

Law Makers and Legislatures Section 1 and 2

1. Introduction



Do you have what it takes to be a successful legislator? Consider these questions:

- Do you have a burning desire to serve the people and a willingness to work long hours doing the public's business?
- Are you prepared to apply common sense and sound moral judgment to the issues of the day?
- Do you possess the fortitude to read and digest documents that may be hundreds or even thousands of pages long?
- Do you value compromise?
- Are you brave enough to vote your conscience, even if it means going against the wishes of your party or the voters who elected you?

Even if you answered yes to these questions, lawmaking still may not be the career for you. As with most people who enjoy their work, one of the main goals of lawmakers is to keep their jobs. This means that along with other duties, they must always be thinking about how to stay in office. Political scientist David Mayhew makes this point in Congress: *The Electoral Connection*, his 1974 study of members of Congress:

It seems fair to characterize the modern Congress as an assembly of professional politicians spinning out political careers. The jobs offer good pay and high prestige. There is no want of applicants for them. Successful pursuit of a career requires continual reelection.

With Mayhew's observation in mind, think again about what you would need to be a successful legislator.



- You must be “electable”—charming, at ease speaking to crowds, and willing to tailor your views to match the results of public opinion polls.
- You must be able to raise money, and lots of it, to finance your election campaign.
- Once elected, you must become skilled at playing political games.
- When seeking reelection, you must show that you were able to bring taxpayer-funded projects back to your home district or state.

None of this means that you should abandon your idealism. Most politicians seek public office to pursue worthy goals, including making good public policy. Nonetheless, to be a first-rate legislator, you must learn how to enter and survive the rough-and-tumble world of politics.

Speaking of Politics

constituent

A person who lives in an electoral district and is represented by an elected official.

pork

Publicly funded projects secured by legislators to benefit their home districts or states. The funds for such projects are said to come from the "pork barrel"—the state or national treasury.

standing committee

A permanent committee of legislators from either the House or Senate responsible for specific policy areas, such as foreign affairs or agriculture.

joint committee

A permanent committee of legislators from both the House and Senate that deals with matters of common interest, such as economic policy.

conference committee

A temporary committee of legislators from both the House and Senate created to work out differences in bills passed by both houses of Congress.

appropriations

Funds allocated by a legislature for a stated purpose as part of a budget or spending bill.

joint resolution

An official statement issued by both houses of Congress. Once signed by the president, a joint resolution has the force of law.

casework

Personal services provided by members of Congress to their constituents, often to help their constituents with problems they are having with the federal bureaucracy.

2. Legislators and Their Constituents

Most legislators start out in local politics. They may have won election to the city council and then moved from there to the state legislature. Once they have gathered experience, they may try for a seat in the House of Representatives or the Senate. As lawmakers move upward on the legislative path, they serve an ever-widening group of [constituents](#), or people in their home districts and states. To attain any of these positions, however, an individual must first meet certain qualifications.

Formal Qualifications: Age and Citizenship Requirements

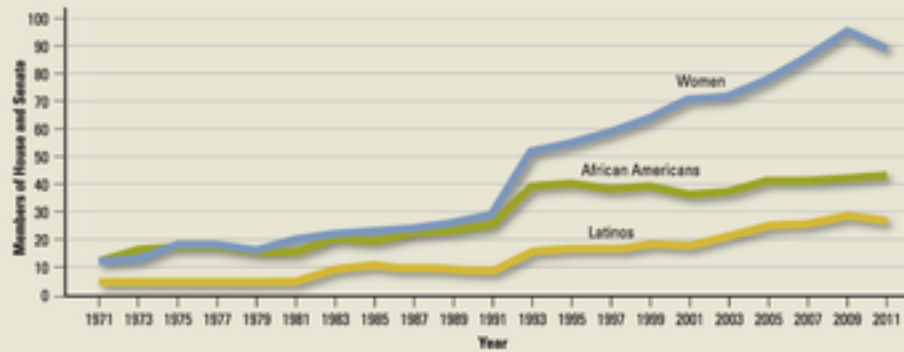
The Constitution establishes formal qualifications for members of Congress. Members of both the House and the Senate must be residents of the state in which they are elected. They also need to meet minimum age and citizenship requirements. House members must be at least 25 years old and U.S. citizens for at least seven years. Senators must be at least 30 years old and U.S. citizens for at least nine years.

The formal qualifications for lawmakers at the state and local level are often less stringent. Young adults not long out of high school may qualify for election to school boards, town councils, or even state legislatures. In 2012, 21-year-old Justin Chenette of Maine became the youngest state legislator in the country. Chenette believes in the importance of youth involvement in politics. “It is important to get involved in the process,” he told a reporter. “I want to reaffirm to young people why voting is important.”

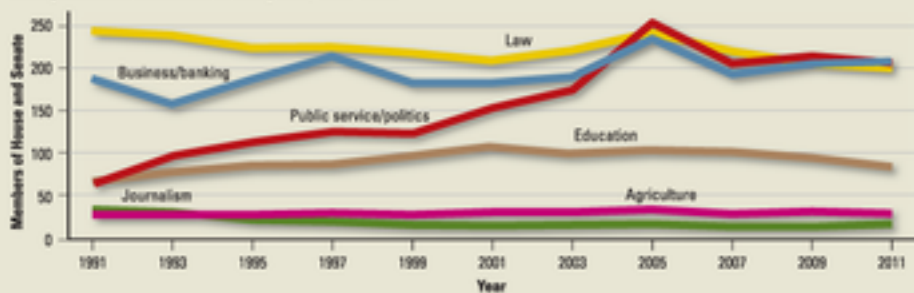
The Changing Composition of Congress

In the past, Congress was mostly made up of well-educated white males who worked in law or business. Since the 1970s, however, Congress has become more diverse. Moreover, a growing number of representatives and senators now see public service and politics as their occupation.

Women, African Americans, and Latinos in Congress, 1971–2011



Occupations of Members of Congress, 1991–2011



Source: Harold W. Stanley and Richard G. Niemi, *Vital Statistics on American Politics 2011–2012*, Los Angeles: CQ Press, 2011.

Informal Qualifications: Race, Gender, Education, and Occupation

In addition to the formal requirements for office, lawmakers may also need to meet certain informal, or unstated, qualifications. These are essentially the qualities and characteristics that people look for in their public officials. These informal qualifications have changed somewhat over the years. James Madison and the other framers of the Constitution had in mind a certain set of high-minded and highly educated people to lead the country. Madison described them this way:

A chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.

—James Madison, *The Federalist* No. 10, 1787

For some 200 years, that “chosen body of citizens” was largely made up of lawmakers who were white, male, and middle to upper class.

In the 1960s and 1970s, women and members of minority groups began to challenge the idea that all lawmakers should be successful white men. By the late 1960s, a few hundred women had won election to state legislatures and Congress. By 2012, that number had swelled to about 1,840 women serving as state or national lawmakers. African Americans, Latinos, and members of other ethnic groups also were elected to legislatures in growing numbers. In 1971, for example, a combined total of 21 African Americans and Latinos held seats in Congress. By 2011, that number had risen to 68.

Beyond race and gender, however, at least two other informal qualifications still exist: education and occupation. Most legislators today have a college degree, and many have advanced degrees. The majority also have a background in business or law.



Apportionment: Achieving Equal Representation

The U.S. Senate has a total of 100 seats, two for each state. The House of Representatives has 435 seats, with each seat representing one congressional district. The number of seats in the House was fixed by law in 1911 and can be changed by Congress at any time.

House seats are apportioned, or divided, among the states according to each state's population. Here is how apportionment works: Every ten years, the U.S. Census Bureau conducts a census to count the nation's population. The results are used to calculate how House seats should be distributed among the states. If a state's population has boomed, it may gain one or more additional seats. If its population has dropped or stayed the same, it may lose one or more seats. Each state, however, is guaranteed at least one seat in the House. This map shows how the states fared in the apportionment following the 2010 census.

The constitutional principle behind apportionment is equal representation, also referred to as "one person, one vote." In practice, this means that each congressional district should have about the same number of people. As of the 2010 census, the number of people represented by each member of the House averaged about 710,700.

The principle of "one person, one vote" also applies to the apportionment of seats in state legislatures and even local governments. The principle does not apply to the U.S. Senate, however, where each state has an equal voice, regardless of its population. As a result, the nation's least populous state, Wyoming, has as much clout in the Senate as does the most populous state, California. However, the two senators from Wyoming represent just over half a million people, while the two from California represent more than 37 million people.

How Legislators See Their Jobs: Delegates Versus Trustees

Legislators often see themselves as fulfilling one of two distinct roles: that of a delegate or that of a trustee. Lawmakers who view themselves as delegates seek to represent their districts by responding directly to the wishes or needs of their constituents. In effect, they act as they think the people who voted them into office want them to act. This role is often embraced most enthusiastically by first-time lawmakers who are fairly new to the legislative process.

Lawmakers who see themselves as trustees, on the other hand, try to represent their districts by exercising their best independent judgment. Often, these are more experienced lawmakers who recognize that their constituents have conflicting needs that cannot always be met. In making decisions, these lawmakers try to serve the larger interests of their districts, assuming that their constituents trust them to do the right thing.

Most legislators combine these two roles. They may act as a delegate on issues clearly linked to the needs of their home districts. But on more general issues, or on issues over which there is much disagreement, they may take on the role of trustee.



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Getting Elected: Turnover and the Power of Incumbency

Once elected, many legislators stay in office as long as voters keep reelecting them. Other legislators would like to serve longer, but term limits force them to leave office after a certain number of years. Term limits affect only state legislators, however. In 1995, the Supreme Court ruled that the terms of members of Congress cannot be limited except by a constitutional amendment.

Lawmakers who run for office term after term stand a very good chance of being reelected. Since 1945, representatives running for another term in the House have won reelection approximately 90 percent of the time. Around 80 percent of incumbent senators have won their reelection bids. Clearly, incumbents have a number of advantages over their challengers, including the four listed below.

Name recognition. Voters are familiar with incumbents. They see incumbents in news coverage, looking authoritative and effective. Voters tend to trust them more than unfamiliar challengers.

Office resources. Incumbents can use the benefits of their office—staff, stationery, mailing privileges, and travel allowances—to keep in touch with voters in their districts.

Campaign funds. Individuals and organizations give money in larger amounts to incumbents than to challengers. In the 2012 elections for the House and Senate, for example, incumbents raised roughly \$971 million, while their challengers raised only about \$398 million.

Bragging rights. Incumbents can point to federally funded projects—from roads and bridges to defense contracts—that they have won for their districts. Such projects are known as **pork**, because the money for them comes from the federal “pork barrel,” or treasury. Legislators who secure large amounts of pork for their home districts are admired for “bringing home the bacon.” Challengers typically lack such bragging rights.

These advantages do not mean that incumbents always win. If voters think that Congress has failed to deal effectively with important issues, they may respond by voting incumbents out of office at the next election.