Nowhere in the U.S. Constitution can you find a reference to political parties even though political parties play a critical role in how Congress functions. After each election, the party that has more seats in the House or in the Senate is known as the majority party. The party that has fewer seats in the House or Senate is known as the minority party. Based on the 2020 election, when Congress convenes on January 3, 2021 the majority party in the House will continue to be the Democratic Party.

Currently, the Senate is 50-48, with Republicans in the majority. But, after the Georgia runoff elections on January 5th for two Senate seats the majority may increase for Republicans, or Democrats may become the majority party. Remember that the President of the Senate is the Vice President. After Inauguration Day on January 20th, the Vice President will be a Democrat, Kamala Harris, and she would be the tie-breaker for any votes.

Under Article 1, Sections 2 and 3, each chamber is given the power to select its own leadership. Further, Article 1, Section 5, Clause 2 of the U.S. Constitution allows each chamber to decide its own operating rules. Therefore, the party with more members has the legislative advantage over the party that does not. The majority party in either the House of Representatives or the Senate decides who serves as the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the majority leadership, and as chairpersons of the standing and select committees.

Consider this: the majority party controls all the chairs of the standing and select committees, and have a majority share of seats on each of these committees. Taken as a whole, the majority party determines the flow of legislation through the standing and select committees, which bills get debated on each chamber floor, and in the Senate, if confirmation hearings for nominees will happen. In the end, since the majority party chooses congressional leadership, it is their legislative agenda that gets priority as bills move through the chambers.

To Think and To Do: View the “The House in Session” (According to the Minority Point of View”) political cartoon by Clifford K. Berryman. This cartoon depicts the Speaker of the House, Joseph G. Cannon of Illinois, who led a Republican majority in the House from 1903-1911. Download and complete the Political Cartoon Analysis worksheet from the National Archives. Complete the worksheet, and then answer the question: What conclusion can you make about the power of the Speaker of the House based on this cartoon?

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