

Date

Q No 3 (2016)

The Senate of the USA is the most powerful upper chamber in the world. Can you justify this statement?

1) Introduction:

The U.S. Senate is considered to be the most powerful upper chamber in the world. It wields immense legislative, executive and judicial powers. The powers of U.S. Senate are the product of U.S. Constitutional framework of separation of powers and the system of 'checks and balances'. The constitutional history of the U.S. shows that Senate is considerably more powerful than the House of Representatives.

ii) Legislative supremacy:

i- ordinary legislation: The Senate possesses coordinate and equal powers in ordinary legislative matters. In practice, the Senate wields more power than the House of Representatives. In order for a bill to become a law, it must be passed by both houses. In case of a disagreement between Senate and the House, a commission comprising of 3-4 members from both Houses is constituted. The legislative history of the U.S. shows that it is the Senate whose viewpoint ultimately prevails. The Senate can also initiate a Bill.

Date _____

ii- Financial Legislation: The House, being the people's Chamber, has been granted the exclusive right to originate money-bills. In practice, however, Senate controls fiscal policy as well. The Senate has the power to make amendments, even non-germane ones, to the money-bills. In fact, the Senate can change everything except the title of the bill. Thus, Senate is able to get its desired policy through its powers of making amendments.

iii) Executive Powers:

a- Control over Foreign Affairs:

The U.S. Senate holds the power of ratification of all foreign treaties. Any treaty concluded by the federal government with a foreign nation must be ratified by the Senate to come into force.

Examples: a) The U.S. did not participate in the League of Nations because the Senate rejected Wilson's proposal.

b) NATO came into force only after Senate's ratification.

* The House of Representative possess no such power.

b) Approval of Federal Appointments:

The President has the power to appoint federal officials but such appointments must be approved by the Senate to come into force. This includes appointment of:

1) Appointment of officials of superior Federal services.

Date _____

- 2) Appointment of top military officials.
- 3) Appointment of judges of federal judiciary.

* This is the exclusive power of the Senate and the lower House does not enjoy such powers.

IV) Judicial Powers:

i- Committees of Investigation: The Senate can hold investigation of any federal official to inquire about a scandal, performance or misconduct.

Example: The Senate investigation committee on the Benghazi Affairs held investigation of then secretary of state Hillary Clinton.

ii- Court of impeachment: The senate sits as the court of impeachment of the President, Vice-President and high federal officials. The House moves the process of impeachment and the senate can either acquit or convict the official.

Examples:

1) The House of Representatives impeached Andrew Johnson over his veto of Civil Rights Bill of 1864 but the Senate acquitted him.

2) The House of Rep. impeached Bill Clinton over Monica Lewinsky scandal but the Senate acquitted him.

iii- Judicial Patronage: The Senate has the power to approve or reject President's nomination of judges and justices of Federal judiciary. Thus, it wields immense judicial patronage in its hands. Lower house do not possess any such power.

v) Causes of Senate's Supremacy:

i- System of Checks and balances: This system has allowed the Senate to possess immense powers in order to check the transgressions of House of Representatives and that of the other branches as well.

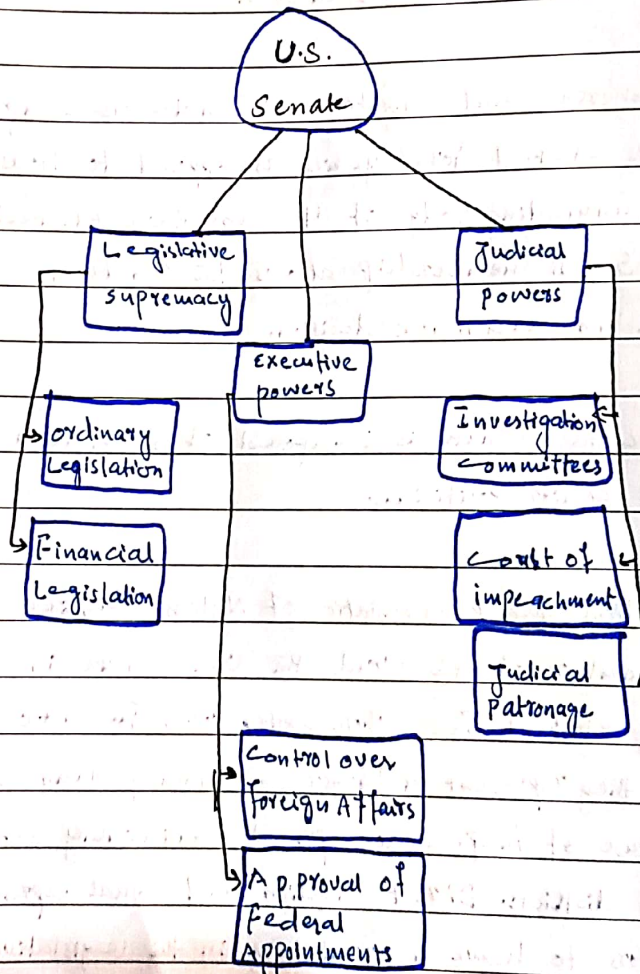
ii- Small membership and long tenure: Senate is comprised of 100 members elected for 6 years as opposed to House which is an unyielding body of 438 members elected for 4 years. Small membership allows the Senate to easily reach an unanimous decision.

iii- Senior Politicians: Senate is composed of seasoned statesmen and senior politicians.

iv- Direct elections and Representation of Nation: Unlike other upper chambers of the world, the U.S. senate in the U.S is directly elected. The whole state votes for two Senators, thus, they represent a larger constituency than the members of House of Rep. who represent considerably smaller constituency of districts. Direct election and equal representation allows the senators to have a great say in the legislative matters.

V. Freedom of Expression and Filibuster: The Senate enjoys the right of unlimited debate. A Senator can go on a topic for as long as he wants. This tactic is called 'Filibuster' and it is used often by Senators to delay the voting on an issue.

Example: The record for the longest individual speech goes to South Carolina's J. Strom Thurmond who filibustered for 24 hours and 18 minutes against the Civil Rights Act of 1957.



Date _____

VI) Critical Analysis:

1- Political Deadlocks: Due to immense powers of Senate on financial bills and due to the 'Filibuster', huge deadlocks are created in the government. Budgets are usually delayed by the Senate. This delay causes a delay in the disbursement of funds to the government departments. This causes an overall political shutdown in the whole country.

2- Partisanship: when a party holds majority in the Senate, it becomes easy for that party to exploit this immense power.

"American political decay isn't caused by Trump. The blame rests squarely on the partisanship in the US Congress"

(Fukuyama)

3- ineffective administration: Francis Fukuyama, in his book Political Order and Political Decay, has argued that the US Senate's extensive control has made administration ineffective. It delays policy-making and implementation of policies. It blocks necessary legislations required for bringing change according to new issues. He refers to the repeated deadlocks and gridlocks in the US partisan politics.

VII) Conclusion:

The Senate wields considerable legislative, executive and foreign powers in the US political power structure. Such powers are not available to the lower house. Critics, however, have rightly argued that it creates a system of deadlocks which can hamper smooth functioning of the government.