

## Assess the Power and Significance of Congress

The Founding Fathers undoubtedly originally intended Congress to be the most powerful branch of government. It was the first branch defined in the Constitution, and they also used it to settle the debate between smaller and larger states over representation. It was given significant checks on the other two branches, and elastic clauses were also added in order to make Congress the most powerful branch. However, in recent years many critics have argued that Congress has let the President hold too much power, and that it has become a reactive body to the President rather than a proactive body that successfully carries out representation, passing legislation and oversight. There are also different views of the work that Congress does from fiscal conservatives, social conservatives, liberals and moderates, and each view has different positive and negative points about Congress. However, it is clear that Congress will always have critics due to the wide spectrum of political views in the USA, and ultimately it is still a fairly powerful and significant body.

Arguably Congress's most important function is representation. Both chambers are ultimately elected by the people (Although the Founding Fathers had originally intended the Senate to be unelected by the public in order to prevent mobocracy)( and as such arguably their main duty is to represent those who elect them. When looking at statistics it seems that Congress is unrepresentative. In the 112<sup>th</sup> Congress there are 44 African Americans (43 are Democrats) all of whom are in the House, meaning that there is not a single African American in the Senate. Similarly, there are just 25 Hispanics in Congress – just 4.6% of Congress compared to 15.8% of the US population. There are 88 women in Congress, which is roughly 16% of representatives, compared to 55% of the population. These statistics clearly show that Congress is fundamentally unrepresentative of minority groups in society. However, whilst this may seem undemocratic and unfair, many will argue that this under-representation is redeemed by the fact that many minorities hold powerful positions in Congress. Nancy Pelosi for instance, was the 60<sup>th</sup> Speaker of the House and is currently the House's minority leader. Similarly, it can be argued that representation is improving, in the 1999-2000 Congress there were only 65 female members of Congress, compared to 88 today. Representation in Congress, whilst still below what should be expected is undoubtedly improving.

Another important function of Congress is passing legislation. The legislating process is made deliberately difficult, with the example of 13,000 bills being introduced in the 2005/2006 session, with only 3% of the bills being passed (395), this highlights how hard it is to pass legislation. Ultimately it often comes down to support of a bill from either the President or a powerful member of the party in power, with many bills introduced by lower senators or congressmen being pigeonholed, filibustered in the senate or vetoed by the President. As well as this, even bills proposed by the President himself can be stopped by Congress, such as Bill Clinton's Health Bill in 1993 failing to get past the committee stage. However, it can be argued that the heavy scrutiny of legislation is positive as it confirms that only the best standard of legislation will get through Congress. As well as this, many centrepiece bills are often forced through by the president, especially if his party is in power in Congress as well. For instance, to repeal the policy "Don't ask, Don't tell" was pushed through at the end of the 111<sup>th</sup> Congress by Obama as he felt it was one of his most important policies and wished to pass it before the Republicans took control of the House of Representative in the 112<sup>th</sup>

Congress, after the midterms. Another example of this is Obama's healthcare reform, which was passed 56-43 in the Senate and 219-212 in the House after Obama had used the "Nuclear Option" of the budget reconciliation procedure to prevent the loss of a cloture vote in the Senate. This had involved passing the cloture vote in the Senate with a simple majority rather than a supermajority, something that is strictly meant for a President's budget when the federal government is in the need of strict funds. This example shows how Congress can pass important pieces of legislation, and arguably its reluctance to pass lots of legislation due to its strong scrutiny is a positive thing.

Congress's third and final main function is oversight. Oversight is not explicitly mentioned in the Constitution, but it is an implied power of Congress and is a key part of the checks and balances that are crucial to the Constitution. In theory it ensures that departments are efficient and effective, that the government acts in public interest, scrutinise government appointments and gather information for legislative proposals. However, it can be argued that Congressional oversight is weak, especially during time of united government. For example, in 2003-2004 (when the Republicans dominated both the executive and the legislature) there were 35 Congressional investigations, which was a very low number even for a united government. For example, in 1993 – 1994 (when the Democrats held both houses) there were 135 Congressional investigations, showing how little oversight there was during Bush's first term. However, when there is divided government then oversight is undoubtedly far more effective. By February 2007 there had been more people forced out of the executive than in the first six years of Bush's time in office, including Alberto Gonzalez (Attorney General) and 2 generals. As well as this, Congress was able to check the President regularly, with 4 of Bush's vetoes overturned in his last 2 years. It is therefore clear to see that Congressional oversight depends on whether government is united or divided, with very different results depending on this.

Different groups of people will argue differently on the issue of Congressional power and significance. Fiscal conservatives will argue that Congress passes too much legislation that encourages and forms costly programmes and initiatives that the country does not need, such as No Child Left Behind (implemented by Bush) and Obama's fiscal stimulus. Fiscal conservatives want small government, with increased oversight on domestic policy (and less on foreign policy) and a reduced legislative function, and as such support gridlock. However, social conservatives will argue that the government has a role to play in encouraging moral values in society, and as such they will support a strong legislative function on certain issues along with increased oversight. Liberals on the other hand, will argue that Congress needs to be more active in promoting new legislation in order to protect the disadvantaged and those who can not help themselves, and as such support social programmes like Obama's healthcare reform. Similarly, Liberals support increased oversight on both foreign and domestic grounds, arguing the "American Exceptionally" is not a valid concept, something that conservatives will tend to disagree with. Finally moderates will be fairly please with Congress, arguing that it reacts quickly in crisis while scrutinising effectively when possible, carefully considering the issues. As such it is clear that there are multiple views, and there is not necessarily a right answer, and instead it will differ depending on your political view.