Congressional Membership

Inquire: What are the Qualifications for the House and the Senate?

Overview

The House of Representatives and the Senate are structured differently in the Constitution. Their terms of service are different: two years for the House and six years for the Senate. They have different qualifications, different age requirements, and different requirements for the number of years living in America. These differences have led to the creation and evolution of two different legislative bodies with different rules, traditions, and logistics. However, regardless of these differences, there is one similarity — incumbents win. But, why do they win?

Big Question: What is the incumbency effect?

Watch: Always Running v. the Continuous Body

One of the major differences between the House and the Senate is the term of office. The Constitution sets the term for the members of the House at two years. Every two years, 100% of the 435 seats in the House of Representatives are up for election. Theoretically, though it has never happened, there could be an election where every single seat in the House turned over to a new person. There could be a Congress with nothing but first-year, freshmen representatives with no one having had any experience as a Congressperson.

This also means that members of the House are always running for re-election, always raising money, and always thinking about the next campaign. They win in November, go to Washington to be sworn in in January, govern for a year, and then come the primaries, followed by another general election. They must always be cognisant of raising money and of the next election.

The Senate, on the other hand, is referred to as a continuous body. The Constitution sets the term for senators at six years. Further, their terms are staggered, meaning only one-third are up for election every two years. With 100 senators in place now, this means 33 seats are up for election one year, two years later a different 33 seats will be up for election, and two years later 34 will be up for election.

Not only does this mean senators have less “election urgency” than House members, it also means there are always at least 66 “veteran” senators. There can never be a time when more than 34 senators out of 100 are first-year, freshmen.
As such, this term *continuous* body refers to the reality of a Senate where everything can continue along the status quo. The traditions, the rules, and the formal logistics will always remain in place. The leadership may change in an election if the majority party changes, but everything else remains in place.

The practical effect is that this difference creates a more congenial, slower paced environment in the Senate: fewer members, less pressure for re-election, more time to develop relationships, and a more hectic environment in the House.

There are two houses in the legislature, with formal and informal differences. A consequence of the formal difference is that in the House, the members are always running, and in the Senate, they are a slower paced, *continuous* body.

**Read: Hate Congress, Love Your Congressman**

There are four capacities in which a Congressional representative can operate. A *delegate* focuses on the wants, needs, and desires of his constituents back home. A *partisan* is concerned with the desires of his party. A *trustee* leans on his knowledge and wisdom. A *políctico* combines all three of these when making decisions.

In addition to these capacities, a representative also struggles to balance his responsibilities to potentially as many as three constituencies. These are referred to as descriptive representation, collective representation, and constituent representation.

**Descriptive Representation in Congress**

In some cases, representation can seem to have very little to do with the substantive issues representatives in Congress tend to debate. Instead, proper representation for some is rooted in the racial, ethnic, socioeconomic, gender, and sexual identity of the representatives themselves. This form of representation is called descriptive representation.

Descriptive representation in Congress is a relatively new concept, since well into the 20th century, white men of European background constituted an overwhelming majority of the voting population. African Americans, Hispanics, and other minority groups were routinely prohibited from voting, and women were not able to exercise their right to vote nationwide until passage of the 19th Amendment in 1920. Even then, women only began to make up more than five percent of either chamber in the 1990s.

In the wake of the Civil Rights Movement, African American representatives also began to enter Congress in increasing numbers. In 1971, to better represent their interests, these representatives founded the Congressional Black Caucus (CBC), an organization that grew out of a Democratic select committee formed in 1969. Founding members of the CBC include John Conyers (D-MI), currently the longest-serving member of the House of Representatives, Charles Rangel (D-NY), and Shirley Chisholm, a founder of the NWPC and the first African American woman to be elected to the House of Representatives.

Many advances in women’s rights have been the result of women’s greater engagement in politics and representation in the halls of government, especially since the founding of the National Organization for Women in 1966 and the National Women’s Political Caucus (NWPC) in 1971. The NWPC was formed by Bella Abzug, Gloria Steinem, Shirley Chisholm, and other leading feminists to encourage women’s participation in political parties, elect women to office, and raise money for their campaigns. Today, EMILY’s List, a PAC founded in 1985 to help elect pro-choice Democratic women to office, plays a major
role in fundraising for female candidates. In the 2012 general election, 80 percent of the candidates endorsed by EMILY’s List won a seat.

In recent decades, Congress has become much more descriptively representative of the United States. The 114th Congress, which began in January 2015, had a historically large percentage of racial and ethnic minorities. African Americans made up the largest percentage, with 48 members, while Latinos accounted for 32 members, up from 19 just over a decade before.

Yet, demographically speaking, Congress as a whole is still a long way from where the country is regarding diversity. For example, although more than half of the U.S. population is female, only 20 percent of Congress is. Congress is also overwhelmingly white, male, Protestant, and wealthy.

**Constituent Representation**

Ethnic, racial, gender, or ideological identity aside, it is a representative’s actions in Congress that ultimately reflect his or her understanding of representation. Congress members’ most important function as lawmakers is writing, supporting, and passing bills. And, as representatives of their constituents, they are charged with addressing those constituents’ interests. Historically, this job has included what some have affectionately called “bringing home the bacon” but what many (usually those outside the district in question) call pork-barrel politics. As a term and a practice, pork-barrel politics — federal spending on projects designed to benefit a particular district or set of constituents — has been around since the 19th century, when barrels of salt pork were both a sign of wealth and a system of reward. While pork-barrel politics are often deplored during election campaigns, and earmarks — funds appropriated for specific projects — are no longer permitted in Congress (see feature box below), legislative control of local appropriations nevertheless still exists. In more formal language, *allocation*, or the influencing of the national budget in ways that help the district or state, can mean securing funds for a specific district’s project like an airport, or getting tax breaks for certain types of agriculture or manufacturing.

Historically, representatives have been able to balance their role as members of a national legislative body with their role as representatives of a smaller community. However, there is a growing concern that the power structure in Washington divides representatives from the needs of their *constituency*. This has exerted pressure on representatives to the extent that some now pursue a more straightforward delegate approach to representation. Indeed, following the 2010 election, a handful of Republicans began living in their offices in Washington, convinced that by not establishing a residence in Washington, they would appear closer to their constituents at home.

**Collective Representation**

The concept of collective representation describes the relationship between Congress and the United States as a whole. That is, it considers whether the institution itself represents the American people, not just whether a particular member of Congress represents his or her district. Predictably, it is far more difficult for Congress to maintain a level of collective representation than it is for individual members of Congress to represent their own constituents. Not only is Congress a mixture of different ideologies, interests, and party affiliations, but the collective constituency of the United States has an even-greater level of diversity. Nor is it a solution to attempt to match the diversity of opinions and interests in the United States with those in Congress. Indeed, such an attempt would likely make it more difficult for Congress to maintain collective representation. Its rules and procedures require Congress to use flexibility, bargaining, and concessions. Yet, it is this flexibility and these concessions, which many now interpret as corruption, that tend to engender the high public disapproval ratings experienced by Congress.
Congressional Approval

After many years of deadlocks and bickering on Capitol Hill, the national perception of Congress is near an all-time low. According to Gallup polls, Congress has a stunningly poor approval rating of about 16 percent. This is unusual even for a body that has rarely enjoyed a high approval rating. For example, for nearly two decades following the Watergate scandal in the early 1970s, the national approval rating of Congress hovered between 30 and 40 percent.

Yet, incumbent re-elections have remained largely unaffected. The reason has to do with the remarkable ability of many in the United States to separate their distaste for Congress from their appreciation for their own representative. Paradoxically, this tendency to hate the group but love one’s own representative actually perpetuates the problem of poor congressional approval ratings. The reason is that it blunts voters’ natural desire to replace those in power who are earning such low approval ratings.

Reflect: Which Difference Makes the Most Difference?

Poll

In this lesson, we looked at differences in the terms of service and the qualifications of the House and Senate.

Which difference do you believe is most important when it comes to impact?

- The age difference: 25 for the House, 30 for the Senate
- The term difference: two year terms for the House, six year terms for the Senate
- The time in the U.S.: seven years for the House, nine years for the Senate

Expand: The Qualifications May be Different, but Incumbents Win, Regardless

The framers of the Constitution were very deliberate in their wording regarding the qualifications of the members of the House and Senate, and the differences between the two.

To be a member of the House of Representatives,

- you must be 25 years old; be a citizen of the United States;
- be a resident of the state you wish to represent (and, in the House, live in the district you wish to represent);
- and have been a resident of the U.S. for seven years.

To serve as a U.S. senator,

- you must be 30 years old; be a citizen of the United States;
- be a resident of the state you wish to represent;
- and have been a resident of the U.S. for nine years.

Additionally, there are 435 members in the House, each serving two year terms, while there are only 100 senators, each serving six year terms.

The qualifications have always produced two very different bodies. The House is somewhat younger, has a larger turnover of members in elections, and has more rigid rules and tighter controls by the leadership.
The Senate tends to move at a slower pace and is made up of an older population with more flexibility in
the rules.

Regardless, in both houses, incumbents — sitting members of the House or Senate who are running for
re-election — win at a rate of 85% or higher on a regular basis. The rule of thumb is, “incumbents win.”
But, why do they win — especially at the enormous rate of 85% or higher?

The historical difficulty of unseating an incumbent in the House or Senate is often referred to as the
incumbent advantage or the incumbency effect. Part of it is money. In 2014, for example, the average
Senate incumbent raised $12,144,933, whereas the average challenger raised only $1,223,566.
Incumbents attract more money because people want to give to a winner.

The advantage in financing is a huge part of this effect, but it is not the only important part. Incumbents
can offer real services to the constituency (called “case work”) that the challenger can only promise.
Further, incumbents often have a much higher level of name recognition. All things being equal, voters
are far more likely to select the name of the person they recall seeing on television and hearing on the
radio for the last few years than the name of a person they hardly know. And donors are more likely to
want to give to a proven winner.

Incumbents also have the advantage of “franking privileges,” which allows them a limited amount of free
mail to communicate with the voters in their district. While these mailings may not be sent in the days
leading up to an election — 60 days for a senator and 90 days for a House member — congressional
representatives are able to build a free relationship with voters through them. The challenger will have to
spend campaign money to send the mailers to close to 700,000 people. At 45 cents a letter, this comes to
$315,000 per mailer.

But, more important is the way the party system itself privileges incumbents. A large percentage of
congressional districts across the country are “safe seats” in uncompetitive districts, meaning candidates
from a particular party are highly likely to consistently win the seat. This means the functional decision in
these elections occurs during the primary, not in the general election. Political parties in general prefer to
support incumbents in elections, because the general consensus is that incumbents are better
candidates, and their record of success lends support to this conclusion.

Incumbent members of Congress have paid staff, influence, and access to specialized information that
can help their constituents in ways other persons cannot. And, congresspersons are hardly reticent about
their efforts to support their constituents. Often, they will publicize their casework on their websites or, in
some cases, create television advertisements that boast of their helpfulness. Election history has
demonstrated that this form of publicity is very effective in garnering the support of voters.

Lesson Toolbox

Additional Resources and Readings

The Bicameral Congress: Crash Course Government and Politics #2
● A Crash Course video covering the bicameral Congress
● https://www.youtube.com/watch?v=n9defOwVWS8&t=127s

Congressional Elections: Crash Course Government and Politics #6
● A Crash Course video covering elections in the Senate and House
Members of Congress

- A website allowing you to see who represents you in Congress and what bills they have sponsored
- https://www.govtrack.us/congress/members

Lesson Glossary

descriptive representation: the extent to which a body of representatives represents the descriptive characteristics of their constituencies, such as class, race, ethnicity, and gender

collective representation: the relationship between Congress and the United States as a whole, and whether the institution itself represents the American people

constituency: the body of voters, or constituents, represented by a particular politician

Check Your Knowledge

1. Despite Congress having poor approval ratings, incumbent re-elections have remained largely unaffected.
   - A. True
   - B. False

2. Congress is overwhelmingly white, male, Protestant, and wealthy.
   - A. True
   - B. False

3. A representative in Congress must operate on four capacities as well as balance his responsibilities to as many as four constituencies.
   - A. True
   - B. False

Answer Key:

Citations

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