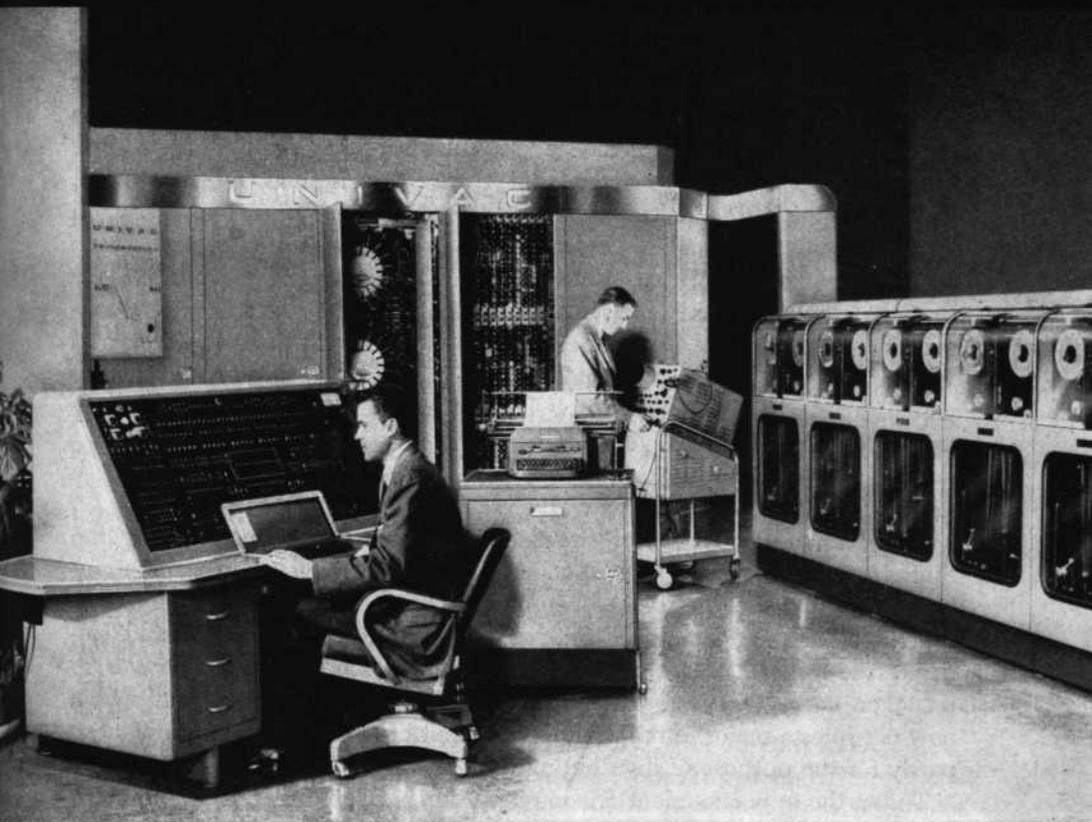


16. Electing Congress



Remington Rand

IN EVERY even-numbered year the voters of the United States elect a new Congress, their national legislature. That is to say, in those years they name all the 435 members of the House of Representatives. At the same time, they choose one-third, or a few more than one-third, of the 96 members of the Senate; although thanks to the overlapping six-year terms of Senators the voters may change only a minority of its membership at any given election, yet in three successive elections the people may elect an entirely new Senate. Thus the people determine who shall be their national legislators.

ELECTORAL AREAS

Every congressman is elected from a specific geographic area by some of the people residing in that area. These people, whether or not they voted or could vote for the congressman, individually are termed "constituents" and all together a "constituency" (a term sometimes loosely applied to the

district rather than to its residents). The constituents or constituency is what the congressman represents in Washington.

There is a great difference between the electoral area of a Senator and that of a Representative. Every Senator represents a State; the citizens of the entire State are his constituency. By contrast, a Representative, with few exceptions, represents a congressional district that is smaller than a State. In the Eighty-fifth Congress the exceptions are the single congressmen from Delaware, Nevada, Vermont, and Wyoming—four States whose population is so small that each is assigned only one Representative—so that the single electoral area is coterminous with the State; and the congressmen-at-large from Connecticut, New Mexico, North Dakota, Texas, and Washington, five States which all have more than one Representative but which, for reasons to be discussed later in this chapter, have been unable to fix electoral areas for every Representative.

Apportionment of Representatives

Members of the House of Representatives are apportioned among the States according to their respective populations. Foreseeing that the population in some sections of the country might increase more rapidly than that in others, the Founding Fathers provided that Congress should calculate the apportionment on the basis of a national census, which was to be taken every ten years (Art. I, sec. 1, cl. 3). Thus the census, which now occupies a major rank in the Department of Commerce, was originated partly for the purpose of distributing the seats in the House.

Today the apportionment is computed not by Congress but in the office of the President. Congress has by law provided that after each census the President shall notify the House of the population of each State and the number of members assigned to each State. Congress has ceded the initiation of apportionment to the executive branch because the apportionment evoked so much partisan sentiment and loyalty to State interests that the House was unable to implement its power. Beginning with the first census in 1790, Congress drafted a reapportionment in keeping with every census through that of 1910. After the 1920 census so many States would have lost members (unless the seats were so increased in number as to make the House unmanageable) that their delegations were able to block all action. Although the Constitution plainly directs that seats in the House shall be redistributed after each census, there is no means for compelling Congress to act. Finally, in 1929 Congress enacted the present rule.

Henceforth the total membership is to be fixed at 435; actually, since no Congress may bind the action of its successors, the failure of Congress

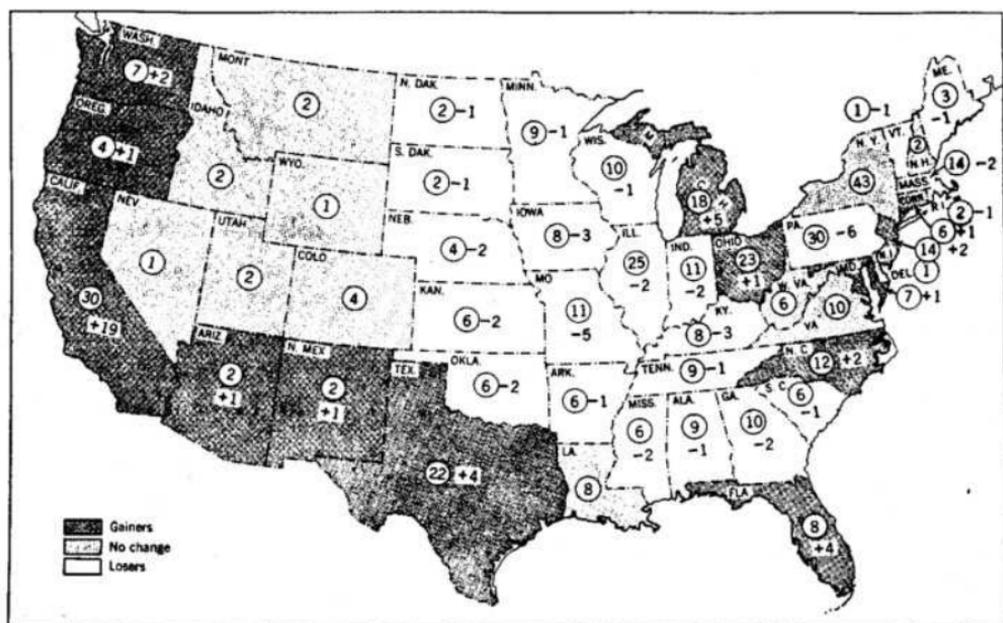
Univac: An automatic calculating machine that was used by the Columbia Broadcasting System on election night to store information about the past voting patterns of the nation and the early voting results in order to forecast the trend of the presidential elections. The Central Computer is in the background and the Supervisory Control panel is in the foreground. Information is stored inside the Central Computer cabinet. The tape-handling machines at the right feed facts into the computer and take off the results of computations. Experience in 1954 showed that not enough was known about patterns of change in voting to set the machine accurately at early stages of the election.

to change the total since immediately after the census of 1910 may best be attributed to the inability of the members to agree on any other number. After the decennial census has been completed, mathematicians in the White House Office divide the total population of the United States by 435 to obtain the ratio of representation. Then, using one of the several complex possible methods, the mathematicians calculate the number of seats to which each State is entitled. These data, after being sent to Congress, are transmitted by the Clerk of the House to every State Governor.

After each census it may be expected that some States will lose, and others gain, seats, reflecting the population changes of the preceding ten years. In 1950, California gained seven seats; Florida, two; and Maryland, Michigan, Texas, Virginia, and Washington, one each. Meantime Pennsylvania lost three; Missouri, New York, and Oklahoma, two apiece; and Arkansas, Illinois, Kentucky, Mississippi, and Tennessee, one each. These changes only mirror the greatly increased population of the West Coast, Miami, Houston, Dallas, Detroit, and Washington, D.C., along with the rather slowly rising or actually declining population of the industrial Middle Atlantic region and of the agrarian parts of the South and Midwest. The map in Figure 31 shows how the 1952 reapportionment only continued a trend that has been going on since 1912.

Establishing congressional districts

After the seats have been apportioned among the States following a census, and the State Governors have been duly notified of the size of their congressional delegations, each State with more than one Representative



is to be divided by its legislature into as many congressional districts as there are Representatives from the State. Congress has in the past enacted several laws to regulate the districting within States, providing among other things that the districts must be compact, contiguous, and as nearly as possible equal in population. However, in the face of these congressional enactments the State assemblies continue to draw many district lines according to the relative power of the several factions in the respective assemblies; for there is no means for compelling State assemblies to heed congressional directions.

The districting process, then, affords another battleground for the struggle among political groups. Sometimes the opposing forces in an assembly are so nearly equal that after an apportionment giving a State changed representation it may be impossible for the assemblymen to agree upon new district lines. Under these circumstances one, or even two, of the members of the House will be elected "at-large," or with the whole State as a congressional district, a situation which in 1956 prevailed in Connecticut, New Mexico, North Dakota, Texas, and Washington.

Usually, however, there is not so close a balance of forces in the State assembly. Under conditions of markedly unequal forces, the groups that are superior tend to set the district lines in a manner that will be most advantageous to themselves without so enraging the minority that it will not collaborate in legislation. There are two principal types of contest that arise over the districting process: (1) a regional group clash, especially between rural interests and urban interests; and (2) a partisan dispute, between Democrats and Republicans. To satisfy their ends, the stronger forces may manipulate district boundaries in either one of two ways: (1) they may establish a pattern of districts in which one district has two or three times as great a population as certain others; and (2) they may draw districts with very irregular limits so as to include only selected groups within the districts, a practice known as "gerrymandering."

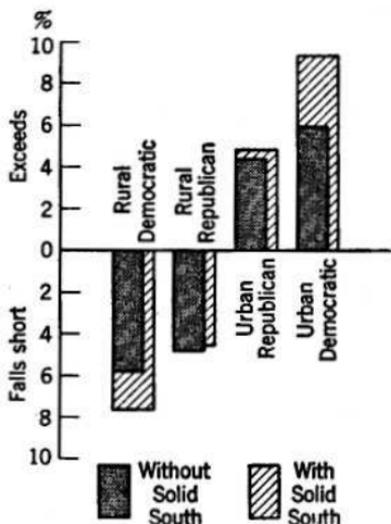
The Rural-Urban Clash: One outstanding characteristic of State governments is that in virtually every State at least one house of the legislature is dominated by rural, agrarian interests. After all, the States were at first chiefly rural; only later in their history did cities arise. However, the rural groups that had secured control at the first were reluctant to surrender their power. The districting within the States for their own assemblies favors the rural interests; and these interests in turn district the State for the national House of Representatives so as to favor the agrarian groups.

The commonest means used to achieve this goal is the creation of districts greatly unequal in population, the smaller districts being predominantly rural and the larger, urban. With 435 districts and 150,000,000 people in the United States according to the 1950 census, the average district should have about 345,000 people; however, States rarely settle upon the average. In 1954 the State showing the greatest disparity in the population of congressional districts was Texas; there the Eighth District (metropolitan Houston) contained 806,701 people according to the 1950 census, whereas

the Fourth contained 227,735 and the Seventeenth, 226,739. The Houston district was the most populous in the country; the least was the South Dakota Second, with 159,099. Other metropolitan districts were and usually are similarly oversized. The Georgia district that includes Atlanta has a population of 618,431; the Alabama district containing Birmingham, 558,928; Cook County, Illinois (Chicago), districts have more residents than those of downstate Illinois.

The main consequence of this districting technique is that the agricultural interests of the nation have a disproportionately large representation in the House. Figure 32 shows the percentage by which the average population of each of four types of congressional districts—rural Democratic, rural Republican, urban Republican, and urban Democratic—either exceeds or falls short of the average population of all congressional districts in each State in which these districts are located. An urban district is one containing one city of 100,000 or more people according to the 1950 census; all other districts are rural. A district is identified with one party or the other if it elected a Representative from that party in both the 1952 and the 1954 elections; twenty-eight other districts are omitted. (Eleven seats elected from a State at large are also omitted.) There are 111 rural Democratic districts (74 in the eleven southern States); 122 rural Republican (3 in the South); 70 urban Republican (2 in the South); and 93 urban Democratic (23 in the South).

The significant point to observe in this figure is that so far as the drawing of congressional district lines is concerned the *rural* areas, regardless of which major party predominates, have the advantage over the urban areas. That is, both Democratic and Republican *rural* districts tend to have smaller populations than the average district, and both Democratic and Republican *urban* districts tend to have larger populations than the average district. In other words, rural areas across the country tend to be overrepresented in Congress, and urban areas tend to be underrepresented. This advantage for the rural areas stems from the fact that State legislatures, which lay out congressional districts, are dominated by rural areas themselves. It is noteworthy that the disproportion is greater in the South than in the remainder of the country, partly because it is more rural than the rest of the country; also, because it is dominated by one party, there is little if any possibility of gerrymandering according to party



Computed from information by district contained in a speech by Senator Paul H. Douglas before the Senate, mimeographed release of March 26, 1956, citing in turn an unpublished manuscript of Mr. Gus Tyler

Figure 32. The Rural Advantage in House Apportionment, Regardless of Party. Percentage by which the average populations of four different types of congressional districts either exceed or fall short of the average population of all congressional districts in their State.

A-1,000 B-5,000	A-5,000 B-3,000	A-7,000 B-10,000	→ A-13,000 B-18,000
A-5,000 B-2,000	A-13,000 B-5,000	A-2,000 B-4,000	→ A-20,000 B-11,000
A-9,000 B-5,000	A-3,000 B-8,000	A-4,000 B-9,000	→ A-16,000 B-22,000
↓ A-15,000 B-12,000	↓ A-21,000 B-16,000	↓ A-13,000 B-23,000	

Figure 33. The Mechanics of Gerrymandering. Note that if the State (or other governmental unit) were cut into three districts horizontally, Party B would thereafter win two out of three districts whereas if it were cut vertically, Party A would win two of the three districts.

concentrations, a practice which further aggravates inequalities of apportionment in the North and West.

The Party Dispute: Although, as Figure 32 reveals, there is some connection between political party membership and a disproportion in the population of congressional districts, the chief impact of party membership upon legislative districting has to do with the actual contours of the districts, that is, the areas they include. Each of the two major parties in a State legislature normally aims to have the State districted according to its wishes; for the boundaries of the congressional districts play a large role in determining the percentage of seats that each party will hold in the State's entire delegation to Congress. One outstanding trait of politics is that there are many "blocs" of voters distributed according to geographic areas; that is to say, there are a great number of small land units—precincts, wards, townships, and even counties—in which one party is preponderant. Furthermore, barring an extraordinary change in the economic, social, or demographic complexion of a given unit, the dominance enjoyed by the party is sufficiently permanent that it may be assumed in any given election. This concentration results not from the fact that Democrats or Republicans tend to flock together but from the fact that a common background of social, economic, and regional interests is apt to induce most people of a specific locality to attach themselves to the same party. For example, northern suburban areas are usually Republican; southern rural districts are generally Democratic.

Because American voters are often formed in blocs, the majority party in the State legislature can draw the lines of congressional districts in such a way that although the districts may have relatively equal populations they will include utterly different patterns of party affiliation and concentration. As an illustration, let us assume a State to which three Representatives have been assigned; the State has nine counties; each congressional district shall include three counties. The approximate vote of each county is known in

advance. If party A controls the assembly, it will draw the districts vertically, or from north to south, so as to carry two of the three. If party B controls the assembly, it will draw the districts horizontally, or from west to east, so that it can carry two (see Figure 33). Notice that when the districts are drawn vertically, A's margin of victory in either of the two districts it carries is smaller than its margin of defeat in the district it loses; the

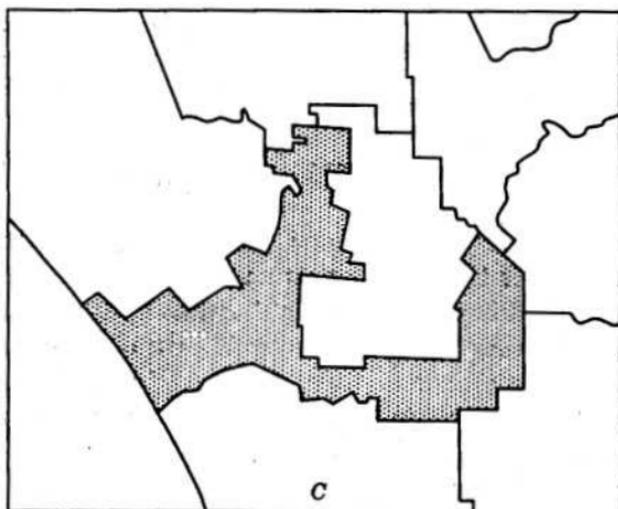
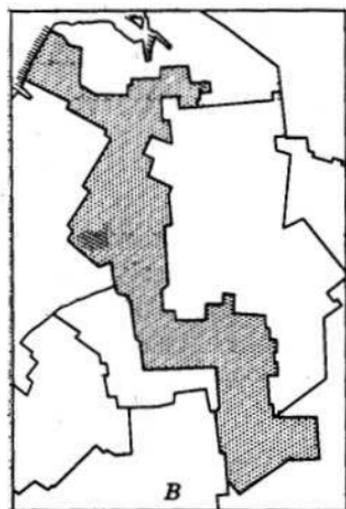
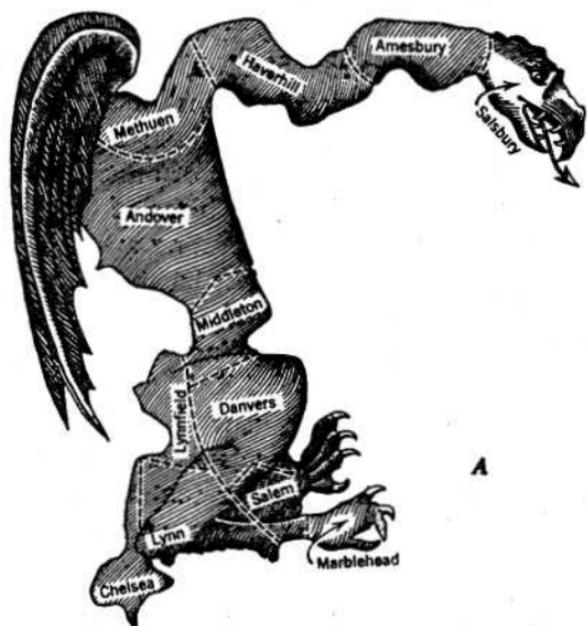


Figure 34. The Original Gerrymander and the Gerrymanders of the New York Twelfth and California Twenty-sixth Districts Today. A. The original "Gerrymander," so named because of the distorted district's resemblance to a salamander; Governor Gerry was the power behind the peculiar districting. B. The "Brooklyn baseball roter," the New York Twelfth District, was carved out of strong Democratic areas to assure a Republican district where none had existed before. C. The "tin lizzie," California's Twenty-sixth District, was designed to collect various Democratic strongholds into a single district so as to allow the surrounding districts a greater chance of electing Republican congressmen.

same holds true for *B* when the districts are laid out horizontally. Indeed, *A* actually has fewer votes than *B* in the entire State, 49,000 to 51,000; yet by careful planning of the district limits *A* can elect two congressmen to *B*'s one. This illustration, it must be admitted, portrays an imaginary situation. However, in many of the States that send large delegations to the House, the lines are drawn so that a small popular majority may be translated into a great edge in the delegation itself. For example, in 1952, in the total congressional vote in all districts in Indiana, the Republicans had 1,094,000 ballots, or 56.5%, and the Democrats 831,000, or 42.9%. Yet the Republicans elected ten of the eleven Representatives, or 90.9%.

This type of districting is known as the *gerrymander*. In its exact sense, a gerrymander is an act of creating a district of unusual or absurd shape or size so as to comprehend several scattered blocs of voters attached to one party, thus increasing the possibilities of electing members of the dominant party. The term may also connote the district itself. The expression was coined in the early 1800's to describe a Massachusetts State legislative district—not a congressional district—resembling a *salamander*, that would be advantageous to the party of Governor Elbridge *Gerry*. The best-known gerrymander devised after the 1950 census and reapportionment was the New York Twelfth District, which connects enough Republican enclaves in Brooklyn to elect the only Republican Representative from that borough in Congress; it has the appearance of an enraged Brooklyn baseball fan. Another famous present-day gerrymander is the Twenty-sixth California "tin lizzie" District, the most populous in the State, which was drawn to include as many Democrats as possible in order to insure Republican victories in the adjacent districts. Figure 34 shows a copy of the original gerrymander cartoon of the artist Gilbert Stuart, and also gives the shape of the present-day Brooklyn (12th) and Los Angeles (26th) districts.

CONGRESSIONAL NOMINATIONS

The purpose of a congressional nomination is to determine who shall represent the party as its candidate in the forthcoming congressional elections. When an individual is seeking nomination, perhaps the most valuable single weapon he may have is incumbency, or the sponsorship of a voluntarily retiring incumbent. The individual already in office has the prestige of the office behind him; and, although today there are relatively few appointive positions not under the merit system, the congressman is in charge of much of what patronage remains. It is quite rare that a Senator or Representative fails to secure a renomination he is actively seeking. In 1938 President Roosevelt campaigned in several southern States at the time of their Democratic primary elections, seeking to block the candidacy of those individuals who opposed the New Deal. Roosevelt was not very successful in his efforts to influence these nominations. This episode is often cited as an illustration of the impotence of the chief executive when he tries to oust members of Congress. Since all the incumbent Senators were nominated regardless of Roosevelt's position on his candidacy, the episode also demon-

strates the fact that it is extremely difficult to deny an incumbent Senator—or Representative, for that matter—the nomination of his party.

Concerning the choice of a candidate by the party out of power, it appears that more often than not the aspirant commanding the largest sum of money is apt to win the prize. Of course, there have been many instances in which an individual of exceptional prestige or organizational ability has succeeded in winning the nomination. The crucial point is whether the aspirant can either capture the support of the dominant faction in the party organization, or transform into the dominant faction a lesser faction that is backing him. If he can perform either of these alternatives he will secure the candidacy; if he cannot perform either, he will not be nominated.

The actual mechanics of the nominating process have been analyzed at length in the preceding chapter. It suffices to say that in most States today congressional candidates are nominated in direct primary elections; that a simple plurality in the bulk of these States wins the nomination; and that in a few States, when no person receives a majority in the primary, the candidate is finally chosen in a second, "run-off" primary, or in a convention.

CONGRESSIONAL CAMPAIGNS

The local aspect

Congressional campaigns are waged to a large extent on local issues; and the brunt of the campaign is shouldered by the organization of the electoral area concerned—the State or the district group, depending upon whether the election is for the Senate or the House. The campaign, then, to a great degree embraces discussions of what the national government has done or is going to do with respect to local problems; in his campaign the incumbent himself stresses what he, rather than the national government, has done or plans to do. In 1954 a typical congressional campaign was that of Republican Representative Charles S. Gubser, candidate for reelection from the California Tenth District (San Benito, Santa Clara, and Santa Cruz counties). Gubser's campaign literature claimed twenty-six accomplishments for his current term. Of these accomplishments, twenty-two are directly related to the concerns of his district (marked with asterisk):

- Brought \$21,000,000 V.A. Hospital to Palo Alto
- Won Reber Plan Survey Funds
- Fought for More Hospital Funds for California
- Met Humanitarian Needs Here
- Active in Narcotic Education Legislation
- Led Fight to Restore Local Airport Funds
- Prevented Removal of Navigation Aids from San Jose Airport
- Worked for Prune Price Support and Export Program
- Helped Move \$5 Million Worth of Santa Clara County Prunes
- Helped Move Multi-Millions in Canned Peaches-Apricots
- Helped Get Funds for Mexican Fruit Fly Fight
- Worked for Better Domestic Quicksilver Production and Prices
- Gained Approval for American Business Census
- Supported Bill for \$1.3 Million Moffett Field Program
- Worked for Port of Redwood City Facilities

- Corrected Injustices against Local Foreign Born
- Presented Gubser Plan to Alleviate 20% of Our Water Shortage
- Supported the Eisenhower Legislative Program
- Fought Waste on the National Level
- Helped Reduce Excise Taxes
- Made Possible Additional TB Beds for Santa Clara County
- Appointments Made on Merit, not Politics
- Fought for Postoffice and Civil Service Employee Pay Raises
- Active Supporter of Postoffice and Civil Service Programs
- Supported Realistic Programs of Old Age Security
- Supported First Constructive Step for Solution of Health Insurance Problems

Congressional campaign committees

Congressional candidates may also look for support to the congressional campaign committees. Each major party has such a committee in each chamber of Congress. In the House the committee of each party is made up of one member from each State which has at least one Representative from the party. The State delegations decide which of their members shall be on the campaign committee. In the Senate the committee members are named by the chairman of their respective Senate party conferences or caucuses. These committees are not subordinate to, but are coordinate with, the national party organizations; in other words, they do not receive instructions from the national committee. The principal campaign activities of the committees include soliciting funds, providing speakers, and working to unify party support for the candidates. They concentrate their efforts upon closely contested districts, since the loss of only a few districts may entail the loss of the majority in either house to the opposing party.

THE ELECTION PROPER

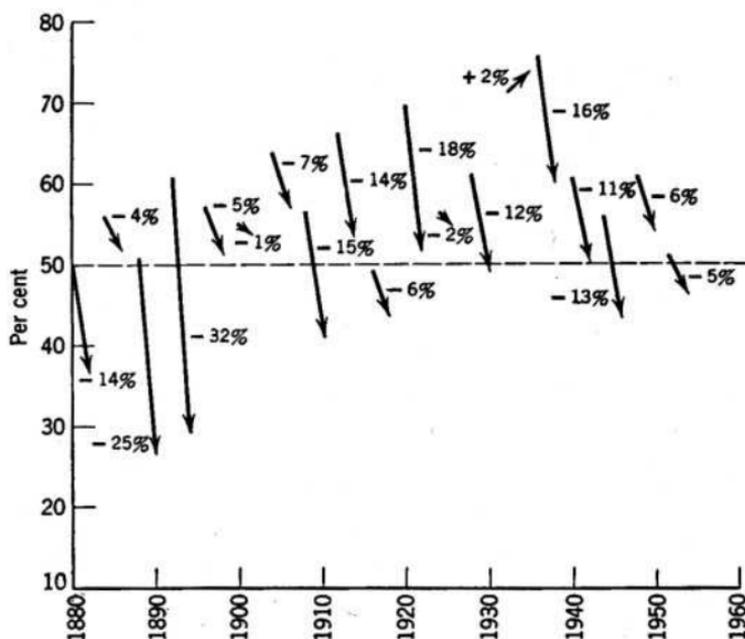
The election proper occurs, in every State save Maine, on the first Tuesday after the first Monday of November in every even-numbered year. The earlier election in Maine is based on an escape clause in the federal statute fixing the time of elections, which exempts from the requirements of the statute any State that would have to amend its constitution in order to comply; the election date in Maine is established by a provision in the Maine constitution. Over a century ago there arose a notion that Maine afforded a barometer for election trends throughout the country: "As Maine goes, so goes the nation." After the 1936 Republican disaster, James Farley amended the axiom to read: "As Maine goes, so goes Vermont." Actually, Dr. J. Gordon Hall has shown that, in six of the seven elections between 1944 and 1956, the vote for congressional candidates of the Republican Party in Maine has generally moved in the opposite direction from the vote for Republican candidates in the nation as a whole.

There appear to be two major differences between presidential-year elections and midterm elections. The first difference is sheerly quantitative; as shown in Figure 21, far more votes are cast in the years of presidential elections than in those of midterm elections. The explanation is

simple: as public opinion polls unanimously show, fewer voters know the names of congressional candidates than know the names of presidential candidates. The election of congressmen simply does not evoke the interest that the election of a President does. Hence less than half the adults of voting age go to the polls in a midterm election.

The other great difference between midterm and presidential year elections is that in the presidential year the same party almost always carries both the executive and the legislative branch; but in the midterm elections, the presidential party almost always loses representation in Congress, and sometimes loses its majority.

There are exceptions to both rules. In 1956, for the first time since 1848, the President and the congressional majorities were of different parties. The voters re-elected President Eisenhower by a great majority, but chose at the same time a majority of Democrats in the House and Senate; on several other occasions, either the House or the Senate alone was of different political persuasion from that of the President. The second rule is pictured for the House in Figure 35, where each line connects a presidential year House election with the first succeeding midterm House election. The graph shows that in every midterm election beginning with that of 1882, save only that of 1934, the presidential party has lost seats in the House. Indeed, the Republican loss of five per cent in 1954 was trifling by comparison with the Democratic loss of thirty-two per cent in 1894; and out of these nineteen midterm elections, in eight the administration party has become the minority group in the House. Apparently the midterm



Compiled mainly from data in the Statistical Abstract of the United States, 1954

Figure 35. Administration Party Losses (or Gains) in House Membership at Midterm Elections, 1880-1954. Note that the only gain ever registered by the party in power was in 1934, in the middle of Franklin Roosevelt's first term.

elections give the voters the opportunity to express their distaste for national policies, as they conflict with local interests.

The relationship between presidential and congressional elections offers a problem: does the presidential candidate bring about the election of congressmen; or do the congressional candidates effect the election of a President? Who, so to speak, rides into office on whose coattails? The solution of this problem is extremely difficult; as of today, it appears to depend upon certain facts about elections that cannot be extracted from the voting figures alone.

One new method for solving this problem that gives promise of success is based upon public opinion surveying. It was first determined what proportion of a sample of the population had in 1952 voted for Eisenhower or Stevenson on the ground of personalities, rather than on that of issues or party loyalty; this group would be the one to manifest a "coattail effect." This group was then further broken down in terms of how many had voted a straight ticket, since straight-ticket voting would specifically indicate this effect. It appeared that a far greater number of Democrats and independents had been induced by Eisenhower's personality to vote a straight Republican ticket than the number of Republicans and independents who were led by Stevenson's personality to vote a straight Democratic ticket. The conclusion was that if the average coattail effect of Eisenhower were spread evenly across the country it would account for the Republican victories in thirty-nine House elections and thirteen Senate elections. Hence the Republican majorities in both House and Senate of the Eighty-third Congress might well have been the result of congressmen who rode to office on Eisenhower's coattails. These data are not available for the study of previous elections, so that the coattail effect in the past cannot be computed by this method.

CONTESTED ELECTIONS

After a congressional election, it sometimes happens that some person—occasionally a defeated candidate—contests the right of a member-elect to take his seat in the House or the Senate. The Constitution provides that each house of Congress shall be the judge of the election of its members (Art. I, sec. 5, cl. 1). Since 1789 the two houses have decided nearly 700 cases involving challenged seats, the majority of them in the House. The two chambers employ similar bodies to hear these contests: in the Senate, the Standing Subcommittee on Privileges and Elections of the Committee on Rules and Administration; and in the House, the Standing Subcommittee on Elections of the Committee on House Administration.

At the opening of a new Congress, all members-elect must present their credentials before being sworn in and seated. It is usually at this point that the contest is initiated, most often by a petition filed either by the defeated candidate or by one or more private individuals, arguing that a specific member-elect is not entitled to his credentials and seat. Sometimes the chamber will then vote to deny the individual his seat until the appro-

priate committee has investigated the charges; at other times the member will be seated pending the investigation. Grounds for such contests may be that too much money was spent in the campaign, or that the candidate resorted to improper campaign practices, or simply that the election was fraudulent. In 1950, for example, the election of Senator John Butler of Maryland was bitterly contested, chiefly on the ground that outsiders, notably Senator Joseph McCarthy of Wisconsin, had intruded upon the Maryland election and had spread defamatory literature concerning Butler's opponent, incumbent Senator Millard Tydings. Butler was nevertheless seated, but not without strong criticism of the campaign methods utilized.

In 1952 the election of Senator Dennis Chavez of New Mexico was challenged on behalf of his opponent, Patrick Hurley, on the basis of election fraud. The election committee reported that it had unearthed evidence of fraud on both sides, and recommended that Chavez be unseated. In spite of this recommendation, and although Chavez as a Democrat belonged to the minority party, the Senate voted to seat him. In the past those who have contested an election have usually lost their cases; apart from this fact, the decisions have tended to favor the majority party. Today Congress inclines toward the belief that unless one-sided election fraud can be proved, the people of the State or district have in fact elected the challenged congressman, and they are entitled to the representative they have chosen.

Congress on occasion has been as bold to reject new members on moral and political grounds as it has been reluctant to refuse admission on charges of fraud at the polls. In 1900, for example, the House denied a seat to Brigham H. Roberts of Utah, on the ground that he was a polygamist; also, in 1918, it rejected Victor L. Berger, a Wisconsin Socialist who had been accused of sedition and un-American behavior in World War I. In these cases and in others, the House showed an inclination to establish qualifications for membership other than those specifically mentioned in the Constitution. There remains today some question whether such "additional" qualifications, if they may be so termed, would pass muster before the Supreme Court.

FILLING CONGRESSIONAL VACANCIES

Occasionally, because of the death, resignation, or expulsion of a congressman, a seat in the House or the Senate may become vacant. The means for filling a Senate vacancy are quite different from those in the House; for, as will be shown, a Senate vacancy may be filled almost immediately, whereas a vacant seat in the House may not be filled for several months. The reason for this probably lies in the fact that each State has only two Senators, and that a Senate vacancy means that the State is deprived of one-half of its representation in that chamber. This consideration is reinforced by the constitutional provision that no State without its permission may be denied an equal voice in the Senate (Art. V); the institution of two

Senators is a zealously guarded symbol of the equality of the States. By contrast, in 1956 only thirteen States had as few as two Representatives; therefore a House vacancy for the majority of States would not mean the loss of half their delegation. Moreover, there is no concern with State equality in the House.

House vacancies

With regard to the House, the Constitution provides that when there are vacancies in the delegation of any State, "the executive authority thereof shall issue writs of election to fill such vacancies" (Art. I, sec. 2, cl. 4). In other terms, the Governor of the State authorizes the voters to choose a new Representative. Sometimes the election is set at a date shortly after the vacancy occurs; at other times it may be postponed until the next general election to be held in the State, which perhaps does not occur until November. As a result, the House often does not have its full complement of 435 members. Recently there have been suggestions that since an atomic or hydrogen bomb explosion could wipe out the entire House, the Constitution should be amended so as to empower the governor to appoint a new delegation, in order that the national government would not cease to function.

Senate vacancies

So far as the Senate is concerned, the Constitution states that in the event of vacancies, "the executive authority of such State shall issue writs of election to fill such vacancies; provided, that the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct." Thus, as in the case of the House, the Governor authorizes the voters to choose a new Senator; but, as distinct from the House, the legislature of the State may empower the Governor to appoint a new Senator who will serve until the election. The legislature always grants this power simply in response to the will of State political leaders that they should not lose their voice and equal vote in the Senate; hence no Senate seat is long vacant. As matters now stand, the Governor's appointee serves until the next election, which must occur no later than the regular senatorial election that falls in November of the next even-numbered year.

A Senator elected to fill a vacancy does not serve for six years; he serves only to the end of the unexpired term. However, his term commences with the election, not in the following January, so that the vacancy will be filled at once. Therefore such a Senator might serve only two months, if the term were scheduled to end in the following January.

FREQUENCY OF REELECTION TO CONGRESS

One of the most important characteristics of Congress is that in each house a large majority of the members have served more than one consecutive term. Figure 36 contains two graphs, one for the Senate and one

for the House. Each graph depicts the membership of the Eighty-second Congress (1951-1953) at the end of 1951, and the Eighty-third Congress (1953-1955), at the end of 1953. In the drawing of these graphs, fractional terms were computed as whole terms. For example, any member of the Eighty-second Congress who took office between January 3, 1949, and January 2, 1951, was included in the hatched bar over "1." Thus these graphs show how many consecutive times a congressman has been reelected. The graphs show, as might be expected, that the curve of the number of members falls as the number of consecutive terms, or reelections, rises. In the case of the House, at least, the average experience of members in the Twentieth Century is about double what it was in the Nineteenth Century. Another significant trait of Congress shown by these graphs is that whether a given election keeps the majority party in power or whether it converts the previously minority party into the majority party, the total change in the personnel of Congress is relatively small. The Eighty-first and Eighty-second Congresses each had a Democratic majority; the Eighty-third Con-

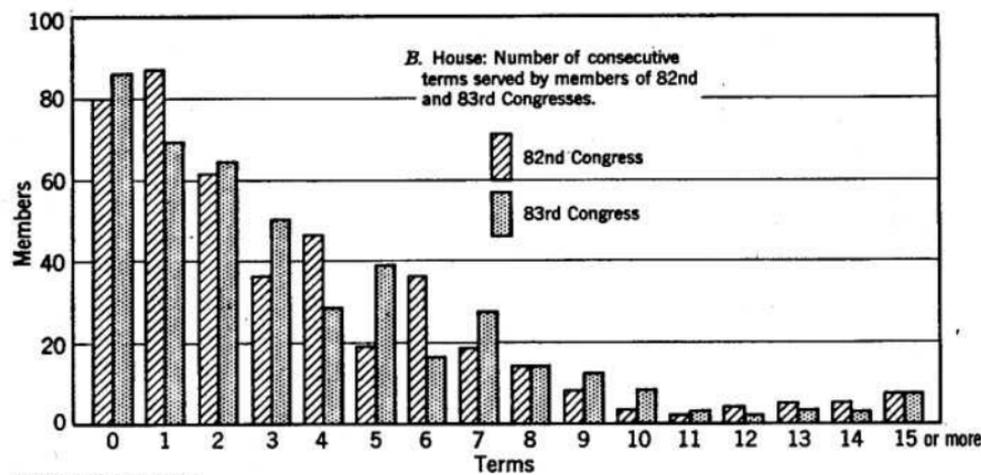
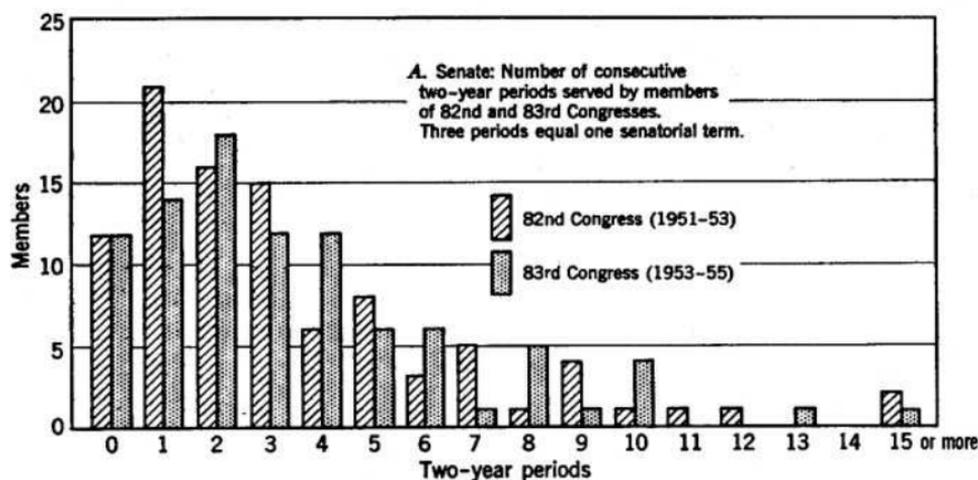


Figure 36. Number of Consecutive Two-year Periods Served by Members of the House and Senate of the 82nd and 83rd Congresses.

gress had a Republican majority. Therefore the Eighty-second Congress represented a maintenance of party control; the Eighty-third Congress represented a shift in party control. Note, then, how in the Senate of each Congress there were the same number of Senators—twelve—who had not held seats in the preceding two-year period. Note also how in the House there were eighty members of the Eighty-second Congress who had not served in the Eighty-first, and only eighty-six members of the Eighty-third who had not served in the Eighty-second. Moreover, a substantial proportion of these new members belonged to the same party as the previous Senator from the State or Representative from the district. The point to be made is that the most congressional electoral areas are more or less "safe"; they may be expected to elect the same member—or a member from the same party—term after term. Only a minority of States or districts waver in their party attachments. When a shift in party control occurs, then, it does not mean a great change in congressional personnel.

THE CONGRESSMAN

Congressmen, as individuals, belong to that distinct minority of the American population that is known as the "politically active." In some respects Senators and Representatives are not unlike the voters who send them to Congress; however, they do have certain characteristics that set them off from their constituents. Members of the Eighty-fourth Congress (1955-1957) at its first meeting, on January 5, 1955, averaged 52.2 years of age. In the Senate the average age was 57.2 years, with a range of from 36 to 87. In the House the average was 51.3, with a range of from 30 to 79. Thus both houses exceeded considerably the average age of the voters. Members of both houses tended to come from the middle-middle or upper-middle economic and social brackets. Again, they are not typical of the American population. They belonged to the Protestant, Catholic, and Hebrew faiths in about the same proportion as the American population at large. Somewhat more than half the members of each house had served in the American armed forces during either the First or the Second World War; this proportion is about twenty per cent higher than the proportion of veterans in the total adult male population.

In other and more specific ways congressmen differ from the voters. The majority of Senators and of Representatives have graduated from college. More than a majority in each chamber in 1955 listed themselves as lawyers by profession. It is a fact that a good number of these lawyers had never tried a case before the bar; but graduation from law school appears to be a stepping-stone for a career in politics, perhaps because law, like politics, is a "talking art." Other congressmen reported themselves as teachers—another group of "talking artists"; however, it appears that few who so described themselves had been teachers long or seriously. Still others indicated business or industrial activity. A handful termed themselves engineers or doctors. Congressmen, it is evident, have considerably more formal education than the average American.

Also, congressmen have had a great deal of political experience. In the last section it was noted that a large majority of congressmen have been reelected consecutively. Still others—whose inclusion in the graph would not greatly change the contours of the graph—have been reelected to non-consecutive terms. Most congressmen, whether they are serving their first term or their tenth, have held some other elective office. A large number of Senators have been Representatives, and about an equal number have been State Governors. Both Senators and Representatives have previously been elected State legislators, city councilmen, or district attorneys. Even when congressmen have held no other political office, they frequently have occupied elective positions in private organizations such as the Junior Chamber of Commerce or the American Legion.

Congressmen therefore may be described as persons absorbed in the manipulation of interests, in dealing with people. They either share, or can persuade their listeners that they share, the concerns of a large number of individuals; although somewhat different from their constituents they have not been regarded as apart from the mainstream of American life and habits. Moreover, they have swayed their audiences to the belief that they can represent and symbolize the common concerns. In short, one can describe the congressman as Harold Laski once defined the President: "an uncommon man of common ideas."

QUESTIONS AND PROBLEMS

1. Summarize in 350 words how apportionment is carried out in the federal government, explaining particularly the part of the State legislatures in establishing districts for the House of Representatives.
2. Explain the various forces that cause emphasis on local needs among Representatives.
3. If you were a member of the Senate, and wished to contest the election of another member, how would you go about the task?
4. Contrast the means for filling vacancies in the House with those for filling vacancies in the Senate.
5. Describe the situation that exists regarding the length of service of the average congressman. How, if at all, do you think this situation influences legislation?
6. What are some of the social characteristics of congressmen? How do you suspect that they affect the quality of the laws produced?