

# THE AMERICAN SENATE

Prepared by,  
Mr. Thomas G.M.,  
Associate professor,  
Pompei college Aikala, DK

# Introduction:

- ▶ The US legislature is popularly known as the “Congress” which is a bicameral body.
  - ▶ The first article of the US constitution deals with the organization and powers of the Congress.
  - ▶ The Senate is the most powerful second chamber in the world.
  - ▶ It represents the states in the US federation – which gives equal representation to all the states.
  - ▶ Senate is the only branch of the US government that never dies.
  - ▶ For various reasons the framers of the US constitution wanted to give a dominating share in the government of USA.
- 

# Composition of the Senate:

- ▶ Total strength of the House is 100.
- ▶ It gives equal representation to all states of the US federation.
- ▶ Each state sends two elected representatives to the Senate. ( $50 \times 2 = 100$ ).

# Qualifications :

- ▶ One who is contesting to Senate must fulfill the following minimum conditions –
  1. He must be a citizen of US & must have resided in the state for 9 years,
  2. He must have completed 30 years of age & a inhabitant of that state from which he seeks election,
  3. He should not hold any office of profit under the government, &
  4. Any other conditions which are observed in the case of House of Representatives.

# Method of Election:

- ▶ Formerly, they were indirectly elected.
  - ▶ But after the 17<sup>th</sup> Amendment Act(1913) which provided for the direct election of the senators.
  - ▶ Now, they are being directly elected by all the people(electorate) of the state.
  - ▶ At present, it also equally a popular chamber as that of the House of Representative is .
- 

# Term of the House:

- ▶ It enjoys six years term.
  - ▶ Senate is a permanent body, but senators are not permanent.
  - ▶ 1 / 3 of them retires once in every two years & the vacant seats are filled up simultaneously.
  - ▶ Senators are frequently re-elected for a number of terms.
  - ▶ Death and resignation may cause vacancies such can be filled up simultaneously by nominations by the governors of the state.
- 

# Salaries & Allowances:

- ▶ It is fixed by the Congress.
  - ▶ It will be the same for the members of both the Houses.
  - ▶ At present the salary of the Senators is \$30,000 per year besides other allowances.
- 

# Privileges:

- ▶ They enjoy full freedom of expression, freedom from arrest, etc.
  - ▶ They enjoys unlimited freedom of speech which is not enjoyed by the house of Representatives.
  - ▶ This freedom of speech is if misused then it is called as “Filibustering”.
  - ▶ Free medical services is also available to all members.
  - ▶ Retired members are entitled to get pension.
  - ▶ Every member has a privilege of free postage, stationery & office supplies, telephone & telegraphic services, etc.
- 

# Presiding Officer:

- ▶ Vice-President of America is the presiding officer of the Senate.
- ▶ The Senate may also elect a president pro-tempore in the absence of the Vice-President.
- ▶ The Vice-President has a casting vote in case of a tie.
- ▶ According to 20<sup>th</sup> Amendment Act of the Constitution(1933), the session of the Senate opens on 3<sup>rd</sup> January & runs until the end of June.

# Powers of the Senate:

- ▶ It is the most powerful upper chamber in the world.
  - ▶ It was endowed with extensive power larger than enjoyed by the lower house.
  - ▶ Following is the list of its important powers –
    1. Ordinary legislation,
    2. Financial powers,
    3. Confirmation of appointments,
    4. Approval of treaties and agreements,
    5. Appointment of investigation committees,
    6. Try impeachment cases,
    7. Constitution amending powers,
    8. Vice–Presidential election,
    9. power to declare war, etc.
- 

# 1. Ordinary legislation:

- ▶ It has equal legislative power with the house of Representatives.
  - ▶ An ordinary bill can originate in either houses and will become a law only with the concurrence of both the houses.
  - ▶ In case of a disagreement between the two houses a joint conference committee consisting of equal number of members from both the houses is constituted to resolve the conflict.
  - ▶ Due to their superior ability & skill the senate dominates in resolving the conflict.
- 

## 2. Financial powers:

- ▶ All money bills originates in the lower house.
  - ▶ But the senate has a vast amending powers so that it may amend the entire bill except the title.
  - ▶ Such vast amending powers are not possessed by no other second chambers of any democratic country.
  - ▶ That has made the senate the strong second chamber in the world.
- 

# 3. Confirmation of Appointments:

- ▶ All the appointments made by the President of USA comes in to effect only after the approval of the senate by a majority.
  - ▶ The approval of the senate is required for appointments made to the higher services like the judges of the Supreme court, etc.
  - ▶ Senatorial courtesy is a convention wherein the senate usually approves the appointments made by the President to the lower grades of services.
  - ▶ Senate may also disapproves the appointments if the President's party is in minority in the house.
- 

# 4. Approval of Treaties:

- ▶ The treaties which are made by the President required to be approved by the Senate by 2/3s majority.
  - ▶ The treaty may come into force only with the approval of the Senate.
  - ▶ If the treaty is amended by the Senate, the President may reopen the negotiations with the nation concerned and persuade to accept the amendments.
  - ▶ This is an check effective on the powers of the President to safeguard against secret military treaties.
- 

# 5. Appointment of Investigation committees:

- ▶ These are probing and investigating into the working of each department.
  - ▶ For example, Water-Gate committee made sensational revelations in Nixon's corruption charges.
  - ▶ The Foreign Affairs committee has also been keeping a watch over the concerned department.
  - ▶ Thus, these committees in a way exercises control over the administration.
- 

# 6. Try impeachment cases:

- ▶ The Senate act as a court of impeachment.
  - ▶ This is another special function of the senate.
  - ▶ Highest officers of the country like the president, vice-president, judges of the supreme court , so on shall be removed from office for treason, bribery & other crimes & misdemeanors through the impeachment process, according to the constitution.
  - ▶ The lower house initiates charges & Senate sits as the court of trial.
  - ▶ The chief Justice of the supreme court will preside over the session of trial.
  - ▶ A 2/3s majority is required for conviction.
- 

# 7. Constitution Amending powers:

- ▶ Both the houses enjoys equal powers in the amendment of the constitution.
- ▶ Proposals for amendments are to be made by any house and passed by 2/3s majority of both the Houses.

# 8. Power to declare War:

- ▶ Though the President is the Commander-in-chief, yet he cannot declare war himself.
  - ▶ The Senate & the House of Representatives have co-equal powers for declaring war against any nation.
- 

# 9. Vice– Presidential election:

- ▶ In the vice–presidential elections if no candidate secures an absolute majority of votes, then the Senate elects one out of the two candidates securing the highest votes.

## **Special powers of the Senate:**

1. Approval of appointments,
2. Ratification of treaties,
3. Appointing investigation committees &
4. Court of impeachment.

# CAUSES FOR THE STRENGTH OF SENATE:

- ▶ Senate has been rightly be regarded as the most powerful second chamber in the world.
- ▶ When in other countries the powers of the upper chamber decreased, in US the Senate has gained in power & prestige.
- ▶ Following are the very important causes for the strength of the Senate –
  1. Small membership & longer tenure,
  2. Membership of the Senate consists of senior politicians,
  3. Direct election of the Senators,
  4. Greater freedom of speech,
  5. Solidarity of the Senate,
  6. It's equal legislative & financial powers,
  7. Special powers,
  8. Permanency & stability,
  9. As a court of trial,
  10. Power to set up investigation committees &
  11. Guardian of State Rights, etc.

# 1. Small membership & long tenure:

- ▶ It is a more compact and efficient body because of its small membership.
  - ▶ Men of talents and abilities comes to the Senate.
  - ▶ Due to their long tenure, they are not worried about election.
  - ▶ Senators gain more experience & develop parliamentary skills and make more impact upon the nation. They are the senior law-makers of the country.
  - ▶ Longer tenure attracts more ambitious & outstanding personalities to the Senate.
- 

## 2. Membership of the senate consist of Senior politicians:

- ▶ A high proportion of its members are former representatives, governors or diplomats, etc.
  - ▶ Because of their better intellectual qualities & legal talents and political wisdom possess greater prestige than the House of Representatives.
- 

# 3. Direct Election of the Senators:

- ▶ Now, they are directly elected by all the people of the state.(1913)
  - ▶ They are now as popular as the House of Representatives.
  - ▶ And now they can claim a better representative of the state than a House of Representatives.
- 

# 4. Greater Freedom of Speech:

- ▶ They enjoys greater freedom of speech than that of the House of representatives.
  - ▶ Its debates are of a high order. Full independence to minorities to express their points of view.
  - ▶ They give a vivid reality of political democracy in USA.
  - ▶ What is said in the Senate always hits the front page lines in the press(greater publicity)
- 

# 5. Solidarity of the Senate:

- ▶ There is greater solidarity and unity among its members, irrespective of party affiliations.
  - ▶ Each Senator jealously guard the rights and privileges of other whenever an onslaught has been made to break its solidarity.
- 

## 6. it's equal Legislative & Financial powers with Representatives:

- ▶ In other countries second chambers are given lesser share in law making and in financial matters.
  - ▶ It is the only second chamber in the world with the right to amend the money bills.
  - ▶ No other second chamber enjoys such a wide financial powers as the Senate .
  - ▶ In a way it dominates in both the spheres because of its skills and abilities.
- 

# 7. Special powers:

- ▶ The makers of the American constitution has provided the Senate with certain special powers to check the dictatorial tendencies of the US President's exercise of executive powers.
  - ▶ Some such special powers are –
    - a. Ratification of appointments,
    - b. Ratification of treaties & agreements,
    - c. Try impeachment cases &
    - d. Power to appoint investigation committees.
- 

# 8. Permanency and Stability:

- ▶ It is the only organ of the US government that never dies.
  - ▶ Because it is a permanent House which can never be dissolved.
  - ▶ Only 1 / 3 of its members retires once in every two years. All of its members are not going to be retiring at any point of time.
- 

## 9. As a court of trial:

- ▶ It acts as a court of trial in the impeachment case against highest dignitaries for treason, bribery and other crimes.
  - ▶ A 2/3 majority is required for conviction.
  - ▶ There is no appeal or pardon from a penalty by impeachment.
- 

# 10. Power to set up investigation committees:

- ▶ Through this special power the Senate can exercise its control over administration against the possible abuse and misuse of powers.

# 11. Guardian of State Rights:

- ▶ In the Congress the Senate represents the interests of the states in the American federation.

# Conclusion:

- ▶ It exercises control over monarchical ambitions of the President.
- ▶ It checks and corrects the democratic recklessness of the House of Representatives.
- ▶ According to Bryce, “It is the centre of gravity of the US government”
- ▶ It’s legal powers and actual roles made it the most powerful upper chamber in the world.
- ▶ It suffers from certain drawbacks like, its undemocratic organization, filibustering & more than that it is dubbed as a “Multi-Milionairs cub”.