

2.1 CONGRESS: The Senate and the House of Representatives



ESSENTIALS

1. The Senate is designed to represent states equally, while the House is designed to represent the population.
2. Different chamber sizes and constituencies influence formality of debate.
3. Coalitions in Congress are affected by term-length differences.
4. The enumerated and implied powers in the Constitution allow the creation of public policy by Congress, which includes:
 - Passing a federal budget, raising revenue, and coining money
 - Declaring war and maintaining the armed forces
 - Enacting legislation that addresses a wide range of economic, environmental, and social issues based on the Necessary and Proper Clause

1. What is the underlying idea of this cartoon? [Write your response like a claim statement]

2. What are the advantages of a bicameral legislature? What are the disadvantages of a bicameral legislature?

Cup and Saucer

Our bicameral legislature was divided for reasons other than compromising between big states and small states. Each house represents the people, yet they also possess remarkably different responsibilities. The House, modeled on the British House of Commons, represents the passions of the people. The Senate, modeled on the British House of Lords, responds to these passions with reason. James Madison saw the Senate as an “anchor,” a “necessary fence” against the “fickleness and passion” of the people. The Senate is to “cool” House legislation just as a saucer was used to cool hot tea. Thomas Jefferson once expressed his doubts about the usefulness of the Senate. “Why did you pour that coffee into your saucer?” George Washington asked. “To cool it,” Jefferson replied. “Even so,” Washington declared, “we pour legislation into the senatorial saucer to cool it.”

Today, with the advent of directly elected Senators and the 24/7 televised news cycle, it is more difficult to discern between the passions of the House and the Senate. By not fulfilling their proper roles, our cups run over. Who is going to clean up the mess?

Time for a new metaphor:

Make a list of three (3) metaphors that could be used to describe our current Congress.

Cite critical differences (consider number, terms, constituencies, leadership...)

US CONGRESS

HOUSE

SENATE

REVIEW: What is the difference between **enumerated** and **implied** powers? Using Congressional powers, list examples:

Assessing TODAY'S CONGRESS

1. Write a claim statement about recent HOUSE and SENATE activity with respect to the BUDGET. Provide data to substantiate your claim.
2. Write a claim statement about recent HOUSE and SENATE activity with respect to FOREIGN POLICY. Provide data to substantiate your claim.
3. Write a claim statement about recent HOUSE and SENATE activity with respect to a SOCIAL ISSUE. Provide data to substantiate your claim.

CONCEPT APPLICATION

There is a reason the necessary and proper clause has been dubbed the elastic clause. This constitutional provision has allowed the Congress and subsequently the government of the United States to expand far beyond what the Founders had envisioned. These implied powers allow Congress to fulfill their enumerated powers. They were never intended to write a blank check for Congress to do whatever it wants. In all fairness, however, the Founders never could have imagined what our world would be like today. It was for this reason they wrote into law a provision that would allow the Constitution to be a living letter. Some argue it lives too gregariously. It is necessary and proper for "we the people" to decide whether or not the Congress abuses its authority.

- A. Referencing the scenario, describe the intent of the Constitution's necessary and proper clause.
- B. In the context of this scenario, explain an action of Congress that exemplifies the intent described in part A.
- C. Explain which of our two primary political parties would advocate for a broader use of the Constitution's necessary and proper clause.