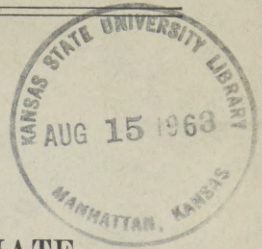


SENATE RULES AND PROCEDURES

Y4
.R 86/2
R 86/963



HEARINGS
BEFORE THE
SUBCOMMITTEE ON
STANDING RULES OF THE SENATE
OF THE
COMMITTEE ON
RULES AND ADMINISTRATION
UNITED STATES SENATE
EIGHTY-EIGHTH CONGRESS
FIRST SESSION
ON
S. Res. 89
RELATING TO GERMANENESS OF DEBATE
S. Res. 111
RELATING TO MEETINGS OF COMMITTEES WHILE THE
SENATE IS IN SESSION
S. Res. 78
RELATING TO FORMER PRESIDENTS SERVING AS SENATORS
AT LARGE
AND
S. 177 and S. Con. Res. 1
RELATING TO REORGANIZATION OF CONGRESS

JUNE 27 AND 28, 1963

Printed for the use of the Committee on Rules and Administration



SENATE RULES AND PROCEDURES

Y 4
R 80/2
R 80/003

HEARINGS

BEFORE THE

SUBCOMMITTEE OF

STANDING RULES OF THE SENATE

OF THE

COMMITTEE ON

COMMITTEE ON RULES AND ADMINISTRATION

B. EVERETT JORDAN, North Carolina, *Chairman*

CARL HAYDEN, Arizona

CARL T. CURTIS, Nebraska

HOWARD W. CANNON, Nevada

JOHN SHERMAN COOPER, Kentucky

CLAIBORNE PELL, Rhode Island

HUGH SCOTT, Pennsylvania

JOSEPH S. CLARK, Pennsylvania

ROBERT C. BYRD, West Virginia

GORDON F. HARRISON, *Staff Director*

HUGH Q. ALEXANDER, *Chief Counsel*

JOHN P. CODER, *Printing and Editorial Assistant*

SUBCOMMITTEE ON STANDING RULES OF THE SENATE

CARL HAYDEN, Arizona, *Chairman*

HOWARD W. CANNON, Nevada

JOHN SHERMAN COOPER, Kentucky

□



CONTENTS

	Page
Opening statement by Hon. Carl Hayden, chairman of the Subcommittee on Standing Rules of the Senate-----	1
Senate Resolution 89 (germaneness of debate):	
Text of Senate Resolution 89-----	3
Statement of—	
Hon. John O. Pastore, a U.S. Senator from the State of Rhode Island-----	3
Hon. Ernest Gruening, a U.S. Senator from the State of Alaska--	7
Hon. Jennings Randolph, a U.S. Senator from the State of West Virginia-----	7
Hon. A. S. Mike Monroney, a U.S. Senator from the State of Oklahoma-----	8
Hon. Gordon Allott, a U.S. Senator from the State of Colorado--	12
Hon. Joseph S. Clark, a U.S. Senator from the State of Pennsylvania-----	13
Hon. Gaylord Nelson, a U.S. Senator from the State of Wisconsin--	15
Hon. Frank E. Moss, a U.S. Senator from the State of Utah-----	17
Written statement of—	
Hon. Clinton P. Anderson, a U.S. Senator from the State of New Mexico-----	18
Hon. Frank Church, a U.S. Senator from the State of Idaho-----	19
Hon. Clair Engle, a U.S. Senator from the State of California--	20
Hon. Philip A. Hart, a U.S. Senator from the State of Michigan--	20
Hon. Hubert H. Humphrey, a U.S. Senator from the State of Minnesota-----	21
Hon. Thomas H. Kuchel, a U.S. Senator from the State of California-----	21
Hon. Gale W. McGee, a U.S. Senator from the State of Wyoming--	21
Hon. Lee Metcalf, a U.S. Senator from the State of Montana--	22
Hon. Edmund S. Muskie, a U.S. Senator from the State of Maine--	22
Hon. Leverett Saltonstall, a U.S. Senator from the State of Massachusetts-----	23
Remarks of Hon. Paul H. Douglas, a U.S. Senator from the State of Illinois, on the Senate floor on June 25, 1963, on need for a rule of germaneness-----	8
Senate Resolution 111 (committees sitting while the Senate is in session):	
Text of Senate Resolution 111-----	25
Statement of—	
Hon. A. S. Mike Monroney, a U.S. Senator from the State of Oklahoma-----	25
Hon. Gordon Allott, a U.S. Senator from the State of Colorado--	27
Hon. Joseph S. Clark, a U.S. Senator from the State of Pennsylvania-----	28
Written statement of Hon. Frank Church, a U.S. Senator from the State of Idaho-----	19
Senate Resolution 78 (former Presidents as Senators at Large):	
Text of Senate Resolution 78-----	33
Statement of Hon. Claiborne Pell, a U.S. Senator from the State of Rhode Island-----	33
Letters from—	
Former President Herbert Hoover-----	35
Former President Harry S. Truman-----	36
Lawrence F. O'Brien, special assistant to the President-----	36
James M. Burns, Department of Political Science, Williams College, Williamstown, Mass-----	36
Written statement of Hon. John S. Monagan, a Member of Congress from the Fifth Congressional District of Connecticut-----	39

Senate bill 177 (Commission on Congressional Reorganization) and Senate Concurrent Resolution 1 (Joint Committee on the Organization of Congress):	
Opening statement by Hon. Carl Hayden, chairman of the Subcommittee on Standing Rules of the Senate.....	Page 43
Text of—	
Senate bill 177.....	44
Senate Concurrent Resolution 1.....	46
Statement of—	
Hon. Clifford P. Case, a U.S. Senator from the State of New Jersey.....	47
Hon. A. S. Mike Monroney, a U.S. Senator from the State of Oklahoma.....	55
Hon. E. L. Bartlett, a U.S. Senator from the State of Alaska.....	60
Hon. Kenneth B. Keating, a U.S. Senator from the State of New York.....	66
Hon. Joseph S. Clark, a U.S. Senator from the State of Pennsylvania.....	68
Written statement of—	
George B. Galloway, senior specialist, American government, Legislative Reference Service, Library of Congress.....	76
John E. Allen, South Miami, Fla.....	77
Alan L. Clem, associate professor of government, University of South Dakota, Vermillion, S. Dak.....	80
Thomas E. Eichhorst, staff member, Committee on Legislative Research, State of Missouri, Jefferson City, Mo.....	81
Stanley H. Friedelbaum, associate professor, College of Arts and Sciences, Rutgers University, New Brunswick, N.J.....	82
Robert S. Getz, instructor, Department of Political Science, Rutgers University, New Brunswick, N.J.....	85
Wesley L. Gould, professor of government, Purdue University, Lafayette, Ind.....	91
Howard N. Mantel, Institute of Public Administration, New York, N.Y.....	94
Letter from L. J. O Connor, Jr., Commissioner, Federal Power Commission, Washington, D.C.....	98

APPENDIX

Exhibit 1—Precedents supplied by the Parliamentarian of the Senate on Senate Resolution 13, 87th Congress (germaneness of debate).....	99
Exhibit 2—"Germaneness of Debate and Amendments, Rules of the Senate in the Several States and the House of Commons in Great Britain," Legislative Reference Service, Library of Congress.....	103
Exhibit 3—"Bills Making Former Presidents Senators at Large—78th—87th Congresses," Legislative Reference Service, Library of Congress.....	109
Exhibit 4—"To Help Congressmen Help Constituents: An American Version of the Scandinavian Ombudsman," extension of remarks of Hon. Henry S. Reuss, a Member of Congress from the Fifth District of Wisconsin, in the Congressional Record of February 11, 1963.....	111
Exhibit 5—Articles and editorials submitted by Senator Joseph S. Clark:	
Articles:	
"Obsolete Rules Hamper Congress," by Peter Edson (New York York World Telegram, Oct. 20, 1962).....	125
"Battle on the Hill," by James Reston (Philadelphia Sunday Bulletin, Jan. 6, 1963).....	126
Editorials:	
"New Tools for Congress" (Washington Post, Nov. 18, 1962).....	127
"First Item of Business" (Washington Post, Jan. 15, 1963).....	128
"Stagnation on the Hill" (Washington Post, Feb. 12, 1963).....	128
"Modernizing Congress" (Pittsburgh Post Gazette, Feb. 16, 1963).....	129
"Holiday Schedule?" (Washington Post, Apr. 4, 1963).....	130
"Lull in the Doldrums" (Washington Post, Apr. 10, 1963).....	130
"INEFFICIENCY IN CONGRESS," (Pittsburgh Post Gazette, May 8, 1963).....	131
"Changing the Rules" (Washington Post, May 31, 1963).....	131
"Congress on Trial" (Washington Post, June 28, 1963).....	132

	Page
Exhibit 6—Articles submitted by Senator Clifford P. Case:	
“Is Congress Doing Its Job” (Business Week, Jan. 5, 1963)-----	133
“To Move Congress Out of Its Ruts,” by Senator Hubert H. Humphrey (New York Times magazine, Apr. 7, 1963)-----	143
“Is Congress the Old Frontier,” by Stephen K. Bailey-----	150
“Congress Creaks Along,” by Roscoe Drummond (Christian Science Monitor, Mar. 6, 1963)-----	169
“Congressional Reform,” by Roscoe Drummond (New York Herald Tribune, June 9, 1963)-----	170
“Congress Scored on Archaic Rules—Senator Case’s Poll Shows Support for Revisions,” by Cabell Phillips (New York Times, Apr. 7, 1963)-----	171
Exhibit 7—Additional communications received by Senator Clifford P. Case:	
Abraham, Henry J., professor of political science, Wharton School of Finance and Commerce, University of Pennsylvania, Philadelphia, Pa-----	173
Ascher, Charles S., chairman, Department of Political Science, Brooklyn College, City University of New York, Brooklyn, N.Y-----	173
Bailey, Stephen K., dean, Maxwell Graduate School of Citizenship and Public Affairs, Syracuse University, Syracuse, N.Y-----	174
Baker, Benjamin, professor of political science, Rutgers University, New Brunswick, N.J-----	174
Baker, John W., chairman, Department of Political Science, College of Wooster, Wooster, Ohio-----	175
Barber, James D., assistant professor, political science research library, Yale University, New Haven, Conn-----	175
Baum, William C., chairman, Department of Political Science, Southeast Missouri State College, Cape Girardeau, Mo-----	176
Beasley, Kenneth E., associate professor of political science and public administration, Pennsylvania State University, University Park, Pa-----	176
Biggs, Ernest E., colonel, U.S. Air Force, San Francisco, Calif-----	177
Bilinsky, Yaroslav, assistant professor, Department of Political Science, University of Delaware, Newark, Del-----	178
Blank, B. D., associate professor, Department of Political Science, Hunter College of the City of New York, New York, N.Y-----	178
Bolling, Landrum R., president, Earlham College, Richmond, Ind-----	179
Booth, David A., assistant professor of political science, Michigan State University, East Lansing, Mich-----	179
Bosworth, Karl A., professor, Department of Political Science, University of Connecticut, Storrs, Conn-----	180
Breckenridge, A. C., professor of political science, University of Nebraska, Lincoln, Nebr-----	180
Brown, Lyle C., assistant professor of history and political science, Wayland Baptist College, Plainview, Tex-----	181
Brownson, Eugene C., Washington, D.C-----	181
Burdine, J. A., dean, College of Arts and Sciences, University of Texas, Austin, Tex-----	181
Burns, James M., professor, Department of Political Science, Williams College, Williamstown, Mass-----	181
Bush, George P., emeritus professor, School of Government and Public Administration, American University, Washington, D.C-----	182
Bushman, Ted, Long Beach, Calif-----	182
Bushnell, Eleanore, professor, Department of History and Political Science, University of Nevada, Reno, Nev-----	183
Carmen, Ira H., Ann Arbor, Mich-----	183
Chase, Harold W., professor, Department of Political Science, University of Minnesota, Minneapolis, Minn-----	184
Childs, Harwood L., Department of Politics, Princeton University, Princeton, N.J-----	185
Clark, Floyd B., College Station, Tex-----	185
Clute, Robert E., associate professor of political science, University of Georgia, Athens, Ga-----	186
Connors, Richard J., assistant professor, Department of Social Studies, Seton Hall University, South Orange, N.J-----	186
Cooley, Richard A., Juneau, Alaska-----	187

Exhibit 7—Continued

	Page
Cope, Alfred H., assistant dean, College of Liberal Arts, Syracuse University, Syracuse, N.Y.	187
Cornwell, Elmer E., Jr., chairman, Department of Political Science, Brown University, Providence, R.I.	189
Crow, John E., Department of Political Science, University of Washington, Seattle, Wash.	189
Curran, Charles D., Arlington, Va.	190
Dahlberg, Jane S., Department of Political Science, City College, New York, N.Y.	191
Davis, Vincent, assistant professor of international relations, University of Denver, Denver, Colo.	191
De Grazia, Alfred, editor, American Behavioral Scientist, Princeton, N.J.	192
Diez, William E., professor, Department of Political Science, University of Rochester, Rochester, N.Y.	193
Dolan, Paul, professor, Department of Political Science, University of Delaware, Newark, Del.	193
Dougherty, Joseph C., Jr., University of Maryland, APO 403, New York, N.Y.	194
Emmerich, Herbert, Department of Political Science, University of Virginia, Charlottesville, Va.	194
Fahy, Julian, Washington, D.C.	195
Fairman, Charles, La Jolla, Calif.	196
Faust, Martin L., professor, Department of Political Science, University of Missouri, Columbia, Mo.	196
Feingold, Eugene, University of Michigan, Ann Arbor, Mich.	197
Fellman, David, professor, Department of Political Science University of Wisconsin, Madison, Wis.	197
Ferber, Roman, instructor, political science, Hunter College of the City of New York, New York, N.Y.	198
Ferguson, John H., director, Institute of Public Administration, Pennsylvania State University, University Park, Pa.	198
Flannery, James J., Arlington, Va.	198
Gange, John, director, Institute of International Studies and Overseas Administration, University of Oregon, Eugene, Oreg.	199
Garvey, Dale M., assistant professor of political science, Kansas State Teachers College, Emporia, Kans.	199
Gathings, James A., chairman, Department of Political Science, Bucknell University, Lewisburg, Pa.	200
Gibson, Frank, associate professor, Department of Political Science, University of Georgia, Athens, Ga.	201
Graham, George A., Bethesda, Md.	201
Hamilton, W. Roy, Jr., assistant professor, Department of Political Science, Wayne State University, Detroit, Mich.	202
Hartnett, R. C., S.J., professor, Department of Political Science, Loyola University, Chicago, Ill.	203
Hathaway, William L., assistant professor, Department of Political Science, University of Minnesota, Minneapolis, Minn.	203
Hattery, Lowell H., director, Center for Technology and Administration, American University, Washington, D.C.	203
Haviland, H. Field, Jr., director of foreign policy studies, Brookings Institution, Washington, D.C.	204
Hawley, James H., Jr., Boise, Idaho.	204
Heard, Alexander, Vanderbilt University, Nashville, Tenn.	204
Henry, Edward L., chairman, Department of Political Science, St. John's University, Collegeville, Minn.	205
Hobbs, Edward H., director, Department of Research in Business and Government, University of Mississippi, University, Miss.	205
Hogan, Willard N., professor of political science, State University College, New Paltz, N.Y.	205
Hosack, R. E., head, Department of Social Sciences, University of Idaho, Moscow, Idaho.	206
Howell, John M., director, Political Science Department, East Carolina College, Greenville, N.C.	207
Idle, Dunning, professor, Department of Political Science, Western College for Women, Oxford, Ohio.	207

Exhibit 7—Continued

	Page
Kann, Robert A., professor of history, Rutgers University, New Brunswick, N.J.	208
Kaplan, H. Eliot, Albany, N.Y.	209
Keyserling, Leon H., consulting economist and attorney at law, Washington, D.C.	209
Konvitz, Milton R., professor of industrial and labor relations, Cornell University, Ithaca, N.Y.	210
Kraines, Oscar, Brooklyn, N.Y.	210
Lockard, Duane, associate professor, Department of Politics, Princeton University, Princeton, N.J.	211
Michelon, L. C., Cleveland, Ohio	212
Myers, Denys P., Washington, D.C.	213
Palmer, Kenneth, Harrisburg, Pa.	214
Reid, Ralph W. E., A. T. Kearney & Co., Washington, D.C.	214
Rogow, Arnold A., associate professor, Department of Political Science, Stanford University, Stanford, Calif.	215
Ronan, William J., secretary to the Governor, State of New York, Albany, N.Y.	215
Rubin, Bernard, associate professor of governmental affairs and public relations, Boston University, Boston, Mass.	215
Short, Lloyd M., Department of Political Science, University of Minnesota, Minneapolis, Minn.	216
Stone, Richard D., Brookline, Mass.	216
Waugh, Edgar W., professor of political science, Eastern Michigan University, Ypsilanti, Mich.	217
West, W. Reed, professor emeritus in residence, George Washington University, Washington, D.C.	218
Wileox, Francis O., dean, School of Advanced International Studies, Johns Hopkins University, Washington, D.C.	218
Wilmerding, Lucius, Jr., Princeton, N.J.	218
Wyckoff, Theodore, member, American Political Science, Arizona State University, Tempe, Ariz.	219
Young, Jordan M., associate professor, Social Sciences Department, Pace College, New York, N.Y.	220
Exhibit 8—Congressional reorganization—A selected bibliography, compiled by the Legislative Reference Service, Library of Congress, at the request of Representative Alphonzo Bell.	221

CONTENTS

1. Introduction

2. The History of the Project

3. The Methodology

4. The Results

5. The Discussion

6. The Conclusion

7. The Acknowledgements

8. The References

9. The Appendix

10. The Index

SENATE RULES AND PROCEDURES

Senate Resolution 89, Senate Resolution 111, and Senate Resolution 78

THURSDAY, JUNE 27, 1963

U.S. SENATE,
SUBCOMMITTEE ON STANDING RULES OF THE SENATE,
COMMITTEE ON RULES AND ADMINISTRATION,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:30 a.m., in room 301, Old Senate Office Building, Senator Carl Hayden (chairman) presiding.

Present: Senators Hayden, Cannon, and Cooper.

Also present: Senator Jordan.

Gordon F. Harrison, staff director; Hugh Q. Alexander, chief counsel; Frank Banicevich, professional staff member; Walter L. Mote, professional staff member; John P. Coder, printing and editorial assistant; Marian G. Moore, assistant chief clerk; B. Floye Gavin, research assistant; and Alice Clark, clerical assistant.

Senator HAYDEN. The subcommittee will be in order.

This meeting of the Subcommittee on Standing Rules of the Senate, composed of Senator Howard W. Cannon, Senator John Sherman Cooper, and myself, has been called to hear testimony on various proposed amendments to the Senate rules and certain other related proposals.

These will include: Senate Resolution 89, by Senator Pastore and 31 others, which would provide for germaneness of debate under certain conditions;

Senate Resolution 111, by Senators Church, Monroney, Anderson, McGee, and Pastore, which relates to committees sitting while the Senate is in session; and

Senate Resolution 78, by Senators Pell, Magnuson, Humphrey, and Cooper, which would permit former Presidents to serve as Senators at Large.

On Friday we will consider two proposals to study the organization and operation of Congress:

S. 177, by Senators Case, Clark, Keating, and Javits; and Senate Concurrent Resolution 1, by Senator Clark and 30 others. If time permits we will hear testimony on some of Senator Clark's other proposed changes in the rules.

If there is no objection, the staff is instructed to insert in the appropriate places in this record copies of the bills and resolutions considered, additional materials received from Members in support of their proposals, and any other items pertinent to this inquiry.

SENATE RESOLUTION 89

Senator HAYDEN. The first item on the agenda is Senate Resolution 89, by Senator Pastore and 31 others, which would provide for germaneness of debate under certain conditions.

(The text of S. Res. 89 is as follows:)

88TH CONGRESS
1ST SESSION

S. RES. 89

IN THE SENATE OF THE UNITED STATES

FEBRUARY 19, 1963

Mr. PASTORE (for himself, Mr. ALLOTT, Mr. ANDERSON, Mr. CASE, Mr. CHURCH, Mr. COOPER, Mr. CURTIS, Mr. DOUGLAS, Mr. ENGLE, Mr. FONG, Mr. GRUENING, Mr. HART, Mr. HUMPHREY, Mr. KEATING, Mr. KUCHEL, Mr. MANSFIELD, Mr. MCCARTHY, Mr. MCGEE, Mr. METCALF, Mr. MILLER, Mr. MORSE, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mrs. NEUBERGER, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SALTONSTALL, Mr. SYMINGTON, Mr. WILLIAMS of New Jersey, and Mr. MONRONEY) submitted the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

Resolved, That rule VIII of the Standing Rules of the Senate be amended by adding at the end thereof the following paragraph:

"At the conclusion of the morning hour or after the unfinished business or pending business has been laid before the Senate, and until after the duration of four hours, except as determined to the contrary by unanimous consent or on motion without debate, all debate, motions (but not including amendments offered to the bill or resolution under consideration when reasonably related thereto) and appeals shall be germane."

Senator HAYDEN. Senator Pastore, we will be pleased to hear from you.

STATEMENT OF HON. JOHN O. PASTORE, A U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator PASTORE. Mr. Chairman, first of all, I want to express my gratitude to the members of this illustrious committee for permitting me to appear before you this morning.

I want to say at the very outset that I love the U.S. Senate, and almost everything about it.

But there are certain places where I think we can make some very worthwhile changes and improve the efficiency of the working hours of the U.S. Senate. I am going to direct myself this morning only to one facet of these many changes that could be considered.

My presentation is a very simple one—although the rule change that I desire to make, I think, will have a far-reaching effect. It is a very, very modest change. I am not proposing any change in rule XXII. My change pertains to rule VIII.

In very simple terms, Mr. Chairman, all that my proposal does is this: It provides that each day when we come to the close of the

morning hour, and the unfinished business is laid before the Senate, that we have a rule of germaneness as to the activity of the pending motion or bill, whatever the case might be. When I say germaneness I don't mean that a person cannot propose an extraneous amendment that is not germane to the pending issue. He can do that. But, if he does, his discussion must be germane even to his ungermane amendment.

In other words, my germaneness is directed toward the activity of the Senate, because I would want to do nothing to disturb the rule of ungermaneness of the Senate.

I think it would be too far reaching at this time. It would not achieve a very successful fate.

I am very much disturbed by such a situation as where a member is charged with the responsibility of managing a bill on the floor. He must be there prepared to assume his responsibilities and present the matter to the Senate. But time and time again what has been our experience? I have seen it only the last few days when it was very dramatically pointed up by Senator Douglas. You sit there as the manager of the bill, and someone comes down on the floor with an extraneous speech, which he has a perfect right to deliver, because he must meet a press deadline. All I am saying here is that a period of 4 hours from the time we conclude the morning hour, for those 4 hours we devote ourselves to the business at hand.

And if the business is not completed within those 4 hours, then you can come in as you do now with any matter that you desire to discuss. If need be the business can then wait until the next morning, or next day, when the rule of the 4 hours begins again, and the unfinished business is laid down.

It is a very simple amendment.

First of all, it would accomplish this: The Members of the Senate, knowing that the business at hand will be discussed, will be more readily available on a quorum call. It will not have to take 20 minutes or a half hour, and then probably get into live quorums. Members would know that for 4 hours, if they arrange their program, they would sit on the floor, that they could discuss the business at hand and conclude it, without interruption.

I think it would help immensely.

I don't see how it would disturb anyone who is conscious of the filibuster procedure. I don't see how it would disturb anyone who is concerned about the risk of being gagged or riveted or straitjacketed into a germaneness rule.

All that I am saying here is this—for a limited period of time let's talk about what is pending before the Senate. That is all my proposal does. It is a very simple rule. And I don't see why anyone should object to it.

I have talked to many Members of the Senate. They all seem to be in favor of it. There are about 22 cosponsors of this amendment that I have proposed, and I would hope this committee would consider it favorably.

I will answer any questions that the committee would like to ask.

Senator HAYDEN. I would like to ask this: Who determines whether an amendment is reasonably related to the bill?

Senator PASTORE. The presiding officer. And, after all, it would not be conclusive. But the fact of the matter is that there would be a conscionable restraint here.

If we were considering, let's say, civil rights, and somebody arose and talked about tulips, he couldn't argue very well, and do it with any self-respect, that he was being germane.

How long would he last in the estimation of his colleagues?

I mean there is a reasonable restraint, of course, that would be exercised. But the mere fact that we have a rule that says you have to be germane to the activity, that in itself is sufficient restraint. And I think it would help immensely in getting our work done.

Senator HAYDEN. Since the resolution authorizes the Senate to change the period of time for germaneness by unanimous consent, or on a motion to be decided without debate, would this open the door to delays in quorum calls, rollcalls, and so on?

Senator PASTORE. I doubt that very, very much. The reason is this: For instance, let's assume that we did have a pending matter that had to do with a reclamation project, and someone wanted to talk about whether pansies will bloom in April. And someone raised the question that he was not being germane.

Well, the Chair would say, "You are not being germane." The man who has the floor says, "Well, I certainly am germane."

The Chair would say, "All right, without debate let's put it up to the body of the Senate."

Senator HAYDEN. Of course that decision would be appealable.

Senator PASTORE. Yes; but without debate. And that is the important thing. A person is not going to subject himself to the ridicule of the Senate by overdoing this.

I realize, Mr. Chairman, that you cannot draw a perfect rule. There is no rule of the Senate that is perfect. Neither is this rule perfect.

Perhaps it is open to some modification; and I am perfectly willing—I have no pride of authorship. But I think you must have some restraining force to remain germane for a certain period of time if we are to do the business of the Senate.

I realize it is not a perfect rule, and one cannot write a perfect rule. But the fact of the matter is that you do have redress here, either on the part of the person who considers himself germane, or on the part of the Senate that might consider him not to be germane, by putting the question up to the Senate without debate. That is the reason why I have said this.

Senator Hayden. Now the other question—the last one I will ask, is why 4 hours?

Senator PASTORE. Because I think it is a reasonable time. Usually our morning hour ends at 2. I say from 2 to 6 you can do this. I predicate that only on past experience. If you want to make it 3 or 5 hours, I don't care. But I think you have to have a limitation.

Senator HAYDEN. Senator Cannon, have you any questions?

Senator CANNON. No; I think Senator Pastore has answered the points.

It would appear to me that perhaps there is some merit to the theory of the idea. I certainly agree that in many instances you get over there, and because of someone wanting the floor for some particular purpose, you go rambling off into the wild blue, without being able to get at the business at hand.

This would not have the effect of limiting the time for consideration of a particular matter, or affect the overall issue of germaneness, would it?

Senator PASTORE. No; it would not, for the simple reason—let's assume you made it 4 hours. And let's assume that your morning hour concluded at 2 o'clock, and you laid down the pending business.

You would go, if it were for 4 hours, from 2 to 6 to talk about this. Then at 6 o'clock the cuffs would be off. Then anyone could take the floor and discuss any matter until the Senate was ready to recess or adjourn.

Then the next day, if this business were not concluded, it would be laid down again at 2 o'clock, and then you would go, again, for 4 hours. But every Member of the Senate would know that for those 4 hours the pending business was going to be discussed. That would encourage them to be on the floor. That would cut down your time of quorum calls. And it would help us do the work of the Senate.

Senator HAYDEN. Any questions, Senator Cooper?

Senator COOPER. Yes. I think you have gone over this, but in the event that a Member is proceeding in debate and his remarks were not germane, could the question be raised by another Member?

Senator PASTORE. Yes; like a point of order.

Senator COOPER. Would you consider the Presiding Officer under a duty—

Senator PASTORE. To say, "I consider this not to be germane to the pending business."

Senator COOPER. I believe, under the rules, either before the Presiding Officer passed upon it, or even after he had passed and there has been an appeal, there is, under the rules, a reasonable opportunity to explain whether or not he thought his remarks were germane. I think that is the rule at present.

It is in the discretion of the Presiding Officer to permit a reasonable time for discussion. Then there could be an appeal. And that would not be debatable.

Senator PASTORE. That would not be debatable.

Senator COOPER. I must say I joined as a sponsor of this amendment before I became a member of this committee, because I think it is a good amendment.

You feel first, that it would actually promote a better consideration and debate of any question that is before the Senate.

Senator PASTORE. Yes; it would.

Senator COOPER. Second, I think you said you felt that it would promote a better attendance of Members of the Senate, because they would know that in that time the matter would actually be debated.

Senator PASTORE. That is right. You see, there was a time when being a Senator or being a Congressman was only a part-time job. It is an around-the-calendar job now, and we have to get our work done. The law requires that we adjourn sine die by July 31. It never happens. We have to go beyond that, for obvious reasons.

When I came here in December 1950, the Senate at that time was in session. True enough, we were in a moment of crisis. It was at the time of the Korean war.

The fact of the matter is that we have got to institute some procedures to expedite the work of the Senate. I think we cannot go along in this loose way and get our work done, and get back to our States as we should.

Now, I don't say this is the answer to the problem, but this will help. And that is all I am saying. It is not the answer to the whole

problem, but it is a step in the right direction. I think that if this committee reports this resolution favorably, we would begin to work along in much better fashion.

I want to thank the Senators.

Senator JORDAN. May I ask the Senator just one question?

I have had a good many Senators discuss this with me, naturally. The main thing that I have had suggested to me is that maybe 4 hours is a little bit long.

You would be willing to—

Senator PASTORE. Make it three, make it any time you want.

Senator JORDAN. I have no feeling about it whatsoever, myself.

Senator PASTORE. I have no fixed opinion on that. Whatever is reasonable. But you have got to make it long enough so that you don't have just one speaker a day. I think 3 hours might be good. I would not go shorter than that, because any time a Senator gets wound up you know it takes him about 2 hours to unwind. At least we want to have more than one person speak a day.

Senator JORDAN. That is the only question I had, Mr. Chairman.

Senator HAYDEN. Thank you.

Is there any other Senator who wants to testify in support of Senate Resolution 89?

Senator Gruening, we would be pleased to hear from you.

STATEMENT OF HON. ERNEST GRUENING, A U.S. SENATOR FROM THE STATE OF ALASKA

Senator GRUENING. I merely wanted to come here to express my support of Senate Resolution 89. I think that the arguments Senator Pastore has presented are very sound. It seems to me this is as little controversial an amendment to existing procedure as we can think of. It doesn't alter anything profound. It merely means that we attend to the business in hand as it comes up, and not delay legislation scheduled for consideration.

I think, as Senator Pastore, the resolution's able sponsor, said, it is a step in the right direction. I personally would prefer to see 3 hours rather than 4 as the period when germaneness would be required. But, I think this is a very sound move. I think it is going to expedite the business of the Senate. It destroys in my view no rights or privileges that the Senate now enjoys. I hope the committee will act favorably.

Senator HAYDEN. Does anyone else want to testify with respect to Senate Resolution 89?

Senator Randolph?

STATEMENT OF HON. JENNINGS RANDOLPH, A U.S. SENATOR FROM THE STATE OF WEST VIRGINIA

Senator RANDOLPH. Mr. Chairman, since being in the Senate, I have said on numerous occasions that the rule of germaneness should have preference over changes in the rule of the Senate fixing the number of votes by Senators required to invoke cloture. It has been my belief that a requirement of germane discussion on the pending business, through uniform and consistent adherence to such a requirement by rule, would serve the interest of orderly and meaningful debate.

You will recall, gentlemen, on June 25, when we were to consider S. 1163, the area redevelopment bill, that a period of approximately 2½ hours ensued from the time the bill was laid down until we actually began to discuss the provisions of that important pending measure.

I do not wish to criticize the participants in that procedure. Our present rules allow for such a situation. I only call attention to what transpired on that occasion.

I ask unanimous consent to include in these remarks the comment made by our esteemed colleague, Senator Paul H. Douglas, at that time in reference to the matter.

Senator HAYDEN. That may be done.
(The remarks referred to are as follows:)

[From the Congressional Record, June 25, 1963]

SENATE RULES

Mr. Douglas obtained the floor.

Mr. DOUGLAS. Mr. President, before I yield briefly to the distinguished Senator from West Virginia, Mr. Randolph, I hope I may be pardoned for making an observation with respect to the proceedings of the Senate during the past 2½ hours. These proceedings furnish additional evidence of the need for a rule of germaneness to be applied to the debates.

At approximately 1 o'clock the distinguished majority leader had laid before the Senate the very important bill, S. 1163, which would amend certain provisions of the Area Redevelopment Act, and would provide authorization for an additional \$455½ million.

That action was followed almost immediately by recognition of the Senator from Nebraska, Mr. Curtis, to discuss the Cuban question. His colloquy * * * consumed approximately 2 hours. Such a procedure would not be tolerated in any other parliamentary bodies in the world, when a bill is laid before the body, discussion proceeds upon it. Amendments are considered and voted upon. Then there is a vote upon passage of the bill. * * * I do think that the experience we have had this afternoon furnished additional evidence supporting the need for adoption of the rule of germaneness.

Senator RANDOLPH. Mr. Chairman, I concur wholeheartedly in the resolution which is pending, Senate Resolution 89, by our very capable colleague, Senator Pastore, and joined in by the cosponsors. I am privileged to be in the category. It is my fervent hope that the Senate may proceed in an effective way with the transaction of its public business. I believe at the present time we are deficient in that regard.

In my campaigns in 1958 and 1960, it was my responsibility in addressing many West Virginia audiences to indicate my desire and determination insofar as possible, if I came to this body, to aid in the passage of some such proposal as is now before us. I believe there are imperative arguments for this rule of germaneness. The citizens of our country will be responsive to such a change in Senate rules.

I am grateful, Mr. Chairman, and gentlemen of the committee, for the opportunity to present in this brief way my genuine support of the pending resolution.

Senator HAYDEN. Thank you for your statement.

Senator Monroney?

STATEMENT OF HON. A. S. MIKE MONRONEY, A U.S. SENATOR FROM THE STATE OF OKLAHOMA

Senator MONRONEY. Mr. Chairman, members of the committee, I appear here for myself and also as the chairman of the ad hoc committee for the expeditious handling of Senate business, appointed by

the Democratic leadership. I want to support the resolution introduced by Senator Pastore and cosponsored by 31 other Senators, including me. I think this is one of the most important rule changes that could possibly be offered in any comprehensive reorganization program or as an individual change of the rules.

This proposal was studied. When Senator LaFollette and I held hearings on the Reorganization Act in 1945, almost all of the outside experts advocated such a change. It was advocated by the House Members, but, of course, it was not advocated very strongly by the Senate.

The House has had a rule of germaneness for nearly 100 years. It has worked well and has not been used as an instrument for the muzzling of Members of the House.

This rule in no way would limit the time that a Senator could speak. It would only require that his speech be germane to the business at hand.

As you well know, we constantly hear the question now as we did when we were taking up reorganization: Where are the Members of the Senate? Why are they not here attending to the Nation's business?

The plain simple reason they are not here is that they just don't want to listen to a lot of guff that is purely for home consumption. And it is their decision to stay and do the work they have in committees or in their legislative and departmental activities that keeps the absentee rate high on the floor.

When the business of the Senate is again being transacted, you see Members go to the floor, and the attendance becomes reasonably large.

But if the next speaker has a matter of purely local comment, then he also loses his crowd and a quorum call will be necessary, with an accompanying waste of time.

I don't think this rule of germaneness will affect filibusters, or rule XXII, so it doesn't get into that hotbed of controversy. In recent years, almost all filibusters have been strictly germane, probably more often germane than any other discussion on the floor of the Senate.

Therefore, I feel that the best way to expedite the business of the Senate would be to provide as in Senator Pastore's resolution that after the morning hour, 4 hours shall be devoted to the legislative program.

Now, this does not mean automatically that we will have to be germane after the morning hour ending at 2, for the next 4 hours to take care of the Senate's business.

Often there will be bills not requiring much discussion, and the majority leader will not necessarily need to move to make some other item a matter of business. He can permit the Members to discuss things for periods less than 4 hours.

Often the morning hour does not run the full 2 hours, and, therefore, you reach the order of business much earlier than the 2 o'clock hour.

I do think that you would be cutting it too close if you tried to limit the rule of germaneness to 2 or 3 hours, because that would leave only 1 hour or 1½ hours for each side, if you divide the time equally. You might take 2 or 3 days to consider a bill involving only minor disagreement.

For that reason, I believe we should establish the 4-hour period.

Although it may not be necessary to include specific language, I do feel that the rule should permit the waiving of the germaneness requirement, either through a unanimous consent request by the majority leader or by a majority vote without debate. There will be times when great crises come up in foreign affairs and other matters, and on such occasions some debate or discussion in the Senate is highly necessary. At such times we need not be forced to apply the rule of germaneness when the pending business may be a small agricultural bill or some matter in interstate transportation.

For these reasons, I feel that the recommendation of the ad hoc committee, and of those members who have joined Senator Pastore in this legislation, are quite important.

And I hope the committee will urge the Senate to give special consideration to this legislation.

I wonder if I might have the privilege of speaking briefly on Senate Resolution 111, introduced by Senator Church, as I have to go to another meeting.

Senator CANNON. Mr. Chairman, could I ask a question on this particular one now?

This language says, "At the conclusion of the morning hour or after the unfinished business or pending business has been laid before the Senate."

Now, I am curious about what is actually intended. We know that frequently some business is finished, and then another matter is made the pending business, perhaps late in the afternoon.

Is it contemplated that then for the next 4 hours after something else has been made the pending business, say at 5 o'clock in the afternoon, that this germane provision would apply?

Senator MONRONEY. No, I would not think so. I think we would naturally adjourn, and then start again on the following day.

And then, after the morning hour, the 4-hour rule would apply again.

Senator CANNON. In other words, this would apply only for the next 4 hours after the conclusion of the morning hour and the pending business had been laid down?

Senator MONRONEY. If business is not laid down, the Senate might have all of that afternoon to be nongermane. Often, especially early in the session, the leadership doesn't have business to lay before it.

Senator COOPER. It seems to me this would be a way to escape the real meaning of this rule.

Assume, for example, that after the morning hour a rather inconsequential bill should be laid down. That would be the unfinished business. And then it is passed in an hour, half an hour, 15 minutes. Then another matter would be laid down, which would be very important.

I would guess from what you say that the 4-hour rule would not apply to the second business laid down.

Senator MONRONEY. Yes. It would apply any time the majority leader lays business before the Senate, as I understand it. But in the times when he does not, then you would be free to be nongermane.

Senator COOPER. I believe that would have to be considered pretty thoroughly.

There could be an effort made to avoid this rule—I can see this as a method to avoid the real substance of this resolution.

Senator MONRONEY. Once the Senate becomes accustomed to the value of the rule of germaneness in expediting its business, and realizes it can discuss nongermane matters later in the day, I doubt that there will be much opposition, if any. We would be penalizing ourselves by insisting on a right that doesn't belong in the program of the Senate when we have important legislation.

Senator COOPER. I think this question might be resolved by fixing a time, say 4 hours after the conclusion of the morning hour, that debate must be germane.

This would take care of the situation where two or three matters were laid before the Senate.

Senator MONRONEY. I think you could take care of it more easily by just applying the rule as long as there is pending business. It would not be limited only to the first item of the day. In the House, as you well know, you ask unanimous consent of the House at the conclusion of the business on the Speaker's table that you may have permission to address the House for 1 or 2 or 3 hours if you wish.

This is the customary way.

Usually the Member gets the permission to address it 1 or 2 hours, reads the first two paragraphs of his speech, and then extends the rest of it in the Record, because no one but the shorthand reporters are sitting in the Chamber.

I feel that our present schedule revolves not around the legislative program, but around how many Members want to speak on matters not then currently the order of business of the Senate.

This custom creates a great deal of absenteeism.

I am not saying these speeches are all bad. Some of them are great discussions of foreign relations and other important matters. I think there are times when it would be in order for a Member to ask unanimous consent to address the Senate out of order for 30 minutes on something he feels very strongly about. If he has cleared it with the leadership, there would probably be no objection.

Senator COOPER. I should not be doing all the questioning. But again, I realize the importance of what you are saying. There are matters of such current importance that that would be in order.

But you know of the great courtesy which prevails in the Senate. And that matter by unanimous consent—if someone decides he has some great subject to discuss for 1 hour or half an hour out of order, we are so courteous that we would probably give him that right, and it might wreck this rule.

Senator MONRONEY. I would charge the leadership with enforcing it, because, after all, it is the leadership's legislative program that is being held up and frustrated by inconsequential discussion of purely local matters.

Senator COOPER. I am for the resolution itself.

Senator JORDAN. Mr. Chairman, may I ask a question?

Senator, you have given a lot of thought to this resolution.

If a piece of legislation is before the Senate, and it is not completed when they recess until the next day, would it automatically become the order of business after the morning hour the next day?

Senator MONRONEY. It remains the order of business.

Senator JORDAN. It would keep on day after day until it was completed? And you could not break in with anything under 4 hours?

Senator MONRONEY. During the 4 hours.

But you would have the 4 hours after the 2 hours for the morning hour. The morning hour would end by 1 or 2 o'clock, usually 2 o'clock. Four hours would take us up to 5 o'clock, the time that we usually adjourn. However, the Senate can stay in session as long as necessary for lengthy speeches or discussions of local matters. The working hours would be reserved for the business at hand, and on the following day consideration of the unfinished business would be resumed after the morning hour.

Senator HAYDEN. I believe you want to speak out of order with respect to Senate Resolution 111?

Senator MONRONEY. Yes, sir. It is on the committee agenda for today, I believe.

Senator HAYDEN. If there is no objection, you may do that.

Senator MONRONEY. Thank you, sir.

(The statement of Senator Monroney relative to S. Res. 111 appears at p. 25.)

Senator HAYDEN. Senator Allott?

STATEMENT OF HON. GORDON ALLOTT, A. U.S. SENATOR FROM THE STATE OF COLORADO

Senator ALLOTT. Mr. Chairman, members of the committee, I want to express my appreciation to Senator Clark. We do have a meeting of the Independent Offices Subcommittee going on, and I should be there.

I would like to speak very briefly, first of all, on Senate Resolution 89, by Mr. Pastore, which I was very pleased to join as a cosponsor.

I support it.

I think that no Member of the Senate can be unaware or unconcerned about the course that Congress is taking and has taken increasingly for the last few years.

In 1955 we adjourned on August 2; in 1956, July 27; in 1957, August 30; in 1958, August 24; in 1959, September 15; in 1960, September 1; in 1961, September 27; and in 1962, on October 13.

Undoubtedly the greatest amount of difficulty with respect to the continuing sessions is the inability or the unwillingness, I should say, of some Members to push, and perhaps more in the other House than here—the business through to conclusion.

For example, with respect to the committee meeting at which I should be in attendance at the moment, on the independent offices appropriation bill, which is a bill amounting to some \$12 billion, was not reported to the Senate last year until July 27. We received it during the first week in August, and reported it August 27, and it passed the Senate a little later in September and was subject to two conferences.

I don't believe we can do anything about the people who do not have the will to get on with the business of the Congress as a whole.

I do hope Senate Resolution 89 has an opportunity of hurrying along the processes of the Senate. I would hope it would have several good effects—among them, that we would, of course, get away from extraneous matters while we are considering legislation.

And, second, I would hope that it would be possible sometime for a Senator to get enough Senators on the floor that he could actually

speak to them with a hope, perhaps, of informing them on a very intricate matter. The way we now operate it is sometimes as impossible for the Senators to get to the floor as it is impossible for a Senator to get them to the floor and have the opportunity to instruct them on particularly technical or intricate matters.

And I am thinking of matters like tax bills and scientific matters, which are not within the province of most of us.

I would hope, therefore, Mr. Chairman, and I would even be willing to compromise my own personal point of view to this extent—that we could consider this bill favorably even upon the basis of a year's trial, to see how it actually works.

And if we found, then, that it did work successfully, we could continue it.

I, therefore, support this measure. I hope the committee will see fit to report it out, and that perhaps we can adopt it.

Now, if I could, out of order, I should like to make a remark about Senate Resolution 111, which the distinguished Senator from Oklahoma just mentioned.

Senator HAYDEN. Without objection, you may proceed.

(The statement of Senator Allott relative to S. Res. 111 appears at p. 27.)

Senator HAYDEN. Senator Clark.

STATEMENT OF HON. JOSEPH S. CLARK, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator CLARK. Mr. Chairman, addressing myself to Senator Pastore's Resolution No. 89, I should like to agree with what he said—that this resolution would be a useful step forward, and would be very much better than no resolution at all.

I think he referred with a good deal of pertinency to what happened on the floor the day before yesterday, where, after the area redevelopment bill was laid down and made the pending business, we had a dissertation on the foreign policy of the United States with respect to Cuba by four or five Senators which went on for well over an hour and a half, after which we had a dissertation on the foreign aid bill, which went on for the better part of half an hour.

And I believe that this is disruptive to the orderly conduct of Senate business.

In that instance, I think it delayed action on the bill for 24 hours.

I think all Senators are aware that this is more the rule than the exception.

And, as the distinguished chairman pointed out when the Senator from Alaska was on the stand, he had an occasion not long ago when on an appropriation bill the same thing happened—a speech was made on something else.

I think we ought to recall that in the early days of the Senate there was a rule of germaneness, and that if we were to reinstate one now, we would be merely following Thomas Jefferson, whose manual, which is printed as part of the Senate Manual, states on this matter—

No one is to speak impertinently or beside the question, superfluously, or tediously.

Now, I think we could all be——

Senator CANNON. How are you going to legislate against that?

Senator CLARK. That is the part where I would not follow the distinguished early statesman. I think it is going too far.

I am very conservative on this. I think we have to allow Senators to speak superfluously and tediously. This is part of our constitutional right. And perhaps, every now and then, impertinently, within the limitations of rule XIX, section 2.

But I do think we could go back to Thomas Jefferson at least to the extent of saying that a Member should not be permitted to speak beside the question except under pretty carefully laid down restrictions.

And I would ask, Mr. Chairman, that the precedents supplied by the Parliamentarian to my Senate Resolution 13, which are inserted in the record of the hearings before this subcommittee held almost 2 years ago—almost exactly 2 years ago—might be printed in this record, which includes a statement prepared for me by the Legislative Reference Service of the rules of germaneness of the several States, and also of the rule in Great Britain, from which it will appear that the Senate of the United States is almost, if not the only, legislative body in the civilized world which does not have a rule of germaneness.

Senator HAYDEN. Without objection, they will be included in the record of this hearing.

(The precedents referred to above may be found as exhibit 1 in the appendix, at p. 99; and the compilation of rules as exhibit 2, at p. 103.)

Senator CLARK. Now, I would like to urge the committee, in connection with its consideration of Senate Resolution 89, to consider whether my pending Resolution 33 is not a more flexible and more desirable manner of handling this problem.

(The text of S. Res. 33 is as follows:)

88TH CONGRESS,
1ST SESSION

S. RES. 33

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 1963

Mr. CLARK submitted the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

Resolved, That rule XIX be amended by adding at the end thereof the following new subsection:

"8. During the consideration of any measure, motion or other matter, any Senator may move that all further debate under the order for pending business shall be germane to the subject matter before the Senate. If such motion, which shall be nondebatable, is approved by the Senate, all further debate under the said order shall be germane to the subject matter before the Senate, and all questions of germaneness under this rule, when raised, including appeals, shall be decided by the Senate without debate."

Senator CLARK. Resolution 33 provides that "During the consideration of any measure, any Senator may move that all further debate under the order for the pending business shall be germane to the subject matter" and that motion, if questioned, would be put to a nondebatable vote, and thereafter the rule of germaneness would apply,

except by unanimous consent to the contrary, until the pending business were disposed of.

I suggest when we get into this business of trying to fix a period of time, 3, 4, 5 hours, tying it onto the end of the morning hour, that we get ourselves into a situation of inflexibility which is not desirable.

If my rule were to be adopted, as I see it, the procedure would be something like this:

There would be no rule of germaneness at all, unless and until the floor manager of the bill or the majority leader were to move to invoke the rule of germaneness. It would then be invoked unless a majority of the Senate on vote and without debate decided they didn't want to do it, which, I think, would practically never happen.

The rule of germaneness would then continue until the matter was disposed of, and then the rule of germaneness would go out of effect.

So that when the leadership, or the floor manager of the bill, was of the view that a bill should be pressed expeditiously to a conclusion, he would invoke the rule of germaneness which would apply while that bill was pending, and then would go out of existence until another occasion arose when the floor manager of the bill, or the majority leader, thought it desirable to do so.

Of course, at any time this rule of germaneness could be lifted by unanimous consent.

And I am sure frequently it would be lifted as a courtesy to a Senator by unanimous consent, when a particular occasion justifying it were given.

But you would not have this business of, well, should we make it 3 or 4 or 5 hours?

What happens if the pending business is laid down late in the afternoon, but there is a drive to get the bill through with a night session?

And I would suggest that mine is a more realistic and useful manner of handling the germaneness issue.

I say, again, in conclusion, as I said in the beginning, that if the subcommittee still thinks that the—to my way of thinking, the somewhat clumsy procedures of the Pastore resolution is preferable; this is certainly a whole lot better than what we have now.

Now, Mr. Chairman, I am quite willing to speak, also, on the Church and Pell resolutions. But I am fortunate in having time. So I will be glad to stand aside and come back again.

Of course I would be only too happy to answer any questions.

STATEMENT OF HON. GAYLORD NELSON, A U.S. SENATOR FROM THE STATE OF WISCONSIN

Senator NELSON. Mr. Chairman, members of the committee, I come here with the least background in the history and traditions of the Senate, and the least seniority of anybody in the Senate. Since I have not been here very long I am not able to direct my remarks to the traditions and practices and history of the Senate.

But everybody in politics has had some experience somewhere, and in the Senate, among its hundred Members, there is a tremendous variety of kinds of experiences—in legislatures, Governor's offices, the U.S. Senate, the House, and elsewhere.

And all of us are either victims or beneficiaries of our experience.

I come to speak on the germaneness question in Senate Resolution 89 because I do have a strong conviction on it, based upon my experience in a legislative body that did have a rule of germaneness. I thought that possibly my viewpoint, based upon that experience, might be of some modest value.

I spent 10 years in the State Senate of Wisconsin, which has had a rule of germaneness since it became a State in 1848—and a much stricter rule of germaneness than proposed here. In fact, no speech could ever be made on the floor of the Wisconsin Senate that was not germane. There is no morning hour and no afternoon hour, but a senator can speak on a point of personal privilege about some matter that affects him.

A Wisconsin State senator could, on occasion, get unanimous consent to speak on some matter of great consequence.

But in 10 years I think I never saw that more than once or twice.

We had a rule of germaneness. It was very strict. It expedited the business of that senate.

The interesting thing about the rule was that it resulted in having the membership present in most debates in the senate. Out of 33 members, about 27 of the members were usually sitting in their seats while debate was on.

I think the important thing of a rule of germaneness, as suggested by the previous speakers, is that then the activity of the legislative body revolves around the business before it, the legislative program, rather than around the individual whim of some senator who wishes to speak on some other matter that he considers important.

It has often been said that the Senate is the greatest deliberative body in the world, and, in fact, it might once have been. But, it is not a deliberative body any more because, among other reasons, you cannot hear debate on the floor. I have conscientiously attempted to listen to the debates and have sometimes moved within 3 or 4 feet to hear what the speaker had to say. I sat in the chair yesterday and attempted to hear the discussions between Senator Douglas, Senator Scott, and others who had amendments to the ARA bill. I could not hear them although sitting in the chair.

The consequence of such circumstances is that everybody leaves.

I think the rule of germaneness suggested here is a very, very conservative proposal. I actually think that it would be of great benefit to the Senate if we went beyond that and provided that nobody could leave his seat to go to speak to another member while debate is on—that if he wishes to speak to another member he ought to leave the chamber. The present situation is discourteous to the speaker.

I lived for 10 years under a rule, such as I am suggesting, in our State senate—a rule that provided that you could not walk in front of the speaker while he was speaking, that you could not carry on a discussion on the floor with any other member.

You could send a page or go over and ask a member to step outside.

The result was that everybody who was present had a chance to listen and to participate, and this encouraged attendance.

I think it is a great shame that with the talents there are here, and with the knowledge and information that Members bring from their committees, they are never heard.

As Senator Allott suggested, he would like to see the time when a speaker could get up and persuade the Senate.

The fact is the debate goes on for hours, the rollcall starts and the Members walk in, stop by their floor leader to find out how they should vote, and frequently do not bother even to inquire what an amendment is about.

So all the efforts that are put into very carefully prepared remarks which might very well persuade the Senate, if the Members of the Senate were present, are never heard.

So I think that this rule of germaneness is a step in the right direction, and I agree with the Senator from Pennsylvania that it ought to go beyond that.

In fact, I think that if we were on the business of the Senate and the 4 hours expired, the leadership should be able to automatically continue into the fifth or sixth hour until we finish the business of the Senate. I can think of no individual's business that is more important than completing the pending business of legislation.

I think it would be a very helpful step to adopt a rule of germaneness.

Thank you.

Senator HAYDEN. Thank you for your statement.

Senator MOSS?

STATEMENT OF HON. FRANK E. MOSS, A U.S. SENATOR FROM THE STATE OF UTAH

Senator Moss. Mr. Chairman, and members of the subcommittee, I commend the chairman for calling these hearings. I consider the resolution introduced by the distinguished Senator from Rhode Island, Mr. Pastore, to amend rule VIII of the Standing Rules of the Senate as one of the essential pieces of business before the Senate.

There can be no one in the body who is not aware of the fact that some of the Senate machinery is anachronistic, and that we waste our own time and are often kept on the floor voting on a measure far into the evening because of it. We will be unwise indeed if we do not unfetter ourselves so we can get on with dispatch and effectiveness with the job we have been sent here to do.

Clearly our responsibility in the Senate is to consider carefully the important legislative proposals which come before us. It is a rare occasion when we can do so with any continuity. For example, on Tuesday of this week, June 25, the discussion of S. 1163, to amend the Area Redevelopment Act, was interrupted by a 2-hour discourse on the Cuban policy, then by comments on the test ban negotiations, and by a report on local affairs in one of our States. It was hours before the consideration of the bill was resumed.

I do not mean to imply that the discussion of the Cuban policy was not without merit, nor that the other matters brought up were not of importance. But how much more productive it would have been if the legislative matter could have been pursued with undivided attention for 4 hours, and then the other matters discussed at whatever length a Member wished after that time. Such a procedure would set schedules for all of us, and save time.

We had a similar situation on Monday, June 24. The Senate was then considering H.R. 6755, the bill to extend existing corporate normal tax rates and certain excise taxes. Discussion of the bill was interrupted a number of times to call attention to newspaper comments on President Kennedy's civil rights proposals, and to talk about

several other unrelated matters. These statements, while germane to business which may come before the Senate later, were not germane to the bill under discussion, and should more appropriately have been brought up during the morning hour or after consideration of the pending legislation.

Admittedly, the matters before us are very diverse. Many of them are in relatively new fields. There is everything to be gained in discussing them, and discussing them fully, before they are considered, at the time they come up in bill form, and afterward if there is more to be said. But we need a more orderly procedure, both to save time and work more effectively, and I feel that the resolution offered by the Senator from Rhode Island is a first step in this direction.

Adoption of Senate Resolution 89 would constitute no danger to the traditional freedom of debate or even to personal privilege. It would serve only to prevent unrelated topics from impeding the Senate's work.

I trust that the committee will report it so it can be considered by the full body on the floor.

In the very brief time I have been present and heard the testimony of other Senators, I would say that I concur with the general sentiment that seems to be abroad that now is the time when we must do something about this question of germaneness.

Thank you, Mr. Chairman.

Senator HAYDEN. Thank you for your statement.

There will be included in the record with respect to Senate Resolution 89 a statement of Senator McGee, with respect to Senate Resolutions 89 and 111 a statement by Senator Church, and with respect to Senate Resolution 89 a statement from Senator Saltonstall.

(The written statements referred to above from Senators McGee, Church, and Saltonstall, and those subsequently received by the subcommittee from Senators Anderson, Engle, Hart, Humphrey, Kuchel, Metcalf, and Muskie, are as follows:)

STATEMENT OF HON. CLINTON P. ANDERSON, A U.S. SENATOR FROM THE STATE OF NEW MEXICO

JUNE 27, 1963.

HON. B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in regard to Senate Resolution 89, to amend rule VIII requiring a period of germaneness while unfinished business is pending before the Senate.

I joined Senator Pastore and others in sponsoring this amendment to rule VIII, however, I was unable to be present at the hearing this morning to lend my support. This letter is to let you know that my interest is continuous in this matter and that I support the resolution. I hope that your committee will be able to act on it at an early date. It would be appreciated if this letter could be made a part of the record.

Sincerely yours,

CLINTON P. ANDERSON.

STATEMENT OF HON. FRANK CHURCH, A U.S. SENATOR FROM THE STATE OF IDAHO

MAY 29, 1963.

HON. CARL HAYDEN,
*Chairman, Subcommittee on Standing Rules,
Committee on Rules and Administration,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Due to prior commitments, I will not be able to attend the hearings you have scheduled for Senate Resolution 89 and Senate Resolution 111, on Friday, May 31. I have enclosed herewith a copy of the statement I prepared to present to the subcommittee, and I would appreciate it if you would have it included in the hearing record.

Sincerely,

FRANK CHURCH.

STATEMENT TO SENATE RULES COMMITTEE, ON SENATE RESOLUTION 89 AND
SENATE RESOLUTION 111

Mr. Chairman, I appreciate the opportunity you have extended me to submit this statement to the committee today in behalf of two resolutions which would amend the Standing Rules of the Senate. As you know, on January 9 of this year, our distinguished majority leader, as chairman of the Senate Democratic conference, appointed an ad hoc committee of the conference to consider and recommend ways in which the business of the Senate may be expedited. This ad hoc committee has recommended the earliest possible consideration of both of these resolutions.

Senate Resolution 111, which I introduced for myself and Senators Monroney, Anderson, McGee, and Pastore, would amend rule XXV of the Standing Rules of the Senate so as to render inapplicable to the Senate that provision of the Legislative Reorganization Act of 1946 which provides that no standing committee of the Senate shall sit, without special leave, while the Senate is in session. In lieu of this provision, it would require special leave of the Senate only in those instances when a standing committee desires to sit after the conclusion of the morning hour, or after the Senate has proceeded to the consideration of unfinished business. The intent of the proposed amendment is to free the time normally devoted to the morning hour for the work of the standing committees, in order to expedite the business of the Senate.

Senate Resolution 89, introduced by Senator Pastore and others, is the other resolution which I hope will receive favorable consideration. This would amend rule VIII of the Standing Rules of the Senate so as to provide that, at the conclusion of the morning hour, or after the unfinished business or pending business has been laid before the Senate, and until after a duration of 4 hours, except as determined to the contrary by unanimous consent or on motion without debate, all debate, motions (but not including amendments offered to the bill or resolution under consideration when reasonably related thereto), and appeals shall be germane. The sole purpose of this resolution is to adopt a modified rule of germaneness of debate, so as to assure a more expeditious handling of the business of the Senate.

These two resolutions have been drafted in such a way, Mr. Chairman, as to operate jointly to provide more efficient functioning of the Senate. The Senators are aware of the nature of the morning hour as it has developed in the Senate, and of the rules governing it. While it serves a useful function, I think it is self-evident that it is not a function which requires the attendance of Senators who do not have morning business to pursue, so long as no legislative business is taken up. Accordingly, we who sponsor Senate Resolution 111 believe that whatever considerations might justify a conditional prohibition against allowing committees to sit while legislative business is being transacted on the floor of the Senate, have no application to the morning hour, and should be removed.

In like manner, a requirement that for 4 hours after the conclusion of the morning hour, all discussion on the floor of the Senate must be germane, would probably result in a larger attendance on the floor during this period of time and would go far to expedite the handling of Senate business.

The benefits to be obtained by these modifications of the rules are great, Mr. Chairman. The time available for committee work would be significantly increased. The flow of work to the Senate Calendar would be speeded, the time of Senators and witnesses devoted to committee work would be more effectively utilized, and the remaining provisions of the rules designed to encourage the at-

tendance of Senators in the Senate while its substantive work is underway would be emphasized, both by removing the extraneous and bothersome restriction on committee meetings (S. Res. 111) and by requiring germaneness of debate under certain conditions (S. Res. 89).

I know the committee will give each of these resolutions its careful consideration, Mr. Chairman. I respectfully urge committee approval for both of them.

STATEMENT OF HON. CLAIR ENGLE, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

JUNE 27, 1963.

HON. CARL HAYDEN,
Chairman, Subcommittee on Standing Rules of the Senate, Rules and Administration Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to urge the committee to give favorable consideration to Senate Resolution 89, of which I am a cosponsor.

Senate Resolution 89 proposes that rule VIII of the Standing Rules of the Senate be amended to require a period of germaneness while unfinished business is pending before the Senate.

Senate Resolution 89 puts its finger on a major weakness in the procedures of the Senate.

The proposed change would in no way limit the freedom of debate in the Senate. It has but one purpose—to expedite the business of the Senate by getting it to stick to the issue for a certain number of hours.

We are all familiar with what happens in the Senate under rule VIII as it now reads. Senators come to the floor after conclusion of the morning hour with the expressed purpose of discussing the unfinished business—only to be forestalled by speeches and material that are not germane to the pending business. This situation has done more than anything else to keep Senators off the floor.

The proposal in Senate Resolution 89 has been carefully studied by the ad hoc committee appointed by the leadership. It was the unanimous recommendation of that committee that this proposal would be the most effective way of reaching the adjournment date of July 31 specified by the Legislative Reorganization Act.

I believe that Senate Resolution 89 should receive the first priority in our efforts to make a more effective and productive body of the U.S. Senate.

Sincerely yours,

CLAIR ENGLE,
U.S. Senator.

STATEMENT OF HON. PHILIP A. HART, A U.S. SENATOR FROM THE STATE OF MICHIGAN

JUNE 27, 1963.

HON. B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you may know, I am one of 30 Senators who have joined with Senator Pastore in sponsoring Senate Resolution 89, to amend rule VIII to require a 4-hour period of germaneness following the morning hour when unfinished business is pending before the Senate.

Certainly one of the greatest challenges the Congress, as an institution, faces today is its increasing workload. This challenge is manifested not only in lengthening sessions, but also in the increasing difficulty a Member faces in giving his undistracted attention to each of the many important issues upon which he is called to decide.

It is my feeling that the amended germaneness rule, as proposed in Senate Resolution 89, would go a long way toward meeting this challenge, and it would be my hope that your committee would act favorably on this resolution.

With every best wish,

Sincerely,

PHILIP A. HART.

STATEMENT OF HON. HUBERT H. HUMPHREY, A U.S. SENATOR FROM THE STATE OF MINNESOTA

JUNE 28, 1963.

HON. EVERETT JORDAN,
*Chairman, Committee on Rules and Administration,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is in support of Senate Resolution 89, as introduced by Senator Pastore, to amend rule VIII requiring a period of germaneness while unfinished business is pending before the Senate.

I believe this rule, in operation, would be of great assistance in enabling the Senate to expedite the principal pieces of legislation without, in any way, sacrificing the tradition of full and free debate.

I believe the adoption of this rule would have profound effect on the ability of the Senate to meet its responsibilities in a more effective and efficient fashion.

Sincerely yours,

HUBERT H. HUMPHREY.

STATEMENT OF HON. THOMAS H. KUCHEL, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

JUNE 27, 1963.

HON. CARL HAYDEN,
Chairman, Subcommittee on the Standing Rules of the Senate, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am delighted that your committee has scheduled a hearing on Senate Resolution 89 which would amend rule VIII and require a period of germaneness while unfinished business is pending before the Senate.

I was happy to join with Senator Pastore and our colleagues in both parties in supporting this proposed change. There can be no question, with the great amount of business which is now before the Senate, that there is a real and pressing need to adopt this very simple and wise suggestion: That at the conclusion of the morning hour or after the unfinished business or pending business has been laid before the Senate that all debate, motions, and appeals shall be germane, unless determined to the contrary by unanimous consent.

As we all know, only too often have many of us been on the floor to discuss the pending business when it has been sidetracked to permit the introduction of what is more properly morning hour business so that a Senator could make his record for his constituents on some subject which was of great interest to him but was not under discussion as the pending business.

The adoption of this rule change would in no way infringe on the freedom of debate in the Senate in the sense that Senators would be free to speak their piece both before and after the specified period when the pending business was under discussion.

I believe that the adoption of this proposal would be extremely helpful in expediting the work of the Senate and I would urge you and your colleagues to give this suggestion your favorable endorsement.

Sincerely yours,

THOMAS H. KUCHEL.

STATEMENT OF HON. GALE W. MCGEE, A U.S. SENATOR FROM THE STATE OF WYOMING

JUNE 27, 1963.

HON. B. EVERETT JORDAN,
*Chairman, Senate Committee on Rules,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Because of other committee commitments, I am unable to attend your session this morning, but I should like to urge you and the members of the Rules Committee to approve Senate Resolution 89 calling for a period of germaneness of debate following the meeting of the Senate. From my observations it appears to me that the business of the Senate could be handled in a much more expeditious manner if this practice were followed, and then those Senators who had extraneous remarks could deliver them following the conclusion of debate on the Senate business.

Sincerely yours,

GALE W. MCGEE, U.S. Senator.

STATEMENT OF HON. LEE METCALF, A U.S. SENATOR FROM THE STATE OF MONTANA

JUNE 27, 1963.

Senator B. EVERETT JORDAN,
*Chairman, Senate Committee on Rules and Administration, Senate Office Building,
Washington, D.C.*

DEAR SENATOR JORDAN: I will appreciate it if the statement, which accompanies this letter, can be included in the record of the hearing on a rule of germaneness in connection with Senate Resolution 89.

Very truly yours,

LEE METCALF.

STATEMENT OF SENATOR LEE METCALF IN BEHALF OF SENATE RESOLUTION 89,
TO THE RULES COMMITTEE OF THE SENATE ON JUNE 27, 1963

Mr. Chairman, hardly a day goes by that we do not have fresh evidence of the need for a rule of germaneness in this body.

The present procedure of allowing Senators to interrupt consideration of major bills to make speeches or participate in colloquies on irrelevant subjects is inexcusable. A parliamentary body with the complex questions before it that confront the Senate cannot continue to tolerate a practice which is an imposition on other Senators and the logical flow of their deliberations. We need to have a part of each legislative day set aside for uninterrupted consideration of unfinished business. In such a period, bills could be laid before the Senate, discussed, amended, and voted upon in an orderly manner. Then the floor would be opened for discussion of general topics.

The establishment of such a procedure is the intention of a resolution offered by the distinguished Senator from Rhode Island (Mr. Pastore) and cosponsored by myself and 30 other Senators. Senate Resolution 89 would amend rule VIII to require a period of germaneness while unfinished business is pending before the Senate. I believe this measure deserves wholehearted support.

STATEMENT OF HON. EDMUND S. MUSKIE, A U.S. SENATOR FROM THE STATE
OF MAINE

JULY 11, 1963.

HON. B. EVERETT JORDAN,
*Chairman, Committee on Rules and Administration,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: As a cosponsor of Senate Resolution 89 to amend rule VIII so that a period of germaneness apply during the time unfinished business is before the Senate, I would like to take this opportunity to urge the committee to take prompt and favorable action on this measure.

The system of debate under which we now operate has serious flaws. Senators who strongly favor or oppose certain bills often must waste considerable time before expounding their views on the floor. Others who would give of their time to hear arguments on both sides and to participate in debate themselves are reluctant to do so because of the number of hours which are, in effect, wasted while Senators discuss unrelated subjects not at all germane to the subject at hand.

Senator Pastore's resolution calls for a modified rule of germaneness. According to its provisions, Senators are not deprived of the free and unrestricted debate that they now enjoy. For 4 hours, however, debate before the Senate shall be germane in an effort to marshal important legislation to a relatively rapid and yet well-studied conclusion. The necessity of this formula is dictated by the complex times in which we live.

Members of the Senate now represent larger constituencies than ever before. Their time must be divided among diverse obligations. It is for this reason that one often finds the floor of the Senate nearly empty. A rule of germaneness would encourage increased attendance and allow for more effective administration of Senate business.

I urge favorable consideration of Senate Resolution 89 by the Rules Committee. The forum for debate, long a respected tradition of the Senate, would continue. At the same time, important legislation would be treated in a deliberate and effective manner with the benefit of increased attendance on the floor.

Sincerely,

EDMUND S. MUSKIE,
U.S. Senator.

STATEMENT OF HON. LEVERETT SALTONSTALL, A U.S. SENATOR FROM THE
STATE OF MASSACHUSETTS

JUNE 26, 1963.

HON. B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration,
U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: Tomorrow morning, June 27, you will hear testimony in support of Senate Resolution 89 to amend Senate Rule 8.

The problem of germaneness is a difficult one, but I have joined with other Senators in sponsoring this resolve because I believe we should do all we can to accelerate the work of the Senate so that the responsibility of Congress and the respect in which it is held by our citizens is carried forward in these difficult times.

As speaker of the house in Massachusetts for 8 years, I passed many times on what is germane to the question under discussion. My decision was seldom appealed. Here in the U.S. Senate when we have a unanimous-consent agreement to limit debate, the question of germaneness is seldom doubted. So I think this resolution has in it the foundation for a discussion and possible amendment to our rules that will be helpful to our activities.

Sincerely,

LEVERETT SALTONSTALL, *U.S. Senator.*

STATEMENT OF HON. LAWRENCE H. BURTON, U. S. SENATOR FROM THE

STATE OF OHIO

MADE AT THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

HEARING ON THE SENATE HEARING ON THE

COMMITTEE ON LABOR AND PENSION

SENATE RESOLUTION 111

Senator HAYDEN. The next item on the agenda is Senate Resolution 111, by Senators Church, Monroney, Anderson, McGee, and Pastore, which relates to committees sitting while the Senate is in session. Due to prior commitments Senator Church is unable to attend this hearing. His written statement on Senate Resolution 89 and Senate Resolution 111, however, has been received and made part of the record (see p. 19).

(The text of S. Res. 111 is as follows:)

88TH CONGRESS
1ST SESSION

S. RES. 111

IN THE SENATE OF THE UNITED STATES

MARCH 14, 1963

MR. CHURCH (for himself, Mr. MONRONEY, Mr. ANDERSON, Mr. MCGEE, and Mr. PASTORE) submitted the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

Resolved, That Rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"5. No standing committee shall sit without special leave while the Senate is in session after (1) the conclusion of the morning hour, or (2) the Senate has proceeded to the consideration of unfinished business, whichever is earlier."

SEC. 2. Section 134(c) of the Legislative Reorganization Act of 1946 shall not be applicable to standing committees of the Senate.

STATEMENT OF HON. A. S. MIKE MONRONEY, A U.S. SENATOR FROM THE STATE OF OKLAHOMA

Senator HAYDEN. Senator Monroney, you may proceed.

Senator MONRONEY. Thank you, sir.

This is a resolution introduced by Senator Church, Senator Anderson, Senator McGee, Senator Pastore, and me. We believe it is a good compromise with the Clark resolution, which would repeal the prohibition against committees sitting while the Senate is in session. Senate Resolution 111 provides merely that the committees can sit without anyone objecting as long as the morning hour is continuing on the Senate floor.

Obviously, the morning hour is for discussion of extraneous subjects not necessarily related to the pending legislative program. The committees are hastening to finish up their work. We feel that they should have the privilege of going over at least until the morning hour has been completed. This privilege would let them finish up with out-of-town witnesses, or perhaps conclude the hearings and avoid having to continue another day.

I think it offers a solution between our present arrangement and Senator Clark's proposal.

In the Reorganization Act, we did not intend absolutely to prohibit the committees from sitting during Senate sessions except with unanimous consent only. We meant that they should not sit during the Senate sessions without special leave.

This leave could even be a majority vote without debate or it could be permission of the majority and minority leaders.

I think it is wrong to let one Member stop the proceedings of the committee when there is no real reason for the Member to be on the floor. Certainly there is no necessity for them to be on the floor during the morning hour. If the Senate would modify the rule to that extent, I think you would find that we would expedite our committee business, which often holds up the business on the floor by delaying the reporting of the bills.

This resolution offered by Senator Church received the unanimous support of the ad hoc committee appointed by the leadership.

I would like to urge the adoption of this resolution, or if the committee thinks it advisable, a modification of Senator Clark's resolution that would make it at least somewhat easier for the Senate committees to complete their business without being required to obtain unanimous consent for their meetings when the Senate is in session.

Senator HAYDEN. Well, should a quorum call be necessary when the morning business has concluded prior to the end of the morning hour, and by unanimous consent the unfinished business laid before the Senate, in order that members of the committee will have the information?

How are you going to pass the word to them?

Senator MONRONEY. I think a quorum call nearly always occurs at the end of the morning hour.

If it does not, it should occur.

But this is merely a detail. I don't think you need to write it into a rule.

At the end of the morning hour if the question is not raised, the committees will continue to sit even later.

Senator HAYDEN. Is the phrase "whichever is earlier" necessary due to the fact that the morning business is automatically concluded before the unfinished business is laid before the Senate under the rule?

Senator CANNON. Sometimes we go right on to the unfinished business without having any morning hour at all.

Senator MONRONEY. This amendment of the rule would make it possible, after the morning hour ends, to raise an objection to the committees sitting.

Any member of the committee could make an objection or notify the committee that the morning hour had begun, and the committee would be subject to a point of order at its close.

Senator HAYDEN. I see.

Senator MONRONEY. Thank you very much, Mr. Chairman, for letting me discuss this resolution, also.

As I understand it, the resolutions on the reorganization study will be up for tomorrow.

Senator HAYDEN. Yes.

Senator MONRONEY. Thank you.

**STATEMENT OF HON. GORDON ALLOTT, A U.S. SENATOR FROM
THE STATE OF COLORADO**

Senator HAYDEN. Senator Allott, you may proceed.

Senator ALLOTT. Thank you sir.

I am very much opposed to Senate resolution 111. I am sure that if the Senator from Oklahoma sat in the situation in which members of the minority sit, where they are outnumbered 2 to 1 by the majority on every committee, and 2 to 1 on the floor, and where, if we attempt to do our work as we should do it, we have to cover twice the ground and twice the territory that the Members of the majority do, that he would not want to be placed in a position where he could not have access to the Senate. Especially, if we adopt Senate resolution 89, and make the germaneness rule applicable for 4 hours—he would not want to be denied—and no one else would I think—access to the floor of the Senate.

Actually, in the time I have been in the Senate, I have found occasion—on very rare occasions—to exercise the rule with respect to the preclusion of committees meeting while the Senate is in session.

I am sure that many on both sides of the aisle have gone to a great deal of personal inconvenience in order that the committee could sit while the Senate was in session.

And I do not feel that this particular resolution will aid the situation.

Rather, I think particularly it puts the Members of the minority, no matter which party it is, in a hopeless situation and one which would be unbearable insofar as having access to the floor is concerned.

It would be my hope that the committee would not, therefore, consider it favorably.

Senator COOPER. May I ask—were you addressing your remarks to Senate Resolution 111?

Senator ALLOTT. Yes.

Senator CANNON. I don't quite understand that.

Why do you say that would affect the Members of the minority?

As I understand it now, this would make it so that the committees could not sit without special leave after the morning hour was concluded, or after the Senate proceeded to consideration of unfinished business.

Senator ALLOTT. At the present time, the committees cannot sit while the Senate is in session without consent. And I think this is a wise and good rule. I feel, Senator, that the adoption of Senate Resolution 111, where very often there is only one Member of the minority who can be in attendance at a committee, it would preclude him from having access to the floor during the morning hour.

I know I have a very difficult time getting access to the floor during the morning hour, even under the present rules.

Now, I do have a choice. I can at the stroke of 12 notify the minority leader and say "No meetings." This is something that I have never done, and would never do, except in a matter of very grave consequence. As it is, I can sit, day after day, in committee meeting until 1 o'clock, and usually do.

However, I would not want to be precluded from having the floor during the morning hour if this were deemed necessary or advisable.

It does place a dreadful burden on the minority particularly, when the numbers are so disadvantageous as they are at the present time.

Senator COOPER. May I ask a question on that?

I am quite interested in your remarks, because in listening to Senator Monroney, it seemed to me that Senate Resolution 111 has a good deal of merit. Assume that a committee begins at 10 and for 2 hours there is a discussion of the business before it, which is never completed, and there are department witnesses and witnesses from out of town.

This resolution would give the committee the opportunity to work for another hour.

Would you not consider that to expedite the committee work might be more important than the opportunity for a Member to be over on the Senate floor during the morning hour?

Senator ALLOTT. I will say this: I think there are times when the presence of the Senator on the floor would be more important than the temporary continuance of the work. And I have never in my experience here—over once or twice—seen a Senator invoke the rule with respect to the meetings of a committee, except where it was a matter of vital concern that he be on the floor.

And this limits him even further.

Senator COOPER. I can see good arguments against the proposition to waive the present rule prohibiting committees from meeting while the Senate is in session, particularly if you adopt the rule of germaneness, because I think you may have a situation where you would have part of the Senate in committees and part on the floor. This would perpetuate the same kind of problem we have today—no real discussion on the floor, and no real discussion in the committee.

But I can see this would be a kind of compromise which could expedite the work of the committee.

Senator ALLOTT. If you could demonstrate to me that the work of the committees is actually being held up vitally by the exercise of the rule, and that this would help the work of the committees, I might change my mind.

But I think, also, we have to think in respect to the availability to the floor to the Senators involved.

Thank you, Mr. Chairman and members of the subcommittee.

STATEMENT OF HON. JOSEPH S. CLARK, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator HAYDEN. Senator Clark, you may proceed.

Senator CLARK. I would like to say just a word about Senate Resolution 111, proposed by Senator Church and several cosponsors which would mildly modify the present procedure with respect to committees sitting while the Senate is in session.

And I say, as I said with respect to Senator Pastore's resolution, that this proposal of Senator Church, I think, would be an improvement on our present situation. But I would hope that the subcommittee would be willing to go further. And I call attention to my Senate Resolution 32 which would remove the restriction placed on committees sitting while the Senate is in session, which was first imposed by the Reorganization Act of 1946.

(The text of Senate Resolution 32 is as follows:)

88TH CONGRESS
1ST SESSION

S. Res. 32

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 1963

Mr. CLARK submitted the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

Resolved, That section 134(c) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190b(b)), is amended to read as follows:

"(b) No standing committee of the House, except the Committee on Rules, shall sit, without special leave, while the House is in session."

Senator CLARK. For over 150 years, from the foundation of the Republic until 1946, committees could sit while the Senate was in session whenever they wanted to.

This drastic change in the conservative and well-established procedure was adopted in 1946 in the hope that it would bring more Senators to the floor to attend floor action, to listen to their colleagues, and to participate in debate.

I believe that 17 years of experience shows that this hope was not warranted. And even in the brief time in which I have been in the Senate, less than 7 years, attendance on the floor has dwindled. And this, entirely without reference to whether committees were in session or not.

The fact of the matter is, in my opinion, you are just not going to get Senators to go to the floor to listen to long and tedious speeches.

Prohibiting committees from meeting while the Senate is in session is not going to accomplish that result.

We have too many constituents, we have too much mail, we have too many speaking engagements downtown and elsewhere.

We consider, most of us, I think, that to sit there and listen to debates in the Senate, except when a matter is pending which is about to come to a vote, is not worthwhile. We have better uses for our time.

This may be unfortunate. In fact, I think it is. But I don't think you are going to change that by any prohibition against committees meeting while the Senate is in session.

I do agree that a well-enforced law of germaneness might help. And I would be quite content to try for a while a rule which would prohibit committees from meeting while a rule of germaneness was in effect on the floor of the Senate, and let's see how that works.

I suggest, also, that the reason given by this subcommittee for rejecting Senate Resolution 32, 2 years ago, when the resolution had a different number, was largely because Senator Monroney, who was an author of the Reorganization Act, thought it was undesirable to permit committees to sit while the Senate was in session, and believed that the change in the Reorganization Act should be given a further trial.

Today he comes in here and changes his mind and speaks in support of the Church resolution.

I would still hope that the committee would seriously consider my resolution which goes a good deal further than the Church resolution, and which is Senate Resolution 32.

In connection with comments made by Senator Allott a few moments ago, I would say that there have been a number of experiences in my own personal service here in the Senate when objection to a committee continuing to sit has been used, in my opinion, for the sole purpose of delaying further consideration of a legislative matter which a minority on a committee wished to prevent coming to a vote in the committee, or wished, in the alternative, to prevent continued hearings from being held, which, in turn, would make it impossible to bring a matter pending before a committee to a vote.

I could give the committee, if they desired, specific examples of where that has occurred in my experience in both the Banking and Currency Committee and the Committee on Labor and Public Welfare.

If, however, the subcommittee is still of the view, as it was 2 years ago, that my Resolution 32 goes too far, I would suggest, nonetheless, some expansion of the Church proposal.

Let me point out parenthetically that special committees of the Senate can now meet whenever they see fit, even though they have no legislative authority.

Thus, for example, the Special Committee on Problems of the Aged is not prohibited from sitting whenever it sees fit. This is a big committee.

If Members want to attend that meeting instead of coming to the floor, there is no legal reason why they should not.

The rule applies only to standing committees.

Let me point out, again, to my good friend, the chairman, as I did 2 years ago, that it has become customary for the Appropriations Committee to obtain unanimous consent early in the course of a session to sit whether the Senate is in session or not. And this means that one-quarter of the Senate already is not bound by the rule that the other three-quarters are bound by.

I would say, again, to my friend, as I said 2 years ago, that the mere fact that the Senate Committee on Appropriations has an office in the Capitol, does not distinguish it from the other standing committees in any way whatever.

For example, on all the committees which I have served, since I came to the Senate, it is always possible to get from the committee meeting to a vote on the floor of the Senate in plenty of time, regardless of where the committee is sitting—whether it is in the Capitol, in the New Senate Office Building, or in the Old Senate Office Building.

My name begins with C. I am early in the alphabet. Yet I have never failed to get to the floor in time to vote the first time around if I left the committee meeting as soon as the bell for a vote rang.

Therefore, I suggest with all deference to the beloved chairman, that the coincidence that the Committee on Appropriations has an office in the Capitol does not really justify denying all other standing committees the privilege which the Appropriations Committee has always been able to obtain for itself.

I would hope, Mr. Chairman, that if the Church resolution is to be favorably adopted, it at least would be amended so as to remove what is really an illegal procedure at present—because the present legal requirement is that committees may sit only by special leave. But there is a ruling by the parliamentarian that that special leave, the motion to give special leave, is debatable, and, therefore, this destroys itself, and puts it in the hands of one Senator to deny permission for

a committee to sit, because if the motion is pressed over the objection of a single Senator it becomes clear that that single Senator can talk until the time when the committee wants to sit has expired, and it will never get leave to sit.

So I would hope that if the Church resolution is to be the basis for a recommendation by this subcommittee, that we would change the present procedure which says that the motion for permission to sit is debatable, and make that motion nondebatable, so it can promptly be determined.

I would hope, also, that the subcommittee would give some serious consideration to allowing committees of the Senate to sit while the Senate is in session for the sole purpose of taking testimony, because, as we all know, one Senator very frequently sits to hear testimony—Senator Hayden will recall this is customary in the Appropriations Subcommittees. I testified just a little while ago on a matter involving Pennsylvania before an Appropriations Subcommittee where Senator Ellender was the only Senator sitting. This means that only one Senator is taken away from the floor.

And yet the business of the committee can go forward nonetheless.

So if the subcommittee is still of the view that my resolution goes too far, I would hope the Church resolution would be amended in those two particulars.

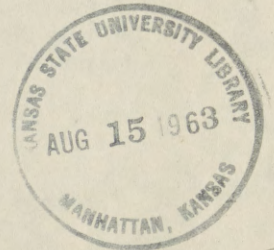
First, to make a decision by the Senate on a motion for leave to sit nondebatable;

And, secondly, to permit testimony to be taken by committees while the Senate is in session.

I point out that we still under those circumstances leave wide discretion to commonsense, because the committee is not going to sit if a minority member strenuously objects because he has to go to the floor.

Our courtesy is such that we would not do that. And he has the additional safeguard that if, nonetheless, the committee wants to meet, he can call for an immediate vote of his colleagues and get the Senate itself to prohibit the committee from meeting.

So I would think those two suggestions which I have made to Senator Church's amendment would take care, as a practical and pragmatic matter, of the objections to the rule which Senator Allott raised.



SENATE RESOLUTION 78

Senator HAYDEN. The last item on today's agenda is Senate resolution 78, by Senators Pell, Magnuson, Humphrey, and Cooper, which would permit former Presidents to serve as Senators at Large. (The text of S. Res. 78 is as follows:)

88TH CONGRESS
1ST SESSION

S. RES. 78

IN THE SENATE OF THE UNITED STATES

JANUARY 30 (LEGISLATIVE DAY, JANUARY 15), 1963

Mr. PELL (for himself, Mr. MAGNUSON, Mr. HUMPHREY, and Mr. COOPER) submitted the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

Resolved, That any person who heretofore or hereafter shall have held the office of President of the United States, and shall have left such office other than by removal pursuant to section 4, article II, of the Constitution shall thereafter, except during any period for which he holds an office which would make him ineligible to hold the office of United States Senator, be entitled to a seat in the Senate of the United States as a Senator at Large with the right to speak on the floor of the Senate, and participate in the activities of any committee of the Senate, to the same extent and under the same conditions as a Senator. Nothing herein shall be construed to authorize a former President to introduce bills or resolutions, to make any motion, or to vote on any matter.

SEC. 2. The Committee on Rules and Administration is authorized, upon the request of any person entitled to a seat in the Senate of the United States as a Senator at Large by this resolution, to provide such person with such suitable office space in the Senate wing of the Capitol or in the Senate Office Building as it may deem appropriate. Such person shall also be provided with a desk for his use on the floor of the Senate.

Senator HAYDEN. Senator Pell, we will be pleased to hear from you now on your Senate Resolution 78.

STATEMENT OF HON. CLAIBORNE PELL, A U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator PELL. Mr. Chairman, I thank you very much indeed for giving me this opportunity to present my own resolution, 78.

But, before doing that, I would like to express support for Senate Resolution 89, of my senior colleague, Senator Pastore. I have had less time and experience in the Senate than any of us around this table. But even in this short period, I can see the beneficial effects that would come if Senator Pastore's resolution was adopted.

Now, with regard to Senate Resolution 78, which I introduced on behalf of myself and Senator Cooper, Senator Humphrey, and Senator Magnuson, I express, again, my gratitude to have this opportunity to be here.

This resolution would, in essence, allow ex-Presidents of the United States to sit in the U.S. Senate with the right to speak on the floor of the Senate and participate in the activities of any committee of the

Senate to the same extent and under the same conditions as a Senator. However, this resolution would not authorize a former President to introduce bills or resolutions, to make any motion, or to vote on any matter.

At this time in our Nation's history when we find ourselves exercising the leadership of the free world, adoption of this resolution would be of special value because the wisdom and experience of those who have occupied our Presidency is unique to these few men who had this awesome responsibility. In view of the U.S. Senate's responsible role in guiding our country's destiny, it would seem particularly advantageous if, as a collective body, we could benefit by this unique wisdom of our retired Chief Executives.

I also believe that the presence of former Presidents of the United States in the Senate would increase the spirit of cooperation and understanding between the executive and legislative branches of our Government and in many instances help ease the antagonism that exists between these two vital arms of our Republic. With the great problems that face our Nation, all of us, I personally think, could benefit from the advice and reactions of former Presidents when it comes to some of these rather difficult problems on which we have to vote, particularly those where our own Senate committee recommendations are in direct opposition to those of our Chief Executive.

I know when I first came here to the Senate, I always found it a particularly difficult problem to make up my mind when the matter was one with which I was not too familiar, and I found that the chairman of our responsible Senate committee recommended a course diametrically opposed to that of the President of the United States—and both of these men were members of the same party, as was I.

I think that in these questions, where there is a reasonable difference of opinion, it would be a great help if a former Chief Executive, who had occupied the Executive role of our Government, could give his guidance as to the question at issue.

An ex-President of the United States with the privileges of a Senator at Large would be able to have an entirely national view of every problem and would add even further dignity and prestige to our Chamber, perhaps helping make it more truly the most deliberate and renowned legislative body in the entire free world.

It would also add to the glorious traditional spirit of our body, and further add to the luster of the U.S. Senate, giving still more force to the consensus of its opinion, and the leadership of the Senate in the world.

I should also like to point out that no expense would be involved in the adoption of this resolution, since ex-Presidents presently receive \$25,000 as salaries and \$50,000 for staff expenses per year.

If this resolution were to be adopted at this time when the Democrats in the Senate are in a 2-to-1 majority and the Republican ex-Presidents are in a 2-to-1 majority, it would certainly reflect a real spirit of nonpartisanship when it came to promoting the interests of our Republic.

Proposals similar to mine have been advanced in the past, and I have asked the Legislative Reference Service of the Library of Congress to provide me with a compendium of the legislation similar to Senate Resolution 78 which had been introduced since the 78th Con-

gress. I should like to submit a copy of this to the subcommittee for its perusal and inclusion in the record.

Senator HAYDEN. That may be done.

(The compendium referred to above may be found as exhibit 3 in the appendix, at p. 109.)

Senator PELL. I note that 6 such measures have been introduced in the Senate since 1947 and 13 similar proposals have been introduced in the House of Representatives since 1944 by, I might add, Members of both parties.

Furthermore, former President Hoover informed me by letter on March 18 of this year that he has "several times in the past years supported the giving of a seat in the Senate to former Presidents—but without a vote."

In fact, Mr. Hoover added, "I think it would be an invaluable aid to legislation to utilize the services of our younger former Presidents."

Former President Harry Truman on March 25 of this year informed me that when he was in the U.S. Senate from 1935 to 1945, both he and Senator Hatch discussed the idea of former Presidents being ex officio Members of Congress with the right to appear on either the floor of the House or Senate in support of or against the legislation that was pending, but with no right to vote.

I have also received a communication from Lawrence F. O'Brien, Special Assistant to the President, in which he states, "While the President is in agreement with the objective of insuring that the Nation receive the maximum benefit from the experience and knowledge which ex-Presidents have gained from their service as Presidents, he deems it inappropriate to comment specifically on your suggested legislation, as it could be construed as being a self-serving action on his part."

The eminent political scientist and historian James M. Burns also favorably commented on this legislation.

As a matter of fairness, I believe it should be known that former President Eisenhower has expressed himself to me as not being in support of this resolution.

I should like to submit to this committee copies of the aforementioned correspondence for the committee's study and inclusion in the record.

Senator HAYDEN. That may be done.

Senator PELL. Thank you.

(The correspondence referred to is as follows:)

THE WALDORF-ASTORIA TOWERS,
New York, N. Y., March 18, 1963.

HON. CLAIBORNE PELL,
U.S. Senate, Washington, D.C.

DEAR SENATOR PELL: I have several times in past years supported the giving of a seat in the Senate to former Presidents—but without a vote.

At my time of life, however, I no longer desire to sit for days on a hard-bottomed chair and listen to speakers. I now prefer to read their speeches from the Record.

But aside from this flippancy, I think it would be an invaluable aid to legislation to utilize the services of our younger former Presidents.

Yours faithfully,

HERBERT HOOVER.

INDEPENDENCE, MO., *March 25, 1963.*

HON. CLAIBORNE PELL,
U.S. Senate, Washington, D.C.

DEAR SENATOR: I more than appreciated yours of the 12th, enclosing me the copy of the resolution which you introduced with regard to the use of former Presidents in the legislative Halls of Congress. I had always hoped that some sort of an approach could be made to the situation set out in your bill.

When I was in the U.S. Senate from 1935 to 1945, Senator Hatch and I discussed the idea of former Presidents being unofficio Members of Congress with the right to appear on either the floor of the House or Senate in support of, or against, the legislation that was pending, but with no right to vote.

Of course, after I became the President I couldn't advocate such a matter. I hope something will be done along the lines your bill suggests, but I can't endorse it publicly because it would amount to a personal privilege connection, although there is no financial emolument in connection with it.

Sincerely yours,

HARRY TRUMAN.

THE WHITE HOUSE,
Washington, May 25, 1963.

HON. CLAIBORNE PELL,
U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your letter of March 13, 1963, requesting the views of the President on Senate Resolution 78, which would make ex-Presidents of the United States nonvoting Senators at Large with the privileges of speaking on the floor and participating in the activities of any committees.

While the President is in agreement with the objective of insuring that the Nation receive maximum benefit from the experience and knowledge which ex-Presidents have gained from their service as President, he deems it inappropriate to comment specifically on your suggested legislation as it could be construed as being a self-serving action on his part.

With kindest regards,

Sincerely,

LAWRENCE F. O'BRIEN,
Special Assistant to the President.

WILLIAMS COLLEGE,
DEPARTMENT OF POLITICAL SCIENCE,
Williamstown, Mass., March 18, 1963.

Senator CLAIBORNE PELL,
*Senate Office Building,
Washington, D.C.*

DEAR SENATOR PELL: Many thanks for sending me a copy of Senate Resolution 78. This seems to me a very good idea, as we should exploit more systematically, I think, the experience and views of ex-Presidents, and to do so in a situation where there could be rebuttal by Senators.

I have only one misgiving: that any effort along these lines might dampen enthusiasm for more basic reforms. It would be unfortunate if the Senate accepted even as excellent an idea as this and then used this as proof that it could reform. However, knowing your views on the other matters, I'm sure you would discourage any such idea.

* * * * *

Sincerely yours,

JAMES M. BURNS.

Senator PELL. It is my very respectful hope that this committee will favorably consider Senate Resolution 78 in order that the resolution may come before the Senate to be voted upon.

Senator HAYDEN. Many joint resolutions have been introduced proposing to amend the Constitution of the United States to make ex-Presidents Senators at Large, which indicates there is a serious question as to the constitutionality of attempting to accomplish the purpose by a simple resolution.

Since our Constitution makes no reference to the office of Senator at large which could be created by Congress, would there not have to be an amendment to the Constitution?

Senator PELL. I took this question up with the legislative counsel of the Senate, and with their help had this resolution prepared in such a way that it would not require any constitutional amendment whatsoever.

In addition, as a Senate resolution, it does not have to go before the House of Representatives.

I am not an attorney, myself, but I am informed that this is valid and watertight, and would require no further legal action.

Senator HAYDEN. Well, now, would ex-Presidents be eligible for committee chairmanships?

Senator PELL. As I interpret my resolution, it would be within the purview of the Senate to elect them as ad hoc chairmen, because, as it stands now, any Senator is technically eligible to be a committee chairman.

But, as a matter of coincidence, it is usually the one who has been there the longest.

Senator HAYDEN. Would they be eligible for compensation?

Are you going to pay them?

Senator PELL. They would receive no additional compensation whatsoever, because as ex-Presidents they already receive a salary larger than that of any Senator.

Senator HAYDEN. Could they be associated with their political parties, and be entitled to participate in party caucuses, or party decisions?

Senator PELL. This, again, would have to become a matter of tradition and habit in the Senate. They might consider themselves supraparty, and not participate. It would seem to me this would be a question to be decided at the time by the leadership of the party with which they wish to associate themselves.

Senator HAYDEN. Well, would a former President be entitled to the immunity privilege for remarks made on the floor?

Senator PELL. In my view he would not, because that was a constitutional right, and it would require the passage of an amendment to the Constitution.

It is an honorary position he would hold.

Senator HAYDEN. A President could not be deemed to be a Senator, because the 17th amendment says the Senate of the United States shall be composed of two Senators from each State elected by the people thereof for 6 years, and each Senator would have one vote.

Senator PELL. He would have the honorary title of Senator at Large. Perhaps a similar example might be my own predecessor, Senator Theodore Francis Green, once chairman of this committee, who holds the title of chairman emeritus of the Foreign Relations Committee, and actually, I believe, has a chair there, though he has not had the opportunity to occupy that seat as yet. It would be an honorary position which would not give an ex-President the same legal rights as a legally elected Senator when it came to immunity.

Senator HAYDEN. At the present time, an ex-President of the United States can occupy a seat on the floor. What beyond that privilege does this resolution give him?

Senator PELL. This would give him the right to participate in debate, to sit in committees and participate in debate, to talk, to be recognized, to make his views known.

Senator HAYDEN. Any questions?

Senator COOPER. Senator Hayden has raised a question about his authority in a committee. I notice in line 9—

and participate in activities of any committee of the Senate to the same extent and under the same conditions as a Senator.

But in the next sentence it says:

Nothing here shall be construed to authorize the former President to introduce bills or resolutions to make any motions or to vote on any matter.

I assume that the second sentence which I have read is intended to apply to his authority or power in the committee—he could not make motions or vote.

Would you say so?

Senator PELL. That is correct.

This was put in deliberately by the legislative counsel in order that the question of constitutionality would not be raised.

Senator COOPER. I assume the chief purpose is to permit an ex-President to not only be on the floor but to speak and express himself on issues before the Senate.

Senator PELL. Exactly.

And, also, to be able to draw on his really unique experience. To be specific, I remember so well as a new Senator coming in and these questions would come up on the size of these bomber airplane appropriations for the military. The chairman of our Armed Services Committee recommended one way, and our Chief Executive recommended the other way. I have the highest regard for both. I think if we had an ex-President sitting in the Senate to express a view on that matter, too, it would be very helpful to the thinking of some of us who are not specialists in a particular field.

Senator HAYDEN. Senator Cannon?

Senator CANNON. No questions.

Senator PELL. Excuse me. One final thought.

At this time, also, when a great deal of discussion is being given to the idea of how we can have greater cooperation between the executive and legislative branches, how we can perhaps, take a step in the direction of parliamentary government, this would be such a step in the direction of parliamentary government without necessitating any amendment or change in our constitutional process.

Senator HAYDEN. One practical question here with respect to the resolution.

It says, "Provide with suitable office space." Space is the scarcest thing there is now.

Senator PELL. That is true. However, this phrase could be stricken and space not provided in our Senate Office Buildings. Nevertheless, an ex-President could still be provided with suitable Federal office space in the nearest Federal building as a matter of right and present law.

Senator HAYDEN. Senator Cannon, have you any questions?

Senator CANNON. No. But, just on that point, I too was wondering where the space could be provided.

Senator HAYDEN. Senator Clark?

Senator CLARK. I would like to be heard, if I may, on S. Res. 111. I think we could make it before the Senate goes into session.

Senator HAYDEN. Very well.

Senator CLARK. Mr. Chairman, unless unanimous consent should be given, this committee will have to recess in 10 minutes, because the Senate will be in session.

(The statement of Senator Clark relative to S. Res. 111 appears at p. 28.)

Senator CLARK. And, now, sir, since the Senate is in session, I will suspend.

Senator HAYDEN. No further testimony will be taken today.

The subcommittee will stand in recess until 10:30 tomorrow morning.

(Whereupon, at 12 noon, the subcommittee recessed, to reconvene at 10:30 a.m., Friday, June 28, 1963.)

(A statement in support of S. Res. 78, subsequently received by the subcommittee from Representative John S. Monagan, of Connecticut, is as follows:)

STATEMENT OF HON. JOHN S. MONAGAN, A MEMBER OF CONGRESS FROM THE
FIFTH CONGRESSIONAL DISTRICT OF CONNECTICUT

Mr. Chairman and members of the Subcommittee on Standing Rules, I want to express my support of Senate Resolution 78.

I have filed similar legislation in the House, and I believe that passage of the instant resolution or other comparable legislation would be of great benefit to the Congress and to the country.

What a boon it would be to have former Presidents Hoover, Eisenhower, and Truman able to join in the deliberations in the Senate and give that body the benefit of their great experience on all the problems which affect our Government.

My own strong support of this idea is greatly increased by my correspondence with former President Truman who has indicated his hearty approval.

I sincerely hope that the committee will favorably report this legislation and that the Senate will take prompt, favorable action.

SENATE RULES AND PROCEDURES
S. 177 and Senate Concurrent Resolution 1

FRIDAY, JUNE 28, 1963

U.S. SENATE,
SUBCOMMITTEE ON STANDING RULES OF THE SENATE,
COMMITTEE ON RULES AND ADMINISTRATION,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:40 a.m., in room 301, Old Senate Office Building, Senator Carl Hayden (chairman) presiding.

Present: Senators Hayden, Cannon, and Cooper.

Also present: Gordon F. Harrison, staff director; Hugh Q. Alexander, chief counsel; Frank Banicevich, professional staff member; Walter L. Mote, professional staff member; John P. Coder, printing and editorial assistant; Marian G. Moore, assistant chief clerk; and B. Floye Gavin, research assistant.

41

SENATE RULES AND PROCEDURES

SENATE RESOLUTION 177 AND SENATE CONCURRENT RESOLUTION 1

FRIDAY, JUNE 28, 1968

The Senate met in the Senate Chamber at 10:00 a.m. on Friday, June 28, 1968, for the purpose of considering Senate Resolution 177 and Senate Concurrent Resolution 1. The Senate was called to order by the President, Dr. James H. Bevel. The President announced that the Senate would first consider Senate Resolution 177, which relates to the appointment of members of the Senate. The President then read the text of Senate Resolution 177. The Senate then proceeded to a vote on the resolution. The resolution was adopted by a vote of 18 yeas and 12 nays. The President then announced that the Senate would next consider Senate Concurrent Resolution 1, which relates to the appointment of members of the Senate. The President then read the text of Senate Concurrent Resolution 1. The Senate then proceeded to a vote on the resolution. The resolution was adopted by a vote of 18 yeas and 12 nays. The President then announced that the Senate would adjourn for the day. The Senate adjourned at 1:00 p.m.

S. 177 AND SENATE CONCURRENT RESOLUTION 1

Senator HAYDEN. The subcommittee will be in order.

Today we will hear testimony on S. 177, by Senators Case, Clark, Keating, and Javits, which would establish a Commission on Congressional Reorganization, and on Senate Concurrent Resolution 1 by Senator Clark and 30 others, which would establish a Joint Committee on the Organization of the Congress.

Inasmuch as both proposals contemplate a study of the organization and procedures of Congress for the purpose of recommending desired reforms, and differ basically only in the method of doing so—the former by a Commission composed of Members of Congress and persons from private life, and the latter by a joint committee composed exclusively of Members of Congress—they will be considered jointly by the subcommittee. I am sure that the supporters of S. 177 will find occasion to refer to Senate Concurrent Resolution 1, and vice versa.

S. 177 would create a bipartisan Commission on Congressional Reorganization composed of three Members from the Senate, three Members from the House, of whom at least one in each case would be a Member of the minority party. Six members from private life would be appointed by the President, of whom not more than three members could be members of the same political party.

The Commission would make a comprehensive and impartial study of the organization and functioning of the Congress, and would recommend measures for the improvement of the legislative process. The study would include, but not be limited to, a full and complete consideration of 12 enumerated topics.

The Commission would make a final report of its findings and recommendations to the Congress on or before March 31, 1965, but could submit reports as the Commission considered advisable prior to that time.

Senate Concurrent Resolution 1 would create a Joint Committee on the Organization of the Congress, composed of seven Members from the Senate and seven Members from the House, of whom at least four in each case would be Members of the majority party.

The committee would make a full and complete study of the organization and operation of the Congress of the United States, and recommend improvements in such organization and operation. Senate Concurrent Resolution 1 provides that the study should include: "The rules, parliamentary procedure, practices, and/or precedents of either House, and the consolidations and reorganization of committees and committee jurisdictions."

The committee would report its findings and recommendations from time to time, first said report to be made within 4 months, to the Senate and House, which reports would be referred to the Committee on Rules and Administration of the Senate and the Committee on Rules of the House.

(The texts of S. 177 and S. Con. Res. 1 are as follows:)

88TH CONGRESS
1ST SESSION

S. 177

IN THE SENATE OF THE UNITED STATES

JANUARY 14 (legislative day, JANUARY 9), 1963

Mr. CASE (for himself, Mr. CLARK, Mr. KEATING, and Mr. JAVITS) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To establish a Commission on Congressional Reorganization, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Commission on Congressional Reorganization Act".

DECLARATION OF PURPOSE AND POLICY

SEC. 2. (a) It is the purpose of this Act to provide for a comprehensive and impartial study of the organization and functioning of the Congress through establishment of a Commission on Congressional Reorganization charged with the duty of determining means and measures for the improvement of the legislative processes of the Congress in the public interest.

(b) It is the sense of the Congress that each Member of the Congress, each officer and employee of every committee of the Congress or of either House thereof, and each officer and employee of every department, agency, and instrumentality of the United States should render all practicable assistance to such Commission for the prompt, effective, and impartial performance of its duties.

ESTABLISHMENT OF THE COMMISSION ON CONGRESSIONAL REORGANIZATION

SEC. 3. (a) There is hereby established a bipartisan commission to be known as the Commission on Congressional Reorganization (referred to hereinafter as the "Commission").

(b) The Commission shall be composed of twelve members as follows:

(1) Three appointed by the President of the Senate from Members of the Senate;

(2) Three appointed by the Speaker of the House of Representatives from Members of the House of Representatives; and

(3) Six appointed by the President of the United States from individuals in private life who are specially qualified by training and experience to contribute to the solutions of problems of public administration or the functioning of legislative bodies.

(c) Not more than two members of the Commission appointed from Members of the Senate, and not more than two members of the Commission appointed from Members of the House of Representatives, may be members of the same political party. Not more than three members of the Commission appointed by the President of the United States may be members of the same political party.

(d) Vacancies in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(e) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(f) Seven members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 4. (a) Members of the Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress, but they shall be reimbursed by the Commission for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties of the Commission.

(b) Each member of the Commission appointed from private life shall receive compensation at the rate of \$75 per diem for each day on which he is engaged in the performance of duties of the Commission, and shall be reimbursed by the

Commission for travel, subsistence, and other necessary expenses incurred by him in the performance of such duties.

STAFF OF THE COMMISSION

SEC. 5. (a) The Commission may appoint and fix the compensation of such personnel as it deems advisable in accordance with the provisions of the civil service laws and the Classification Act of 1949.

(b) The Commission may procure, without regard to the civil service laws and the classification laws, temporary and intermittent services to the same extent as authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates not to exceed \$50 per diem for individuals.

DUTIES OF THE COMMISSION

SEC. 6. (a) The Commission shall make a comprehensive and impartial study of the present organization of the Congress and the functioning of the legislative and investigative processes thereof with a view to determining means and measures whereby those processes may be improved in the public interest.

(b) Such study shall include, but shall not be limited to, a full and complete consideration of each of the following topics:

- (1) The scheduling of measures for consideration and action;
- (2) The structure, staffing, and operation of congressional committees;
- (3) The workload of the Congress and the committees thereof;
- (4) Congressional rules and floor procedures;
- (5) Conflicts of interest of Members of the Congress;
- (6) The term of office of Members of the House of Representatives;
- (7) Communications, travel, and other allowances of Members of the Congress;
- (8) The financing of congressional election campaigns;
- (9) The duties of Members of Congress incident to the appointment of postmasters and the making of appointments to military service academies and other Government academies;
- (10) The legislative oversight of the administration of laws;
- (11) The strengthening of the congressional power of the purse; and
- (12) The operation and effectiveness of existing laws with respect to lobbying.

(c) During the course of its study, the Commission may submit to the Congress such reports as the Commission may consider advisable. On or before March 31, 1965, the Commission shall make a final report of its findings and recommendations to the Congress. The Commission shall cease to exist sixty days after the submission of its final report to the Congress.

POWERS OF THE COMMISSION

SEC. 7. (a)(1) The Commission or any duly authorized subcommittee thereof may, for the purpose of carrying out its duties under this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee may deem advisable. Subpenas may be issued under the signature of the Chairman or Vice Chairman, or any duly designated member, and may be served by any person designated by the Chairman, the Vice Chairman, or such member.

(2) In the case of contumacy or refusal to obey a subpoena issued under paragraph (1) of this subsection by any person (other than a Member of the Congress or a member of the staff of any committee of the Congress or of either House thereof) who resides, is found, or transacts business within the jurisdiction of any district court of the United States, the United States court of any possession of the United States, or the District Court of the United States for the District of Columbia, such court, upon application made by the Attorney General of the United States, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

(b) Upon request made by the Chairman or the Vice Chairman, the Commission may procure such information, advice, and assistance as it deems necessary to carry out its functions under this Act from—

- (1) Any Member of the Congress, with the consent of such Member;
- (2) Any joint committee of the Congress, or any committee of either House of Congress, with the consent of the chairman of such committee; or
- (3) Any department, agency, or instrumentality of the executive branch of the Government, or any independent agency of the United States, with the consent of the head thereof.

EXPENSES OF THE COMMISSION

SEC. 8. There are hereby authorized to be appropriated to the Commission, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

88TH CONGRESS
1ST SESSION

S. CON. RES. 1

IN THE SENATE OF THE UNITED STATES

JANUARY 14 (LEGISLATIVE DAY, JANUARY 9), 1963

Mr. Clark (for himself, Mr. Humphrey, Mr. Kuchel, Mr. Engle, Mr. Saltonstall, Mr. Metcalf, Mr. Case, Mr. Williams of New Jersey, Mrs. Neuberger, Mr. Moss, Mr. Randolph, Mr. Muskie, Mr. Hart, Mr. Nelson, Mr. Dodd, Mr. McCarthy, Mr. Scott, Mr. Cooper, Mr. McGee, Mr. Douglas, Mr. Pell, Mr. Boggs, Mr. Burdick, Mr. Church, Mr. Gruening, Mr. Keating, Mr. Miller, Mr. Bartlett, Mr. Kefauver, Mr. Javits, and Mr. Bayh) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration

CONCURRENT RESOLUTION

Resolved by the Senate (the House of Representatives concurring), That there is hereby established a Joint Committee on the Organization of the Congress (hereinafter referred to as the committee) to be composed of seven Members of the Senate (not more than four of whom shall be members of the majority party) to be appointed by the President of the Senate, and seven Members of the House of Representatives (not more than four of whom shall be members of the majority party) to be appointed by the Speaker of the House of Representatives. The committee shall select a chairman and a vice chairman from among its members. No recommendation shall be made by the committee except upon a majority vote of the Members representing each House, taken separately.

Sec. 2. The committee shall make a full and complete study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening the Congress, simplifying and expediting its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution. This study shall include, but shall not be limited to, the organization and operation of each House of the Congress; the relationship between the two Houses; the relationships between the Congress and other branches of the Government; the employment and remuneration of officers and employees of the respective Houses and officers and employees of the committees and Members of Congress; the structure of, and the relationships between, the various standing, special, select, and conference committees of the Congress, the rules, parliamentary procedure, practices, and/or precedents of either House, the consideration of any matter on the floor of either House, and the consolidations and reorganization of committees and committee jurisdictions.

Sec. 3. (a) The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Congress, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and

documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

(b) The committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable.

(c) The expenses of the committee, which shall not exceed \$ _____, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers signed by the chairman.

(d) The committee shall report from time to time to the Senate and the House of Representatives the results of its study, together with its recommendations, the first report being made not later than four months after the committee is established. If the Senate, the House of Representatives, or both, are in recess or have adjourned, the report shall be made to the Secretary of the Senate or the Clerk of the House of Representatives, or both, as the case may be. All reports and findings of the committee shall, when received, be referred to the Committee on Rules and Administration of the Senate and the Committee on Rules of the House.

STATEMENT OF HON. CLIFFORD P. CASE, A U.S. SENATOR FROM THE STATE OF NEW JERSEY

Senator HAYDEN. Senator Case, we will be glad to hear from you now, as the principal author of S. 177.

Senator CASE. Thank you, Mr. Chairman, and members of the subcommittee.

We appreciate very much, my cosponsors and I, the opportunity to appear before you in support of this bill. As I am sure the subcommittee knows, I am also a cosponsor with Senator Clark, who cosponsored my bill with Senator Keating, of Senator Clark's resolution for a congressional committee to deal with the same subject and he is, as I understand it, going to appear later today in support of his and also mine.

Senator HAYDEN. Yes.

Senator CASE. I want at this time to say I think his is fine and I think perhaps he would agree mine represents even a sounder approach, but we are both for either of these methods.

Senator HAYDEN. Your prepared statement will be included in its entirety in the record, and you may highlight it as you please.

Senator CASE. I appreciate that, Mr. Chairman.

I would like permission to do that and then go through it just to the point of raising the major points, and then submit myself to questions and also if I may include some material that has come in to me on this from a number of experts, if I may at the proper point.

Senator HAYDEN. Yes.

Senator CASE. I think, Mr. Chairman, that this is a question that Americans are increasingly raising, whether Congress is up to the problems of today.

Radio and press and television have been reporting the bickering, the power maneuvers, and also frustration of legislation in Congress.

I don't believe that Congress ought to be a rubberstamp, but I certainly do believe we ought to consider and act up or down on major legislation.

We have the right to debate it fully, to amend it, to improve it, and to vote it up or down. That means down, too. But I think we have no right to bury a bill so deep that a majority of our body, either body, in the Senate or the House or Congress collectively, can't work its will.

I know it has been said—and I would like to digress here for just a moment. It has been said by very respectable authority that the rules of both the Senate and the House make it possible for Congress to act on anything at any time when a majority wants to and when a majority is in favor of a particular matter.

This may or may not be so. I don't think it is so. I think the history of legislation, and legislative failures, and frustrations in the past indicates it is not so, but I don't think even if it were this would be the whole answer. I think this is quite an important point that is sometimes missed.

Congress is composed of human beings. They are fallible, they have the same tendency that everybody else does to put off things, not to deal with unpleasant things, and there is a very considerable amount in the rules of the Senate and the House, of machinery to make it possible for a Congressman and Senator to avoid facing issues.

Now I think we all ought to face right up to this and I know that it is justified on the ground that action ought not to be precipitous, that Members of Congress ought not to be subject to being defeated on the basis of trivial issues. We all know that such issues do exist that excite people from time to time and you can accumulate little groups of enemies on this one and that one over a period of years.

But nevertheless in the long run, we do the country a disservice in my very definite opinion when we remove ourselves from the pressures that we are supposed to feel, supposed to respond to, and from the needs of the people whom we represent.

I think this point is a quite complete answer to those who say, "Look, any time you want to pass something you have got in the House, a discharge petition, and if a majority sign it we will get a bill up and we can act on it," or in the Senate, "If you get two-thirds you can get cloture and you can get it any time that two-thirds wants to." The point is that we all are relying upon these rules for our protection in ways because we are human beings that we ought not to be protected by and I think this is a very important factor.

Take the matter of civil rights. I think this is the chief thing that is troublesome. Civil rights has been talked about in terms that I think are not correct many times. It has been talked about as an issue involving political advantage, political advantage of people in the North who are for it, political advantage of the people of the South who are against it. I don't know about the South. I suspect that there may be some truth in this. I don't think, taken by and large, civil rights is necessarily a political advantage at all in the North, except perhaps in very, very limited areas, because I think that people in the North like people everywhere else have been ducking this issue in this country and that the rules of the Senate and the House have been permitting not just the South to block action but the North and all of us to refuse to act on something that is distasteful to us.

I think it is an example of it and I think this is very much in point on the issue right now and in answer to the argument as I have heard Howard Smith give it. I have heard many others say that "Any time you want to overrule me you can vote me down."

The chairmen of committees say the same thing. The rules of our committees permit a majority to bring a bill up whether the chairman wants it or not. But you know very well, Mr. Chairman, probably better than anybody in the world, that the power of the chairman does

not depend upon the rules that are written but on the rules that are abided by for people's own protection—many times for their convenience and the useful functioning and the effective functioning of the body, but sometimes also for reasons that are not reasons we ought to allow to govern ourselves.

Well, I apologize for the digression in a sense but I think it represents a kind of getting down to brass tacks on this thing that we sometimes don't do.

Now, the statement that I have filed deals with the matter of the constitutional list of powers of the Congress and it ends of course with the statement we have the power to make all laws necessary and proper to carry into execution these powers and all other powers vested in the constitution in the Government of the United States.

This is a tremendous power the Congress has, and I suggest, Mr. Chairman, that the growing feeling that Congress hasn't been living up to its powers, hasn't been living up to its responsibility, does have a basis and the results, for example, in the last Congress and in the last several Congresses, at least, indicate that we have been ducking rather than dealing with the problems of the day, whether they be in the field of civil rights I have mentioned, whether it be in the field of medicare, or whether it be in the field of education or dozens of other fields.

It isn't an answer to say that we pass appropriation bills and we have passed a few things. We have done a little of this and a little of that. We haven't dealt with the heart issues that are facing, in my opinion, the country in these times—at least not with many of them.

Now, Walter Lippmann has indicated, I think, the goal that we ought to strive for. He said:

It will be a labor of Hercules to reform the system. But if the American Government is to be adequate to the times we live in we have got to begin to reform.

In his comment he made his view clear that where reform is concerned right here on Capitol Hill is the place where it is most necessary.

As you indicated, I have sponsored with Senators Clark and Keating this Commission, modeled on the Hoover Commission, to study our organization and our functioning.

It provides for the appointment of a 12-man Commission. As you indicated, 3 from the Senate, 3 from the House, and 6 from outside especially qualified by training and experience, and the bill indicates that the Commission should report on at least 12, although not limited to 12, specific problem areas.

They are merely suggestive in the sense they are not exclusive of others, but we do want these acted upon, of course.

I think that the Hoover Commission reports made a valuable contribution, although they didn't go as far as many of us thought they should to the executive branch's improvement, and I am certain that, well, similar improvement would come through a similar study of the legislative branch.

I think the best example of that is the really valuable job that was done back in 1946 with Senator LaFollette and then Congressman—now Senator—Monroney, leading the Congressional Reorganization Act of 1946.

That didn't go as far as some of us thought it should. It was clipped at the beginning partly, as we all know, for a condition of its very existence, maybe wisely, maybe not. I think perhaps unwisely, but that is a matter of opinion.

This past session, as I have indicated, we were awfully slipshod in the way we handled our work. Much of it we didn't get done, and now we are facing a session that I doubt will end until midnight of the day before we are to begin our next session.

I hope this is wrong, although I don't object to doing a year's work for a year's pay and I know all of us feel that way about it.

The point is that I don't think when we work this way we get a year's work done, and I don't think that just spending the time is accomplishing the job that we are sent to do.

You know the old joke about we did better in the days when there wasn't air conditioning and the boys from less comfortable parts of the country like to stay in Washington during the hot days now, when they used to want to get out of here.

I think whether or not that is true, they will be suggesting that we turn the heat off in November and December if we are ever going to get out, and make it uncomfortable.

There is nothing funny about our failure to come to grips with our problems, the problems of the Nation.

For example, a President who is elected by all the people, has got the right, really has the right, not to have his legislative program enacted by any means, not to have it passed unchanged, but he has got the right to have it considered and he has got the right to have it voted up or down and not buried—not buried in a committee by the whim of one man elected perhaps from a very, very unrepresentative part of the Nation considering the Nation as a whole. I do think, as I indicate here, we have become prisoners of our procedures and we ought to sweep this dust and grime away so that our governmental machinery can work smoothly like any household appliance.

The self-reform I talk about is tough. It relies on a selfless spirit of Congress to act in a way that may impair their State's prerogatives and prestige.

It may even make it harder for them to get elected, as I suggested earlier. So I don't think we can rely on our own initiative here. That is why I believe very strongly that the Commission should consist of private persons as well as Members of Congress. People of prestige from outside of Congress would be most valuable. I think it would be most helpful to have such people on the Commission also after the recommendations are framed, to have their prestige and their standing behind putting such recommendations into effect.

Mr. Chairman, as I suggested at the outset, if I may, I would like to insert in the record a number of things that I have accumulated in my study of the matter which I believe would be useful.

Senator HAYDEN. Whatever insertions you desire to make we will include.

Senator CASE. I won't necessarily list them to you, but my staff will talk to the staff of the committee and we will see they are put in.

I am most grateful to you. I do suggest that it is possible that some of these experts might want to give testimony or submit statements even though they have not been in touch with you or your staff or

with me or my staff. I hope they might be given some little time in which they might contribute to the committee's deliberations.

Senator HAYDEN. We will have to look into that.

I don't know whether there would be any justification for paying their way down here.

Senator CASE. We had informally discussed the possibility. It may be that there will be some, even though many of them are college professors and are not too well paid. We might be able to work it out.

Senator HAYDEN. But on the other hand if they had any comments you think ought to go into the record we will be only too glad to include them.

Senator CASE. If the committee does decide to have another hearing or so, if the staff will get in touch with Senator Clark, with Senator Keating, my cosponsors, or with me so we can arrange to have additional people we would appreciate it.

(The prepared statement of Senator Case is as follows:)

STATEMENT OF HON. CLIFFORD P. CASE, A U.S. SENATOR FROM THE STATE OF NEW JERSEY

In growing numbers Americans are asking questions about the legislative branch of Government. The principal one, bluntly stated: "Is the institution of Congress up to the problems of today?"

The press, radio, and television have been reporting all too clearly the bickering, the power maneuvers and the frustration of constructive legislation in the Congress. This is not to say that Congress should become a rubberstamp organization. But it is the duty of Congress to consider and to act, up or down, on major legislation. We have the right to debate fully, to amend, to improve, to vote up or down, but we have no right to bury a bill so deep that a majority of our legislative body cannot work its will.

The framers of the Constitution of the United States have laid out a lengthy list of powers, and indeed, responsibilities, of the U.S. Congress, concluded with the statement that Congress shall have the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

There is a growing—and I think justified—feeling that Congress has become so ensnarled in its own archaic and complex procedures that the executive and judicial branches of Government have had to take over the primary responsibility for the conduct of our Nation's business. Each of the three branches has its proper rôle, I think, and our form of government cannot operate at its best if the legislative branch is shackled in carrying out its responsibilities.

Walter Lippmann has indicated the goal which we must seek in these words: "It will be a labor of Hercules to reform the system. But if the American Government is to be adequate to the times we live in we have to begin to reform." In his comment, the columnist made his view clear that where reform is concerned the most urgent need lies in the Capitol of the United States.

S. 177, which I have sponsored with Senators Clark and Keating, would create a Commission on Congressional Reorganization, modeled on the Hoover Commission, to study the present organization of the Congress and the functioning of the legislative process.

Our bill provides for the appointment of a 12-man Commission—3 Members of the Senate, 3 Members of the House of Representatives, and 6 "individuals in private life who are specially qualified by training and experience to contribute to the solution of problems of public administration or the functioning of legislative bodies."

The bill would require the bipartisan Commission to report on at least 12 specific problem areas. They are:

- (1) The scheduling of measures for consideration and action;
- (2) The structure, staffing, and operation of congressional committees;
- (3) The workload of the Congress and the committees thereof;
- (4) Congressional rules and floor procedures;
- (5) Conflicts of interest of Members of the Congress;

- (6) The term of office of Members of the House of Representatives;
- (7) Communications, travel, and other allowances of Members of the Congress;
- (8) The financing of congressional election campaigns;
- (9) The duties of Members of Congress incident to the appointment of postmasters and the making of appointments to military service academies and other Government academies;
- (10) The legislative oversight of the administration of laws;
- (11) The strengthening of the congressional power of the purse; and
- (12) The operation and effectiveness of existing laws with respect to lobbying.

The Commission could report on any other problems of procedure which it deemed appropriate.

The Hoover Commission reports, as Members of the Senate know so well, made a major contribution in improving the Executive branch of Government. I am certain that a similar study of our branch would be very valuable. There has been no comprehensive attempt to modernize congressional procedures since the enactment of the La Follette-Monroney Congressional Reorganization Act of 1946.

In the past session we were very slipshod in the way we got our work done in the Congress, and much of it didn't get done at all. The result is that the public is beginning to lose confidence in the ability of the Congress to meet the problems of the 20th Century. Presently, we are facing the possibility of Congress being in unending session. I hope it will be fruitful, but so far it has produced little result.

Congressional observers are already jesting that the most effective way to speed up the activities of Congress would be to turn off the air conditioning. The way things are going, they will probably be suggesting turning off the heat in November and December.

But there is nothing funny about the failure of Congress to come to grips with the nation's problems. A President who has been elected by the people of the United States and who has a majority in both houses has a right to believe that his major legislative proposals will be brought to a vote. Unfortunately, each Chamber now is all too evidently a prisoner of its own archaic procedures. The thing to do with dust, as every housewife knows, is to clear it away. For accumulated dust becomes grit, and when this happens the machinery of government, no less than the household appliance, cannot run smoothly.

Self-reform is difficult to achieve, for it relies on the selfless spirit of Members of Congress to act in ways which may impair their individual prerogatives. Many Members of Congress have an important stake in the status quo.

Congress is expected to legislate. If we want to make Congress a legislative body more capable of constructive, affirmative deeds we should, as a first step, put our procedures under the microscope of experts from the Congress and from the public.

I hope that your subcommittee meetings will mark the first stages of a continuing process of hearings and action on the route toward streamlining and improving our legislative machinery. Numerous political scientists with whom I have discussed the problem consider this one of the most pressing needs for our national welfare.

I ask the consent of the committee to incorporate in the hearing record at the conclusion of my testimony excerpts from letters and papers prepared by these experts in the field of political science. On some not too distant occasion I hope the subcommittee will permit these people, and others who share their concern, to testify and counsel this subcommittee.

The time is right for action on a problem which has been shunted aside all too long. With the leadership this subcommittee can give, congressional reorganization and revival of public confidence in the legislative branch will be assured.

Senator HAYDEN. Senator, I notice you have also cosponsored Senate Concurrent Resolution 1, which establishes a Joint Committee on the Reorganization of Congress.

Which do you prefer, a joint committee or a commission?

Senator CASE. A commission, sir.

Senator HAYDEN. You like the commission best?

Senator CASE. Yes, for the reasons I attempted to indicate: The additional value of outsiders looking at the job, the fact that some of us—any Member of Congress is likely to see a thing perhaps too

narrowly, and the additional prestige that is involved when outsiders come in.

Senator HAYDEN. Have you given consideration to the fact that the Legislative Reorganization Act of 1946 places upon the Committee of Government Operations the responsibility for evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government.

For 15 years that committee has devoted some attention to the organization and operation of the Congress during every Congress since the enactment of the Legislative Reorganization Act in 1946. They made exhaustive studies and recommendations set out by Senator Humphrey in the Congressional Record of January 31, 1963, at pages 1390-1393.

Do you think that a new committee or commission would be able to do a more effective job in making recommendations that would be adopted by the Committee on Government Operations, which has the responsibility now?

Senator CASE. Well, it is a very good question.

Of course, I think the answer is, I do think so. I think that for the day-to-day and year-by-year oversight of the operation of Congress and its workings the Committees on Government Operations can perform and do perform a very useful function, but I think that occasionally, periodically—and now this would be 17 years since the last real overall look was had—it is well to have outsiders in to have a special examination of the whole thing, including, perhaps, the way the Committees on Government Operations have done the job.

Senator HAYDEN. Senator Cooper, do you have any questions?

Senator COOPER. May I say I am very happy to have heard the testimony of my colleague and friend, Senator Case.

I expect to support his bill because I think it has the worthwhile purpose of reviewing the effectiveness of the Reorganization Act, which was passed several years ago—the Monroney-LaFollette Act.

I would like to ask you this question. I think you yourself raised it when you said that beyond rules there are human, and I would add, political, considerations which have their impress on the action of the Congress or the failure of the Congress to act.

We know that the majority, which at this time happens to be a very large Democratic majority, and we both served under Republican majorities, and its leadership decides what legislation will be considered, and what legislation will not be heard.

Leave out for the moment the power of the committee chairman and committees, which we know is a tremendous power. Irrespective of what a committee does finally, the majority leadership determines whether a bill will be brought before the Senate either by the report of the committee or by placing it as an amendment on another bill.

I am not derogating or diminishing what could come out of this committee, but how can we ever deal with this situation? It is a political decision, the judgment of the majority as to what bills should be brought up; whether it is important or unimportant; or whether it is something which will hurt the party no matter how valuable it is.

How do our rules deal with that?

Senator CASE. Well, I think this is a very helpful question. I think the answer to it, I would think the answer to it, and I do believe there is an answer to it, is that this is a responsibility of the majority.

It is a party responsibility, responsibility of the party of the majority. These changes reducing these various other blocks and doors and barriers, and so forth, to action would sharpen that responsibility and see that it rests squarely where it belongs, and it wouldn't be possible for the majority leader, whether a Republican or a Democrat, whether of the Senate or the House, or the Rules Committee or anybody else, to say, "Gee, I would like to help you, boy, but you know this old fellow has this bill in his committee and he isn't going to let it out and you know how the Senators are. They are not going to take it away from them, and there is nothing I can do." This kind of thing has been for the majority, for the party system, a defense, a protection against, I think, assuming the assumption of responsibility that our party system ought to bear and our party leadership ought to bear.

Senator COOPER. You might be able to place the responsibility more clearly, but the responsibility will always be there.

Senator CASE. Oh, yes. But by the definition of it.

Senator COOPER. And probably rightfully exercised most of the time, but sometimes exercised politically, to suppress legislation as well as bring it forward.

Senator CASE. In the end, the only sanction for performance or punishment for failure to perform responsibility is the sanction of public opinion.

But this would let the public know where the responsibility lay. This, I think, would be a very important gain.

Senator COOPER. Would you consider some of the more what I would call practical arrangements—such as the setting aside, particularly in the early part of the session, certain days when the whole day would be devoted to committee hearings rather than being split up between half day on committee hearings and half day in the Senate—might be helpful in speeding up the work of the Senate.

It would be a practical arrangement which could be made by the two leaders.

Senator CASE. I think there are many things of that sort that could be done, and usefully done.

I would not let myself, however, be swayed by the possibility of a number of small things from what I think are the larger and more important things.

Senator COOPER. I understand.

Thank you very much.

Senator CASE. Thank you, Mr. Chairman.

Mr. Chairman, I am most grateful and so are my cosponsors; Senator Keating, I believe, who, if he hasn't been able to get here, is going to prepare a statement and send it to you.

(Articles submitted by Senator Case may be found as exhibit 6 in the appendix, at page 133; communications received by him, as exhibit 7, at p. 173; and statements transmitted by him from George B. Galloway, John E. Allen, Alan L. Clem, Thomas E. Eichhorst, Stanley H. Friedelbaum, Robert S. Getz, Wesley L. Gould, and, Howard N. Mantel, may be found following the day's testimony, at pp. 76-94.)

Senator HAYDEN. Senator Monroney. We would now like to hear from you, as one of the authors of the LaFollette-Monroney Act.

There are two principal resolutions pending, Senator, one is Senate bill 177 and the other is Senate Concurrent Resolution 1.

**STATEMENT OF HON. A. S. MIKE MONRONEY, A U.S. SENATOR
FROM THE STATE OF OKLAHOMA**

Senator MONRONEY. Thank you very much, Mr. Chairman.

I appreciate the opportunity to appear here at the hearings on bills which would effect the reorganization program for the Congress. Your notice indicated the principal concern of this committee was over the form of the resolution and the composition of the study group.

S. 177 by Senator Case and others, would establish a Commission on Congressional Reorganization, while Senate Concurrent Resolution No. 1 by Senator Clark and some 30 others would create a Joint Committee To Study the Organization and Operation of the Congress.

The important difference between the two is that the Commission approach in S. 177 would turn over to a commission of 12 members the duty of outlining the course of any reorganization following hearings.

Of these 12 members, 3 would be appointed by the President of the Senate, 3 by the Speaker of the House, and 6 others by the President. It is a nice thing to have a former Senator and former House Member as President, perhaps at this time, but ordinarily, the legislative branch is rather jealous of its prerogatives and jealous of executive encroachment. For that reason, I think this is a rather fatal defect, since you are dealing with a legislative body and this resolution would give to the executive branch the control of half of the Commission, which would have great power of publicity.

Most of the Executives in the past and particularly the people around them have been somewhat disdainful of the ambitions of the legislative branch to be a coequal partner in the tripartite system of government.

Senate Concurrent Resolution 1 would utilize exactly the same joint committee of the House and Senate Members as was used in the previous study by the LaFollette-Monroney committee in 1946.

Without derogating the value of outside help in the reorganization of congressional machinery, because it can be most valuable and testimony should be taken for weeks or months from outside experts, from academic people, from political scientists and others, I feel, based on my own experience, that a wider experience and understanding of the actual congressional problems would be obtained by a joint committee, rather than by having half of the group from completely outside the congressional branch.

Few educational experts have had the opportunity to see the day by day operations and to understand the workings of the House or Senate or of their committees. Their traditions, their reasons for certain steps in legislative matters, have been built in through the course of history to guarantee every Member his rights. Parliamentary procedures and committee systems are the result of slow but constructive growth over our long history.

Obviously as we reexamine them, many would and should be changed. But certainly these built-in protections of minority rights guarantee adequate consideration of bills at the committee level and up through floor action. They are based on experience rather than on theory.

Educators and others who observe rather than work in the Congress find it difficult to understand why such a system can work at all, and sometimes we wonder also.

We know it can be improved, but I think it has to be improved with the knowledge of the technical problems that face a legislative body.

Certainly the Senate and the House do not wish to be above criticism or to deny comment on the need of reform.

In fact, we should invite it, and any hearing by a congressional joint committee, I know, would rely heavily on having a large number of outside experts presenting their testimony at length and in full to a committee comprised of Members from the two Houses. This I prefer to a commission made up at least half by those who have had little or no legislative experience.

In the last reorganization effort many of the reforms were suggested by outsiders—experts in various fields of parliamentary procedure, and in political science.

We found these, this advice on reforms, most helpful, and many found their way into the final act. It was then up to the committee of experienced Senators and Representatives to consider the suggestions on their merit, to amend and refine them and adapt them, if possible, to our program, and include them in the list of proposed reforms.

I feel it is still the Members, however, who have to work with the system, who will be the best informed and the most critical of the inefficiency or obsolescence of our system.

Further, may I point out, making a blueprint and submitting a report and recommendations, do not insure reorganization or reform.

Much effort by Members of both Houses will be needed to secure the enactment of the law if the needed reforms are recommended by the joint committee.

Obviously, we need an overhaul, a vast revision and modernization of our machinery.

One of the problems is to erase the inertia that constantly has tended to effectively resist changes of programs and plans.

This is why I hope the Rules Committee will start by reporting some of the suggested amendments on which testimony was had on yesterday, and study carefully setting up a joint committee of the two Houses, to begin a careful, thoughtful, broad-based study calling on our own Members and calling on outsiders to give us their advice on what the needed reforms would be.

I would throw a word of caution in by saying the great issue of rule XXII is the rock on which reorganization can be wrecked. It is a matter that we all understand and know like we know the palm of our hand. No further debate or study will change many Members of the House or of the Senate, and this should be a separate item. If it is intermixed, I would say, with a reorganization program, you are sure to delay the needed reforms.

May I say the workload has increased many times what it was when the Reorganization Act was passed in 1946. Still, nothing has been

done. I think the situation has grown worse, particularly in regard to the extraneous duties, not directly related to legislation, that Congressmen and Senators are expected to engage in.

I think if most Members of Congress would keep a careful check on their time, they would find that legislation occupies a minority portion of their time, rather than a majority of their hours. Today, legislation is too important and too complex, I think, for that diversion of attention.

We know these duties have to be performed. We tried to give staffing in the Reorganization Act to take care of it. The staffs have proved very helpful, but still a major part of the extraneous duties not connected with legislation falls on the back of the Senator or the Congressman.

Thank you for the opportunity of being here to testify.

Senator HAYDEN. I take it that in your view the personal contacts and the correspondence the Senator or Representative has with his people take up more of his time than the legislative duties.

Senator MONRONEY. Yes, sir.

I mean the legislative job has always been our main purpose, but the demands to be helpful and useful ambassadors of his State in Washington, to take care of the routine departmental work and the referrals and contacts that must be made on public works programs and other things, occupy an important part of a legislator's time. This is the workload that we were able to help a little bit on by staffing the Congress better, but it still does not relieve the Members of very many of these obligations.

Senator HAYDEN. Have you any questions?

Senator COOPER. I think the Senator's suggestion that the membership be appointed wholly from the House or Senate is a very reasonable one.

Senator MONRONEY. There are good reasons, Senator, why these rules do work, with which outsiders with academic or industrial viewpoints are not familiar, and the education of six outside members would take some time.

We found there was no resistance to reforms that were useful within our committee. It was most enthusiastic for reforms.

True, we didn't get some of them through the Senate or through the House, but this was not the fault of the Committee. It was the fault of the resistance to change which occurs in any legislative body. We had good bipartisan support.

I think advice that persons from outside Congress can give, and their criticisms and suggestions, while they may not work, may raise an interest in finding a solution to a problem or a substitute for a remedy that has been proposed. In other words, this discussion focuses the problems, and then their suggestions will help you find a remedy for them.

Senator COOPER. I would like to ask a question which is not directly on this resolution, but is prompted by a statement you made yesterday in which you supported strongly the resolution dealing with germaneness, pointing out the continued intervention of speeches which had nothing to do with the pending business and its effect upon attendance in debate.

Last year I proposed an extension of that idea and I would like to have your views on it.

I have not introduced a resolution on this subject, but what you have said encourages me.

Could we not impose a prohibition against written speeches? They could be placed in the Record, but Members other than those who had charge of a bill or charge of opposition to a bill could not make written speeches. It seems to me this would really speed up the work of the Senate. It would encourage better debate. It may produce some poor speeches at the outset, but in the end it might improve them, and I think produce a livelier debate.

I think also it would do away with any lurking suspicion that Senators did not write their own speeches. I have talked to a good many Members of the Senate about this, and a great many of them say they favor it.

You are a very experienced man in this field and I would like to have your views.

Senator MONRONEY. I am afraid that in that regard I am not as experienced as many of the other Senators. I believe the British Parliament does have a rule that requires all but the leaders to speak without reading their speeches.

It would be a great change and one I think you would have a great deal of difficulty in getting into a Reorganization Act because not all Senators are as articulate as the distinguished Senator from Kentucky.

Senator COOPER. I certainly am not articulate, but I am thinking of the quality of the debate and spontaneity with which it could be conducted.

Senator MONRONEY. And brevity has something to do with it.

Senator CLARK. Would the Senator yield for a comment? My understanding is that the rule in the House of Commons for, I think, a hundred years or more has been that when you arise to speak you can carry in one hand notes no longer than can be concealed in your palm without being visible to the other members.

Senator MONRONEY. This gives the heavyhanded orator the advantage of making longer speeches.

Senator CLARK. Just like baseball; if you have big hands you do better.

Senator COOPER. It is my understanding that we are not supposed to have any notes, other than the person who has charge of the pending business.

Senator MONRONEY. I think it would expedite the Senate business, sharpen debate, and probably reduce the volume of words that would be spoken.

Senator HAYDEN. Senator Cannon?

Senator CANNON. Now to get back to the practicalities of life, I doubt that such a resolution as that would have much opportunity for passage. But in view of the fact that the recommendations made in the Reorganization Act were not actually carried out in many instances, what effect do you think another study would have?

Are we going to create a study to make a study of some other study that has been made?

Senator MONRONEY. No. I think any study today should be based on needs of today, workload of today, and the problems of today, not to find out how much of the old reorganization wasn't implemented. I think the legislative budget offered some great hope of better fiscal control, but it was never allowed to work. There

were several other failures from nonimplementation, but I do feel that in any reorganization you will probably realize 66% or maybe 75 percent performance regarding the recommendations for improved machinery.

If the improvements are so badly wanted and needed by the Members, they will insist on these things working.

One of the things that no one thought could work was the fact that we could cut the committee structure in one-half, concentrate jurisdictions in half of the committees that we once had, and hold the line rather well.

We have done rather well on that, with the exception of Space which has been made a regular committee. But who could foresee in 1946 the need for a major committee on space? In that way, I think we have done rather well against expanding the committee assignments of Members.

We have held those generally to two major committees, and if necessary, one minor committee; whereas when the Reorganization Act was passed some Members had as high as 8 or 10 committees.

The subcommittee problem is one I think is going to have to be studied, to abolish the numerous conflicts that occur. Members are finding too many subcommittees existing, handling too many subjects, and never being abolished once the purpose for which the subcommittee was established has been met.

Senator CANNON. In consolidating the committees because of this growth of subcommittees haven't we complicated the problem just as badly as it was before?

Senator MONRONEY. No; not quite as badly, because most of these subcommittees work within a regular jurisdiction of the major committee.

In other words, the Members before were assigned to a conglomerate group of committees, none perhaps related to the other.

But now if you are working a major area of Appropriations and you may have four or five subcommittees or if you are in Commerce, as is the distinguished Senator from Nevada, your subcommittees are related to the general jurisdiction of your major study, and this means expediting and having shorter period of hearings to get the bills before the full committee.

Senator CANNON. I recall in the hearings before the Rules Committee earlier this year, when the various committees were justifying requests for funds, that we ran into a situation in one subcommittee particularly that had a bigger staff than most of the major committees, and we found they were going off in every direction.

They were investigating or studying everything under the sun, and it seems to me that this subcommittee situation really has gotten far out of hand, as badly out of hand as the old situation concerning the major committees.

Senator MONRONEY. But you, I think, this splendid Committee on Rules, have control over that.

You could determine they shall not have that much money. The length and the scope of the work is pretty well determined by the amount of funds they have.

Senator CANNON. I think you could say we didn't get too much support on the Senate floor in trying to eliminate funds.

Senator MONRONEY. I thought you reduced a good many of them.

Senator CANNON. We did. We made some reductions but not perhaps as many as we should have.

I take it then your recommendation is definitely in favor of Senate Concurrent Resolution 1, rather than S. 177—that you would limit it strictly to congressional Members, because they are more familiar with the problems and more intimately connected with them.

Senator MONRONEY. And they would be able to get and hear a vast volume of testimony from academic people, students, industrialists, or specialists in government rather than having them as members of the commission themselves.

I don't think the Hoover Commission results are nearly as spectacular as some people have thought. I think it doesn't necessarily mean that this is the ideal way of effecting reform in the executive branch or in the legislative branch.

Senator CANNON. Do you have any idea of what the expenses of this committee would run? I notice there is just a blank figure in the resolution now.

Could you give us any kind of figure?

Senator MONRONEY. I see Dr. Galloway, who was our staff director. We had one member of our staff, and this was Dr. Galloway. The rest of the work was done by the Senators and by the Congressmen calling outside witnesses in who paid their own way down here, and what was the total cost, do you remember?

Dr. GALLOWAY. \$15,000.

Senator MONRONEY. \$15,000 was the total cost from beginning to end.

Senator CANNON. That is all that the committee used?

Senator MONRONEY. That is right.

I think we turned back a little bit of money.

Senator CANNON. Those are all the questions I have, Mr. Chairman.

Senator HAYDEN. We thank you, Senator.

Senator MONRONEY. Thank you, Mr. Chairman.

Senator COOPER. Concerning what Senator Monroney said, there are now 37 subcommittees.

Senator MONRONEY. The committee chairman could reduce these, consolidate, do a lot. They are more or less token items of prestige. Sometimes once a member is a chairman of a subcommittee he doesn't like to see it abolished, although the function may have ceased.

Senator CANNON. We had one subcommittee who told our committee either 2 or 3 years ago they were going to go out of business before the following year. They are still in business, although we tried to put them out of business this year without success.

Senator MONRONEY. This is a good item for study.

Senator HAYDEN. Senator Bartlett, if you so desire you may highlight your statement, and we will be glad to put it in full in the record.

STATEMENT OF HON. E. L. BARTLETT, A U.S. SENATOR FROM THE STATE OF ALASKA

Senator BARTLETT. Mr. Chairman, if you permit, I will read the statement because it is very brief. In any event it is not one of my more lengthy productions.

Senator Cooper can be assured that this was written by me, and this becomes clear to many as I go along.

The fact that Mr. Foster, with me in my office, obtained his law degree in Texas, and then went on to study economics in Sweden, had nothing to do with what I am going to read to you now, and this will be clear to you, I am sure.

Senator COOPER. I can assure my friend, that I have no doubts about his literary abilities.

Senator BARTLETT. They are excellent, I assure you. I spent quite a little time writing it.

Senator COOPER. I am sure it is much better than mine.

Senator BARTLETT. I appear before you, Mr. Chairman and members of the committee, because of general and specific interests and because I am a cosponsor of Senator Clark's Senate Concurrent Resolution 1. I am in support of the proposal. You might have gathered that from the fact that I am a cosponsor, but I have observed in the past that sometimes cosponsors are against proposals which they have cosponsored. Not I.

Fifteen years have passed since Congress took a close look at itself in terms of its own internal organization and operation.

A second look is long overdue. During those years many changes have occurred in legislative process in Congress, and much attention has been given to the problems of the legislative branch in other democratic nations and by our State governments. I would like to suggest a few areas in which improvements might be considered.

Winston Churchill once remarked that numerous benefits accrue to the United States by virtue of its possession, in the States, of some 50 "laboratories for social and economic experimentation."

I concur.

I think there is a marked similarity between many of the problems facing our State legislative bodies and those which Congress should face. I think the approaches advanced by some States can be extremely instructive to Congress as it attempts to improve its own structure. Oftentimes the experiences of legislative bodies in other nations are similarly instructive.

The first area to which I would call attention involves the legislative review of rules and regulations of administrative agencies and departments.

The ever-increasing complexity of problems which involve Government action has prompted Congress to delegate broad quasi-legislative responsibilities to numerous administrative departments and agencies.

These agencies adopt rules which have the force and effect of law, which are intended to implement the general directives of Congress. I feel Congress needs some systematic means of reviewing these administrative actions.

In recognition of this same problem the British House of Commons in 1946 instituted a committee of 11 members for the reviewing of the rules of administrative bodies in England.

The committee meets both between and during parliamentary sessions. The rules of an agency are examined in view of the powers which the House of Commons has delegated to it. The committee has no power to take final action; it functions rather as an arm of Commons, informing Parliament of the nature of the rules of the agencies and calling attention to rules which it feels represent a questionable exercise of delegated legislative power.

Several of our States have likewise experimented with some form of legislative review of administrative rules. Since 1947 Connecticut has required all rules issued by the State's administrative agencies to be submitted biennially to the general assembly; the rules are then referred to an appropriate committee for review.

A similar type of review has been incorporated in Michigan, Kansas, Nebraska, Wisconsin, and more recently in Alaska. I can report by way of firsthand knowledge that the experience in Alaska certainly encourages me to believe something positive and constructive can be accomplished in this type of review.

It may well be that Congress could implement some system of review through its present committee structure.

At any rate, I am concerned that we devise some means to keep ourselves abreast of agency rulemaking and that we make a more concerted effort to coordinate administrative and legislative purpose. The matter is a fit one for joint committee study and consideration.

In addition I would call attention to the possibility of having an established form of legislative review of court decisions.

The courts in the United States speak through their opinions in countless cases each year. The courts declare acts of Congress unconstitutional; the courts say what they think Congress intended when enacting statutory law; and the courts from time to time ask Congress to clarify, or otherwise change, the wording of legislative acts. I am pleased that the new State of Alaska has recognized this problem and in close cooperation with the judicial branch has established in institutionalized form a means by which the State Legislature keeps a constant eye and ear on the statements and declarations made by the State courts.

This is not a practice which is widely followed in other States, but I am convinced that it is one that can be very constructive and is worthy of careful consideration.

I will ask, Mr. Chairman, that the act of the Alaska Legislature establishing a legislative review of administrative rules and court decisions be added to the record. I hope that the Joint Committee on the Organization of Congress to be established pursuant to this resolution will seriously consider the merits of this proposal.

Senator HAYDEN. Without objection, it will be inserted at this point in the record.

Senator BARTLETT. Thank you, sir.

(The enactment of the Alaska Legislature, providing for an annual legislative examination of published administrative and judicial interpretations of State statutes, is as follows:)

LAWS OF ALASKA, 1963

CHAPTER 72

AN ACT Providing for an annual legislative examination of published administrative and judicial interpretations of state statutes

(S.B. 115)

Be it enacted by the Legislature of the State of Alaska:

SECTION 1. AS 24.20 is amended by adding a new section to read:

"SEC. 24.20.065. Examination of Regulations and Opinions. (a) The legislative council shall annually examine administrative regulations, published opinions of state and federal courts and of the Department of Law that rely on state

statutes, and final decisions adopted under the Administrative Procedure Act (AS 44.62) to determine whether or not

“(1) the courts and agencies are properly implementing legislative purposes;

“(2) there are court or agency expressions of dissatisfaction with state statutes;

“(3) the opinions or regulations indicate unclear or ambiguous statutes.

“(b) The legislative council shall submit a comprehensive report of the annual examination with recommendations to the members of the legislature at the start of each regular session.”

SEC. 2. AS 44.62.320 is amended to read:

“SEC. 44.62.320. Legislative Annulment of Regulations. The legislature, by a concurrent resolution adopted by a vote of both houses, may annul a regulation of an agency or department.”

Approved April 19, 1963.

Senator BARTLETT. An additional problem for joint committee consideration concerns the need for legislative review of allegedly arbitrary, capricious, or unreasonable actions taken by administrators.

A means of public protection from such abuse has developed within the legislative bodies in Denmark, Sweden, Germany, Norway, and Finland. Interest in the subject has been recently expressed in Britain and in the United States.

Political theorists in the United States have shown particular interest in the Office of the Danish Parliamentary Commissioner, who in Denmark is called the “ombudsman.”

(Additional information relative to the Scandinavian ombudsman may be found in exhibit 4 of the appendix, at p. 111.)

This officer, appointed by and responsible to the Danish Parliament, is entrusted with the supervision of the ministers, civil servants, and other persons active in the service of the state—judicial officers and municipal administrators excepted.

He is to—

keep himself informed as to whether any person, within his jurisdiction, pursues unlawful ends, makes arbitrary or unreasonable decisions, or otherwise commits mistakes or acts of negligence in the discharge of his or her duties.

The ombudsman is empowered on receipt of a complaint or on his own initiative to examine any civil or military activity which is performed in the service of the state by those under his jurisdiction. He does not have the authority to change an administrative decision, nor may his office act as a court of appeal.

His function is rather to advise and direct the agencies in light of the complaints he receives and the investigations he conducts and, when necessary, to inform Parliament of instances of personal or agency malpractice or of needs for statutory changes.

He makes an annual report to Parliament, informing them in a general way of the nature of the activities of administrative agencies and pointing to problem areas which merit further study and possible legislative action.

The Office of the Commissioner serves as a point of contact and coordination between the Danish Parliament and the manifold activities of the agencies it has brought into being.

It also serves to keep Parliament informed concerning administrative activity. The fundamental idea behind the institution is that government processes can be improved through continuing review by an officer, responsible to the representative body, who focuses on problems of administrative activity but is not himself involved in making

substantive administrative decisions and is not limited to one field of administration.

Mr. Chairman, I believe the committee could consider with profit the functions performed by the ombudsman and the ways in which such an office might be adapted to American needs and structures.

I have briefly outlined some problems which concern me as I consider the responsibilities of Congress in light of the quasi-legislative functions it has found necessary to delegate to administrative agencies.

Too often we find ourselves ignorant concerning the rules and actions of these bodies. Our legislative responsibility demands that we be informed in these areas. The questions involved in defining the role of congressional review, in preventing abuses, and in formulating structures within Congress for the maintenance of such oversight are not easy ones. But they are questions which our collective and individual responsibilities as legislators impel us to consider. Thank you, Mr. Chairman.

Senator HAYDEN. Are there any questions? Senator Cooper?

Senator COOPER. I think they are all constructive suggestions.

Would your ombudsman correspond to the GAO in any way?

Senator BARTLETT. No, I think he would have wider functions, not so limited.

That is chiefly in the fiscal area and as I see it the ombudsman would go much further.

Senator COOPER. I certainly believe there should be some way for the Congress to review administrative regulations, for such regulations, I think, are supposed to carry out the intent of Congress, and I do not believe we know whether they do or not.

Senator BARTLETT. I don't want to imply within the responsible area which has been assigned to it, that the General Accounting Office is not doing a good job. I believe it is.

But what I have in mind is something considerably broader.

Senator HAYDEN. Any questions, Senator Cannon?

Senator CANNON. The General Accounting Office is limited in scope.

You would envision going far beyond that?

Senator BARTLETT. That is right, far beyond that.

Senator CANNON. Far beyond the limitation it has?

Senator BARTLETT. This is novel to our way of thinking, this is new to our way of thinking. But so are lots of things we are doing today that we didn't even do 20 years ago. I suspect that we are going to have to enlarge our vision in these areas as well as in space and others.

Senator CANNON. I was interested in your comments concerning the courts, and I certainly agree with you that many times the courts interpret congressional intent much differently than a Member of the Congress may have intended.

I am sure many people have heard that criticism. The answer would be that we should perhaps correct that by legislative action rather than attempting to review it here.

Senator BARTLETT. I think this can be explored—I won't say in depth, I don't like that phrase too well—by the Commission that is organized, but certainly adequate inquiry could be made to determine whether the proposition seems worthy of study and what means might be taken to effectuate it.

Senator CANNON. Which one of these bills or approaches would you favor, the one that is made up completely of congressional Members or the one that has outside members?

Senator BARTLETT. I am going to stick with my original idea that the congressional Members should constitute the Commission itself. I see much merit, of course, in what Senator Case declared here earlier—the bringing in of outsiders, with objective and different objectives and different viewpoints.

On the other hand, what Senator Monroney had to say on the subject, I thought was compelling.

In the first place, many of these rules which may seem archaic to those out in the country, and perhaps they are, yet have by long experience been discovered to have a necessity. I am not so confident that in all cases people from the academic world could, as members of a commission, for example, do other than to provide answers.

Whether those answers could be worked out would be quite something else again.

I agree with Senator Monroney wholeheartedly, that a Commission of the type envisioned by Senate Concurrent Resolution 1 should indeed call these political theorists into consultation, should take advantage of their opinions, because they have ever so much to offer and we need that help.

But the structure of Congress itself, I suggest, can be recognized best by one who is of it, and who knows its proceedings. This consultation with outsiders, so to speak, would not bar, of course, the admission of views from other areas.

Senator CANNON. In other words, you are in effect saying you have got to be practical about it. The Members of Congress are more likely to know what could be accomplished, what could be gotten through legislative—

Senator BARTLETT. And what ought to be gotten through.

Senator CANNON. And what ought to be gotten through.

Senator BARTLETT. I think that many people might look at Congress from what they have heard of Congress, and from what they have read about Congress, without ever having observed its operations, and assert with plausibility that this can't operate, this can't work, it won't function. They could have declared that from the beginning days of the Republic, and much more so now in the mid-20th century, and I am not so confident that the Congress ought to be the most efficient body of the world.

The way it operates now is obviously not perfect. Corrections ought to be made. This type of commission could perhaps make some improvements, but one thing can be said now as beforehand, and that is that it is a wonderful demonstration, or so it seems to me, and I believe it to be true, of the democratic process.

Everyone in this country who desires to can be heard on legislation before the Congress, and this is the way it ought to be.

Senator CANNON. I have no more questions, Mr. Chairman.

Senator HAYDEN. Thank you.

Thank you for your statement.

Senator BARTLETT. Thank you.

Senator HAYDEN. Senator Keating, Senator Clark has agreed to let you testify before him.

STATEMENT OF HON. KENNETH B. KEATING, A U.S. SENATOR
FROM THE STATE OF NEW YORK

Senator KEATING. I appreciate that very much because I know the distinguished Senator from Pennsylvania has an extended presentation he wants to make to the subcommittee. He informs me he is at this moment supposed to be presiding at another meeting, so that I shall be very brief.

These hearings on legislative reform are in no sense of a mere house-keeping nature. The archaic and cumbersome procedures under which the Congress must now function is a severe handicap, in my judgment, to responsible and creative decision making by the legislative branch.

It has contributed to a serious decline not only in the prestige of the Congress but in its ability to serve the vital role intended for the legislative branch by the Founding Fathers.

In my judgment, unless broad legislative reforms are adopted, Congress faces the danger of a total eclipse in an operational calamity.

Let me make it clear that I do not regard the purpose of reform to be to make Congress more responsive to the will of the executive branch. It is true that reforms would discourage the opportunities for obstruction which now exist, but their principal impact, I believe, would be to strengthen the constructive and independent role of Congress in shaping the policies of our Nation in this era of change and challenge.

The situation was put very well by Inez Robb, the noted columnist:

In the face of a new world that, like it or lump it, moves with the speed of light, Congress, unheeding, plows along at a snail's pace, a pace not only dangerous to the Nation but to its own position in the triumvirate of Presidency, Supreme Court, and Congress.

As a result of a decline in the prestige and influence of the Congress, almost all the initiative in determining national policy has shifted decisively to the executive department and to some extent to the Supreme Court.

This is not simply the result, as some contend, of a desire on the part of strong chief executives and chief justices to assume great power.

In major respect, in my judgment, Congress itself must bear the blame for its declining role.

One of the most dramatic and yet frequently overlooked changes in the Congress is in its size. The original Congress had 65 Representatives and 26 Senators. Today the House has 435 Members and the Senate 100 Members, a substantial increase, but nothing like the increase in the size of the Nation's population. In fact, if the number of constituents per Member had been kept constant during all these years, we would today have almost 6,000 Members in the House and we would have to line all of Pennsylvania and Independence Avenues with New House Office Buildings. To partially avoid this structural calamity and for other reasons, we have substantially altered the ratio of constituents to Members over the years so that now the average congressional district contains 400,000 inhabitants compared to 33,000 in 1789.

We have been less successful in avoiding an operational calamity than in avoiding this structural calamity. As a result, the lawmaking process has become bogged down in some inequitable, cumbersome,

and completely unreasonable practices and procedures. The failure of Congress to keep its own house in order has had an impact far beyond the refurbished Chambers of the House and Senate.

It is because I believe strongly in a system of checks and balances and want Congress to resume its appropriate status in determining America's role in a world of change and challenge, that I have strongly supported efforts at congressional reform.

S. 177 and Senate Concurrent Resolution 1, both of which I have cosponsored, would establish the machinery for determining the means and measures for the improvement of the legislative processes of Congress in the public interest.

Under S. 177 this task would be performed by a bipartisan commission on congressional organization made up of three members appointed by the President of the Senate (the Vice President) from Members of the Senate, three from the House appointed by the Speaker, and six by the President from the general public.

Under Senate Concurrent Resolution 1 this task would be done by a bipartisan Joint Committee on the Organization of the Congress to be comprised of seven Members of the Senate and seven Members of the House.

My own personal preference is for the Commission approach, since its recommendations would be backed by public members who would deal with these problems on a completely objective basis.

Nevertheless, the need for action is so great that I would unhesitatingly join forces in support of whichever approach has the best possibility of winning approval.

It is not my purpose today to deal in detail with all the specific resolutions before the subcommittee, but I would stress that there is no need for awaiting the results of any commission's or joint committee's recommendations before acting on some of these resolutions. For example, I believe that the very broad bipartisan support which has already been expressed for Senate Resolution 89, to establish a modified germaneness rule, should permit its consideration by Congress at this session.

I also want to make it clear that I shall not pass up any opportunity which arises at any time to revise the Senate's filibuster rule. The same attitude is required in regard to congressional travel practices, conflicts of interest, and the adoption of codes of fair procedure, on which action already has been delayed for too long.

In short, approval of the studies which would be authorized under either S. 177 or Senate Concurrent Resolution 1 must not become an excuse for further delay in instituting specific reforms which can be justified now.

But either one of these measures can serve to mobilize public opinion and needed additional support in Congress for broad reforms which may already have been proposed but which cannot win approval under present circumstances.

In addition, I believe they would serve to generate new ideas for modernizing the machinery of Congress and enabling the legislative branch to play its intended role in our National Government.

Creation of the machinery for reform is of vital importance not just for the welfare of the Congress, but to the welfare of the Nation. I commend the subcommittee, Mr. Chairman, for scheduling these hearings and hope this is an augury of action by the Congress on this issue.

I am very grateful to my friend from Pennsylvania for allowing me to intervene.

Senator HAYDEN. Thank you for your very interesting statement. Senator Clark, we will be pleased to hear from you now.

**STATEMENT OF HON. JOSEPH S. CLARK, A U.S. SENATOR FROM
THE STATE OF PENNSYLVANIA**

Senator CLARK. Thank you, Mr. Chairman.

Mr. Chairman, could I ask a question or two off the record before we begin?

(Discussion off the record.)

Senator CLARK. Mr. Chairman, I would like to offer for the record both the resolution which I have sponsored, Senate Concurrent Resolution 1, and Senator Case's bill, S. 177, which I have cosponsored.

Senator HAYDEN. They are already part of the record.

Senator CLARK. Thank you. Might I first comment briefly on Senator Bartlett's suggestion that we should take a hard look at the Danish ombudsman. I concur with this.

Congressman Henry Reuss of Wisconsin has made an intensive study of the workings of the ombudsman, and how it could be adopted in this country. I would like to offer for the record a speech on the floor of the House which Congressman Reuss made in this regard which I believe the members of the committee will find most interesting.

Senator HAYDEN. Without objection, it will be received for the record.

(The article referred to above may be found as exhibit 4 in the appendix, at p. 111.)

Senator CLARK. In connection with Senator Cooper's comment about the ombudsman and the General Accounting Office, my understanding is that they are quite different in that the ombudsman would not be interested—at least not primarily, and probably only to a secondary extent—in accounting practices or procedures or fiscal matters.

Rather he would have the function of the oversight of the functioning of the bureaucracy, as it affects individual Americans. But more than that, he would play an important role in taking off the back of Senators and Congressmen a great many of the duties they feel that they and their staffs must perform for their constituents.

In other words, if we could set up an ombudsman office responsible to Congress—and it might be a difficult job, more difficult for Congressmen than for Senators—we could delegate to that office a great deal of the running around town to administrative agencies and Government departments which now takes an inordinate amount of staff time. This work requires me to hire one or two extra employees for my staff who do little else than look out for concerns of constituents of mine in Pennsylvania who do not seem to be able to get the service to which they are entitled out of the executive arm of the Government and the administrative agencies, without some assistance from my office.

I deplore this setup, but it exists and it is a great nuisance. I am not sure how important it is in getting oneself reelected. This, of course, is the problem.

If we had an ombudsman office and could create the tradition of referring matters there, that might be a useful arrangement. At any rate, it is well worth looking into.

I would like to make a comment on Senator Monroney's thought, which I think Senator Cannon indicated that he shared, that we have far too many subcommittees in the Senate. I think this, in general, is true. The proliferation of subcommittees has, at least to some extent, eliminated the benefits of the Reorganization Act of 1946 in cutting down the number of standing committees in both Houses.

But I would accept that statement with this qualification: That even since 1946 the scope of the duties of Congress in a complex world and the increase in the powers of the Federal Government—whether we like it or not—have made it, in my opinion, impossible for the committee structure to function adequately without division into subcommittees which can take a substantial part of the workload off the full committee.

I can think of no better example than the Appropriations Committee. How could the Appropriations Committee function if it did not operate through subcommittees?

It would be swamped immediately.

In the two major committees on which I serve, Labor and Public Welfare, and Banking and Currency, we would be absolutely lost without subcommittees. While I do not know about Appropriations, I assume there are no unnecessary subcommittees in Appropriations.

I am sure we don't have any unnecessary subcommittees in either Labor and Public Welfare or Banking and Currency.

There may be extra ones somewhere else, but I would suggest, with all due deference, that the way to approach this is first to take a hard look at what subcommittees could be eliminated. Senator Cannon is quite correct when he says that it tends to become a prestige matter, so that every Senator wants his own pet little subcommittee, whether there is any need for it or not.

I think progress could be made in eliminating some of those subcommittees, although we would have great resistance from Senators who are not going to want to give up their own pet little subcommittees.

On the other hand, I would suggest that we really ought to think very carefully about reinstating the rule which was intended to be applied by the Reorganization Act of 1946, that no Senator shall serve on more than two standing committees.

Now, personally, I serve on three, and I am also a member of the Special Committee on the Aging. I think that is too many.

I plan to get off the special committee. I was anxious to get on the Rules Committee; that is why I undertook to have three committees.

I think if we could just require Senators to confine themselves to two major committees, they would most likely find themselves on one or more subcommittees on each major committee. So in effect a Senator would be having five active committees to function with. Even that I think is perhaps too much.

In my own experience, I am chairman of the Subcommittee on Manpower Employment over in Labor and Public Welfare.

We are conducting very extensive hearings on the unemployment problem which may run all this session.

I am a member of the Subcommittee on Education. I think Senator Morse, who chairs that subcommittee, expects me to follow that subcommittee and to help him in carrying on its terribly important work.

I am on the Subcommittee on Housing of Banking and Currency, and Senator Sparkman has been kind enough to ask me to help him pretty substantially with that.

Housing, of course, is a matter of great importance in Pennsylvania, because of the urban redevelopment program, FHA, and other programs.

I am on the Subcommittee on Production and Stabilization which Senator Douglas chairs, and out of that comes the area redevelopment bill; and because that is a matter of great interest to Pennsylvania, I have to spend a great deal of time there. I am the chairman of the Subcommittee on International Finance which hitherto has been rather inactive, but which now has had the controversial Export-Import Bank bill upon which we expect to go to conference with the House. That subcommittee is also expected to hold hearings on the whole problem of balance of payments, with respect to which no legislative committee has yet taken any action.

Here I am now on this committee, and for my sins I have been put on the Subcommittee on the Restaurant.

I think we will all agree that the restaurant needs drastic reform and a very much expanded menu, and I am sure in this regard the members of the press would agree there is a lot of work to be done on the Restaurant Subcommittee.

Senator COOPER. I suggest you had better reform our own activity.

Senator CLARK. I would suggest I have a number of committees, fewer than a number of Senators, and I have got too many. I think the real job is to enforce rigidly a rule that no Senator should serve on more than two committees which have very active work.

I think the distinction between minor and major committees is not sound. The Committee on Post Office is a minor committee, but the amount of work to be done there is fantastic. I know because I served there for 6 years. This hearing today would indicate that the Rules Committee is not a minor committee. There is a great deal of work to be done by it.

So, I would urge on the subcommittee very earnest consideration of the reform of the whole committee system, on the theory that we should cut down on the number of committees on which each Senator may serve.

Before addressing myself specifically to Senate Concurrent Resolution 1 and S. 177, I should like to give my strong endorsement to a number of things which Senator Case said in his prepared statement.

I agree with his comment that in growing numbers Americans are asking questions about the legislative branch of government.

The principal question, bluntly stated, is, "Is the institution of Congress up to the problems of today?"

Later in his statement he said—and I concur—that the result is that the public is beginning to lose confidence in the ability of Congress to meet the problems of the 20th century.

I would like particularly to stress this comment: "There is nothing funny about the failure of Congress to come to grips with the Nation's problems." I interpolate that it is too bad that Senator Snort, as drawn by the able Cartoonist Lichty, is such a comic character, because

that picture of a stout, ancient Senator—a character who no longer exists in our body, if he ever did—in a frocked coat with a high collar, and a string tie, sounding off in a manner in which no modern Senator would think of sounding off, is, I am afraid, the image in the minds of the American people of the Senate of the United States.

And that image, I suggest, is not dissolved by the thousands of visitors who throng our Capitol and our galleries during the holiday season, and come to the floor of the Senate, carrying back home with them a picture of the actual operations of our institution so different from what they were taught in school, that the contrast is shocking indeed. This, in my opinion, is slowly but surely bringing about the result, as Senator Case says, that the public is beginning to lose confidence in the ability of the Congress to meet the problems of the 20th century.

Mr. Chairman, I have a number of insertions consisting of articles and editorials which I should like permission to insert in the record.

Senator HAYDEN. Without objection that may be done.

(The articles and editorials referred to above may be found as exhibit 5 in the appendix, at pp. 125-132.)

Senator CLARK. I note that the Washington Post has been carrying on quite a crusade with respect to congressional reform and a number of these editorials appear in that splendid journal.

However, I have one here from the Pittsburgh Post Gazette and there is a striking column written early this year by James Reston whose work appears in a number of newspapers.

This one happens to be from the Philadelphia Sunday Bulletin but, of course, its primary source is the New York Times. Mr. Reston has this to say:

Congress operates not as a unified institution but as a loose confederation of virtually autonomous committees headed by a handful of immensely powerful and often capricious chairmen. Thus the congressional leadership is scattered among the chairmen of almost 200 committees and subcommittees whose activities are seldom coordinated and whose action in the end militates against a coherent legislative program.

Then with his typical wit:

The point here is not that the President is the noble quarterback clobbered by the vicious Chinese bandits. Many chairmen are just as concerned to serve the public interest as he, President Kennedy, is. Most Congressmen are conscientious, industrious men and women whose ethical standards are as high as those of the leaders of the executive branch—

And this I believe to be true.

But all are caught up in a system which most of them criticize but none of them can change.

I would hope that the beginning of the change, the desperately needed change, would come from the hearings which this subcommittee under the leadership of its beloved chairman has instituted yesterday and today, and which I hope will continue until those of us who feel strongly about this matter have had a full opportunity to develop our case.

Now, Mr. Chairman, turning to Senate Concurrent Resolution 1 and S. 177, I am the principal sponsor of Senate Concurrent Resolution 1 which is cosponsored, by, I think, 30 Senators.

But I am also a cosponsor of S. 177, and I would say that in all candor it makes little difference to me which of these two resolutions is

favorably reported. I think one or the other is badly needed. It might be pride of authorship, but nonetheless, I do tend to mildly prefer Senate Concurrent Resolution 1 for the reasons so cogently stated by Senator Monroney here this morning.

I believe the procedure which worked successfully in the Reorganization Act of 1946 is not obsolete. I think that procedure could be utilized again effectively. I do believe it is important that outside witnesses and experts should be called, their testimony carefully validated and sifted, but that the actual membership on the committee would better be confined to Members of the House and the Senate rather than interjecting into the Commission itself outside expert members.

Now, this is not a strong conviction on my part, for there is much to be said for the other basis in that the existence of outside experts would tend to give the report of the Commission wider currency and perhaps greater prestige.

Nevertheless, on balance and thinking in terms of getting a job done which can become effective, I tend to support Senate Concurrent Resolution 1.

Senate Concurrent Resolution 1 has been drafted with a view to the precedent of the work of the Monroney-LaFollette committee, which led to the Reorganization Act of 1946. But I should point out that it is broader in its scope. It is my understanding from talking with Senator Monroney that in order to get his resolution approved and the inquiry begun, it was necessary to make some very important concessions, which I hope will not be made again, to the leadership of both Houses. The principal concession was that the committee would not tinker with the standing rules of either House, because those matters were supposed to be sacrosanct to each House.

I would hope that if Senate Concurrent Resolution 1 meets with the favor of this subcommittee and of the full committee, it would be made clear that all 12 of the matters listed in Senator Case's prepared statement as subjects of inquiry would be included in the study which would be made.

So I hope that Senate Concurrent Resolution 1 will be favorably reported by the subcommittee and by the full committee, and that we can get action on it at this session of Congress. But I say again, if the subcommittee feels that S. 177 is a better vehicle, I shall be content.

Now, I think I should throw a factual and pragmatic matter into the hopper this morning. I have been in communication with knowledgeable Members of the House of Representatives, who assure me that there is not the slightest chance that either Senate Concurrent Resolution 1 or S. 177 could possibly be adopted in the House of Representatives unless a drastic change of opinion is made by the leadership over there, including particularly the Rules Committee and its well-known and distinguished chairman, Congressman Smith.

So that if we are to pass either of these resolutions which are before us today, it may well be as a practical matter that this would be an idle gesture which would come to nothing.

And yet the need for reform in the Senate will not stand still, and in my judgment we cannot wait indefinitely for the other body to change its mind. I would suggest that there will be a real crisis in congressional government in January of 1965 when I hope and

believe the President of the United States will have been reelected for a second term. It will be necessary for him during the first 2 years of his second and last term to put through the legislative program which we probably will not act on this year, at least in the way we would like to see it acted upon. There is grave doubt as to whether we can act on it next year, an election year, but in my opinion, and I think in the opinion of the President, this program is essential to the security and well-being of our country. I believe we will have to get our congressional machinery so revised that measures which the President strongly desires and believes to be in the national interest, may be brought to a vote in the Congress of the United States.

That vote need not be favorable. It certainly should not be a rubberstamp. It need not be that the bill which is passed is identical with that submitted by the President. Drastic amendments might be in order. The Congress might in its wisdom decide that it did not want any part of the President's program and might vote it down.

But I suggest that in the modern world, if our system of checks and balances and the American form of government is to be effective, there is no excuse for the practice of burying in committee measures strongly desired by the President of the United States, of which we have seen so much in recent years. I would hope that the congressional reforms which we have in mind would make it possible to bring to a vote the program which the President will present in his state of the Union and budget and economic messages in January of 1965.

In this regard, let me point out that Senate Resolution 42, which I have introduced and which is one of the specific matters I will want to discuss in greater detail later, would provide a remedy for this situation.

So I say, Mr. Chairman, again, thank you for your courtesy in arranging for these hearings and your attention and that of the other members of the subcommittee, to what I have had to say.

I do hope that the subcommittee will be sufficiently impressed with the gravity of the situation as it affects the Congress' ability to perform its constitutional duties. I hope the subcommittee will also be sufficiently impressed with the strong support throughout the country for congressional reform. I hope that we can hold further hearings before this subcommittee, that we can have outside experts come in and testify, as Senator Case has suggested, and that this matter can be treated not as a narrow and technical one of changing and reforming and tinkering with two or three of the rules of the Senate, but as a matter of broad scope and handled as one of the major problems confronting the 88th Congress.

Let me point out that I am keenly aware of the very heavy obligations which the chairman of the subcommittee is carrying out, and carrying out with great distinction, not only as chairman of the Appropriations Committee with the herculean task which that devolves upon you, sir, but also as a new member of the Interior Committee where I know you have many matters of great interest to your State which you feel it important to move forward.

Senator Cannon is a member of five important committees, and goodness knows how many subcommittees. I know that Senator Cooper as an intelligent and able member of the minority is carrying more than his share of the load.

It might well be that the subcommittee would want to consider the possibility that the full Rules Committee continue the hearings on this matter, so that some of the members of the full committee might be able to spell the present subcommittee to hold hearings when it would be inconvenient for the subcommittee, and to gather the testimony which in due course will have to be considered by the full committee anyway. In this way what might otherwise be an intolerable work burden could be spread among many of us, and as a member of the full committee, I would be happy to volunteer my services to assist to that end.

Thank you very much for granting me this hearing.

Senator COOPER. May I make a comment?

First, may I say that I appreciate the efforts of the Senator from Pennsylvania, which he has made through his years of service, to improve the rules of the Senate. I think I have agreed with a great many of the suggestions that he has made. I would certainly like to see changes made that would make more effective the work of the Senate and bring to the Senate floor for a decision the major bills introduced—whether they come down as a program of the President or bills which are introduced by individual Members, perhaps representing the minority views.

I make this comment with all due deference to my friend because he knows my regard and my respect for him.

I am sorry a political note was injected in this discussion, because we are considering these rules upon their merits. These changes should bear no relation to the reelection of the President. The people will decide that.

We ought to determine these problems upon their merits. I would have to point out that no matter what rules we change—and I am for changing many of these rules—the decision on what bills will be voted upon, what will be scheduled, rests with the leadership, whether it is a Republican or a Democratic majority.

These last few years it has rested with the Democratic leadership. So I do not think your statements are wholly consonant with the actual facts.

Senator CLARK. May I make a comment on that?

Senator COOPER. Yes, by all means. You yourself have raised this question many times in the past in criticism of the delays of your own leadership.

Senator CLARK. May I make a comment?

Senator COOPER. Yes.

Senator CLARK. In the first place, I apologize if I did interject an unduly partisan note.

What I said would be equally applicable in what I consider the unlikely event that a Republican should succeed to the White House in 1965, because I am sure if a Republican is to succeed to the White House, he too will have a program which he will want the Congress to act upon since he would be faced almost inevitably with a Democratic Senate, if not a Democratic House. The reforms which I advocate to insure that Presidential bills will be brought to the floor for action one way or another would be even more pertinent if there should be a Republican in the White House. Therefore, my argument would

apply with equal strength regardless of the party affiliation of the occupant of the White House.

Now, let me make this second comment.

I would categorically disagree with my very good friend from Kentucky that the bills which come to the floor are determined by the leadership. I would ask my friend whether, as a practical matter, he thinks that the Senate Democratic leadership could bring from the Judiciary Committee a civil rights bill or whether he thinks that the Senate Democratic leadership could bring from the Finance Committee a medical care for the elderly bill or a tax reform bill. I am sure if he searches his conscience in that regard he will agree with me that the powers of the leadership in the Senate today are limited indeed.

Senator COOPER. You are picking out the exceptions.

What I am talking about, and what we have been talking about, in substance, are means to expedite the work of the Senate—considering and voting upon the important bills which are necessary to be voted upon.

I would say that the great bulk of those bills, of course, depend upon the scheduling of the majority, and I think you would agree with me.

Senator CLARK. No, I won't—if the Senator will yield.

Senator COOPER. We happen to agree on some of these bills. We know the problems involved—the bills are not reported by the committee—but again I say the majority can decide that it can initiate a debate and discussion of those bills by their attachment to other bills.

Senator CLARK. If the Senator will yield?

Senator COOPER. Yes.

Senator CLARK. That, of course, is true, but this is a most clumsy and ineffective manner of handling the situation.

I would point out that, so far as I know, and Senator Hayden will check me, there never has yet been a bill which appeared on the calendar of the Senate Democratic policy committee which the sponsor did not eventually get to the floor. Unlike the House Rules Committee, the Senate policy committee does not act as a bottleneck on legislation.

The problem exists within the committees themselves. The clumsy method of attaching these bills to other legislation is most unfortunate, because you do not have the benefit of hearings or a committee report.

Mr. Chairman, thank you very much for your courtesy. It is nice to be here again.

Senator HAYDEN. I shall confer with the members of my subcommittee with respect to what we will do in the future.

Senator COOPER. I would also like to approve the suggestion made by Senator Clark, and also by Senator Case, that we have further hearings and other witnesses, including witnesses from outside the Senate, if they desire to testify.

Senator CLARK. Thank you, sir.

Senator HAYDEN. If there is no objection, the subcommittee will be in recess.

(Whereupon, at 12:25 p.m., the subcommittee stood in recess, subject to call of the Chair.)

STATEMENT OF GEORGE B. GALLOWAY, SENIOR SPECIALIST, AMERICAN GOVERNMENT, LEGISLATIVE REFERENCE SERVICE, LIBRARY OF CONGRESS

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., March 8, 1963.

Mr. SAM ZAGORIA,
*Administrative Assistant to Senator Case,
Senate Office Building, Washington, D.C.*

DEAR SAM: I have read with great interest the letters received by Senator Case from political scientists commenting upon his proposal for a Commission on Congressional Reorganization. Of the 71 letters in the batch you gave me, 14 were noncommittal and 57 strongly endorse the Senator's proposal. Seventy-five percent of the replies consider the proposed study very timely and necessary and hope that it will succeed.

Throughout the replies runs repeated approval of two features of the Case plan: (1) Including persons from private life on the Commission, and (2) the specification of problem areas for study which are regarded as the "crucial areas," each of which calls for reform. Several correspondents suggest that former Members of Congress be included on the Commission.

The following themes are found to recur in this correspondence:

1. The decline of Congress in relation to the executive branch will continue unless Congress reforms itself.

2. Congress will continue to be the object of rising public criticism until it undertakes essential reforms in its machinery and methods.

3. The needed reforms are well known, as a result of numerous past studies; the big problem is how to implement them.

4. The alleged lack of a sense of personal and party responsibility in Congress is considered a basic defect, as well as its alleged subordination to local and sectional interests.

5. Legislative oversight of administration is one of the most important functions of the modern Congress; it should be strengthened in various ways.

Please note in the returned file that I have segregated what I consider to be the nine best replies so far received.

Sincerely yours,

GEORGE B. GALLOWAY.

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., May 7, 1963.

Mr. SAM ZAGORIA,
*Administrative Assistant to Senator Case,
Senate Office Building, Washington, D.C.*

DEAR SAM: To date, Senator Case has received 195 letters from political scientists et al. commenting upon his proposal for a Commission on Congressional Reorganization. Of these 195 letters, 35 are noncommittal, none are opposed, and 160 strongly endorse the Senator's proposal. Eighty-two percent of the replies consider the proposed study very timely and necessary and hope that it will succeed.

Throughout the replies runs repeated approval of two features of the Case plan: (1) Including persons from private life on the Commission and (2) the specification of a dozen problem areas for study, each of which calls for reform.

In my letter to you of March 8, summarizing the first 71 letters received, I enumerated several themes that were found to recur in this correspondence. These themes also appear in the second batch of 124 letters. In addition, the following specific comments and suggestions made in these letters seem worth noting:

1. More immediate action is deemed desirable by some writers in such areas as conflicts of interest and budgetary reform.

2. The success of the Commission will depend on the character of the members appointed from private life.

3. One writer believes that adoption of the parliamentary form of government is the only solution.

4. Reduction of the powers of committee chairmen, adoption of rules of committee procedure, and elimination of the filibuster are frequently urged.

5. The Commission should focus on this central question: How can Congress remain an independent, productive, efficient, and creative branch of Government?

6. Stronger national political parties are seen by several writers as the key to reform.
7. Some consider the filibuster and the seniority rule as the most important problems to be considered.
8. Others would concentrate on the problem of conflicts of interest as the opening wedge for reform.
9. The letters contain many specific proposals for reform.
10. One correspondent would add congressional oversight of the independent regulatory commissions to the areas of study.
11. Another would add the area of the advice and consent of the Senate.
12. Another suggests omitting the problem of financing election campaigns on the ground that this problem has already been thoroughly studied.
13. Many writers assert that Congress is not measuring up to its potentials and to public expectations.
14. The statement that "congressional reform is long overdue" repeatedly occurs in these letters.
15. How to obtain majority rule is often regarded as a central problem of Congress today.

In general, the correspondence reflects a wide consensus among American political scientists in favor of the Case bill. The fact that not a single writer expressed opposition to the Case bill seems especially significant.

Of the 195 letters received, I have segregated the 25 best replies containing the most constructive suggestions.

Sincerely yours,

GEORGE B. GALLOWAY,
Senior Specialist, American Government.

STATEMENT OF JOHN E. ALLEN, SOUTH MIAMI, FLA.

SOUTH MIAMI, FLA., *February 11, 1963.*

Hon. CLIFFORD P. CASE,
U.S. Senator, Washington, D.C.

DEAR SENATOR CASE:

* * * * *

It was good to see that your bill recognized the need for specially qualified individuals in private life, although, quite frankly I think that perhaps three would suffice. But let me hasten to explain: that perhaps three other-area members should be added. I refer to the need to have on the Commission, representatives of the executive branch (you observed "modeled on the Hoover Commission"), with which the Congress must cooperate and vice versa. Three or four high officials, intimately knowledgeable of and concerned with specific bottlenecks or obstructions could well exert a realistic and valuable influence on the business of the Commission. In short then there should be, in my view, representation from public administration and/or the executive branch. While all Commission members would be responsible in the 12 specifics, * * *, the executive/public administration members would emphasize their interest in items (1); (2), mainly "operation" of congressional committees; (3); (10) and (12).

You have sponsored a most needed piece of legislation. Surely the American people feel, as you do, a reorganization of outmoded legislative practices and procedures should be investigated and revised. * * *

* * * * *

Sincerely,

JOHN E. ALLEN.

STATEMENT I. JOHN E. ALLEN

RECOMMENDATION ON ESTABLISHMENT OF THE COMMISSION

After reviewing the matter of the proposed composition of the Commission on Congressional Reorganization, it is recommended that bill S. 177 be modified. A more workable and equitable Commission would consist of 16 members instead of the initially proposed 12. Participation by this augmented membership from each of the two major American political parties would be enhanced. It would appear that an equitable and more bipartisan Commission could successfully function in discharging its duties as enunciated under law. In the many and

varied problem areas of possible congressional reform, the loyal and conscientious support of each and every member of the Commission would be expected. Perhaps individual members would elect to particularly concern themselves with one or more of the problems calling for investigation and solution. One can hope for enthusiasm in getting the job done in due course.

A revised legislative version can provide for the appointment of:

Four (instead of three) members by the President of the Senate,

Four (instead of three) members by the Speaker of the House, and for

Eight (instead of six) members by the President of the United States.

Unchanged would be the provision that: "Not more than two members of the Commission appointed from Members of the Senate, and not more than two members of the Commission appointed from Members of the House of Representatives, may be members of the same political party." A related and succeeding provision, however, would be modified in that not more than four (instead of three) members of the Commission appointed by the President of the United States may be members of the same political party. A change in the number of members constituting a quorum, a simple majority, would become nine instead of seven members.

Recommendations, if accepted, would reflect a revised text (words in parentheses indicates change) as follows:

S. 177, page 2, Establishment of the Commission on Congressional Reorganization, section 3, page 2, beginning on line 16:

"(b) The Commission shall be composed of twelve (sixteen) members as follows:

"(1) Three (four) appointed by the President of the Senate from Members of the Senate;

"(2) Three (four) appointed by the Speaker of the House of Representatives from Members of the House of Representatives; and

"(3) Six (eight) appointed by the President of the United States from individuals in private life who are specially qualified by training and experience to contribute to the solution of problems of public administration or the functioning of legislative bodies."

Page 3, beginning on line 7:

"(c) * * * Not more than three (four) members of the Commission appointed by the President of the United States may be members of the same political party."

Page 3, beginning on line 15:

"(f) Seven (nine) members of the Commission shall constitute a quorum."

STATEMENT II. JOHN E. ALLEN

RECOMMENDATION ON GENERAL ADMINISTRATIVE SERVICES AND STAFF OF THE COMMISSION

It will be recognized that section 5(a) should be changed. Section 5(b) should be retained, providing advantageously for the payment of rates not exceeding \$50 per diem, for such temporary and intermittent services as are required by the Commission. As to section 5(a), it is recommended that the following be substituted:

"The [for example, National Park Service] is designated to provide all general administrative services. Expenditures of the Commission shall be paid by the _____ as general administrative agent, which shall keep complete records of such expenditures and shall account for all funds received by the Commission.

"The Commission may, to such extent as is necessary, without regard to the laws and procedures applicable to Federal agencies, procure supplies, services, and property as may be necessary to carry out efficiently and in the public interest, the provisions of this act. Such supplies, services, and property, and such books, records, correspondence, et cetera, as are obtained by or produced by the Commission, may be disposed of in such manner as the Commission may decide, or in the case of unneeded items may be disposed of as surplus. The Commission may appoint an Executive Secretary [or Executive Director] and such other personnel as is deemed advisable, without regard to civil service laws and the Classification Act of 1949. The Executive Secretary [or Executive Director] will be responsible for and have authority to perform, such duties as the Commission may prescribe for himself, and is to manage the headquarters office and supervise other staff personnel."

Were the Commission to be a permanent agency, hiring by civil service stipulations as per section 5(a) would be a must. For the Commission on Congressional Reorganization, envisaged as a temporary agency, another authority can be utilized. It is recommended that Commission appointments be made without regard to civil service stipulations (reference 63 Stat. 954, 5 U.S.C. 1071 note). Appointments of status as well as nonstatus, but qualified employees in each case, can be advantageously made. A regular civil service employee can be transferred to and retransferred from Commission employment, losing no rights, and a noncivil service appointee can elect for retirement purposes to pay lawful deductions into either the social security or civil service systems.

STATEMENT III. JOHN E. ALLEN

RECOMMENDATION ON DUTIES AND REPORTS OF THE COMMISSION

An essential part of the duties of the Commission is clearly enunciated in section 6, paragraphs (a) and (b). It is well that "comprehensive and impartial" studies be undertaken to define and recommend the reforming, if justified by the facts, of the functioning of the Congress. Legislative and investigative processes appear to be among those needing attention. Attempting to continue to utilize a system established many, many years ago, without some practical modification, will be shown to be unwarranted, unimaginative and a hindrance to future as well as current legislative advances.

It is common knowledge that wide and extensive expansions have been and are taking place in many areas of American life. Among those I have in mind are: Governmental, business, labor, foreign relations, international and national security, educational (higher education as well as public schools and public education), financial, and in other fields and relationships.

An area I will specially refer to is one in which I have done some research and writing during the past 2 years, the "History and Development of Institutions of Higher Learning." In this connection may I call your attention to the below significant approximations:

Eighty percent of the subject matter in our universities was not taught 10 years ago. Ninety percent of all the people in human history who have made major contributions to the natural sciences are alive today. The volume of man's knowledge is doubling every 15 years.

Educators, administrators, statesmen, and others are today earnestly concerned with the solution to educational problems. They realize the challenge and the task they face. No doubt, too, the Congress realizes or will realize the challenge it faces in the matter of needed greater legislative efficiency; the problem is great today but will be greater tomorrow unless steps are taken soon in the right direction. The final report of the Commission, to be issued perhaps 2 years hence, to contain substantiated recommendations, will set forth a number of progressive reform measures designed to reorganize congressional procedures.

I have referred to the final report of the Commission. That is to be a substantial thing, but let me explain why I feel and recommend that section 6(c) be changed. To accomplish its statutory purpose and policy and duties, the Commission should probably have 2 full years of operational time. On assumption S. 177 becomes law September 1, 1963, it would take 6 months for its members to be appointed, its staff employed, and the first Commission meeting held. This latter date would be March 1, 1964, and I recommend that a preliminary report be issued a year later, March 1, 1965. The final report would be made March 1, 1966, thus giving the Commission 2 full years to investigate, assess, evaluate and make a series of recommendations to Congress. Sixty days later the Commission would cease to exist. My reasoning in behalf of a preliminary report goes like this: it would summarize after a year, the findings to date, but more importantly would contain an evaluation of those findings. The final report a year later afterward would contain additional findings, conclusive evaluations, and its series of recommendations. Two advantages in following the timetable set forth above would be the providing of:

1. A preliminary evaluation of initial findings at midstream in the short life of the Commission; and

2. Guidelines and goals which could be set and efforts redoubled to more comprehensively and impartially present the Commission's final findings and recommendations on March 1, 1966.

STATEMENT OF ALAN L. CLEM, ASSOCIATE PROFESSOR OF GOVERNMENT,
UNIVERSITY OF SOUTH DAKOTA, VERMILLION, S. DAK.

COMMENTS ON S. 177

The list of topics included for study under section 6(b) of S. 177 (88th Cong.) is certainly ambitious and reveals a laudable interest in subjecting our national legislature to a careful study of its organization and operation. All these items deserve the consideration of the Congress. Some reforms would be beneficial. At the same time, my experience as a college professor and as a former congressional secretary suggest that the best reforms take into account effects on a hierarchical power system that has been slowly and laboriously built up over many long decades. The participants in the legislative struggle have learned to work with and live with this system, and it should not be changed for light and transient reasons.

It is proper that the principal attention of S. 177 is directed to problems of internal structure and organization, rather than to problems of external relationships, as with the executive and judicial branches. The overall object ought to be, it seems to me, to rationalize the arrangement of power within the Congress and thereby to increase the responsibility with which the Congress acts. The people need to know which leaders and which parties are responsible for particular acts, so that praise and blame, in terms of individual and group interests, can be properly accorded on the basis of information available to the general public. If the people are to govern themselves intelligently, it would seem only sensible to keep them well informed as to what their agents in government do, aside, of course, from obvious security situations.

On most of the topics listed on pages 5 and 6 of S. 177, I have no particular comment. Following are a few specific comments on points raised by S. 177.

Committee chairmanships.—I agree with many other observers of the Congress that seniority should not be the sole basis on which committee chairmanships are determined. Experience and competence and fairness are basic requisites in the ideal committee chairman. The question is, how and by whom are these qualifications to be measured? In other words, would an alternative method of selection produce measurably better chairmen in terms of the interests of the total body politic? Election of committee chairmen could be done by all committee members, or by committee members of the majority party, or by either group by weighted vote (perhaps giving each member one vote per session served on the committee), or by the party leader and a committee elected by the party members in the chamber. This would be a fascinating problem to work with, and I would welcome an opportunity to hear or take part in such a discussion.

Records of the Congress.—I do feel that considerable reforms in the Congressional Record would be of great help to those who must use this publication daily, particularly students. The Record has serious limitations as a source for research. Too much is in that ought to be out and, too much is out that ought to be in. It is difficult for the uninitiated to understand what is significant from the present format. Various type faces and sizes might be used to flag the reader's attention. Certain routine matters, such as messages, for example, ought to be so indicated, and, perhaps, placed in an appendix or other special location, set off from the description of what transpires on the floor. The main part of the journal should simply describe action that has taken place. Emphasis should be on speeches, debates, and recording of votes. As to corrections, members should be allowed only to correct grammar; I think the parliamentarian is probably the best official to check and approve such corrections. Dumping of material into the appendix, as is presently done, should be discouraged, if not absolutely disallowed. Only speeches actually made on the floor should be printed; revision and extension of remarks is too often employed to retool a speech that bears little resemblance to what was actually said during debate. The function of the Record should be to record the events happening on the floor, and tendencies to record anything else should be discouraged.

Filling of congressional vacancies.—I am not sure that this matter falls within the field of interest described by S. 177, but I feel a serious gap exists in our democratic practices in the variety of State provisions for replacing Members of Congress whose office becomes vacant due to death, resignation, or other causes. In the case of senatorial vacancies, a common practice in the States is for the Governor to appoint a temporary replacement to serve until the next general election. Because senatorial vacancies occur with some frequency, because the party lineup in the Senate is so often closely divided making the party affiliation of the new Senator especially crucial, and because too often gubernatorial appoint-

ments or party convention decisions deprive the general membership of the parties of a hand in choosing the new Senator, I believe that Federal legislation should be considered which would provide certain basic guarantees that (1) appointments be made only when extreme shortness of time makes a special election impossible, and (2) nominations be made in primary elections in which all qualified members of the respective parties are eligible to vote. I feel this problem merits close study, and I invite the attention of those interested to a monograph entitled "The Nomination of Joe Bottum," published earlier this year by the Governmental Research Bureau of the University of South Dakota.

S. 177 is evidence of a healthy desire to check congressional organization and functions against the stern standards of free and responsible self-government. Members of the Constitutional Convention in 1787 set themselves to this arduous task, and it is fitting that we do so again today as part of a continuing struggle to insure that our Government properly serves its sovereign, the people.

STATEMENT OF THOMAS E. EICHHORST, STAFF MEMBER, COMMITTEE ON LEGISLATIVE RESEARCH, STATE OF MISSOURI, JEFFERSON CITY, MO.

JUNE 12, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR CASE: Enclosed is a copy * * * of my personal statement favoring the passage of S. 177. You have my permission to place this statement in the records of the hearings on this bill.

* * * * *

Sincerely,

THOMAS E. EICHHORST, *Staff Member.*

A PERSONAL VIEW OF S. 177

I believe that the passage of S. 177 is necessary for the continuation of our Nation as a representative democracy. No government or political structure can claim to be truly representative when the bases for membership in its legislative bodies continue to fall from the ideals of equal representation for each citizen. Even more important on a practical basis, however, is the perpetual program of insuring that the procedural processes of the national legislature are current and pragmatic as well as idealistic and just.

S. 177 would establish a Commission on Congressional Reorganization. This bill spells out 12 areas where "a comprehensive and impartial study of the present organization of the Congress and the functioning of the legislative and investigative processes thereof" would be helpful. This charge to determine what changes should be suggested for the improvement of the Congress does not limit or pre-judge the problem. No set report is contemplated; no pat answers are sought. All that this bill does (and this probably is one of the most important and far-reaching pieces of legislation in our recent history), is to bring to our time and our society the opportunity to achieve the operational advantages and increased efficiency of a reorganized Congress.

Some specific items that the Commission might undertake to explore are:

- (1) The establishment of additional joint committees eliminating the undue duplication of testimony with its inherent waste of time and talents of legislators, public officials, and interested citizens.
- (2) Longer terms for Representatives and Senators with a limit on terms or an enforced sabbatical leave of absence, which would ameliorate the strict requirement of security.
- (3) Electrical voting equipment to reduce the amount of time required for rollcall voting and increase the amount of time available for debate and consideration.
- (4) Reduction of the ministerial functions and time consuming chores, inconsistent with the demands upon the Congress, e.g. local operations of the District of Columbia.

It has been 17 years since the last general reform of congressional procedures. The world of 1963 is vastly different from the life we knew at that time. The complexities of life have increased, and the American involvement in the world has grown, all while this planet has become a more compact unit. Just as today's

organization and operations will not be adequate for tomorrow, we can no longer operate in the present with the outmoded arrangements of the past.

I support the passage of S. 177 and urge the Congress to give impetus to the improvement of its structure and proceedings in order that its influence will be increased and its understanding strengthened.

STATEMENT OF STANLEY H. FRIEDELBAUM, ASSOCIATE PROFESSOR, COLLEGE OF ARTS AND SCIENCES, RUTGERS UNIVERSITY, NEW BRUNSWICK, N.J.

MARCH 1, 1963.

HON. CLIFFORD P. CASE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE:

* * * * *

My initial reaction to your proposal to create a Commission on Congressional Reorganization is most favorable. I am particularly pleased that you plan to broaden the membership to include persons outside Congress who, perhaps, can add a new dimension to a study of the legislative process. Moreover, your choice of specific problem areas seems well suited to a review of congressional procedures at mid-20th century. It would appear that suggestions for change in any of the subject-matter fields could be achieved either by statute or internal rule with the exception of a proposed alteration of the term of office of Members of the House. The latter is particularly intriguing to many of us who feel that the constitutional requirement of a 2-year term does not comport fully with present-day needs nor is it essential to insure popular participation as the framers conceived it.

* * * * *

Cordially,

STANLEY H. FRIEDELBAUM,
Associate Professor of Political Science.

NEW BRUNSWICK, N.J., June 12, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: I am pleased to have the opportunity to comment at greater length concerning S. 177, to establish a Commission on Congressional Reorganization. The proposal is an excellent one and, as I indicated in my letter of March 1, 1963, it merits favorable consideration by Congress.

In the appended statement, I have addressed myself to a brief review of two areas which you may wish to consider as additions to the list of topics specified in section 6(b). My purpose was not to offer definitive solutions at this stage, but rather to suggest broad lines of inquiry.

All good wishes.

Sincerely yours,

STANLEY H. FRIEDELBAUM,
Associate Professor of Political Science.

STATEMENT OF DR. STANLEY H. FRIEDELBAUM, ASSOCIATE PROFESSOR OF POLITICAL SCIENCE, RUTGERS UNIVERSITY, CONCERNING PROPOSED ADDITIONS TO SECTION 6(b) OF S. 177

FEDERAL TORT CLAIMS ACT

It would seem appropriate to provide for a full-scale reexamination of the effectiveness of the Federal Tort Claims Act in the light of almost two decades of experiences under it. Its principal sections were enacted originally as title IV of the Legislative Reorganization Act of 1946.¹ With important exceptions, the Tort Claims Act was framed to effect a waiver of the sovereign immunity of the United States from suits in tort and to make the Government liable "under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission oc-

¹ 60 Stat. 842.

curred.”² In large measure, the intent of the statute was to lighten the workload of Congress in the consideration of private bills by shifting much of the burden to a judicial forum. Earlier bills would have authorized the resolution of tort claims against the Government by special commission rather than by the courts.

Several issues arising under the Tort Claims Act merit review as a part of any comprehensive study of congressional organization:

1. Exceptions

Administration of the Tort Claims Act, since its inception, has been hampered by inclusion of an extensive list of exceptions.³ As late as 1946, Congress appeared to be somewhat reluctant to yield the sovereign immunity of the United States. Yet the history of the immunity doctrine reveals little basis for any widespread application of it in a democratic nation dedicated to the rule of law. There is no provision of the original Constitution that even remotely requires it. Nor is there any sound foundation for its assertion by the National Government in the 11th amendment, which, in terms, applies only to suits against the States. Mr. Justice Miller, speaking for the Court in *United States v. Lee*, noted that “* * * the principle has never been discussed or the reasons for it given, but it has always been treated as an established doctrine.”⁴

The ancient principle of sovereign immunity, lacking any firm grounding in our Constitution or tradition, need not bind Congress in its reappraisal of the effectiveness of the Tort Claims Act. An examination of the claims against the United States currently disposed of by private act is in order with a view to determining two major questions: Might congressional resources be better utilized if some form of relief were afforded by the district courts or the Court of Claims? Would the remedies available in a judicial forum provide more substantial justice for citizens who are aggrieved? In my judgement, rigid doctrinal considerations should be set aside or at least minimized in any such inquiry.

2. Choice of law question

State law has long played a vital role in adjudications under the act. However, recent Supreme Court decisions have reduced the scope of State law applications principally as a means of broadening the liability of the United States. For example, Federal liability for tortious conduct does not cease merely because local law immunizes public bodies from such liability.⁵ The Court also has held that, in specified circumstances, damages are not limited to the maximum recoverable under State law. The question related to the interpretation of a 1947 amendment to the Federal act providing that where the law of the place permits “damages only punitive in nature,” the United States should be liable for “actual or compensatory damages, measured by the pecuniary injuries.”⁶

A 1962 case, *Richards v. United States*,⁷ raised a novel choice of law issue under the Tort Claims Act where an act of negligence occurred in one State and resulted in injury and death in another. The Court was left much to its own devices in determining legislative intent since Congress in 1946 had given the choice of law problem little if any attention. In an opinion fortunately in keeping with the principles of a developing judicial federalism, Mr. Chief Justice Warren held that the Federal courts, in multistate tort actions, must look to the law of the place where the acts of negligence took place. In the type of interstitial legislation involved here, he concluded, an independent Federal rule should not be established despite the undoubted power of Congress to enact a Federal conflict of laws independent of State rules.

A clarification of existing law would serve to establish congressional intent beyond peradventure. The act should be amended to provide categorically that State law is to prevail rather than to leave open the possibility of a reversion to the rigidity of a Federal rule. Indeed, ambiguities in the Taft-Hartley Act already have resulted in a notable exception to the generally consistent judicial trend favoring State law applications.⁸ In the absence of amendatory legislation and in the hands of a shifting Court majority, a number of provisions of the Tort Claims Act conceivably could be taken to lend credence to a similar, federally oriented interpretation.⁹

² 28 U.S.C. sec. 1346(b).

³ 28 U.S.C. sec. 2680.

⁴ 106 U.S. 196, 207 (1882).

⁵ See *Indian Towing Co. v. United States*, 350 U.S. 61 (1955); and *Rayonier, Inc. v. United States*, 352 U.S. 315 (1957).

⁶ U.S.C., sec. 2674, as construed in *Massachusetts Bonding & Ins. Co. v. United States*, 352 U.S. 128 (1956).

⁷ 369 U.S. 1 (1962).

⁸ The exception occurred in the controversial case of *Textile Workers Union v. Lincoln Mills*, 353 U.S. 448 (1957).

⁹ See, particularly, secs. 1346(b), 2401(b), 2402, and 2674.

3. Appellate procedures

A curious provision of the act of 1946 authorized an alternative method of reviewing district court judgments by the Court of Claims, in lieu of a court of appeals, upon the written consent of the appellees.¹⁰ While the Court of Claims has been accorded the status of a constitutional court,¹¹ there would seem to be a reasonable question concerning the perpetuation of its posture as an appellate court.

Congressional districting standards

The now famous decision of the Supreme Court in *Baker v. Carr*¹² raises new and yet unanswered questions concerning the standards to be applied in congressional districting cases. To be sure, the principal case related solely to the internal apportionment of a State legislature and the prevailing opinion carefully avoided any declaration beyond an assertion of justiciability based upon the equal protection clause of the 14th amendment.¹³ But the Court has agreed to review a series of cases which include congressional districting issues and it is probable that the Court will come to some determination before the close of its next term.¹⁴ Much will depend upon the test of State action under the 14th amendment and its relationship to the powers allocated to Congress under the Constitution. Does *Colegrove v. Green*¹⁵ continue to be applicable where a coordinate branch of government is involved in light of the preservative treatment given the earlier decision in *Gomillion v. Lightfoot*?¹⁶ Is there a political question posing a problem whose "solution" is committed exclusively to Congress?

Traditionally, Congress had established districting standards requiring contiguity, compactness, and relative population equality.¹⁷ However, these measures were omitted from the automatic Apportionment Act of 1929¹⁸ and the Supreme Court subsequently held that such requirements no longer applied.¹⁹ Little was done to revive statutory standards in view of a persistent pattern of noncompliance and nonenforcement that had developed. A noticeable exception occurred in 1951 when President Truman recommended reestablishment of the old measures coupled with more exacting ranges for the permissible deviation of population among the districts. No legislation resulted from these efforts.

It behooves any Commission concerned with the organization of Congress to include the problem of districting among those meriting study. Although it may be argued that such reforms more properly fall within the province of the regular standing committees, the same may be said of other important topics specified in S. 177. In my opinion, the Commission would be serving a useful function if it recommended the adoption of districting standards in advance of judicial action. Congress should not fail to exercise the authority confided to it by the Constitution to secure an equitable system of representation by the States in the House.²⁰ If Congress wishes to confer jurisdiction on the Federal courts to review State action establishing congressional districts, such jurisdiction should be granted in terms together with explicit standards established under article I. The judiciary should not find it necessary to fill the gap by a resort to makeshift formulas where congressional responsibility is plain.

¹⁰ 28 U.S.C., sec. 1504.

¹¹ 28 U.S.C. sec. 171, as construed in *Glidden Co. v. Zdanok*, 370 U.S. 530 (1962).

¹² 369 U.S. 186 (1962).

¹³ *Gray v. Sanders*, 372 U.S. 368 (1963) adopted the formula, "one person, one vote," but limited its applicability to a statewide constituency.

¹⁴ On June 10, 1963, the Supreme Court noted probable jurisdiction in two congressional districting cases: October term, 1962, No. 507, *Wesberry v. Sanders* (Georgia) and No. 950, *Wright v. Rockefeller* (New York).

¹⁵ 328 U.S. 549 (1946).

¹⁶ 364 U.S. 339 (1960).

¹⁷ For the last enumeration of these standards, see the Apportionment Act of 1911 (37 Stat. 13).

¹⁸ 46 Stat. 21.

¹⁹ *Wood v. Broom*, 287 U.S. 1 (1932).

²⁰ See especially sec. 4 of art. I of the Constitution.

STATEMENT OF ROBERT S. GETZ, INSTRUCTOR, DEPARTMENT OF POLITICAL SCIENCE, RUTGERS UNIVERSITY, NEW BRUNSWICK, N.J.

MARCH 29, 1963.

Senator CLIFFORD P. CASE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE:

* * * * *
My remarks will be confined to the conflicts-of-interest problems of Members of Congress * * *.

In my opinion, most of the proposals in the conflict-of-interest field face serious practical obstacles to their enactment. These barriers result from the nature of the representative function and the unique character of legislative employment. In this category fall proposals dealing with ex parte communications, a code of ethics with an enforcing body, the inclusion of legislators within the scope of those conflict statutes which now cover only the executive branch, and proposals for a commission on ethics outside of the legislative branch.

The one proposal which I believe could and should be enacted is disclosure legislation. The financial statements would be open to the public and filed with the Clerk of the House and the Secretary of the Senate. I might also suggest that the bill eliminate criminal sanctions. Objections to disclosure cannot be made on the very strong grounds previously mentioned.

* * * * *
Very truly yours,

ROBERT S. GETZ.

CONGRESSIONAL CONFLICT OF INTEREST: A PROPOSAL

The 1962 revision by Congress of the Federal conflict-of-interest statutes was a long overdue response to the overlapping, the inconsistency, and the incompleteness of the then existing conflicts code. While it was accepted as a marked improvement, the revision has given rise to new charges of ethical or moral myopia on the part of Members of Congress. This criticism was triggered by congressional failure to expand the previous restraints imposed on the activities of Congressmen. Legislators are forbidden to receive compensation for services rendered in relation to matters affecting the Government and are not allowed to practice before the Court of Claims. Unlike the officers and employees of the executive branch, the lawmakers are unfettered by the prohibitions against uncompensated appearances before departments and agencies, acting in an official capacity on matters in which they have an interest, the augmentation of official salary by nongovernmental sources, and certain postemployment restrictions.

THE ENVIRONMENTAL SETTING

Six of the eight old conflict-of-interest statutes were enacted between 1853 and 1872,¹ an era characterized by the assumption of a fairly neat separation between Government and private life. The remaining two sections date from the World War I period.² Of course, the Government-non-Government dichotomy has ceased to exist. Strictly governmental activity can be observed in certain isolated sectors, "but by far the greater area is one of shades of gray between what is purely governmental and what is purely private."³

Mid-20th-century America finds that the qualitative and quantitative impact of the Government on economic life is infinitely complex. Legislative, quasi-legislative, quasi-judicial, and executive decisions are of critical importance to numerous individuals and whole sectors of the economy. Two examples serve to dramatize the momentous change in the Federal Government's economic role today as contrasted with its involvement approximately 50 or 100 years ago.

In 1870, the budget expenditures of the Federal Government amounted to less than one-twentieth of 1 percent of the gross national product.⁴ Just prior to our

¹ 18 U.S.C. 281, 282, 283, 216, 434 and 5 U.S.C. 99.

² 18 U.S.C. 284 and 1914.

³ Marver H. Bernstein, "Conflicts of Interest in Federal Employment," paper presented at the 1959 annual meeting of the American Political Science Association, at Washington, D.C., Sept. 10-12, 1959, p. 13.

⁴ Bureau of the Census, Historical Abstracts of the United States; Colonial Times to 1957. (Washington: U.S. Government Printing Office, 1960), pp. 143, 719-720. Total expenditures in 1870 were \$309,654, and the GNP was approximately \$6.71 billion.

entrance into World War I, the figure had risen to approximately 3 percent.⁵ These statistics indicate total budgetary expenditure; in 1962 the Government's purchase of goods and services alone was equivalent to 11½ percent of the gross national product.⁶ Defense Department contracts awarded in 1961 exceeded the total 1870 and 1917 Federal outlays by 77,000 times and 13 times, respectively.⁷

Six of the old conflict statutes were already in force before the first Federal attempt was made to regulate business by the use of independent regulatory commissions. Only the Interstate Commerce Commission (1887) and the Federal Trade Commission (1914) antedate the passage of the 1917 and 1919 additions to the code.⁸ Decisions made by the regulatory commissions have a bearing on almost every detail of the operations of the industries concerned. The pattern of control exercised by the Federal Communications Commission is illustrative of this point. Interstate common carriers in the radio, telephone, and telegraph field are governed in all of their activities; extension or reduction of service, rates and rate changes, and accounting procedures. The Commission also grants licenses and, with respect to radio and television stations, it establishes classifications and assigns frequencies.⁹

This ever-expanding governmental spending and regulation has substantially increased the number of potential conflict of interest situations confronting the legislative branch. Members of Congress are called upon to consider and enact measures which influence all sectors of the Nation's economy. This fact, when coupled with the lawmakers' own financial interests acquired prior to or after election, makes it difficult for them to avoid some possible or actual conflict between their legislative duties and their private interests. Another significant consideration is often the existence of a community of interest which the representative shares with his constituents.¹⁰

Legislative intervention into the decisionmaking process of executive agencies and independent commissions has become more frequent and detailed.¹¹ This involvement appears to be greatest in the action-laden areas of the Government's operations in which the economic stakes are extremely high. Programs pertaining to loans, subsidies, contracts, licenses, and the regulation of privileged monopolies fall into this category.

The relationship between the representative and the represented, not the method of election, is at the core of representative theory. To a great extent, congressional-intrusion is the product of the constituents' belief that a Congressman should intercede on their behalf in their individual and collective dealings with the Federal Government. Members of Congress have, for the most part, accepted this broker theory of the representative function.

As the law presently stands, attempts on the part of a Congressman to influence an agency decision do not constitute a conflict of interest unless he receives compensation for his efforts; a financial interest in the business of the affected party does not subject the legislator to any statutory prohibition. A more sophisticated approach suggests that a relationship, manifested in terms of votes and campaign support, often exists between the lawmaker's vested interest in his own reelection and his efforts to intervene on behalf of his constituents.

Governmental regulations, subsidization, and priming of the economy place an additional premium upon the necessity that decisions be fairly made. The public must feel assured of the equal treatment of equal claims for the benefits bestowed by their elected and appointed officials. Given the present environmental setting, it is a paradox that Congress has taken no corrective action to fill the void created by the absence of any procedures designed to prevent serious legislative conflicts of interest.

⁵ *Ibid.*, the 1917 figures were \$1.95 billion in expenditures and a GNP of \$71.6 billion.

⁶ Federal Reserve Bulletin, March 1963 (Washington: Board of Governors of the Federal Reserve System), Federal purchases of goods and service totaled \$62.4 billion.

⁷ U.S. Census Bureau, Statistical Abstract of the United States, 1962 (Washington: U.S. Government Printing Office, 1962), p. 249. In 1961 military procurement awards totaled 25,585 billions of dollars. In 1870, the expenditures for the Departments of the Army and Navy were only \$79,436. From 1917 to 1919 the figure jumped from \$602 million to \$13.5 billion (see notes ⁵ and ⁶ supra).

⁸ See note ² supra. The other independent regulatory commissions are: Civil Aeronautics Board (1938); Federal Communications Commission (1934); Federal Power Commission (1920); Securities Exchange Commission (1934).

⁹ For a résumé of the history and powers of the commissions, see Marshall E. Dimock, *Business and Government* 4th ed. (New York: Holt, Rinehart and Winston, Inc., 1961).

¹⁰ For example, a representative may have agricultural holdings which will be directly affected by a piece of legislation. Any decision not to take part in the bill's consideration may conflict with his duty to afford representation to his predominantly agricultural constituency.

¹¹ Marver H. Bernstein, "The Job of the Federal Executive" (Washington: The Brookings Institution 1953), p. 101. "Because commissions deal with economic matters of great importance to those subject to regulation, individual Congressmen are also subject to considerable pressure to aid constituents in their dealings with various commissions." Marver H. Bernstein, "Regulating Business by Independent Commission." (Princeton: Princeton University Press, 1955), p. 131.

CONGRESS AND CONFLICT OF INTEREST

Proposals to include Congressmen under the coverage of the statutes prohibiting uncompensated appearances before Government departments and agencies, a 1-year postemployment disqualification, participation in an official capacity where the official has a direct or indirect financial interest, and the augmentation of salary by outside income,¹² have a surface plausibility that inheres in equal treatment for legislative and executive officers. But, such proposals blur important distinctions in tenure and function that distinguish the legislative and executive roles.

The dominant view of the representative as a broker among competing interests in the political arena and as community broker between his constituents and the Federal Government argues against the inclusion of Legislators under the scope of the sections barring uncompensated appearances before agencies or participation in an official capacity when a personal financial interest is involved.¹³ The enormous expansion of Federal activities has placed a great burden upon the Congressman in his role as broker. In addition, the second statute also ignores the fact that the Legislator may often have a community of interest with the constituent seeking his advice or help.

The disqualification and outside compensation sections run afoul of the unique character of legislative employment. Unlike the usually anonymous administrator, the lawmaker labors in the glare of publicity and is subject to involuntary retirement at each election. A Congressman usually enters office at an age where he would be reaching his peak earning capacity were he to remain in private employment. Furthermore, the official salary is barely sufficient to meet the unusual costs that have become part and parcel of the position.

Again, the lack of job security has been a factor that has led to a predominance of lawyers, journalists, and educators in the Halls of Congress. The lawyer-legislator in particular would be loath to give up his fruitful source of outside income and the advantages of a profession in which one can easily keep "his hand in." Any efforts to broaden the scope of the conflict of interest statutes will in all likelihood fail in the face of the current theory of representation and the reluctance of the legislators to ignore the unique character of their employment.

Consequently, the 1962 revision and the earlier efforts raise the question of a double standard. The failure of Congress to apply the restrictions imposed by it upon the executive branch has led to the general charge of unfairness. Yet, no matter how distressed members of the executive branch might feel, it is necessary to point out that there is a very substantial difference in the role of a Congressman and an executive officer or employee. That the people have the right to expect a high level of ethical behavior from their elected representatives is not the issue. Rather, it is whether the present statutory restraints can logically be applied to legislators as well as members of the executive branch.

Closely related to the Congressman's role of broker, is the feasibility of legislation to prohibit or minimize the effects of ex parte communications. These are considered by many legislators to be a routine part of the service which they render to their constituents. Moreover, the executive agencies have demonstrated no enthusiasm for the responsibility of reducing every communication to writing and placing it in the public record. Any effort to pass on ex parte measure containing criminal sanctions is plagued by the difficulty of defining "intent to influence" and by the potential for political sabotage which adheres to the proposals in this area. The fear that a deliberate misrepresentation of their remarks could be used to their political disadvantage will probably offer sufficient reason to deter the legislators from enacting an ex parte bill.

To what extent should a Member of Congress participate in voting on matters in which he has some personal stake? Rule VIII of the House of Representatives requires every Member to vote on all questions unless they have a direct personal or pecuniary interest in the issue. It has fallen into disuse, partly because the broad sweep of modern legislation makes it extremely difficult for a legislator to avoid voting on proposals which have a bearing on his own economic interests. Perhaps of more significance is the community of interest between the representative and his constituents. Many legislators are involved in the major economic interests of their State. Moreover, they have been elected to represent these interests. The failure of a Congressman to vote on a piece of legislation which affects both his interest and the broader interest of his constituency would raise a serious question as to whether he was affording his people adequate representa-

¹² 18 U.S.C. 205, 207, 208, 209 (1962), respectively.

¹³ 18 U.S.C. 205, 208 (1962).

tion. Any attempt to draw a strict line between what is proper or improper on this issue is doomed to sink in a sea of exceptions and qualifications.

Related to the question of voting, is the propriety of a legislator's taking an active role in committee on proposals which affect his material well-being. Certainly, the committees of Congress are focal points of great power. At the same time, the complexity, amount, and scope of legislation requires that the effective legislator must become a specialist in one or two areas. It is logical that the individual's past background and interest will play a substantial role in his choice of area specialization. Any proposal to prevent lawmakers from serving on committees which handle bills in which they may have a personal interest, or any proposal to preclude their participation, would deprive the committees of needed expertise.

Another proposal which has been frequently made calls for the enactment of a reasonably detailed code of ethics for Congressmen. Proponents believe that the legislators should be provided with some formal ethical guidelines. A congressional code would cause no harm, and it might prove useful. However, to be meaningful, the passage of a code should be accompanied by the creation of an implementing body. The past performance of Congress offers no encouragement along these lines. In 1957, a rather brief code for Government service was enacted. Although it made no provision for an enforcing body, its passage was, in the words of its author, accompanied by much soul searching and gnashing of teeth.¹⁴

Proposals to create a commission of ethics which would have the power to investigate complaints and report its findings to the President or the Congress for inclusion in the Federal Register or Congressional Record face the natural reluctance of Congress to share its disciplinary responsibility with any noncongressional body. A Congress already sensitive to criticisms about politics and politicians will jealously guard its role as sole judge of its membership; moreover, this position can always be reinforced by reliance on the often-mentioned doctrine of separation of powers.

If Congress will not create a commission with authority, will it look with favor on any proposal to create an internal body charged with the duty of implementing a code or investigating complaints against the membership? A study of congressional use of the disciplinary powers leads to the conclusion that it will not take such a step.

Congress has made infrequent use of its constitutionally granted powers in this area. History reveals that both Houses have distrusted their authority to punish a Member for offenses committed prior to election or committed before a previous Congress. Both Houses have also taken the position that in cases of criminal offenses it is more judicious to refrain from action until the courts have completed their adjudication. Past experience also indicates that there are valid grounds for the contention that it is difficult for Members of Congress to divorce themselves from partisan politics when considering disciplinary action against their fellow lawmakers.

The hearings and reports pertinent to this study, and the personal interviews conducted by the author, have revealed that the prevailing sentiment among the lawmakers is that Congress is not the place to discipline the membership. The possibility of partisan motivations, the necessity to get along with a diverse group of individuals, the belief that an offending member can be effectively disciplined by informal sanctions, and finally, a belief that the ultimate responsibility for discipline lies in the hands of the electorate, have combined to create this disclaimer of disciplinary responsibility. In this writer's opinion, the necessity for keeping the legislative process functioning as smoothly as possible outweighs the argument that Congress should make more frequent use of its disciplinary powers.

DISCLOSURE LEGISLATION

One final measure must be considered, disclosure legislation. Disclosure bills have been introduced in almost every session of Congress since 1951. The proposals have called for the filing of an annual income and asset statement by Members of Congress and officers and employees of the executive branch who earn in excess of a certain figure. Some measures have been limited in application to Congressmen and employees of the legislative branch. Most of the proposals included criminal penalties while others provided no criminal sanction. A number of bills would have made the Comptroller General the repository for the financial statements. Others called for the statements to be filed with the Clerk of the

¹⁴ U.S. House, Committee on the Judiciary, 86th Cong., 2d sess., hearings "Federal Conflict-of-Interest Legislation," February-March 1960, p. 22.

House and the Secretary of the Senate. In most cases, proponents of disclosure legislation want to have the financial statements available for public inspection.

In 1951 the Douglas subcommittee concluded that disclosure would provide a necessary antibiotic for the ethical ills of the Government. They noted that a disclosure requirement is not a penalty or a sanction; it requires no divestment of assets. Disclosure would protect Congressmen from innuendoes and rumors and provide a means for sharpening a legislator's ethical judgment. The subcommittee could not foresee any real objections to the enactment of disclosure legislation.¹⁵

Yet, in the 12 years since the Douglas subcommittee held its hearings, disclosure legislation has never been seriously considered by any other congressional committee. Objections which the 1951 panel did not anticipate have arisen in the path of disclosure bills. The more frequent ones have been the following:

1. The proposals would impose criminal sanctions upon conduct that is not inherently discreditable.

2. An honest majority would be subject to an onerous reporting requirement.

3. A disclosure requirement would amount to a deprivation of privacy that ordinary citizens enjoy with respect to their holdings.

4. Doubts as to the precise boundaries of propriety do not justify an inquisition into private affairs.

None of these reasons can, as in the case of other proposals in the conflict-of-interest field, be justified on the basis of the representative function or the unique character of legislative employment. Furthermore, an honest disclosure of income and assets could be a powerful weapon against irresponsible conflict charges levied by a political opponent.

The first of the listed complaints can be answered by eliminating criminal sanctions from disclosure proposals. The remaining three arguments do not stand up to the view that the acceptance of public office carries with it the acceptance of a loss of some privacy. The Congressmen are paid out of public funds, they help formulate and cast their votes on legislation which affects every sector of the American economy, and they occupy a position in our governmental power structure which permits them to influence decisions which bear upon their constituents and their own well-being. In the face of these facts, the cry of loss of privacy does not ring true.

The contention that it is the role of the electorate to discipline their representatives can be used to argue the need for disclosure legislation. This device would provide information which would assist the voters in exercising the responsibility which the Members of Congress have passed on to them. Of course, a candidate's political opponent will provide the constituents with the facts at his disposal, but this is not sufficient. If the people are to function as guardian of the guardians, they are entitled to as much information as possible; decisions made in a factual vacuum are decisions improperly made.

The insistence on the part of congressional committees that certain top-level executive appointees divest themselves of their stock investments appears paradoxical in the face of Congress' failure to enact a disclosure bill. This is particularly true in light of the fact that such proposals do not require any divestment of assets. On this one point, the critics who point to a double standard stand on reasonably firm ground.

The author recommends that Congress enact legislation which would require each Member of the Senate and the House and each employee of Congress whose salary is \$12,500 or more to file an annual financial report with the Secretary of the Senate or the Clerk of the House. The statements would be available for public inspection. Such statements should include the following:

1. The amount and source of all income received by the individual or jointly with his spouse. This would include all speaker's fees, honorariums, and gifts in excess of \$100.

2. The identification and amount of all assets held singly or jointly with his spouse, or entrusted by him to another person.

3. All dealings in real estate, securities, and commodities by the individual, jointly with his spouse, or by any person or activity on his behalf.

This proposal does not call for the imposition of criminal penalties in the case of willful misrepresentation. The great majority of past disclosure bills have included criminal sanctions.¹⁶ The fate of these measures suggests that passage of a bill might be facilitated by the elimination of the penalty provisions.

¹⁵ U. S. Senate, subcommittee of the Committee on Labor and Public Welfare, 82d Cong., 1st sess., report, "Ethical Standards in Government," p. 39.

¹⁶ S. 148, 88th Cong., 1st sess. (Morse) also includes criminal penalties.

By having the statements filed with the appropriate officer of each House, any potential problems caused by the separation of power doctrine can be avoided. Furthermore, the statements would be readily available to any committee given the duty of investigating a conflict-of-interest charge brought against a Member.

The facts of political life have dictated that the recommendation made in this paper be kept as simple as possible. Previous proposals in this area have called for financial disclosure on the part of officers and employees of the executive as well as the legislative branch. The history of the 1962 conflict-of-interest revision provides ample reason to believe that it is more efficient to deal with the problems of one branch at a time. In addition, the inclusion of criminal penalties, or an attempt to tie a disclosure requirement to the need for more accurate campaign contribution reporting, would only cloud the central issue. A complex piece of legislation provides fuel for the opposition and ignores the fact that there are a multitude of ways to kill a bill.

In recognition of the representative function and the unique character of legislative employment, disclosure is the most practical and least onerous step that the legislative branch could take. Disclosure is not a panacea; on the other hand, the gray area of conflict of interest may not be a feasible subject for which to seek a panacea. The conclusions on this subject arrived at by the English Parliament are valuable in achieving a proper perspective on conflict of interest.

At the close of the 19th century, Parliament abandoned the attempt to precisely define conflict of interest or to enact standing orders to cover all of the possible conflict situations. Any standing order would have to be very strict and narrow thus facilitating unethical arrangements not covered by the specific language of the rule; in this instance, vagueness was considered to be a virtue.¹⁷ Disclosure was looked upon as the only practical proposal, and it is a rule of the House of Commons that a member, before participating in any political action, is required to disclose any personal interest in the matter at issue.¹⁸

CONCLUSION

The English have accepted the fact that legislators will represent particular economic interest, although these interests are not usually constituency orientated. An acceptance of interest representation unrelated to constituency would not be acceptable under the American governmental system. Nevertheless, it would be a step forward if our society recognized that the senator or representative often has a community of economic interest with those who have elected him to office.

Prof. Norton E. Long has written that the conflict of interests is acceptable, but a conflict of interest is not. It is inevitable that interests will struggle quite selfishly to achieve their legislative and other governmental aims. Professor Long adds that it is acceptable that they should be represented in government by officials who will use their official positions to further these interests. But, he concludes, it is not acceptable that officials should further their own personal interests.¹⁹

Unfortunately, it is difficult to isolate conflict of interest from the conflict of interests. This is particularly true where the legislator in enhancing a functional interest of his constituency is also adding to his own material well-being. Perhaps a realistic approach to the problem requires the acceptance of the view that the scope of modern legislation and the nature of man make some conflict of interest inevitable. Congressmen legislate on almost every conceivable subject; if they have an economic interest, can they avoid having it affect their judgment? As Prof. H. H. Wilson has pointed out, "men go into politics, among other reasons, to further their recognized interests and their conception of the good life."²⁰

The suggestion that Congress enact disclosure legislation has been made with the preceding factors in mind. Public financial statements could help provide the basis for deciding if a legislator had acted in accordance with a community of interest shared with his constituents, or if he had been motivated only by personal economic considerations.

There is room for debate over the proper course of action for Congress to follow. There is little room for disputing the fact that a continued absence of congressional action can have serious consequences for the morality of the society and for the operation of the democratic process.

¹⁷ P. P. 1896, House of Commons 274, pp. VII-VIII.

¹⁸ House of Commons, "Manual of Procedure in the Public Business, 1958," rule 288.

¹⁹ Norton E. Long, "Conflict of Interest: A Political Scientist's View," paper presented at the annual convention of the American Political Science Association, Sept. 8, 1962, Washington, D.C., pp. 1-2.

²⁰ H. H. Wilson, "Pressure Group: The Campaign for Commercial Television in England" (New Brunswick, N.J., Rutgers University Press, 1961), p. 131.

Members of Congress do not operate in a moral vacuum. The moral standards of the country provide the ethical environment which conditions the standards of behavior adhered to by public officials who in turn, set a powerful example for the general public. The character of the community is shaped in part by those who hold positions of leadership and trust.

On the whole we expect a higher standard of conduct from our public officials than we do from the ranks of private industry and business. The comment that "business is business" has become traditional in our vocabulary. The public official has been conditioned by a private economy powered by the profit motive; he represents a society which has placed a heavy emphasis on monetary rewards as a success symbol. Furthermore, our pluralistic society does not provide the public official with a clear set of unambiguous principles to guide his actions. There is a general if somewhat ambiguous consensus that it is wrong to steal from the Government, and a less clear-cut agreement that it is wrong to use public office for personal self-enrichment.

Regardless of the lack of clear guideposts provided by the society, Congress must realize that an attitude of self-exemption from rules of conduct can only lead to the executive branch taking a lipservice approach to the conflict-of-interest laws. A poor ethical image projected by the legislative branch can and does catch the imagination of the common man. The price for the confusion which could result may be civic alienation. The democratic process cannot function properly when the electorate is alienated from the elected.²¹

This study has attempted to identify the major problem areas which account for Congress' reluctance to grapple with the issue of congressional conflict of interest. The more significant legislative proposals have been discussed and found to be facing practical barriers to their adoption. The one exception to this pattern is public disclosure of the income, assets, and financial dealings of Members of Congress and congressional employees.

STATEMENT OF WESLEY L. GOULD, PROFESSOR OF GOVERNMENT, PURDUE UNIVERSITY, LAFAYETTE, IND.

JUNE 11, 1963.

Hon. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR MR. SENATOR: My reply to your letter of June 4, asking for a more detailed statement of my views regarding S. 177 and its objectives * * *, is enclosed in the form of a paper that expands upon and adds to the earlier presentation.

Sincerely,

WESLEY L. GOULD,
Professor of Government.

CONGRESSIONAL REORGANIZATION: COMMENTS ON S. 177

Essential to the future well-being of the United States is a Government composed of major branches each of which functions effectively in dealing with the large numbers and great variety of matters of consequence that require overall national direction. The present concern, as expressed in S. 177, is for the reorganization of Congress for the purpose of improving the legislative processes in the public interest. Such improvement would seem to call for ways and means of rendering Senate and House of Representatives more sensitive to public needs in a manner calculated to produce suitable responses more promptly than has hitherto been possible. The objective of expediting the work of Congress is clearly that of avoiding, whenever possible, the unrest, prolonged hardships, and other ills that result from functional delays. Mere speed, however, is not enough. Effective use of expert knowledge is vital in order to avoid misreading the public interest to the injury of some of the affected segments of the public. Truly effective use of expert knowledge can also be expected to sharpen the perception of needs and even to aid anticipation of them.

Expediting the work of Congress, that is, seeing that it gets done promptly and properly, is in a sense an act of anticipatory self-defense on the part of Congress.

²¹ This discussion of governmental and societal moral standards was drawn from the following sources: Paul H. Douglas, "Ethics in Government" (Cambridge, Harvard University Press, 1952). Norton E. Long, "Conflict of Interest: A Political Scientist's View," U.S. Senate, Subcommittee of the Committee on Labor and Public Welfare, 82d Cong., 1st sess., report, "Ethical Standards in Government," pp. 7-10.

One recollection of the period from 1929 to 1933 is of the number of friends and neighbors whose discontent with governmental inadequacies embraced Congress to the extent of a willingness to abandon established legislative procedures in favor of the issuance of Executive decrees. Action, not debate or other public displays of political haggling, was wanted. That executive leadership, when supplied, was cloaked with restraint was most fortunate. While today the desperation of the depression period is not felt and the potential disaster from the use of nuclear weapons offers little hope for the continuance after such usage of basic traditional legislative procedures, disasters less horrible than nuclear destruction are still possible and could revive desperation like that felt when national action to deal with the depression was delayed. Indeed, the rapidity of change today can of itself produce an accumulation of unfinished legislative tasks that could of itself create, even at some point short of the extremities of hardship after the autumn of 1929, a demand for an abandonment, whether partial or total, of time-honored legislative procedures and the substitution of a seemingly more rapid procedure that would radically alter the distribution of national powers.

Although the hypothetical demand just mentioned is not presently with us in strength, it is, nevertheless, a part of Congress' duty to provide safeguards against such demands. The only sure safeguard is congressional effort to insure the performance of its tasks without delay. This means that Congress should not ignore the warnings in the form of failures to complete tasks in recent sessions and of trends that have produced executive leadership which, like all other things, can move in unfortunate directions given conducive situations and stimuli. What is here suggested is that S. 177, if adopted, would open the way to a farsighted defense of Congress, of deserving interests that might be overlooked or injured in more arbitrary proceedings or in power struggles, and so also of the fundamentals of constitutional government as established in the United States.

If there is a penetrating criticism of S. 177, it is that the proposed Commission on Congressional Reorganization is an ad hoc agency that would cease to exist 60 days after submission of its final report on or before March 31, 1965. It is conceivable that some of the operational and structural problems that have been perceived since the enactment of the Legislative Reorganization Act of 1946 might have been dealt with by this time had Congress been equipped with a permanent agency to carry on a continuing study of its operations and structure and had an appropriate procedure been prescribed to assure regular consideration and action upon that agency's recommendations. It would be desirable if the ad hoc Commission's tasks were to include the drawing up of a proposal for a permanent agency, composed to assure due considerations of the needs of Senators, Representatives, the several staffs, and the public, and for appropriate procedures to assure regular congressional action upon recommendations designed to correct organizational malfunctions as soon as possible after they are perceived. Conceivably, such recommendations could be made annually at a prescribed time during the session and with a time limit for the House concerned or both Houses, as may be appropriate to a particular recommendation, to accept, reject, or return a recommendation for further study. Whatever the precise procedure, it should be one that gives reasonable assurance that impediments to effective congressional action can be removed before the passage of decades.

Precisely what needs to be done to enable Congress to do its work promptly and effectively would be, of course, the task of the proposed Commissions and the experts upon whose advice it would rely. Among political scientists, such people as Prof. Kenneth Kofmehl, who in 1962 published a careful study of problems related to congressional organization and staffing, will have much more to say that is useful than people like myself whose interests are in international law and relations. Even so, perhaps a few suggestions may not be out of order.

At the vital committee stage of the legislative process it might be desirable for Congress to take steps to protect itself against the charge that antagonistic chairmen can bury bills felt by some segments of the public to be significant. As one possibility, a mandatory procedure could be established requiring that at specific intervals, perhaps once every 2 weeks, the list of all bills before a committee be presented to the members. Without statement of preference by the chairman, each member could then name those bills, if any, upon which he desired action to be taken if the proposal to proceed to action were approved by a majority of the committee. A mechanism along these lines would probably not add unduly to the workload by rescuing from burial those bills that deserve burial. Nor would it deprive a committee chairman of his proper exercise of discretion. At the same time, it would periodically allow other committee members an opportunity to

exercise a measure of discretion suitable to their responsibilities for getting things done. Moreover, it would provide a route for the leadership of both parties to avoid the roadblocks interposed by antagonistic or incompetent committee chairmen in those cases in which the accidents of the seniority system have placed antagonism or incompetence, unrelated to changing political and social realities of broader scope than State or district, in key positions in the legislative structure.

Furthermore, some such device might serve to avert attacks upon the seniority system itself. A telling criticism of the seniority system is that it does not allow sufficient influence to those districts and States that reflect most clearly and promptly important political and social change. These are the real two-party districts and States. The party struggle in such areas is real and a product of underlying changes in our society and its economy. The seniority system gives enlarged influence to States and districts characterized by one-party or virtual one-party systems where election survival is easier and social and political change is least felt. At the same time, it would be a mistake simply to attack the seniority system and risk the discarding of experience and of that measure of continuity without which lawmaking and policy formulation could produce intolerable results in the form of too frequent reversals. Some tinkering might be possible perhaps to count service cumulatively to protect the position of someone whose service had been interrupted for one term by an electoral defeat bearing little relationship to the merits of the individual concerned. Perhaps some method of limiting the number of years chairmanships could be held, to be followed by a prescribed period of ineligibility, would be possible. Or some device for removal of a misfit chairman or misfit committee member, perhaps by a majority of the committee, might be introduced.

However, a device such as that suggested for bypassing an antagonistic or incompetent chairman might prove most effective. The essence of the seniority system would be preserved. A sensitive chairman would avoid a situation in which his tendency to pigeonhole was being regularly exposed by committee action expediting measures that he opposed, whatever his reasons for misuse of power to block action. Substantial reasons for blockage, capable of winning important support, would become more essential. A true misfit, unable to adapt himself to the realities that he would then face, could thus be bypassed. Indeed, party leaders, having on their hands the farce of a constantly overruled chairman, might be able to name a replacement at the first appropriate opportunity and to do so with the least possible public display of attack upon the respectability and self-respect of the chairman concerned. Similar considerations would exist in the case of a misfit member who constantly sought to expedite bills that committee judgment characterized as patently undeserving.

Some consideration might be given to the utilization of more joint committees in the legislative process. Sweden is to be viewed as presenting an example of the use of such committees. Whatever the ultimate decision, the proposed Commission might do well to look deeper into the Swedish experience to ascertain what might be acceptable and adaptable to the Federal legislative process in the interests of eliminating avoidable delays, duplication, and waste of manpower.

Another suggestion is that in the staffing of congressional committees more consideration than heretofore be given to provision of personnel primarily concerned with the problems of harmonization of U.S. legislation and related policy with changing developments in international law. Specialists in international law should be at the service of pertinent committees to assist in the avoidance of unintended conflicts between proposed legislation and public international law and the elimination of conflicts discovered some time after passage. While our courts have held to the 19th century doctrine that statutes take precedence over international agreements of earlier date, with particular application in cases involving commercial, immigration, Indian, and tax treaties, Congress should make more certain than ever that, with the United States the leader that it is in international affairs, there be no unintentional legislative violation of international law. Or, if a variance from public international law is intended, all precaution should be taken that what is done is known to Senators and Representatives and that the consequences are foreseen insofar as possible. For such matters Congress should have its own specialists, that is, persons who have not just studied law but have specialized in the branch of law concerned, for mistakes are readily made by transferring domestic principles to international law without clear knowledge of the pertinence of a particular principle in a law not entirely drawn from Anglo-American legal traditions.

Specialists on the pertinent staffs should not all be specialists in public international law in its traditional sense. There should be persons well versed in the law of international organizations, above all in the law of developing regional associations such as EEC. At present the staff assistance of someone versed in European community law would be primarily a defensive measure to assist in adjusting U.S. laws to counteract any damage resulting from tendencies toward exclusion that have been manifest recently, particularly in consequence of certain French attitudes. In the longer run, the aid of a specialist in European community law would be anticipatory in preparation for any legislative changes that may be in order in the event of significant extension from a purely European toward an Atlantic community. Other regions, particularly Latin America and, for the sake of effective continental management and utilization of resources, North America, may require similar resort to legal specialists. Congress could well seek to strengthen its own resources of expert knowledge in such matters.

More important than the question of merits of the specific suggestions here made is that of the broader proposal embraced in S. 177. In part, the merits of the broader proposal have been indicated and the specific suggestions that followed are but indications of possibilities if concentration of effort and imagination, tempered by a sense of responsibility and by recognition of the valuable in the traditional, is made possible by the adoption of S. 177 and the consequent appointment of students of congressional problems and of legislators daily confronting those problems. It is inconceivable that serious members of the proposed Commission on Congressional Reorganization would proceed on any principle other than that of trying to assist both majority leadership and minority leadership in both Houses to get their jobs done properly and thereby meet their responsibilities. In no other way than by facilitating the performance of the tasks of leadership can the Congress as a whole meet its responsibilities to the Nation and thereby maintain and advance the way of life and the way of government upon which the people rely.

WESLEY L. GOULD, *Purdue University.*

STATEMENT OF HOWARD N. MANTEL, INSTITUTE OF PUBLIC ADMINISTRATION,
NEW YORK, N.Y.

CONGRESS AND THE MORE PERFECT UNION

I am Howard N. Mantel, of New Jersey. I am a New York attorney and a member of the professional research staff of the Institute of Public Administration, with offices in New York City. The Institute of Public Administration is a non-profit, nonpartisan research and educational organization dedicated to the improvement of public administration in the United States and abroad. Upon request, we are pleased to present whatever information we can about pending matters affecting public administration and public affairs. For this reason I am grateful to the committee for the opportunity to discuss S. 177, a bill to create a Commission on the Reorganization of Congress.

I should like to say at the outset that I personally support this bill. I urge that the Committee on Rules and Administration give it prompt and favorable attention. I am also hopeful that the bill will be approved in both the Senate and the House of Representatives during the present session so that the work of the Commission on the Reorganization of Congress can begin at an early date.

Why reorganization?

I am not for reform merely for reform's sake. My interest is more immediate and far deeper. I am concerned with congressional reorganization and the procedures by which Congress operates because of an overriding interest with our Constitution and the institutions created by the Constitution. Because I believe that Congress has an ever-increasing role to play in the affairs of this Nation, I am concerned with the Congress' capability to meet its responsibilities. From this vantage point I am convinced that the Congress should take a close look at its procedures and ask seriously how the legislative process can be strengthened in order to enable Congress to perform more effectively.

It is not news to this committee, of course, that the last examination of this nature was made nearly two decades ago resulting in the Legislative Reorganization Act of 1946. So much has happened since that time that a fresh examination of congressional organization and procedures is justified. Moreover, sufficient time has elapsed in order for Congress and interested professional groups to

evaluate with some perspective the impact of the Legislative Reorganization Act on the lawmaking process.

The changing role of Congress

A professor of government of some note, Woodrow Wilson, once wrote a book about congressional government. He would hardly be able to write a book of this title today. We do not have government by Congress in any narrow sense. Congress is an arm of the Federal Government and it plays an important and evolving but not dominant role in national affairs. There can be no escaping of the fact that in the foreseeable future the President will dominate the making of policy for this Nation. The institution of the Presidency—its ability to command resources of the National Government, to formulate and influence policy and public opinion, and to carry out policy—cannot be matched by either the legislative or judicial arms of the Federal Government. Nor can the States—as recent dramatic events have proven—compete effectively with the President. The whole tenor of national and international politics dictates the necessity for the President of the United States to initiate national goals.

In the life-and-death struggle of international politics and the broadening concept of effective Federal power with respect to domestic problems, no center of power can be as effective as the National Executive's personified in the person of the President and institutionalized in the Office of the President and his administration. But this does not mean that Congress has become a mere shell, a center for harmless oratory, or a mere rubberstamp of Presidential dictation.

Congress does more than routinely place a seal of approval on the President's request for new power and funds or, like a sulking child, adamantly refuse to act at all. Nor is the Congress a house of lords which is permitted to engage in debate but has no effective power. Moreover, Congress has a broader role than that of checking the gross mistakes which the President and his administration from time to time make.

Congress has a positive role

Congress, in my judgment, has a positive role to play. It has the most important task of deciding at what pace if at all the President's program should be approved and under what conditions. This is not a negative function in my view but a highly positive one. For Congress is the catalytic agent under the American Constitution which has the job testing the program of the President against the mettle of times. In short, Congress is the forum within which is decided: What will the public buy?

Because it is a representative institution, Congress and no other political institution in the Nation is uniquely equipped to perform this function. Let me hasten to say that I am not defining a role which is not a part of the constitutional structure of the Nation. As a lawyer I believe that the congressional role is, plain and simply, the making of laws. It is not the recommending of policy but the process of formally approving those policies which it believes to be constitutional and necessary and just in the name of and on behalf of the American people. Congress has the ticklish job of spelling out the details of broad policy proposed by the President. It is upon Congress that the burden falls of taking the raw material of presidential recommendation and transforming it into the official policy of the Nation as set forth in its code of laws and appropriation of funds. As a representative body having the pulse of the Nation it can do this more meaningfully than the Executive. For it can bring into play the buffering of different views and the logical reconciliation of different interests.

Congress can also serve as the forum within which the great issues of the day are debated. The deliberative function of Congress, I fear, is too often overlooked. To improve Congress' capability to meet its constitutional responsibilities, it is my feeling that any reorganization of the procedures and processes should be aimed in three directions:

1. Congress should increase its effectiveness in dealing with the substantive issues of the day.
2. Congress should economize on the resources available to it for deliberations and on the time and productivity of its Members.
3. Congress should improve its reputation and its public image.

Congress must improve its effectiveness

The first great need of Congress is that it must be prepared to act on the major issues of the day. I do not believe that Congress is meeting its constitutional responsibilities if it permits small minorities to hold up important legislation. The rules and practices of each House must be so strengthened that every issue

of national significance is honestly investigated, debated, and decided upon. What this involves, I believe, is an important change in current procedures. I suggest that the President be permitted by act of Congress or by a change in the rules of each House to designate drafts of legislation which he submits as being of major national importance; bills with this designation would become priority items in the congressional stream of things. This would mean that, at a minimum, the following would be required to take place with respect to each bill designated as being of major national importance:

1. Hearings would be held on the bill within the session of Congress in which it is submitted, provided that it is submitted within a reasonable time of the commencement of that session.

2. The committee to which the bill has been assigned in each House must be required to report on the bill by a date certain. If it is not reported, it should be automatically placed on the calendar of each House, in the form in which it was originally presented. While the committee would have full power to propose amendments and the like, and to disagree with the legislation, it should not be allowed to pigeonhole the legislation indefinitely.

3. Each House of Congress, through vote of its full membership, must be permitted to decide whether it wishes to consider the measure on the floor of such House, and to vote for its passage, recommittal, or defeat.

I am not proposing that Congress automatically vote on every issue which the President deems important. What I am suggesting is that Congress consider each issue. The appropriate committees of the House and the Senate should hold hearings on each major issue and submit a report to the full membership. At that juncture, the membership of the House and Senate should have an opportunity to decide whether the bill should be brought to a vote. No policy or rules committee should have the authority to decide that significant national issues should not be brought before the full membership. This, I believe, is a responsibility of the House and Senate and not of any of their committees.

Naturally, this suggestion requires very careful consideration, for it is fraught with problems. It involves a basic shift in the manner in which bills are introduced. There is a danger that the President will routinely send all administration bills designated as being of major national importance. But I think we can trust to his discretion not to abuse the privilege. Particular skill will be required in order to permit effective scheduling of measures for consideration on the floor; this is one of the topics which is specifically assigned to the work of the proposed Commission. There is no easy answer. But arrangements can be worked out for effective scheduling of legislation without having any small group deciding arbitrarily what should be brought before the membership and what should not. Certainly those matters which, in the judgment of the President of the United States are of national significance, should not be stopped by any committee representing only a small political shading of the Nation.

A corollary to this proposal involves the handling of appropriations. Congressional processes should be strengthened so that a definite time schedule and sequence is worked out for the initiation, investigation, and timely deliberation of appropriation bills.

To be effective, Congress should also have a better technical resource at its disposal. Fine work is being done by the staffs of individual Members of Congress, by committee staffs, by the House and Senate legislative counsels, by other aids in the Congress, and by the Legislative Reference Service of the Library of Congress. But I believe that a careful examination of congressional resources will reveal some gaps in the process of obtaining information on all facets of the growing and increasingly complex array of legislation. This touches, too, on the problem of legislative-executive relationships with respect to the release of information, and on the tapping of resources outside of the Government itself. Particularly important is the role played by representatives of business and various associations. Lobbyists have an important role to perform. Every effort should be made to tap the vast knowledge which the lobbyist possesses in the lawmaking process. This, together with the problem of adequate regulation to prevent abuses, should be an aspect of the Commission's work. I also believe that more use can be made of the brainpower in the Nation's colleges and universities, and research centers, in studying pending legislation.

The whole problem of committee workload, division of labor between full committee and subcommittees, and creation of special and select committees all relate to the capability of the Congress to deal effectively with the major issues of the day. These matters should also be examined by the proposed Commission on legislative reorganization.

Congress should economize

A second great need is for Congress to conserve and make the best possible use of its own resources. For example, I think the time is long overdue for both the House of Representatives and the Senate to install in their Chambers electrical voting machinery, to cut down on the time necessary to take a formal vote. More important, I believe that the Congress should cease to be the city council for the city of Washington. Floor procedures and committee procedures should be carefully examined to shorten the time necessary for purely formal motions which are not crucial to protect minority or majority interests. The whole problem of timing of general debates and debates on specific issues at hand requires intensive examination. The potential of conserving valuable time of Members of Congress as well as of important administration officials through joint hearings and joint committees should receive the careful attention of the proposed Commission.

Congress and its image

The third great need is to improve the reputation of Congress in the public marketplace. Congress is extremely popular as a glance at the galleries on any warm spring day will show. At the same time it is one political institution competing with literally scores of other institutions—the Presidency, the courts, the State legislatures, the United Nations, and even local city councils. If the public is unable to trust Congress because it feels that it does not have the maturity to deal with significant issues of the day it will seek resolution of these issues in other forums. It is important that Congress pursue an active public relations program so that, to use a public relations type of term, its image will be enhanced. I hasten to say that I am not proposing that Congress hire a Madison Avenue public relations firm. I think that Congress has not done itself enough credit by showing the care it gives in the consideration of national issues. Too much publicity is focused on headline type incidents rather than on the careful but undramatic day-to-day work of the committees and the Members of the House and Senate. A good public relations program will enable Congress to put its best foot forward in the public eye.

One positive thing that Congress could do in this direction would be to permit sessions of the House and Senate to be broadcast and telecast. I think this would help in the public understanding of major issues. In this connection, too, I think it would be useful for Congress to authorize the publication of a supplement to the Congressional Record, consisting of excerpts of important debates of the day. This, of course, has its dangers for the editor must select what he considers significant. But I would be willing to trust some experimentation, perhaps a trial run for one session of Congress. It would also be useful to liven up the Congressional Record itself by submitting illustrations and maps and photographs to be published when these will contribute to an understanding of what is involved. I may say in this connection that Congress's image would be substantially improved if a firm rule were put into effect and enforced against changes with the transcript of the Congressional Record between the time the debates are taken down by the reporters and their appearance in the daily Record, except with respect to grammar and punctuation.

There are other things which Congress can do in a positive way to improve its image. It can make an effort to secure better attendance on the floor of the House and Senate when important issues are being debated. It should tighten its rules against abuses on trips abroad without discouraging important and educational trips by Members of Congress overseas. Congress can take the lead on the whole issue of conflict of interest. It can adopt effective rules to assure scrupulous fairness to witnesses before congressional committees. And finally, it can make a prohibition pure and simple against the employment of immediate families of Members in congressional and committee offices.

In conclusion, I should like to say that there is much that a commission on the reorganization of Congress can do. This is a job which is not solely the responsibility of Members of Congress but is also a matter which deserves the careful attention of the political science and legal professions and of others who are concerned with the affairs of Congress. For this reason I compliment Senator Case as sponsor of S. 177 and Senators Clark and Keating who joined him in sponsoring the bill for recommending that public members also serve on the Commission. I think this will broaden its scope without interfering with the prerogatives of the House and Senate.

(The following letter has been inserted in the record at the request of Senator Clifford P. Case. Senator Case stated: "While the letter

is not addressed specifically to S. 177, it does express concern with regard to the important study areas of congressional reform included in our bill; namely, conflict of interests.”)

LETTER FROM L. J. O'CONNOR, JR., COMMISSIONER, FEDERAL POWER COMMISSION, WASHINGTON, D.C.

FEDERAL POWER COMMISSION,
OFFICE OF COMMISSIONER,
Washington, June 27, 1963.

Hon. CLIFFORD CASE
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE:

* * * * *

In my service as an official of the Department of the Interior and a member of the Federal Power Commission, I have observed the inflexibility of the present Government regulations with respect to conflict of interests arising from stock-ownership. In my opinion, the ownership of stock is only one area of possible conflict of interests, and in many cases probably the least important. It is my belief that the legislation which you have sponsored can contribute materially to a reduction of the controversy in this area. I have always felt that adequate disclosure is the fairest method of handling this matter, except in the case of members of regulatory agencies where more stringent regulations are needed in regard to ownership of a regulated company's stock.

I hope you will be successful in securing the enactment of your proposed legislation.

Sincerely yours,

L. J. O'CONNOR, JR., *Commissioner.*

APPENDIX

EXHIBIT 1

PRECEDENTS SUPPLIED BY THE PARLIAMENTARIAN OF THE SENATE ON SENATE RESOLUTION 13, 87TH CONGRESS (GERMANENESS OF DEBATE)

86th Congress, 2d session

On August 18 (legislative day, August 11), 1960, Mr. Clark, by unanimous consent, submitted the following resolution (S. Res. 361), which was referred to the Committee on Rules and Administration:

“Resolved, That rule XIX of the Standing Rules of the Senate (relating to debate) is amended by adding the following new paragraph numbered 7:

“A question of germaneness may be raised by any Senator at any time during the consideration of a measure, motion, or other matter, and thereafter all further debate under the order for pending business shall be germane to the subject matter before the Senate. All questions of germaneness of debate under this rule, when raised, including appeals, shall be submitted to the Senate and be decided without debate.”

No further action was taken on the above resolution during the Congress.

The above resolution is similar to Senate Resolution 13 submitted by Mr. Clark on January 4, 1961, and referred to the Committee on Rules and Administration on January 11 (legislative day, January 9), 1961 (Senate Journal, 86th Cong., 2d sess., p. 497).

67th Congress, 2d session (December 1921-22)

On January 5, 1922, Mr. Jones, of Washington, submitted a resolution (S. Res. 204) amending rule XIX so as to confine debate to the question under consideration, which was referred to the Committee on Rules.

No further action was taken on the resolution (Senate Journal, 67th Cong., 2d sess., p. 38).

On February 28, 1922, Mr. Jones, of Washington, submitted a resolution (S. Res. 245) amending rule XVI of the Standing Rules of the Senate, providing for germaneness of debate on appropriation bills, which was ordered to lie on the table.

No further action was taken on the resolution (Senate Journal, 67th Cong., 2d sess., p. 113).

67th Congress, 4th session (December 1922)

On February 17, 1923, Mr. Curtis, of Kansas, submitted a resolution (S. Res. 443) amending rule XIX so as to confine debate to the question under consideration, which was referred to the Committee on Rules.

No further action was taken on the resolution (Senate Journal, 67th Cong., 4th sess., p. 166).

69th Congress, 1st session (December 1925)

On December 8, 1925, Mr. Fess, of Ohio, submitted a resolution (S. Res. 59) to amend rule XIX of the Standing Rules of the Senate providing that when a bill is under consideration, debate shall be germane and when no matter is pending a Senator must obtain leave to speak, which was referred to the Committee on Rules.

No further action was taken on the matter (Senate Journal, 69th Cong., 1st sess., p. 26).

On December 10, 1925, Mr. Jones, of Washington, submitted a resolution (S. Res. 76) confining debate to the subject matter under consideration, which was referred to the Committee on Rules.

No further action was taken on the resolution (Senate Journal, 69th Cong., 1st sess., p. 43).

On May 3, 1926, Mr. Jones, of Washington, submitted an identical resolution (S. Res. 217) confining debate to the subject matter under consideration, which was ordered to lie on the table.

No further action was taken (Senate Journal, 69th Cong., 1st sess., p. 370).

On March 11, 1935, Mr. Glass, of Virginia, submitted a resolution (S. Res. 99) providing for germaneness of debate on general appropriation bills, which was referred to the Committee on Rules. It is identical with the resolution submitted by him on January 6, 1937, numbered Senate Resolution 8, as below set out, but no further action was taken during that Congress.

On general appropriation bills—75th Congress, 1st session

On January 6, 1937, Mr. Glass, of Virginia, submitted the following resolution (S. Res. 8), which was referred to the Committee on Rules:

“Resolved, That paragraph No. 1 of rule XIX of the Standing Rules of the Senate (relating to debate) be, and the same is hereby, amended by adding after the word “debate”, at the end of said paragraph, the following:

“: Provided, That during the consideration of any general appropriation bill, no debate, except by unanimous consent, shall be in order that is not germane or relevant to the pending bill. All questions of germaneness, relevancy, or points of order raised under this proviso, including appeals from the decision of the Chair thereon, shall be decided without debate.”

On January 27, 1937, Mr. Neely, of West Virginia, reported the foregoing resolution with an amendment, and it was placed on the calendar. On July 22, 1937, on motion by Mr. Glass, the resolution was recommitted to the Committee on Rules, and no further action was taken thereon during the remainder of that Congress (Senate Journal, 75th Cong., 1st sess., pp. 18, 66, and 431).

On February 8, 1940, Mr. Glass submitted Senate Resolution 232, in almost the same identical language, which was referred to the Committee on Rules. The resolution was reported favorably on March 4, but no action was taken thereon during the Congress.

79th Congress, 2d session

On May 21 (legislative day, March 5), 1946, Mr. Hatch, of New Mexico, by unanimous consent, submitted the following resolution (S. Res. 271), which was referred to the Committee on Rules:

“Resolved, That paragraph No. 1, rule XIX of the Standing Rules of the Senate (relating to debate) be, and the same is hereby, amended by adding a new subparagraph as follows:

“During the consideration of any measure as unfinished or pending business, while any motion or amendment (except a substitute for such measure) is pending, no debate shall be in order, unless by unanimous consent, that is not germane or relevant to the measure under consideration. All questions of germaneness, relevancy, or points of order raised hereunder shall be decided by the Presiding Officer without debate, and any appeal from a decision of the Chair in connection therewith shall be decided by the Senate without debate.”

No further action was taken thereon (Senate Journal, 79th Cong., 2d sess., p. 239).

On May 29 (legislative day, March 5), 1946, Mr. Fulbright, of Arkansas, by unanimous consent, submitted the following resolution (S. Res. 274), which was referred to the Committee on Rules:

“Resolved, That rule XIX of the Standing Rules of the Senate is amended by adding at the end thereof the following:

“7. It shall be in order at any time during the consideration of any measure or question for a Senator to submit in writing a motion to limit debate upon such measure or question, and upon amendments and motions relating thereto. The motion shall state the terms and conditions of the proposed limitation and shall not be subject to amendment. The motion and any point of order or other question relating thereto shall be decided without debate. If the motion shall be decided in the affirmative by 90 percent of the Senators voting, further debate upon the measure or question under consideration, and amendments and motions relating thereto, shall be limited in accordance with the motion, and no amendment not germane to such measure or question shall be in order.”

No further action was taken thereon (Senate Journal, 79th Cong., 2d sess., p. 264).

82d Congress, 1st session

On June 21, 1951, Mr. Hendrickson, of New Jersey, submitted the following resolution (S. Res. 158), which was referred to the Committee on Rules and Administration:

Resolved, That paragraph No. 1 of rule XIX of the Standing Rules of the Senate (relating to debate) is amended by adding at the end of the first sentence thereof the following: 'A Senator, upon being recognized, shall confine himself to the question under debate.' "

No further action was taken during that Congress (Senate Journal, 82d Cong., 1st sess., p. 345).

83d Congress, 2d session

On May 11 (legislative day, April 14), 1954, Mr. Hendrickson, of New Jersey, submitted a resolution (S. Res. 244), which was referred to the Committee on Rules and Administration. This resolution is identical with Senate Resolution 158 submitted by him during the first session of the 82d Congress.

No further action was taken on Senate Resolution 244 (Senate Journal, 83d Cong., 2d sess., p. 295).

LIMITATION AND GERMANENESS OF DEBATE

86th Congress, 1st session

On January 12, 1959, Mr. Case, of South Dakota (for himself, Mr. Clark, of Pennsylvania, Mr. Bush, of Connecticut, Mr. Lausche, of Ohio, and Mr. Byrd of West Virginia) submitted the following resolution (S. Res. 18), which was referred to the Committee on Rules and Administration:

Resolved, That rule XIX of the Standing Rules of the Senate, relating to debate be, and it is hereby, amended by inserting after paragraph No. 1 of said rule a new paragraph No. 2, as follows:

"2. During the consideration of a bill, resolution, or other matter which has been pending before the Senate for 1 week or more, it shall be in order to offer a motion that the Senate proceed with the consideration of amendments, which motion shall be privileged and decided with not more than 1 hour of debate, to be equally divided between opponents and proponents.

"If such a motion shall be determined in the affirmative, any amendment thereafter received, together with debate thereon, and all debate under the order for pending business shall be required to be germane to the subject matter before the Senate. All questions of relevancy under this rule, when raised, including appeals, shall be decided without debate.'

"Change the numbers of the succeeding paragraphs of the rule."

No further action was taken on the resolution during that Congress (Senate Journal, 86th Cong., 1st sess., p. 35).

Volume 41, No. 1, January 1953

CONTENTS

Editorial: The American Medical Association and the Public Health Service
The American Medical Association and the Public Health Service
The American Medical Association and the Public Health Service

ORIGINAL ARTICLES

1. The American Medical Association and the Public Health Service
2. The American Medical Association and the Public Health Service
3. The American Medical Association and the Public Health Service
4. The American Medical Association and the Public Health Service
5. The American Medical Association and the Public Health Service
6. The American Medical Association and the Public Health Service
7. The American Medical Association and the Public Health Service
8. The American Medical Association and the Public Health Service
9. The American Medical Association and the Public Health Service
10. The American Medical Association and the Public Health Service

11. The American Medical Association and the Public Health Service
12. The American Medical Association and the Public Health Service

13. The American Medical Association and the Public Health Service
14. The American Medical Association and the Public Health Service

15. The American Medical Association and the Public Health Service
16. The American Medical Association and the Public Health Service

17. The American Medical Association and the Public Health Service
18. The American Medical Association and the Public Health Service

19. The American Medical Association and the Public Health Service
20. The American Medical Association and the Public Health Service

21. The American Medical Association and the Public Health Service
22. The American Medical Association and the Public Health Service

23. The American Medical Association and the Public Health Service
24. The American Medical Association and the Public Health Service

25. The American Medical Association and the Public Health Service
26. The American Medical Association and the Public Health Service

27. The American Medical Association and the Public Health Service
28. The American Medical Association and the Public Health Service

29. The American Medical Association and the Public Health Service
30. The American Medical Association and the Public Health Service

31. The American Medical Association and the Public Health Service
32. The American Medical Association and the Public Health Service

33. The American Medical Association and the Public Health Service
34. The American Medical Association and the Public Health Service

35. The American Medical Association and the Public Health Service
36. The American Medical Association and the Public Health Service

37. The American Medical Association and the Public Health Service
38. The American Medical Association and the Public Health Service

EXHIBIT 2

GERMANENESS ON DEBATE AND AMENDMENTS, RULES OF THE SENATE IN THE
SEVERAL STATES AND THE HOUSE OF COMMONS IN GREAT BRITAIN

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., November 18, 1960.

To: Hon. Joseph S. Clark. (Attention: Mr. Read.)

From: American Law Division.

Subject: Germaneness on debate and amendments, rules of the senate in the
several States and the House of Commons in Great Britain.

The following compilation contains data and excerpts from the senate rules of the various States and from the House of Commons relating to germaneness in debates and amendments. Generally speaking, there is continuity of rules and practice in the State senates because the rules of the previous session normally are adopted as temporary rules in the opening moments of the new legislative session. There is, of course, a very substantial reluctance to change practices and procedures which are familiar and which have worked satisfactorily in the past.

In the preparation of this report the latest rules of each State available to us at the Library of Congress were used. In most instances those rules are current or only a few years old. The rules of several States, however, are not available for any session. In States in which the rules are silent on the subject matter but which adopt standard rules of procedure, the rules governing the subject matter of the adopted rules are given.

GROVER S. WILLIAMS,
Legislative Attorney.

GREAT BRITAIN

House of Commons, Sir T. Erskine May's Parliamentary Practice 1950 (pp. 430-431)

"Rules Governing the Contents of Speeches.

"A Member, while speaking to a question, may not introduce matter which is irrelevant to that question; allude to debates of the same session upon any question or bill not then under discussion; * * *"

"Relevancy in Debate.

"A Member, when called to speak, must direct his speech to the question then under discussion, or to a motion or amendment he intends to move, or to a point of order. The precise relevancy of an argument is not always perceptible; when, however, a Member wanders from the question, the Speaker reminds him that he must speak to the question."

ALABAMA

Rules of the Senate, 1957

Nothing found.

ALASKA

Uniform Rules of the Senate and House of Representatives, 1959

Rule 18: "When any member is about to speak in debate or deliver any matter to the house, he shall rise from his seat and respectfully address himself to 'Mr. Speaker' or 'Mr. President,' and being recognized may address the house, and shall confine himself to the question under debate, * * *"

Rule 34: "No motion or proposition on a subject shall be admitted under color of amendment, if different from that under consideration. * * *"

ARIZONA

Senate Rules, 1957-58

Nothing found on debate. Rule XXIX adopts *Mason's Manual of Legislative Procedure* to govern all cases not inconsistent with the standing rules.

Section 101 of *Mason's Manual* limits debate to the question before the House.

Section 402 of *Mason's Manual* requires all amendments to be germane to the subject matter.

ARKANSAS

Nothing available.

CALIFORNIA

Handbook of California Legislature, 1957—Senate Rules

No specific language found but Rule 20 provides that cases not provided for by the rules that the authority shall be *Mason's Manual* and section 101 of *Mason's Manual* (2) provides that debate must always have relation to some definite question which is under consideration by the body.

Section 401 of *Mason's Manual* (1) rules out of order all frivolous and improper amendments and section 402 requires all amendments to be germane.

COLORADO

Colorado Legislator's Handbook, 1958—Senate Rules

Rule XVI(2): "Any Senator rising to speak in debate or to present any matter, shall, before proceeding, first address the President and be recognized by him. * * * No Senator shall speak longer than one hour at any time without the consent of the Senate, and he shall confine himself to the question under debate and avoid personalities."

CONNECTICUT

Rules of the General Assembly, 1957—Senate Rules

Nothing found.

DELAWARE

Rules of the Senate of Delaware, 1957

Nothing found. Rule 24 adopts *Robert's Rules of Order* in all questions of parliamentary procedure.

Rule 7 of *Robert's Rules of Order* provides that debate must be limited to the merits of the immediately pending question.

Rule 33 of *Robert's Rules of Order* requires all amendments to be germane to the subject matter.

FLORIDA

Rules and Committees of the Senate, 1957

Rule 18: "When any Senator desires to speak or deliver any matter to the Senate, he shall rise at his desk and respectfully address himself to 'Mr. President' and on being recognized, may address the Senate from any place on the floor, and shall confine himself to the question under debate, * * *."

GEORGIA

Legislative Manual, 1959-1960—Rules of the Senate

Rule 15: "When any Senator is about to speak in debate or deliver any matter to the Senate, he shall rise from his seat and respectfully address himself to 'Mr. President.' * * * He shall be confined to matter in debate, shall speak not more than twice on any subject, nor more than once until every member choosing to speak shall have spoken. * * *"

Rule 79—Motion to amend: "* * * Any irrelevant amendment or amendment obviously offered for the purpose of delay shall be ruled out of order by the President."

HAWAII

Nothing available.

IDAHO

Nothing available.

ILLINOIS

Senate Rules of Seventy-first General Assembly, 1959

Rule 28: "When any Senator is about to speak or deliver any matter to the Senate, he shall arise from his seat and address the presiding officer as 'Mr. President,' * * *. The latter in speaking shall confine himself to the subject matter under discussion and avoid personalities."

Rule 49: No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

INDIANA

Nothing available.

IOWA

Rules of Procedure Iowa—1957—Senate Rules

Rule 6: "When a member is about to speak in debate, or deliver any matter to the Senate, he shall rise from his seat and respectfully address himself to 'Mr. President,' and shall confine himself to the question under debate, avoid personalities and the imputation of improper motives."

KANSAS

Rules of the Senate, 1957

Nothing found. Rule 76 adopts *Robert's Rules of Order* in all cases where Senate Rules do not apply.

Rule 7 of *Robert's Rules of Order* provides that debate must be limited to the merits of the immediately pending question.

Rule 33 of *Robert's Rules of Order* requires all amendments to be germane to the subject matter.

KENTUCKY

Rules and Committees of the Senate, 1958

Nothing found on debate. Rule 62 adopts rules of *Jefferson's Manual* to govern Cases not provided for by the Rules. Section 749 of *Jefferson's Manual* requires all speakers addressing the House to confine themselves to the question under debate.

Senate Rule 51: "* * * No amendment shall be in order that is not germane to the matter under consideration; * * *"

LOUISIANA

Rules of Order of Senate, 1958

Nothing found. Rule 70 adopts *Robert's Rules of Order* as authority on any question of order and parliamentary practice when Senate rules are silent.

Rule 7 of *Robert's Rules of Order* provides that debate must be limited to the merits of the immediately pending question.

Rule 33 of *Robert's Rules of Order* requires all amendments to be germane to the subject matter.

MAINE

Maine Register—1960-61 (p. 177)

Rule 11: "No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; nor shall an amendment proposing to ingraft a general provision of law upon a private bill be in order; nor any amendment beyond the second degree."

MARYLAND

Rules of the Senate of Maryland, 1958

Rule 14: "* * *. Every Senator shall confine himself to the subject under debate."

Rule 41(e): "No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment, * * *."

MASSACHUSETTS

Manual for the General Court, 1957-58—Senate Rules

Rule 46: "When a question is under debate the President shall receive no motion that does not relate to the same * * *?" (with certain exceptions).

Rule 50: "No motion or proposition of a subject different from that under consideration shall be admitted under the color of amendment."

MICHIGAN

Michigan Legislative Handbook, 1957-58—Senate Rules

Nothing found.

MINNESOTA

Legislative Manual—1959—Senate Rules

Rule 12: "When any member is about to speak in debate, or deliver any matter to the Senate, he shall rise to his feet and respectfully address himself to 'Mr. President.' * * * He shall confine himself to the question under debate, and avoid personality.

MISSISSIPPI

Rules of the Senate and House, 1956—Senate Rules

Rule 68: "When any member of the Senate desires to speak or present any matter to the Senate, he shall rise and respectfully address himself to 'Mr. President,' and, upon being recognized, may proceed but shall confine himself to the question under debate and avoid personalities."

Rule 104: "When a question is under debate, the President shall entertain no motion which does not relate to said question, * * *."

MISSOURI

Manual of Sixty-ninth General Assembly—Senate Rules

None found for debate.

Rule 47: "No law shall be passed except by bill, and no bill shall be so amended in its passage through the Senate as to change its original purpose."

MONTANA

Nothing available.

NEBRASKA

Rules of the Nebraska Legislature, 1957

Rule 4, section 5: "When a member desires to speak in debate or to deliver any matter to the Legislature, he shall rise from his seat and respectfully address himself to 'Mr. President.' A member shall speak only when recognized and shall confine himself to the question before the Legislature."

Rule 10, section 20: "No motion, proposition or subject, different from that under consideration, shall be admitted under color of amendment."

NEVADA

Handbook of the Nevada Legislature, 1957—Senate Rules

Rule 10: "No subject different from that under consideration shall be admitted as an amendment; and no bill or resolution shall be amended by incorporating any irrelevant subject matter or by association or annexing any other bill or resolution pending in the Senate, * * *."

Rule 44: "Every Senator when he speaks, shall, standing in his place, address 'Mr. President,' in a courteous manner, and shall confine himself to the question before the Senate, and when he has finished, shall sit down."

NEW HAMPSHIRE

Nothing available.

NEW JERSEY

New Jersey State Senate, 1958

Rule 48: "Every Senator, in speaking, shall address the President, confine himself to the question under debate, and avoid personality. * * *"

NEW MEXICO

Directory, Twenty-third State Legislature, 1957-58

Nothing found on debate.

Rule 29: "No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose. * * *"

Rule 60: "No motion or proposition, or any subject different from that under consideration, shall be admitted under the pretext of amendment."

NEW YORK

The Clerk's Manual, 1958-59—Senate Rules

Nothing found.

NORTH CAROLINA

North Carolina Manual, 1957—Senate Rules

Nothing found.

NORTH DAKOTA

Thirty-fifth Legislative Assembly, 1957—Senate Rules

Nothing found on Debate but Senate Rule 77 adopts *Robert's Rules of Order* to govern in all cases applicable. Rule 7 of *Robert's Rules of Order* provides that debate must be limited to the merits of the immediately pending question.

Senate Rule 49: “* * * No bill shall be so altered and amended as to change its original purpose.”

Rule 33 of *Robert's Rules of Order* requires all amendments to be germane to the subject matter.

OHIO

Rules of the Senate, 1957

Rule 46: “No motion or proposition upon a subject different from that under consideration shall be admitted under color of an amendment.”

Rule 74: “* * * and the Senator speaking shall confine himself to the question under debate and avoid personalities.”

OKLAHOMA

Senate Rules, 1955

Nothing found. Rule 46 provides that all rules laid down in *Jefferson's Manual*, as construed and practiced by the United States Senate, are to be the governing rules of the Senate, except wherein they conflict with the Senate rules. *Jefferson's Manual*, section 749, contains a rule of relevancy in debate.

OREGON

Nothing available.

PENNSYLVANIA

Pennsylvania Legislative Directory, 1957-58—Senate Rules

Nothing found on debate. Rule 34 adopts *Mason's Manual of Legislative Procedures* in all cases applicable and not covered by rules. Section 101 of *Mason's Manual* (2) provides that debate must always have relation to some definite question which is under consideration by the body.

Senate Rule 18: “No amendments shall be received by the President which destroys the general sense of the original section, clause, or paragraph.”

Section 402 of *Mason's Manual* requires all amendments to be germane.

RHODE ISLAND

Legislative Manual, 1957-58—Senate Rules

Nothing found on debate but Rule 38 provides that the Rules of Parliamentary Practice shall govern the Senate in all cases in which they are applicable and in which they are not inconsistent with these rules. (Rules not identified.)

Rule 26: “No motion or proposition of a subject different from that under consideration shall be admitted under color of amendment.”

SOUTH CAROLINA

Rules of the Senate, 1957

Nothing found on debate. Rule 46 adopts *Jefferson's Manual* to govern all cases not embraced by the Rules. Section 749 of *Jefferson's Manual* requires all speakers addressing the House to confine themselves to the question under debate.

Senate Rule 28 provides that no clause shall be inserted in a bill unless the same relates to the general subject of the bill.

SOUTH DAKOTA

Official Directory and Rules of the Senate and House of Representatives, 1957

Nothing found. Rule 78 adopts *Robert's Rules of Order* in all cases applicable and not inconsistent with the rules.

Rule 7 of *Robert's Rules of Order* provides that debate must be limited to the merits of the immediately pending question.

Rule 33 of *Robert's Rules of Order* requires all amendments to be germane to the subject matter.

Nothing available.

TENNESSEE

Nothing available.

TEXAS

UTAH

Directory and Rules, 1957—Senate Rules

Rule 16: "When any senator is about to speak, or to deliver any matter to the Senate he shall rise from his seat and respectfully address himself to 'Mr. President'. Upon being recognized by the Chair, he may address the Senate, confining himself to the question under consideration, * * *"

Rule 33: "No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

VERMONT

Rules and Orders of the Senate, 1958

Nothing found. Rule 82 adopts *Robert's Rules of Order* when a question of parliamentary procedure arises not covered by the Rules.

Rule 7 of *Robert's Rules of Order* provides that debate must be limited to the merits of the immediately pending question.

Rule 33 of *Robert's Rules of Order* requires all amendments to be germane to the subject matter.

VIRGINIA

Manuals of the Senate and House of Delegates, 1958—Senate Rules

Rule 55: "When any member is about to speak in debate or deliver any matter to the Senate, he shall rise from his seat, and without advancing, with due respect, address 'Mr. President', confining himself strictly to the point in debate, * * *"

WASHINGTON

Legislative Manual, 1957—Senate Rules

Rule 16: "When any Senator is about to speak in debate, or submit any matter to the Senate, he shall rise from his seat, and standing in his place, respectfully address himself to 'Mr. President,' and when recognized shall in a courteous manner, confine himself to the question under debate, * * *"

Rule 62: "No amendment to any bill shall be allowed which shall change the scope and object of the bill. * * *"

WEST VIRGINIA

Manual of the Senate and House of Delegates, 1957—Senate Rules

Rule 66 provides that in all cases not provided for by the rules of the Senate the Senate be governed by the practice in the House of Representatives of the United States.

Section 749 of the *Rules of the House of Representatives* of the United States requires a Member in speaking before the House to confine himself to the question under debate.

Section 794 requires all amendments to be germane to the subject matter.

WISCONSIN

Senate Manual, 1957

Senate Rule 50: "Amendments must be germane, * * *"

Senate Rule 56: "When a member is about to speak in debate or deliver any matter to the Senate he shall rise in his place and respectfully address the chair, and upon being recognized, shall proceed, confining himself to the question under debate, avoiding personality."

WYOMING

Rules of the Senate and House of Representatives, 1957—Senate Rules

Rule 28: "When any Member is about to speak, or deliver any matter to the Senate, he shall rise from his seat and respectfully address himself to 'Mr. President', and shall confine himself to the question under consideration and avoid personalities, * * *"

EXHIBIT 3

BILLS MAKING FORMER PRESIDENTS SENATORS AT LARGE 78TH-87TH CONGRESSES

THE LIBRARY OF CONGRESS
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C.

BILLS MAKING FORMER PRESIDENTS SENATORS-AT-LARGE 78TH-87TH CONGRESSES

[*Indicates present membership in Congress. R=Republican. D=Democrat.]

78th Congress

H.R. 5055. Mr. Canfield; June 19, 1944 (Judiciary). Ex-Presidents of the United States shall be eligible to hold office as Senators at Large except when holding offices which make them ineligible to serve in either House of Congress. Such Senators at Large shall have the same privileges, salary, etc., as Territorial Delegates in the House of Representatives, and the allowance for clerical assistants given Senators who are not chairmen of a standing committee and are from the most populous State.

79th Congress

House Joint Resolution 231. Mr. Martin of Massachusetts; July 18, 1945 (Judiciary). (* R). Constitutional Amendment—Ex-Presidents of the United States shall be made Senators at Large in the United States at large, unless removed from the Presidency by impeachment. Ratification must be within seven years after submission to the States.

80th Congress

S. 1625. Mr. Brewster; July 14, 1947 (Judiciary). Creates the office of Senator at Large for ex-Presidents of the United States.

H.R. 504. Mr. Canfield, January 6, 1947 (Judiciary). Creates the office of Senator at Large in the Senate for ex-Presidents of the United States.

H.R. 4215. Mr. Kunkel; July 15, 1947 (Judiciary) (* R). Creates the office of Senator at Large for ex-Presidents of the United States.

81st Congress

S. 209. Mr. Brewster; January 5, 1949 (Rules and Administration). Creates the office of Senator at Large for ex-Presidents of the United States.

H.R. 154. Mr. Canfield; January 3, 1949 (Judiciary). Creates the office of Senator at Large in the Senate for ex-Presidents of the United States.

82d Congress

S. 2757. Mr. Brewster; February 27, 1952 (Rules and Administration). Creates the office of Senator at Large in the Senate for ex-Presidents of the United States. Such Senator shall not be entitled to vote.

S. 2956. Mr. Humphrey; March 31, 1952 (Judiciary) (* D). Creates the office of Senator at Large in the Senate for ex-Presidents of the United States. Such Senator shall not be entitled to vote.

H.R. 6503. Mr. Roosevelt; February 7, 1952 (Judiciary). Creates the office of Senator at Large in the Senate for former Presidents and former Vice Presidents of the United States. Such Senator shall have the right to debate but not to vote.

H.R. 7362. Mr. Cannon; April 2, 1952 (Judiciary) (* D). Creates the office of Senator at Large in the Senate for ex-Presidents of the United States. Such Senator shall not be entitled to vote.

H.R. 7396. Mr. Celler; April 4, 1952 (Judiciary) (* D). Creates the office of Senator at Large in the Senate for ex-Presidents of the United States. Such Senator shall not be entitled to vote.

83d Congress

H.R. 182. Mr. Roosevelt; January 3, 1953 (Judiciary). Creates the office of Senator at Large in the Senate for former Presidents and former Vice Presidents of the United States. Such Senator shall have the right to debate but not to vote.

84th Congress

S. 1010. Mr. Kilgore; February 8, 1955 (Judiciary). Creates the office of Senator at Large in the Senate for former Presidents of the United States. Such Senator shall have the rights of a Senator except the right to vote.

Senate Joint Resolution 125. Mr. Magnuson; January 25, 1956 (Judiciary) (* D). Constitutional amendment—creates the office of Senator at Large in the Senate for former Presidents of the United States who have served 2 years or longer and who have not been impeached. Such Senator at Large shall have all of the rights and privileges of a Senator except the right to vote.

H.R. 3886. Mr. Chelf; February 10, 1955 (Judiciary). Creates the office of Senator at Large in the Senate for former Presidents of the United States. Such Senator shall be entitled to all the rights and privileges accorded to Members of the Senate except the right to vote.

85th Congress

None.

86th Congress

House Joint Resolution 613. Mr. Chelf; February 16, 1960 (Judiciary). Constitutional amendment—proposes an amendment to the Constitution so as to make former Presidents of the United States Members of the Senate.

87th Congress

House Joint Resolution 96. Mr. Chelf; January 4, 1961 (Judiciary). Constitutional amendment—proposes an amendment to the Constitution so as to make former Presidents of the United States Members of the Senate.

House Joint Resolution 360. Mr. Monagan; April 10, 1961 (Judiciary) (* D). Constitutional amendment—proposes an amendment to the Constitution so as to make former Presidents of the United States Members of the Senate.

EDWIN B. KENNERLY, *Editor, Bill Digest.*

EXHIBIT 4

"TO HELP CONGRESSMEN HELP CONSTITUENTS: AN AMERICAN VERSION OF THE SCANDINAVIAN OMBUDSMAN," EXTENSION OF REMARKS OF HON. HENRY S. REUSS, A MEMBER OF CONGRESS FROM THE FIFTH DISTRICT OF WISCONSIN, IN THE CONGRESSIONAL RECORD OF FEBRUARY 11, 1963

Mr. REUSS. Mr. Speaker, I have been impressed by the job that is being done in behalf of the average citizen in his relations with the bureaucracy by the Scandinavian Ombudsman. This political innovation acts as an administrative Robin Goodfellow to see that the citizen obtains the individual rights from his government to which he is entitled.

I have recently asked some experts in Government to put their minds to the question whether some variant of the ombudsman may be relevant to this country.

Two distinguished political scientists, Thomas J. Bennett and Quentin L. Quade, of the Department of Political Science at Marquette University, Milwaukee, Wis., have set out the results of their careful consideration of the matter in a constructive paper:

"CONGRESSIONAL COMMISSIONER FOR CIVIL LIBERTIES

"The modern state is characterized by a heavy involvement in social activity, ranging from basic regulation of the economy, to roadbuilding, to social security, and a vast number of other functions. While serious questions continue to be raised about particular elements of this state involvement in social welfare, the general notion of state responsibility is widely accepted and will undoubtedly persevere.

"The natural corollary of the growth of state functions is the modern administrative apparatus, which has the overall task of implementing the broad dictates of the responsible political officials. The expansion of the administrative group in the United States has resulted from the adoption of basic policies which require administrative implementation. Thus, the growth of bureaucracy is fundamentally necessary as a device for confronting genuine problems. Parkinson's Law to the contrary notwithstanding, the great preponderance of bureaucratic development has not been self-justifying and self-initiating.

"But if bureaucracy as a general phenomenon is recognized as natural and necessary, the fact remains that the great administrative systems of our day present real problems. As the systems have grown larger they have also been withdrawn from the public, and have become significantly depersonalized. The very ease with which we speak abstractly of the 'bureaucracy' seems to testify to this. And, most important, the enhancing of administrative power and influence over day-to-day existence has significantly increased the possibility of administrative injustice.

"Thus, the administrative problem for the United States and other democracies is how to grant sufficient powers to their bureaucracies to enable them to act effectively, and at the same time maintain regular channels of political control over and public appeal from bureaucratic activity. The specific concern of this paper is with the second part of the problem: methods for protecting the rights of the citizen in his relations with the administrative system.

"U.S. TECHNIQUES

"American Government could not have existed as long as it has without developing some mechanisms for accomplishing the ends described above. American responses to the problem may be classified as, first, congressional; second, judicial; and third, private.

"Congressional

"The need for new machinery to permit the decisionmaking branch of the U.S. Government to oversee the activities of the administrative branch has long been recognized; indeed, the job has already been started. In 1940 Representative Luther Patrick remarked that: 'A Congressman has become an expanded mes-

senger boy, an employment agency, getter-out of the Navy, Army, Marines, ward healer, wound healer, troubleshooter, law explainer, bill finder, issue translator, resolution interpreter, controversy oil pourer, glad hand extender, business promoter, convention goer, civic ills skirmisher, veterans' affairs adjuster, ex-service-man's champion, watchdog of the underdog * * * and so on and on and on.

"Faced with an administrative organization whose activities are increasing almost daily, Congress sought to protect its primary job of setting national policy by relieving itself of the retail business of making decisions in individual cases of maladministration. The Legislative Reorganization Act of 1946 forbade the introduction of several classes of private bills, which until then had consumed thousands of man and committee hours. Some of these activities formerly handled by Congress itself were delegated to administrative organizations: for instance the correction of military records was assigned to boards within the Defense Department, and veterans' pension claims actions were allocated to the Veterans' Administration. By other congressional acts the Bureau of the Budget has been assigned extensive preaudit duties, the Civil Service Commission was granted quasi-judicial powers over civil servants, and presidential commissions have been permitted to exercise overall criticism of administrative organization.

"Permitting administrative agencies to police their own activities, however, has an inherent limitation. In a system which requires each branch of Government to check and balance each of the others, Congress requires tools of its own if it is to be the watchdog of administration. An effective beginning was made with the passage of the General Accounting Act of 1921, aimed at lightening the load of the basic congressional units while retaining independent congressional oversight of the administrative arm of Government. The act assigned the primary job of budget drafting to the Bureau of the Budget, but at the same time the General Accounting Office was created as an agency of Congress, and charged, among other duties, with the postauditing of nearly all Federal Government expenditures.

"The GAO was a valuable beginning, but of course it does only part of the job of overseeing the multiple activities of big government. It uncovers, and prevents, financial mismanagement, misuse of appropriated funds, and even individual misconduct in the use of Federal moneys. But it does not attempt to supervise Government operations that do not involve the spending of money, nor does it act as an investigator of private claims of maladministration.

"Judicial

"The Federal courts are probably the most effective checking mechanism available to the average citizen who has been injured by his Government. Government agencies themselves may be sued in the Court of Claims, and individual officers of Government may be sued in the regular court system. Even within their jurisdiction, of course, the courts have certain disadvantages for the injured citizen. For one thing, court calendars are crowded. In the 86 district courts, for example, the average time between the filing of a complaint and the beginning of the trial was, in 1958, just under 12 months. And in the busiest jurisdictions, for instance in New York City, the elapsed time averaged between 2 and 4 years.

"Not only that, but not every citizen is able to risk the expense of an extended court case, and only a very small number of cases are able to attract the support of private litigating organizations such as the NAACP or the ACLU. It is true that every citizen has the right to take his case to court, and that the courts have been effective guarantors of the rights of Americans, but too often the time and expense of adjudication cause prospective plaintiffs, faced with a full-time, Government-paid battery of lawyers, to accept injustice with the observation that 'You can't fight city hall.'

"If these criticisms of the courts are peripheral and subject to quarrel, there is another criticism that is fundamental to the problem posed by this paper. The courts of necessity concern themselves with outright violations of law. In the big time modern state, however, it is possible for citizens to suffer at the hands of government without being able to point to the infraction of any statute, and without even being able to invoke the authority of equity. Congress had found it increasingly necessary to delegate extensive discretionary powers to administrative agencies. While it would be difficult to suggest the withdrawal of such discretionary power, it is quite proper for Congress, in the insurance of the rights of citizens, to check upon individuals' complaints that the discretion is being used in a way that Congress might not approve.

"It should be pointed out in addition that the United States, noted since the days of De Tocqueville as a nation of legalists, has lagged far behind most other democracies in the establishment of administrative tribunals. As will be de-

scribed below, the typical European pattern has seen the establishment, as the corollary of administrative agencies, of tribunals devoted to hearing appeals from agency actions. In our country the practice has been to permit independent agencies, which as their name implies are largely free of both executive and legislative control, to exercise adjudicative authority. We have established a minimum of special courts, such as the Court of Customs and Patents Appeals and the Tax Court. These latter, of course, are subject to the same limitations ascribed to the regular court system.

"Private

"Our Government has been rightly described as one characterized by multiple access points; that is, a government in which the citizen may attempt to influence policy at several points. The result has been the proliferation of interest groups that lobby continuously, not only in the legislature, but at every level of government excepting only the courts. The importance of such groups for this paper is that many of them serve as fulcrums with which the individual citizen may move the vast bulk of government. A veteran, for example, who can interest the American Legion in his quarrel with the Veterans' Administration, can certainly speak with a louder voice, at less cost to himself, than the hardy soul who attempts the job alone.

"The most important of the private organizations that go to bat for aggrieved citizens is the mass communications industry, especially the newspapers. There is no doubt that a cleverly written human interest story or an incisive exposé can produce redress of grievances in most dramatic fashion. Private bills in Congress that set aside the rules of the Immigration and Naturalization service are perhaps the best example.

"Without belittling the good works of the private organizations, it should be pointed out that their work, too, is subject to limitation. First of all, their coverage is spotty. Not every citizen has access to an interest group that will fight his case. There is, for example, no National Association for the Protection of Tax-payers. The individuals who have the least means for utilizing the existent grievance channels are often the ones least well equipped to organize themselves into an effective interest group—one thinks of migrant workers. The newspapers for reasons of self-preservation, can concern themselves only with cases that have reader appeal and many citizen grievances make dull reading.

"A second criticism of the private organizations is that they often are less interested in justice than in satisfaction of their clients. The Congressman under pressure to exert his influence on behalf of a dissatisfied constituent has no disinterested investigator available whose loyalty is to neither of the contestants, but to Congress itself.

"In summary, it seems evident that while the traditional American techniques for the protection of citizens from abuses and from inadequacies of administration power were satisfactory before the recent growth of the administrative state, and still work fairly well today, there is room for improvement. The grand plan of American government need not be altered, but consideration of new devices for checking upon the administration is in order.

"APPROACHES OF OTHER COUNTRIES

"The phenomenon of the burgeoning bureaucracy is not peculiar to the United States, but approaches universality in modern democracies. Accordingly, it may be worthwhile to examine briefly the methods of administrative control employed by certain other nations.

"Britain

"The fundamental avenue of control in Great Britain is the tradition of ministerial responsibility, which holds the relevant Government Minister immediately accountable before Parliament for the acts of civil servants operating within his Department. The tendency in this relationship is for the Ministers to be acutely concerned with the acts of the administrative officials, because these actions, if they are abusive to civil rights or amenities, will have unhappy political repercussions for the Government and party responsible.

"But in addition to this primary condition, the British have two other general techniques for maintaining the responsibility of bureaucratic action. In some areas of actual dispute, the offended party can appeal administrative decisions to the regular courts. This is the case when questions of legality are raised. But of more constant utility is the system of administrative tribunals. These tribunals are organized within each administrative department, their chairmen are selected

by the Lord Chancellor, and the other members of the tribunals are selected by a Council appointed by the Lord Chancellor. The tribunals are to guarantee that the methods by which decisions are made within administrative departments are not arbitrary and lacking in circumspection. Particularly, they are to provide opportunity for interested parties to challenge the bases of administrative methods. Overseeing the actions of the tribunals is the Council on Tribunals, established in 1958. The Council is charged with the protection of civil rights as they are influenced by the decisions of administrative tribunals.

"Hinged around the system of ministerial responsibility, the British techniques for insuring public control over the administrative apparatus seem to operate quite effectively. However, British practice has little apparent applicability to the United States where Presidential lines of authority over and responsibility for the civil service tend to be blurred and incomplete.

"France

"For different reasons, French practice in this area is similarly not overly useful for U.S. purposes. In France, there are two distinct court systems. The first, the so-called regular law courts, are devoted to ordinary civil and criminal cases. This corresponds to one aspect of the British-American judicial tradition. But in the French tradition, the common-law courts have no jurisdiction over actions by the executive element of government, including the administrative system. To overcome this deficiency, the French, beginning shortly after the Revolution of 1789, created a separate, integral system of administrative courts, capped by the Conseil d'Etat, to adjudicate all cases involving conflicts between different public authorities, or between public authorities and citizens. The French Conseil d'Etat, with its subordinate courts organized regionally throughout the country, has done a generally excellent job of protecting and preserving the rights of the individual citizen in his relation to the bureaucratic structure. But it is even more foreign to American tradition than is the British practice and even less likely to have utility for this country. The classical American notion of all men—including officials—before the law—the same law—is so deeply entrenched that any attempt to alter it by establishing a separate court system devoted to administrative law would undoubtedly be futile.

"Ombudsman

"An essentially different approach to the problem of controlling the administrative machinery is practiced in Scandinavia, and the Swedish and Danish experiences seem particularly relevant to an appraisal of U.S. methods. The primary device used in these two countries is an institution known as ombudsman, officially described in Sweden as the special parliamentary commissioner for the judiciary and the civil administration and in Denmark as the parliamentary commissioner for civil and military government administration.

"The Swedish ombudsman, as his official title indicates, is appointed by the legislature, for a period of 4 years. He is given a general charge of supervising the courts and civil service to guarantee that they observe the law, the constitution, and their specific letters of instruction. He is expected to investigate any charges of wrongdoing brought against such officials, and if he finds the charges justified, he may institute court proceedings against the errant official, or, more often, simply order corrective action. The supervision of courts in addition to the civil service is really a hangover from past conditions. When the Swedish ombudsman was initially instituted in 1810, there was more incidence of corruption and arbitrariness in the judicial system than in the civil service, which at that time was rather minute. At the present time, however, the court system is not so prone to such problems, and the bulk of ombudsman activity has shifted toward one or another area of civil service. As we shall see, Denmark was cognizant of this when it initiated its ombudsman system in 1954.

"The Swedish ombudsman appoints a small staff to assist him in his functions. His activities fall into two areas: first, his office receives complaints from citizens who contend that their rights have been abused by some segment of the judicial or administrative machinery, and he undertakes an investigation of the charges; second, he is empowered to undertake inspection visits of the various administrative units, during which visits he can examine random cases of administrative action. The ombudsman may take action in specific cases of administrative injustice, and, further, he is expected to offer general recommendations for administrative reform to the legislature when he deems them necessary.

"It should be noted that in 1915 Sweden established a separate ombudsman to handle cases of alleged military injustice. As the more recent Danish experience seems to indicate, this area of appeal could be handled as well by delegation within a central ombudsman office as by the creation of two distinct offices.

"The Danish ombudsman was styled after the Swedish model, with certain significant modifications: the same office handles civil and military affairs, and judicial activities are outside the realm of ombudsman action. He must investigate any charges against public officials for abuse of power or trust, or negligence in office. He has the right to inspect all administrative units of the Central Government, and he has access to all files and documents. If the ombudsman determines that an actual abuse exists, he may proceed with prosecution, or direct that correction actions be taken within the administration, depending upon the degree of the abuse and the culpability involved.

"In the cases of both Sweden and Denmark, the public has ready access to ombudsmen. All that is required is a written complaint, preferably but not necessarily with supporting documents.

"Scandinavian experience with the ombudsman device has been highly satisfactory. In Sweden, of course, that experience stretches back a century and a half, and the Swedish institution is generally very highly respected in that country. Denmark has had its ombudsman only 8 years, and yet the office in that country has proven to be extremely successful. Some appreciation of the Scandinavian success may be gleaned from the fact that New Zealand adopted a similar system during 1962.

"RECOMMENDATION: CREATION OF AN OFFICE OF CONGRESSIONAL COMMISSIONER FOR CIVIL LIBERTIES

"Unlike the British and French methods for controlling the bureaucracy, the Scandinavian examples appear to have considerable relevance to the conditions of the United States. Indeed, by drawing liberally upon them it is possible to suggest a new method by which the United States could help guarantee the responsibility of its civil administration.

"Congress should consider the establishment of an Office of Congressional Commissioner for Civil Liberties. Such an office in the United States should be centered in Washington and have regional subdivisions, perhaps paralleling the 11 civil service regions. As is noted below, such an office need have only a small staff, despite the high significance of its work.

"The jurisdiction of the Congressional Commissioner would extend only to the Federal civil service, and need not be involved with the court system or with the State and local bureaucracies. As was seen above, recent Scandinavian experience indicates that the bulk of problems today comes from administrative action, and this will probably be the trend in the future.

"The Congressional Commissioner's office should have two kinds of functions: First, to receive, appraise, and investigate citizens' complaints about alleged administrative injustices; and second, to carry on periodic, but not announced, field inspections of administrative bureaus around the country. Connected to these tasks, the Congressional Commissioner would prepare for Congress an annual report of actions taken in the administrative field, and recommendations of a general character for reform in the administrative apparatus.

"In responding to citizens' charges, the Congressional Commissioner would not himself have the power to overthrow administrative action, but would have several alternative techniques: First, recommend to the bureau in question that it reconsider and amend its decision—if European experience is pertinent, the great preponderance of cases would be handled in this fashion; second, institute proceedings in the regular courts on behalf of the citizen; third, finally, in extreme cases, appeal directly to Congress for redress. This multiplicity of methods would give the Commissioner the flexibility such an office would demand, to avoid turning relatively small matters into mountains.

"Before closing the argument, three obvious criticisms ought to be dealt with. The first of these, and the most basic, is that the creation of a new office to oversee the activities of the administrative branch of government would be a violation of the checks and balances system of American Government. The foregoing argument should make it plain that such is not the case. The Congressional Commissioner would be, as his title implies, an additional legislative check upon the executive branch, and would be a part of the balance that has endured since 1789. The Commissioner would be an agent of Congress, with no independent power. He would, as a matter of fact, be considerably more in the spirit of the American system than are the independent agencies, which are almost wholly outside the traditional threefold balance, and which now perform a part of the duties that he would undertake.

"The second criticism is that the creation of a new bureaucracy is a poor solution for the problems of an already vast government. It seems reasonable to suppose

that the Commissioner's staff, to be effective in a nation of 180 million population would need to be considerably larger than the staffs which serve small countries such as Sweden and Denmark. But the experience of each of these countries, and of New Zealand, would seem to indicate that even a tenfold increase in personnel would still result in a very small bureaucracy. The Danish ombudsman, for example, employs a staff of eight, including clerks. To place the problem in perspective, it should be noted that the General Accounting Office employs some 6,500 persons. It is inconceivable, if the experience of the other nations is to be taken as a guide, that the total staff of an American Congressional Commissioner should exceed 200.

"Finally, a word should be said about the Congressman-constituent relationship. While admittedly a burden for the busy Congressman, the ability to act as errand boy for constituents has traditionally been both a source of political strength for him, and a way of maintaining contact with the needs of the people he serves.

"There is no reason to suppose that the Commissioner would impair that relationship. One of the difficulties of the present situation is that the requirements of time frequently force Congressmen to deal with constituents' requests upon the basis of inadequate information. It would serve constituents better if Congressmen could guarantee them impartial, complete investigations of complaints by an agency of Congress. Not only would Congressmen then be spared the embarrassment of proceeding with inadequate information, but the constituent would be happy in the knowledge that his case was receiving complete investigation.

"Furthermore, the existence of the Congressional Commissioner would in no way limit the ability of the Congressman to concern himself personally in those cases which strike him as important, and within his sphere of competence. Indeed, the opportunity to lighten his workload by referring most cases to the Congressional Commissioner would increase the Congressman's ability to concentrate his time and energy upon the cases which interest him most."

Mr. Speaker, I also recently asked for a report on the ombudsmen from the Library of Congress Legislative Reference Service. Miss Mary Louise Ramsey of the American Law Division prepared this excellent study:

"NOVEMBER 30, 1962.

"To: HON. HENRY S. REUSS.

"From: American Law Division.

"Subject: Experience of other countries with ombudsman; suggestions for legislation creating this office in the United States.

"Sweden has had a constitutional officer known as the Justitieombudsman, or civil ombudsman, since 1809. Its military ombudsman was created in 1915. Finland has had a civil ombudsman since 1919; Denmark since 1955. New Zealand and Norway have established similar offices this year.

"Although the chief interest in the Scandinavian ombudsmen is now centered on their responsibility to prevent errors or abuse of power by administrative agencies, this is a comparatively recent development. In both Sweden and Finland this officer has jurisdiction over courts as well as other officials, and for many years Sweden's civil ombudsman was primarily concerned with the functioning of the courts.

"Article 96 of the Swedish Constitution provides for the appointment by the Riksdag (legislature) of two persons of known legal ability and conspicuous integrity to act, one as civil, the other as military, ombudsman in the capacity of representatives of the Riksdag according to instructions issued by it. The military ombudsman supervises military affairs. The civil ombudsman is responsible for the observance of laws as applied in all other matters by the courts and public officials, 3 Peaslee, *Constitutions of Nations* 318 (2d ed. 1956).

"The jurisdiction of the civil ombudsman does not extend to Government corporations, which are not considered organs of the Government, or to Ministers of the Government. However, Ministers do not supervise administrative departments in Sweden. The bureaucracy is subject to control by the whole Government, but without supervision by particular Ministers. Consequently, with a few exceptions the civil ombudsman has jurisdiction over the highest officials who may decide a matter.

"Under Swedish law, both the civil administration and the courts are manned by career officials who hold office until they reach pensionable age. They enjoy a security of tenure which can be ended only by a legal finding of dereliction of duty. As a corollary of this security of tenure, they are personally liable for damages suffered by private interests from their dereliction of duty. Citizens have a constitutional right of access to all public documents with certain statu-

tory exceptions designed to protect information in areas where secrecy is essential. The ombudsmen exist to make effective the restraints on public officials, and to protect the rights of citizens. Jagerskiold, 'The Swedish Ombudsman,' 109 University of Pennsylvania Law Review 1077, 1079-1080 (1961).

"The ombudsmen may make inspections and investigations on any matter within their jurisdiction on their own initiative or on complaints from members of the public. In making investigations they generally have power to obtain access to all information in the possession of the government. Article 97 of the constitution gives them the right to 'attend the deliberations and conclusions of the supreme court, the supreme administrative court, the secretariat of the supreme court, the courts of appeal; the administrative boards and the institutions established in their place, and all lower courts, but [they] shall have no rights to express their views thereat; they shall also have access to the minutes and records of all courts, administrative boards, and public officials.'

"The ombudsmen exercise the powers of a prosecutor. Article 96 authorizes them to institute proceedings before competent courts against those who, in the execution of their official duties, have, through partiality, respect of person or other causes, committed any unlawful act or neglected to perform their official duty.

"The ombudsman has an unfettered discretion to prosecute or not to prosecute an official found to be at fault. Out of this has grown two practices, which though long continued, are still the subject of debate. One is to reprimand an erring official publicly or privately, without prosecution. The second is to advise an official that certain actions are illegal but that prosecution will be withheld if certain steps are taken to correct the error. For example, in one case, the civil ombudsman stated that he would abstain from prosecuting the judges of a court of appeals for a decision he deemed erroneous if they would pay compensation to the party injured by their decision. The judges voluntarily paid the damages demanded to avoid the inconvenience of a prosecution, although affirming their adherence to their earlier opinion. In another case, the civil ombudsman criticized a court officer for having attached certain property illegally. Thereupon, the officer released the property. By an oversight, the ombudsman's interpretation of the law had been clearly erroneous. He accordingly paid compensation out of his own pocket. Jagerskiold, supra at 1087-1092.

"The scope of the ombudsman's activities in the field of administration in recent years is indicated by the following excerpts from Jagerskiold, supra at 1095-1099:

"* * * [he] has devoted great attention to deprivation of liberty in the social sphere, particularly as to the care of alcoholics and the administration of hospitals, especially mental hospitals. He has also developed an increasing interest in tax assessments, and has hired special assistants for this work.

"He has also instituted proceedings in cases where officials have acted beyond their jurisdiction in such fields as the administration of export regulations and rent control, and he has investigated matters concerning the legal position of civil servants, their mode of appointment, the rules for granting them leave, and the disciplinary measures which may properly be taken against them.

"The contributions of the ombudsman as a protector of speech, belief, and assembly have been particularly noteworthy in periods of political unrest. * * * Nevertheless, in his latest annual report [1960] the ombudsman tells of prosecuting a parish clergyman who took it upon himself to rip down a poster about a nonconformist meeting.

"The free access to public documents where there is no rule of law making them secret is an ancient legal right in Sweden which the ombudsman has struggled to make effective. * * * Both ombudsmen have continued to defend the right, * * * for example, to persons who have been dismissed from office and want to inspect the relevant documents. * * *

"The ombudsman has kept up a constant defense of the rules guaranteeing personal security from abuse of the police power. Thus an illegal arrest is likely to lead to prosecution of the policeman. This concern for the individual extends to prisoners as well as to citizens at large. * * * The ombudsman makes periodic inspections of the prisons and in the course of the years he has been responsible for great improvements in the treatment and health of prisoners. * * *

"The ombudsman has worked continually to defend the integrity of the administration against abuses of official position for political ends—against, for example, political propaganda, by clergymen and military officers, corruption, abuse of power for personal favors and gain, and the setting aside of rules of evidence.

"A final note might be made of the special contributions of the military ombudsman in exercising strict control over military punishments and the treatment of subordinates and conscripts with respect to their human rights."

"The Finnish ombudsman performs functions very similar to those of his Swedish counterpart. Article 49 of the Constitution of Finland provides for the appointment by the Diet (legislature) of 'a person distinguished in the law' who shall be Solicitor of the Diet for a 3-year period. That officer is charged with the duty of supervising 'the observance of the laws in the proceedings of courts and other authorities' in conformity with instructions given him by the Diet. He is given 'the same right as the Chancellor of Justice to be present at the sessions of the Council of State and of tribunals and public departments, to have access to the minutes of the Council of State, of ministerial departments, tribunals, and other authorities, and, under the responsibility imposed by law upon prosecutors, the right to prosecute or cause to be prosecuted complaints for malfeasance or nonfeasance in office.' Each year he is required to report to the Diet the manner in which he has performed his functions, the state of the administration of the law and the defects which he has noticed in legislation—1 Peaslee, *Constitutions of Nations* 871 (2d ed. 1956).

"Finnish experience with this office has received less attention in the literature than has that of Sweden and Denmark. According to the Solicitor's Annual Report for 1955, his office handled 977 cases—825 complaints and applications of individuals were disposed of, 64 cases were considered on the Solicitor's own initiative, and 88 cases were postponed. Of the 825 cases initiated by individuals, 264 related to courts, 173 to agencies for executing punishments, 145 to prison agencies, 60 to police agencies, 20 to military agencies, 102 to other Government agencies, and 56 to various other agencies. Prosecution was initiated in 12 cases, disciplinary punishment was suggested in 2 cases, reminders were given to agencies in 22 cases, and directives issued to agencies in 12 cases. In 35 cases the errors were corrected by the agencies. In the remainder no action was taken for various reasons (report on 'The Ombudsman and Related Systems of Governmental Supervision in Scandinavian and Other Countries,' Johannes Klesment, European Law Division, Law Library, Library of Congress, June 19, 1961).

"The new constitution adopted by Denmark in 1953 directed, in section 55, that the Folketing (legislature) should provide for the appointment of one or two persons, who should not be members of the Folketing, to control the civil and military administration of the state—1 Peaslee, *Constitutions of Nations* 740 (2d ed. 1956). A law passed on June 11, 1954 provided for a single ombudsmand (Danish spelling) having jurisdiction over both civil and military administration. The first ombudsmand took office on April 1, 1955. He is elected by the Folketing, is eligible to reelection, and can be dismissed at any time, but the legislature cannot interfere with his handling of individual cases. He is directed to 'keep himself informed as to whether any person within his jurisdiction pursues unlawful ends, makes arbitrary or unreasonable decisions, or otherwise commits mistakes or acts of negligence in the discharge of his duty.' Hurwitz, 'The Danish Parliamentary Commissioner for Civil and Military Government Administration,' 1 *Journal of the International Commission of Jurists* 224 (1958).

"The Danish ombudsmand's jurisdiction and powers are in some respects broader, and in others more limited, than those of the Swedish ombudsmen. His authority extends to ministers but not to the courts, whereas, in Sweden, the reverse is true. In both countries all officers and employees in the administrative service are subject to this form of supervision. If the Danish ombudsmand finds that a minister should be called to account for misconduct in office, he reports the matter to the Folketing. If he finds that other persons within his jurisdiction have committed criminal offenses in their official capacity he may instruct the prosecuting authorities to bring a charge before the courts, but he does not himself act as prosecutor, as the Swedish ombudsman is empowered to do. He may also direct the appropriate administrative authority to institute a disciplinary investigation of an erring civil servant. Christensen, 'The Danish Ombudsman,' 109 *University of Pennsylvania Law Review* 1100, 1105-1108, 1114-1115 (1961).

"His most important power is to investigate any civil or military activity of public officers, upon receipt of a complaint, or on his own initiative, and to state his views on the matter to the person concerned, to the officer or agency investigated, to the Folketing, and to the public, as he thinks proper. He may inspect any government office, and public officers and employees are required to furnish him with information and produce relevant documents or records, subject to limitations concerning state secrets and the exclusion and exemption of witnesses. If he finds that an individual has been wronged, he may recommend that free

legal aid be granted to enable the injured person to bring an action against a state authority or a public officer or employee for alleged error or negligence.

"The ombudsmand has no authority to change an administrative decision. He may make recommendations and negotiate with the appropriate authority for correction of what he believes to be error. By an amendment adopted in 1959, complaints may not be brought before the ombudsmand concerning decisions which may be altered by higher authority. This does not prevent investigation on the ombudsmand's own initiative, nor does it apply to the method of handling the case, as distinguished from the substance of the decision.

"During the years 1955-59, more than 4,400 cases were brought to the ombudsmand's attention, of which over 1,600 required further investigation. In 10 to 15 percent of the cases investigated, ground for criticism or need for improved methods of handling public business was found to exist. About half the complaints investigated related to the ministers, especially the Ministries of Justice and Finance, the police and prosecuting authorities. The subject matter ranged from complaints of discriminatory tax assessments, the conditions for restoration of a driver's license after revocation and the participation by a university professor in the faculty's consideration of a doctoral thesis by his son-in-law, to the laxity of the Ministry of Foreign Affairs in granting security clearance to obtain confidential information to an officer who had a long record of unreliability in financial matters and who was subsequently convicted of espionage. Hurwitz, 'Denmark's Ombudsmand: The Parliamentary Commissioner for Civil and Military Government Administration,' 1961 *University of Wisconsin Law Review* 169.

New Zealand appointed its first Parliamentary Commissioner for Investigations in September 1962. *New York Times*, September 8, 1962, page 5. We do not yet have a copy of this measure. The *New York Times* for August 12, 1962, page 3, reported that the bill then pending before Parliament provided for the appointment of such a parliamentary commissioner. Citizens with a grievance would have the opportunity to submit complaints in writing to him upon payment of a small fee. If he believed the complaint well founded, he could call for Government records relating to it, and the Government could not withhold them. Where the commissioner determined that wrong rulings had been given, he could make recommendations to the minister of the department concerned. He could not change any decision himself, but if the minister refused to modify an action, the case could be carried to the Prime Minister, and eventually, to Parliament. The Commissioner would not be authorized to investigate judicial decisions or cases where a right of appeal exists.

"We are advised by Dr. Johannes Klesment, of the European Law Division of the Law Library, that Norway enacted a law on June 22, 1962, calling for the election of an ombudsman in January 1963. We do not have specific information as to what his powers and duties will be.

"The creation of a similar office in the United States would not affect the traditional relationship between a Congressman and his constituents unless Congress saw fit to stipulate that it do so. If the office were successful, and won the confidence of Congress and the public, it might reduce the workload of a Member of Congress and his staff, but this is a matter of speculation.

"Under the constitutional doctrine of separation of powers, the functions of a prosecutor could not be vested in such an office, if it were established as part of the legislative branch. If it were made part of the executive branch, there would be no constitutional obstacle to vesting prosecuting functions in it. In neither case could judges be prosecuted or their work supervised in any way. The power of an ombudsman, as a representative of Congress, to obtain access to files and records of the executive branch would be limited by whatever constitutional privilege the Executive has to withhold them.

"The drafting of legislation to create such an office in this country would require numerous policy decisions, on which we are not in a position to express an opinion. The following are some of the matters which you might want to consider for inclusion in such a bill:

"1. Provision for creation of the office, the appointment, qualification, tenure, and compensation of the officer; his eligibility or ineligibility for reappointment, if his term of office is limited; the employment of a staff and the appointment, qualifications, tenure, and compensation of employees.

"The present law concerning the appointment of the Comptroller General might be consulted as a guide to whatever extent you think proper in determining what provisions should be made for these matters.

"2. Definition of the jurisdiction of the ombudsman. This definition might cover everything done by officers and employees of the executive department in

their official capacity, or it might apply selectively to certain matters designated either by an enumeration of officers and agencies included or excluded, or by description of activities included or excluded. Certain matters might be excluded at particular stages in their handling; e.g., decisions subject to administrative appeal.

"3. Procedural rules to govern the functioning of the office. Such rules might cover the manner in which the jurisdiction of the ombudsman could be invoked by complaint of a member of the public, by reference from individual Members of Congress, or by committees of either House, or on his own initiative, or by any of these methods. It might also be desirable to indicate what, if any, discretion he should be permitted to exercise to decline to investigate complaints.

"Also to be considered is whether there should be any statutory requirements concerning notice to agencies and officials who are under investigation, and what opportunity should be afforded them to present their side of the case.

"These matters could either be determined by the law itself or the ombudsmen could be authorized to decide them.

"4. The extent of the ombudsman's right to demand information from, and access to the records of departments and agencies and the duties of Government officers and employees to supply information.

"5. The action to be taken by the ombudsman upon completion of his investigation. He might be authorized or required to make a report to the complainant, to the agency concerned, to Congress, to the public, or to any or all of these in his discretion. He might be permitted to recommend specific corrective action to officers or agencies found to be at fault, to negotiate for correction of errors, and to agree to withhold or modify his action if correction is made. He might be directed to make reports to Congress pointing out defects in legislation and recommendations for improvements.

"6. Establishment of legislative machinery for maintaining liaison with, or perhaps supervision of, the ombudsman. Such responsibility might be lodged in existing committees of the House and Senate, or a joint committee might be created for this purpose.

"7. Authorization for appropriate funds to carry out the act.

"MARY LOUISE RAMSEY,
"Legislative Attorney."

Mr. Speaker, Prof. Kenneth Culp Davis, of the University of Chicago Law School, in a recent undated memorandum for the President's Administrative Conference, has this to say on the subject of the ombudsman and a possible U.S. adaptation:

"The idea of a Government office to criticize Government action is an old one, and it is currently exploited in many governments throughout the world. Peter the Great established such a system in Russia during the 18th century, and the system has been in full force ever since, having survived the Russian revolution. The Swedish Ombudsman has been operating since 1809. The Finns like the idea so much that they have two officers with overlapping jurisdiction to criticize official action—the Chancellor of Justice and the Ombudsman. Various Chinese governments have used the system of official criticism; during at least one period such a system became a tool for corruption. Germany has long had an official to criticize its military, and the American system of the inspector general embraces the same fundamental idea. In Japan, an office created by the Administrative Management Act of 1948 (during the American occupation) considered 15,000 complaints during 1961, including such objections as 'inadequate guidance, unsuitable handling, unkindness by officials, carelessness, indistinct dealing, neglect, and others.' Even a larger number of complaints were handled during 1961 by a newly established office in Indonesia. In England, a semiofficial report recommending a parliamentary commissioner to criticize administrative action has been the subject of widespread public discussion during 1961 and 1962. And this year, 1962, has brought legislative adoption of new systems of official critics in two countries, Norway and New Zealand. The spectacular success of the Danish Ombudsman, who began to function in 1955, has heightened the interest in the system all over the world.

"Americans know less about the potentialities of an official critic than do the people of many other countries. The literature on the subject is rich and extensive, and a selected list of titles is appended at the end of this memorandum. Significantly, almost all of the literature is non-American.

"Yet quite independently of the thinking and the action in the rest of the world, American imagination has originated a good many ideas about the promise of a

system of official critics of governmental action. The majority of the Attorney General's Committee on Administrative Procedure, for instance, proposed in 1941 that a Director of Administrative Procedure should 'Receive complaints regarding the procedure of particular agencies, investigate those which appear to be made in good faith, and report thereon to the complainants and to the agency concerned recommending to the agency any measures which seem to the Director desirable to correct deficiencies.' The minority of the same Committee made a similar recommendation, and so did the Benjamin report of 1942. In 1956 a House resolution was introduced, sponsored by the American Bar Association, calling for creation of a congressional Committee on Administrative Procedure for receiving 'complaints concerning abuses of administrative authority and the exercise of unusual and unexpected powers and the need for legislative standards to limit the exercise of administrative discretion in areas of delegated power.' More recently, the American Bar Association has been advocating the creation of an Office which would 'receive complaints regarding matters of practice and procedure and make investigations or recommendations as deemed appropriate.'

"The essential idea is that governmental processes can be improved significantly through continuing criticism by an Office which focuses on problems of administrative action but which is not involved in making the substantive decisions and which is not limited to one field of administration. The idea rests heavily upon the cardinal principle of check which has played such an important role in the historical development of protections against unfair governmental action, both in the United States and elsewhere. The principle is that whoever wields governmental power should be checked by someone who lacks power to substitute judgment. The official critic himself need not be checked in the same way because he is limited to the power to recommend; he can take no substantive action.

"A few words about the Danish system as an outstanding example may be helpful. Any person who is displeased with action or inaction of any administrator or civil servant may complain to the ombudsman, usually by means of an informal letter. The Danish ombudsman receives about a thousand such complaints each year. About half are dismissed because they plainly lack merit. The other half are investigated; that is, they are sent to the administrative authority with a request for explanation and pertinent documents. In addition, the ombudsman may interview the complainant, the civil servant or administrator, and others. The statute requires government officers to make full disclosure to the ombudsman. In 10 to 15 percent of the cases investigated, the Danish ombudsman has made a criticism of administration or a recommendation for change.

"The ombudsman can act on his own motion without a complaint, and he has no duty to any action with respect to any complaint. He may refuse to criticize the administrator or civil servant, but at the same time, he may make suggestions for the future. Sometimes, as a result of investigating a complaint, the ombudsman decides to make a major study of a whole area or of a large problem involving many cases. Much of his most important work is developed in this way.

"The ombudsman may inquire into substance, procedure, legality, delay, convenience, and even politeness. His criticisms go to all questions of good administration. What is good administration depends not merely upon statutes, regulations, precedents, and customs, but also upon the ombudsman's opinion. Indeed, one of the most vital elements of the system may lie in the ombudsman's creativeness. He studies problems of administration imaginatively. Just as courts build bodies of judge-made law, the accumulated criticisms and recommendations made by the ombudsman become an authoritative body of ombudsman-made law. A criticism of one administrator is likely to be known by and heeded by another administrator.

"The ombudsman has no power to change any administrative action. His only powers are to investigate, criticize, recommend, and publicize. His power rests heavily on his individual prestige. Widespread public knowledge of his function is probably essential.

"Prestige plus publicity may provide a powerful sanction. The Danish press seems eager for any statement the ombudsman cares to release and the public seems interested in what he says. Of course, he does not publicize all he does; some of his most important recommendations are made without publicity. He reports annually to Parliament and he often recommends legislation.

"In the Scandinavian countries much attention has been given to the problem of whether an ombudsman should deal not only with procedure but also with matters of substance and matters of discretion, and the general opinion has been that he should. Although the Danish ombudsman estimates that fewer than

one-half of 1 percent of the recommendations he makes have to do with abuse of substantive discretion, the belief is that the threat of the possibility of criticism of substance in any case has a pervasive and desirable effect upon administrators and civil servants. The Norwegian Parliament, after long controversy, decided in 1962 to empower the ombudsman to criticize administrative action which is clearly unreasonable. And the powers of the Danish ombudsman were expanded by 1961 legislation to include local government as well as the national government—a further expression of confidence in the system.

“Yet the Danish system clearly cannot be and should not be transplanted to Washington. We rely more than the Danes do on judicial review to keep administrators within their statutory jurisdiction. We also rely more than they do on procedural safeguards to assure fairness, and we use the judiciary to enforce the safeguards. The idea is an attractive one that an official critic of administrative action might deal with substance as well as procedure in those large areas of governmental action which are protected by neither procedural safeguards nor judicial review. But another major difference is that political pressures are greater in Washington than in Copenhagen, and the pressures seep further into issues involving individual interests; individual Congressmen often help constituents in a way that is unknown to members of the Danish Parliament. For instance, the Danish ombudsman is unaware of a single instance of an effort by a Member of Parliament to influence the result of an investigation by the ombudsman.

“What is needed, instead of an effort to transplant a foreign system to America, is the development of an indigenous American animal that will thrive in the unique political and governmental climate of Washington. The Office of Administrative Procedure should not deal with substantive complaints, even if abuse of discretion or unreasonableness is asserted, because such complaints are better handled by the courts; if areas of unreviewability are too large—as they may well be—the proper cure is to make judicial review available. Similarly, the Office should not deal with issues about legality; the proper forum for that within our system is a court. And the Office should not be designed to help particular parties win particular cases; an Office that would be designed to do that would surely be caught up in political pressures, and whether it could maintain its integrity against such pressures would be at least questionable. The purpose of the Office should be to improve procedure, not to help parties win their cases. Therefore, the recommendations should always relate to future procedure.

“To say that each recommendation should look to the future and that the purpose of the system should be to improve procedure and not to help particular parties win their cases is not the same as saying that particular parties will never be helped. Obviously, parties with continuing business before an agency may be helped in that they prefer the new procedure to the old procedure. Even a party who has only one case before an agency may in some circumstances inevitably be helped, because a procedural change which looks only to the future may still in some way be beneficial to his case. For instance, a party about to make an application to an agency asks the agency how a vague statutory term has been interpreted in other cases, for he must plan his application accordingly, and is told that the agency has not published the results of its interpretations, does not intend to do so, and sees no reason to disclose the results of other cases. (This is an actual case.) If the Office of Administrative Procedure were to recommend that in the future any applicant should be told what the agency has done in other cases, the particular applicant would be helped even though the procedural change would relate only to the future. Similarly, a party complaining about undue delay (which definitely should be considered a procedural deficiency) may get the benefit of recommendations for curing the delay. That recommendations about future procedure will thus sometimes help particular parties may cause occasional problems about pressures from representatives of parties who stand to gain, but if the focus is limited to problems of future procedure, the pressures are unlikely to be too great to withstand, for in the great bulk of the cases complainants will not be helped with respect to their particular cases. And, happily, operations of complete integrity are quite common in Washington, even when great interests are directly at stake.

“The Office of Administrative Procedure clearly should not be bound to investigate all the complaints it receives. The statutory provision proposed by the Attorney General’s Committee on Administrative Procedure in 1941 that the Director ‘shall’ investigate complaints ‘which appear to be made in good faith’ seems impracticable, no matter how well staffed the Office may be. The Director

should have a discretionary power to pick and choose even among the complaints that seem to have merit.

"The power to publicize adverse criticisms of particular administrative action is a drastic power which must be used sparingly and cautiously. It probably should be limited to cases in which the facts the Director asserts are undisputed or beyond doubt and to judgments about procedure that admit of no reasonable difference of opinion. An unwise use of this power can quickly destroy confidence in the Director and can even destroy the Office of Administrative Procedure. Yet a proper use of this power can be highly beneficial. Experience in other countries shows that the greatest benefits do not stem from administrators' adoption of the recommendations; the good that is done flows from the knowledge of all bureaucrats, not merely the particular one who is criticized, that their behavior may be publicly criticized by an officer whose word the public respects.

"The function of receiving and investigating complaints should interact with and supplement the function of the Office in making sustained studies of problems of administrative procedure and organization, but the standards in the performance of the two functions should normally be decidedly different. The Director's goal in making major studies, designed for recommending legislation or for recommending voluntary administrative changes-in-procedure patterns, may often be to replace the good with the excellent. And that may occasionally be the purpose of quiet recommendations that grow out of the investigation of complaints. But in making public criticisms of administrators, the Director should usually refrain from disapproving the good or even the barely tolerable. Adverse public criticisms of administrative action in particular cases should generally be limited to the poor, the very poor, and the intolerable.

"The question for decision in the establishment of an Office of Administrative Procedure is not whether the Office may receive and investigate complaints. It would be unthinkable to have an Office whose concern is administrative procedure and to try to prevent that Office from receiving suggestions from the outside. Obviously, the Office must explore trouble spots irrespective of the source of information about them.

"The question for decision is whether in establishing such an office, specific provision should be made for receiving and investigating complaints, and whether specific provision should be made as to what the office should not do concerning such complaints. The British Council on Tribunals is suffering from lack of explicit statutory answer to the question whether or not it may hold itself out as an authority to whom parties may complain.

"I recommend that the Administrative Conference should propose legislation authorizing an Office of Administrative Procedure to receive and investigate complaints concerning administrative procedure, that the legislation should explicitly provide that the Office has no power to investigate complaints relating to substance or legality, that the Office should have discretionary power to refuse to investigate any particular complaint, and that the purpose of recommendations by the Office should relate to future procedure and should not be primarily designed to help a particular party to prevail on any issue in any particular case."

Mr. Speaker, obviously, much more thought must be given to the ombudsman question before we can say with certainty that an adaptation of it to our American institutions makes sense. But surely the subject is one that should be considered now by people both in and out of government.

Among the tentative criteria for an American ombudsman, the following occur to me:

First. The ombudsman's duty should be to help Congressmen and their constituents in a variety of cases which are now the traditional subjects of congressional-constituent relations. Social security cases, Veterans' Administration cases, treatment and discharges in the military services, claims of discrimination in defense contracts, immigration disputes, come readily to mind as examples.

Second. Legislation setting up an ombudsman should make him the agent of Congress, in much the same manner as the Comptroller General.

Third. The ombudsman's jurisdiction should not extend to matters now covered by the Comptroller General's jurisdiction—generally involving the legality of governmental expenditures.

Fourth. The ombudsman should in no way impair present congressional-constituent relationships. A constituent should probably deal with the ombudsman only through his Congressman or Senator, not directly. The legislator should in each instance determine whether to refer the matter to the ombudsman

or to handle it himself. If he does refer the matter to the ombudsman, and is not satisfied with the result, he may pursue the matter further on his own.

Fifth. The ombudsman could not only assist the private citizen, but might represent a net saving to the taxpayer. An office of the ombudsman near Capitol Hill could centralize and professionalize the handling of much casework now done in 535 congressional offices, at least for a great bulk of the present work. This could make unnecessary increases in congressional staffs which are otherwise clearly going to be necessary in the years to come.

The question of an American ombudsman is surely one that needs to be considered in connection with any proposals now in the wind for a new look at the organization and function of the Congress.

EXHIBIT 5

ARTICLES AND EDITORIALS SUBMITTED BY SENATOR JOSEPH S. CLARK

[From the New York World Telegram, Oct. 20, 1962]

OBSOLETE RULES HAMPER CONGRESS

(By Peter Edson)

WASHINGTON, Oct. 20, 1962.—Pennsylvania Democrat Senator Joseph S. Clark's resolution to set up a joint congressional committee to study reorganization of Congress got no place in the lawmakers' prolonged rush to adjourn.

But if ever there was a Congress that demonstrated the need for modernizing the legislative machinery once again, this was it.

The last time Congress modernized its rules, in 1946, it was prescribed that all sessions should end not later than the last day of July. The fact that this session ran two and a half months longer shows how out of date that rule is.

Other evidence of obsolescence this year includes—

The failure to pass a single appropriation bill before start of the new fiscal year on July 1.

The filibuster against the communications satellite bill.

The failure to pass any legislation for the advancement of primary, secondary, or higher education.

The excessive time required to handle trade, tax reform, and farm legislation—the last two handled inadequately.

The inability of Congress to get around to considering much-needed transportation reorganization, consumer protection, mass immunization, and youth opportunities.

Congress didn't even touch civil rights or labor legislation although disorders in both areas are prevalent.

These widely recognized criticisms of the last Congress in no way minimize its considerable achievements.

It labored longer than any other election-year Congress since World War II. It fought many bitter battles in the best traditions of the democratic process.

But its shortcomings and failures were more the result of getting tangled up in its own antiquated machinery than in unwillingness to do better.

Senator Clark has been plugging congressional modernization since the rump session of 1960—without getting anywhere. Early this year he proposed a series of Senate rules changes. Only one was approved. It allows the Presiding Officer to declare any Senator out of order, requiring him to take his seat, and allowing him to proceed only on Senate leave.

Other Clark-proposed rules changes which Senate traditionalists—or obstructionists—have turned down include these:

That committee majorities be permitted to convene meetings when the chairman refuses to call them; that no Senator be permitted to speak more than 3 consecutive hours; that Senate debate at all times be germane to the issue under consideration. (In a study made for the Senator last year, it was found that one-third of the debate reported in the Congressional Record was not germane to legislation under consideration.)

Senator Clark now has some other congressional reorganization ideas he would like to have considered, like these:

That no committee chairman be over 70 years old; that committee chairmen be elected by committee majority vote on secret ballot; that Senate and House committees considering the same legislation hold joint hearings to save time; that half the appropriations bills originate in the House, half in the Senate.

That social security and trade matters be taken away from the Finance and Ways and Means Committees and given to Labor and Foreign Affairs Committees, respectively; that all legislative committees be required to consider and report on Presidential requests before July 4 of each year; that in the early months of a congressional session, the Senate and House would not meet daily so as to give committees more time to do their work.

The joint committee which Senator Clark has proposed to consider these or other modernization reforms would consist of seven Senators and seven Representatives.

[From the Philadelphia Sunday Bulletin, Jan. 6, 1963]

BATTLE ON THE HILL

(By James Reston)

WASHINGTON, January 5.—The 88th Congress starting in a few days promises to be a standoff, a scoreless tie—a dull battle between the Kennedy offense and the committee chairmen or defensive unit of the Congress.

The proceedings from start to finish will be largely formal and technical. The President will go to the Hill and define the state of the Union in iambic pentameter. He will speak in continents and epochs and define the challenge of change.

Then after partisan applause and general approval of the soaring phrases of Ted Sorensen, the Chinese Bandits will take over. The vast panorama of the Nation in the world will be cut into little pieces, each committee chairman will vanish into his privileged sanctuary with his special part of the picture, and the vast decentralized congressional machine will begin to grind.

PROBLEM REMAINS

Maybe this characterizes the conflict too sharply, but in general it is accurate and in the opinion of many sound, but a problem remains.

The two separate and equal branches are not acting as partners but as competitors. They are not looking at the same picture. They are talking across each other.

Mr. Kennedy is not, in fact, dealing with "The Congress" at all, but with what Woodrow Wilson called "the elders of the assembly * * * the dissociated heads of 48 little legislatures."

Congress operates not as a unified institution but as a loose confederation of virtually autonomous committees headed by a handful of immensely powerful and often capricious chairmen.

Thus the function of congressional leadership is scattered among the chairmen of almost 200 committees and subcommittees whose activities are seldom coordinated and whose action in the end militates against a coherent legislative program.

The point here is not that the President is the noble quarterback clobbered by the vicious Chinese Bandits.

Many chairmen are just as concerned to serve the public interest as he is. Most Congressmen are conscientious, industrious men and women, whose ethical standards are as high as those of the leaders of the executive branch, but all are caught up in a system which most of them criticize but none of them can change.

President Kennedy himself illustrates the problem.

"Before my term has ended," he said in his first state of the Union address, "we shall have to test anew whether a nation organized and governed such as ours can endure. The outcome is by no means certain. The answers are by no means clear. All of us together—this administration, this Congress, this Nation—must forge those answers." So far, the job has not even been studied.

The last reorganization of congressional procedures was in 1946. The President did nothing to promote understanding of the problem in the 87th Congress.

Asking the committee chairmen to give up their present power is like asking Y. A. Tittle to give up the forward pass.

Nothing seems to bore the country more than columns like this on the machinery of Congress. The tendency is to say the whole thing is a hopeless mess, and that is precisely the danger.

For, if confidence in representative government is to be maintained, the caricature of the bumbling, inefficient, selfish Congressman, more interested in reelection than the national interest, is going to have to be destroyed, and this is not likely to happen as things are now going.

A good case can be made for the proposition that sweeping reorganization of the Congress is essential, and that there is such a conflict between personal and local interests on the one hand and the national interest on the other that the whole system of electing, promoting and maintaining Members in Congress has to be revised.

DISCUSSION NECESSARY

Nobody seriously thinks about that, however. What is at least reasonable is to ask that the subject be discussed and analyzed more than it now is.

As things now stand, even the leaders in the White House have given the thing up as a useless task, and when asked what should be done about it, reply that there is so much to be done that they don't know where to start.

Thus, while the prospects of major legislation in the 88th are not very good, it could at least take a look at itself, especially since it shows such zeal in reorganizing everybody else.

[From the Washington Post, Nov. 18, 1962]

NEW TOOLS FOR CONGRESS

The 88th Congress will face the problem of improving its operational machinery in addition to a heavy agenda of legislation. Because of the pressure of policy questions, it may be tempted to postpone the needed reforms in its own organization, but this would be shortsighted because better procedures and controls could greatly facilitate its work. Fortunately, the path toward a more effective Congress is well marked out, and substantial groups in both the Senate and House are eager to launch the venture. Senator Clark's resolution calling for a Joint Committee on the Organization of Congress has 22 sponsors. On the House side Representative Reuss and others are seeking the same objective.

The movement that is thus taking shape is similar to that which led to the creation of the LaFollette-Monroney committee in 1945. That joint Senate-House committee conducted extensive hearings and brought in a program of reforms which notably improved the performance of Congress. Not all of the weak spots in the congressional system were attended to, however, and since that day the burdens that fall upon Congress have been multiplied. Further modernization of its machinery has become one of its foremost responsibilities.

Such a committee would undoubtedly give attention to the tyranny of the Rules Committee in the House, the continued cluttering of the legislative mill by trivia, the increased need for experts in many fields, and similar problems. We hope that it would also address itself to the major problem that bedevils both Houses—the arbitrary dispersal of power which makes it impossible even to bring some important administration measures to a vote.

If anyone is in doubt about the critical problem that Congress has created for itself, he should study the distribution of committee chairmanships, which will be much the same in the new Congress as it was in the old. In the House, 12 of the 20 committees will be headed by chairmen from the South and Border States. A similar situation prevails in the Senate. Not all of these chairmen are antagonistic toward the administration's program and out of step with the leaders of the two Houses, but enough are to create some very serious problems. For the power of leadership does not reside in any cohesive body or group in either House but is recklessly dispersed among committee chairmen.

This diffusion of power stems from the revolt against Speaker Cannon in 1910. "Czar" Cannon, as he was often called, had made himself the dictator of the House. His tyrannies finally became intolerable, and a coalition of Democrats and insurgent Republicans stripped him of his chairmanship of the Rules Committee and of the power to appoint the standing committees and their chairmen. While these reforms had many salutary effects, most observers of the congressional scene now agree that they went too far.

Certainly there should be no return to Cannonism or any other form of one-man rule in the House or Senate. But it is quite feasible to give the present leaders new tools of leadership without running that risk. In our opinion, the making of a legislative program and the decisions as to what bills should be brought to a vote should be in the hands of the central leaders and not left to individual committee chairmen or the Rules Committee. These are logical tasks for the policy or steering committees operating in close cooperation with the Speaker and majority leader in the House and the majority leader and his aids in the Senate.

Would it not be feasible to authorize the policy committees, or the central leaders operating through those committees, to direct legislative committees to conduct hearings on administration bills that had been stalled or discarded by bal'y chairmen? A committee could be given 60 days to move on an important bill, and if it failed to act the central leadership could then bring it to the floor for a vote without the consent of the obstructionists. This would be a wholly demo-

cratic procedure. It would relieve Congress of much contempt because it permits arbitrary little czars to thwart the will of a majority of its own members as well as the will of the Nation.

There are many ways in which the power structure of Congress could be brought into line with its current responsibilities. Revival of the 21-day rule and reform of the Rules Committee also hold out a great deal of promise. Specific methods are less important than objectives. What is most urgently needed is to give the leaders of both Houses additional leverage to control their agenda and to break the stranglehold of recalcitrant committee chairmen when necessary. Congress will not be equal to the task of legislating for a dynamic and forward-looking Nation of 185 million people until it overcomes this handicap.

[From the Washington Post, Jan. 15, 1963]

FIRST ITEM OF BUSINESS

"The public," says Senator Clifford P. Case of New Jersey, "is beginning to lose confidence in the ability of the Congress to meet the problems of the 20th century." Congress is bedeviled by archaic rules, lack of systematic procedure, and the diffusion of leadership. Better organization of Congress itself thus becomes one of foremost issues before the present session.

Mr. Case approaches the problem by a route somewhat different from that favored by many of his colleagues. In place of the Joint Committee on the Organization of Congress sponsored by Senator Joseph Clark, Jr., and 21 other Senators, including Mr. Case, the latter would create a Commission on Congressional Reorganization, modeled on the Hoover Commission which worked out plans for streamlining many segments of the executive branch a few years ago. The advantage of this approach is that the proposed Commission would include six outside experts as well as three Members of each House.

The naming of specialists from private life would recognize the enormous interest of the public in a strong Congress. Doubtless it would also encourage the study group to bring in bold and comprehensive recommendations, for Members of Congress are often too deeply immersed in its traditions to see the need for changes. If Congress should insist on having a majority of its own Members on the study group, it could be made up of four Members from the Senate, four from the House and four experts from private life. This would permit the naming of two Members from each party in each House.

Senator Case would require the proposed bipartisan Commission to report on 12 specific "problem areas," but it certainly ought not to be confined to any such list. One of the major problems is the excessive diffusion of power among committee chairmen, and this is not included among the 12 listed subjects unless it could be squeezed into point 2 dealing with the structure, staffing, and operation of committees.

More important than either the structure of the study group or its agenda is an early start on this vital project. It would give the whole country a lift if the Senate would make a study of Congress its first item of business in place of a futile filibuster over rule 22.

[From the Washington Post, Feb. 12, 1963]

STAGNATION ON THE HILL

If the 88th Congress were deliberately trying to demonstrate the need for modernization of its machinery, it could scarcely have chosen a more effective course than that which it has followed. Its first month has been frittered away with almost wholly negative results. While the Senate merely talked about easier means of ending filibusters, the House passed two wholly insignificant bills. This week both Houses are merely marking time while many of the Members are making Lincoln Day speeches.

As if to cap this negative record so far, Senator Byrd has let it be known that he does not expect the Senate Finance Committee, of which he is chairman, to get the President's tax bill to the floor of the Senate until after Labor Day. It has long been evident that Senator Byrd would stall the tax measure as long as possible. Nevertheless, it is shocking to hear the chairman of a powerful committee say in effect it will take Congress more than 9 months to vote on the most important item that the President has laid before it.

Why should the handling of this bill, in any event, be left to a few individuals who are chiefly interested in killing it? Surely the scheduling of hearings and the timing of debate on a policy of such importance should be a matter of high strategy for the leaders in Congress to decide in consultation with the President. If policymaking of the highest significance must await the whim of committee chairmen designated by seniority, the need for drastic surgery on the system will be dramatically emphasized.

It would be possible, of course, for the House Ways and Means Committee and the Senate Finance Committee to hold joint hearings, and to begin them immediately, as the Joint Economic Committee has done. If the hearings must be separate, the Finance Committee would not have to wait until the House has passed the bill. At least it could take the major part of its testimony in advance. What seems to be lacking is an effective legislative agenda for the session that would give priority to this bill in both houses.

The whole Congress has an interest in lifting itself out of the miasma of stagnation into which a few members would plunge it. Perhaps it should consider reform of its own deficiencies second only in urgency to the tax bill.

[From the Pittsburgh Post Gazette, Feb. 16, 1963]

MODERNIZING CONGRESS

Not long after the 88th Congress convened, Pennsylvania's Democratic Senator Joseph S. Clark complained that "the present rules and methods of operation of the Senate and House are stacked against the people of the United States. They penalize those who seek action in the national interest in a time of world crisis. They reward those who cling to an outmoded status quo which threatens our very survival."

As if to demonstrate the validity of Senator Clark's criticism, the Senate spent its first month in fruitless wrangling over the rule which permits unlimited debate. Meanwhile, important legislative business marked time. As if to give added emphasis to the desultory way in which Congress acts, Senator Harry Byrd, chairman of the key Finance Committee, let it be known that he does not expect his group to get the tax bill to the Senate floor until after Labor Day. Yet the tax bill, whatever one may think of its merits or demerits, is the measure the administration thinks is the most important of this session. It deserves prompt consideration.

Pointing to the last session of Congress, critics cite as other illustrations of flaws in its rules and methods of operation:

The fact that Secretary of Defense McNamara spent a total of 203 hours testifying before Congressmen, and Secretary of State Rusk made 54 committee appearances—indicating that Congress preempts an unnecessarily large bloc of time of the two most important Cabinet officers largely because parallel committees of the two Houses seldom agree to sit jointly.

A delay of 3 months in the appropriation of billions of dollars in urgently needed funds while the octogenarian chairmen of the Senate and House Appropriations Committees feuded over where a joint meeting of their groups should be held.

The barriers which the Rules Committee chairman and other committee heads (for example, the Judiciary Committee chairman in the Senate and the Interior Committee chairman in the House) erected against action which many other Members of Congress wanted.

In preparation for modernizing Congress' inefficient machinery, Senator Clark—and 30 cosponsors from both parties—have introduced Senate Concurrent Resolution 1 which would set up a joint committee to streamline congressional procedures. Republican Senator Case of New Jersey has submitted a bill to create a Commission on Congressional Reorganization, modeled on the Hoover Commission. On the House side similar measures have been introduced.

As grist for reorganization study, Senator Clark has proposed a dozen rules changes—among them, provisions to give committee majorities control over meeting times and agenda and to require joint hearings on appropriations.

Whatever it does on other matters this year, Congress should give high priority to proposals for improving methods of conducting its own affairs.

[From the Washington Post, Apr. 4, 1963]

HOLIDAY SCHEDULE

When Senator A. S. Mike Monroney came up with a few suggestions for improving the operation of Congress the other day, he described them as only a "starter." That they certainly were, but there is a serious question as to whether he chose the right place to start. All the suggestions made by Mr. Monroney and his ad hoc committee seem to us reasonable enough. He would have Senators stick to the subject under debate for a specified period each day, permit the committees to work through the Senate's "morning hour," schedule the holidays which Congress now takes haphazardly in the early part of each year and provide for a late August recess. But two of his proposals deal with congressional holidays, and what the public is most interested in just now is a work schedule for Congress rather than a holiday schedule.

As one of the authors of the Congressional Reorganization Act of 1946, Mr. Monroney is an expert in this business. No one knows better than he that Congress needs, not merely a "starter" but also a pretty thorough going over. It is rather unfortunate to squander his talents on an ad hoc committee which has no real mandate to go to the heart of the congressional problem. In this period in which Congress as a body is doing little more than marking time, the least it could do would be to put some of its abler minds to work on the central problem of how to get itself off dead center.

The foremost problem, as we see it, is not the scheduling of holidays, which in itself is doubtless desirable, but the scheduling of legislation in both the House and Senate so that it would move expeditiously toward enactment, with ample authority on the part of the leadership to bring all major bills to a vote in accord with the prearranged plans. Here is a major task for men like Senator Monroney, Senator Clark, and Senator Case and a comparable group on the House side. And please let's start with the workdays rather than the holidays, the payload rather than the "payload."

[From the Washington Post, Apr. 10, 1963]

LULL IN THE DOLDRUMS

Congress may enjoy its Easter recess, but the gibes of critics will still be ringing in its ears. In chiding his colleagues who were preparing for another holiday, Senate Majority Leader Mansfield exclaimed the other day, "The Senate has really done nothing in the way of lawmaking this year." A few days later, Senator Case pictured the President as suffering "pangs of despair as Congress twiddles and twaddles over his proposals for a tax cut" and so forth. To these stinging comments, Senator Clark has added: "Like Ferdinand the Bull we sit under the trees and smell the flowers while the rest of the world goes by."

The country is especially conscious of the doldrums on Capitol Hill just now because Easter used to be considered the midway point in a congressional session. This year, the first 3 months haven't even brought about a warming up. Not a single major bill has been passed. Only 2 of the 12 major appropriation bills have passed the House, and even the committee pipelines have been slow in filling up. Citizens who have been watching the easy glide of Congress from the Lincoln's Day oratory to the cherry blossom festival and the Easter holiday may find it difficult to recall what all the fuss was about last November.

Senator Clark was especially critical of the leisurely pace at which work is proceeding on the major task of the session—the tax bill. The Ways and Means Committee has completed hearings, but it is now expected to take a couple of months to write the bill, which is scheduled for debate on the House floor sometime in June. Meanwhile the Senate Finance Committee has refused to hold advance hearings, which means that final action on the bill is likely to drag along until autumn. If the present tempo continues, many other vital administration bills won't come to a vote until next year.

This apparent paralysis of the congressional motor nerve cannot be explained by saying that all new Congresses are slow in getting into action. The 87th Congress had passed 16 public laws by April 1 (1961) and the 84th Congress, 21 (1955). In the same period the present Congress passed two. In these circumstances, congressional reform looms up as a far more urgent task than it had appeared to be. The least that Congress could do would be to put some of its more conscientious Members to work on new devices for legislative efficiency.

[From the Pittsburgh Post Gazette, May 8, 1963]

INEFFICIENCY IN CONGRESS

In his latest newsletter to constituents, Senator Joseph S. Clark has offered up-to-date examples showing why Congress should act on his proposals to modernize its methods.

Though the 88th Congress has been in session for 4 months, its accomplishments are not impressive. Senator Clark indicates why. Much of the work of the lawmakers, of course, has to be done in committee meetings. Yet there has been an average of only 4 committee meetings a day, even though the Senate has 18 committees set up to handle off-the-floor business. The Senate Finance Committee has met only six times and yet it has informed the President that his tax cut recommendation will not even be considered until summer.

When the Senate is in daily session (usually during the afternoon hours) committees cannot meet without unanimous consent; and such consent is often refused. Committee meetings are often scheduled in such a way as to waste the time of both legislators and administration officials. The jurisdiction of committees is in some cases so unclearly defined that a bill may be batted around from one group to another during its passage through Congress. High executive officials may be required to march up to Capitol Hill to explain matters they had already explained previously to another committee with separate jurisdiction. There is little coordination between the Senate and House of Representatives.

To help make Congress more efficient, some 45 reform proposals—16 of them by Senator Clark—have been submitted. Senator Hubert Humphrey, who is supporting Senator Clark's move, recently listed some that he considered important: the scheduling of more joint meetings of congressional committees, the establishment of more standing joint committees, the setting aside of some days for hearing and action by committees (without any regular floor sessions) and other days for floor debate and action by the full House or Senate, permission for Senators to insert miscellaneous speeches in the Congressional Record without having to read them, a requirement that Senators restrict their floor remarks to the issue listed as the business of the Senate.

As a means of getting such obviously desirable changes considered, Senator Clark—with 31 other Senators of both parties as cosponsors—has introduced a resolution to set up a Joint Committee on the Organization of Congress. In view of the fact that there has been no complete review of congressional procedures since 1946, it is about time for the lawmakers to give this subject their urgent attention.

[From the Washington Post, May 31, 1963]

CHANGING THE RULES

There is more apparent interest in the Senate than in the House in proposals to modernize the rules of Congress. In part, this is due to the able advocacy of Senator Joseph S. Clark, whose campaign against archaic procedures has set a standard for the entire Congress. It is good that Majority Leader Mansfield is clearing the way for a Senate Rules Committee hearing on some nine or so of the major reform proposals. These include suggestions to establish a commission on rules reform, to frame a "bill of rights" for standing committees, and to write a new Senate rule on germaneness in debate.

Meanwhile, the Senate has once again passed a resolution to create a Joint Committee on the Budget. Five times before, the House has simply ignored this sensible proposal to reform the appropriations process and eliminate needless irritation and duplication. In the last Congress, the octogenarian chairman of the House and Senate Appropriations Committees held up the entire legislature in a feud over protocol. This seemingly is the fusty old order that the House seems to prefer. When will a voice like Mr. Clark's force the House to examine critically the rules that keep it in another century?

[From the Washington Post, June 28, 1963]

CONGRESS ON TRIAL

A Senate Rules Subcommittee will begin examining today one of the most important problems of our time—the organization of Congress. There is almost unanimous agreement that Congress is functioning poorly in an age when momentous issues of policy must be decided. Much has been done to improve the machinery of the executive branch, and the courts are operating with a high degree of effectiveness, but Congress jogs along with a singularly negative response to the changing world about it.

The central fact that will confront the subcommittee is that Congress is not well equipped to function as the policymaking body of a leading democracy. Its deficiencies have been plainly illuminated by the experiences of the current session. Last January, President Kennedy laid before Congress a vital tax reduction bill designed to provide a broad stimulus to the national economy. It is still languishing in the House Ways and Means Committee. Recently the President has sent to Capitol Hill the most sweeping civil rights legislation since the aftermath of the Civil War. The whole country is worried by the danger that it may be shelved by the House Rules Committee, that it may never emerge from the Senate Judiciary Committee or that a filibuster may prevent it from reaching a vote on the Senate floor.

Public confidence in Congress is therefore at a low ebb. There is much evidence that the public would favor a systematic scheduling of legislation in both houses, improvement of the committee structure, strengthening of the leadership and special arrangements to make certain that any major administration bill could be brought to a vote in both Houses. It is readily apparent that Congress must tackle these problems if it is to hold its place in our three-dimensional constitutional system.

The best approach undoubtedly lies in the Commission on Congressional Reorganization proposed by Senators Case, Clark, and Keating or in the proposed joint congressional committee which would have the same task. The ablest experts in and out of Congress ought to be focusing on ways and means to make it responsive to the demands of the times. The pay of Congressmen, the workload, the terms of House Members and conflicts of interest are important, but overshadowing all else is the question of translating the national will into workable policies without endless delays, frustrations, and obstruction from minority groups.

The response of Congress to this rising demand for more efficient legislative machinery will have a profound effect upon the national welfare in the years ahead.

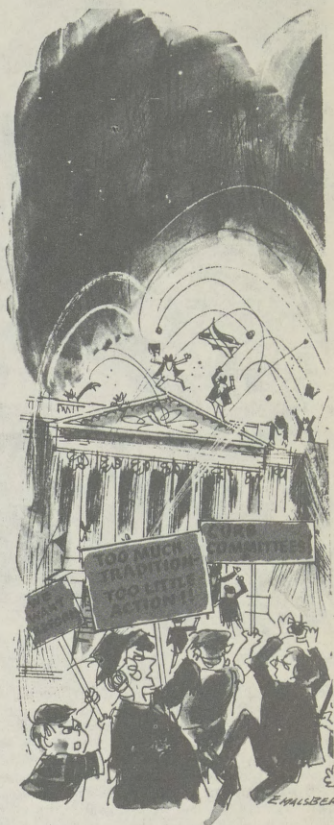
Special Report

Is Congress doing its job?

Many critics say 'no' because Congress clings to its traditions in today's fast-paced world

Actually, a historic switch has taken place, making the two houses more followers than leaders

Even so, a close look at Congress shows it should streamline its ways to meet new, complex demands



About the only people who like the way Congress is run are the people who run Congress—and even some of these are unhappy.

There is a growing belief, said a Washington observer last summer, that Congress just won't do.

Certainly there is a growing belief that Congress is not doing well enough. There is a rising clamor for it to change some of its rules, knock away some of its encrusted traditions, and show a greater sense of discipline as to time and energy.

Tradition-bound. Yet no institution in American life seems so braced against change. Its every rule is grounded in the past. When 77 freshmen members take seats next week with the opening of the 88th Congress, they will be told by word and by ritual that old ways are best, and that the way to get along is to go along.

Congress is more than one of the three co-equal branches of the federal government. It is also a state of mind, a mystique, and a high-lodge ceremonial.

I. Multitude of critics

The country scarcely shares the sense of reverence with which Congress regards itself.

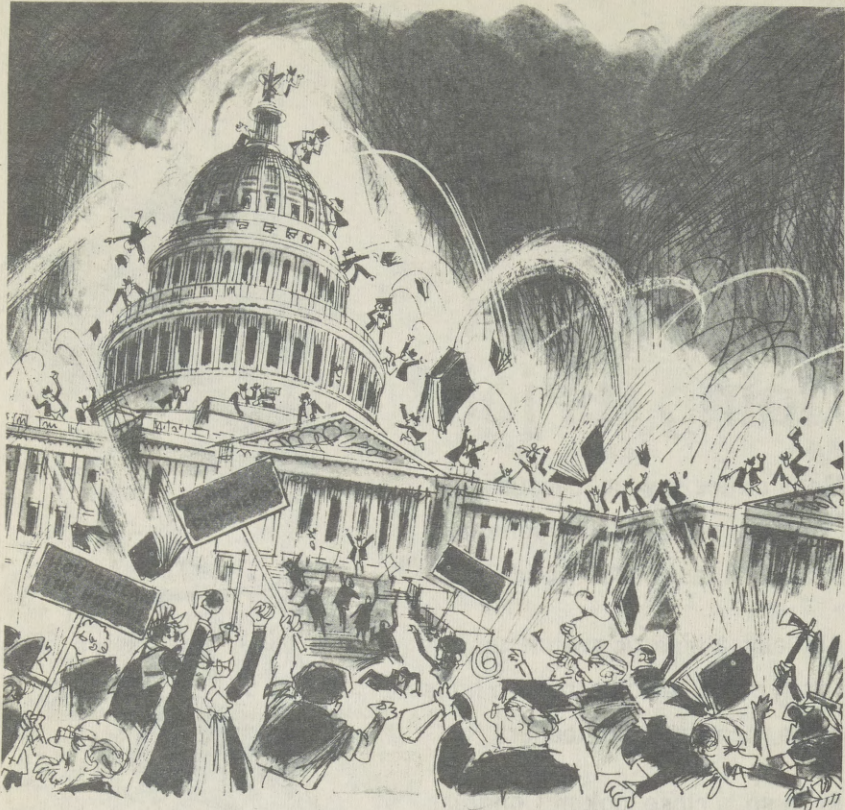
The New York Times said last October, when Congress finally managed to end a chaotic session, that it seemed to have trouble even finding the exit.

Criticism comes from many sources and from every shade of political opinion.

Liberal complaints. Liberals are

most often heard from. Nine-tenths of the day-to-day complaints probably come from backers of social welfare legislation who feel that when Congress drags its heels it is flouting the will of the people. Liberals charge that the committee chairmen of Congress—mostly Southern conservatives—have too much power, and that the seniority system—by which chairmen are made—should be rooted out. Many such critics fell into the habit of rating a Congress as "good" or "bad" depending on how much of the President's legislative program it adopts.

Conservative gripes. Conservatives have less obvious grievances, but those may be even more deeply felt. Congress becomes the chief repository of conservative hopes in a time when the President is committed to change as a way of poli-



tical life and the Supreme Court leans powerfully to the liberal side of public issues. Moreover, Congress is organized and operated in a way that does give unusual power to conservative stalwarts like Sen. Harry F. Byrd, chairman of the Senate Finance Committee, and Rep. Howard W. Smith, chairman of the House Rules Committee. And there is the conservative coalition of Southern Democrats and Republicans that has won many a battle in recent years.

Yet Congress is a disappointment to conservatives. The coalition is able to postpone and delay. It wins battles, but it loses campaigns. Spending is piercing the \$100-billion mark, and every dollar is approved by Congress. Deficits have become commonplace. An outmoded tax system chokes economic growth.

James Burnham, writing from the conservative point of view in his

book, *Congress and the American Tradition*, concludes that the lesson is plain. If Congress wants to survive as a major force in American life he believes it must accept changes "in the way it conducts its affairs, writes its laws, and divides its corporate time."

Unhappy scholars. Scholars have harsh words for Congress. Most political scientists regard it as irrational, irresponsible, and an all-around untidy mess. Their favorite solution is to adopt some of the features of the British parliamentary system, particularly a greater degree of party responsibility for legislation.

Newspaper and TV pundits accuse Congress of not keeping up with the swift pace of today's world. Many of them view it as a political dinosaur, unable to adapt to a changing environment.

Self criticism. Even some lawmakers look askance at their own folkways.

"The public is losing confidence in Congress," says Sen. Clifford P. Case (R-N.J.). He blames "archaic and shackling rules" and a "double standard of ethical conduct" which allows members of Congress to make money on the side in ways that Congress denies to officials of the executive branch.

Critics who are merely angry with Congress for not adopting some pet scheme of the moment can be brushed aside. Congress expects this sort of thing and knows how to handle it. But thoughtful members are concerned when criticism is directed at two particularly sensitive points.

The targets. One is the age-old problem of popularly elected assemblies everywhere—national vs.



As Congress sees itself: the national hero

local or bloc interests. A legislature, as Edmund Burke once said, tends to become a "confused and scuffling bustle of local agency." American writers have come to call the disease localitis. George Galloway, probably the country's leading scholar in this field, describes Congress as the sum of the local attitudes of its members. "The dominant forces," he adds, "are centrifugal, pulling away from the center of national interest."

Yet the great problems of today—economic dislocations, the Soviet challenge, the rise of science as an instrument of national power—call for a strong centripetal pull. In a time of crop surpluses and too much land cultivation, is it in the national interest to go on financing more reclamation projects in the West? Is price-support legislation passed in the national interest or to woo a bloc of voters? Is the RS-70 plane truly needed for national defense as its Congressional backers claim or is it pushed as a way to aid communities where airplanes are made?

Another sensitive point are the procedures of Congress—the way it tries to order its business. Its own rules are at least partly responsible for the time-wasting, the sideshows, the bickering, and the sloppily drawn legislation that marred the session last year.

Sense of urgency. There is a common thread running through all of

the serious criticisms of Congress.

Great events, many of them impinging from outside the country, markedly have altered the role of Congress and have complicated its problems. Yet Congress clings to the ways of another era. It limps along, only partly using its tremendous constitutional powers, failing to draw fully on the talents of its members, favoring local political advantage—all this in a time of great national peril and opportunity.

Some critics go further. They fear the effective power of Congress, already reduced, will wither even more if it does not quickly change its ways.

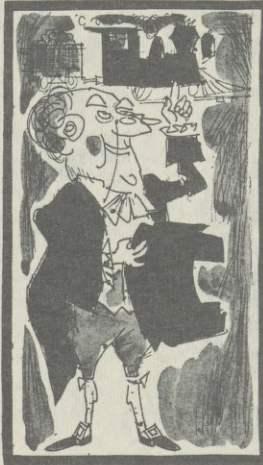
II. Reversal of roles

"Congress has abdicated its power over legislation," says a former top aide of Pres. Eisenhower who specialized in dealing with the lawmakers. "Now it only performs war dances around the periphery of issues."

There is much in this, yet it is not the whole story.

The Constitution gives only the bare outlines of the way Congress now operates. But probably the greatest contrast between the written plan and the working method is a switch in roles between President

As critics see Congress: History moves on, but congressmen don't change



and Congress regarding legislation. Much fault-finding stems out of this new role for Congress, the nature of which is not yet fully grasped either by lawmakers or critics.

Historic turnabout. The founding fathers expected Congress to outweigh both the executive and the judicial branches. On legislation, the leadership of Congress was taken for granted, with the President expected to follow. For a long time, this worked pretty much as planned. The strong Congress-weak President relationship was the rule for a hundred years, despite an occasional strong executive such as Andrew Jackson, Abraham Lincoln, and Theodore Roosevelt.

Now it is the President who leads and Congress that follows.

Lawmakers once would go to the White House to tell the President what ought to be done. Now they are summoned, from their offices on Capitol Hill or from the pleasant fields of South Dakota, as during the Cuban crisis last October, to be told what the President has already done.

As late as the 1920s, Presidential suggestions for legislation were attacked in Congress as serious violations of the principle of separate powers. Now, the annual White House list of requested laws is relied on to give Congress the working plan it clearly needs.

Respectful waiting. The two most powerful legislative leaders of mod-

ern times, Democrats Lyndon B. Johnson and Sam Rayburn, waited deferentially each year for Republican Pres. Eisenhower to submit his program. Approach a key Republican these days, ask about some issue coming up this year, such as tax reduction, and the answer will be: "Wait until we see what the President suggests."

Republican leaders in Congress do not prepare programs of their own. They wait, like responsible lawmakers of the new school, for Pres. Kennedy.

Uncharted course. This new role of followership has no guide in the Constitution. It does not even have a body of scholarly studies to cite as precedent. Compared to the almost 100 years of Congressional dominance, followership has been practiced only 17 years, beginning with the end of World War II. And it is still in a state of flux.

To begin with, followership is not surrender—a mistake made by many persons worried about the future of the U. S. constitutional system. For one brief period Congress did surrender. This was during the four years, 1933 through 1936, when Pres. Franklin D. Roosevelt was able to get anything he wanted, often without even a critical review. Because of fears caused by the Great Depression of these years, Congress truly abdicated.

Early traces. Roosevelt's abortive

effort to pack the Supreme Court broke the spell in 1937. From then to the beginning of World War II, hints of the new relationship could be found. War, which always settled matters temporarily on the side of the President, interrupted.

Followership has been taking shape ever since. The new role created turmoil during the years Harry S. Truman occupied the White House; he fought bitterly with both Republican-led and Democratic-led Congresses. Eisenhower did not ask a lot in his first two years, 1953-1954. But after the Democrats took control of Congress in 1955, he began to ask for a good deal more than Congress was willing to adopt.

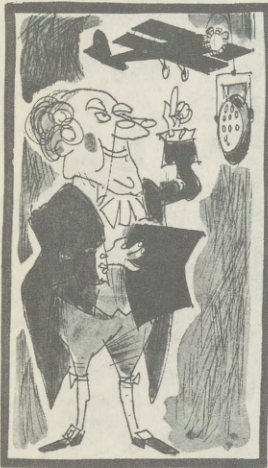
How it works. During Pres. Kennedy's first two years in office, much has been made of the refusal of Congress to adopt his recommendations. Last summer, some commentators even declared the country was in a constitutional stalemate. But before it quit, Congress enacted a respectable number of Kennedy proposals, including a history-making trade bill and a complex tax credit to stimulate investment. It also returned a good many nays—on a Dept. of Urban Affairs, medicare under Social Security, and aid to education, for example.

On the whole, Kennedy and the Congress of the past two years were demonstrating rather neatly what the new relationship is becoming. The President proposes more than Congress will adopt. Congress does its own picking and choosing, saying either no, yes, or yes with qualifications.

Last year, for example, Congress adopted—usually with major changes—about 45% of what Kennedy asked, as such records are kept by the authoritative Congressional Quarterly. Congress rejected, in effect, another 45%. The rest was abandoned somewhere in the legislative process without a clear verdict.

In his second year in office, Kennedy submitted about 300 requests of which 130 were adopted, giving him the 45% score. Eisenhower submitted about 230 requests in his second year and Congress granted 150, for a 65% score.

Capital guessing game. No modern President expects to get everything he asks for. He will select only a half dozen or so requests for which he will really fight. Many of the other recommendations are merely routine or are made for political window dressing. A major Washington guessing game these days—one of the many outgrowths of followership—is which measures are really



on the White House "must" list and which are talked about mostly for effect.

III. The nature of followership

Even with this new role, Congress retains all its constitutional powers. Nothing has been taken away except what it has let slip away.

Congress has as much power as it wants to exercise. It could wipe out all the regulatory agencies. It could wipe out or render ineffective the Cabinet level departments by refusing necessary funds.

It also could abolish the President's staff, including the Budget Bureau and the Council of Economic Advisers, which Congress itself brought into being. It could effectively wipe out the entire judiciary except for the Supreme Court itself. If it so desires, it has the authority to render the other branches helpless and proclaim a government by its standing committees.

Gradual acquiescence. But even in its wildest moments, Congress does not dream of setting itself up as the undisputed ruler of the country. Leaders and members have too great a sense of the political realities.

"More and more the President proposes policy," Senate Democratic Leader Mike Mansfield notes. "This has been gradual and Congress has tacitly agreed." His explanation is simple: The world has become too complicated for Congressional rule, or even for Congressional domination of legislative proposals.

"We allow the President to take the lead," he says, "but whether we follow is up to Congress."

An understanding of the real nature of followership is impossible without a glance at some head-on collisions that helped shape it.

Congressional triumphs. The Taft-Hartley Act, possibly the most important legislation since World War II, came from the Republican 80th Congress and was pushed through over the bitter opposition of Truman. Even after it was passed, he first refused to invoke it. But now it is relied on by whoever is in the White House—a clear victory for Congress.

The 80th Congress invoked its will on Truman in another classic test. It passed a tax cut at a time when Truman was arguing strenuously for maintenance of existing rates.

Congress played a leading role in persuading the country to adopt the no-third-term amendment to the

Constitution, an act that Prof. Clinton Rossiter in his book, *The American Presidency*, describes as a mighty blow against Presidential power.

In 1952, Truman seized the plants of 85 steel companies during a labor dispute. Congress boiled with indignation. Before it could act, the Supreme Court ruled that Truman had exceeded his authority.



The campaign doll: Put in money, wind it up, and out comes a stream of platitudes and clichés

"The Constitution," said Justice Hugo L. Black on that occasion, "is neither silent nor equivocal about who shall make laws. . . ."

Presidential victories. During the formative years, Congress failed in many attempts to seize the upper hand. Truman's power to conduct the Korean War was challenged for a time by Republicans under the late Sen. Robert A. Taft. Truman's right to fire Gen. Douglas MacArthur during the Korean fighting was questioned—to no avail—in a Congressional investigation. Eisenhower's right to order troops to Europe was questioned by leading Democrats in Congress, again fruitlessly. A move headed by former Sen. John Bricker of Ohio to limit the President's treaty-making power came within a few votes of succeeding.

Continuing struggle. These reminders make the point: We have been witnessing a historic shift of relationships between Congress and the President. The struggle is essentially constitutional in nature, not partisan. Even the ideological debate is subordinate.

The struggle is still going on. Vague ground rules are only begin-

ning to emerge. There undoubtedly will be other fierce contests of will.

Conflicting demands. Much fault-finding stems from the uncertainties natural to a period of change in which neither Congress nor its critics are sure just what is happening. It explains why some critics say Congress tries to do too much, interfering dangerously with the prerogatives of the President, while other critics are saying Congress does too little, thus inviting the executive to seize too much power.

Many articulate critics demand that Congress lead public opinion. Others reply that it is impossible for any elected assembly to lead. Some claim Congress lags far behind public opinion.

The public had a chance to punish laggards last November if it was so minded. But only 10 incumbents were beaten by newcomers. Somebody out there likes congressmen, even if it seems at times that nobody likes Congress.

Public's expectations. What has the country at large—as against the articulate critics—come to expect of Congress in its new role?

It expects Congress to approve swiftly almost all of the President's proposals in the fields of defense, foreign affairs, and science.

It expects a critical and slower examination of Presidential ideas in economic and social welfare matters.

It expects Congress to investigate wrong-doing in the executive branch, as in the Billie Sol Estes case.

What the critics ask is whether this is everything Congress ought to do and whether Congress is doing these things as well as it might.

IV. Adapting to winds of change

For all its worship of the past, Congress has shown many times it can adapt. Followership is merely the current instance.

Necessary innovations. The Constitution, for example, says nothing about the committee system for handling legislation, an adaptation forced by the complexity of government.

The Constitution says not a word about political parties. Yet Congress adapted to the rise of parties and gives them a crucial legislative role.

The writers of the Constitution did not foresee that Congress would adapt to such complex problems as control over money and credit, and control over commerce, by creating the family of "independent agen-

cies" in which significant quasi-legislative functions are lodged.

The founding fathers thought the House—which they greatly feared—would be the radical body, reflecting the whims and passions of the mob. It is now the conservative body.

The fathers viewed the Senate as a gathering of elder wise men, sitting far above the passions of political rivalry. Yet the Senate is as deep in politics as the White House or the House of Representatives.

Useful factions. No change of recent years more clearly demonstrates the adaptability of Congress than the use it now makes of lobbies.

The writers of the Constitution greatly feared what they called factions. Yet lobbies are now so important to the legislative process that serious students of government believe they can be thought of as a fourth branch of government. Lobbyists write speeches for lawmakers, do research, make surveys, draft legislation, locate good staff assistants. Lobbyists are required to register, and thus have something of an official status.

Specialized opinion-making. The old idea that they are an evil influence has all but disappeared, in Congress at least. Here is why:

Perhaps the lobby representing service station owners asks Congress to amend the antitrust laws to protect an established pricing system. But, if adopted, the change might adversely affect appliance dealers, the appliance dealer lobby decides. The contending lobbies lock in debate before the Congressional committees interested in this type of legislation.

There is no "public opinion" on such an issue to which congressmen can turn for guidance. The pros and cons are developed solely by the lobbies. Congress long ago decided it could not function without this kind of specialized opinion-making.

With so many instances of change on record, the question, then, is not whether Congress has the innate ability to adapt, but whether it will adjust again to new circumstances.

V. The men representing us

Americans hold Congressional politics in low esteem. Yet "better men" is the most obvious way of curing the ills of Congress.

"A congressman is a hog," a Cabinet officer told Henry Adams, as recounted in an often-quoted passage in *The Education of Henry*

Adams. "You must take a stick and hit him in the snout."

Unfavorable image. The image of Congress today is darkened many ways. There is conflict of interest. Some members build up well-paying law practices, accepting clients with an interest in legislation. Others make investments in corporations that they are in a position to assist before government agencies or in legislation.

Congressmen traveling the world, drawing expense money from U.S. embassies for which they do not have to account in an ordinary sense, are another source of censure.

Last year's quarrel over protocol between Rep. Clarence Cannon, octogenarian chairman of the House Appropriations Committee, and his counterpart in the Senate impressed

Standouts. And yet the system also produces a Sam Rayburn of Texas, a Robert A. Taft of Ohio, a Eugene D. Millikin of Colorado, a Walter F. George of Georgia, and Arthur H. Vanderberg of Michigan. Last year the Democratic nominees for both President and Vice-President came directly from Congress, and both GOP nominees made their reputations in Congress originally.

Men of contrasts. Men of widely contrasting background are drawn to Congress. Among newly elected members taking seats this month will be a 50-year-old mattress manufacturer from Dallas; a former Montana coal miner and high school basketball coach; a son of the late Sen. Taft; a man picked from political unknowns because he has a Polish name; a cousin of the late



The talking machine: Demosthenes—but without an audience

most people as ridiculous. Cannon, as all congressmen do in such circumstances, did his best to lift the quarrel to the level of a constitutional issue. But to the country it looked like one elderly man fussing with another elderly man, to the detriment of the country's business.

Rep. Adam Clayton Powell, chairman of the House Education & Labor Committee, departed last year's session in the midst of a heavy work schedule to tour Europe accompanied by two young women from his staff, to study, in his words, the working conditions of women abroad. Congressional traditions guard him from even the slightest censure.

The Congressional system protects and sometimes even seems to nurture a core of playboys, time-wasters, knaves, fools, and demagogues.

Sen. Huey Long of Louisiana; a former leader of the Indiana state legislature; a one-time mayor of Laconia, N. H.; and, as usual, a large number of lawyers.

Colorless representatives. The House produces a type of its own. Typically, the House member is a college graduate, wears conservative business suits, avoids flamboyance in manner or speech, talks worriedly about his homework, and votes quite dependably in one of the three blocs (Republican, Northern Democrat, and Southern Democrat) in which the House divides on national issues. He thinks of himself as overworked, struggling to keep up with a flood of mail from back home and with committee responsibilities. If he is going to be a good House member, he soon thinks of himself as a small cog in a machine that will carry him upward if he minds his



Big traveler: The VIJ (Very Important Junketeer) on 'inspection'

manners, holds his liquor, and does not cross his party leader.

So far as the House is concerned, he becomes a conformist of conformists. His audience is the House itself and it is a critical one. Congress "has spent its collective lifetime studying thin skins and stuffed shirts; nothing gets by," the late Rep. Clem Miller of California observed in his book, *Member of the House*, published last year.

Distorted picture. The House will have 435 members next year. The real work, however, is done by not more than 100 men.

"Better make that 50," advises a long-time student of Congressional ways.

Though the key committees have around 35 members, only three or four will attend the working sessions.

"We all know the picture of the busy legislator arriving late at a committee meeting only to leave it early in order to be late at the next one," Dean Acheson writes in *A Citizen Looks at Congress*. This picture is widely cultivated but it is true for only a small minority. Most House members take their duties

lightly. Many who live in the East are members of the "Tuesday-Thursday Club," consisting of legislators who devote the middle three days of the week to Congress and go back home the rest of the time.

Nonconformist senators. The great bulk of House members sink into obscurity in the capital. This is not true of senators. The traditions of the Senate tend to develop greater individualists, with more play for quirks and foibles.

The typical senator is an atypical American, Donald R. Matthews demonstrates in his unique study, *U. S. Senators and Their World*. Matthews bases his conclusions on the careers of some 175 senators serving in the 1947-1957 period.

About 85% of senators have been to college, compared to 14% for the population at large. Democratic senators have more college training than Republicans.

Social background. There is a heavy concentration of upper- and middle-income family background among senators. Only 5% of senators in the Matthews study were sons of industrial wage earners.

Divided by parties, pre-senatorial occupations stack up like this in the Matthews findings:

	Democrats	Republicans
Lawyers	63%	45%
Businessmen	17	40
Farmers	7	8
Professors	7	5
Other professionals	5	5

Matthews finds a significant difference in the type of business background. Democratic businessmen-senators tend to be from merchandising, oil, construction, insurance, and real estate. Republicans are likely to have been publishers and manufacturing executives.

The types. To Matthews, senators add up not to one type, but four.

About 7% he classifies as "patrician." These come mostly from the South and the Northeast. Leverett Saltonstall of Massachusetts and Harry F. Byrd of Virginia are examples. This type tends to enter politics early, with a career in mind.

An "amateur" label is applied to 34% of the senators who are marked chiefly by a relatively late entry into politics. Former Sen. Homer E. Capehart of Indiana, defeated last November after a long career in the Senate, is one example.

Matthews reserves the "professional" label for some 55% of senators who enter politics fairly early but do not possess "old family" backgrounds, as do his patricians. Hubert H. Humphrey of Minnesota



Big employer: A burgeoning staff to polish speeches and investigate

and Frank J. Lausche of Ohio are typical of this large group.

A few senators—4%—fall into what Matthews classes as "agitators." Some of these are not agitators in the usual sense of the word; their chief characteristic is that they have displayed little capacity in either public or private life before being elected to the Senate.

Reform proposal. About the only idea being talked about for upgrading the quality of Congressional manpower is to have the government pay the cost of campaigning. Unless the candidates are independently wealthy, they have to seek contributions from party sources, organizations, or wealthy individuals—a prospect many find distasteful. The furor in 1952 caused by the disclosure of the \$18,000 fund raised for Richard M. Nixon is the kind of experience that discourages many persons from entering national politics.

VI. Courtly tug-of-war

Congress is run by dealers. It has no rulers.

Power centers. The real power is exercised by perhaps 30 men. These fall into two groups that tend to differ in political philosophy, personal characteristics, and age.

One group is "the leadership," which is elected. The other is the

chairmen of about 20 important committees, who rise by seniority.

Many think of Congress as a battleground where Democrats and Republicans clash. Others think of it as a battleground for ideologies, as when conservative Southerners join with Republicans to oppose the more liberal programs of Northern Democrats.

Internal struggle. But the struggle scarcely anyone talks about is the one that goes on between the two power centers created by Congress itself—the leadership and the chairmen.

The struggle is glossed over by the elaborate courtliness that veneers such affairs in Congress. But it is nevertheless real, and it causes many of the things that critics complain about. When the leadership is weak or untried, as last year, Congress turns in a particularly undisciplined performance. But when it is strong, complaints about Congress are reduced.

The leaders. The core of the leadership is nine men, five from the party that has a majority in Congress and four from the opposition. Five come from the House: the Speaker, a majority leader, and whip elected by the majority party; a leader and whip elected by the minority. In the Senate, each party names a leader and a whip.

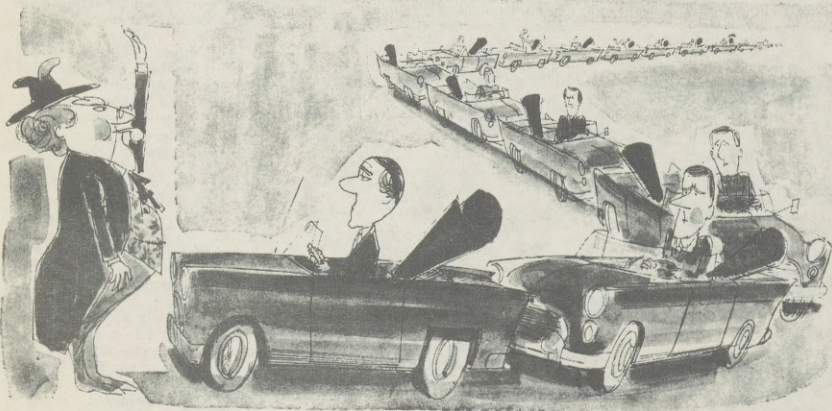
Congress tends to elect a leadership of moderate views. It consists of men with a flair for compromise and accommodation, rather than dialectics. They are elected on party

lines and at times act in an extremely partisan way. But in the jungle of politics, they belong to a blood brotherhood, sharing a loyalty to Congress as an institution that rises above party. They work together (not always successfully) trying to keep the sprawling machinery of Congress in some kind of order. They are traffic managers, selecting what bills are to go to the floor and hoping to keep them coming at a manageable pace. One of the most important functions of the leaders is to serve as a point of contact between Congress and the White House.

One of the most trying tasks of the elected leadership is to deal with committee chairmen. It has no direct authority over the chairmen. There is no way to force a chairman to accept its views or the views of the President.

The chairmen. The chairmen reach their positions by living long enough and by being reelected year after year. Ability, popularity, or political philosophy mean little.

This strikes most outsiders as a peculiar way to single out men for such powerful positions. It is one of the most criticized folkways of Congress, and one of the most hotly defended. It is defended on grounds that only good legislators get reelected year after year—a dubious point. It is also supported on the grounds that age brings wisdom and avoid the bitter politicking that would result if chairmen were elected by any other method. This



Big roadblock: Bills are proposed, but often opposed by the Congressional traffic cop



Politeness above all: 'Will the honorable Senator from Georgia please keep his mouth shut?'

VII. Can Congress be reformed?

"The trouble with Congress," says one thoughtful observer, "is that too many people there have a vested interest in loggerhead government."

Many ideas are being advanced to force quicker and more meaningful decisions out of Congress, but it is no easy task.

Attempt at change. In 1945-46, a lot of people were worrying about Congress, as they are now. They feared that Congress could never resume a full role after its subservience during the New Deal and World War II. After great travail, Congress adopted a Reorganization Act. It wiped out some standing committees, and made other changes, but it did not alter the deep-rooted Congressional way of doing things.

To be taken seriously, reform proposals ought to make it easier for a member to keep his job or easier to do his job. Any idea that does neither will have an uphill fight.

last point is the one that counts.

Effective control. Because they do not owe their jobs to the elected membership, to the White House, or to their national parties, chairmen can go their own way. They call hearings on what they like, and drag out hearings if this suits their purpose. They can refuse to call committees into session if they want to delay legislation that way. Once in a while, a chairman loses effective control of his committee; the Senate Finance Committee, for example, does not follow the extremely conservative views of its chairman, Harry Byrd. But if a chairman husbands his power, bestows favors on committee members adroitly, and trades favors with other chairmen at the right times, he can rule his fiefdom quite effectively.

There are ways that Congress can go around a recalcitrant chairman, but these ways are seldom used; members will often vote against invoking them even if this means voting against legislation they favor. Congress guards the great power it has given to chairmen. Without this power, members argue, Congress would be reduced to a disorganized mob.

What this overlooks is the possibility that in the swift-moving world of today Congress might do its job better if its elected leadership were given more power to function as a coordinating force.

Certainly a major source of foot-dragging, confusion, and bickering is the unresolved tension that exists now between these focal points of power.

The British way. The most fundamental reform idea in recent years comes from the political scientists. Most U. S. scholars, as well as many serious columnists and commentators, admire the British parliamentary system, which concentrates responsibility on the party in power. There is no diffusion of responsibility as there is between White House and Congress, and between the leadership and the committee chairmen inside Congress. Power over legislation is in the hands of the Prime Minister, who is his party's leader and a member of Parliament. He is, in effect, the country's chief lawmaker as well as its chief executive. When he cannot command a majority in the House of Commons on some important matter, he must dissolve that body and hold a national election. If his party is returned to power, he gets his way. If not, the opposition takes over. Party discipline is strong. On every crucial matter, there is a clear pro and con, with a division on party lines.

Suggestions for U. S. A landmark study made in 1950 for the American Political Science Assn. suggests ways party responsibility can be increased in the U. S. without altering the constitutional framework.

The report recommended that the elected leadership of Congress work with the President and other party leaders to draw up clear and precise policy positions. Only loyal supporters of this policy would be allowed

to serve as committee chairmen. Caucuses would be held more frequently and would be binding.

In practice, this would mean what the President asked for, he'd get. He, in turn, would have to stop asking for more than he expects to get.

All the current speculation as to whether Chmn. Wilbur D. Mills of the House Ways & Means Committee will accept the Kennedy tax reduction program would be pointless. Whatever Kennedy proposes would move smoothly through Congress because his party holds decisive majorities in both houses. If Mills objected, he would be removed as chairman. If the people objected, they could punish Congress (and the President if he is running) in the next election.

VIII. Hard look at the rules

In the closing days of Congress last October, a number of lawmakers joined with Sen. Joseph S. Clark (D-Pa.) in proposing a study of rules changes. In the group were Hubert Humphrey and Thomas Kuchel from the leadership, giving it more prestige than it otherwise would have had.

Recommended changes. Many of the ideas such a committee would



study point in the way of greater party responsibility. One would empower the majority of a committee to call a meeting if the chairman refused to do so. Committees might be required to report on every Presidential request by some given date. Suggestions are repeatedly made that chairmen be elected, which would advance men more likely to be in tune with the leadership.

Other suggestions are aimed at a more orderly handling of the work load. Certain days of the week might be devoted entirely to committee meetings and other days entirely to floor sessions. House and Senate committees could save time by holding more joint sessions. The unusually heavy burden on the House Ways & Means Committee and the Senate Finance Committee could be lightened by parceling out some of their responsibilities.

New assault on filibusters. The Senate's tradition of unlimited debate, under fire for years, will be attacked again in the opening days of the new session. Some want to reduce filibusters by making it possible to choke off debate by a 60% vote of senators present and voting, instead of the two-thirds majority of those present and voting now required. Others want a rule to force senators to keep to the subject at hand. Still others favor a three-hour limit on single speeches.

Greater use of professional staff is urged by some. The Reorganization Act of 1946 provided for the hiring of experts, and staffs were strengthened as a result. Unless closely curbed, professional staffers themselves may take up loggerheading as a way of life. Instinctive politicians of the old school remain suspicious of hired experts. Nevertheless, a group headed by Sen. Hugh Scott (R-Pa.) and Rep. Thomas B. Curtis (R-Mo.) will push this year for more staff aides for GOP committee members.

Fiscal confusion. Many suggestions have been made for bringing some kind of order out of the fiscal chaos created annually by Congress. Revenue measures are handled by committees that have no way of knowing what the expenditures will be. Expenditures are authorized by standing legislative committees working independently of each other. Then the actual appropriations are made by a basketful of subcommittees, still working independently.

Sometimes in the confusion, authorizations and appropriations don't match. The appropriation bills come to the floor not in a single package but in 12 or more separate bits and never with a grand total. When Congress gets through, the budget is not a plan but an accident.

Reform thwarted. The Reorganization Act of 1946 made a brave ef-

fort. It called for the revenue and expenditures committees to meet jointly at the beginning of each year to agree on budget guidelines, explicitly stating what lay ahead by way of surplus or deficit. After one year, the idea was allowed to die because of opposition by the House Appropriations Committee.

The Senate has adopted a mild fiscal reform bill six times, only to have the House refuse to act.

In no activity does Congress more clearly ask for the dinosaur label. When the present rules and customs took hold, the impact of the federal budget on the economy was not important. Now it is one of the major economic facts of life. Yet Congress still does its budget-making by the rules of another era.



Led by the President: Congress plays its theme song, "Followership Forever!"

[From New York Times magazine, Apr. 7, 1963]

TO MOVE CONGRESS OUT OF ITS RUTS

(By Senator Hubert H. Humphrey¹)

Americans know that that body could do a better job than it does. A Senator offers his view of what is wrong and how legislators could be made more effective.

WASHINGTON.—Sixteen years ago, the United States held a monopoly of atomic weapons. Jet aircraft were barely operational. The space age could be found only in science fiction magazines. Television was an 8-inch infant in electronics laboratories. The Nation's elementary schools had classrooms to spare. The cold war could be seen on the horizon only by a handful of political wise men. Europe was near economic collapse, Africa was still a continent of colonies and Chiang Kai-shek still ruled the Chinese mainland. Cuba, to most Americans, was a plush and pleasant vacation spot. And Fidel Castro was a teenager.

It was 16 years ago when the U.S. Congress last turned to the tedious task of self-criticism and produced a major legislative reform. Since the Legislative Reorganization Act of 1946, Congress has changed little. The structure is the same. The committee lineups are almost identical. The traditions are preserved. And the basic attitudes of Congress toward its own prerogatives and centers of power are still tuned to 1946 or the more distant past.

But the needs of the Nation and the demands on Congress have multiplied.

Since 1946 the Nation's population has increased 33 percent, its government has grown to include many more services and duties, its problems are infinitely more complex, and its involvement in world affairs is no longer fractional and irregular but rather total and constant.

The essential problem of Congress today is simply that there is more to do but only the same number of men to do it. The Members of Congress have to find enough time to fulfill their thousands of obligations and to develop a congressional system in which they can use their time most effectively.

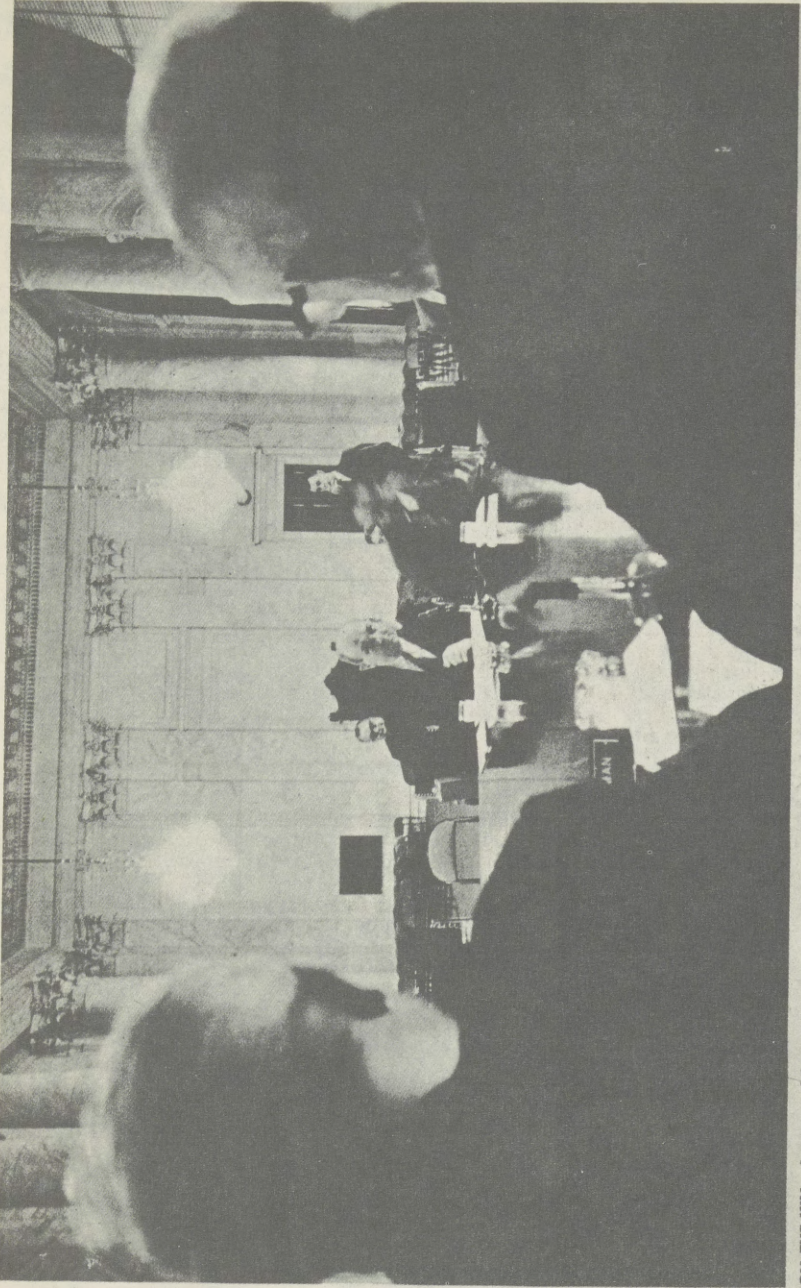
The most pressing day-to-day demands for the time of Senators and Congressmen are not directly linked to legislative tasks. They come from constituents. And the constituency of a Member of Congress is not limited to his home State or district. He gives priority attention the people "back home," but as a U.S. Senator or Representative, his constituency is the whole Nation.

The image of a Member of Congress engaged in debate of issues or in study and reflection on the problems of the Nation and freedom is accurate for only a fraction of his time. At any point in his workday, the Congressman is more likely to be talking about a housing development with municipal officials, or phoning an executive agency for an answer to a constituent complaint, or dictating a letter to a citizen who wants some information for his son's term paper for a school civics class.

Speedy air travel, the low cost of telegrams and long-distance telephone calls and campaigns to encourage citizens to "write your Congressman" have turned most congressional offices into operations resembling a complex of train station, post office, airline terminal, and communications center. My own experience may or may not be typical, but it is significant of the increased personal workload for Members of Congress.

In 1949, I moved into an office of four rooms. My staff and I had the use of two telephone lines. An average of 50 letters a day were received. Thirty telephone calls a day were considered heavy. A personal visit to the office by a constituent on any day was a special event.

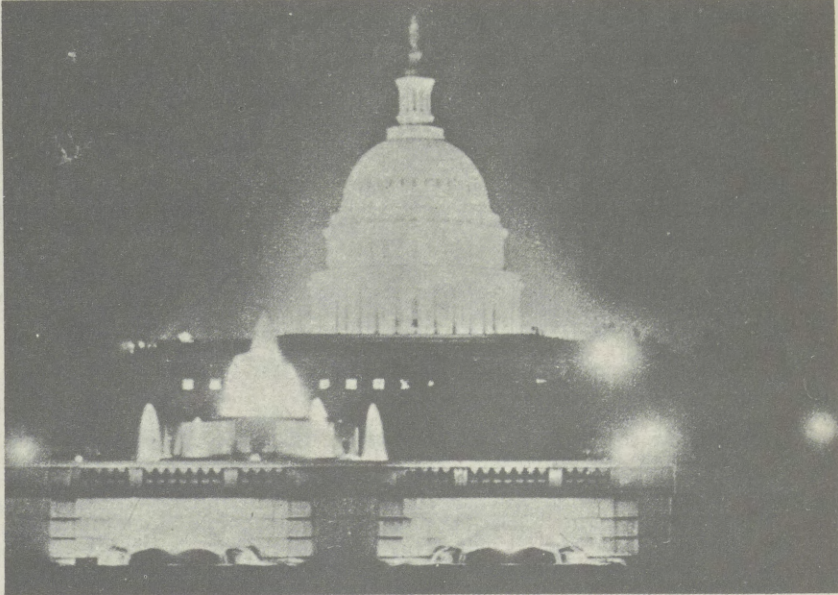
¹Hubert H. Humphrey, the senior Senator from Minnesota, serves on four committees, including one on reorganization of Government.



ON THE HILL—Secretary of State Dean Rusk testifies before a joint session of the Senate Armed Services and Foreign Relations Committees. Frequently Cabinet members are called upon to present the same testimony before several different Congressional committees. More joint meetings like this could save the time of high officials—and of Congress itself.

In 1962, my office had doubled to eight rooms. Now, 12 telephone lines funnel an average of 500 calls into the office each day, and I keep 2 private lines just to be sure I will be able to get through the crowded switchboard to reach my staff. One hundred and twenty personal visitors—not counting large groups of students or tourists—come into the office each day, about half of them constituents from my home State.

How does the Member of Congress handle this workload? He has a staff to help, and he and his assistants work long hours at a fast pace. Any citizen who doubts that he is getting "an honest day of work" for the salary he pays his Congressman need only walk by the Senate or House Office Buildings late at night or on weekends. Most of the lights are burning through the evening hours, and many still shine after midnight on any night of the week.



Congressmen do not complain about the demands on their time for service to constituents. They perform that service because it is their job, because it is vital for their political survival, and because they know that the individual citizen with a need, complaint, or idea cannot even hope to dent the surface of big government unless he works through his elected representative.

But Members of Congress do complain often that they have little time to perform their duties as legislators. This is perhaps the central, general problem and defect of Congress today: the inability of Congressmen to find the time to inform themselves of the issues they face, to give their best talents to committee assignments, and to legislate responsibly.

The day is long gone when a Member of Congress could be satisfied with mastery over two or three limited, precise subjects and follow a policy of voting the party line on other issues. Today, the Senator or Congressman is expected to be thoroughly informed on hundreds of different subjects and issues—from agricultural economics in Minnesota to the administration of foreign aid in Bolivia, from Federal housing needs in New York to Soviet strategy in the Middle East, from a flood control project in California to the merits of a man-on-the-moon spaceship project.

The complexities and variety of issues which Members of Congress must master will continue to increase in an age of nuclear power, scientific advances, fast-changing social patterns and international involvement and leadership by the United States.

The pattern is already evident: At the time of the last legislative reorganization act, the 79th Congress (1945 and 1946) initiated 12,656 bills or resolutions.

The 87th Congress (1961 and 1962) initiated 20,316 bills or resolutions—a 60-percent increase in the congressional workload.

Most of these measures were relatively routine, but each took some time from Congress in general and individual Members in particular.

There has been a comparable increase in the flow of major, controversial, and thus time-consuming legislative proposals. Traditionally, the average congressional session has seriously considered and attempted to hammer out one major new program or reform in a single year. The 2d session of the 87th Congress last year made a serious effort on many major legislative programs, including the trade bill, tax reform, social security financing of health insurance, authorization to purchase United Nations bonds, and the Communications Satellite Act.

A realistic accounting by the White House concluded that the 87th Congress approved, and the President signed into law, 73 major legislative proposals. The 83d Congress, representing the first 2 years of the Eisenhower administration, approved 29 major legislative proposals. The 87th Congress of 1961 and 1962 approved a total of more than 1,000 public bills. The 83d Congress of 1953 and 1954 approved about half that number.

These figures are not mentioned to play a sort of partisan numbers game, but rather to emphasize the increased legislative workload of Congress and its Members.

The result of that heavy workload, in 1962, was one of the longest peacetime sessions of Congress in history. Congress met continually from early January to mid-October. In the final months, a few oldtimers on Capitol Hill grew frustrated enough to look back fondly on the year 1923, when Warren Harding was President and the Congress convened in March just long enough to recess until December.

But even 9- or 10-month congressional sessions do not solve the problem of the individual Senator or Congressman who must find the time to inform himself about the legislative issues he faces.

Most Members of Congress are dedicated and conscientious legislators and public servants, aware of the power they hold over the dollars and destiny of the American people and so many others throughout the world. If they are given extra time—or rather freed from unnecessarily time-consuming duties—they will spend most of it tackling the huge task of informing themselves.

Several steps can be taken to give them that extra time. These are not the final answers to the time problem of Members of Congress, but they would help.

First, more joint meetings of congressional committees. A legislative question involving disarmament and arms control, for example, normally requires consideration by the Foreign Relations and Armed Services Committees of the Senate and the House and the Joint Committee on Atomic Energy. Joint meetings would save the time of Members serving on more than one of these committees.

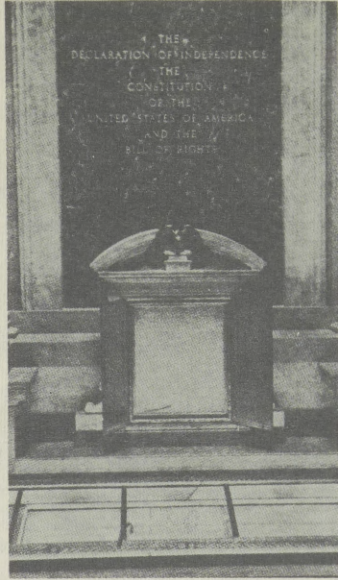
Second, more standing joint committees including Members of both the House and the Senate. Such committees would save time, particularly toward the end of each congressional session, by paving the way to speedier conference agreements between the Senate and the House on controversial issues.

Third, more efficient scheduling of the workdays of Congress. Certain days could be scheduled specifically for floor debate and action by the full House or Senate. Other days could be restricted exclusively for hearings and action by the congressional committees.

In the early months of the session, the full House or Senate would meet only a few days each week. As committees completed their action in the later months of the session, the Senate and House would meet more often. This pattern would save time for Members, and end the absurd necessity of Members literally running from committee room to Senate or House Chamber when issues in which they are involved are up for action at different places at the same time.

Fourth, modification of the morning hour in the Senate, in which Members read miscellaneous speeches of marginal or undated importance and insert various articles into the Congressional Record. Instead, Members would be permitted to send their morning-hour speeches and articles to the clerk for insertion in the Record, without taking their own time and the time of other Senators to read their word for word.

Fifth, a requirement in the Senate that Members restrict their remarks to the issue formally listed as the business of the Senate. In a debate over agricultural programs, for example, a Senator would not be able to spend an hour discussing a totally unrelated subject. This rule of germaneness now applies only to debate in the House of Representatives.



Sixth, a summer recess of Congress of at least 3 weeks. This would take time away from legislative duties, but ultimately, I am convinced, would save time. The immediate value would be the opportunity for Members of Congress to spend some time with families and constituents in a period (June or July) when schools are closed and citizens are not tied at home because of weather.

The indirect value would be the change of pace and rest such a recess would give to each Member. He would return for the final busy weeks of the session refreshed for more efficient performance of his legislative duties. Congressmen are human beings; they get tired and their nerves can become frayed from long months of pressure and hard work. A summer recess would probably reduce the inevitable tensions and bickering so common in the final weeks of congressional sessions.

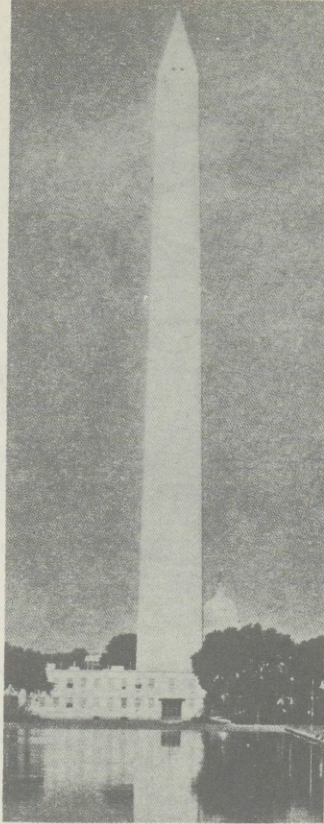
Seventh, modification and adoption of the British "Question Period," in which administration leaders would report on and answer questions of general importance before the full Senate and House. This would save time, help to keep Members of Congress better informed on administration programs and policy and sustain the necessary frequent contact between the executive and legislative branches of government.

This final suggestion—and some of the others—would have a valuable side effect; it would save the time of high administration leaders who have their own crucial problems of too many duties for too few hours.

It is not unusual for the Secretary of State and the Secretary of Defense and other Cabinet officers to give basically the same testimony and answer basically the same questions for several different congressional committees. The Secretary of State, for example, might be called early in the session to outline the foreign aid program—including military aid—to the Senate Committee on Foreign Relations. He will then repeat the same testimony to the Senate Armed Services Committee, and again to the House Armed Services Committee.

The result, I believe, is an excessive demand on the time of these officials. Secretary of State Dean Rusk made 54 personal appearances before congressional committees during the 87th Congress—29 in 1961 and 25 in 1962. Secretary of Defense Robert McNamara spent a total of 203 hours before congressional committees during the 87th Congress—88.75 in 1961 and 114.25 in 1962.

Standing Joint Committees, more joint meetings of committees and a "Question Period" for the full House or Senate would save the time of Congressmen and these high officials—and serve to inform all Members of Congress more thoroughly.



Another congressional defect which tends to waste time—and to cause confusion and occasional conflict between Members—rests with the lineup of Senate and House committees. New problems and programs created by a world transformed by nuclear power and the space age are being handled by a congressional committee system which has changed little in 50 years.

There were 2 weeks of confusion following introduction of my bill in 1961 to establish a U.S. Arms Control and Disarmament Agency. This measure was first assigned to the Foreign Relations Committee, then switched to the Government Operations Committee, then back to the Foreign Relations Committee. At one point, it almost went to the Armed Services Committee. (The bill finally remained with Foreign Relations, was approved and signed into law.)

The Communications Satellite Act bounced from committee to committee before it was finally processed and sent to the floor last year. At one time or another, this bill involved the Interstate and Foreign Commerce Committee, the Foreign Relations Committee, the Government Operations Committee, the Space and Astronautics Committee and, of course, the Appropriations Committee.

Is a more up-to-date committee lineup, responsive to modern problems and modern opportunities, needed? I believe it is, and that a thorough review of the present committee and subcommittee lineups and jurisdictions is necessary.

That review would be one of the prime responsibilities of a "Joint Committee on the Organization of Congress," which would be established by a resolution sponsored by Senator Joseph S. Clark, Democrat, of Pennsylvania, and 31 other Senators representing both parties. A companion measure in the House agrees that this committee of seven Senators and seven Representatives should conduct a complete review—the first since 1946—of Congress and produce recommendations for its improvement.

I expect this "Joint Committee on the Organization of Congress" to be established. Its work will be one of the most significant efforts of the 88th Congress. And its task will be difficult, because there is little popular interest or direct political advantage in the tedious effort for procedural reform within Congress.

But the American people want good government, and sense that the legislative branch has not been performing its functions with the order and effectiveness the Nation deserves. The waning weeks of the 87th Congress included fights over such petty issues as what room the Appropriations Conference Committee should meet in, and long delays over minor details of legislation.

Displays of bickering and pettiness tend to obscure the real record of achievement written by recent Congresses and to diminish the respect and confidence of the people in their own representative government. Perhaps the greatest need in Congress today is not so much for studies, procedural changes and committee modernization. It may rather be a more thoroughly responsive attitude by Members of Congress, who need to realize that the rules and traditions of Capitol Hill are not sacred, and that the national interest and public service are more important than individual or committee powers and prerogatives.

IS CONGRESS THE OLD FRONTIER?

Stephen K. Bailey

CONGRESS AND THE PRESIDENT: OLD AND NEW FRONTIERS

The quintessential business of historians is to formulate general propositions about the past.

The quintessential business of scientists—including social scientists—is to formulate general propositions about what is.

The quintessential business of moral philosophers is to formulate general propositions about what ought to be.

The quintessential business of students of public affairs is to interrelate

STEPHEN K. BAILEY has mixed practical political experience with his professional political science: he has been staff associate with the first Hoover Commission, Chairman of the Connecticut Democratic State Platform Committee, Administrative Assistant to Senator William Benton, Mayor of Middletown, Connecticut, and President of the Connecticut Association of Towns and Cities. He has taught at Wesleyan University, and guest lectured at Harvard, Oxford, and the University of Pennsylvania. He was Director of the Graduate Program in the Woodrow Wilson School of Public and International Affairs at Princeton 1954-1958. Professor of Political Science at Syracuse University since 1959, he became Dean of the Maxwell Graduate School of Citizenship and Public Affairs in 1961. His book *Congress Makes a Law* (1950) won the Woodrow Wilson Foundation Award of the American Political Science Association as the best publication of the year in American government and democracy. Other books, with co-authors, include *Congress at Work* (1952), *Government in America* (1958), and *Schoolmen and Politics* (1962).

selected propositions of history, social science, and moral philosophy in such a way as to promote benevolent rationality in the formulation and execution of public policy.

It is in the spirit of a student of public affairs that I address myself to the question: Is Congress the Old Frontier?

In chronological terms, Congress is indeed the "Old Frontier." Congress as an institution is almost four times as old as President Kennedy as an individual, and the average age of all congressmen and senators is roughly 20 per cent higher than the age of Mr. Kennedy. Such comparisons are not entirely specious. The age of institutions, and of persons within institutions, is politically significant. In personal terms, age often brings a lowering of energy, a hardening of habits, and a suspicion of either the efficacy or the novelty of recommended change. Institutionally, age tends to deify traditional procedures and to solidify the in-group feelings of institutional leaders. The Constitutional continuity of the Senate and the political continuity of the House are forces of consequence in the continuing tension between the President and the Congress. The Presidency is an historic office, but its incumbents are always new. No matter what the chronological age of the President, he is always dealing with a legislative branch whose leaders have served with many Presidents. Some Chief Executives, such as Roosevelt, Truman, and Kennedy, have attempted to compensate for this ineluctable fact by immersion in historical and biographical literature. But vicarious experience is not the same as direct experience. Exposure to literature is rarely an adequate substitute for experience in office.

In this sense, Congress is inevitably the Old Frontier. Congress is the defensive stockade, not the pioneering scout. It is an old stockade, under the command of seasoned veterans. Its manual of arms is traditional and wily. Its defensive capacity is impressive. And this defensive capacity is directly related to the age, experience, and continuity of the institution and its commanding officers.

This, of course, raises a central question: what is it that the Congressional stockade is attempting to defend? And this presents a sticky problem of analysis. Even a cursory glance at congressional behavior reveals that the national legislature is organized to defend a wide variety of things. Taking a leaf from the notebook of Pendleton Herring, this essay will discuss the congressional defense of ideas, interests, institutions, and individuals.

WHAT CONGRESS ATTEMPTS TO DEFEND

The central *idea* which Congress is designed to defend is human freedom. This point would hardly need elaboration were it not so frequently and tragically forgotten in the mid-twentieth century.

If anything is clear in this fretful age, it is that legislative institutions which gave freedom its birth and meaning have been eroded in power and denigrated in reputation the world around—eroded and denigrated, that is, where they have not been totally destroyed. Necessary as the Gaullist revolution in France may have been, nobody will pretend that the French National Assembly was upgraded in power or influence by the change. The first casualty of wobbly novitiates in the family of nations seems to be their parliaments or assemblies. In the past few years, a half-dozen new nations have abolished the pretense of democracy, and have reverted to rule by tribal chieftains decked out in modern military garb. Scrawled in invisible ink on the walls of the empty parliament buildings are the words, "Parliaments, Go Home."

How short historical memories are! It was a congress of nobles that met at Runnymede to make John Lackland sign Magna Carta. It was a congress of estates called "Parliament" that gradually reduced the prerogatives of the English crown from absolutism to a benign symbol of spiritual and moral unity. It was assemblies of free men which tempered and hamstrung the insolence of appointed Royal Governors during our own colonial days.

Of what does freedom consist, unless it is the atmosphere of human dignity made possible by the existence of representative restraints upon rulers? Benevolent despots have dotted the pages of human history, but like the barking dog who never bites, no one knows when a despot is going to stop being benevolent. And on this score, history is not encouraging.

It was with considerations of this sort in mind that our Founding Fathers, after a brief preamble, began the Constitution of the United States with the words, "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

That the first Article of the Constitution deals with the Congress is no accident. Congress is first because, living in the long shadow of the Glorious Revolution of 1688 and of its great philosophical defender John Locke, our Founding Fathers fully understood that, although you could have government without a representative assembly, you could not have *free* government without a representative assembly.

Congress defends freedom by asking rude questions; by stubbornly insisting that technology be discussed in terms of its human effects; by eliciting new ideas from old heads; by building a sympathetic bridge between the bewildered citizen and the bureaucracy; by acting as a sensitive register for group interests whose fortunes are indistinguishable from the fortunes of vast numbers of citizens and who have a constitutional right to be heard.

Congress defends freedom by being a prudent provider; by carefully sifting and refining legislative proposals; by compromising and homogenizing raw forces in conflict; by humbling generals and admirals—and, on occasion, even Presidents.

Freedom is neither an old nor a new frontier. It is, for as far ahead as man can see, an eternal frontier. If not constantly cleared and defended it reverts to jungle where wild beasts play out their morbid and sullen dramas. As one of the great institutional forces in the life of modern man dedicated to the perpetuation of freedom, Congress deserves our support and our reverence.

But if Congress exists to defend the idea of freedom, it also exists to defend a range of specific interests, institutions, and individuals in our society. And here there is an obligation to sort out whether the defense of the three remaining terms is always compatible with the defense of the first one. Is the cause of human freedom, looked at in the large, helped or hindered by a preoccupation with the defense of the specific interests, institutions, and individuals which the national legislature is presently designed to serve?

Social science writings on Congress of the past generation are generally agreed on the following propositions:

- that Congress over-represents rural populations as contrasted with big city and suburban populations;¹
- that Congressional leadership comes, by and large, from one-party areas in the south and middle west;²
- that producer interests are more effectively represented in the Congress than consumer interests, and some producer interests more effectively than others;³

¹ "Suburban Areas Most Underrepresented in the House," *Congressional Quarterly Weekly Report*, February 2, 1962, pp. 153-69. Gordon E. Baker, *Rural Versus Urban Political Power: The Nature and Consequences of Unbalanced Representation* (New York: Doubleday & Company, Inc., 1955). For a statistical analysis of urban and rural congressional districts, see study by Senator Paul H. Douglas (D., Ill.) in 102 *Congressional Record* 5535-74.

² In the 87th Congress Southerners chaired 10 of the 16 Senate standing committees; in the House, they held 11 of the 21 chairs. Five of the seven joint committees were chaired by Southerners. See *Congressional Directory*; *Congressional Quarterly*; and Nicholas A. Masters, "Committee Assignments in the House of Representatives," *The American Political Science Review*, June 1961, pp. 345-57.

³ See the last chapter of Wilfred E. Binkley, *President and Congress* (New York: Alfred A.

- that Congress often supports the particular interests of parts of the bureaucracy in opposition to the more general designs of the President;⁴
- that the internal workings of the Senate and the House are designed to give special power to and to serve the interests of legislative leaders who are not representative of the nation as a whole or even, on some occasions except under duress, of the Congress itself;⁵
- that on many issues of national importance, the alliance between sections of the two parties in the Congress is more powerful than the alliance represented within the majority party itself.⁶

These propositions can generally be empirically verified, although conceptual fuzziness haunts some of the propositions themselves. It is doubtful that social scientists would long debate the validity of most of these generalizations. The fact is that Congress presently defends a set of interests, institutions, and individuals which are frequently alien to the national interest as viewed by the President. When the President calls his policies in defense of a different amalgam of interests, institutions, and individuals the "New Frontier," it may not be out of place to call the congressional amalgam the "Old Frontier." But in so doing, it is important to be aware that the terms "new" and "old" in this context are invidious, and that there is nothing in social science as social science which gives license to invidiousness. The fact that two branches of our government—both of them representative—do not see eye-to-eye on everything is initially, at least, a matter for analysis, not for

Knopf, Inc., 1947). *The New York Times*, March 16, 1962, pp. 1, 16. "President Submits Message on Consumer Interests," *Congressional Quarterly Weekly Report*, March 16, 1962, p. 435.

⁴ J. Leiper Freeman, *The Political Process: Executive Bureau-Congressional Committee Relations* (New York: Doubleday & Company, Inc., 1955).

⁵ For an early discussion of this, see Woodrow Wilson's chapter, "The Executive," in his book *Congressional Government; A Study in American Politics*, 2nd ed. (Boston: Houghton Mifflin Company, 1885). Neil MacNeil, "The House Confronts Mr. Kennedy," *Fortune*, January 1962, pp. 70-73ff. George Goodwin, Jr., "The Seniority System in Congress," *The American Political Science Review*, June 1959, pp. 412-36. Emanuel Celler, "The Seniority Rule in Congress," *Western Political Quarterly*, March 1961, pp. 160-67. James A. Robinson, "The Role of the Rules Committee in the U.S. House of Representatives," *The Midwest Journal of Political Science*, February 1961, pp. 59-69. American Political Science Association, Committee on Political Parties, *Toward A More Responsible Two-Party System* (New York: Holt, Rinehart & Winston, Inc., 1950). Stephen K. Bailey and Howard D. Samuel, *Congress at Work* (New York: Holt, Rinehart & Winston, Inc., 1952). James MacGregor Burns, *Congress on Trial* (New York: Harper & Row, Publishers, 1949).

⁶ See William S. White, "Rugged Days for the Majority Leader," *The New York Times Magazine*, July 13, 1949, p. 14ff. "Conservative Coalition Appeared on 28 Per Cent of Roll Calls," *Congressional Quarterly Weekly Report*, November 3, 1961, pp. 1796-1802. "Extent of North-South Democratic Split Analyzed," *Congressional Quarterly Weekly Report*, November 3, 1961, pp. 1806-10.

alarm or scorn. Furthermore, it is perfectly arguable that the bias of congressional organization and procedure toward certain interests, institutions, and individuals is in fact in the long-range public interest. This may be true either because, in the spirit of the Constitution, the Presidency over-represents other interests, institutions, and individuals, and Congress therefore merely redresses an imbalance; or because it is in the majority's long-run interest to give short-run advantage to the peculiar minority clientele which finds its representative strength in a procedurally ponderous legislative branch.

The present orientation and organization of Congress has been stoutly defended on both these grounds. The moral philosophy behind this defense has been stated or implied in many or all of the following propositions:

- that the maintenance of freedom depends, not upon simple majority rule, but upon the rule of what Calhoun called a *concurrent* majority which can exist only if the intensity of feeling of powerful minorities is given uncommon weight in the determination of public policy;⁷
- that the 90 million American citizens who are rurally oriented would be swamped by an urban and suburban majority if Congress were re-organized to be more faithfully representative of majority interests, and that such a swamping would not be in the public interest;⁸
- that rural dwellers have more character and intelligence than urban dwellers, and character and intelligence need to be over-represented in a free society;⁹
- that the serving of producer interests is automatically in the interest of consumers;¹⁰

⁷ Peter Drucker, "A Key to American Politics: Calhoun's Pluralism," *Review of Politics*, October 1948, pp. 412-26. John C. Calhoun, *A Disquisition on Government*, ed. by C. Gordon Post (New York: Liberal Arts Press, 1953). John Fischer, "Unwritten Rules of American Politics," *Harper's Magazine*, November 1948, pp. 27-36.

⁸ Andrew Hacker, "Voice of Ninety Million Americans," *The New York Times Magazine*, March 4, 1962, p. 11ff.

⁹ Although the following statement was made over a century ago, the attitude expressed is still widespread among certain rural citizens. "In the hands of moderate and moral farmers liberty was not likely to be lost The Senate . . . should be representative of the landed interests and its security against the caprice of the motley assemblage of paupers, emigrants, journeymen, manufacturers, and those indefinable classes of inhabitants which a state and a city like ours is calculated to invite Universal suffrage . . . puts it into the power of the poor and profligate to control the affluent." Statement by delegate to the Constitutional Convention of 1821, as quoted from Nassau Democratic County Committee (Willis Ave., Mineola, New York: 1962). Mimeograph.

¹⁰ Since the late nineteenth century, the *laissez-faire* ethic has identified the public welfare with the capacity of entrepreneurs to press for the furtherance of their goals. The Smithian argument runs that through the advancement of personal values and desires the nation as a whole prospers. Defenders of this idea have argued that to avoid retarding

- that party neatness would separate America into warring factions of liberals and conservatives and that this nation would, in Acton's phrase, then be no longer sufficiently at one so that it could safely afford to bicker;¹¹
- that the electoral college gives such predominant strength in the Presidency to urban minorities in evenly-balanced industrial states that only a Congress which over-represents rural population can save the nation from the parochial importunities of religious, racial, national, and economic minorities in our metropolitan centers—especially in the fields of social welfare and foreign affairs;¹²
- that the experience and power represented in existing congressional leadership is a balance wheel to flighty and ephemeral forces which occasionally find their spokesmen in the Presidency and in junior legislators;¹³
- that the procedural cumbersomeness of the Congress, as represented in such phenomena as the House Rules Committee or the filibuster in the Senate, is a great safeguard against hasty and passionate action which even the advocates of haste might live to regret.¹⁴

industrial growth only minimal government regulation is justified. See, as an almost classic statement of this position, Ray Lyman Wilbur and Arthur Mastick Hyde, *The Hoover Policies* (New York: Charles Scribner's Sons, 1937), p. 297.

¹¹ Harold Laski argued that the basic beliefs of the English Labor and Conservative Parties were at direct odds with one another; he predicted civil war would result if the Labor Party came to power. Harold J. Laski, *Parliamentary Government in England* (New York: The Viking Press, Inc., 1938). See Ernest S. Griffith, *Congress, Its Contemporary Role*, 3rd ed. (New York: New York University Press, 1961). Ralph K. Huitt, "Democratic Party Leadership in the Senate," *The American Political Science Review*, June 1961, pp. 333-44. Julius Turner, "Responsible Parties: A Dissent from the Floor," *The American Political Science Review*, March 1951, pp. 143-52. Morton Grodzins, "American Political Parties and the American System," *The Western Political Quarterly*, December 1960, pp. 974-98.

¹² For a discussion of the Lodge-Gosset amendment, see "Should Congress Adopt the Pending Plan for Direct Election of the President?" *Congressional Digest*, August 1949. Samuel Krislov, "The Electoral College," *Parliamentary Affairs*, Autumn 1958, pp. 466-74. Lucius Wilmerding, Jr., *The Electoral College* (Newark, New Jersey: Rutgers University Press, 1958). "New Interest Shown in Reform of Electoral System," *Congressional Quarterly Weekly Report*, February 17, 1961, pp. 179-88. David O. Dewey, "Madison's Views on Electoral Reform," *The Western Political Quarterly*, March 1962, pp. 140-45. Anthony Lewis, "The Case Against Electoral Reform," *The Reporter*, December 8, 1960, pp. 31-33. Joseph E. Kallenbach, "Our Electoral College Gerrymander," *Midwest Journal of Political Science*, May 1960, pp. 162-91.

¹³ Griffith, *Congress, Its Contemporary Role*, *op. cit.*

¹⁴ Franklin L. Burdette, *Filibustering in the Senate* (Princeton: Princeton University Press, 1940), p. 9. James A. Robinson, "Decision Making in the House Rules Committee," *Administrative Science Quarterly*, June 1948, pp. 73-86. See *The New York Times*, December 1960-January 1961 on the reorganization fight of the House Rules Committee.

This line of reasoning does not question the proposition that Congress is indeed the "old frontier"; it accepts this reality and concludes, "Thank God!"

On the other side, there are those who view with alarm that what Congress presently represents establishes a critical tension with a more inclusive public interest to the mortal danger of the latter. The propositions of the alarmists can be summarized as follows:

- that in the kind of world we live in, speed is often the handmaiden of prudence; and congressional practice is not friendly to speed;¹⁵
- that the lack of responsiveness of Congress to the needs of the majority of our people who live in non-rural areas is having the effect of multiplying a series of pathologies in America's great metropolitan centers which can have serious and even disastrous consequences in such fields as housing, education, transportation, and welfare;¹⁶
- that international problems of diplomacy, trade, and aid are incapable of being solved intelligently by a Congress dominated by parochial and short-term constituent interests;¹⁷
- that political coalitions cutting across partisan divisions lead to a lack of accountability which both frustrates and enervates a democratic citizenry and makes a mockery of the franchise;¹⁸
- that the veto power of the southern delegation in the Congress delays

¹⁵ See Stephen K. Bailey, *The Condition of Our National Political Parties* (New York: The Fund for the Republic, 1959). William Y. Elliott, *The Need for Constitutional Reform* (New York: McGraw-Hill Book Company, Inc., 1935). Thomas K. Finletter, *Can Representative Government Do The Job?* (New York: Reynal & Company, Inc., 1945).

¹⁶ Douglas, *Congressional Record*, *op. cit.* George B. Galloway, *Congressional Reorganization Revisited* (College Park, Maryland: University of Maryland Press, 1956). Senator Joseph S. Clark (D., Pa.) has been an eloquent defender of urban areas: see "To Come to the Aid of Their Cities," *The New York Times Magazine*, April 30, 1961, p. 11; 106 *Congressional Record* 14901; "A Voice for the Cities," *The Nation*, March 7, 1959, pp. 199-200.

¹⁷ Charles O. Lerche, Jr., "Southern Congressmen and the 'New Isolationism,'" *Political Science Quarterly*, September 1960, pp. 321-37. Malcolm E. Jewell, "Evaluating the Decline of Southern Internationalism Through Senatorial Roll Call Votes," *The Journal of Politics*, November 1959, pp. 624-46. Oscar William Perlmutter, "Acheson v. Congress," *The Review of Politics*, January 1960, pp. 5-44. Robert A. Dahl, *Congress and Foreign Policy* (New York: Harcourt, Brace & World, Inc., 1950). Ernest S. Griffith, "The Place of Congress in Foreign Relations," *The Annals*, September 1953, pp. 11-21. David N. Farnsworth, "A Comparison of the Senate and its Foreign Relations Committee on Selected Roll-Call Votes," *The Western Political Quarterly*, March 1961, pp. 168-75.

¹⁸ "Trade Battle Features Unique Lobby Alliance," *Congressional Quarterly Weekly Report*, March 9, 1962, pp. 403-08. Joseph S. Clark, "The Hesitant Senate," *The Atlantic*, March 1962, pp. 55-60. E. E. Schattschneider, *Party Government* (New York: Holt, Rinehart & Winston, Inc., 1942). American Political Science Association, *Toward A More Responsible Two-Party System*, *op. cit.*

- the resolution of racial conflicts, and seriously harms our international image in our struggle with the Communist world;¹⁹
- that the advantage which Congress presently allows to particular producer interests in our society militates against the interests of the consumer, of labor, and of less powerful producers;²⁰
 - that the three-way alliances between parts of Congress, parts of the bureaucracy, and special private interests is a constant log-rolling threat to Presidential proposals designed with long-range and majoritarian interests in mind;²¹
 - and, finally, that the bickering and conflict between President and Congress fractures our capacity to develop unified and consistent policies at home and abroad at a time when the United States is in mortal danger.²²

With these fears in mind, alarmists have recommended everything from major constitutional reforms of a parliamentary character to modest changes in congressional procedures and party organization.²³

But what if one finds himself neither among the sanguine nor the alarmists, but among the fretful? And what if one finds himself more organically-minded than structurally-minded—less enamored of grandiose gimmicks, and more receptive to marginal adjustments? What if one believes that great institutional arrangements change safely and intelligently by increments rather than by revolutions? What if one finds sufficient merit in the arguments both of the defenders and the attackers of Congress in its present form to wish to construct a position which is in effect a synthesis? How, in short, is it possible to enjoy the benefits of a strong and pluralistic legislature without suffer-

¹⁹ "Latest Efforts to Change U. S. Senate's Cloture Rule 22," *The Congressional Digest*, December 1958. See *The New York Times*, April-May 1962 for reports on cloture on debate over literacy qualifications in Federal elections.

²⁰ Binkley, *President and Congress*, *op. cit.*

²¹ William T. R. Fox, "Representativeness and Efficiency: Dual Problem of Civil-Military Relations," *Political Science Quarterly*, September 1961, pp. 354-66. Freeman, *The Political Process*, *op. cit.*

²² Holbert Carroll, *The House of Representatives and Foreign Affairs* (Pittsburgh: University of Pittsburgh Press, 1958). Cecil Craff, *Bipartisan Foreign Policy: Myth or Reality?* (White Plains, New York: Harper & Row, Publishers, 1957). Hubert H. Humphrey, "The Senate in Foreign Policy," *Foreign Affairs*, July 1959, pp. 525-36. Thorsten V. Kalijarvi and Chester E. Merrow, eds., "Congress and Foreign Relations," *The Annals*, September 1953. Finletter, *op. cit.*, Elliot, *op. cit.*

²³ Henry Jones Ford, *The Rise and Growth of American Politics* (New York: The Macmillan Company, 1898). William MacDonald, *A New Constitution for a New America* (New York: B. W. Huebsch, Inc., 1921). Ivan W. Parkins, "Let's Disassemble the House: A Proposal for Reform of Congress," *South Atlantic Quarterly*, Spring 1960, pp. 226-38. Bailey, *op. cit.*, Burns, *op. cit.*

ing inordinately from its disadvantages? How can there be established, not a new frontier or an old frontier, but a common frontier in the face of a wilderness of dangers?

In the first place, it is fair to say that on many vital matters a common frontier has already been established. In vast areas of defense, foreign, economic, and scientific policy Congress in recent years has either deferred to the President, or has worked in close and patriotic understanding with him. This sharing of power—sometimes to the point almost of abdication—has been an inevitable result of the times in which we live. This deserves a brief elaboration.

THE COMMON FRONTIER OF CONGRESS AND THE PRESIDENT

The present era, in public affairs terms, has been marked by two qualities, first, the unending character of crisis; and second, the development of appallingly complex aspects of diplomacy, national defense, economic stability, and scientific technology.

On the matter of crisis, it is a natural tendency of all nature to seek shelter in time of storm. For society, the great psychological shelter is the political leader, the father image, the personified protector. This century has been and is a century of wars and the threat of wars, of economic eruptions and social disruptions. How many human beings have echoed the plaintive and pitiful words of Lord Tennyson?

*But what am I
An infant crying in the night,
An infant crying for the light,
And with no language but a cry?*²⁴

In the repetitive convulsions of this era, is it any wonder that Americans submit to what Clinton Rossiter has called "Constitutional Dictatorship"²⁵—that they have sought comfort in the solemn singularity and emergency discretion of the Presidency? Is it any wonder that the Congress itself has sought such comfort? It was a Republican, not a Democratic congressman, who, when the Emergency Banking Act of 1933 was submitted to vote in the Congress without so much as a legislative hearing or even a printed bill, said:

²⁴ Alfred Tennyson, "In Memoriam A. H. H.," *Poems of Tennyson* (New York: Oxford University Press, 1916), p. 348.

²⁵ *Constitutional Dictatorship; Crisis Government in Modern Democracies* (Princeton: Princeton University Press, 1948).

*Of course it is entirely out of the ordinary to pass legislation in this House that, as far as I know, is not even in print at the time it is offered. The House is burning down and the President of the United States says this is the way to put out the fire. . . . I am going to give the President of the United States his way today. He is the man responsible and we must follow his lead.*²⁶

But urgencies in economic affairs have been more than matched by the urgencies of our diplomacy and defense. The difficulty for Congress has been that the success of our diplomacy and the posture of our defense are not easily subject to meaningful control by traditional legislative action and surveillance. For all of Woodrow Wilson's genius, his plea for "open covenants openly arrived at" was surely one of the most irresponsible maxims ever coined by a public leader. Diplomacy, if it is to be successful, necessarily involves secrecy and unity of direction. The heart of diplomacy is in the informal probing sessions which precede public pronouncements and ratifications. Constitutionally, diplomacy is properly the job of the Executive, not of a debating society. Senator Fulbright once commented on an attempt by some of his colleagues to draft a congressional resolution on the Berlin crisis:

*To force the President [he wisely wrote], into a negotiating straitjacket or to overwhelm him—and the world—with uncoordinated and perhaps conflicting advice would cause nothing but trouble. The Foreign Relations Committee is available to advise the President, but his is the primary responsibility.*²⁷

And just as diplomacy necessarily involves secrecy and unity of direction, so national defense necessitates complex and often secret preparations and swift response. Legislatures are far too cumbersome to manage the national defense in an operational sense. It is the President who is Commander-in-Chief, and his decisions must at times be split-second. If the DEW-line radar spots an intercontinental ballistic missile, the question of how or whether America should retaliate is hardly a matter for extended congressional debate.

In a sense, Congress does have the job of making broad determinations of defense policy. It authorizes expenditures and makes the laws, including appropriations. But it would be unrealistic to suggest that Congress could do these things unaided by the Executive branch.

I remember once talking to the late Senator Brian McMahon—then the

²⁶ 77 *Congressional Record* 76.

²⁷ Fulbright, as quoted in *The New York Times*, March 1, 1959, p. 4.

most knowledgeable man in Congress in the field of atomic energy—about the military budget. “How on earth,” he complained, “are we in the Congress supposed to apply intelligent control to matters we can’t understand? The whole military picture is too gigantic and too technical for congressional minds to comprehend; and often the basic questions hinge upon information which is withheld because it is ‘top secret.’ If one or two of us are let in, the rest of the Congress votes on blind faith. What kind of democracy is this?” he concluded.

But the perplexity of Congress ranges far beyond questions of diplomacy and defense. Almost every aspect of America’s economic life has become complex beyond belief—as have questions of health, space, resource conservation, and other policy children of a burgeoning science and technology. A few years ago T. Swann Harding noted that it was

*. . . up to congressional committees and then to the Congress as a whole to grasp and decide upon the justice of appropriations for such projects as: the use of endocrines to increase egg production; the role of Johne’s disease; coccidiosis and worm parasites in cattle production; the production of riboflavin from milk by-products; spot treatment with soil fumigants for the control of root knot nematode on melons; the use of mass releases of *Macrocentrus ancyliivorus* to control oriental fruit moth injury; and the conversion of lactose into methyl acrylate to be polymerized with butadiene for the production of synthetic rubber.*²⁸

And this, of course, was before the days of astronautics. It seems obvious and inevitable that the experts, the scientists, the economists, the agency specialists—the fellows who spend their lifetimes on these matters—have to work in sympathetic cooperation with lay politicians in dealing with such issues if this nation is to survive and prosper.

There are of course some people who believe that Congress has deferred to the executive too abjectly. Amaury de Riencourt, James Burnham, and others have viewed the common frontier between President and Congress as a simple manifestation of the rise of Caesarian government.²⁹ Their fear seems to be that if, as is likely, the psychological tensions continue, with continuing crises, the American people will become so restive of the bickerings and seeming delays of Congress that they will cling to the President

²⁸ T. Swann Harding, “The Marriage of Science to Government,” *American Journal of Pharmacy*, October 1944, reprinted in U. S. Congress, *Symposium on Congress by Members of Congress and Others*, Joint Committee Print, 79th Congress, 1st Session (Washington: USGPO, 1945), p. 94.

²⁹ Amaury de Riencourt, *The Coming Caesars* (New York: Coward-McCann, Inc., 1957). James Burnham, *Congress and the American Tradition* (Chicago: Henry Regnery Co., 1959).

alone. This puts Congress in a dilemma: if it cooperates with the President, it fosters Caesarian government; if it squabbles with the President, it dangerously delays or distorts the policy-making process. With this logic, no matter what Congress does, it undermines freedom.

But logic is an uncertain guide to truth. It seems both inevitable and desirable that the Congress should defer and cooperate as it has on many issues of national security, technology, and economic growth and stability. There could have been an intolerable constitutional crisis if Carl Vinson had insisted upon mandating the President and the Secretary of Defense to keep producing B-70's.³⁰ Similarly, great danger could be done to the American economy if the Congress should see fit not to grant presidential requests, on occasion, to raise the debt limit.

In short, where the dangers to the common frontier are obvious and reasonably immediate, our government has acted with considerable unity and dispatch. Certainly in the face of the most appalling and critical issue of our time—national survival—Congress has not hesitated to appropriate funds requested by the Chief Executive for the military establishment. In fact, it can be argued that the congressional tendency is to go beyond Executive requests in this area—to embarrass the President with appropriations more lavish than he can intelligently spend or than he believes to be prudent. The congressional desire to cooperate on military appropriations has now reached a point where self-generating pressures of a constituent character may in fact be the enemy of flexible and efficient planning by the Pentagon. And the congressional scramble for defense procurement has implications as well for the flexibility of American diplomacy. This deserves careful scrutiny. The issue is not that our level of defense spending is presently too great or that it will or should materially decrease in the foreseeable future. But it would surely be one of the grimmest ironies of history if this nation should become so dependent upon the economic pep pill of defense spending that it found that it could not function without it. George Kennan has wisely pointed out that perfect military posture may be the enemy of perfect diplomatic posture.³¹ It may not be easy to lessen international tensions over the years when it is a heightening of tension that keeps military hardware flowing and congressional constituents prosperous.

In any case, the issue is not that Congress has failed to respond to overt

³⁰ "Showdown Averted on RS-70 Funds," *Congressional Quarterly Weekly Report*, March 23, 1962, pp. 469-70. Roland Evans, Jr., "The Sixth Sense of Carl Vinson," *The Reporter*, April 12, 1962, pp. 25-30. *The New York Times*, March 9, 1962, pp. 14-15; March 22, 1962, p. 1.

³¹ This essentially is the position taken in George F. Kennan, *Russia, the Atom and the West* (New York: Harper & Row, Publishers, 1958), pp. 50-65.

needs in such fields as national defense, but that existing congressional organization, procedures, and patterns of representation have tended to foster an unwarranted division between national security policy on the one hand and policies designed to strengthen national freedom, prosperity, and welfare on the other. Many congressional leaders seem unwilling to understand or—if they understand—to admit that domestic questions such as racial inequality, unemployment, slums, inadequate education, and a shocking waste of natural resources, are intimately and inexorably related to the fact and quality of our national survival. Furthermore, in areas of practical diplomacy represented by such words as “trade” and “aid,” many legislators seem incapable of sensing the relationship between economic programs on the one hand and the on-going diplomatic and military policies of the United States on the other.

Surely these points do not need extensive elaboration. Little Rock and Montgomery make hot copy for *Pravda* and for the worldwide propaganda machine of international communism. Unemployment at home raises serious questions in the minds of allies, neutrals, and enemies as to the seriousness of America’s collective effort and the humaneness of her economic system. The failure to provide adequately stimulating and sufficiently rigorous educational opportunities for America’s young people casts a shadow upon the nation’s future capacity to withstand the competition of an implacable enemy—an enemy which has put enormous store and resources in education.

In the fields of trade and aid, Congress has been less unresponsive than inconstant. The building of strong alliances with Western Europe, Japan, and the British Commonwealth of Nations, and the bringing of light and hope to the darkness of the underdeveloped world, inevitably involve a series of adjustments and sacrifices on the domestic front. These adjustments and sacrifices are necessary by whatever standards of long-range self-interest the United States wishes to set. But too frequently Congress tends to act and react in relationship to these issues as though they were somehow peripheral rather than central to America’s long-range national security and survival.

It is, in short, the seeming incapacity of Congress as presently organized to see our national security as a *total* effort which raises immediate and distressing questions. It gains the nation little to have the most impressive military system on earth if its economic and social life corrodes at home and its diplomatic and commercial activities flap aimlessly abroad. Unless the attack on poverty, discrimination, economic insecurity, and ignorance—at home and abroad—are seen as integral aspects of national security policy, this country will either not survive at all or will survive without meaning.

How can the Congress be brought to this realization? Drastic Constitu-

tional change is neither possible nor desirable. Presidential leadership can do much; more could be done if the President would devote even more of his unusual talents to the selection and support of congressional candidates with a broad view of the world. All citizens could help by contributing more generously and more purposefully to congressional campaigns. Part of the unfair advantage of certain producer groups in the Congress is due to their financial power in determining the level of support and often the outcome of legislative campaigns.³²

THE AGENDA OF CONGRESSIONAL INTROSPECTION

But a great deal can and should be done by Congress itself. Is it not time that Congress once again examined the equity of its representation, the wholeness of its perspective, and the efficiency of its deliberations? Rules and procedures suitable for the 1920's are not adequate for the 1960's.

If Congress should institute such a study it would undoubtedly find the sympathetic support of concerned citizens throughout the nation. Congress cannot ignore the constituent problems which it is designed to reflect—nor should it. But after the needs of individuals, institutions, and interests from several parts of America have been made vocal, the national legislature has an obligation to create public policies designed to upgrade the national life and to protect the national security viewed in the large and as a whole. This at present it is not well organized to do.

If a new self-study should be undertaken by Congress, it might well be addressed particularly to three important matters:

First, through what device or devices can the House of Representatives be brought into line with the spirit of Article I Section II, and Amendment 14 Section 3 of the Constitution? The former provision mandates representation in the lower House by population; the latter guarantees equal protection of the laws to all citizens. Congressional Districts, excluding statewide districts, now vary in population from under 200 thousand to over a million. If a person lives in a district with a million population, his vote has one-fifth the value of his neighbor's who lives in the smaller district. Fair and equitable districting will not work miracles, but it should at least increase the constitu-

³² Alexander Heard, *The Costs of Democracy* (Chapel Hill, North Carolina: University of North Carolina Press, 1960). "Federal Campaign Financing Studied by Commission," *Congressional Quarterly Weekly Report*, February 23, 1962, pp. 299-301. For excerpts from report of President's Commission on Campaign Costs, see *The New York Times*, April 19, 1962, pp. 1, 20, 21. In 1961 Senator Maurine B. Neuberger (D., Ore.) introduced S. 1555 which provides for federal funds in primary and general campaigns of Congressional and Presidential candidates.

tionality of the House of Representatives and increase the weight of urban and suburban interests in congressional deliberations. On March 26, 1962, the Supreme Court of the United States in an historic decision broke a constitutional and political log jam by deciding in the case of *Baker v Carr*³³ that Federal District Courts had the right to determine whether city voters are unconstitutionally discriminated against in the apportionment of legislative seats.

Probably no Supreme Court decision since *Brown v Topeka* is more fraught with consequence for our political system. More equitable representation within state legislatures as between rural and urban interests may in turn be reflected in the future drawing of congressional district lines. Actually, there is no reason why the Supreme Court's judgment should not be applied at once to inequities among congressional districts themselves.

In any case, this is an item high on the agenda of congressional reform. It would be healthy and refreshing to see Congress itself take the leadership in bringing itself within the spirit of Article I and Amendment 14 of the Constitution.

The second major issue on the agenda of congressional introspection should be a re-examination of existing rules and procedures. Most of these have excellent reasons for being, and undoubtedly should be kept much as they are. But there may well be reason for modifying some rules and procedures in the interest of greater dispatch, and in the interest of majority desires within the Congress itself. This item suggests an agenda all its own.

First, the reasonableness of some of the unanimous consent rules which enable one Representative or Senator to throw a monkey wrench into congressional procedures.

Second, the reasonableness of the rules presently governing unlimited debate in the Senate. This is not to advocate easy devices for assuring immediate cloture on the Senate floor, but surely rules can be devised which would provide for thought-provoking delay, yet not hamstringing the ultimate power of the majority to act.

Third, the reasonableness of the seniority system as it presently operates. Certainly, procedural devices can be explored which give due weight to experience but which do not accentuate the risks associated both with senility and political monopoly. It is anomalous that, at this critical point in our history, Otto Passman sits as an effective tollgate keeper on all foreign aid bills going through the United States Congress. Mr. Passman comes from the northeast corner of Louisiana—a part of the United States which is uncom-

³³ *Baker v Carr* (1962), 82 S. Ct. 691. For a summary of the Court's decision, see *The New York Times*, March 27, 1962, pp. 1, 18-21.

monly removed from the stream of responsible discourse about America's vital interests in a complex world. It is unfortunate and dangerous that accidents of longevity and geography, rather than demonstrated ability and breadth of view, should determine the quality and nature of congressional leadership.

Fourth, the reasonableness of the committee and subcommittee system itself. No one doubts that a division of labor is needed if Congress is to bring careful and expert lay opinion to bear upon complex issues of public policy. But has this not been carried too far in such areas as appropriations subcommittees? And do not the jurisdictions of the existing committees need redefinition? And may there not be need for strengthened party policy committees which can attempt to relate in a meaningful way the operations and deliberations of separate standing committees to general party and Presidential programs?

Fifth, the reasonableness of existing congressional staffing practices. Are qualifications for committee staffs sufficiently high—especially in such vital areas as scientific and military policy? Are committee staffs distributed equitably between the majority and the minority party? In what areas would it be in the public interest to have the minority party hold the larger number of staff assistants—the Committees on Government Operations, for example?

Sixth, the reasonableness of present congressional practices which impinge directly upon the internal procedures and operations of executive agencies. Some impingements are mandated by the Constitution—Senate approval of key Presidential appointments, for example. But a dangerous tendency has grown up in recent years. Committees and subcommittees and their respective chairmen have issued informal edicts or have prepared legislation the effect of which has been to cut substantially into the administrative discretion of executive managers. These informal edicts and legal interferences should be aired and tested by standards other than those of legislative whim.

Seventh, the reasonableness of hanging on to congressional prerogatives which effectively limit the capacity of the President to take sound actions involving long-range planning, and quick actions involving immediate executive discretion! Reference can be made here, of course, to such examples as the strictures set by the annual appropriations process which limit long-range planning and commitments in the international field, and the cumbersome of tax legislation as an anti-cyclical device. Surely it is possible to find ways of maintaining checks upon presidential discretion without denying the discretion itself.

The third main area of congressional introspection should deal with problems of campaign finance and with problems of conflict of interest. Under

what duress do Congressmen and Senators feel themselves to be as a result of their dependence upon the generosity of particular individuals or interests in their communities? It is probable that the duress is less than popularly imagined; but this is in part because man is more of a rationalizing than a rational animal. "Good old Joe, who sent a thousand-dollar check for my last campaign, would never put the pressure on me for anything." But good old Joe has established access and a will on the part of the legislator to believe, which makes the hard sell unnecessary. Congress needs to look forthrightly at the problem of uneven advantage in a society based upon ethical presuppositions of human equality. It needs to examine even more rigorously the question of personal economic interests of individual legislators, and how the effect of these personal interests can be minimized in the formulation of public policy. To what extent, for example, should the personal economic interests of Congressmen and Senators be officially recorded and publicized?

This agenda is neither exhaustive nor revolutionary, but if seriously pursued it could lead to reforms in the operations of Congress which would permit that impressive institution to serve the citizens of the United States with far greater effectiveness and responsiveness than it does at present.

This generation has a strange mission. In Albert Camus' poetic language, men must forge for themselves "an art of living through times of catastrophe, in order to be reborn, and then to fight openly against the death-instinct which is at work in our time."³⁴ This is a mission far beyond the realm of politics and representative democracy alone; it is a mission for poets and philosophers, for the prophetic voice of religion and art, for a value-oriented science. But granted representative government by itself is not the good society; it is the condition within which the good society can grow. And in this century, the success of American representative institutions is of universal consequence. To brag about the success of our democracy to date is an irrelevant and dangerous exercise. Good as they have been, our representative institutions are not good enough. Emerson once wrote, "Great men, great nations, have not been boasters or buffoons, but perceivers of the terror of life, and have manned themselves to face it."³⁵

Terror we know. If Americans are to man themselves to face it, priority must be given to the rebuilding and strengthening of the national legislature—America's basic institution of freedom. This strengthening must come from within and without. Too much is at stake not to take this task seriously.

Is it not time once again to have a massive reappraisal of congressional

³⁴ Quoted in an interview with Jean Bloch-Michel, "Camus: The Lie and the Quarter Truth," *The Observer* (London), November 17, 1957, p. 16.

³⁵ Ralph W. Emerson, *Emerson's Works*, Vol. II (London: G. Bell and Sons, 1924), p. 188.

organization and politics—similar to, but going beyond the LaFollette-Monroney Committee of 1945-46? The issue is not that Congress is the old frontier, but that Congress must free itself from those obsolescent myths and practices which keep it from performing effectively the great tasks which history now rests on its shoulders: to relate the particular to the general, to resolve conflict with the majority's interest especially in mind; to keep the bureaucracy and the executive accountable, and, by protecting minority rights, to keep all of us free.

Suggestions for Further Reading

- Bailey, Stephen, *Congress Makes a Law: The Story Behind the Employment Act of 1946* (New York: Columbia University Press, 1950).
- and Howard Samuel, *Congress At Work* (New York: Holt, Rinehart & Winston, Inc., 1952).
- Burns, James MacGregor, *Congress on Trial* (New York: Harper & Row, Publishers, 1949).
- Carroll, Holbert N., *The House of Representatives and Foreign Affairs* (Pittsburgh: University of Pittsburgh Press, 1958).
- Dahl, Robert A., *Congress and Foreign Policy* (New York: Harcourt, Brace & World, Inc., 1950).
- Farnsworth, David N., *The Senate Committee on Foreign Relations* (Urbana, Ill.: University of Illinois Press, 1961).
- Galloway, George B., *History of the House of Representatives* (New York: Crowell, 1961).
- Griffith, Ernest S., *Congress, Its Contemporary Role*, 3rd ed. (New York: New York University Press, 1961).
- Wilson, Woodrow, *Congressional Government: A Study in American Politics*, 2nd ed. (Boston, 1885).
- Young, Roland, *The American Congress* (New York: Harper & Row, Publishers, 1958).

[From the Christian Science Monitor, Mar. 6, 1963]

CONGRESS CREAKS ALONG

(By Roscoe Drummond, written especially for the Christian Science Monitor)

WASHINGTON.—A few days ago there was a headline in the Washington Post which read: "Senate Hopes To Get To Work This Week."

This headline discloses one of the reasons why the Congress of the United States is losing initiative, power, and prestige—an unarrested erosion which began with the depression days and the powerful personality of Franklin D. Roosevelt and hasn't stopped since.

The 88th Congress, elected last fall, convened on January 9. At this writing it is March 6 and the Senate has hardly turned a wheel because it has been enarbed by its inability to get organized.

When the wheels of Congress fail to turn in the opening weeks of the session, they spin and throw off rapid and ill-considered action in the closing weeks of the session. Congress either does nothing for weeks in confusion or does far too much in a few days of confusion—and does it with the back of its wrist.

You may remember—and this is part of the intolerable conditions I'm talking about—that last October the expiring 87th Congress jammed through five appropriation bills totaling \$15,851,000,000 in its last four, frenzied days before adjournment. It had been in session 173 days and put through one-sixth of the Government's \$92 billion budget with such unseemingly speed that few realized what was happening.

The simple fact is that Congress is not organized to transact the public business carefully, responsibly, and efficiently.

Fortunately some influential Congressmen in both the Senate and the House are beginning to realize that unless Congress modernizes its creaking legislative machinery it is going to abdicate more of its powers to the President by default and will suffer the same future which the French Parliament suffered last fall when the French voters rendered a very grim but necessary verdict. The verdict was that until the French National Assembly reformed itself and its ways, they preferred to be ruled by President de Gaulle.

This means that the most important bill which will come before this session of Congress will not be tax reduction nor medicare nor aid to education. The most important bill will be the bill which will have as its purpose congressional reform and congressional reorganization to enable Congress to bring its machinery abreast the second half of the 20th century—before it is too late.

Democratic Senators Joseph S. Clark, of Pennsylvania, Hubert H. Humphrey, of Minnesota, Republican Senators Clifford P. Case, of New Jersey, and John Sherman Cooper, of Kentucky, and others are initiating a measure which would set up a Hoover-type commission to study and recommend how Congress should reorganize itself the way the Hoover Commission, also created by Congress, studied and proposed reorganization of the executive branch of the Government.

In the House, Republican Representative Thomas B. Curtis, of Missouri, and Democratic Representative Chet Holifield, of California, both senior Congressmen of large influence, are seeking to induce one or several of the large foundations to undertake a detached and objective examination into what most needs to be done to rescue Congress from outdated practices.

The workload of Congress mounts in complexity, but it has done nothing in years so that it can deal with first things first and use its time where it is most needed. Today it must deal with atomic power, military missiles, outer space, satellite communication, and the most exacting issues of the cold war. It is not organized to do so.

The workload of Congress mounts in volume. In the 2 years of the 80th Congress, which passed the Legislative Reorganization Act taking modest, halting steps toward modernizing congressional practices, a total of 7,163 bills came before the Senate.

In the 87th Congress (1961-62) 20,000 bills were introduced, requiring 4,000 committee reports on legislation and investigation, consuming more than 3,000 hours of floor debate, and filling 65,000 pages in the Congressional Record.

At this rate the workload of the 94th Congress (1977-78) will be approximately 60,000 bills which the House and Senate will have to consider.

Since Congress last did anything about its creaking machinery, the Federal budget has mounted from \$35 billion to \$99 billion, and still Congress does not at any time examine in total the Federal budget it annually approves.

The verdict of the late Senator Kenneth Wherry, then Republican Senate floor leader, was: "The machinery of Congress is so appallingly inadequate for modern times that free, representative government is endangered."

That was more than 10 years ago. The danger is greater today. Fortunately, there is gathering congressional support for real congressional reorganization and it can't afford to be long delayed.

[From the New York Herald Tribune, June 9, 1963]

CONGRESSIONAL REFORM

(By Roscoe Drummond)

WASHINGTON.—A veteran of the House of Representatives from one of the largest States who is retiring undefeated remarked in private conversation the other day: "In all my 15 years in Congress I have never been able to devote more than one-tenth of my time to doing what I was primarily elected to do—help shape the laws of the land."

The able and respected chairman of one of the Senate's many investigating committees raised his arms in despair the other evening and exclaimed: "The executive branch has become so big that we (the Congress) have simply lost control. We can't review it adequately; we can't check it adequately; we just don't know what it is doing."

And this: Congress never gives one look at the massive and mounting Federal budget as a whole. It looks at it piecemeal, but never in toto. It appropriates piecemeal without ever putting the parts together to know what it is doing. Then it abandons responsibility for continuous, overall review—despite the fact that its own rules call for such review.

What do these facts (and others like them) really mean? They mean that the congressional minutiae so gobble up the time of individual Congressmen they can't do their primary work, that even the best congressional investigating committees are no longer able to oversee how the executive branch is carrying out the congressional will, that as the Federal budget grows like a combination of Topsy and Jack-in-the-beanstalk, Congress is steadily losing control, even losing sight, of what is going on.

The need for congressional reorganization to modernize its creaking, "Model-T" machinery is no longer seriously questioned. The need is to enable the Congress to lay hold of the means and procedures to transact the public business efficiently and responsibly and to recapture its eroded authority.

Fortunately the prospects for such reorganization are looking up. One step is the bipartisan resolution introduced by Republican Senator Clifford Case, of New Jersey, and Democratic Senator Joseph Clark, of Pennsylvania, to create a Commission on Congressional Reorganization to study and propose needed reforms.

Public hearings will be held shortly by a Senate Rules Subcommittee under the chairmanship of Senator Carl Hayden, Democrat, of Arizona, with the aid of an especially appointed staff counsel, former Representative Hugh Alexander, of North Carolina.

Reflecting the almost unanimous endorsement of those in private life who know most about Congress, the volume of correspondence which Senator Case has had from political scientists is particularly revealing.

Senator Case has received 195 letters from specialists in government. Of these, 160 strongly approve the move for Congressional reform, none is opposed, 35 are noncommittal. Eighty-two percent of the letters consider the proposed study very timely and necessary, hope it will succeed. Some of the specific comments and suggestions are these:

1. The Commission should focus on this central question, How can Congress remain an independent, productive, efficient and creative branch of Government?
2. Many contend that Congress is not measuring up to its potential and to public expectations.
3. The statement that "congressional reform is long overdue" repeatedly occurs in the letters.

"Congress is in for rough sledding in the coming months and years," one of the political scientists writes. "Unless Congress moves to reform itself, that criticism will grow. Now is the time to begin study of reform so as to bring Congress up to date before even more power passes to the executive branch and before the image of Congress drops further in the minds of our people."

Wouldn't it be well if Congress paused in trying to reform everybody else and took a clear look at its own shortcomings—and did something about them?

[From the New York Times, Apr. 7, 1963]

CONGRESS SCORED ON ARCHAIC RULES—SENATOR CASE'S POLL SHOWS SUPPORT FOR REVISIONS

(By Cabell Phillips)

WASHINGTON.—If Congress is to restore its prestige and effectiveness it had better give prompt attention to its archaic methods of doing business, a cross section of the Nation's political scientists believes.

This nearly unanimous opinion emerges from a nationwide poll of more than 200 teachers and practitioners of political science. The poll was recently completed by Senator Clifford Case, Republican, of New Jersey, who requested comment on a bill he had introduced calling for a special commission to study and make recommendations on congressional reorganization.

One important consensus from the comments is that Congress, as an institution, is losing status in the public mind as an effective arm of Government in comparison with the executive and the judiciary.

While both the Presidency and the courts have geared their thinking and their operations in consonance with the needs of modern times, many believe, Congress, as one respondent put it, gives the impression of "limping along in the harness of the horse and buggy age."

This rather prevalent viewpoint was expressed as follows by Prof. Edgar W. Waugh of Eastern Michigan University:

"Measured by the individual capacities of its Members (this) Congress compares very favorably with any of its predecessors, but when measured by its collective capacity to get things done, it looks much worse. Each House has become, so to speak, a prisoner to procedures which are patently out of step with the swift tempo of the nuclear space age. This needs to be corrected, and swiftly."

Professor Waugh added that it had become essential "to bring the executive and legislative branches into a closer and more cooperative relationship without damage to the balance on which our Government is founded, and without impairing the values provided by a loyal opposition."

The Case bill, one of several introduced this year for congressional reform, centers on a Study Commission composed of both Members of Congress and experts from other fields of public life. The bill defines 12 problem areas on which the Commission would concentrate.

These problem areas cover such subjects as the scheduling of congressional business, staffing and procedure of committees, rules of floor procedure, conflicts of interest of the Members, travel and other spending allowances, financing of congressional election campaigns and "the strengthening of the congressional power of the purse."

The bill has been referred to the Rules Committee but no hearings have been scheduled.

The last substantial reform of congressional procedures occurred under the Legislative Reorganization Act of 1946. Its principal achievement was a drastic reduction in the number of standing committees, and provisions for professional staffing of some of those committees. However, rules that contribute most to the cumbersomeness of congressional procedures, the right of committees to bottle up unwanted legislation, the seniority rule in the choice of chairmen, unlimited debate in the Senate, have not been altered in a century.

Virtually all the political scientists replying to Senator Case's inquiry applauded his idea for a broadly based study of reforms. Their viewpoints about what is wrong with Congress and what needs to be done about it fell into several broad categories.

A large group felt that Congress will continue to lose stature in the public eye until it modernizes its procedures. Addressing himself to this point, Prof. John W. Baker, chairman of the department of political science at the College of Wooster, Wooster, Ohio, wrote:

"I consider Congress to be the vital center of our representative democracy, and yet I find it very difficult to convince students of this fact. They have seen too many cartoons of Senator Snort and his ilk. Congress has been the butt of too many derogatory jokes. They have heard too much pool reporting of congressional activities. They have also read too much responsible reporting which has pointed out the weaknesses of Congress as it is functioning at present."

EXHIBIT 7

ADDITIONAL COMMUNICATIONS RECEIVED BY SENATOR CLIFFORD P. CASE

(The following letters have been submitted by Senator Clifford P. Case as representative of more than 200 replies he has received from political scientists and others in response to his request for comments on his proposal to establish a Commission on Congressional Reform:)

UNIVERSITY OF PENNSYLVANIA,
WHARTON SCHOOL OF FINANCE AND COMMERCE,
Philadelphia, February 25, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *

I need hardly point out to you that I wholeheartedly concur both in your general aim and in your specific suggestions that are implied in your statement. There is a crying need to study the present organization of Congress and the function of the legislature both—for there is no question in my mind that unless Congress does reorganize, unless it does take a true objective look at itself and its procedures—it will decline even further, not only in the eyes of its academic critics, but also in those of its constituents. Moreover, unless it does what you suggest, the steady decline in its meaningful role in policymaking will inevitably continue. It is with some sadness and reluctance that I state the obvious: More and more, and largely because of the various issues you have raised so well, Congress is turning inevitably into little more than a no-saying body that carps and negates and complains and investigates.

Sincerely yours,

HENRY J. ABRAHAM,
*Professor of Political Science,
Chairman, Graduate Group.*

BROOKLYN COLLEGE OF THE
CITY UNIVERSITY OF NEW YORK,
Brooklyn N.Y., February 21, 1963.

HON. CLIFFORD P. CASE,
*Senate Office Building,
Washington, D.C.*

DEAR SENATOR: * * * I applaud your initiative and hope that your venture will succeed.

* * * * *

I have long since lost my ability to distinguish purely domestic issues from those with international repercussions. May I therefore stress the importance of your proposal for our efforts to influence the new countries to follow our patterns. If we have reached a point where the appropriation process more or less regularly is not completed until months after the beginning of the fiscal year, can we urge other countries to view our processes as models?

* * * * *

Yours sincerely,

CHARLES S. ASCHER, *Chairman.*

SYRACUSE UNIVERSITY,
MAXWELL GRADUATE SCHOOL OF CITIZENSHIP AND PUBLIC AFFAIRS,

Syracuse, N. Y., February 11, 1963.

Senator CLIFFORD P. CASE,
Senate Office Building, Washington, D.C.

DEAR SENATOR CASE: I want you to know how delighted I am with the bill which you have introduced to create a Commission on Congressional Reorganization.

I am particularly glad that you are including individuals from private life on the Commission. There are some distinguished private citizens—including some former Members of Congress—who might well bring to bear a degree of objectivity and dispassion which should make the difference between the recommendations of the Commission being in the interests of the entire citizenry, or not. I am impressed by the list of topics which you have included for Commission consideration. They are most certainly the crucial issues.

* * * * *

May I extend to you my sincerest congratulations for taking the leadership in this most important matter.

Sincerely,

STEPHAN K. BAILEY, *Dean.*

RUTGERS UNIVERSITY, COLLEGE OF ARTS AND SCIENCES,
New Brunswick, N. J., February 20, 1963.

Hon. CLIFFORD P. CASE,
Senate Office Building, Washington, D.C.

DEAR SENATOR CASE: * * *

At the outset, let me say that I heartily endorse the proposal, particularly the idea of appointing specially qualified individuals from private life. Much has happened since the Legislative Reorganization Act of 1946. The world has changed, the volume of work performed by Congress has expanded enormously, and the pressure upon House and Senate Members has become more burdensome. It is necessary to conduct an audit of congressional operations in order to determine how Congress can function more effectively. Indeed, I would go further and suggest that there be a review after each Federal census.

The scope of the study as indicated by the 12 specific problem areas is excellent. If I may, I should like to comment on items (2), (5), and (11) which are of especial interest to me. I would agree with you that the seniority principle is a means of avoiding difficulties in personal relations. At the same time, however, it does give Congressmen from the "safe" districts an opportunity to progress to key committee chairmanships. In many instances, as you know, those chairmen are not representative of the country as a whole yet they exercise great power. While I would not want to do away with the principle of seniority for the reasons that you mentioned, I would like to see the adoption of a rule that would limit the term of a committee chairman to no more than 6 years. This, it seems to me, would result in a gradual reshuffling of chairmanships so that these key men would be more nearly representative of the temper of the country.

* * * * *

Finally, item (11) is one of the most neglected areas, particularly in this day and age of huge governmental expenditures. If we are to believe Wilmerding in his study, "The Spending Power," Congress does not have adequate control over the purse. There was, as you no doubt recall, a provision for a legislative budget in the act of 1946. In my judgment it was never given a fair trial.

I am pleased to learn of your efforts to make Congress more effective.

* * * * *

Very sincerely yours,

BENJAMIN BAKER,
Professor of Political Science.

THE COLLEGE OF WOOSTER,
DEPARTMENT OF POLITICAL SCIENCE,
Wooster, Ohio, February 20, 1963.

HON. CLIFFORD P. CASE,
U.S. Senator,
Senate Office Building, Washington, D.C.

DEAR SENATOR CASE: * * * Am enthusiastically sympathetic—if these two words can be used properly together—with your proposal.

Your proposal that a Commission on Congressional Reorganization include six "individuals in private life who are specifically qualified by training and experience to contribute to the solution of problems of public administration or the functioning of legislative bodies" is of particular merit. The perspective of this group should be of considerable value. The enumeration of specific problem areas for examination is vital. If these areas are spelled out in the bill, the Commission would have an obligation to go into the really sensitive areas without any stigma of meddling being put on it.

I consider Congress to be the vital center of our representative democracy. And yet I find it very difficult to convince students of this fact. They have seen too many cartoons of Senator Snort and his ilk. Congress has been the butt of too many derogatory jokes. They have read too much poor reporting of congressional activities. They have also read much responsible reporting which has pointed out the weaknesses of Congress as it is functioning at present. Among other things, I tell my students that one of the problems of the legislative branch is that most of its business is carried on in the open. They are not able to hide their mistakes and their poor organization as is the executive branch. I hope they do not want to. If Congress is to work in a fish bowl and if constituents in ever-increasing numbers are going to demand more and more of their Congressmen, it seems to me imperative that some serious study of congressional organization be undertaken as soon as possible. By so doing Congress could do a more effective job and make a more efficient use of the limited time and energies of its members. At the same time the stature of Congress will grow in the minds of the people.

* * * * *

Sincerely yours,

JOHN W. BAKER, *Chairman.*

YALE UNIVERSITY,
New Haven, Conn., March 16, 1963.

Senator CLIFFORD P. CASE,
Senate Office Building, Washington, D.C.

DEAR SENATOR CASE: * * *. The arguments in academic circles frequently take this course: (1) procedures facilitating more party responsibility and majority control are desirable and would improve the operation of Congress, but (2) it is impossible to get such proposals adopted, and (3) in any case, our fragmented pluralistic governmental structure allows some access to almost any organized group, thus providing a sort of substitute for majority rule, and finally (4) somehow or other the Nation has limped along without basic reform for years. At about this point, the professor is nodding sagely and comfortably.

In my opinion this argument is in error, especially on points (3) and (4). The present system requires for the positive effectuation of any large policy measure the agreement of far more than a majority. It thus greatly strengthens the hands of those who oppose Government action, because their access to only one key decisionmaking point in the House, Senate, Presidency or administration enables them to effectively veto a proposal. Those who favor positive action, on the other hand, must, if they are to succeed, put together a massive coalition of interests encompassing nearly all the decision points. Such a system, for all its pluralistic access, is in no real sense an equivalent for majority rule.

To evaluate the fourth argument, one must specify his criteria. Are we to take comfort that we have not had a revolution in a century, that Congress has not been disbanded, that the President has not become a dictator? I prefer to measure the performance of Congress against the immense social problems yet to be solved, on the one hand, and the resources the Nation has to meet these problems on the other. Inserted between these factors we have a set of institutional arrangements which have so far been largely ineffective in finding and implementing solutions. As the pace of social change accelerates, these inadequacies become increasingly severe.

I wish you the best of luck with your proposals and look forward to the day when they will not have to depend on luck.

Sincerely,

JAMES D. BARBER,
Assistant Professor, Political Science.

SOUTHEAST MISSOURI STATE COLLEGE,
Cape Girardeau, Mo., April 6, 1963.

Senator CLIFFORD CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: * * *

I am in complete sympathy with your proposals and I agree that most of them are long overdue. As a student of American politics I cannot share your belief that "the public is losing confidence in the ability of the Congress to meet the problems of the 20th century." There are many liberals like myself who have been dissatisfied with the double-standard of morality exercised by Congress toward the other branches, not to mention the internal procedures in Congress, but I think that there is nothing like a nationwide indignation concerning these and like matters. And assuming that there was any widescale dissatisfaction, you know better than I how reluctant Congress is to initiate any changes.

Perhaps any value I might have for you would be for me to suggest how any changes could be made and then to speculate on which changes have the greatest chance of success. First, I think that your suggestion that Congress should not be solely responsible for its internal procedures has some interesting implications. As a matter of fact, I doubt that anything will be done concerning congressional procedures until a commission is formed and a great deal of publicity is obtained. The Eisenhower Commission on Goals for Americans and the recent Clay Report are good examples of how publicity might be obtained. If something like this can get off the ground, the mass media might prove to be a valuable asset. The matter of getting it off the ground is, of course, the problem and one which must begin in your province. So one cannot be very optimistic about this matter.

But there is hope. I think that your concern over possible conflicts of interest of members of Congress might provide the opening wedge. Congressmen should be most vulnerable on this point and this might be the place to begin. It certainly offers greater possibilities than changes of rule 22 or the House Rules Committee. I think that the entire problem can only be tackled once an opening wedge—followed by tremendous publicity—is made. Perhaps you, Senator Clark, Senator Douglas, Senator Gore and others who agree with many of your proposals should start some sort of a campaign on one of the points. As I stated earlier, it is my personal opinion that conflict of interest might be the area where Congressmen are most vulnerable, the public is most receptive, and an area which the public could best understand. If you were to train all of your guns on one area, you might be able to gain leverage in order to make changes in other areas, such as rules and procedures which I think is even more important.

* * * * *

Most sincerely,

WILLIAM C. BAUM,
Chairman, Department of Social Science.

* * * * *

THE PENNSYLVANIA STATE UNIVERSITY,
University Park, Pa., February 18, 1963.

Senator CLIFFORD P. CASE,
Senate Office Building, Washington, D.C.

DEAR SENATOR CASE: * * *

I hope you give strong emphasis to the 10th and 11th points in your press release (legislative oversight of the administration of laws and the strengthening of the congressional power of the purse). From my work as an executive secretary to a State (Kansas) legislative committee on practices of administrative agencies, I have been impressed with the inadequate control all legislative bodies have over administrative behavior and how frequently legislators are presented with a coup d'etat by administrative agencies.

If Congress can speed its operation and reduce the emphasis on sectionalism that comes to the fore with unrestrained use of seniority, some of the power now residing in the administrative agencies will gravitate back to Congress. Administrative action is so often justified on the grounds it is faster, and speed is necessary in the modern world. But such a position ignores the fact that complexity just as often requires more deliberation if errors are to be minimized.

For what it is worth, I think one of the major disappointments about Congress held unconsciously by many people is not what Congress does but its apparent unpredictability. So much action that is taken appears to the public to be a result of chance that they are never sure whether it is worth while to raise an objection or voice approval. At the same time, many others feel that legislation depends upon employment of expensive and skilled expeditors.

A person familiar with legislative procedure knows there is some truth in both observations, but there is also a great deal of mistruth. Any reorganization, therefore, which made it easier to see where decisions are made and what facts were brought to bear on a problem would aid materially in restoring some of lost public confidence.

Again, as both a citizen and political scientist, I hope that Congress will see fit to implement your proposal for a study.

Sincerely yours,

KENNETH E. BEASLEY,
Associate Professor
of Political Science and Public Administration.

4TH FIGHTER INTERCEPTOR SQUADRON, PACAF,
San Francisco, Calif., February 25, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *

* * * * *
Such a Commission as you propose would undoubtedly study the specific problem areas thoroughly and make many recommendations to better the responsiveness and functioning of the legislative process. Several such studies are on record, but none of them has been functional because their well-meaning recommendations have been largely ignored by the Congress. Therefore, the problem as I see it is not so much determining what to do, but how to implement known needed reforms.

Suggestions for change in the responsiveness and responsibility in the Congress have in the past seemed to fall into two classes. The first class, which has had strong academic support, looks toward changes in the organic law and/or constitutional amendment, making the parties responsible for their program, based on the British model. Although attractive, the chances for such basic changes are so remote that I believe we should forget them. We do not have a parliamentary system, and if we did, it would not fit the character of the U.S. representative system of direct responsibility of representative to constituent. The second class suggestions were based on more leverage for a minority group within the legislative party. The group defeats itself by the mere fact it is a minority.

It is confusing, to say the least, to witness a popular President with a commanding majority in the Congress unable to enact the party's program. The reason most often advanced is the existence of great schisms in the political philosophies within the Democratic Party. Yet Republican majorities in the Congress have also been unable to suppress their parochial viewpoints to the interest of responsible legislative action. The Congress' inability to effectively meet the complex problems of our modern society has resulted in forfeiting many of its constitutional responsibilities to the Executive. Not only this, but also the lack of legislative oversight of the Executive is evident.

In my opinion, neither law nor amendment will restore the personal integrity and responsiveness needed in the members of Congress. A Senate cloture rule on debate would help, but its overall effect would be negligible. It is, I believe, up to the congressional party leaders first to set an example of responsibility for the "back benchers," and second, to develop and emphasize persuasion—the only real power available to party leaders. These methods take "big" men, but the world conditions demand "big" men if we are to make our experiment in democracy work. Development of an effective legislature by custom and usage is, however, a very slow process, and in a dynamic world we may not have such

luxury of time. Personally, I believe the decline of legislative bodies will continue, for the nature of their constituencies plus the domineering pressure groups prevent action for the common good. "New" and "guided" democracies have sprung into existence in several countries to avoid the development process—an ineptness of representative democracy.

In closing, I admire your efforts to restore in the Congress its constitutional responsibilities, but I anticipate limited success. I shall watch with interest the progress of your proposal through the Congress. You may face the paradox of having your bill stalled by the very congressional inertia you are attempting to change.

Sincerely yours,

ERNEST E. BIGGS,
Lieutenant Colonel, U.S. Air Force, Commander.

UNIVERSITY OF DELAWARE,
DEPARTMENT OF POLITICAL SCIENCE,
Newark, Del., March 21, 1963.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

SIR: * * *

Your bill creating a Commission on Congressional Reorganization, modeled on the Hoover Commission, appears to a young political scientist a piece of legislation that is timely, appropriate, and urgent. The proposed composition of the new body (the bringing together of Members of Congress and private experts) should further enhance the stature of the commission in the eyes of the American people. Specific delimitation of tasks might render the job of coordination a little more difficult at first, with all the subcommittees and small task forces that would probably have to be set up in order to pursue the 12 objectives you have outlined. In the end, however, a capable commission chairman would pull the various threads together into a single persuasive pattern of recommendations. Meanwhile, I think that a specifically instructed commission would obtain a better coverage in the serious press and a better reception from the more thoughtful public than one entrusted with a *carte blanche* to help Congress reform itself.

* * * Ideally the debate in the Senate ought to be ended by the same method by which that Chamber conducts most of its business: a simple majority of members present and voting. If most of the important substantive decisions (e.g., on appropriations or space policies) are made by simple majority I see no rhyme or reason why a decision on procedure should have such a strongly qualified majority. Furthermore, as long as there exists a viable two or (according to Professor Burns), four party system in the United States, I am convinced that the majority of the day will not unduly restrict the expression of the minority, if only for fear that the present minority might in 2 years become the majority and retaliate in kind. But the additional safeguard proposed by you (15 days' debate prior to invoking the majority cloture) would make the amendment of rule 22 much more palatable and, I hope, politically feasible.

The political scientists' objection to the rule of seniority is, of course, that it rewards the senior Member from a "safe" seat as well as—if not better than—the superior Member from a closely contested district or State. Strengthening the powers of the committee members, as suggested by you, would seem to be an indirect but realistic attack on the very strong position of committee chairmen selected by seniority.

All in all, I found your proposals very well considered, appropriate, and timely; excellent material for class discussion in American government * * *

Respectfully yours,

YAROSLAV BILINSKY, *Assistant Professor.*

HUNTER COLLEGE OF THE CITY OF NEW YORK,
New York, N.Y., February 12, 1963.

DEAR SENATOR CASE: * * *

While I wholeheartedly endorse your cause and the ends you seek, I am disappointed that your bill creates a commission modeled on the Hoover Commission. That body appeared to me to be about a decade behind the times in its administrative philosophy.

It seems to me that the major focus of any new study of congressional activities should be the actual behavior of Members of our National Legislature and the causes (both personal and institutional) of that behavior. In other words, the study group should reflect the new emphasis of the social sciences and should concern itself with such matters as the relationship between the formal and informal organization of Congress, the group function of Congress, leadership and subordination in Congress, the concept of "role" in congressional functions, communication, interaction, and decisionmaking in Congress.

* * * * *

Sincerely,

B. D. BLANK,
Associate Professor, Political Science.

EARLHAM COLLEGE,
Richmond, Ind., March 11, 1963.

Senator CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: I just want to send this brief note of congratulations to you on the fight you are making for congressional reform. I very much hope that your efforts will ultimately bear success.

Sincerely yours,

LANDRUM R. BOLLING.

MICHIGAN STATE UNIVERSITY,
East Lansing, February 15, 1963.

Hon. CLIFFORD P. CASE,
U.S. Senator, Senate Office Building, Washington, D.C.

MY DEAR SENATOR: * * *

* * * you touch on most of the important problems, and I find myself in substantial agreement with you. * * *

1. I doubt whether the seniority system is as nefarious as it is alleged to be. I also think that there are some possible alternatives to it that could be considered. However, for the reasons that you mention, the system is not soon likely to be abandoned.

2. On the question of unlimited debate, the evils are more apparent than real. Few pieces of important legislation have failed as a result of it. One way to curtail it would be to adopt a Senate rule requiring Members to speak on the subject under discussion and to limit the ability of speakers to repeat themselves.

3. The procedures of Congress need to be streamlined. It is high time that the House, and to a lesser extent, the Senate, adopted more efficient voting techniques. In this respect (and in others, such as adopting rigid deadlines for the introduction of bills, night sessions, etc.) the Congress of the United States could learn some lessons from some of the more efficient State legislatures, which have made rigorous attempts to improve their procedures.

4. The consideration of the standards of conduct expected from individual Congressmen raises difficult questions, partly at least because we have so far failed to satisfactorily develop a theory of representation for the American legislator that can apply to both the lower and upper House. Certainly it would seem that some rules for judging the extent of external influences must be developed.

5. Recent studies on the role of the Congress in the formulation of foreign policy have revealed some important difficulties, and I should think this to be an area needing careful consideration.

* * * * *

As a political scientist I welcome these efforts and I very much hope that the Commission on Congressional Reorganization will be established. * * *

* * * * *

Yours sincerely,

DAVID A. BOOTH,
Assistant Professor of Political Science.

THE UNIVERSITY OF CONNECTICUT,
Storrs, Conn., February 19, 1963.

Senator CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * * Your list of problem areas covers well my pet concerns, which tend to concentrate on the problems of the representativeness of committee leadership, the problems of Member compensation and financial obligation and interest, and the problems of getting a vote when some significant segment of a House or perhaps the administration is ready for a vote.

In thinking about the improvement of the Congress it would be my hope that necessary concern for details and possible formal changes would take place in an atmosphere emphasizing the goals of maintaining appropriate forums for the great debates of the times and of operating the consent-giving and consent-withholding systems with only moderate delays. This simple-minded approach is, of course, laughable to those experienced with legislation, but it seems to me to reflect the basic mass concerns with Congress: That someone there may say in committee or on the floor what almost everyone thinks needs saying and that the organs be able to reach conclusions.

* * * * *

Sincerely yours,

KARL A. BOSWORTH,
Professor, Department of Political Science.

THE UNIVERSITY OF CONNECTICUT,
Storrs, Conn., June 11, 1963.

Senator CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: * * *.

It seems to me that Congress needs to act promptly in taking steps such as the adoption of your bill in order to convince the public that Congress is concerned about its reputation and about the national need for Congress to maintain public confidence in the basic governmental processes. The issue is critical and in urgent need of prompt action.

Sincerely yours,

KARL A. BOSWORTH,
Professor, Department of Political Science.

THE UNIVERSITY OF NEBRASKA,
Lincoln Nebr., March 1, 1963.

HON. CLIFFORD P. CASE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: * * *.

It has, of course, been some years since the last measurable efforts were concluded for some congressional reorganization with special reference to the standing committees. The current and prospective problems of the place of the Congress in the Government of the United States are of such magnitude and should be of such nationwide concern that a commission such as the Hoover Commission would be most appropriate. The specific problem areas you outline are among the most significant and I would urge that legislation of this kind be promptly adopted.

Sincerely yours,

A. C. BRECKENRIDGE,
Professor of Political Science.

WAYLAND BAPTIST COLLEGE,
DIVISION OF SOCIAL SCIENCE,
Plainview, Tex., March 6, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: As a teacher of political science courses I find that my students show an alarming lack of confidence in the ability of our Congress to carry out its constitutional functions. During the 20th century we have seen a great expansion of judicial and executive powers, and a corresponding growth of prestige for those two branches. However, the importance of Congress has declined in the eyes of the American people.

I am happy to know that you are concerned enough about this situation to insist that the time has come for a thorough study of congressional organization and procedures. You will find that most political professors are very much in agreement with your ideas on this subject. Keep up the good work.

Sincerely yours,

LYLE C. BROWN,
Assistant Professor of History and Political Science.

CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR: * * *

I am heartily in agreement with the need for improving the organization and operations of the Congress, which you, a number of your broad-gaged colleagues, and specialized political scientists, and even thoughtful citizens who read the papers carefully, recognize.

The 12 problem areas you list are fine, and while there may be other points, the solution of these 12 would be of tremendous benefit.

* * * * *

Yours truly,

EUGENE C. BROWNSON.

THE UNIVERSITY OF TEXAS,
Austin, February 19, 1963.

Senator CLIFFORD P. CASE,
Senate Office Building, Washington, D.C.

DEAR SENATOR CASE: * * *. I know of no subject more important to our form of Government than a study of the ways and means of making legislative bodies more effective in ultimately controlling the varied, complex, and technical aspects of modern governmental operations. The difficulty in doing this is increased by the essentially lay character of legislative membership in the United States.

Sincerely yours,

J. A. BURDINE,
Dean, Professor of Government.

WILLIAMS COLLEGE,
DEPARTMENT OF POLITICAL SCIENCE,
Williamstown, Mass., February 12, 1963.

Senator CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *

As you might suspect from the point of view I expressed in my recent book, "The Deadlock of Democracy" (a copy of which I trust reached you), I wholeheartedly support your stand. I am especially impressed by your view that a reorganization commission should include people outside of Congress. I have been convinced ever since I did my first work on Congress, summarized in my book, "Congress on Trial" (1949), that Congress cannot reform and strengthen itself without outside aid. I hope very much that your proposal is successful and would be happy to cooperate in any way that I might be useful. Congratulations again on your forthright stand on this matter.

Sincerely yours,

JAMES M. BURNS.

THE AMERICAN UNIVERSITY,
SCHOOL OF GOVERNMENT AND PUBLIC ADMINISTRATION,
Washington, D.C., April 9, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *

There are many problem areas which are still unsolved since 1945 of which you and your staff are well aware. My objective here is to make but three points with the hope that they may undergird your general approach:

A. The Congress, being a political body, responds to "organization" in a political manner. Hence, an administrative system for the Congress must be responsive to the political dynamics of that body.

B. Reorganization in any organization shocks such an organization, the degree of shock being related to the sharpness and magnitude of the reorganizational innovations. The 1945 effort, while desirable, was too bold and covered too many facets. Hence, concentrate on a few changes which are politically feasible.

C. An increase in the pay of the Congress was linked to the 1945 effort. This feature weakened the validity of the effort. The pay of the Congress should be separate from any reorganization effort. Of these three suggestions, I deem this one to be the most important.

Sincerely yours,

GEORGE P. BUSH, *Emeritus Professor.*

THE AMERICAN UNIVERSITY,
SCHOOL OF GOVERNMENT AND PUBLIC ADMINISTRATION,
Washington, D.C., June 21, 1963.

HON. CLIFFORD P. CASE,
*U.S. Senate, Committee on Aeronautical and Space Sciences, Senate Office Building,
Washington, D.C.*

DEAR SENATOR CASE: * * *

The reorganization of Congress can be expected to be a recurrent matter. Each decade brings new problems and also a compression of time. It is this latter factor which I would like to stress. Communication has become both rapid and voluminous. Congress is a deliberative body, but its deliberations are dependent upon accurate, timely, and interpretable information. It is in this area that the whole functioning of the Congress needs attention on the part of the proposed Commission on Congressional Reorganization.

Sincerely yours,

GEORGE P. BUSH, *Emeritus Professor.*

LONG BEACH, CALIF., *March 5, 1963.*

HON. CLIFFORD P. CASE,
Washington, D.C.

DEAR SENATOR CASE: * * *. I feel that it is only by being progressive and creatively constructive, as you are seeking to do, that we can move ahead in this area, and I can't help but feel that your desire to do a good job, among other things, is going to stir up a hornet's nest of controversy. The 12 suggested areas, though they relate to procedure, hit close to the heart of many politicians. The reformer in your proposed areas is not going to be welcomed by those with the vested interests, nor trusted by his fellow reformers.

* * * * *

Very truly yours,

TED BUSHMAN.

UNIVERSITY OF NEVADA,
DEPARTMENT OF HISTORY AND POLITICAL SCIENCE,
Reno, Nev., February 25, 1963.

HON. CLIFFORD P. CASE,
Senate Office Building, Washington, D.C.

DEAR SENATOR CASE: * * *

My study of Congress has led me to the following conclusions on these four matters:

1. I think that the rules on conflicts of interest should apply to Congressmen as they do to all other Federal officials. Although I am aware, for example, that requiring a public official to divest himself of stock in a company which does business with his part of the Government is not precisely realistic since it could not change his fundamental outlook, I support the spirit of such a requirement. Perhaps the Commission will uncover realistic ways to protect the public interest; in any case, the rules should be made applicable to Congress.

2. I believe that Members of the House should have 4-year terms; I would maintain the difference in term between House and Senate, but I think the 2-year term is too short for responsible service.

3. Campaign financing is a particularly troublesome problem and is becoming more so. Although I am aware that a careful program of public education would be required to make the idea acceptable, I believe that campaigns should be financed by the Government, or the amount spent be truly limited by law. Both the British and the French procedures are worthy of study. In addition, I think the Commission should propose limiting the length of time permitted for campaigning.

4. Registration (real registration) of lobbyists would seem to me to solve the problem; I would not be worried about the amounts spent as long as all lobbyists were clearly labeled and the expenditures for their respective causes fully publicized.

Finally, I wish your Commission would study the independent regulatory commissions. Perhaps such a study would fit under No. 10 of your problem areas. As you, of course, know, the many examinations of these commissions have been unproductive of change or improvement. I fully appreciate the problems that Congress has in regulating the private sectors of the economy for the benefit of all, but present arrangements are not entirely satisfactory. My thought is that greater accountability to Congress must be secured; I deplore proliferation of committees, but can only suggest that a "Commission on Commissions" to which all the regulatory bodies report might tighten the too loose structure.

Sincerely yours,

ELEANORE BUSHNELL,
Professor, Political Science.

2627 PITTSFIELD BOULEVARD,
Ann Arbor, Mich., February 25, 1963.

Senator CLIFFORD P. CASE,
*Senate Office Building,
Washington, D.C.*

DEAR SENATOR CASE: * * *

I share your belief that much can be done to improve the means through which Congress performs its duties and, certainly, one way to get the ball rolling would be to establish an agency modeled after the Hoover Commission whose recommendations would dramatize to the mass media, and thence to the people, the need for specific reforms.

So much has been said already about the interminable length of congressional sessions, the weaknesses in the Federal lobbying act, and congressional junkets that I could add little fuel to the fire in a letter of this kind. I would, however, like to say something about the scope of study you have apportioned to this Commission in your bill. It seems to me that legislation like this, justifiable though it may be, will never see the light of floor debate unless it receives the approval of a solid consensus in the Congress. In order for this to come about it is necessary to win the support of those Members of the House and Senate who man the basic positions of power in each chamber. I do not think it advisable, therefore, for such a bill to recommend that the Commission concern itself with the Rules Committee structure in the House or the cloture rule in the Senate. As you know, these issues are loaded with political implications, sectional alle-

giances, and torrid value conflicts. No nonpartisan independent agency can solve such problems. They must be solved in a political milieu.

It is also my view that nothing can be gained from talking about the terms of office for Congressmen. In order to save time and trouble the Commission should be prepared to accept whatever rules and procedures are imposed upon the Congress by the Constitution. In short, no tasks should be attempted which might derail such a Commission from doing the job that needs to be done—strengthening the image of the Congress as an efficient and dispassionate legislative organ consistent with political realities imposed upon it from without.

Sincerely,

IRA H. CARMEN.

UNIVERSITY OF MINNESOTA,
COLLEGE OF SCIENCE, LITERATURE, AND THE ARTS,
Minneapolis, March 4, 1963.

Senator CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: I am delighted to have the opportunity to endorse your efforts to improve the procedures of Congress. As a student and teacher of American government, I am very much concerned by what I conceive to be public disenchantment with Congress. * * * For what it is worth, I'd like to respectfully pass on to you a few paragraphs I have put together for the forthcoming text. * * *

"E. THE CURRENT DISENCHANTMENT WITH LEGISLATURES

"One of the current phenomena of democratic governments everywhere is the disenchantment with legislatures. Despite professed and deeply held convictions that democratic ideals are best, democrats everywhere have become impatient with their legislatures. In part, the impatience has been a consequence of the failure of legislatures to perform well in our troubled complex times. The initiative in lawmaking has passed from the legislative to the executive branch of Government. As the legislatures have had to give ground in this area which had traditionally been their special bailiwick, they have, figuratively, stumbled about in an effort to retain an important place in the governmental scheme of things.

"This heavier reliance on executive leadership was, of course, inevitable as government grew more complex. But this does not mean that the legislature no longer has an important role to play. It means only that it must play a different role. The legislature can and should retain for itself the power of determining the broad general direction of public policy; it can and should study and act on the most important issues. At the same time, in behalf of the people, it can and should maintain a sharp eye on the way the executive branch performs its tasks. Of course, legislatures now do these things to some extent; some better than others. But, at the same time, by fits and starts, they at times attempt to reassert themselves by becoming involved in all the details of legislation, important and otherwise. When they do, they look bad because they are not equipped to perform this task efficiently. In short, legislatures have been slow to recognize that changing times require a new approach along the lines suggested. The public, too, has been confused as to what they should and do expect of the legislatures as have some chief executives. Further evidence of legislative frustration in the United States has been the increasing interest by legislators in investigations. Properly conceived, legislative investigations should be employed judiciously and sparingly. But, for the confused and frustrated legislator, an investigation is a definable task he can really sink his teeth into. Consequently, we have had the spectacle of legislative investigations which attempt to perform the functions of courts and administrative agencies. Whatever else may be said of congressional investigations into communism, many of them have been attempts to do the work of the Federal Bureau of Investigation, a task for which congressional investigations are poorly designed. When committee investigators frenetically trek all over Europe seeking out subversives in Government agencies, they are not performing a legislative function nor is it likely that they will do the job well. * * *

* * * * *

"The disenchantment with legislatures is not healthy. Disenchantment with the legislatures is only the first step to disenchantment with other democratic institutions, ideas, and ideals. The remedy lies in the ultimate realization by

legislatures, executives, and the public that the function of legislatures has changed. Legislatures must, if they are to win back the respect they must have in democratic societies, become great deliberative assemblies which debate wisely and well the major issues of the society and which oversee the operation of the executive branch maturely and wisely. * * *

In short, I feel that something must be done by Congress to recast its role. As to the specifics, I believe a Commission along the lines suggested by you could fashion a set of recommendations that would help immeasurably.

Yours very truly,

HAROLD W. CHASE, *Professor*

PRINCETON UNIVERSITY,
DEPARTMENT OF POLITICS,
Princeton, N.J., March 26, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * * I heartily approve the idea. My own particular field of interest is public opinion, and its relation to government. I am especially interested in the extent to which public opinion influences government, and how, in the forming of public policy, I note that public opinion is not mentioned in the list of 12 problem areas you mention, and yet I wonder if the public image of Congress doesn't have something to do with the organizational and procedural problems of Congress. Is the prestige of Congress, in comparison with that of the executive branch, low in the minds of the voting public? If so, why? Does this affect the efficient working of Congress? What can be done to improve the relationship between Congress and the public? These are a few of the questions that intrigue me. But I realize it isn't possible to explore all problems at once, and the 12 you mention are certainly critical.

Sincerely,

HARWOOD L. CHILDS.

COLLEGE STATION, TEX.
February 18, 1963.

HON. CLIFFORD P. CASE,
Senator From New Jersey.

DEAR SENATOR CASE: * * *

My personal opinion is that the suggestion for a sort of composite committee to study critically the operation of the legislative branch of the Government of the United States is a good one.

It appears to me that such a committee might do more than merely study those problems but it should be endowed with something in the nature of positive control of measures to be taken up by Congress at any particular time.

We have now all sorts of self-appointed committees for governmental action. This means to me that there should be an ex-officio agency somewhere to which the so-called self-appointed committees could appeal for action. The six citizen members of your suggested commission—being strictly impartial and appointed instead of elected—could serve as a sort of last resort as to what questions are of preeminent importance at any particular time. It might not be too much to request that they select out those matters for congressional attention.

Exactly what steps should be taken in the direction of the selection of the six persons to serve on the Citizens Committee is not a matter of small importance. My suggestion is that the selection be made by the President and approved by the Senate from a list of not more than 50 persons—1 from each State—recommended by the Governors of the States. It might be expected that in some instances more than one Governor would name the same person.

Allow me to thank you again for bringing this subject to my attention. The suggestion which you have here is in my opinion the most urgent one before this Nation and possibly the world as a whole at this time.

Very truly yours,

FLOYD B. CLARK.

THE UNIVERSITY OF GEORGIA,
DEPARTMENT OF POLITICAL SCIENCE,
Athens, Ga., March 8, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *

Yes, it would seem that a review of congressional procedures is in order. Your criticisms of existent practices are well taken. As to abuses in committee hearings, I would agree that they sort of come in cycles, but it is something which must constantly be guarded against. It would certainly seem advisable to bring such proceedings more in line with accepted courtroom practices, but I will not comment on this as there are a number of extensive studies of the problem such as Griswald, "The Fifth Amendment Today"; Dimock, "Congressional Investigating Committees" and Eberling, "Congressional Investigations."

As a southerner I realize that doing away with seniority in the committees would present this region with some real problems. However, I must admit that the practice has been abusive, leaves a great deal to be desired and should be changed. However, I would like to raise the \$64 question as to what system you would use to replace seniority. Certainly the President could not make the selection as the Executive is already too strong. Many would be fearful of giving the power to the Speaker in the House lest he be reinstated as "czar." It would be a difficult thing to do in caucus as one could hardly imagine the power struggle which would ensue among the Members for choice assignments.

As to cloture, I think it has been one of the most discussed reforms in regard to the Senate. However, I think we sometimes overlook the fact that it was designed to protect the minority. Granted, it has been abused at times, but this seems to be the difficulty with any such protective device—for instance, the recent abuses of the fifth amendment.

* * * * *

Sincerely,

ROBERT E. CLUTE, *Associate Professor.*

SETON HALL UNIVERSITY,
DEPARTMENT OF SOCIAL STUDIES,
South Orange, N.J., March 30, 1963.

DEAR SENATOR CASE: * * * Personally, I feel that congressional reform must be closely related to the redefinition of congressional functions that has, perhaps unconsciously, been taking place in recent years.

The nature of congressional "law," I believe, has changed considerably in the past three decades. No longer do major congressional acts establish stable rules of conduct, in the classical sense. Rather, they are largely social experiments—witness the NIRA proposal of 1933 or the medicare proposal of 1963. I think the American public has come to accept this change, and in doing so has developed a different pattern of expectations vis-a-vis Congress. For my own part, I expect that Congress:

(1) Investigates a subject area thoroughly and impartially, so that the social problem is well illumined and all potential solutions to same have an opportunity to sell themselves to the public.

(2) Provides in its rules, formal and informal, for careful yet expeditious committee and floor consideration of those proposed solutions which appear most in accord with majoritarian sentiment.

(3) Follows through on the experiment, if any, it decides to allow. That is, Congress must watch how the Federal (or, if a grant-in-aid program, State or local) bureaucracy conducts the experiment, and then must take any necessary remedial action.

Relating these expectations to congressional reorganization in general, and your listed "problem areas" in particular, I feel that the major reform should be in the realm of institutional attitudes. Hence, if Congress is seriously interested in self-analysis at this time, your proposal for a Commission has considerable merit. If Congress is not, then I think you might as well forget about it for a while.

May I illustrate? The 1946 Reorganization Act provided for legislative budgeting, but Congress was not really ready for it. Congress made a halfhearted experiment along those lines about 1950—then the Korean war gave it an excuse to abandon said experiment, and to my knowledge it has not seen fit to repeat same. Why not? Certainly this would contribute to "the strengthening of the con-

gressional power of the purse" (your item No. 11). At present the citizen is at the mercy of executive propaganda on the budget—to be specific, that one-sided masterpiece of the Bureau of the Budget, the "Federal Budget in Brief." Why doesn't Congress, as an institution, give the citizen its views on fiscal policy, in similar comprehensive form? Is there anything deterring Congress from legislative budgeting or adequate fiscal publicity but its own complacency?

A second illustration: we have all heard, ad nauseam, about the capers of junketing Congressmen and Senators (your item No. 7). Why don't these people spend more time junketing around this United States of ours, checking up on the adequacy of new and established programs? True, there would be no counterpart funds to fritter away, but "legislative oversight of the administration of laws" (your item No. 10) might well be enhanced. Isn't the basic problem here one of altering an institutional attitude? The same thing holds true for your worthy proposals for an open book re legislative contacts of administrative agencies.

Let this letter appear too negative in character, I would like to add a comment regarding something I feel needs the positive approach—congressional publicity. Senators, Representatives, committees have public relations personnel; Congress as a whole needs better public relations. The basic public image of Congress is that of "too many people who say too many 'noes.'" In line with my opening remarks, a Commission on Congressional Reorganization should begin by attempting to define the contemporary role or roles of Congress, and how awareness of same can best be brought home to the Members of Congress and to the public at large. Madison Avenue might well be of help here—or perhaps a public relations agency added as an adjunct to Congress. With congressional and popular vision sharpened, maybe those attitudes I've been talking about would start to change. Specific procedural reforms would then follow in due course. This may be the long way around—but I feel it's the only way that will bear fruit in abundance.

Very truly yours,

RICHARD J. CONNORS,
Assistant Professor, Social Studies.

RESEARCH CENTER—ALASKA NATURAL RESOURCES,
Juneau, Alaska, February 27, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * * I have looked this material over carefully and am in full agreement with your statements concerning the need for serious study of the situation. * * *

Sincerely yours,

Dr. RICHARD A. COOLEY.

RESEARCH CENTER—ALASKA NATURAL RESOURCES,
Juneau, Alaska, July 1, 1963

HON. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * * However, I do want to reiterate that I am strongly in favor of this proposed legislation. A comprehensive study of the organization and functioning of Congress—undoubtedly would lead to important improvements in the legislative process—improvements that are long overdue.

* * * * *

Sincerely yours,

Dr. RICHARD A. COOLEY

SYRACUSE UNIVERSITY,
COLLEGE OF LIBERAL ARTS,
Syracuse, N.Y., April 3, 1963.

HON. CLIFFORD P. CASE,
Senate Office Building, Washington, D.C.

DEAR SENATOR CASE: * * * Of the points of interest to me, many are matters of quality and texture, rather than changed administration.

1. The pressures from constituents and complex committees, it seems to me, create undue psychological demands and require a span of intellectual control beyond human ability—except that of very rare genius.

2. Congress needs to use creative planning rather than lobby-response planning.
 3. Congressmen ought to develop or convert the legislative function to maximize time for judgment and decisionmaking. Congressional legwork and constituent services should be done by others—perhaps a Bureau for Congressional Inquiries.

4. There should be a delegation of investigative authority to a staff for substantial prehearings. Congressmen should review hearings of findings after a preliminary staff review had sifted materials.

5. In my opinion there should be extensive delegation of tax powers, within ranges, to a joint commission. Rates should be adjusted within limits set by Congress with a Joint Commission on Tax Rate—Senate, House, two Presidential appointees, and a joint Chairman. The Commission would adjust the rates in terms of revenue requirements and the need for stimulating the economy.

6. Congressional staff should be increased but concurrently there should be a campaign to refer constituents to administrative agencies. I have heard many individuals comment that Congressmen sometimes look more like cafeteria attendants than policymakers.

7. We should assume a full year concept for congressional duties, excepting a modest time for campaigns for reelection.

8. Congress as a whole needs to obtain a drastic reversal of the public impression that it is dilatory and too slow in the atomic age to solve democracy's problems. This paradox, if maintained too long, may lead to public disrespect for democracy. Honest legislators invite corruption of their colleagues if they delay legislative or administrative actions; some corrupters would rather be honest but in desperation they try unethical means to speed up action toward what they consider to be ethical ends. (This is also true at other governmental levels.)

9. The filibuster is deeply resented. Could debate on an issue be limited to 1 hour per Senator?

10. Rules should be adjusted so that legislation can be released from committees more easily.

11. Could seniority principles be limited but not abandoned? For example, could the original chairmanship of any committee be limited to two terms in the House and one in the Senate—that is to 4 and 6 years respectively? The rules could provide that an individual with seniority must then skip a term before regaining chairmanship of a committee on seniority. As an alternative, could there be compulsory rotation of committee memberships after three terms in the House of Representatives and two in the Senate? (Notice this provides a rule and some rotation without outright abandonment of seniority rules.)

12. Incentive retirement payments should be increased for elderly Senators and Representatives over age 65.

13. There should be a constitutional amendment to allow ex-Presidents to become voting Senators at large for one term and Vice Presidents to become voting Congressmen at large for three terms. This would provide experience and a better and informed loyal opposition.

14. Congressmen, Representatives, and top judges and administrative officers should be required to publish their financial condition. This should include income tax returns so that the charge cannot be made that there are acceptances of benefits, direct or indirect in return for legislation or pressures on judicial or administrative favors.

15. Currently, I hear great criticism about the engagement of Congressmen to interfere with what should normally be administrative functions. For example, I have heard numerous colleagues strongly criticize Members of Congress for interfering with Mr. McNamara as an administrator. Their reaction seems to be that he is an able, honest individual, correct in command, willing to make decisions, to act on them and without fail. This is respected. The idea is: let individual decisions alone, judge on administration as a whole. The implication is obvious, let legislators set overall policy, let administrators manage it; let the voters judge both on the basis of a cumulative record.

* * * * *

Sincerely,

ALFRED H. COPE, *Assistant Dean.*

BROWN UNIVERSITY,
DEPARTMENT OF POLITICAL SCIENCE,
Providence, R.I., February 25, 1963.

Senator CLIFFORD P. CASE,
Senate Office Building, Washington, D.C.

DEAR SENATOR CASE: In reply to your letter of February 13, regarding your proposal for the establishment of a Commission to study the internal organization of Congress, I find the idea extremely interesting and the problems to which you would like to direct the Commission's attention are to my mind all of enormous importance.

In addition to expressing this general and enthusiastic approval of the project and particularly of the idea of bringing noncongressional membership to the Commission, there were a few points which occurred to me when I read over the material, which I pass on for whatever they may be worth. With your twelve specifications in mind, I trust that the first will include the crucial role of the Rules Committee in the House. The situation there in recent years has clearly reached the proportions of a national scandal. Point 2, I assume, includes the seniority system. I am certainly not opposed to the idea of seniority itself, but careful attention needs to be given to the consequences of the virtual "lottery" which the present system represents in placing individuals in crucial legislative positions, and there should be some means whereby a clear majority feeling in House or Senate could alter the results of seniority in given cases.

An idea that interests me regarding seniority, term of office and related matters is the possibility of imposing on all Members of Congress a limit comparable to the 22 Amendment for the President. There is a curious anomaly in our political folklore according to which long executive tenure is almost universally condemned, if not proscribed by law, whereas the opposite view is held regarding legislature tenure. If experience is an advantage in the latter, it is clearly in the former also. Likewise, if long tenure breeds excessive power among executive officials, it clearly does in Congress also.

* * * * *

Sincerely yours,

ELMER E. CORNWELL, JR.,
Chairman.

UNIVERSITY OF WASHINGTON,
Seattle, Wash., February 21, 1963.

Hon. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * * On balance it is my thought there is no more crucial domestic institutional problem than that of congressional reform of legislative procedure.

Expanding the bipartisan Commission to include individuals from private life, who nevertheless have an intimate knowledge of congressional processes, seems to me to be the first strong point in your proposal. While it may be true that only Congressmen and former Congressmen can appreciate some aspects of the pressure of public life and the workload which goes with congressional service, it is also true that individuals from private life can provide an indispensable perspective on what is possible to lighten the pressure and make more efficient the workings of democratic government. For example, it is a continuing puzzle why Congress and congressional committees are virtually starved of staff support. No doubt the explanation lies in the aversion of Congress to spend money on itself and thus risk voter reaction. At the same time, the inadequate staff size of many committees makes far more difficult effective oversight of administration and throws our Representatives into a state of far more dependence on administration. Private individuals of high regard and substantial knowledge might very well convey to congressional members of the Commission something of the understanding and support which steps in the direction of further staffing would receive.

Each of the specific problem areas which you mention as the terms of reference of the Commission need considerable attention. Singling any one out for particular attention at this point is somewhat hazardous; each area requires reform.

A particularly well defined problem though is that of the powers of the committee chairmen, both with regard to the scheduling of consideration of bills and selection of staff. Probably the reduction of power in broad terms of committee chairmen would be so disruptive of the ways Congress has worked in the past as to have little chance of adoption. Invigoration of the power of majorities within committees seems wholly worthwhile and may correct some of the abuses of committee chairmen now practiced.

Similarly the abuses of investigating arms of Congress still require correction and not only by the voters. The trouble with self-adopted codes of fair procedure is that the committees that most need such a code will not undertake to be bound by one—the most notable example being that of the House Un-American Activities Committee, but also that of the Senate Internal Security Subcommittee.

Appropos of the problem of investigations, Edward Bennett Williams has recently put the problem well in perspective,

“One of the real problems here is that when the Government, at any level, infringes on personal liberties it never begins that infringement on the powerful or the affluent or the popular elements in our society. It always starts with some group around which it is difficult to rally public support because the group is unpopular and socially undesirable or suspect.”

In any event, I believe your bill comes at a time that is most critical. It appears from various places that Congress is in for rough sledding in the coming months and years among people who are concerned with the effectiveness of our political institutions in solving the problems that confront our democracy. Unless Congress moves to reform itself that criticism will continue to grow. Along these lines it might be said that now is the time to begin study of reform of procedure so as to bring Congress up to date before even more effective power passes to the executive branch and before the image of Congress drops further in the minds of our people.

Needless to say I welcome your proposal and hope that Congress will act favorably. * * *

* * * * *
Yours truly,

JOHN E. CROW,
Department of Political Science.

ARLINGTON, VA., April 17, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR CASE: * * *

* * * * *
It is my view that the need for improving the procedures of Congress is clear. That conclusion is based largely on my own work with the Legislative Reference Service, with the House Committee on Public Works, while in the Bureau of the Budget, and finally with the second Hoover Commission.

The Congress of the United States is a dynamic organization working in one of the most explosive periods of history. It is important that its procedures be established so that it can proceed in an orderly fashion and still move appropriately to handle the work it faces. Congress can be strengthened by improvement in each of the 12 areas you list.

* * * * *
In good measure, the success of the Commission may be determined by the nature of the six individuals from private life. If they would be of the caliber and competence of those who served on the two Hoover Commissions, I have no doubt but that the results of the Commission study would be well worth the attention of Congress.

* * * * *
Sincerely yours,

CHARLES D. CURRAN.

THE CITY COLLEGE,
DEPARTMENT OF POLITICAL SCIENCE,
New York, N.Y., March 7, 1963.

Hon. CLIFFORD P. CASE,
U.S. Senate.

DEAR SENATOR CASE: Were a fraction of your proposed congressional reforms effected, improvements in the legislative practice should accrue. If one thinks of the Congress as a policymaking body designed to represent the interests of the people, one can see that the many rules and limitations in Congress are not designed to fulfill its basic legislative responsibility. The history and traditions of the Legislature account for many of the rules, but serve to perpetuate the power of individuals rather than to facilitate the expression and reflection of differing opinions and views. Were the committee chairmen, for example, as you suggest, to have their powers defined and decreased, and their role as chairmen stressed, the actions of the committees might be more in line with the purposes of legislation. Recognizing that reorganization is always an unfinished business, this proposal impressed me as the most significant and valuable of those made.

Every organization seems to resolve itself into some sort of leadership pattern, with accompanying cliques and rules to preserve their power. Any reforms which serve to limit the perpetuation of this pattern become desirable periodically.

The problems of the Congress today seem to be more of securing majority rule than preserving the rights of the minority. The several minorities on different issues appear to be the controlling power and this is encouraged by the seniority system, the power of the chairmen, the relationship between committee chairmen and their counterparts in the administrative bureaus, and the filibuster.

* * * * *

Very truly yours,

Mrs. JANE S. DAHLBERG.

UNIVERSITY OF DENVER,
SOCIAL SCIENCE FOUNDATION,
Denver, Colo., March 5, 1963.

Senator CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *.

* * * * *

* * *. Of course, if your proposed Commission succeeded only in dramatizing and building political support for your substantive proposals, this in itself would be a worthwhile accomplishment.

I support your proposed changes in rule 22, while also supporting your proviso that nothing be done which would allow unduly hasty action in a period of considerable public emotion.

I strongly support your proposal for requiring that all Congressmen make a full and complete disclosure of business interests, financial standing, and of contacts and communications concerning pending legislation. The Congress is not in a very strong position to demand this sort of public disclosure from officials of the executive branch and the regulatory agencies if it is unwilling to apply the same logic to itself.

I would also be heartily in favor of reforms which would minimize repetitive testifying by members of the executive agencies before congressional committees. The old post-World War I changes which separated the authorizing committees from the appropriations committees in Congress might not have been wholly to the good. In my own area of special concern, I have wondered why the Armed Services Committees could not hold joint hearings with the Defense Subcommittees of the Appropriations Committees in order to minimize the trips to the Hill for the Secretary of Defense and his aids.

On the question of the seniority system and committee chairmanships, I quite agree that some modification is called for here, but one wonders if this is politically feasible. A Congress unwilling to make informal changes in the seniority system seems unlikely to make the same changes by the legislative method. As to the problem of finding unfit men elevated to chairmanships, this could be solved if responsible parties would remove their unfit brethren from their committee assignments before these people acquired the seniority entitling them to chairmanships. It's a bit late to unfrock a J. R. McCarthy or an A. C. Powell after they are already entrenched in key committee roles.

Finally, I am wholly in favor of reforms which would add to the strength of the leadership in both Houses, but only if this could be accomplished without making it possible for another Speaker Cannon to emerge, and also without making it possible for the congressional leadership to become merely spokesmen for executive branch leaders. I am considerably distressed, for example, by Fulbright's ideas concerning his notion of the proper role for his particular committee.

In general, I am most strongly in favor of any reforms which would enhance the role of the Congress as a strong coparticipant with the executive branch in making all varieties of public policy for which the Constitution prescribes a participating role for both of these major branches of the Government. I am wholly opposed to procedures which would reduce the Congress to the role of an ineffective participant or, even worse, to a satellite and subservient component of the executive branch.

* * * * *

Very respectfully,

VINCENT DAVIS,
Assistant Professor of International Relations and Staff Specialist in Foreign Policy.

UNIVERSITY OF DENVER
SOCIAL SCIENCE FOUNDATION,
Denver 1, Colo., June 21, 1963.

Senator CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *

First, I wholeheartedly endorse your idea for a Commission on Congressional Reorganization as proposed in your bill, S. 177. I have read through the bill, and it seems to me that you are approaching the matter in the most appropriate and promising manner. Even though individuals may disagree as to how and why Congress should be reorganized, surely everyone would agree that no one can say how to do this until we first know where we are right this minute. And that is precisely what we do not know. Of all the major components of the U.S. Government, the Congress has received the least attention in recent years from political scientists and other observers. There has, of course, been the usual amount of impressionistic commentary, but what we lack is a hard empirical study comprehensively investigating all functions and aspects of the Congress and its officers and committees. I would hope that just such a study as this might emerge from the work of your proposed Commission.

I would further hope that your Commission, when it gets around to the task of proposing reforms, would clearly distinguish between the several various goals that reforms might be designed to achieve. These various goals would include the following:

1. More effective execution of the basic legislative process.
2. More effective participation in making national policy in such areas as defense, civil rights, etc., especially in those cases where policy is generally made by nonlegislative procedures.
3. More effective execution of the basic function of keeping the citizens informed about the work of their Government by means of hearings, inquiries, the publication of documents, etc.
4. More faithful adherence to the rights of individuals when appearing before congressional groups.

* * * * *

Very respectfully yours,

VINCENT DAVIS,
Assistant Professor of International Relations.

PRINCETON, N.J., *April 9, 1963.*

Senator CLIFFORD P. CASE,
Senate Building, Washington, D.C.

DEAR SENATOR CASE: Thank you for providing me with information on your proposed Congressional Reorganization Commission. I am not certain whether the introduction of outside civic or intellectual leaders will contribute to the

adoption of whatever recommendations such a Commission might make, although the detailed contents of the Commission's report might be thereby improved.

* * * * *

I believe that your agenda of tasks is excellent, but that it might be given more meaning and achieve more support in Congress and in the Nation as a whole if it focused on the essential question: How can Congress remain an independent, productive, efficient, and creative branch of Government? In all of these regards, Congress has been suffering a grave attrition to the executive branch. The Commission, if it is formed, should be composed, and indeed must be composed, of men who are thoroughly persuaded of the seriousness of the general position of Congress. It would probably be a mistake either to view the Commission's tasks too specifically or to designate members to it who are ready to drift with the stream of events.

Congress can survive as an autonomous and significant part of American representative Government only if it seeks out a number of social inventions that will reinforce its purposes.

I hope that your proposals will result in the strengthening of congressional Government.

* * * * *

Faithfully yours,

ALFRED DE GRAZIA.

THE UNIVERSITY OF ROCHESTER,
COLLEGE OF ARTS AND SCIENCE,
DEPARTMENT OF POLITICAL SCIENCE,
Rochester, N.Y., February 26, 1963.

Senator CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *

I am not a specialist in the field of the legislative process, but I am aware of the problems it involves and I should like emphatically to commend the inclusion in your proposals of noncongressional members in the Commission and the division of the study into problem areas.

* * * * *

Yours sincerely,

WILLIAM E. DIEZ,
Professor of Political Science.

UNIVERSITY OF DELAWARE,
DEPARTMENT OF POLITICAL SCIENCE,
Newark, Del., March 1, 1963.

Hon. CLIFFORD P. CASE,
*Senate Office Building,
Washington, D.C.*

DEAR SENATOR CASE: * * * I congratulate you on this effort.

My one general comment would be that the Congress of the United States, as it is presently organized and as it operates, does not give the impression of political responsibility. By this, I mean that it is very difficult to gain the sense of a majority party or a minority party in the Congress on any particular issue. It is all too infrequent that a party stand is taken on an issue. The crossing of party lines (especially by southern Democrats) has become notorious. This situation creates havoc with responsible action on the part of the Executive.

Also, as you are well aware, Congress all too often follows local predilections, and loses sight of the overriding national issues. I might mention the numerous occasions when certain sections of the country, through their Representatives and Senators, pursue their own ends to the detriment of the Nation's interest; e.g., the stand on States rights by the southerners.

Separation of powers, although one of the abiding principles of the American Government, does not, in my opinion, mean the obstructing by the Congress (particularly when its majority is of the same party as the President) of the program of the Executive. The President, after all, is the one person elected by all of the people. If there is any such thing as a national mandate, it is expressed through the Presidency. The electorate, therefore, does have the

right to see this mandate exercised through propositions propounded by the Executive and resolutely debated by Congress, without overweening local interests overriding the national interest.

All too often, after a national election, the very things which were repudiated, or which were approved by the electorate, are either brought forth again, or rejected through the workings of oligarchical arrangements in either House or Senate. Many times these arrangements abet minority opinion, thus thwarting the decision made by the national electorate. This is what is basically wrong with the Congress as an institution.

Unless Congress can develop a system of responsibility for the careful appraisal of the Executive program, based on broad national interests, the tendency toward the aggrandizement of the Executive must perforce be furthered.

The Nation has moved far beyond the localism that abided during the early 19th century. Since the Civil War, we have come of age as a society, and the vestiges of localism have become a hindrance and a bore. I think that our legislative institutions should come abreast of this development of a national interest.

The only way that I see to get Congress to change, is to strengthen the role of the presidential parties in the selection and election of Congressmen. Development of national party treasuries, carefully administered by the national committees through the national chairmen working closely with the President, or, in the case of the party out of Presidential office, with that party's leader, may be the most practical answer to the problem. Apprising the electorate of the problem is also of foremost importance, but I'm not sure how much time we have in terms of national survival, to afford the slow process of public education.

* * * * *
Sincerely, * * * * *
PAUL DOLAN, *Professor.*
* * * * *

UNIVERSITY OF MARYLAND,
APO 403, New York, N.Y., March 9, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: As a student of the science of government, I wholeheartedly welcome the program envisaged in your bill and wish it success.

Your proposal to include six well-qualified persons from private life to serve on a congressional commission is a little short of revolutionary. May I urge you to make sure that these persons have some "inside" knowledge of congressional operations and not to select them solely from academic "ivory towers." * * * Accordingly, I am conscious of the fact that the critical analysis of government and the art of performing it are two different things. * * *

General public interest in the program is another "must." In his administration, Franklin Roosevelt used it to get his social security program launched. Dwight Eisenhower also made use of it to drum up support for the foreign aid program.

* * * * *
Respectfully yours, * * * * *
JOSEPH C. DOUGHERTY, Jr., Ph. D.

NEW YORK, March 5, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate.

DEAR SENATOR CASE: * * *

* * * * *
While I cannot claim any special competence in the field of legislative reform, as a citizen and student of government I believe you are proceeding on the right lines. Certainly it is high time that an exhaustive study of the kind you are suggesting be made which can only have the result of bringing many obsolete procedures and traditions to public attention and of upgrading the congressional effectiveness and stature in these dread times.

* * * * *
Sincerely yours, * * * * *
HERBERT EMMERICH.

WASHINGTON, D.C., March 1, 1963.

HON. CLIFFORD P. CASE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: * * *.

I believe that your bill proposing the creation of a Commission on Congressional Reorganization is most timely and will, I hope, be approved by the Congress. Also, I hope that the work of such a Commission will result eventually in a more effective, efficient, and democratic functioning of the two Houses of the Congress. In a day of pushbutton and electronic rapidity, with orbiting around the earth in a matter of an hour or so, not to mention instant communication around the globe, the organization of the Congress should be more in keeping with the times. This does not mean that the Congress should act hastily in the consideration of bills. On the contrary, it means that because of removing time-consuming, cumbersome, and undemocratic procedures, it could act with deliberate speed. Take one of the simplest procedures: recalling. It now consumes much more time than it would take an electronic device. The same would apply to voting.

* * *. I shall touch upon certain facets and duties of the two Houses of the Congress, or either House, and suggest some broad considerations.

These are as follows:

1. The creation of a Commission on Congressional Reorganization, with professional staff, is first in order. It should be nonpartisan; members should be of the highest qualification available; work should be on a continuing basis until reports are completed on each designated subject. Both majority and minority, including single-member reports and recommendations should be allowed and encouraged. Twelve members seem too few.

2. Membership from each House should be, preferably, on the basis of a multiple of two (four, six), rather than of three—an odd number would incline toward partisanship. I agree with you that qualified individuals in private life should certainly be well represented on the Commission. They should represent the public, the voters, the citizens, the taxpayers, and those who favor the effective, efficient, and democratic functioning of the two Houses of the Congress.

3. To your list of 12 subjects to be studied, I suggest that the following be considered for inclusion:

(1) The history of the operation of the LaFollette-Monroney Congressional Act of 1946; its success, weakness, failures, if any.

(2) National political party responsibility in organizing each House and instituting procedures to assure the majority the parliamentary means of carrying out the mandate of the electorate as prescribed in the party platform.

(3) Majority party rule or a coalition majority rule (in the absence of a single majority party) in each House to assure responsibility in carrying out the provisions or planks of the majority or plurality (coalition majority) platform.

In this respect, majority party rule is responsible for the overall functioning of each House. Accordingly, majority party rule should govern the selection of the chairmen of the standing, select, and special committees, as well as conferees to iron out differences in versions of bills approved by the Senate and the House. Either the majority party members of each committee or the majority party caucus could select the party chairmen of the respective committees. This would abolish the seniority rule that may, in operation, negate majority party responsibility as expressed in its platform.

This—3(3) above—is a highly controversial subject. If seniority is retained, it should definitely be subject to qualifications or restrictions.

The point is a thorough study should be made of this whole subject in relation to not only party responsibility but the proper functioning of each House of the Congress.

4. To mention topically some other subjects that could be studied by such a commission as you propose, they are as follows:

(1) The recall of a bill from committee to the House for a vote on the same.

(2) Refusal of a chairman or majority to study, hold hearings, or report on a bill.

(3) The function of the House Rules Committee.

(4) Rules protecting witnesses before a congressional committee.

(5) Having Cabinet members called before each House or joint sessions for interrogatories.

(6) Abolishing congressional districts and having all House Members elected at large (statewide) and possibly decreasing the number of Members of the House.

(7) Advisability of a larger number of joint committees and/or joint hearings.

- (8) Committee membership requirements to hold a hearing.
 (9) Equal time on radio, television, etc., by candidates running for nomination or nominees for office.
 (10) Congressional investigations abroad (junkets).
 (11) Transferring the Library of Congress to the executive branch and making it a national library (the Legislative Reference Service to remain an arm of the Congress).
 (12) The area of private bills and the possibilities of administrative determination instead of said private bills.

* * * * *
 Sincerely,

JULIAN FAHY.

LA JOLLA, CALIF., June 10, 1963.

Senator CLIFFORD P. CASE,
 U.S. Senate.

DEAR SENATOR CASE: * * *.

One pauses to reflect, as one writes to urge a committee of the Senate to support a bill to provide for a study whereby the functioning of Congress might be improved: surely the merit of the measure should be apparent, without any testimonial from outside. The topics mentioned in section 6(b) are all points at which the performance of the Congress needs to be strengthened; in my opinion, points (1) and (2) rightly go at the very head of the list.

The history of American government supports, I believe, this generalization: that power has tended to lodge in organs where it will be exercised effectively, to the satisfaction and confidence of the American people. To urge that Congress seek means to improve its own organization and functioning is, therefore, merely to express a high hope for its enduring importance and strength.

I urge that S. 177 be reported favorably, and promptly.

Sincerely,

CHARLES FAIRMAN.

UNIVERSITY OF MISSOURI,
 DEPARTMENT OF POLITICAL SCIENCE,
 Columbia, February 27, 1963.

Hon. CLIFFORD P. CASE,
 U.S. Senate, Senate Office Building,
 Washington, D.C.

DEAR SENATOR CASE: * * *.

In the first place, the proposed bill represents in my opinion an effort to deal with a subject of such transcendent importance that it should receive the solid backing of Members of both Houses regardless of party affiliation. * * *.

I like the proposed method of approaching the problem, for I believe that an aggressive commission constituted in the manner suggested and concentrating its efforts on the objectives itemized could do much to bring about needed procedural and other improvements and thus help restore confidence in the Congress of the United States. I do not share the fears of those who constantly express grave concern about executive power in our system of government. It is my considered view that a strong executive is necessary in modern government, but I do think there is an imbalance in executive-legislative relations which should be corrected. We need both a strong executive and a strong Congress, and by the latter I mean one that functions with dispatch, but at the same time democratically.

My chief comment on the problem areas enumerated is that perhaps the list is too long, since so many subjects may have the tendency to divert and bog down the commission on too many issues. Certainly all are important, but possibly some, not too relevant to organizational and procedural matters, might be dealt with by separate study commissions. As appropriate for separate studies, I had in mind the financing of congressional election campaigns, conflicts of interest, and duties of Members incident to appointments.

I would certainly emphasize as you do that the role and powers of committee chairman are in need of revision and curtailment in the interests of a more demo-

cratic functioning of our committee system and our Congress. Although it may not be possible to do away with the seniority system, I think some limit should be placed on the tenure of chairman. It seems to me that 10 years is a plenty long enough period of service for the chairman of a particular committee.

I would also favor compulsory retirement for Members of Congress, a suggestion which I am afraid would meet with little support from Members. Compulsory retirement applies in many lines of endeavor—business, academic, and other fields—and why not in legislative work? I am an olderster myself, but it distresses me when people well past 70 cling so tenaciously to positions of power. They inevitably become possessive and petulant. The display of these characteristics in the last session of Congress by certain important chairmen is a case in point.

If any progress in the way of reform could eventually be made on the subjects listed in the proposed bill, I would certainly feel that the establishment of such a commission would have been very worthwhile. * * *

Sincerely yours,

MARTIN L. FAUST,
Professor of Political Science.

THE UNIVERSITY OF MICHIGAN,
DEPARTMENT OF POLITICAL SCIENCE,
Ann Arbor, Mich., March 27, 1963.

HON. CLIFFORD P. CASE,
*Senate Office Building,
Washington, D.C.*

DEAR SENATOR CASE: * * *

This is obviously not the occasion to discuss specific reforms that may be necessary in congressional procedures. However, I think the creation of such a Commission is an excellent idea. I am particularly happy with your inclusion of noncongressional members of the Commission and with your specific mention of problem areas to be investigated by the Commission.

Sincerely yours,

EUGENE FEINGOLD.

THE UNIVERSITY OF WISCONSIN,
DEPARTMENT OF POLITICAL SCIENCE,
Madison, Wis., February 26, 1963.

Senator CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *

I should suppose that every working political scientist would regard the subject of further congressional reorganization to be one of first-rate importance. In view of the fact that we have not had a serious review or change in the organization of Congress since 1946, there must be wide agreement in informed circles to the proposition that the time has come when the country should pause and reassess this whole question.

It would be carrying coals to Newcastle for me to suggest to you the tremendous national interest in the proper organization of Congress. I am sure we would all agree that there is widespread dissatisfaction with the persistence of the great unresolved organizational issues, such as the Senate filibuster, the seniority rule, and the travel and other allowances of Members of Congress.

At this stage in the history of your bill, I can only *applaud your interest* and your effort, and express the hope that Congress will adopt your bill. I think it is an excellent idea to include in the Commission individuals drawn from private life as well as from the Houses of Congress. Such a Commission should have the services of a competent staff and should be given plenty of time and resources to make a thorough study of these problems, and publish studies and analyses as well as bring in concrete legislative proposals. I am sure that any member of my profession will be eager to lend a hand when that is at all feasible.

Sincerely,

DAVID FELLMAN,
Professor of Political Science.

BRONX, N.Y., *March 12, 1963.*

Senator CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: I am very enthusiastic in seeing that you are submitting a bill to create a Commission on Congressional Reorganization, modeled on the Hoover Commission.

I have gone through your proposed bill most attentively and think that your 12 points on which the Commission will report are excellent.

As a student of public administration and an instructor in political science, I feel the review of congressional procedures needs constant improvement. Your bill will provide just that.

Respectfully yours,

ROMAN FERBER.

Instructor, Political Science, Hunter College, City University of New York.

THE PENNSYLVANIA STATE UNIVERSITY,
COLLEGE OF THE LIBERAL ARTS,
University Park, Pa., March 13, 1963.

Hon. CLIFFORD P. CASE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: * * * It is a satisfaction to know that you are taking steps to obtain a full reexamination of congressional organization and procedures.

As you may know, I have been a close observer of the Washington scene for many years. It is my considered judgement that Congress is not measuring up to its potentials and public expectations. A complete reexamination, in my opinion, is long overdue.

* * * * *

Cordially,

JOHN H. FERGUSON, *Director.*

ARLINGTON, VA., *March 25, 1963.*

Hon. CLIFFORD P. CASE,
Senate Office Building, Washington, D.C.

DEAR SENATOR CASE: * * *

At the outset, I endorse your proposals, for they provide the means for an intensive analysis of the situation. In other words, a diagnosis or estimate of the situation is the proper basis for consideration of change. The analysis would help dispel some of the misconceptions, identify the various assumptions and objectives in regard to the role of Congress and would note the variations in the conceptions of the political process.

To a large extent, the public disdain or discontent, perhaps even distrust, of government distorts the congressional situation. This attitude is a part of the heritage and is perpetuated in our schools even by some of our political scientists. Despite the emphasis on government, citizenship, political participation and the knowledge that government is now more necessary and less evil than when Dr. John Locke wrote his 17th century prescription, the disdainful attitude continues. However, I shall say no more on my agreement with you and no more in the way of encouragement. I shall speak instead to some more specific points.

Why cannot the Congress act in regard to whatever it does in a more expeditious manner? This question also implies respect for some old shibboleths. That is, Congress should be businesslike and should act with dispatch, and perhaps as a result, it would cost less to operate. Acknowledging this aspect of the puritan ethic, I wonder why the Congress cannot equip itself better. The visiting citizen notes the new buildings and has some awareness of the staffs in the offices of the Senators and Congressmen. He knows little of the committee situation and the significance of subcommittees, seniority, and professional staffs. These latter items, therefore, must come under the scrutiny of the practitioners and analysts.

Certainly a specific code of ethics must be prepared which would recognize not only the conflict of interest situation but would indicate standards of practice for committees. Such a code should require disclosure of the financial situation of each member as well as his campaign support and should also prescribe the procedural and other safeguards for witnesses before committees.

The autonomy of committees, especially that of committee chairman, should be reduced to prevent the thwarting of debate and vote. In this respect, committees should be permitted some way to act in the absence of their chairman and a more ready way for the discharge of bills from the committees should be established. Would it be possible to allow such discharge upon formal Presidential request as a courtesy to the President by the Congress? The obvious intent here is to facilitate consideration of the President's program without diminishing congressional analysis and review or counterproposal.

On a more elementary basis, the absence of electrical voting facilities in the Chambers is conspicuous to the citizen who has seen such instruments in his State legislatures. An instrument can be manufactured which could reflect both individual votes or only totals for those instances when it is undesirable to have every one recorded. The time saved by this technique might be considerable.

In conclusion, I note that your proposal does not, and indeed ought not, involve examination of the entire body politic. Certainly the legislative process is a reflection of the state of the national political condition. Your proposal acknowledges implicitly this fact. Of vital concern to your proposal, however, is the personal composition of the study group and its ability to provide wisdom and insight. The group must inspire confidence and must be willing to penetrate deeply and state the problems openly and boldly. I hope they do not regard your itemized list of subjects as restrictive. As a rational and skeptical person, I shall be susceptible to the definitions and conclusions of the study to the extent they reflect rigorous scrutiny and calm exposition.

Sincerely yours,

JAMES J. FLANNERY.

UNIVERSITY OF OREGON,
INSTITUTE OF INTERNATIONAL STUDIES
AND OVERSEAS ADMINISTRATION,
Eugene, Oreg., March 14, 1963.

Senator CLIFFORD P. CASE,
Senate Office Building, Washington, D.C.

DEAR SENATOR CASE: * * *. I think the points made in your press statements are very sound and well reasoned. The Congress has not had a thorough study for many years, and in the meantime, the demands upon the legislative branch have increased in quantity and complexity. I was pleased to see recently that Congresswoman Edith Green spoke up in the House urging a thorough study of the organization and procedures of Congress.

* * * * *

Sincerely yours,

JOHN GANGE, Director.

THE KANSAS STATE TEACHERS COLLEGE, EMPORIA,
March 27, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: * * *.

I have carefully studied your proposal for creation of a Commission on Congressional Reorganization. I support your efforts, and applaud the attitude which you display in your attempts to gain support for your proposal.

Frankly, I am more than slightly concerned at the operation of the legislative branch of the National Government. The increasing complexity of government argues for a streamlining of congressional operations which will facilitate congressional oversight of the actions of the executive branch. Instead, it appears that the tendency has been for Congress to abdicate much of its responsibility. As a result, the Presidency has accumulated political power by virtue of the necessity for action, or action has been impossible because of the inability of the Congress to act.

The spectacle of an apparently childish debate between the elderly chairmen of important committees of the Senate and of the House of Representatives does not instill in the electorate a respect and confidence which should be the due of Congress. In a similar vein, it does not appear to be the functioning of responsible government when the national budget is subjected to the legislative pressures

it invariably encounters. A system such as the German is suggested for consideration; a system in which legislation introduced not as a part of the President's budget is not permitted to increase the level of expenditures unless there is also provided a method for acquiring the revenue to support that particular program.

I would suggest one other area in which investigation and study might be desirable. Most definitely, I am not proposing a solution—merely study. This point concerns leadership.

It is customary to speak of the "majority leadership" and the same type of reference to the majority is made in both Houses of the Congress. It is doubtful, however, if there is actual leadership in several important aspects. Perhaps stronger leadership is neither desirable nor possible. Perhaps it is both desirable and possible. Certainly it seems desirable to investigate the desirability and possibility of strengthening the leadership of Congress.

As one point of departure for such a study, I would suggest a detailed investigation of the presiding officers of the two Houses, and of the selection and functions of the chairmen of the committees of the two Houses. It appears that much advantage could be gained for responsible and dignified conduct which would enhance the prestige of the House, for example, if the Speaker were neutral rather than an acknowledged partisan. I recognize that there are numerous disadvantages inherent in such an arrangement, but if coupled with a study of the chairmanship of committees, there might develop an organization which would expedite the work of the Congress and provide a leadership more responsible to the national need; one which was capable of rapid and effective response in time of need, as well as of thoughtful and deliberate planning for the Nation's future.

It is recognized that practical political considerations will modify the attitudes I have suggested in this letter. I believe, however, that they merit study * * *.

Sincerely,

DALE M. GARVEY,
Assistant Professor, Political Science.

BUCKNELL UNIVERSITY,
Lewisburg, Pa., February 25, 1963.

Hon. CLIFFORD P. CASE,
Senate Office Building, Washington, D.C.

DEAR SENATOR: * * *.

I do not see an acceptable substitute for the seniority rule—I would go along with you on placing more power and authority in the committee rather than its chairman—but again, the members of the committee must be willing to accept this responsibility rather than doing the easy thing, permit the chairman to make the decisions.

The conflict-of-interest rule cannot apply to Members of Congress as it does to the members of the executive staff. I think your suggestion of "pitiless publicity" is the best approach we have at the moment.

By all means, push the idea of the appointment of a Commission to make a thorough study of the present rules and to make proposals for reasonable substitutes for the ones which are out dated. Such a study would be a real contribution to Congress and to the people.

I have been concerned for some time and I am glad to read in your material of your concern, of the idea abroad that all we need to do to reform Congress or to change its procedure is to change the rules. Human beings are so much more important than rules. It seems to me that we need to bring home to the Members of Congress a pride of office. I think if Congressmen were more jealous of the fact that they were Members of Congress rather than they represented a small segment of a people who have some special interest, a more definite contribution could be made than if we merely changed the rules. I have no constructive suggestion to offer, but I am suggesting that perhaps the emphasis should be changed.

* * * * *

Sincerely yours,

JAMES A. GATHINGS,
Chairman, Department of Political Science.

THE UNIVERSITY OF GEORGIA,
DEPARTMENT OF POLITICAL SCIENCE,
Athens, Ga., March 21, 1963.

HON. CLIFFORD CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * * .

* * * * *

(1) My most sincere appreciation (as a teacher and as a citizen) for your interest in what must be considered a problem of great significance. Whether Congress can meet "the challenge of the future" under any sort of organizational arrangement is problematical at best; it is a certainty, however, that it cannot meet the challenges of the present under existing rules and regulations.

(2) At present I see no real way out of our difficulties. Crucial to any modernization of Congress is, as you suggest, a revision of the seniority method of selecting chairmen for the various committees. The present system is totally at variance with any standards of efficiency. Congress itself, would never amend the basic civil service law so as to make seniority the sole basis for promotion. It would not do this for the simple reason that research data have never indicated any positive and significant correlation between experience at one level and ability to perform at a higher level.

Further, under the present organization of political power blocs, the existing system perpetuates the unreasonable strength of the South at the very time when this region represents an ever-decreasing portion of the Nation's population. What we have then is a situation analogous to the rotten borough when the Democrats are in power.

In spite of my belief that the present situation is bad I see no alternative to it. The lesson of Reed is still too fresh to permit the device of Speaker or Presidential appointment. (To paraphrase the U.S. Supreme Court "today a kindly man occupies the vice-president's chair; tomorrow one not so kindly may sit there.") A free and open election in each House would, I think, destroy party organization which I choose to think is important.

So, too, I dislike existing rules on cloture, on the discharge rule, and on the dominant position of certain committees. However, I think that remedies for these weaknesses may prove more bitter than the disease itself.

* * * * *

Sincerely,

FRANK GIBSON, Associate Professor.

BETHESDA, MD., June 12, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * * .

The idea of a systematic study and evaluation of Congress along the lines outlined in S. 177 is a good one. The Congress, the legislative process, and the public can only benefit from such an inquiry. Certainly few members of Congress will argue that the executive Branch of the Government has not benefited from inquiries into its organization and operations which have been conducted by independent commissions established by law. Congress owes it to itself and to the public similarly to subject its own organization and operations to the most objective and thoughtful inquiry that is possible. I hope that S. 177 will receive favorable consideration.

* * * . Please note, however, that this letter expresses my own personal opinion and does not purport to represent the views of other staff members, officers, or trustees of the Brookings Institution.

Sincerely,

GEORGE A. GRAHAM.

WAYNE STATE UNIVERSITY,
COLLEGE OF LIBERAL ARTS,
Detroit, Mich., February 26, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *

My reactions can be divided into two categories: (1) My thoughts as a political science specialist on the subject of "Commissions" as problem-solvers; and (2) my thoughts as a political scientist concerned with the legislative process.

Let me take the matter of commissions first. I have served as a staff member on one commission (Outdoor Recreation Resources Review Commission), and have written a definitive history and analysis of another (President's Materials Policy Commission or "Paley" Commission).

Commissions must be told precisely what they are to do if much wasting of time is to be avoided. And the number of things they are to do must be limited and preferably, all pieces of the same cloth. Your proposal to define the commission's tasks is therefore a good one. I would only suggest that you eliminate two items from your list of projects: namely (1) the matter of Conflicts of Interest of Members; and (2) the matter of financing congressional campaigns. I know these are matters of great interest to you, but I suggest they be handled separately, perhaps by a different study group. They are not really matters of legislative process, although they certainly have a bearing on the outcome of that process, and I believe that your commission would find itself distracted and perhaps disrupted by these matters. Your commissioners, I think, will have a difficult enough time doing their homework on just those studies of the legislative process. (The Library of Congress and other staff efforts put into the Reorganization Act of 1946 were enormous.)

Let me urge you, while limiting the number and increasing the precision of topics to be studied, also to give your commission enough time. The average study commission takes about 4 months just to get organized and staffed, in those cases where original studies are called for. It takes a good 4 to 6 months for the average commission to make up its collective mind about what to say for publication, including the editing and GPO time necessary. I urge you to give such a commission at least 2 years to do its work, because it will probably take that long whether or not the Congress originally authorizes that length of time.

I could offer a lot of other advice on how to run a commission efficiently (it is so very easy to hamstring them with inadequate authority or unrealistic requirements) but I will not do so here. Let me conclude these comments by saying that it is extremely important that men be chosen as commissioners who have or will make enough time for their homework. Specifically, I would suggest that two distinguished former members of the Congress be appointed to the commission. Above all, I would suggest that only those commissioners and staff members be appointed who agree that the proposed studies are really problems. There are some, after all, who do not agree that S. Rule 22 is a problem.

Secondly, here are my reactions as a student of the legislative process.

By the time your commission reports, if it does, the Legislative Reorganization of 1946 will have been in operation about 20 years, which is a significant commentary on the society which is Congress. Even so, some of the most important attempts to cope with a world of big problems, contained in the 1946 act, have never borne fruit. Despite the provisions for a "legislative budget" and improved appropriation procedure, the Congress is using essentially the same methods to cope with a \$100 billion budget that it used in dealing with \$10 billion budgets. The results are all around us, not least of which is mounting frustrations and ignorance, on the part of Members of Congress of what is really going on in the Executive Departments.

Your commission therefore should provide an opportunity to solve some of the problems which the Reorganization of 1946 did not solve, in addition to tackling other problems which in some respects are new or more serious than they ever were before.

You have my whole-hearted support in this effort, support which you may call upon at any time. I repeat, your proposal is most sound and deserves rapid action by both Houses of the Congress.

* * * * *

Sincerely,

W. ROY HAMILTON, Jr.,
Assistant Professor.

THE BROOKINGS INSTITUTION,
Washington, D.C., March 14, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *

I congratulate you on calling attention to an important problem and for being more comprehensive and specific in your analysis of this problem than most other people have been. I find that I have nothing significant to add to your observations, and I strongly support them.

* * * * *
Sincerely,

H. FIELD HAVILAND, Jr.,
Director of Foreign Policy Studies.

BOISE, IDAHO, March 1, 1963.

Senator CLIFFORD P. CASE,
Senate Office Building, Washington, D.C.

DEAR SENATOR CASE: * * *

* * * * *

I am strongly in sympathy with the general proposition that the Congress must be kept up to date in its methods of procedure and, further, I think it is a fair observation that it has not done so. The bipartisan commission which you suggest to report on 12 specific problem areas I think would be a useful first step but the prospect of both Houses actually implementing such a committee's recommendation in any reasonably substantial way, I cannot but view with considerable cynicism. The support from Dixie I think would prove to be just a little weak.

I agree with what you are trying to do and I admire very much what I discerned to be your motives. I hope sincerely you prove to be more than just another voice crying in the wilderness.

Cordially yours,

JAMES H. HAWLEY, Jr.

VANDERBILT UNIVERSITY,
OFFICE OF THE CHANCELLOR,
Nashville, Tenn., February 28, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *

I note that one of the matters proposed for consideration by your bipartisan Commission is the financing of Congressional election campaigns. This, in my view, is a matter of great importance, related to some of the other 12 items. I believe that the recommendations made by the President's Commission on Campaign Costs on April 18, 1962, to Mr. Kennedy have useful implications for the financing of all elections for Federal office. I would hope that these recommendations, and the bills sent to the Congress last May 29 pursuant to them, would be studied.

Your constructive concern with many public problems is viewed with great respect by many persons in my part of the world, among them no few Democrats.

* * * * *

Sincerely yours,

ALEXANDER H. ARD.

SAINT JOHN'S UNIVERSITY,
COLLEGE OF ARTS AND SCIENCES,
Collegetown, Minn., February 25, 1963.

HON. CLIFFORD P. CASE,
Senator From New Jersey,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: * * *

Let me congratulate you on the contents of your proposal. In an age when the world of today is so radically different from yesterday and when tomorrow may be unlike today, it is absolutely essential that if the American people are to retain confidence in representative bodies these bodies must be made adequate to the task which confronts them.

If the separation of powers principle is not to mean stalemate when action is needed, Congress must be streamlined to do its job efficiently. It must be cleared of the encrustation of a century of extraconstitutional practices which make it less than a fully representative body.

May I concur heartily with your proposal. There is no law of history to suggest that American representative institutions will survive come what may. Social institutions are made to serve man and to solve social problems. If one thing is certain in history it is that institutions which fail to do these two things disappear. Congress is a social invention and subject to the erosion of history if it fails to perform adequately. Your proposal is designed to keep it healthy and to win continued support for representative institutions.

Yours very truly,

Dr. EDWARD L. HENRY

THE UNIVERSITY OF MISSISSIPPI,
SCHOOL OF BUSINESS AND GOVERNMENT,
DEPARTMENT OF RESEARCH IN BUSINESS AND GOVERNMENT,
University, Miss., March 7, 1963.

Senator CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *

Your observations were timely and most impressive. I trust that you and Senator Joseph Clark of Pennsylvania will succeed in your efforts to establish a 12-man commission to study the present organization of the Congress and the functioning of the legislative process.

Certainly the people of this country should not have to endure the prolonged frustrations attendant upon the wide discrepancies between the majority will and congressional response.

* * * * *

Very cordially,

EDWARD H. HOBBS, *Director.*

STATE UNIVERSITY COLLEGE,
New Paltz, N.Y., March 12, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *

Your idea of a bipartisan mixed Commission on Congressional Reorganization is an excellent and timely one. I want to commend you for it and to wish you every success in getting it approved by the Congress.

As a political scientist, I have been aware of the problems of congressional organization and procedure for the proper functioning of our national governmental system. It is, of course, difficult to make suggestions which would be effective and at the same time acceptable to those whose consent is needed to put the improvements into practice.

In my opinion, the fundamental problem is the excessive fragmentation of political power in relation to the needs of our contemporary national society. For that reason, I would support the following revisions, among others:

1. A constitutional amendment to lengthen the terms of Members of the House of Representatives to 4 years, to run concurrently with the Presidential term. The 2-year term is too short under modern conditions and involves a needless

waste of energy for the frequent campaigns. In any event, the original rationale for the short mandate of the House was lost with the adoption of the method of popular election for the choice of U.S. Senators. Election of Members of the House on the same day as the vote for President would tend to emphasize national issues and help to overcome the fallacy of extreme localism in the choice of Representatives.

2. A requirement that all candidates for Congress be nominated on the same day in a nationwide primary. This would supplement the above proposal by emphasizing national issues. I believe that this change could be made by an act of Congress, without the necessity for a constitutional amendment.

3. A revision of the committee system in Congress. The problem here is twofold: (a) the committees have too much power without sufficient responsibility to either the respective houses of Congress or a leadership with a coherent program; (b) the seniority rule. Perhaps no better system can be devised and adopted. However, I think that some of the following devices might be considered:

(a) Allow each committee to choose its chairman from among the three members with the greatest seniority.

(b) Rotate the chairmanship, possibly among the three or five senior members of the majority party.

(c) Put either an upper age or a maximum time limit on service as committee chairman. This might not be necessary in a few cases of exceptional chairmen, but it would probably be a wise rule on the whole.

(d) Divide the present functions of the chairman between a presiding officer and another member who would present and defend the committee's reports.

Real progress on the urgent problem of congressional organization and procedure can best be made as a result of the work of a commission such as you have proposed. * * *

* * * * *

Sincerely yours,

WILLARD N. HOGAN,
Professor of Political Science.

UNIVERSITY OF IDAHO,
DEPARTMENT OF SOCIAL SCIENCES,
Moscow, Idaho, March 12, 1963.

HON. CLIFFORD P. CASE,
Senate Office Building, Washington, D.C.

DEAR SENATOR CASE: * * *

I agree thoroughly that we have worked much more diligently to improve administration than we have to improve legislation. As I see it, we are attempting to govern modern, mass society with legislative techniques which were developed for another era. In his dissent in *Shaughnessy v. the U.S. ex rel. Mezei*, 345 U.S. 206 (1953) referring to due process in the courts, the Justice uttered one of the classic statements of the problem: "Only the untaught layman or the charlatan lawyer can answer that procedures matter not. Procedural fairness and regularity are of the indispensable essence of liberty." Congress as well as the courts is one of the seats of this liberty, and I fear that Congress has neglected to keep its procedures adequate to the problems which face it. I think your proposal that a bipartisan commission report on 12 specific problems is a sane and intelligent beginning for an attack upon the problem.

Your suggestion that the key problem with respect to the power of committees and their chairmen is not seniority but excessive and irresponsible power is the first approach to the problems usually ascribed to the seniority rule which I feel has any hope of bearing fruit. I certainly encourage you to pursue it. For this very reason, however, I think you emphasize too strongly the hope of reform through self-restraint with respect to the committee system. Even though a legislative investigation is not a judicial inquiry, I feel that Congress could adopt the great bulk of the rules which have evolved in the courts to insure a "fair hearing" without crippling the work of Congress. This is a conclusion to which I came long ago after a study of *McGrain v. Daugherty* and which subsequent experience reinforced.

I have more respect than you for the filibuster rule. Protection of the rights of the minority is as essential for successful democracy as is protection for the right of the majority. The whole structure of civil rights rests upon this principle. Politically, when a significant minority feels sufficiently intense about its position,

the majority is well advised to wait rather than to insist upon recognition of its views. The requirement of a two-thirds majority for cloture instead of a simple majority is a procedural device to insure respect for this principle. I see the evil of filibustering in the damage it can work if resorted to when the session is nearing its close. As has been demonstrated in the present session the filibuster is a weak reed in the early days of a Congress. I can see merit in your proposal to put a maximum time limit upon the number of days which can be occupied by debate before a majority cloture could be imposed. Perhaps it would be workable to establish a basic minimum time and then increase the time in proportion to the number of legislative days remaining before adjournment.

Your proposal to deal with conflicts of interest by requiring full disclosure of the assets and liabilities and of the income and receipts of all Members of Congress as well as of the executive branch has my hearty approval. In this matter, as in the question of campaign finances as viewed by Dr. Heard, I am sure that disclosure and publicity is the real curative and that no effort to set specific standards can succeed. Conflicts of interest are as irreducible as campaign expenditures. It is not their existence but their unseen influence which is undesirable.

Generally speaking, Senator, I am on your side if not beyond you. Politics, like litigation, is an adversary proceedings and in both therefore I find with Justice Jackson, "Procedural fairness and regularity are of the indispensable essence of liberty." In such proceedings to ask men to use self-restraint is, I fear, asking them to behave as angels. I would do all in my power to support your efforts to improve the procedures of Congress.

* * * * *

Very sincerely yours,

R. E. HOSACK,
Head, Department of Social Sciences.

EAST CAROLINA COLLEGE,
Greenville, N.C., February 27, 1963.

Senator CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *. It seems to me that a commission composed along the lines you suggest would be a good way to deal with the matter. I have a feeling after going over the 12 problem areas for Commission examination and your statements on such matters as committee assignment that some of the things you have in mind require systematic discussion and public debate rather than legislation. The Commission you propose should be able to focus public attention on this problem.

I share your belief that public confidence in legislative institutions is declining. The *Brown* case and *Baker v. Carr* indicate that the public will turn to the judicial branch as well as the executive for needed rules if the legislative branch does not make them. Although I would maintain no rigid view that policy should be made only by Congress, I do support our traditional view that Congress is the proper body for making most of our policy. The general public seems to share this view and, it seems to me, is thereby uneasy and dissatisfied when it uses other avenues for accomplishing changes that Congress should be able to handle.

* * * * *

Sincerely,

JOHN M. HOWELL,
Professor of Political Science.

WESTERN COLLEGE FOR WOMEN,
DEPARTMENT OF POLITICAL SCIENCE,
Oxford, Ohio, February 21, 1963.

Senator CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR: * * * I heartily endorse your concern to improve congressional procedures.

I do have several comments:

1. If the seniority system is to be improved in the fashion you suggest, it would seem necessary to improve party organization to make this possible. This would involve some technique for achieving greater party responsibility and loyalty, sometimes called party discipline.

2. I question that the cure of publicity for conflicts of interest may not cause embarrassment in the functioning of completely honest officials, who almost inevitably must deal with questions related to their investments. Publicity could easily affect their judgments adversely as much as an investment unpublicized might affect others. The answer is in the choice of good officials, not a publicity straitjacket.

* * * * *
Sincerely yours,

DUNNING IDLE.

WESTERN COLLEGE FOR WOMEN,
DEPARTMENT OF POLITICAL SCIENCE,
Oxford, Ohio, June 14, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *

* * * * *
3. Effective democratic government requires the elimination of certain blocks to the will of the majority; e.g., the committee chairman, the House Rules Committee, and unlimited Senate debate are obvious points at which the majority may be prevented from acting. Yet traffic controls on legislation are necessary. And minority rights do need protection, both in and out of Congress.

4. It seems desirable to be more practical about meeting the expenses of candidates for Member of Congress and their expenses while in office. While taking care to avoid abuses, greater financial support is needed to prevent Congress from being limited to those of substantial independent means. This is not a good place for economy, or extravagance either.

5. The proposed Commission's functions to consider the congressional workload and oversight of administration open further "Pandora's boxes" that need examination. I am especially concerned with the need for greater responsiveness on the part of career officials to executive and legislative policy determination.

Your whole list of items for consideration are pertinent and difficult. It is to be hoped that the Commission is created and that its recommendations prove to be politically feasible.

Sincerely yours,

DUNNING IDLE,
Professor and Department Chairman.

PRINCETON, N.J., March 5, 1963.

Senator CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *

Let me say at the outset that I am in full agreement with your objectives. Therefore I will limit myself to a few remarks in regard to their actual materialization. One concerns "the disclosure by Members of Congress * * * every year of their assets and liabilities, and of all their income and receipts during the year." This surely is a step in the right direction. I am not so sure, however, that this matter can be resolved without establishing a firm set of principles as to what kind of income is legitimate and what is not. Could not the publication of the above facts alone, without setting up appropriate standards, lead to very unedifying verbal exchanges in election campaigns where nobody would be in a position to say what is right or wrong since positive standards are lacking? Half-way reforms might thus actually lead to a further weakening of public confidence in Congress rather than to strengthening it. I fully realize that this is a very difficult problem, and regulations pertaining to the executive branch could by no means be applied mechanically, yet mere disclosure of facts alone does not seem to me quite sufficient.

My second point concerns the problem of retirement. With few exceptions, a mandatory retirement age exists in all democratic countries, particularly for professional people in public service. It is by and large also the rule rather than the exception in this country. A wise regulation of such age limit is set in a way that the majority of those affected is mentally and physically ready, though not overready, to withdraw from public office. No doubt, since, fortunately, not all

men are alike, there is no 100-percent satisfactory solution to that problem. Some men will be affected who could still make a major contribution to the operation of Government. As good citizens they will, however, gladly accept the established rule which in no way reflects on their personal capabilities. Besides, they will probably be able to divert their talents to other constructive activities. The only system of retirement which in my opinion hurts the dignity of the individual is a selective one by which some men may be asked to withdraw on the strength of the judgment of their colleagues while others retain their responsibilities. Here I strongly believe that the age of retirement can and has to be set across the board, not "arbitrarily" but wisely. The suggestion put forward by Mr. Shaffer that for reasons of "senility" individuals should be retired as chairmen of committees but, at the same time, as Members of Congress should retain the right to vote on the issues of war and peace, frankly does not make sense to me.

* * * * *

Very sincerely yours,

ROBERT A. KANN,
Professor of History, Rutgers University.

STATE OF NEW YORK,
CIVIL SERVICE COMMISSION,
Albany, N.Y., April 3, 1963.

Hon. CLIFFORD P. CASE,
U.S. Senator, Washington, D.C.

DEAR SENATOR CASE: I read with keen interest your enlightening remarks and exposition of your proposal for improving the procedures of the Congress * * *.

I am persuaded to agree with the wisdom of your proposal, and hope the measure may be approved by the Congress.

Sincerely yours,

H. ELIOT KAPLAN.

WASHINGTON, D.C., *March 7, 1963.*

Hon. CLIFFORD P. CASE,
Senate Office Building, Washington, D.C.

DEAR SENATOR CASE: * * *.

Generally speaking, I think that your proposal is excellent. * * *

(1) It would seem to me that membership on the proposed Commission should include more Members of the Congress than individuals drawn from private life. I agree that such individuals should be represented, but I question whether an equal division is sufficiently responsive to the fact that the Congress is primarily responsible for its operations;

(2) I have some questions as to whether the term of office of Members of the House of Representatives should be included within the scope of the study. My basic reason is that this term is now prescribed by the Constitution, and I doubt whether the Commission should get into questions of constitutional change. This problem seems to me of a different sort than the other elements in the suggested study program;

(3) I have some question about the phraseology "strengthening of the congressional power of the purse." As you know, there have been some proposals to give the President additional discretion with respect to variations in taxation and expenditures in view of economic change. While I have never expressed myself in favor of these proposals, and have considerable doubts about them, the phraseology seems to take a position now with respect to this important matter and therefore differs from the openmindedness of the other proposals. I would suggest some such language as "reexamination of the congressional power of the purse."

* * * * *

Very sincerely yours,

LEON H. KEYSERLING.

NEW YORK STATE SCHOOL OF
INDUSTRIAL & LABOR RELATIONS,
CORNELL UNIVERSITY,
Ithaca, N. Y., March 15, 1963.

HON. CLIFFORD P. CASE,
*Senate Office Building,
Washington, D. C.*

DEAR SENATOR CASE: I have your letter of February 26, and I have read over with interest the interview with you conducted by Sam Shaffer and I find myself entirely in your corner. The reforms of Congress to which you refer are long overdue, and I wish you maximum success in your noble efforts to achieve them.

Sincerely yours,

MILTON R. KONVITZ,
*Professor of Industrial and Labor Relations
and Professor of Law.*

BROOKLYN, N. Y., *March 16, 1963.*

HON. CLIFFORD P. CASE,
*Committee on Armed Services,
U. S. Senate, Washington, D. C.*

DEAR SIR: * * *

I am enthusiastic about your proposal to create a "bipartisan, joint" commission on congressional reorganization. Important to have private representation. The problem areas are all pertinent and specified. Good! Too much vagueness existed in past reorganization efforts. I would like to see, in addition, the senatorial "advice and consent" area studied and reformed, especially with regard to establishing standards for the confirmation of ambassadors and of foreign aid and technical assistance administrators.

You have pointedly raised the proper question: "How much power should committees and their chairmen have?" I doubt whether abolition of the seniority system is the answer. It seems to me that the solution lies (1) in the selection of responsible and competent members (and chairmen would necessarily follow); and (2) in majority action by members of committees. Removing of matters from the chairman's hands by majority vote of the members is a marked step forward.

The treatment of witnesses by congressional committees has been, in a number of instances, atrocious. Self-restraint is noble; but I would, rather, see the adoption of a "code of ethics and fair procedure" for the conduct of inquiries. Single-member hearings should be prohibited. No committee should be immune from public scrutiny and criticism.

Joint sessions of congressional committees should be extended to many other areas besides appropriations, atomic energy, and the President's Economic Message. Separate but duplicatory inquiries should be reduced or eliminated. This is especially true in calling up Cabinet officers.

The cloture rule has long needed reform. Supposed free speech has thwarted actual democratic action. The number of days of debate is not significant. What is important is that a minority—while given the opportunity to speak—should not be permitted to thwart majority-supported action.

Legislating in detail should be avoided, especially where publicity can achieve the desired cure. This is aptly reflected by your bill requiring annual disclosure by members of the legislative and executive branches of their financial status. The second provision of the bill is equally important—placing on the record all attempts to influence legislation or administrative decisions.

For a long time, many of us—teachers and writers—have struggled to verify actual statements made on the floors of Congress. Your proposal regarding substantive statements is in order.

Our society encourages early retirement. Let us not "dump" our elders if they are still able to perform. Encouraging the retirement of the incapable and incompetent is something else.

Congressional absences are a problem. I would like to see this area studied. It is time also that the mad rush of legislative action at the end of each session be eliminated.

Admittedly, the solution to many of the problems is one of selecting good people rather than structure or procedure. How many Ph. D.'s in political science or

related fields are there in the legislatures? The nominating process discourages their selection. Yet, progress does not require cure or else all is lost. Reform is attainable and should be sought.

Like the husband who asserts he loves marriage but it's his wife he can't stand, or the homeowner who confides he loves humanity but it's his neighbors he can't tolerate, the average legislator or administrator—as average Mr. Citizen—proclaims reorganization a virtue but rejects it as impractical and futile. It is much easier to break the problem down into a number of larger problems and to add more staff via the political “process.”

* * * * *

Many thanks for the therapeutic opportunity. It is a delight to read serious, stimulating and highly intelligent remarks and ideas.

Sincerely,

OSCAR KRAINES.

PRINCETON UNIVERSITY,
DEPARTMENT OF POLITICS,
Princeton, N.J., July 8, 1963.

HON. CLIFFORD CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *. The broadness of its scope is encouraging and the inclusion of outsiders on the panel seems wise even if difficult of achievement. For Congress today is in serious trouble; no limited or short-range answer will cope with such deep-seated problems. No institution is immune to atrophy when it ceases to perform significant functions. An institution that tends to play only a nay-saying role is in a dangerous position, for the accumulated resentments of constant negatives on projects sought by many and diverse elements of the society undermines the reputation of an institution. For reasons not entirely the fault of Congress this has been its fate: it is increasingly undercutting its own reputation by being put in the nay-saying role almost exclusively.

I am well aware that Congress is not limited to a negative role; I know the positive contributions it makes to the creation of policy on matters crucial as well as mundane. But it is my impression that one needs to be a close observer of Congress to appreciate this. The common view is that expressed in a recent cartoon showing a Senator en route to the Capitol, saying he felt on top of the world and ready to kill a few bills. In a democracy even more than in other types of government the viability of an institution is a function of its perceived utility. As I read the signs and listen to citizen comment, Congress is not perceived as a significant contributor to public policy. So marvelous are its means of saying “No” and so dispersed and uncontrolled are those means that the future of the whole institution is in grave doubt and with it, unhappily, also the future of democratic government. If I am right that the public's view of Congress tends to match the cartoonist's view, then the probability of Congress' becoming a vestigial remain—bereft of power although still formally in existence—seems frighteningly great.

Thus it seems most appropriate that you and others in Congress are calling for a reappraisal of congressional procedures. Naturally the roots of the trouble with Congress go deeper than its operating procedures, formal and informal. Congress, in its worst as in its best moments, is a reflector of American attitudes and political beliefs. If the filibuster and the seniority system disperse great power to scattered members whom the greater society cannot hold accountable for their acts, it must be admitted that these practices express a widely held notion that certain minority elements should be vested with the right to say no to even large majorities. In a more precise way of speaking (and more realistically, I think) it can be said that congressional politics is a matter of many minorities competing with each other in the absence of any clear majority mandate on any but the broadest of issues. Under these circumstances and through existing procedures certain legislators are empowered with the right to slow down the procedures of Congress and to hold up legislation and insist on bargaining advantages as a condition of allowing the wheels of the institution to begin turning again. As the volume of legislative business increases, the power of the gatekeepers grows proportionately. Thus in a not at all subtle sense the procedures of Congress are sources of enormous power. Changing them will neither be easy nor a total solution of Congress' problems if achieved. Insofar as the rules reflect beliefs and power distribution in our political system, they

will be hard to change both formally and in practice. The question that must be asked, however, is how much longer we can afford to emphasize this element of our traditional heritage at the neglect of other aspects of it? For surely there is also an American belief in majority rule and the rightfulness of Government's taking action when circumstances in the world or in the Nation seem to demand action. Only at peril to itself and therefore also to democracy can Congress spurn your proffered opportunity to take a serious look at its operational methods.

Sincerely,

DUANE LOCKARD.

CLEVELAND, OHIO, *March 15, 1963.*

Senator CLIFFORD P. CASE,
Committee on Armed Services, U.S. Senate,
Senate Office Building, Washington, D.C.

DEAR SENATOR CASE: * * *

I think this is an excellent move, and you are to be congratulated for the care with which you have studied this problem and have detailed the 12 problem areas to be investigated.

As a former political scientist and as an individual interested in the legislative and administrative processes, I have been more and more concerned about the growing power of the executive branch and the fractionalizing of power at the congressional level. I realize there are many reasons for this, but I wish this commission would consider the manner in which congressional power and influence might be increased vis-a-vis the executive and judicial branches of Government.

Many responsible people are also concerned about the growing liberalism of the Senate. This has nothing to do with your Commissions on Congressional Reorganization, but I thought I would pass this along to you even though I'm sure it's been quite apparent for some time.

* * * * *

Sincerely yours,

L. C. MICHELON.

CLEVELAND, OHIO, *June 20, 1963.*

Hon. CLIFFORD P. CASE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR CASE: * * *

As far as scheduling measures for congressional consideration and action, the reorganization commission should explore how complicated legislative measures can be properly scheduled in terms of their priority and substantive nature, so that sufficient time, staff work, and public consideration can be accomplished prior to final disposition. The standing committees have served this purpose with professional staff, but there have been many instances where key legislation has been held in "cold storage" too long for realistic consideration prior to adjournment.

Some time ago the American Political Science Association's Committee on Political Parties proposed a program for congressional reform with which I do not entirely agree but which contains several recommendations of merit.

They agreed that the seniority rule should be modified to permit party leadership to name as committee chairmen senior members who are vigorous personally and generally loyal to the party program.

They recommended that freedom of debate in the Senate be modified to permit debate to be closed by a simple majority vote.

Their other significant recommendation is that the legislative schedule in the House of Representatives should be transferred from the Rules Committee to a "Leadership Committee" of the majority party. This was based on the notion that each party would have "Leadership Committees" and that these committees would concentrate the powers now scattered through such separate agencies as the steering and policy committees, the committee on committees, and the House Rules Committee. Such leadership committees would be responsible for drawing up the slates of committee assignments, issue calls for party caucuses, and generally guide the legislative schedules in the House and in the Senate.

I am not willing, personally, to surrender this amount of power to one such committee, but the feeling was that this would expedite the legislative program

and would get a greater number of Congressmen behind a definitive program during a legislative session.

All of this is no doubt related to the workload of Congress, which has burgeoned in the last 10 years. It appears to me, therefore, that the Congress should consider the establishment of a full-time and substantial congressional research bureau—not as professional individuals attached to separate committees, but staffed with adequate and competent personnel who could research on a continuing basis the major fields of legislation for the House and Senate. Such a group would coordinate long in advance of committee assignments the basic “pros and cons” of potential legislation and would not be concerned with technical wording or preparation of a proposed piece of legislation. They might also prepare, as well, a review of obsolete legislation for the purpose of removing unneeded statutes from the books rather than simply adding new ones. I don’t know of any organized method for doing so at the present time.

Items 5 and 6 are interrelated because it’s difficult for a Member of Congress to eliminate prior business connections when the term of office for a House Member is only 2 years. The risks of not being elected are such that, for the most part, a person would be foolish to sever all previous ties. Equally important, it seems to me that a short term of office favors certain individuals to run for Congress—particularly attorneys. We should have a broader representation from all groups of society. The other disadvantage is that a Member of the House is just getting familiar with the legislative process when he has to return to his constituency and begin campaigning all over again. It has been apparent for some time that a 4-year term would be much more practical and desirable.

As to item 9, there are variations in the method for appointing nominees to the military service academies and other Government academies. These should be made uniform for the sake of equal opportunities of entrance. For example, some Congressmen hold competitive exams for the appointments. Others do not. There are good reasons for some latitude, but a standard approach should be used wherever practical.

My main concern is with items 10 and 11. I have been increasingly alarmed at the growing power of the executive branch of Government, the inflexibility of civil service, and the fractionalizing of power at the congressional level. Anyone who views the governmental process dispassionately from the outside cannot but feel that the executive and judicial branches of Government have increased their power and influence much more so than Congress. We started largely as a legislative state—but in my opinion, we are developing rapidly into an executive state, where considerable legislation is enacted by administrative agencies that have their own attorneys and courts and which combine in their operations executive, legislative, and judicial functions. The best evidence of this is the “Manual on U.S. Government Organization for 1962–63.” The legislative branch is described in 20 pages. The remaining 700 or more pages are devoted to agencies of the executive branch.

The executive branch has, through Executive order and by means of the Bureau of the Budget and uncommitted funds, created a situation where Congress no longer adequately controls the ultimate impact of legislation on the individual or even actual cost to the average citizen. This Commission will have done a real service if it can improve congressional followup of the administration of laws and strengthen the congressional power of the purse.

Along these lines, there should be a better way of combining the legislative program of Congress with its ultimate cost so that income and outgo can be more closely coordinated than in the past. Under present procedures the Bureau of the Budget doesn’t consolidate its forecast of income and outgo until Congress has completed its session and adjourns. Obviously, there cannot be a close coordination between commitments made through legislation and the tax funds required to carry them out.

* * * * *

Sincerely yours,

L. C. MICHELON.

WASHINGTON, D.C., *March 18, 1963.*

DEAR SENATOR CASE: For most of the problem areas listed as the agenda for your proposed Commission on Congressional Reorganization, the investigative reports will indicate current solutions or tolerable ameliorations. Studies on all of them will prove to be very useful and should serve to focus attention upon those features of the problem which can be corrected.

My observation over many years is that the chief trouble with Congress is the double fault of lack of confidence in its own integrity and failure to the extent some times of pusillanimity to use the rules. It irks me to see a solon apologizing to heckling newsmen for using a son on his staff, or defending themselves for actions that they never contemplated. The Commission might examine conflict of interest of Members, but I should venture that leaving the matter to discretion of the individual would be better than any attempt to legislate rules for Congress. As to floor business, my impression is that the rules are generally sufficient, if they are used, which too frequently requires controversy to provoke their application.

I think it is very desirable to determine how much reorganization Congress needs as compared with what is called for. The calls for change are mostly from those who haven't got what they wanted when they wanted it out of the current system, on the premise that they were entitled to have their desire on the dot. (Which is contrary to nature, for democracy is congenitally dilatory.) Moreover, each House is a club in which each Member sits by virtue of the home vote, not by acquiescence of his fellows, or of the body itself. This attribute of representative independence in the body insures a personal-partisan character to relations in each House that runs tandem with if not counter to the mere conduct of business by formal rules.

Reorganization that results from analyzing the changing pattern of public affairs and reallocating committee and other supervision over the various segments will be a valuable result of the Commission's work. Review and examination of many functions, such as appointment duties and use of allowances, will reveal useful guides to improved practice.

The heart of Congress is the committee system. I suggest trying for a rule that a chairman be limited to service during three Congresses, after which he becomes chairman emeritus, acting in the absence of the chairman. Each House should have a procedure by which it could call upon its committees to act upon bills that are unduly held up.

If a Commission is established and it proceeds to work by means of hearings, some effort should be made to induce the learned societies to submit suggestions through committees that have examined and appraised the ideas of the individual pundits.

Sincerely yours,

DENYS P. MYERS.

HARRISBURG, PA., April 6, 1963.

Senator CLIFFORD P. CASE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: * * *. This appears to be a very ambitious undertaking, and one which is surely needed. I am hoping the recent controversies over congressional conflicts of interest will help to generate public interest and support behind this project.

The areas which particularly interest me involve strengthening legislative oversight of the administration and improving congressional salary schedules. I have strongly felt that Congressmen and Senators are underpaid, both in terms of personal salary and in terms of the necessary office and committee staff. This seems to be especially the case with the minority party. A lack of good staff usually means a dependence for information on the executive (and on lobbyists). * * *

* * * * *

Yours sincerely,

KENNETH PALMER.

A. T. KEARNEY & Co.,
Washington, D.C., April 19, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR CASE: * * *.

I am personally of the belief that you are wise in attempting to move on two fronts simultaneously: Endeavoring to establish a study Commission on Congressional Reorganization as an overall goal but seeking at the same time to make whatever more limited progress is immediately possible in a number of your specific problem areas. As we can all appreciate, action on any possible

Commission recommendations would be a long time off and there are undoubtedly areas in which some more immediate action is possible and which would probably not be inconsistent with the recommendations the Commission would eventually develop. More stringent regulations designed to guard against conflicts of interest and improved congressional comprehension of the budget are two which come to mind.

I am sure you will find solid support among our citizenry for what you are endeavoring to do.

Faithfully,

RALPH W. E. REID.

* * * * *

STANFORD UNIVERSITY,
DEPARTMENT OF POLITICAL SCIENCE,
Stanford, Calif., April 1, 1963.

HON. CLIFFORD P. CASE,
*Committee on Armed Services,
U.S. Senate, Washington, D.C.*

DEAR SENATOR CASE: * * *. There is no doubt at all in my mind that your suggestions would have the support of an overwhelming majority of political scientists who concern themselves with American Government and politics. I can remember discussing such proposals when I was an undergraduate at the University of Wisconsin 20 years ago. And I suppose almost any political scientist of any generation can make the same statement.

I don't know what more I can say apart from wishing you the best of luck in your efforts to change the procedures. If I were a Member of the Senate, you would have my vote. As it is, you have my complete support.

Sincerely,

ARNOLD A. ROGOW,
Associate Professor.

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, March 26, 1963.

HON. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *.

Your 12-point proposed study program is most sound. I feel that your timely suggestion would afford the Congress a splendid opportunity to review its procedures in the light of the increasingly difficult demands placed upon it by the variety of problems facing the Nation at this time.

Kindest regards.

Sincerely,

WILLIAM J. RONAN.

BOSTON UNIVERSITY,
SCHOOL OF PUBLIC RELATIONS AND COMMUNICATIONS,
Boston, Mass., March 17, 1963.

Senator CLIFFORD P. CASE,
*Senate Office Building,
Washington, D.C.*

DEAR SENATOR CASE: * * * After careful study of your proposal I send you my support and encouragement.

If there is any criticism, it would be along the line of wondering whether your problem area "(9)", dealing with appointments, is phrased widely enough. In regard to problem area "(12)", dealing with lobbying, I think that there is a clear public need for a restudy of the subject. The work of the Congressional Reorganization Act of 1946 has proven to be inadequate and it is high time that better solutions were sought in the public interest.

Lastly, your concept for the membership of this Commission, including as it does six individuals in private life who are qualified, is most constructive. * * *

* * * * *

Sincerely,

BERNARD RUBIN, Ph. D.,
Associate Professor of Governmental Affairs and Public Relations.

UNIVERSITY OF MINNESOTA,
COLLEGE OF SCIENCE, LITERATURE, AND THE ARTS,
Minneapolis, June 21, 1963.

Senator CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: * * *

As a long-time student of legislation, I am convinced that the time has come for the Congress to take another hard look at its organization and procedure for the effective handling of the increasing volume of business it is called upon to discharge. Other matters such as conflict of interest and lobbying also are in need of reexamination. The Congressional Reorganization Act of 1946 was a great step forward, but it was generally understood at that time that only a beginning had been made upon the problems of making the Congress a more effective legislative body, and the intervening years have added greatly to the burden which the Congress is called upon to carry.

* * * * *
Sincerely,

LLOYD M. SHORT.

BROOKLINE, MASS., April 8, 1963.

Senator CLIFFORD P. CASE,
Senate Office Building, Washington, D.C.

DEAR SENATOR CASE: * * *.

* * * * *

Rather than just tell you how right you are, here is how the problem appears to me:

1. The political tactics necessary to achieve action. Beyond listing the obvious things like publicity, articles in magazines, etc. * * * since you are the professional it seems somewhat presumptuous of me to propose in this area. Here is one small comment, however. I have written Senator Clark reminding him that if the Senate Rules Committee is not able to take favorable action that the Senate Government Operations Committee probably has a "liberal" majority now and could be the proper committee to consider both your Commission idea and congressional reform in general. Historically that committee in the House has considered similar proposals.

2. Specific ideas not necessarily original with me but relatively different from those customarily proposed regarding improving congressional organization and procedures.

A. Mathematical formula in assigning committee positions to each party: Mathematical exactitude is certainly not followed in determining party ratios on committees. Although Senator Clark made a good case regarding the Finance, Foreign Relations, and Appropriations Committees, may I suggest something quite different. I would like to see the majority political party organize the Senate or House. Why not devise a mathematical formula that gives bonus seats to the majority party. In other words follow the relative party strength and then allot two, three, or four extra seats to the majority party to insure that they have proper control over each committee.

B. Let majority leader and also possibly the majority whip vote in any committee or subcommittee including conference committees. Possibly this idea ties in with the above suggestions. Maybe the two party leaders would then be given far more responsibility to vote out or kill any piece of legislation, appointment, etc.

C. Alternating chairman: I am opposed to the seniority principle in assigning Members to committees and in allowing automatically Members to become chairman. However, here is an idea which may have some merit. At the beginning of a new Congress the person with the highest seniority on a given committee should be given his choice to be chairman for the first or second session. The next ranking member would be the chairman in the 2-year period not chosen by the man with highest seniority. This proposal is a small reform, possibly with more attraction to Congress than more radical suggestions. However, it has this feature: It would increase the chances for opening up committees and bottling fewer bills. If the top members had completely different views then each would get a chance to push his pet bills.

D. The Congressional Record: Congressmen and Senators read it and so do I, but what a dismal chore. Good typography and good design cost little, if anything, more than poor design. I'm sure that Congressmen could save much of their own time, journalists, researchers would bless you, and you might even increase your public circulation if more people found the Congressional Record in more palatable form. (Need better daily indexing?)

E. Cloture regulation: Of course, I am for protecting the rights of minorities and majorities. The issue is that ultimately you should be able to vote. Some who filibuster admit that their objective is to talk to death and kill. Others have claimed that they were trying to educate public opinion figuring that the public would wake up after hearing their views and deluge Congress with expressions from home. How about breaking up the time span? Allow 15 days of debate and then 7 final days after 1 or 2 months. The theory here would be that no minority in or out of Congress would be denied the opportunity or time to be heard and to marshal all of the support that it possibly could. The issue as you say is that "a minority of the Members of the Senate shouldn't be able to prevent action ever being taken."

F. Relevance of experience of other legislative bodies and contribution that political scientists could make. Interestingly enough Parliament is also presently concerned with its organization and procedures. I think that a select committee was set up in March to study and propose ways to improve English practice.

* * * * *

Sincerely yours,

RICHARD D. STONE.

EASTERN MICHIGAN UNIVERSITY,
DEPARTMENT OF HISTORY AND SOCIAL SCIENCES,
Ypsilanti, Mich., March 20, 1963.

HON. CLIFFORD P. CASE,
*U.S. Senate,
Washington, D.C.*

DEAR SENATOR CASE: * * *. Permit me to say that I think such a study as you propose is positively imperative if our Government is to get abreast of the times. It seems to me that, measured by the individual capacities of its Members, Congress at this point in our history compares very favorably with any of its legislative predecessors, but when measured by its collective capacity to get things done, it is looking much worse. Each House as a body has become, so to speak, a prisoner to procedures which are patently out of step with the swift tempo of the nuclear-space age. This needs to be corrected, and quickly, and I know of no better way to begin than the one you have in mind.

I think the composition of the Commission, as you outline it, is excellent. With six Members of Congress and six persons from private life, we should get a good view of Congress from both inside and outside. The internal experience of Congress will be well balanced with the public's rightful interest in seeing that public business is handled carefully but with the dispatch which the times require. Right now I have just one suggestion—one which I imagine you will be getting from many quarters. If we are to move forward as a nation, we must find a way to bring the executive and legislative branches into a closer and more cooperative relationship without damage to the balances upon which our Government is founded and without impairing the values provided by a loyal opposition. Therefore legislative and executive experience should both be taken into full consideration. A way should be found to give great weight to the views of President Kennedy and all surviving former Presidents, being at this time, ex-Presidents Hoover, Truman, and Eisenhower.

All of the areas of study which you propose for the Commission are indeed important ones. My own interest is greatest in area (1) the scheduling of measures for consideration and action. * * *

* * * * *

Sincerely,

EDGAR W. WAUGH,
Professor of Political Science.

THE GEORGE WASHINGTON UNIVERSITY,
DIVISION OF SPECIAL STUDENTS,
Washington, D.C., March 18, 1963.

Senator CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *

While I believe that Congress does, in fact, operate more effectively than sometimes it is given credit for, I also recognize that procedures and practices need to be adapted to changing times. A general survey, such as you suggest, has advantages over piecemeal changes and might lead to proposals that, even though moderate, would effect improvement. As an example, I have been dubious about proposals to do away with seniority in committee assignments, since substitutes that have come to my attention had defects of their own. At the same time, it may be that changes in committee practices might meet some of the criticism.

The enormous growth in Executive power, and even in judicial power, calls for attention to what may happen to the branch that is closest to the people. The Commission might bring forth valuable proposals for change. If it did not, its report might mitigate some of the destructive criticism that Congress has had to bear.

Sincerely,

W. REED WEST,
Professor (Emeritus) in Residence.

SCHOOL OF ADVANCED INTERNATIONAL STUDIES,
THE JOHNS HOPKINS UNIVERSITY,
Washington, D.C., April 10, 1963.

Hon. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR CLIFF: * * *

I certainly agree with you that it is high time to move ahead with a serious study which would bring up to date the work of the LaFollette-Monroney committee. After all, 17 years have passed since the Congressional Reorganization Act went into effect. A great deal has happened in the world since then and parliamentary government everywhere is under attack. It certainly behooves us to take another good look at the Congress, its functions, and procedures in order to determine how its work can be made more effective.

I like, also, your thought that the committee would be bipartisan in character and would also include competent individuals from private life. This would not only insure a more objective approach to the whole problem, but it also would insure, because of the presence of six Members of the Congress, that the interests of Congress generally would be adequately protected.

I hope very much that some proposal like yours will emerge from the present session of the Congress. We cannot afford to allow any more time to go by before tackling this important problem.

I am particularly interested, of course, in the role of Congress in the conduct of our foreign policy. Here the whole question of executive-legislative relationship is involved in a very unique way—also the overlapping jurisdiction of congressional committees. If we are to play our role in world affairs as effectively as we must, then certainly the Congress ought to be organized more efficiently than it now is.

* * * * *
Cordially yours,

FRANCIS O. WILCOX.

PRINCETON, N.J., March 25, 1963.

Hon. CLIFFORD P. CASE,
Senate Office Building, Washington, D.C.

DEAR SENATOR CASE: * * *. I fully agree to the desirability of initiating such a study; indeed, I would call it an indispensable necessity. I also think you have been wise to point out the specific difficulties that require prompt and searching remedies.

As regards the composition of the Commission, I am happy to see that you will include persons from outside Congress. It is not that I think the public at

large ought to be represented on such a commission or that I distrust the competence of Congress to put its own house in order. But the Members of Congress are busy people and may not have the time available really to do the work. By bringing in outsiders, you have a better chance of obtaining at least three or four members who will devote their full energies to the matter in hand.

The problem in which I am myself most interested is No. 11, the strengthening of the congressional power of the purse. It can be divided into three parts: control before, during, and after expenditure. The first and third are peculiarly in the province of Congress; the second in that of the executive. But they cannot altogether be disassociated. I would hope therefore that the Commission's terms of reference would be sufficiently wide to embrace the inner working of the Treasury, the Budget Bureau, the General Accounting Office, and the spending departments.

This leads me to suggest that in staffing the Commission consideration be given to coopting some of the civil servants who are immediately concerned with or have had special experience with the problem of controlling expenditure. I would point out that the Plowden Committee which reported in 1961 to Parliament through the Chancellor of the Exchequer had among its members several senior officials drawn from the departments including the treasury. Without their aid, I doubt that the committee could have done its work.

I hope that these brief remarks will prove helpful. If I can be of any further assistance, please feel free to call on me. In the meantime, put me down as an enthusiastic supporter of your bill.

Yours sincerely,

LUCIUS WILMERDING, Jr.

DEPARTMENT OF MILITARY SCIENCE,
ARIZONA STATE UNIVERSITY,
Tempe, Ariz., April 9, 1963.

Hon. CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: * * *

The proposal for a bill to create a Commission on Congressional Reorganization, modeled on the lines of the Hoover Commission is, I think, an excellent idea. The proposal that 6 of the 12 members be highly qualified individuals from private life (management consultants, presumably) is especially well-advised. I certainly hope that both Houses of Congress see fit to consider the proposal favorably.

I found the thoughts and proposals outlined in your television interview of November 30, 1962, with Sam Shaffer to be most stimulating. With reference to these, I had one comment that I thought might be constructive. This is the idea that perhaps the key to improvement in some of the areas which you have discussed could be found in the strengthening of the two-party system in the United States. And this calls to mind the study made some years ago by the American Political Science Association entitled "Toward a More Responsible Two-Party System." I believe that it was in 1952 that the APSA formed a special study committee and issued a special report with that title—"Toward a More Responsible Two-Party System."

As I recall it, the gist of the recommendations of the APSA committee was that if the two major political parties were to develop for themselves stronger national organizations they could far more effectively than at present perform their proper functions of recruiting candidates, organizing the electorate, building good will, raising money, publicizing issues, leading public opinion, conducting campaigns, policing elections, checking up on officeholders, delivering routine services, and generally getting things done.

It would seem to me that, although this country certainly differs from Great Britain, nevertheless the benefits of British methods of partisan organization should accrue to American political parties as much as they do to the British parties for which they were designed. It should generally be no less true of political parties than it is of business or of any other form of human endeavor that in organization there is strength.

To illustrate the possible operation of stronger party organizations, we might assume a national party organization of each of the two parties with headquarters in Washington, possessing such attributes of modern organization as membership lists, dues, periodical magazines, a permanent secretariat, and a board of directors. A board of directors, one would think, might include the senior Members of Congress in each part and perhaps the President and Vice President of the party in

the White House. Such a national organization, possessing far more adequate financial resources than at present, with much broader representation in the electorate, and the advantages of centralized yet democratic policy planning facilities, should possess enough strength to exert reasonably effective control of its members in each House of Congress and require of them high standards of conduct and of ethics.

Such a national partisan organization should possess enough power to be able to control committee chairmanships and supervise committee assignments and it should be able to police its own members effectively enough to see that irresponsible or incompetent persons do not come into positions of power. The self-policing role of the national party headquarters should probably extend to such matters of party responsibility as those which you mentioned in the areas of conflicts of interest, substantive alterations of the record, and the application of maximum age limits to key congressional positions.

Through national party organizations of the type envisioned it should be possible also to secure legislation to provide for assistance in the financing of congressional election campaigns, and to provide needed legislation in the area of communications, travel, and other allowances for the Members of Congress. If public confidence and the responsiveness of national party organizations to public opinion were strong enough, it might even be possible to secure such fundamental changes as the constitutional extension to 4 years of a Congressman's term of office. And beyond these few measures cited, many other benefits would appear to be possible. If I recall correctly, these and other points were covered in considerable detail in the report of the APSA study committee.

It is conceivable that such a plan for strengthening the national party organizations could come about as a result of competition between the two parties, provided that one of them took the first step and proceeded to reap the benefits of improved organization.

* * * * *

Yours very truly,

THEODORE WYCKOFF,
Member, American Political Science Association.

—
PACE COLLEGE,
New York, N.Y., July 8, 1963.

Senator CLIFFORD CASE,
*Senate Office Building,
Washington, D.C.*

DEAR SENATOR CASE: * * * I am very enthusiastic about the bill and I feel it is a desperately needed piece of legislation to bring Congress into the mid-20th century. The problems that the U.S. Congress faces in an agricultural-industrial complex are staggering. I feel that legislative bodies are literally fighting for their lives against the power complex being built up by the executive office. An efficient, functioning legislature is vital for the success of representative government. I hope that this bill, a small but effective step in retuning the motor of this body, will pass and be supported by all parties.

If we are to get citizens angry concerning corruption in labor and in business sectors, the same citizens also want to know about "conflict of interests" that may exist among Members of the U.S. Congress. Staffing, structure, and operating of committees are crucial also to democratic government. This is how you people somehow or other find out what we voters are concerned about. I wish you Godspeed and success with this bill.

Sincerely,

JORDAN M. YOUNG,
Associate Professor, Social Sciences Department.

EXHIBIT 8

CONGRESSIONAL REORGANIZATION—A SELECTED BIBLIOGRAPHY, COMPILED BY THE LEGISLATIVE REFERENCE SERVICE, LIBRARY OF CONGRESS, AT THE REQUEST OF REPRESENTATIVE ALPHONZO BELL

BOOKS

- Acheson, Dean G., "A Citizen Looks at Congress." New York: Harper, 1956. 124 pp. JK 1061 .A64.
- American Political Science Association. Committee on Congress. "The Reorganization of Congress." Washington: Public Affairs Press, 1945. 89 pp. JK 1096 .As.
- American Political Science Association. Committee on Political Parties. "Toward a More Responsible Two-Party System"; a report. New York: Rinehart, 1950. 99 pp. JK 2265 .A7.
- Bailey, Stephen K., and Howard D. Samuel. "Congress at Work." New York: Holt, 1952. 502 pp. JK 1061 .B3.
- Burdette, Franklin L., "Filibustering in the Senate." Princeton: Princeton University Press, 1940. 252 pp. JK 1274 .B87.
- Burnham, James, "Congress and the American Tradition." Chicago: Regnery, 1959. 363 pp. JK 1061 .B78.
- Burns, James MacGregor, "Congress on Trial: The Legislative Process and the Administrative State." New York: Harper, 1949. 224 pp. JK 1061 .B8.
- Burns, James MacGregor, "The Deadlock of Democracy; Four-Party Politics in America." Englewood Cliffs, N.J.: Prentice-Hall, 1963. 388 pp. E 183 .B96.
- Dangerfield, Royden James, "In Defense of the Senate; A Study in Treaty-making." Norman: University of Oklahoma Press, 1933. 365 pp. JK 1170 .D3.
- Galloway, George B., "Congress and Democracy; a Lecture Delivered at the Ohio State University, February 27, 1950" (Walter J. Shepard Foundation lectures).
- Galloway, George B., "Congress and Parliament: Their Organization and Operation in the U.S. and the U.K." Washington: National Planning Association, 1955. 105 pp. JK 1021 .G3 (or) HC 101 .N352 No. 93.
- Galloway, George B., "Congress at the Crossroads." New York: Crowell, 1946. JK 1061 .G3.
- Galloway, George B., "Congressional Reorganization Revisited." College Park: Bureau of Governmental Research, University of Maryland, 1956. 26 pp. JK 1061 .G314.
- Galloway, George B., "Congressional Reorganization: Unfinished Business." In Earl Latham (Ed.), the philosophy and politics of Woodrow Wilson. Chicago: University of Chicago Press, 1958. pp. 214-27. E 767 .L3.
- Galloway, George B., "History of the House of Representatives." New York: Crowell, 1962. 334 pp. JK 1316 .G2.
- Galloway, George B., "The Legislative Process in Congress." New York: Crowell, 1953. 689 pp. JK 1061 .G32.
- Galloway, George B., "Next Steps in Congressional Reform." Urbana: University of Illinois, Institute of Government and Public Affairs, 1952. 32 pp. JK 1061 .G33.
- Griffith, Ernest S., "Congress: Its Contemporary Role." 3d edition New York: New York University Press, 1961. 244 pp. JK 1061 .G7 1961.
- Gross, Bertram M., "The Legislative Struggle, a Study in Social Combat." New York: McGraw-Hill, 1953. 472 pp. JK 1096 .G7.
- Harris, Joseph P., "The Advice and Consent of the Senate." Berkeley: University of California Press, 1953. 457 pp. JK 1274 .H3.
- Hazlitt, Henry, "A New Constitution Now." New York: McGraw-Hill, 1942. 297 pp. JK 268 .H36.
- Heubel, Edward J., "Reorganization and Reform of Congressional Investigations, 1945-55." Ann Arbor: University Microfilms, 1956. Microfilm AC-1 No. 15, 930.
- Holcombe, Arthur N., "Our More Perfect Union; From Eighteenth-Century Principles To Twentieth-Century Practice." Cambridge: Harvard University Press, 1950. 460 pp. JK 31 .H7.
- Horn, Stephen, "The Cabinet and Congress." New York: Columbia University Press, 1960. JK 616 .H6.
- Hyneman, Charles S., "Bureaucracy in a Democracy." New York: Harper, 1950. 586 pp. JK 421 .H8.

Jewell, Malcolm E., "Senatorial Politics and Foreign Policy." Lexington: University of Kentucky Press, 1962. 214 pp. E 744 .J4.

Kammerer, Gladys M., "Congressional Committee Staffing Since 1946." Lexington: Bureau of Government Research, University of Kentucky, 1951. 65 pp. JK 1029 .K3.

Kefauver, Estes and Jack Levin. "A Twentieth-Century Congress." New York: Duell, Sloan & Pearce, 1947. 236 pp. JK 1081 .K4.

Kofmehl, Kenneth T., "Professional Staffs of Congress." West Lafayette Ind.: Purdue University [Studies: Humanities Series], 1962. 282 pp. JK 1083 .K6.

McNeil, Neil, "Forge of Democracy: The House of Representatives." New York: McKay, 1963. 496 pp. JK 1331 .M2.

Millspaugh, Arthur C., "Toward Efficient Democracy; the Question of Governmental Organization." Washington: Brookings, 1949. 307 pp. JK 271 .M5.

Monrone, A. S. Mike, et al. "The Strengthening of American Political Institutions." Ithaca: Cornell University Press, 1949. 134 pp. JK 271 .S893.

Ogul, Morris S., "Reforming Executive-Legislative Relations in the Conduct of American Foreign Policy: The Executive-Legislative Council as a Proposed Solution." Ann Arbor: University Microfilms, 1958. [Thesis, University of Michigan] 1921.

Kraines, Oscar, "Congress and the Challenge of Big Government." New York: Bookman Associates, 1958. 129 pp. JK 643 .B87K7.

Riddick, Floyd M., "The United States Congress; Organization and Procedure." Manassas, Va.: National Capitol Publishers, 1949. 449 pp. JK 1096 .R54.

Robinson, James A., "Congress and Foreign Policy-Making: A Study in Legislative Influence and Initiative." Homewood, Ill.: Dorsey Press, 1962. 262 pp. JK 1081 .R6.

Truman, David B., "The Governmental Process; Political Interests and Public Opinion." New York: Knopf, 1953. 544 pp. JK 1118 .T7.

U.S. Congress, Senate. Committee on Rules and Administration. "Rules of Procedure for Senate Investigating Committees." Hearings before the Subcommittee on Rules, 83d Cong., 2d sess. 10 parts. Washington: U.S. Government Printing Office, 1954. 10 pts., 663 pp. JK 1274 .A4 1954.

U.S. Congress, Senate. Committee on Rules and Administration. "Rules of Procedure for Senate Investigating Committees." Report of the Committee on Rules and Administration, 84th Cong., 1st sess. Washington: U.S. Government Printing Office, 1955. 43 pp. JK 1274 .A4 1955.

Wallace, Robert A., "Congressional Control of Federal Spending." Detroit: Wayne State University Press, 1960. 188 pp. HJ 2052 .W3.

Willoughby, William F., "Principles of Legislative Organization and Administration." Washington: Brookings Institution, 1934, 657 pp. JK 1061 .W7.

Wilson, H. Hubert, "Congress; Corruption and Compromise." New York: Rinehart, 1951. 337 pp. JK 1061 .W72.

Young, Roland, "The American Congress." New York: Harper, 1958. 333 pp. JK 1061 .Y59.

ARTICLES

Baker, Russell W., "Paralysis on the Hill: The Declining Prestige and Power of Congress Stem From Its Inability and Unwillingness To Meet Its Responsibilities Toward National Issues." Johns Hopkins magazine, 14: 4-5 plus (January 1963).

Bendiner, Robert, "Just How Bad Is Congress"? Commentary 18: 135-41 (February 1952).

Broughton, Philip S., "Congress Is Far From Reorganized." New York Times magazine. May 18, 1947, p. 7 plus.

Broughton, Philip S., "For a Stronger Congress." New York: Public Affairs Committee, 1946. 32 p.

Carter, Hodding, "Speaking Out: Let's Keep the Filibuster." Saturday Evening Post, 235: 10 plus (June 16, 1962).

Celler, Emanuel, "The Seniority Rule in Congress." Western Political Quarterly, 14, pt. 1: 160-67 (March 1961).

Chamberlain, Lawrence H., "Congress, Diagnosis and Prescription." Political Science Quarterly, 60: 437-45 (September 1945).

Clark, Joseph S., "Hesitant Senate." Atlantic, 209: 55-60 (March 1962). Reply: Barry Goldwater, 209: 36 plus (May 1962).

Congressional Quarterly Almanac (Annual) Washington: Congressional Quarterly Service. 194—Congressional Quarterly Weekly Report. Washington: Congressional Quarterly Service.

"Congressman: For 2 Years, or 4?" *Senior Scholastic*, 73: 8-9, 28 (September 19, 1958).

Coyle, David Cushman, "Reorganizing Congress." *Virginia Quarterly Review*, 24: 13-26 (winter 1948).

Daniels, Jonathan, "What Truman Would Do To Congress." *Colliers*, April 14, 1951: pp. 13-15, 54-55.

Drummond, Roscoe, "Speaking Out: Congress Must Reform." *Saturday Evening Post*, 238: 8 plus (February 9, 1963).

"The Filibuster Debate: Barrier Against Steamrollers," by Lindsay Rogers; "The Public Business Must Go Forward," by Jacob K. Javits. *Reporter*, 20: 21-25 (January 8, 1959).

Fulbright, J. William, "American Foreign Policy in the 20th Century Under an 18th Century Constitution." *Cornell Law Quarterly* (fall 1961).

Galloway, George B., "The Operation of the Legislative Reorganization Act of 1946." *American Political Science Review*, 45: 41-68 (March 1951).

Galloway, George B., "To Break the Congress Long-Jam." *New York Times* magazine (July 26, 1953).

Gallup, George H., "Editors for Congress: Single Term Proposed To Attract Outstanding Citizens." *National Municipal Review*, 47: 210-15 (May 1958).

Goodwin, George, Jr., "The Seniority System in Congress." *American Political Science Review*, 53: 41-36 (June 1959) (also as Bobbs-Merrill reprint in the *Social Sciences*, PS-107).

Goodwin, George, Jr., "Subcommittees: The Miniature Legislatures of Congress." *American Political Science Review*, 56: 596-604 (September 1962).

Greenberg, D. S., "Science and Congress: Machinery Is Out of Date for Handling \$12 Billion in Research Programs." *Science*, October 19, 1962, pp. 417-418.

Humphrey, Hubert H., "Modernizing Congress—Pressure Forcing Congress To Consider Modernizing Its Ways for the First Time in 17 Years." *American Federationist*, 70: 1-4 (April 1963).

Humphrey, Hubert H., "The Senate on Trial." *American Political Science Review*, 44: 650-660 (September 1950).

Humphrey, Hubert H., "To Move Congress Out of Its Ruts." *New York Times Magazine*, p. 39 plus, April 7, 1963.

Hyman, Sidney, "Inquiry Into the 'Decline' of Congress." *New York Times Magazine*, January 3, 1960, pp. 5, 38-41.

"Is Congress Doing Its Job?" With editorial comment. *Business Week*, 48-57, 92 (Jan. 5, 1963).

Jones, Charles O., "The Role of the Congressional Subcommittee." *Midwest Journal of Political Science*, 6: 327-44 (November 1962).

Kefauver, Estes, "Congressional Reorganization." *Journal of Politics*. 9: 96-107 (February 1947).

Kefauver, Estes, "Did We Modernize Congress?" *National Municipal Review*. 36: 552-57 (November 1947).

Kefauver, Estes, "What's To Be Done About Congress." *New York Times Magazine*. September 11, 1949; pp. 9-10 plus.

Kennedy, John F., "Congressional Lobbies: A Chronic Problem Reexamined." *Georgetown Law Journal* 45: 535-67 (summer, 1957).

Kolodziej, E. A., "Minority Rule as a Rule." *New Republic*, 148: 8-10 (Jan. 12, 1963).

Kristol, Irving, "Democracy and Babel." "There has not been a 'great debate' on any public question since 1920," not in the mass media, certainly not in Congress, says the author. *Columbia University Forum*, 3: 15-19 (fall 1960).

"Latest Efforts To Change U.S. Senate's Cloture Rule 22." *Congressional Digest* (entire issue) (December 1958).

"Liberals Seek Shortcut Through Congress." *Nation's Business*, November, 1962, pp. 36-37, 78.

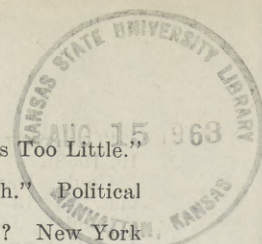
Lyon, Carl V., and William H. Stamhagen, "Lobbying, Liberty, and the Legislative Process: An Appraisal of the Proposed Legislative Activities Disclosure Act." *George Washington Law Review* 26: 391-417 (March 1958).

McCartney, J., "Senate Establishment; Concerning Senator Clark's Remarkable Speech." *Nation*, 196: 219-21 (Mar. 16, 1963).

McClellan, John L., "A New Watchdog Agency for Congress." [Tax Foundation] *Tax Review*, 18: 55-18 (December 1957).

Mantel, Howard N., "The Congressional Record: Fact or Fiction of the Legislative Process?" *Western Political Quarterly*, 12: 981-95 (December 1955).

Morley, Felix, "Deliberate Pace in Congress Safeguards Your Rights." *Nation's Business*, 51: 27-28 (March 1963).



- Morley, Felix, "Too Much Legislative Reform Is as Dangerous as Too Little." *Nation's Business* (July 1962, pp. 25-26).
- Needler, Martin, "On the Dangers of Copying From the British." *Political Science Quarterly*, 77: 379-96 (September 1962).
- Neuberger, Richard L., "Who Polices the Policemen (Congress)?" *New York Times Magazine*, February 23, 1958: 18, 79-80, 82.
- Parkins, Ivan W., "Let's Disassemble the House." *South Atlantic Quarterly*, 59: 226-38 (spring, 1960).
- Partain, Eugene G., "The Use of Broadcast Media in Congressional, Legislative, and Quasi-Judicial Proceedings." *Journal of Broadcasting*, 4: 123-39 (spring, 1960).
- Perlmutter, O. W., "Acheson vs. Congress." *Review of Politics*, 22: 5-44 (January 1960).
- Riker, William H., "The Paradox of Voting and Congressional Rules for Voting on Amendments." *American Political Science Review*, 52: 349-66 (June 1958). (Also as Bobbs-Merrill Reprint in the *Social Sciences*, PS 239).
- Robinson, James A., "The Role of the Rules Committee in Arranging the Program of the U.S. House of Representatives." *Western Political Quarterly*, 12: 653-69 (September 1959). (Also as Bobbs-Merrill Reprint in the *Social Sciences*, PS 241).
- Rogers, Lindsay, and Jacob K. Javits, "The Filibuster Debate." *Reporter*, 20: 21-23 (Jan. 8, 1959).
- Schattsschneider, E. E., "Congress in Conflict." *Yale Review* 41: 181-93 (winter, 1952).
- Scher, Seymour, "Congressional Committee Members as Independent Agency, Overseers: A Case Study," *American Political Science Review*, 54: 911-20 (December 1960).
- Shannon, William V., "Liberal Hopes and Congress Realities." *Commentary*, 27: 405-12 (May 1959).
- Shuman, Howard E., "Senate Rules and the Civil Rights Bill." *American Political Science Review*, 51: 955-75 (December 1957).
- Shuman, Howard E., "What's the Matter With Congress?" *New Republic* (Apr. 1, 1957, pp. 14-16).
- "That 'Streamlined' Congress: One Reform of Our Legislative Machinery Wasn't Enough, So Let's Try Again." (Editorial) *Life* 23: 30 (July 28, 1947).
- Udall, Stewart L., "A Congressman Defends the House." *New York Times Magazine*, January 12, 1958: 14, 69, 72.
- "Uncreative, Negative, Smug: Is This Today's U.S. Congress?" *Newsweek*, 61: 22-24 (Jan. 28, 1963).
- U.S. Senate. Committee on Rules and Administration. Subcommittee on Standing Rules of the Senate. Proposed amendments to the standing rules of the Senate. Hearing, June 16, 1961, on Senate Resolution 9 [and other resolutions] and Senate Resolution 10 and Senate Resolution 14, proposed amendments to the Legislative reorganization act of 1946. Washington: Government Printing Office, 1961. 50 pp. [87th Cong., 1st sess.]
- U.S. Senate. Committee on Rules and Administration. Adjournment of Congress: Hearing, August 2, 1961, on Senate Concurrent Resolution 6, providing for annual adjournments of Congress and Senate Concurrent Resolution 16, to establish a date for adjournment of Congress, Washington: Government Printing Office, 1961. 26 pp. [87th Cong., 1st sess.]
- Vardys, V. Stanley, "Select Committees of the House of Representatives—Their Establishment, Constitution, and Purposes." *Midwest Journal of Political Science*, 6: 247-65 (August 1962).
- Wallace, Robert A., "Congressional Control of the Budget." *Midwest Journal of Political Science*, 3: 151-67 (May 1959) (Also as Bobbs-Merrill Reprint in the *Social Sciences*, PS-293).
- "What's Wrong With Congress?" *U.S. News & World Report*. 49: 56-77 (Sept. 12, 1960).
- White, Gorning, "To the Rescue of Congress." *National Review*, 5: 206-07 (Mar. 1, 1958).
- White, William S., "In Defense of Congressional Investigations." *Harper's*, 220: p. 94 plus (April 1960).
- Wicker, Tom, "Again That Roadblock in Congress." *New York Times Magazine*, Aug. 7, 1960. pp. 14, 64, 68-69.
- Young, Stephen M., "Washington's Conflict of Interest Mess." *Coronet*. 46: 76-83 (September 1959).