



Titular leaders of Congress: on the left, the Democrats' McCormack (top) and Mansfield; on the right, the G.O.P.'s Halleck and Dirksen.



The Failure of Congress

Legislative paralysis, under rules that permit a southern minority to stifle needed bills, perverts democracy in America—and threatens to wreck it.

The Congress of the United States is in deep trouble. More than ever before, the public attitude toward Congress is a mixture of indifference, amusement and contempt. It is time to ask why this is so, and whether anything can be done about it. For when the citizens of a democracy begin to hold their legislature in contempt, democracy is itself in danger.

There is an obvious reason why the reputation of Congress is—to use a favorite phrase of a great

congressman, the late Sam Rayburn—"lower than a snake's belly." Never before in history has Congress talked so long to accomplish so little.

Only once before in peacetime—in Woodrow Wilson's first term—has Congress remained in session from opening day right around to the next December. That first Wilson Congress accomplished a great deal. Here is what the second Kennedy Congress has accomplished, as summed up by Sen. Thomas J. Dodd of Connecticut.

By STEWART ALSOP

"The damn liberals just don't understand power—all they understand is sentiment."

"Of our four major objectives of this session, a tax cut, a civil-rights bill, a general aid-to-education bill, and a Medicare bill, none has a real chance of enactment this year."

There is plenty of other evidence to support Dodd's charge that this congressional session is a "shambles." Appropriations are supposed to be approved by the end of July each year, to provide money for the next fiscal year. As of late fall, the State, Justice and Commerce departments are still living hand-to-mouth, because Congress has never got round to voting funds for them.

"The Hill has gone to Hell," says an old hand on Capitol Hill, "since the Speaker died and Lyndon left." "The Speaker," of course, was Sam Rayburn of Texas. "Rayburn's personal power and prestige," says Democratic Rep. Richard Bolling of Missouri, "made the institution appear to work. When Rayburn died, the thing just fell apart." Rayburn's successor, John McCormack of Massachusetts, an elderly, earnest man who looks like an exhausted monk, has little or none of Rayburn's power and prestige.

McCormack's opposite number in the Senate, Mike Mansfield of Montana, succeeded Lyndon Johnson as majority leader when Johnson became one of history's unhappiest Vice Presidents. Mansfield—who also looks like an exhausted monk—is universally liked in the Senate, something that could not be said of Johnson. But Dodd tactlessly spoke what was in the minds of many of Mansfield's colleagues when he said, in effect, that Mansfield was not tough enough to be a good leader.

Mansfield himself, when asked by this reporter whether he thought this criticism of his leadership was justified, removed his pipe from his mouth, thought for a moment, and characteristically replied with a monosyllable: "Yes."

"The leadership," Mansfield says, "has no special powers to lead." This theory of leadership is markedly at variance with the Johnson theory. The Johnson theory of leadership, in short, involved the lavish and even ruthless use of "special powers." Johnson's influence on key committee assignments was one of his most important "special powers." Mansfield insists that committee assignments are no business of the leadership. In so doing, he has discarded the leadership's biggest stick and sweetest carrot.

The departure of Johnson and the death of Johnson's immensely rich and immensely powerful ally, Sen. Robert Kerr of Oklahoma, has left a power vacuum in the Senate. Mansfield is like a king of France in the period when the king was merely *primus inter pares*—and not all that *primus* either—among a fiercely competing throng of dukes and barons. McCormack, because the

House is so huge and so unmanageable, has even less real authority than Mansfield.

Fate and the accident of character have thus contributed to the decay of Congress. The same elements played a part in the fall of Bobby Baker, secretary to the Democratic majority. The downfall of poor Bobby—actually a likable country-slicker type—has contributed to the widespread notion that most senators spend their time cavorting with call girls in luxury hotels and making big money on the side. This is not true, but it has hurt the reputation of Congress at least as much as its do-nothing record.

But the real trouble with Congress is deeper and more permanent than Mike Mansfield's excessive amiability or Bobby Baker's slickness. Representative Bolling, a Democrat and the foremost student of congressional history in the House, went to the heart of the matter in one sentence: "The trouble with Congress is not Congress but the Democratic Party in Congress."

The Democrats in the Senate have a crushing majority over the Republicans—67 to 33. There is also a big Democratic majority in the House. But these majorities are wholly deceptive, because the party nomenclature is deceptive.

There are two parties in Congress. But in reality they are not the Democratic and Republican parties. They are the generally liberal Presidential Party and the generally conservative Party of the Congressional Establishment. On major issues—if the issue can be brought to a vote—the Presidential Party usually has the edge. There is no doubt, for example, that the President's tax-cut and civil-rights bills would be enacted if they could be brought intact to a vote in both houses. But the machinery of Congress is controlled by the Establishment Party. So bills the Establishment Party does not like either do not come to a vote at all, or come to a vote after endless delay and in emasculated form.

The Establishment, which has also been called the Club, the Inner Club, includes most of the Southerners. It also includes most senior Republicans and a scattering of conservative Democrats from outside the South. But the Southerners dominate it. Since the Establishment controls the machinery, the Southerners representing less than a sixth of the voting population dominate both Houses of Congress.

A neat trick. How do they do it?

To understand the answer to that question, you have to understand something about the atmosphere and something about the real power structure of Congress. The Congress—the Senate especially—has a curious atmosphere, at once cozy and awe-inspiring. The Capitol is the last place in Washington—except perhaps for the Treasury,

and not excepting the gutted White House—with an authentic smell of the past.

The place is almost palpably populated with the ghosts of Clay and Calhoun and Sumner and Thaddeus Stevens and Vandenberg and Taft and Rayburn. At the same time, with its overstuffed leather chairs and its Brumidi frescoes and general aura of camaraderie, the place is also wonderfully cozy and clubbish.

This combination of history and coziness has its effect on men. Senators, especially, adore being senators. "This is the most wonderful job in the world," says freshman Sen. Claiborne Pell. "Only ninety-nine other people in the world have as good a job, and no one has a better one."

A senator or representative soon gets emotionally caught up in the wonderful world of Capitol Hill. He wants to shine in that world, as well as in the larger world outside. The way—almost the only way—to shine in both worlds is to get on good committees. The committees are where the work of Congress is done, and where reputations are made or unmade. There are 16 standing committees in the Senate, 20 in the House. Of the 36, about half are considered "good." A man who wants to get on good committees had better not alienate the Establishment.

One great key to the power of the Establishment is the seniority system. Because of political longevity in the one-party South, this system gives the Southerners a near-monopoly of the most important committee chairmanships. The committee chairmen are the dukes and barons of Congress—in the words of the first Robert LaFollette, "they report, shape or suppress legislation at will."

But that is not all. The Establishment in both parties controls the party committees which meet once every two years to make new committee assignments. For example, the Democratic Steering Committee in the Senate is solidly controlled by the Establishment. As Sen. Joseph Clark of Pennsylvania has pointed out, seven of the 15 members are from the South, and nine of the 15 are staunch conservatives, whereas two thirds of the Democrats in the Senate are non-Southerners and Kennedy men.

This careful weighting of the Steering Committee—which most people outside Congress have never heard of—in turn makes it possible for the Establishment to maintain numerical control of the really key committees, notably the purse-string committees, Appropriations and Finance.

Nor is this all. To the Establishment, the rule of seniority is sacred—when it suits the Establishment. But when it does not suit, the sacred rule can be broken. For example, Senator Clark, who is considered ungentlemanly and unclub-

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nable for openly attacking the Establishment, has been trying to get on the Foreign Relations Committee for years. He has repeatedly been passed over in favor of more clubbable types junior in service to him. For another example, in the current session, of 14 nonfreshman senators who voted against the South on the filibuster issue, only one got his first choice committee assignment—and in several cases seniority was disregarded. Not wholly by chance, six out of eight of those who voted with the South on cloture got their first choice.

Bucking the Establishment, in short, is what is known in the Pentagon as "counterproductive." Moreover, it is one of those things that is, in the British phrase, "not done." The atmosphere of gentlemanly camaraderie is carefully nurtured by the Establishment members, most of whom are men of considerable personal charm. When Senator Dodd attacked the Senate leadership, he was made to feel, by his own account, "like a skunk at a lawn party." A clubbable club member simply does not attack the people who run his club.

What is more, the Southerners and their conservative allies are by and large a lot abler and smarter and more unified than the liberals.

"The damn liberals," says Majority Whip Hubert Humphrey, himself the Senate's leading liberal, "they just don't understand power—all they understand is sentiment. After all, politics is just the way you spell power, but the liberals think power is sinful."

Another liberal senator agrees with Humphrey: "Power is like sex. If you think it's sinful, you don't enjoy it and you're not much good at it." Again and again the liberals of the Presidential Party, mistaking sentiment for power, play straight into the hands of the Establishment Party.

The relentless verbosity of Sen. Wayne Morse in the foreign-aid debate, for example, dovetailed nicely with the anti-civil-rights strategy of the Southerners. And the liberals on the House Judiciary Committee very nearly scuttled all chance for civil-rights legislation by insisting on an ultra-liberal bill which could not possibly pass.

There is another element in the equation, and that is the power of the Presidency. At the beginning of his first term President Kennedy had a key decision to make. Should he try to lick the Establishment, or should he try to "jine 'em"? He decided on the latter course. In terms of the political mathematics, this was a sensible strategy—the Administration badly needed southern votes, especially in the House.

An essential if unspoken part of the strategy was to rise above the principles expressed in the Democratic platform and skirt the civil-rights issue. Even before the Negro revolt last summer,

the congressional machinery was slowing down. When the Negroes took to the streets, the President decided that their revolt could be contained only by giving the Negroes a strong civil-rights bill. When the civil-rights bill was accordingly introduced last summer, the Southerners reacted like Samson in the temple. To defeat civil rights they risk bringing the whole structure of the congressional institution crashing about their ears.

No Southerner will admit it for the record, but the southern strategy is to delay not only the civil-rights bill itself but anything else that can be delayed. Since the South dominates the Establishment, and the Establishment controls the congressional machinery, the machinery has come almost to a dead stop.

The machinery cannot be absolutely halted. Larry O'Brien, the President's able chief of staff for Congress, is no doubt right when he predicts that Congress will eventually pass both the tax cut and civil-rights legislation. But when? And what kind of legislation?

The President first proposed a tax cut in August, 1962. No doubt he will get some sort of tax cut in 1964. But it will be short of virtually all the Administration's proposals for closing tax loopholes, and in other ways it will bear only a distant family resemblance to the original Kennedy tax program. And something is obviously wrong with our system of government when it takes the legislative branch 18 months or more to get around to voting on the basic program of the executive branch.

The power of the Establishment is, in fact, an essentially negative power. Since World War II only a single piece of really major legislation—the Taft-Hartley Law—has originated wholly in Congress. To be sure, when the President and the Establishment agree, as in the case of the railroad crisis or the nuclear test ban, Congress can act expeditiously. When they do not agree, the Establishment has the power to stage what Walter Lippmann has called a "furtive and degenerate form of the filibuster." The Establishment's power is the power to delay and emasculate.

The result is a catatonic Congress and a frustrated Executive. No doubt there are those who like it that way. They may even be a majority. "We're in the era of physiological politics," says Hubert Humphrey. "Empty stomach, full head; full stomach, empty head." As long as most stomachs are full, people don't want to think about politics. "The country's fat, dumb and happy," says another senator. "Most people would just as soon we did nothing but talk."

Among those who see no need for any major change in the way Congress operates is Minority Leader Everett Dirksen, the most important Es-

tablishment Republican. "The American Congress is like an old waterlogged scow," says Dirksen, paraphrasing Fisher Ames, a congressman of an earlier era. "It doesn't go far. It doesn't go fast. But it doesn't sink."

Maybe so, but the feeling is beginning to be widespread in Congress that the old scow is getting altogether too waterlogged for comfort, and that something has got to be done to make *sure* it doesn't sink. There are more proposals for reforming Congress than there are congressmen. Most of them originate with the liberals, and most are concerned with changing the rules in such a way as to break the grip of the Establishment on the congressional machinery.

The more sensible liberals themselves agree that in the way Congress operates there is much that is either admirable or unavoidable. Most senators see no practical substitute for the seniority system. There is even much to be said for the filibuster. And it is surely better to have the Senate operate like a club than like a snake pit. "One thing I didn't realize when I came here," says Hubert Humphrey. "You have to have rules. You have to have tradition."

This is true. But rules and tradition should help Congress to function, not prevent it from functioning. Mike Mansfield, in his mild-mannered way, states the heart of the matter. "A President has a right," says Mansfield rather plaintively, "to expect reasonably prompt consideration of any major proposal." In short, if the reputation of the Congress is to be restored, the power to delay and emasculate must be limited.

Obviously the Southerners have every right to fight like tigers against the President's civil-rights program. For that matter, Democratic senators like Gore and Proxmire have every right to fight like tigers against his tax program, on the grounds that it is a "rich man's tax bill." But the duly elected representatives of the people, after due consideration, should also have a right to vote, one way or the other. What is needed is to find some way to make certain that Congress will vote within a reasonable time limit—60 days? 90 days? Six months?—on major presidential proposals.

The Establishment will fight to the death any change in the rules which would limit its powers. But unless he is willing to accept frustration and deadlock for as long as he is President, Kennedy is going to have to rally the Presidential Party and fight back. What is at stake is not only the power of the President to lead but the respect of the country for its Congress. That respect is being rapidly eroded, and for good reason. Like a non-fighting soldier, a nonlegislating legislature is inherently contemptible.

(For another side of Congress' failure see page 26)