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The Mood Of Congress

By James Reston

WASHINGTON, Jan. 4—The 93d Congress is back in the capital spouting New Year's resolutions and promising, like a repentant drunk, to give up its feckless ways.

In some respects it is a different Congress. Its leaders are virtually the same, only older; but its members on the whole are younger, more outspoken, more opposed to the rules of seniority and secrecy, and more determined to regain some of the authority surrendered to the President by Congress since the last World War.

Exactly half the members of the House in this Congress and 45 per cent of the Senators began their service on Capitol Hill within the last six years, but control of both houses still rests with the leaders and committee chairmen who were first elected in the 1930's and '40's.

In this situation, while support is rising for a major assault on the system of selecting committee chairmen by seniority and conducting the public business much of the time in private, the prospect for fundamental change during this session is not good.

Nevertheless, despite this division within the Congress over its reorganization, there is a different mood among the returning members both old and young. It is a mood of anxiety about the expansion of Presidential power at the expense of Congress, which has been growing steadily during the last three years, and has now reached the point of revolt as a result of the President's decision last month to turn the B-52 bombers loose on Hanoi, without consulting the Congress or explaining to the people.

It is scarcely surprising that Mike Mansfield, the majority leader of the Senate, and Thomas P. O'Neill Jr., the new majority leader of the House, have taken strong positions in favor of cutting off funds for continuation of the Vietnam war. Mr. Mansfield has been a leader of the anti-war movement for years, and Tip O'Neill represents the largest university constituency in Massachusetts and perhaps even in the whole country.

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But when Carl Albert of Oklahoma, the Speaker of the House, who has always supported the President on Vietnam, puts him on notice to make peace or the Congress will, it is a fairly good sign that a fundamental test of will between President and Congress is approaching.

So long as the President was bombing the populous areas of North Vietnam, or even invading Cambodia and Laos to block Hanoi's military offensives in the South, the Congress hesitated to challenge his authority as Commander in Chief during the battle, even though many members doubted the efficacy of his strategy. But now he is bombing for diplomatic purposes, and the evidence here is that the majority in Congress has swung against him.

The President has also provoked Congress by refusing to spend funds appropriated for specific purposes by both houses, so that there is not only an issue of Congress' authority to make war, but also a fundamental constitutional question of Congress' authority over the purse.

The reaction of the executive and the legislative branches to the impending battles over these issues is interesting. The President is reorganizing his Administration as fast as he can. He is moving young men into key sub-Cabinet jobs in the departments, establishing clearer lines of cordination between his White House staff and the departments and agencies, centralizing the flow of information in the White House, and rapidly increasing his own control over the Federal bureaucracy.

This is another point of contention between him and Congress, for the more power he gives to his own White House staff, the more he invokes executive privilege to protect his White House aides from questioning by Congress.

Meanwhile, Congress talks about increasing its own authority, but does not act with anything like the purpose of the executive to reorganize itself for the coming trials.

The younger members of Congress, along with outside organizations like John Gardner's Common Cause, have been arguing that secrecy and seniority are weakening the Congress. They point to a Harris poll that indicated a serious drop of public confidence in Congress—from 64 per cent in 1965 to 26 per cent in 1971; and while they are clearly losing the battle on seniority; they are now concentrating on abolishing much of the secrecy in the committees on the ground that information is a weapon which the President is using effectively while Congress is using it ineffectively.

The senior committee chairmen, however, argue that it is a mistake to confuse reorganization of the Congress with the battle against the President's effort to dominate the war and control the power of the purse.

"The first question," says Chairman William Fulbright of the Foreign Relations Committee, "is to end the war, not to reorganize the Congress. This is not a question of machinery but of will. The Congress has the power to stop the war if it will use it. All it has to do is vote if the next round of peace talks in Paris fails, and I think it will. Then we can turn to other questions, including secrecy and seniority."