

Power in the American Political System

As the complexity of government increase, the legislative branches of many western democracies have lost power to their executives giving rise to terms such as “elected dictatorships” and the elected members of parliament as merely “lobby-fodder”. While occasionally eclipsed, and led, by strong Presidents the American Congress has mostly managed to maintain its control over the legislative process and imperial presidencies. President Bush’s Nov. 13 executive order asserting his right to establish military tribunals for terrorists and the antiterrorism bill containing a section entitled “Suspension of the Writ of Habeas Corpus” (Newsweek, 12/10/2001) is an example of the executive attempts at grabbing for power being controlled by congress.

Congress has four main functions these are representation, legislation, investigation and scrutiny (oversight), and financial control. This essay is concerned with the legislative element only though it will be seen that due to the nature of American politics representation must always be considered

The construction of the constitution is such that it implies that Congress was to be the dominant institution of the American political system (Article 1 S1-S8 of the constitution). The powers of congress are granted, guarded and constrained by the constitution and it is not, like the British House of Commons, the sovereign power able to do what it pleases. Within the Federal structure Congress is checked by the President as set out in the Constitution and now also by the supreme courts power of Judicial review which was established in the case of *Marbury v. Madison (1803)*.

Further more the division of powers between Federal and State governments also constrains Congress but over its lifetime Congress has increased its influence first by widening the scope of its power to govern inter-state to include activities within a state the landmark Court rulings being *Heart of Atlanta Motel Inc v. United States (1964)*, *Katzen v. McClung (1964)* and *Labour Relations Board v. Jones & Laughlin (1937)*.

Congress is a bicameral legislature with the House of Representatives representing the people and the Senate representing the states. Both have legislative responsibility and then distinct clearly defined, by the Constitution, separate powers. The Senate is responsible for approving bureaucratic and judicial appointments made by the president, ratifying treaties and acting as a court in impeachment proceedings. With its six-year term, against two-years in the House, the Senate is regarded as the more prestigious of the two chambers. Occasionally referred to as the upper chamber as in the original congress building in New York it was on the floor above the House of Representatives. The House is responsible for originating finance bills and initiating impeachment proceedings.

Central to the legislative process is the passage of bills through congress. This process is outlined below and various aspects of the process will be discussed later

A bill can be initiated by members of Congress, interest groups or the executive branch of government. Ed Davis (California state senator) “ About 90% of all legislation is conceived by special interest groups. And probably less than 5% by governors, by individual legislators, by government itself” (Williams p167). A bill may only be introduced by a member of Congress and if it relates to finance it must begin in the House.

Once introduced the bill is allocated to one of the 37 various standing committees by the Speaker of the House or the Majority Leader if in the senate. The chair of the committee will then decide if the bill needs to be considered by the full committee, a sub-committee or pigeonholed for later consideration.

The bill is considered and examined in depth by the committee. Unless the bill deals with sensitive material, the deliberations are open to the public under the so-called "sunshine" rules. The amended bill is then voted, or not, for progression to the full chamber. In the House the Rules Committee assigns a time slot of the bills debate in the Senate this is done by the Majority Party Policy Committee.

The bill is debated and passed by each chamber. If the bill is passed by both chambers but with different amendments, a conference committee is made up of members from each chambers original standing committee to agree a single version of the amended bill.

This jointly drafted bill goes to each chamber for a vote and if successful goes onto the president for approval or veto. If the President vetoes the bill Congress can override the veto with a 2/3rds-majority of both chambers vote but this rarely happens.

The main foci of power in congress are the committees and party leadership. In the House of Representatives, there is also the Rules committee that decides which bills and in what form them come to the House floor. Giving a power to withhold bills or allow passage in an amended format, acceptable to party in power. Until 1975 the Rules committee was dominated by Southern Democrats who refused to grant rules to, thus stopping, bills they disliked – typically civil rights.

The chairs of standing committees greatly influence the progress of a bill. They control meeting schedules, resource allocation and speak on the floor on behalf of the committee. A chairman's decision to pigeonhole a bill means that it will be consigned to obscurity and effectively fail. Prior to the reforms of the early 1970's, the chairs were allocated on the seniority basis in that the longest serving member of the majority party on said committee became its chairman. Leading again to a system dominated by elder southern democrats. Now that the majority party caucus can remove committee chairs and nominate their own replacements, committee chairs must consider party lines rather than treating committees as their own personal fiefdom. The weakening of committee chairs

Party loyalty in Congress is weak compared with European governments, as members know that their election depends not on the party but on their own ability to raise finance and the electorate in their home states and districts. Having said this, votes will follow party lines unless it does not coincide with an individual's stance on the subject.

Congress needs accurate information to base its decisions on. Until the middle of the twentieth century, Congress used to rely on the executive but now it has its own independent information gathering capacity. Members of the House have an average of 17 staff. Senators have typical 36. Compare this with British Members of Parliament who might have two. In addition, there is the Library of Congress and the Congressional Budget office bringing the total number of congress staff to just over 40,000 (Williams P130). Pressure groups and professional lobbyists are also used by congressmen as a source of information. Contacts or interested parties in industry will send congressmen information if it benefits them

The first priority of a congressman is re-election. Members of congress are mostly motivated by re-election by trying to convince their constituents that they deliver the goods (pork barrel politics). Congressmen will support

legislation that benefits their district. In mustering enough votes for their projects congressmen engage in the practice of Log-rolling which is bargaining, vote trading and exchanges of favours.

In the 1970s and 80s, alliances among congressional committees, federal agencies, and industry could steamroller legislation through congress. The recent occurrence of legislative and executive branches being frequently under the control of different parties' along with the increase in pressure groups that funded any whom supported their cause irrespective of party has led to the break up of these iron triangles.

Such was the coziness of these so-called Iron Triangles that congress staff would leave to join industry who would then go on to join the federal agency. This "revolving door problem" became so acute that legislation was bought in imposing a two-year ban on congress staff going to work for companies they had dealings with.

Many laws are not passed unless legislators see a particular benefit for their own constituency. Colloquially referred to as 'pork-barrel' legislation.

As there are only a quarter the number of Senators as there are Representatives the time demands on Senators are much greater. Many Senators are double booked for committee meetings and either give a proxy vote to a trusted colleague or send their staff to represent and act for them. The less important and less prestigious the committee the greater the proportion of staff to senators attending.

Congress has maintained its power because the American system of government has a true separation of powers and Congress can call the executive to account. Unlike the British Parliament which has no control over the executive who can lie and withhold information at no risk of sanctions against them as the leader of the executive is also the leader of the legislative

Of its four main functions, congress carries out that of representation with the most enthusiasm. Representing the spectrum of American aspirations set within the complex interplay of voters, interest groups, industry and its own membership.

During the 103rd congress, 465 out of the 9824 bills introduced became law (Bowles p173).

The main choke points available to congressmen and pressure groups in the legislative system have produced a veto system where positive action is impossible but thwarting the will of other groups is relatively simple

RANDOM Notes from American Politics and society

Legislators are influenced by other members and their staff

Congress men spend around 2.5 hours of their 11 hour day in committee work

ALTER J. 2001, "Keeping order in the courts", J Newsweek, Vol. 12th Oct., 138 Issue 24, p48, 1p, 1bw.

BOWLES, N (1998) *Government and Politics of the United States*. 2nd ed., London: Macmillan.

MCKAY, D (1993) *American Politics & Society*. 3rd ed., Oxford: Blackwell.

MURPHY, J. 2001 "Tories to turn Lords into elected Senate", The Telegraph, 13th January.

WILLIAMS, A (1996) *US Government & politics*. Oxford: Heinemann.

