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Under Trump, could Congress regain some of its long-lost power?

by JOSHUA SPIVAK

In his successful race for the White House, Donald Trump made no secret of the fact that he was not focused on nitty-gritty policy details. When he takes office, he may well expect others to make his expansive platform a reality and cede such busywork to the Republican-dominated Congress. If so, one of the most dramatic results of a Trump presidency may be that Congress will regain some of its long-lost power.

In the 19th century, Congress was very much the center of American policy. For the most part, the president did not draft legislation; Congress did. The president could negotiate, but even there he was handcuffed by the fact that his only real threat was a veto, which could of course be overridden. He did not, moreover, have the same manpower supporting him as Congress.

Unlike today's sprawling executive, the 19th century president had a personal secretary or two, his Cabinet and their teams. Congress also did not have much in the way of staff, but there were enough congressmen to outnumber the president, and these members were more than happy to draft legislation on their own.

The shift in the balance of power began at the turn of the 20th century with William McKinley and Theodore Roosevelt, then accelerated under Woodrow Wilson: the first president since Washington to regularly draft legislation. In the 1920s, Congress, led by Speaker Nicholas Longworth, gave up the power of preparing the budget.

But the real death knell of congressional control was the Great Depression.

Franklin Roosevelt thought the president should set the government's agenda. In his first 100 days, he famously got 15 major bills passed. The humorist Will Rogers said that "Congress doesn't pass legislation anymore – they just wave at the bills as they go by."

In 1939, Roosevelt formally created the executive office of the president under the chief of staff, a team with as much or more understanding of how to craft legislation than any found on Capitol Hill.

The result was that Congress now expected the White House to provide legislative leadership. Dwight Eisenhower tried to reverse course. But when he failed to provide an agenda in 1953, calling it a usurpation of congressional power, Congress demanded one.

In the ensuing decades, Congress has — generally speaking — only taken an active leadership role in cases of divided government. When the House speaker and Senate majority leader are from the opposite party of the president, one of them is almost always front and center in political fights. But when the congressional leadership is from the same side as the president, they shy from that spotlight.

During Bill Clinton's presidency, Republican Speaker Newt Gingrich proposed the Contract With America. When Republican George W. Bush was in power, the Republican Speaker Dennis Hastert and his feared subordinate Tom DeLay let the White House take the lead.

Similarly, rank-and-file legislators tend to call on the leadership to restore Congress' historic role only when their party loses the White House; in cases of victory, they're content to

take a back seat. For example, in the runup to the passage of the Affordable Care Act, Democratic legislators complained that President Obama wasn't sufficiently present.

But the new Congress may take a different tack, in part because Trump does not seem wedded to any particular policies. ("Build a wall" isn't a policy proposal.) Throughout his career, he has taken widely divergent stances on different hot-button topics. And he appears to care more about foreign policy issues, such as trade and terrorism, than the key domestic ones.

Besides, Trump may wager that it's better to let the (unpopular) Congress craft the red meat legislation needed to keep the base happy and then blame Speaker Paul Ryan and others if anything goes wrong. Running against Congress is an age-old practice, and since Trump doesn't have the traditional party connections, he may try to do just that, regardless of whether his party is in control.

Whatever the political benefit for either side, Congress playing a larger role in the process, and even taking on the president, would be a welcome return to the ideals of American democracy. A more active, as opposed to reactive, legislative body may even be able to regain some measure of public support. It could be that Trump is exactly the president Congress needs to regain the initiative.

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