**SAMPLE ANSWER: To what extent can Congress be considered the “broken branch” of American government?**

It has been argued as to whether Congress can be considered “the broken branch” of American government. Congress is made up of two chambers – House and Senate and forms the legislative branch of the US Separation of Powers. This is a relevant question with Congress having incredibly low approval ratings recently. There are numerous arguments that support the question, including Congress being ineffective due to partisanship, its complex mandates and increasing use of the filibuster. Former Republican Congressmen Mickey Edwards stated that “both parties are more concerned with the next election than solving problems”.

One argument that supports Congress being considered the “broken branch” of American government is Congress being ineffective due to partisanship. The Federal Government Shutdown of 2013 highlights this. This was caused by Republican opposition to Obamacare despite Obama winning two elections on the issue and the Supreme Court upholding it, giving him a significant mandate. This can be explained by increasing polarisation in Congress, where compromise is seen as a weakness and this has resulted in heavy “gridlock”. Increasing polarisation has lead to ideologically moderate members being marginalised, such as Olympia Snowe of Maine. This evidence supports Congress being considered the “broken branch” of American government because its partisanship can cause the government to shutdown and not function properly. In the UK, government cannot shutdown.

A further argument supporting Congress being considered the “broken branch” of American government is highlighted by Fukyama. He notes that when Congress are issued complex mandates, agencies are constrained to make judgments or common sense decisions. Fukyama singles out Obamacare, which he notes “passed in a monstrosity due to all the side payments and concessions made to interest groups”. Consequently, Congress’ attempts to limit “waste, abuse and fraud” by issuing even more constraining rules that hinder the branch’s effectiveness. Fukyama’s argument highlights the increasing complexity and bureaucratic process Congress adheres to. Special interests have infiltrated Congress and have created congestion in the legislative process, subsequently providing evidence for the “broken branch” ideology. This evidence supports Congress being considered the “broken branch” of American government because as Fukyama notes, Congress has becoming increasingly complex due to special interests.

A final argument supporting Congress being considered the “broken branch” of American government is the increased use of the filibuster. The filibuster was designed for the minority to check on the majority in the Senate and prevent a “tyranny of the majority”. But in recent years, filibusters have been used on party lines to deny legislation based on the ideology of its supporters rather than its validity. Between 1917 to 1970, a cloture motion (the process of ending a filibuster) was invoked 8 times. In comparison to the 113th Congress, the cloture motion was invoked 253 times. As a consequence, legislation and appointments now effectively requires a super majority to pass and this can be difficult. Democrats such as Harry Reid have seeked to rectify the problem with the “nuclear option”, which lowered the cloture motion’s threshold from 60 to 51. But this only applies to executive and judicial nominees outside the Supreme Court. Legislation still effectively requires a supermajority. This evidence supports Congress being considered the “broken branch” of American government because the increased use of the filibuster has caused Congress to perform one of its function less effectively – passing legislation.

However, there are arguments that oppose Congress being considered the broken branch. An argument that does this involves Congress still being able to pass bi-partisan legislation. This was seen in 2014, with Congress passing the Agriculture Act, commonly known as the farm bill. Despite increasing polarisation, Congress can still pass legislation that has wide consensus. This suggests that legislation will be passed if the majority agree and increased partisanship only serves as effective “checks and balances”. This evidence disagrees with Congress being considered the “broken branch” of US government because it still performs one of its functions – passing legislation. In the UK, Parliament also passed significant bi-partisan legislation with the Modern Slavery Act 2015.

A further argument disagreeing with Congress being considered the “broken branch” of US government involves scrutiny. When Democrats gained control of the Senate in 2007, they heightened scrutiny into the Bush administration’s expansionary anti-terror powers during the “War on Terror”. This indicates that where there is divided government, Congress can effectively scrutinise the executive branch and perform one of its functions properly. This puts pressure on the executive to not overstate his powers or his transgressions. This evidence disagrees with Congress being considered the “broken branch” of US government because when there is divided government, Congress can still perform one of its three tasks effectively – scrutiny. In the UK, Parliament’s ability to scrutinise is hindered by the executive and legislative branches being united.

A final argument that disagrees with Congress being considered the “broken branch” of US government is partisanship only reflecting the divided nature of the country. A January 2014 poll found Congress’ approval rating to be just 13%. However in May 2013, approval ratings for individual Congressmen was 46%. Furthermore, if that person could name their representative, this jumped to 62%. This suggests the elecorate being happy with their representative. It is only where conflicting views meet at Congress that problems occur and this reflects the divided nature of the US, considering it is a hyper diverse society. This evidence disagrees with Congress being considered the “broken branch” of US government because gridlock simply reflects the divided nature of the country. Problems occur when these conflicting views meet, not that they exist.

In conclusion, Congress can be considered the broken branch of US government. Increasing partisanship in recent times, complex mandates and special interest influence and increasing use of the filibuster all hinder Congress’ three main functions of passing legislation, representation and scrutinising the executive. While the arguments on the contray are valid, they do possess flaws. While scrutiny does occur in divided government, its often absent in united government. Although Congress can pass bi-partisan legislation, this is rare. Whilst the US is hyper diverse, citizens are not polarised to the level their representatives are. This is noted by Florina, who states that America is “purple” and only activists and politicians are partisan. This debate will continue with Congress becoming more inactive and more gridlocked. To summarise, Congress is the broken branch of US government.