Public Criticisms of Congress

“The legislative process is too complicated”

Criticism

The average person couldn’t possibly understand the ridiculous maze we call a legislative process... committees, subcommittees, conference reports, vetoes. What’s the point in learning about it? It’s too complicated for even the Members of Congress to understand. Maybe that’s why they can’t get anything done.

Response

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The legislative process is complicated and not easy for citizens to understand. In fact a famous German statesman of the nineteenth century, Otto von Bismarck, once said there are two things people should not observe being made. One is sausages and the other is laws. Setting aside sausage making, I do believe that it’s important for citizens to understand why our law-making process is so complex and often characterized as messy, disorderly, slow, or inefficient - which are certainly all pejorative terms. They are really quite often virtues rather than vices of the legislative process. Let me try to explain why. First, the goal of efficiency was not the highest principle of our Founding Fathers. If they wanted efficiency in law-making they would have created a unicameral Congress rather than a bicameral Congress, each chamber having its own complex system of rules, and practices, and precedents. The point is that in law-making, the advantage goes to the defense not the offense, and that is by design. It is very difficult by design to translate ideas into public law. Secondly, Congress' procedural system tries to ensure that all points of view will be heard. This is a large country with local, state, national, global interests. Take the issue of energy, for example. People are concerned about gasoline prices and natural gas prices. It’s up to our law-makers to consider the views of energy distributors, producers, consumers, to try to weigh energy conservation vs. drilling for new oil or natural gas, or to try to consider the impact of energy changes on the automotive or housing industry. The point is, if citizens are to have confidence in the legislative process, they have to have a sense that the procedural system is fair and that all points of view are heard. Thirdly, Congress’ procedures do impose procedural speed bumps, the purpose of which is to slow down decision-making to give everybody an opportunity for thorough and thoughtful analysis of legislative proposals. Again, an idea that manages to wend its way through the complexities of the committee system, to go through the floor debate and amending stage, to make it through the conference committee stage where disagreements may be reconciled-and finally be signed into law by the President of the United States, is certainly an idea whose time has come.

Response Summary

- Congress does proceed slowly, but it was not designed to be efficient.
- Congressional procedures help ensure that all points of view on an issue can be heard, and that slows things down.
- Proceeding slowly allows Members of Congress to review legislation thoroughly and thoughtfully.