Williamsburg Talk

There are many legislative organizations in the world. The American Congress is one of them. It is one kind of legislature. But it is a special one. Probably the American Congress is the most powerful and independent legislature in the world.

It is also the most difficult to understand. It is difficult for Americans to understand. It is even more difficult for people from other countries to understand.

Let me tell two stories to illustrate what I mean.

Last month, in December, the Ambassador from Canada to the United States said goodbye to American newspaper and television reporters. He gave a speech. He said he had lived in Washington for seven years, and that he believed he finally understood the American political system. It is a very complicated system, he said, because it has so many different parts to it and because so many different people can exercise power in it. But the most important lesson he had to learn—in seven years—he said, was the central importance of the U.S. Congress. He had finally learned, he said, that the President and the Congress "share power more or less evenly"—or equally. He made a joke of it. "The United States is the only country in the world (he said) that elects two executive branches" of government. He said, "Everything became clear to me when I saw that you elect two executive branches." His joke was a way of saying that the American political system is not a parliamentary system, that the legislative branch of our government is totally separate from the executive branch and that our legislative branch—the Congress—has much independent lawmaking power. Also say: That is one story. Now my second story:
When I visited China in 1985, I gave a lecture on the American Congress in Beijing—to about 200 students.

The students found it very difficult to understand, they said, how President Richard Nixon could be forced, by the Congress to resign his office—to leave the Presidency. Richard Nixon is, of course, a very popular President in China. He was a powerful President who had brought about a very profound, historic change in American foreign policy, the change that opened up relations between the USA and the PRC. Two times Nixon had been elected to the Presidency by the American people—in 1972 he had been elected by one of the largest votes in American history. Yet two years later, in 1974, he became the first and the only American President ever forced out of office—by the Congress. When Nixon explained on television why he was resigning, he said "I no longer have a strong enough political base in Congress." The Chinese students asked: How can such a thing happen in your country? What kind of a political system do you have that such a strong President who did such important things can be pushed out by the Congress?

From the speech of the Canadian ambassador in Washington and from the questions of the Chinese students in Beijing, we can reach one conclusion: It is not possible to understand American politics without understanding the special power of the Congress in the American political system.

I cannot provide all the necessary understanding here tonight. But I shall offer six ideas which I hope will help you. I shall leave out the judiciary and concentrate on the legislative and executive branches.

(1) First, an idea about history. From the beginning of our history, Americans have placed great trust in the legislative branch of government, and we have wanted the legislative to be the most powerful branch. In our colonial period—as you have learned from your tour of Williamsburg this afternoon—the
executive branch, the governor, was powerful and the legislature, the House of Burgesses was weak. But most of the people trusted their assemblies like the House of Burgesses, much more than the royal governor. During the many conflicts between the governor and the assembly, most people supported the assembly. As soon as we won our independence and as soon as the 13 colonies became 13 states, the people established in each state a political system of strong legislatures and weak governors. They turned the old government upside down. They had experienced strong executives and they did not like them. So our 13 state legislatures became the direct ancestors of the national Congress. When our national constitution was written, Congress was given most of the power to make laws, not the President. Congress was placed first in the constitution, and Congress was called "the first branch"—it was designed to be the engine of the government. Most Americans have always liked legislatures. We have established little legislative bodies in nearly every town, city and county in the United States. So you should know first that the idea of a Congress with power grew out of our historical, national tradition.

(2) Why, then, do we place so much faith and trust in legislatures? That question leads me to my second idea—an idea about democracy. We trust legislatures because we believe they best embody the idea of democracy. Legislatures are democratic because they are elected in free, competitive elections. Americans believe that freely elected legislators provide the best reflection, of the beliefs and the opinions and the interests of the citizens. If a legislator does not reflect public opinion, he can be voted out of office by the citizens at the next regular election, and another legislator can take his place. House runs every 2 years, Senate every 6 years. It is the fact that they are elected that gives our legislatures their authority—their legitimacy
we would say. Periodic Democratic elections, we believe, are the legitimate laws, we believe, because the laws are made by democratically elected members of the legislature.

(3) Of course, the President is elected, too. But he was not set up to be elected as directly (and still isn't) as the members of Congress. Which leads me to a third idea—an idea about representation. Americans trust legislatures and we give them legitimacy because we believe they are closest to the people and most sensitive to the ideas and interest of the people they represent. They listen closely to what the people are thinking and saying. If they do not they will not be reelected. Americans think of their elected lawmakers as their representatives. America is a very large, very diverse, country with many different, conflicting, social and economic interests and opinions. It is a difficult country to represent. Americans believe that legislatures are better than executives at representing all those different interests. Each member of Congress gets elected in a separate local constituency and represents people in that constituency. Legislatures as a whole reflect local constituencies and hence, the many different local interests—social interests, economic interests. And legislatures draw their power from this kind of local interest representation. Members of Congress are elected and re-elected in local constituencies by people with local interests. And you should think of congressional power as power that grows out of local support. Congressional power is locally based power. Congress is the most direct, closest link between people and government. The President is elected, too, but he does not provide the same kind of local representation. He is not as close to the great variety of social and economic interests of the country as Congress is. Presidential power is not locally based power. Because the members of Congress have the
closest, most direct links to the people, the thousands of private interest
groups or lobbies that inhabit Washington find the Congress a very favorable
organization in which to get what they want from the government. The ambassador
from Canada said in his speech that foreign diplomats, too, will find Congress a
very favorable place in which to work to get what they want from the U.S.
government. And he advised foreign diplomats to act like people with local
interests and to take their problems to Congress.

(4) Thinking about the President and Congress leads me to my 4th idea—an
idea about power. The people who wrote the American Constitution believed that
all politicians are ambitious to gain power, that it is human nature to want to
accumulate power, to want to centralize or concentrate power. More than anything
else, the people who wrote the American Constitution were very afraid of the
accumulation and centralization of power by ambitious politicians. They believed
that the centralization of power by anyone, any organization anywhere meant
tyrranny and despotism. And they applied their reasoning to the legislature, too.
They gave much power to the Congress, but they were also afraid of the tyranny of
the legislature—of too great a concentration of power in Congress. They wanted
congress to be the engine of the political system. But they wanted to limit the
power of the engine. So they divided up the legislature into two parts—the
House and the Senate. And they created a system which you talked about this
morning—the separation of powers. They separated the legislative branch and the
executive branch. Two ways were especially important. (1) Members of one branch
could not be members of the other branch. (2) And the Congress and the President
would be independently elected—Congress by separate local electorates or
constituences. They gave the Congress and the President different electoral
bases, different bases of support in the country. That arrangement made it
impossible for us to have a parliamentary system of government in the United States. Why? Because under the separation of powers, the leading executives of the government cannot sit in the legislature and because there cannot be one single election for both branches. Once they had been separated, each branch was given the means of checking the other—an arrangement we have called the checks and balances. The idea was that citizens would be safest when the ambitions of the politicians in the Congress were counteracted or checked by the ambitions of the politicians in the executive branch—and the other way around too. For example, the President was given the power to veto congressional legislation and force Congress to vote again; and the Congress was given the power to remove the President. Another example, the two branches were given extra special in particular policy matters. Congress, because of its sensitivity to local matters, was given special power in money policy—in levying taxes on the people and in spending the people's money. The money power of Congress plus the local base of congressional power makes Congress more powerful in matters of domestic policy than matters of foreign policy. The President, because of his sensitivity to national concerns was given special power in foreign policy—commander-in-chief of the military forces, treaty making and diplomatic recognition. Presidential leadership is the most important in foreign policy.

So our view of human nature has led us to a distrust of concentrated power in the Congress as well as in the Presidency. Our Congress is part of a larger system of separated, divided, fragmented power. Congress is an independent body, independently elected and independently empowered—but it must share power with other branches of the government.

(5) Thinking about the separation of powers and the checks and balances leads us to a fifth idea—an idea about governing. The political system I have
been describing to you is one in which conflict and disagreement is guaranteed and encouraged. Each branch has the capacity to block the other one. A famous saying about the constitution is that it is "an invitation to struggle" among the parts. But if this kind of a political system is to be effective in dealing with the problems of this nation, these conflicting struggling politicians must work together; they must find ways to work in harmony. Congress cannot govern the country without the President. The President cannot govern the country without the Congress. There is not enough power in either branch to run the American government alone. They share power and so they must cooperate. If they cannot cooperate, the system I have described to you will produce paralysis, deadlock, inaction. There will be so much blocking and so much conflict that the government will not be able to act. And so, the greatest problem for the American political system is the problem of cooperation—cooperation across the legislative and executive branches of the government to get things done, to produce effective public policies, to govern the country. In our history, we have known periods in which the government was effective in meeting our problems and periods when it was not.

(6) Which brings me to my sixth and my last idea—or ideas—ideas about cooperation between the legislative and executive branches of our government between the Congressional branch and the Presidential branch. I shall list six factors that our history tells us help to bring about cooperation. Then we can talk about it.

(1) Americans do not have deep fundamental differences about our political or economic system. There is a broad general agreement, or consensus, on basic values and beliefs. This underlying agreement on important matters helps politicians to cooperate.
(2) In time of emergency, like the great depression of 1929-30, or World War II, or the Soviet threat after World War II, American leaders work together until the emergency is over. Crisis conditions usually unite Americans and unity among the people enables the leaders to take the necessary actions.

(3) Many of the differences among Americans get organized or expressed by our two political parties. Our political parties are organizations of people with similar interests who contest elections for Congress and the Presidency. When one party controls both branches of the government, it makes cooperation easier. Of course, when different parties control the two branches, cooperation is more difficult. This is presently the situation in the country, with Republicans controlling the executive branch and the Democrats controlling the legislative branch. This situation, known as divided government, is more common in recent years. It demonstrates the problems of making American government work because it makes cooperation difficult.

(4) Much cooperation between the two branches of government takes place because groups of people in the two branches have common interests in particular policy areas—education, national defense, social welfare, energy, telecommunications or whatever. People like yourselves in the executive branch bureaucracy in the departments and the agencies and bureaus work very closely with members of congressional committees who have expertise and jurisdiction in the same policy area, and they work out policies among themselves. Power inside Congress is split up among many committees, each with expertise in a policy area. Cooperation between the executive branch and the Congress has been helped by the great expansion in recent years of policy experts on congressional committee staffs. Information is power; and congress now has much better information available to it than ever before.
(5) The President has become over the years a much more powerful leader than he was supposed to be in the original constitutional plan. Congress has accepted much presidential leadership in setting the agenda, in deciding what problems to emphasize. A great deal of the President's agenda, however, originates in the Congress. That is especially true of domestic policy. But the great importance of foreign policy, the power of the media, the need for action have all contributed to a steady expansion of presidential power. President can appeal to citizens via TV and they, in turn, put pressure on Congress. President Reagan was especially skilled at this, which earned for him the title of "The Great Communicator." The enlarged Presidency has filled the need for leadership which can be a help to cooperation. But Congress retains—even in foreign policy because domestic and foreign policies intertwine and mix—a great blocking power, an ability to stop the executive or to cripple the executive when differences of opinion are great.

(6) Which leads me finally, and most delicately, to this: that successful politicians in America have to be moderate in their views and skilled in the arts of negotiation and compromise. Congressional politicians tend to stay in office a long time and to perfect these skills at bargaining. Presidents, too, as they campaign for office and, then, deal with Congress must develop the same attributes. Both sets of politicians—legislators and executives—learn that our system works best when both members of Congress and the President exercise self-restraint. They cannot push their legal power to the limit. They cannot act so that they appear to be abusing their power, trying to concentrate their power. Each group must consider the sensitivities, the prerogatives, the interests of people in the other party, and people in the other branch of government. They must think of themselves as accountable to one
another as well as to the people. That was Richard Nixon's problem. In a situation where Congress was in control of the other party, he tried to concentrate too much power in the executive branch. He acted without self-restraint, he tried to govern without the participation of Congress and he appeared to the citizens of the country—through the media—to have abused his power. Nixon went to war with the Congress at a time when Congress was in control of the other party. He added an organizational battle on top of a party battle. His two battles produced too much conflict. His biggest problem was not so much that he broke the law. It was that he went to war with Congress and destroyed the delicate balance between the two branches of government. For his failure to exercise self-restraint, for his failure to negotiate and compromise and cooperate, he was driven from office. His failure was not legal, it was political in the highest sense of that activity.

I did not have the opportunity to say all this to the students in Beijing. Perhaps, when you return you will be able to tell them for me.