

## Tab B

### U.S. Government Institutions

#### IP Event Lesson Plan

1. **Topic:**

U.S. government institutions

2. **Suggested activities:**

A. Visits/field trips to federal, state, and municipal government agencies (also recommended is government guest speaker visits -- working lunches, panel group discussions, etc.)

B. Visits to state capitols and state legislatures

C. Visits to city halls

D. Visits to public libraries

E. Visits to governor's, mayor's, and other high government officials' offices

F. Tours of a non-academic nature at various military bases, reserve and national guard units, as well as presenting lectures, films, and updates on various aspects of military life (e.g., sexual harassment, fraternization, racial attitudes, code of conduct, etc.)

G. All suggested activities under judicial processes

3. **Student requirements:**

A. Attire (civilian clothes/uniform)

B. Event information sheet

C. Camera and film

D. Money for emergency phone call or souvenirs

4. **Escort requirements:**

A. Advance ticket purchases if necessary

B. Event information sheets for each international student

C. Ensure necessary briefing information is available

D. Brief (pre & post) international students about event(s)

E. Ensure escorts are familiar with event objectives to guarantee all points are adequately covered

F. Confirm/arrange transportation requirements

G. Event evaluation sheets are completed by each student

H. Discuss event with point of contact at event location and ensure escort carries point of contact's name and phone number

I. Ensure point of contact at event location is provided with the objectives to be covered prior to arrival of students

**5. Introduce student to following objective(s) (under the universal declaration of human rights):**

A. **Article 3:** everyone has the right to life, liberty and the security of person.

B. **Article 4:** no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

C. **Article 13:** everyone has the right to freedom of movement and residence within the borders of each state.

D. **Article 15:** everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

E. **Article 17:** everyone has the right to own property alone as well as in association with others.

No one shall be arbitrarily deprived of his property.

F. **Article 28:** everyone is entitled to a social and international order in which the rights and freedoms set forth in this declaration can be fully realized.

**6. IP area(s) of emphasis:**

A. Internationally recognized human rights as outlined in the universal declaration of human rights.

B. Democratic ideals of an elected government and effective civil-military relations that reinforce the government.

**7. Other learning objective(s) or teaching point(s):**

A. The federal structure of American government promotes diversity of laws, customs and practices -- these vary considerably from state to state, city to city, and municipality to municipality. Because of the broad consensus under which American government operates, such variations strengthen, rather than weaken our political institutions and practices.

B. The separation of powers among different governmental units and among the three branches of government prevents the concentration of power which might ban diversity in our political systems.

C. Americans are committed to freedom, to democracy, to the Constitution because that is what works best for us. Our commitment is thus based on practical considerations rather than on doctrine.

D. The United States Congress is divided into two houses, the Senate and the house of representatives. The people of each state elect two senators who serve six-year terms. Representatives are allocated to the states according to their population and are elected by people to two-year terms.

Major functions: (1) pass laws; levy taxes; approve expenditures and investigate possible governmental wrongdoings.

E. The authority of our government comes from the people.

F. Our state and local governments are autonomous which means they are free to govern themselves without close control from any central government -- keeps government close to the people.

G. How well civilian control of the military works depends upon "how strongly the electorate demands adherence to time-honored democratic principles, how faithfully civilian officials exercise their Constitutional powers, and how humbly the military accept their subservient role."

### **IP Event Information Sheet**

#### **Federal State and Local Government Institutions**

The founders of the U.S. Constitution believed that the best form of government was one that promoted the common welfare versus promoting the welfare of one person such as a dictator or one social class. They favored the middle class as the one most likely to promote the common welfare since they felt that the poor and the rich would be more concerned with promoting their own interests. To the founders, the common welfare also meant protecting each individual's "natural rights" to life, liberty and property. The form of government they chose is called "republican" government.

The system of the time that best exemplified republican government was England's because its powers of government were divided and balanced among the king and the two houses of parliament (the houses of lords and commons). One of the framers of the U.S. Constitution, James Madison, defined a republic as a country whose laws are made and administered by representatives of the people. He favored election of these representatives by a large number of people and not a small class, figuring that such a government would serve society at large and not special interest groups.

Along with their notions of the common good, natural rights, and republican government, the founders wanted a written Constitution that would set out the rights of all citizens and limit the power of government.

A Constitution sets forth the fundamental rules and laws by which a government is organized and operated. Although many nations have Constitutions (both written and unwritten), what distinguishes a "Constitutional" government from a dictatorial one is that the powers of the government are limited by a Constitution which the government must obey. By way of contrast, a dictatorial government is characterized by its unlimited power over the nation and its resources. Because such rules also control the nation's military and police, it becomes difficult for the people to force such tyrannical rulers to obey the law.

The Constitution in a Constitutional government sets out:

- (A) its citizens' basic rights to life, liberty, and property;
- (B) the government's responsibility to protect those rights;
- (C) the limitations on governmental powers;
- (D) those areas of citizens' lives in which the government cannot interfere;
- (E) procedures by which the government can be changed with the consent of its citizens.

To protect against abuses of power by the government, the framers of the Constitution looked to the British model and devised a series of "checks and balances", i.e., powers are given to different branches of government so that no one branch can dominate the others, and each branch's powers

Legislative branch	responsible for making laws;
Executive branch	responsible for carrying out and enforcing laws; and

This particular informational program (IP) event centers around federal, state and local government institutions. The following comments are not all inclusive, but provide general information which may be useful while participating in this IP event. Please remember to ask questions to clear any uncertainties.

As an example, the legislative power to make laws is divided between the house of representatives and the Senate. Each house thereby checks the other. The president (executive branch) can check Congress by vetoing its laws, and the supreme court can check both Congress' and the executive branch's powers by declaring their laws unconstitutional. The Constitution is the supreme law of the land.

In devising the legislative branch, the framers once again were guided by the British model and elected to have an upper house (the Senate) and a lower house (the house of representatives). After much debate the framers decided that the members of the house of representatives would be chosen by election and would serve two-year terms. The number of representatives each state would have would be in proportion to its population. Each state would also have two senators who would serve six-year terms (although originally chosen by state legislatures, senators have been elected by their states since 1913). Congress has the power to collect taxes, regulate

commerce, declare war, and raise and support armies. It can override the president's veto, ratify treaties, and impeach and remove the president.

Legislation is initiated by a "bill" or proposed law being introduced in either the house or the Senate (these proposed laws can come from a Congressman, his constituents (individuals or associations) or the executive branch). The bill is then referred to the appropriate house or Senate committee that specializes in the area the bill concerns. After holding hearings and making any necessary changes, the committee sends the bill "to the floor," where it is debated and voted upon by the entire house. If the bill passes, it then goes to the other house, where the process is repeated. If the bill is passed by the other house, but its terms are modified, both houses confer and compromise on a single form of the bill. The final version of the bill then goes to the president who either signs it or vetoes it. If the president vetoes the bill, two-thirds of each house must vote to override the veto before the bill can become law.

The president, who is elected to no more than two four-year terms, heads the executive branch, which includes his advisors as well as the vice president. The president is commander in chief of the armed forces and manages foreign relations. It is interesting to note that in a democratic society that a civilian is in charge of our military department. However, the chief reason behind civilian control of the military in a democratic society is that the military establishment, particularly a large Army, poses a threat to individual liberty and to popular control of the government. Maintaining civilian control of the military through Constitutional checks and balances is seen as the best solution to the problem. Simply defined, "civilian control of the military" in the United States means that the armed forces are controlled by the president, a civilian, and are organized, equipped, and supplied by Congress, a body of civilians -- dividing authority deters the establishment of a tyrannical government.

The supreme court, whose members have lifetime tenure on good behavior, determines the Constitutionality of statutes in actual disputes brought before it (it does not issue "advisory" opinions.) It also is empowered to create the federal courts below it.

The Constitution also divides powers between the national government and the states, a system known as "federalism." Under the U.S. Constitution, the national government's powers include regulating interstate and foreign trade, creating and maintaining the armed forces, establishing foreign policy, declaring war, and coining money. Powers reserved to the states include regulating trade within the state, establishing local government and schools, and providing for the public safety. Shared power between the national and state governments include the power to build roads and collect taxes.

The Constitution also provided a way for it to be amended, but deliberately made it a difficult process (because the consent of three-fourths of the states is required to amend -- the Constitution has been amended only 27 times since 1788).

The first ten Amendments to the Constitution are known as the Bill of Rights (insisting on a written Bill of Rights, some states refused to ratify the Constitution until they were promised the first Congress would pass one). Influenced by the British Bill of Rights of 1689, the U.S. Bill of Rights was conceived as a list of natural rights belonging to all mankind. It does not give these rights; it simply states that the government cannot take away those rights.

The first Amendment guarantees freedom of religion, speech, press and assembly. The second through the fourth Amendments deal with the rights of citizens to be secure in their persons and property from overbearing government. Amendments five through eight

Protect persons charged with crimes by insisting that they be tried fairly. The last two Amendments limit the federal government's powers to those enumerated in the Constitution.

Subsequent Amendments have protected and expanded the rights of all citizens while continuing to limit the powers of the national government. Its remarkable flexibility for two hundred years has earned it the nickname, "our living Constitution," and it serves as a model for all peoples desiring the blessings of liberty and democracy.

The above information should provide a fundamental basis of how the government was established and evolved to present day to protect the rights, liberties and freedoms enjoyed by all Americans. After this event, you should recognize how the U.S. government's function relates to the following Articles in the universal declaration of human rights:

*Article 3*

***Everyone has the right to life, liberty and the security of person.***

*Article 4*

***no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.***

*Article 13*

***Everyone has the right to freedom of movement and residence within the borders of each state.***

*Article 15*

***Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change is nationality.***

*Article 17*

***Everyone has the right to own property alone as well as in association with others.***

***No one shall be arbitrarily deprived of his property.***

*Article 28*

***Everyone is entitled to a social and international order in which the rights and freedoms set forth in this declaration can be fully realized.***

### **IP Questions and Answers**

#### **U.S. Government and Its Institutions**

##### **What is the Purpose of the United States Government?**

The purpose is expressed in the preamble of the Constitution: "we the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

## **What Form of Government Do We Have in the United States?**

The United States, under its Constitution, is a federal, democratic republic; an indivisible union of 50 sovereign states. With the exception of town meetings, a form of pure democracy, we have at the local, state and national levels a government which is "democratic" because the people govern themselves; "representative" because the people choose elected delegates by free ballot; and "republican" because government derives its power from the will of the people.

## **What is the Role of the Citizen in Our Government?**

The citizen May take an active or passive role in the governmental process.

The United States today is even more of a participatory democracy than was envisioned by the founders when they established a government "of the people, by the people and for the people." Along with the Constitutional responsibilities which accompany citizenship, such as providing revenues to the government and serving in the armed forces, the citizen is afforded a wide range of opportunities to influence the making of public policy by the government.

At the most basic level, the right to vote gives the citizen a chance to help select those who will ultimately be responsible for determining public policy. Beyond the casting of the ballot, a citizen May actively assist in nominating and electing preferred public officials through volunteer activities and campaign donations. The participation of citizens in the electoral process contributes greatly to the sense of legitimacy of the government.

The citizen's involvement in the governmental process need not be manifested only during election campaigns. Legislators are accustomed to hearing from constituents expressing opinions about issues of the day, and procedures exist which mandate that executive agencies allow time for public comment before proposed regulations take effect. Individuals May join with others who hold similar views to make the most of their influence with government on particular issues; thus interest groups are established and the lobbying process begins.

## **What Contributions Has Our Country Made to the Institution of Government?**

Some of the United States' contributions to the institution of government are as follows: a written Constitution, an independent judiciary to interpret the Constitution, and division of powers between the federal and state governments.

## **What Organizations are Included in the Legislative Branch?**

In addition to the Congress, the legislative branch includes the general accounting office (GAO), the government printing office (GPO) and the library of Congress. Several organizations are considered support agencies of the Congress. These include the Congressional research service (CRS), a division of the library of Congress; the office of technology assessment (OTA); and the Congressional budget office (CBO).

## **What Congressional Support Agencies are Funded in the Legislative Appropriations Acts?**

Legislative support agencies funded in the legislative appropriations act include the office of technology assessment, Congressional budget office, library of Congress (including the Congressional research service), government printing office, general accounting office, cost accounting standards board, and copyright royalty tribunal.

## **What are Legislative Service Organizations, and Other Similar Groups?**

Members of Congress from the beginning have met informally to discuss policy issues of mutual concern. It is only in recent years, however, that a number of informal member organizations have developed to provide interested members with staff assistance and in-depth policy research analyses of major issues. The oldest such organization is the democratic study group, organized in 1958. The success of the dsg in providing its members with information on pending legislation led other house and Senate members to organize informal groups around other issues. There are now more than 50 such groups in Congress, among them the republican study committee, the Congressional black caucus, the Congresswomen's caucus, the northeast-midwest Congressional coalition, the Congressional steel caucus, the Congressional rural caucus, the Congressional Hispanic caucus, and the environmental study conference. Informal groups have traditionally been financed by members donating a portion of their staffing and equipment allowances to the group. In 1979, the house established new accounting procedures for informal groups (called officially legislative service organizations). Informal groups above a certain size could be designated legislative service organizations and, in return for streamlined Congressional funding and accounting procedures, would be required to make regular public disclosure of their finances, and to refrain from accepting noncongressional funds in support of legislative activities.

### **What is the Congress?**

The Congress of the United States is the legislative (lawmaking) body of our national government, and consists of two houses-the Senate and the house of representatives.

### **Why Must Tax Bills Originate in the House?**

The Constitutional provision (all bills for raising revenue shall originate in the house of representatives; Article I, section 7) is an adaptation of the English practice. The principle involved is that the national purse strings should be controlled by a body directly responsible to the people. When the Constitution was formulated, the authority for initiation of revenue legislation was vested in the house of representatives where the members are subject to direct election every 2 years. However, the Senate has always had full power to amend revenue legislation.

### **Must all Appropriation Measures Originate in the House?**

Although the Constitution clearly delegates sole authority to originate tax measures to the house of representatives, it makes no clear statement regarding the authority to originate appropriation measures. Despite occasional disputes between the house and Senate over such authority, the house customarily originates general appropriation bills. The Senate from time to time initiates special appropriation measures which provide funds for a single agency or purpose.

### **What is the Role of the Congress in the Impeachment Process?**

(impeachment is the process by which the president, vice president, federal judges, and all civil officials of the United States May be removed from office. Officials May be impeached for treason, bribery, and other high crimes and misdemeanors.) The house of representatives has the sole authority to bring charges of impeachment (by a simple majority vote), and the Senate has the sole authority to try impeachment charges. An official May be removed from office only upon conviction, which requires a two-thirds affirmative vote of the Senate. The Constitution provides that the chief justice shall preside when the president is being tried for impeachment.

### **Can Members of Congress be Impeached?**

Probably not. There has been only one case in which proceedings were brought against a member. He resigned before the case came to trial in the Senate, but the Senate eventually

decided it had no jurisdiction. However, each house may, by a two-thirds affirmative vote, expel a member, or by a majority vote May publicly censure a member. In addition, members of Congress,

Like private citizens, are subject to prosecution for treason, felony, or breach of the peace.

### **Are Members of Congress, to Some Extent, Privileged From Arrest?**

Article I, section 6 of the Constitution states that "they (Senate and representatives) 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." The phrase "treason, felony, and breach of the peace," has been construed to mean all indictable crimes and the supreme court has held that the privilege does not apply in any criminal case.

### **Who Controls Use of the Armed Forces?**

The Constitution reserves to Congress (Article I, section 8) the power to raise and support the armed forces and the right to declare war. This latter power has been the source of controversy between the legislative and executive branches in regard to Congress' warmaking power and the president's power as commander in chief. In 1973 Congress enacted the war powers resolution, which allows the president to use armed forces abroad, but requires that he consult with Congress, preferably in advance, when doing so, and that he report to Congress regularly on the ongoing use of armed forces without a declaration of war. The resolution also limits the use of force to 60 days unless Congress declares war or specifically authorizes the action. However, the Constitution also states (Article II, section 2) that the president is the commander in chief of the Army, Navy and of the militia when called into federal service. This has historically been interpreted as giving the president wide latitude in using armed force overseas. The armed forces operate under the doctrine of "civilian control," which means that only the president or his statutory deputies (the secretary and deputy secretary of defense) can order the use of force. The chain of command is structured so as to ensure that the military cannot undertake actions unilaterally and without civilian approval or knowledge.

### **What is the Governmental Procedure to Commit the Countries Military Force to War?**

The Constitution gives to the Congress the authority to declare war but the president as commander in chief, has implied powers to commit the nation's military forces to action. In world war ii, the last war in which the Congress actually declared war, Congress was called into emergency joint session by president Roosevelt the day after pearl harbor and voted to declare war on japan. More recently, Congress, concerned with presidential military initiatives during the Vietnam war, has sought to place some controls on the president's power to commit American troops to combat.

The war powers resolution enacted on November 7, 1973, as public law 93-148 clarifies the respective roles of the president and the Congress in cases involving the use of armed forces without a declaration of war. The president "in every possible instance" shall consult with the Congress before introducing troops and shall report to the Congress within 48 hours. Use of the armed forces is to be terminated within 60 days (with a possible 30 day extension by the president) unless Congress acts during that time to declare war, enacts a specific authorization for use of the armed forces, extends the 60-90 day period, or is physically unable to meet as a result of an attack on the United States. At any time before the 60 days expires, the Congress May direct by concurrent resolution that the armed forces be removed by the president.

### **What is the Term of a Congress, and How Often Must it Meet?**

A Congress begins at noon January 3 of each odd-numbered year following a general election, unless by law they designate a different day. A Congress lasts for 2 years, with each year constituting a separate session. The Congress convening in January 1981 is the 97th Congress, 1st session. In 1982 Congress will convene the 97th Congress, 2nd session.

The legislative reorganization act of 1970 requires Congress to adjourn *sine die* (indefinitely) not later than July 31 of each year unless there is a declared war, or unless Congress otherwise provides. In odd-numbered years, the Congress must take an August recess if it fails to adjourn by July 31.

### **How Many Members Does each State Have in the Senate and House of Representatives?**

Each state, under the Constitution, is entitled to two senators each serving a 6-year term and at least one representative, serving a 2-year term. Additional house seats are apportioned on the basis of population. (see next question.)

### **What is the Size of the House of Representatives and How is it Determined?**

Under the law now in force, the membership of the house of representatives is fixed at 435 indefinitely. In addition to the 435 representatives, there are delegates from the district of Columbia, the virgin islands, Guam and American Samoa, as well as a resident commissioner from Puerto Rico.

The Constitution entitles each state to at least one representative. Beyond this minimum, representatives are apportioned among the states according to population. Population figures used for apportionment are determined on the basis of each 10-year census.

The only other Constitutional limitation is that the number "shall not exceed one for every thirty thousand." Since 1941, the Congress has used the method of "equal proportions" to calculate actual apportionment. This method makes the difference between the average number of representatives per million people in any two states as small as possible.

### **Who Defines the Congressional Districts -- The Federal Government or the States?**

The states, within certain constraints established by the Congress.

Congress fixes the size of the house of representatives, and the procedure for apportioning the number among the states, but the states themselves carry on from there. In the very early years of the republic, most states elected their representatives at large. However, the practice of dividing a state into districts was soon instituted. Congress later required that representatives be elected from "districts composed of a contiguous and compact territory," but this requirement is no longer in the federal law.

The actual redistricting process has always been provided for by state law. In 1967, Congress by law prohibited at-large elections of representatives in all states entitled to more than one representative. Today, all states with more than one representative must elect their representatives from single-member districts.

### **What is a Member of Congress?**

A member of Congress is a person elected to either the Senate or the house of representatives. A member of the Senate is usually referred to as senator and a member of the house of representatives as representative or Congressman or Congresswoman.

### **What is a Delegate or Resident Commissioner, as Distinguished From a Representative?**

The office of delegate was established by ordinance of the continental Congress and confirmed by a law of Congress. From the beginning of the republic, accordingly, the house has admitted delegates from territories or districts organized by law. Delegates or resident commissioners May participate in house debate but they are not permitted to vote on the floor. All serve on committees of the house and possess powers and privileges equivalent to other members on committees. Currently, there are a resident commissioner and four delegates in the house (the resident commissioner from Puerto Rico, since July 1946; the delegate from the district of Columbia, since March 1971; the delegates from the virgin islands and Guam, since January 1973; and the delegate from the territory of American Samoa, since January 1981.)

### **What Qualifications are Prescribed for a Member of Congress?**

A member of the house of representatives must be at least 25 years of age, must have been a United States citizen for at least 7 years, and must reside in the state from which he or she is sent to Congress.

A member of the United States Senate must be at least 30 years of age, must have been a citizen of the United States for 9 years, and must be a resident of the state he or she will represent in Congress.

### **In the Event of the Death or Resignation of a Member of Congress How is the Vacancy Filled?**

In the Senate, when a vacancy occurs for any reason, the 17th Amendment directs the governor of the state to call an election to fill such vacancy, and authorizes the legislature to make provision for an immediate appointment pending such election. In the event that state law does allow for such an appointment made by the governor, the person so appointed serves only until the next general election, or the special election called for the purpose of filling the vacancy. In such an election, the person chosen serves only the remainder of the original term.

In the house of representatives vacancies May be filled only by election.

### **What are the Officers of the House, and How are They Chosen?**

The officers include speaker, clerk, sergeant at arms, doorkeeper, postmaster, and chaplain. Each of these elected officers appoints any employees provided by law for his department.

The Constitution (Article I, section 2) says that the house "shall chuse [sic] their speaker and other officers" -- i.e., the membership vote as they do on any other question, except that in most cases it is strictly a party vote. Republicans and democrats both meet before the house organizes for a new Congress, and choose a slate of officers. These two slates are presented at the first session of the house, and the majority party slate is, of course, selected. The vote is *viva voce*, except for the election of the speaker.

### **What are the Duties of the Elected Officers of the House?**

**The speaker** -- the speaker presides over the house, appoints the chairman to preside over the committees of the whole, appoints all special or select committees, appoints conference committees, has the power of recognition of members, and makes many important rulings and decisions in the house. He May vote, but usually does not, except in case of a tie. The speaker and the majority leader determine administration policies in the house, often confer with the

president, and are regarded as spokesmen for the administration if they and the president belong to the same political party.

**The clerk of the house** -- the office has a broad range of legislative and administrative duties that include presiding at the opening of each new Congress, pending the election of the speaker; receiving the credentials of the members; taking all votes and certifying passage; processing all legislation; and maintaining, printing and distributing documents relating to legislative activity. A number of internal budgeting, disbursing, accounting and housekeeping responsibilities are also assigned to the clerk.

**Sergeant at arms** -- this office enforces the rules of the house and maintains decorum during sessions of the house. The sergeant at arms also is in charge of the mace, the symbol of legislative power and authority, and maintains the general security of the house buildings and the capitol.

**Doorkeeper of the house** -- the doorkeeper makes physical arrangements for joint sessions and joint meetings of the Congress, he announces messages from the president and the Senate, and announces the arrival of the president when he addresses Congress in person. Additionally, this officer supervises the doormen stationed at each entrance to the house floor and house gallery; supervises the pages; and operates the document room, which provides copies of house bills, laws, committee reports and other documents to members.

**Postmaster of the house** -- the postmaster provides mail pickup and delivery service to the house wing of the capitol, the house office buildings and the house annexes. Four post offices are under the postmaster's jurisdiction and provide the usual counter service.

**Chaplain** -- the chaplain prepares and offers the convening prayer each day the house is in session and provides pastoral services to representatives, their families and staffs. He is elected each Congress.

### **What are the Officers of the Senate and How are They Chosen?**

Officers chosen by resolution are the secretary, sergeant at arms, chaplain, secretary for the majority, and secretary for the minority.

The Constitution provides that the vice president of the United States shall be the president of the Senate. The Senate also elects by resolution a president *pro tempore*, that is, a member who will preside during absences of the vice president. The president *pro tempore* is usually the most senior senator of the majority party in terms of service. (former vice presidents serving in the Senate are accorded the honorary title of deputy president *pro tempore* of the Senate.)

### **What are the Duties of the Officers of the Senate?**

**President** -- the president of the Senate is the vice president of the United States. He is directed by the Constitution to preside over the Senate. Also, he may vote, but only in order to break a tie vote. In his absence, a president *pro tempore* (president for the time being) presides. Since the president *pro tem* is a senator, he retains his right to debate and vote on issues before the body.

**Secretary** -- the secretary serves as chief administrative officer of the Senate. He is responsible for direction of duties of Senate employees, official certification of bills passed by the Senate, maintenance of the Senate disbursing office, administration of oaths, receipt of registration of lobbyists, and other activities necessary for the continuing operation of the Senate.

**Sergeant at arms** -- the sergeant at arms serves as the Senate's principal law enforcement officer and as principal executive officer of the Senate. Under direction of the presiding officer, he is responsible for enforcement of all rules made by the committee on rules and administration for the regulation of the Senate wing of the capitol and the Senate office buildings.

**Secretary for the majority** -- generally nominated by the majority leader and approved by the majority conference, the secretary for the majority oversees party activities in the Senate chamber and the majority cloakroom, and supervises telephone pages and messengers. He organizes meetings of the majority conference, briefing senators on votes and pending legislation and conducting polls of senators at the request of the leadership.

**Secretary for the minority** -- generally nominated by the minority leader and approved by the minority conference, the secretary for the minority basically performs for senators of his party the same duties as the secretary for the majority.

**Chaplain** -- the chaplain prepares and offers the convening prayer each day the Senate is in session and provides pastoral services to senators, their families and staffs. Nominated in the caucus of the majority party, he is elected each Congress.

### **What are the Duties of the Speaker?**

The speaker presides over the house, appoints the chairmen to preside over the committees of the whole, appoints all special or select committees, appoints conference committees, has the power of recognition of members, and makes many important rulings and decisions in the house. He may vote, but usually does not, except in case of a tie. The speaker and the majority leader determine administration policies in the house, often confer with the president, and are regarded as spokesmen for the administration if they and the president belong to the same political party.

### **What is a Party Leader?**

A party leader is an individual selected by his party to advocate its policies and viewpoints on various issues. Party leaders play a prominent role in floor debates and help determine the legislative program. The leader of the party with the greater number of members is known as the majority leader. The leader of the

Party in the minority is known as the minority leader. The majority and minority leaders in the house and Senate are elected party officials, not Constitutional officers or officials of Congress.

### **Are the Majority Leaders Elected by Their Respective Houses of Congress?**

No; the members of the majority party in the house, meeting in caucus or conference select the majority leader. The minority party members, in a similar meeting, select their minority leader. The majority and minority parties in the Senate also hold separate meetings to elect their leaders. The majority and minority leaders of the house and Senate are not officers of their chambers. They are officers of their parties, and therefore are chosen only by their party colleagues in the house or Senate.

### **What are the Duties of the Whips of the Congress?**

The whips (of the majority and minority parties) keep track of all important political legislation and endeavor to have all members of their parties present when important measures are to be voted upon. When a vote appears to be close, the whips contact absent Congressmen, advise them of the vote and determine if they wish to "pair" vote. The whips assist the leadership in managing

the party's legislative program on the floor of the chambers and provide information to party members about important legislative-related matters.

The office of whip is unofficial and carries no special salary. Each whip, however, is allowed certain additional help, sufficient office space, and is permitted to incur additional expenses in the performance of his duties.

### **Do the Political Parties Offer Legislative Guidance to Their Individual Members in Congress?**

The democratic and republican parties try to guide their members by means of caucuses and conferences. The party caucus or conference is the organizational body of all party members in the house or Senate, and is additionally responsible for selecting the party's leaders, candidates for various official posts in the house or Senate, and for approving member's appointments to house or Senate standing committees. The caucus or conference serves as a forum for all party members to discuss pending legislation. Additionally, both parties have informal party committees in each chamber that assist the party leadership and deal with other party business. The policy committees research legislation and recommend party positions; the steering committees deal with action on the chamber floor.

### **What is a Quorum of the House? Of the Senate?**

In the house of representatives, a quorum is a simple majority of the members. Currently, when there are no vacancies in the membership, a quorum is 218. When one or more seats are vacant, because of deaths or resignations, the quorum is reduced accordingly. Because of members' other duties, a quorum often is not actually present on the house floor. But any member may insist that a quorum must participate in any vote that takes place in the house. If a member makes a point of order that a quorum is not present, and the speaker agrees, a series of bells ring on the house side of the capitol and in the house office buildings to alert members to come to the chamber and record their presence.

A majority of the membership also constitutes a quorum to do business in the Senate.

### **What is the Committee of the Whole?**

Technically, the committee of the whole house on the state of the union is a committee of the house on which all representatives serve and which meets in the house chamber. The speaker appoints another member to serve as chairman of the committee of the whole. When a bill or resolution is considered in the committee of the whole, there first is a period of time for general debate on the merits of the bill or resolution. Then members may offer Amendments, with each speech for or against an Amendment usually being limited to 5 minutes. After all Amendments have been voted on, the committee of the whole "rises," reports its actions to the house through the speaker and the house then votes whether or not to pass the bill with the Amendments that were approved in the committee of the whole. Most bills are considered in this way because, after the house votes to "resolve itself into committee of the whole," it operates under rules that strictly limit debate. Also, a quorum of the committee requires only 100 members, not the 218 members who constitute a quorum of the house.

The Senate uses the device of the committee of the whole only when it is debating whether to give its advice and consent to the ratification of a treaty.

**Committee of the whole** -- the committee of the whole house on the state of the union (committee of the whole) is best described as a hybrid form of the house itself. All members of the house are also members of the committee of the whole. The concept of the "grand committee"

has been carefully developed from the early days of the house and in modern practice gives the house a vital means for considering thoughtfully, efficiently and fairly the complex and often controversial legislation committed to it. Historically, it was devised by the English commons to give them the ability to debate privately and not have their votes committed to the record. No recorded votes were permitted in the House's committee of the whole until January 1971.

The 5-minute rule places strict limitations on debate. The committee need maintain a quorum of only 100 members (218 are required in the house) and many motions available in the house which tend to delay action cannot be made in the committee. The committee of the whole (like the standing committees) makes recommendations to the house which the house must itself adopt or reject. After its consideration, the committee of the whole will recommend passage (or rejection) of a measure and also Amendments to improve (perfect) the bill which are also subject to the final determination of the house.

The speaker does not preside over the committee of the whole; he designates a member of his own party to preside as "chairman." As the speaker is by unbroken tradition also a member of the house, he is also a member of the committee who may (and occasionally does) participate in its debate.

The house resolves itself into a new committee of the whole for the consideration of each bill. A specific committee of the whole is dissolved when it "rises and reports with a recommendation." When the committee rises after not having resolved the matter committed to it, that bill is carried on the calendar as "unfinished business of the committee of the whole" until consideration has been finally completed.

### **What are the Functions of the Rules Committees in Congress?**

The house rules committee makes recommendations to the house on its rules and its order of business on the house floor. The committee affects the order of business by reporting resolutions that make it possible for the house to begin acting on a bill that is on the house or union calendar. These resolutions are known as special rules or simply as "rules." Each special rule also proposes a set of ground rules for debating and amending a particular bill. For example, a special rule May impose limitations on the Amendments that members can propose to a bill, or it May allow an Amendment to be offered, even though it violates a standing rule of the house. The house as a whole decides by majority vote whether to accept, reject, or modify each special rule that the rules committee proposes.

The Senate committee on rules and administration also considers possible changes in the standing rules of the Senate, but it has no role in determining the order of business on the Senate floor. However, the Senate committee reports resolutions to fund the work of all the Senate committees; in the house, this responsibility belongs to the committee on house administration.

### **What are the Duties of Parliamentarians?**

The house and the Senate each have a parliamentarian to assist in making correct parliamentary decisions and to keep a record of practices and precedents. These officials must be so well versed in the rules and practices of the chamber that the presiding officer can be given guidance and advice on a moment's notice.

### **Are the Proceedings of Congress Published and Preserved?**

Each house, under the Constitution, keeps a *journal* of its proceedings, with the exception of the *journal* of the Senate while in executive session, these are published among the documents of

each session. The *executive journal* is not published except as the injunction of secrecy is removed by order of the Senate.

The *journals* do not report debates; they only report the bare parliamentary proceedings. For a record of the debates, there has been a succession of reports, overlapping in part, as follows: *annals of Congress (1789-1824)*, *register of debates (1824-37)*, *Congressional globe (1833-73)*, and finally and currently the *Congressional record (1873 to date)*.

The *Congressional record* contains a complete record, taken stenographically, of everything said on the floor of both houses, including rollcalls on all questions. An appendix contains material not spoken on the floor but inserted by permission -- the so called "extension of remarks." It also carries a brief resume of the Congressional activities of the previous day, as well as a future legislative program and a list of scheduled committee hearings.

The *record* is printed at the government printing office. Bimonthly, the daily records are bound in paper covers, with an index; and for permanent preservation, a bound edition is published for each session in volumes of convenient size.

### **When Congress is in Session, at What Hour do the Two Houses Meet?**

The time of meeting is fixed by each chamber. The daily meeting of each chamber normally begins at noon and continues until late afternoon or early evening. However, the time at which house and Senate meetings begin or end May be changed day to day, depending on the work that must be done.

### **What are the Customary Proceedings When the House Meets? When the Senate Meets?**

The speaker calls the house to order, and the sergeant at arms places the mace (an ancient symbol of authority) on the pedestal at the right of the speaker's platform. After the chaplain offers a prayer, the *journal* of the previous day's activities is approved, usually without a reading or a vote. Next, the speaker May recognize members to speak briefly on matters of importance to them. The house then is ready to begin or resume consideration of a bill, resolution, or conference report.

The initial proceedings of the Senate are similar. The Senate is called to order by the vice president, the president *pro tempore*, or another senator serving as acting president *pro tempore*. After a prayer and the approval of the journal, the majority and minority leaders are recognized in turn for brief periods to speak or to transact routine business. Other senators then May speak, under special orders, on matters of interest to them. If the Senate had adjourned at the end of its previous meeting, special orders are followed by a 2-hour period, known as the morning hour, for disposing of routine and noncontroversial matters. If the Senate had recessed instead -- which is the usual practice -- there is no morning hour and the Senate proceeds to consider matters of executive or legislative business under its normal rules of procedure.

### **What Business Can be Transacted by Unanimous Consent?**

Practically anything can be done in either house by unanimous consent -- except where the Constitution or the rules specifically prohibit the presiding officer from entertaining such a request. For example, since the Constitution requires that a rollcall vote be taken to pass a bill over a presidential veto, the presiding officer of the house or the Senate cannot entertain a unanimous consent request to waive this requirement. In the house of representatives, unanimous consent requests to admit to the chamber persons who are not permitted to be present under the rules or to introduce visitors in the galleries to the house are not in order.

### **How are Record Votes Taken in the Congress?**

The Constitution simply provides that "the yeas and nays of the members of either house on any question shall at the desire of one-fifth of those present, be entered on the journal."

Most votes are taken by a simple voice method. In fact, the house, prior to 1970, did not permit recorded votes in the committee of the whole where most of its floor action occurs. However, the legislative reorganization act of 1970 provided for recorded votes in the committee of the whole. Since 1973, the house has used an electronic voting system to reduce the time consumed in voting.

### **Are There Time Limitations on Debate in Congress?**

Yes. In the house, no member is permitted to speak for longer than 1 hour without unanimous consent. Moreover, in the house, a majority can call for the "previous question" and bring a bill to an immediate vote. Also, debate time is apportioned according to rules selected or approved for handling a given item.

In the Senate, there is the chance of "filibuster" (delaying tactics designed to prevent action on a measure). A member can filibuster without speaking continuously; he may yield to a colleague for a question, or call a quorum without losing the floor. In the event a recess is called, he is entitled to regain the floor when the Senate reassembles.

As a limit on this practice, in 1917, the Senate adopted the cloture rule. As amended in 1975, it provides that the Senate may end debate on a pending bill by a three-fifths vote of the entire Senate membership. When 16 senators file a petition asking to end debate, the Senate must vote on the petition at 1 p.m. of the second calendar day thereafter. If three-fifths of the Senate vote for cloture, then no senator may thereafter talk longer than 1 hour. So long as fewer than 60 senators are opposed to cloture, it is impossible to end a filibuster if enough senators are willing to talk in relays. On measures changing the Senate rules, the support of two-thirds of the senators present and voting is required to bring debate to a close.

### **How do Members Obtain Permission to Speak?**

The rules of the house prescribe the following: "when any member means to speak, he is to stand up in his place and address himself, not to the house or any particular member, but to the speaker."

In the Senate, a member stands, addresses the presiding officer and does not proceed until he is recognized. The presiding officer, in turn, is required to recognize the senator who first addresses him.

### **How Do Members of Congress Introduce Bills?**

A bill that is to be introduced is typed on a special house or Senate form and signed by the representative or senator who will introduce it. In the house, a representative may introduce a bill any time the house is in session by placing it in a special box, known as the "hopper," which is located on the clerk's desk in the house chamber. A senator introduces a bill by delivering it to a clerk on the Senate floor while the Senate is in session, although it is formally accepted during a period of time set aside in the Senate for transacting "morning business."

### **Has the Congress Ever Altered its Methods of Organization and Procedure?**

Congressional organization and procedure have been changed many times.

For example, in the early years, there were very few standing committees in the house -- only six in 1800. The work was done by the house in general session, and by numerous special committees created to handle specific problems. The standing committees developed gradually during the first half of the nineteenth century. Also the office of the speaker gained power gradually until by the beginning of this century he was regarded as second only to the president in the power of his office. Then in rules changes adopted in 1910 and 1911, the speaker was denied his traditional chairmanship of the powerful rules committee as well as the power to create committees.

The Senate, in 1917, adopted a "rule of cloture" which made it possible to end debate on a measure by a two-thirds affirmative vote. The cloture rule was amended in 1959 to again permit two-thirds of the senators voting to close off debate (the 1949 wherry Amendment had required a two-thirds vote of the entire Senate membership to invoke cloture). The cloture rule was further amended in 1975 to permit three-fifths of the entire Senate membership to close off debate. The rule was again amended in 1979 to provide a 100-hour "cap" on debate after cloture is invoked and to provide mechanisms for protecting the rights of senators to be heard and to offer Amendments.

Significant changes to the rules and organization of both the house and Senate came about with the legislative reorganization act of 1946. It also reduced the number of standing committees in both houses. The 1970 legislative reorganization act provided further changes in Congressional procedure.

The committee reform Amendments of 1974 refined house committee jurisdictions, required expanded Congressional oversight of the executive branch, and modified committee procedures.

Also in 1974, Congress enacted the Congressional budget and impoundment control act. This law created a new process for the development of a Congressional budget, including the adoption each year of two or more concurrent resolutions on the budget. Institutionally, Congress created three new entities: the house budget committee, the Senate budget committee, and the Congressional budget office. Procedurally, the 1974 act established a rigorous timetable by which Congress and its committees must act on tax and spending measures. The timetable encourages Congress to review the federal budget as a whole, relating tax and spending decisions and determining budgetary priorities among competing national programs.

In 1977, the Senate passed s. Res. 4, the Senate committee system reorganization Amendments. This measure consolidated and redefined the jurisdiction of Senate committees; revised senators' committee service limitations; established for the first time subcommittee service limitations; recommended establishment of a computerized committee meeting scheduling system; and adopted revised procedures for the referral of complex legislation to more than one committee.

Congress, in short, modifies its rules and procedures in response to changing needs and circumstances.

### **What are Congressional Standing Committees and Why Are They Necessary?**

Standing committees are permanent, regular units with jurisdiction over certain subject matters of legislation and law. Establishment of standing committees began as early as 1803; before that, bills were discussed in the committee of the whole, and then referred to a select committee for drafting. Over time the development of standing committees of small membership (the largest in the house, appropriations, has 55 members) was a practical necessity to ensure a preliminary

check on the flood of bills introduced. Committee procedure, with its witnesses and cross-examination, offers a much more satisfactory method of reaching the real merits of a measure and presenting it in workable form than the necessarily limited consideration on the floor by a (possible) membership of 435.

### **What are the Standing Committees of the House?**

There are 22 standing committees as follows: agriculture, appropriations; armed services; banking, finance and urban affairs; budget; district of Columbia; education and labor; energy and commerce; foreign affairs; government operations; house administration; interior and insular affairs; judiciary; merchant marine and fisheries; post office and civil service; public works and transportation; rules; science and technology; small business; standards of official conduct; veterans' affairs; and ways and means.

### **What are the Standing Committees of the Senate?**

The 16 standing committees are as follows: agriculture, nutrition, and forestry; appropriations; armed services; banking, housing and urban affairs; budget; commerce, science, and transportation; energy and natural resources; environment and public works; finance; foreign relations; governmental affairs; judiciary; labor and human resources; rules and administration; small business; and veterans' affairs.

### **How are the Members of the Standing Committees Selected?**

Each of the two principal parties has a committee on committees which recommends committee assignments subject to caucus or conference approval. At the beginning of each Congress, members can express assignment preferences to their respective committee on committees. The committee on committees then prepares and approves an assignment slate of members for each committee and submits it to the caucus or conference for approval. Normally, the assignment recommendations are approved without challenge, but procedures exist by which other members can be nominated for vacant committee posts. The house, generally by strict party vote, adopts the slates presented by the two parties. The proportion of republicans to democrats is fixed by the majority party of the house. A similar method is used in the Senate. (third party and independent members, if any, are included, for committee assignment purposes, with whichever of the two principal parties they caucus. Delegates and resident commissioners in the house are also assigned committee positions and, since 1975, have been permitted to vote in committee.)

### **What is a Select Committee?**

A select committee is one established by the house or Senate usually for a limited period and generally for a strictly limited purpose. The select committee automatically expires when that defined function has been carried out.

### **What are Joint Committees and How are They Established?**

Joint committees are those which have members chosen from both the house and Senate, generally with the chairmanship rotating between the most senior majority party senator and representative. These committees can be created by statute, or by joint or concurrent resolution. However, all existing joint committees have been established by statute, the oldest being the joint committee on the library which dates from 1800.

### **What is a Conference Committee?**

From the earliest days, differences of opinion between the two houses have been committed to conference committees to work out a settlement. The most usual case is that in which a bill passes one house with Amendments unacceptable to the other. In such a case, the house which disagrees to the Amendments generally asks for a conference, then the speaker and the presiding officer of the Senate appoint the "managers," as the conferees are called.

Generally they are selected from the committee or committees having charge of the bill and they usually represent majority and minority positions on the bill. After attempting to resolve the points in disagreement, the conference committee issues a report to each house. If the report is accepted by both houses, the bill is then signed and sent to the president. If the report is rejected by either house, the matter in disagreement comes up for disposition anew as if there had been no conference. Unless all differences between the two houses are finally adjusted, the bill fails.

Until 1975, it was customary for conference committees to meet in executive sessions closed to the public. In that year, both houses adopted rules to require open conference meetings. Two years later, the house strengthened its open conference rule. Today, most conference committee sessions are open to public observation, with only a few conferences being closed for security, and other reasons.

### **Do Congressional Committees Hold Hearings on All Bills Referred to Them?**

It is the view of many committees that any member who insists on a hearing on any bill should have it. But there may be at the same time several bills similar or almost identical in substance. In such cases hearings frequently are held on a group of related measures, or a hearing held on one bill serves for all similar bills. It is not always possible for members to have individual hearings on their particular bills before a committee because of the press of business.

### **Does the Congressional Committee to Which a Bill is Referred Effectively Control its Disposition?**

Ordinarily the action of a committee in failing to report a measure spells its defeat in either chamber. However, the house rules provide machinery by which a public bill may be taken out of committee if it is held there longer than 30 days. A petition, signed by a majority of the membership (218 members), to discharge a committee from further consideration of the bill, will be placed on a special calendar and may be called up by any of the signers on the second or fourth Monday of any month. Only 20 minutes debate is allowed on the discharge motion; if the motion passes, then the house further votes to consider the bill. It is then considered under the general rules.

This special procedure is resorted to very infrequently, and usually on measures of a controversial character. This is the house machinery for forcing consideration of measures which may be "buried" in committee. It is also possible to discharge a Senate committee by motion, but it is rarely done.

### **Are Committee Hearings Open to the Public?**

Hearings by the house committees and subcommittees are open to the public except when a committee, by majority vote while in public session, determines otherwise.

The legislative reorganization act of 1970 permitted, for the first time, radio and television broadcast of house committee and subcommittee hearings but only when a majority of the committee so votes and only if decorum is observed in the broadcastings.

Hearings by Senate committees and subcommittees are also open to the public. However, Senate committee hearings may be closed to the public if the committee determines that testimony to be taken may relate to national security, reflect adversely on the character or reputation of witnesses, or divulge information which is of a confidential nature.

Hearings of public interest in the Senate have been broadcast for a number of years.

## **The Executive Branch**

### **How is the Executive Branch Organized?**

The executive branch is organized in a generally hierarchical fashion. There are foremost the cabinet departments, such as the department of agriculture, and the independent agencies, such as the veterans' administration. Additionally, there are a number of independent regulatory commissions, such as the federal trade commission (FTC); government corporations, such as the Tennessee valley authority (TVA); and federally-aided corporations, such as Gallaudet college and Howard university.

## **The President and Vice President**

### **Is Our President Comparable to a Reigning Monarch? A Prime Minister or Premier? Is the President Technically a Chief of State?**

The American president has been compared to an elective monarch, but there are few kings or queens today who exercise the same degree of authority as does the president of the United States. He simultaneously holds several titles that are often split among two or more incumbents in monarchies and parliamentary democracies.

He is traditionally accorded the unofficial designation "chief of state", a position which most closely parallels that of a king or queen in a monarchy. As such, the president is recognized as the symbolic embodiment of the United States and its citizens, and thus is accorded the same honors due to a reigning sovereign.

The president also performs many of the functions of a prime minister or premier in a parliamentary democracy. As chief executive, an office he holds under the Constitution, he presides over the cabinet and manages the executive branch. As political leader, he directs the operations of his party's national organization and serves as leader of its members in Congress. The Constitution also vests the president with the power to make treaties, appoint ambassadors, cabinet officers and judges of federal courts, with the advice and consent of the Senate. He

Also holds the position of commander in chief of the armed forces.

Unlike a prime minister, the president is not a member of the legislature, nor is his tenure in office dependent on the approval of a majority of the legislators. Elected by the citizens, he serves a definite term from which he can be removed against his will only by the process of impeachment. At the same time, his tenure is limited to no more than two 4-year terms or 10 years, which distinguishes him from hereditary monarchs, who reign for life.

### **It is Constitutionally Mandated that the President is Commander in Chief of the Army and the Navy. What About the Other Military Services?**

Organizationally, the United States marine corps is a part of the United States Navy just as the military service that became the United States Air Force was once part of the United States Army.

These four military services are a part of the department of defense, an executive department. The Congress has provided that subject to the direction of the president and other applicable laws, the secretary of defense has authority, direction and control over the department of defense. During time of war or as directed by the president, the commissioned corps of the public health service may be declared to be a military service by executive order. Likewise, the coast guard operates as a part of the United States Navy in time of war or when directed by the president.

### **How is the Date Set for the Commencement of a Presidents Term?**

When the Constitution was ratified, the Congress was given the power to set the date for beginning the operations of the new administration. Congress set the date of March 4, 1789, and although Washington did not take the oath of office until April 30, 1789, his term began as of March 4. Later, the 20th Amendment, ratified by the required three-fourths of the states on January 23, 1933, established January 20 as the date on which presidents would be inaugurated. In 1937, president Franklin d. Roosevelt became the first president to take the oath on January 20. It is traditional practice to postpone the public ceremonies for 24 hours when inauguration day falls on a Sunday.

### **What Qualifications are Prescribed for the President?**

According to the Constitution, that person must be a natural-born citizen, at least 35 years old, and for at least 14 years a resident of the United States. The question as to whether a child born abroad of an American parent is "a natural-born citizen," in the sense of this clause, has been frequently debated. The answer depends upon whether the definition of "citizen of the United States" in section 1 of the 14th Amendment is to be given an exclusive or an inclusive interpretation.

### **What Provision is Made by the Constitution or by Law for Execution of the Duties of President in the Event of the Death, Resignation, or Disability of the Chief Executive, or His Removal From Office?**

Under Article II, section 1, the vice president exercises the power and duties of the president in such cases. The 25th Amendment, ratified by the required three-fourths of the states on February 10, 1967, provides:

- (1) that a vice president who succeeds a president acquires all powers of the office;
- (2) that when the vice-presidency is vacant, the president shall nominate a vice president who shall take office when confirmed by a majority vote of both houses of Congress;
- (3) that when the president informs Congress in writing that he is unable to discharge his duties and until he informs Congress in writing otherwise, the vice president shall be the acting president;
- (4) a procedure by which Congress would settle disputes between a vice president and a president as to the latter's ability to discharge the powers and duties of his office.

A law of July 18, 1947, establishes the order of succession after the vice president as follows: the speaker of the house of representatives, the president *pro tempore* of the Senate, and certain members of the cabinet, beginning with the secretary of state.

Two vice presidents have been appointed under the provisions of this Amendment: Gerald R. Ford, installed on December 8, 1973, and Nelson A. Rockefeller, installed on December 16, 1974. (on August 9, 1974, president Richard M. Nixon resigned and was succeeded by Gerald R. Ford. Mr. Nixon was the first president in history to resign from the presidency and Mr. Ford was the first to succeed to that office without being elected either president or vice president.)

### **What is the Wording of the Oath Taken by the President? Who Administers It?**

The form of oath for the president is prescribed by the Constitution as follows:

"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Generally, the chief justice administers the oath, but this is merely custom. Any officer authorized to administer oaths could do it.

### **What are the Qualifications for Vice President?**

No person Constitutionally ineligible to be president is eligible to be vice president. Article II, section 4 of the Constitution provides that a president must be a natural-born citizen, at least 35 years old, and have been a resident of the United States for at least 14 years.

### **Does a President Have any Control Over the Sessions of Congress?**

Under the Constitution the president may convene Congress, or either house, "on extraordinary occasions." It is usual for the president in calling an extra session to indicate the exact matter which needs the attention of Congress. However, once convened, a Congress cannot be limited in the subject matter which it will consider.

The president is also empowered by the Constitution to adjourn Congress "at such times as he may think proper" when the house and Senate disagree with respect to the time for adjournment. No president has exercised this power. Many Constitutional experts believe the provision applies only in the case of extraordinary sessions.

### **Has it Always Been Customary for Presidents to Appear Before Joint Sessions of the House and Senate to Deliver Their Annual State of the Union Message?**

Presidents George Washington and John Adams appeared before the two houses in joint session to read their messages. Thomas Jefferson discontinued the practice in 1801, transmitting his message to the capitol to be read by clerks in both houses. Jefferson's procedure was followed for a full century. On April 8, 1913, Woodrow Wilson revived the practice of delivering the state of the union message in person. With the exception of president Herbert Hoover the practice has been followed generally by subsequent presidents.

### **What is the President's Cabinet?**

In our form of government, the "president's cabinet" is an institution whose existence rests upon custom rather than law. The cabinet came into being because president Washington found it

useful to meet with the chiefs of the several executive departments. While all subsequent presidents have considered it necessary to meet with the cabinet, their attitudes toward the institution and its members have varied greatly. Some presidents have convened their cabinet only for the most formal and routine matters while others have relied upon it for advice and support.

The president's cabinet differs from the cabinet in the British parliamentary system in that in the United States, the executive power is Constitutionally vested in the president, so that the cabinet members are responsible to him; whereas in the British system, the cabinet as a whole, rather than only the prime minister who heads it, is considered the executive, and the cabinet is collectively responsible to the parliament for its performance. In addition, whereas in the United States the cabinet secretaries are parts only of the executive branch, in Britain the cabinet ministers are typically drawn from among the majority party's members in parliament.

### **What is the Membership of the Cabinet?**

Traditionally, membership of the cabinet has consisted of the secretaries of the several executive departments. At the close of the Carter administration, the cabinet membership consisted of the secretaries of the 13 executive departments, the two newest members being the secretary of energy and the secretary of education. It should be remembered that a substantial part of the executive branch is not represented on the cabinet.

From the earliest days, presidents have accorded to others the privilege of attending and participating in cabinet meetings. In recent years, the ambassador of the United States to the united nations and the director of the office of management and budget, among others, have been accorded cabinet rank.

### **The Executive Departments**

#### **How are Executive Departments and Agencies Created?**

Executive departments must be created by statute. Agencies in the executive branch, however, may be created by statute, reorganization plans, internal departmental reorganizations, or, in some instances, by presidential directive. The president may, under authority of the reorganization act of 1977, submit reorganization plans to create new agencies. Congress has 60 days after receipt of the plan to disapprove the proposal. If neither house of Congress votes a resolution of disapproval, the plan goes into effect. Under general departmental laws, secretaries are given limited authority to create, reorganize, and abolish units within their department. In his Constitutional capacity as chief executive, commander in chief, or by delegation of authority by Congress, the president had exercised his power to create various agencies or units. All agencies, however, must ultimately be given a legal status if they are to receive appropriations or their decisions are to have legal force.

#### **How are Executive Departments Funded?**

Most agencies depend on appropriations passed by Congress. In some cases the appropriation is permanent and requires no annual action by Congress (such as the permanent appropriation to pay interest on the national debt). Certain agencies also operate from revenue received when loans are repaid and from "nonappropriated" funds; for example, money received from theaters and post-exchanges on military bases or from recreation fees on national park lands.

#### **Who Controls or Oversees the Operations of Executive Departments?**

Control and oversight of the executive departments is exercised primarily by Congress as a consequence of its Constitutional authority to enact laws, appropriate funds, and make rules for the government. Overseers continuously monitor departmental administration and operations and usually are quick to seek adjustments when there is deviation from Congressional intent. Oversight is conducted largely through the committees and subcommittees of the Senate and the house of representatives. These panels are assisted by auxiliaries such as the general accounting office, a legislative branch agency.

The federal courts also exert a degree of control over the executive departments through judgments as to the legality of actions or orders compelling compliance with the laws. The judiciary, however, has no independent means of inquiry or enforcement. An aggrieved person must bring a lawsuit to the courts, demonstrating a proper cause for such action, in order that a judgment may be reached regarding the propriety of an executive department's practice or conduct. In situations where a department is found to be in violation of the law and some corrective resolution is sought or ordered, the courts have almost no means to compel compliance. Nevertheless, popular respect for the rule of law, the force of public opinion, and political conditions prompt departments to assent voluntarily to judicial determinations.

Within the executive branch, the president, of course, exercises control over the departments through the secretaries who head them.

### **What are Independent Agencies and Regulatory Commissions?**

The independent agencies, in general, comprise all federal executive agencies not included under the 13 executive departments or within the executive office of the president. Some of them, such as the Smithsonian institution, are of long standing. Many others have been created in recent years, as the government has increased its responsibilities. Regulatory commissions are independent agencies established by Congress to regulate some aspect of the United States' economy. Among these are the securities and exchange commission, and the interstate commerce commission.

Such agencies are, of course, not independent of the U.S. government and are subject to the laws that are enacted by Congress and executed by the president.

### **To Whom are Independent Agencies and Commissions Responsible? How Do They Report on Their Activities?**

Independent agencies and commissions within the executive branch of the government can be divided into those units that are under the direct supervision and guidance of the president, and are therefore responsible to him; and those that are not under such supervision and guidance, and therefore are not responsible to him. The units in the first group can be categorized as

Independent executive agencies, while those in the second group can be subdivided into independent regulatory commissions and government-sponsored enterprises.

Independent executive agencies, with rare exceptions, are headed by single administrators appointed by the president and confirmed by the Senate. These administrators serve at the pleasure of the president and can be removed by him whenever he wishes. In addition, they must submit their budget requests to the office of management and budget (OMB), which is located within the executive office of the president, for review and clearance. Examples of independent executive agencies are the commission on civil rights, the environmental protection agency, the general services administration, the small business administration, and the veterans administration.

Independent regulatory commissions and government-sponsored enterprises are bodies headed by several commissioners, directors, or governors, who also are appointed by the president and confirmed by the Senate. Unlike administrators of independent executive agencies, they serve for fixed terms and cannot be removed at the pleasure of the president. In some cases government-sponsored enterprises may also have directors who are private citizens. While all of the independent regulatory commissions and most of the government-sponsored enterprises submit their budget requests to OMB for review and clearance, the degree of dependence on these budgets varies considerably. Nearly all of the government-sponsored enterprises generate a considerable part of their financial resources from outside sources, while the independent regulatory commissions (except for the federal reserve board and the federal home loan bank board) rely on the government for their funding.

Activities of all the above units are presented in public reports which are prepared annually. In addition, those units that are subject to periodic authorization and appropriations hearings (all of the independent executive agencies, independent regulatory commissions, and most of the government-sponsored enterprises) must undergo a review of their activities at those hearings.

The following are examples of independent regulatory commissions: civil aeronautics board; consumer product safety commission; federal trade commission; federal home loan bank board; federal reserve board; and the securities exchange commission. Among the government-sponsored enterprises are such units as the Pennsylvania avenue development corporation, the Tennessee valley authority, and the United States postal service.

### **Why are There Merit Systems for Federal Employees?**

The merit systems for civil service in the United States have been established as an attempt to ensure that people in federal jobs are there because of their skills and are able to function efficiently without concern for political reaction. A merit system is a series of processes whereby personnel are recruited, examined, trained, and promoted on the basis of their knowledge and skills, regardless of race, religion, sex, political influence, or other non-merit factors. A merit system also serves as a vehicle for the removal of federal employees who are not performing at required levels, ensuring that the removal is conducted fairly and for good cause.

### **Are All Federal Employees Covered by a Merit System?**

While most federal employees in civil service are covered by the merit systems administered by the office of personnel management and other agencies, such as the department of state, there are classes of employees excepted by law. These exceptions would include political appointees who are in high policy-making positions as well as those who would have access to confidential, decision-making discussions, such as confidential secretaries to department heads. Also included would be the political appointees who comprise 10 percent of the senior executive service. It is estimated that the excepted personnel would comprise approximately 1 percent of total federal civilian employment.

### **What are the Roles of the Office of Personnel Management and the Merit Systems Protection Board?**

The civil service reform act of 1978 implemented the plan to replace the U.S. civil service commission with two independent agencies. The office of personnel management (OPM) manages the largest federal merit system, is responsible for ensuring that the federal government provides a range of personnel services to applicants and employees, provides support to federal managers in their personnel management functions, and provides benefits to employees directly. The merit systems protection board (MSPB) is responsible for protecting the integrity of the federal merit systems by overseeing the personnel policies and ordering disciplinary action against

agencies and/or employees where appropriate. There is an independent office of special counsel to the board which investigates allegations of activities prohibited by civil service law, rules and regulations and prosecutes officials who are found to have violated civil service rules and regulations.

### **What is the Office of the Federal Register?**

The office of the federal register was established in 1935 by the federal register act and is administered by the national archives and records service of the general services administration. It is responsible for the publications of laws, presidential documents, and *the United States government organizations manual* (official handbook of the federal government). The laws consist of both acts of Congress (statutes) and regulations which government agencies have issued under authority delegated by the Congress. Each act of Congress is published upon enactment in slip law form and public laws are cumulated for each session of Congress in the *United States statutes at large*. Regulations of government agencies, presidential proclamations, and executive orders having general applicability and legal effect are published in the *federal register*, which appears usually five times a week. All regulations currently in force are published in codified form in the *code of federal regulations*, which is updated annually. Presidential speeches, news conferences, messages, and other materials made public by the white house are published currently in the *weekly compilation of presidential documents* and annually in the *public papers of the presidents*. The *United States government organization manual* provides information on federal agencies as well as in quasi-official agencies, on international organizations in which the United States participates, and on boards, committees, and commissions.

### **What Kinds of Documents are Published in the Federal Register?**

Four types of documents must be published in the federal register before they are considered legally binding:

- (1) presidential proclamations and executive orders of general interest, and any other document the president submits or orders to be published;
- (2) every document issued under proper authority, which prescribes a penalty or course of conduct, confers a right, privilege, authority, or immunity, or which imposes an obligation relevant or applicable to the general public, members of a class of people, or persons of a locality;
- (3) documents or classes of documents required by act of Congress to be filed and published; and
- (4) other documents deemed by the director of the federal register to be of sufficient interest.

These documents are printed in the *federal register* under one of the following sections:

- (1) the president;
- (2) rules and regulations;
- (3) proposed rules; and
- (4) notices.

Although the federal register is unknown to many citizens, it constitutes a major means of regulating and governing in the United States.

### **What is the United States Postal Service?**

The U.S. postal service was created as "an independent establishment of the executive branch" by the postal reorganization act of 1970. The chief executive officer of the postal service, the postmaster general, is appointed by the nine governors of the postal service, who are appointed by the president, with the advice and consent of the Senate, for overlapping 9 year terms. The postal service in 1979 had 665,000 employees and handled 97 billion pieces of mail.

Decisions of the postal service regarding postal rates, fees and mail classifications are based on recommendations of the postal rate commission, an independent agency also created by the postal reorganization act of 1970. This five-member commission may issue advisory opinions to the U.S. postal service on proposed nationwide changes in postal services, initiate studies on and submit recommendations for changes in the mail classification schedule, and issue recommendations to the postal service on complaints received from the public. The commission has appellate jurisdiction to review postal service determinations to close or consolidate small post offices.

The ambiguous legal status of the postal service has been the source of political controversy since the service was established in 1970. It does not report to the president and is only indirectly responsible to Congress. There have been a number of bills introduced in recent Congresses to return the postal service to the status of a regular executive department.

### **The Legislative Process**

#### **What are the Legislative Items With Which Congress Deals?**

**Acts** -- the term for legislation which has passed both houses of Congress and has been signed by the president or passed over his veto, thus becoming law.

Also used technically for a bill that has been passed by one house and engrossed.

**Amendments** -- proposed of members to alter the language or stipulations in a bill or act. It is voted upon in the same manner as a bill. Many Amendments May be amended.

**Bills** -- most legislative proposals before Congress are in the form of bills, and are designated as h.r. (house of representatives) or s. (Senate) according to the house in which they originate and by a number assigned in the order in which they were introduced, from the beginning of each 2-year Congressional term. "public bills" deal with general questions, and become public laws if approved by Congress and signed by the president. "private bills" deal with individual matters such as claims against the government, immigration and naturalization cases, land titles, etc., And become private laws if approved and signed.

The introduction of a bill, and its referral to an appropriate committee for action, follows the process given in "how our laws are made." (house document no. 96-352.)

**Memorials** -- petitions received from state legislatures. (see petitions.)

**Nominations** -- appointments to office by the executive branch of the government, subject to Senate confirmation.

**Petitions** -- requests or pleas sent to one or both chambers from an organization or private citizens' group asking support of particular legislation or favorable consideration of a matter. Petitions are referred to appropriate committees for appropriate action.

**Resolutions** -- simple resolutions, designated h. Res. Or s. Res., Deals with matters entirely within the prerogatives of one house or the other. They require neither passage by the other chamber nor approval by the president, and do not have the force of law.

Most resolutions deal with the operations of one house.

**Concurrent resolutions** -- concurrent resolutions, designated h. Con. Res. Or s. Con. Res., Must be passed by both houses but do not require the signature of the president and do not have the force of law. Concurrent resolutions generally are used to make or amend rules applicable to both houses or to express the sentiment of the two houses.

**Joint resolutions** -- joint resolutions, designated h.j. res. Or s.j. res., Require the approval of both houses and (with one exception) the signature of the president, just as a bill does, and have the force of law if approved. There is no real difference between a bill and a joint resolution. The latter is generally used in dealing with limited matters, such as a single appropriation for a specific purpose.

Joint resolutions also are used to propose Amendments to the Constitution by a two-thirds vote of each house. They do not require presidential signature, but become a part of the Constitution when three-fourths of the states have ratified them.

### **What are the Stages of a Bill in the Congress?**

Following in brief are the usual steps by which a bill becomes law. (for further details, see "how our laws are made", house document no. 96-352.)

- (1) introduction by a member, who places it in the "hopper," a box in the house chamber; the bill is given a number and printed by the government printing office so that copies are available the next morning.
- (2) referral to one or more standing committees of the house by the speaker, at the advice of the parliamentarian.
- (3) report from the committee or committees, after public hearings and "markup" meetings by subcommittee, committee, or both.
- (4) house approval of a special rule, reported by the house rules committee, making it in order for the house to consider the bill.
- (5) consideration of the bill in committee of the whole, in two stages: first, a time for general debate on the bill; and second, a time for amending the bill, one part at a time, under a rule that limits speeches on Amendments to 5 minutes each.
- (6) passage by the house after votes on Amendments adopted in committee of the whole.
- (7) transmittal to the Senate, by message.

(8) consideration by the Senate -- usually after referral to and report from a Senate committee, and after debate and Amendment on the Senate floor.

(9) transmission from the Senate back to the house, with or without Senate Amendments to the bill.

(10) resolution of differences between the house and the Senate, either through additional Amendments or the report of a conference committee.

(11) enrollment on parchment paper and then signing by the speaker and by the president of the Senate.

(12) transmittal to the president of the United States.

(13) approval or disapproval by the president; if the president disapproves, he usually returns the bill with a veto message that explains his reasons.

(14) house and Senate action to override the veto by two-thirds votes; both chambers must vote to override the veto if the bill is to become law.

(15) filing with the administrator of the general services administration after approval by the president or passage by Congress over his veto.

### **What are the House Calendars and What is Their Purpose?**

When a house committee has finished studying a bill that it believes should become law, it reports the bill back to the house. The bill then is placed on one of several calendars.

**Consent calendar** -- members of the house may place on the consent calendar any bill appearing on the union or house calendar. Customarily, these bills are noncontroversial. Bills on the consent calendar are normally called on the first and third Mondays of each month. The first time a bill is called in this manner, consideration may be blocked by the objection of any member. On the second time, if there are three objections, the bill is stricken from the consent calendar. If fewer than three members object, the bill is given immediate consideration.

**Discharge calendar** -- the house calendar to which written motions to discharge committees are referred when the necessary 218 signatures have been obtained. Matters on the discharge calendar are considered on the second and fourth Mondays of each month.

**House calendar** -- listing of public bills and joint resolutions, other than revenue measures and measures appropriating money directly or indirectly, awaiting action by the house of representatives.

**Private calendar** -- private house bills dealing with individual matters such as claims against the government, immigration, land titles, are put on this calendar. Two members may block consideration of a private bill in the chamber. If blocked, it is then recommitted to committee. The private calendar is called on the first and third Tuesdays of each month.

**Union calendar** -- bills and joint resolutions that directly or indirectly appropriate money or raise revenue are placed on this house calendar chronologically according to the date reported from committee.

### **What are the Different Types of Appropriation Measures?**

Appropriations are provided in three different types of appropriation measures. The initial series of 13 separate appropriation bills which fund the bulk of federal operations for a fiscal year (October 1-September 30) are termed regular appropriations. If a subsequent need for funds develops, and the need is too urgent to be postponed until the next fiscal year, then a supplemental appropriation is provided. Finally, if Congress fails to complete action on a regular appropriation bill before the beginning of the new fiscal year, then a continuing appropriation providing stop-gap funding is enacted. All regular appropriation bills and those supplemental appropriation bills which fund more than a single agency or purpose also are referred to as general appropriation bills.

### **What Courses are Open to the President When a Bill is Presented to Him?**

The president has three choices. First, the president may sign it promptly, whereupon it becomes a law. Second, he may hold it, without taking any action, in which case it becomes law at the expiration of 10 days (Sunday excepted) without his signature if Congress is still in session, or does not become law if Congress has adjourned. (he might refuse to sign a bill because, while disapproving it, he recognizes that a veto would be politically unwise. He might also be undecided about its Constitutionality and prefer not to commit himself.) Third, he may veto the bill; that is, return it with his objections to Congress, without his signature. In this case, it may be voted on again by Congress and if approved by two-thirds vote in both houses, it becomes law despite the president's veto.

### **What Happens to a Bill After it Becomes Law?**

The provisions of the law take effect immediately unless the law itself provides for another date. The law will also specify what executive departments or agencies are to carry it out or enforce it. The actual written document is sent to the general services administration, an independent agency of the government, where it is given a number and published in individual form as a "slip law." At the end of each session of Congress, these are consolidated in a bound volume called *United States statutes at large*. In addition, all permanent, general laws currently in force are included in the *code of the laws of the United States of America*, commonly called the *United States code*. The office of law revision counsel, part of the institutional structure of the house of representatives, is responsible for preparing and issuing annual supplements to keep the code up to date.

### **When Does a Bill, Introduced at the Beginning of a Congress, Become Dead and No Longer Open to Consideration?**

A bill may be considered not only during the session in which it is introduced, but at any time during the 2-year life of that Congress. Thus, a bill introduced in January 1981, would be subject to action at any time until the final adjournment *sine die* (indefinitely) of the 97th Congress in late 1982.

A bill may also "die" through certain unfavorable actions taken upon it in Congress, including defeat on the floor, being "laid on the table" during floor consideration, referral to a committee which then fails to report it back to the house involved, or failure of the two houses to agree on identical versions of the bill. In many cases, procedures exist to "revive" a bill after such actions, but as a practical matter, few bills are pursued after suffering such a reversal.

Any bill not enacted in one Congress, for any of these reasons, may of course be introduced anew in the following Congress, when it again starts the legislature process from the beginning.

## **In Correspondence, How Should One Address a Member of Congress?**

In writing to a member, the form of address is as follows:

The honorable	or	the honorable
John Doe		John Smith
United States Senate		United States house of representatives
Washington, D.C. 20510		Washington, D.C. 20515

The preferred greeting in a letter to a Senator is "Dear Senator Doe." Other acceptable greetings include "Dear Sir" or "Dear Madam," "Dear Mr. Doe," or the more formal "My Dear Sir" or "My Dear Madam," "My Dear Senator Doe," or "My Dear Mr. Doe." "Sincerely Yours" is the usual closing.

The preferred greeting in a letter to a member of the house of representatives is "dear Mr. Smith," or "dear Mrs. Smith" or "dear ms. Smith" or the more formal "my dear sir," or "my dear madam," "my dear representative smith," or my dear Mr. Smith." "sincerely yours" is the usual closing.

A member of the house is often referred to as a Congressman, Congresswoman or representative. A member of the Senate is usually referred to as senator.

### **What Services are Officially Available to Members and to Committees to Assist Them in the Performance of Their Legislative Duties?**

Research assistance is available both from Congressional staff and from legislative branch agencies created to assist members, committees, and their staffs.

Senators and representatives are allocated funds to hire personal staff to assist them in performance of their legislative and constituent work. Committees are entitled to professional and clerical staff by statute and they may have additional employees pursuant to specific findings or requests that are approved by the respective house.

Additional support is provided by legislative branch agencies. The Congressional research service of the library of Congress provides both committees and individual members with information, research and analysis on a wide range of subjects. The general accounting office assists committees and members in fulfilling oversight and program evaluation responsibilities. The office of technology assessment analyzes the impact of technology on public policy. The Congressional budget office provides specialized fiscal and budgetary analyses and cost estimates.

Each chamber has an office of legislative counsel to assist in the drafting of legislation. Finally, each house has technical staff charged with providing data processing services and automated systems analyses.

### **Do the Members of the House Have Individual Seats?**

No. They did until the 63rd Congress, but now any member may sit where he chooses. Democrats occupy the east side of the chamber, on the speaker's right; republicans sit across the main aisle, on the speaker's left.

### **Do Senators Have Individual Seats Assigned Them?**

Yes. The individual seats are numbered and assigned on request of senators in order of their seniority. Democrats occupy the west side of the chamber on the vice president's right; republicans sit across the main aisle to his left. There is no set rule for seating of "independents."

### **What is Meant by the Seniority Rule?**

It had been the custom whereby a member who served longest on the majority side of a committee became its chairman or if on the minority, its ranking member. Members were ranked from the chairman down according to length of service on the committee.

Modifications made in the 92d, 93d, and 94th Congresses have caused the seniority rule to be less rigidly followed than previously. In both chambers nominees for committee chairmen are subject to public votes, first in meetings of their party colleagues, then the full chamber.

If a member loses his seat in Congress, and then returns, he starts at the bottom of the list again, except that he outranks those members who are beginning their first terms.

### **Does the Term Senior Senator Apply to Age or Service?**

The word "senior" or "junior" as applied to senators refers to their length of continuous service in the Senate, and not to their ages. A "senior senator" may be younger in years than the "junior senator."

### **Could a Person Other Than an Elected Representative in Congress serve as Speaker of the House?**

Yes. There is no Constitutional objection to such an arrangement. The house is empowered to choose its speaker and other officers without restriction. But, in fact, the speaker has always been a member of the house.

### **Who Was Speaker of the House of Representatives for the Longest Period of Time?**

The late honorable Sam Rayburn, of Bonham, Texas, who was a member of the house 48 years and 8 months, served as speaker for 17 years and 2 months. The record for longest continuous service as speaker is held by John McCormick, of Dorchester, Massachusetts, who served consecutively for 8 years 11 months and 23 days, thus surpassing Champ Clark (7 years 10 months 29 days) and Joseph G. Cannon (7 years 3 months and 24 days).

### **May the Secretary of State or Any Other Cabinet Officer Appear on the Floor of Either House to Answer Questions?**

No. Cabinet officers frequently testify before house and Senate committees and subcommittees, but they may not appear on the floor of either chamber to respond to members' questions. There have been proposals to permit such a "question period" by amending Congressional rules, but they have not been approved.

### **Are Visitors Allowed to Listen to the Proceedings of Congress?**

Visitors are allowed to listen to and watch the proceedings of Congress from the visitors' galleries in each house. They must, however, obtain entrance passes from their senator or representative.

All visitors must abide by certain rules and maintain proper decorum. They are not allowed to take radios, cameras, or umbrellas into either chamber; and they may not read, write, or take notes while inside. Visitors in the galleries are subject to control by the presiding officers of the house and Senate as well as doormen stationed beside each entrance to the galleries. Unless there is an executive or secret session of either house, visitors are allowed whenever Congress is in session.

Special space is also available in the galleries for accredited journalists who are not subject to the prohibitions on writing and taking notes.

Since 1979, proceedings of the house have been accessible to the news media for television or radio broadcast.

### **What Constitutes a Quorum of a Standing Committee of the Senate? Of the House?**

Each Senate committee is authorized to establish a quorum for transaction of business (except for taking testimony) of not less than one-third the membership of the committee. Committees may fix a lesser quorum for the purpose of receiving serious testimony. A majority of the committee must be present to report a bill or recommendation.

### **How is the President Addressed?**

Simply as "Mr. President." A letter sent to the chief executive is addressed "the president, the white house." One of the earliest Congressional debates dealt with the title of the chief executive. A Senate committee recommended that the president be addressed, "his highness, the president of the United States of America, and protector of their liberties." In the house, a debate on the subject was climaxed by James Madison's disclosure that the Constitution explicitly prescribed the chief magistrate's title as "president of the United States of America." When George Washington made his first inaugural address, the house made formal reply, addressing him simply as "the president of the United States." When the Senate's turn came to make a similar formal reply, it reluctantly bowed to the precedent, but not without adopting a resolution declaring "that it would be proper to annex a respective title to the office" of the president. "thus it came about," writes Henry James Ford, "that the president of the United States is distinguished by having no title. A governor is addressed as 'your excellency,' a judge as 'your honor,' but the chief magistrate of the nation is simply 'Mr. President'."

### **What Would Happen if the President-Elect Were to Die Before Taking Office?**

This situation has not yet occurred. If the president-elect were to die before the electoral college had voted (the second Wednesday in December), a new presidential candidate would be named by the party organization. If the president-elect were to die after the electoral college had voted, the vice president-elect would become president the following January 20.

### **Who Would Succeed to the Presidency if the President-Elect and the Vice President-Elect Failed to Qualify Prior to Inauguration Day?**

The speaker of the house of representatives. In the event he should be disqualified, the president *pro tempore* of the Senate would be next, and then succession would proceed in the following order: secretary of state, secretary of the treasury, secretary of defense, attorney general, secretary of the interior, secretary of agriculture, secretary of commerce, secretary of labor,

secretary of health and human services, secretary of housing and urban development, secretary of transportation, secretary of energy and secretary of education.

### **Has a President or Vice President Ever Resigned?**

Two vice presidents have resigned. John c. Calhoun resigned on December 28, 1832, 3 months before the expiration of his term, to become senator from south Carolina. Spiro agnew resigned October 10, 1973, subsequent to pleading *nolo contendere* (no contest) to a charge of federal income tax evasion. Pursuant to Mr. Agnew's resignation, president Nixon nominated Gerald r. Ford, the minority leader of the house, to fill the vice presidential vacancy. The Senate and house in accordance with the provisions of the 25th Amendment under which Mr. Ford had been nominated, approved the nomination and Mr. Ford was sworn into office on December 6, 1973. Less than a year later Mr. Ford became president subsequent to Richard Nixon's resignation. On August 20, 1974, he nominated nelson Rockefeller to be vice president, who was confirmed and sworn into office on December 10, 1974. In less than 1 year two occasions arose for using the provisions of the 25th Amendment to fill a vacancy in the vice presidency.

### **How Many Vice Presidents Have Succeeded to the Presidency by Reason of a Vacancy in That Office?**

Nine: john Tyler, Milliard Fillmore, Andrew Johnson, Chester a. Arthur, Theodore Roosevelt, Calvin Coolidge, harry s. Truman, Lyndon b. Johnson, and Gerald r. Ford.

### **Of These Successions, How Many Were Caused by the Assassination of Presidents?**

Four: Abraham Lincoln, James a. Garfield, William mckinley, and john f. Kennedy were killed by assassins. Andrew Johnson served as president during all but 1 month of Lincoln's second term; Theodore Roosevelt served 3 1/2 years of McKinley's second term; Chester a. Arthur served about 3 1/2 years of Garfield's term; and Lyndon b. Johnson served about 1 1/4 years of Kennedy's term.

### **How Many Presidents Have Had Previous Experience in Congress?**

Twenty-three. Seven served exclusively in the house of representatives: James Madison, James K. Polk, Milliard Fillmore, Abraham Lincoln, Rutherford B. Hayes, William Mckinley and Gerald R. Ford. Five served exclusively in the Senate: James Monroe, Martin Van Buren, Benjamin Harridan, Warren G. Harding and Harry S. Truman. Eleven have served in or been elected to both houses of Congress: John Quincy Adams, Andrew Jackson, William henry Harrison, john Tyler, Franklin Pierce, James Buchanan, Andrew Johnson, James A. Garfield, John F. Kennedy, Lyndon B. Johnson and Richard M. Nixon.

### **What is the Largest Number of Bills and Joint Resolutions Ever Introduced in a Single Congress?**

In the 61st Congress (1909-1911), there was a total of 44,363 such measures introduced in both houses. Around 25,000 bills and joint resolutions are introduced in the average Congress.

### **How Does the Total of Bills and Joint Resolutions Introduced in Congress Compare With the Number Enacted?**

From March 4, 1789, to the adjournment of the 95th Congress, 1,103,534 bills and joint resolutions have been introduced in both houses. Of this total, only 88,424 were enacted.

## **Are Many Bills Vetoed?**

As of December 30, 1980, presidents of the United States had vetoed 2,390 acts of Congress. Woodrow Wilson, in 8 years, vetoed 44 bills; president Harding, 6; president Coolidge, 50; and president Hoover, 37. President Cleveland vetoed more bills than any other president before Franklin d. Roosevelt, but these were mostly private pension bills.

During Cleveland's two terms, he vetoed 584 bills (238 of these were pocket vetoes). During Franklin d. Roosevelt's 12-year administration he vetoed 635 bill (263 of them were pocket vetoes). President Truman vetoed 250 bills, 70 of which were pocket vetoes. President Eisenhower vetoed 181 bills, 108 of them pocket vetoes. President Kennedy vetoed 21 bills, including 9 pocket vetoes. President Lyndon Johnson vetoed 30 bills, including 14 pocket vetoes. President Nixon vetoed 43 bills,

Including 17 pocket vetoes. President ford vetoed 66 bills, including 18 pocket vetoes. During his term in office, president Carter vetoed 31 bills, 18 by pocket veto.

## **Are Acts Often Passed Over the Presidents Veto?**

Not very often. In the entire history of our country, as of December 30, 1980, only 92 bills have been enacted by overriding a veto. Of these, 15 were passed over the veto of president Andrew Johnson; 12 each over the vetoes of presidents Truman and ford; 9 over the veto of Franklin d. Roosevelt; 7 over the veto of president Cleveland; 6 over the veto of woodwork Wilson; 5 over the vetoes of presidents pierce and Nixon; 4 over the vetoes of presidents grant and Coolidge; 3 over the veto of president Nixon; 2 over the veto of presidents Eisenhower and Carter; and one each over the vetoes of presidents Tyler, Hayes, Benjamin Harridan, Theodore Roosevelt, and Taft.

## **What Important Court Cases Relate to the Pocket Veto?**

In *the pocket veto case* (279 U.S. 655, 1929) the supreme court decided that when Congress had adjourned *sine die* at the close of a first regular session, it had effectively prevented the return of a bill which the president had vetoed, and that in such case the bill did not become law.

In *wright v. U.S.* (320 U.S. 583, 1938) the court decided that in the case of a temporary recess by one house only, while Congress was still in session, the president could Constitutionally return a vetoed bill to the proper officer of the house, which could then take what action it saw fit.

In *Kennedy v. Sampson*, a 1974 D.C. United States court of appeals' decision, the court held that president Nixon had erred in declaring a bill pocket vetoed on December 2, because a Congressional recess from December 22 to December 28 prevented his returning the bill to the Congress within the 10-day period. The court declared that opinion because Congress had made arrangements for deliverance of presidential messages to it and so the president had persons to whom he could deliver a regular veto message. It further found that even though Congress May be temporarily absent during intrasession recesses, it should have the opportunity to override a veto upon its return. Accordingly, presidents May no longer use an intrasession recess to pocket veto bills and thus avoid a possible reversal by Congress. The justice department failed to appeal this decision to the supreme court, although it has expressed its opinion that the court's ruling is not binding, and that senator Kennedy, who initiated the suit, had no legal standing to do so.