



# CONGRESSMAN'S REPORT

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## Is Congress Sick?--II Needed: A Transfusion of Democracy

In my [last newsletter](#) I concluded that although there is much that is right with Congress there is more that is wrong. I am forced to conclude that, painful as it may be, the institution must undergo changes if it is to resume its role of leadership envisioned by the founding fathers.

Let's take a look at the machinery of Congress and see why it is faltering.

Ideally, Congress should meet, organize promptly, debate all major matters fairly and efficiently and adjourn in June or July. Why doesn't this happen? There is no easy diagnosis and there are no easy answers because the machinery of Congress is extremely complicated. Congressional junkets and outrageous personal conduct deserve and get publicity and should be condemned. But these are relatively rare. They occur in industry and in state and local governments too. As wrong and outrageous as these actions are the fact is that these things have little to do with the failure of Congress as an institution. The trouble is the machinery which gives every advantage to those who say "no" over those who say "yes"; to those who want deadlock over those who want issues resolved; to those who want delay over those who want action now. Here are a few of the more paralyzing factors:

### SENIORITY SYSTEM

Every aspect of Congress's work is affected by a rigid, unbending, all-pervasive seniority system which (a) gives a few men great national power with no national responsibility, and (b) selects key congressional leaders on a basis which excludes any consideration of ability. The committee member who (regardless of ability) has served 20 years is not just 5 per cent more powerful than the member who has served 19 years. If the former is chairman of a committee he is 1000 per cent more powerful. New members are told that there is no alternative to this practice, that a change would cause chaos, that "to get along, you must go along." Yet there is no other democratic body in the free world (and I include 50 state legislatures) which operate thusly.

The seniority system was not devised in Independence Hall for it was unheard of until about 50 years ago. Henry Clay, for example, was elected Speaker and Committee Chairman the day he took his oath as a member. While the founding fathers intended government power to be dispersed and divided, I think they would be shocked at the way Congress has re-fragmented that block of power it was intended to have. The Speaker of the House, with heavy responsibility, has relatively little power. The major committee chairmen between them have much more--and the power they exercise affects the entire country--not just their small congressional districts. Yet, so

long as 400,000 people in a particular congressional district re-elect a chairman to Congress, he holds his position of national power. The people of Southern Arizona who can speak in the House only through me have no say in who shall exercise this power. To get the 20 years of seniority it takes to become a major chairman, a congressman--whether a Democrat or Republican--must represent a "safe" one-party district. Many, but far from all, of the present chairmen are of exceptional ability and would be leaders under any system. But, able or not, each one exercises immense power on crucial national matters without any direct or indirect responsibility to a national constituency.

No city council, no school board, no great corporation, no bank would canvass its personnel roster for the very oldest man in point of service and arbitrarily without exception make him city manager, school superintendent or company president. In the worlds of local government, education, industry and finance we seek out and promote the brilliant leaders, either young or old. In Congress we discourage able younger men and create a system in which consecutive years of tenure are everything and ability, diligence, leadership potential, responsibility count for nothing.

Let us pose an example which will make clear the ignominy of the present system:

If ex-President Eisenhower were to seek election to the House (as did ex-President John Quincy Adams), and if he were assigned to the Armed Services Committee--this great general would irrevocably go to the bottom of the list. He would ask his question of witnesses, give his advice, or serve as chairman, only after every present member was through.

#### REPETITIOUS COMMITTEE HEARINGS

Congressional committees in their own field of jurisdiction are almost all-powerful separate legislatures. They are jealous of their prerogatives and share power reluctantly. Thus we often have four or more separate and complete hearings on the same piece of legislation, instead of one combined, complete investigation. Thus a bill to build a dam must go its long and tortuous course through House Public Works Committee, Senate Public Works, and then through Senate and House Appropriations Committees with the same witnesses giving the same testimony each of the four times. Many key administrators and cabinet members spend the majority of their time answering questions they have already been asked by three other committees of the Congress.

#### THE HOUSE RULES COMMITTEE AND THE SENATE'S UNLIMITED DEBATE

The House and Senate are separate bodies with separate traditions and rules of procedure. The main paralysis in the House is the House Rules Committee; the Senate's special cross is unlimited debate.

In a newsletter last year I discussed our Rules Committee and explained that House members are unable to vote on any major bill until and unless eight senior Members of this group, in their unrestricted wisdom, see fit to grant us this right. We are told that chaos would result if the

Speaker could simply call up important bills for debate. Yet the Senate Rules Committee has no such power. What the House Rules Committee does to stagnate the operations of the House is done for the Senate by the filibuster. Restless junior senators are told that the Republic would fall if any time limit were fixed for debate. Yet the House debated the tax cut bill last September for just eight hours and all was said that needed saying.

Thus what is assuredly vital to the Republic in the Senate (unlimited debate) is unimportant to the House; what supposedly saves the country in the House (Rules Committee control) is unheard of in the Senate.

### MUCH TIME IS WASTED

The House rarely legislates on Monday or Friday because of the tradition of the "Tuesday to Thursday Club." This phrase describes the practice of some Eastern and Southern congressmen, many of whom retain active law practices and business interests at home. Many of them arrive for the week's business on the early plane Tuesday. By Thursday night they are ready to depart. Important votes can be scheduled only for the three middle days of the week. This not only drags the sessions into late fall, but throws an unduly heavy load of committee work on western, Midwestern and more distant southern members who cannot afford to commute.

### THE BURDEN OF NON-LEGISLATIVE DUTIES

A congressman's primary job is to legislate. Yet our society and government are so complex that we spend less than a third of our time on legislative matters. A congressman is not only a legislator: he is an employment agent, passport finder, constituent greeter, tourist agent, getter-out-of-the-armed-services, veterans affairs adjuster, public buildings dedicator, industrial development specialist, postmaster appointer, party leader, bill finder, newsletter writer, etc. etc. etc. His typical day will be far more concerned with these problems than with national defense, foreign aid or appropriations for public works.

Given the nature of our political and governmental system, and the sincere and genuine problems which constituents have with a big and sprawling government, much of this is inevitable. An adequate congressional staff, and proper organization of his office, will enable the conscientious member to give enough time to legislation, but controversies over who is to be postmaster at Apache Junction and increasing demands for other non-legislative work are a big part of our problem.

### A DETERMINED PUBLIC CAN BRING REFORM

Perhaps all of this may only reflect the frustrations of a junior Member of Congress for, in spite of Congress the Republic seems to prosper and continue. Old timers always comfort us with the crack that, "The seniority system is bad, but the longer you're here the better you'll like it!" But I am not convinced. I strongly feel that the Congress is in trouble. It worships old procedures and uses worn out machinery in an unsuccessful attempt to attend the business of a huge, jet-age nation.

The hard fact is that the engine is badly worn out and must be overhauled into something suitable to our complicated and fast-moving civilization.

Even those congressmen who agree that Congress needs improvement throw up their hands in doubt that significant changes can really be brought about.

I don't agree. Arizona judges and lawyers undertook a largely successful effort to modernize the judicial procedures which had clogged the machinery of our courts. I played a part in that movement and know how difficult such efforts are. But something similar is needed in Congress.

Congress will never reform itself through internal pressures alone. Such a movement must come from and be supported by influential citizen groups and ordinary citizens. All Americans who believe in a healthy, functioning democracy should get interested in and aroused by the vital issue of congressional reform.

A noted Republican, Senator Henry Cabot Lodge, writing in 1889, made a comment which is still appropriate today:

"The people of this country are, as it seems to me, thoroughly tired of the stagnation of business and the general inaction of Congress. They are disgusted to see year after year go by and great measures affecting the business and political interests of the country accumulate at the doors of Congress and never reach the stage of action.

"They have also waked up to the fact that this impotence and stagnation are due to the preposterous fabric known as the rules of the House, and they are prepared to support heartily that party and those leaders who will break down these rules and allow the current of legislation to flow in its natural channel and at its proper rate."

In the year 1964, the parliament of the world's greatest democracy is not a democratic institution.

A handwritten signature in cursive script, appearing to read "Howard B. Lee".