
WHERE POWER LIES IN CONGRESS

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Each chamber of Congress has a different focus of power. The reasons for this are partly because of the Constitution. With the Senate, it gives the power to ratify or reject treaties (such as the Comprehensive Nuclear Test Ban Treaty) and confirm executive (often ambassadorial) appointments. Further, Senators are appointed per state rather than per district, this contributes to giving them a more national (and international) outlook, rather than for the 'folks back home'. These factors increase the Senate's influence over foreign affairs.

Although it could be argued that this 'power' in the Senate is only in theory. With Presidential Executive Agreements used in place of treaties more often, and EXOP officials having much power, thus reducing the importance of executive confirmations. These factors undermine the Senate's power.

The Senate also has the power to confirm (e.g. Chief Justice Roberts, Justice Samuel Alito) or reject (e.g. Harriet Myers, forced to withdraw after conservative pressure) Supreme Court appointments; a potentially long-reaching power that far outstrips the individual term of any congressmen (6 and 2 years for the Senate and House respectively) – although it should be noted that the high rate of incumbency makes this effect slightly lessened. Individual Senators are often seen as having a higher prestige than members of the House – perhaps because of each of the reasons above, but also how each Senator is '1%' of the Senate, compared to less than a quarter of that for each House member – '1/435th'. Indeed, very rarely (if ever) do Senators later become members of the House, it is usually the other way around – for example Bernie Sanders.

However in Homeland policy, the House has traditionally been the chamber to spend most time reviewing and drafting legislation. Also the House has the ability to choose the President (vs. The Senate choosing the Vice-President) in an electoral tie, and furthermore the House is the only chamber which can actually bring about the removal of the Executive in the first place via impeachment. The House is also known for a much stronger party unity, for example the existence of the House Rules Committee which symbolises this. With the greater number of House members it is unsurprising that the effects of conformity are stronger and independence is less common in this chamber.

But to look at Congressional power from just these two points is too narrow minded. Traditionally, much has been based in committees which having the power to block any piece of relevant legislation they review, and even approve Presidential impeachments and trials, at the first stages. Due to the seniority of committee membership – that is longer serving members having the chair positions –

committees aren't as strongly tied to the parties, and chairs have tended to be more independently-minded and focused on their expert area rather than their party.

In the past few decades though, this has definitely begun to change. Most noticeably in 1994 and the 'Republican Revolution' led by Newt Gingrich. Gingrich used his 'Contract with America' to get many freshman Republican congressmen in and this gave him a degree of control over them. He also overturned seniority on three committees, installing Livingstone, Hyde and Bliley – freshman chairs. Furthermore, Newt set up Task Forces – not new in itself, but used to a much greater effect than before – to oversee legislation and ensure it was going in-line with his platform. Also, the House Rules Committee, the most powerful committee in the House (because it can scrap any piece of legislation regardless of its relevant area, and also because it timetables the House floor) was dominated by Gingrich whom alone had 5 votes on the committee and thus, with his other Republican members, he effectively held an iron grip over it and subsequently over much of the legislative agenda.

Gingrich also put limits on the chair terms and the number of committees and subcommittees a Congressman could serve on. This allowed him to remove senior members, and be more able to influence who became the new chairs. This practice was continued even after Gingrich left office, for example even popular chairs being removed due to the influence held by Majority Leader Tom Daley in 2000-1. Each of these factors has substantially shifted Congressional power from the committees to the party leadership.

Since January 2007, and the Democrat-controlled 110th Congress, this balance of power has shifted some-what back to the committees. Nancy Pelosi, the House Speaker, has been much less publicised for using Task Forces, for example. However, she has continued the practice of limiting committee chair terms, so party leadership has been controlling power in that respect.

It should also be noted that this leadership power is by no means constant, with it largely depending on the personality and goals of the individual. Gingrich was the most influential Speaker in history perhaps, but following his departure in 1998 his successor Dennis Hastert was far less prominent comparatively, and thus the House Majority Leader – Tom Daley – became the figurehead of the GOP during this time.

Another limit on the power of committees is the Discharge Resolution (in the Senate, needs a simple majority) and the Discharge Rule (in the House, takes an absolute majority of 217). However due to this significant number needed, its use is limited. For example in the House it has only been used successfully 25 times in the past 100 years, and 14 times in the Senate (most recently of which was 44 years ago). With the increasingly united and strong party leadership, it comes as little surprise that the whips have been ensuring votes go in favour of the majority party's leadership's aims.

The committee chairs do have one weapon to strike back against party control; the ability to simply switch sides. Unlike in the UK, where changing parties is political suicide, Congressmen are much less tied to their party in an election, by and large. They stand based on a personal platform, not that of a party (with the exception of the 1994 Republican 'Contract with America'). Thus they feel no obligation to stay with a party, if it harasses them too strongly or threatens their seniority. This was evident in 1982 when Phil Gramm switched to GOP after a dispute with the Democrat leadership when he shared Democrat Budget Caucus plans with Reagan's budget task force. In 2001, Jim Jeffords was given chairmanship of the H.E.L.P. committee by Democrats after leaving the Republican Party.

An effect upon power in Congress is noticeable in Congress' relationship with the president. Although America has a strict separation of powers, a friendly relationship is much more likely to be able to get legislation through and thus have a real effect. During the Republican Congress – Clinton years, little legislation was signed and Congress' approval ratings dropped sharply, subsequently.

Conversely from 2001-2007 (excluding the Democrat Senate of Summer 2001-2002), the Republican Congress were highly successful at getting legislation through with their Republican President – for example the use of only one veto by the president, in comparison to the 7-8 vetoes used after the Democrats gained control, in only one year of 2007-2008.

But whether or not this is **Congressional** power or not is subjective. The 2001-2007 Republican Congress was mocked as 'Do Nothing' and 'Bush's Lieutenants' – so perhaps this isn't an exercise of their own power, but that of the presidents – Bush was able to get through legislation that his supporters in Congress nominated, such as multiple tax cuts, NCLB and the Patriot Act – but was this their success or just that of his platform? More so his, it would seem. But either way, the Speaker getting on well with the President is an important factor in differentiating the Gingrich from the Hastert.

Power in recent times has definitely shifted towards party leaders then, it would seem. And although it fluctuates, the overall trend – Gingrich, Daley and Pelosi for example – do seem to show a definitive increase in recent times, matching that of the greater partisanship.

Seniority? Expertise? Why bother with that, when you can have order and control!