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HOUSE COMMITTEE ORGANIZATION AND OPERATION

TOWARD A HOUSE OF WORSE REPUTE

OR

HOW TO BE A RUBBER STAMP WITH HONOR

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TOWARD A HOUSE OF WORSE REPUTE OR HOW TO BE A RUBBER STAMP WITH HONOR

(By Bertram M. Gross,[1] Distinguished Professor, Hunter College,
City University of New York)

I. Introduction: The Danger of Subversion

The deepest issue before this Select Committee and the House that created it is simply this:

> Can House Committees and Subcommittees be organized and operated so as to help reverse the trend toward the centralization of power in the hands of the President and the vast executive bureaucracy?

Answers to this question are not only complex; they may also be treacherous. * * *

The reason for this is that *committee reorganization—as with any other exercise of political power—is a sword that could cut in different directions.* One possibility, which I regard as both highly desirable and somewhat improbable, is that such reorganization might indeed help stop or even reverse the glacier-like trends toward executive aggrandizement. Another possibility is that after all the huffing, puffing, wheeling, dealing and squealing the net effects of the reorganization would be nil—with influences in one direction being counterbalanced by thrusts in the other. A third possibility is that *a new and streamlined structure of Committees and Subcommittees could become a major set of control points in a new form of authoritarianism which would efficiently subvert the constitutional principles and practices of representative government in America.*

This third possibility, unfortunately, may be more likely than all the others.

I say this with not only regret but anguish. In this period of Western history hierarchial bureaucracy has been enshrined as an embodiment of formal rationality. Both private and public bureaucracies have been expanded to extremes that are not only dehumanizing but—to use the terminology of both Max Weber and Karl Mannheim—substantively irrational. The most popular modes of Congressional reorganization could tend to undermine the anti-hierarchical and non-bureaucratic qualities of the collegial assembly and in so doing tend to blight one of our last best hopes for a truly sane and human society.

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I yield to no one in my respect for the capability and sincerity of this Committee's members; some of them I have admired from afar for many years. I already have evidence concerning the dedication of the Committee's able staff. Years of employment both in the Congress and the executive branch have demonstrated to me that more members of Congress than of any other formal organization in the country are worthy of receiving Medals of Honor. In my judgment, the members of the U.S. Congress, by and large, are even more capable, more sincere and more dedicated than their distinguished predecessors in the Reichstag of the Weimar Republic before Chancellor Bruening's assumption of legislative authority in 1930 and Adolph Hitler's ascent to power in 1933. In short, capability, sincerity and dedication are not by themselves insuperable barriers toward totalitarianism; the road to serfdom as to Hell is usually paved with the well-meaning intentions of good people.

More specifically, I come before this Committee with the kind of information that—in a fully developed Corporate State—would be ruled out of order as "noise." My statement is essentially a warning against the old idea that *any* alleged strengthening of the Congress means a weakening of dictatorial trends in the White House and the country as a whole. One of the most effective strategies of authoritarianism is to use democratic machinery for anti-democratic purposes. This could be done by the full maturation of the Corporate State oligarchy whose shadow has been cast before us by the ominous events preceding and surrounding the Watergate affair. If this should happen, the basic sources of information available to the Congress would be controlled by a few efficient gatekeepers operating as loyal junior members of an oligarchy dominated by Macro-Business, the Super-Rich and Chief Executive-National Security network. Under such circumstances a House whose present repute is far from high could go down in history as a *House of Worse Repute*, one whose Members sell their minds and votes to the highest bidders in a controlled market dominated by a few large buyers. Part of the payment would be the honor of operating as prestigious rubber stamps.

Reflection on the possible motives of the members of the House who voted against setting up this Committee (January 31, 1973) suggests that some of them may have shared this fear. As for 10 members of this distinguished Committee, I am sure that each of them would favor a frank look at the danger I have pointed out—if only to reveal the possibility that I am an ultra-nervous character who sees non-existent Watergate burglars under your beds.

To help you explore this and other possibilities, the remainder of my statement will deal with:

—my personal background in the study of Congress,
—the Watergate affair as part of the broader processes tending to subvert the Congress and the Constitution,
—the Congress and the House as obstacles to a new-style Corporate State or as instruments of it,
—some specific choices with respect to House committees as systems for receiving, collecting, processing, and disseminating information, and
—the information filtering role of any "closed rule" consideration of House committee reorganization.

II A Personal Note

A little more than 30 years ago I started to work for various Congressional committees and, at the same time, write a realistic analysis—based on personal experience and observation—of legislative processes in the U.S. Congress.

At George Washington University, meanwhile, my preview of this study was appropriately rejected as a possible Ph.D. dissertation. My description of the House and Senate as arenas for combat among private and public interest groups and power wielders, my discussion of the direct and indirect strategies and tactics used in Committee operations and on the floor, my open statement of populist personal biases—all this was repugnant to G.W.'s professorial gatekeeper on Congressional studies. Besides, he himself had already written *the* text on Congress, a book that attained eminent heights of formalistic mediocrity and stultification.

Just 20 years ago, after I had supplemented five Congressional years with another five in the President's Executive Office, my *The Legislative Struggle: A Study in Social Combat* (McGraw Hill, 1953) was finally published. By that time political scientists were ready for an expose of some of the nonsense in political science textbooks. Indeed, they relished any heavy dose of realism that might prepare them and their students for more successful entry into the expanding "knowledge elite" wing of the post-war technostructure. So despite its author's lack of academic credentials, the book did well, being honored not only by the Woodrow Wilson prize of the American Political Science Association but also by copious quotation, paraphrasing and downright cribbing.

About ten years ago, after a variety of experiences in other fields and countries, I began reading the more recent writings of political scientists on Congress, legislatures and American politics in general. That was when—along with my observation of other larger events—I began to lose a lifetime's prior faith in the inevitability of human progress. I began to see that the mainstream of political science was becoming fundamentally non-political and, in the new era of technocratically-supported oligarchy, was losing contact with the great issues of the century and becoming oriented rather toward self-proclaimed sophistication and elegance in the manipulation of petty or pettifogging details.

Exactly three years ago, I started an intensive inquiry into neoauthoritarian tendencies in American society. My first report on the subject was "Friendly Fascism: Model for America" (Social Policy, Oct.-Nov. 1970). A brief summary in op-ed page of *The New York Times* warned that "a polished and flexible form of public repression . . . would probably come slowly as a cancerous growth within and around the White House, Pentagon, and the broader political establishment" ("Can It Happen Here," Jan. 4, 1971). I stressed that this new form of totalitarianism would need no charismatic dictator, no mass fascist party, no denial of reason and, above all, no dissolution of the U.S. Congress.

At that time, of course, I did not know that at President Nixon's request Tom Charles Huston of H. R. Haldeman's staff was even then preparing the 1970 White House plan for "electronic surveillance and

penetration," "mail coverage," "surreptitious entry," "development of campus sources," and "use of military undercover agents." I merely intuited that part of the cancerous growth would be "a vast grid of police, espionage and provocateur agencies."

As I pursued my studies deeper I saw more and more that the rapid expansion of executive power could not be understood without examining the connection between the White House and the highest levels of the corporate, plutocratic and military establishment. At the same time I clarified my position on the nature of present and coming events by formulating three propositions:

1. An authoritarian Corporate State or Police State does *not* exist in America, and it cannot help the sheep to cry wolf prematurely;

2. It is equally ridiculous to predict that the coming of such a regime is either impossible or inevitable; and

3. It *could* happen here . . .

When the tip of the Watergate iceberg was revealed in the summer of 1972 (along with the story of ITT's campaign contributions), I assumed that one or another congressional committee would bring the true facts to light. It was with a sense of great shock that I learned that after Chairman Patman of the Banking and Currency Committee started an investigation, he was overruled by a committee majority composed of all 14 Republicans and 6 Democrats. I was also shocked by the timidity of the press and the TV in reporting on either the scandal or the Congressional cover-up.

Since then, the more ample revelations make it imperative to examine the Watergate case in all its ramifications, both direct and indirect. Indeed, the questions it raises concerning the theory and practice of the U.S. Constitution provide an appropriate part of the background for considering any aspect of Congressional strengthening and reorganization—particularly those aspects relating to the sources of information available to the Congress, its members and its Committees.

It is against this background that, in approaching the problems faced by this Select Committee, I reviewed the dozen or so Working Papers prepared for it and reproduced as Committee working papers, mostly by political scientists. At this point, I had the distinct impression that history has been repeating itself. Once more I find a spirit of empty formalism, the articulation of structural changes in terms that have no relation whatsoever to any serious principles of organization theory, frozen-faced cover-ups concerning the authors' political and social values, a pretense of "value free" (valueless?) objectivity in studying political issues, bland acceptance of the unstated major premise that politics does or should have nothing to do with Congressional organization, and a huge chasm between the petty details of their papers and the obvious danger that the Congress—along with the Courts, civil liberties, and the Constitution as a whole—may be subverted by, if not long before, 1984.

Hence my effort to establish a link between the Watergate affair, on the one hand, and, on the other, the specific problems that now face the members and staff of the Select Committee and will face all members of the House when your proposals for reorganization are submitted to a vote.

III. Watergate and the New Corporate State

One of the few political scientists who have thus far commented formally on the Watergate affair is Malcolm Moos. Formerly at The Johns Hopkins University, Prof. Moos was a member of the White House staff under President Eisenhower. During the last few years he has been President of the University of Minnesota.

In a commencement address at Notre Dame University on May 20, 1973, Prof. Moos made the following statement concerning Watergate:

> The sum of all the allegations is that we were the victims of a coup d'etat or an attempted coup. I weight my words carefully. I am aware that the strict definition of a coup d'etat is "a sudden decisive exercise of force whereby the existing government is subverted." But surely an attempt to capture or retain control of a government by *illegal means* is action of the same genre * * *

As a background for this statement, Professor Moos went back to President Eisenhower's warning in his Farewell Address "against the acquisition of unwarranted influence, whether sought or unsought by the military-industrial complex." He updated that warning with observations on the "bureaucratization . . . exaltation and isolation of the Presidency."

Although I cannot yet accept the coup d'etat concept, I join with him in recognizing the seriousness of the attempted subversion and in noting its relation to broader trends in the American power structure. But, as a life-long Democrat, I hasten to add regretfully—but in true bi-partisan spirit—that present subversive trends are rooted in precedents established by Democratic Presidents in the past and supported by some Democrats at present.

A. The dimensions of attempted subversion

How can we look at the Watergate affair in terms of its possible implications for the aggrandizement of the Presidency and the stripping from the Congress of its Constitutional functions?

As the facts continue to emerge, my suggestion is that an effort be made to view the affair in its broadest terms: that is, to see all related aspects of White House operations as they impinge not only on the Congress but on other related aspects of Constitutional government: namely, Federal elections, the Courts, law enforcement, civil liberties, and the freedom of the press.

Insofar as the Congress is concerned, one of the most sordid aspects of the Watergate affair is the extent to which the White House and the President's reelection apparatus seems to have promoted the personal vilification of members of Congress involved in the presidential election of 1972: particularly, Senators Muskie, Humphrey, and Jackson. This was probably associated with a longer-standing tradition of the illegal surveillance and "bugging" of members of both Houses. And as already indicated, the White House nipped in the bud the 1972 effort by a House Committeee to bring the Watergate facts promptly to light.

More broadly, however, all these efforts were part of a determined campaign to extend still further Presidential powers that were already being extended beyond their Constitutional limits. Here I am referring to the usurpation through large-scale, illegal impounding of Congress' role in appropriations and through prolonged Presidential wars and secret interventions of Congress' role in declaring war. I refer also to the dodging of established procedures for reorganizing the Executive Branch and the fantastic efforts to reorganize all executive departments under the tight control of White House "overlords" remote from Congressional interrogation or surveillance. These broad subversive ends have been consistently used to justify more narrow illegal means.

Some of these illegal means involved the subversion of the Democratic processes in the presidential election of 1972. Laws concerning campaign contributions and expenditures were both evaded and broken. Some of the money went to finance the patently illegal burglary and bugging of the national Democratic party headquarters. Some went to finance the legal defense of the nabbed burglars and pay them hush money in return for taking part in a cover-up managed from the White House. Although operating under statutory mandate to enforce the laws, officials of the Department of Justice proved remarkably "soft" and "permissive" with respect to this kind of illegality.

Efforts were also made to achieve Presidential control of the Courts and the mass media. Insofar as the Courts are concerned, I shall mention only the President's blatant offer of a high Federal post to a Federal judge during the very days when the Ellsberg trial was being conducted before him. Insofar as the media are concerned, I shall mention only the sustained and unremitting campaign against critical comments in the press and on TV, including frantic efforts to suppress important news and to intimidate inquiring reporters and, by forcing them to reveal news sources, enrolling them compulsorily as unpaid police agents. More broadly, individual civil liberties and rights to privacy have been abrogated by various modes of illegal surveillance. It is still a moot question as to how much of this surveillance has, in fact, been focused on members of the House and the Senate as an instrument of indirect blackmail or behavior control. . . .

B. THE BROADER FRAMEWORK OF MONEY AND POWER

Throughout American history there have been popular jokes to the effect that such-and-such elected official—or even the Congress as a whole—is the best that money could buy.

A little later I shall contest such statements by pointing out that with enough planning, cost-effectiveness analysis and structural reorganization, big money could buy a "much better" Congress.

Nonetheless, the jokes and wisecracks have always had a somber meaning. They have continuously expressed popular wisdom on how big money could control elections and undermine the electoral processes of representative government.

In recent years two major trends have made this popular wisdom more relevant than ever before:

(1) the ever higher costs of conducting an election campaign, a situation that has made almost all candidates for

office (particularly for the Presidency) dependent upon large contributions from the Rich and the Ultra-Rich; and

(2) an unprecedented expansion in both the wealth and the political activity of America's giant corporations, banks, investment houses, conglomerates, complexes and world-spanning "Multinationals," all served by an unprecedented array of law firms, accounting firms, management consultants, public relations experts, lobbyists and agencies of Federal, State and local government.

In the preparations for and the conduct of the 1972 presidential election these two trends seem to have come together more closely than ever before. * * *

Thus it is a great oversimplification to explain the broad scope of attempted subversion in the exclusive terms of a President's personal craving for extended power or of the unhibited services provided him by loyal and devoted members of his long-time personal staff. Something much larger was involved.

In my judgment, that "something larger" has been the closer knitting together of the largest business interests in the country with the White House and the Executive Office of the President. This puts such favored business interests in a position to dominate the myriad agencies of the executive branch that can provide larger subsidies to big business (both open and hidden), to enhance the competitive position of big business in relation to small and medium sized enterprises and to support the foreign operations of America's giant "multinationals." In essence, this begins to resemble the Big Business-Big Government alliances that characterized the old-time Corporate States under the fascist regimes of Hitler, Mussolini and Japan's zaibatus-military complex.

Fortunately, there are some major differences. For one thing, there are some serious divisions among the biggest interests in America; the spirit of corporate cooperation and mutual trust needed for a new-style Corporate State has not yet come into being. Also, many agencies, bureaus, and units do not submit meekly to the coordination (the Nazis word was *Gleichschaltung*) imposed upon it by a Haldeman or Erlichman. Finally, the U.S. Congress is still a somewhat unpredictable and uncoordinated body in which all sorts of members and committees have the habit of popping up and upsetting apple-carts.

C. DEMOCRATIC PRECEDENTS AND COLLABORATION

If the Watergate subversion were totally unprecedented, if it had emerged as an entirely new set of events under the Nixon administration, it would be much less omnious.

Thus many commentators have repeatedly pointed out that in our generation Presidential aggrandizement started under President Franklin D. Roosevelt. It is also true that major quantum leaps in Presidential power took place under Presidents Kennedy and Johnson. Indeed, while Republicans and conservatives did much more to warn against the perils of expanded Presidential power, the ideological supporters and justifiers of the New Frontier and the Great Society did more to attack the incapacity of the Congress and laud to high

heavens the Presidency's superior morality, rationality and dedication to the common interests of all Americans, if not of all mankind as a whole.

Indeed, at almost every point on the long list of Watergate sins one can find Democratic precedents: the building of FBI files on members of Congress, small-scale Presidential impounding of appropriated funds, large-scale initiation of Presidential war, the over-use of executive privilege and secrecy, efforts to manage the press and the media, etc. Above all, the over-weening influence of big business—particularly, the "upstart" new wealth of huge defense contractors, tax-subsidized oil operators and free-spending conglomerates—was given tremendous encouragement during the entire 8 years preceding the first Nixon administration. Those years were also ones in which Congressional committees were repeatedly "snowed," bamboozled and misled by executive branch testimony, arm-twisting, and manipulation.

This picture helps explain the fact that some people react to the Watergate affair with the cynical comment: "So what's new?"

Although that question is usually asked rhetorically, there is a simple answer: *What is new is the qualitative increase in the scale of operations, the centrally coordinated nature of the effort and the effrontery with which moral and Constitutional constraints have been cast to the winds.*

IV. Congress and the New Corporate State

The analysis thus far has gone in two directions.

On the one hand, I have pointed out that the non-hierarchical and non-bureaucratic legislative assembly has historically been seen as a counter-weight to executive dictatorship and bureaucratic authoritarianism.

On the other hand, I have suggested that a "coordinated" Congress could become an instrument of authoritarian control.

Are these contradictory propositions? I think not. Let us look at each of them.

A. POSSIBLE OBSTACLE?

The role of the Congress as an obstacle to executive authoritarianism is firmly grounded in the Constitutional principle of the separation of powers. Under this principle the Congress has certain exclusive powers and others are shared jointly with the Executive. Without belaboring this well-known principle, let me point out that it is supported by a number of other possibilities that may on occasion make the Congress a countervailing force to be reckoned with:

—the kind of party conflict within the Congress that assures open and serious questioning, if not sharp opposition, to many forms of executive action,

—the openness of the Congress, its committees and its members to information from and influence by interests that may be given short shrift by executive agencies,

—open operations that strip many government actions of the mantle of secrecy that bureaucracies often try to impose,

—active and unpredicted surveillance and oversight of executive action by congressional committees and members,

—the availability of members of the Congress to serve as 535 "Ombudsmen" for the complaints of citizens aggrieved by bureaucratic action or inaction, and try to provide some help,
—the informal role of the Committees and Members of the Congress as "escape hatches" for executive employees who are boxed in by their superiors and have no way of fulfilling their loyalty to the laws and the Constitution other than the provision of information to the legislative branch, and
—the extent to which the members of the Congress are formally co-equal, with no one Representative or Senator a subordinate employee subjected to the bureaucratic discipline of "obey orders or lose the job."

Above all, the Congress is an institution in which—unlike the White House, the Executive Office or any department or Bureau—there can be no established "party line," no single version of the ultimate truth, no high and mighty claim to science-based omniscience.

These are all functions that could go very far toward undermining tendencies toward presidential or executive caesarism.

B. PROBABLE INSTRUMENT?

There are many obvious reasons for doubt as to the aggregate influence of all these obstacles. One reason is the simple fact of continued Congressional abdication of many of its exclusive and shared powers—particularly with respect to appropriations, war-making, the ratification of treaties and executive agreements, the delegation of vast powers to the President, and the propensity of the Senate to give more consent than advice. Beyond this, there have been disturbing tendencies toward:

—the kind of party bi-partisanship that sidesteps the open consideration of basic policies,
—the subservience of parts of the Congress to "big money" interests,
—Congressional connivance with executive secrecy, as well as specialized forms of Congressional secrecy,
—the erosion of oversight and surveillance in many critical areas,
—active Ombudsman functioning on behalf of well-healed constituents, with perfunctory attention to ordinary people, and
—the increased weakness of many individual members in the face of external interests, executive officials or congressional leaders who seem to have concentrated control over information, influence and campaign contributions.

But there is a less obvious reason: the positive role that a well-controlled and well-manipulated Congress could play in a new-style Corporate State.

Under Hitler, Mussolini and the Japanese fascists, the Reichstag, the Chamber of Deputies and the Diet continued to exist. They played many ritualistic, ornamental legitimating roles. Only in a country like Greece, where the para-fascist military dictatorship is rather backward and lacks political know-how, has the national legislature been officially closed down. If that regime becomes more effective, I believe they will re-open the legislature and give the legislators a piece of the action.

There are many lessons to be learned from the Watergate affairs. From the viewpoint of those whose millions supported the Committee to Re-Elect the President, and of some commentators on Watergate, one lesson is "Don't get caught . . ." For the editors of *Human Events*, the moral is: "Don't let political amateurs like Haldeman and Ehrlichman into the top positions of the White House." Both of these "lessons" have been stated and re-stated in recent weeks. Both are somewhat similar to the lesson learned by Adolph Hitler after his abortive Munich Beer Hall putsch in 1923: "Do things more efficiently." He went to jail for having done things inefficiently and while there wrote *Mein Kampf*, in which he laid out the principles of how to do it right.

Similarly, if White House caesarism is to mature in the United States as a part of an enlarged industrial-military complex, the House and the Senate must be given a piece of the action. I shall not make any reflections on either Melvin Laird or Bryce Harlow, but—in contrast with H. R. Haldeman and John Ehrlichman—they are supremely well-qualified to help a President manipulate the Congress and, by making minor concessions here and there, bend it to his will.

But something else is lacking. The Congress is organized in an extremely complicated fashion. There are too many committees and subcommittees floating around, too many staff members poking their noses into all sorts of potentially embarrassing details, too many individual members capable of upsetting executive apple carts and revealing secret deals. This is a situation that requires coordination.

Back during the New Deal period, a major part of the thrust toward Congressional reorganization came from various people who felt that a re-organized Congress would be more capable of cooperating with a progressive Presidency. In that era, and from those standards, Congressional streamlining and efficiency was seen as a major step toward more rational economic and social planning. I was one of those who took that position then.

Today, Congressional streamlining is also open to this kind of interpretation—although the progressiveness of the Presidency is more open to doubt. Indeed, such streamlining can be seen as the Congressional parallel to the Ash Committee's report or the reorganization plans developed under the firm hand of H. R. Haldeman.

As the director of O.M.B., Mr. Roy Ash would probably welcome a similar reorganization plan for each house of the Congress. But in keeping with the more advanced methods of manipulating a legislative assembly, he would undoubtedly prefer to have such proposals originate in academia and in Congressional committees. The first part of such a wish has been fulfilled. In the working paper submitted to this committee by Professor Robert Peabody of The Johns Hopkins University, a two-tiered committee structure is proposed—something like the Chase Manhattan Bank or General Motors. The top tier is to be shared by two special committees: the Committee on the Agenda and the Committee on the Budget. Beneath them, on the second tier there would be eight standing committees. Thus the present 21 committees would be reduced to 10. And beneath these ten, there would be a maximum of 50 to 70 subcommittees—much less than the current 128. No member could serve on more than one committee and two subcommittees of that committee.

In its absence of explicit justification, the Peabody proposal is breathtaking. It is simply taken for granted that the "streamlining of authority" is a supreme value of and in itself. No alternative viewpoints are weighed, let alone identified. No historical experience is mentioned. One might think that a political scientist might at least point out that such a proposal is very close to the reorganization plan imposed by General De Gaulle on the French National Assembly during the transition from the Fourth to the Fifth Republic. I respectfully suggest that the Select Committee staff pursue this resemblance further, with particular attention to the subsequent decline in the influence of the National Assembly, its members, and its "streamlined" committees. For more details on the French approach of six standing committees, (as opposed to Peabody's 8 standing committees), see *Politics and Society in De Gaulle's Republic* by Philip M. Williams and Martin Harrison (Anchor paperback, 1973).

V. House Committees as Information Systems

The previous parts of this paper present in view that information and sources of information also relate to power and sources of power. This is a connection that is perfectly obvious, of course, to any member of the Congress, no matter how fully it may be obfuscated by the writers of non-political political science.

But what about the "nuts and bolts" of information for the House and its committees?

On this point I should like to urge that the Select Committee and its staff make the effort to review the large variety of specific proposals in terms of a systematic model of informational processes.

As a very preliminary step in this direction, let me merely point out that informational processes are customarily thought of in terms of reception and collection, storage and retrieval, processing and dissemination. If I had not thought it more helpful to emphasize the broader aspects of trends and dangers in the country's power structure, I would have gone into these matters in much greater detail. As it is, I shall touch upon these processes in illustrative fashion only. In so doing, however, I shall not allow the presentation to degenerate into non-political political science, but shall remember that the House is preeminently a political body, that members of this Committee are politicians, and that the question of the informational sources available to the House can be top and hot politics.

A. Reception and collection: openness, skepticism, activism

The House is on the receiving end of vast quantities of information pouring into it every day of the year—far more than its committees or members can possibly absorb and interpret. But this is true of officials in the executive branch also. Don't let anybody kid you into thinking that they "keep up" with the rising flood of information in this modern age of the "information explosion" and the "information overload." The only way the bureaucrats escape the overload is by putting on blinkers and closing their eyes to information outside of their proper niches, and particularly information on the second-order consequences of their own actions. If you accept Prof. Peabody's version of the

DeGaulle formula, you too can wear blinkers. With each member sitting on only one full committee, the bureaucratic processes of specialization will be applied ruthlessly to the House. Each House member will then be much less of the generalist which he tends to become under current conditions.

One problem of reception is whether or not there are enough receptors. From this point of view, it is essential that there be many committees and subcommittees. What in the world is wrong with 21 full committees? Maybe it would be better if there were more. Maybe the House would be stronger and more independent and less controllable if there were 30 more subcommittees each with capable professional staffs serving as antennae as well as filtering devices?

Another problem in reception is that both executive and private interest groups are very good at "snow jobs" on the Congress. Although receptivity has great virtues, a healthy skepticism is also vital. The essence of such skepticism is simply an awareness of the profound ignorance of many of the "experts" who try to make an impression on the Congress and of the extent to which many of them counter-balance their own feelings of informational uncertainty with excessive certitude in their presentations to the Congress.

Such skepticism is healthy only if it leads to Congressional activism to get better information, rather than merely sit back and be "snowed." Many of the ways to do this have been touched upon in presentations before this Committee: more staff for both members and committees, an amplification of the special staff or investigatorial services provided by the Legislative Reference Service, the GAO, the new Office of Technology Assessment, and other new agencies yet to be thought up.

Let me add three points.

First, guts and spine are just as important as expertise. Rep. William S. Moorhead has described the GAO, for example, as a "gutless, spineless outfit that is not willing to fight the agencies." I do not go along with this description. The GAO has always been willing to fight hard against weak agencies; it *has* both guts and spine, albeit weak ones. They could be strengthened if more members and Committees of Congress set out to do so. The same goes for many committee staffs, where the tendency is sometimes to play it safe as though they were working in an ordinary bureaucracy.

Second, there is a tremendous role to be played by well-staffed committees and subcommittees that, while protecting the rights of all witnesses, operate as investigatory units with full subpena powers. There is a lot to be said for more investigations, not less, by the Committees of the House. The impression that there are too many House investigations is obtained only by forcefully closing one's eyes to the scores upon scores of frauds that are being perpetrated upon the American people by power-drunk special-interest bureaucracies and the "corporate socialists" of multi-national corporations seeking more hidden subsidies from government.

Third, if there is any operation of the executive branch that needs extensive investigation by the Congress it is the collection of data and preparation of statistics. Impressive though they may be, the very economic indicators that have been used to justify economic policy during the past two decades are increasingly deceptive. As background

on the low quality of such pretentiously presented information, let me refer you to *The Accuracy of Economic Observations*, by Oskar Morgenstern (Princeton University Press, 1965). Since the writing of this book, the situation has become worse. An indication of this degradation of data is provided by the hearings chaired by Senator Proxmire of the Joint Economic Committee on the statistics of employment and unemployment. In my considered judgment the situation is just as bad with respect to such "holies of holies" as the consumers price index and the famous GNP (gross national product) itself. It is much worse in the entire area of so-called "social indicators," as documented by myself and others in *Social Indicators*, edited by Raymond A. Bauer (M.I.T. Press, 1966). Since the publication of this book, there has been much talk, but no basic improvement—as brought out in a new paper on the subject (just completed by myself and Jeffrey Straussman of City College) entitled "Social Indicators and the New Gleichschaltung."

B. STORAGE AND RETRIEVAL: MONITORING THE MONITORS

One of the great technological advances of the post-war period has been the development of electronic computers with remarkable facilities for the storage and retrieval of vast quantities of information. Both public and private bureaucracies have gone very far in installing—and continuously updating—computer capabilities.

In the House, however, as well as the Senate, the only area in which computers are clearly desirable is that of "housekeeping"—from the handling of payrolls to the compilation of calendars and the provision of information on the status of bills. Beyond this there is much reason to go along with the statement of Rep. Wayne Hays that it would be too expensive for the House to establish a broader machinery for the handling of general data hearing on legislative issues. More specifically, to the extent that a House Committee needs print-outs from executive branch computers, why can it not work out arrangements to get them?

The obvious answer to this question is the ingrained tendency toward secrecy on the part of executive agencies. Yet there is more to this problem than that. Executive sharing of computer facilities with House Committees inevitably—to at least some extent—means sharing of power. It inevitably leads to questions about the nature of the data collection, processing, and programing in the first instance: all this smacks at the idea of the Congress as a coordinate or co-equal branch of government, something constitutionally repugnant to some members of officialdom.

This brings us to the question of "hot files" or "sensitive files"—whether already computerized or still in the old-fashioned manila folder form. The preparation of such files for the surveillance of citizens has long been an essential characteristic of every Police State; it was central in the power-building operations of the oligarchs who built the old-style corporate states of German, Italian and Japanese fascism. Modern computerized technology, however, has provided much more powerful weapons of control over the citizenry—or at least over those citizens who might provide a core of dissent from the regime.

For the purpose of this discussion I shall not discuss any of the sordid details about the monitoring of Americans in general. I shall mention only one delicate issue, one which has for too long been almost publicly unmentionable in the committees or floors of the Congress; the surveillance of members of the Congress by a wide variety of intelligence agencies. One of the best known secrets around Washington is the existence of copious "hot files" on members of this House, files that have been carefully and diplomatically used as a weapon over the heads of members.

This is not a question that can be handled by the simple-minded bureaucratic concept that one committee of Congress be given the exclusive authority to monitor the monitors. Apart from the extremely great difficulty of making any progress in this area (as illustrated by the difficulties encountered in the efforts by the late Rep. Hale Boggs), it is like any other substantive area: it cuts across *any* formal classification system used in establishing jurisdictions. Thus, if we take the Peabody-Chase Manhattan-General Motors system of House Committees, we find that the FBI's monitoring would come under the jurisdiction of the Committee on Judiciary and Constitutional Rights, that monitoring of House members by the intelligence services of the Army, Navy and Air Force would come under the Defense and Foreign Affairs Committee, expenditures for such purposes would come under the Committee on the Budget and the Committee on Ways and Means, and certainly there could be very good reason for the Committee on Government Operations to look at the problem also—while it could never be clear in advance which of these committees would be willing to take on monitoring activities planned from the White House itself. The reason for this inherent overlapping of function is the inevitable interrelation of programs and policies. To respect such facts of life is not just simple common sense; it is also to provide a greater probability that at least *one* of the committees mentioned might have the political courage to serve *all* members of the Congress by taking on the personal political risks involved in opening up this particular mare's nest.

C. PROCESSING: POLICY INNOVATION, GOAL ANALYSES

As a remarkably sensitive information system, the House of Representatives distinguishes itself not merely by receiving, storing and retrieving information but by *processing* it. This processing takes the form of House action on legislation, surveillance and service functions or constituents.

Unfortunately, academics seem to have given birth to a viewpoint which depreciates this kind of information processing in comparison with the certified wisdom and rationality of the Executive Branch. Thus we find that Professor Herbert Roback writes an article "Presenting Programs to the Congress" (in a Brookings institution book *Science Policy and the University*, edited by Harold Orlans, 1968), in which we find the following redolent piece of "executive chauvinism:"

> In the contemporary governmental scene, the Congress is not ordinarily the innovator of policy. The Congress is the reviewer and appraiser and ratifier. The President initiates and proposes; the Congress disposes.

For Roback, obviously, the President is the active male organ; the Congress, the passive recipient of his creative thrust.

What rubbish!

Let us consider for a moment some of the greatest legislative actions of our era:

The Tennessee Valley Authority Act
The Wagner Labor Relations Act
The Social Security Act
The Atomic Energy Act
The Employment Act

And more recently, the legislation on poverty, the disposition of food surpluses, consumer protection, environmental planning, price control, etc. *Without exception, every one of these measures was first conceived and incubated in Congress.* In each case the sparks of political innovation came from members of the Congress who were willing either to oppose the President and the executive branch or to go out on a limb where the bureaucracy was afraid to tread.

Later, after the germination and incubation processes have made headway and sufficient public support has been mobilized, then and only then have Presidents come in to reap and harvest and make *their* proposals. In so doing, a President can also manage to get all—or at least the lion's share—of the credit.

The opportunities for Congressional policy innovation require more than the right of every member to introduce a bill and have it printed. They also require a large, not a small, number of Committees and subcommittees—because it is only through committee and subcommittee hearings and review that an innovational proposal can be properly tested and redrafted.

Beyond this, I believe that the standing committees and subcommittees might be expected to initiate regular analyses of future trends, options and goals. The Joint Economic Committee already operates under a mandate—through the Employment Act of 1946—of this type; at least in the sense that it must review the President's analyses of the future levels of production, employment and purchasing power. This has already led to considerable innovation in the field of economic policy.

Why should House committees and subcommittees be limited *only* to the consideration of pending measures and the monitoring or present executive actions? Why should they not also analyze current trends and future needs, potentialities and goal options?

Let me urge that this Select Committee and its staff consider this question. Although I tend to be skeptical about format statements of function, consideration might be given to the possibility of including such trend-and-goal analyses among the formal functions of the standing committees of the House.

Such analyses might help the committees and members of the House keep ahead of the game by raising their heads above the level of the rising flood of pending measures. * * *

D. DISSEMINATING: PETITIONING OR USING THE MEDIA

Historically, the Congress is the country's great public forum. But who listens?

And how—as the mass media now operate—can the great mass of the American people follow what is going on in the Congress?

The public mind, unfortunately, is now dominated by the mass media—by the press in small part, more largely by TV and radio. *It is through the media that public issues come into being and their nature is defined for both the leaders and the led, the elites and the masses.*

Under the Constitution any individual has the right to petition the Congress.

But under the new conditions of electronic communication the members of the Congress petition the media. The committees of the Congress act as production companies in the staging of hearings that might receive the blessing of a TV or radio station or network. Because there is so much going on in the House and the Senate every day, and because most of the media time is dedicated to various forms of huckstering, most of these petitions are denied. For every Committee hearing which is publicized on the air, another hundred are totally ignored.

This is not to say that the members of the Congress have not reaped any benefits from the media. Since the airwaves belong to the people and broadcasters are dependent for their franchises on the favor of the Federal Communications Commission, various members of Congress have made personal fortunes through direct or indirect participation in the ownership of TV and radio stations. This has not been known to have had any effect on the way in which the media have covered the operations of the Congress.

Many people are today being impressed by the orderly and intensive manner in which the Senate Watergate Committee is conducting its business. But this is no exception. The great majority of Congressional committees operate at a very high level and deal with subjects of enormous—although less dramatic—importance.

The issue used to be whether or not the media would be allowed to cover committee sessions. Today, I believe the issue should be stated differently. I do not think that any TV or radio station should expect to have its franchise renewed unless it has provided adequate coverage of Congressional activities.

What is "adequate?"

This question deserves a year or two of careful exploration. On the one hand, I think that "adequate" would include an appropriate mixture of live coverage and indirect reportage on both national and local programs. It should include no less than an hour a week on prime time on "What's happening in the Congress."

On the other hand, I think there should also be more *local* activity—that is, a much large number of field hearings by the various Committees and subcommittees. I favor Congressional "junketing"—particularly, the kind that gets members out of Washington and into the inspection of local and regional problems throughout the vast expanses of this enormous country. How many Congressional hearings were held in *your* district last year? and what about next year? A vast expansion of this type of activity—with greatly improved media coverage—might go very far toward giving the Congress and its members greater visibility and toward counterbalancing the excessive visibility of the President and his excessive command of the air.

V. The Closed Rule Approach to Committee Reorganization

During the discussion in the House on the resolution setting up this Select Committee the question was raised as to whether or not any final Committee proposal on a new committee structure would be debated under an open or a closed rule.

In responding to this question, Rep. Bolling pointed out very wisely that he could not possibly predict or commit in advance the position of either the Select Committee or the Rules Committee on this important procedural matter.

In his wisdom, however, Mr. Bolling did point out that any member would be "planning to bring in too much of a burden on his back" if he tried to have the House consider new Committee structure under a closed rule.

Now that the Committee is established, I believe this question deserves serious attention. It is entirely conceivable that at the end of its deliberations, the Select Committee may feel so proud of its handiwork that it might prefer the "take it or leave it" approach of a closed rule during House consideration. An open rule makes for an unpredictable situation. Under it, any amendment is in order—and all those whose interests may be hurt by a reorganization may conceivably band together to undo the "good work" by a long series of amendments on the floor. The result could be a "thing of shred and patches". . . .

That will be the reasoning—and I mention it as a warning. In my judgment the situation *should* be unpredictable. The Committee's handiwork—excellent though it may be—should not be looked at as either the best or the last word. In fact, a criterion of its goodness might be the extent to which it provokes a serious floor debate that could lead to serious—albeit not necessarily welcome—improvements.

Above all, a closed rule on Committee reorganization would be an information-suppression regulation, a symbol that the reorganization itself might tend more toward making the House an instrument of rather than an obstacle to creeping subversion of Constitutional government.

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"Set thine house in order" is one of the prophetic statements of the prophet Isaiah (11 Kings 20:1).

Those who know little about the Old Testament often use this quotation out of context. They are not aware that the prophet's words are addressed to those who are to prepare for death.

As the poet has said, "the grave's a fine and quiet place." But none, I think, do there gird their loins to fight for freedom.

So let us beware of efficiency experts bringing gifts to Congress. The kind of order needed in a House of Controversy, a House of Adversary Proceedings, is a new battle order in the life-long struggle against the forces of concentrated, dictatorial power.

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