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Griffith: Congress - Its Contemporary Role

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RECENT BOOKS

CONGRESS — ITS CONTEMPORARY ROLE. Second Revised Edition. By Ernest F. Griffith. New York: New York University Press. 1956. Pp. 200. \$3.50.

Dr. Griffith draws upon his long experience with Congress from the vantage point of Director of the Legislative Reference Service to portray the functioning of the Congress in modern complex society. The second revised edition adds one chapter, "Congress and Administration," to the fifteen chapters of his earlier work which are brought up to date. The new chapter, in turn, draws heavily upon chapter nine of the author's *American System of Government* (1954).

Dr. Griffith sees the Congress confronted with two dangers—pressure groups and an expanded "technically competent" bureaucracy which threatens to become a "dictatorship of the civil service"—and describes the devices Congress has developed to combat these dangers. He finds those devices generally satisfactory and has only minor reforms to recommend.

With respect to pressure groups, he notes with favor the protection of individual Representatives from reward or political punishment by special interests through the power of the House Rules Committee to prevent embarrassing measures from reaching the floor for a vote, through a penetrating analysis of pressure-backed proposals in committee hearings, through publicity, through executive committee sessions for voting on bills, through delay, and through "loading a bill with amendments" so as to assure adverse action in the other chamber or a presidential veto.

With respect to the contest between the Congress and the executive, to which he has devoted six chapters, Dr. Griffith appears somewhat too sanguine in concluding that the streamlining of committees in the Legislative Reorganization Act of 1946 and the expansion of committee staffs have halted what Corwin calls presidential "aggrandizement" at the expense of the Congress.¹ Dr. Griffith cites the increase in appropriations and personnel for the offices of Legislative Council, the Legislative Reference Service, and committee staffs and concludes that the Congress ". . . has mastered the problem of recapturing its constitutional role as the independent policy determiner—a self-respecting co-equal of the bureaucracy, its legal master in policy matters, in practice its competent partner or its intelligent critic." Actually, the Congress still has a long way to go to improve its committee staffs both in size and in quality before it is strengthened to the point where it can resist effectively pressures from the executive or from special interest groups. Only by fortifying itself with accurate and complete factual information can Congress form and express clearly its own independent judgment on national policy.

¹ CORWIN, THE PRESIDENT: OFFICE AND POWERS, 3d ed., 366 (1948).

One long-standing conflict between the executive and legislative branches of the government is executive refusal to furnish to the Congress information in the possession of the executive departments. Dr. Griffith discusses the precedents but fails to take a position, either as a matter of law or policy, on whether the discretion in this field should rest with the Congress or the executive. In citing *Touhy v. Ragen*, 340 U.S. 426 (1950), he overlooked noting that the subpoena in question was that of a court, not a congressional committee. In connection with Dr. Griffith's recital of President Truman's refusal to honor a congressional subpoena, it is worth notice that Senator Truman, as chairman of the Special Senate Committee Investigating the National Defense Program, caused subpoenas to be served on the Attorney General of the United States and obtained the material the committee desired.² Historically, a showdown has been avoided through compromise and restraint, with the result that there is no authoritative court decision on the power of Congress to compel production of executive documents.

In the chapter, "Congress and Localism," Dr. Griffith ably describes the role of Congress in protecting local governments from aggrandizement by the federal bureaucracy. He might well have mentioned among the values "traditionally associated with state and local vitality" the advantage of closer and more direct supervision by the people themselves of the acts and decisions of officials of local governments than is possible with national decision. In reviewing congressional action for the benefit of local governments, he might have mentioned the movement in the Congress to relieve fiscal difficulties of local governments by providing payments in lieu of taxation on federal industrial and commercial properties and sentiment in Congress favoring overthrow of the doctrine announced by the Supreme Court that congressional action in a given field preempts the entire field for federal legislation, excluding state action.

Dr. Griffith effectively answers those political scientists who would enhance the power and prestige of political parties at the expense of individual legislators. He also differs with those writers who view members of Congress solely as pawns in a pressure game of outside influences. In describing the role of Congress in educating the public, Dr. Griffith omitted, perhaps discreetly, reference to Speaker Rayburn's ban on television and radio coverage of committee public hearings.

Dr. Griffith finds a weakness in broad, top-level planning in the Congress, particularly in economic matters. He suggests that function be vested in the Joint Committee on the Economic Report. Aside from the questionable extension of Joint Committees in a bicameral legislature, his recommendation ignores the legitimate partisan character of important policy deter-

² Testimony of Truman Committee Chief Counsel Hugh Fulton in hearings of Moss Committee (Special Government Information Subcommittee of the House Government Operations Committee) on "Availability of Information From Federal Departments and Agencies," Part 3, May 8 and 9, 1956, pp. 525, 540.

minations. Despite the past informality of consideration and lack of aggressiveness in party leadership and policy committees, responsiveness to the public will, the need of collaboration with committee leadership and the accounting to which the party in power is held would seem to raise serious doubts of the advisability of sterilizing top planning in a bipartisan joint committee.

Dr. Griffith recommends extension of the devices of terminal dates on delegated powers and the legislative veto, such as that of disapproval of presidential reorganization plans. The terminal date is a powerful weapon, because it leaves the initiative and control with the Congress. The legislative veto, however, is a novel and peculiar device vesting vast and general legislative authority in the executive. A presidential reorganization plan often contains important matters of policy, cannot be amended, must be defeated by a constitutional majority vote, and cannot be corrected by subsequent legislation without incurring a presidential veto. Proper strengthening of committee staffs should enable the Congress eventually to dispense with this makeshift and unnatural legislative device, which is in derogation of the constitutional responsibility of Congress as the policy-making authority of our government.

Dr. Griffith's scholarly and sympathetic discussion of the problems and challenges modern complex society has posed for our national legislators should stimulate and inspire any reader who, like the author, believes "the Congress of the United States is the world's best hope of representative government."

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