

News and Comment

Legislative Reform: Sentiment Grows for Power Realignment But Progress Hard to Achieve

One of the recurrent themes of American politics is that Congress is out of step with the times and requires a drastic overhaul if it is to play a more effective role in the governmental process.

The subject may appear to be remote from the everyday cares of the scientific community, but, like it or not, Congress can exercise decisive authority on matters of critical concern to the scientific community. Limited federal support for education below the graduate level is a direct outcome of congressional decision-making on federal responsibility for education; the nettlesome issue of overhead allowances for federally financed research reflects congressional feelings about the division of responsibility in this area; and on such issues as civil defense, conservation, disarmament, federal support for medical education, and medical care for the aged, Congress is the source of decisions that have concrete effects on the real world.

In the view of the would-be reformers, the critical issue is whether these decisions arise from a consensus that reflects national sentiment or whether they are the product of strategically placed forces that are able to exercise political power out of proportion to their national following.

In the decade that preceded the Civil War, dissatisfaction over who controlled the legislative machinery slowly built up, until, in 1860, the House for the first time thoroughly revised rules that had evolved over nearly three-quarters of a century. The stated object was to take some of the stickiness out of the congressional apparatus, but at that time, and in subsequent attempts at overhauls, the actual goal was to

bring control over the legislative machinery into a closer relationship with what the reformers considered to be national political sentiment.

Those who consider themselves to be on the wrong end of Congress's decision-making power have been at it ever since, with more or less intensity, and now they are once again arguing that the congressional power structure has failed to keep up with changes on the American political scene. As a consequence, they contend, rural, conservative forces are exercising power that far exceeds their political base throughout the country.

The charge is not difficult to support, although the difficulty of defining national political sentiment leaves open the question of whether the congressional power structure is operating in defiance of the "general will." Southerners, whose one-party states protect them in their ascent of the seniority lists, chair 10 of the 18 standing Senate committees and 13 of the 21 House committees. They and their fellow southerners, in coalition with conservative Republicans, and abetted by rules that make it easier to stop than to advance a given legislative measure, thus, unquestionably, do exercise power out of proportion to their numbers. It is not overwhelming power, and conservatives cannot find grounds for unrestrained joy in every one of Congress's legislative products, but there is no doubt that when the conservatives fix their hearts and minds on a given goal—such as blocking the administration's medical care program—they are more likely than not to have their way. In the last Senate, the defeat of medical care was achieved in a floor vote, but in the House the measure did not even go that far. Representative Wilbur Mills (Democrat of Arkansas), who chairs the Ways and Means Committee, was opposed to the medical care bill; as a re-

sult, it never got out of his committee, and even if overwhelming support for it had been waiting on the floor, the matter would have been prevented from coming to a vote. An expanded civil defense program happens to be personally obnoxious to Representative Albert Thomas (Democrat of Texas), chairman of the appropriations subcommittee that passes on civil defense funds. Thomas is also chairman of the deficiencies appropriations subcommittee—to which every federal agency must come if it needs funds beyond its annual appropriation—and thus is not a member that many people choose to cross. As a result, Thomas's verdict on civil defense tends to receive a rubber-stamp approval from his colleagues.

Wayne Aspinall (Democrat of Colorado) is chairman of the House Interior and Insular Affairs Committee, which has jurisdiction over conservation matters. Aspinall is opposed to the administration's proposal to place millions of acres of federal land in a wilderness conservation system. A direct consequence of his opposition is the failure of the bill to come to a floor vote.

The administration has deemed its tax cut and tax reform bill to be of crucial significance for the national economy. Perhaps it is, perhaps it isn't, but Senator Harry Byrd (Democrat of Virginia), chairman of the Senate Finance Committee, does not share the administration's sense of urgency. He has announced that some time can be expected to elapse before the bill comes before his committee.

Clark's Revolt

Within Congress it generally is not considered cricket to question publicly the distribution of power. Thus, it came as something of a thunderbolt several weeks ago when Senator Joseph S. Clark (Democrat of Pennsylvania) openly challenged what he called the "Senate establishment." Clark was soundly trounced on the issues that precipitated his remarks—proposals to enlarge the Finance and Appropriations committees for the purpose of diluting their conservative strength. But in the course of the fight he got a great deal off his chest in the form of charges of a sort that have been excluded from public discussion in the Senate.

"The 'establishment,'" he said, consists of committee chairmen and other senior members from one-party states. Its members, he said, are "quite unresponsive to the caucuses of the two

parties, be they Republican or Democratic. It is what might be called a self-perpetuating oligarchy with mild, but only mild, overtones of plutocracy."

The "establishment," he continued, exercises virtual control over the distribution of favors, including committee assignments and other perquisites of office in the Senate, and largely—although there are exceptions—determines who shall be selected to posts of leadership in that body.

Clark charged that the 15-member steering committee, which makes committee assignments, was dominated by conservatives, although only 27 of the 67 Democratic senators could, in his view, be considered conservative. The committee, he said, "would ignore seniority when to ignore it would strengthen the 'establishment's' control, but would follow it when to do so would have the same result."

Finally, Clark proposed that the steering committee be enlarged to reflect the general makeup of the party, with respect to criteria such as seniority, ability, and experience.

The rebuttal to Clark came swiftly in the form of votes of 68-17 and 70-12 against his proposals to enlarge the Finance and Appropriations committees, and in an admonition from Senate Majority Leader Mike Mansfield (Democrat of Montana) against "washing our dirty Democratic linen in public." Thus ended the latest attempt at a politically motivated rules change. The results, incidentally, should cause no surprise since powers-that-be do not often cooperate in their own de-thronement.

In the House, where the close conservative-liberal balance has proved to be the administration's principal legislative stumbling block, effort at reform has produced one major result—the permanent enlargement of the Rules Committee. The change in the size of the Rules Committee, which is the clearing point for bills moving from House committees to the floor, represents a major victory for the administration and the House leadership, but it by no means opens the way for further changes in the workings of the House, and it is probably safe to conclude that, for a long time to come, the Rules victory will remain the most significant success of the reform movement. The seniority system, which has so far remained immune to change, shows no sign of weakening, and the massive power

of the committee chairmen seems similarly invulnerable.

The most promising possibilities for change appear to be in Congress's own standards of behavior and in the manner that it equips itself for performing its legislative duties. Constant nettling by the press on conflicts of interest, nepotism, and junketeering are not going to eliminate these practices from the congressional scene, but the disclosures tend to encourage more members to avoid anything that might be embarrassing at election time.

In addition, both houses are becoming acutely aware of the fact that their failure to equip themselves with adequate professional staffs accounts in large part for the Executive branch's ability to preempt the field on many issues. One result is that political connections are becoming less significant in the staff recruiting processes. They have not been abolished by any means, but when faced with the task of legislating on complex, often bewildering issues, many members are now placing a premium on expertise.

These developments, however, do not get to the fundamental issue of redistributing political power within the legislative branch, and it is apparent that there is no accessible lever for achieving such a result quickly. Over the long haul it is likely that the nation's growing urbanization, in conjunction with the Supreme Court's reapportionment decisions, will shift political power away from the rural areas and put more of it into the hands of city legislators who tend to take a more liberal approach to national affairs. For those who are writhing under the present alignment, this is a distant hope, but it seems to be all that can be realistically looked for.

While agitation for congressional reform is steadily mounting, surprisingly little of it has been directed toward one of the most fascinating peculiarities of Capitol Hill—its infinite capacity for illusion-making, for doctoring reality to win the admiration and approval of the folks back home. The effects that these practices have on the quality of legislation are impossible to assess, but the make-believe that envelops much of the congressional scene is surely worthy of study by a good psychological research team. The effects on the public would be worth measuring, but the effects on the congressmen themselves are even more deserving of investigation.

In their quest to keep their names before the public, many members constantly engage in public relations machinations of a most ingenious nature. For example, virtually no federal contract or program is initiated without the local congressman getting first crack at announcing the event through his local papers. Whether or not he had anything to do with it, the impression is created that he was one of the initiators, since he is making the announcement. And woe to the federal agency that does not cooperate with the publicity-seeking member. Since channeling the publicity to Congress is a small price to pay for avoiding congressional ire, the system works smoothly, and even the most inept contract-hunting member is given frequent opportunities to create the impression that he is bringing home the bacon.

At times the publicity system gets to be quite complicated, as when a White House aide called a member in the last session of Congress and said that the administration had decided to locate a certain installation in his district. The aide suggested that the member write a letter to the President requesting the installation, so that when the public announcement was made it would seem that the decision arose from the member's request. As a consequence, the member was happy, the White House had chalked up a credit, and the only loser was the general public's sense of reality.

Such operations take place only intermittently, but for daily forays on the public mind, Congress has mechanized itself to reconcile mass production with the personal touch. Seemingly personal letters, with the appearance of individual typing and a pen-and-ink signature, go out by the thousands, though virtually untouched by human hands. In response to some fairly common question from constituents—such as "What do you think about Cuba?"—a member will employ a tape-fed typewriter that grinds out letter after letter, with human intervention required only for the address and salutation. The final touch is applied by a machine which scrawls a most personal-looking signature across the bottom. If the letter is to someone with a claim to calling the member by his first name, the operator will set the device to leave off the member's last name, and the constituent will have a letter from his friend, Joe, let's say, the Congressman in Washington.

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