

REMARKS BY SENATOR HUBERT H. HUMPHREY

SENATOR ERVIN'S SUBCOMMITTEE ON SEPARATION OF POWERS

Washington, D. C.

January 30, 1973

Mr. Chairman, the issue before us today is Congress' participation in the setting of public policy.

As every school boy knows, Congress is supposed to be a co-equal branch of the government -- co-equal with the Executive and Judiciary.

The Constitution specifically outlines the functions of each branch; and it establishes a delicate balance -- a sharing of power -- among the branches.

Has there been a shift in the sharing of power -- a shift that has upset the delicate balance between the legislative branch and the executive branch?

I offer this bill of particulars.

-- The Constitutional war powers of the Congress were deliberately ignored as Presidents committed American forces to war.

-- The executive branch, without any assent by the legislative branch, negotiates and implements sensitive secret international commitments.

-- Programs and policies legislated by Congress are terminated without cause by the Executive Branch.

-- Various spending devices -- transfer authority, contingency funds, reprogramming, special waiver authority and covert financing -- are used by the executive branch without notice or scrutiny by Congress.

-- Key executive policy makers decide crucial questions of public policy without public accountability and without being subject to normal checks and balances

-- Investigative agencies of the executive branch compile and collect dossiers on Members of Congress.

-- Pocket vetoes are used by the executive branch during a congressional recess.

-- Military procurement practices deliberately and deceptively hide the purpose for which funds are spent

-- The President requests and almost obtains control over the Congressional power of the purse -- through his request for a budget ceiling.

-- Needed information is concealed from the Congress under the doctrine of executive privilege.

-- And the President, through impoundment, has succeeded in getting for himself an item veto -- expressly denied by the Constitution.

There has never been a more appropriate historical time than the present for reassertion of the power of Congress.

For the coming years may be the first time in forty years that the United States has not been in a state of severe depression or war or international crisis -- all of which seem to require almost unquestioning acceptance of executive leadership.

Whether or not Congress can reassert its authority depends on questions of organization, law, and will.

I believe that there is no more timely focus for the reassertion of Congressional power than the 1974 budget.

How effectively does Congress consider and analyze this important document?

The fact is that the budget for 1974 represents one-fourth of the total Gross National Product, but Congress is not equipped to analyze this mighty document.

Let me give an illustration.

The Presidential Office of Management and Budget has more than 700 employees and an annual expenditure of \$20 million devoted to preparing the budget. In contrast, the Senate Appropriations Committee employs 35 staff aides and spends only \$1.4 million to analyze that document.

In short, we deny ourselves the information, the staff, the technology, the facilities, and the up-to-date organization to function effectively.

In the name of frugality, Congress is the poor boy of government.

But, there is more.

To see the budget process unfold is to see Presidential power unfold.

The budget is conceived in an executive closet. And, it is delivered to the Congress overnight -- like a bolt from the blue.

All the decisions have been made.

And, the Congress is threatened -- "either go along, or you will be the big spenders of Washington."

The budget has a Presidentially proclaimed spending ceiling; and a close look shows programs terminated, phased-out, cut back, and rearranged -- all without a word of explanation or justification.

Congress should demand answers to important questions about this budget.

Why is the spending ceiling \$268 billion? Why not \$269 billion, or \$279 billion?

Who prepared this budget? Who was consulted?

What are the economic assumptions on which it is based? Are these assumptions valid? What about taxes and revenues? What will they be? Are these estimates accurate?

What about the \$305.7 billion in the pipeline? How will that be spent? What kind of control will Congress have over that spending?

These are the questions that Congress ought to be asking.

And, we should seek the answers independently, using our own resources and expertise.

We should not just accept automatically the President's budget.

These are things we should do.

If Congress follows past history -- and does things in the same old way, we probably won't ask these questions.

Why?

Simply because Congress has the tools of the 1930's to deal with a budget of the 1970's.

I think it is time to change that.

Other Senators and Congressmen have suggested various methods for equipping Congress to analyze the budget. Congressmen Reuss and Reid, along with Senators Tunney and McClellan, have made worthwhile proposals. I simply want to add my thoughts on an agenda for action:

First, we can open up the budget process.

-- The federal budget process does not have to be so closed.

-- Mayors and governors whose own budgets depend on the federal one and who are closest to the point of impact, should and must have a say.

-- Senators and Congressmen must have an input.

-- And, under this new SuperCabinet, Congress must know what policy and expenditure "trade-offs" are made between HEW and Labor, by SuperSecretary Weinburger. Or what "trade-offs" were then made between human resources (i.e., HEW and Labor) and natural resources (Interior, et al.), by SuperSecretary Butz.

Second, we must create a Congressional Office of Budget Analysis and Program Evaluation, as party of the Joint Economic Committee.

Clearly, we must put our own house in order on a number of fronts. This office should have staff and resources comparable to OMB.

The Office should have an analytic section, to relate the budget to economic policy, revenues, and the social and economic needs of the American people.

The analytic section should have the staffing resources to determine a realistic budget ceiling based on sophisticated analytic techniques.

And, the office should have an evaluation section -- to examine programs and make judgments on the cost-effectiveness of them.

Congress must not be placed in the position of taking the Executive's word for it that all programs enacted in the 1960's have failed and must be terminated.

We might even provide a fraction of every single appropriation for program evaluation .

Third, we need to realign our committee structures and jurisdictions.

Excessive subject matter fragmentation and over-concern about jurisdictional authority simply frustrates rational public policy making.

If we do not cease worrying so much about jurisdiction, each committee will wind up with all the jurisdiction it wants but no power over policy at all.

Fourth, all authorization legislation should expire three years after initial enactment.

-- We simply must do this if we are to reassert Congressional control and effective program operation.

-- It will force us to face our oversight responsibility and evaluate the programs.

There are other organizational changes to make. We ought to have an overall blue-ribbon Citizens' Committee to examine the whole structure of Congress. We should eliminate the last vestiges of committee secrecy; we need a Joint Committee on National Security. And we need a planning mechanism -- a National Growth and Development Office.

The Presidential budget is a major issue in the debate surrounding the balance of power between the Executive and the Congress, but it is not the only one, of course.

Clearly, another key source of Congressional power, besides the power of the purse, is the power to write laws.

The problem here is that we have over-delegated our power and responsibility to the executive branch.

Federal regulations and internal agency operating procedures replace legislative language and committee directives as the law of the land.

Congress must realize that regulation-making is policy-making.

To combat the phalynx of regulations and assure Congressional control, Congress must begin to specify in law the standards and criteria of executive implementation of that law.

The final authority over the enactment of public laws and public policy must remain with Congress.

I have been talking about underlying problems that must be faced if the Congress is to reassert its role.

But we must also deal with the urgent here-and-now problem of impoundment.

Senator Ervin's Impoundment Procedures act can be a beginning for the Reassertion of Congressional Authority. It preserves the dictum of Final Congressional Authority. And it ends the illegal item veto of the President.

I suggest, however, two modifications.

A filter is needed to sift through the numerous impoundment resolutions that would be filed under the proposed bill.

Perhaps this could be GAO -- but its orientation must be changed from one of completely post-audit to pre-audit -- and it must actively assume and carry out such a role. It can't continue to be just an accounting agency.



We must specify in law that impoundment may only occur if savings can be made without detriment to the legislative program in question.

We must state that no program authorized by Congress can be terminated or eliminated through any executive action, except as provided for by Congress.

Today, Congress faces a growing and pervasive Presidential establishment -- of Supercrats, advisers, management experts, budget review officers, special counselors, assistants to and aides of the President.

-- A Presidential establishment that through impoundment has brought about a substitution of law based on fate for law based on debate and compromise.

-- An establishment that views Congress not as a partner in process of governing, but as a special interest group, bent on special pleading

-- An establishment that believes the prime goal of policy is efficiency and expeditious action -- without ever realizing that the ultimate aim of efficiency may well be the loss of popular control.

I say that Congress must be mindful of this Presidential Establishment, for the stakes are great.

Congress must revitalize its will. It must act collectively. It must stand up and demand the partnership role so ordained by the Constitution.

For, what Congress does this year will shape the Constitutional relationships between the executive and legislative branches for the next hundred years.

Let us mobilize our will and our wisdom.

Let us stand firm against an encroaching Presidential Establishment and say --

We are here.

We will remain here.

And what has gone on in the past, shall from moment forth, go on no longer.

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JANUARY 30, 1973

*the role of*  
MR. CHAIRMAN, THE ISSUE BEFORE US TODAY IS CONGRESS'  
*1*

~~PARTICIPATION~~ IN THE SETTING OF PUBLIC POLICY.

AS EVERY SCHOOL BOY KNOWS, CONGRESS IS SUPPOSED TO BE A  
CO-EQUAL BRANCH OF THE GOVERNMENT -- CO-EQUAL WITH THE  
EXECUTIVE AND JUDICIARY.

THE CONSTITUTION SPECIFICALLY OUTLINES THE FUNCTIONS OF  
EACH BRANCH; AND IT ESTABLISHES A DELICATE BALANCE -- A SHARING  
OF POWER -- AMONG THE BRANCHES.

*There Has*  
~~been~~ BEEN A SHIFT IN THE SHARING OF POWER -- A SHIFT  
THAT HAS UPSET THE DELICATE BALANCE BETWEEN THE LEGISLATIVE  
BRANCH AND THE EXECUTIVE BRANCH.

*Depression, war,  
Cold War,*

I OFFER THIS BILL OF PARTICULARS;

-- THE CONSTITUTIONAL WAR POWERS OF THE CONGRESS *have been*  
*systematically eroded*  
~~DELIBERATELY IGNORED~~ AS PRESIDENTS COMMITTED AMERICAN FORCES  
TO WAR *without express Congressional approval*

-- THE EXECUTIVE BRANCH, WITHOUT ANY ASSENT BY THE  
LEGISLATIVE BRANCH, NEGOTIATES AND IMPLEMENTS SENSITIVE SECRET  
INTERNATIONAL COMMITMENTS.

-- PROGRAMS AND POLICIES LEGISLATED BY CONGRESS ARE  
TERMINATED WITHOUT CAUSE BY THE EXECUTIVE BRANCH.

-- VARIOUS SPENDING DEVICES -- TRANSFER AUTHORITY,  
CONTINGENCY FUNDS, REPROGRAMMING, SPECIAL WAIVER AUTHORITY  
AND COVERT FINANCING -- ARE USED BY THE EXECUTIVE BRANCH WITHOUT  
NOTICE OR SCRUTINY BY CONGRESS.



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-- KEY EXECUTIVE POLICY MAKERS DECIDE CRUCIAL QUESTIONS  
OF PUBLIC POLICY WITHOUT PUBLIC ACCOUNTABILITY AND WITHOUT  
BEING SUBJECT TO NORMAL CHECKS AND BALANCES

-- INVESTIGATIVE AGENCIES OF THE EXECUTIVE BRANCH COMPILE  
AND COLLECT DOSSIERS ON MEMBERS OF CONGRESS.

-- POCKET VETOES ARE USED BY THE EXECUTIVE BRANCH DURING  
A CONGRESSIONAL RECESS.

-- MILITARY PROCUREMENT PRACTICES DELIBERATELY AND  
DECEPTIVELY HIDE THE PURPOSE FOR WHICH FUNDS ARE SPENT

-- THE PRESIDENT ~~REQUESTS AND ALLOWS~~ OBTAINS CONTROL OVER  
THE CONGRESSIONAL POWER OF THE PURSE -- THROUGH HIS REQUEST *and*

*acquisition of*  
~~FOR~~ A BUDGET CEILING.

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-- NEEDED INFORMATION IS CONCEALED FROM THE CONGRESS UNDER  
THE DOCTRINE OF EXECUTIVE PRIVILEGE.

-- AND THE PRESIDENT, THROUGH IMPOUNDMENT, HAS SUCCEEDED  
IN GETTING FOR HIMSELF AN ITEM VETO -- EXPRESSLY DENIED BY THE  
CONSTITUTION.

*Time to Stop - Stop, Look, Listen*

THERE HAS NEVER BEEN A MORE APPROPRIATE ~~HISTORICAL~~ TIME  
THAN THE PRESENT FOR REASSERTION OF THE ~~POWER~~ <sup>Role</sup> OF CONGRESS,

*for* THE COMING YEARS MAY BE THE FIRST TIME IN FORTY YEARS

THAT THE UNITED STATES HAS NOT BEEN IN A STATE OF SEVERE

DEPRESSION OR WAR OR INTERNATIONAL CRISIS -- ALL OF WHICH, *and have*

*noted, have resulted in*  
ALMOST UNQUESTIONING ACCEPTANCE OF EXECUTIVE

LEADERSHIP.

~~Depression~~

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WHETHER OR NOT CONGRESS CAN REASSERT ITS AUTHORITY DEPENDS  
ON QUESTIONS OF ORGANIZATION, LAW, AND WILL.!

I BELIEVE THAT THERE IS NO MORE TIMELY FOCUS FOR THE  
REASSERTION OF CONGRESSIONAL POWER THAN THE 1974 BUDGET.

HOW EFFECTIVELY DOES CONGRESS CONSIDER AND ANALYZE THIS  
~~CONGRESSIONAL BUDGET~~  
IMPORTANT DOCUMENT?

X | THE FACT IS THAT THE BUDGET FOR 1974 REPRESENTS ONE-  
FOURTH OF THE TOTAL GROSS NATIONAL PRODUCT, BUT CONGRESS IS NOT  
EQUIPPED TO ANALYZE THIS MIGHT DOCUMENT.

LET ME GIVE AN ILLUSTRATION.

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THE PRESIDENTIAL OFFICE OF MANAGEMENT AND BUDGET HAS MORE  
 THAN 700 EMPLOYEES AND AN ANNUAL EXPENDITURE OF \$20 MILLION

DEVOTED TO <sup>just</sup> PREPARING THE BUDGET. IN CONTRAST, THE SENATE

APPROPRIATIONS COMMITTEE EMPLOYS 35 STAFF AIDES <sup>with a total</sup> ~~AND SPENDS ONLY~~

<sup>staff appropriation of</sup>  
 \$1.4 MILLION TO ANALYZE THAT DOCUMENT.

IN SHORT, WE DENY OURSELVES THE INFORMATION, THE STAFF,

THE TECHNOLOGY, THE FACILITIES, AND THE UP-TO-DATE ORGANIZATION

TO FUNCTION EFFECTIVELY.

*Congress has the budget tools  
 of the 1930's to deal with the  
 Budget of the 1970's -*

IN THE NAME OF FRUGALITY, CONGRESS IS THE POOR BOY OF

GOVERNMENT.

*1934 - budget, about \$10 Billion*

BUT, THERE IS MORE.

TO SEE THE BUDGET PROCESS UNFOLD IS TO SEE PRESIDENTIAL

POWER UNFOLD.

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THE BUDGET IS CONCEIVED IN AN EXECUTIVE CLOSET. AND, IT  
IS DELIVERED TO THE CONGRESS OVERNIGHT -- LIKE A BOLT FROM  
THE BLUE.

ALL THE DECISIONS HAVE BEEN MADE.

AND, THE CONGRESS IS THREATENED -- "EITHER GO ALONG, OR  
YOU WILL BE THE BIG SPENDERS OF WASHINGTON."

L THE BUDGET HAS A PRESIDENTIALLY PROCLAIMED SPENDING  
CEILING; AND A CLOSE LOOK SHOWS PROGRAMS TERMINATED, PHASED-  
OUT, CUT BACK, AND REARRANGED -- ALL WITHOUT A WORD OF  
EXPLANATION OR JUSTIFICATION.

L CONGRESS SHOULD DEMAND ANSWERS TO IMPORTANT QUESTIONS ABOUT  
THIS BUDGET.

How  
arrived at

Some questions

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WHY IS THE SPENDING CEILING \$268 BILLION? WHY NOT \$269

BILLION, OR \$279 BILLION?

↳ WHO PREPARED THIS BUDGET? WHO WAS CONSULTED?

{ Major, Economics  
Legisl, Business  
Labor, etc

↳ WHAT ARE THE ECONOMIC ASSUMPTIONS ON WHICH IT IS BASED?

ARE THESE ASSUMPTIONS VALID? WHAT ABOUT TAXES AND REVENUES?

WHAT WILL THEY BE? ARE THESE ESTIMATES ACCURATE?

↳ WHAT ABOUT THE \$305.7 BILLION IN THE PIPELINE? HOW WILL THAT

BE SPENT? WHAT KIND OF CONTROL WILL CONGRESS HAVE OVER THAT

SPENDING?

↳ THESE ARE THE QUESTIONS THAT CONGRESS OUGHT TO BE ASKING!

AND, WE SHOULD SEEK THE ANSWERS INDEPENDENTLY, USING OUR

OWN RESOURCES AND EXPERTISE.



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WE SHOULD NOT JUST ACCEPT AUTOMATICALLY THE PRESIDENT'S  
BUDGET.

THESE ARE THINGS WE SHOULD DO

IF CONGRESS FOLLOWS PAST HISTORY -- AND DOES THINGS IN THE  
SAME OLD WAY, WE PROBABLY WON'T ASK THESE QUESTIONS.

WHY?

SIMPLY BECAUSE CONGRESS HAS THE TOOLS OF THE 1930'S TO  
DEAL WITH A BUDGET OF THE 1970'S.

I THINK IT IS TIME TO CHANGE THAT.

*a number of*  
~~OTHER~~

SENATORS AND CONGRESSMEN HAVE SUGGESTED VARIOUS  
METHODS FOR EQUIPPING CONGRESS TO ANALYZE THE BUDGET, CONGRESSMEN

REUSS AND REID, ALONG WITH SENATORS TUNNEY AND MCCLELLAN,

HAVE MADE WORTHWHILE PROPOSALS. I SIMPLY WANT TO ADD MY THOUGHTS  
ON AN AGENDA FOR ACTION:

FIRST, WE CAN OPEN UP THE BUDGET PROCESS.

-- THE FEDERAL BUDGET PROCESS DOES NOT HAVE TO BE SO CLOSED.

-- MAYORS AND GOVERNORS WHOSE OWN BUDGETS DEPEND ON THE

*aid and*  
FEDERAL ~~ONE AND~~ WHO ARE CLOSEST TO THE POINT OF IMPACT, SHOULD

AND MUST HAVE A SAY. —

-- SENATORS AND CONGRESSMEN MUST HAVE AN INPUT *in budget Preparation*

-- AND, UNDER THIS NEW SUPERCABINET, CONGRESS MUST KNOW WHAT  
POLICY AND EXPENDITURE "TRADE-OFFS" ARE MADE BETWEEN HEW AND  
LABOR, BY SUPERSECRETARY WEINBURGER. OR WHAT "TRADE-OFFS" WERE  
THEN MADE BETWEEN HUMAN RESOURCES (I.E., HEW AND LABOR) AND  
NATURAL RESOURCES (INTERIOR, ET AL.), BY SUPERSECRETARY BUTZ.

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SECOND, WE <sup>should</sup> ~~MUST~~ CREATE A CONGRESSIONAL OFFICE OF BUDGET  
ANALYSIS AND PROGRAM EVALUATION, AS <sup>an auxiliary to</sup> ~~PARTY~~ OF THE JOINT ECONOMIC  
COMMITTEE.

L ~~CLEARLY, WE MUST PUT OUR OWN HOUSE IN ORDER ON A NUMBER OF~~  
~~FRONTS~~ L THIS OFFICE SHOULD HAVE STAFF AND RESOURCES COMPARABLE  
TO OMB.

L THE OFFICE SHOULD HAVE AN <sup>analyzes</sup> ANALYTIC SECTION, TO RELATE  
THE BUDGET TO ECONOMIC POLICY, REVENUES, AND THE SOCIAL AND  
ECONOMIC NEEDS OF THE AMERICAN PEOPLE.

L THE ANALYTIC <sup>all</sup> SECTION SHOULD HAVE THE STAFFING RESOURCES  
TO DETERMINE A REALISTIC BUDGET CEILING BASED ON  
SOPHISTICATED ANALYTIC TECHNIQUES.

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AND, THE OFFICE SHOULD HAVE AN EVALUATION SECTION -- TO  
EXAMINE PROGRAMS AND MAKE JUDGMENTS ON THE COST-EFFECTIVENESS  
OF THEM.

L CONGRESS MUST NOT BE PLACED IN THE POSITION OF TAKING THE  
EXECUTIVE'S WORD ~~FOR~~ THAT ~~THE~~ PROGRAMS ENACTED IN THE 1960'S  
HAVE FAILED AND MUST BE TERMINATED,

L WE MIGHT EVEN PROVIDE A FRACTION OF EVERY SINGLE  
APPROPRIATION FOR PROGRAM EVALUATION *oversight*.

THIRD, WE NEED TO REALIGN OUR COMMITTEE STRUCTURES AND  
JURISDICTIONS.

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EXCESSIVE SUBJECT MATTER FRAGMENTATION AND OVER-CONCERN  
ABOUT JURISDICTIONAL AUTHORITY SIMPLY FRUSTRATES RATIONAL  
PUBLIC POLICY MAKING.

IF WE DO NOT CEASE WORRYING SO MUCH ABOUT JURISDICTION,  
EACH COMMITTEE WILL WIND UP WITH ALL THE JURISDICTION IT WANTS  
BUT NO POWER OVER POLICY AT ALL.

FOURTH, ALL AUTHORIZATION LEGISLATION SHOULD EXPIRE THREE  
YEARS AFTER INITIAL ENACTMENT.

-- WE SIMPLY MUST DO THIS IF WE ARE TO REASSERT  
CONGRESSIONAL CONTROL AND EFFECTIVE PROGRAM OPERATION.

-- IT WILL FORCE US TO FACE OUR OVERSIGHT RESPONSIBILITY  
AND EVALUATE THE PROGRAMS.

THERE ARE OTHER ORGANIZATIONAL CHANGES TO MAKE. WE OUGHT  
TO HAVE AN OVERALL BLUE-RIBBON CITIZENS' COMMITTEE TO EXAMINE  
THE WHOLE STRUCTURE OF CONGRESS. WE SHOULD ELIMINATE THE LAST  
VESTIGES OF COMMITTEE SECRECY; WE NEED A JOINT COMMITTEE ON  
NATIONAL SECURITY. AND WE NEED A PLANNING MECHANISM -- A  
NATIONAL GROWTH AND DEVELOPMENT OFFICE.

✓ THE PRESIDENTIAL BUDGET IS A MAJOR ISSUE IN THE DEBATE  
SURROUNDING THE BALANCE OF POWER BETWEEN THE EXECUTIVE AND  
THE CONGRESS, BUT IT IS NOT THE ONLY ONE, OF COURSE.

✓ CLEARLY, ANOTHER KEY SOURCE OF CONGRESSIONAL POWER,  
BESIDES THE POWER OF THE PURSE, IS THE POWER TO WRITE LAWS.



THE PROBLEM HERE IS THAT WE HAVE OVER-DELEGATED OUR POWER  
AND RESPONSIBILITY TO THE EXECUTIVE BRANCH.

FEDERAL REGULATIONS AND INTERNAL AGENCY OPERATING  
PROCEDURES REPLACE LEGISLATIVE LANGUAGE AND COMMITTEE DIRECTIVES  
AS THE LAW OF THE LAND.

CONGRESS MUST REALIZE THAT REGULATION-MAKING IS POLICY-  
MAKING.

L TO COMBAT THE PHALYNX OF REGULATIONS AND ASSURE CONGRESSIONAL  
CONTROL, CONGRESS MUST BEGIN TO SPECIFY IN LAW THE STANDARDS  
AND CRITERIA OF EXECUTIVE IMPLEMENTATION OF THAT LAW.

L THE FINAL AUTHORITY OVER THE ENACTMENT OF PUBLIC LAWS AND  
PUBLIC POLICY MUST REMAIN WITH CONGRESS.

I HAVE BEEN TALKING ABOUT UNDERLYING PROBLEMS THAT MUST BE  
FACED IF THE CONGRESS IS TO REASSERT ITS ROLE.

BUT WE MUST ALSO DEAL WITH THE URGENT HERE-AND-NOW  
PROBLEM OF IMPOUNDMENT.

SENATOR ERVIN'S IMPOUNDMENT PROCEDURES ACT CAN BE A  
BEGINNING FOR THE REASSERTION OF CONGRESSIONAL AUTHORITY.

IT PRESERVES THE DICTION OF FINAL CONGRESSIONAL AUTHORITY. AND  
IT ENDS THE ILLEGAL ITEM VETO OF THE PRESIDENT.

I SUGGEST, HOWEVER, TWO MODIFICATIONS.

A FILTER IS NEEDED TO SIFT THROUGH THE NUMEROUS IMPOUNDMENT  
RESOLUTIONS THAT WOULD BE FILED UNDER THE PROPOSED BILL.

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PERHAPS THIS COULD BE GAO -- BUT ITS ORIENTATION MUST BE  
CHANGED FROM ONE OF COMPLETELY POST-AUDIT TO PRE-AUDIT -- AND  
IT MUST ACTIVELY ASSUME AND CARRY OUT SUCH A ROLE. IT CAN'T  
CONTINUE TO BE JUST AN ACCOUNTING AGENCY.

WE MUST SPECIFY IN LAW THAT IMPOUNDMENT MAY ONLY OCCUR IF  
SAVINGS CAN BE MADE WITHOUT DETRIMENT TO THE LEGISLATIVE  
PROGRAM IN QUESTION.

WE MUST STATE THAT NO PROGRAM AUTHORIZED BY CONGRESS CAN BE  
TERMINATED OR ELIMINATED THROUGH ANY EXECUTIVE ACTION, EXCEPT AS  
PROVIDED FOR BY CONGRESS.

TODAY, CONGRESS FACES A GROWING AND PERVASIVE PRESIDENTIAL ESTABLISHMENT -- OF SUPERCRAFS, ADVISERS, MANAGEMENT EXPERTS, BUDGET REVIEW OFFICERS, SPECIAL COUNSELORS, ASSISTANTS TO AND AIDES OF THE PRESIDENT.

-- A PRESIDENTIAL ESTABLISHMENT THAT THROUGH IMPOUNDMENT HAS BROUGHT ABOUT A SUBSTITUTION OF LAW BASED ON FATE FOR LAW BASED ON DEVEE AND COMPROMISE.

-- AN ESTABLISHMENT THAT VIEWS CONGRESS NOT AS A PARTNER IN PROCESS OF GOVERNING, BUT AS A SPECIAL INTEREST GROUP, BENT ON SPECIAL PLEADING

-- AN ESTABLISHMENT THAT BELIEVES THE PRIME GOAL OF POLICY IS EFFICIENCY AND EXPEDITIOUS ACTION -- WITHOUT EVER REALIZING THAT THE ULTIMATE AIM OF EFFICIENCY MAY WELL BE THE LOSS OF POPULAR CONTROL.

I SAY THAT CONGRESS MUST BE MINDFUL OF THIS PRESIDENTIAL ESTABLISHMENT, FOR THE STAKES ARE GREAT.

CONGRESS MUST REVITALIZE ITS WILL. IT MUST ACT COLLECTIVELY. IT MUST STAND UP AND DEMAND THE PARTNERSHIP ROLE SO ORDAINED BY THE CONSTITUTION.

FOR, WHAT CONGRESS DOES THIS YEAR WILL SHAPE THE CONSTITUTIONAL RELATIONSHIPS BETWEEN THE EXECUTIVE AND LEGISLATIVE BRANCHES FOR THE NEXT HUNDRED YEARS.

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LET US MOBILIZE OUR WILL AND OUR WISDOM,

LET US STAND FIRM AGAINST AN ENCROACHING PRESIDENTIAL

ESTABLISHMENT AND SAY --

WE ARE HERE.

WE WILL REMAIN HERE.

AND WHAT HAS GONE ON IN THE PAST, SHALL FROM THIS MOMENT

FORTH, GO ON NO LONGER.

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