

CONGRESSIONAL INFLUENCE ON NATIONAL SECURITY PROGRAMS

29 September 1961

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NOTICE

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INDUSTRIAL COLLEGE OF THE ARMED FORCES

Washington, D. C.

Dr. Ernest S. Griffith, Dean, School of International Service, American University, was born 28 November 1896 in Utica, New York. He received his A.B. from Hamilton College, 1917; was appointed a Rhodes Scholar, 1917; and received the D. Phil. degree, Oxford University, 1925. He served as preceptor in economics, Princeton University, 1920-21; Warden, University Settlement, Liverpool, England, 1921-28; lecturer, department of government, Harvard University, 1929-30; dean, lower division, and professor of comparative government, Syracuse University, 1930-35; and dean, Graduate School, and professor of political science, American University, 1935-40. He served as Director, Legislative Reference Service, Swarthmore College, 1941; Stokes lecturer, New York University, 1951; Fulbright lecturer, Oxford University 1951-52; and lecturer, Birmingham University, University of Oslo, and University of Swansea, 1943-47. He is author of "The Modern Government in Action," 1942; "The American System of Government," 1953, and "Congress: Its Contemporary Role," third edition, 1961. He was editor, "Research in Political Science," 1948. He became the first Dean of the newly established School of International Service, American University, which opened with the 1958-59 session. This is Dean Griffith's first lecture at the Industrial College.

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MR. MUNCY: Admiral Rose, Students: How does the Congress employ its authority and its influence in the development and implementation of national security policies and programs?

Some of you, I am sure, have been on the receiving end of the congressional inquiries and investigations dealing with the defense organization, the service strength, or the military programs. On such occasions your participation was necessarily limited by the nature and scope of the specific inquiry. You had little opportunity to study the many factors and influences which served as a background for the specific inquiry.

The lectures and seminars in Unit II are planned to give you an opportunity to evaluate some of the major factors involved.

Our speaker this morning has devoted all his professional life to a systematic study of the problems of Government. For 18 years, from 1940 to 1958, he served as the Director of the Legislative Reference Service of the Library of Congress.

In this capacity he and his staff of experts served the many committees and subcommittees of both Houses of the Congress.

In addition, he is the author of several scholarly works which have been called to your attention in this important field.

It is a pleasure, gentlemen, for me to present Dr. Ernest S. Griffith, Dean of the School of International Service of American University, who will speak on "Congressional Influence on National Security Programs." Dean Griffith.

DR. GRIFFITH: When you asked me to come here to speak, I had no idea--and I should have known better--that the College was sufficiently up to date to have the third edition of my book on Congress. I did think that possibly you might have read parts of an earlier edition. However, having accepted the invitation, to my horror, I found that you had already read my proposed speech (chapter XII), which was, incidentally, basically what I gave at the National War College a year ago, before the third edition was out.

It's like the well-known movie actor, Mr. Mature, who was asked, "Mr. Mature, how do you pronounce your last name?" He said, "Mature is pronounced as in 'mature.'"

So it was necessary for me to throw into the wastepaper basket what I had planned to say, which would have perhaps given the impression of great competence in the field, had you not already read it, and try to think up what a man could say on the subject when he had "written himself out" less than a year ago and had had no real opportunity since then to add very much to his knowledge in the particular field.

I was relieved, in coming down this morning, by Professor Muncy's statement that, after all, you didn't really want to hear my lecture but would like to question me. So it will be quite appropriate if I confine my remarks to a relatively short span. There is nothing I like better than controversy in the question period, and I hope that you will tee off at that time, because I am quite well aware that my views on the relationship of Congress to national defense and to foreign policy are not, shall I say, universally shared by those in these particular branches of the Government.

There are two themes that perhaps might be of value to you which are, for the most part, not included in your readings. I would like to present first a somewhat larger setting of the way Congress operates, choosing those elements which would be most important to you in your own dealings with Congress, or your behind-the-scenes preparation for such dealings.

In your conversations with your colleagues all too often in the past you may well have tended not merely to irritation with or criticism of Congress, but have involved a very serious downgrading of what after all is the major expression in our Constitution and our Government of our belief in the democratic process. I think it is implicit in the remark which is very often heard: "Well, after all, dictators can handle this problem or that problem much more efficiently."

As a matter of fact when we have read the records of dictatorships, as we have Hitler's Germany and Japan after this last war, we realize that the dictators are very much like physicians. So long as they are alive, they bury their mistakes, and give the impression to the world of a kind of monolithic omnipotence; but a democracy, which exhibits its indecisions in public, can never do it.

So I do want to give you what perhaps will seem to you, and may really be, a more favorable understanding of Congress than that to which you are accustomed. And then I want to take up very briefly, at the latter part of my remarks, three or four questions which I know are in your minds in this regard, questions which have been asked me by individuals, some of them perhaps of your group over the years.

In other words, if this particular period is to be of real value to you, I want it to be in terms of increasing in depth your understanding of Congress, not in order to handle Congress, but in order to work with Congress in the larger national interest. I am sure that basically you share that point of view.

The first thing to bear in mind is that the Constitution is particularly obscure or ambivalent in connection with legislative-executive relationships. It is riddled with checks and balances, deliberately so, and my principal conclusion will deal with this field, because that is the heart of what we are actually examining today.

But also, what is not so well known is that these constitutional provisions for legislative-executive relations have become fused with or expressed in a whole series of usages that have no counterpart whatever in the text of the Constitution and very often no counterpart in actual legislation.

Anyone who would understand the relationships between the executive branch in its national security policy formation and execution and the congressional responsibility and activity in this field will not in general find very much light by a reading of the Constitution.

For example, it is perhaps not generally understood that it is probably more meaningful to talk of this whole field not in terms of the executive branch on the one side and Congress on the other, but of subdivisions of each. In the executive branch, we subdivide between the action agencies, of which the Department of Defense and the Department of State, in most of their incarnations, will serve as examples on the one side, and the Office of the President, the overall coordinating part of the executive branch, on the other. In this latter the Bureau of the Budget is by some margin the most important; but in it is also the Council of Economic Advisers and, in spite of what seems to be a somewhat temporary downgrading, the National Security Council.

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What is not so often appreciated is that Congress is itself divided in a similar fashion between the action committees, most of them with clienteles and the coordinating committees or the coordinating moods of Congress. This integrating factor in Congress, this overall view of the part of Congress, is a more elusive thing than it is in the executive branch. You can see it institutionalized in the Joint Economic Committee. You can see it institutionalized at times in the Appropriations Committee. You can see it institutionalized at times in that sector of Congressmen on a given issue who are not strongly involved in the support of or opposition to a particular measure, but which assumes a judicial posture in the particular committee or floor discussion.

Now, what this adds up to is that you must understand executive-legislative relations partly as a four-way situation, in which the Bureau of the Budget and the Appropriations Committee appear much more nearly in the capacity of fellow collaborators over against the Department of Defense and its advocates in Congress in the Armed Services Committees, and those two become more nearly fellow conspirators against the common enemy, which is the Bureau of the Budget and the Appropriations Committee in combination.

I could use illustrations from other activities of the Government, but the point I want to make is that you are grossly oversimplifying the executive-legislative relationship to say that it is merely between Congress as a whole and the executive branch as a whole, because there are pipelines of cooperation both ways, of an informal and some of them even of a semiformal nature, by which those who take the overall view in both branches cooperate and those that have the clientele view, or the activity view, cooperate also. These even extend to individual bureaus, or I might even dare to suggest to branches of the armed services, with their advocates in Congress.

The other part of this particular legislative-executive relationship which is important to understand, and which is very closely related to this first one, is that there is a whole network of personal relationships. You will certainly wonder sometimes how a Congressman knows of something. Well, you may look at the seat next to you and find the man who told it to the Congressman, because he was aroused at a particular situation. It has to be very carefully done, but it is done.

There are pipelines both ways, all, I believe, basically in what individuals believe to be the national interest. You will often find that this is quite deliberate and in one sense quite official. The State

Department, for example, very often--I am not quite so aware of the policy of the Defense Department--in this extremely delicate international setting will sometimes use a member of Congress to fly a trial balloon. That is part of this informal relationship out of which will eventually emerge a national security and foreign policy. Even in the appropriations setting I think you will discover at times that the hearings are probably not much more than the part of the iceberg showing above the surface of the ocean. Preceding the hearings are all kinds of informal contacts between budget officers and the staff of the Appropriations Committee and the members of the Appropriations Committee, with Congress very often taking the initiative in that regard, always I trust, with the respective roles kept clear, with the member of the executive branch saying to the member of Congress when he asks for this conference, "You realize I am not going to try to prejudice you, I would never think of that. But there is a point here which perhaps would be difficult to understand from the material furnished or in the hearings. Would you be sure to ask the following questions, to illuminate?" There is not any set rule about this, but my guess is that almost every hearing, perhaps every hearing, before the Appropriations Committee, for any part of the executive, is preceded by a certain number of these air-clearing conferences, with each party concerned leaning over backward to make sure that the hearing appears to be the real focus of the appropriation process.

There are, of course, also the innumerable lunches, cocktail parties, conferences in offices, conferences in the White House, sometimes of a partisan nature, very often of a nonpartisan nature, on particular issues of policy which represent preliminaries to congressional hearings, to congressional speeches, to the introduction of legislation, and so on. And unless someone recognizes that many of the real decisions arise out of the preliminary, informal, discussions of persons to persons, you do not realize the nature of congressional-executive relations.

Some of this is, of course, institutionalized, particularly in the weekly White House conference with the party leaders of both Houses of Congress, but the informal is more important.

It is actually often in these informal relationships that members of Congress take the measure of key people in the executive branch. As you know, members of the executive branch are asked questions by members of Congress; and Congressmen precede their inquiries, their hearings, by invitations for help on particular matters, for

clarification of particular issues. If they gain the impression before and during the hearings that there is deliberate concealment, that there is an attempt to handle them by a particular person or a particular agency, then it is almost fatal to the kind of rapport that should exist.

I shall move from this next to the role of the staff in Congress. There is quite a little concerning this in your readings. Let me confine myself to generalizations about the staff role in the effectiveness of the legislative process, the appropriations process, the investigation process, those being the three principal points at which the Congress impinges on the national security policy or participates in the national security policy.

There is no major question facing Congress that does not have at some point or other more or less thorough staff work on the part of the congressional staff or Legislative Reference Service staff, or both, or occasionally special investigators employed for the particular inquiry. The competence of these staff members naturally varies, but on the whole I think you can say that at some point or other in the picture specialized competence will have entered, because it is customary in Congress in issues of this kind to use more than one group of staff members. The House has its group and the Senate has its group. The Legislative Reference sometimes supplements and sometimes works independently for members of Congress who have been unable to get the answers they want, the material they want, the inquiry they want, from the committee staffs, and they turn to the Legislative Reference for their staff work.

What has this done? Over the years I have seen several things happen. For example, it has changed the representatives of the executive branch from the role of consultants to the role of witnesses. When I first went to Capitol Hill, representatives of the executive branch were physically in the offices of the committees of Congress performing the research for the committees. That is relatively rare today. That does not mean that the executive branch is without its hearing, because no measurement that is taken seriously by any committee of Congress is ever finally considered unless and until the executive branch concerned is given an opportunity to reflect on it and to make its views known. But the favored position of the representatives of the executive branch no longer holds. The executive branch now is in the nature of a witness, an honored witness, but not itself the consultant. That is one of the effects of the congressional branch having its own staff.

Another is that it is much more difficult for the executive branch--I use the word again and I am going to use it again--to "handle" Congress, because a recommendation, with its documentation, from the executive branch in the defense field or other fields, will be submitted to the staff of the legislative branch for audit. It is not normally a hostile audit. It is normally an audit in which the question is put: Are there any soft spots here? Are there other alternatives that we might consider? It is more likely to be a judicial attitude. The staff goes to work and it may say, as it did in the St. Lawrence Seaway at one point: "Well, they have not taken into account the capacity of the Welland Canal in their estimate of the tonnage which the St. Lawrence Seaway will carry and which will make it self-liquidating." Sure enough, when the questioning came, the executive branch had not taken into account the more limited capacity of the Welland Canal, and that postponed the St. Lawrence Seaway two years--that one question--because the homework of the executive branch was not well done. Their answer was that it was Canada's business. That's what we expected would be the answer, so we suggested that Congress ask a second question: "Have you assurance that Canada will take care of this?" And their answer was, "No." We thought it was not obvious from the documentation that the executive branch had sent, that they had consulted Canada and had such assurance. I give you this as an illustration of the kind of audit your presentations will go through.

The congressional staffing has given a nudge to a trend which was already in evidence in the direction of nonpartisan consideration of questions. Over three-quarters of the professional staffs of the committees of Congress now retain their positions when there is a change of party control in Congress. They're permanent. Of course the Legislative Reference Service staff is entirely so. So the presence of these staff members at the time of the committee hearings, the assistance of the staff members in the organization of the hearings and in the preparation of the reports, their availability to find the answers to questions which may arise in the deliberations, all of these, make for nonpartisan consideration of measures.

Defense and national security have not had much trouble with partisanship in any event, unless you call interdepartmental rivalries partisanship. That perhaps is a little more to the point when we are talking about our present subject, but as between Republicans and Democrats, each party has been striving to create the image in mind of the public of being that party which is more devoted to the national security. So you are in a very comfortable position in that regard.

These are some of the effects that will be noticeable and that have been noticeable in the acquisition of professional staffs by Congress. Bear in mind that one whole sector of this is located in the Library of Congress, which has a somewhat academic flavor but, when you recognize that into the Library of Congress comes all that has been published that is significant in the national security field in our own country and in all countries, and that this material comes within 48 hours to the attention of the specialists in the Legislative Reference Service, the statement that research is located in the Library of Congress has a much greater living meaning in terms of the competence of the staffs. True, it does not include classified material, but it includes everything else that is of significance, not only from our country but in every language of the world.

The third factor in background which is important to understand concerns the usages and customs of the appropriations process. The way in which national security policy has been basically fostered by the Subcommittee on the Armed Services and somewhat hampered in at least one branch of Congress in the foreign aid part of our national security is public knowledge. It is perhaps not public knowledge to know how the committees and the subcommittees think of themselves in this regard.

In the first place, noticeable in the House, the Appropriations Committee individual members regard themselves as tremendously hardworking, and that is true. Theirs is an exclusive membership. They have no other committee assignments. Each member is given a particular subcommittee assignment, sometimes two, but that is a little unusual. The positions are coveted. Once a member is on the Appropriations Committee he has reached the pinnacle of his congressional status, or stature. There is a staff member assigned to each subcommittee. He works at this all the year around.

In the Senate it is somewhat different. The Senators are members of other committees. The Senate committee regards itself much more as a board of review, so that, if the House has made an error, that error can be brought to their attention and they will do what they can to put it right. There are exceptions in this regard, but this is substantially understood practice in Congress. And that, incidentally, encourages the House committee sometimes to cut more deeply than it would otherwise, because it feels that the squawk will be heard on the other side of the Capitol in case the cut was injudicious.

can make a showing of cutting the appropriations. Now, no one explicitly admits to this, but it is one of those understandings in the picture. It is not universal with all the departments.

There is great continuity both of staff and of the membership of the Appropriations Committee. Over the years the Appropriations and bureaus. When the late Mr. Jump, the Budget Officer of the Department of Agriculture, used to appear their confidence in him was such that they took his presentations at face value and they felt that as far as he was concerned there was no padding. There might be a difference of opinion between the Department of Agriculture and the Appropriations Committee as to whether a particular activity was sufficiently important to warrant certain things, but they had the feeling that there was integrity in connection with the figures. It took years to build up this confidence, but once it was built up the relationship between him and his subcommittee was as nearly ideal as could be devised. But in general the committees start with the other assumption.

There are other usages in the Appropriations Committee, less important from your standpoint. Great attention is paid to seniority in terms of the effectiveness of the individual member on the committee. There are certain key members. It is very important for an agency in a sense to have convinced a particular member of a subcommittee, preferably the Chairman, of the importance of a activities, so that at times he might even be spokesman. That can be done only if there is a genuine year-in-and-year-out presentation of the type to which I referred in connection with Agriculture.

Very briefly, may I indicate the factors on the basis of which Congress makes up its mind. I think there are basically four. If you are interested in looking into this more thoroughly, you will find in my little book, "The American System of Government," a chapter on how Congress makes up its mind. There are four factors.

One is the constituent. The Congressman regards it as tremendously important for the welfare of the country that there be experienced members of Congress after the next election. In general he is right. In other words, he is from the Tenth Texas District as well as a member of the Congress of the United States. So his constituents are important to him. They are often annoying to him,

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although he must never let them know that. Some of the questions that he may ask you in behalf of the constituents may be annoying to you, but they are important to him in this situation that I mentioned.

But the most important aspect of the constituency is its economic groupings. That is perhaps of somewhat less significance to you except insofar as it is rumored that Congressmen are rather anxious to have defense bases in their particular districts, whether they be naval installations, airfields, or otherwise, because they have been known to bring revenue to the business interests of these districts.

The second factor is the question of principle. In other words, a Congressman operates on the basis of certain attitudes--America first, opposition to big government, a disposition toward large government, toward government activities, a feeling of obligation to the rest of the world, or a lack of such feeling. There are certain principles on which he operates, not too good a basis for operation, because too frequently those are exploited. If I had time I could give you some illustrations.

I go on to the third, which is of less importance to you. That is the operation of political parties. You are in a field in which party is a less important consideration than in almost any other field. For example, in the formulation of the Space Act there was not in any of the hearings, in any of the executive sessions of the committees, in any of the private conversations, so far as I have been able to discover, and we in legislative reference had staff members loaned to both the House and the Senate special committees investigating, a shred of partisanship at any point. And I think in your field also you can basically take this for granted.

The fourth I have already mentioned by inference. More and more Congress is relying upon factfinding and research in the executive-branch presentations, in the hearings, and in its own staff.

Those are the four factors. Bear in mind also, before I finish these generalizations about Congress, that Congressmen are operating in a political setting. It is a political setting to which I have already referred in connection with its constituent relationships, but it is a political setting from day to day on Capitol Hill. I am not referring particularly to the partisan end of it, although that is part of it. It is a political setting in the sense that the Congressman is a broker. The effective Congressman is a broker.

Lyndon Johnson will serve as an example of this role at its best. Time and again he would say to people, "You want to take a stand on this. I agree that this is the best answer. However, you'll be beaten if you insist on the whole program. What do you want. Do you want achievement or an issue?" In other words, the effective Congressman is saying: How much in the way of solution to a particular problem can we achieve and basically carry, usually on a nonpartisan basis, a great majority of Congressmen, and from that standpoint most of the country, back of us?

There is a perfect example at the present moment in connection with Federal aid to education. The great majority of Congressmen believe in Federal aid to education, but the religious issue has raised its ugly head. They hoped it could be bypassed. They have discovered it cannot be bypassed, and so, rather than drive the thing through, they said: "We've got to wait until some sort of consensus develops. We can take plenty of time on it, because that issue has been raised now." I could give you some details of it, but I think it is pretty well known to you.

In general, the Congressman as a broker-politician is looking for a general consensus. He hesitates to drive through any policy that will leave a very substantial part of the country unreconciled to the policy. He would rather wait a year or two years if he can afford to.

The Congressman is also a legislator. One reason why, for many years, his activity in the national security policy field was confined to such things as selective service, policy with reference to reserves, doctors, and things of that kind, was that those could be incorporated in legislation. How are you going to incorporate a weapon system in legislation? You can't do it. You may be able to incorporate it in an appropriations act. But, just because the great decisions in national defense do not lend themselves to legislation, Congress in this particular field finds itself rather less influential than it is in formulating a policy with reference to agriculture, public lands, or something of that kind. He is a legislator.

He is also often an ex-prosecuting attorney, and consequently he finds investigations rather congenial to him. But that does not necessarily emerge in legislation.

So much for some of these general considerations. I have about five minutes more, and I want to use these to try to answer three or four specific questions which I know are in the minds of some of you.

One is: How do you treat Congress? I have already suggested that you should not try to handle Congress. Congress understands that. May I say that there have been inexcusable instances of, to put it mildly, discourteous handling of witnesses from the Defense Department, the State Department, and other departments, on the part of individual members of Congress. I would just suggest one thing--that the members of Congress know that man who handles a witness in that fashion better than the witness does. There are certain conventions in Congress by which they do not call that man to order in public, and it looks as though he has gotten away with it. They, having taken his measure, do not really pay very much attention to him in their decisions. Sometimes you find yourself a witness with the kind of questioner who is the district-attorney type--as the late Senator Langer was. I have heard him give a terrific grilling to a witness. The witness answered courteously and had facts. At the end Senator Langer got up, shook his hand, and said, "You were splendid as a witness. You have convinced me."

That's quite different from the malevolence that at times shows itself. As I say, many Congressmen are former district attorneys. To them an investigation is the legislative counterpart of the courtroom. But in any event your remedy is the same. It is to remember that there are other members of the committee there, and you are answering these questions not just for the questions. You are creating an image of yourself, perhaps an image that does not respect the position of a Congressman, and they are quick to associate themselves with one of their number, however much of a reprobate he might be, if there is obviously no respect for his position. But you are impressing yourself on the other members of the committee if you respect the position of Congress as such and know what you are talking about. Sometimes this kind of episode is one of the best ways to bring out those two particular plus qualities in a witness.

So, when you appear before Congress, know your facts. If you do not on a particular question, it is a perfectly recognized practice, unless you do it too frequently, to say: "May I send you the answer to that question? I do not have the necessary detailed material with me at this time." That's recognized practice. It shows a certain measure of caution on the part of the witness. The Appropriations Committee of the Senate on the Armed Services and the Armed Services Committee of the Senate--those two committees of the Senate--very often adopt the practice of giving questions about a week in advance of the appearance of a witness from the Department of Defense. They say, "These are the questions we are going to ask you." Not every

committee does that. Not every member of every committee does that. But this is all part of how to be a successful witness. Answer their questions. That is what is in their minds at the time.

The great problem in national security is the extent to which Congress can operate intelligently without access to classified information. Congress is remarkably flexible in this regard, procedurally and otherwise. It will normally respect a statement that the particular information is not available for disclosure for security reasons. If, however, it is a key question, as it was in connection with questions which were going to be presented in connection with the appropriations for the atomic bomb in the middle of the war, a particular device which was used then is capable of adaptation. No Congressional committee is going to take a \$2-billion concealment of an appropriations item. What happened then was, as you know, since the story is now open, that certain key members of the Appropriations Committee of both parties were let into the secret, and when the item came up they had previously coached their colleagues, not what the item was, but they said: "Look. We know what this is. Will you trust us?" They were members who were trusted. That kind of device can be used if it is obviously going to be a key question in the security field lying in the field of classified information.

Now, all the way from that extreme device to the executive sessions of committees, a great deal can be presented to a few members, if not to all members of the committee.

With reference to expertise, I think I have said my say. The expertise rest partly upon the length of service and the zeal of the members of committees of Congress. There was a time in which every member of the Foreign Relations Committee of the Senate exceeded in tenure every member of the State Department staff down through the Assistant Secretary level, and this was not accounted for by a change of party, which we would understand.

So, if we are going to accept, as we do, putting the civilian chiefs on a nontenure basis in the executive branch, and respect them, and respect the contribution they can make, then surely it is not out of line to respect the same thing in the legislative branch, when these men who have specialized, as many of them have, in defense and security problems for two decades--and have seen people come and go--and when you add to that the fact that they have access not merely to their staff but through this staff to the wealth of public material from all over the world, then the question of expertise does not

appear as disproportionate as I am sure it does appear to those in the executive branch who feel that they have given their lives to a particular problem.

Congress is especially interested in organization problems. I will close by suggesting that that interest is focused around something which is much larger than the Department of Defense, much larger even than organizational problems. You have in the defense field, in one way or another, made efforts to structure criticism into the fabric of your activity. President Eisenhower, when he was chairman of the Joint Chiefs of Staff, told me, as he may well have told some of you here, that his idea of the Defense Department in this regard was to have a corps of the best minds he could mobilize to criticize every defense proposal from the standpoint of what the picture was going to look like in 10 years' time, and another group to do the thing on the assumption of 5 years, and so on. What he was feeling for there--whether or not he saw it through in those terms I don't know; he left the Department of Defense shortly after--and what you are trying to do in your gaming exercises, and so on, is not to have a monolithic view of a policy question just because the man at the top believes in a particular thing.

Now that is basically one of the major roles of Congress in the Government of the United States, particularly important in the defense and security field, and in the field of organization. It is why they feel rather strongly about organization. It is why they feel very strongly about the unification of the armed services where it is appropriate, why they stay with this to the annoyance of many people who believe in separation at different stages. It is why you will hear more and more about a revamping of the armed services, not in terms of Army, Navy, and Air but in terms of function, unified function, according to whether you are waging limited war or civil defense or what you will.

I don't say that that is the thing to do. I say that Congress feels that there is a built-in conservatism which at times goes too far in the direction of being resistant to change in the organizational field particularly, because of vested interest, because of familiarity with the world that surrounds your desk, and so on. So you must look for activity on the part of Congress there; less so, perhaps in policy matters in your field, but you must expect an audit of existing practices and points of view.

I can summarize, then, by saying that the principal role of Congress today is thought of in terms of structuring into the total Government of the United States the function of criticism and presentation of alternative policies. Our Government today is such that no major policy can be adopted by the executive branch without convincing Congress, but neither can a major policy be adopted in Congress without convincing the Executive.

We have two branches of government, each of which must be convinced for a major policy change to be adopted. I suggest most earnestly that you respect the role of Congress as a critic and an auditor, that you respect the role of Congress as an opportunity to educate the people of the country, to bring them along with what, between you and them, comes to be the important policy for our country, and that you respect Congress as the greatest legislative body in the world, the one on the basis of the success or failure of which democratic government will or will not survive in this world.

In those terms the things which annoy, the things which do more than annoy, which seem to handicap, become as nothing compared to the great function that Congress performs, a function which you would very soon miss if there were no Congress.

MR. MUNCY: Dr. Griffith is ready for your questions, gentlemen.

QUESTION: Doctor, what is the reaction of Congress toward a strong, dynamic President who takes the leadership of his party, as contrasted to a Congress who may desire to take the leadership--or possibly the combination of the two?

DR. GRIFFITH: Congress would definitely prefer a strong, dynamic President. That has not always been true. When I first went to Capitol Hill in late 1940 or early 1941, I was present at the aftermath of a committee of the Senate that had just had witnesses from the executive branch. I remember the date, March or April 1941. France had fallen. Japan had become a dictatorship. Russia, Germany, and Italy were dictatorships. England and the United States were the only great democracies in terms of power that were surviving. The Senators present were discussing the role of the legislative branch. They were questioning themselves very seriously. They had just heard from the executive branch. The executive branch had all the answers. They were amateurs fumbling around for questions that might probe something or other, and recognizing their

own shortcomings. They were asking: Was the day of the democracy over? Was representative government any longer relevant?

During the latter part of the decade of the thirties, they reacted to that situation prior to World War II by a kind of blind striking out against the Executive, a kind of obstruction policy, resenting the position in which they had been put. They didn't want a strong President then. Now with their own staffs the attitude has definitely changed. They want a strong Executive because they know that, through their own competence, through the competence of their staff, they can meet the Executive on his own ground and not feel too inferior in that regard. So I think they do want a strong Executive.

One other thing I am going to take a little more time with, because I think this is of general interest, is that when I first went there, if an executive department sent a finished bill to Congress, the bill might have been shipped back to the executive with a note saying, "This is our prerogative." Today it is more likely to be taken with respect and considered, but not necessarily followed, because Congress now feels it is in a better position to formulate alternative policies if it wishes to do so.

QUESTION: Would you comment on the means of selecting the committee staff members?

DR. GRIFFITH: The committee staff members are selected in a variety of ways. If the Chairman of the committee is a person in whom the rest of the committee has confidence--and the rest of the committee includes both parties--he will normally make a nomination to the committee, and ratification will be rather perfunctory. If, on the other hand, it is a committee that is torn backward and forward, not necessarily on party lines, and if the Chairman is too old to be effective, or is otherwise not too well regarded by his colleagues, at that point it is more likely that the staff will be divided up so that there comes kind of a power situation in which new staff members are selected somewhat on the basis of jockeying. There is an extreme to which they often go. The Judiciary Committee of the Senate has in times past adjusted itself to the seniority rule--I use this as an example of what they will do in many committees--by transferring the real deliberations to subcommittees, and equipping the subcommittees with staffs, which are basically staffs picked on a merit basis but on the whole sharing the general economic or other orientation of their Chairman.

There is no single pattern. However, once a staff member is there, he is generally permanent, unless he is active politically in a campaign, and he learns. In Legislative Reference they are picked in nationwide competition on a merit basis and appointed by the Librarian of Congress. In the 18 years I was there, in only six occasions was I ever subjected to any pressure to appoint a particular person to a staff position in the service. I need not tell you I did not yield, but the point was that that meant that over 2,000 members of Congress, on over 1,000 appointees, exercised political restraint because they wanted the staff on a merit basis.

QUESTION: One of the recent issues of "News Magazine," in a comment on the influence of some of the President's assistants, left me with the impression that perhaps if I had been a Congressman I would have become very recalcitrant, because it seemed to indicate that the maneuvers on the part of some of the Presidential assistants had finally lined up a bunch of Congressmen who might otherwise have been obstructing some of the President's policies. Can you tell me whether there was a reaction within the Congress to this article, which would appear to sort of indicate they were being played with?

DR. GRIFFITH: I have at present no real pipelines to Congress on a specific episode of that kind. I can answer in terms of past experience. I'll answer the terms on which I talked with the late Secretary Dulles, which were to this effect: If there are compromises to be made and politics to be played, let the leadership in Congress that is sympathetic with your point of view do that. Don't you-- whether you are the President's Assistant, or the Assistant Secretary of State for Congressional Relations, or what. Don't you play the politics, because you see, if you compromise, if you play the politics, you have had certain members of Congress go out on a limb for your point of view, and then you pull the rug out from under them--if I may mix my metaphors. That was done, for example, with Senator Wylie in connection with foreign policy. The State Department pulled the rug out from under him by playing politics and indicating it didn't really mean what it said when he went out on a limb politically because he believed the Department's original proposal. When politics have to be played, go to Senator Wylie or to Congressman X and say, "This is what we want. We believe in it. But, if you have to retreat, if you have to barter to achieve a consensus, these are the things that we are prepared to yield on and that will jeopardize the national interest less than this or that other proviso." Then let them make the political deals, political in the good sense of the word, trying to achieve a consensus and get what is possible.

But don't you play the politics. It will betray your friends in Congress if you do it. So I would expect that there would be resentment.

QUESTION: Doctor, would you comment on the ability vested in Congress which it uses to maintain its own internal self-discipline?

DR. GRIFFITH: I would have to give different answers for the House and for the Senate in that regard. The genius of the House is the genius of the specialists operating in committees. The genius of the Senate is the genius of the man who sees a great issue, publicizes, dramatizes it, and engages in general in the education of the public.

There are plenty of exceptions to both of those, because one of the most effective of all Senators is Senator Hayden, and he never makes a speech. He operates in the Senate as though he were a member of the House, as though he were operating according to the House genius. Because of that he accomplishes a great deal.

As to self-discipline, perhaps I could say that the opinion of the press and of political scientists that the committee apparently only slapped Senator McCarthy on the wrist and that this was quite inadequate, missed the real point. That censure and the subsequent events exiled Senator McCarthy spiritually from his colleagues. He found himself isolated, snubbed, and it was just too much. In other words, Congress is normally very careful publicly not to discipline a member. If there is direct malfeasance, that's another thing. But, behind the scenes they operate.

Let me be quite clear about this. Let's take Congressman Hoffman and Congressman Gross who are continually annoying to witnesses. Basically the members of the House respect those two men and are awfully glad they are there. They're glad there aren't more of them, but they're glad they are there, because they have a comfortable feeling that not very much will get by as long as those two are there.

I am distinguishing between that kind of role playing, which is respected, and the kind of thing you have in mind in the disciplining of a blackguard. That term "blackguard" is not intended to apply to any specific person.

QUESTION: Congressmen have long had a good deal of suspicion of former Army officers or service officers and the influence they might have in the awarding of defense contracts. Yet, from the

limited experience I have had, the greatest pressure group of all on procurement officers have been Congressmen themselves. They have used at times cajolery and threats in attempting to influence the award of a contract to a particular constituent. How is this regarded ethically among Congressmen, and what is the best way to handle a Congressman who is attempting to pressure you?

DR. GRIFFITH: I love your word, "handle." The ethical frontier in Congress at the moment--and I think this is true today as well as when I left--lies in the field of conflict of interest on the part of the members. In some instances a well-known Senator comes right out in the open and says, "Certainly I am for the Oklahoma oil interests. I represent Oklahoma. They expect it of him. They give deference to it within limits. And I can use any one of the other 99 Senators as a similar example. It is simply that some are somewhat more candid about it than others. It's a part of why certain members keep coming back after each election.

Now, this whole question has to be broken down into two parts. One is the conflict of interest of the member himself; this is the kind of thing which they are gunning for with the retired officer, where it is personal profit. They have their own way, when that comes out in the open, of dealing with it. There are twilight zones, yes, but nevertheless that kind of thing is definitely out of bounds when it is known. They distinguish between that and the thing that you mentioned and that I have mentioned, in which a member is intervening for his district or his State. The latter they regard as a legitimate function.

I would say that you have to answer in terms of the specific situation. I will illustrate. I got a call from a Congressman in behalf of giving a job to one of his constituents. I knew from the sound of his voice that the constituent was there with him. This happened many times. Ten minutes later in quite a different tone of voice he would say, "You understand. I don't want you to make any appointment to this vacancy other than on merit." In other words, what a Congressman really wants most of all is for constituents to think he is working in their behalf.

If you know the merits of the case, stick to them. It might be a good precaution to talk at some length with the Chairman of the committee--of course, if it is the Chairman of the committee who is pressuring you, that's a little difficult--and lay the facts before him with full recognition of the strength of the case of the member who has exercised this pressure. Perhaps ask for an opportunity in the hearing

to go on record as to the reasons for your decision. Provided, when you go on record, you give full recognition to the point of view of the member in question, it is not likely to be resented, but this has infinite variations.

QUESTION: I believe it was General Gavin who made the point that it was impossible to appear before Congress in some cases without either going against his own conscience or being totally disloyal. My question is: Are there any questions that are considered improper for the legislative branch to address to the executive branch, or members of that branch? How would you recommend this to be handled by the military?

DR. GRIFFITH: There are no questions that are regarded as improper by some members. However, that is obviously not your answer. If it is a matter of personal insult, the suggestion that I mentioned, that the members will take care of their colleague behind the scenes in the answer to that particular type of question. If it is security policy, I have already tried to suggest the answer. You can plead privilege and it will be accepted. If it's trying to cover up a mistake, you can expect that the hounds will be in full cry, and I'm not at all certain that they should not be.

I don't know that I have answered your question. Have you some specific type of situation in mind that I haven't covered? The first type of question is regarded as inappropriate by Congress, but they take care of it behind the scenes and not in public, normally.

STUDENT: My question is related more to the problem where the executive branch has indicated its position.

DR. GRIFFITH: In the defense field, by law, witnesses--above a certain rank--are required, if Congress asks them, to state their personal position, and that is because Congress in this field--and it can be done in executive session--of national defense feels that the policy of defense is so enormously important, involving the survival of the United States, that it would like to go over the ground again in some respects, particularly if it knows that there is a real difference of opinion within the department itself on a major problem.

It will never forget the experience of the French Legislative Body with the French General Staff that had informed them that the Maginot Line was adequate. So, rightly or wrongly, Congress does believe that in executive session alternate defense politics at the level of first magnitude should be audited if it has any reason to suppose that

there is a time lag, that there are vested interests protecting particular points of view which in modern science are not validated, that we are lagging behind our chief opponent, that it pays to light fires at certain times. That is its view.

There are two sides to it. You know. You in a sense have expressed the other side, but unless and until a long succession of events convince Congress that the Department of Defense is completely deloused from service rivalries, from empire building, from vested interests in weapon systems that are becoming outmoded, et cetera, that is likely to remain, because mistakes are too high for it not to remain.

QUESTION: Doctor, with reference to comments on staff members, many of us have worked with and will be working with staff members. From your experience, how effective are these staff members in influencing the decisions of the committee members?

DR. GRIFFITH: There is no one answer. As far as legislative reference is concerned, and many staff members of committees, they are forbidden to make recommendations. Legislative reference takes extraordinary precautions in that regard. For example, we attempted and I think we succeeded in building up in our staff of economists--and that is of great interest to this group here--representatives of all respectable points of view. We had no Communists nor socialists on the group, nor did we have any members of the John Birch Society, but in general, from the conservative economist to the liberal, we would have a pretty good spectrum.

Whenever one of our conservative economists was asked to prepare a report, he was supposed to be completely unbiased to start with, but perhaps he couldn't help certain unconscious assumptions, so we would have a liberal economist audit his report, and, before the report would go over, it would be an agreed-upon, unbiased report of the two, even though only one man's name might be on it.

That illustrates the precautions taken there. Now, a report of that kind, which is a report of basic data, which identifies the issues that are important, which presents alternatives, is enormously useful to those members of a committee who take an issue seriously and do their homework.

Senators particularly have what they call legislative assistants. The legislative assistant who is successful and influential knows his Senator. He knows intuitively what the Senator's position will be on particular questions, and he will gather material, he will convey the Senator's view, and he will have great influence from that standpoint. The average Senator is on four committees. He is badgered by constituents. Sometimes I think the time is not far off when the Senate of the United States will be run by the Senators from Wyoming, Alaska, and Nevada, because they are the only States that are far enough away and have few enough people that the Senator doesn't have to pay most of his attention to his constituents who insist on coming to Washington.

I said that to Wayne Morse once. He said: "You've got that all wrong. If you come from Nevada or Oregon you expect the attention of the Senator himself, whereas if you come from New York you accept the attention of his secretary."

The staff has great influence. It is sometimes used in arbitrary fashion, although usually, when it is used in that fashion, it is used because the staff member knows the views of the Senator or of the House member.

MR. MUNCY: Dean Griffith, on behalf of the Commandant and all of us, three words come to mind in characterizing your very excellent talk. You were extremely lucid in your presentation, you were candid in your answers to the questions, and you were hard-hitting all the way through. We thank you.

(10 Jan 1962--5, 600)O/mr:en