

RIPON FORUM

Vol. VIII NO. 24
DECEMBER 15, 1972

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Reclaiming the Congress

by Senator Charles McC. Mathias, Jr.

Some 92 Congresses ago, Thomas Jefferson wrote of a federal government composed of three branches "so divided and balanced among several bodies of magistracy that no one could transcend their legal limits without being effectively checked and restrained by the others." But the balance to which Jefferson and our other Founding Fathers entrusted the future of "the American experiment" is today in serious jeopardy. As the newly elected Congressmen and Senators gather to convene for the 93rd time, Congress, as an institution, has become a third or fourth rate power, a rusty bucket that no longer holds much water.

Three weeks ago, in an effort to find out how Congress might better fulfill its constitutional responsibilities, Sen. Adlai Stevenson and I formed an Ad Hoc Committee on Congressional Reform. With the blessings of the Senate leadership, we held public hearings soliciting the views of members of Congress—both present and former, members of the press, and representatives of various national organizations. Some of the witnesses could be called "conservative," others might be termed "liberal," some "progressive." But regardless of their ideology, they all called for the same thing: fundamental reform of the Congress.

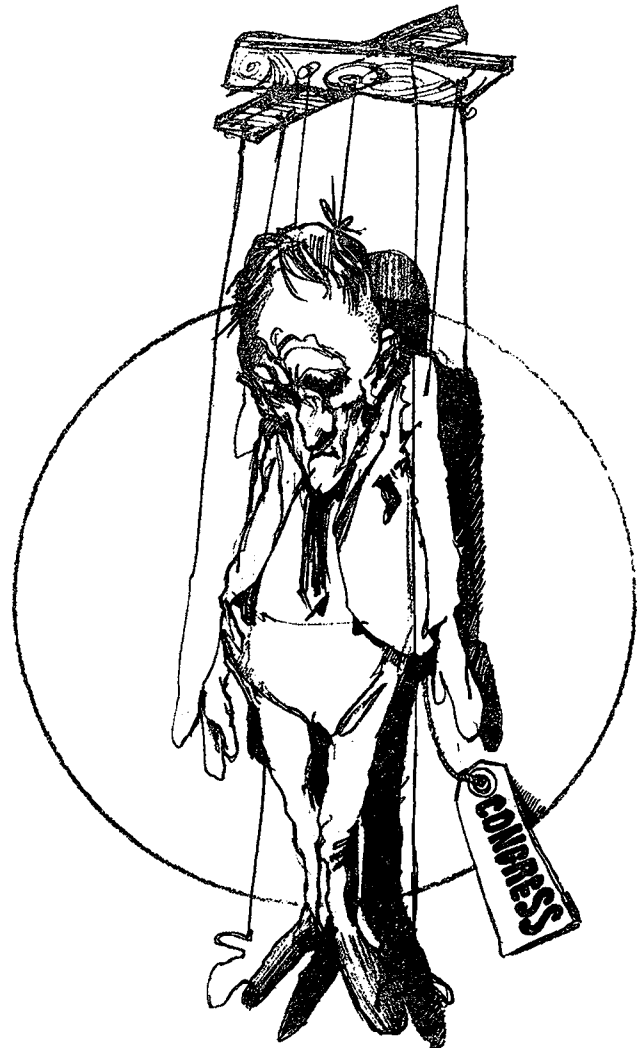
And, according to Louis Harris, public confidence in the Congress has fallen during the past six years from 42 percent to just 21 percent, and Americans now have less confidence in their Congress than in either of the other two branches of the federal government.

The reasons for such a lack of confidence are not difficult to discover. It is now the executive branch, not the Congress, that exercises the more effective power over the federal purse as well as the power to make war. The Congress is simply not organized or equipped to really come to grips with the enormously complex questions and issues involved in the making of national policy. And so the branch of the federal government which under our system is supposed to be closest to the people is now least able to influence and to shape national policy in their best interests.

What is at stake, therefore, in the effort to reform the Congress, to enable it once more to exercise its responsibilities and assume its role under the Constitution and under our system of separate and equal powers, is nothing less than the very survival of that system as anything more than an archaic echo, bearing little resemblance

to its original form and little relevance to contemporary needs.

Take, for example, the federal budget — the single most important instrument and expression of national policy. As the constitutional steward of the power of the purse, the Congress should have a strong say in deciding how many federal dollars should be spent and how they should be divided among differing national needs. Yet the only effective allocational judgment the Congress makes is how the power of decision should be divided among the various appropriations subcommittees. Once the budget



function is thus divided, each subcommittee retires behind doors that are more or less closed not only to the citizenry at large but to other members of Congress. In separate and distinct bills, each subcommittee passes its recommendations on to the full committee which, in turn, passes them on to the floor. At no point in the entire process does the Congress ever consider revenues and expenditures simultaneously. The taxing and spending committees of the Congress have no organized interlock or coordination with each other or with any of the legislative committees except in the breezy atmosphere of the House and Senate floors in perfunctory debate. And the spending committees, which are supposed to review all expenditures, have seen their authority undermined in recent years by the increasing resort on the part of legislative committees to such practices as entitlement provisions and contract authorities. As a result, *Fortune* has estimated, nearly 40 percent of the budget now bypasses the appropriations committees altogether.

It is no wonder, under these circumstances, that we have cut federal taxes by some \$45 billion during the past three Administrations while increasing expenditures by more than \$135 billion — and that we have ended up, for example, during the past two fiscal years with deficits in the federal funds budget in the \$28-\$30 billion range and face a deficit of nearly \$40 billion for the current fiscal year.

Even if the Congress did arrange things so that it could consider the budget as a whole, it is simply not equipped to undertake the kind of thorough analysis and evaluation of the budget that would enable it to make informed decisions. With little expert staff and a handful of computers that concentrate mainly upon congressional payroll and other housekeeping matters, the Congress has little more than four months to consider a budget in which the executive branch has invested more than a year of time and the talents of thousands of trained experts who have access to the most sophisticated electronic equipment available.

The Congress, in short, cannot perform its most basic task: to make the major decisions regarding the raising

and spending of federal tax dollars. And if the citizens of this country feel that national policy and national problems are beyond their control, it is in no small part because they are beyond the control of the Congress that is supposed to be the citizen's most effective and immediate instrument for exercising such control.

Unless the Congress does something — and soon — to improve its procedures and to strengthen its capacity for dealing with the federal budget, it may, in the near future, suffer a loss of budgetary power far more serious than any it has suffered in the past. Only the eleventh-hour determination of the Senate prevented the past Congress from granting the President unprecedented authority to cut any federal programs he chose in order to hold fiscal 1973 spending to a total of no more than \$250 billion — an act that would, in the words of one reporter, have constituted "the most sweeping delegation ever made to the President of Congress's constitutional authority to control government spending."

During our recent hearings, Sen. Stevenson and myself were frankly overwhelmed by the attention our efforts received in the press and in the public.

If we read the signs correctly, the sentiment for reform — both in the Congress and in the country — is stronger than it has been in the last generation.

On the basis of our hearings, Sen. Stevenson and I — together with some of our colleagues — intend to join in pushing for very specific reforms in what we regard as the key areas requiring reform: the areas of seniority, secrecy, ethics, campaign financing, staffing, and procedures for handling the federal budget.

Our aim is:

First, to make the Congress a far more effective institution both in terms of its capacity to cope with national issues and make national policy and in terms of the opportunities it offers to every single member of Congress to be as effective and influential as he or she has the ability to be.

Second, to make it a far more open institution so that the Congress will conduct its business as if it were, in fact as well as in theory, the public's business.

And third, by making it more effective and open, to make the Congress and each of its members more accountable to the electorate for the decisions they make, or fail to make, and for the way the Congress itself functions, or fails to function.

I have been a member of Congress for some twelve years now. I care about it deeply. And like a great many other members of Congress — and an increasing number of citizens throughout the country — I want it to work, not just for old times sake or even because the Founding Fathers meant it to work, but because I think that the only way that we are going to be able to come to grips with all the fear, the frustration, the fragmentation that we see throughout the country is through the workings of a genuinely democratic, deliberative and decision-making body that the Congress ought to be.

I hope that we can, over the coming months, make the kinds of changes that will enable it to become that kind of body.

If the public and the press keep their interest up and their pressure on, I am sure we can. ■

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THE RIPON FORUM is published semi-monthly by the Ripon Society, Inc., 14a Elliot Street, Cambridge, Massachusetts 02138. Second class postage rates paid at Boston, Massachusetts. Contents are copyrighted © 1972 by the Ripon Society, Inc. Correspondence addressed to the Editor is welcomed.

In publishing this magazine the Ripon Society seeks to provide a forum for fresh ideas, well-researched proposals and for a spirit of criticism, innovation, and independent thinking within the Republican Party. Articles do not necessarily represent the opinion of the National Governing Board or the Editorial Board of the Ripon Society, unless they are explicitly so labelled.

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EDITORIAL NOTE



What Else is New?

According to the usual clichés, the Republican Party is now either at a point where it has missed a critical opportunity or at a point where it can seize on a critical opportunity. The GOP has, however, missed many an opportunity in the past and perhaps stands on the threshold of as many future quandaries as opportunities. It would be heartening to all Republicans if the party spent less time in limbo and more on the mechanics of reality.

First, the Watergate scandal, unlike the Lincoln Monument, is not sinking into the shores of the Potomac. If the revelations of upcoming court proceedings and congressional investigations are not to seriously impair the GOP's credibility, Republicans must take the lead in clearing away the layers of executive privilege and financial manipulations which have obscured responsibility for any criminal behavior. The impact of Watergate may not have been directly felt in the 1972 presidential race, but the party's future depends on a forthright effort to ascertain blame for the nefarious operations. Sen. Edward Kennedy's Judiciary Subcommittee on Administrative Practice and Procedure will undoubtedly seek to investigate Watergate in the upcoming session. It is in the best interest of the GOP for Republican Senators to support the investigation and broaden its scope to include malpractices by both parties over the past ten years. Republican harassment can only confirm public suspicion that just the tip of the Watergate iceberg has been exposed. Republicans must support higher standards of political ethics than were in evidence in the past election.

Second, the forthcoming election of new chairmen of the Senate Republican Conference, the Senate Republican Policy Committee, and the Republican Senatorial Campaign Committee open these positions to fresh leadership which can exert a positive policy and partisan in-

fluence in the legislative branch. The staff of the Senate Republican Policy Committee has largely been dormant as a force to develop innovative policy proposals. It is a resource that the Republicans, in their minority status, need to utilize more effectively. The Republican Senatorial Campaign Committee, meanwhile, needs to become a more even-handed device for the direction of campaign contributions and encouragement of possible candidates. Although the committee has been scrupulous in the distribution of its official funds, it has been less meticulous in the ideological bias of its advice to possible contributors whose money is funneled directly to candidates rather than through the committee itself.

Third, the nomination of United Nations Ambassador George Bush and the dismantlement of operations of key White House political operatives Harry Dent and Charles Colson places the leadership of the party at a critical juncture. The Republican National Committee is in its usual state of flux, scapegoated by the White House for the partisan failures of the Committee to Re-elect the President. The office of President is not the only elected position in the United States. With its belief in decentralized government, it might be wise if the party paid more attention to the candidates running for mayor, state representative and district attorney. The GOP cannot merely mouth its belief in the efficacy of local government. It has to run and elect attractive, competent candidates for these posts. A temporary presidential coalition will not produce partisan miracles at the grass roots. If anything, 1972 proved the reverse. Ambassador Bush has a large chore.

Finally, the President must offer a programmatic alternative which can serve as a partisan Republican standard. The President's public pronouncements have promised that policy-making in federal departments would be strengthened in relation to the White House staff. The impact of President Nixon's cabinet appointments, however, is the appointment of managers rather than policy-makers to cabinet posts and the distribution of White House operatives to fill subcabinet positions. The result is not auspicious.

Another "critical opportunity" may now be missed. Future "critical opportunities" may be infrequent. It is time for the GOP to get out of limbo . . . but then what else is new? ■

Politics: Hawaii

HONOLULU — Despite several close races engineered by Hawaii Republicans this year and the intraparty quarrels of the state's Democrats, the GOP's prospects for future electoral victories remain cloudy.

Not only did Congressman Spark M. Matsunaga and Congresswoman Patsy Mink receive energetic challenges from Republicans Fred Rohlfling and Diana Hansen, both state legislators, but Honolulu Mayor Frank F. Fasi defeated Republican D.G. "Andy" Anderson by only two percentage points.

All three races were surprisingly close, perhaps reflecting the divided state of the Democratic Party which is split over the leadership of Gov. John Burns (D), whose term is up

in 1974. Burns, who had a primary challenge in 1970 from his own lieutenant governor, may have potential opponents in Fasi, Anderson, and Rohlfling in 1974. State Sen. Rohlfling has indicated, however, that he may seek another challenge to Matsunaga, whose victory was partly attributed to his seniority on the House Rules Committee. Rohlfling was credited with a "beautiful campaign" by the Democratic state chairman.

But the Republican Party, once dominant on the Islands, had less luck in the legislative races. It now has less than one third of the seats in the House of Representatives and its only new legislators are Archie Hapai on Hawaii and Alvin Amaral on Maui.

And though Republican State Central Committee Chairwoman Carla Coray says, "The election results put both of the incumbents (Matsunaga and Mink) on the alert," the GOP is still a distant minority with less than 20 percent of the state's registered voters.

National Committeewoman Kinau Boyd Kamalii, who was Rohlfling's campaign manager, retains her post, but National Committeeman Samuel P. King has been replaced by Edward Brennan. Brennan, who is associated with the Gold Bond Stamp Company and shopping center development, was King's campaign manager in his unsuccessful gubernatorial attempt in 1970 and a campaign advisor to Rohlfling and former Honolulu Mayor Neal Blaisdell. He was described as a "brilliant pragmatist" by one prominent Hawaii Republican. ■

Politics: People

● Although presidential aide **John Ehrlichman** seems to be losing his staff, he seems to be gaining control of several federal departments. Among the Ehrlichman aides who have left to assume subcabinet positions is **Edward L. Morgan** who replaces **Eugene T. Rossides** as assistant treasury secretary for enforcement, tariff and trade affairs. Rossides, along with former Treasury Secretary **John Connally**, was a key figure in opposition to the transfer of Treasury's law enforcement functions to the Justice Department. Both Rossides and Connally feared the development of a national police force. Ehrlichman, in contrast, was a proponent of the transfer, and the appointment of Morgan to the Treasury post is expected to facilitate the change.

● Have you received the latest mail poll; it is the "National Morality Poll." No, it is not on Watergate, sex education, Vietnam bombing, or massage parlors. It is on the great American wasteland—the boob tube. "Stop Immorality on TV," a project of the Society for the Christian Commonwealth Inc., is sponsoring this latest crusade, under the leadership of such luminaries as Congressman **Joel T. Broyhill**, **Phil Rizzuto**, **Katherine St. George**, **Dr. Fred Schwartz**, **Rudy Valle**, and Congressman-elect **David C. Treen**. Permissiveness, which apparently has spread from politics to TV programming, is the target of the poll, which asks, "Do you feel that the constant flow of sex on TV programs and TV commercials is helping to weaken the moral strength of our country?" And all this time, I thought it was tooth decay that was ruining the country.

● Heading the **Congressional Quarterly's** list of Republicans who received high scores for their votes in opposition to President Nixon in 1972 was Congressman **John Ashbrook**, whom CQ said voted against the President 51 percent of the time. Tied for second on the Republican opposition list were fellow conservatives **Philip M. Crane**, **Marion G. Snyder** and **Durward Hall** with 46 percent. The high scorer for presidential support was Congressman **Barber Conable** of New York. In comparison with Ashbrook, another presidential aspirant, Congressman **Paul N. McCloskey**, had a support score of 49 percent and an opposition score of 27 percent. The average score for congressional Republicans was 64 percent in support of the President and 22 percent in opposition.

● Pressure on former Democratic Gov. **Mills E. Godwin** to switch parties continues in Virginia. Two possible opponents to Godwin for the Republican gubernatorial nomination, Congressman **J. Kenneth Robinson** and Congressman **G. William Whitehurst**, appear reluctant to seek the post of Gov. **Linwood Holton**, who is restricted to one term.

● Former HEW Secretary and Presidential Coun-

sellor **Robert H. Finch** is joining the Los Angeles office of a California law firm and also expects to teach at the University of Southern California and Occidental College. The former California lieutenant governor said recently that he is leaning toward a gubernatorial run in 1974 rather than a race against California Sen. **Alan Cranston**. The present lieutenant governor, **Ed Reinecke**, has meanwhile appointed former Reagan press aide **Lyn Nofziger** to head his campaign. San Francisco Mayor **Joseph Alioto** is also making indications that he will seek to migrate to Sacramento in 1974.

● According to **Washington Post** reporter **Lou Cannon**, Sen. **Bill Brock** is already getting in training for a possible 1976 GOP championship fight with Vice President Agnew. The post Brock reportedly seeks, chairman of the Republican Senatorial Campaign Committee, is a good place from which to train and coach fellow Republicans for future hero-worship.

● Republican leaders in the California Assembly were unhappy with the results of the general elections which reduced them to a 51-29 minority. "The Republican Party is in substantial danger of falling into disrepair," said Assemblyman **William Bagley**. "California is different from Iowa. The party leaders must recognize that. They've got to take off their ideological blinders and start talking to the kids, to the Spanish surname citizens and to a lot of others. We lost Assembly seats because we've been talking to ourselves. We simply don't get a message out to the mass electorate." Bagley is considered a possible contender for state controller if incumbent **Houston Flournoy** decides to seek the governorship in 1974.

● In announcing his resignation as Republican National Chairman, Sen. **Robert Dole** said President Nixon had made similar comments in his discussions with Dole. President Nixon said, according to Dole, "that we needed to recruit more black candidates (and) more Spanish-speaking candidates."

● It may be June before an election is held to replace Congressman **Nick Begich** (D-Alaska), who disappeared in October on a flight with Congressman **Hale Boggs**. Although the Republican candidate will again be State Sen. **Don Young**, Democrats must hold a state convention to choose a nominee, according to a recent court ruling. Since the convention cannot be held until 90 days after a vacancy is declared and a special election cannot be held until 90 days after that, the state will have a long wait for congressional representation. The likely Democratic candidates are State Sen. **Chancy Croft** of Anchorage and Begich's wife, Mrs. **Peggy Begich**.

● House Majority Leader **Hale Boggs** will probably be replaced in Congress by his wife, **Lindy Claiborne Boggs**, who may be more popular in the 2nd C.D. of Louisiana than her husband. The candidacy of Mrs. Boggs, a direct descendant of the state's first governor, is considered necessary to prevent a massive bloodletting in the Democratic Party. A meaningful Republican effort to capture the seat is considered unlikely.

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Published semi-monthly by the Ripon Society, 14a Eliot Street, Cambridge, Ma. 02138. Second class postage paid at Boston, Massachusetts.