Hill Change: Slow Motion

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AFTER THE House Judiciary Committee's televised impeachment hearings, a constituent told Rep. Richardson Preyer (D-N.C.): "It was the best thing that ever happened to Congress. I didn't know there were any smart people up there."

Those hearings, which helped drive a President from office, may go down as the high-water mark of congressional prestige in modern times. The high hopes they aroused—of Congress reversing the trend and starting to reclaim the power it had ceded to the White House over the years—already have proven too optimistic.

For to deduce that the Presidency as an institution has been seriously weakened or that Congress as an institution has been strengthened is to ignore today's political realities.

First of all there's sheer logistics. Congress is made up of 535 highly individualistic members. Getting them to act as one on any issue is difficult; sustaining the energy for a concerted drive to assert their power is probably impossible. Presidents can make decisions and order departments to execute them. Congressional decisions take months of ironing out differences between members, between parties, and finally between the House and Senate.

Secondly, despite the angry reaction to President Ford's pardon of his predecessor, Mr. Ford, as a House veteran still popular with his former colleagues, may be far more successful in working with Congress than Mr. Nixon was.

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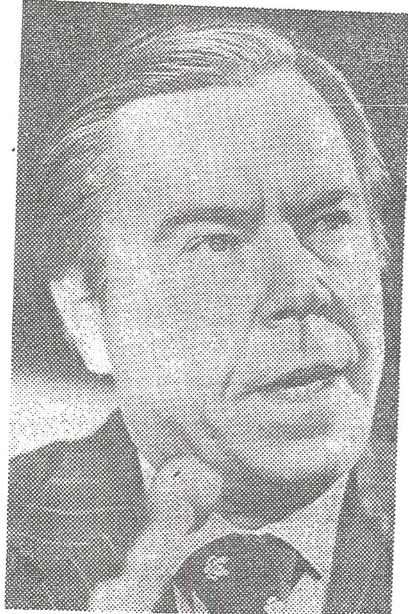
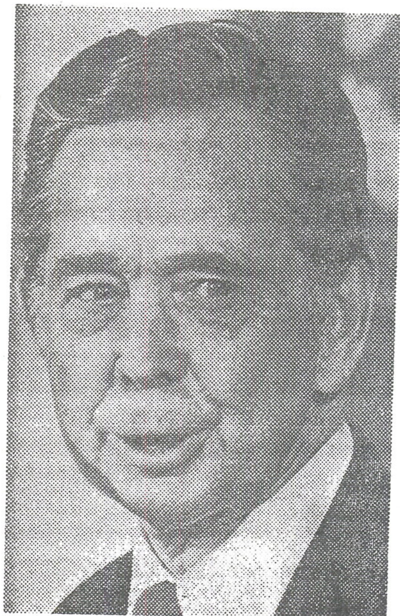
In the Nixon years, says Minority Leader John Rhodes, Pennsylvania Avenue was a "one-way street" and White House meetings with Congressional leaders were "a monologue" in which the President "did all the talking. The President always presented his agenda and when we got through it seems there was never enough time to discuss what we were interested in. We could never convince him that we needed input in the process before legislation was sent down to us."

Mr. Nixon's disregard for Congress could be counted on eventually to provoke it to act independently; in this sense, Mr. Ford's fabled willingness to listen to congressional counsel



Washington Post

Minority Leader John Rhodes: Meetings with Nixon were a monologue."



Washington Post

Speaker Carl Albert: "He doesn't have an ounce of viciousness in him.

may be a bigger obstacle to a legislative resurgence.

After a month in office, he has already won important House victories in cutting funds for mass transit and for a politically popular Vietnam veterans educational benefit increase.

Moreover, as Rep. Elford Cederberg (R-Mich.), close friend of Mr. Ford's, points out, "The President, not only when he was Vice President, but when he was Minority Leader, campaigned for just about every Republican House member, whether he was politically in tune with him or not. He just about wore himself out campaigning for his colleagues."

The implication is clear. Republicans in the House owe Mr. Ford something they did not owe Mr. Nixon, who practically ignored Republican House and Senate candidates in 1972. By the end of his administration, many influential House Republicans could barely conceal their disdain for Mr. Nixon.

Third, one of the basic requirements for a congressional resurgence is an updating and modernization of Congress itself. In the House, a reform movement has been under way since the late '60s and is likely to continue. But it's a slow process, since one of the few things harder than getting members to agree on issues is getting them to agree on changes that affect their own powers and prerogatives.

The most dramatic reassertions of congressional power against the executive were provoked by Presidents Nixon and Johnson.

It was their overreaching actions in the Indochina war (LBJ's use of the Gulf of Tonkin resolution and Nixon's Cambodian bombing) which finally goaded Congress into enacting the war powers bill, limiting the President's assumed power to make war without congressional approval.

And it was Mr. Nixon's wholesale impounding of congressional appropriated funds which roused Congress into seeking to reclaim control of the budget by establishing a new congressional budget and limiting the President's assumed power to impound funds without congressional approval.

Whether Congress will continue to reclaim powers without being provoked into it by a President remains to be seen. Already some think the impetus for making one change still pending—a reform of the House committee system—has fallen off.

The Divided Democrats

FINALLY, if there is to be a resurgence of congressional strength, it must come from the Democratic majority, which runs Congress.

But the chances of the Democrats uniting to mount an organized, well coordinated effort to reassert congressional authority seem slim.

For one thing, it would take a well-thought-out program with Democratic policies on major issues. A warmed-over New Deal-Great Society approach probaly wouldn't sell, and so far Democrats have been unable to come up with alternative solutions for knotty problems such as inflation and the energy crisis.

Secondly it would take strong leadership in the House and Senate to put the programs through, or even mount a coordinated opposition to presidential programs.

During the Eisenhower era, Democratic-controlled Congresses serving with a Republican President had strong leadership: Sam Rayburn as speaker of the House and Lyndon Johnson as Senate majority leader. But even these strong leaders preferred to cooperate with Eisenhower, because total opposition to the President would have led to stalemate. It takes two-thirds majorities in both houses to overcome vetoes, while a Congress that blocks every piece of legislation a President wants can be turned out by a presidential appeal to the voters, as Harry Truman showed in 1948, when he campaigned against the Republican-controlled "Do Nothing" Congress and put the Democrats back in control.

Besides, today's Congress lacks leaders of the stature of Rayburn and Johnson. Since the late '60s, the trend in the House has been toward a dispersal of power among the majority Democrats who control Congress. Changing membership, changing issues, a record number of retirements by older members and the effects of a number of reforms passed in recent years seem to have brought on the change.

Partly because of advancing age, partly because of improved retirement benefits, a record 46 congressmen and senators retired in 1972, the highest retirement rate in 20 years. Six of those were powerful House committee chairmen. In 1973 there were 69 new faces in the House, with four more after special elections during the year.

Already this year, 49 members have announced their retirement, four of them House committee chairmen.

If the number of new faces equals the '73 rate, more than one-third of the House seats will have changed hands in two elections, a very high turnover. And half the standing committees of the House will have changed chairmen in the last four years.

The Changing Chairmen

SO FAR, in many instances, the changes have resulted in veteran Democrats—shrewd skilled tacticians, generally Southern and conservative, often autocratic and capable of thwarting the liberal majority—being replaced by aging but weaker, if more moderate veterans.

Peter Rodino, for instance, replaced the powerful Manny Celler as chairman of the House Judiciary Committee only last year. Many were worried whether Rodino could handle the committee that Celler had controlled for so long. Impeachment was his baptism of fire, and Rodino through evenhandedness and accommodation, gained his committee's respect.

Other new chairmen have not fared so well. James Haley, 75, of Florida, who took over the Interior Committee from Colorado's powerful Wayne Aspi-

nall, has been ill, and has abandoned his chairmanship. So has John Blatnik of Minnesota in Public Works. Ray Madden, 82, of Indiana, who took over the Rules Committee from iron-fisted William Colmer of Mississippi (who was preceded by the even more formidable Judge Howard Smith of Virginia), is a generally benign bumbler—who whistles tunelessly throughout hearings, occasionally forgets what bill he's working on, and likes to lecture witnesses on conditions in Gary, Ind.

In all, only three chairmen remain who keep tight rein over their committees and almost never lose control of their legislation on the floor: Wilbur Mills of Ways and Means, George Mahon of Appropriations and F. Edward Hebert of Armed Services.

Even Mills' power has been challenged by the Democratic caucus twice this year: Once when it ordered him to stop blocking a bill to end the oil depletion allowance, and again when it refused to allow the Democrats on his committee to name the Democratic members of the new Budget Committee. But Mills so far has finessed the oil depletion issue by simply not bringing the bill to the House floor; on the Budget Committee fight, he came out a winner by getting the number two Democrat on Ways and Means, Al Ullman of Oregon, elected chairman of the new committee. Mills, suffering from a back ailment, has loosened his grip on his committee and the House but he can still be a shrewd maneuverer when he needs to be.

Constitutionally the chairman's power has been diluted by a series of reforms pushed through the Democratic caucus. The new rules allow each chairman to head only one subcommittee, give subcommittee chairmen a bill of rights, open up committee hearings — including bill mark-up sessions—to the public and press, and force the chairmen to stand for reelection in the caucus.

These reforms have brought the House midway through attempts to topple the seniority system. In fact, the reform process is generally half-finished, leaving the House like a caterpillar in its chrysalis, no longer crawling, but yet unable to fly.

Reformers are expected to make new attempts at the beginning of next year's session—perhaps to impose an age limit for committee chairmen, take the power to assign Democrats to committees from the Ways and Means majority, and make the lowest rung on the leadership ladder, the Whip, an elective post.

At the same time, the committees are under assault from younger members less willing to wait, less willing to live by the old congressional dictum, "to get along, go along."

The changing South is reflected, too. Southern conservatives now tend to wear a Republican Party label, and representatives from the "new South," while conservative, no longer blindly follow old Dixiecrat voting patterns.

In fact the House has always consisted of floating coalitions, coming together on some issues, breaking into different formations on others. The strongest, though its predictability has decreased in recent years, remains that of the Southern Democrats and conservative Republicians.

But changing issues have made it more difficult to know where the coalitions are going to come together and how. Pollution and the environment and consumer issues are only a few years old. The energy crisis burst on the scene last year, along with food shortages. Detente and trade came two years ago.

New issues can change old coalitions. Agriculture bills are affected as food prices rise and sometimes, like the sugar quota bill, just don't pass any more.

All of this tends to make the life of a Democratic leader more difficult.

In revolting against the one-man rule of the tyrannical Speaker Joe Cannon in the early 1900s, the House stripped the speaker of his institutional power, leaving him only his personal authority.

For some speakers that's been enough. Sam Rayburn used to call his lieutenants together at the end of the day for drinks and conversation in a room still called "the Board of Education." It was said that when the name of a member Rayburn didn't like was brought up, Rayburn used to spit to show his contempt. "The word would go out that Rayburn spat at the mention of so-and-so's name and that man would become a parish," one congressman says. "Carl Albert just couldn't do that. He doesn't have an ounce of viciousness in him."

Albert himself has tended to foster and nuture the dispersal of power, and many Democrats like it that way, since it gives them a chance for a place the sun, even if it is limited to one area or issue.

But some Democrats have become concerned that too much democracy could increase the House's inefficiency at a time when more efficiency is being demanded of it. And they are concerned that no coherent Democratic policy can come about unless a strong unifying force—the leadership—exerts authority and discipline over the party members in the House

Albert has tended to turn down an active leadership role, to reject power, even when fellow Democrats beg him to take it.

In July a caucus reform committee, headed by Rep. Julia Butler Hansen (D-Wash.), proposed that the speaker be given the power to bypass the Rules Committee in bringing legislation to the floor.

Normally all legislation in the House must go through Rules, which sets limits on debate and sometimes on the amendments that can be offered. In the past, under the chairmanship of Virginia's Judge Smith, the committee simply blocked legislation, particularly civil rights legislation, from coming to the floor. While the Rules Committee has blocked bills only two or three times this year, the Hansen committee wanted the speaker to be able to recognize committee chairmen on the floor to bring up a bill without going through Rules.

The Hansen committee sought to have the caucus endorse their proposal, but the speaker opposed it. "I'd be asked by chairmen about three times a day to bring their bill up," Albert said later.

On the other hand, the proposal would have given Albert leverage with the chairmen, making them indebted to him for bringing up their bills. Despite Albert's opposition, the proposal lost in the caucus by only three votes.

More recently some Democrats tried to convince Albert to take firm control of the new House Budget Committee. With its Senate counterpart, this powerful committee will set overall spending ceilings, suggest tax increases and set ceilings in program areas, controlling the direction of policy priorities.

There is no question Albert or Majority leader O'Neill could have had the chairmanship if they wanted it, but both demurred. Though they gave token backing to Rep. Brock Adams (D-Wash.) for chairman, they failed to work for his election in the caucus. Al Ullman, with members of his Ways and Means committee solidly behind him, won the chairmanship.

By contrast, Minority Leader John Rhodes didn't hesitate in taking the top Republician seat on the committee.

Though Democrats occasionally complain of the leadership lack, there isn't likely to be any challenge to the speaker at the beginning of next session. His passive attitude to power may be in tune with the mood of the House, and it's by no means certain that today's more independent member would accept another Sam Rayburn.