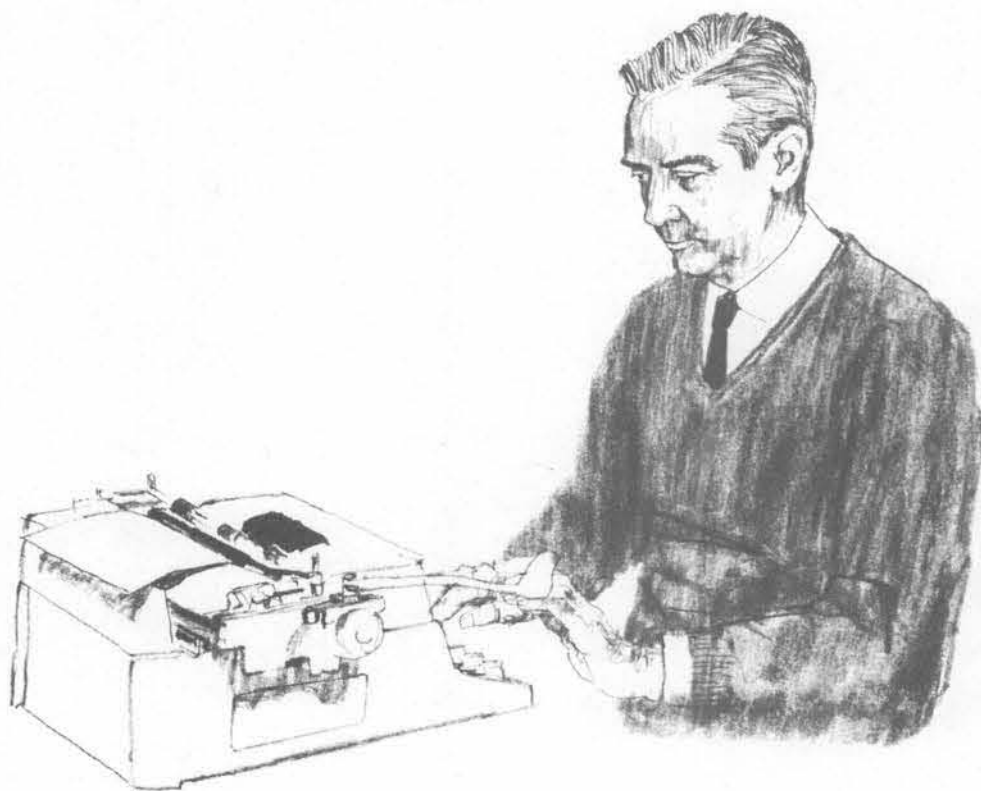


HOWARD K. SMITH

News and Comment

Wednesday, June 13, 1962

ABC TELEVISION



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"Is Congress Out of Date?"

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Good evening. We call your attention tonight to the state of the U. S. Congress, sometimes called the keystone in the arch of American Government. Congress has been in session now for nearly five months, which is a respectable length of time. The pressures on it to stop work and go home are strong because this is an election year and five-sixths of the members of Congress have to run for re-election. But - though in session for a long time and itching now to finish - Congress this year has passed not a single piece of major legislation so far. The President said the other day that he is contemplating listing Bills according to urgent priority in order to get at least some of them considered before Congress does go home.

In the past, some sessions of Congress have been called "Do Nothing" or "Do Little" Congresses. One of the Members now, Congressman H. R. Gross of Iowa, labels this one the "Goof Off" Congress:

MR. GROSS: I would say that it is a goof-off Congress. It is the worst Congress, of course, do-nothing Congress, in my 14 years in Washington. We have such a thing as the T & T Club -- the out-on-Thursday, back-on-Tuesday Club -- this is one of the reasons. There may be some hidden reasons that I know nothing about but it seems that for the benefit of certain people we must adjourn Congress on Thursday afternoon and either schedule non-controversial legislation on Monday, or put the votes over until Tuesday, which gives them the opportunity to operate on the Thursday to Tuesday basis. This is to accommodate, I say, principally to accommodate members on the Eastern Seaboard and contiguous areas who can get home, in a short period of time. Some of them to carry on business; some of them to carry on their political campaigning.

MR. SMITH: Congress has always been more criticized than the the other branches of Government. The famous British student of government, James Bryce, wrote in the last century, "Americans are specially fond of running down their Congressmen." Our pictorial commentators, the cartoonists, have always taken a cynical view of Congress that they do not hold towards other branches.

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In 1889, Joseph Keppler, creator of the character Uncle Sam, sketched this commentary suggesting that the real bosses of the Senate were the big moneyed trusts. In this century, Senator George Norris of Nebraska expressed the same thought about our system of checks and balances saying "the politicians get the checks, and the special interests have the balances."

Humor is heavily alloyed with Cynicism in modern day cartoons of Senators like Dogpatch's celebrated envoy to Washington -- Senator Jack S. Phogbound, in Al Capp's "Li'l Abner"...

The same qualities of hypocrisy and opportunism show just below the surface humor in Senator Snort drawn for the Field Enterprises by George Lichty...

...and in round little Senator Caucus, drawn by Pete Wyma for the General Features Corporation.

This rather low view of Congress has become so standard that there is a tendency to shrug off the implied criticisms as unavoidable and unimportant. In fact, I am going to argue tonight that it is very important and this reputation can be avoided. There have been periods when Congress was truly the Keystone of our government, well attuned to the people and creative in legislation. Just one example -- in 1910 Congress became the inspiration and the leader of the nation, when the so-called "Insurgents" came to Washington determined to take up where Teddy Roosevelt left off:

Robert "Fighting Bob" La Follette of Wisconsin, who beat the mighty Railroads and the Political Bosses in his home state first.

Jonathan Dolliver of Iowa, who said of President Taft, "he is an amiable man completely surrounded by men who know what they want", and proceeded to attack the influence of those men.

George Norris of Nebraska who broke the near dictatorial powers of Speaker Cannon of the House.

And William E. Borah of Idaho who authored or guided through the Senate some of the most needed legislation of the times.

By contrast it is hard to think of many really creative acts of legislation by Congress in recent years. It is hard to think of an occasion on which Congress stirred the hearts of Americans by word or by action as the Executive Branch often does, and the Supreme Court has done on at least two historic occasions in recent years.

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I suggest to you that Congress's reputation today is not good and that, despite a number of exceptional individuals, it deserves its reputation. It is not attuned to the people. It is more and more negative and dilatory rather than creative and responsive. Its ethics are much lower than those of either branch of the Government.

An acute present-day writer on the Congress, George Galloway, has said, "Representative Government has broken down or disappeared in other countries. Here in the U.S. it remains on trial. Its survival may well depend upon its ability to cope quickly and adequately with the difficult problems of a dangerous world."

Congress is not coping quickly or adequately. What that is so, in a moment, after this word from Nationwide Insurance.

Just before his death a decade ago, Senator Kenneth Wherry of Nebraska said, "Congress still labors under antiquated machinery and processes. The creaking machinery of Congress is so inadequate for modern times that free representative government itself is endangered."

Just one example to support that statement: To help it draft legislation, Congress has a staff of 28 lawyers and a budget of 200,000 dollars. By contrast, a single one of the ten Executive Departments -- the Department of Agriculture -- has 207 lawyers and a budget of 2,400,000 dollars to draft legislation. We could cite many many more examples of inadequate facilities causing Congress to lose its creative functions to the Executive.

For one other disability of Congress to fulfill its functions, it is hard to blame Congress. That is, complex modern times has multiplied the workload, especially of Senators.

An outstanding Senator, Prescott Bush of Connecticut, announced recently he was quitting politics because of the increasing workload:

SENATOR BUSH: It requires a great deal of simple old-fashioned homework and when my evening is free -- that is, I don't have to go to a dinner here in Washington, or some meeting up in Connecticut -- I take my briefcase home full of work and I'll spend two or three hours, frequently, trying to catch up on the reading and the reports of committees, the things that people send me to read that are appropriate to legislation that's pending here. If one didn't do anything else but tend to the homework that goes with his job and tend to the duties of his job as a Senator in Washington, he'd have

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a very good full time job, I can assure you. So, that if you add the burdens of the call of the state to this, you'd see that the work of a Senator, for most states I would say, is very strenuous.

MR. SMITH: Hubert Humphrey of Minnesota, probably the most articulate of all Senators, tells of the growing duties of the Senate. He describes a typical Tuesday:

SENATOR HUMPHREY: The Congressional Leaders meet with the President every Tuesday morning for our Legislative Breakfast. This means that I arrive at the White House at around 8:30. Our breakfast starts at 8:45. We finish that breakfast anywhere from 9:30 to 10:00. Then, following that, of course, is the regular little press conference. I then return to my office where I have committee meetings. The mornings are used for committee meetings in the Senate. Sometimes I find, and you try to solve this one, three committee meetings going on at the same time in three different buildings in three different parts of the Capitol, on three different subjects, and I am on all three committees. So, you have to be nimble of foot as well as of mind around here sometimes. But you select them, which committee you think is the more important, and you send a staff member, if you possibly can, to one of the others, or drop in on it. Then at noon, generally, one, two or three luncheon groups, and I generally find little time to eat at noon. I frequently just call on the luncheon groups because many times they are constituents. Then as the Majority Whip, I have to be on the Senate floor. So, I do a good deal of my office work right off the Senate floor in the Whip's office off the Senate Gallery. I have many visitors that come in during the day that send in their card to the Senate and want to see me. I go out to see them. During the afternoon, I will frequently have conferences with executive officers relating to problems of my constituents or problems on legislation. It is entirely probable that Senator Mansfield, the Majority Leader, will hold a, what we call, a policy meeting on the same day where the Policy Committee of the Democratic Party meets. And then later on in the afternoon, I attempt to answer telephone calls and, by the way, I average about 35, 40, 50 long distance telephone calls every day. And I keep those slips in my pocket, if I haven't been able to answer them at my desk, and catch them as I go along. I work late in my office on correspondence and have meetings at 5 to 7 o'clock - try to catch as many people as I can at that time. And then, sometimes during the day, there will be a dinner that we go to. I used to think that these dinners were fun, and I guess they can be, and sometimes they are, but really and truly, after a long day, you sometimes wonder if it might not be better if you just went home and didn't go to the dinner.

MR. SMITH: Well, now, you are a member of three very important committees. Is it possible for a Senator to be an expert on as many things as he's expected to be an expert on? Can you master all of the subject matter?

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SENATOR HUMPHREY: I cannot. And when I used to teach political science, we had an axiom or statement. We said, "Experts should be on tap and not on top." I'm not an expert. I hope to be a Legislator and, in a sense, a policymaker, that is, to at least help shape and mold the policy of this country, as one Senator. But my activities are many in the Senate, and I must be interested in all of these activities. Of course, you have special areas of interest. For example, I have taken a very keen interest in the field of International Cooperation in medical research and scientific research. A keen interest in the problems of disarmament and arms control. But I serve and have served on the Committee on Agriculture and Forestry, I have to know about these agriculture problems. The state I represent is deeply involved in agriculture. Agricultural economics is the very life of our society in Minnesota. I must be interested in the field of foreign policy. I am a Chairman of a Sub-committee and second ranking member on the full committee. And, of course, foreign policy is one of the most vital areas of our entire governmental activity. I am a member of the Senate Appropriations Committee. And that puts you across the board in everything. In fact, the Defense Budget is one that we work with the Interior, Labor, Public Welfare and Education. I serve on the Senate Committee on Government Operations, which is an over-all committee relating to the efficiency of the governmental structure, and I serve on a Senate Committee on Small Business. Now, any man that can be an expert in all of those fields is too good to be a United States Senator. Or anything else I think, on this earth. So what I try to do is to have a good staff that works with me. We schedule our efforts as best as we can to be well informed. I have specialists on my staff for each of these activities and others. And then I try to have a good working knowledge of these areas of endeavor. This takes time. I read all the time. When I come to work I read, when I go home I read, and when I travel on the airplane. I don't have a chance to read books any more, Mr. Smith. I just read pamphlets and documents and confidential, secret, restricted documents, until they run out of my ears.

MR. SMITH: What about the increasing burden you have of non-legislative activities?

SENATOR HUMPHREY: I spend at least fifty per cent of my time on non-legislative functions. And this is, I won't say it's a burden, it just takes a lot of time. The volume of mail! Mail! Well, it is just unbelievable! The mail pours in - I'm not talking about pressure mail - I've had for example, on withholding, dividends and interest, this tax issue - I would say fifteen, sixteen thousand or more letters, and they all have to be answered and we work out policy statements and enclosures, but we answer every letter. Now, we have to use electric typewriters, robot typists. It is a big job just sorting the mail. I have a person in my office who spends all day long just opening mail -

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not answering it - just opening it, just sorting it. I run a sort of a junior post office. Our mail will average, at the end of a session, over a thousand letters a day. And, in the beginning it will run, three, four, five hundred letters a day. I have a dictaphone wherever I go, or one of these soundscribers whatever you call them. I have one in my home in Minnesota, in the hotel room when I travel. I have a portable that I carry with me. I have one at my home here in Chevy Chase. I have one in every office here in the Capitol, and I don't waste very many minutes of my time. I work on that correspondence. And telephones! When I came here, we used to have two telephone lines and one private. We now have ten lines and two, so-called, private lines. And the only way you can get into my office is through the private line. I have to have a line just to call in - there just isn't any room on the board. Now, you figure that out for me, will you? I like it, don't misunderstand me. This is the kind of life I enjoy.

MR. SMITH: That was Senator Humphrey of Minnesota on the workload a Senator carries. The growing burden is a drag on Congress's achievement. But other factors are a greater drag.

In theory, Congress is representative of all America. But, in fact, it badly distorts the nation's interests and needs.

The Senate was constructed to be distorted. With two senators from each state regardless of its population - there are eight mountain states containing only three per cent of the American people - which have equal voting power in the Senate with the eight most populous states containing over 50 per cent of the nation's population. It is very hard for such a body to be interested in the problems of all the people.

The House, however, misrepresents the nation rather more. The State Legislatures, which draw up electoral districts where Representatives run for election, are dominated by rural interests. So, they draw up congressional districts that will favor those interests. As a result the one-third of our nation living in rural areas has a much stronger voice in the House than the two-thirds who live in urban areas.

But more serious than the under-representation of the nation's majority in the House as a whole, is the gross distortion of power in control of the Congressional committees.

The growing quantity and increasingly technical nature of legislation has caused Committees of Congress to be more important than the whole House itself. In the year 1890, Speaker Thomas Reed said, "This house is no longer a deliberative body," and he was right. Bills are shaped and changed or made or killed in Committee before they ever reach the floor of either House.

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The chairmen of committees are chosen primarily by seniority. Legislators from one-party states or from conservative rural areas have greater security of tenure than those from populous two-party states. They accumulate seniority more easily and thereby win dominating positions on committees.

For example, there are 16 mighty committees in the Senate. The chairmen of nine of them, a majority of them, are Senators from Southern States of mainly rural interests, who are particularly out of tune with the times on rights. All the other Senate committees are headed by Senators from the Southwest and the West. Not one chairman comes from the populous states of the East, of the Middle West and of California. This, although the populations of two states - California and New York almost equal the total population of all the other states shaded on this map.

This cartoon, drawn for Fortune magazine by Ronald Searle, shows the committee situation in the House of Representatives. President Kennedy is shown at the throttle of the New Frontier Express. Leading Committee Chairmen are at the switches able to halt legislation. The chief ones are Congressman Wilbur Mills of Arkansas, head of the mighty Ways and Means Committee, and Congressman Howard Smith of Virginia, head of the still mightier Rules Committee. Of the nine key Committee-men shown here, six are from the South. Smith of Virginia, Mills of Arkansas, Passman of Louisiana, Mahon of Texas, Vinson of Georgia and Harris of Arkansas. Only one, Powell of New York, is from a populous community.

The U. S. Congress is a captive body, a captive of interests attuned to the needs and concerns of neither a majority of our people nor of our time in History. It is geared to be negative. A legislator who wants to achieve something positive has to run a whole gauntlet of obstacles. A legislator who wants to prevent action has a wealth of opportunities.

President Eisenhower's Commission on goals for mid-Twentieth Century America said: "If Congress is to be an active partner in an active government, it must sooner or later move to reduce the power of its obstructionists." Congress has not done so. Obstruction rather than Creation is now its characteristic.

There is one other serious blot on Congress. That is its ethics. Congress investigates everybody. But nobody investigates Congress. It is not permitted.

Nepotism - putting wives or relatives on the payroll - is common and open. One out of five Congressmen has a relative on the payroll, some at the top salary of sixteen thousand dollars. Some of the relatives do not turn up at the offices where they are supposed to work.

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Hasten Re-apportionment, so the House will be more representative of the majority of the people and no longer tied to a social make-up that no longer exists.

Have federal grants to pay most election expenses, so that politicians won't be sensitive to special interests who are always at hand to offer campaign contributions for favors done.

It could foster the growth of the two-party system, so every politician will have to fight for his job, and seniority would not accumulate in one small section of the nation.

You could make Chairmanships of Committees rotate. The list can still be according to seniority. But rotation would prevent any one man establishing a tyranny.

And, finally, a radical reform: Have one chamber instead of two, and thereby eliminate the time-costing haggling between the two houses. There would still be far more than enough means of delaying legislation. The one chamber's members could be more numerous so the committee load on each would not be so great. And the terms of their office should be four or six years so they won't be, as Congressmen now are, always running for office.

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If Congress took strong action to improve itself, it would find a receptive public. For politicians' line of work can still capture the public imagination.

The U. S. Senate, for example, can still be very dramatic. One episode that has caught imaginations on a movie screen is the picture "Advise and Consent." In it, Peter Lawford and Charles Laughton as Senators clash in a movie version of a debate on the Senate floor:

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MR. LAWFORD: Does the senior Senator from South Carolina think he knows more than the President about what or who is needed, in these perilous times, in the office of the Secretary of State?

MR. LAUGHTON: Yes, Senator. I dare say that even one so young and green as the junior Senator from Rhode Island would have chosen another man. Wouldn't you Senator, truthfully?

MR. LAWFORD: The Senator assumes an entire ability of knowledge which denotes a closed mind, and an aged crust of prejudice.

(Laughter)

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MR. LAUGHTON: Really, Mr. President, we have here an example of the commotion this man Leffingwell can arouse. Able, sensitive, young Senators, taught courtesy at their mother's knees, turn upon their elders and offend them, because of their passions, over this disturbing man, Robert A. Leffingwell. I beseech, Senators, to contemplate the spectacle we are making of ourselves. Why? What is causing this bitterness of division in our party? Leffingwell. Who is disrupting the cordial flow of legislative interchange? Leffingwell. Who is turning this Senate into a cockpit of angry emotion? Leffingwell. I abominate this man Leffingwell. He is an evil man. He will pursue a policy of appeasement. He will weaken the moral fiber of our great nation. He will bring destruction to our traditions and I beg the Senators reject him! Reject him!

(Applause)

MR. SMITH: Several times on this weekly report we have stressed the urgent need in our time for much better teachers, and for much better scientists. But for whatever may be said in derogation of them, the single most important necessity of the time is - good politicians. They have got to improve their institution. For as President Eisenhower said in an entirely different context - We need them.

Good Night.



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