



# CONGRESSMAN'S REPORT

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## **Is Congress Sick?--I Creeping Paralysis on Capitol Hill**

Congress is in trouble with its employers. Last month, Pollster Lou Harris summarized an extensive voter survey by declaring:

"By nearly 2 to 1, American voters register a vote of no confidence in the job this Congress has done to date."

Is this an accurate assessment? What are the facts? In this and a subsequent report I want to discuss these questions. Most of what I have to say can be summarized in these two observations:

\*\* While congressional machinery is dangerously deficient, there is much that is right with Congress.

\*\* The failure of our national parliament to revise its antiquated procedures and machinery is, in my judgment, a loaded gun pointed at American democracy itself. Just a few years ago, the people of France, in disgust with their ineffective Parliament, rewrote their country's constitution to give the executive, President Charles de Gaulle, nearly unlimited power. Our situation is not yet that bad but it is steadily becoming worse. If our congressional paralysis continues, we too may awake some day to find a strong executive completely overriding a weak and divided legislature. This could happen here. I hope it does not.

### **WHAT'S RIGHT WITH CONGRESS?**

Before offering what I intend as constructive criticisms of Congress I want to give credit for what is right with the institution:

1. The caliber of men and women who serve in the House and Senate is high. My colleagues, with rare and well-publicized exceptions, must be given high ratings for honesty, dedication, intelligence and attention to duty. By and large they are overworked and underpaid. The basic trouble isn't with the people involved. It's the machinery they try to operate.

2. The professional and technical staffs which serve the Congress are outstanding. Many of our traditions and procedures are exceptionally good.

3. Many columnists blame the failings of Congress on poor leadership. I can't buy this either. In my opinion, neither Henry Clay nor the Apostle Paul could successfully lead under the rules by which the leaders of the House and Senate must abide. It is true that under such exceptionally strong and skilled men as Sam Rayburn and Lyndon B. Johnson Congress could produce enough legislation to mask for a time its broken machinery. But Speaker McCormack and Senate Majority Leader Mansfield are able men trying against overwhelming odds to operate a ship which is all anchor and no sail.

4. I fully recognize that our government is and was intended to be one of checks, balances and divided powers. Congress should not, and must not, rubber stamp proposals of any President. My criticisms are not based on the sole fact that we have failed to enact any substantial part of the Kennedy legislation program, for it is Congress, not the President, which must make the laws.

In summary, the ship of Congress has a competent crew but its engine is badly designed and its rudder won't steer.

#### FOUNDING FATHERS WOULD BE SHOCKED

Democracy is never as efficient as dictatorship. This is a price we cheerfully pay for our liberty; and I recognize that our American democracy was deliberately designed to be more inefficient than most. In fear of tyranny they had known at the hands of strong rulers, our founding fathers intentionally distributed the powers of government into three departments, each with carefully limited powers and with the ability to check the other two departments.

Yet, with all this, I honestly think that Washington, Jefferson and the other architects of our system never intended the self-inflicted paralysis in the legislative branch of the government we have today.

#### A LOOK AT SOME SPECIFICS

"Is it really this bad?", you might ask. Well, let's take a look at the bill of particulars:

1. National Issues Aren't Resolved. A healthy democracy requires that big issues be resolved fairly, quickly, efficiently. I came to Congress nearly three years ago. In two campaigns the four major issues I debated

were Medicare, general aid to education, civil rights and tax revision and reform.

For three years I've discussed these matters from countless platforms in Tucson, Yuma, Superior, Bisbee and every other Southern Arizona community. As of this writing, I've voted on only one of the four; Congress has taken final action on none.

At the beginning of 1963, the President asked Congress for action on nine major proposals: tax reduction and reform, civil rights, Medicare, mass transportation, civil defense, aid to education, youth employment, Security and Exchange Commission amendments and the land conservation fund.

As the summer wore on, the nation awaited and demanded action at least on civil rights and taxes. To meet these two overriding issues, we stayed in session an unprecedented 365 days. Yet the New Year's bells rang out without final action on civil rights, taxes or a single one of the nine proposals. Let me make my point very clear: perhaps all nine deserved ignominious defeat or smashing approval--what I'm saying is that the organization and procedures of Congress in 1963 were such that no major issue could be resolved. I think this is a bad, unhealthy, and dangerous condition for a democracy.

2. Appropriations Process is Stalemated. A legislature can operate successfully without passing new laws or repealing old ones. But its one essential function is to pass proper appropriation bills for the operation of government departments. In 1963, the President presented his budget in January for the fiscal year beginning in July. July came and went and by December--5/12s of the way through the fiscal year--only 5 of the 13 major money bills had been passed. By this time department heads were preparing their new 1964-65 budgets for submission to Congress in January. They didn't know what their current budgets were! If one expects a reasonably efficient government, this is an intolerable situation.

Again, I am not quarreling with any decision Congress finally makes. Foreign aid should be either \$4 billion, \$2 billion or nothing. The Federal Aviation Agency may need either \$100 million or \$800 million. My point is that the administrator of a public agency--just like his counterpart in private industry--ought to know what his budget is before his fiscal year begins.

3. One Can't Represent People He Doesn't Know. Our system of indirect or representative democracy was based on the assumption that legislators would live among and mingle with the people they represented most of the year, coming to Washington for four or five months to legislate. In 1963 I spent 322 of my 365 days in Washington. And to get even a few days at home I was forced to miss floor votes. Is it reasonable to believe that I can continue to know and reflect the feelings of 500,000 Arizonans and be in Washington year around?

4. Conflicts of Interest and the Double Standard. If a competent man is persuaded to become Assistant Secretary of Defense, the Congress demands that he disclose every business association which might even remotely affect his duties and to sell (often at a loss) any stock interest he might have in any company. Yet, most members of Congress are outraged when it is suggested that we be required, not to sell our stocks and business interests, but merely to publicly list and disclose our assets, business directorships and affiliations, stock holdings, etc. Along with six other House members I made a voluntary disclosure of this kind last January. Yet most members continue to vote on legislation vitally affecting personal business interests the public doesn't know they have. I am not suggesting that most members are dishonest. I am suggesting that it would be a healthy thing for a member's constituents to know of any conflict of interest so they could judge his vote accordingly. In our court systems we rigidly require a judge to disqualify himself in cases where he has a personal interest. Yet I could (but don't) own, for example, large chunks of tobacco stocks and sponsor and lobby, from within the legislative branch, for tobacco legislation without my voters being any the wiser.

#### STALEMATE IS BAD

Some people have the idea that deadlock in Congress is good. To these people, the best Congress would be one which meets briefly, reduces appropriations for every department, repeals a dozen social laws, rejects all new legislation and promptly goes home. Others seem to feel that the best Congress would be one which immediately adopts every proposal made by the President. I agree with neither of these contentions. But I strongly believe our congressional machinery should insure that, after reasonable consideration, we will vote either "yes" or "no" on all major proposals presented by the President or by Members of Congress.

I am disturbed that our present congressional machinery prevents any President from having his program voted upon. I am not arguing for immediate enactment of all Kennedy-Johnson proposals; some I do not support. My point is that there ought to be some means by which President Johnson, or any President, may have his proposals considered and voted up or down.

In this connection, let me say that I have both news and a prediction for the Goldwater for President clubs. The creaking congressional machinery isn't anti-liberal or anti-Kennedy or anti-Johnson. It's pro status quo. It is against change--good change or bad change. In Congress it's just as hard to repeal bad old laws as it is to pass good new ones. If our junior senator goes to the White House in 1965 and the congressional machinery remains unchanged, the Goldwater fans will be just as frustrated as were all-out Kennedy supporters. Bills to sell TVA, pass a national "right to work" law, make Social Security voluntary, etc., will never get out of committee!

#### ALL BRAKE AND NO ACCELERATOR

Almost weekly, I listen to congressmen complain in speeches that the power of the President and his executive departments is constantly growing at the expense of Congress. There is much truth in these assertions but, in the judgment of this member, Congress has no one to blame but itself. Our machine (to use still another metaphor) is all brake and no accelerator. Instead of creating and devising national policy as was intended we are more and more inclined to wait for executive proposals and then strangle them through inaction.

In the [next report](#) I will try to explain why and where the congressional machinery breaks down.

A handwritten signature in black ink, appearing to read "Merrick Edsall". The signature is fluid and cursive, with a long horizontal stroke extending to the right.