

'The President faces considerable constraints in domestic policy in comparison to the UK prime Minister' Discuss.

To say that Clinton faced considerable constraints would be to recognise the setbacks he faced during his Presidency, in terms of sleaze and also in terms of his political agenda. Most infamously, Bill & Hilary's failed attempt to reform the healthcare system in 1993/4. Blair's 'Devolution Act 1997' -which was in essence a major constitutional change- was passed with startling simplicity especially when considered with the difficulty Clinton and countless other Presidents have faced in passing the simplest laws. The ways in which both Premiers are constrained must be considered in detail in order to make an effective comparison of the two systems.

The constraints faced by the Prime Minister in passing legislation are minimal. With a large enough majority in parliament, a Prime Minister is able to pass the most constitutionally radical laws, (with a one-year delay from the House of Lords being the only formal threat to its passing.) In the USA, any legislative success is dependent almost entirely on congressional approval. The president has the solitary legislative power of veto, which is entirely negative, and even this can be overridden with 2/3rds majority in both houses. Law making in the UK is often dependent on the size of the government majority, which is -due to the First-Past-The-Post electoral system- often large. There are exceptions however, as seen in the difficulty Major faced in trying to pass the Maastricht treaty (1992). Blair has used his enormous majority in Parliament to pass even the most controversial of laws (e.g. Iraq war 2003, where many Labour MPs voted against the PM but not enough to stop Blair from being successful.) Public opinion/pressure group support is important to both the Prime Minister and the President but in different ways. The British public will frequently appeal to the Prime Minister in order to try to persuade him to do what they want (countryside alliance, pro fox-hunting demonstrations 2002). However, in the USA the President will frequently use 'Bully Pull-Pit' tactics to appeal to the American public as the public potentially have more influence over Congress than he does, (Bush Senior tried to use this unsuccessfully during the 1990 Budget Crisis.) Legislative success is dependent entirely on congressional support. A simple majority in both houses must approve laws in order for them to pass, (in reality however, a 60:40 majority is required in the senate to prevent filibustering.) In the UK, the Prime Minister can use the guillotine to prevent excessive discussion of legislation. In terms of formal constraints, the House of Lords can delay legislation for up to one year and laws are often subject to committee scrutiny. The greater importance of Committees in the House of Representatives weighed against the UK Parliament only serves to highlight the narrow degree of power committees in the UK have in comparison to the USA. UK law must not contravene the E.C.H.R, in much the same way the Supreme Court must deem that USA law 'constitutional', but these institutions rarely have to intervene, (although the Supreme Court revoked the Flag Desecration Act for being unconstitutional) Success in both the UK and US law making process is dependent on the issue.

What is perhaps, as important as success in passing legislation in domestic policy is the passing of a successful budget. In order to pass a Budget successfully, a Prime Minister usually requires the full support of his Chancellor of the Exchequer and the Treasury, and is perceived as the Chancellors job by the general public. The US Federal Reserve Board largely determines monetary policy, whereas the President is responsible for the Fiscal side (i.e. Taxes and government spending.) In order to pass a Budget a President requires the support of Congress

and so party dominance is a major issue. The Budget is also heavily scrutinised by House of Representative's Committees. Public opinion can affect the Prime Ministers decisions on the budget but only if they were not already promised in the manifesto which brought the party to government. The Bank of England and Insider groups such as the CBI can restrain the Prime Minister with Economic muscle in much the same way the President is to some extent at the mercy of the oil companies who fund him. US Presidents frequently use the 'Bully Pull-Pit' as a means of appealing directly to the general public. The current economic climate is an important restraint on both the Prime Minister and the President, but the Prime Minister is at a great advantage, as a failed Budget in the UK is perceived to be the fault of the Chancellor of the Exchequer by the electorate. In the USA, the Budget is the 'acid-test' of a President and so the Chief executive is seem by the public to be incompetent if a Budget is unsuccessful. The President is far more constrained than the Prime Minister, as the Budget is subject to Congress approval. This means that the US President must have oratorical skills and must be able to effectively persuade the public, whereas the UK Chancellor is held responsible rather than the Prime Minister and so he is not accountable for failure but praised for success.

As well as being responsible for the fiscal side of domestic economics the President of the USA must appoint a Cabinet. These do not have to be elected or even experts but do have to be approved by a simple majority in the Senate. The Prime Ministers Cabinet must be either a member of the House of Commons or the House of Lords, but otherwise does not have to be approved by anyone other than the PM. It could be argued that in this sense the PM is more constrained as he can only choose a cabinet from House of Commons/Lords whereas the President can choose anyone out the 250 million people in America. However, the President's selections are subject to further constraints. A broad social and geographical balance must be present in the cabinet as a great degree of expertise. The president often also uses his cabinet to reward loyalty and repay political debts to people. The PM must also have a political and social balance the cabinet (e.g. Prescott and Short were the representatives for old labour ideal in Blair's cabinet,) and must pick an able Cabinet as they will have a job that is constantly in the public eye. A PM who does not include a variety of views in their cabinet can become isolated, as was seen towards the end of Thatcher's government in the late 1980s. If the PM has a small Majority then the amount of people a cabinet can be selected from is minimal. Both the President and the Prime Minister require Cabinet appointees to be ambitious and enthusiastic about the job, in the UK a dissident MP such as Dennis Skinner would not do Blair any good by having his in his Cabinet and in the US, congressmen simply do not see the job as cabinet minister to be important or desirable. The PM is more constrained than the President in terms of Cabinet appointees as there are much fewer people to choose from, however the UK and USA cabinets are very different in terms of domestic power and credence and so perhaps it is justified that the more important Cabinet is the harder to fill with incompetent ministers.

As well as being responsible for cabinet appointments, the US President selects nominees to be Supreme-Court judges. These however must be approved by the Senate and therefore must also be popular with the public. The President is usually advised on this by the liberal ABA but Republican Presidents have been known to use the 'Federalist Society' as they are more right wing. In 1982, Reagan was successful in persuading the republican Senate to accept Sarah Day O'Connor as the new Supreme Court justice, but in 1987, the Democratic Senate rejected Robert Bork as a nomination. Judges in the UK are appointed by the PM with advice from the senior Law Lords, but otherwise there are no constraints on which Judges he selects. In selecting Judges,

the President is far more constrained than the Prime Minister, but as the role of Supreme Court judge has a great deal more power than its UK equivalent, this seems logical. The appointment of Civil Servants by the Prime Minister used to be restricted by issues such as expertise and outsider status, but now we see Blair moving towards an American style of appointed Advisors and Aides (e.g. Jonathon Powell (Blair), George Stephanopoulos (Clinton).)

The US President has very little control over his party in comparison to the UK PM. With a large enough majority and the correct discipline the UK PM can be an extremely powerful party chief, all MPs, particularly the cabinet owe their success, or any possible future success to the Premier. This means that the Party can fuse together and act as a united group. The PM can use his whips to threaten and offer patronage to MPs, in order to persuade them to vote in favour of his/her decisions (Thatcher sacked Michael Heseltine for voting against her on the Single European Act.) The manifesto also allows parties to become more greatly coordinated as even before coming into power a party has a set of agreed proposals that no one will reject (e.g. Human Rights Act 1998.) The US Presidents limited power was underlined in 1995 with Minority Leader Tom Daschle openly distancing himself and his Democrat Party from President Clinton. Newt Gingrich's 'Contract with America' (1995) was a rare example of a united party in American politics, however this was nothing to do with the executive who was in actual fact at the time a member of the other party. The polarised system in the USA means that Democrats and Republicans almost never agree and Democrats and Democrats rarely agree. The role of party leader in the US is seen to be that of the congressional leader not the President (who is seen more as a national figurehead) and so the fact that the Presidents power is limited only comes to the fore in times of turmoil (e.g. Clinton-Lewinski scandal.) The PM is both the national figurehead of the UK and the leader of their political party and thanks to the UK electoral system, the majority required to have strict party discipline is frequently achieved. This means that the PM is not often constrained in this area, however, John Major was an example of a national figurehead who could not control his party.

The UK constitution is un-codified and only part-written. This means that it is much easier to reform and change in comparison to the written, codified US constitution. The US constitution is very hard to amend, it requires the approval of 2/3 of both houses of congress, and also $\frac{3}{4}$ of all states, and the President has no formal role in this process (The Supreme Court rejected Bill Clinton's line item veto as being unconstitutional). Blair has used his massive Commons majority to prove how easy the UK constitution is to reform (e.g. Anti-terrorism Act 2001, has been seen by many commentators to infringe human rights). Essentially the Presidents role in constitutional reform is non-existent, which is a parallel with the UK PM who's power is -aside from disagreement by the richest insider Pressure Groups or the biggest show of dissent from MPs- technically unlimited. The only formal threat to Blair's most extreme modification proposals is the E.C.H.R.

The UK PM can be in office for an unlimited amount of time providing he has been voted into power by the general public at least once every 5 years. During the 1970s James Callaghan had the choice to hold the general election in 1978 but decided to wait until the 5 year maximum and between may 1978 and 1979 suffered the 'Winter of discontent' which led to him losing the election in 1979. The US President can only serve a maximum of 2 terms. Franklin D. Roosevelt's lengthy term in office during the 1930s allowed him to transform the Supreme Court from a Republican to a Democrat majority. This was seen as autocratic and so led to legislation being

passed to prevent this from happening again. The PM has distinctly more power than the President in that he has a potentially unlimited time in office. This however, has some advantages as it means that a PM never has a 'lame-duck' period.

The UK PM is less constrained than the US President in most matters of domestic policy, and it could be argued that the ones he is more constrained in because the issue is not as important in the US (e.g. the President's cabinet has much less authority and is much less accountable than the PM's cabinet and so the PM is justifiably more constrained in who he appoints into it.) Harry Truman said about the limits of presidential power.

"I sit here all day trying to persuade people to do the things they ought to have the sense to do without me persuading them to. That's all the powers of the President amount to."

The Prime Minister has whips and party discipline in order to keep people working without this degree of persuasion.

The President does face considerably more constraints with regards to domestic policy than the Prime Minister, but the USA is also a considerably larger and more ethnically, socially and geographically diverse country to try to represent domestically without sufficient scrutiny and control than the UK.