

Congressional Decision-Making: Politics, A Balanced Approach

Introduction

There is ongoing discussion about the responsibilities of Congress relative to decision-making and oversight upon they should receive from their constituents. One strategy/practice gained traction that notion of Congressional leadership as "publicists" or, rather, critics, advocates between "seeing their people" interests and exercising independent judgment. This article will suggest that since that congressional members' administrative decisions, in their capacity as publicists, tell us partly the U.S. Constitution and/or other laws to build within them and address any potential problems.

Issue Statement

The Constitution's human structure for members of Congress to serve politically, especially in light of the necessary and proper clause (Article I, Section 8, Clause 18), and this strategy allows for efficient government while maintaining members' responsibility to their constituents.

Evidence from the U.S. Constitution

The American government's founding constitution, the U.S. Constitution, established a framework for congressional decision-making. Article I, Section 8, Clause 18 of the Constitution's Necessary and Proper Clause gives Congress the authority to "make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, which shall be deemed by the Constitution to be Congresses of the United States." This provision demonstrates the framers' intention to provide Congress some latitude and discretion in exercising its specified authorities.

This constitutional clause suggests that Congress has the power to decide on matters that may not be expressly covered by the Constitution. Such a discretion and required for good government. Members of Congress cannot limit power to address responsibilities and difficulties that the framers envisioned of by engaging in politics. This authority is necessary to meet the changing needs of the country.

Evidence from Legislation

The 1994 PATRIOT Act of 1994 incorporated all legislation that addressed the nation's security and safety. Congress passed this important piece of legislation to strengthen national security in the wake of the 9/11 attacks. The act included clauses that increased government monitoring authority and responsibilities with institutions.

Politicians however that naturally for stronger security measures with the principle of the Constitution while maintaining the U.S. PATRIOT Act, strengthening government of the nation's security. This legislation example shows that Congress can

Contexts Of Congressional Decision Behavior

David Whiteman



Contexts Of Congressional Decision Behavior:

Contexts of Congressional Decision Behavior David C. Kozak, 1979 This dissertation has two goals to better explicate the conditional theory of micro individual level legislative behavior that seems to underlie this recent work and to test it among three hundred and sixty one interview protocols gathered from members of the U S House of Representatives during a four month period March July 1977 of the first session of the 95th Congress *Contexts of Congressional Decision Behavior* David C. Kozak, 1984-07-26 Basic Interests Frank R. Baumgartner, Beth L. Leech, 1998-03-23 A generation ago scholars saw interest groups as the single most important element in the American political system Today political scientists are more likely to see groups as a marginal influence compared to institutions such as Congress the presidency and the judiciary Frank Baumgartner and Beth Leech show that scholars have veered from one extreme to another not because of changes in the political system but because of changes in political science They review hundreds of books and articles about interest groups from the 1940s to today examine the methodological and conceptual problems that have beset the field and suggest research strategies to return interest group studies to a position of greater relevance The authors begin by explaining how the group approach to politics became dominant forty years ago in reaction to the constitutional legal approach that preceded it They show how it fell into decline in the 1970s as scholars ignored the impact of groups on government to focus on more quantifiable but narrower subjects such as collective action dilemmas and the dynamics of recruitment As a result despite intense research activity we still know very little about how groups influence day to day governing Baumgartner and Leech argue that scholars need to develop a more coherent set of research questions focus on large scale studies and pay more attention to the context of group behavior Their book will give new impetus and direction to a field that has been in the academic wilderness too long **Guide to Congress**, 2000 When Courts and Congress Collide Charles Gardner Geyh, 2009-12-22 This is quite simply the best study of judicial independence that I have ever read it is erudite historically aware and politically astute Malcolm M Feeley Claire Sanders Clements Dean s Professor Boalt Hall School of Law University of California at Berkeley Professor Geyh has written a wise and timely book that is informed by the author s broad and deep experience working with the judicial and legislative branches by the insights of law history and political science and by an appreciation of theory and common sense Stephen B Burbank David Berger Professor for the Administration of Justice University of Pennsylvania Law School With Congress threatening to go nuclear over judicial appointments and lawmakers accusing judges of being arrogant out of control and unaccountable many pundits see a dim future for the autonomy of America s courts But do we really understand the balance between judicial independence and Congress s desire to limit judicial reach Charles Geyh s *When Courts and Congress Collide* is the most sweeping study of this question to date and an unprecedented analysis of the relationship between Congress and our federal courts Efforts to check the power of the courts have come and gone throughout American history from the Jeffersonian Congress s struggle to undo

the work of the Federalists to FDR's campaign to pack the Supreme Court to the epic Senate battles over the Bork and Thomas nominations. If legislators were solely concerned with curbing the courts, Geyh suggests they would use direct means such as impeaching uncooperative judges, gerrymandering their jurisdictions, stripping the bench's oversight powers, or slashing judicial budgets. Yet while Congress has long been willing to influence judicial decision making indirectly by blocking the appointments of ideologically unacceptable nominees, it has with only rare exceptions resisted employing more direct methods of control. When Courts and Congress Collide is the first work to demonstrate that this balance is governed by a dynamic equilibrium, a constant give and take between Congress's desire to control the judiciary and its respect for historical norms of judicial independence. It is this dynamic equilibrium, Geyh says, rather than what the Supreme Court or the Constitution says about the separation of powers that defines the limits of the judiciary's independence. When Courts and Congress Collide is a groundbreaking work requiring all of us to consider whether we are on the verge of radically disrupting our historic balance of governance.

Charles Gardner Geyh is Professor of Law and Charles L. Whistler Faculty Fellow at Indiana University at Bloomington. He has served as director of the American Judicature Society's Center for Judicial Independence, reporter to the American Bar Association Commission on Separation of Powers and Judicial Independence, and counsel to the Judiciary Committee of the U.S. House of Representatives.

American Democracy in Context John Anthony Maltese, Joseph A. Pika, W. Phillips Shively, 2019-11-08

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