

How effective is
congress as a
legislature?



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Among the world's most successful democracies is the United States, whose system of checks and balances has seen more successes than failures. A system constantly in flux, the American form of government is divided into legislative, judicial, and executive branches. Of these branches, perhaps the one whose efficacy is most challenged is the Congress, the only branch directly representing the interests of the people (the judiciary is appointed by the executive, which in turn is selected by an electoral college comprised of the legislative). Recent developments in the world stage, in addition to the changing face of American politics and domestic interests have tested the bounds of Congress as well as its ability to function as a check against the executive. Most glaring of its purported shortcomings, however, is its legislative powers. Today's Congress is most impeded by partisan agendas, traditional bureaucracies, and conflicts of personal interest in its daily machinations. No matter its inefficacies, however, " it cannot be argued that there is a permanent or necessary connection between representative assemblies and liberty" ^[1] . In an unusual political paradox, it is Congress' existence despite its countless failures as a legislature that makes it a successful legislative body, and in doing so, makes the United States a successful democracy.

As a bicameral entity, Congress is effective in balancing partisan interests with voter interest. Following serious reform after the 1994 GOP blitzkrieg spearheaded by Newt Gingrich (R-Georgia), the two legislative bodies continued down their own respective paths. As they " adjusted to [GOP] reforms, the two chambers took divergent paths and by the late 1980s"; power in the House had " centralized under a stronger majority party

leadership, whereas the Senate continued as a highly individualistic chamber” [2]. Pursuing an amalgamation of partisan as well as regional constituent interests, the Congress is currently highly effective as a representative legislative body. Recent evidence of partisan splits manifested themselves in the Dubai Ports World fallout and the clash over President Bush’s Guest Worker Program, in which Republican interests revealed the separation earlier delineated. Even in seemingly single-party administrations such as the current Bush administration find themselves in check, its constituents conflicted over interests of the people and goals of the party. The White House has encountered responses varying from wholesale rejection such as Dana Rohrabacher’s (R-California) of the Guest Worker Program to Peter King’s (R-New York) attempted compromise of the failed Dubai Ports Deal initiative.

In the sense of sustaining the esteemed tradition of checks and balances, the Congress has proven itself as successful in comparison to the state of Congressional affairs “ in the 1950s, [when the largely ineffective House and Senate were commonly characterized as rigid feudal systems ruled by a small number of powerful committee barons”]; today, “ they [are] more often depicted as anarchies where members participated on their own terms and without restraint” owed to executive partisan allegiance [3]. It can be effectively argued, however, that the phenomenon of single party conflict is primarily reactionary in nature, a statement that reflects detractors’ sentiments that Congressional legislation is effective only when there is time to accommodate the bureaucratic machinations that are both Congressional hallmarks and weaknesses. In defense of the American Congress, however,

the same ineffectual tendencies can be said of any representative law-making body. All “ representative assemblies [such as Congress]” are ineffectual and “ inherently unfit to be primary political institutions in a technological mass-age” that commands urgency; Congress is regarded by some to be legislatively “ anomalous” not only in their “ inescapable defects as political institutions” but also in “ their characteristic virtues” [4] .

Domestic polity may not require urgency or the consolidation of a rushed majority, but in an increasingly globalized environment, the individual temerity and trivial maneuvers of constituent consolidation render Congress alarmingly impotent as a body politic. In his On the Hill: a History of the American Congress, Alvin Josephy asserts that the same Congressional bureaucracy that maintains its plebiscitary nature hampers legislation and “ periodically angers taxpayers, further eroding the prestige of the legislature and served to stultify Congress by deadening its vitality and aggressiveness amid the enervating trappings of a privileged bureaucracy” [5] .

Some scholars purport that “ to date, the American Congress, though fallen, is not dead” [6] . However, in drastic times that call for speedy resolution, the American government has reconciled itself to the removal of its bureaucracy in the nullification of Congressional workings. The War Powers Resolution, though designed to limit the President’s power to wage war without Congressional approval, is still bounded by the simple fact that Congress is removed from the equation. There would be no purpose for such an act if Congress established itself as decisive or effective in its legislation.

Congressional efficacy has eroded over the last four administrations, stumbling over its own feet in the establishment of a requisite two-thirds

majority in order to reign in the executive branch. Despite recent demonstrations of power, the “ congressional curb on the executive has been potential, for the most part, in recent years,” its capabilities seldom “ directly [or] wisely applied” ^[7]. Conditional clauses such as those of the War Powers Resolution are designed to render the Congress as powerless as possible; even the 60-day statute of limitation binding the duration of the War Powers Resolution are contingent upon a time the President deems fit. Granted, more moderate alternatives exist, and past attempts were made to remedy the mounting problem of bureaucratic functional delays.

Independent committees were created to handle different fields in legislation. For example, current congressional committees include the committees on foreign relations, security, and military appropriations exist. The number of committees is limited so as to facilitate decisive action. Unfortunately, attempts such as the limiting of committees to abate the morays of bureaucratic management “ came to nothing when both houses began to create numerous subcommittees and special committees”; the goal of “ helping members of Congress in their work was corrupted by an unprecedented expansion of questionable emoluments and perquisites for Senators and Representatives [sic]” ^[8]. Further divisive in their truncation, Congress proved vastly ineffective as a legislative body, most notably due to a loss of functional perspective. The mentioned committees, subcommittees and special committees serve as little more than mediocre shows of power. For example, a minority Democrat Congress may propose several subcommittees so as to facilitate a platform for display of legislative efficacy. If, for example, several smaller committees exist, their individual victories would provide more substantial political capital and momentum so as to

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provide for a future Democrat Congress. The current immigration reform failures of the Bush administration exemplify the type of fertile political ground established by smaller victories. Larger issues such as the war in Iraq and the treatment of so-called “ enemy combatants” in the current War on Terror that would erstwhile cost Congressional credibility are overshadowed by the successes of smaller committees, whose numerous victories debase presidential and GOP reliability in the eyes of the taxpayer (and more importantly, the swing constituents that won a Republican Congress in 1994). Political aspirations are thinly veiled by legislative action in Congress, which has yet to strongly assert itself in pressing issues of the current administration.

There is no doubting the necessity of Congress, no matter its shortcomings. As “ part of the advance of democratism in belief and practice, a plebiscitary or numerical majority comes to seem the only proper expression of the sovereign general will” ^[9] . No matter the inefficacy of Congress as a legislature, its existence as a legislative body is the prerogative of the people who formed it. Politically speaking, Congress is little more than a forum used to trumpet partisan goals and achievements. The struggle between the two-party American political systems is, however, manifested in legislative wins and losses, no matter how nominal. It is in this mode that Congress is effective—American Congress is effective as a farcical stage in which political dominance is procured through a series of legislative initiatives. Congress’ devolution as a legislature “ seems to be correlated with a more general historical transformation toward political and social forms within which the representative assembly—the major political organism of post-

Renaissance western civilization—does not have a primary political function”^[10]. Essentially, if legislation is meant to hasten the workings of a democracy, Congress is impotent as a legislative body. However, if the success of Congressional legislation is measured in its ability to marginalize partisan interests, then Congress is not only effective but the most necessary tool in a representative body. Today, Congress’ relegation to a reactionary bureaucracy renders it a “ rubber stamp, a name and a ritual, or an echo of powers lodged elsewhere”^[11]. The bicameral legislature, then, is merely a formality, and if treated as such, is a success and for the most part an effective system. Its “ bureaucratic democratism” is in such a mode “ an indispensable instrument of its managerial rule”; the goal, therefore, is not to pass legislation, but to expose the choices and leanings of those involved in decision-making so as to better acquaint respective constituents with their selections in future elections^[12]. The more obtuse failures of the United States Congress have been those that occur in the maintenance of equal distribution of governance among the branches of government. The legislature has oft been expressed as a puppet of the executive, “ unwilling to abolish any of the important newer agencies, bureaus or programs of the executive branch; but by reasserting the power of the purse it still might do so, and this the bureaucracy must keep, however scornfully and reluctantly, in mind”^[13]. In its reactionary state, Congress is rather successful as a legislature, albeit lacking in initiative and any means of preventative measures. Congress’ legislative powers endow it with the constantly renewed ability to “ inform citizens about the conduct of the bureaucracy, no matter how closely the executive” guards said information^[14].

Some indeed argue that Congress would be more effective as “ a political appendage of the executive which, after a certain amount of verbal ritual, and without genuine debate, invariably and predictably approved the executive’s proposals by a unanimous or close to unanimous vote” [15] .

However effective this would render the act of legislation, it would cease to be democratic and hence become decree. The act of legislation is, in and of itself, defined by bureaucratic inefficacy. What most refer to as bureaucracy, others refer to as consensus.

Congress’ failures and glaring inefficiencies are its only measure of success; the more unanimous (or what is perceived to be unanimity) the action, the less evidence exists of any real debate or public consultation.

The Truman administration, for example, was an instance in which Congress’ legislative efficiency revealed little more than a diminished democracy led by pandering to executive governance. The lack of real legislation during the Cold War was not in the failure to change, but the failure to pass any sort of legislation in Congress that would curb a) hawkish defense spending, and b) presidential liberties in unilateral action.

It is indisputable that Congressional powers have diminished, but the diminution of Congressional efficacy reflects its success as a legislature.

Bureaucratic bodies such as Congress exist to hamper decision-making, as slowing the process prevents autocracy. If measuring the ability of Congressional legislation is an evaluation of its polity and ability to effectively maneuver without fear of retribution or disagreement, then Congress is a complete and utter failure. However, if the success of

Congressional legislature is measured by the amount of bureaucratic stalling and arguments between parties vying for dominance that can never truly exist, then the stasis created would render erstwhile legislative failings as hallmarks of democratic success.

BIBLIOGRAPHY

Burnham, James. (1965) Congress and the American Tradition. Chicago: Henry Regnery Company.

Josephy, Alvin M. (1975) On the Hill: A History of the American Congress. New York: McGraw-Hill, Inc.

Zelizer, Julian E. (2004) The American Congress: The Building of a Democracy. Boston: Houghton-Mifflin Trade and Reference.

Footnotes

[1] Burnham 338

[2] Zelizer 625

[3] Zelizer 625

[4] Burnham 345

[5] Josephy 369

[6] Burnham 337

[7] Burnham 339

[8] Josephy 369

[9] Burnham 334

[10] Ibid

[11] Burnham 337

[12] Burnham 338

[13] Burnham 339

[14] Burnham 400

[15] Burnham 341