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John W. Lederle

Member of the Michigan Bar; University of Michigan

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SPOTLIGHT ON CONGRESS:
A REVIEW OF SIX RECENT BOOKS*

John W. Lederle †

While fighting a war to preserve Democracy we Americans have been, paradoxically, bitterly critical of one of our key Democratic institutions. Congress is under attack from all sides. Once regarded as the bulwark of the people's liberties it is today frequently accused of being unrepresentative, inefficient, even of lacking integrity.

During the last three or four years there has been a veritable flood of magazine articles about Congress bearing such titles as: "Streamlining Congress," "Democracy Faces Its Test in Congress," "On Reforming Congress," "The People Are Ahead of Congress," "A New Congress for a New Age," "The Reconstruction of Congress," "What's the Matter with Congress," "A Connecticut Yankee Looks at Congress," "Recipe for a Rejuvenated Congress." Making due allowance for the American penchant for self-criticism, the quantity of literary output on "the problem of Congress" implies a widespread dissatisfaction with the workings of our national legislature. Some of the attacks on Congress have no doubt been unfair, and have gone so far as to call forth counter-attacks such as "Don't Blame Congress for Everything," "Stop Kicking Congress Around," and the brilliant article by Charles A. Beard, "In Defense of Congress."¹ Nevertheless, Congress itself has recently shown the seriousness with which it views the current criti-

* STUART CHASE, *DEMOCRACY UNDER PRESSURE*. N.Y.: The Twentieth Century Fund. 1945.

KENNETH COLEGROVE, *THE AMERICAN SENATE AND WORLD PEACE*. N.Y.: The Vanguard Press. 1944.

JOHN T. FLYNN, *MEET YOUR CONGRESS*. N.Y.: Doubleday, Doran and Co., Inc. 1944.

THOMAS K. FINLETTER, *CAN REPRESENTATIVE GOVERNMENT DO THE JOB?* N.Y.: Reynal and Hitchcock. 1945.

ROBERT HELLER, *STRENGTHENING THE CONGRESS*. Washington, D.C.: National Planning Association. 1945.

THE REORGANIZATION OF CONGRESS. American Political Science Association, Committee on Congress. Washington, D.C.: Public Affairs Press. 1945.

† LL.B., Ph.D., University of Michigan. Member of the Michigan Bar; and Assistant Professor of Political Science, University of Michigan.

¹ These and other articles on Congress are conveniently collected in *THE ORGANIZATION OF CONGRESS: SYMPOSIUM ON CONGRESS BY MEMBERS OF CONGRESS AND OTHERS*, a Joint Committee Print for the use of the Joint Committee on the Organization of Congress (August, 1945).

cism by setting up machinery for investigation of congressional weaknesses.

In February, 1945 it passed a concurrent resolution² providing for a Joint Committee on the Organization of Congress. Composed of six members of the Senate and six of the House and under the chairmanship of Senator Robert M. LaFollette, the Joint Committee has started out with vigor and imagination. In conducting and reporting upon its investigations the Committee has set an example which might well be imitated by other congressional committees whose procedures may often be described as fumbling. The final report of the LaFollette group, which should be forthcoming in the near future, will lay a sound foundation for legislative reform.

Whether the findings and recommendations of the Joint Committee will stimulate Congress to overhaul its organization and procedures is perhaps doubtful. Many vested interests oppose change. But now, if ever, is the time to overcome legislative inertia and bring about real reform. It is no exaggeration to say that the future of representative government in America depends upon serious consideration of "Congressional Self-Improvement."³

Many books on Congress have appeared recently. Perhaps no period in our history has seen the printing of as many books bearing on Congress. This review is directed to a consideration of six of these which have come out during the last three years. Some of these volumes are broader in scope and deal with other topics than Congress. It will be appreciated that this review is restricted to the subject matter dealing with the legislative branch of government.

I

Stuart Chase in his *Democracy Under Pressure* raises a problem. He offers little help in its solution. In describing the "battle of the pressure groups" he is very clear and dramatic. Readers will readily agree that Big Labor, Big Business and Big Agriculture "have been operating on what might be called the Me First principle. Their eyes have not been seeing America as a whole. When they have had to choose between behaving like Americans or behaving like, say, coal miners or steel men, they have behaved like coal miners or steel men."⁴

² H. Con. Res. 18, 79th Cong., 1st sess. (1945).

³ Under this apt title Professor John A. Perkins has classified measures proposed for congressional reform during the 78th Congress. See 38 AM. POLI. SCI. REV. 499 (1944).

⁴ CHASE, p. 4.

Again there will be widespread agreement that the competition between the pressure groups has not produced the public interest. "Big Union has caught up with Big Business, and in that there is a kind of rough justice. But neither side has found its just place in the whole community. The fact that the miners are now well enough organized to freeze city dwellers or shut down war industry, or bring the railroads to a standstill is no great satisfaction to the rest of us."⁵ True, too true! But how can the self-seeking, public-be-damned attitude of the pressure group be replaced by an attitude of respect for the "public interest"? On this neither Mr. Chase nor any other commentator is very helpful.

Congress is in the center of the struggle of the pressure groups. Business was the first to see the help that Congress could give in such forms as the protective tariff, being careful at the same time to cultivate the fiction of free enterprise. Agriculture and Labor more recently have extended themselves to secure favoring legislation such as the parity-price program for farm products and the collective bargaining provisions of the Wagner Act for the protection of unions. The individual congressman is beset on all sides by the "interests," represented by highly paid lobbyists, who have in recent years descended on the nation's capital like a swarm of locusts. Senator Shipstead, to change the metaphor, a few years ago likened the lobbyists to mothers seeking milk for their infants, and pointing to the dome of the Capitol during a debate in the Senate, he exclaimed, "If the dome does not look like the top of an old-fashioned nursing bottle, I do not know what it looks like."⁶

Like many before him, Stuart Chase, having viewed the scene, does not like what he sees. Because the congressman appears as one "looking for the high sign as to how he shall vote from Ed O'Neal [American Farm Bureau Federation], from the AF of L man, from the NAM lobbyist—and getting pretty cross-eyed in the process—we have about stopped looking on him to represent the whole community," he concludes. Asking the rhetorical question, "Who does look out for all of us?" he answers by suggesting, "We ourselves, and the President of the United States."⁷ He admits to considerable dissatisfaction with this answer.

Of course, the "We ourselves" answer gets us absolutely nowhere.

⁵ *Id.*, p. 75.

⁶ Quoted in E. PENDLETON HERRING, *GROUP REPRESENTATION BEFORE CONGRESS* 30 (1929).

⁷ CHASE, p. 105.

It throws up once again the time-worn lament that if only men would recognize that they are their brother's keepers the troubles of society would be over. While one may always hope that the preaching of such moral standards about the subordination of the ego will make for a better society he may be pardoned for placing more faith in the efficacy of governmental structural changes designed to place a legal sanction behind better social relations. At least a fool-proof system of auditing accounts (so far as such can be obtained) will be more effective in preventing defalcations by public employees than all the preaching about honesty in the fiduciary relationship. There is little hope that either individuals in sufficient numbers, or pressure groups, will voluntarily see the light and give up what appears to be their self-interest for the public or community interest. Self-interest is considerably clearer and more immediate than community interest; and the psychology of the situation is such that the individual or pressure group cannot distinguish the latter from the former. Unable to view the matter objectively, self-interest will often be passed off with perfect honesty as community interest.

In suggesting the President as the other governmental agency looking out for all of us, Mr. Chase is taking his stand on the side of strong presidential leadership. Only John T. Flynn, of the six authors to be discussed, opposes this view. The President is of course the only important elective official who has a nation-wide constituency. While Senators and Representatives can speak for their states or congressional districts respectively, the President alone can speak for all the people. Nominated by a representative national party convention, appealing in his campaign for support from all sections of the country geographically and from all economic classes, he cannot, once in office, afford to become the prisoner of a particular interest or group of interests. He may be a "little to the left of Center" or "dead Center" or a "little to the right of Center," but he cannot afford to get far off the beam. It is just as dangerous for him to appear to be under the control of Sidney Hillman and the leftist Political Action Committee as under the control of a Jouett Shouse and the rightist American Liberty League. Not all of the President's decisions will be in the interest of the whole community, to be sure, but institutionally the office of President seems best to represent such an interest.

Mr. Chase does call attention to a few things which could be done to "curb pressure groups." It is surprising to learn "There is now no federal legislation regulating lobbies." Congress might well study the success or failure of legislation in those states requiring lobbies to regis-

ter and furnish financial statements. Better newspaper publicity on the activities of lobbyists, with prompt exposure of "Me First campaigns" would help. Stimulation of individual citizens to join consumer groups and cooperatives offers one of the most hopeful approaches. Since the lobbyist represents vital economic forces his activities are not bad *per se*. Consideration should be given to more formal recognition of the function he performs. While we are unlikely in the near future to select one house of Congress on occupational rather than geographical lines, functional representation merits study. In any event formalizing the position of the interests through representation on "official" advisory committees might do a lot to bring their activities above the board.

So far as his book relates to Congress Mr. Chase has covered old ground. His contribution is rather the organization of the mass of material gathered by others and its presentation in the vigorous and readable style for which he is rightly noted. We are in his debt for focusing our attention on the perennial problem of the congressional lobby.

II

Professor Colegrove in *The American Senate and World Peace* addresses himself to a narrow field of Congressional action, but one of vital importance today and in the future. In clarion tones he calls for immediate abolition of the Senate's special constitutional position in the treaty-making process, whereby a minority of one-third of the Senators plus one can block treaties having the support of the majority of the Senate, of the majority of the people, and of the Chief Executive with his nation-wide mandate.

Few Americans are aware, since they do not regularly read the foreign press, of the misgivings felt by our Allies about continued United States support in the maintenance of world peace. Most of us feel that we have turned our backs on Isolationism and wish our protestations of support for the United Nations Organization to be accepted at face value. We resent continued mistrust. But we fail to see that this mistrust is not based merely on observation of our past Isolationism. Its deeper basis is the peculiar constitutional structure of our government which gives to a minority in the Senate, who may be motivated by a philosophy of Isolationism, or by partisanship or by petty personal antagonism to the Chief Executive (which Check and Balance, as contrasted with British Cabinet government, encourages) the power to block the will of the democratic majority. We may not think much about the two-thirds requirement for treaty ratification, but foreigners do. As Professor Colegrove sees it, the two-thirds rule is a menace to

world peace. It is archaic. We have no right to criticize the internal situation in other countries until we put our own house in order.

If, as Colegrove maintains, the American people have permanently turned away from Isolationism and Neutrality as the road to peace, if they "want their government at least to participate in the maintenance of an international police force and the establishment of a new peace program within the system of states"⁸ the treaty-making provision of the Constitution must go. This new foreign policy is positive and dynamic; it necessarily involves constant implementation by commitments and understandings with other nations. But "as long as treaties negotiated by our representatives can be upset by any undemocratic minority in the Senate, American commitments must always be subject to discount. Our eighteenth-century treaty-making process fails to meet the needs of the position which we desire to hold in a twentieth-century world."⁹

One of the most interesting chapters in this most readable book is entitled, "Every Senator Wants to Be President." In it Professor Colegrove delves into senatorial psychology. One hopes that Colegrove is exaggerating for emphasis when, for example, he asserts that while not every Senator is a candidate for the presidency "vanity leads many Senators, influenced by the prestige of their office . . . to allow personal bias to govern their votes on public measures. . . . One Senator who is a philosopher as well as a politician, recently told the author that long service in the Senate has led him to the conclusion that about one-third of the votes in this august chamber are dictated by animosity toward the President or toward fellow Senators."¹⁰ Yet as one recalls professional President-baiters on foreign policy, such as Henry Cabot Lodge, he is left with the uncomfortable feeling that the two-thirds rule in treaty-making furnishes such men with a loaded blunderbuss to knock down the whole structure of world peace.

Colegrove considers two ways to solve the problem created by the two-thirds rule. One way is the method of evasion by use of executive agreements. The other way is to abolish the Senate's monopoly in treaty-making through adoption of a constitutional amendment which would substitute approval of treaties by a simple majority in both houses. He leaves no doubt that he favors the second solution.

The treaties of many a "great" President and Secretary of State have been smashed in the Senate. The consequence has been that, more

⁸ COLEGROVE, p. 40.

⁹ *Id.*, p. 48.

¹⁰ COLEGROVE, pp. 55-56.

and more, international arrangements have been embodied in the form of executive agreements, over which neither the Senate nor the House have any direct say. Of course such agreements may sometimes require implementation by legislation or by financial support, bringing the Senate and the House in belatedly. But our foreign policy is not established on a sound basis unless the people's representatives in Congress come into the picture. In the absence of such participation the State Department may well make commitments which public opinion will not support.

In order to democratize the treaty-making process to preserve it from either Executive or Senate dominance Colegrove holds we should adopt a constitutional amendment.¹¹ He denies that it would be impracticable to secure the adoption of such an amendment. With the idealism of the scholar he insists that nothing less than an amendment will do. He makes a powerful case; but unfortunately the congressmen who have it in their power to act are showing little interest in the proposal.

In reading this book now one cannot fail to note how far we have come since it was written in late 1943. No doubt, were he writing today, Professor Colegrove would wish to pull out some of the strictures against then Senator Isolationists who have since, like Senator Vandenberg, swung over to a recognition of America's responsibilities in world affairs. Again, writing today, Professor Colegrove would probably find less use for the Isolationist-versus-Internationalist frame of reference, which was even then an oversimplification. But merely because his dire predictions as to the consequences of our archaic treaty-making procedure have not yet been proved true, we should not lull ourselves into feeling that his cry for reform is exaggerated. Up to now we have been making international agreements on the level of vague generality. The test will come, if indeed it is not already here, when we have to reduce our stated aims to specific terms. Then the minority obstructionists will do their work. Then we shall see that Professor Colegrove was everlastingly right, that nothing short of a constitutional amendment will do.

¹¹ His proposed amendment reads as follows:

"Section 1. The President shall have power, by and with the advice and consent of Congress, to make treaties provided a majority of the Senators and Representatives present concur.

"Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States as provided in the Constitution, within seven years of the date of the submission thereof to the States by the Congress." COLGROVE, p. 173.

III

Meet Your Congress by John T. Flynn and *Can Representative Government Do the Job?* by Thomas K. Finletter may well be considered together as studies in contrast. The central problem in each book is Executive-Legislative relations. It is startling to find two sincere men reaching such opposite conclusions after examining the same situation. On the one hand Flynn views collaboration between Executive and Legislature with bitter disapproval, while on the other Finletter sees such collaboration as a *sine qua non* if Democracy is to be preserved in America.

Flynn is disturbed because we are forsaking the ways of the Founding Fathers. He feels that the federal government is doing things about which they never "dreamed" and contrary to the way they "planned." He assumes an omniscience on their part which they, at least, did not pretend to possess. Certainly those who attended the Constitutional Convention in 1787 had no idea that the document there brought forth would someday be upheld as a symbol of perfection, that suggestions for its modification by amendment or usage would be beaten down by the myth that it alone is responsible for the great estate at which America has arrived.

Flynn feels that any movement to bring about cooperation between the President and Congress is a menace to the great constitutional principle of Separation of Powers. He is happy when Congress is checking and blocking the President, and unhappy when the two branches are working smoothly together. With few exceptions his entire discussion is one long paean to Congress, that is to Congress as it was until 1933 when "that man" entered the White House. "It has not behaved to my liking for a dozen years or more," he informs us. "But the more I have seen of it, of our government and of the government of other peoples, the more I have been impressed that Congress, with all its frailties, is the fortress of our freedom."¹² He believes that recently there "has been a concerted drive to make the people believe that Congress is an aggregation of fools and knaves." Decrying the widespread discrediting of Congress he alleges the real menace to be the expanded power of the President and the immense federal Bureaucracy.

The strength of Flynn's book is in his continual reiteration of the value of the Legislature in the scheme of things, in his defense of the legislative politician (so frequently reviled by the thoughtless) as fundamentally honest, as overworked and underpaid, as the protector of

¹² FLYNN, p. 5.

the people from Bureaucracy in its evil connotation. But the crying weakness in Flynn's book lies in his repeated rationalizations of Congressional weaknesses (such as senatorial courtesy, seniority rule, senate monopoly in treaty-making, etc.). A reader might suspect that Flynn finds his own argument not convincing at times, for he tries to divert attention by taking off in emotional language against the Executive, e.g., justifying nepotism in the staffing of Congress because it is also sometimes present in the Executive departments.

Flynn comes close to missing the point. He might well contemplate the old adage, "Where there is smoke, there must be fire." The authors of the other books here reviewed are just as sincere believers in the need for a strong, vigorous Congress as Mr. Flynn, but they have detected the smoke, and in a constructive spirit are trying to put out the fire. It is not that their proposed methods are necessarily the correct ones that makes their discussions more creditable than Mr. Flynn's, but that they recognize that there is a fire. Mr. Flynn is but dimly aware of this fact. By appointing a Joint Committee on the Organization of Congress the Congress itself has indicated its own awareness of the fact. If Flynn is disturbed about Presidential domination and Bureaucracy operating in "secrecy" he should be the first to advocate fundamental overhauling of Congress so that it may regain its lost estate. The other authors do exactly that. They do Congress more service than does Mr. Flynn.

Finletter, like Flynn, goes back to the Founding Fathers and the framing of the Constitution. Noting that political freedom was their first concern, that they conceived of the scope of state activities as limited largely to policing to keep internal order and to protecting the country from external attack, he finds their arrangement of Executive and Legislative branches in separate compartments as admirably adapted to securing the negative ends they had in view. But today, he contends, our ends have changed to positive, and the great issue facing America is "whether the *means*, that is the procedures of our government, are adequate in relation to its objectives, or its *ends*."¹⁸

Like Colegrove, he finds great changes in our foreign policy, pointing out that "we have committed ourselves to join with other nations in trying to do what has never been done before—to create a peaceful world, or if that seems too utopian, to reduce much further than ever before the likelihood of war." Likewise in domestic affairs "we have determined to eliminate the violent fluctuations in our economy which have characterized it to date, and to provide substantially full and

¹⁸ FINLETTER, p. 2.

steady employment and social, economic, and personal security for our people." Both political parties and a majority of the American people are on record behind these "new, positive, and immensely difficult policies which we have added to the list of objectives of the American state."¹⁴

The Founding Fathers, he alleges, having "arranged the executive and legislative branches in separate compartments, each checking and balancing the other so that neither could oppress the citizens"¹⁵ have assured us of a governmental machinery in which clashes between the President and Congress are the rule. He asserts that "The cause of this conflict . . . is not human; it is institutional."¹⁶ While our "positive" objectives require a steady flow of power, our governmental pattern is one of long periods of Executive-Legislative squabbling interspersed with short periods of strong, concerted action.

He contrasts "orthodox" Presidents (Taft, Harding, Coolidge, Hoover) with "popular-leader" Presidents (Theodore Roosevelt, Wilson, Franklin D. Roosevelt), to the disadvantage of the former. He believes the presidential office should be a center of energy, with leadership in originating the legislative program and in forcing its adoption, or responsible rejection, by Congress. Today such leadership is rendered impossible. Even the strongest of popular-leader presidents has but a brief honeymoon period, and the "greater part of even the strongest Presidency is a conflict between Congress and the Executive which makes for . . . ineffective policies." The "resurgences of Congress do not take place only when the government has nothing to do. On the contrary they often take place when the need for positive and effective action is at its highest,"¹⁷ he concludes.

Thus Finletter raises the question of how to reconcile liberty with authority. He recognizes the "fundamental fact that only with a strong and independent representative legislature can freedom survive in the large modern state. . . . Subject only to the sovereign people, the Legislature must have the ultimate power in a democracy."¹⁸ Nevertheless he insists that positive government requires vigorous presidential leadership, which is prevented over any sustained period by the institutionalized clash between Congress and the Executive implied in the principle of Separation of Powers.

Necessity, he argues, compels the breaking down of the isolation between the Executive and Congress. This development should take

¹⁴ *Id.*, pp. 2-3.

¹⁵ *Id.*, p. 10.

¹⁶ *Id.*, p. 9.

¹⁷ *Id.*, p. 16.

¹⁸ *Id.*, p. 13.

place along three lines. First, communications between Congress and the Executive should be improved by formalizing the appearance of cabinet offices on the floor of Congress where they can be questioned. At present he feels Congress is often by-passed by the administrative officials; it often learns about important plans from the same radio and press that the citizen does. Second, he argues for a Joint Executive-Legislative Cabinet. Recent experience in which the State Department has worked closely with congressional leaders in the field of foreign affairs, bringing them into the policy-formation stage rather than springing the policy on them after secret consummation, can profitably be expanded to other fields, he thinks. If Congress would reduce the number of committees, abolish the seniority rule for selecting chairmen, correlate the committees of the two houses, the way would be open for a Joint Executive-Legislative Cabinet to work out policies through discussion and compromise, and thus break down the normal antagonism between the two branches. If this were done Congress would be giving advice, not merely consent, and would no longer feel obliged to work off its frustration by simply tearing the President's legislative program to pieces. Little objection can be raised to these two suggestions, both of which offer much promise as devices for promoting Executive-Legislative cooperation.

His third recommendation is more startling and highly controversial. It would require a constitutional amendment. Since the House and Senate and the President all have fixed terms, even with cabinet appearance on the floor of Congress and a Joint Executive-Legislative Cabinet, deadlocks might occur which would bring the government to a standstill. The remedy is, according to Finletter, "to amend the Constitution so as, first, to give to the President the right to dissolve Congress and the Presidency and to call a general election of all three whenever a deadlock arises between Congress and the Joint Cabinet, and, second, to make the terms of Senate, House and Presidency of the same length."¹⁹ The mere existence of the power of dissolution, he feels, would result in breaking many deadlocks. Conversely, Congress would be more trusting of presidential leadership in contrast with its present negativism and suspicions, because of its ability to bring an end to the Presidency by a withdrawal of its confidence.²⁰ In any case the tools for positive action would exist, with the people as ultimate arbiters

¹⁹ *Id.*, p. 110.

²⁰ He would not in formal terms give Congress the power to dissolve the Executive, but believes it would automatically follow after frustration of the Executive program, which would leave the Executive no alternative but to call an election.

of Executive-Legislative disputes. Presumably party discipline would be strengthened, with a concomitant marked diminution in the power of selfish local interests and of pressure groups.

Finletter insists that the grant of the power of dissolution would be an American solution. "None of the basic institutions of the American presidential system would be touched," he alleges. According to Finletter, "The fixed terms of office represent no principle at all."²¹ His assertions are not convincing. Like numerous critics of American presidential-type government Finletter is favorably impressed by British experience. Overly influenced by structural form, though he takes pains to admit that the cabinet-type government cannot be imported wholesale, he assumes that by grafting on the principle of dissolution over here harmony will automatically develop on the British model between the Executive and Legislative branches.

This is a dangerous experiment on which he would have us embark. He ignores experience with dissolution in continental European countries, where it was hardly a successful medium for harmonizing Executive and Legislative functions. He blithely ignores the difficulties implicit in Executive relations with two legislative houses representing states and population respectively. Is it not conceivable that the popular mandate at the election would be confused and that at least one of the two houses might be under the control of a party other than that of the President? Nor does he consider the mechanics of the electoral college which might cause a President with a national popular-majority support to hesitate about calling an election because of uncertain support in a few key states. The Finletter-modified American presidential system, unlike the British cabinet system, does not permit a resignation by the Executive and his replacement without the holding of a general election by some other political leader who can command legislative support. Voters might find elections coming so frequently as to be a real burden. That mere possession of the power of dissolution would cure current flaws in Executive-Legislative relations is very doubtful. The cure might well turn out to be worse than the evil.

Few books dealing with the present-day political scene are as stimulating as this one by Finletter. He brings a fertile imagination to the study of the reorganization of Congress. While some of his suggestions may not appear sound, the same cannot be said for the thesis of his book. That representative government can never do the job if Congress and the President fail to pull together as two horses in the same team cannot be denied.

²¹ FINLETTER, pp. 130-131.

IV

Strengthening the Congress, prepared for the National Planning Association by Robert Heller and *The Reorganization of Congress*, prepared for the American Political Science Association by its Committee on Congress, George B. Galloway, Chairman, appeared almost simultaneously. They take the form of well-rounded reports on the problem of Congress. Bearing the earmarks of careful investigation, there are few aspects of national legislative operations which these two studies ignore. Both reports merit serious consideration by Congress and the public.

In format the Heller report is the more attractive. This is not surprising, for Mr. Heller, as a professional efficiency engineer, has learned to present data in a succinct and graphic manner. Besides, in reaching conclusions he had to please no one but himself, while the ten political scientists no doubt sometimes straddle the fence because of inability to agree among themselves. Forthrightness in expression, a marked characteristic of the Heller report, at times glosses over real difficulties and produces oversimplification. For one who reads as he runs and who has time for but one account of the national legislative problem the Heller report can be highly recommended. All this is not meant to imply that the Galloway report is not well written. On the whole it is clear and vigorous in presentation, but being addressed to the serious student of government it devotes more attention to comprehensiveness of supporting factual data, and, recognizing the complexities of the problem, it is more tolerant in considering the pros and cons of various alternative solutions. Though less readable, its suggestions are likely to have a more permanent influence.

To a considerable extent the two reports duplicate each other, investigating the same subjects and considering the same proposals for reform. Heller presents his material in terms of five "prerequisites" and fourteen "recommendations" for strengthening Congress. The Galloway group concludes its investigation with ten summary recommendations. While there are some differences in detail the conclusions do not diverge sharply.

Both reports advocate reduction of the congressional workload through delegation of the routine functions involved in management of District of Columbia affairs, granting private claims and pensions, etc. These could better be handled by other agencies and this would free Congress to consider more important matters. Asserting that Congress has been unduly penurious in building up its own staff, both reports call for expansion of staff aids, particularly the Legislative Ref-

erence Service of the Library of Congress. The Galloway report shows much more understanding than does the Heller report of the danger implicit in the creation of a large staff of congressional experts to balance the experts in the administrative departments. What must be avoided, of course, is the evil of a "second bureaucracy" within the Congress itself.

Again both reports call for the simplification of the committee systems of the two houses (a) by reducing the number of committees, to avoid the splintering of policy making so prominent under divided committee jurisdiction at the present time, and (b) by correlating the committees of the two houses, and (c) by functionally correlating the committees with the administrative departments whose activities they are supposed to scrutinize. Closely associated with this is the recommendation in both reports that the so-called "seniority rule" (which is actually not a rule but a convention governing the selection of committee members) be modified or abolished. Just what form the modification or substitute should take is not answered by either Heller or the Galloway group, and Heller dodges the issue by asserting, "The problem of seniority is so bound up with traditions, emotions, personalities, and other considerations essentially internal to Congress that a definite recommendation based on external study would be inappropriate."²² Among suggestions for consideration perhaps the most noteworthy is that of the Galloway group that "an automatic time limit of, say, six years be fixed upon service as chairman of a standing committee."²³

Recognizing that there is at present no adequate organ for internal congressional leadership both reports would institutionalize this function in a committee. The Galloway report recommends a Joint Legislative Council to be composed of the chairmen of the "new, streamlined" committees of both houses to be responsible for "developing a coherent and coordinated program of legislation 'rather than a jerry-built policy formulated by a hundred different committees.'"²⁴ Thus organized it would of course include the leaders of the majority party in both chambers. Heller likewise would use the chairmen of the new, streamlined committees as a Majority Policy Committee, but he would have a separate Majority Policy Committee in each house rather than a joint committee. He would also have corresponding Minority Policy Committees in each house, to be composed of the ranking minority

²² HELLER, p. 31.

²³ GALLOWAY, p. 80.

²⁴ *Id.*, p. 53.

members. Neither report gives adequate attention to the possible conflict which might arise between the reinvigorated leadership of Congress (provided by the Joint Legislative Council or Majority Policy Committees) on the one hand and the President on the other. Without control over patronage the proposed congressional steering groups would have few sanctions to enforce leadership. It is doubtful whether the President would relinquish to them this important sanction which buttresses his own position in the legislative sphere.

Both reports devote considerable attention to the ever-increasing demands upon the legislator's time which prevent him from being a "statesman" and force him to assume the role of "chore boy" for his constituents. It is simply unbelievable what a congressman is called upon to do in an ordinary working day. A partial solution lies in Heller's recommendation that necessary funds be appropriated so that more and better paid assistants can be placed on the staff of the individual legislator, supplemented by a central congressional service bureau "to find and organize information for members." In one of its bolder recommendations the Galloway group goes much further and urges the formulation of a "Charter of Congressional Freedom from trivial errands." Even accepting suggestions such as Heller's, the Galloway group asserts, "there is grave doubt whether Congress can effectively assume its proper role as a policy-making and controlling agency when members give so small a part of their time to the public aspects of their duties."²⁵ The realities of politics work against any such Charter of Congressional Freedom. Until constituents change their conception of the proper functions of legislative office we may expect individual legislators to devote a large part of their time to errand running.

Finally, both reports recommend substantial pay boosts for congressmen. The \$10,000 salary (supplemented by a \$2,500 tax-free allowance for House members only) is considered inadequate. The Galloway group would raise the salary to \$15,000 while Heller would favor a \$25,000 amount. Both reports advocate some form of retirement annuity for congressmen, with Heller being less concerned than the Galloway committee about questions of actuarial soundness and contributory basis.

It has been possible to mention only the high spots in these two studies. For the reader who desires a view of Congress as a whole, these two reports are a gold mine of ideas, presented in an interesting and authoritative manner.

²⁵ Id., p. 66.

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In 1921 Lord Bryce commented on the legislative aspect of his monumental investigation of *Modern Democracies* as follows:

“Every traveller who, curious in political affairs, enquires in the countries which he visits how their legislative bodies are working, receives from the elder men the same discouraging answer. They tell him, in terms much the same everywhere, that there is less brilliant speaking than in the days of their own youth, that the tone of manners has declined, that the best citizens are less disposed to enter the Chamber, that its proceedings are less fully reported and excite less interest, that a seat in it confers less social status, and that, for one reason or another, the respect felt for it has waned.”²⁶

We have come far since the day when the Mother of Parliaments received the plaudits of the public for successfully checking the British King and his royal Bureaucracy and reducing them to a subordinate governmental role. Has a fickle public turned on its closest representatives, or has the Legislature here and abroad through its own failure to adapt to new conditions forfeited its position as the bulwark of the people's liberties? We must assume that the Legislature is largely at fault.

It was in the belief that it is not yet too late that the books here reviewed were written. All of them convey an air of urgency. The time is now! Only if we get a reinvigorated, more efficient Congress, will recent doubts about American Democracy be allayed.

²⁶ 2 BRYCE, *MODERN DEMOCRACIES* 335 (1921).