

Partisan Vitriol and Moral Degradation: A Stain on Congressional Oversight

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In the final moments of Donald Trump's impeached and controversy-ridden term, the former president revoked his Executive Order on ethics aimed to hold Executive Branch appointees accountable during and after their employment. This reversal mimics Bill Clinton's 2000 revocation of his ethics pledge following a scandal-filled presidency of his own.

As the Biden administration announced their Executive Order on ethics amidst a Senate impeachment trial and investigation into executive ethics, it forces a deeper look into government accountability and the role of Congress in preventing executive misconduct.

Upon the birth of the United States, framers of the constitution imagined a country where its leaders uphold their ethical obligations and represent their constituents with integrity, assigning Congress the task of policing executive behavior.

In Alexander Hamilton's Federalist Papers Essay #76, he stated that congressional oversight "would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice."ⁱ

While Hamilton sought prevention of ethical misconduct by way of congressional oversight, historical data has demonstrated that congressional attention to executive ethics has been strictly reactive to times of scandal with little to no attention given to preventative legislation. As four presidential impeachment trials and countless executive scandals have taken place in the short span of 46 presidencies, American trust in federal leadership has tanked to historic lows.ⁱⁱ

The congressional oversight process is in need of a face-lift, one rid of biased ethical proceedings, brimming with preventative legislation and rooted in accountability. The first step toward oversight reform begins with getting preventative action put on the agenda, a seemingly easy feat stalled by a lack of resources and incentive for legislators.

According to data collected from the Policy Agendas Projectⁱⁱⁱ on the frequency of congressional roll call votes and hearings on executive ethics, substantial and proactive congressional attention to executive ethics still remains to be seen. When analyzing data sets between 1946 and 2018, the spikes in the data correlate directly to times of scandal without a single hearing or roll call vote devoted to the prevention of similar events.

In a study^{iv} conducted by University of Nebraska professor Diane Duffin explaining congressional participation in oversight, she concluded that factors including district and party interests and the timing of hearings on the electoral cycle were major contributors to participation and attentiveness by members of Congress. The gain of political capital remains its highest during times of publicized scandal, making members more likely to address such issues when a camera is present.

A lack of congressional attention can also be blamed on an increasingly divided political system and party loyalty. Proof of this hyperpartisanship can be seen in the way members of Congress have voted during modern impeachment trials.

In 1998, The House of Representatives successfully charged Bill Clinton with articles of impeachment and acquitted him in the Senate with only five Republicans breaking party lines. In 2018, the House charged Donald Trump with two articles of impeachment with no Republicans and less than a handful of Democrats breaking party lines. The Senate voted to acquit the former President with Mitt Romney as the lone Republican yes vote.

This fierce, seemingly blind party loyalty present in a trial to convict America's leader makes me question whether this sacred process has developed into a team sport instead of the objective moral debate it was intended to be. The congressional judiciary process was created to hold those in power accountable, basing their judgment solely on fact and evidence. This toxic party loyalty is likely to hinder the drafting of ethics-based legislation, only giving this issue attention when there is a party incentive.

With political incentive and party polarization to blame for a lack of preventative efforts when it comes to executive ethics, many may argue that congressional gridlock is too great and preventing these issues is not urgent enough to find its place on Capitol Hill. However, the House-passed election reform bill, H.R.1, is already paving the way for preventive legislation, including language establishing ethical reforms for Executive Branch officials. With the bill placed on the Senate's calendar after months of stalled legislation, I would argue this type of legislation is more than attainable.

Following the recent Capitol insurrection and a president's violent rhetoric silenced by social media, there is no more politically incentivizing time for legislators to take preventative action. Passing the "For the People Act" through the Senate will be a monumental step in the right direction for ethics reform, one that can only be made possible with an attentive and unified legislature. With a commitment to future accountability, Congress can more efficiently conduct oversight and challenge executive power as the framers intended.

Footnotes

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- ⁱ Hamilton, A. (n.d.). Federalist Papers: Primary Documents in American History: Federalist Nos. 71-80. Retrieved January 27, 2021, from <https://guides.loc.gov/federalist-papers/text-71-80>
- ⁱⁱ Pew Research Center. (2020, May 30). Public Trust in Government: 1958-2019. Retrieved January 27, 2021, from <https://www.pewresearch.org/politics/2019/04/11/public-trust-in-government-1958-2019/>
- ⁱⁱⁱ *Hearings and Roll Call Votes*. The Policy Agendas Project at the University of Texas at Austin, 2021. www.comparativeagendas.net. Accessed January 27, 2021.
- ^{iv} Duffin, D. L. (2003). Explaining Participation in Congressional Oversight Hearings. *American Politics Research*, 31(5), 455-484. doi:10.1177/1532673x03252533