

INSTITUTION



ELECTORATE

article By ROBERT SHERRILL *electronic referendums could render our inefficient legislatures obsolete, but such "total democracy" might well create more problems than it would solve*

THE IDEA THAT SOME ELECTRONIC MEANS might be found to take over Congress' job has been around for some time. Ten years ago, writing in a scholarly political-science journal, Congressman Emanuel Celler of Brooklyn, who already had been on the public's payroll for 35 years and made no secret of wanting to stay there for many years to come, worried that "science-fiction writers, undoubtedly, will soon envision an automatic legislator that will supplant the Congress, just as the automatic translator seems to be about to supplant human linguists." He tried to brush aside the threat as a bit of make-believe, but it clearly made him uneasy to see computers translating English into Russian, and he warned that the next step might be an automatic evaluator that could read, even translate, the letters that come into Washington from the voters. "When that time comes, will Senators and Representatives no longer be required to perform . . . the arduous task of ascribing the proper weight and significance to the thousands of messages which come to them annually from the people?"

Celler's decade-old specter of a computerized "Congressman" whose mechanical mind is activated by mailbags is much too clumsy, however. That is no way to govern. For one thing, it would disenfranchise thousands of Americans who don't write letters. But worst of all, because it fails to utilize all the electronic techniques now available, it merely substitutes a robot Congressman for a humanly limited one. Why not go all the way, with a conglomerate instant electorate, a system by which each voter is equipped with a push-button tie-up with Washington? The middleman, Congress, could be bypassed in progressive stages; first the electorate could send its broad, general directives to Washington ("We, the people, instruct you to lower the price of groceries"), leaving the details for Congress to work out, and then the electorate could take over the decisions on specific legislation and eventually—when the nation has decided that Congress is no more workable or necessary than Prohibition—the legislative appendage to the Federal Government, having withered away, could be cut off by an amendment repealing Article I of the Constitution. (For that matter, some modifications to this portion of the Constitution, which defines Congressional powers, would already have had to be made.)

As for the mechanics of it, that's one of the lesser problems. *Time* recently wrote: "Possibly in a generation, polls may lead to instant national referendums. Every voter would have a small electronic box with 'yes' and 'no' buttons. The President could ask for public opinion on any issue—Should the nation invest 50 billion dollars to send men to Mars?—and the presumably informed electorate would flash back an immediate response. Technically, this is feasible right now. Automated democracy might dilute the power of a lot of Congressmen—no loss to democracy in some cases." On that unlikely day when the establishment decides to give its legislative powers back to the people by setting up this electronic electorate, it can be done rather easily, considering the scope of the job. There would be a certain number of snafus, to be sure; radio programs that poll their listeners on such social questions as "Should there be sex before marriage?" have demonstrated on more than one occasion that it is easy to knock a telephone exchange out of commission for hours. Inflate that load to 50,000,000 Americans all voting telephonically (continued on page 168)

at the same time, and the present Bell system would be in deep trouble. But if we can believe half the predictions being made by A. T. & T. executives, a new era of limitless electronics is just around the corner. Every home tied in to a telephone or a cable television (CATV) line, they say, will then be able to have a private fashion show via Picturephone, after which one will place his order with the store by some push-button arrangement; two-way video communications will allow businessmen to close their offices and handle their work from a couch at home; newspapers will be printed electronically right in the front room; and electronic banking—already in its infancy—will have progressed to the point that your doctor, after holding a round-table electronic conference with doctors in other cities as to what causes your pain, will be able to push a few buttons and have money transferred from your account to his.

Instant electronic democracy will be one of the easier additions to this scene. The day's legislation would be carried over radio and television (of which there are more than one-quarter billion sets in use in the U.S. today) and in the daily press, for those who still prefer to handle what they read. The hookup, of course, might have to be expanded; some economists estimate that it would cost about \$6,000,000 to wire all the homes in a city of 100,000—not allowing for existing telephone and CATV lines. This is \$60 a citizen, which some might consider to be an expensive investment in grass-roots democracy; but if it brought about the abandonment of Congress, including committee staffs, the savings in salaries alone for one year would wire several dozen cities that size.

One could legislate by first dialing his registration number on the telephone and then dialing the prescribed number for "yes" and "no." Voters without phones but who are hooked into CATV would have some similar push-button arrangement. In any event, no special household switchboard would be required. John R. Pierce, executive director of Bell Telephone Labs, has given his assurance that the same wires that bring in gossip or soap ads will be able to carry democracy out of the house. "Once you have the transmission facilities available," he said, "they can be used for everything interchangeably. You don't have to build a completely separate communication system for everything you want to try."

American political ingenuity being what it is, there would almost certainly be schemes devised for padding the ballot box via the corner phone booth, but there is even protection against that not far away. S. F. Damkroger, one of A. T. & T.'s assistant vice-presidents, said

that perhaps by the 1970s, scientists will have perfected telephone "input devices that can understand the human voice in its millions of varieties." Your voice will be as unique as your fingerprints, and nobody will be able to imitate your voice and vote for the Columbia River Basin budget against your wishes.

. . .

Since the three-way balance of power in our Federal Government is supposed to be too sacred to tinker with, it is startling to see proposals surfacing from time to time that would make Congress no more powerful than the British royal family. In a faint, usually indefinable way, the idea does keep fluttering around at the back of the politically sophisticated people in this country. Usually, the suggestions are oblique; they talk of strengthening the Presidency or they defend the U. S. Supreme Court for writing laws rather than merely interpreting them. And this is what makes the idea of an instant electorate replacing Congress, at least in part, much more than merely hypothetical.

For the truth is, Congress, by its inaction, has driven people to desperate thoughts. Problems sometimes drag on to such intolerable lengths that even the best of people begin to think of radical mutations to tradition. Faced with the longest war in our history, a gold crisis, the highest interest rates in almost 100 years, an increasingly nasty racial confrontation and an urban pudding that includes everything from feces-clogged rivers to auto-clogged streets—Congress, in its special wisdom, has passed no major remedial legislation in the past two and a half years.

One of the old clichés around Washington describes Congress only in negative terms—"The House kills the good bills and the Senate kills the bad"—and although this is not altogether accurate, it does underscore the decades that sometimes elapse between the public's awareness of needs (medical insurance, voting-rights laws, consumer-protection laws, rapid-transit subsidies, etc.) and Congressional response to those needs. When Harry Truman went around the country in 1948 winning public support for his candidacy by denouncing "that do-nothing 80th Congress," he was, in fact, committing something of a fraud, because the 80th Congress was no more of a do-nothing Congress than most Congresses; and in the intervening 20 years, the public has come to realize this and admit it. After Congress refused to touch President Kennedy's major proposals in 1963, Walter Lippmann echoed a prevailing anger among the egghead electorate when he asked, "What kind of legislative body is it that will not or

cannot legislate?" No answers were forthcoming. And two years later, such was the concern among scholars at the decay and atrophy of Congress that a group of eminent political scientists met at the Harriman estate in New York to decide what, if any, hope remained for revitalizing Congress. The report issued at the conclusion of that meeting sounded rather pessimistic. It saw Congress as continuing to operate in a 19th Century fashion, "insulated from the new America . . . losing its ability to act quickly and decisively," and warned that unless it somehow reforms itself, "Congress may cease to be a legislative body in the traditional sense."

Outsiders aren't the only ones to think so. The realization that Congress may be incompetent to cope with the problems and needs of 200,000,000 people has even penetrated the mind of Congress itself. Senator Joseph Clark recently wrote a book with the self-explanatory title *Congress: the Sapless Branch*. Richard Bolling, an outstanding moderate of Missouri, whose two decades in Congress have left him limp with cynicism, authored a book in which he acknowledged that his side of the Capitol, the House, is "ineffective in its role as a coordinate branch of the Federal Government, negative in its approach to national tasks, generally unresponsive to any but parochial economic interests"; in other words, virtually worthless as a Federal legislature.

If anything made the campaigns of Robert Kennedy and Eugene McCarthy seem different, despite a great deal of standard rhetoric, it was that—largely because they were being deprived of the support of the political professionals—both candidates recruited an impressive following with one basic theme, "Turn politics back to the people." Disenchantment with professional politics, and especially with Washington's variety, can no longer be considered merely the grumpiness of the sophisticates. In only one brief period has the public stated its confidence in the conduct of Congress, 1964–1966, the few really productive years since Franklin D. Roosevelt's first term. Before and since that unique 1964–1966 blossoming, only about one third of the public consistently said it thought Congress was doing a good job. Just as thumping Congress long ago became part of our folk humor (Mark Twain: "It could probably be shown by facts and figures that there is no distinctly American native criminal class except Congress"), despising the products of Congress has become a serious part of our folkways, reasserted on July fifth of this year, when pollster Louis Harris released a survey showing only 13 percent of the



"Well, for heaven's sake! Stop blowing that silly horn and maybe he'll stop roaring and beating his chest!"

American people thought politicians were doing a better job than they had in the past (88 percent held that favorable opinion of physicians), but 38 percent felt politicians had slipped considerably in quality and 42 percent thought they were barely holding their own.

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However, inasmuch as the initiative for a constitutional amendment must come either from Congress itself or from the state legislatures, the people's electronic proxy will never be set up. One of the chief reasons is that in the everlasting tug of war between rural and urban forces for political domination, the rubes are still very much in control. In recent years, the farms have been losing population at the rate of five percent a year; the population majority, and with it the major problems of the nation, has swung to the urban centers. But, in general, state legislatures do not address themselves to this urban majority.

Far less does Congress. There are 21

standing committees in the House of Representatives; only six chairmen come from urban centers of more than 100,000 population, and two of these six—George Mahon of Lubbock, Texas, chairman of the House Appropriations Committee, and William Dawson of Chicago, chairman of the Government Operations Committee—grew up in a rural or small-town atmosphere, Mahon on a farm and Dawson in Albany, Georgia. Six of the chairmen hail from towns so small that they are not listed in *The World Almanac*, which lists any center of more than 2500.

The three most powerful men in the House are Wilbur Mills, chairman of the Ways and Means Committee, who comes from Kensett, Arkansas, with less than 1000 population; William Colmer, chairman of the Rules Committee, whose home is Pascagoula, Mississippi, population 17,155; and Mahon of Lubbock, which is not so much a city as it is a big general store for the vast farming

and ranching area of which it is the hub.

These three men, who represent both legislatively and spiritually the most stagnant backwaters of America, have much to say about the pace and style of our national life, because they are empowered to answer these three most basic questions: Which bills will be permitted to come to a vote? Who and what is Congress going to tax and who and what will it allow to escape taxation? How, where and when is the money going to be spent?

Their power—like most of the power around Congress—comes from the impregnable seniority system, not from their having been singled out because of noticeable wisdom and leadership qualities. Yet if the answers they help supply somehow seem more in tune with the time of Harding and Coolidge, it isn't that rural and small-town politicians are any dumber than city ones; they are simply quite accurately representing their constituencies. Having grown up themselves where it was normal to swim in lakes and rivers and uncrowded pools, they can't understand why big-city youngsters fight to have the fire hydrants turned on; getting one of the local nice girls in trouble was the greatest sin imaginable where they came from, so the bountiful carnage and thievery of the big cities strikes them as just too vile to think about, much less try to solve; they no more want to come to grips with the muck of the "inner city"—a phrase most of them probably find offensively pedantic—than Senator Jacob Javits (who grew up on New York City's Lower East Side) wants to learn how to milk a goat.

The House Un-American Activities Committee, which tries to set the standards of patriotism for the country, is marshaled by Edwin Willis, the outstanding resident of St. Martinville, a 7000-population Louisiana town where some of the inhabitants still believe in voodoo. The Interior and Insular Affairs Committee, which determines whether the giant sequoias of California should be spared the lumberman's ax and whether dams should be built in the Grand Canyon for the benefit of power companies, is run by a former fruit farmer, Wayne Aspinall, whose home is near the family orchard in Palisade, Colorado (population: 860). Harley O. Staggers, who presides over Interstate and Foreign Commerce matters, is an ex-coach and ex-sheriff who lives where he was born, in Keyser, West Virginia (population: 7041).

The House, obviously, is close to Norman Rockwell's America. Its leaders are a languid fraternity of uncomplicated men who are guided by the principle that the simplest things are best; therefore, it is quite appropriate that the man who presides over the Education and

Labor Committee (Carl D. Perkins) hails from a Kentucky town of 793 and never graduated from college; that Mendel Rivers, who chairs the Armed Services Committee, comes from a small town in South Carolina and was never in an active service; that John McMillan, chairman of the District of Columbia Committee and thereby the unofficial mayor of the most integrated major city in America, is from a 25,500-population town in South Carolina and is himself an unshrinking segregationist; and that Wright Patman, the 75-year-old gentleman from Texarkana, Texas (population: 30,000), who guides the Banking and Currency Committee, is so entrapped by antiquated economic feuds that he periodically makes a speech denouncing John D. Rockefeller, Sr., who has been dead 31 years, and thinks that the pinnacle of his career was reached in 1932, when he proposed the impeachment of Treasury Secretary Andrew Mellon.

Apart from the fact that an electronic electorate would take the power center away from the boondocks, there is another threat, perhaps even more ominous to Washington's officeholders: What would happen to the booty they are now knocking down for themselves and their friends and constituents?

It is impossible to list all the pork-barreling that would make important Congressmen laugh at the idea of volun-

tarily surrendering their powers to the people. Laughing hardest of all would be Mendel Rivers, who has established so many military installations in his South Carolina district that its Federal payroll comes to almost \$300,000,000 a year and, judging from some of his recent remarks, considers this just a beginning.

Most impartial Government experts admit that the U.S. merchant marine, as presently operated, is one of the biggest branches of deadwood kept alive with subsidies; but the subsidies are certainly going to keep flowing if Edward Garnatz, chairman of the House Merchant Marine Committee, has anything to say about it: his home town is Baltimore, the fourth largest ocean shipping terminal on the East Coast.

One of the most fascinating franchises in Congress rests in the agriculture committees. Except for defense industrialists, no group of businessmen is so protected by the American taxpayers as those big-big farmers who prefer to call themselves "agribusinessmen." It is for them that the Department of Agriculture is funded by Congress. While the noncompetitive small farmers are forced to sell out in larger numbers each year, the agribusinessmen grow fatter from Federal price supports and for not planting certain crops (the euphemism is "acreage diversion"). The biggest

windfall payments go to the cotton states; and it is no surprise to find that of the 35 members of the House Agriculture Committee, 20 are from cotton states; on the Senate Agriculture Committee, it's 8 of 15 members. W. R. Poage, who owns two farms in Texas, is chairman of the House group; Texas gets the largest handout of all—\$295,713,000 last year, nearly one third the total paid to the nation's cotton farmers. Texas also got the fifth largest handout for feed grains; Poage raises feed grains. In terms of seniority, the next eight Democrats on the House farm committee are from Arkansas, South Carolina, Mississippi, Virginia, Missouri, Kentucky, Texas and Georgia. The chairman of the Senate farm group is Allen Ellender of Louisiana, whose cotton-raising constituents received \$38,000,000 last year; Louisiana also received \$8,158,178 (just behind California and Hawaii) under the Sugar Act Program—a program whose effect, if not goal, is to keep sugar prices high in the grocery store. Ellender has always been looked upon as a stout friend of the sugar lobby, and it was perhaps because of this that he received certain favors in return, such as the reportedly preferential prices on land sold to him by a sugar company in Louisiana. The personal involvement of Ellender in farm affairs, however, is trivial compared with that

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of the third-ranking member of the Senate committee. James Eastland, who owns a 5800-acre plantation in Mississippi, for which he annually receives from the Government more than \$130,000 in subsidies: and, according to the Federal Reserve Bank, that is just the beginning. Whether these men are interested in increasing their popularity and fortunes at home or whether they are simply interested in the welfare of their constituents, they are not likely to willingly give up their powers to a button-pushing Yankee city dweller.

Even if the people in other sections of the country agreed that the cotton farmers deserved the kind of help they are now getting from the Federal Government, they might insist that the distribution of the money be changed; the local U. S. D. A.-directed committees that determine who will be permitted to plant how much cotton are, at this time, altogether made up of white men, and the result has been that those Negroes lucky enough to own land have been given piddling cotton allotments, if any at all. That is one reason Negro farmers are selling out and heading for West Coast and Northern cities; as they leave, their lands are bought up by the white giants. It is an exodus that hardly benefits the North, and this is one reason the Southern-dominated agriculture committees in Congress would not exactly welcome turning the matter over to an electorate in which New York, Cleveland and Los Angeles voters would have a sizable vote.

Of the 535 men and women in Congress, about 300 are attorneys; some have found extra profit in being both a Congressman and an attorney. Senator George Smathers of Florida, for example, claims that he has not practiced law since he entered Congress in 1947. Yet for some reason, his Miami law firm is popular with such clients as Pan American World Airways, Seaboard World Airlines, Standard Oil Company, Gulf Oil Corporation, McKesson & Robbins and Western Union Telegraph Company—all of whom, except Pan American, hired his firm after he became a Senator. Smathers is not unusual, except that he does pretend to have nothing to do with his firm; most Congressmen don't bother to pretend. Senate Republican leader Everett Dirksen's law firm in Peoria has such customers as paper companies, bottling companies, insurance companies, steel companies and a score of other industries. Senator John McClellan, chairman of the Permanent Investigating Subcommittee, by supposedly being quite an inveterate foe of naughtiness, is in a wonderful position to protect his own friends and thereby be rewarded. He once held a brief—very brief—investigation into an oil-lobbying scandal, but

he cut it off before involving such clients of his Little Rock law firm as Standard Oil, Seaboard Oil, Carter Oil and Tidewater Oil. McClellan has, with a great deal of fanfare, investigated bank scandals; he has been quieter about the fact that he opposed the chartering of banks that would compete with two in which he holds stock. Congressman Emanuel Celler maintains an active law office whose income is probably not hurt by the fact that he is chairman of the House Judiciary Committee. Spessard Holland, second-ranking Democrat on the Senate Agriculture Committee, has a law firm in Tampa; among its clients is a major fruit-packing company. Thomas Gettys is a member of the House Banking Committee, from which promontory he can watch over the welfare not only of the Rock Hill, South Carolina, bank in which he controls substantial stock but also of the trust accounts for which he is an attorney. It is almost useless to begin a list such as this, because no matter how elaborate it is, many of the connections would be missed.

It must be clear by now that we are not dealing simply with the questions of efficiency and democracy but with that much more tender consideration, money. Just as half the Pentagon budget has nothing to do with defense and everything to do with economic pump priming, so would the existence of Congress be viewed by many of the nation's leaders as an economic necessity, to help support the multimillion-dollar legal and lobbying industries that have grown up around it. If Congress should disappear, or if its powers were dispersed, it would be a tremendous blow to the pocket-books of such august Washington-based law firms as Covington and Burling; Arnold and Porter; Hogan and Hartson; Corcoran, Foley, Youngman and Rowe; Clifford and Miller; and Ginsburg and Feldman.

One of Washington's favorite success rumors is of how Clark Clifford, now Secretary of Defense, split a \$1,000,000 fee from E. I. du Pont for help in persuading Congress to take the company off the hook in a tax case. At no time in his career did Clifford register as a lobbyist; he felt he was above that sort of thing. "We run a law office here," he once explained haughtily, "with a background of experience in the general practice of law, topped off by an intimate knowledge of how the Government operates." He did not lobby Congress himself in the Du Pont case, but he selected the lobbyist and he told him where to go. Where could he tell the lobbyist to go, if there were no Congress? And how could such eminent attorneys as James Rowe (one of Humphrey's top advisors in the 1968 campaign) and Thomas Corcoran (who started with F. D. R. and has

been in and out of the White House back door ever since) stay so effectively in the thick of things, if there were no Congress to lean on, by leaning on the President? Such men would continue in a very wealthy way to manipulate the agencies and bureaucracies of the Federal Government, but part of their foundation would be missing and with it would go much of their usefulness, as well as much of their pride, in being the *real* Government—the persuaders.

Nobody knows how much is spent by lobbyists on themselves and on their quarry; each year, about 300 organizations report spending from \$4,000,000 to \$5,000,000 and individual lobbyists report another \$1,000,000 or so; but most observers agree that if the 1946 Federal Regulation of Lobbying Act were really obeyed, at least twice this amount would be reported. The rewards are many. It is a matter of great pride for an insurance lobbyist, say, to hear Senator Dirksen read the speech the lobbyist wrote; he could not hope to find the same place in history for himself if he were dealing directly with that chaotic mass, the instant electorate. The American Legion can have an impressive effect on 535 Congressmen by spending about \$150,000 a year; lobbying the public with that amount would come to virtually nothing; it would pay for 20 full-page ads in *The New York Times*, and that's about all. And what would the Iron Ore Lessors Association do with its \$55,000 lobbying slush fund if it had to deal directly with the public? The idea of the Iron Ore Lessors Association launching a direct-mail assault on the minds of America's housewives somehow doesn't seem realistic. And the same might be said of all those countless other esoteric, but in their way important, lobbying groups, such as the Central Arizona Project Association (which spends more than \$100,000 a year trying to persuade Congress to favor Arizona rather than California in the dispute over Colorado river water). Quite apart from the fact that the public simply is not interested in the causes of most special-interest groups, a great many who can now afford to lobby Congress in a meager style could not begin to think of lobbying even a measurable fraction of the electorate. What, for instance, could the South Potomac Citizens' Crisis Committee hope to do along those lines with its \$3032 lobbying fund? Or the Colorado Open Space Coordinating Council with its \$2817?

The coordinated powers standing together to defend Congress against change, it seems clear, would be great enough to doom any prospect for a coup by the electorate.

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Which is a great piece of luck. From Alexis de Tocqueville to V. O. Key,

every fairly calm observer of the American political process has agreed that if the country is to survive, it must be kept out of the hands of the people.

In Congress' incapacity to act rests one of the great safeguards of the republic. The lagging, sometimes dull-witted and often insensitive Congress protects the majority from those half-baked patriotic certainties that it would like to carry into action immediately. The push of an electronic button would be none too fast for most people. It is this impulsiveness for which Congressmen properly see themselves as antidotes.

Not long ago, I put this question to several high-ranking people: "If we were able to establish a system by which the entire electorate could mandate Congress—that is, if the electorate could say, 'We want you to bring such and such a program into being, but we will leave the details to you'—and if that mandate carried the weight of law, would you favor it? There would still be a Congress, but the people could require action from you."

Only one—Senator Stephen Young of Ohio—thought it might be a good idea. He forecast that the change would be "a great leap forward." (But the strength of his opinion was diminished later in the conversation when he said that should the instant-electorate mandate ever come into existence, he wouldn't want to be in Congress. Even under present conditions, his constituents sometimes drive him wild. He once wrote an Ohio voter, "If you just want somebody to sit down here in Washington and vote according to the weight of his mail, you should hire a butcher's apprentice for \$100 a week and stop paying me \$30,000 a year"—and when that letter was made public, the Lucas County Meat Cutters Association immediately passed a resolution condemning him for slander. One has the feeling that Senator Young would like to turn the business of politics over to the voters simply to escape them.)

Wright Patman, the old populist from east Texas, said he wouldn't think of taking orders directly from the electorate. "That system doesn't contemplate intelligent consideration of the facts. Intelligent thought requires a body where all the facts can be presented. I don't object to town-hall meetings, but when a judgment is required based on facts, that requires a contemplative body like Congress. I've had to vote against some things that the public's for. But when you explain your vote, they are usually for it."

The same kind of response came from Congressmen known for their liberalism: Henry Reuss, whose attitude and record in Congress are often faithful to the radical socialist traditions of his native Milwaukee; Robert William Kastenmeier, one of the creators of "The Liberal Pa-

pers" of the late 1950s; Phil Burton, one of the liberal dissenters California sent to Washington; Claude Pepper, who was chased out of the Senate by the Florida electorate for his liberalism in 1950 and wangled his way back into the House by moving to a liberal district; and Don Edwards, an ex-president of the Americans for Democratic Action but, in fact, much more progressive than the mass of that organization. Here is a group of men who have pitched their careers to fighting that vague bogey "the establishment" and championing what Henry Wallace used to call, just as vaguely, "the common man." But, one and all, they shudder at the thought of the public's dominating the machinery of Government. Burton made no pretense of respecting his constituents' depth of understanding. "The best votes I cast are those for bills that, at first blush, my constituents would be against." Kastenmeier implied the same thing: "I may be cynical, but if I followed the wishes of my people, I would never again be able to vote against the draft (I favor a volunteer Army) or against HUAC. It's not that I don't have confidence in the electorate; I just like to think they have confidence in me." Further conversation indicated that he meant he had confidence the electorate would send a good man to Congress who then would have the strength to disregard the people who supported him. Each year, Kastenmeier faithfully polls his constituents as to their ideas on this or that subject—and then, just as faithfully, disregards their wishes. His reasoning is the same as Reuss: "The procedure has even broken down in the New England town meetings, because the questions have become so very complex. We aren't just dealing with problems; we are dealing with the problem of stating the problems. A lot of static would come through the electronics gear." In other words, the people are ignorant. Pepper says it, too. "If you were to ask the people, 'Do you want to clean up the slums?' most people would say yes. But if you asked them, 'Do you want to pay 30 billion dollars more over a certain period to clean up the slums?' you'd get a different response. It's a very difficult thing to establish priorities. Congress, in its bungling way, is in a better position to see the whole picture and to make the decisions." Of them all, Edwards—although he flatly states, "The worst thing you could have is simply a reflection of what the people think"—is perhaps a shade more trusting than the others. He sees Congress less in the role of a father than in the role of a teacher. He calls it "an educational institution" that is necessary "for the evolution of modern and higher-level thinking."

Putting aside the inevitable dash of vanity that leads Congressmen to such a conclusion, it is quite easy to construct—

from the Government Printing Office—an enormous pile of evidence that the public could not begin to cope, even in broad terms, with the job that Congress handles. What position, for example, would the electorate take, via its millions of push buttons, when the question at issue concerns the District of Columbia Area Transit Compact (to which the House Judiciary Committee, in however slipshod a style, devoted several hundred pages of hearings)? Or what would the electorate do with the Interstate Taxation Act (to which the same committee devoted 1879 pages of testimony and evidence); or with the copyright-law revision (2056 pages of testimony and evidence)?

Boring, repetitious, sometimes devious, usually complex to the extreme, the debate that rolls out in these committee hearings is, nevertheless, the pulse beat of a nation's life. There is no way for an entire electorate to experience it.

Simply as a work horse, if for nothing else, Congress is indispensable. Last year, it processed 17,546 bills and joint resolutions and weeded out of this tangled mass only 249 bills that it considered suitable to become laws.

Probably two thirds of these bills were repetitious or useless, but that would still leave almost 6000 for the instant electorate to cope with—for an average of 22 bills to be considered every weekday, the year around. The amount of intelligent consideration these bills would receive, jammed in between watching TV and a trip to the corner tavern, would not likely be impressive.

The public could hardly be expected to grasp the content of all this legislation, seeing as how Congressmen, with the best of will, can't do it. Many of them admit that they spend 90 percent of their time on "casework"—deciding who is going to be the next rural mail carrier or getting some soldier home in time for his mother's funeral. Some Congressmen say they find it impossible—because they have to do so much grubby work for their constituents—to be intimately aware of what is contained in more than two or three important pieces of legislation each session. The costliest bills to pass through Congress have to do with the defense budget, but, as one conservative Republican House member acknowledged: "I'd say that not one percent of the House knows anything about the work of the Defense Subcommittee. In this business, you've just got to trust your colleagues, especially when it comes to the committees on Ways and Means and Appropriations. The legislation those committees deal with is so complicated it is virtually impossible for the ordinary member to have any idea about what is going on. It is an unsatisfactory way to legislate, but I don't know of any alternative."

If Congressmen decide their votes by

following the leader as the best alternative to flipping a coin, they nevertheless display sheer brilliance compared with the electorate, which seldom is familiar with any legislation except the most critical and knows it only in the broadest outline. This is hardly a recent development. In 1954, the Congressional fight over Senator Bricker's proposal to curb Presidential powers in foreign affairs stirred Washington to a uniquely bitter division; for days, the headlines of the national press were full of the debate; but Gallup found 81 percent of the population cheerily admitting it had never heard of Senator Bricker's proposal. Three years after Senator Joseph McCarthy was censured by his colleagues, polls found that more than half the electorate had forgotten what the McCarthy furor was all about. Periodically, Gallup asks people if they know the names of their representatives in Congress; usually more than half admit, without remorse, that they do not know. Polls have found that only about 20 percent of the people ever get into political discussions with their friends. Early this year, 18 percent of the people interviewed by Gallup's pollsters said they had a "great deal" of interest in politics, but twice that number said they had little or no interest at all. Shortly after the Israeli-Arab conflict broke out again last year, half of the people who talked with Louis Harris' pollsters admitted they weren't following the dispute closely enough to care what was going on; then, with typical ambivalence, 77 percent said they would prefer to work things out through the United Nations; but 49 percent went on to say they thought the UN was ineffective in the crisis.

A Government run by the electorate would be a Government made giddy by fluctuating passions. Shortly after the assassination of Robert Kennedy, Louis Harris found that two out of three Americans believed "something is deeply wrong in America." But only two weeks later, George Gallup reported that only one out of three still felt that society was sick. In May 1967, Harris found that Johnson failed by three points to have a majority support; the next month, the Johnson balloon was flying again, however, and a six-point majority said they would favor Johnson in an election. The reason for the electorate's shift? Simply that Johnson had stayed out of the Middle East crisis—making this perhaps the sharpest reversal of public sentiment recorded in recent years as the result of *no* action. Four months later, the polls showed Johnson again would lose to Romney, Rockefeller, Nixon or Reagan, if an election were held right then; but six months later, the public had reversed itself once more and said

it would favor Johnson over any of the G. O. P. contenders. Perhaps because its vision is so close to the ground, no magazine comes up with more evocative quotes from the man in the street than does *U. S. News and World Report*; nothing better expresses the public's quality and degree of stability than the quote *U. S. News* carried last May from Juan Cruz, a human-relations coordinator for the Chicago Board of Education: "If the election were held tomorrow, I would have to vote for Nixon, the man with the most experience. I might change my mind later and go for Kennedy. But I still think the country should draft Johnson. I don't think we should change horses in midstream." *Semper fidelis.*

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Comparative brilliance and efficiency, however, is really beside the point. If the instant electorate made disastrous decisions on bread-and-butter issues, the republic would survive; the bureaucracy would somehow keep the planes flying, the butter refrigerated. The *big* worry is whether the electorate, given its head, would maintain for more than 48 hours anything resembling our traditional constitutional democracy.

For the truth is, a dangerously large slice of the American public yearns for totalitarian solutions. "It is in protecting our civil liberties," says Don Edwards, "that Congressmen run into the most serious opposition from their constituents. We have had poll after poll that shows the people would not re-enact the First Amendment to the Constitution [freedom of religion, speech, press and assembly] if the question were put to them today."

The most significant polls of the sort referred to by Edwards have been conducted within the past ten years; their results have, for good reason, not been publicized by the Voice of America, because they portray a side of our nature that America's propagandists would just as soon forget, especially when talking with Europeans who remember the good, decent Germans who were the foundation of the Nazi empire.

Using Tallahassee, Florida, and Ann Arbor, Michigan, as sample areas, a university survey showed that more than half the electorate would be in favor of refusing to allow a Communist to speak publicly, that more than half the electorate would bar a Communist from taking office even if he were elected fairly, and that 58 percent would even bar Communists from political candidacy in this country.

A survey conducted by University of California professors discovered that on a "totalitarian" scale, 33.8 percent of the general electorate sounded happily fascist. The method of the survey was to present to the sampled voters a series of

statements and ask if they agreed. Here are some of the results:

"The majority has the right to abolish minorities if it wants to"; 28.4 percent agreed.

"We might as well make up our minds that in order to make the world better a lot of innocent people will have to suffer"; 41.6 percent agreement.

"I don't mind a politician's methods, if he manages to get the right things done"; 42.4 percent agreement.

"The true American way of life is disappearing so fast that we may have to use force to save it"; 34.6 percent approval.

"Almost any unfairness or brutality may have to be justified when some great purpose is being carried out"; 32.8 percent agreement.

"If Congressional committees stuck strictly to the rules and gave every witness his rights, they would never succeed in exposing the many dangerous subversives they have turned up"; 47.4 percent agreed.

When the question is a high-flying cliché of democracy, the general electorate can really wring its heart, but it collapses when the principle of fair play and constitutional law is applied in the particular case. To the statement "No matter what a person's political beliefs are, he is entitled to the same legal rights and protections as anyone else," 94.3 percent of the general electorate agreed; yet 69 percent of these same people turned around and agreed with the statements "Any person who hides behind the laws when he is questioned about his activities doesn't deserve much consideration" and "If someone is suspected of treason or other serious crimes, he shouldn't be entitled to be let out on bail." And while 81 percent of the general electorate agreed with the broad concept of freedom of the press ("Nobody has a right to tell another person what he should and should not read"), more than half of these same people changed their minds when the statement was reworded to a particular application ("A book that contains wrong political views cannot be a good book and does not deserve to be published").

Herbert McClosky, the professor who put the study together, was hardly being pessimistic when he concluded, "The findings furnish little comfort for those who wish to believe that a passion for freedom, tolerance, justice and other democratic values springs spontaneously from the lower depths of the society, and that the plain, homespun, uninitiated yeoman, worker and farmer are the natural hosts of democratic ideology. . . ."

It is not difficult to imagine the sort of clobbering the electorate would deliver to freedom of speech if the voting button were pushed according to a Louis Harris poll that showed that 53 percent of the public agrees with the position

taken by General Lewis Hershey, head of the Selective Service, that students who impede campus recruitment should be drafted (a doctrine that is in dispute with the U. S. Department of Justice and which the courts have struck down).

Many in Congress, of course, go along with the passionate electorate in such matters. Lawrence Speiser, head of the Washington office of the American Civil Liberties Union, says that "hundreds of bills" are introduced every session of Congress to undo the civil-libertarian decisions of the U. S. Supreme Court. Most of these bills contract a fatal dose of Congressional torpor. Right now, Senator James Eastland of Mississippi, chairman of the Senate Judiciary Committee, and 19 of his colleagues are pushing legislation that would overturn every Supreme Court decision relating to internal security; Senator Everett Dirksen and a sizable (but uncounted) following in Congress are attempting to overturn the Court's decision outlawing a prescribed prayer for public school children. And Speiser, who speaks the fears of many A. C. L. U. officials, is convinced that if the issues were left to the general electorate, Eastland and Dirksen and their like-minded associates would have their way at once.

Likewise, if it were left to the electorate, the militarists would be freed from the restraints that already seem very

loose, indeed. When the military-appropriations bill is up, usually no more than three members of the House and no more than half a dozen members of the Senate will vote against it. Seldom is a mean word said in either house about the seemingly endless suction of the Pentagon on the Federal budget. Yet these few complaints are, by ratio, much greater than those the public lodges, for the reason that (as Dr. Arthur Burns, former chairman of the President's Council of Economic Advisors, recently pointed out) "the military-industrial complex has acquired a constituency including factoryworkers, clerks, secretaries, even grocers and barbers." They are afraid that a slump in the war will affect their income. And weak as it is, it was the voice of dissent within Congress, not the public's voice, that persuaded the Administration periodically to try a bombing pause in the Vietnam war. Whenever President Johnson pulled back the bombers ever so slightly, the polls showed his popularity skidding critically; when he sent the bombers back in with heavier loads, his popularity shot up again. And by early 1968, when the Congressional builders of the Great Society publicly lamented the destruction of their social programs by the drain of the war budget, still the electorate urged Congress—by a ratio of 52 to 30, Harris poll—to pursue the Vietnam dis-

aster, even if it meant forgetting the tragedy of the slums.

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At the height of the gun-control debate that shook the nation after Senator Robert Kennedy's assassination, polls regularly showed that more than 80 percent of the electorate favored restrictions on the sale and ownership of firearms; but Congress ignored the advice, just as Congress has ignored, for more than 30 years, the public's regular demands for universal medical insurance. Though the public hoots and jeers and complains of such boondoggle legislation as building a canal across Florida, Congress goes right on robbing the Treasury for favorite contractors and shippers and land speculators. These men call themselves Burkean conservatives, but that is just a philosophical excuse for not listening to the voters. Nevertheless, when one considers the alternative—that the electorate actually govern—then the obstinacy and thickness of Congress seems no more than beautiful proof that democracy is the most satisfying, if not the most efficient, form of government, in that just about every voter considers himself smarter than the men he has elected to run the country. On the average, it is probably all the satisfaction he deserves.



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