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Congress and its Responsibility in the Present Crisis

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There are over two million six hundred thousand civilian employees of the Federal government. Only five hundred and thirty seven are elected. It is these five hundred and thirty seven who are responsible for the decisions of the Nation and are accountable directly to the electorate. It is the notion of accountability of public officials that distinguishes a democratic republic. Five hundred and thirty five of these officials constitute the Congress of the United States.

It was the wisdom of the Founding Fathers in drafting the Constitution to separate the power of government in three separate but distinct branches. It was their basic distrust of a strong Executive that led them to require the basic lawmaking decisions to be in Congress. It was their design to require the important national decisions--whether international or domestic--to be shared by so many. It was this diffusion of power and responsibility written in our Constitution that permits the government to adapt to changing times. Since the days of President Roosevelt much of the origination of policy has passed from the Congress to the Executive. But the participation and assent of the Congress are necessary to assure the validity of national policy.

It is Congress' responsibility to review constantly the implementation of national policy not only for compliance with its original intent but also to determine whether new laws are necessary.
It is precisely within this traditional framework that the Senate Special Committee investigating the events of the 1972 Presidential election is proceeding. This Committee under the Chairmanship of Senator Sam Ervin of North Carolina was specially set up earlier this year by a unanimous vote of the entire Senate to conduct these investigations. It is not the responsibility of a Senate Committee to determine the guilt or innocence of individuals for their past conduct; it is, however, their responsibility to determine facts upon which to adjudge the wisdom of future changes in law to protect against reoccurrence.

The recent reports that the Senate hearings might affect the trials of potential defendants reflects the different perspective of a prosecutor and the Senate investigation. The prosecution is charged with the responsibility to present his case in court so that the guilt or innocence for past conduct will be adjudged. The Senate looks only to the future in the hope of prevention. The education of the Congress through its Committees—and the education of the electorate generally through the media—is the best assurance that any change in law will work. Laws are only as good as their enforceability; public awareness of the need for a law is the most essential guarantee of workability. Participation in the significant decisions by five hundred and thirty five elected officials—in open forum—is a long, tedious and sometimes
frustrating experience. But these frustrations and limitations are the price our system must pay to remain democratic and representative.

At a time when the Nation is undergoing the greatest challenge to the viability of its governmental institutions, the great frustration with Congress’ apparent lack of swiftness may hopefully provide the steady strength to examine the past—not with the aim of punishment—but with the desire to perfect in the future. The Congress has the unique role in times of crisis to provide stability as well as responsibility. It is within this framework that the Senate will contribute to the strengthening of the fabric of the Nation.