress to adapt to better serve as the first branch of government. Although change has often been slow, Congress has grown more complex and its workload more extensive. This growth, as political scientist Nelson Polsby noted, means Congress has undergone complete **institutionalization**; that is, its rules and procedures have become codified, resulting in a more professional legislature.<sup>14</sup>

## A Bigger Congress Represents a Bigger Nation

As the U.S. population has grown from fewer than 4 million people to more than 340 million, Congress has had to adapt to represent and govern a far more complex and diverse nation. Lawmakers today represent hundreds of thousands more constituents than their eighteenth-century predecessors, and they do so amid exponentially more demands, expectations, and challenges.

The volume and complexity of issues facing Congress have exploded accordingly. The first Congress introduced just 167 bills in its two-year span, but today's Congress introduces more than one hundred times that many. Modern members must weigh in

on matters ranging from cryptocurrency regulation to global climate policy. To manage this heavy and highly technical workload, Congress has built a sprawling committee system, with dozens of standing committees and more than 175 subcommittees, each focused on a specific issue area.

This expanded legislative role has required a much larger support structure. Members are now backed by more than 18,000 congressional staffers who help draft bills, conduct research, field media inquiries, and assist constituents with federal programs. Meanwhile, party leaders like Speaker Mike Johnson (R-LA) and Senate Minority Leader Chuck Schumer (D-NY) play increasingly prominent roles in setting legislative priorities, controlling floor time, and enforcing party discipline.

Modern congressional procedures—from complex committee protocols to tightly controlled floor debates—reflect this evolution. Compared to the looser, more participatory style of the founding generation, today’s Congress is more centralized, professionalized, and hierarchical. The shift may have made lawmaking more efficient in some ways, but it has also changed the nature of representation and debate in ways the framers likely never imagined.

**How It Started/How It’s Going: How Congress Has Grown**

Comparing the first Congress (1789–1791) to the 118th Congress (2023–2025) highlights just how dramatically the institution has expanded to match the growth of the country it represents (see Table 2.3).

**Table 2.3 ■ The First Congress (1789–1791) Versus the 118th (2021–2023) Congress**

Characteristic	First Congress (1789–1791)	118th Congress (2023–2025)
Population	3.9 million (including 694,000 enslaved people)	340 million
Number of legislators	59 representatives; 26 senators	435 voting representatives plus 6 nonvoting; 100 senators
Average House district size	30,000 people	764,000 people
Rules	No written rules of the House	48 pages of rules; 16 volumes of precedents
Number of congressional staffers	Fewer than 10	18,000

(Continued)

**Table 2.3 ■ The First Congress (1789–1791) Versus the 118th (2021–2023) Congress (Continued)**

Characteristic	First Congress (1789–1791)	118th Congress (2023–2025)
Committees	1 standing committee (Committee on Elections)	21 standing House committees, 16 Senate, plus 13 special/select committees, more than 175 congressional subcommittees
Executive branch	3 executive departments (War, Treasury, Foreign Affairs)	15 executive departments; 441 federal agencies
Federal budget	\$2,154,344.20 appropriated (\$77.2 million in 2025 dollars)	\$6.011 trillion appropriated
Federal debt	\$54 million in federal government debt (\$1.9 trillion in 2025 dollars)	\$36 trillion in federal government debt
Number of bills introduced	143 bills introduced in House; 24 in Senate	12,000 bills introduced in House; 6,339 in Senate
Leadership structure	Minimal formal leadership structure; did elect Speaker Frederick Muhlenberg (PA)	Established leadership structure
Compensation	\$6/day compensation plus travel expenses for members	\$174,000 salary for members; \$193,400 Senate pro tempore; \$223,5000 Speaker of the House
Descriptive representation	Zero women or non-White members	146 women members, 59 Black, 46 Latino, 17 Asian Americans (including Pacific Islander), 6 Native Americans

Sources: “Federal Register,” National Archives, <https://www.federalregister.gov/agencies>; “Action on Legislation,” Congress.gov, <https://www.congress.gov/bills-with-chamber-action/browse-by-date#totals>; Biographical Directory of the U.S. Congress, <https://bioguide.congress.gov/>

## Today's Professional Congress

The professionalization of Congress has transformed it from a short-term civic duty into a long-term career. In its early years, serving in Congress was temporary and challenging. Sessions were part-time, and Washington, DC, was underdeveloped, forcing

members to stay in modest boarding houses while the Capitol was still being built. Long absences from family, weeks of uncomfortable travel, and low pay—just \$6 per day plus travel—meant most members had other jobs to support themselves. This led to high turnover; average tenures were under four years for House members and less than five years for senators during the first ninety years of Congress.<sup>15</sup>

By the 1880s, Congress had evolved into a more attractive career. Washington had developed into a thriving cultural and political center, and the growing federal government gave lawmakers more influence. Political parties helped secure reelection for loyal members, and longer tenures led to rewards such as committee leaderships and increased seniority. For example, in the early 1800s influential figures like Henry Clay gained significant power and notoriety through extended service.

Today, Congress is a full-time job, with members earning \$174,000 annually. To help, representatives and senators are supported by thousands of professional staffers to draft legislation, conduct research, and manage constituent communications. Modern lawmakers now field constituent calls—and emails and tweets—on pressing policy issues and for assistance with Social Security benefits and veteran's benefits. Political parties provide extensive support, including fundraising and campaign strategy, ensuring members can focus on legislative work and reelection. These changes have resulted in longer tenures; by the 118th Congress (2023–2025), House members averaged 8.5 years in service, while senators averaged 11.2 years.<sup>16</sup>

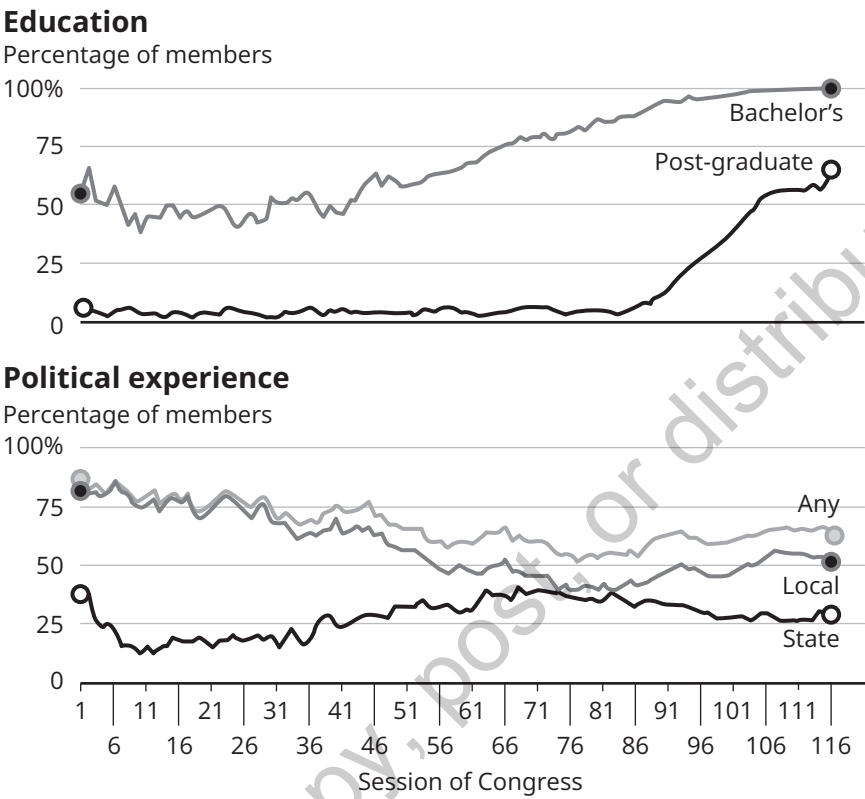
## Diverse Representation in Congress

Congress has also become more demographically diverse, reflecting broader changes in society. Recent Congresses, such as the 116th and 117th, set records for diversity. These included higher numbers of women and lawmakers from Hispanic, Black, Asian American, and Native American backgrounds. Notable firsts include Alexandria Ocasio-Cortez, the youngest woman ever elected, and Ilhan Omar and Rashida Tlaib, the first Muslim women in Congress. Members also come from increasingly varied professional backgrounds, contributing to a wider range of perspectives.

Education levels have risen significantly (see Figure 2.2). In the 117th Congress, more than 95 percent of members held bachelor's degrees, and more than 70 percent had postgraduate education—compared to fewer than 20 percent with graduate degrees before the late 1950s. Law degrees remain the most common, but members with backgrounds in fields like public health and technology are also represented, exemplified by individuals such as Rep. Lauren Underwood (D-IL), a registered nurse, who brings firsthand experience on healthcare policy to the halls of Congress.

Interestingly, there has been an inverse trend in members' prior state or local government experience. In earlier Congresses, more than 75 percent of members had previous government roles. However, these levels have declined, particularly in local positions, with just over 60 percent of the 116th Congress having prior government experience. The freshman class sworn in January 3, 2019 illustrated this trend well: It was the most

**Figure 2.2 ■ Educational and Political Experience in the House (1789–2021)**



Sources: Author data; Biographical Directory of the U.S. Congress, <https://bioguide.congress.gov/>.

educated yet the least politically experienced class ever elected.<sup>17</sup> Although Congress has historically been wealthier, older, and Whiter than the general population, its membership is gradually becoming more reflective of the constituents lawmakers represent.

## Pivotal Players: House and Senate Leadership

A key feature of today’s professionalized Congress is the significant role of party leaders in both chambers. These leaders set legislative agendas, negotiate with the president, advocate for their party’s policies, and organize and maintain order in the House and Senate. Party leaders wield both hard and soft powers to shape the legislative process, maintain party discipline, and advance their party’s legislative and political agendas.



The House leadership includes the Speaker of the House, majority and minority leaders, and a whip system for each party. The Speaker holds considerable power through their control over which bills come to the floor and their ability to guide legislative strategy.

In the Senate, the leadership structure mirrors that of the House, with majority and minority leaders and whips. However, the Senate majority leader does not have the same unilateral power as the Speaker does. The Senate's rules, which emphasize individual senator rights and extended debate, limit the majority leader's control and require more negotiation and consensus-building to advance legislation. Although not a formal officer of Congress, the vice president of the United States serves as the president of the Senate. In this largely ceremonial role, the vice president presides over the chamber and casts tie-breaking votes when the Senate is deadlocked.

These party leaders are essential for maintaining unity and discipline within their parties, especially in today's polarized environment where legislative victories often depend on cohesive party strategy.

## Speaker of the House

The **Speaker of the House** is tasked with promoting and steering their party's legislative agenda in the House of Representatives. Though the power of the office has varied over time—from minimal authority in early congresses to being dubbed the “Czar” for their strong control by the twentieth century—today's Speaker is one of the most powerful and visible figures in government.<sup>18</sup> Currently, the Office of the Speaker holds a range of institutional and informal powers that centralize leadership in the House.

The Speaker is one of only two congressional roles explicitly mentioned in the Constitution. Although the document does not require the Speaker to be an elected House member, every Speaker to date has been. Speakers are (almost always) elected on the first day of each new Congress and are the only leader chosen by a full House vote, usually along party lines favoring the majority party's nominee. The Speaker is also second in the presidential line of succession, after the vice president. In Congress's history, only one woman, Nancy Pelosi, has served as Speaker, and no non-White member has held the position. Pelosi's leadership was notable for her role in passing major legislation like the Affordable Care Act and the Inflation Reduction Act as well as her firm control over House proceedings and the House Democratic caucus.

### Member Spotlight: Representative Mike Johnson (R-LA)

In January 2023, Kevin McCarthy's (R-CA) election as Speaker of the House was notably atypical. Despite the Republican Party holding a majority, McCarthy faced significant opposition from within his own ranks, leading to a protracted process that required fifteen ballots over four days—the most since 1860. To secure the necessary votes, he made substantial concessions to hardline members, including

changes to House rules that weakened the Speaker's authority and empowered individual representatives.

In October 2023, McCarthy was removed from his position following a motion to vacate initiated by Rep. Matt Gaetz (R-FL), marking the first successful ouster of a sitting Speaker in U.S. history. This unprecedented event led to a protracted and contentious selection process for his successor. After multiple rounds of voting and several candidates failing to secure sufficient support, Rep. Mike Johnson (R-LA) was finally successful in securing the votes of a majority of House Republicans.

As a member of House leadership (vice chair of the Republican caucus), he appealed to establishment Republicans and McCarthy allies. As a representative from Louisiana, he appealed to the strong Southern Republican contingency. But perhaps most important, he was viewed as a staunch conservative and ally of former President Donald Trump. These institutional, descriptive, and ideological factors formed a winning coalition. Johnson was elected as the new Speaker of the House on October 25, 2023 and was reelected at the start of the 119th Congress in 2025.

Once elected, the Speaker holds three roles: representative of their district, House officer, and party leader. As a representative, the Speaker has the same legislative rights as other members and must maintain voter support to stay in office. The prestige and power of the position come from the Speaker's responsibilities as House officer and party leader, which include setting legislative priorities, overseeing House proceedings, and uniting party members (see Table 2.4). This role has been exemplified by recent Speakers who managed critical legislative challenges, such as bipartisan infrastructure bills and responses to national crises.

As the primary officer of the House, the Speaker has many formal administrative powers over the chamber and its operations. The Speaker approves the previous day's *Journal* of business and is responsible for maintaining order and decorum within the chamber. Additionally, the Speaker administers the oath of office to new members of both parties, is the addressed recipient for official communications from the president and the Senate, and has final say over the use of all rooms on the House side of the Capitol.

The Speaker also has great authority to affect nearly all phases of the legislative process. The Speaker decides all points of order, helps set the calendar for when the House is in session, and is responsible for referring introduced bills to congressional committees for further consideration. Most important, the Speaker has broad discretion over whether and when to recognize members who wish to speak. Through this power to recognize, the Speaker maintains power over the House's agenda. That is, it is effectively up to the Speaker to decide what motions the House will consider and when the body will consider them on the House floor.

**Table 2.4 ■ Powers of the Speaker of the House**

House Officer	Party Leader
<ul style="list-style-type: none"> <li>• Administer oath of office to new members</li> <li>• Call House to order</li> <li>• Recognize members who wish to speak or make a motion</li> <li>• Preserve order and decorum in chamber and galleries</li> <li>• Refer bills and resolutions to congressional committees</li> <li>• Present pending business to House for voting</li> <li>• Decide points of order</li> <li>• Count and determine a quorum or absence of a quorum</li> <li>• Appoint Speaker pro tempore</li> <li>• Examine and approve previous day's <i>Journal</i></li> <li>• Appoint members to select and conference committees</li> <li>• Sign all acts, writs, warrants, subpoenas, and joint resolutions</li> <li>• Authority over House side of the capitol, including Statuary Hall</li> <li>• Receive communications from the president and government agencies</li> <li>• Administer system for audio and video broadcasting</li> </ul>	<ul style="list-style-type: none"> <li>• Act as main spokesperson for the party and its legislative agenda/ accomplishments</li> <li>• Heavy influence over committee assignments of members</li> <li>• Choose membership of House Rules Committee and House Administration Committee</li> <li>• Serve as member on Democratic/ Republican Congressional Campaign Committee</li> <li>• Assist members seeking reelection through party fundraising and legislative opportunities</li> <li>• Schedule when and how votes occur on House floor through Rules Committee</li> <li>• Recommend all members to joint, select, and ad hoc committees</li> <li>• Appoint members to conference committees</li> <li>• Approve congressional delegations for foreign trips (Codels)</li> <li>• Lead negotiator with Senate and President</li> </ul>

As the leader of their political party, the Speaker works to promote a legislative agenda that will maintain or expand their party's majority in the next election cycle. The Speaker's responsibilities as House officer often intersect with their goals as party leader. Using their powers of scheduling, recognition, and agenda-setting, the Speaker advances policies favored by the majority, particularly when the House, Senate, and White House are all controlled by the same party. During divided government, the Speaker's role shifts to highlighting clear policy contrasts with the opposition. As the majority party's leader, the Speaker holds significant influence over committee assignments and often acts as the chair of the party's steering committee. This includes appointing members to crucial joint, select, and conference

committees, as well as the powerful House Committee on Rules, which dictates how bills are debated and amended on the floor.

The Speaker is also a spokesperson for their party outside the House. They promote the party's legislative achievements and goals through media appearances and public outreach, and they play a strategic role in party campaign efforts, deciding which members receive financial and logistical support for reelection, including access to campaign funds and professional resources.

By leveraging formal powers and political skills, the modern Speaker aims to strengthen the party's position in Congress, maximize members' reelection prospects, and push forward the legislative priorities of their caucus.



House Minority Leader Hakeem Jeffries (D-NY; left) shakes hands with Speaker of the House Mike Johnson (R-LA; right) at the opening of the 119th Congress in January, 2025.

Aaron Schwartz/CNP/MediaPunch/Alamy Stock Photo

## House and Senate Majority Leaders

The **House majority leader** works directly under the Speaker of the House as the party's chief legislative strategist. In this role, the majority leader connects the Speaker, whips, committee chairs, and member caucuses to shape and advance the party's legislative platform. This leader manages daily floor activity, promotes the party's agenda, and acts as a public spokesperson for party strategies. The House majority leader is also a prominent party fundraiser, leveraging their visibility to support campaign efforts. Recent majority leaders, like Steny Hoyer and Steve Scalise, have exemplified this by coordinating party messaging and legislative strategies.

The second of the two congressional positions mentioned in the Constitution—the Senate **president pro tempore**—is mostly ceremonial today. The president pro tempore, third in the presidential line of succession, is traditionally the

longest-serving senator of the majority party and presides over the Senate in the absence of the vice president.

The true power in the Senate lies with the **Senate majority leader**, who, like the Speaker, aims to maintain and expand their party's majority through legislative action and strategic messaging. The majority leader sets the legislative agenda, negotiates with the president and House Speaker, and influences committee assignments. Most important, the Senate majority leader enjoys much authority over scheduling the Senate's legislative agenda because of the 1937 Senate precedent that the majority leader has the right of first recognition on the Senate floor. In practice, this means that the Senate majority leader will always be recognized first when wishing to speak, which allows the majority leader to effectively control the flow of the chamber's operations.

However, the Senate majority leader cannot act as unilaterally as the Speaker can, due to the chamber's rules and individual senator rights. The leader must rely on cooperation with the Senate minority leader to schedule legislation. Navigating around the filibuster also requires constant negotiation to build bipartisan support, a significant challenge in today's polarized Congress. This reliance on consensus explains why Senate leaders often need extensive knowledge of Senate rules and coalition-building skills to pass significant legislation. We'll return to this topic in greater detail in Chapter 7.

## House and Senate Minority Leaders

The minority party in each chamber elects minority leaders every two years to represent the opposition and act as floor leaders. Their duties are similar to those of the majority leaders: they oversee floor proceedings, track legislative proposals, consult with members to gauge policy preferences, and serve as primary spokespersons, often countering the majority's agenda. In the House, minority leaders face significant challenges due to their limited leverage over the legislative schedule, making them more reactive than proactive.

In the Senate, minority leaders play a crucial role in negotiating legislative actions, particularly given the chamber's rules that rely on bipartisan support (or supermajorities) to proceed with legislation. Senator Mitch McConnell, during his tenure as both majority and minority leader, exemplified this by skillfully using Senate rules to block or delay the majority's legislative priorities. In a polarized era, minority leaders focus heavily on maintaining party unity to counter the majority's initiatives and present alternative policies to voters.

This reactive posture requires strategic messaging and coalition-building, especially during high-profile legislative battles. For instance, during debates on major issues like healthcare and debt ceiling negotiations, minority leaders have been pivotal in framing the opposition's stance and influencing public perception. Their role is essential for articulating the party's vision and rallying members to shape public debate and legislative outcomes, even though they have limited formal power.

## Party Whips

Party **whips** play a crucial role for both parties in the House and Senate. Elected by their peers each Congress, whips act as intermediaries between party leaders and rank-and-file members and serve as strategists for the party's legislative plans.<sup>19</sup> Their main function is to count and secure votes for party-backed measures. Supported by deputy whips and staff, they ensure accurate vote tallies before a bill reaches the floor. When additional support is needed, whips work to persuade members through negotiations, favor trading, or applying strategic pressure to secure a “yes” vote.

Whips lead a team that represents the geographic and ideological diversity within their caucus, providing leaders with up-to-date insights on member opinions and potential votes. In return, they inform party members about leadership positions, legislative schedules, and updates on negotiations with the White House or the other chamber. Maintaining trust within their party is vital, so successful whips are accessible to members at all levels, from seasoned legislators to new representatives.

Accurate vote counts also enable whips to release vulnerable members from difficult votes. Once enough support for a bill is secured, whips can allow members from competitive districts or those with personal concerns to vote against the party line without jeopardizing the outcome. This practice is especially valuable for members in swing districts, like those in states such as Pennsylvania or Arizona, where reelection can hinge on nuanced voting records.

Whips also play a key role in drafting policies. Before a bill is introduced—particularly on controversial issues—leaders and committee chairs depend on whips to gauge which provisions have broad support within the party and which do not. This “whipping to write” process, as described by a House leadership aide to political scientist James Curry, involves collecting feedback to shape legislation that aligns with the caucus's preferences. For example, in recent debates on healthcare reform, whips gathered input to identify provisions that would unify party members and ensure the bill had enough votes to pass.<sup>20</sup>

## Committee Chairs

Each committee in the House and Senate is led by a **committee chair**, a senior member of the majority party who functions like the Speaker of the House for their specific committee. Chairs hold significant power on Capitol Hill both within and outside their committees. They set their committee's agenda, schedule hearings, preside over meetings, and lead markups where legislation is amended. They also manage committee staff and coordinate with party leaders on legislative strategies. Their leadership is vital for moving bills through committee and onto the chamber floor, where they act as floor managers for committee-sponsored legislation.

Chairs are seen as policy experts and have been influential in shaping major legislative efforts. These leaders guide discussions, set priorities that align with their party's goals, and provide direction and expertise on complex issues.

The **ranking member**, the minority party's leader in each committee, acts as a counterbalance to the chair. Without control over the agenda, ranking members focus on presenting alternative policies, leading the minority response, and strategizing to challenge or slow the majority's actions. They often serve as floor managers for committee-related debates and oversee the minority's committee staff. For example, in high-stakes legislative sessions, ranking members like Rep. Jamie Raskin (D-MD) on the House Judiciary Committee have used their positions to spotlight the minority party's views and build public support for their alternatives.

## Conclusion

During the Constitutional Convention of 1787, delegates worked to replace the weak Articles of Confederation, agreeing that Congress should be the first branch of the new federal government. After months of debate, the framers drafted a Constitution that established a basic government framework and outlined the powers and limits of the new national Congress. They decided on a bicameral legislature: a larger chamber, the House of Representatives, designed to be closely connected to the public, and a smaller, more deliberative Senate meant to temper immediate political pressures. However, the framers intentionally left many procedural details for future lawmakers to shape.

As intended, the House and Senate have operated as distinct bodies, largely due to differences in size and constituencies. The House functions as a majoritarian institution, where rules favor the majority party's agenda. For example, in recent years, Speaker Nancy Pelosi effectively used House rules to advance major legislative priorities, such as COVID-19 relief bills. The Senate, by contrast, is a supermajoritarian body that empowers individual senators through tools like the filibuster, which slows legislative action and encourages compromise. The use of the filibuster was seen during debates over voting rights legislation in 2022, where the sixty-vote threshold stalled majority efforts.

Over the decades, as the U.S. population grew and technological and economic shifts occurred, Congress's workload and constituent demands surged. These developments required Congress to adapt, becoming a more institutionalized and professionalized body. Both chambers now operate with detailed rules and precedents, established norms, a complex committee system, and a strong leadership structure. This evolution supports Congress in handling an ever-expanding legislative agenda, from addressing cybersecurity to climate change.

Serving in Congress, once a temporary civic duty, has become a sought-after career. Members now represent a more diverse range of backgrounds than ever before. The 118th Congress, for example, is the most diverse in history, including a record number of women, people of color, and individuals from varied professional paths. These changes reflect Congress's adaptation to modern demands, allowing it to better represent and respond to a complex and evolving nation.



## Key Terms

advice and consent

apportionment

bicameral legislature

commerce clause

committee chair

direct elections

enumerated powers

federalism

House majority leader

institutionalization

majoritarian

nationalization

necessary and proper clause

power of the purse

president pro tempore

ranking member

revenue bills

Senate majority leader

Speaker of the House

supermajoritarian

Whips

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