The Bicameral Congress: Crash Course Government and Politics #2

Crash Course: U.S. Government and Politics
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Hi. I'm Craig, and this is Crash Course Government. Uh. It's been a dream of mine to be on Crash Course since I was a little kid. Speaking of acting like a little kid, today, we're gonna talk about the U.S. Congress, which, according to the Constitution, is the most important branch of government. That was probably written by Congress. It wasn't. They didn't exist yet.

So when I say that Congress is supposed to be the most important branch of government, I'm talking about the national government, not the state government. There's a difference, okay? I know this, because the Constitution, which consists of seven articles and 28 amendments, mentions Congress first. In fact, right after the preamble, the very first section of the very first article, which is helpfully labeled Article I, Section I, says this: "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

So, right away, the Constitution sets up a two house legislature, with a Senate and a House of Representatives. The Latin word for this is bicameral, and I promise I'll quit with the Latin now. I didn't really say much Latin, but, just once, but I'll pr-- I won't say anymore.

[Intro]

That's pretty catchy. [whistles theme] So let's start with the House of Representatives, because it's a little easier. In order to serve in the House, you have to be 25 years old, a citizen for seven years, and a resident of the state that you hope to represent. I'd like to think that I represent a state of enjoyment. Vote for me. 2015. Representation is determined by population. No state has fewer than one, Vermont, North and South Dakota, Wyoming, and Alaska each have one, and the most populous state, California, has 52. Right now, there are 435 members of the House of Representatives.

The Senate has two senators from each state for a total of 100. To be a senator, you must be at least 30 years old, a citizen for nine years, and a resident of the state you hope to represent. Originally, senators were chosen by the state legislatures, which meant that they tended to be politically important members of a state's elite class. But this changed with the 17th amendment, and now, senators are elected by the people, just like representatives.

I'm gonna explain how the two houses of the legislature actually legislate in a later episode-- I'll have a bigger beard, probably-- but now, I'm going to point out a few of the ways that they are different. Ultimately, the houses do the same thing, make laws, but the Constitution grants certain specific powers to each house. Let's look at those powers in the ThoughtBubble.

The House of Representatives is given the power to impeach the president and other federal officials. This can be confusing because people tend to think that impeaching means kicking the official out of office, but it doesn't. The House impeaches an official by deciding that that person has done something bad enough to bring him to trial. An impeachment is like a criminal indictment. Once the official is impeached, the trial happens in the Senate. If it's the President who's been impeached, the Chief Justice of the Supreme Court presides. Otherwise, it's the Vice President. You don't let the VP preside over a presidential impeachment trial, because he has a vested interest in seeing the president removed. Then the VP would become President. Duhhh.

The second power that the House has is that they decide presidential elections if no candidate wins the majority of the electoral college. I'll explain this later, but for now, remember that this barely ever has happened ever.

The third power that belongs specifically to the House is found in Article I, Section 7: "All bills for raising revenue shall originate in the House of Representatives." This is pretty important, because it means that any bill that raises taxes starts in the House, and if you know anything about America, you know that we care about taxes, a lot. So this power is huge and is sometimes called "The Power of the Purse".

The Senate has some important powers, too. The first one I've already mentioned is that they hold impeachment trials. That doesn't happen very often at all. Another power the Senate has is to ratify treaties. This requires a 2/3rds vote of the Senate. Most treaties you don't hear much about, except when the Senate refuses to ratify them, as it did or didn't do with the Treaty of Versailles. I totally would have ratified that treaty, just sayin'. The last significant power that belongs only to the Senate is the confirmation power. The Senate votes to confirm the appointment of executive officers that require Senate confirmation. Some of these, like the cabinet secretaries, are obvious, but there are over 1,000 offices requiring Senate confirmation, including federal judges, and this is probably too many.

Thanks, ThoughtBubble. Uh, I love saying that, YES! So those are the major differences between the two houses of the legislature, but why do we have two, and why did the framers of the Constitution make them different anyway? There are two categories of reason here: historical and practical. The historical reason for the two houses is that when the Constitution was being written, the framers couldn't agree on what type of legislature to have, because they came from states with different interests. Delegates from states with large populations wanted legislators to be chosen based on the state's population, so that their states would have, wait for it, more legislators and more power. This is called proportional representation, states with small populations understandably didn't want proportional representation. They favored equal representation in the legislature, which would give them equal power. Large states supported what was called the Virginia Plan, and small states wanted the New Jersey Plan, and they argued over it until a compromise was reached. Since it was brokered by Connecticut's Roger Sherman, it was called the Connecticut Compromise, or, more usually, The Great Compromise, because historians are really bad at naming things. Hey, this war is nine years long. Let's call it the Seven Years War. That's actually genius.

If you guessed that the compromise was an upper house with equal representation and a lower house with proportional representation, congratulations, you understand the Great Compromise! You don't win anything if you guessed it right. Actually, if you guessed it right, click here and watch me punch an eagle.

So that's the historical reason for the two houses, but what about the practical reasons? One of the main reasons to divide the legislature and to give the two houses different powers is to make it so that the legislature doesn't have too much power. How do we know that the Framers wanted this? Because one of them, James Madison, told us that in one of the Federalist Papers. In Federalist 51, Madison wrote, "In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is to divide the legislature into different branches and to render them different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit."

James Madison may not have sounded like Foghorn Leghorn. But that's one of the theories. My theory. I say, I say. Anyways, the idea that one house of the legislature can limit the power of the other house is called an intrabranch check. We'll look at this in more detail when we talk about checks and balances. In general, the

Framers of the Constitution were kind of obsessed with the idea that the government might have too much power. So we'll be seeing a lot of examples of how they try to deal with this.

So let's finish up by looking at the reasons why the specific powers were given to each house. To do this, let me introduce my assistants. By assistants, I really mean clones. Let's go to the clone zone!

So I made these clones to help us understand these multi-sided issues. This is Senate clone and this is House clone, and they're quite good looking I might add.

Senate clone: So you may have noticed, according to the Constitution, Senators are expected to be older than Representatives, and although 30 isn't all that old today, it was in 1787, when the Constitution written. This was because older people are wiser, or at least more experienced, and the Framers wanted the Senate, which is sometimes called the Upper House, to be more serious, or just dignified, and above all, deliberative than the House. It was supposed to be more immune from the desires of the public, which the Framers were kind of afraid of because of their unfortunate propensity to riot. One of the ways that the Framers wanted to ensure this was by giving Senators a 6 year term, which really would mean that they could ignore the rantings and ravings of their constituents for at least, like, 5 years at a time. Because the Senate is supposed to be the more deliberative body and the one that is more insulated from public opinion, they are the ones given the power to confirm public ministers and to ratify treaties. I guess they thought that being older and wiser, Senators would be better judges of character and better able to govern based on the sense of what is in the public interest. Sometimes the idea that a representative should govern based on what he thinks is best for the people, rather than what they say they want, is referred to as a representative acting as a trustee.

House clone: Haha, which is another way of saying that the Senate is full of elitist snobs who don't care what their constituents want at all. In the House, Representatives are supposed to take into consideration the desires of the people in their districts, who voted for them, acting in the role of delegates. So the main way that the Framers tried to ensure that Representatives could be more responsive to their voters, other than having them directly elected by the voters instead of state legislatures, was to give them 2 year terms. This method meant that they have to be responsive to the changing opinions of voters in their districts, otherwise they could easily be voted out of office. You don't want that, no way. Oh, oh boy. Why they would be given the power of impeachment is beyond me, but it totally makes sense to give the power of the purse to the branch of government that is closest to the people. After all, one thing that the government does that is directly related to almost everybody is taxes. So you want the most democratic body making decisions that have the most direct effect on people.

Craig: Huh, thanks clones. So there you have it, that's the basics of our bicameral Congress, including the differences between the two Houses and why they are that way. Oooh, I used Latin again. I'm sorry. Mea culpa. We'll be going into much greater detail about how the two houses work together, or don't, in future episodes. But that's enough for now, thanks for watching Crash Course. I'll see you next week.

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