Chapter 4

Congress, President, and Parties: Shifting Roles

In order to clarify the changing relationship between president and Congress, we need to account for the changing involvement over time by the political parties. Accordingly, these themes are here intermingled in an exploration of political development from the country’s founding up to the present. Besides recounting an informative tale, this overview reveals what factors have set the stage for the shifting power equilibrium that has emerged. I then compare the situation in the United States with that in presidential Latin America and in parliamentary Europe. I find that the division of essential power resources between the executive and the legislative branches is indeed peculiar to the United States. Furthermore, the nature of the party system impacts on this balance. In the end, hence, the foundation of the special US party system becomes an object of analysis.

Congress Takes Political Leadership

Among the prime federal authorities mentioned in the Constitution—Congress, the president, and the Supreme Court—there is no doubt that Congress was meant to be the leading organ. And for a long time that turned out to be the actual case. During the first hundred years of the Republic, Congress was the center of power.

The Constitution had given Congress extensive authority. The list of powers held by the federal government was explicitly given to Congress, and it was this organ that could enact laws. Other responsibilities of importance were to exercise control over the federal finances, to declare war, and to confirm a wide range of executive and judicial appointments. Congress could also, by initiating an impeachment process, remove a wide range of public office-holders—including the president—from office for unlawful activity. As for the presidency, the Constitution does not say much about the
responsibility of the holder of this office. Yet it is spelled out there that, besides having a general executive function, the president can veto a bill passed by Congress, make administrative and judicial appointments (which, however, need Senate approval) and function as military commander-in-chief (Mezey 2013: 41–44; Bessette and Schmitt 2009).

Such were the constitutional terms. And what happened in reality? The answer has already been indicated. For a long time, the US president was mainly a figurehead. Federal affairs were run by Congress. The president was head of state, but normally he was not the actual head of government. Active involvement by the president in the policy-making process was unusual and was seen by many congressmen as an unwarranted intrusion on their domain. To the extent the president was engaged, he was expected to have a reactive role—i.e., to use his veto at the end of the decision-making process. Such a decision could certainly be invalidated by Congress, but that required the mustering of a qualified (two-thirds) majority in both chambers, which as a rule was not easily achieved. The veto power was accordingly an effective instrument in the president’s hand, but it was generally understood that this power would be used with great restraint.1 The primary presidential function was to execute, without much ado, the decisions made by Congress.

Several factors contributed to this order of things. The powers laid down in the Constitution gave a clear message about the standing of Congress. Most important, it was the prime law-making body and the organ in control of the federal finances. On top of that, additional competences were added at an early stage. It was established through practice—and eventually confirmed by Supreme Court rulings—that Congress had the right to exercise oversight of the executive branch, including a broad array of federal agencies. The presidents, for their part, had a fairly insignificant administrative apparatus at their disposal. The federal bureaucracy was small, and the president had almost no personal staff for his assistance. And in general, it seems, the early executives approved of this state of affairs. Presidents like George Washington and Thomas Jefferson strongly emphasized the limited political role of the presidency.2

The position as military commander-in-chief certainly entailed a potential for increasing the power of the president. But this position was only of importance in wartime, and for a long time warfare was only sparingly pursued. When it took place, it was chiefly a matter of pulling together the militia units organized and funded by the states—a coordinative function that was not always easily performed. During its first 150 years the United States lacked a standing army, with the exception of some minor military forces in the West tasked with protecting the new territories from Indian attacks. In consequence, war efforts on a larger scale were to a great extent enterprises of an ad-hoc character. And this was by no means an accident. Among the men who created the American Republic, resistance to a standing army was almost a holy principle. With such troops at hand, it was believed, there would be a constant danger of military intervention against the civilian government (Mezey 2013: 50).