

## **ASSESS THE EFFECTIVENESS OF CONGRESS AS A POLICY MAKING BODY**

The United States' Congress is perhaps one of the most powerful legislative Assemblies' in the world. It is an "active" assembly, as described by M Mesey, by being wholly independent of the other branches of government through the entrenched separation of powers, has the power to actually make law. Under the constitution Congress is tasked with a number of responsibilities, these are making legislation, scrutinising the executive, and having control over fiscal matters.

Prior to 1930 Congress was the main policy and law making body in the United States, with the President occupying a more symbolic role as the Founding Fathers had envisaged. However with the election of the Frank Rosevelt in the 1932 it was Congress which was to adopt a passive role. In the first hundred days FDR had secured emergency powers cementing his position as truly head of Government, not just head of state, as he pushed through a sweeping programme to save the US from the Depression - clearly the President was not setting the agenda, not Congress. The strong position of the Executive continued under subsequent President, and Congress became increasingly passive in terms of foreign policy as hysteria over communism gripped the nation. The failure of scrutiny was illustrated under Johnson when he sent troops to Vietnam, and Nixon whom waged a secret war in Cambodia, and Thailand. It was during this time that the term "imperial presidency" was coined in relation to the relative ease to which President's could carry out US Foreign Affairs. Congress was also failing at policy making, especially in terms of the changes taking place in the society around it. It was both the President and Supreme Court which filled the gap, with the Civil Rights Act in 1964 being initiated by President Johnson.

However the reasons for the declining role of Congress was not just due to the increase in Presidential power, but the obstacles existent in Congress itself. Firstly the lack of party discipline and organisation in Congress caused for a very pluralistic Assembly in which Congressmen were in reality individuals with individual aims, interests, and beliefs lacking the direction of party leadership. This makes the production of legislation far more difficult as there is a lack of a coherent agenda, and there is also a lack of unity in order to get legislation passed if such an agenda existed. Thus legislating is far more haphazard, and less efficient, with presidential agenda making up for that of party. Secondly the legislative process itself which has so many obstacles to the passage of legislation that only 10% of all legislation is passed. The Committee stage is essential in this acting "as sieves" in filtering legislation. It is at this stage that committee actually has the power to stop the legislation in its tracks by pigeon holing it, or amending to the point that it achieves very little. The committee chairman has immense say in committee agenda, and therefore the steering of legislation. The next stages also have significant power over whether the legislation has a chance of success. The House Rules Committee is one of the most powerful committee's having the power over the timetabling of all bills for their second hearing, and can therefore the higher up the legislative timetable the less chance of success as time runs out in the legislative year. Also the House Rules Committee also has the power to pigeon hole legislation like any other committee. The next obstacle comes in the Senate in which anyone can talk a bill out of time, and thus out of existence. For example in 1954 one Senator spoke for 24 hrs and 18 minutes against the 1957 Civil Rights Act. Thus the difficulty to have successful legislation, and the obstacles in place meant up to the 1970's legislative initiative was lost by the unresponsive, fragmented and committee dominated congress.

However from the 1970's Congress became more assertive as reforms were initiated. To curb the power of the President after the discovery of Nixon's involvement in Cambodia Congress overrode Presidential veto and passed the War Powers Act in

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1973, forcing the President to put the decision of war before Congress after 60 days of troops being deployed. In 1974 the Budget and Impoundment Act was introduced to allow the more effective scrutinisation of the President's Budget, and included the establishment of Budget Committees in both chambers. The Committee system was also reformed the power of Chairperson's was reduced via the removal of seniority rule, and the ability to elect chairperson if 20% of a committee wished to do so. Sub-Committee's were also introduced to reduce the power of chairs. Along with democratisation in Congress which came with the removal of the seniority rule in 1973, parties followed suit allowing party members to choose Chairperson nominees. In the 1970's committees were opened up to public viewing, and the House of Representatives to television in 1979, the Senate had already done so for more important speeches and debates. Finally staff increased to help provide greater professionalism, and expertise to Congressmen.

These reforms did have some success increasing accountability of Congressmen, reducing power of chairpersons, increasing expertise, and democratising Congress, but many issues remained unsolved or were exacerbated. The reduction of chairperson power, and the introduction of sub-committee's only increased fragmentation, and ineffectiveness. The open committee system has caused the rise of the influence of interest groups, and constituents, with congressmen becoming increasingly interested in their parochial concerns for re-election, or interest groups for PACs funds. In the case of the War Powers Act all wars in which the US has been involved has been less than 60 days, and thus in effect the Act has been useless in limiting the power of the President. Finally the failure of addressing the issues of party ties which caused so much trouble for Democrats in the 1960s was seen in action again in the 1980's in which southern Democrats support much of Regan's agenda. Although the reforms saw initial increase in activism in Congress, the effects are inconsistent, and rather the obstacles remain.

In 1994 the Republicans became the dominant party in Congress. In the House of Representatives Newt Gingrich led the Republican's with the 'contract with America'. This was effectively a party manifesto in which Republican representatives had agreed to 10 point manifesto to push through in the first 100 days of office.