

CHAPTER 10

Congress

Essential Question

Whose views should members of Congress represent when voting?

Section 1:

The National Legislature

Section 2:

The House of Representatives

Section 3:

The Senate

Section 4:

The Members of Congress



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- Audio Review
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267

Lesson Goals

SECTION 1

Students will . . .

- explain the structure of Congress and describe the controversy over the equity of the distribution of seats through a class discussion.
- predict the benefits and drawbacks of a bicameral Congress by drawing comparisons between a National Government and a school government.

SECTION 2

Students will . . .

- identify the States with the most and fewest representatives in the House and review the challenges the Framers faced in creating a functioning government.
- describe the House of Representatives.
- analyze the qualifications for members of the House through brainstorming and class discussion.
- identify the reasons for and results of gerrymandering by simulating the process of drawing district lines.

SECTION 3

Students will . . .

- use a Venn diagram to compare the job and qualifications of senators and members of the House.
- assess the characteristics and qualifications of senators through four real-life examples.

SECTION 4

Students will . . .

- address the composition of Congress by describing an “average” member and discussing ways the composition might be altered to reflect the population.
- identify and analyze the formal and informal qualifications for members of Congress by writing help-wanted ads.

DIFFERENTIATED INSTRUCTION KEY

Look for these symbols to help you adjust steps in each lesson to meet your students’ needs.

L1 Special Needs

L2 Basic

ELL English Language Learners

LPR Less Proficient Readers

L3 All Students

L4 Advanced Students

Pressed for Time

To cover this chapter quickly, review the Section 1 Reading Comprehension Worksheet, questions 1 through 6. Then have students complete the Section 4 Core Worksheet, writing “help-wanted” ads for senators and members of the House. Explain reapportionment and the reasons for gerrymandering. Have students study “Gerrymandering: Choosing Their Voters” in Section 2. Finish by reviewing “How Should Members of Congress Vote?” in Section 4 and asking students to write a paragraph explaining how they think Senator Jones should vote on the bill.

GUIDING QUESTION

Why does the Constitution establish a bicameral legislature?

Reason	Summary
Historical	Americans familiar with bicameral British Parliament
Practical	compromise between Virginia and New Jersey Plans
Theoretical	each house can check power of the other; prevents Congress from overpowering other branches

Get Started

LESSON GOALS

Students will . . .

- explain the structure of Congress and describe the controversy over the equity of the distribution of seats through a class discussion.
- predict the benefits and drawbacks of a bicameral Congress by drawing comparisons between a National Government and a school government.

BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 3 All-in-One, p. 13) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 3 All-in-One, p. 14)

BELLRINGER

Display Transparency 10A, Representation in Congress, and have students answer these questions in their notebook: **Is the distribution of senators fair? Why or why not?**

SKILLS DEVELOPMENT

DRAW INFERENCES AND CONCLUSIONS

Before students work on this section's Core Worksheet, you may want to review the information on drawing inferences and conclusions in the Skills Handbook, p. S19.

SECTION 1

The National Legislature



Guiding Question

Why does the Constitution establish a bicameral legislature?

Use a table to take notes on the reasons for a bicameral legislature.

Reason	Summary
Historical	
Practical	
Theoretical	

Political Dictionary

- bicameral
- term
- session
- convene
- adjourn
- recess
- prorogue
- special session

Objectives

1. Explain why the Constitution provides for a bicameral Congress.
2. Explain the difference between a term and a session of Congress.
3. Describe a situation in which the President may convene or end a session of Congress.

Image Above: Senators Arlen Specter (R., Penn.) and Patrick Leahy (D., Vt.)

You live in a democracy, and you know that in a democracy the people rule. But what does that really mean? You are one of “the people,” but you do not rule, at least not in the literal, hands-on sense. You do not make laws, collect taxes, arrest criminals, or decide court cases.

You do not do those or all of the many other things that government does because you live in a representative democracy. Here, it is the representatives of the people who do the day-to-day, hands-on work of government.

Congress stands as a prime example of that point. It is the nation's lawmaking body, the legislative branch of its National Government. It is charged with the most basic of governmental functions in a democratic society: Translating the public will into public policy in the form of law.

Yet Congress has never been very widely admired by the American people. Mark Twain amused his audiences with comments like, “Suppose you were an idiot. And suppose you were a member of Congress. But I repeat myself.” Television personalities such as Jay Leno or Jon Stewart often make similar comments.

Still, despite those belittlings, Congress is immensely important in the American scheme of democratic government. James Madison called Congress “the first branch” of the National Government. Just how profoundly important he and the other Framers thought Congress to be is indicated by this fact: The very first and longest of the articles of the Constitution is devoted to it.

FROM THE CONSTITUTION

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.

—Article I, Section 1

A Bicameral Congress

Immediately, the Constitution establishes a **bicameral** legislature—that is, a legislature made up of two houses. It does so for historical, practical, and theoretical reasons.

Focus on the Basics

Here is the information that your students need to learn in this section.

FACTS: • Congress is bicameral. • In the House of Representatives, States are represented according to population. • Each State has two senators. • Congress meets for two-year terms, divided into two one-year sessions.

CONCEPTS: separation of powers, checks and balances, federalism

ENDURING UNDERSTANDINGS: • The Constitution provides for a bicameral Congress for historical, practical, and theoretical reasons. • The bicameral structure of Congress is a compromise between two models of representation that the Framers developed to accommodate the needs of both large and small states.

Historical The British Parliament had consisted of two houses since the 1300s. The Framers and most other Americans knew the British system of bicameralism quite well. Most of the colonial assemblies and, in 1787, all but two of the new State legislatures were also bicameral. Among the original thirteen colonies, only Georgia and Pennsylvania had unicameral colonial and then State legislatures. Georgia's legislature became bicameral in 1789 and Pennsylvania's in 1790. (Only one State, Nebraska, has a unicameral legislature today.)

Practical The Framers had to create a two-chambered body to settle the conflict between the Virginia and the New Jersey Plans at Philadelphia in 1787. Recall, the most **populous** States wanted to distribute the seats in Congress in proportion to the population of each State, while the smaller States demanded an equal voice in Congress.

Bicameralism is a reflection of federalism. Each of the States is equally represented in the Senate and each is represented in line with its population in the House.

Theoretical The Framers favored a bicameral Congress in order that one house might act as a check on the other.

A leading constitutional historian recounts a conversation between Thomas Jefferson and George Washington at Mount Vernon. Jefferson, who had just returned from France, told Washington that he was opposed to a two-chambered legislature. As he made his point, he poured his coffee into his saucer, and Washington asked him why he did so. "To cool it," replied Jefferson. "Even so," said Washington, "we pour legislation into the senatorial saucer to cool it."¹

The Framers were generally convinced that Congress would dominate the new National Government. As Madison observed,

Primary Source
In a republican government, the legislative authority necessarily predominates. The remedy for this inconviency is to divide the legislature into different branches.

—The Federalist No. 51

¹ Max Farrand, *The Framing of the Constitution* (1913).

Checkpoint
 What practical problem did the Framers solve by creating a bicameral legislature?

populous
 adj. with many people

predominates
 v. holds controlling power or influence

Teach

To present this topic using online resources, use the lesson presentations at **PearsonSuccessNet.com**.

INTRODUCE THE TOPIC

Tell students that today they will discuss the structure of Congress and the reasons for it. Tell them that Congress is bicameral and ask what that means. (*It is made up of two legislative chambers or houses: the Senate and the House of Representatives.*)

L2 ELL Differentiate Write the word bicameral on the board and break it down into parts. *Bi-* means two and *camera* is the Latin word for chamber, or room. Explain that *bicameral* is a political word that refers to governments with two legislative chambers.

REVIEW THE STRUCTURE OF THE HOUSES

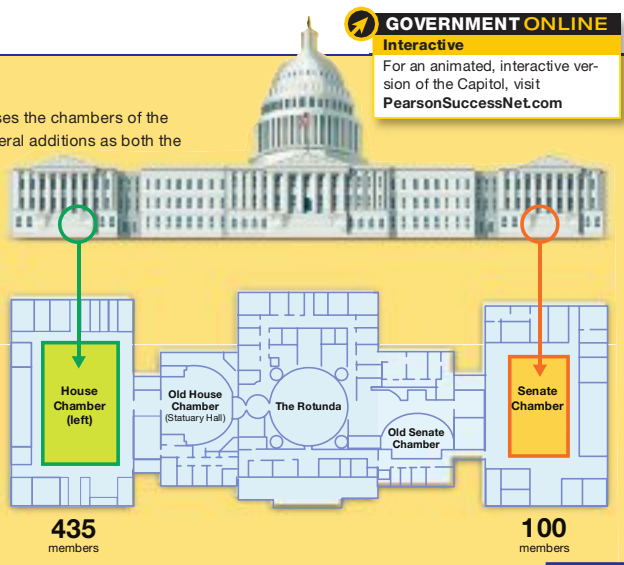
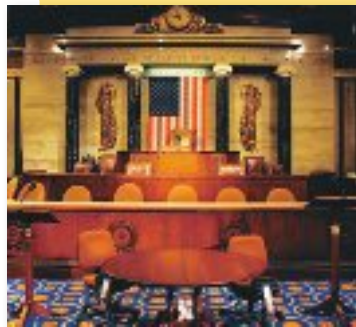
Review representation in Congress: two senators per State, representatives allotted according to population. Ask students to explain why Congress is set up this way (*for historical, practical, and theoretical reasons*).

You may also discuss what the author means when he says, "Remember, had the States not been equally represented in the Senate, there might never have been a Constitution." (*The large States would not have agreed to a Congress with equal representation, while the small States would not have agreed to a Congress with representation based on population.*) Review responses to the Bellringer questions.

L2 Differentiate Model note-taking skills by drawing a chart like the one shown on the previous page. Record notes on the board, asking students where on the chart their responses should be written.

The Capitol

Congress meets in the Capitol, which houses the chambers of the bicameral Congress. It has undergone several additions as both the nation and Congress have grown. **Why do the two houses meet in the same building?**

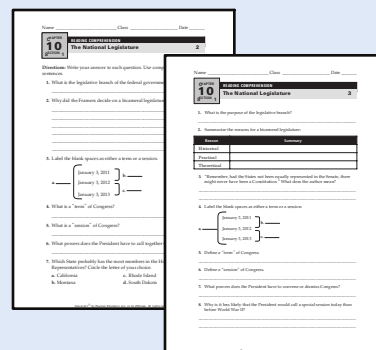


Chapter 10 • Section 1 269

Differentiated Resources

The following resources are located in the All-in-One, Unit 3, Chapter 10, Section 1:

- L2** Prereading and Vocabulary Worksheet (p. 3)
- L3** Reading Comprehension Worksheet (p. 13)
- L2** Reading Comprehension Worksheet (p. 14)
- L3** Core Worksheet (p. 15)
- L2** Extend Activity (p. 16)
- L3** Quiz A (p. 17)
- L2** Quiz B (p. 18)



Answers

Checkpoint It solved the conflict between large- and small-population States over how to distribute the seats in Congress.

The Capitol The houses are two parts of one National Government. Therefore, the two chambers must reside close together so that members can work together.

DISTRIBUTE CORE WORKSHEET

Distribute the Chapter 10 Section 1 Core Worksheet (Unit 3 All-in-One, p. 15). Explain that students will predict the benefits and drawbacks of a bicameral system by using school government as an example. Ask a student to read the introductory paragraph on the worksheet aloud.

L3 Differentiate If time is short, have half the class do benefits and half do drawbacks. Then have them explain their answers to the other half of the class.

L1 L2 ELL Differentiate Clarify the meaning of *benefits* (advantages) and of *drawbacks* (disadvantages).

Name _____ Class _____ Date _____

CHAPTER 10 CORE WORKSHEET
SECTION 1 The National Legislature 3

Benefits and Drawbacks of a Bicameral Legislature

Imagine that your school is forming a Student Activities Council that will act as a governing body for all school-related activities except academic classes. The council would make decisions about rules for participation, division and use of facilities for practice or meetings, and allocation of money to each activity. There are three options for the structure:

- a unicameral (single-house) council with representation based on the number of participants. This plan would include one representative per ten students who are members of a club or sports team, or who participate in the activity. Therefore, a club with 30 students would elect three representatives, while a club with 12 students would elect one. Every club would elect at least one representative.
- a unicameral council with two representatives from each activity, regardless of the number of participants.
- a bicameral council with two houses. The upper house would reflect option B, with two representatives from each activity. The lower house would reflect option A, with representation based on numbers of participants.

Consider the following questions:

- Whose interests should the elected students represent: those of their group or the whole school?
- If one group is much larger than the others, do they have too much power in the lower house or too little in the upper house, or is the balance fair?
- Which house better represents the voice of the student body?
- How does this structure affect the government's ability to get things done? Is it better when more people must agree?

Benefits of Representation Based on Membership (Option A)	Benefits of Equal Representation (Option B)	Drawbacks of Representation Based on Membership (Option A)	Drawbacks of Equal Representation (Option B)

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REVIEW WORKSHEET AND DRAW PARALLELS

After students complete their charts, draw a chart on the board. Ask students to share their predictions and discuss. Ask students to draw parallels between the theoretical school government and Congress. They are:

School = nation

Team or club = State

Upper house = Senate

Lower house = House of Representatives

REVIEW FACTS

Review the answers to the Reading Comprehension Worksheet (Unit 3 All-in-One, p. 13). Emphasize questions 2, 4, and 7.

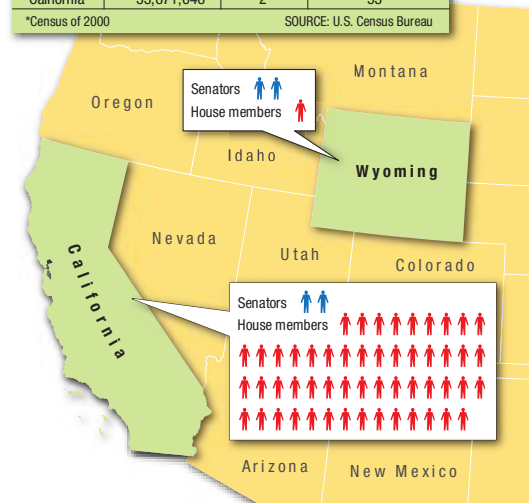
Answers

Interpreting Maps California has a much larger population than Wyoming, yet both States have two members in the Senate. This system prevents large States like California from dominating small States in the Senate's decision making.

Representation in Congress

State	Population*	Senators	House Members
Wyoming	493,782	2	1
California	33,871,648	2	53

*Census of 2000 SOURCE: U.S. Census Bureau



► **Interpreting Maps** California and Wyoming each elect two senators, despite a huge difference in their populations. **How does the distribution of Senate seats among the States illustrate the principle of federalism?**

diffuse
v. to spread out

The Framers saw bicameralism as a way to **diffuse** the power of Congress and so prevent it from overwhelming the other two branches of government.

For more than 200 years now, some people have argued that equal representation of the States in the Senate is undemocratic and should be eliminated.² They often point to the two extremes to make their case. The State with the least population, Wyoming, has only some 500,000 residents. The most populous State, California, now has a population of more than 37 million. Yet each of these States has two senators.

Those who object to State equality in the Senate ignore a vital fact. The Senate was purposely created as a body in which the States

² There is not the remotest chance that that would ever be done. Recall, the Constitution provides in Article V that "no State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

would be represented as coequal members and partners in the Union. Remember, had the States not been represented equally in the Senate, there might never have been a Constitution.

Terms and Sessions

It is said that a woman, censured at something her senator had done, said to him, "You know, the 535 of you people in Congress meet every two years. Well, Senator, there are some of us who think that it would be much better if just two of you met every 535 years."

Whether that story is true or not, that woman's advice has never been followed. Ever since 1789, Congress has met for two-year terms.

Terms of Congress Each **term** of Congress lasts for two years, and each of those two-year terms is numbered consecutively.³ Congress began its first term on March 4, 1789. That term ended two years later, on March 3, 1791.

The date for the start of each new term was changed by the 20th Amendment in 1933. In an earlier era, the several months from election to March 4 allowed for delays in communicating election results, and it gave newly chosen lawmakers time to arrange their affairs and travel to Washington. The March date gave Congress less time to accomplish its work each year, however, and by the 1930s travel and communications were no longer an issue. The start of each new two-year term is now "noon of the 3d day of January" of every odd-numbered year. So the scheduled term of the 111th Congress runs for two years—from noon on January 3, 2009, to noon on January 3, 2011.

Sessions A **session** of Congress is that period of time during which, each year, Congress assembles and conducts business. There are two sessions to each term of Congress—one session each year. The Constitution provides the following:

³ Article I, Section 2, Clause 1 dictates the two-year term by providing that members of the House "shall be . . . chosen every second Year."

Background

SPECIAL SESSIONS Display and discuss Transparency 10B, Special Congressional Session. When President Franklin D. Roosevelt took office in March 1933, the nation was in the Great Depression. Millions of Americans were out of work. The banking system had collapsed. Roosevelt did not wait until Congress went into regular session in December. He immediately called a special session to address the economic crisis, and Congress passed a remarkable range of important legislation. The Depression, however, was not the only crisis Roosevelt faced. In the late 1930s, German aggression was pushing Europe toward war. The American policy was to remain neutral. In 1939, after Germany invaded Poland, Roosevelt called a special session and asked Congress to lift the ban on the sale of arms. The resulting "cash-and-carry" law enabled the U.S. to supply arms to the Allies without formally declaring war.

FROM THE CONSTITUTION

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

—20th Amendment, Section 2

In fact, Congress often does “appoint a different day.” The second session of each two-year term frequently **convenes** (begins) a few days or even a few weeks after the third of January.

Congress **adjourns**, or suspends until its next session, each regular session as it sees fit. Until World War II, the nation’s lawmakers typically met for four or five months each year. Today, the many pressing issues facing Congress force it to remain in session through most of each year. Both houses do **recess** for several short periods during a session. That is, they temporarily suspend business.

Neither house may adjourn *sine die* (finally, ending a session) without the other’s consent. The Constitution provides that

FROM THE CONSTITUTION

Neither House . . . shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

—Article I, Section 5, Clause 4

Article II, Section 3 of the Constitution does give the President the power to **prorogue** (end, discontinue) a session, but only when the two houses cannot agree on a date for adjournment. No President has ever had to use that power.

Special Sessions Only the President may call Congress into **special session**—a meeting to deal with some emergency situation.⁴ Only 27 of these special joint sessions of Congress have ever been held. President Harry Truman called the most recent one in 1948, to consider anti-inflation and welfare measures in the aftermath of World War II.

Note that the President can call Congress or either of its houses into a special session. The Senate has been called alone on 46 occasions, to consider treaties or presidential appointments, but not since 1933. The House has never been called alone.

Of course, the fact that Congress now meets nearly year-round reduces the likelihood of special sessions. That fact also lessens the importance of the President’s power to call one. Still, as Congress nears the end of a session, the President sometimes finds it useful to threaten a special session if the two chambers do not act on some measure high on the administration’s legislative **agenda**.

Checkpoint
How many sessions make up each congressional term?

agenda
n. list of things to be done

⁴ Article II, Section 3 says that the President “may, on extraordinary Occasions, convene both Houses, or either of them. . . .”

Essential Questions Journal To continue to build a response to the chapter Essential Question, go to your **Essential Questions Journal**.

SECTION 1 ASSESSMENT

1. **Guiding Question** Use your completed table to answer this question: Why does the Constitution establish a bicameral legislature?

Key Terms and Comprehension

- What is a **bicameral** legislature?
- What is the difference between a **term** and a **session** of Congress?
- How is a congressional **recess** different from an **adjournment**?

Critical Thinking

- Determine Cause and Effect** What might have happened if the Framers had created a legislature with only one house?
- Draw Inferences** Why is the President’s power to convene and dismiss Congress very limited?
- Make Comparisons** The Articles of Confederation provided for a Congress that met for one-year terms. Why do you suppose the Framers created a Congress that meets for two-year terms?

Quick Write

Expository Writing: Gather Information Do research to gather information about Britain’s two houses of Parliament. Include information about historical background, formal qualifications for office, salary and benefits of members, terms, and elections. Make a parallel list for the U.S. Congress. Continue to add information to your list as you read.

EXTEND THE LESSON

Ask students to make a fact sheet on the current term and session of Congress. They should include the names of their representatives and the dates for the start, end, adjournment, and recesses.

L2 L1 Differentiate For these students, distribute the Extend Activity “Write to Your Senator or Representative” (Unit 3 All-in-One, p. 16).

Assess and Remediate

L3 Collect the Core Worksheet and assess students’ work.

L3 Assign the Section 1 Assessment questions.

L3 Section Quiz A (Unit 3 All-in-One, p. 17)

L2 Section Quiz B (Unit 3 All-in-One, p. 18)

Have students complete the review activities in the digital lesson presentation and continue their work in the **Essential Questions Journal**.

REMIEDIATION

If Your Students Have Trouble With	Strategies For Remediation
Explaining reasons for bicameralism (Questions 1, 5)	Write the section graphic organizer on the board and have students explain it.
Understanding terms and sessions (Questions 2, 3, 4, 6, 7)	Have students make a timeline of the last session of Congress using the relevant Political Dictionary words.

Answer

Checkpoint two

Assessment Answers

- Historical:** familiarity with British Parliament, which was bicameral **Practical:** compromise between the Virginia and New Jersey Plans **Theoretical:** The Framers believed that bicameralism would enable each house of Congress to check the power of the other and would help to prevent Congress from overpowering the other branches of government.
- one that has two houses
- A *term* is the period from noon of January 3 of the year following a congressional election

(every odd-numbered year) to noon of January 3 after the next election. It lasts two years. A *session* is the period in a given year during which Congress is conducting business. Each term has two sessions, one each year of the term.

- recess:** a temporary break; **adjournment:** business is ended until the next session
- The large and small States might not have agreed to a National Government.
- Under a monarchy, the executive (king) was very powerful. The Framers chose to create a republic, in which the legislators, as the

people’s representatives, would hold greater power than the executive (President).

7. A good answer will include the possibility that experience had taught the Framers that a one-year term was too short to allow Congress to accomplish much, so they decided to lengthen it to two years.

QUICK WRITE Students’ lists should show evidence of thoughtful research and evaluation of information.

LESSON GOAL

- Students will identify an issue being debated by Congress in which they are interested and write a letter to one of their representatives in Congress.

Teach

READ

Have students read the introduction to Citizenship 101 aloud. If students have computer access, you may have them research bills on the current congressional calendars. Alternatively, students may read newspapers or watch the news to collect ideas about what issues Congress is currently debating.

BRAINSTORM

As a class, have students brainstorm a list of issues that affect them. Compare this with a list of bills that have recently or will soon be debated by Congress. If there is no bill that students feel strongly about, they could propose one. Read Step 1 aloud. Use the Internet or a local newspaper to identify the students' representatives in Congress, including both senators and representatives.

DRAFT AND WRITE LETTERS

In groups or on their own, have students follow the remaining steps to write a letter to a member of Congress. Work with individual students to address problems with their letters.

Assess and Remediate

Collect the students' letters and grade them. You may also wish to have them answer the What Do You Think questions at the bottom of the page.

Answers

1. Possible answers: Officials try to represent their constituents' views. Unless constituents write to them, officials may not know the views of the people in their districts.
2. A strong answer will explain that elected officials receive a lot of mail or that a short letter can be more effective than a long one.
3. A strong letter will address the correct recipient, clearly state the reasons for the letter, explain the writer's position on the issue, call for action, and use good grammar.

Writing a Letter to a Public Official

Terrorism, drunk driving, climate change, discrimination, immigration—Do you have a strong opinion about an issue that's being debated in Congress? A brief, well-written letter or e-mail is a very effective way to let your representative and senators know about it. Members of Congress pay attention to constituents who take the time to write to them.

Follow these simple steps when writing your letter:

1. Find out who represents you in Congress. If you don't know who your representative and senators are, look in your local newspaper, which may have a weekly record of how they voted on recent bills. You could also go to the Senate or House of Representatives Web site and type your zip code or State in the Search box. You can be sure you are using an official government Web site if the address ends in .gov. You can also use the blue (government) pages of your phone book to look up your members of Congress and their office addresses.

2. Organize your thoughts. Identify your issue clearly. Before you write, list the reasons you hold your opinion and arrange them in order of importance. Choose only the top two or three to include in your letter.

3. Clearly state what action you want your member of Congress to take. For example, you might say, "I am writing to urge you to vote for Senate Bill 244, the bill that will continue funding for Job Corps." If you don't know the number of a bill, identify it as closely as you can by name.

4. Explain your reasons. Tell your member of Congress why you think he or she should support your position. Be sure to include specific details and personal experiences that have led you to your position: "I dropped out of high

school in tenth grade and couldn't get a job. My cousin learned auto mechanics in Job Corps and ended up with a really good job, so I applied. Job Corps turned my life around. I earned my GED and trained as a computer technician. This year I'm working part time and going to college. I'm writing to you to say that this is a great program. Please vote for funding to make sure it will continue to help young people who want a chance to succeed."

5. Prepare your letter. Make sure to address your letter correctly. Include your full name, phone number, and mailing address on the letter or in the e-mail.

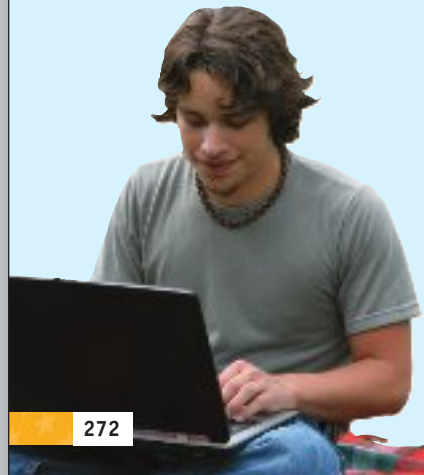
» What do you think?

1. Why might an elected official want to hear about your experiences?
2. Why might it be important to limit yourself to explaining only the top two or three reasons for the position you hold?
3. **You Try It** Follow the steps above to write a letter on an issue that is important to you.

GOVERNMENT ONLINE

Citizenship Activity Pack

For an activity to help you write a letter to a public official, go to PearsonSuccessNet.com



Citizenship Activity Pack

L1 L2 If your students need extra support, use the Citizenship Activity Pack lesson *How to Write a Letter to a Public Official*. It includes a lesson plan for you and four Mission Briefs for students, which provide a script and instructions for writing effective letters. The Template and Checklist for a Letter to a Public Official may be helpful for students who do not need the full support of the Mission Briefs. Students may also access the Citizenship Activity Pack online for activities on How to Write a Letter to a Public Official at PearsonSuccessNet.com.

SECTION 2

The House of Representatives



Guiding Question

How are the seats in the House distributed and what qualifications must members meet? Use a concept web to take notes on the House of Representatives.



Political Dictionary

- apportion
- reapportion
- off-year election
- single-member district
- at-large
- gerrymander
- incumbent

Objectives

1. Explain how House seats are distributed and describe the length of a term in the House.
2. Explain how House seats are reapportioned among the States after each census.
3. Describe a typical congressional election and congressional district.
4. Analyze the formal and informal qualifications for election to the House.

Image Above: Members of the media follow Rep. John Conyers (D., Mich.) (front right), the chairman of the House Judiciary Committee.

Every other autumn, hundreds of men and women seek election to the House of Representatives. Most of them try to attract supporters and win votes with posters, yard signs, billboards, flyers, buttons, and other eye-catching campaign materials. Nearly all make their “pitches” with radio and television spots, newspaper ads, and Web sites. In this section, you will discover the general shape of the office that all of those candidates so eagerly pursue.

Size and Terms

The exact size of the House of Representatives—today, 435 members—is not fixed by the Constitution. Rather, it is set by Congress. The Constitution provides that the total number of seats in the House of Representatives shall be **apportioned** (distributed) among the States on the basis of their respective populations.⁵ Each State is guaranteed at least one seat no matter what its population. Today, seven States have only one representative apiece: Alaska, Delaware, Montana, North Dakota, South Dakota, Vermont, and Wyoming.

Voters in the District of Columbia, Guam, the Virgin Islands, and American Samoa each elect a delegate to represent them in the House, and Puerto Rico chooses a resident commissioner. Those officials are not, however, full-fledged members of the House of Representatives and do not vote on bills.

Article I, Section 2, Clause 1 of the Constitution provides that “Representatives shall be . . . chosen every second Year”—that is, they are elected for two-year terms. This rather short term means that, for House members, the next election is always just around the corner. That fact tends to make them pay close attention to “the folks back home.”

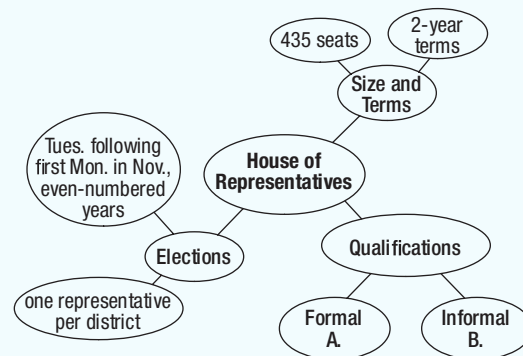
There is no constitutional limit on the number of terms any member of Congress may serve. A considerable effort was made in the 1990s to persuade Congress to offer a constitutional amendment to limit congressional terms. Most versions of such an amendment would have put a three- or four-term limit on service in the House and a two-term limit for the Senate.⁶

⁵ Article I, Section 2, Clause 3.

⁶ The States do not have the power to limit the number of terms their members of Congress may serve, *United States v. Thornton*, 1995.

GUIDING QUESTION

How are the seats in the House distributed and what qualifications must members meet?



- A.** age 25; citizen 7 years; inhabit State where elected
B. name familiarity; gender; ethnicity; experience; incumbency; fundraising ability

Get Started

LESSON GOALS

Students will . . .

- identify the States with the most and fewest representatives in the House and review the challenges the Framers faced in creating a functioning government.
- describe the House of Representatives.
- analyze the qualifications for members of the House through brainstorming and class discussion.
- identify the reasons for and results of gerrymandering by simulating the process of drawing district lines.

SKILLS DEVELOPMENT

GIVE A MULTIMEDIA PRESENTATION

To help students with the debates in this lesson, you may want to review the information on giving a multimedia demonstration in the Skills Handbook, p. S21.

Focus on the Basics

FACTS: • Members of the House represent districts of roughly equal population and serve two-year terms. • After each census, the 435 seats in the House are redistributed among the States to reflect changes in population. • Elections are held on the Tuesday following the first Monday in November of even-numbered years. • Members of the House must be at least 25 years old, must have been a U.S. citizen for at least seven years, and must live in the State he or she represents.

CONCEPTS: judicial review

ENDURING UNDERSTANDINGS: • Congressional districts can be gerrymandered to provide an advantage to the dominant party in a State’s legislature. • The right combination of formal and informal qualifications helps members of the House get elected.



Checkpoint
What problem did the House face after the census of 1920?

BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 3 All-in-One, p. 19) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 3 All-in-One, p. 20).

BELLRINGER

Display Transparency 10C, Congressional Apportionment 2003–2013, and distribute the Chapter 10 Section 2 Bellringer Worksheet (Unit 3 All-in-One, p. 21). Then have students answer the questions in their notebook.

L1 L2 Differentiate To find a percentage of the House, students should divide the number of representatives (for example, the total number from the four largest States) by 435 (the total number in the House), and then multiply by 100.

Teach

To present this topic using online resources, use the lesson presentations at PearsonSuccessNet.com.

INTRODUCE THE TOPIC

Answer the Bellringer questions on the board:

- The four States with the most representatives are California (53), Texas (32), New York (29), and Florida (25). These States represent about 32 percent of the seats in the House of Representatives (139 seats held by these states divided by 435 total).
- The seven States with one representative each are Alaska, Delaware, Montana, North Dakota, South Dakota, Vermont, and Wyoming. These States represent 1.6 percent of the House seats.
- Larger States have more representatives and, therefore, a louder voice in the House than the smaller States. If students claim that this is an unfair situation, remind them that the organization of the Senate addresses the issue.

Ask students who elects members of the House. (*voters in each congressional district*)

L4 Differentiate To challenge students, ask: **Whose interests should members of the House represent: their State, their district, or the entire nation? Which group is “the people”?**

Answers

Checkpoint Because the House had too many members to be effective, it had to reapportion seats after the 1920 census.

Interpreting Maps Population is declining in several Northcentral and Northeastern States. Population is increasing in the South and Southwest.

Reapportionment

Article I of the Constitution directs Congress to **reapportion** (redistribute) the seats in the House every ten years, after each census.⁷ Until a first census could be taken, the Constitution set the size of the House at 65 seats. That many members served in the First and Second Congresses (1789–1793). The census of 1790 showed a national population of 3,929,214 persons; so in 1792 Congress increased the number of House seats by 41, to 106.

A Growing Nation As the nation’s population grew over the decades, and as the number of States also increased, so did the size of the House. It went to 142 seats after the census of 1800, to 182 seats 10 years later, and so on.⁸ By 1912, following the census of 1910 and the admission of Arizona and then New Mexico to the Union, the House had grown to 435 seats.

⁷ Article I, Section 2, Clause 3. A decennial census is one taken every ten years.

⁸ Once, following the census of 1840, the size of the House was reduced from 242 to 232 seats.

With the census of 1920, Congress found itself in a difficult political position. The House had long since grown too large for effective floor action. To reapportionment without adding more seats, however, would mean that some States would have to lose seats.

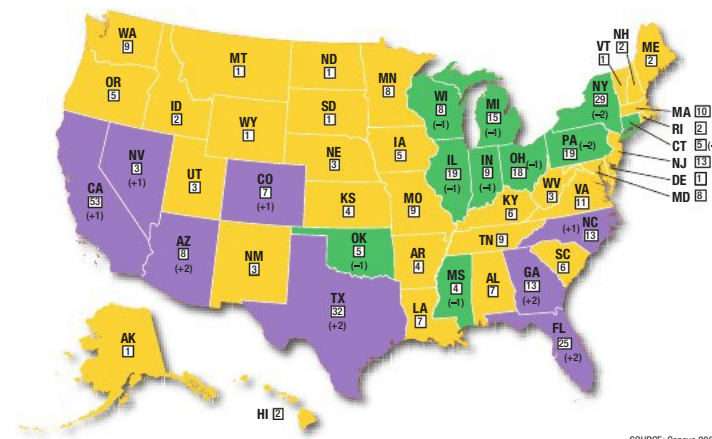
Congress met the problem by doing nothing. So, despite the Constitution’s command, there was no reapportionment on the basis of the 1920 census.

Reapportionment Act of 1929 Faced with the 1930 census, Congress avoided repeating its earlier lapse by passing the Reapportionment Act of 1929. That law, still on the books, sets up what is often called an “automatic reapportionment.” It provides:

- The “permanent” size of the House is 435 members. Of course, that figure is permanent only so long as Congress does not decide to change it. Congress did enlarge the House temporarily in 1959 when Alaska and then Hawaii became States. Today each of the 435 seats in the House represents an average of some 700,000 persons.

Congressional Apportionment 2003–2013

Interpreting Maps The 435 seats in the House are reapportioned among the States every ten years. *What regions are gaining or losing population?*



GOVERNMENT ONLINE
Audio Tour
Listen to a guided audio tour of this map at PearsonSuccessNet.com

KEY

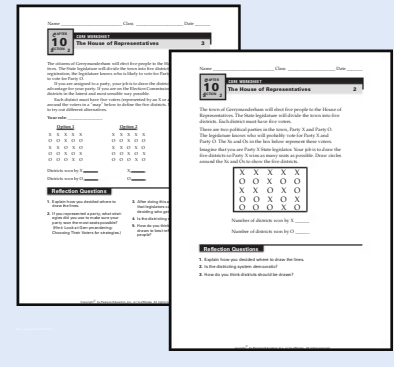
- Gain representation (Purple)
- Lost representation (Green)
- No change (Yellow)
- Number of representatives (Boxed number)
- Number of seats gained/lost (+/-)

SOURCE: Census 2000

Differentiated Resources

The following resources are located in the All-in-One, Unit 3, Chapter 10, Section 2:

- L3** Reading Comprehension Worksheet (p. 19)
- L2** Reading Comprehension Worksheet (p. 20)
- L3** Bellringer Worksheet (p. 21)
- L3** Core Worksheet (p. 22)
- L2** Core Worksheet (p. 23)
- L2** Extend Activity (p. 24)
- L3** Quiz A (p. 25)
- L2** Quiz B (p. 26)



2. Following each census, the Census Bureau is to determine the number of seats each State should have.

3. When the Bureau's plan is ready, the President must send it to Congress.

4. If, within 60 days of receiving it, neither house rejects the Census Bureau's plan, it becomes effective.

The plan set out in the 1929 law has worked quite well through eight reapportionments. The law leaves to Congress its constitutional responsibility to reapportion the House, but it gives to the Census Bureau the mechanical chores and the political "heat" that go with that task.

Congressional Elections

According to the Constitution, any person whom a State allows to vote for members of "the most numerous Branch" of its own legislature is qualified to vote in congressional elections.⁹ The Constitution also provides that

FROM THE CONSTITUTION

The Times, Places and Manner of holding [Congressional] Elections . . . shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations. . . .¹⁰

—Article I, Section 4, Clause 1

Date Congressional elections are held on the same day in every State. Since 1872 Congress has required that those elections be held on the Tuesday following the first Monday in November of each even-numbered year. Congress has made an exception for Alaska, which may hold its election in October. To date, however, Alaskans have chosen to use the November date.

⁹ Article I, Section 2, Clause 1.

¹⁰ The Constitution allows only one method for filling a vacancy in the House—by a special election, which may be called only by the governor of the State involved (Article I, Section 2, Clause 4).

In that same 1872 law, Congress directed that representatives be chosen by written or printed ballots. The use of voting machines was approved in 1899. Today, most votes cast in congressional elections are cast on some type of (usually electronic) voting device.

Off-Year Elections Those congressional elections that occur in nonpresidential years—that is, between presidential elections—are called **off-year elections**. Examples include 2006, 2010, and 2014.

Far more often than not, the party that holds the presidency loses seats in the off-year elections. The most recent exception occurred in 2002, in the first election to be held after the terrorist attacks on September 11, 2001. The Republicans, sparked by the campaign efforts of President Bush, regained control of the Senate and padded their slim majority in the House. The party in power suffered major losses in the 2006 off-year elections, however. The Democrats, riding a wave of popular dissatisfaction with several Bush administration policies and, in particular, mounting opposition to the war in Iraq, captured control of both houses of Congress.

Districts The 435 members of the House are chosen by the voters in 435 separate congressional districts across the country. Recall that seven States each have only one seat in the House. There are, then, 428 congressional districts within the other 43 States.

The Constitution makes no mention of congressional districts. For more than half a century, Congress allowed each State to decide whether to elect its members by a general ticket system or on a **single-member district** basis. Under the single-member district arrangement, the voters in each district elect one of the State's representatives from among a field of candidates running for a seat in the House from that district.

Most States quickly set up single-member districts. However, several States used the general ticket system. Under that arrangement, all of the State's seats were filled **at-large**—that is, elected from the State as a whole, rather than from a particular district. Every voter could vote for a candidate for each one of the State's seats in the House.

 **Checkpoint**
Which party typically gains seats in off-year elections?

COVER THE BASICS

Ask students to take out the Reading Comprehension Worksheet. Review the answers to questions 1, 3, and 13 to make sure they know the size of the House (435), length of term (two years), and formal qualifications for members (at least 25 years old, a citizen of the United States for at least seven years, and live in the State he or she represents).

Allow students to ask questions related to these topics.

BRAINSTORM

Remind students that there are informal qualifications for members of the House. List students' ideas for other qualifications on the board. Ask them to explain why they identified these qualifications. Tell them to write down these qualifications in their notebooks, as they will use them for reference after reading Section 4. They will spend the rest of this lesson focusing on how districts may be drawn to the advantage of the party in power.

L2 Differentiate Draw students' attention to the paragraphs below the heading "Informal Qualifications" at the end of the section. Ask them to find the informal qualifications listed by the author.

L4 Differentiate Ask students to make a distinction between the qualifications that people look for—such as experience—and the qualifications people may not recognize as influencing their votes—such as gender, race, and fundraising ability.

Political Cartoon Mini-Lesson

Display Transparency 10D, Redistricting, when you discuss congressional elections. This cartoon illustrates the effects of U.S. Congress-sanctioned redistricting. Ask: **Whom does the man at the table represent?** (*the voting public*) **How does the cartoonist characterize redistricting?** (*as a puzzle whose pieces should fit together as shown on the box's lid*) **Explain how the cartoon characterizes the way the public feels about the current system.** (*The man in the cartoon representing the public is confused about the irregular, and seemingly arbitrary, way the system allows districts' boundaries to be cut/drawn.*) **Of the two typical State forms of deciding congressional districts that were discussed in this section, which form does this cartoon represent? Why?** (*single-member district; Each district's voters elect their State's representative rather than the State electing representatives as a whole—at large.*)

Answers

Checkpoint The party that is not in power typically gains seats in off-year elections.

COMPARE DISTRICT MAPS

Show Transparency 10E, Congressional Districts. Ask what this map shows. (*the congressional districts in Louisiana*) Direct them to examine the size and shape of the districts. Ask what they notice about the shapes. (*They should notice that the shapes are odd, not uniform.*) Ask why the districts might be shaped differently from one year to the next. (*The odd shapes in 2007 may have been drawn to provide an advantage to the party in power; the more uniform shapes in 2000 probably were based on population alone.*)

DISTRIBUTE CORE WORKSHEET

Distribute the Chapter 10 Section 2 Core Worksheet (Unit 3 All-in-One, p. 22), which addresses the distribution of seats in the House and the politics associated with reapportionment and redistricting, also referred to as *gerrymandering*. Using this worksheet, students will draw their own district lines.

Name _____ Class _____ Date _____

CHAPTER 10
CORE WORKSHEET
3

SECTION 2 **The House of Representatives**

The citizens of Gerrymandham will elect five people to the House of Representatives. The State legislature will divide the town into five districts. Based on voter registration, the legislature knows who is likely to vote for Party X and who is likely to vote for Party O.

If you are assigned to a party, your job is to draw the districts to the greatest advantage for your party. If you are on the Election Commission, your job is to draw districts in the fairest and most sensible way possible.

Each district must have five voters (represented by an X or an O). Draw circles around the voters in a "map" below to define the five districts. Use the extra "maps" to try out different alternatives.

Your role: _____

Option 1	Option 2	Option 3
X X X X X	X X X X X	X X X X X
O X O O	O X O O	O X O O
X X O X O	X X O X O	X X O X O
O O X O X	O O X O X	O O X O X
O O X O	O O X O	O O X O

Districts won by X _____ X _____ X _____

Districts won by O _____ O _____ O _____

Reflection Questions

1. Explain how you decided where to draw the lines.
2. If you represented a party, what strategies did you use to make sure your party won the most seats possible? (Hint: Look at Gerrymandering: Choosing Their Voters for strategies.)
3. After doing this activity, do you think that legislators can play a role in deciding who gets elected?
4. Is the districting system democratic?
5. How do you think districts should be drawn to best reflect the wishes of the people?

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L2 Differentiate An adapted Core Worksheet (Unit 3 All-in-One, p. 23) offers a shorter version of the activity.

Answers

Gerrymandering Some say that gerrymandering should be outlawed because district lines are intentionally drawn to the advantage of the party in power, creating an unfair "rigging" of elections.



Gerrymandering Choosing Their Voters

Each State's congressional districts must be redrawn every ten years, to bring the districts into line with the federal census. This gives State legislatures the opportunity to redistrict the State to the advantage of the majority party. **Why do some people think gerrymandering should be outlawed?**



PACKING Packing happens when the State legislators "pack" as many voters from the opposing party into a single district as possible. This makes the other districts "safe" for the party in power.

Result: Two districts are safe for the Orange Party.

grossly
adv. obviously

At-large elections proved **grossly** unfair. A party with even a very small plurality of voters statewide could win all of a State's seats in the House. Congress finally did away with the general ticket system in 1842. Thereafter, all of the seats in the House were to be filled from single-member districts in each State. Since the seven States with the fewest residents each have only one representative in the House, these representatives are said to be elected "at-large." Although each of them does represent a single-member district, that district covers the entire State.

The 1842 law made each State legislature responsible for drawing any congressional districts within its own State. It also required that each congressional district be made up of "contiguous territory." That is, it must be one piece, not several scattered pieces. In

1872, Congress added the command that the districts within each State have "as nearly as practicable an equal number of inhabitants." In 1901, it further directed that all the districts be of "compact territory"—in other words, a comparatively small area.

These requirements of contiguity, population equality, and compactness were often disregarded by State legislatures, and Congress made no real effort to enforce them. The requirements were left out of the Reapportionment Act of 1929. In 1932, the Supreme Court held (in *Wood v. Broom*) that they had therefore been repealed. Over time, then, and most notably since 1929, the State legislatures have drawn many districts with very **peculiar** geographic shapes. Moreover, until fairly recently, many districts were also of widely varying populations.

peculiar
adj. unusual, odd

Background

GERRYMANDERING IN PRACTICE After the 2000 census, 17 Democrats and 15 Republicans represented Texas in the House of Representatives. In 2003, Tom DeLay, the majority leader in the House, spent a few days in his home state, helping Texas Republicans redraw the congressional districts. In the election of 2004, his efforts paid off. The gerrymandering helped change the Texas delegation to 21 Republicans and 11 Democrats. Democrats protested, contending that it is unconstitutional to redraw the lines three years after the census and solely for political advantage. In 2006, the Supreme Court upheld the Texas plan as constitutional. Gerrymandering is legal and practiced by both parties when in power. If Congress wants to stop the practice, it must pass a law against it.

CRACKING Cracking happens when the party in power splits up the voters from the opposing party. This results in the minority party winning fewer seats.

Result: The Orange Party wins three districts.



KIDNAPPING Kidnapping happens when the party in power redraws the district lines to move a minority-party incumbent into a different district where she or he is unlikely to win reelection.

Result: The Orange Party wins three seats. The Green Party incumbent “loses” his district.

Gerrymandering Congressional district maps in several States show one and sometimes several districts of very odd shapes. Some look like the letters S or Y, some resemble a dumbbell or a squiggly piece of spaghetti, and some defy description. Those districts have usually been **gerrymandered**. That is, they have been drawn to the advantage of the political party that controls the State’s legislature.

Gerrymandering is widespread today—and not just at the congressional district level. Districts for the election of State legislators are regularly drawn for the advantage of one party. In fact, gerrymandering can be found in most places where lines are drawn for the election of public officeholders—in cities, counties, school districts, and elsewhere.

Most often gerrymandering takes one of two forms. The lines are drawn either (1) to concentrate the opposition’s voters in one or

a few districts, thus leaving the other districts comfortably safe for the dominant party; or (2) to spread the opposition as thinly as possible among several districts, limiting the opposition’s ability to win anywhere in the region. Gerrymandering’s main goal is to create as many “safe” districts as possible—districts almost certain to be won by the party in control of the line-drawing process. And the computer-driven map-making techniques of today make the practice more effective than ever in its storied past.

Gerrymandering is the principle reason why, presently, only a handful of seats in the House are actually at risk in an election. In most elections, no more than 40 members now represent districts that cannot be classified as more or less safe districts.

For decades, gerrymandering produced congressional districts that differed widely

Checkpoint
What is gerrymandering and what are its purpose and result?

REVIEW KEY INFORMATION

Tell students that today they will learn about *gerrymandering*, or drawing district lines to benefit the party in control of the State legislature.

Ask: **Whom does each member of the House represent?** (*the people of his or her district*) **What is a district?** (*an area of about 700,000 people*) **If your State has more than one representative in the House, do you get to vote for each representative from your state?** (*no, only the one who represents your district*) **Why are district lines redrawn?** (*because population patterns shift*) **How can gerrymandering benefit the party in control?** (*The dominant party can make sure its members win by concentrating opposition voters into a few districts or by spreading opposition voters thin.*)

L2 Differentiate Display Transparency 10F, Gerrymandering: Choosing Their Voters. Explain that the graphic shows three ways in which the orange party may gerrymander a district. Discuss those ways.

BEGIN THE ACTIVITY

Ask a student to read the directions aloud. Divide students into groups and assign each group one of three roles: Party X legislators, Party O legislators, or Election Commission officers. Give them time to discuss their plans and draw district lines.

L2 Differentiate Students who work more slowly should be assigned to the Election Commission because Commission members do not need to decide how to concentrate or spread the opposition.

L4 Differentiate Advanced students may draw districts from all three perspectives.

STUDENTS POST AND EXPLAIN DISTRICTS

When students finish drawing their districts on the Core Worksheet, have each group choose one map to post and explain below it why they chose those divisions. Choose a wall for each interest (Party X, Party O, and Election Commission) and have groups post their maps together.

Tell students to go to the Interactivity for an interactive version of *Gerrymandering*.

Debate

In March 2006, as the Supreme Court was considering a case concerning gerrymandering in Texas, an editorial appeared in *The New York Times*. It ended with this strong statement: “If the Supreme Court permits those drawing legislative lines to use high-powered computers to create district lines that predetermine the outcomes of all but a handful of Congressional races, America may need to come up with another word for its form of government, because ‘democracy’ will hardly apply.” (“The Texas Gerrymander” from *The New York Times*, March 1, 2006) Ask: **Do you agree with this opinion? Why or why not? What would you do to make the redistricting process more “democratic”?**

Answers

Checkpoint *Gerrymandering* is drawing electoral districts (congressional and otherwise) with the goal of maximizing the number of seats held by the party that controls the State’s legislature.

REFLECT AND DISCUSS

Have students discuss the reflection questions on the Core Worksheet in small groups. This will help them make connections to the unit Essential Question (What should determine the balance between partisanship and consensus in Congress?).

After students have answered the questions on their own, discuss them as a class. Display Transparency 10G, The Gerry-mander. Ask: **How did this cartoon get its name?** (from Massachusetts governor Gerry when he and his supporters redrew districts) You may choose to emphasize the Court cases discussed in the text and their effect on gerrymandering since then. The cases are as follows:

- *Wesberry v. Sanders* said that districts must have substantially equal populations.
- *Gomillion v. Lightfoot* said that gerrymandering solely on race is unconstitutional. *Bush v. Vera* and *United Latin American Citizens v. Perry* also struck down race-based districts.
- *Hunt v. Cromartie* said that race may be one of a mix of factors that shape the districting process.
- *Davis v. Bandemer* said that under some circumstances, gerrymandering may be unconstitutional.
- *United Latin American Citizens v. Perry* said that nothing in the Constitution prevents a State from redrawing district lines to give advantage to the party in control of the legislature.

EXTEND THE LESSON

Have students do research to find a map that shows the electoral districts in their State before and after the most recent reapportionment. They should find out which party was in power at the time of the reapportionment and the results of the elections just before and just after the new district lines were drawn. They should then draw conclusions about whether redistricting benefited the dominant party.

L4 Differentiate Have advanced students do further research on the demographics of particular districts to determine what criteria the legislature may have used to draw the lines.

L2 Assign the Extend Activity “The Importance of Congress” (Unit 3 All-in-One, p. 24).

Answers

Checkpoint The *Wesberry* decision said that all congressional districts must have roughly the same population. This is often summarized as “one person, one vote.”

Gerrymandering takes its name from Massachusetts Governor Elbridge Gerry, who in 1812, drew the State's legislative districts to favor his party. A noted painter added a head, wings, and claws to a district map hanging over the desk of a newspaper editor. “That will do for a salamander,” the artist said. “Better say Gerry-mander,” growled the editor. ▶



Checkpoint
What did the Supreme Court rule in the 1964 case of *Wesberry v. Sanders*?

gouging
v. cheating, swindling

in the number of people they included. State legislatures were responsible for this situation, of course. A number of them regularly drew district lines on a partisan basis—with the Republicans **gouging** the Democrats in those States where the GOP controls the legislature, and the Democrats doing the same thing to the Republicans where they hold sway. In fact, that circumstance exists in several States today. Historically, most States were carved up on a rural versus urban basis as well as a partisan one—because, through much of history, the typical State legislature was dominated by the less-populated (and over-represented) rural areas of the State.¹¹

Wesberry v. Sanders, 1964 The long-standing pattern of congressional districts of widely varying populations and, as a result, the long-standing fact of rural overrepresentation in the House came to an abrupt end in the mid to late 1960s. That dramatic change was the product of an historic Supreme Court decision in 1964. In a case from Georgia, *Wesberry v. Sanders*, the Supreme Court held that the Constitution demands that the States draw congressional districts of substantially equal populations.

¹¹ The pattern of rural overrepresentation in the State legislatures has now all but disappeared as a consequence of the Supreme Court's several “one person, one vote” decisions of the 1960s and 1970s. In the leading case, *Reynolds v. Sims*, 1964, the Court held that the 14th Amendment's Equal Protection Clause commands that the seats in both houses of a State's legislature must be apportioned on the basis of population equality.

The Court's “one person, one vote” decision in *Wesberry* had an immediate and extraordinary impact on the makeup of the House, on the content of public policy, and on the shape of electoral politics in general. The nation's cities and suburbs now speak with a much louder voice in Congress than they did before that decision. But notice, it remains quite possible for States to draw their congressional (or any other) district lines in accord with the “one person, one vote” rule and, at the same time, gerrymander those districts.

Gerrymandering based solely on race, however, is a violation of the 15th Amendment, *Gomillion v. Lightfoot*, 1960. So-called “majority-minority districts” were drawn in some States following the census in 1990 and again in 2000. Those districts were crafted to include a majority of African Americans and/or Latinos and so were likely to send African Americans and Latinos to Congress. The Supreme Court struck down those race-based districts in several cases—most notably in two cases from Texas, *Bush v. Vera*, 1996 and *United Latin American Citizens v. Perry*, 2006. However, the Court has also held this: While race cannot be the controlling factor in drawing district lines, race can be one of the mix of factors that shape that process. It did so in a case from North Carolina, *Hunt v. Cromartie*, in 2001.

The Court has said that under some circumstances, which it has never spelled out, excessively partisan gerrymandering might be unconstitutional. It did so for the first time in a 1986 case, *Davis v. Bandemer*. In 2003, Texas became the first State to redistrict between censuses, with the purpose of increasing the number of Republican-held Texas seats in the U.S. House of Representatives. In a dramatic showdown, the Republican governor called a special session. Democratic legislators fled the State, but ultimately they were unable to stop the redistricting. In a 2006 decision, a bare majority of the Court ruled that neither the Constitution nor any act of Congress prevents a State from redrawing its district lines whenever the party in control of the legislature believes that it might be to its advantage to do so, *United Latin American Citizens v. Perry*.

Supreme Court Notes

GERRYMANDERING IS LEGAL *United Latin American Citizens v. Perry* (2006) arose from the Texas redistricting plan crafted by Tom DeLay in 2003. The plan passed by the Texas State legislature replaced one created by a federal court after the 2000 census. Opponents charged that the plan violated the Voting Rights Act because it diluted the voting power of racial minorities and was designed to gain partisan advantage. The Court held that the Texas plan was constitutional. Justice Anthony Kennedy wrote, “There was nothing inherently suspect about a legislature's decision to replace mid-decade a court-ordered plan with one of its own.” However, the Court struck down one district for diluting the voting power of Latinos. Gerrymandering based solely on race is illegal, but race may be considered as one factor.

Qualifications for Office

You know that there are 435 members of the House of Representatives, and that each one of them had to win an election to get there. Each one of them also had to meet two quite different sets of qualifications to win office: the formal qualifications for membership in the House set out in the Constitution and a number of informal qualifications imposed by the realities of politics.

Formal Qualifications The Constitution says that a member of the House must (1) be at least 25 years of age, (2) have been a citizen of the United States for at least seven years, and (3) be an inhabitant of the State from which he or she is elected.¹²

Custom, not the Constitution, also requires that a representative must live in the district he or she represents. The custom is based on the belief that the legislator should be familiar with the locale he or she represents, its people, and its problems. Rarely, then, does a district choose an outsider to represent it.

The Constitution makes the House “the Judge of the Elections, Returns and Qualifications of its own Members.”¹³ Thus, when the right of a member-elect to be seated is challenged, the House has the power to decide the matter. Challenges are rarely successful.

The House may refuse to seat a member-elect by majority vote. It may also “punish its Members for disorderly Behavior” by majority vote, and “with the Concurrence of two thirds, expel a Member.”¹⁴

For decades, the House viewed its power to judge the qualifications of members-elect as the power to impose additional standards. It did so several times. In 1900, it refused to seat Brigham H. Roberts of Utah because he was a polygamist—that is, he had more than one wife. In 1919 and again in 1920, the House excluded Victor L. Berger of Wisconsin, the first Socialist Party candidate

¹² Article I, Section 2, Clause 2; see also Article I, Section 6, Clause 2.

¹³ Article I, Section 5, Clause 1.

¹⁴ Article I, Section 5, Clause 2.

Checkpoint
What are the formal qualifications for members of the House?

Assess and Remediate

L3 Collect the Core Worksheet and assess the students’ reflections using the Rubric for Assessing Individual Performance in a Group (Unit 3 All-in-One, p. 167).

L3 Assign the Section 2 Assessment questions.

L3 Section Quiz A (Unit 3 All-in-One, p. 25)

L2 Section Quiz B (Unit 3 All-in-One, p. 26)

Have students complete the review activities in the digital lesson presentation and continue their work in the **Essential Questions Journal**.

Government
online

All print resources are available on the Teacher’s Resource Library CD-ROM and online at PearsonSuccessNet.com.

Paths to Congress

More members of Congress are lawyers by profession than any other occupation. Voters, however, have seen fit to elect representatives with widely divergent experiences. *What qualifications do these representatives bring to their positions?*

▶▶ **Heath Shuler** (D., North Carolina) Unlike many members of Congress, Heath Shuler had no political experience before his election to the House in 2006. Shuler had been a quarterback in the National Football League and, later, started a real estate business. Both parties approached Shuler to run for public office. In Congress, he is a member of the Blue Dog Coalition, a group of fiscally conservative Democrats who, among other goals, are dedicated to balancing the budget.



▶▶ **Ileana Ros-Lehtinen** (R., Florida) In 1989, Ileana Ros-Lehtinen became the first Cuban American and Hispanic woman elected to the U.S. House of Representatives. Born in Havana, her family fled to Florida when she was seven years old. She graduated from community college before earning master’s and doctoral degrees in education. After founding a private elementary school, she was elected to the Florida legislature in 1982. She is the ranking member of the House Committee on Foreign Affairs and is an advocate for human rights.



Chapter 10 • Section 2 279

Debate

In 1919, Victor L. Berger’s outspoken opposition to America’s involvement in World War I prompted the House to refuse to seat him. In fact, Berger was under indictment for sedition at the time. A special House committee concluded that “Victor L. Berger . . . did obstruct, hinder, and embarrass the Government of the United States in the prosecution of the war and did give aid and comfort to the enemy.” Ask: **Do you think the House had good reason to exclude Berger? For what reasons do you think the House would be justified in refusing to seat an elected representative? What possible abuses could arise from the power of the House to exclude a member?**

Answers

Checkpoint House candidates must be at least 25 years old, have been citizens of the United States for at least seven years, and be inhabitants of the States in which they run for office.

Paths to Congress Shuler: experience in real estate and in working as part of a team; Ros-Lehtinen: experience in education, knowledge of Hispanic community

REMEDIATION

If Your Students Have Trouble With	Strategies For Remediation
Explaining the distribution of seats in the House (Questions 1, 2, 5)	Review the Congressional Apportionment map and ask students to infer which States have the largest populations.
Understanding gerrymandering and redistricting (Question 4)	Use Transparency 10E, Congressional Districts, and Transparency 10F, Gerrymandering: Choosing Their Voters, to explain the process of gerrymandering and the result on the size and shape of districts. Remind students that districts must be of approximately equal size and of compact territory.
Explaining qualifications (Question 6)	Ask students to make an outline of the text under the textbook heading "Qualifications for Office" and compare it with a partner's.
Describing Congressional elections (Question 3)	Model a graphic organizer on the board that includes information about dates, off-year elections, and districts.

Answers

Checkpoint Informal qualifications include party identification, name familiarity, gender, ethnic characteristics, political experience, incumbency, and fundraising ability.

Assessment Answers

- Seats are distributed according to State population, with each State guaranteed at least one seat. **Formal qualifications:** must be at least 25, have been a citizen of the U.S. for at least seven years, and be an inhabitant of the State represented. **Informal qualifications:** party identification, name familiarity, gender, ethnic characteristics, political experience, incumbency, and fundraising ability.
- based on each State's population
- Single-member district:** Voters choose candidates running for a seat representing their

- particular district. **At-large:** Voters choose candidates for all of the seats for the State as a whole.
- to increase their party's chances of winning elections
 - By ruling that congressional districts must represent a roughly equal number of people, *Wesberry* changed the balance of power between rural and urban areas, and residents of cities and suburbs gained greater representation in the House.
 - Informal qualifications include such factors as party identification, name familiarity, gender,

ethnic characteristics, and political experience. They vary from time to time, from State to State, and even from district to district.

QUICK WRITE Students' Venn diagrams should be logically arranged.

Checkpoint
What "informal qualifications" affect a candidate's electability?

sedition
n. attempt to overthrow the government by force

to win a House seat. During World War I, Mr. Berger wrote several newspaper articles denouncing America's participation in that conflict. In 1919, he was convicted of **sedition** for obstructing the war effort and sentenced to twenty years in prison. The Supreme Court reversed that conviction in 1921. Mr. Berger was reelected to the House three more times and seated each time without challenge.

In *Powell v. McCormack*, 1969, however, the Supreme Court held that the House could not exclude a member-elect who meets the Constitution's standards of age, citizenship, and residence. The House has not excluded anyone since that decision.

Over more than 200 years, the House has expelled only five members. Three were ousted in 1861 for their "support of rebellion." Michael Myers (D., Penn.) was expelled for corruption in 1980. James Traficant (D., Ohio) was ejected after his conviction for bribery, fraud, and tax evasion in 2002. Over time, a few members have resigned to avoid almost certain expulsion. Randy "Duke" Cunningham (R., Calif.) resigned after pleading guilty in bribery charges in 2005.

The House has not often punished a member for "disorderly Behavior," but such actions are not nearly so rare as expulsions. For example, the House voted to "reprimand" Barney Frank (D., Massachusetts) in 1990 for conduct stemming from his relationship with a male prostitute. Mr. Frank has been easily reelected by the voters in his congressional district every two years since then.

Informal Qualifications The realities of politics produce a number of informal qualifications for membership in the House, beyond those requirements set out in the Constitution. Those informal yardsticks vary from time to time, sometimes from State to State, and even from one congressional district to another within the same State. Clearly, some of those factors that attract or repel voters in a heavily urbanized district differ from some of those that influence how voters see candidates in a largely rural setting.

These informal qualifications have to do with a candidate's vote-getting abilities. They include such considerations as party identification, name familiarity, gender, ethnic characteristics, and political experience. Being the **incumbent**, the person who currently holds the office, almost always helps. Regularly, well over 90 percent of those members of the House who seek reelection do so successfully.

Much more so today than in the past, a candidate's fundraising abilities also figure into the mix of informal qualifications. Like all other races, congressional campaigns have become very expensive. The average amount spent on a winning bid for the House topped the million dollar mark in 2008. Several winners, and some losers, spent a good deal more than that.

The "right" combination of these informal measurements will help a candidate win nomination and then election to the House of Representatives. The "wrong" mix will almost certainly spell defeat.

Essential Questions Journal To continue to build a response to the chapter Essential Question, go to your Essential Questions Journal.

SECTION 2 ASSESSMENT

- Guiding Question** Use your completed concept web to answer this question: How are seats in the House distributed and what qualifications must members meet?

Key Terms and Comprehension

- How are seats in the House of Representatives **apportioned**?
- How do elections in a **single-member district** differ from elections in States that filled their seats **at-large**?

- Why do politicians **gerrymander** districts?

Critical Thinking

- Draw Inferences** How did *Wesberry v. Sanders* change the makeup of the House?
- Make Comparisons** Explain how informal qualifications for House membership might vary in rural areas versus urban areas within the same State, in different States or regions, and at different times in history.

Quick Write

Expository Writing: Compare and Contrast Using the lists you started in Section 1 about the British Parliament and the U.S. Congress, draw a Venn diagram in which you can organize features unique to the British Parliament, features unique to the U.S. Congress, and overlapping or shared features. Add to the diagram as you read Sections 3 and 4.

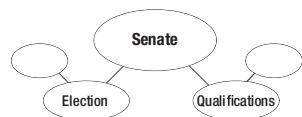
SECTION 3

The Senate



Guiding Question

How does the Senate differ from the House? Use a concept web to take notes on the Senate.



Political Dictionary

- continuous body
- constituency

Objectives

1. Compare the size of the Senate to the size of the House of Representatives.
2. Describe how senators are elected.
3. Explain how and why a senator's term differs from a representative's term.
4. Describe the qualifications for election to the Senate.

Image Above: Senator Edward Kennedy (D., Massachusetts)

You should not be very surprised by these facts: Nearly a third of the present members of the Senate once served in the House of Representatives; none of the current members of the House has ever served in the Senate. Indeed, many of the men and women who now serve in the House look forward to the day when, they hope, they will sit in the Senate. As you read this section, you will come to see why the Senate is often called the “upper house.”

Size, Election, and Terms

Why are there 100 members of the United States Senate? Have the members of the Senate always been elected by the voters of their States? Why do senators serve six-year terms? What qualifications must candidates for the Senate meet? Read on to find the answers to these and other questions.

Size The Constitution says that the Senate “shall be composed of two Senators from each State,” and so the Senate is a much smaller body than the House of Representatives.¹⁵ Today, however, the Senate is much larger body than the Framers imagined. The Senate had only 22 members when it held its first session in March of 1789, and 26 members by the end of the First Federal Congress in 1791. Like the House, the size of the upper chamber has grown with the country. Today, 100 senators represent the 50 States.

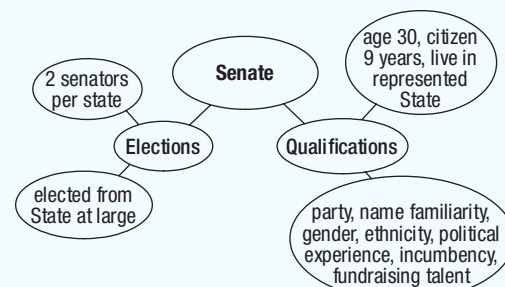
The Framers hoped that the smaller Senate would be a more enlightened and responsible body than the House. Many of them thought that the House would be too often swayed by the immediate impact of events and by the passions of the moment because of the short term of office for members of the House. They reinforced that hope by giving senators a longer term of office and by setting the qualifications for membership in the Senate a cut above those they set for the House.

James Madison saw those provisions as “a necessary fence” against the “fickleness and passion” of the House of Representatives. Nearly a century later, Woodrow Wilson agreed with Madison:

¹⁵ Article I, Section 3, Clause 1 and the 17th Amendment

GUIDING QUESTION

How does the Senate differ from the House?



Get Started

LESSON GOALS

Students will . . .

- use a Venn diagram to compare the job and qualifications of senators and members of the House.
- assess the characteristics and qualifications of senators through four real-life examples.

BEFORE CLASS

Assign the section, the graphic organizer in the text, and Reading Comprehension Worksheet (Unit 3 All-in-One, p. 27) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 3 All-in-One, p. 28)

SKILLS DEVELOPMENT

DECISION MAKING

To practice decision making in this section, use the Chapter 10 Skills Worksheet (Unit 3 All-in-One, p. 31). You may teach the skill explicitly after students do the Core Worksheet. For L2 and L1 students, assign the adapted Skill Activity (Unit 3 All-in-One, p. 32).

Focus on the Basics

FACTS: • The Senate includes 100 members, two from each State, who are elected to six-year terms. • Senators must be at least 30 years old, must have been citizens of the U.S. for at least nine years, and must live in the State from which they are elected. • Only one third of the Senate is up for election at any one time, so the Senate is a continuous body.

CONCEPTS: popular sovereignty

ENDURING UNDERSTANDINGS: • Senators represent a larger group of people—and therefore a broader range of interests—than members of the House, and are more often viewed as national political leaders. • Senators usually have more experience, power, and prestige than their colleagues in the House. • Senators are protected from some political pressures because they serve for a long period between elections.

BELLRINGER

Distribute the Chapter 10 Section 3 Bellringer Worksheet (Unit 3 All-in-One, p. 29). Have students fill in the Venn diagram comparing the House and Senate.

L2 Differentiate Have students work in pairs to complete the diagram.

Teach

To present this topic using online resources, use the lesson presentations at PearsonSuccessNet.com.

COMPARE THE HOUSE AND SENATE

Tell students that today they will compare the job and qualifications for members of the House of Representatives with the job and qualifications for members of the Senate. Draw a blank Venn diagram on the board. Let students take turns giving you information to fill in the diagram. Ask students to explain why the houses are different as you write the comparisons on the board.

L1 Differentiate Call on certain students early in the activity, giving them an opportunity to contribute to the class before the more standard answers are given.

DISTRIBUTE CORE WORKSHEET

Distribute the Chapter 10 Section 3 Core Worksheet (Unit 3 All-in-One, p. 30), which describes four candidates for the Senate. Ask a student to read the directions aloud. Answer any questions that students may have about the activity. Give students several minutes to decide, on their own, which candidate they would select.

L2 LPR Differentiate Choose one student to act out the role of each candidate, presenting his or her qualifications.

THINK-PAIR-SHARE

Use the Think-Pair-Share strategy (p. T22) to let students verbalize their thoughts.

TAKE A POLL

Ask which candidate each student would vote for and why. Choose a student to record arguments. Ask if anyone would make a different decision if he or she were voting for a member of the House. Ask students to explain the qualities they find attractive in each candidate.

Answers

Senators: Policy and Prestige Senators serve as representatives of the people of an entire State and tend to have a higher profile than representatives.

Senators: Policy and Prestige

Senators are Washington celebrities—members of what is often called “the world’s most exclusive club.” Their names are frequently household words and their activities draw media coverage that allows them to call attention to issues they consider important. Many senators make use of the spotlight to launch campaigns for the presidency. *In what ways are senators national leaders?*

From left: Maria Cantwell (D., Washington) is known for her environmentalism; presidential campaign buttons; a bipartisan group of senators holds a press conference

“It is indispensable that besides the House of Representatives which runs on all fours with popular sentiment, we should have a body like the Senate which may refuse to run with it at all when it seems to be wrong—a body which has time and security enough to keep its head, if only now and then and but for a little while, till other people have had time to think.”

—Woodrow Wilson, *Congressional Government*

Each one of the 100 members of the upper house represents an entire State. That same thing can be said of only a few members of the lower house—the seven representatives from those States with only one seat in the House. Consequently, nearly all of the members of the Senate represent a much larger and more diverse population and a much broader range of interests than do the several representatives from their State. If you look at your own State—at the size, diversity, and major characteristics of its population and at its history, geography, and economy—you will see the point.

Election Originally, the Constitution provided that the members of the Senate were to be chosen by the State legislatures. Since the ratification of the 17th Amendment in 1913,

however, senators have been picked by the voters in each State at the regular November elections. Only one senator is elected from a State in any given election, except when the other seat has been vacated by death, resignation, or expulsion.¹⁶

Before the coming of popular election, the State legislatures often picked well-liked and qualified men to be senators. On other occasions, however, their choice was the result of maneuvering and infighting among the leaders of various factions in the State. These personalities all spent a great deal of energy trying to gain (and sometimes buy) enough legislators’ votes to win a seat in the United States Senate. In fact, by the late 1800s, the Senate was often called the “Millionaires’ Club,” because so many wealthy party and business leaders sat in that chamber.

The Senate twice defeated House-passed amendments to provide for popular election. In 1912, it finally bowed to public opinion and agreed to what became the 17th Amendment the next year. The Senate was also

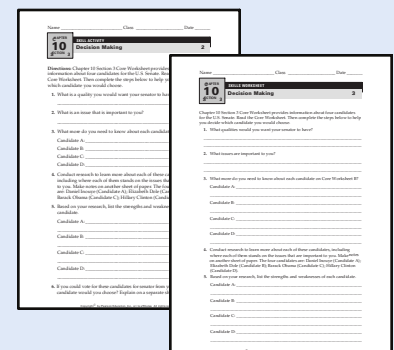
¹⁶ The 17th Amendment gives each State a choice of methods for filling a Senate vacancy. A State may (1) fill the seat at a special election called by the governor or (2) allow the governor to appoint someone to serve until the voters fill the vacancy at such a special election or at the next regular (November) election. Most States use the appointment–special election method.

maneuvering
n. deal-making or strategy

Differentiated Resources

The following resources are located in the All-in-One, Unit 3, Chapter 10, Section 3:

- L3** Reading Comprehension Worksheet (p. 27)
- L2** Reading Comprehension Worksheet (p. 28)
- L3** Bellringer Worksheet (p. 29)
- L3** Core Worksheet (p. 30)
- L3** Skills Worksheet (p. 31)
- L2** Skill Activity (p. 32)
- L3** Quiz A (p. 33)
- L2** Quiz B (p. 34)





persuaded by the fact that several States had already devised ways to ensure that their legislatures would choose senators who were supported by the people of the State.

Each senator is elected from the State at-large. The 17th Amendment declares that all persons whom the State allows to vote for members of “the most numerous Branch” of its legislature are automatically qualified to vote for candidates for the U.S. Senate.

Term Senators serve for six-year terms, three times the length of those for which members of the House are chosen.¹⁷ The Constitution puts no limit on the number of terms to which a senator may be elected. Senator Robert Byrd (D., West Virginia), who is now serving his ninth term in the upper house, holds the all-time record for service in that body. He was elected to his first term in the Senate in 1958 and was most recently reelected in 2006.

Senators’ terms are staggered. Only a third of them—33 or 34 terms—expire every two years. The Senate is, then, a **continuous body**. That is, all of its seats are never up for election at the same time.

The six-year term gives senators a somewhat greater degree of job security than that enjoyed by members of the lower house. Those six years give senators some insulation from the rough-and-tumble of day-to-day politics. The six-year term also tends to make senators less subject to the pressures of public opinion and less **susceptible** to the pleas

¹⁷ Article I, Section 3, Clause 1.

of special interests than their colleagues in the House.

The larger size and the geographic scope of their **constituencies**—the people and interests the senators represent—are designed to have much the same effect. That is to say, senators are supposed to be less concerned with the interests of some particular small locality and more focused on the “big picture” of national concerns. Indeed, senators are much more likely to be regarded as national political leaders than are most House members.

The large size of the House generally prevents representatives from gaining as much notice and public exposure as most members of the Senate attract. Senators, and especially those who have presidential ambitions, are better able to capture national media attention. Over the past several elections, the Senate has emerged as a prime source of contenders for the presidential nomination in both parties. Senators also find it easier to establish themselves as the champions of public policies that appeal to large segments of the American people—for example, social security or national health care.

Senators are also more likely to be covered by the media in their States. And they tend to have more **clout** in their State’s politics than that enjoyed by members of the House of Representatives.

clout
n. power

Qualifications for Office

A senator must meet a higher level of qualifications for office than those the Constitution sets for a member of the House. A senator must (1) be at least 30 years of age, (2) have been a citizen of the United States for at least nine years, and (3) be an inhabitant of the State from which he or she is elected.¹⁸

Senators must satisfy a number of informal qualifications for office—various **extralegal** yardsticks based on such factors as party, name familiarity, gender, ethnic characteristics, and political experience. Both

extralegal
adj. not regulated by law

¹⁸ Article I, Section 3, Clause 3. Under the inhabitant qualification, a senator need not have lived in the State for any particular period of time. Most often, of course, senators have been longtime residents of their States.

susceptible
adj. at risk

Checkpoint
How were senators chosen before and after the passage of the 17th Amendment?

MAKE A DECISION USING SOCRATIC DIALOGUE

Discuss which characteristics of candidates (both positive and negative) students find most important. Tell students that they will now have ten minutes to decide which candidate they can all support, using the Socratic Dialogue strategy (p. T24).

L3 Differentiate Have students rank the candidates from fourth choice to first, using positive and negative characteristics for support.

FOLLOW UP THE DISCUSSION

Ask students to reflect on the Socratic Dialogue in a journal entry. If they agreed on a candidate, they should answer these questions: What criteria were important in choosing a candidate? How did you eliminate candidates? If they were unable to agree, ask: Why were you not able to agree on a candidate? Do you think the class could have settled on a candidate with qualifications and characteristics different from those described here?

WRAP UP THE LESSON

Tell students the identity of each candidate.

Candidate A: Daniel Inouye, Hawaii, 1963–

Candidate B: Elizabeth Dole, North Carolina, 2003–

Candidate C: Barack Obama, Illinois, 2005–

Candidate D: Hillary Rodham Clinton, New York, 2001–

Ask if they are surprised by any of these and why. Ask students to read their Bellringer answers aloud. Discuss their answers and emphasize how the length of a senator’s term affects his or her actions. Display Transparency 10H, *What Are the Pollsters Saying?*, and ask which congressional house this cartoon applies to. (*the House*) Senators are not as responsive to public opinion as representatives because they have a long period of time before they are up for reelection.

EXTEND THE LESSON

L3 Differentiate Have students research a current senator, write a short biography, and then analyze the senator’s qualifications and actions.

L4 Differentiate Have students work in small groups to create a graphic organizer identifying key issues facing the Senate today and the positions taken on these issues by the senators they researched.

Answers

Checkpoint Before: State legislatures chose the senators for their State. After: Voters of the State elect senators.

Background

HOW MANY SENATORS? After intense debate, the delegates to the Constitutional Convention in 1787 resolved a thorny issue: States would have equal representation in the Senate. Now the delegates had to decide how many senators. The delegates quickly agreed that one per State was not enough. If that person were ill or absent, the State would go unrepresented. The Senate needed to be large enough to counter the influence of the House, yet not so large as to lose its distinctive nature. This realization narrowed the discussion to two or three. Gouverneur Morris and Rufus King circulated this statement for delegates to fill in the blank: “That the representation in the second branch consist of _____ members from each State, who shall vote per capita.” Only Pennsylvania filled in “three.” The decision was made.

Assess and Remediate

L3 Collect the Core Worksheets and assess students' work.

L3 Assign the Section 3 Assessment questions.

L3 Section Quiz A (Unit 3 All-in-One, p. 33)

L2 Section Quiz B (Unit 3 All-in-One, p. 34)

Have students complete the review activities in the digital lesson presentation and continue their work in the **Essential Questions Journal**.

REMEDIATION

If Your Students Have Trouble With	Strategies For Remediation
Describing differences between the House and Senate (Questions 1, 3, 4, 6, 7)	Have students make a chart or Venn diagram detailing differences.
Explaining a continuous body (Question 2)	Have students do research to find out when their senators are up for reelection, and point out that it's not the same year.
The 17th Amendment	Compare the pre-1917 situation with teachers choosing class officers instead of students.

Answers

Analyzing Political Cartoons The Capitol in the background indicates Washington, D.C. The discussion of a campaign budget implies an elected official, such as a member of Congress.



Washington is not in London, a senator's budget cannot be paid two million to fund it, and only one year's profit.

► **Analyzing Political Cartoons** In this cartoon, a campaign manager talks to a candidate. **What clues in the cartoon tell you where this is taking place and who the characters may be?**

incumbency
n. the holding of the office

concurrence
n. agreement

incumbency and a talent for fundraising are also major assets in Senate races.

The Senate can also judge the qualifications of its members, and it may exclude a member-elect by a majority vote.¹⁹ The upper house has refused to seat someone on three occasions. It has not exercised that power since 1867, however. The chamber may also “punish its Members for disorderly Behavior”

¹⁹ Article I, Section 5, Clause 1.
²⁰ Article I, Section 5, Clause 2.

by majority vote and “with the **Concurrence** of two thirds, expel a Member.”²⁰

Fifteen members of the Senate have been expelled by that body, one in 1797 and 14 during the Civil War. Senator William Blount of Tennessee was expelled in 1797 for conspiring to lead two Native American tribes, supported by British warships, in attacks on Spanish Florida and Louisiana. The 14 senators ousted in 1861 and 1862 were all from States of the Confederacy and had supported secession.

Over time, a few senators have resigned in the face of almost certain expulsion. In 1995, the Senate's Ethics Committee found that four-term senator Bob Packwood (R., Oregon) had been involved in several instances of blatant sexual harassment, and it urged his dismissal. Senator Packwood fought the charges for a time but resigned when it became apparent that his colleagues had had more than enough of his behavior.

The punishing of a senator for “disorderly Behavior” has also been rare. In the most recent case, in 1990, the Senate formally “denounced” Senator David Durenberger (R., Minnesota). The Ethics Committee had found him guilty on several counts of financial misconduct. The Senate called Senator Durenberger's conduct “reprehensible” and declared that he had “brought the Senate into dishonor and disrepute.” Senator Durenberger chose not to seek reelection to a third term in 1994.

Essential Questions Journal To continue to build a response to the chapter Essential Question, go to your **Essential Questions Journal**.

SECTION 3 ASSESSMENT

1. Guiding Question Use your completed concept web to answer this question: How does the Senate differ from the House?

Key Terms and Comprehension

- Why is the Senate called a **continuous body**?
- How does a senator's **constituency** differ from that of a typical member of the House?
- Why do most senators receive more public attention than their colleagues in the House?

Critical Thinking

- Determine Cause and Effect** Based on your reading, why do you think the 17th Amendment gained wide public support?
- Make Comparisons** How do the different terms of office for the House and Senate allow each house of Congress to make a unique contribution to national decision-making?
- Draw Inferences** Do the differences between the Senate and the House of Representatives ensure that the people are well represented?

Quick Write

Expository Writing: Make an Outline Using the Venn diagram you started in Section 2, make a detailed outline for an essay describing similarities and differences between the British Parliament and the U.S. Congress. Organize your points into a logical order so that, when you are ready to write your essay, your outline can serve as a guide.

Assessment Answers

- The Senate is a smaller and continuous body. Senators must meet a higher standard of formal qualifications. They serve a longer term, represent an entire State, and get more media attention and public exposure.
- It is always in session because only one third of its seats change hands in any election.
- Most senators represent a larger and more diverse constituency.
- Senators are fewer in number, more powerful, and more prestigious than their House colleagues. They tend to focus on national rather

than local concerns.

- A strong answer will raise concerns about corrupt practices in the selection of senators by State legislatures and will note that only wealthy men were usually selected.
- The House has two-year terms and must be more attuned to constituents' opinions. It more closely reflects popular opinion. The Senate is more insulated from public pressures and special interests by its six-year terms, enabling senators to tackle riskier issues.
- The differences between the two chambers

complement each other, ensuring representation on local, State, and national issues. Students should judge whether this system best represents the people and should support their position.

QUICK WRITE Outlines should be detailed and logically organized, with supportive information for preparing an essay.

SECTION 4

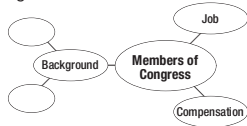
The Members of Congress



Guiding Question

What roles and functions do members of Congress perform?

Use a concept web to take notes on the roles and functions of members of Congress.



Political Dictionary

- delegate
- trustee
- partisan
- politico
- bill
- floor consideration
- oversight function
- franking privilege

Objectives

1. Identify the personal and political backgrounds of members of Congress.
2. Describe the duties performed by those who serve in Congress.
3. Describe the compensation and privileges of members of Congress.

Image Above: Republican Senate leaders

Can you name your two senators? Your representative? Regrettably, most Americans cannot—let alone tell you much about their backgrounds, qualifications, or voting records.

Personal and Political Background

Whatever else they may be, the 535 members of Congress are *not* a representative cross section of the American people. Rather, the “average” member is a white male in his late 50s. The median age of the members of the House is just over 55 and about 63 for those in the Senate.

There are more women in the 111th Congress than ever—77 in the House and 17 in the Senate—and they are moving into positions of leadership. Nancy Pelosi (D., California) became the Speaker of the House in 2007, and she is now third in the line of succession to the presidency. Two standing committees in the House and two in the Senate are chaired by women.

In the 111th Congress, there are 42 African Americans, 25 Hispanics, seven Asian Americans, and one Native American in the House. Three Hispanics, one Asian American, and one Native Hawaiian sit in the Senate. Former Senator Barack Obama (D., Illinois), elected in 2004, was only the fifth African American ever elected to the Senate. No African Americans sit in that body today.

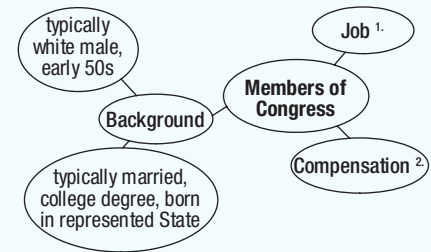
Nearly all members are married, a few are divorced, and they have, on average, two children. Only a few members say they have no religious affiliation. Nearly 60 percent are Protestants, 30 percent are Roman Catholics, some 8 percent are Jewish, two are Buddhists, and two are Muslim.

Well over a third of the members of the House and over half the senators are lawyers. More than four out of five have a college degree and most, in fact, have advanced degrees.

Most senators and representatives were born in the States they represent. Only a handful were born outside the United States. Sprinkled among the members of Congress are several millionaires. A surprisingly large number of the men and women who sit in the House depend on their congressional salaries as their major source of income, however.

GUIDING QUESTION

What roles and functions do members of Congress perform?



1. legislators, representatives of constituents, committee members, servants of constituents, politicians
2. \$168,500 per year, Speaker \$212,000, Senate leaders \$183,500; many fringe benefits

Get Started

LESSON GOALS

Students will . . .

- address the composition of Congress by describing an “average” member and discussing ways the composition might be altered to reflect the population.
- identify and analyze the formal and informal qualifications for members of Congress by writing help-wanted ads.

BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 3 All-in-One, p. 35) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 3 All-in-One, p. 36)

SKILLS DEVELOPMENT

INNOVATE AND THINK CREATIVELY

To help students learn to innovate and think creatively, have them turn to the Skills Handbook, p. S23, and use the information there to complete the Core Worksheet.

Focus on the Basics

FACTS: • Members of Congress juggle a number of roles, including those of legislator, constituents’ representative, committee member, constituents’ servant, and politician. • Members of Congress are compensated with a salary and many privileges. • The Constitution provides for legislative immunity from prosecution in the courts and protects lawmakers in carrying out their duties.

CONCEPTS: Federalism

ENDURING UNDERSTANDINGS: • Though Congress has become more diverse in recent years, members are likely to be older and wealthier than the average American, and most are white men. • Members of Congress must fill several roles as lawmakers, politicians, and servants of their constituents. Their most important role is as legislators.

BELLRINGER

Write the following directions on the board:

In your notebook, describe a “typical” member of Congress. To what extent do the members of Congress reflect the general population?

L2 Differentiate Substitute the following directions for those above:

In your notebook, describe the median age of a member of Congress, the ethnic breakdown of Congress, and the jobs that many members of Congress had before running for office.

Teach

To present this topic using online resources, use the lesson presentations at PearsonSuccessNet.com.

DISCUSS THE COMPOSITION OF CONGRESS

Ask students to read their descriptions of a “typical” member of Congress. As they read, note the characteristics on the board. Display Transparency 10I, *Minority Members in Congress—Consistent Growth*. Use their responses to assess whether they understand that Congress is relatively less diverse than the nation as a whole. Students should understand that a typical member of Congress is a white upper-middle-class male in his late 50s or early 60s, married, college educated, religious, and a lawyer. Ask: **What trend with minority members in Congress has developed since the 1950s?** (*greater diversity*) Students may add more detail to this portrait.

Answers

Analyzing Charts Some students might suggest that Congress should closely reflect the population because its members are there to represent the people. Other students might suggest that government would work most effectively if the most able candidates are elected, regardless of demographic characteristics.

Checkpoint The “average” member of Congress is a white male in his early 50s. Members of the House include 73 women, 43 African Americans, 26 Hispanics, 6 Asian Americans, and 1 Native American. The Senate includes 16 women, 1 African American, 3 Hispanics, 1 Asian American, and 1 Native Hawaiian. Just over 60 percent are Protestants, 30 percent are Roman Catholics, and 7 percent are Jewish. Two members are Buddhists, and one is Muslim.

How Representative Is Congress?

COLLEGE DEGREES

27%
of Americans
93%
of 110th Congress

In the First Congress, elected in 1789, only 48.4% of the members had college degrees. Today, 44% of senators and representatives have law degrees.

WOMEN

51%
of Americans
17%
of 110th Congress

The first woman in Congress was Jeanette Rankin (R., Montana), a suffragist and peace activist elected in 1916.

AGE 60 AND OLDER

17%
of Americans
40%
of 110th Congress

The 110th Congress was, on average, the oldest that has ever served. The oldest member was 83, the youngest was 31.

FOREIGN-BORN

13%
of Americans
2%
of 110th Congress

Foreign-born members of Congress have come from Canada, Cuba, Hungary, Japan, Mexico, the Netherlands, Pakistan, Taiwan, and elsewhere.

SOURCES: U.S. Census Bureau; Congressional Research Service; Biographical Directory of the United States Congress; *Politics in the First Congress, 1789–1791*

Analyzing Charts Over time, the membership of Congress has become more educated, older, and more diverse. **To what extent should the composition of Congress reflect the general population? Why?**

Checkpoint
Describe the gender, ethnic, and religious diversity of members of Congress.

Most members of Congress have had considerable political experience. The average senator is serving a second term, and the typical representative has served four terms. Nearly a third of the senators once sat in the House. Several senators are former governors. A few senators have held Cabinet seats or other high posts in the executive branch of the Federal Government. The House includes a large number of former State legislators and prosecuting attorneys among its members.

Again, Congress is not an accurate cross section of the nation's population. Rather, it is made up of upper-middle-class Americans, who are, on the whole, quite able and hard-working people.

The Job

One leading commentary on American politics describes Congress and the job of a member of Congress this way:

“Congress has a split personality. On the one hand, it is a lawmaking institution and makes policy for the entire nation. In this capacity, all the members are expected to set aside their personal ambitions and perhaps even the concerns of their constituencies. Yet Congress is also a representative

assembly, made up of 535 elected officials who serve as links between their constituents and the National Government. The dual roles of making laws and responding to constituents' demands forces members to balance national concerns against the specific interests of their States or districts.”

—James M. Burns, et al.,
Government by the People

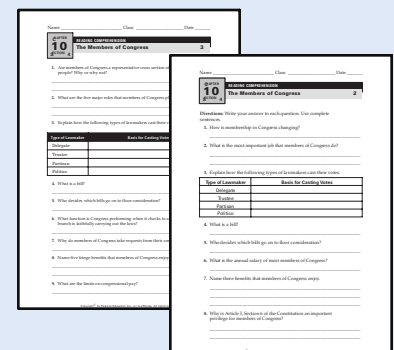
Members of both houses of Congress play five major roles. They are most importantly (1) legislators and (2) representatives of their constituents. Beyond those roles, they are also (3) committee members, (4) servants of their constituents, and (5) politicians. You will take a close look at their lawmaking function in the next two chapters. Here, we consider their representative, committee member, and servant functions.

Representatives of the People Senators and representatives are elected to represent the people. What does that really mean? The members of both houses cast hundreds of votes during each session of Congress. Many of those votes involve quite routine, relatively unimportant matters; for example, a bill to designate a week in May as National Wildflower Week. But many of those votes,

Differentiated Resources

The following resources are located in the All-in-One, Unit 3, Chapter 10, Section 4:

- L3** Reading Comprehension Worksheet (p. 35)
- L2** Reading Comprehension Worksheet (p. 36)
- L3** Core Worksheet (p. 37)
- L3 L4** Extend Worksheet (p. 39)
- L3** Quiz A (p. 40)
- L2** Quiz B (p. 41)
- L3** Chapter Test A (p. 42)
- L2** Chapter Test B (p. 45)



including some on matters of organization and procedure, do involve questions of far-reaching importance.

Therefore, no questions about the law-making branch can be more vital than these: How do the people's representatives represent the people? On what basis do they cast their votes?

In broadest terms, each lawmaker has four voting options. He or she can vote as a delegate, a trustee, a partisan, or a politico.

Delegates see themselves as the agents of the people who elected them. They believe that they should discover what “the folks back home” think about an issue and vote that way. They are often willing to suppress their own views, ignore those of their party's leadership, and turn a deaf ear to the arguments of their colleagues and of special interests from outside their constituencies.

Trustees believe that each question they face must be decided on its merits. Conscience and judgment are their guides. They reject the notion that they must act as robots or rubber stamps. Instead, they call issues as they see them, regardless of the views held by a majority of their constituents or by any

of the other groups that seek to influence their decisions.

Partisans believe that they owe their first allegiance to their political party. They feel duty-bound to cast their votes in line with the party platform and the views of their party's leaders. Most studies of legislators' voting behavior indicate that partisanship is the leading factor influencing lawmakers' votes on most important questions.

Politicos attempt to combine the basic elements of the delegate, trustee, and partisan roles. They try to balance these often conflicting factors: their own view of what is best for their constituents and/or the nation as a whole, the political facts of life, and the peculiar pressures of the moment.

Committee Members In every session of Congress, proposed laws, known as **bills**, are referred to the various committees in each chamber. As committee members, senators and representatives must screen those proposals. They decide, in committee, which measures will go on to **floor consideration**—that is, be considered and acted upon by the full membership of the House or Senate.

Checkpoint
What is the leading factor in how legislators vote?

peculiar
adj., particular or specific

How Should Members of Congress Vote?

The Senate must vote on an appropriations (spending) bill passed by the House. It includes earmarks (funds designated for specific projects) for hospitals and the State college system in Senator Miller's home State, as well as projects in other States. Senator Miller may decide to act as a delegate, a trustee, a partisan, or a politico. *How should he vote?*

What are the options?

DELEGATE

Although Senator Miller personally thinks that it is bad policy to run a deficit, polls show that his constituents support this bill. As a delegate, he would vote **for the bill**.

TRUSTEE

Senator Miller's personal goal is a balanced budget. His constituents trust him. As a trustee, he would vote **against this bill** because it would cause another year of deficits.

PARTISAN

Senator Miller believes that it is important for his party to show that they can get things done. As a partisan, he would **follow the party leadership** and vote to pass the bill.

POLITICO

As a politico, Senator Miller attempts to **balance the views** of his constituents, his own views, those of his party, and other considerations.

Chapter 10 • Section 4 287

Ask: “To what extent do members of Congress reflect the general population?” If students say that Congress does not represent the population, they may jump to conclusions of racism or sexism as the cause. Point out that Congress has become more diverse over time and note the numbers mentioned in the reading. Direct the conversation to solutions, asking them to recall the profiles of candidates in a recent election. Point out that presidential elections, especially, often feature a choice among upper-middle-class white men. Urge them to consider why some individuals run for office and others do not. Remind them that voters elect members of Congress. You may also ask them how they would change the composition of Congress. If they are stuck, remind them that the United States has low levels of voter participation. Transition by telling students that in order to choose the best candidates, they need to understand the job of a member of Congress.

INTRODUCE THE ACTIVITY

Ask students if they have ever looked at job listings in the newspaper or online. Ask them to describe what types of information might be included in a listing for a restaurant server. They should mention information that a job seeker would want to know (salary, hours, benefits) and skills that the person hiring will be looking for. Tell them that today they will be using these same categories to create a “help wanted” listing for a representative and a senator.

L1 L2 Differentiate For lower-level students, write the two categories on the board: (1) Information for the Job Seeker and (2) Description of Skills and Experiences the Job Seeker Needs.

Background

CONGRESSIONAL PAGE PROGRAM Each year, 100 lucky high school juniors get a first-hand look at what members of Congress do. These students are congressional pages. Pages chiefly serve as messengers, carrying documents between buildings on Capitol Hill. They also prepare the House and Senate chambers each day by distributing the Congressional Record and other documents needed for the day's work. During sessions, pages sit near the podium, and members of Congress call them for assistance. To become a page, students must be at least 16 and must apply to their senator or representative for sponsorship. Competition is intense. Only students with high grades are considered. Those who succeed gain valuable insight into the inner workings of our National Government.

Answers

Checkpoint partisanship

How Should Members of Congress Vote? Senator Miller must consider such factors as his constituents' wishes, his own views, and his party's position.

DISTRIBUTE CORE WORKSHEET

Distribute the Chapter 10 Section 4 Core Worksheet (Unit 3 All-in-One, p. 37). Using the worksheet, have students work alone or in pairs to write a want ad for a senator. Then they can use the worksheet as a model to write a want ad for a member of the House on a separate page. Remind them to look at the list of qualifications that they started in the lesson for Section 3.

Name _____ Class _____ Date _____

CHAPTER 10 Section 4	CORE WORKSHEET The Members of Congress	3
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The Constitution says little about the qualifications for members of Congress, though there are many that candidates must meet. Your task is to write job descriptions for members of Congress. You will write one for a senator on this sheet and one for a member of the House of Representatives on another piece of paper. Refer to text Sections 2 and 3 or Article I of the Constitution to determine the formal qualifications for each office.

Job title: Senator _____

Location(s): _____

Starting Salary: _____

Job Description: (Hint: Think about all the roles mentioned in Section 4 of your text.)

Length of Contract: _____

Benefits: _____

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L1 L2 Differentiate Walk through the lesson as a class, rather than letting students work on their own. Alternatively, you may walk through one role and let students do the other on their own.

L4 Differentiate Have students use information in their completed want ads to create a flier that might be posted on a university bulletin board to attract applicants. Have them use a word processing or desktop publishing software and include graphics to draw attention.



Rep. José Serrano (D., New York), far right, takes part in the ceremonial first delivery of a program to bring discounted heating oil to his constituents. He worked with nonprofit groups and Venezuelan officials to get it started. **What role is Serrano fulfilling?**

appropriate
v., to set aside for a specific purpose

Although Congress enacts laws and **appropriates** the money to implement them, the Constitution assigns the task of executing those laws to the executive branch. Congress must see that executive agencies carry out those laws faithfully and spend that money properly. It does so through the exercise of its critically important **oversight function**, the process by which Congress, through its committees, checks to see that the executive branch agencies are carrying out the policies that Congress has set by law.

Servants of the People Members of both the House and the Senate act as servants of their constituents. Most often, they do this as they (and their staff aides) try to help people in various dealings with the federal bureaucracy. Those interactions may involve a Social Security benefit, a passport application, a small business loan, or any one of a thousand other matters.

Some of “the folks back home” seem to think that members of Congress are sent to Washington mostly to do favors for them. Most members are swamped with constituent requests from the moment they take office. The range of these requests is almost without limit—everything from help in securing a government contract or an appointment to a military academy, to asking for a free sightseeing tour of Washington

or even a personal loan. Consider this job description offered only half-jokingly by a former representative:

“A Congressman has become an expanded messenger boy, an employment agency, getter-outer of the Navy, Army, Marines, ward healer, wound healer, trouble shooter, law explainer, bill finder, issue translator, resolution interpreter, controversy oil pourer, gladhand extender, business promoter, convention goer, civil ills skirmisher, veterans’ affairs adjuster, ex-serviceman’s champion, watchdog for the underdog, sympathizer with the upper dog, namer and kisser of babies, recoverer of lost luggage, soberer of delegates, adjuster for traffic violators, voter straying into Washington and into toils of the law, binder up of broken hearts, financial wet nurse, Good Samaritan, contributor to good causes—there are so many good causes—cornerstone layer, public building and bridge dedicator, ship christener—to be sure he does get in a little flag waving—and a little constitutional hoisting and spread-eagle work, but it is getting harder every day to find time to properly study legislation—the very business we are primarily here to discharge, and that must be done above all things.”

—Rep. Luther Patrick (D., Alabama)

Most members of Congress know that to deny or fail to respond to most of these requests would mean to lose votes in the next election. This is a key fact, for all of the roles a member of Congress plays—legislator, representative, committee member, constituent servant, and politician—are related, at least in part, to their efforts to win reelection.

Compensation

The Constitution says that members of Congress “shall receive a Compensation for their Services, to be ascertained by Law. . . .”²¹ That is, the Constitution says that Congress fixes its own pay. The late Senator Russell Long (D., Louisiana) once characterized this provision as one that gives to members of Congress “a power that no good man would want and no bad man should have.”

Background

EARMARKS One way members of Congress fulfill their role as servants of the people is through earmarks. *Earmarks* are funds set aside by Congress to pay for projects in the sponsoring legislators’ home States. Earmarks are typically included in spending bills. For example, Representative Thomas Reynolds (R., New York) sponsored an earmark to spend \$1.6 million for a crime laboratory in his district. This laboratory may mean little to most people, but it is important to the people Reynolds represents. Earmarks have stirred controversy, however. The 2008 budget bill contained almost 9,000 of them, totaling an estimated \$8 billion. Opponents of the practice argue that earmarks supporting local pet projects drain money away from national priorities, such as national defense. Supporters insist that earmarks are a legitimate way for legislators to advocate for their constituents.

Answers

Caption servant of the people

Salary Today, senators and representatives are paid \$169,300 per year. A few members are paid somewhat more. The Speaker of the House makes \$217,400 per year. The Vice President makes \$221,100 per year. The Senate's president pro tem and the floor leaders in both houses receive \$188,100 per year.

Nonsalary Compensation Members receive a number of “fringe benefits,” and some are quite substantial. Thus, each member has a special tax deduction. That deduction recognizes the fact that most members of Congress must maintain two residences, one in his or her home State and one in Washington.

Generous travel allowances **offset** the cost of several round trips each year between home and Washington. Members pay relatively small amounts for life and health insurance and for outpatient care by a medical staff on Capitol Hill; they can get full medical care, at very low rates, at any military hospital. They also have a generous retirement plan, to which they contribute. The plan pays a pension based on years of service in Congress, and longtime members can retire with an income of \$150,000 or more per year. The lawmakers are also covered by Social Security's retirement and Medicare programs.

Members are also provided with offices in one of the several Senate and House office buildings near the Capitol and allowances for offices in their home State or district. Each member is given funds for hiring staff and for the operating costs related to running those offices. The **franking privilege** is a well-known benefit that allows them to mail letters and other materials postage-free by substituting their facsimile signature (frank) for the postage.

Congress has also provided its members with the free printing—and through franking, the free distribution—of speeches, newsletters, and the like. Radio and television tapes can be produced at very low cost. Each member can choose among several fine restaurants and two first-rate gymnasiums. Members receive still more privileges, including such things as the

21 Article I, Section 6, Clause 1. The 27th Amendment modified this pay-setting authority. It declares that no increase in members' pay can take effect until after the next congressional election—that is, not until after voters have had an opportunity to react to the pay raise.

help of the excellent services of the Library of Congress and free parking in spaces reserved for them at the Capitol and also at Washington's major airports.²²

The Politics of Pay There are only two real limits on the level of congressional pay. One is the President's veto power. The other and more potent limit is the fear of voter backlash, an angry reaction by constituents at the ballot box. That fear of election-day fallout has always made most members reluctant to vote to raise their own salaries.

Congress has often tried to skirt the politically sensitive pay question. It has done so by providing for such fringe benefits as a special tax break, a liberal pension plan, more office and travel funds, and other perquisites, or “perks”—items of value that are much less apparent to “the folks back home.”

22 For decades, many members of Congress supplemented their salaries with honoraria—speaking fees and similar payments from private sources, mainly special interest groups. Critics long attacked that widespread practice as at least unseemly and, at its worst, a form of legalized bribery. The House finally prohibited its members from accepting honoraria in 1989, and the Senate did so in 1991.



Analyzing Political Cartoons To eliminate the need to vote for their own raises, Congress now receives an automatic annual salary increase to keep up with inflation. It is known as a “cost of living adjustment,” or C.O.L.A. Critics, however, point out that they have not provided the same automatic adjustment for the minimum wage. **What factual information can you learn from studying this cartoon?**

Checkpoint
Name five “fringe benefits” for members of Congress.

fringe benefits
n., compensation awarded in addition to a base salary

offset
v., to balance, counteract, or compensate for

FOLLOW UP THE DISCUSSION

After students finish the want ads, ask several to read their qualifications out loud. Use these questions to start a discussion:

- Do you agree with the different formal qualifications for the House and Senate?
- Are the informal qualifications any different?
- Do you look for different backgrounds or experiences for senators versus members of the House?
- Is the age limit for the House (25 years old) too young?
- What specific aspects of the job require specific skills or experience?

EXTEND THE LESSON

Distribute the Extend Worksheet about Jeannette Rankin, the first woman elected to the House of Representatives (Unit 3 All-in-One, p. 39). Have students read the biography and answer the questions. Point out that for members of Congress, voting their conscience sometimes conflicts with the desires of their constituents. Rankin's decision to vote against entry into World War II ended her political career, but she had voted her conscience. Ask students if they think she made a good choice.

Ask: **Should an elected representative always vote the way the majority of constituents want, or do constituents elect the representative because they trust the person's judgment?**

L2 ELL Differentiate Define difficult words in the biography of Jeannette Rankin: *pacifist* (person who opposes war), *suffrage* (right to vote), and *conviction* (firm belief).

L3 Differentiate Display Transparency 10J, Congressional Pay Raise. Ask: **What does the man holding out his hat represent?** (*voters looking to receive fringe benefits*)

Teacher-to-Teacher Network

ALTERNATE LESSON PLAN Have students explore the different ways members of Congress represent the people. In this lesson plan, students will research a recent issue before Congress. They will analyze the position of members of Congress on this issue and identify those who voted as delegates, trustees, partisans, and politicians.

To see this lesson plan, go to



Answers

Checkpoint Benefits include a special tax deduction, travel allowances, low-cost life and medical insurance, low-cost healthcare, generous retirement plan, Social Security benefits, offices near the Capitol and allowances for offices in their home State or district, funds for office operation, franking privileges, free printing, restaurants, exercise facilities, library services, and free parking.

Analyzing Political Cartoons that in addition to automatic pay raises, Congress members also get “fringe benefits”

Assess and Remediate

L3 Collect the Core Worksheet and assess students' want ads using the Rubric for Assessing a Writing Assignment (Unit 3 All-in-One, p. 168).

L3 Assign the Section 4 Assessment questions.

L3 Section Quiz A (Unit 3 All-in-One, p. 40)

L2 Section Quiz B (Unit 3 All-in-One, p. 41)

Have students complete the review activities in the digital lesson presentation and continue their work in the **Essential Questions Journal**.

REMEDIATION

If Your Students Have Trouble With	Strategies For Remediation
Roles of members of Congress (Questions 1, 4)	Review the five major roles listed under textbook heading "The Job."
The oversight function (Question 2)	Read aloud the section following the textbook heading "Committee Members" and discuss the oversight function.
The difference between a bill and a law (Question 3)	Have students look up the definitions in the glossary and explain them in a sentence.
Informal qualifications and members' backgrounds (Question 5)	Have students use the first page of this section to make graphs and charts showing aspects of the backgrounds of members of Congress.
Voting options (Question 6)	Review the graphic "How Should Members of Congress Vote?"

Answers

Checkpoint Immunity is intended to ensure that members of Congress know they can speak their minds freely in legislative debates on often controversial issues.

Assessment Answers

- Members of Congress act as legislators, representatives of their constituents, committee members, servants of their constituents, and politicians. When they vote, they may act as delegates, trustees, partisans, or politicians.
- Congress exercises its oversight function when, through its committees, it checks to see that the executive branch is carrying out the laws Congress has passed.
- A bill is a proposed law; a law is a bill that has been approved.
- representatives of the people, committee

✓Checkpoint
Why does the Constitution grant members of Congress immunity to prosecution for anything they say in committee or on the floor?

The debate over congressional pay is not likely to end soon—at least not as long as the current method of establishing salaries remains in effect. All sides of the issue present reasonable arguments. Certainly, decent salaries—pay in line with the responsibilities of the job—will not automatically bring the most able men and women to Congress, or to any other public office. But certainly, decent salaries can make public service much more appealing to qualified people.

Membership Privileges Beyond the matter of their salaries and other compensation, members of Congress enjoy several privileges. The Constitution commands that senators and representatives

FROM THE CONSTITUTION

shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same. . . .

—Article I, Section 6, Clause 1

The provision dates from English and colonial practice, when the king's officers often harassed legislators on petty grounds. It has been of little importance in our national history; however.²³

Another much more important privilege is set out in the same place in the Constitution.

contentious
adj., controversial

The Speech or Debate Clause of Article I, Section 6, Clause 1 declares ". . . for any Speech or Debate in either House, they shall not be questioned in any other Place." The words "any other Place" refer particularly to the courts.

The privilege is intended to "throw a cloak of legislative immunity" around members of Congress. The clause protects members from suits for libel or slander arising out of their official conduct. The Court has held that the immunity applies "to things generally done in a session of the House [or Senate] by one of its members in relation to the business before it."²⁴ The protection includes work in committees and all other things generally done by members of Congress in relation to congressional business.

The important and necessary goal of this provision is to protect freedom of legislative debate. Clearly, members must not feel restrained in their vigorous discussion of the sometimes **contentious** issues of the day. However, this provision is not designed to give members unbridled freedom to attack others verbally or in writing. Thus, a member is not free to defame another person in a public speech, an article, a conversation, or otherwise.

²³ The courts have held that "Breach of the Peace" covers criminal offenses. So the protection covers only arrest for civil (noncriminal) offenses while engaged in congressional business.

²⁴ The leading case is *Kilbourn v. Thompson*, 1881. The holding has been affirmed many times since. In *Hutchinson v. Proxmire*, 1979, however, the Court held that members of Congress may be sued for libel for statements they make in news releases or in newsletters.

Essential Questions Journal

To continue to build a response to the chapter Essential Question, go to your Essential Questions Journal.

SECTION 4 ASSESSMENT

- Guiding Question** Use your completed concept web to answer this question: What roles and functions do members of Congress perform?

Key Terms and Comprehension

- What is the **oversight function**?
- What is the difference between a **bill** and a law?
- What are the five major roles played by members of Congress in their jobs?

Critical Thinking

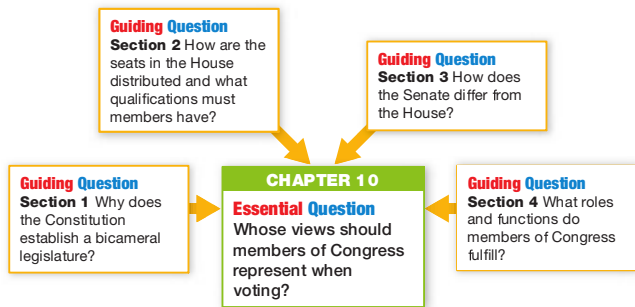
- Draw Inferences** What does the profile of the average member of Congress tell you about the informal qualifications for the office?
- Make Decisions** Rank the options that members of Congress have when voting: trustee, delegate, partisan, and politico. Number one should be the option you would want your representatives and senators to use when voting. For each, explain why you would or would not favor each option.

Quick Write

Expository Writing: Write Topic Sentences Extend the outline you began in Section 3. Then write a topic sentence for each of the major headings in your outline. Topic sentences should introduce the information under that heading. If your headings are too broad to write a comprehensive topic sentence, revise the outline so that each topic sentence serves as an introduction to what follows.

- Students should present a reasonable explanation for their preferences.

QUICK WRITE Students' topic sentences should correlate to the major outline headings, which should not be too broad.



Political Dictionary

bicameral p. 268
term p. 270
session p. 270
convene p. 271
adjourn p. 271
recess p. 271
prorogue p. 271
special session p. 271
apportion p. 273
reapportion p. 274
off-year election p. 275
single-member district p. 275
at-large p. 275
gerrymander p. 277
incumbent p. 280
continuous body p. 283
constituency p. 283
delegate p. 287
trustee p. 287
partisan p. 287
politico p. 287
bill p. 287
floor consideration p. 287
oversight function p. 288
franking privilege p. 289

Comparing the House and the Senate

House of Representatives	Senate
<ul style="list-style-type: none"> Two-year term 435 voting members Smaller constituencies: Elected from districts of approximately equal populations All elected every two years Modest prestige, less national media attention 	<ul style="list-style-type: none"> Six-year term 100 members Larger constituencies: Elected from entire State One third elected every two years High prestige, more media attention

Reasons for a Bicameral Congress

Historical	Practical	Theoretical
<ul style="list-style-type: none"> Most colonies had bicameral legislatures. British Parliament was bicameral. 	<ul style="list-style-type: none"> Big States wanted representation based on population; small States wanted equal representation. 	<ul style="list-style-type: none"> The Framers wanted to spread the power so that the legislative branch would not become too powerful.

Have students download the digital resources available at Government on the Go for review and remediation.

STUDY TIPS

Summarizing To help students prepare for college, have students practice summarizing. Give them several minutes to summarize one section of the chapter in one to three sentences. In groups of three, they should share their summaries and work together to agree on the most succinct summary possible. Share these summaries with the class and see if it is possible to write a better one. A good summary should identify the main idea(s) and conclusions of the section without including too many details or examples.

ASSESSMENT AT A GLANCE

Tests and Quizzes

Section Assessments
Section Quizzes A and B, Unit 3 **All-in-One**
Chapter Assessment
Chapter Tests A and B, Unit 3 **All-in-One**
Document-Based Assessment
Progress Monitoring Online
ExamView Test Bank

Performance Assessment

Essential Questions Journal
Debates, pp. 277, 279
Assessment Rubrics, **All-in-One**

For More Information

To learn more about Congress, refer to these sources or assign them to students:

- L1 Heath, David.** *The Congress of the United States.* Capstone Press, 2000.
- L2 Cohen Bell, Lauren.** *The United States Congress: A Simulation for Students.* Wadsworth Publishing, 2004.
- L3 Hamilton, Lee.** *How Congress Works and Why You Should Care.* Indiana University Press, 2004.
- L4 Baker, Ross K.** *House and Senate.* W. W. Norton, 2000.

Chapter Assessment

COMPREHENSION AND CRITICAL THINKING

SECTION 1

- (a) Historical:** Americans accustomed to British bicameral legislature; most colonial and State legislatures were bicameral. **Practical:** compromise between large and small States. **Theoretical:** Framers wanted bicameral legislature so each house could check the power of the other. **(b)** States had vastly unequal populations and could not agree on a single form of representation that would be fair to all. Bicameralism was a compromise that allowed equal representation to the States in the Senate and proportional representation based on population in the House.
- (a)** There are two sessions to each term of Congress—one session each year. **(b)** The President may call a special session to deal with an emergency situation. The President can end a session but only when the two houses cannot agree on a date for adjournment.

SECTION 2

- (a)** Voters elect one candidate from among a field of candidates running for a single seat. **(b)** After each decennial census, Congress redistributes, or reapportions, the seats in the House to adjust to changes in the population. The legislature of each State then redraws its congressional district lines to adjust for the new number of seats. Gerrymandering is the drawing of these new lines with the goal of maximizing the seats held by the majority party. **(c)** A good answer will include an awareness of the complexity of the process and recognition that reformers must be careful not to introduce new kinds of unfairness.

SECTION 3

- (a)** Senators must be older and be citizens longer. **(b)** Longer terms insulate senators from political pressures because they don't have to campaign frequently. This allows greater freedom to act according to what is best for the nation rather than what will be most popular with constituents. **(c)** A good answer should note that a policy may be good for the nation but not good for a senator's State.
- (a)** a bag containing \$1 million **(b)** The original method of choosing senators (appointment by State legislatures) had been

Chapter Assessment

GOVERNMENT ONLINE
Self-Test
To test your understanding of key terms and main ideas, visit PearsonSuccessNet.com

Comprehension and Critical Thinking

Section 1

- (a)** Give a historical, a practical, and a theoretical reason why the Framers created a bicameral legislature. **(b)** Explain the following statement: *Bicameralism is an expression of federalism.*
- (a)** How is a session of Congress related to a term? **(b)** Under what circumstances may the President convene or end a session of Congress?

Section 2

- (a)** Describe how members of Congress are elected in a single-member district arrangement. **(b)** Explain how the terms reapportionment and gerrymander are related. **(c)** In your opinion, what criteria should legislators use when drawing district lines?

Section 3

- (a)** How do the qualifications for membership in the Senate differ from those of the House? **(b)** How does the length of their term of office protect senators from the political pressures faced by the members of the House? **(c)** Under what circumstances might a senator's role as a national leader conflict with his or her role as a representative of a State?
- Analyze Political Cartoons** The 1890 cartoon to the right is a commentary on the process of State legislatures choosing senators before the passage of the 17th Amendment. **(a)** What is the candidate placing in the box? **(b)** What point is the artist making? **(c)** Compare the role of money in elections before the passage of the 17th Amendment to its role today.



Section 4

- (a)** List the five major roles played by members of Congress in doing their jobs. **(b)** In your opinion, what is the most important role of a member of Congress? Why?
- (a)** What are the advantages and disadvantages of paying our elected representatives a salary? **(b)** How much do you think that members of Congress should be paid in comparison with other professions? Explain. **(c)** How important is it for members of Congress to be well paid?

Writing About Government

- Use the Quick Write exercises from this chapter to write an expository essay explaining similarities and differences between the British Parliament and the U.S. Congress. Before writing, make an outline and decide how to organize your essay. See pp.S3–S5 in the Skills Handbook.

Apply What You've Learned

- Essential Question Activity** Members of Congress are legislators for the National Government, yet they must please their constituents in order to be reelected. One way to do that is through earmarks. **(a)** Research earmarks using news stories and other current media. Summarize the controversy over earmarks. Why do some people oppose them? What effect do earmarks have on the nation? **(b)** Would the earmarks sponsored by your members of Congress make you more likely to vote for them? Would you support the earmarks if they benefited another State?

- Essential Question Assessment** Based on the results of your research and the content you learned in this chapter, write a paragraph answering this question: How should members of Congress balance their roles as national leaders and State or local leaders? This question will help you think about the chapter Essential Question: **Whose views should members of Congress represent when voting?**

Essential Questions Journal To respond to the chapter Essential Question, go to your **Essential Questions Journal**.

corrupted and those who had the money could buy a seat in the Senate. **(c)** Answers will vary. A good answer will recognize that, today, many people believe that money still plays a large role in the election process.

SECTION 4

- (a)** legislator, representative, committee member, servant of constituents, politician **(b)** The text states that the most important roles are those of legislator and representative. Students should support their opinions.

- (a)** If congressional salaries were eliminated, many qualified people would be unwilling or unable to serve. **(b)** Students should support their opinions. **(c)** Students should recognize that compensation influences the kinds of people who will be willing to run for office.

WRITING ABOUT GOVERNMENT

- Students' outlines and essays should show evidence of awareness of the similarities and differences between both legislative bodies. The essays should be organized correctly by subject or by point.

Document-Based Assessment

CHAPTER 10

Members of Congress Cast Their Votes

Members of Congress must decide how to vote on any number of issues during each session. In doing so, they risk alienating some constituents and party leaders. They also may be faced with issues about which they have strong personal feelings.

Document 1

When your representative in Congress votes on an issue, which should be more important?

The Representative's own principles and judgment about what is best for the country

25% AGREE

The way voters in your district feel about that issue

68% AGREE

SOURCE: The Center on Policy Attitudes, 1999

Document 2

I am now here in Congress . . . I am at liberty to vote as my conscience and judgment dictates to be right, without the yoke of any party on me . . . Look at my arms, you will find no party hand-cuff on them! . . . But you will find me . . . the people's faithful representative, and the public's most obedient, very humble servant.

—Davy Crockett, *Representative of Tennessee, 1834*

Document 3

There is an old story about Lyndon Johnson meeting with a group of new congressmen while he was President. One of them asked Johnson for advice on how to vote during his time in office. The President responded that he should do whatever his party leadership told him. Outside the meeting a few minutes later, a reporter asked Johnson if he'd given any advice to the new legislators. Surely, Johnson replied: "Always vote in the best interests of the American people."

That pretty well captures the realities of Washington. Out in the glare of the television lights, "the people's" interests are trotted out and given the starring role. But behind closed doors, there's a gaggle of competing interests every legislator must weigh. If the President is of your party, there's a natural desire to support him. So, too, with your party's leaders, who can advance your career and make it easier for you to help your constituents. Then there are your constituents, your campaign contributors, lobbyists . . . All of them have some claim on your loyalties.

—Lee Hamilton (D., Indiana), "Whose Team Should a Member of Congress Be On?," 2005

Use your knowledge of Congress and Documents 1, 2, and 3 to answer Questions 1–3.

- Which statement does Document 1 support?
 - Members of Congress should vote in the best interest of large corporations.
 - Members of Congress should vote in the best interests of the nation.
 - Members of Congress should vote in the way their constituents would choose.
 - Members of Congress should vote for what they consider morally correct.
- What factors would Crockett and Johnson have considered when voting on bills?
- Pull It Together** Based on these documents, what factors do you think are most important for members of Congress to consider when casting their votes? Why?



GOVERNMENT ONLINE

Documents

To find more primary sources on Congress, visit PearsonSuccessNet.com

DOCUMENT-BASED ASSESSMENT

- C
- Crockett would likely have considered conscience, judgment, and the views of his constituents. Johnson would have voted in the interest of his party.
- Answers will vary, but students should consider the various voting options and the advantages and disadvantages of each.

L2 Differentiate Students use all the documents on the page to support their thesis.

L3 Differentiate Students include additional information available online at PearsonSuccessNet.com.

L4 Differentiate Students use materials from the textbook, the online information at PearsonSuccessNet.com, and do additional research to support their views.



Go Online to PearsonSuccessNet.com for a student rubric and extra documents.

APPLY WHAT YOU'VE LEARNED

9. Essential Question Activity (a) and (b)

Answers will vary. Students' research and responses should be thoughtful and should synchronize information learned from the chapter along with their own thoughts.

10. Essential Question Assessment Students' paragraphs should reflect what they have learned about voting as a delegate, trustee, partisan, or politico.

Introduce the Chapter

Essential Questions:

UNIT 3

What makes a successful Congress?

CHAPTER 11

What should be the limits on the powers of Congress?

ACTIVATE PRIOR KNOWLEDGE

Have students examine the image and quotation on these pages. Ask: **In what way is Congress “the people”?** (*Members are elected by the people to represent their interests.*) **In what way is Congress the President’s commander?** (*Congress has some powers that can check the President’s power.*) Tell students to begin to further explore the powers of Congress by completing the Chapter 11 Essential Question Warmup activity in their **Essential Questions Journal**. Discuss their responses as a class.

BEFORE READING

L2 ELL Differentiate Chapter 11 Prereading and Vocabulary Worksheet (Unit 3 All-in-One, p. 57)

SUCCESSNET STUDENT AND TEACHER CENTER

Visit **PearsonSuccessNet.com** for downloadable resources that allow students and teachers to connect with government “on the go.”

DIGITAL LESSON PRESENTATION

The digital lesson presentation supports the print lesson with activities and summaries of key concepts. Activities for this chapter include:

- **Federal Spending: Where Do Our Taxes Go?**
- **The Implied Powers of Congress**
- **The Impeachment Process**

SKILLS DEVELOPMENT

DRAW INFERENCES AND CONCLUSIONS

You may wish to teach drawing inferences and conclusions as a distinct skill within Section 2 of this chapter. Use the Chapter 11 Skills Worksheet (Unit 3 All-in-One, p. 77) to help students learn how to draw inferences and conclusions. The worksheet asks students to read an excerpt about eminent domain and then answer questions about the reading. For L2 and L1 students, assign the adapted Skill Activity (Unit 3 All-in-One, p. 78).



The chapter WebQuest challenges students to answer the chapter Essential Question by asking them about Congress.



294

Block Scheduling

BLOCK 1: Begin with the heading “Introduce the Delegated Powers” in Section 1 and teach the rest of the lesson, choosing one Extend activity. Then have students complete Chapter 11 Section 2 Core Worksheets A and B. Finish by reviewing “The Expressed Powers of Congress” chart in Section 2 and having students read *The Federalist* No. 41, in which James Madison describes the reasons the National Government has certain powers.

BLOCK 2: Teach the full lesson for Section 3 and then have students do research and present information associated with modern conflicts related to the powers of the National Government. Then have them do the Section 4 Jigsaw activity and choose one Extend activity for students to complete.