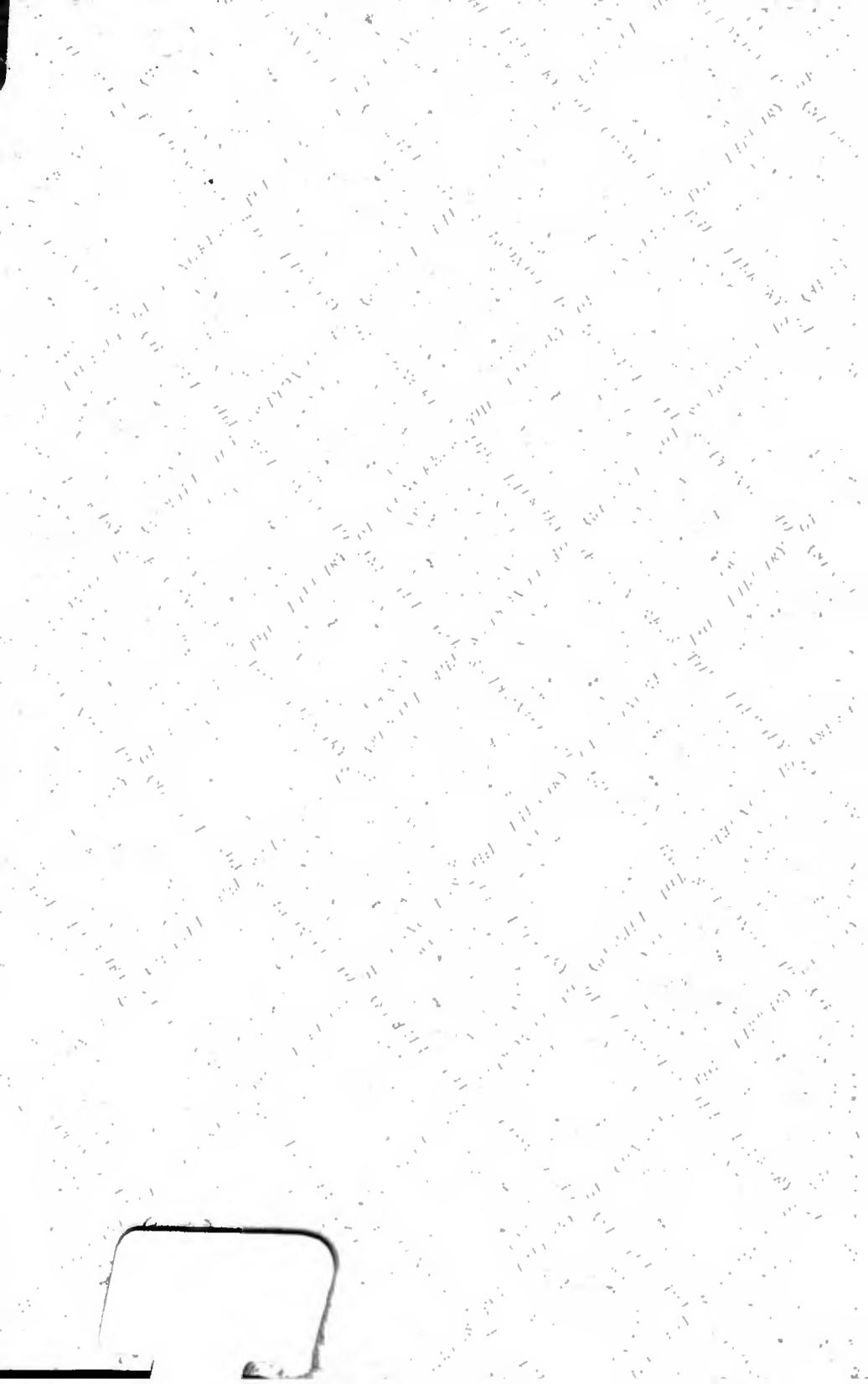
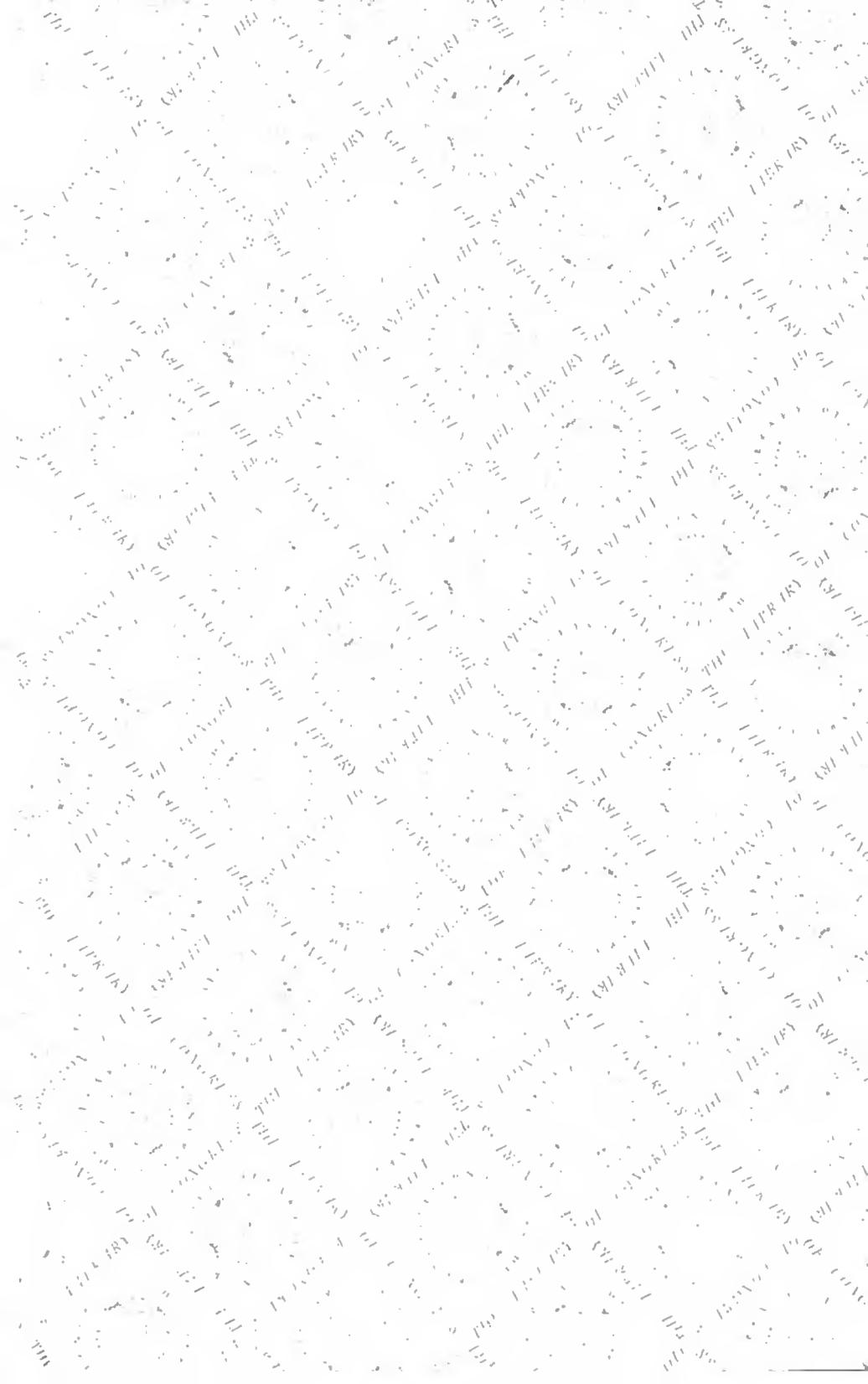
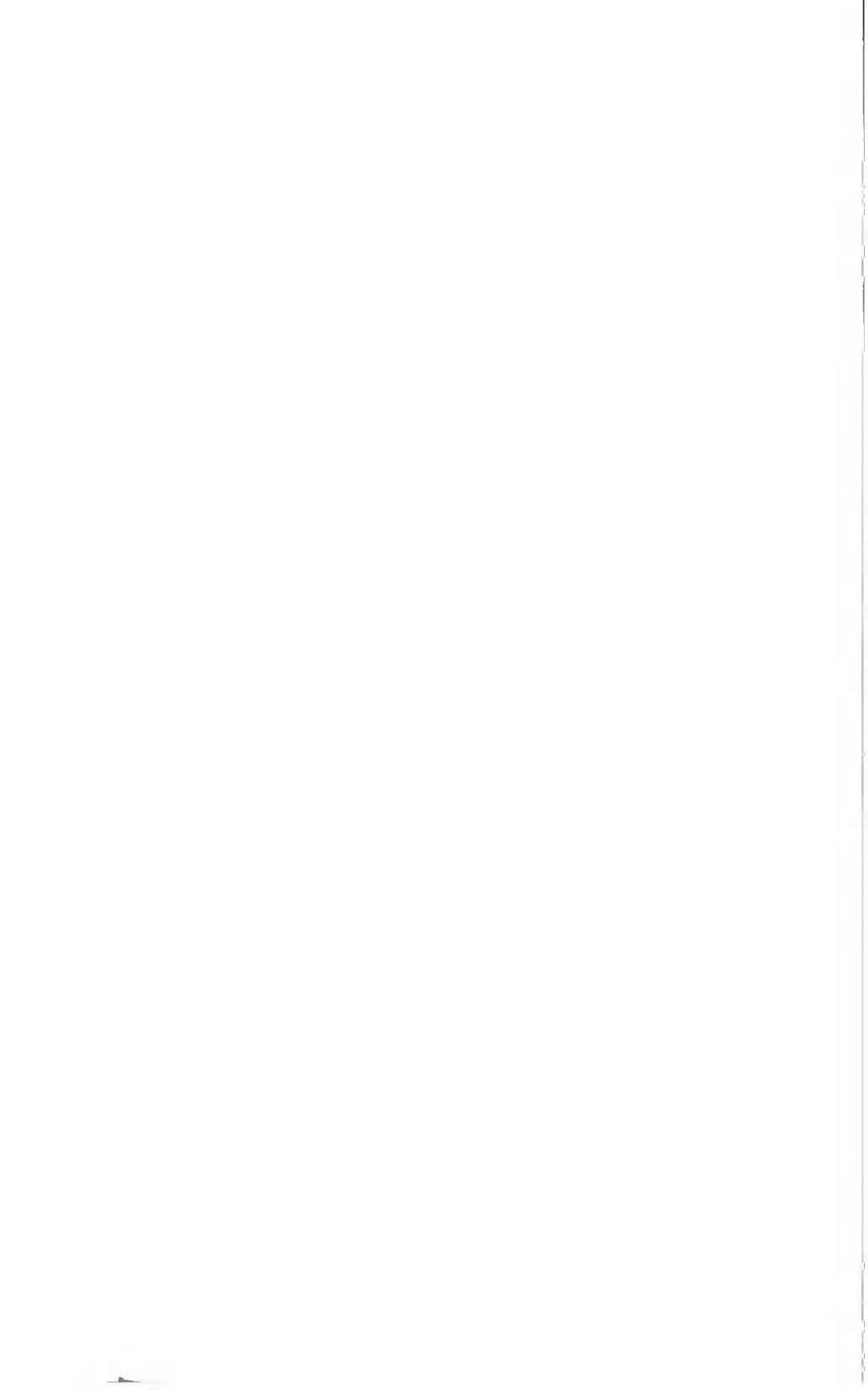


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CONGRESSIONAL TENURE OF OFFICE

4 - APR 22 1966

HEARINGS

BEFORE

U.S. Congress, House,

→ COMMITTEE ON THE JUDICIARY.

AND

SUBCOMMITTEE NO. 5

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH CONGRESS

FIRST AND SECOND SESSIONS

ON

H.J. Res. 78; H. J. Res. 135; H.J. Res. 141; H.J. Res. 157;
H.J. Res. 272; H.J. Res. 385; H.J. Res. 394; H.J. Res. 405;
H.J. Res. 409; H.J. Res. 410; H. J. Res. 412; H.J. Res. 414;
H.J. Res. 415; H.J. Res. 420; H.J. Res. 423; H.J. Res. 480;
H.J. Res. 562; H.J. Res. 564; H.J. Res. 630; H.J. Res. 807

BILLS PROPOSING AN AMENDMENT TO THE CONSTITUTION
OF THE UNITED STATES PROVIDING THAT THE TERM OF
OFFICE OF MEMBERS OF THE UNITED STATES HOUSE OF
REPRESENTATIVES SHALL BE FOUR YEARS

AUGUST 18, 19, 25, 26, 1965. FEBRUARY 8, 15, 23;
MARCH 1, 1966

SERIAL NO. 12

Printed for the use of the Committee on the Judiciary



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¹ Resigned Dec. 30, 1965.

² Elected to committee Feb. 16, 1966.

³ Assigned to Subcommittee No. 5, Feb. 16, 1966.

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CONGRESSIONAL TENURE OF OFFICE

WEDNESDAY, AUGUST 18, 1965

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 5 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 2141, Rayburn House Office Building, Hon. Emanuel Celler (chairman) presiding.

Present: Representatives Celler, Rodino, Donohue, Corman, and McCulloch.

Also present: Representative Gilbert.

Also present: William R. Foley, general counsel; Martin R. Hoffmann, associate counsel.

(The resolutions follow:)

[H.J. Res. 78, 89th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States with respect to the term of office and qualifications of Members of the House of Representatives

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The House of Representatives shall be composed of Members chosen for a term of four years by the people of the several States; and the electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State legislature.

"SEC. 2. Section 1 shall first take effect with respect to terms beginning in the first calendar year which begins more than one year after the ratification of this article and during which the term of office of President begins.

"SEC. 3. No person shall be a Representative who shall not, when nominated, be qualified to vote in the State in which he is nominated.

"SEC. 4. Section 3 shall first apply in the case of persons nominated after the ratification of this article.

"SEC. 5. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution within seven years from the date of its submission."

[H.J. Res. 135, 89th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States of America providing for a four-year term for Members of the House of Representatives

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States of America, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years of its submission to the States by the Congress

"ARTICLE —

"SECTION 1. The House of Representatives shall be composed of Members chosen by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. Except as hereinafter provided, the term of office of Representatives shall be four years.

"SEC. 2. In order that, insofar as possible, one-half of the Members of the House of Representatives shall be elected every second year, in the first election to which this article applies, and in each election in a State which follows a change in the representation of such State in the House of Representatives, insofar as possible one-half of the Representatives from each State shall be elected for a term of two years and the remainder of such Representatives shall be elected for a term of four years, as prescribed by the laws of such State. The term of office of all Representatives from a State whose representation in the House of Representatives has changed shall end at noon on the third day of January after the election which next follows such change.

"SEC. 3. This article shall first apply in the case of Representatives elected for terms beginning after the first election of electors for President and Vice President after the ratification of this article.

"SEC. 4. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of submission thereof to the States of the United States of America by the Congress."

[H.J. Res. 141, 89th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States of America providing for a four-year term for Members of the House of Representatives

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States of America, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years of its submission to the States by the Congress:

"ARTICLE —

"SECTION 1. The House of Representatives shall be composed of Members chosen by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. Except as hereinafter provided, the term of office of Representatives shall be four years.

"SEC. 2. In order that, insofar as possible, one-half of the Members of the House of Representatives shall be elected every second year, in the first election to which this article applies, insofar as possible, one-half of the Representatives from each State which has two or more Representatives shall be elected for a term of two years and the remainder of such Representatives shall be elected for a term of four years, as prescribed by the laws of such State.

"SEC. 3. This article shall first apply in the case of Representatives elected for terms beginning after the first regular election of Representatives to the Congress following the ratification of this article."

SEC. 4. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of submission thereof to the States of the United States of America by the Congress.

[H.J. Res. 157, 89th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States with respect to the term of office of Members of the House of Representatives

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of

the United States, which shall be valid for all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years of its submission to the States by the Congress :

“ARTICLE —

“SECTION. 1. The House of Representatives shall be composed of Members chosen every fourth year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

“SEC. 2. Where the representation of a State in the House of Representatives is changed, such change in the number of Representatives shall become effective for terms beginning at the expiration of the current terms then being served by the Representatives from such State.

“SEC. 3. This article of amendment shall first apply in the case of elections of Members of the House of Representatives for terms beginning after the first election of electors for President and Vice President after the ratification of this article.

“SEC. 4. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission.”

[H.J. Res. 272, 89th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States with respect to the term of office and qualifications of Members of the House of Representatives

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States :

“ARTICLE —

“SECTION 1. The House of Representatives shall be composed of Members chosen for a term of four years by the people of the several States; and the electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State legislature.

“SEC. 2. Section 1 shall first take effect with respect to terms beginning in the first calendar year which begins more than one year after the ratification of this article and during which the term of office of President begins.

“SEC. 3. No person shall be a Representative who shall not, when nominated, be qualified to vote in the State in which he is nominated.

“SEC. 4. Section 3 shall first apply in the case of persons nominated after the ratification of this article.

“SEC. 5. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution within seven years from the date of its submission.”

[H.J. Res. 385, 89th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States of America providing for a four-year term for Members of the House of Representatives

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress :

“ARTICLE —

“SECTION 1. Section 2 of Article 1 of the Constitution of the United States is amended by striking out the first sentence and inserting in lieu thereof the following :

"The House of Representatives shall be composed of Members chosen by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. The term of office of Representatives shall be four years, except that in the case of Representatives elected from odd-numbered districts the term of office of the first incumbents shall be two years. Districts for the election of Representatives from each State, whether composed of the whole or a part thereof, shall be numbered consecutively, beginning with the first, and corresponding to the number of Representatives to which such State is entitled at the beginning of the terms for which they are elected."

"SEC. 2. The amendment made by section 1 shall first apply in the case of Representatives elected for terms beginning more than six months after ratification of this article."

[H.J. Res. 304, 89th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States providing that the term of office of Members of the United States House of Representatives shall be four years

Resolved by the Senate and House of Representatives of the United States of America assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of its submission to the States by the Congress:

"SECTION 1. The United States House of Representatives shall be composed of Members chosen every second and fourth year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. Except as otherwise provided in this article, the term of office of a Representative shall be four years.

"SEC. 2. Immediately after the convening of the Congress after the first regular election to which this article applies, the Members of the House of Representatives of each State delegation shall assemble and be divided by lot as equally as may be into two classes. The seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, so that, as nearly as possible, one-half of the Members of the House of Representatives in the delegation from each State shall be elected every second year.

"SEC. 3. When the number of Representatives of a State are increased or decreased following a reapportionment of Representatives among the several States, all of the Members of the House of Representatives from that State elected at the first election following the reapportionment shall be divided by lot, as equally as may be, into two classes as provided in section 2 of this article, so that, as nearly as possible, the seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, and, as nearly as possible, one-half of the Members from that State shall be elected every two years. When a vacancy occurs by resignation of a Member of the House of Representatives, or otherwise, the Member elected to fill that vacancy shall serve for the unexpired period of the term of the Member originally elected for that House seat.

"SEC. 4. A Member of the House of Representatives shall not seek or accept the nomination or election to any elective office other than that of United States Representative during his term of office, except when a vacancy occurs in another elective office during his term. Otherwise, a Representative shall submit his resignation as a Member of the House of Representatives prior to seeking or accepting the nomination or election to any such other elective office.

"SEC. 5. The Representatives from any newly admitted State shall be divided into the two classes described in this article immediately after the House of Representatives shall be assembled in consequence of the first election of Representatives from such State.

"SEC. 6. The provisions of this article shall apply to Representatives elected for terms beginning after one year of the ratification of this article.

"SEC. 7. The first sentence of section 2 of article I of the Constitution of the United States is hereby repealed.

"SEC. 8. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the

States within seven years from the date of its submission to the States by the Congress.”

[H.J. Res. 405, 89th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States providing that the term of office of Members of the United States House of Representatives shall be four years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of its submission to the States by the Congress:

“SECTION 1. The United States House of Representatives shall be composed of Members chosen every second and fourth year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. Except as otherwise provided in this article, the term of office of a Representative shall be four years.

“SEC. 2. Immediately after the convening of the Congress after the first regular election to which this article applies, the Members of the House of Representatives of each State delegation shall assemble and be divided by lot as equally as may be into two classes. The seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, so that, as nearly as possible, one-half of the Members of the House of Representatives in the delegation from each State shall be elected every second year.

“SEC. 3. When the number of Representatives of a State are increased or decreased following a reapportionment of Representatives among the several States, all of the Members of the House of Representatives from that State elected at the first election following the reapportionment shall be divided by lot, as equally as may be, into two classes as provided in section 2 of this article, so that, as nearly as possible, the seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, and, as nearly as possible, one-half of the Members from that State shall be elected every two years. When a vacancy occurs by resignation of a Member of the House of Representatives, or otherwise, the Member elected to fill that vacancy shall serve for the unexpired period of the term of the Member originally elected for that House seat.

“SEC. 4. A Member of the House of Representatives shall not seek or accept the nomination or election to any elective office other than that of United States Representative during his term of office, except when a vacancy occurs in another elective office during his term. Otherwise, a Representative shall submit his resignation as a Member of the House of Representatives prior to seeking or accepting the nomination or election to any such other elective office.

“SEC. 5. The Representatives from any newly admitted State shall be divided into the two classes described in this article immediately after the House of Representatives shall be assembled in consequence of the first election of Representatives from such State.

“SEC. 6. The provisions of this article shall apply to Representatives elected for terms beginning after one year of the ratification of this article.

“SEC. 7. The first sentence of section 2 of article I of the Constitution of the United States is hereby repealed.

“SEC. 8. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress.”

[H.J. Res. 409, 89th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States providing that the term of office of Members of the United States House of Representatives shall be four years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of its submission to the States by the Congress:

"SECTION 1. The United States House of Representatives shall be composed of Members chosen every second and fourth year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. Except as otherwise provided in this article, the term of office of a Representative shall be four years.

"SEC. 2. Immediately after the convening of the Congress after the first regular election to which this article applies, the Members of the House of Representatives of each State delegation shall assemble and be divided by lot as equally as may be into two classes. The seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, so that, as nearly as possible, one-half of the Members of the House of Representatives in the delegation from each State shall be elected every second year.

"SEC. 3. When the number of Representatives of a State are increased or decreased following a reapportionment of Representatives among the several States, all of the Members of the House of Representatives from that State elected at the first election following the reapportionment shall be divided by lot, as equally as may be, into two classes as provided in section 2 of this article, so that, as nearly as possible, the seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, and, as nearly as possible, one-half of the Members from that State shall be elected every two years. When a vacancy occurs by resignation of a Member of the House of Representatives, or otherwise, the Member elected to fill that vacancy shall serve for the unexpired period of the term of the Member originally elected for that House seat.

"SEC. 4. A Member of the House of Representatives shall not seek or accept the nomination or election to any elective office other than that of United States Representative during his term of office, except when a vacancy occurs in another elective office during his term. Otherwise, a Representative shall submit his resignation as a Member of the House of Representatives prior to seeking or accepting the nomination or election to any such other elective office.

"SEC. 5. The Representatives from any newly admitted State shall be divided into the two classes described in this article immediately after the House of Representatives shall be assembled in consequence of the first election of Representatives from such State.

"SEC. 6. The provisions of this article shall apply to Representatives elected for terms beginning after one year of the ratification of this article.

"SEC. 7. The first sentence of section 2 of article I of the Constitution of the United States is hereby repealed.

"SEC. 8. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

[H.J. Res. 410, 89th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States providing that the term of office of Members of the United States House of Representatives shall be four years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of its submission to the States by the Congress:

"SECTION 1. The United States House of Representatives shall be composed of Members chosen every second and fourth year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. Except as otherwise provided in this article, the term of office of a Representative shall be four years.

"Sec. 2. Immediately after the convening of the Congress after the first regular election to which this article applies, the Members of the House of Representatives of each State delegation shall assemble and be divided by lot as equally as may be into two classes. The seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, so that, as nearly as possible, one-half of the Members of the House of Representatives in the delegation from each State shall be elected every second year.

"Sec. 3. When the number of Representatives of a State are increased or decreased following a reapportionment of Representatives among the several States, all of the Members of the House of Representatives from that State elected at the first election following the reapportionment shall be divided by lot, as equally as may be, into two classes as provided in section 2 of this article, so that, as nearly as possible, the seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, and, as nearly as possible, one-half of the Members from that State shall be elected every two years. When a vacancy occurs by resignation of a Member of the House of Representatives, or otherwise, the Member elected to fill that vacancy shall serve for the unexpired period of the term of the Member originally elected for that House seat.

"Sec. 4. A Member of the House of Representatives shall not seek or accept the nomination or election to any elective office other than that of United States Representative during his term of office, except when a vacancy occurs in another elective office during his term. Otherwise, a Representative shall submit his resignation as a Member of the House of Representatives prior to seeking or accepting the nomination or election to any such other elective office.

"Sec. 5. The Representatives from any newly admitted State shall be divided into the two classes described in this article immediately after the House of Representatives shall be assembled in consequence of the first election of Representatives from such State.

"Sec. 6. The provisions of this article shall apply to Representatives elected for terms beginning after one year of the ratification of this article.

"Sec. 7. The first sentence of section 2 of article I of the Constitution of the United States is hereby repealed.

"Sec. 8. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

[H.J. Res. 412, 89th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States providing that the term of office of Members of the United States House of Representatives shall be four years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of its submission to the States by the Congress:

"SECTION 1. The United States House of Representatives shall be composed of Members chosen every second and fourth year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. Except as otherwise provided in this article, the term of office of a Representative shall be four years.

"SEC. 2. Immediately after the convening of the Congress after the first regular election to which this article applies, the Members of the House of Representatives of each State delegation shall assemble and be divided by lot as equally as may be into two classes. The seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, so that, as nearly as possible, one-half of the Members of the House of Representatives in the delegation from each State shall be elected every second year.

"Sec. 3. When the number of Representatives of a State are increased or decreased following a reapportionment of Representatives among the several States, all of the Members of the House of Representatives from that State elected at the first election following the reapportionment shall be divided by lot, as equally as may be, into two classes as provided in section 2 of this article, so that, as nearly as possible, the seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, and, as nearly as possible, one-half of the Members from that State shall be elected every two years. When a vacancy occurs by resignation of a Member of the House of Representatives, or otherwise, the Member elected to fill that vacancy shall serve for the unexpired period of the term of the Member originally elected for that House seat.

"Sec. 4. A Member of the House of Representatives shall not seek or accept the nomination or election to any elective office other than that of United States Representative during his term of office, except when a vacancy occurs in another elective office during his term. Otherwise, a Representative shall submit his resignation as a Member of the House of Representatives prior to seeking or accepting the nomination or election to any such other elective office.

"Sec. 5. The Representatives from any newly admitted State shall be divided into the two classes described in this article immediately after the House of Representatives shall be assembled in consequence of the first election of Representatives from such State.

"Sec. 6. The provisions of this article shall apply to Representatives elected for terms beginning after one year of the ratification of this article.

"Sec. 7. The first sentence of section 2 of article I of the Constitution of the United States is hereby repealed.

"Sec. 8. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

[H.J. Res. 414, 89th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States providing that the term of office of Members of the United States House of Representatives shall be four years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of its submission to the States by the Congress:

"SECTION 1. The United States House of Representatives shall be composed of Members chosen every second and fourth year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. Except as otherwise provided in this article, the term of office of a Representative shall be four years.

"Sec. 2. Immediately after the convening of the Congress after the first regular election to which this article applies, the Members of the House of Representatives of each State delegation shall assemble and be divided by lot as equally as may be into two classes. The seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, so that, as nearly as possible, one-half of the Members of the House of Representatives in the delegation from each State shall be elected every second year.

"Sec. 3. When the number of Representatives of a State are increased or decreased following a reapportionment of Representatives among the several States, all of the Members of the House of Representatives from that State elected at the first election following the reapportionment shall be divided by lot, as equally as may be, into two classes as provided in section 2 of this article, so that, as nearly as possible, the seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, and, as nearly as possible, one-half of the Members from that State shall be elected every two years. When a vacancy occurs by resignation of a Member of the House of

Representatives, or otherwise, the Member elected to fill that vacancy shall serve for the unexpired period of the term of the Member originally elected for that House seat.

"SEC. 4. A Member of the House of Representatives shall not seek or accept the nomination or election to any elective office other than that of United States Representative during his term of office, except when a vacancy occurs in another elective office during his term. Otherwise, a Representative shall submit his resignation as a Member of the House of Representatives prior to seeking or accepting the nomination or election to any such other elective office.

"SEC. 5. The Representatives from any newly admitted State shall be divided into the two classes described in this article immediately after the House of Representatives shall be assembled in consequence of the first election of Representatives from such State.

"SEC. 6. The provisions of this article shall apply to Representatives elected for terms beginning after one year of the ratification of this article.

"SEC. 7. The first sentence of section 2 of article I of the Constitution of the United States is hereby repealed.

"SEC. 8. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

[H.J. Res. 415, 89th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States providing that the term of office of Members of the United States House of Representatives shall be four years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of its submission to the States by the Congress:

"SECTION 1. The United States House of Representatives shall be composed of Members chosen every second and fourth year by the people of the several States, and the electors in each State shall have the qualification requisite for electors of the most numerous branch of the State legislature. Except as otherwise provided in this article, the term of office of a Representative shall be four years.

"SEC. 2. Immediately after the convening of the Congress after the first regular election to which this article applies, the Members of the House of Representatives of each State delegation shall assemble and be divided by lot as equally as may be into two classes. The seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, so that, as nearly as possible, one-half of the Members of the House of Representatives in the delegation from each State shall be elected every second year.

"SEC. 3. When the number of Representatives of a State are increased or decreased following a reapportionment of Representatives among the several States, all of the Members of the House of Representatives from that State elected at the first election following the reapportionment shall be divided by lot, as equally as may be, into two classes as provided in section 2 of this article, so that, as nearly as possible, the seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, and, as nearly as possible, one-half of the Members from that State shall be elected every two years. When a vacancy occurs by resignation of a Member of the House of Representatives, or otherwise, the Member elected to fill that vacancy shall serve for the unexpired period of the term of the Member originally elected for that House seat.

"SEC. 4. A Member of the House of Representatives shall not seek or accept the nomination or election to any elective office other than that of United States Representative during his term of office, except when a vacancy occurs in another elective office during his term. Otherwise, a Representative shall submit his resignation as a Member of the House of Representatives prior to seeking or accepting the nomination or election to any such other elective office.

"SEC. 5. The Representatives from any newly admitted State shall be divided into the two classes described in this article immediately after the House of

Representatives shall be assembled in consequence of the first election of Representatives from such State.

"Sec. 6. The provisions of this article shall apply to Representatives elected for terms beginning after one year of the ratification of this article.

"Sec. 7. The first sentence of section 2 of article I of the Constitution of the United States is hereby repealed.

"Sec. 8. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

[H.J. Res. 420, 89th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States providing that the term of office of Members of the United States House of Representatives shall be four years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of its submission to the States by the Congress:

"SECTION 1. The United States House of Representatives shall be composed of Members chosen every second and fourth year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. Except as otherwise provided in this article, the term of office of a Representative shall be four years.

"Sec. 2. Immediately after the convening of the Congress after the first regular election to which this article applies, the Members of the House of Representatives of each State delegation shall assemble and be divided by lot as equally as may be into two classes. The seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, so that, as nearly as possible, one-half of the Members of the House of Representatives in the delegation from each State shall be elected every second year.

"Sec. 3. When the number of Representatives of a State are increased or decreased following a reapportionment of Representatives among the several States, all of the Members of the House of Representatives from that State elected at the first election following the reapportionment shall be divided by lot, as equally as may be, into two classes as provided in section 2 of this article, so that, as nearly as possible the seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, and, as nearly as possible, one-half of the Members from that State shall be elected every two years. When a vacancy occurs by resignation of a Member of the House of Representatives, or otherwise, the Member elected to fill that vacancy shall serve for the unexpired period of the term of the Member originally elected for that House seat.

"Sec. 4. A Member of the House of Representatives shall not seek or accept the nomination or election to any elective office other than that of United States Representative during his term of office, except when a vacancy occurs in another elective office during his term. Otherwise, a Representative shall submit his resignation as a Member of the House of Representatives prior to seeking or accepting the nomination or election to any such other elective office.

"Sec. 5. The Representatives from any newly admitted State shall be divided into the two classes described in this article immediately after the House of Representatives shall be assembled in consequence of the first election of Representatives from such State.

"Sec. 6. The provisions of this article shall apply to Representatives elected for terms beginning after one year of the ratification of this article.

"SEC. 7. The first sentence of section 2 of article I of the Constitution of the United States is hereby repealed.

"Sec. 8. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

[H.J. Res. 423, 89th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States providing that the term of office of Members of the United States House of Representatives shall be four years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of its submission to the States by the Congress:

"SECTION 1. The United States House of Representatives shall be composed of Members chosen every second and fourth year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. Except as otherwise provided in this article, the term of office of a Representative shall be four years.

"SEC. 2. Immediately after the convening to the Congress after the first regular election to which this article applies, the Members of the House of Representatives of each State delegation shall assemble and be divided by lot as equally as may be into two classes. The seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, so that, as nearly as possible, one-half of the Members of the House of Representatives in the delegation from each State shall be elected every second year.

"SEC. 3. When the number of Representatives of a State are increased or decreased following a reapportionment of Representatives among the several States, all of the Members of the House of Representatives from that State elected at the first election following the reapportionment shall be divided by lot, as equally as may be, into two classes as provided in section 2 of this article, so that, as nearly as possible, the seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, and, as nearly as possible, one-half of the Members from that State shall be elected every two years. When a vacancy occurs by resignation of a Member of the House of Representatives, or otherwise, the Member elected to fill that vacancy shall serve for the unexpired period of the term of the Member originally elected for that House seat.

"SEC. 4. A Member of the House of Representatives shall not seek or accept the nomination or election to any elective office other than that of United States Representative during his term of office, except when a vacancy occurs in another elective office during his term. Otherwise, a Representative shall submit his resignation as a Member of the House of Representatives prior to seeking or accepting the nomination or election to any such other elective office.

"SEC. 5. The Representatives from any newly admitted State shall be divided into the two classes described in this article immediately after the House of Representatives shall be assembled in consequence of the first election of Representatives from such State.

"SEC. 6. The provisions of this article shall apply to Representatives elected for terms beginning after one year of the ratification of this article.

"SEC. 7. The first sentence of section 2 of article I of the Constitution of the United States is hereby repealed.

"SEC. 8. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

[H.J. Res. 480, 89th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States providing that the term of office of Members of the United States House of Representatives shall be four years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of its submission to the States by the Congress:

"SECTION 1. The United States House of Representatives shall be composed of Members chosen every second and fourth year by the people of the several States, and the electors in each State shall have the qualification requisite for electors of the most numerous branch of the State legislature. Except as otherwise provided in this article, the term of office of a Representative shall be four years.

"SEC. 2. Immediately after the convening of the Congress after the first regular election to which this article applies, the Members of the House of Representatives of each State delegation shall assemble and be divided by lot as equally as may be into two classes. The seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, so that, as nearly as possible, one-half of the Members of the House of Representatives in the delegation from each State shall be elected every second year.

"SEC. 3. When the number of Representatives of a State are increased or decreased following a reapportionment of Representatives among the several States, all of the Members of the House of Representatives from that State elected at the first election following the reapportionment shall be divided by lot, as equally as may be, into two classes as provided in section 2 of this article, so that, as nearly as possible, the seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, and, as nearly as possible, one-half of the Members from that State shall be elected every two years. When a vacancy occurs by resignation of a Member of the House of Representatives, or otherwise, the Member elected to fill that vacancy shall serve for the unexpired period of the term of the Member originally elected for that House seat.

"SEC. 4. A Member of the House of Representatives shall not seek or accept the nomination or election to any elective office other than that of United States Representative during his term of office, except when a vacancy occurs in another elective office during his term. Otherwise, a Representative shall submit his resignation as a Member of the House of Representatives prior to seeking or accepting the nomination or election to any such other elective office.

"SEC. 5. The Representatives from any newly admitted State shall be divided into the two classes described in this article immediately after the House of Representatives shall be assembled in consequence of the first election of Representatives from such State.

"SEC. 6. The provisions of this article shall apply to Representatives elected for terms beginning after one year of the ratification of this article.

"SEC. 7. The first sentence of section 2 of article I of the Constitution of the United States is hereby repealed.

"SEC. 8. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

[H.J. Res. 562, 89th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States to provide for four-year terms for Members of the House of Representatives

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by Congress:

"ARTICLE —

"SECTION 1. The House of Representatives shall be composed of Members chosen, except as otherwise provided in this article, for terms of four years by the people of the several States, and the electors in each State shall have the qualifications required for electors of the most numerous branch of the State legislature.

"SEC. 2. At the beginning of the first Congress to which this article applies, the seats of Members of the House of Representatives shall be divided into two classes in accordance with section 3. Terms of persons occupying seats of the first class

shall end on January 3 in each year in which the President takes office, and terms of persons holding seats of the second class shall end on January 3 in each year occurring two years after the year in which the President takes office, except that if the number of seats apportioned to a State or the boundaries of districts from which Members are elected within a State are changed, then the terms of all Members from such State shall end immediately before the first Congress to which such changed apportionment or boundaries apply. New Members from such State, and from any State newly admitted to the Union, shall, when elected, be divided into two classes in accordance with section 3.

"SEC. 3. Seats in the House of Representatives shall be divided into two classes by lot in a manner, provided by Congress by law, which insures that—

"(1) the number of seats of one class in the House of Representatives does not exceed the number of seats of the other class in the House of Representatives by more than one, and

"(2) the number of seats of one class from any State does not exceed the seats of the other class from such State by more than one, except that in the case of a State with an even number of seats such excess may be equal to two if necessary to carry out paragraph (1).

"SEC. 4. If Members are elected from districts within a State, the boundaries of such districts may be changed only with respect to the first election after each decennial census.

"SEC. 5. The first paragraph of section 2 of article I of this Constitution is repealed.

"SEC. 6. This article shall apply only with respect to the first Congress which begins after its ratification."

[H.J. Res. 564, 89th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States providing that the term of office of Members of the United States House of Representatives shall be four years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of its submission to the States by the Congress:

"SECTION 1. The United States House of Representatives shall be composed of Members chosen every second and fourth year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. Except as otherwise provided in this article, the term of office of a Representative shall be four years.

"SEC. 2. Immediately after the convening of the Congress after the first regular election to which this article applies, the Members of the House of Representatives of each State delegation shall assemble and be divided by lot as equally as may be into classes. The seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, so that, as nearly as possible, one-half of the Members of the House of Representatives in the delegation from each State shall be elected every second year.

"SEC. 3. When the number of Representatives of a State are increased or decreased following a reapportionment of Representatives from that State elected at the first election following the reapportionment shall be divided by lot, as equally as may be, into two classes as provided in section 2 of this article, so that, as nearly as possible, the seats of the Members of the first class shall be vacated at the expiration of the second year, and the seats of the Members of the second class shall be vacated at the expiration of the fourth year, and, as nearly as possible, one-half of the Members from that State shall be elected every two years. When a vacancy occurs by resignation of a Member of the House of Representatives, or otherwise, the Member elected to fill that vacancy shall serve for the unexpired period of the term of the Member originally elected for that House seat.

"SEC. 4. A Member of the House of Representatives shall not seek or accept the nomination or election to any elective office other than that of United States Representative during his term of office, except when a vacancy occurs

in another elective office during his term. Otherwise, a Representative shall submit his resignation as a Member of the House of Representatives prior to seeking or accepting the nomination or election to any such other elective office.

"Sec. 5. The Representatives from any newly admitted State shall be divided into the two classes described in this article immediately after the House of Representatives shall be assembled in consequence of the first election of Representatives from such State.

"Sec. 6. The provisions of this article shall apply to Representatives elected for terms beginning after one year of the ratification of this article.

"Sec. 7. The first sentence of section 2 of article I of the Constitution of the United States is hereby repealed.

"Sec. 8. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

[H.J. Res. 630, 80th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States to provide that the terms of Members of the House of Representatives shall be three years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE —

"SECTION 1. The House of Representatives shall be composed of members chosen every third year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

"Sec. 2. The article shall be effective with respect to the terms of Members of the House of Representatives elected at the first general election following the date of ratification of this article."

[H.J. Res. 807, 89th Cong., 2d sess.]

JOINT RESOLUTION Proposing an amendment to Constitution of the United States providing that the term of office of Members of the House of Representatives shall be four years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourth of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The terms of Representatives shall be four years and shall commence at noon on the 3d day of January of the year in which the regular term of the President is to begin.

"Sec. 2. No Member of a House of Congress shall be eligible for election as a Member of the other House for a term which is to begin before the expiration of the term of the office held by him unless, at least thirty days prior to such election, he shall have submitted a resignation from such office which shall become effective no later than the beginning of such term.

"Sec. 3. This article shall take effect on January 3, 1973, if it is ratified prior to January 1, 1972; otherwise, it shall take effect on January 3, 1977."

The CHAIRMAN. The meeting will come to order.

The reason for the hearing this morning is to consider a number of bills concerning a constitutional amendment providing for a 4-

year term for Members of the House. The distinguished gentleman from Kentucky, and a member of this committee, has offered H.J. Res. 394, with quite a number of other eminent Members of the House having likewise offered some more resolutions, the purport of which is to change our Constitution to provide for 4-year terms for Members of the Congress.

And, according to the practice of the committee, we usually hear members of our own committee first, and then Members of the House and the Senate.

The Chair wishes to make a brief statement that, of course, the Constitution provides now that—

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

That is article I, section 2 of the Constitution. This very important provision of the Constitution invoked much debate, and it met with much opposition in the Constitutional Convention. Under the Articles of Confederation, Members of the Congress were elected annually, but the Convention's desire to avoid such frequency of elections when the matter came up in the committee as a whole, 1-, 2-, and 3-year terms were proposed. For example, James Madison seconded the 3-year term, but later on changed his views in that regard.

It is interesting to note that Alexander Hamilton urged the necessity of a 3-year term. The motion to strike out 3 years, insert 2, was carried. Seven States voted "yes:" Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, South Carolina, and Georgia. Three States voted against it; New York, Delaware, and Maryland. The State of New Jersey was divided.

In this way, the term for which Members of the House of Representatives should be elected was fixed and inserted in the Constitution. Several of the States voted differently from the way they voted on the same question in the committee as a whole.

This problem has agitated the Nation on various occasions, and we now have before us this very, very important matter as to whether we shall now amend our Constitution. We hope that these hearings will bring to the surface all arguments and we hope to have full and open hearings and debate on this very important matter.

And we will now be very happy to hear from our distinguished Member from Kentucky, Mr. Chelf.

STATEMENT OF HON. FRANK CHELF, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY

Mr. CHELF. Mr. Chairman and my colleagues, I am deeply grateful to all of you for your courtesy and your kindness in extending to me an invitation to testify here today.

I have a statement for the record because, frankly, there are some things that would naturally slip one's mind when they ad-lib. While I have not prepared a great historical document or a treatise on the subject, I am reminded, Mr. Chairman, that back in 1934 after I had just been elected county attorney or prosecuting attorney of my adopted home county of Marion, I was invited to give the graduation

speech at one of the little local high schools in the county. I worked very hard and very long and very diligently. I prepared what I thought was a masterpiece. I wrote and rewrote, drafted and re-drafted, until I was convinced in my own heart and mind that I had the best speech that anybody ever had written. So on the occasion I delivered it and when it was all over, I stood and waited, of course, for the folks to come up and congratulate me and tell me what a great speech I had made, and suddenly I looked and the place was completely vacated. There was only one poor fellow left, and he was the superintendent. So, I very sheepishly went up to him, and I said: "Superintendent Jones, how did you like my speech?" He said, "Frank, do you want me to tell you the truth or do you want me to tell you what you want to hear?" I said, "Oh, please, tell me the truth. I am a young man. I am just getting started in politics, and I would like to have a future, and one cannot have a future in politics unless he knows his mistakes and he corrects his mistakes." And he said, "Well, it was terrible." I said, "Well, what in the world was wrong with it; be specific, will you please?" He said, "Well, there were three things wrong with it." I said, "What were they?" He said, "Well, No. 1, you read it. No. 2, you read it very poorly. And, No. 3, it was not worth reading, to begin with."

So, I am convinced this morning that what I may have prepared may not be worth reading, nevertheless I shall try to tell you my story as best I can and I hope to prove that a 4-year term is an absolute must. I do think that there are some very important arguments for the increase of a term from 2 to 4 years in the U.S. House of Representatives.

The CHAIRMAN. Off the record.

(Discussion was had outside the record.)

Mr. CHELF. Gentlemen, again I say that I do sincerely appreciate your kindness and your courtesy. And I would like to say this, that House Joint Resolution 394, which seeks to increase the term of a Member from 2 to 4 years, now has many prominent national organizations—I am happy to report to you—that are becoming interested.

I must confess, gentlemen, that at first I was somewhat upset in that various national organizations did not seem to take too much interest in the legislation. But now they are. They are requesting information, data, and statistics. Several have requested that I come and address them on the purposes of the bill.

Mr. Chairman, as you know from your vast and learned experience here, more especially as the dean of the House, all of us who testify for legislation of course naturally would like to see it favorably acted upon. Therefore, in our attempt to secure all of the support possible we find ourselves attempting to analyze the actual or potential opposition that might develop during a given bill's legislative trial run.

For instance, I have tried to figure out why there is a small handful that are cool to this proposition, and I believe that during my sleepless nights—and believe me I have had some of them over this—I have come upon the answer, that they are simply not in tune with the political facts of life, nor are they abreast with the forward thinking of their own people.

Mr. Chairman, for instance, your apparent and certainly most understandable unconcern with this legislation is not because you are

against it per se, but rather because you do not have to undergo the great difficulties and the financial sacrifices that the vast majority of the Members of the House are faced with every 2 years for reelection.

Mr. Chairman, you are not just a Member of Congress, you are a household word, a hallmark, and you will continue to be removed from the political heartaches, so to speak, of the rest of us "until death do you part." Your announcing for reelection, Mr. Chairman, is all that you need. Your people love you, they know you, and appreciate you, and that's that. You are reelected. You have had a 42-year term here, if you know what I mean. And I hope you have another 42-year term. You deserve it.

The CHAIRMAN. You all sort of overwhelm me.

Mr. CHIEF. In addition thereto, Mr. Chairman, you have sponsored and passed so much good liberal legislation for your fellow man such as civil rights, voters' rights, immigration, and others that you have erected an endless, solid wall of magnificent monuments all to your everlasting and perpetual credit and memory. Therefore, in the case at hand, Mr. Chairman, one wee small footstone is all I seek to indicate that I have merely passed along this now well-paved highway of progress that exists today as a result of your early pioneering and trail-blazing.

The decision to sponsor this particular legislation, Mr. Chairman and my colleagues, grew out of my experience over a period of years in visiting my constituents, both in election years and in off years. Inevitably, it seemed that the conversation revolved around the shortness of the 2-year term, and I was frequently asked why we did not do something about it; to lengthen it, in other words. And inasmuch as this question was put to me so often during my past 20 years of service here in the House, I finally determined that I would heed the advice of my people and try "to do something about it."

One Member of the Congress today, a Member of the House of Representatives, advises me that a recent poll of his district shows more than 80 percent of his people are for this legislation. Consequently, I have worked very hard and most diligently to prepare a resolution which would be acceptable to two-thirds of the Members of the House, and which would gain the necessary support of the Senate.

Mr. McCULLOCH. Mr. Chairman, may I interrupt our colleague there?

It has been suggested that extension of the term for a Member of the U.S. House of Representatives is consistent with the trend or tendency in many States of the Union to increase the term of the chief executive: that is, the Governor, and the senators and/or the members of the other branch of State legislatures. I have heard of a similar trend to increase the length of terms of all State officials. Is it true that we are moving rapidly toward a minimum term of 4 years in many of these fields?

Mr. CHIEF. The gentleman is eminently correct. Several States since my time on Capitol Hill here in the big league—I have heard many Members from many States say that they have revised their own State laws with respect to their chief executive, increasing it from 2 to 4 years; whereas, they were previously able to succeed themselves after 2 years, it is now a 4-year term, and they can't succeed themselves in some instances. And in other cases, they can succeed themselves

one time for a 4-year term, such as the Presidential constitutional amendment provides today with respect to the President.

Mr. McCULLOCH. My own State of Ohio has amended its constitution within the last 6 or 8 years to that effect. In addition, the members of the State senate, which from the time of the founding of the State have had a 2-year term, presently enjoy a term of 4 years.

Mr. CHIEF. Yes, sir.

There are many reasons why such a bill should be enacted, gentlemen.

It would save the 50 States millions of dollars in unnecessary election costs.

It would cut the personal campaign expenses of an individual member terrifically. The campaign, coming as it does every other year, requires quite an outlay of funds, which can create a personal hardship for many of us who have closed our law offices or businesses, in order to give top priority to the office of Representative of our people, devoting to it all of our time, all of our energy and ability.

And if you, gentlemen, would please be so kind as to pardon a personal reference, since I have been redistricted in the State of Kentucky, I start literally across the river from Cincinnati with my new district, that of Mr. Brent Spence, that we all loved and revered. He had the old Fifth District of Kentucky which encompassed northern Kentucky, Covington, Newport, Burlington, which are located in the counties of Kenton, Campbell, and Boone just across the river from Cincinnati. It is like across the street, because there are five bridges there, Mr. Chairman. I start on the Kentucky side at Cincinnati and come on down the river almost to Louisville, for 120 miles, then veer off and go down into the heart of Kentucky. I have 19 counties, 600,000 people, and am about 220-odd miles long. So that when I have to make a race every other year, it is a very costly proposition.

Gentlemen—as I say, please forgive me for this personal reference, but I think it is a case well in point—I have had to make four hard, brutal, costly races in the past 2 years, and I cannot stand this. Really and truly, I cannot stand it financially to remain on in Congress much longer with such a financial drain.

I am going to confess something to you that I should really not do, but when I was a young man, 21 years ago, and I came to Congress, Mr. Chairman, I could hold my head high; I did not owe a dollar. I was proud of the fact, as a young lawyer, that I was out of debt, and that my home was paid for. Today on the “shady” side of 55, I cannot say that because my home is mortgaged. Everytime I walk in the front door I want to be sure that the roof is shored up good and tight so it will not fall through on me.

Now, this is a sad thing. Oh, I am a great success politically, while I am a “foul ball” financially. And, gentlemen, I think that really—as I say, forgive me for this personal reference, but I think my plight has a direct bearing on what I am trying to get over here, that this business of running every 2 years is a tragic thing to a lot of our Members.

Now, it will not apply to me, because I hope to be able to retire within a reasonably short time, because it will take between 2 and 7 years, if you good people OK it and it goes to the Senate and it is OK'd there and the President signs it—it will have to be ratified by

three-fourths of the several States. While I may not be here, I do hope that there will be a brighter day for my successor and for posterity and for the men who are to follow in our footsteps, gentlemen.

So, this is not a selfish thing. It is something that I believe very deeply in, and I believe it with all my heart.

And then I could go on and say, Mr. Chairman, it would help reduce the pressures of the numerous pressure groups, and we have to admit it. I mean we have to be practical. We are more subject to pressure with a 2-year term than we would be with a 4-year term. We could afford to be a little more independent and do a better job of representation of our people.

Mr. Chairman, before I introduced this legislation, I wrote to 433 Members of the House requesting them to give me their reaction and advice as to whether I should take such action. And I am glad to tell you that out of 362 replies, 254 favored it, yes, favored the amendment; 41 are against it, and 67 remain doubtful at this juncture. Some of the doubtful ones indicated that they would keep an open mind and would be inclined to favor some plan to increase the present term from 2 to 4 years. Many of those in favor of it have expressed themselves as being fervently, overwhelmingly, vehemently or emphatically for this change. One member even used the expression that he was not only religiously and painstakingly for the legislation but that his wife was, too.

My poll of the Senate, gentlemen, reveals that two-thirds of that body are for this bill.

Now; heretofore, you could not get a Senator in his right mind who would even stop and talk to you about this measure. They tell me that for over a hundred years this amendment has been introduced time and time again but has been given up completely and abandoned, Mr. Chairman, simply and only because they said, "Well, gee, if we pass it in the House, what chance have we got in the Senate?"

Well, I have incorporated section 4 in this particular legislation which says that no Member of the House of Representatives shall seek nor accept the nomination or election to any other office during his 4-year term. This, I think, Mr. Chairman, would create an image, a better image if you please, with the people of the country, because here on the one hand we are saying we need a 4-year term to better service our people, to better represent them, to have more time in which to do the job, attend our committee meetings, serve on the floor and read and study our legislation, and to show our good faith, we are willing to put a section in our bill that will prevent us from seeking or accepting any other elective office. I think truly that we ought to stay here and legislate. I do not think we ought to be running for mayor of Los Angeles, New York, or any other office. I think we ought to stay here "tending" to the peoples business. If we do this, we are building up not only a good image with the public on the one hand, but we are making friends in the Senate on the other hand, because they realize that in every "off year" they are not buying trouble from any House Member.

Mr. Chairman, I am a very practical fellow. I looked at myself one morning in the mirror and asked the question: "If you were in the Senate, would you vote for this bill?" And I frankly said, "No." And then I said, "Well, then, why?" The answer was simple—I would be buying trouble every off year.

So, I put section 4 in the bill and I think it is a good one. It shows good faith and also that we do not want to use our House seat as a springboard to other offices.

Now, gentleman, it is my information that recent polls conducted throughout the United States have indicated that the vast majority of our voters favor a 4-year term.

The CHAIRMAN. Will you yield on that point?

Mr. CHIEF. Yes, sir.

The CHAIRMAN. The Legislative Reference Service of the Library of Congress indicates that there was a public opinion poll of March 1955, conducted by the American Institute of Public Opinion, Dr. George Kalb, director. The information was released on March 13, 1955, and indicated a rather equal division of public opinion on a 4-year term for Members of the House; 42 percent said that they approved of the change, while 43 percent would disapprove. The remaining 15 percent were undecided or expressed no opinion.

Have you any information as to what more recent polls—

Mr. CHIEF. I have been told, Mr. Chairman, by many of my colleagues that they have conducted individual polls, and that they ranged all the way from 70 to 75, and one instance 80 percent of their people for this legislation.

So that is why, when I referred to the results of recent polls it is based upon my own friends and your friends and our colleagues here in the House.

In other words, I certainly do not condemn a Member for sounding out the sentiment of his people. And there were a lot of them, quite frankly, that had a question in their minds as to whether this was good or whether it was bad legislation. And so those who have their weekly letters back home, have contacted their people and have written to them and have sent them questionnaires which have been returned to them, and on that basis, Mr. Chairman, we have it directly from the people in the several States.

The CHAIRMAN. Will you forgive me. I have to go to the Rules Committee in connection with a rule on the immigration bill.

Mr. CHIEF. Yes, sir.

The CHAIRMAN. No discourtesy meant to you or the other Members.

Mr. CHIEF. Thank you very kindly, I fully understand.

So, it is upon that basis, gentlemen, that I say this poll stems. It emanates from our own colleagues here in the House.

Mr. McCULLOCH. Congressman Chelf, do you believe that there has been a material change in public opinion in this matter of increasing the terms of public officials in the past decade?

Mr. CHIEF. Oh, my goodness, yes. There is no doubt about it.

My people, Mr. McCulloch, are so far ahead of me. Really, I hang my head in shame. My people, for 20 years, have said to me over and over again when I go to visit them: "Frank, are you running again?" Yes. "Well, good heavens, we just got through voting for you." Yes. "Well, isn't this a 4-year term?" "No, it's a 2-year term." "Well, why don't you fellows do something about it?"

For 20 years they have been saying this to me, and finally I am trying to do something about it, but our people, believe me, are far, far ahead of us on this one. I can go on and say that I am familiar with all of the antiquated arguments against this legislation—and they are antiquated, and I will point out why.

The paramount objection is based on the idea that the House Member should have to stand muster every 2 years so that he can "remain close to the people."

Now, this has been bantered around for over a hundred years. This objection has been countered by the way in which my constitutional amendment has been drafted. It would stagger the whole or total membership of the House of Representatives so that one-half of the number would have to run every 2 years along with one-third of the Senate. Never in history have the people been known to defeat anything near one-half of the total membership of the House of Representatives.

Mr. McCULLOCH. Mr. Chairman, may I interrupt again?

Is it not a fact that Members of Congress can, with comparative ease, and do not Members of Congress, Members of the House, visit their constituents far more often than was possible in the days of slow and inconvenient travel of 175 years ago?

Mr. CHELF. Oh, my goodness, yes, Mr. McCulloch.

Mr. McCULLOCH. For instance, how many times have you been home so far this session?

Mr. CHELF. I generally make between 15 and 18 trips. Of course, we used to be only allowed one. That was the 20-cent mileage, you know, coming and going, a session. And then in recent years, as you also know, each of us were given an additional two trips, which made three. I have used all those up and quite a few others so far this year.

I will average at least going home once a month, myself.

Mr. McCULLOCH. And you are in constant touch—

Mr. CHELF. I am in constant touch with my people.

Mr. McCULLOCH. Do you not have personal conversation with people of various parts of your State.

Mr. CHELF. Yes, sir. As a concrete example, when the 2-year term was devised, it made a lot of sense, because at that time you had only 30,000 constituents to a Member—No. 1. And No. 2, the country was so undeveloped, that the only way you could travel was by horseback, by carriage or stagecoach. There were not even trains in those days. And your communication was from mouth-to-ear, or a very slow letter.

Now, this is a different world in which we live. I can step outside this door and through the media of television or radio, it hits Telstar, it is bounced all over the world instantaneously.

On that very subject, my friend, Representative John Saylor said, and I can quote him, he told me I could, when Congressman Poulson was running for mayor of Los Angeles, he told me that he made three roundtrips to the State of California and made speeches all within 1 week's time and returned and never missed a quorum or a rollcall. Now, that's really getting around, isn't it? I think this is the best answer that we can give, to show how close you can stay with your people and know what is on their minds and in their hearts.

Mr. RODINO (presiding). As a matter of fact, Mr. Chelf, there are Members who now return home practically twice a week, and I am one of those Members who is back home with my constituency at least once a week. I know the gentlemen from New York, both gentlemen from New York, are probably back home contacting their constituents at least twice a week or once a week.

Mr. CHELF. Exactly. Then, another thing, Mr. Chairman, as has been pointed out to me by my able and good friend here to my right, Mr. Multer: This business of—you know, when the Constitution was drafted for 2 years for the membership of the House, they were only in session a couple of weeks or so and then were back home. I can remember my illustrious predecessor, the Honorable Ben Johnson from Bardstown, Ky., who came here at the age of 55 and stayed 20 years, and at 75 retired and went back home. He thought to go home to die, but he fooled everybody; he lived for another 21 years.

Be that as it may, he used to tell me that when he came here in 1907 there was about a 90-day session, and he was home 9 months out of the year, 9 months, to practice his law, to sell his insurance or to plow his farm. Yes, do whatever needed to be done—following his vocation or avocation as the case might have been. Being a Member of Congress was a sideline, a side issue. Today it is a very serious job, a full-time, around-the-clock job.

My friends have said to me: "Frank, you know what is the matter with you? Your greatest trouble is that you take your job too seriously." And I look at them and smile, and I say, "Thank you, that is the greatest compliment you have ever paid me, because when the day comes that I do not take this job seriously, you have had it and so have I, and you better get rid of me, you had better unload me, you had better send me back to the showers at home. That is where I belong—under a cool one at that."

But getting on with this matter, when the term of 2 years was set in the Constitutional Convention, gentlemen, it was done for the purpose of requiring each member to go back home via horseback or stage-coach, as the case may be, to visit his approximately 30,000 constituents often enough to keep in close touch with them. Today, Mr. Chairman, as I have said, we are living in a different world. With our fast modes of transportation, auto, rails, jets, a Member of Congress can visit his 435,000 constituents—and that is the average now, 435,000 constituents—often throughout the congressional session. Through the years, many Members of Congress have made public statements in favor of a 4-year term. I would like to quote a few lines from a speech made, in the U.S. Senate, now mind you, on January 20, 1959, by the Honorable Mike Mansfield. Many of you knew him. He served here in the House—a wonderful man. He said, among other things: "I find that 170 years ago, there was a majority of opinion in favor of a 2-year term, and I feel that the supporting arguments for a 4-year term have advanced in this modern and more complex age."

He said, also: "A 4-year term would give more time to legislative duties. Two years is by no means long enough for a Representative to learn his job, which is one of the most complicated, demanding, and responsible in the world."

And, I might say, that I agree with him.

Senator Mansfield mentioned in this particular speech: "Campaign and election costs." I mentioned this matter a while ago in my own case, and, gentlemen, there is no telling how many Frank Chelfs there are in Congress. I mean by that, how much they owe as a result of many hard campaigns.

The only reason that I have bared my soul to you today is because I think we ought to know the truth, the whole truth and nothing but

the truth in all of the arguments on each side in the consideration of this thing. I am embarrassed to have to tell you what I did. It is not a very comforting thing to a man at my age to admit that he is in debt.

But I have to do it, because it is the truth, and there are a lot of members in this House, Mr. Chairman, who are in the same condition and the same situation as I. Sure, the raise in salary has helped some, but it won't bail me out. I do not have enough years in my span of life left in which to pay off my debts. And this is a frightful and an empty thing to leave to my children—absolutely nothing. Oh, of course my insurance at my death will satisfy my creditors but my family will not have anything when the debts are paid. I do so hope that I can leave them a good name.

Well, gentlemen, let me say that I would like very much to quote an editorial from the great Louisville Courier-Journal of Louisville, Ky., and it is entitled "Representative Chelf's Proposal for the Reform of Congress." I would like to quote the following excerpts from this editorial. I will not read it all, but I do think here are some pertinent facts that would be helpful to you in your deliberations in this matter.

Representative Frank Chelf's efforts to increase the terms of Congressmen to 4 years deserves a better fate than its many predecessors have enjoyed. It is one of the basic reforms needed to make Congress a viable institution.

Cynics will say the Lebanon Democrat and others who support him on this issue are merely trying to perpetuate themselves in office—

And I have heard this and you have, too—

This is hardly a valid criticism of the proposed constitutional amendment. The fact is that less than 100 of 435 Members of the House need worry seriously about reelection. For the vast majority, including Chelf, the semiannual election hullabaloo is a prodigious waste of time—

Another quote—

Voters can swallow so much electioneering. Many rural districts are quick to take pity on their Representatives. After they have proven themselves in two or three races, done the requisite number of favors for their constituents and achieved a modicum of seniority, they tend to become institutions, unassailed by the winds of change, impervious to all but the most insistent demands of the voters.

And then Senator Joe Clark, Democrat of Pennsylvania, summed it up nicely in his recent book "Congress: The Sapless Branch," and I quote:

Two years is too short a term in which to represent effectively a congressional district. A newly elected Congressman has hardly warmed his seat before he must leave it to campaign. And if he comes from a noncompetitive district he will remain a Representative for the rest of his political life. So, what does it matter if he goes through the motions of getting reelected once every 4 years instead of every two.

Now, in conclusion, gentlemen, let me say this: I realize that my House joint resolution is not a new idea by any manner of means. I cannot claim credit for this at all. As I say, for the past 100 years, men have had this idea, this hope, this dream, this vision, and I think the time has come, this Nation has grown up from 13 sprawling colonies, 3 million people—we fought a Revolution, we drafted a Constitution, we wrote a Bill of Rights, and today this Nation is the most powerful on the face of the earth. Fifty States, 196 million strong. Compare this to the days when they used to come and were here a couple of weeks or 1 month—my illustrious predecessor, the Honorable Ben Johnson, was here for 90 days out of the year and

home 9 months. In those days they did not even need a secretary, Mr. McCulloch, did not even have a secretary, did not have a room or office. Just think of the growth of our Government—this is the biggest business in the world—the U.S. Government, and our President is the President of this corporation, and we, as Members of Congress, are members of the board of directors to help manage and to run and to operate this biggest business on the face of the earth. It collects and it spends a hundred billion dollars a year.

Mr. RODINO. As a matter of fact, Mr. Chelf, the time will come with population explosion well on its way when Congressmen may well be representing 750,000 or a million constituents.

Mr. CHELF. Exactly, exactly, because, as you well known, Mr. Chairman, from all figures that we have available to us on the Immigration Subcommittee No. 1, we have been told that by the year 1975 the present population on the face of the globe that is now 3,300 million will double to 6,600 million—fantastic, unbelievable, but these are the facts of life. So, your job is going to get worse, not better. I mean by that, you are going to have more work.

But, gentlemen, did you ever stop to consider, no matter how you go, how long you go, or how hard you go, there are just so many phone calls that you can answer, so many letters that you can write, so many votes you can cast on the floor, so many people you can see. Just like a bricklayer; he can lay so many bricks in a day. A dentist can see just so many patients a day. A lawyer can only represent so many clients in the course of a day's trial. Our time is coming to where we are going to reach the point of complete saturation. I do not know all the answers—this one is for the future, for our successors and posterity, those who will come to succeed us in afteryears. This will be their problem.

But, now, gentlemen, this legislation is our problem, and I think we ought to do something about it.

And, please let me say this—and you have been so sweet and kind to me, and I appreciate it deeply with all my heart. Mr. Chairman, never in all my 21 years here have I had a subcommittee or a full committee pay me the attention that you have so kindly paid me here today, and I am proud of you and I appreciate it with all my heart.

In conclusion, let me say this: However, in making a conscientious and intensive study of all of the bills that I was able to find on the subject, I came to the conclusion that they did not cover the situation adequately. As the result, I have tried to use, with the aid of our dear friend, Bill Shattuck, a member of our staff counsel, one of my very wonderful, wonderful friends—I want to pay tribute to him. You do not know the hours that he has spent with me going over this resolution of mine, not only trying to make it perfect from the standpoint of legality, but following as best we could the identical language that was used by our forebears when they drafted the Constitution of the United States. And if you have any doubts about it, I would be pleased to have you call on Bill. We have tried to use the precise wording now in our Constitution which I felt would carry out the original intent and purpose of our intellectual and idealistic Founding Fathers when they conceived, drafted, and perfected this great document, especially their modus operandi with respect to the organization of the two Houses of Congress.

Mr. Chairman, again I want to express my sincere appreciation to you for hearing me today, and it is my fervent hope that this subcommittee will give this legislation the go sign by promptly reporting it favorably to the full committee. It is kind of like the 5 o'clock commuter train. It is LPD—long past due.

Thank you so very much.

Mr. RODINO. Mr. Chelf, I think some time ago you and I were discussing this subject matter, and we talked about the proposals by former Presidents, among them was not their a proposal by former President Eisenhower, that the term of the Congressmen be extended?

Mr. CHELF. This is my recollection; yes, sir. As I recall, the gentleman is eminently correct.

Mr. RODINO. I hear counsel say that it is correct.

Mr. CHELF. I thought so; yes.

Mr. RODINO. Mr. Chelf, I would like to say for myself that I believe there is no Member of Congress who is held in higher esteem and in deeper affection than you, and I know that this comes from the other Members of Congress because they recognize your sincere devotion, your tremendous sincerity and dedication to the present position which you now so illustriously hold, and I hope that this committee will consider this issue which you have brought before us, which I feel, too, is long past due in being considered, and I hope that it will be favorably considered.

I think that, like you, you have gone to the grassroots and found out what your constituents are thinking, and you have come to us and related this important information to us. And I am pleased that you did it, and I want to thank you for this presentation.

Mr. CHELF. Thank you very kindly. You know, you are so generous and so kind with your words of praise, it reminds me of a thing that actually happened many years ago when I was still county attorney.

Senator Barkley came to make a speech down in my home county, and I was asked to introduce him, so I tried to wax eloquent, certainly as well as I could under the condition and circumstances, and I introduced him, and I used every adjective in the book. And so when I had gotten through, I thought I had done a pretty good job, you see, so I sat down. And he got up and he looked at me, and he grinned and he said—

Oh, Frank, nobody knows any better than I that the words that you have just spoken are undeserving; nobody knows any better than I that you should not have done it, but nobody knows any better than I if you had not done it, I would have been grievously and bitterly disappointed.

So, I felt that way about you, my friend. God bless you.

Mr. RODINO. Thank you. And your statement will be inserted in the record in its entirety.

Mr. CHELF. Thank you, sir.

(The prepared statement submitted by Mr. Chelf is as follows:)

STATEMENT BY FRANK CHELF, MEMBER OF CONGRESS

Mr. Chairman and my colleagues, thank you for your invitation to testify today in connection with House Joint Resolution 394 which would increase the term of a Member of the House from 2 to 4 years.

Mr. Chairman, as you well know from your vast and learned experience here, more especially as the dean of the House, all of us who testify for legislation would like to see it favorably passed. Therefore, in our attempt to secure all

of the support possible we find ourselves attempting to analyze the actual or potential opposition that might develop during a given bill's legislative "trial run." For instance, I have tried to figure why there is a small handful that are cool to this proposition and, I believe that during my sleepless nights I have come upon the answer—they simply are not "in tune" with the political facts of life, nor are they abreast with the forward thinking of their own people. Mr. Chairman, your apparent and understandable unconcern with this legislation is not because you are against it, per se, but rather because you do not have to undergo the great difficulties and financial sacrifices that the vast majority of the Members of the House are faced with every 2 years for reelection. Mr. Chairman, you are not just a Member of Congress—you are a household word—a hallmark—and you will continue to be removed from the "political heartaches" of the rest of us "until death do you part." Your announcing for reelection, Mr. Chairman, is all you need. Your people love you—know and appreciate you, and that is that.

In addition thereto, Mr. Chairman, you have sponsored and passed so much good liberal legislation for your fellow man such as civil rights, voters' rights, immigration, and others that you have erected an endless, solid wall of magnificent monuments all to your everlasting and perpetual credit and memory. Therefore, in the case at hand, Mr. Chairman, one wee small footstone is all that I seek to indicate that I have merely passed along this now well-paved highway that is the result of your early pioneering and trailblazing.

The decision to sponsor this particular legislation grew out of my experience over a period of years in visiting my constituents, both in election years and in "off" years. Inevitably, it seemed the conversation revolved around the shortness of the 2-year term and I was frequently asked why we did not "do something" to lengthen it. Inasmuch as this question was put to me so often during my 20 years of service in the House, I finally determined that I would heed the advice of my people and try to "do something about it." One Member advises me that a poll of his district shows that more than 80 percent of his people are for this bill. Consequently, I have worked diligently to prepare a resolution which would be acceptable to two-thirds of the Members of the House and which would gain the necessary support of the Senate.

There are many reasons why such a bill should be enacted. Here are a few:

(A) It would save the 50 States millions of dollars in unnecessary election costs.

(B) It would cut the personal campaign expenses of an individual Member. The campaign, coming as it does every other year, requires quite an outlay of funds which can create personal hardship for many of us who have closed our law offices or businesses in order to give top priority to the office of Representative of our people, devoting to it all of our time, energy, and ability.

(C) It would make it possible for a Member to devote himself completely to his duties instead of having to campaign so much of the time.

(D) It would help to reduce the pressures of the numerous "pressure groups."

Mr. Chairman, before I introduced this legislation, I wrote to 433 Members of the House requesting them to give me their reaction and advice as to whether I should take such action. I am glad to tell you that out of 362 replies, 254 favor the amendment, 41 are against it, and 67 remain doubtful about it. Some of the doubtful ones indicated they would keep an open mind and would be inclined to favor some plan to increase the present term from 2 to 4 years. Many of those in favor of it expressed themselves as being "fervently," "overwhelmingly," "vehemently," or "emphatically" for it. One Member even used the expression that he was not only religiously and painstakingly for the legislation but that his wife was, too. My poll of the Senate reveals that two-thirds of that body are for this bill.

It is my information that a fairly recent poll conducted throughout the United States indicated that the vast majority of our voters favor a 4-year term. This is certainly true on the State level. In light of these facts, we are literally in "low gear" with water in the gas tank.

Mr. Chairman, I am familiar with all of the antiquated arguments against this legislation. The paramount objection is based on the idea that the House Member should have to "stand muster" every 2 years so that he can remain close to the people.

This objection has been countered by the way in which my constitutional amendment has been drafted. It would stagger the total membership of the House of Representatives so that one-half of the number would have to run every 2 years along with one-third of the Senate. Never in history have the

people been known to defeat anything near one-half of the total membership of the House of Representatives.

When the term of 2 years was set in the Constitutional Conventions, it was done for the purpose of requiring each House Member to go back home via horse-back or stagecoach to visit his approximately 30,000 constituents often enough to keep in close touch with them. Today, Mr. Chairman, we are living in a different world. With our fast modes of transportation (auto, rails, jets) a Member of Congress can visit his 435,000 constituents often throughout the congressional session. Through the media of newspapers, telephone, telegraph, radio, television, and "teletar," he can remain in direct contact with his people and it is now a routine matter to maintain an easy and quick exchange of views.

In addition to this, it has now been almost 190 years since our revolution and therefore the aftermath and suspicion of our young untried democracy have given way to a feeling of soundness, logic, and complete confidence in our system of representative government.

Through the years, many Members of Congress have made public statements in favor of a 4-year term. I would like to quote a few lines from a speech made in the U.S. Senate January 20, 1950, by Hon. Mike Mansfield. Among other things, he said: "I find that 170 years ago, there was no majority of opinion in favor of a 2-year term, and I feel that the supporting arguments for a 4-year term have advanced in this modern and more complex age." He also said: "A 4-year term would give * * * more time to legislative duties. Two years is by no means long enough for a Representative to learn his job, which is one of the most complicated, demanding, and responsible in the world." Senator Mansfield completed this particular speech by saying: "Campaign and election costs have grown steadily and there is no reason to think they will decrease. Good men may be discouraged from running for the House of Representatives because they feel they cannot afford it."

On April 2, 1965, an editorial appeared in the Courier-Journal, Louisville, Ky., entitled "Representative Chelf's proposal for the Reform of Congress." I would like to quote the following excerpts from this editorial:

"Representative Frank Chelf's effort to increase the terms of Congressmen to 4 years deserves a better fate than its many predecessors have enjoyed. It is one of the basic reforms needed to make Congress a viable institution.

"Cynics will say the Lebanon Democrat and others who support him on this issue are merely trying to perpetuate themselves in office. This is hardly a valid criticism of the proposed constitutional amendment. The fact is that less than 100 of 435 Members of the House need worry seriously about reelection. For the vast majority, including Chelf, the semiannual election lunabatio is a prodigious waste of time.

"Voters can swallow only so much electioneering. Many rural districts are quick to take pity on their Representatives. After they have proven themselves in two or three races, done the requisite number of favors for their constituents and achieved a modicum of seniority, they tend to become institutions, unsmacked by the winds of change, impervious to all but the most insistent demands of the voters."

"Senator Joseph S. Clark, Democrat of Pennsylvania, summed it up nicely in his recent book, 'Congress: The Sapsin Branch,' 'Two years is too short a term in which to represent effectively a congressional district. A newly elected Congressman has hardly warmed his seat before he must leave it to campaign * * *. And if he comes from a noncompetitive district he will remain a Representative for the rest of his political life. So what does it matter if he goes through the motions of getting reelected once every 4 years instead of every 2?'"

Mr. Chairman, I realize that my House Joint resolution is not a new idea. Bills of this nature have been introduced for many years. However, in making a conscientious and intensive study of all of the bills I was able to find on the subject, I came to the conclusion that they did not cover the situation adequately. As a result, I have tried to use the previous working men in our Constitution which I felt would carry out the original intent and purpose of our forefathers and idealistic Founding Fathers when they conceived, drafted, and perfected this great document, especially by their noble spirit, with respect to the organization of the two Houses of Congress.

Mr. Chairman, again I want to express my deep appreciation for the courtesy shown me in inviting me to express my views. It is my fervent hope that your committee will give this legislation the go ahead by promptly reporting it favorably to the full committee. It is my sincere conviction that your action will be for the benefit of the Nation.

Mr. RODINO. Mr. Corman?

Mr. CORMAN. Congressman, I certainly share the views expressed by Mr. Rodino, both about you and about your bill. I am confident that if there were an election in my district to determine this, that the people would overwhelmingly select a 4-year term, but I am wondering, if in our consideration as to the ratification of this, we might not consider the problem of State legislators. Most of them having one house with a 2-year term, we might find ourselves upon the rocks, and whether we ought to consider the advisability of this matter being ratified by a vote of the people within the States. I wonder if you considered this, if you think it might be a problem in the State legislatures, with the State legislators who may aspire to our seats and would be hesitant to cut into the number of opportunities they have to get them.

Mr. CHELF. Well, if you will pardon me. As I explained or attempted to explain awhile ago, the reelection of the Members on the basis of the 4-year term would be staggered so that one-half of the entire House or as nearly equal thereof would stand. So that they would have an opportunity every 2 years just the same.

Mr. CORMAN. Yes, but normally a Congressman has several State legislators within his district.

Mr. CHELF. This is very true.

Mr. CORMAN. And I am wondering if they might not be hesitant to ratify for us a 4-year term, when many of them live with a 2-year term, plus the fact that they would be cutting down the number of opportunities they have.

I do not really know whether the State legislators would take that attitude or not, but I suspect that they might, and I think that the matter is important to the people, not just to the State legislators but the people in the States, and we might consider giving them an opportunity to express themselves, whether the State legislator who may have a personal interest in the matter might take a contrary view from theirs.

Mr. CHELF. Well, I think Mr. McCulloch touched on that very subject a while ago when he said that even on the State level there is this feeling, this need, for the extension of the term of the governorship and for local offices. I think that this is a trend that will be very helpful in the ratification, because they, too, I believe, would follow suit along with their National Congress and the big leagues so to speak here on Capitol Hill. I believe this would have a tremendous impact on their thinking.

Mr. RODINO. Mr. Donohue.

Mr. DONOHUE. Mr. Chairman, I would like to join with my colleagues in complimenting my dear friend from Kentucky on a splendid statement. It is well documented, scholarly written, as he has always done when he has a subject matter to discuss.

Mr. CHELF. I certainly want to thank my dear friend from Massachusetts.

Mr. RODINO. Mr. McCulloch.

Mr. MCCULLOCH. I have the same high regard for my colleague from his fine district to the south across the Ohio River as have the chairman and his colleagues on the committee.

We are glad you introduced the resolution, and I am glad you have been a witness today.

Mr. CHELF. Thank you very kindly.

Mr. McCULLOCH. Mr. Chairman, off the record.

(Discussion was had outside the record.)

Mr. CHELF. Thank you very much, gentlemen. I deeply appreciate it.

Mr. RODINO. I notice we have at our committee table a member of the Judiciary Committee, but according to protocol he is entitled to be heard prior to Mr. Multer, but Mr. Multer was scheduled, and I wonder if Congressman Tenzer—

Mr. TENZER. If I may yield to Mr. Multer, I will be delighted to have my senior colleague from New York testify.

Mr. RODINO. We will now hear from Congressman Abraham J. Multer, a Representative from New York.

STATEMENT OF HON. ABRAHAM J. MULTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. MULTER. I want to thank my distinguished colleague, Mr. Tenzer, for yielding to me, and I want to thank the committee for the opportunity to be here and present my views.

If it is agreeable to you, Mr. Chairman, I suggest that my complete statement be made a part of the record, in full, and then I can devote my time to answering some of the questions that have been raised, and also indicate some differences of opinion with my very distinguished colleague from Kentucky, Mr. Chelf. I think that would serve a better purpose.

In principle, I think that Congressman Chelf has made a very complete and forceful statement on the subject. Anything that any of us will say from here on in in large part must necessarily be repetitious of what he has already said and said so well.

I might say to the committee that I have been introducing a resolution similar to my House Joint Resolution 78 since I first came to Congress in 1947. And in 1949 I conducted a poll of the membership of the House, and the result of that poll indicated that 319 Members were in favor of the 4-year proposal, the same as it is in the resolution before you now which I introduced this year, with only 110 against it. I believe, like Congressman Chelf, that the principle of this measure of extending the term of office of the Members of the House is overwhelmingly supported, not only by Members but by the general public. I think the best poll to take on that subject would be by submitting this resolution to the people in the States and then having them act to ratify or not, as they may see fit. I think there, too, the overwhelming action by the States will be in support of this resolution, or a resolution similar to it, extending the terms of the Members of the House of Representatives.

Mr. RODINO. Mr. Multer, right there, you, I note, did take a poll of the membership of the House back in 1949. Have you also, as Mr. Chelf has done, surveyed your constituency to ascertain what their thinking might be on this important subject?

Mr. MULTER. Yes, Mr. Chairman, not once but many times. I have had the same experiences as indicated by Mr. Chelf, with individuals. I have discussed this at civic organization meetings and fraternal organization meetings, veterans organizations, and political organizations. I daresay that if there were a vote on this in my district, the vote would be 10 to 1 in favor of it.

Now, Mr. Chelf has indicated how frequently some Members go home. During political campaigns I am home in my district every night, even though I must be here on the floor every day or in committee every day.

Now, I know the men in Maryland, nearby Maryland, go home every night. I know that most of the men in Philadelphia go home every night.

Now, there was one Member who served from Brooklyn for 14 years, and he said that he never slept in Washington a single night in the 14 years he served. And most of that service was during World War II. He went home every night.

Mr. RODINO. And this was in order that he keep as close contact as he possibly could with his constituents so he might know their thinking and serve them as well. Of course, this is going to be a tremendously increasing problem as constituencies increase.

Mr. MULTER. The man who wants to be in touch with his people, and the people who want to be in touch with their Member have overnight letter service mail; hourly service by telegram, minute service by telephone, and most of my people know they can call me collect—and they do. If they are anywhere within 400 miles, every Member knows that you never know when a constituent is going to walk in on you without an appointment.

So, in addition to our getting home frequently, we know how they are thinking, and they let us know how they are thinking by their constant contacts with us.

My district, like Mr. Chelf's, has over 600,000 population, and I tell you, Mr. Chairman, that I know how they are thinking, because they keep me advised, and I make it my business to know how they are thinking. Only recently, without any political campaigns in progress, we had 8 legislative days during a 2-week period. I was home 7 nights of the 8 legislative days, because it was necessary for me to be there to know how these people were thinking and keep the engagements that I had made to meet with them.

We are closer to our people today than ever in the history of the country. We could not be any closer.

Now, with reference to the legislative problem, or the State legislative reaction, the point that Mr. Corman raised: Our experience out of New York State, and we have 41 Members today out of New York State, is that most of our Members who come here to the House have served in the State legislature, either as an assemblyman or as a senator, and more frequently they serve first in the so-called lower house or assembly, then elected to the senate and then came here as Members of Congress. One of the reasons why we have had difficulty in increasing salaries of the Members of the Congress and increasing terms of office is that some of our colleagues say this is going to increase the competition for our seats. I think one reason the State legislators will vote for a 4-year term for us, while theirs may be 1, 2, or less, is because they have an eye on coming here. I say this is good, because we need experienced legislators coming here. The best men, I think, by and large, and this is not intended to be as any reflection on others—the gentleman sitting to my right, Mr. Tenzer, is a first timer—he never served in the State legislature. He is one of our best Congressmen and one of our best Representatives. But by and large the man

who comes here with legislative experience on the local level makes a better Member of Congress.

So, if these men have an eye on our seats, so much the better. It will keep us on our toes, and the day that anybody in my district can take my seat by an election, good luck to him. If the people are tired of me, then it is time they retired me, and sent a better man here, or a man whom they thought was better.

This also brings me to the point about my distinguished friend's recommendation that in order to get the Senate to go along with this, let's not give them any competition. I said before the Joint Committee on Reorganization of the Congress the same thing I now say to this committee: If the only way we can get the Members of the other body to go along with this recommendation is to assure them of no competition, then let's not have the amendment. I say, if there is a man in that body who does not want to or who is afraid to meet his constituents and stand for reelection, because a Member of the House may be able to beat him and take his seat away from him, he does not deserve to be there. If that is what is going to stop this amendment from going through, then let's not have it. They have this competition now because men who are running here every 2 years would rather run there for 6 years. They will have more competition that way than they will get by going along with a 4-year term for the Members of the House.

I can say this and say it so vigorously and forcefully, because I have no desire to stand for election to the other body, and this is not sour grapes, because nomination to the other body has been offered to me twice in my State, and rejected by me. I intend to continue and to complete my political service to my country in the House of Representatives if God spares me. So, this is entirely without any selfish interest on my part. I think this is the most undignified thing to say to any Member of Congress, present or future, that you come to the House of Representatives, and by doing it, you forgo your right to run for any other office. If a man, because of his service here, thinks that his people feel he will make a better public official in some other office, we ought not to, and certainly not by constitutional amendment, deprive him of that right to prepare himself for other office by his work here. I think this is basic to our democracy, that any man who stands for office, when elected should have a right to have his eye on a higher office or another office.

Now, if this means that he does not serve his constituency as well in the House of Representatives, they will catch on to it and they will very soon retire him. On the other hand, if by his service here, he earns another office, they will give it to him.

The reason I oppose a staggering of the terms, or a 3-year term, is because I feel that if we believe in a two-party system, the only way you strengthen the two-party system is by having the term of office of the Member of the House coterminus with that of the President. I say the President should have a majority of the Members of the House of his party, and I say the majority of the Members of the House should have in the White House a member of their party. I do not go for this business of saying, as it is so often said, that campaign planks or platforms are something to run on during election time and run away from after election time. I say that pledges made by

way of platform planks and as pledges during a campaign are promises that are binding upon us, and if we do not keep those promises when the time comes for reelection, the electorate should turn us out. We should not have this division as we have had so many times of a President being able to run for reelection and saying: "Now, look, give me a House this time of my party. I did not have it in the last session of Congress, and, therefore, I could not give you what I promised you." And do not let Members of the House run for reelection on the pretense, or making the pretense, "Well, we do not have a man of my party in the White House and, therefore, I could not give you the legislation that you should have had."

If we believe in the two-party system, then the man in the White House and the majority of the Congress should be of the same party to the fullest extent that the people want it, and then 4 years later they could go before the people and there would be no excuses that we could not deliver on our promises because there was an opposite party that was in control of the other branch of the Government.

This, gentlemen, I say is the reason why we should have a 4-year term coterminous with that of the President, and I do hope that when your deliberations are completed in executive session, you will bring forth a resolution or an amendment which will be submitted to the States for ratification which will give us a 4-year term. I personally will vote against a 3-year term. I personally would vote against any provision that would call for staggering of the offices. I personally would vote against any provision that would deprive a Member of the House of Representatives of the right to run for any other office because he is a Member of the House.

I know that those who have different opinions, whether it be Mr. Chelf or Mr. Tenzer, or other Members, are voicing these opinions and putting forth their considerations just as conscientiously and with the same high motives as I am. When that is done and the resolution is brought before the House, and the House votes, I will bow to the majority, whatever it may be.

Thank you, Mr. Chairman.

Mr. DONOHUE (presiding). Thank you.

Any questions?

Mr. CORMAN. Mr. Chairman, I must say that I am somewhat persuaded by Mr. Multer's argument about the 4-year term being coterminous with the President's election. I did not mean to indicate in my exchange with Mr. Chelf that I did not think that the State legislators ought not to be allowed to run for Congress. I would pose the question again, and I think it is a reasonable one. I do not believe three-fourths of the State legislators will approve of this constitutional amendment. I believe 50 of the States would, if the people themselves voted on it, and that is why I think we should give some consideration as to the method of ratification. And, of course, there is no question, though I did not come from our State legislature, our best Members are those who did. And that is a good training ground. But I seriously question whether State legislators, so many of them with 2-year terms, would ratify a 4-year term for us and whether we might be better off in getting public expression from the voters in a secret ballot.

Mr. MULTER. Frankly, Mr. Corman, I think this matter of ratification by State legislators is outmoded. This should be submitted to the

people, whether it is this kind of a constitutional amendment, or any other.

Now, I agree with you that if this were submitted to the people of the 50 States, it would carry overwhelmingly. I am not sure that it would not carry in the State legislatures, too, in the State legislative bodies, also, but if we can bring forth an amendment which will bypass the State legislative bodies, I am for it, not because I do not trust them. On the other hand, I feel that if we send this to the States, there will be enough pressure from the people on the State legislators to do this job, and they will be in fear of being confronted with a situation of, "Look, if you do not go along with us, maybe you will not get elected next time." This is a matter that affects the people and I think they will take an interest in it. It is unlike some amendments where the legislative bodies may freely express their own opinion and disregard the opinions of the people in their States. This is not that kind of an issue. This is one where the people are going to be interested, and I think they will put the pressure on their state legislative bodies.

Mr. DONOHUE. Thank you, again.

We will include in the record at this point the prepared statement of Mr. Multer's.

(The prepared statement submitted by Mr. Multer follows:)

STATEMENT OF HON. ABRAHAM J. MULTER, U.S. REPRESENTATIVE FROM THE STATE OF NEW YORK

Mr. Chairman, I appreciate and thank you for the opportunity to come before your committee today in support of my resolution H.J. Res. 78, which would amend the Constitution of the United States to provide that the term of the Members of the House shall be 4 years instead of 2 years.

At the outset you ought to know that the majority of the Members of the House favor this resolution. I have been in this fight a long time. I have introduced a bill for this purpose in every Congress, except one, since I came to Congress in 1947. Back in 1949 I took a poll of the Members on the issue of a 4-year term; 319 Members voted in favor of the proposal and 110 against. I believe the support of this measure by Members and non-Members alike is overwhelming.

The Nation is properly devoting much thought and discussion to the problem of fair representation in the House. I suggest that it is time we think about the problem of meaningful representation.

Not only is the citizen entitled to fair representation he is also entitled to full representation. When we deal with fair representation we are concerned that each man's vote shall be equal to his neighbor's. When we deal with full representation we are concerned with the quality of that representation. I believe we have solved the problem of fair representation and that we should now address ourselves to the problem of proper representation.

Consider the almost impossible burden that is placed on a Member. The bulk of the work of the Congress is in committee and logically previous congressional experience plays a large role in a Member's ability to perform as well as eventually serving as a committee or subcommittee chairman. But to develop seniority he must get reelected.

With an election scheduled every 2 years he must be campaigning constantly. For his survival he must keep "one face" back in the district ready to meet the demands for constant service by the people. He must answer thousands of letters, as well as telephone, wire, and personal requests on varied and sundry subjects. He is faced with endless demands on his time, effort, and money for political activities.

All this is vital to survival but has little to do with the legislative business of the House. He is expected to know the complex parliamentary maze of the House, to consider thousands of bills, and hundreds of major items of foreign and domestic legislation, to study the committee reports, the messages from the President and from the departments. He must keep up with the work of his office, receiving delegations and reading and answering an ever-increasing volume

of mail. Running for office every 2 years takes him away from his legislative work. Before he can learn the duties and obligations of his office during the first term, it's time for him to go back home to seek reelection.

The framers of our Constitution were concerned that the Members of the House should be responsive to the people and believed that the 2-year term was the answer. They believed that a Member could take care of the work of the House with plenty of time left to spend in his district. The demands on his time for legislative work extended from 4 weeks to 12 weeks a year. It was possible then, when Government was small. No one could foresee that the time would come when our Government would be so large, its operations so complex, our military strength so mighty, our financial, military and moral commitments so extensive, and our economic influence so pervasive, that the business of the House, if it were to be wisely attended to by its Members would require great exertions and intense dedication and time without limit. Last Congress was in session until December 31.

Democracy is dedication of our elected representatives to their jobs, and what we must never forget, it is also the freedom of those representatives to do their job. Anything less is not democracy. A Member is not able to do the job, or at least to do it effectively when he must turn his energy for a large part of every 2 years to campaigning back home.

It is true that in a democracy every elected officer must periodically give an account of his stewardship to the people who may then either accept or reject him, and this is as it should be. But to ask a Member of this House to do this every 2 years impairs his effectiveness in office.

I know there are some who will say we urge this change for self-gain and for self-perpetuation in office. If they would but stop a moment and think, they would see that this is not true. To change the term of a Member of the House of Representatives requires a constitutional amendment and we know that this could take several years. By the terms of the resolution it cannot take effect until more than 1 calendar year after its ratification, and then only in the year in which the President's term begins. That means not before 1968.

The effect is to synchronize the terms of the President and the Members of the House. By the time this amendment becomes effective many of the Members of this House—and that does not exclude this speaker—may no longer be Members. But that should not change our position. If we can improve the effectiveness of future Congresses we should do so, even if we will not be part of them.

I would like to make one other important point about the 4-year term. I firmly believe that when you elect a person of one party as President, he ought to have the majority of his party in the Congress so that the responsibility is on the party, if we believe in the two-party system.

I know that it has occasionally happened that the President has been elected from one party and the majority from the other party are elected to Congress. In off years very frequently the control will change in the Congress so that we had a majority party different from that in the White House. But if we really want a strong two-party system and we believe in it, then the responsibility should be on the party and there shouldn't be this device of denial of responsibility when it comes to election time. The man in the White House and the majority should be of the same party.

Then if they don't live up to their pledges, if they don't do the job the people expected they can turn them out 4 years later. You avoid this divided responsibility. You don't give the Members the opportunity to say "we don't have a member of our party in the White House," and you don't give the man in the White House the opportunity to say, "Those Members in the majority are of the opposite party and they are not going along with me." I think it would make for a stronger Government.

I urge this committee to favorably report House Joint Resolution 78.

Mr. DONOHUE. Now, we will hear from our able colleague and distinguished member of the Judiciary Committee, Mr. Herbert Tenzer.

Mr. MULTER. Before we hear Mr. Tenzer, may I, on behalf of our good colleague from Hawaii, Mr. Matsunaga, ask that you make a part of the record at such point as you believe is appropriate his full statement. He was here this morning, but unfortunately he had to go to another committee meeting where he is attending an executive session.

Mr. DONOHUE. Without objection, it will be made a part of the record.

(The prepared statement of Mr. Matsunaga follows:)

STATEMENT OF HON. SPARK M. MATSUNAGA, U.S. REPRESENTATIVE FROM HAWAII

Mr. Chairman and members of the subcommittee, I thank you for this opportunity of appearing before you and expressing my views with respect to the proposal to increase the term of office of a U.S. Representative from 2 to 4 years. On January 7, 1965, I introduced House Joint Resolution 157, one of several resolutions on this proposal which is now under consideration by this subcommittee.

The debates of the Federal Constitutional Convention provide an instructive comparison between the circumstances that led to the 2-year decision and the conditions of our own day. At first, the delegates approved a 3-year term, by a vote of seven States to four. James Madison, a leading proponent of the longer term, observed that "3 years will be necessary in a government so extensive for Members to form any knowledge of the various interests of the States to which they do not belong, and of which they can know but little from the situation and affairs in their own." Compare, if you will, the extent of the Government as it was in the early days of the Republic with its present complexity. The force of Madison's argument applies with even greater urgency in our own time.

Later, the Convention decided on a 2-year term, partially as a compromise with those delegates who strongly favored annual election of the House. Gerry of Massachusetts, for example, "considered annual elections as the only defense of the people against tyranny," Madison tells us. Randolph of Virginia and Ellsworth of Connecticut believed the people "were attached to frequency of elections." Sherman of Connecticut thought Representatives would acquire the habits of the place in which the Government was located if they were not forced to return to their constituents for annual elections. And Wilson of Pennsylvania believed annual election was "most familiar and pleasing to the people." Moreover, he did not think it would be necessary for Congress to sit more than one-quarter—at the most, one-half—of the year.

Mr. Chairman, after more than a century and three-quarters experience with Congress and considering the extent to which the power of the Presidency and Judiciary have grown, surely we have little to fear from any tyranny of the Legislature. I cannot believe that a 4-year term for the House could have any adverse effect on our long heritage of democratic government. Certainly, Senators are no less representative of their constituents because they are elected every 6 years.

We might do well to consider the experience of other, and equally, democratic nations. Canada, Great Britain, and a number of other countries set the terms of their Parliaments at 4 or more years with no apparent decline in their representative character.

As to the attachment of the people to frequency of elections, this may have been true in the days of the Founding Fathers, but there is good reason to doubt its relevance today. On the contrary, some political scientists believe that one cause of voting apathy in this country is the proliferation of elections—primaries, runoff primaries in some States, presidential primaries, municipal elections, county elections, State elections, Federal elections. Eliminating a few of these by extending the term of Representative to 4 years might be as much a boon to the voters as to their Congressmen.

Wilson's prophecy of quarter- or half-year sessions is accepted as nothing more than a pipe dream by modern legislators. Congress has not once had a session as short as 6 months in the last 12 years.

The obvious point here is that the 2-year term for Representatives was devised in an era when congressional service was assumed to be a part-time job. I need hardly refute that position. The creation this year of a Joint Committee for Congressional Reform is an indication of the pressures and strains that have beset Congress precisely because it has become a full-time institution.

Long recesses of Congress used to be quite frequent: they are now a thing of the past. It was once possible for Congressmen to spend much of their 2-year term at home. To do so now would be to neglect the legislative work in the Capitol: that is, after all, a Representative's primary responsibility.

Yet, a significant number of Representatives are forced into neglecting this primary responsibility. Almost as soon as they are elected and assume their duties, another election looms before them. Because of the limits of the 2-year term, many Congressmen must spend a large part of their term running for reelection, if they are to survive. Many others must spend at least 5 months of their short tenure campaigning in both primary and general elections.

We are all aware, I am sure, of another built-in hazard of election years. They are frequently notable for the number of controversial bills that are shunted aside so as not to put Members on the spot, so as not to put some Representatives in the position of antagonizing some significant portion of the electorate. Of course, this is deplorable, but since we cannot change human nature, it surely behooves us to limit, so far as we can, the circumstances leading to that kind of behavior. Increasing the term of Representatives to 4 years would undoubtedly contribute to more responsible handling of legislation.

Another aspect of frequent campaigns which calls for serious attention is the problem of ever-escalating election costs. We are all aware that both primary and general election campaigns are becoming longer, more elaborate, and more expensive. And it is likely that this trend will continue.

Many members feel that the strain of the heavy financial burdens imposed by frequent and expensive election campaigns may one day force them to relinquish office. A 4-year term would ease that situation considerably. It would also encourage promising young candidates who do not possess the large resources presently required to compete in congressional elections. And, as our able colleague, Representative Frank Chelf of Kentucky has pointed out, conversion to a 4-year term would also save the States a great deal of money in unnecessary election costs.

Consider now the plight of freshmen Representatives. There are some 80-odd in the present House. They arrive in Washington to take part in the operation and deliberations of a body with incredibly intricate procedures and to face the most complex problems in the history of civilization. There is no easy or quick way to learn the job to which they have been elected. It takes time and experience to master the duties for which they are responsible. Nevertheless, before a year is out, at the very least, they must spend a considerable part of their time away from their duties here in Washington if they hope to be reelected.

Furthermore, it hardly seems fair for the electorate to have to judge these Members before they have had a proper opportunity to learn their responsibilities and to exhibit their capabilities. Two years is simply too short a time upon which to base any accurate judgment.

Finally, I believe we ought to consider the historical record of midterm elections as they relate to presidential programs. All too often in our history an administration has embarked upon a program it was elected to enact only to see its working majority in the House disappear as a result of the midterm elections, and its program flounder thereafter. The loss of the House by the President's party almost certainly dooms the fruition of the administration's plans. The 2-year period that follows is usually one of national frustration and stagnation. Obviously, the adoption of a 4-year term for Representatives would greatly minimize such periods, since newly elected Presidents usually come to power with their parties holding majorities in both Houses.

A recent survey conducted by our colleague, Mr. Frank Chelf, has shown that an overwhelming majority of both bodies of the present Congress favor the proposal for a 4-year term for Representatives. Including the majority leader of the Senate, Senator Mike Mansfield of Montana. In 1950 the Committee on Political Parties of the American Political Science Association recommended it, and, more recently, the American Assembly included the proposal among its suggestions for the reform of Congress. A number of distinguished political scientists, among them James McGregor Burns, also favor this change.

I realize, of course, that the proposal would require a constitutional amendment. I am hopeful that this subcommittee will decide to put its prestige behind the adoption of such an amendment.

Mr. Chairman and members of the subcommittee, for the reasons I have stated, I strongly urge favorable consideration of the proposal to increase the term of office of a U.S. Representative from 2 to 4 years.

Thank you very much.

**STATEMENT OF HON. HERBERT TENZER, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEW YORK**

Mr. TENZER. Mr. Chairman and my colleagues of the Judiciary Committee, I am honored to have been given this opportunity, although not a scheduled speaker this morning, to present my views on the extension of the term of the Members of the House of Representatives.

I want to compliment the chairman of the Judiciary Committee, my distinguished colleague from the State of New York, the dean of the House, Representative Emanuel Celler, for having scheduled these hearings on House Joint Resolution 394 and companion bills and related bills, all seeking to bring about an increase in the term of Members of the House of Representatives.

At the outset, let me say that I favor an extension of the term of the Members of the U.S. House of Representatives. All of the bills which are under consideration by this subcommittee seek to extend the term. The only difference is a variance in the approach that is made and as to the length of the term.

I, too, read with great interest the debate of our Founding Fathers at the time of the adoption of the Constitution of the United States, and I am fully aware of the detailed debate on the question of 1-, 2-, 3-, and 4-year terms. I agree with my distinguished colleague, who made a brilliant presentation today, Hon. Frank Chelf of Kentucky, that there is quite a difference between the times 179 years ago when a Member of the House of Representatives argued for a 1-year term, because all the colonial legislatures were for 1-year terms, and our present times. They argued then that the length of time required to go home by horseback to keep in touch with their constituents would demand and require a longer term. And even though the delegation from New York proposed and held out for a 3-year term, which was approved in the Committee of the Whole, and which was seconded by James Madison, there was a persuasive debate that brought about an amendment finally approving the 2-year term.

I found a great deal of interest in Congressman Multer's comments about the number of times that Members of Congress return to their homes. This Congress has been called by many names; we might also be called the Commuter Congress if this continues, and, of course, if the speed of airplanes is further increased, we may very well become a "Commuter Congress."

Of course, there is some advantage. Members of the Congress will be able to spend more time with their families; at least those who do not have their families here with them. But there is another aspect of the discussion which took place earlier today, in which Congressman Chelf added that the exposure of a Congressman today is so much different than the exposure that existed not only 179 years ago but even 10 years ago, as revealed by the poll to which our distinguished chairman referred to earlier in his testimony. Times have changed. Today, we have all kinds of communication, and we have an instantaneous exposure between a Congressman and his constituents.

It may be somewhat repetitious, but with the daily newspapers, the weekly newspapers, the press and radio, the television, there is no

longer need to return home to inform constituents as to what is taking place in Washington. They have it long before we get home. They have a constant and continuous report of news. And now, in many cities, we have a program on radio which is constant news right through the day articulating and bringing to their attention the events that take place in Washington.

I would ask, Mr. Chairman, in order to avoid further repetition of testimony, that I be given the opportunity to place my statement in full into the record of these hearings and to add leading articles on the subject of a 4-year term. With your permission, I will review with counsel to avoid burdening the record with material already in it.

Mr. DONOHUE. Without objection, it will be made a part of the record.

(The prepared statement submitted by Mr. Tenzer is as follows:)

STATEMENT SUBMITTED BY HERBERT TENZER, U.S. REPRESENTATIVE FROM THE STATE OF NEW YORK

Mr. Chairman, I commend the distinguished chairman of the House Judiciary Committee, the gentleman from New York, Mr. Celler, for scheduling hearings on House Joint Resolution 394, introduced by the gentleman from Kentucky, Representative Frank Chelf, my distinguished colleague on the House Judiciary Committee, and related bills to increase the term of Members of the House of Representatives.

The proposed constitutional amendments to extend the term of Members of the House of Representatives, which will be considered at these hearings, vary only in the proposed length of the term and the mechanics for implementing the increased term.

House Joint Resolution 394 and all related bills seek to amend article I, section 2 of the U.S. Constitution, which provides:

"The House of Representatives shall be composed of Members chosen every second year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

In this session of Congress, 18 joint resolutions have been introduced in the House, each proposing an extension of the term of U.S. Representatives.

In order to insure complete debate on this important constitutional issue, and to provide the members of the subcommittee and full Judiciary Committee with testimony on all possible approaches to a solution of this problem, I have today introduced a resolution (H.J. Res. 630) to provide a 3-year term for House Members. The text of this resolution follows:

[H.J. Res. 630]

Proposing an amendment to the Constitution of the United States to provide that the terms of Members of the House of Representatives shall be three years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution of the United States, to be valid if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE

"SECTION 1. The House of Representatives shall be composed of Members chosen every third year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

"SEC. 2. The article shall be effective with respect to the terms of Members of the House of Representatives elected at the first general election following the date of ratification of this article."

To prepare my own views on the question of an increased term for House Members and to redeem a campaign pledge, I carefully studied documents which

summarized the debate of our Founding Fathers on the length of the term of Members of the House at the time the Constitution was adopted. They considered 1, 2, 3, and 4 year terms.

House Joint Resolution 394 (the Chief resolution) would provide a 4-year term for Members of the House, with one-half of the Members running concurrently with the President and the other half running in a mid-term election. There are some difficulties inherent in a resolution providing for a drawing of lots to determine which half of the House shall run with the President and which shall run without the President. There is also the problem of States which have an odd number of Representatives and those which have only a single Representative in the House. These are some of the objections to House Joint Resolution 394 which I have heard from my colleagues although a majority of those I have spoken to favor an extension of the term of Members.

By reason of my own desire to retain a system of checks and balances between the legislative and executive branches of government and to overcome the objections voiced by my colleagues, I have introduced a resolution to provide a 3-year term for Members of the House, effective as of the first general election following ratification of the proposed constitutional amendment by the requisite number of States.

I favor an extension of the term for Members of the House to 3 years for the following reasons:

(1) Under a 3-year term, all Members of the House would run for office at the same time. The House would remain a noncontinuing body subject to reorganization every 3 years, just as it is subject to reorganization every 2 years under the present system.

(2) A 3-year term would maintain the essential features of our system of checks and balances between the legislative and executive branches of government. Every 12 years Members of Congress would run with the President and 3 out of every 4 congressional elections would take place during nonpresidential elections.

(3) An increased term for Members of the House would encourage more citizens with outstanding leadership qualities, to seek public office and would bring to the Congress persons from many walks of life not presently stimulated to seek this office by reason of the physical and financial strain inherent in a campaign for a seat in the Congress every 2 years.

(4) A 3-year term would provide an opportunity for the voters to judge their representatives on the basis of a record compiled over a 50 percent longer period of time in office while at the same time retaining that closeness which must exist between a representative and his constituents. In addition, the voters would be able to judge their representatives on the record and conduct in office without the frequent pressures and emotions present during a presidential election. This would occur only once every 12 years, Representatives would have to stand on their own records of performance.

(5) Under a 3-year term, Members of Congress will run less frequently in presidential elections, thereby freeing the Congress to devote itself to legislative business during the period preceding presidential elections.

Most newly elected Members of Congress, generally require from 2 to 4 months to get fully acquainted with their duties and responsibilities and to organize their offices and staffs. There are of course some exceptions. Some newly elected Members are ready to perform their duties and to discharge their responsibilities upon being sworn in as Members of the House and others may require longer periods to become fully oriented and organized. Then comes the second session which coincides with the second year of the term when the Member faces a long campaign for reelection. When we examine the record of the Congress we learn how little legislation is passed in the second year of a 2-year term. In addition, when the second year coincides with a presidential election year—the effectiveness of the Congress is affected by the emotional strains of the presidential campaign. In such campaigns the people pay most, if not all, their attention to the candidates for President, Vice President and Senator and very little to candidates for Members of the House.

I introduced this resolution because I am convinced it is the best proposal for increasing the term of Members of the House of Representatives to a more realistic tenure without sacrificing our delicate system of checks and balances. In addition, I wanted to afford my colleagues an opportunity to review all possibilities to insure that we will formulate our final legislative decision wisely.

In offering a resolution proposing a 3-year term I do not claim originality, for it is not a new suggestion. It was first proposed by the framers of our

Constitution. The historical background of our present system is enlightening and I believe can shed much light on the subject.

The provision of the Constitution providing a 2-year term for Members of the House was adopted after lengthy debate and met with considerable opposition in the Constitutional Convention. Under the Articles of Confederation the Members of Congress were elected for only 1 year, but the Convention sought to avoid such frequency of elections. When the matter came up in the Committee of the Whole, 1-, 2-, 3-, and 4-year terms were proposed. James Madison of Virginia seconded the 3-year term. "Instability," he said, "is one of the great vices of our republic to be remedied. Three years will be necessary in a Government so extensive for Members to form any knowledge of the various interests of the States to which they do not belong, and of which they can know but little from the situation and affairs in their own. One year will be almost consumed in preparing for and traveling to and from the seat of national business."

Seven States supported the 3-year term—New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and Georgia. The proposal passed by a vote of 7 to 4 in the Committee of the Whole.

Madison's Writings reveal that when the question came up in the Convention, a motion to strike out 3 years and insert 2 was carried.

And so it came about that the term for which Members of the House of Representatives should be elected was fixed and inserted in the Constitution.

Writing in the *Federalist* in defense of a longer term than 1 year, Mr. Alexander Hamilton said: "As it is essential to liberty, that the Government in general should have a common interest with the people; so it is particularly essential that the branch of it under consideration should have an immediate dependence on, and an intimate sympathy with, the people. Frequent elections, are unquestionably the only policy, by which this dependence and sympathy can be effectually secured. But what particular degree of frequency may be absolutely necessary for the purpose, does not appear to be susceptible of any precise calculation—and must depend on a variety of circumstances, with which it may be connected * * *."

The "variety of circumstances" which existed when Alexander Hamilton made the remarks just quoted—are even more varied today. What motivated Hamilton and others to favor a 2-year term instead of the then existing 1-year term motivated me and I hope will motivate my colleagues to favor a 3-year term instead of the 2-year term.

Today a Member of Congress does not have to return home to acquaint his constituents with what is happening at the seat of government, with the newspapers, radio, and television—a Member of the House lives under a system of full exposure to his constituents. This is as it should be. Congressional mail and visits from home by those whom the Member serves represent only two examples of the new "variety of circumstances" which should persuade my colleagues to favor an extension of the term and when doing so to favor a 3-year term.

The men who fashioned our Constitution had good reason for establishing a 2-year term instead of a 1-year term for House Members. Referring again to *Federalist* paper No. 52, the authors said "that the [House of Representatives] have an immediate dependence on, and an intimate sympathy with, the people * * *."

However, with our years of experience as a democratic nation, we can now safely assume that the notion of a "tyrannical legislature" in Washington is outdated. Modern means of communication, unknown in 1787, provide easy and rapid contact between the legislators and the voters at home. Today we have instantaneous contact with the voters at home. The radio flashes news from Washington within seconds after the events occur. The daily newspapers carry details of the vote of each Member of the House on each major item of legislation. Full texts of major items of legislation are carried in the press.

Members of the House in order to properly perform their duties and to adequately discharge their responsibilities must spend a disproportionate amount of their time and effort in the process of learning the rules of the House, the detailed procedures and requirements of their office. Under the present 2-year term he must begin to plan for his reelection campaign almost immediately upon assuming office. The daily mail, the telephones and telegraph and greeting the many out-of-town visitors add substantially to the workload of the legislative duties.

The increase in the legislative workload has made far more serious inroads on a Member's time and energy than was the case during the early Congresses.

The House of Representatives in the very First Congress in both of its sessions proposed only 142 bills of which 118 became law. During the 88th Congress, 15,299 measures were introduced of which 1,734 were adopted.

Although the proposed 3-year term would not of itself reduce the burden of Members, a smaller percentage of his total time would be spent in organization of his office and in his campaign for reelection. His experience with, and understanding of, the numerous technical problems of his office, gained in a longer term in office will materially facilitate the performance of his duties and make him a more effective representative of the people who elected him to office.

Encouraging legislative service as a career has considerable merit. A legislator should be given more than 2 years to prove his value as a public servant, he cannot be given a true test of value in so short a time. An additional factor to be considered is that with a longer term in office, Members may be more independent of the pressures from all sides, all to the advantage of the larger public interest.

Of considerable importance to the legislative process is the need for sufficient time to hold full and complete committee hearings and House debate on complicated legislation. This is not always available in a 2-year term, particularly in a presidential election year.

Lastly, the increased financial burden of congressional campaigns is a source of deep concern to many Members of the House and prospective candidates. An increased term would reduce the frequency of these expensive campaigns.

I congratulate the chairman of the House Judiciary Committee for his willingness to air this subject despite his previous statements in opposition to the proposed constitutional amendment. This is truly a decision based upon the desire of the people and the desire of a majority of the Members of this Chamber.

I urge my colleagues to support an extension of the term for Members of the House and particularly the proposed 3-year term.

Mr. TENZER. I am inserting into the record of the hearings at this point for the information of my colleagues an article which appeared in the New York Times Magazine, January 10, 1965, by William A. Shannon entitled "Reforming the House—A Four Year Term?" and an article which appeared in the Washington Post, May 22, 1965, by Leslie Carpenter entitled "Four Year U.S. House Term Weighed."

(The articles referred to follow:)

"REFORMING THE HOUSE—A FOUR-YEAR TERM?"

By William V. Shannon

The House—Its 435 Members Have Won a Total of 2,282 Elections



WASHINGTON.—As the 89th Congress gets underway, congressional reform is more a subject of controversy than it has been for nearly 20 years.

One reform proposal which has received relatively little attention but which could have far-reaching consequences has been put forward by Senator Joseph S. Clark, Pennsylvania Democrat. He intends to offer a constitutional amendment increasing the length of the term for House Members from 2 years to 4.

He will offer his amendment later this month, as soon as he has arranged for its sponsorship by a Member of the House. Senator Clark could act alone, but since the amendment concerns "the other body," he deems it wiser to let the House act first. The amendment is likely to be referred for hearings to the House and Senate Judiciary Committees. No action is probable this year because it takes time to develop support, but this proposal has already stirred wide interest. If approved by two-thirds of both Houses, it would become effective if ratified by three-quarters of the States.

"Two years is too short a term in which to represent effectively a Congressional district," Senator Clark says. "A newly elected Congressman has hardly warmed his seat before he must leave it to campaign for renomination and reelection. And if he comes from a noncompetitive district, he will remain a Representative for the rest of his political life. So what does it matter if he goes through the motions of getting reelected once every 4 years instead of once every 2?"

Representative Florence Dwyer, New Jersey Republican, offers support for the 4-year term from a slightly different angle: "Eight years in the House have convinced me that a longer term for Congressmen could greatly improve the quality of representation. Under the present 2-year system, most House Members must spend an excessive amount of time politicking and campaigning—simply to survive. A term of 3 or 4 years would give us time to think and plan and produce a more consistent and constructive legislative program."

Mrs. Dwyer, who unseated Democrat Harrison Williams, now New Jersey's junior Senator, in 1956, and has won reelection by increasing margins every 2 years, notes that her State has an April primary, which means that every other year she has to do at least some campaigning from April through November.

The proposal for a 4-year term is part of the larger struggle for reform of the House. At issue are two divergent views of how the House ideally should function. The traditional view is that the first duty of a Representative is to represent the particular interests of his constituents and pay the closest attention to their opinions.

The late Estes Kefauver, a congressional reformer himself, liked to tell of the advice he received on his first day in Congress in 1939 from Speaker William B. Bankhead when he asked for the secret of how Members get reelected term after term. Bankhead replied without hesitation: "It is a simple secret. Give close and prompt attention to your mail. Your votes and speeches may make you well known and give you a reputation, but it's the way you handle your mail that determines your reelection."

Most pragmatic observers of the congressional scene would not dissent from this well-worn wisdom. Fast, efficient service on requests from constituents builds a body of loyal supporters and has helped keep many otherwise mediocre Members in Congress for decades. "Listen to the home folks and answer your mail," is part of the conventional wisdom every Member of Congress knows, along with such hoary adages as, "The way to get along is to go along," and "Vote your district," and "Freshman Members should be seen and not heard."

These attitudes grow out of the present power arrangements of the House, in which most of the important work is done in committees; control of committees is governed by the automatic working of the seniority system, and favor trading among committee and subcommittee chairmen is one important way things get done.

Those observers who share Senator Clark's dissenting view of how the congressional system should work, put forward a somewhat different view of reality. They point out that most of the work of servicing constituent requests is done by a Member's staff. Every Member has at least two or three employees devoting full time to what is known as case work. Contrary to the Bankhead dictum, answering the mail is a task for a clerk, not a Congressman. Moreover, they note that there is no evidence that the dozens of Republican Congressmen swept out of office in last November's anti-Goldwater landslide had been dilatory or delinquent in answering their mail, sending out free baby books and other Government manuals, or processing requests for help in obtaining a veterans' pension or

a social security benefit. Those Republicans lost simply because they were riding the wrong tide of public opinion.

In the view of Senator Clark and his adherents, this is as it should be. The Members of the House, they argue, should not represent a network of petty political fiefdoms, each owing a nonideological loyalty to its Congressman for personal services rendered and for devotion to particular local interests. Members should instead represent—as the Presidency does—the changing national consensus on major issues. They see the ideal of what ought to be merging with the reality of what is, as major shifts in population in the last 30 years and the development of rapid transportation and communications destroy old parochialisms and make the Nation into a single great constituency.

How would a 4-year term for the House fit into this picture? Since Members would always run in presidential years, it would accentuate the coattail effect that the top of the national ticket usually exerts. Individual Congressmen and congressional candidates would become more dependent on the national party. In the same year as a presidential campaign, the voters would be more likely to cross-examine congressional candidates about their views on the national party platform and their agreement or disagreement with their party's national ticket. (Republican candidates in many districts last fall discovered only too clearly that extolling their own records was not sufficient to shake off the incubus of Mr. Goldwater's candidacy.) A 4-year term would eliminate the midterm election for the House, in which the party in power almost invariably loses seats. Since Presidents have enough trouble getting their programs through as it is, avoiding this drop in their political prestige at the midway point would represent clear gain for the White House.

In his recently published book, "Congress: The Sapless Branch," Senator Clark puts the argument this way: "If [a Member] comes from a competitive district, he will be more of a statesman and less of an errand boy if he runs always at the same time and on the same ticket as the presidential candidate of his party. The strengthening of the national interest in terms of the effective dialog on issues which such a procedural change would bring about is substantial. The strengthening of the national parties is even more so. The strengthening of the hand of the President, who alone speaks for all Americans, is the most substantial of all."

It is an ironic footnote to this argument that Mr. Clark was able to win his place in the Senate by unseating an Eisenhower Republican incumbent in 1956, although General Eisenhower swept the presidential election by 9,500,000 votes. That year, for the first time in a century, the party that won the White House failed to carry either House of Congress. Presumably even in the best reformed and well-oriented political system such anomalies would continue to occur occasionally.

When the framers of the Constitution provided that Members of the House should be popularly elected for 2 years and the Senators indirectly elected for 6, they anticipated that the Representatives would be immediately responsive to popular sentiment as the price of reelection. This was true until the Civil War. But over the past 100 years, the development of one-party strongholds across the country has meant that ordinarily fewer than 100 of the 435 Members need worry about reelection.

Democrats from Boston, New York, Chicago, and Los Angeles, as well as from many rural districts of the South, have safe seats which they regularly win by upward of 65 percent of the vote. A sizable number of Republicans in rural and small-town districts of the Middle West from Ohio to Kansas are equally well-entrenched. Meanwhile, the Senators, now elected by direct popular vote and running statewide, are more subject to volatile shifts in public sentiment.

"The framers thought that the Senate would consist of a conservative body of senior statesmen who would restrain the speed and radicalism of the House." Representative Richard Bolling, Missouri Democrat and a leader in the long struggle for congressional reform, recently observed. "But history has taken the two Houses in the reverse directions. At present the Senate is often the more liberal body because it is more responsive to the social pressures of the big cities and the suburbs. The House, organized under the seniority principle, is the restraining influence."

Under these circumstances the historical argument for sharply differentiating between House and Senate has lost much of its validity.

If Members of the House were elected for 4 years, this might subtly undermine the gerontocracy in the House. Newly elected Members who know they may be swept out at the midterm election have neither the time nor the incentive

to mount an attack on the House establishment, since if they were to fight and win a larger share of committee control they would have only 2 years in which to enjoy it—and most of the second year is necessarily spent back home campaigning for reelection. But with the security of a 4-year term the newcomers would feel more nearly on an equal footing with the oldtimers and could look forward to more than 3 years of uninterrupted service.

As matters now stand, the 71 newly elected Democrats in the House become junior members of committees, every one of which is chaired by a member who has been there a minimum of 20 years. These newcomers won election as partners and supporters of Lyndon Johnson, but the fresh wave of 1965 has to yield to the men elected in the time of Franklin D. Roosevelt and, in a few instances, to those first elected in the days of Harding and Hoover.

Those who favor congressional reform are convinced that the only for improving the quality of House membership and the level of House performance is to speed up the rotation of those in positions of control by finding ways to bring junior Members to positions of power. The security of a 4-year term would be one step in this direction.

The elimination of midterm elections for the House would not necessarily weaken Congress as against the Presidency under the constitutional system of checks and balances. When the House is more liberal than the President, as it was in 1931-32 during the last half of the Hoover administration and again in 1959-60 at the end of the Eisenhower administration, the President can with relative ease frustrate the legislative plans of his liberal opponents.

When the House is more conservative than the President, as it was in 1947-48 during the Truman Administration, the conservatives fare only slightly better. The Taft-Hartley Labor Relations Act was the one major exception to 2 years of Republican frustration in the 80th Congress.

Leaving the political struggle aside and looking at the House in purely institutional terms, one can see that a 4-year term would conform with the growing trend toward the professionalization of government. As big government has developed over the last 30 years, the tendency in State capitals and in Washington has been steadily toward longer legislative sessions, higher salaries, more expert staff assistance and—in the States—toward longer terms of office.

So many States have lengthened the terms of office for their Governors, for example, that there are now only 16 which provide only a 2-year term; of these, Michigan and Massachusetts will switch next year to 4 years. Similarly, a one-year term for State legislators was still common before World War I. Now all States elect them for at least 2 years. New York is currently considering extending the terms of its State senators from 2 years to 4.

Two arguments have proved persuasive in advancing this trend toward longer tenure. This first is that most people now regard frequent elections not as democratic safeguard but as a waste of time, energy and money for both the candidates and the electorate. Shorter campaigns and less frequent elections are now the vogue.

Secondly, Government at all levels has obviously grown so much more complex than it was in 1787, or even in grandfather's day, that the public has concluded that its officeholders, both legislative and executive, need more time if they are to learn their jobs thoroughly and do them properly, free from campaigning and other extraneous pressures.

For these reasons many people who do not approve of Senator Clark's broader program for more tightly structured political parties and a Congress more on the model of the British House of Commons do favor his proposal for a 4-year term for Members of the House. A recent meeting of the American Assembly endorsed it, which suggests that although the idea has not been widely discussed, it does have public support.

More important is the absence of any strong opposition. This makes it difficult to estimate the proposal's chances of practical success. It is not likely to be adopted this year, but if the study commission on Congressional reform that Senator Monroney, of Oklahoma, has proposed is established, and were to make the 4-year term part of its package of recommendations, it might sail through with little controversy.

The chief arguments against a 4-year term are the force of tradition and the belief that the necessity of running every 2 years is desirable in keeping a Representative close to his constituency.

Dr. Charles Clapp of the Brookings Institution reports in his book "The Congressman" that when he discussed briefly the possibility of a 4-year term with Republican and Democratic House Members in 1959, they were overwhelmingly

of the opinion that, although longer tenure would be delightful from their vantage point, it would never be adopted. Senators, they observed, were not likely to adopt a constitutional amendment which would enable House Members to run for the Senate in midterm elections without risking their own seats.

The advocacy of this reform by Senator Clark, who has never served in the House, suggests that these Congressmen may have judged their colleagues in the other Chamber too harshly. Notwithstanding the risks, ambitious House Members who want to enter the smaller and more prestigious Senate are usually willing to surrender their seats and make the attempt. The 4-year term would, in fact, not noticeably increase the number of Representatives running for the Senate. On the contrary, by lessening the difference between the two Chambers, it would encourage Members of the House to stay there.

In any event, Senator Clark has one more reform to take care of this contingency as well. A second clause in his proposed constitutional amendment would reduce senatorial terms from 6 years to 4, thus eliminating midterm elections altogether. No one expects the Senate to adopt this self-denying innovation. Only a man of Senator Clark's imperturbable spirit would propose it to his colleagues.

[From the Washington Post, May 22, 1965]

FOUR-YEAR U.S. HOUSE TERM WEIGHED

By Leslie Carpenter

A 4-year U.S. House term and a more frequent Federal census are a likely combination for a constitutional amendment with a reasonable chance of adoption.

The special Senate-House committee now studying ways to make Congress function better will probably recommend both because they are related. Each State's representation in the House is pegged on official census results.

The census tie-in is a political boost for doubling the House term when it comes to getting State legislatures to ratify a constitutional amendment. Businessmen everywhere rely heavily on census findings, and they have long wanted the tabulations more often than the 10 years provided in the Constitution. They can be depended upon to give significant support to the proposed change.

If the 2-year House term is made 4, the timing of the census must conform. Ten is not divisible by four. Therefore a census every 8 years seems the solution.

The recent trend has been to lengthen gubernatorial terms to 4 years. House Members have complained that they can spend the first year doing their legislative job but the second is consumed with trying to get reelected.

Mr. TENZER. Thank you.

Yesterday, Mr. Chairman, after a complete study and review of House Joint Resolution 394, introduced by Congressman Chelf, and House Joint Resolution 78, introduced by Congressman Multer, the two principal types of resolutions offered to amend the Constitution to raise the term of the Members of the House of Representatives, I came to the conclusion that the Judiciary Committee should have an opportunity to again debate the advisability and the feasibility of a 3-year term.

The Chelf bill provides for a 4-year term with one-half of the Members of the Congress to be elected every 2 years. But it presents a problem, not insurmountable, but a problem which should be discussed at length; namely, that in the first election following the adoption of the amendment to the Constitution, there would have to be a drawing by lots to determine which half of the Members of the House would run concurrently with the President. This would not be an even number because we have 435 Members of the House; we also have States with an uneven number of Representatives; and we have some States with only one Representative. This will involve considerable difficulty in determining how the drawing of lots should take place. One-half the Members would run concurrently with the President of the

United States; the other half would run for a 4-year term in the interim period when the President is not a candidate. There may even be a difference of opinion as to which is the most advantageous position to be in. This will create considerable opposition amongst the Members who otherwise might be in favor of an extension of the term of Members of the House.

I have not included in the resolution I offered yesterday—and for the record, let me say that I introduced House Joint Resolution 630, which merely takes the present section of the Constitution relating to the term and office of Members of Congress and changes the words “every second year” to “every third year”. Under House Joint Resolution 630, Members of the House every 12th year will run concurrently with the President of the United States. And, three out of every four times when they stand for election they would appear before their constituents absent the emotion of a presidential campaign. They would stand on their own records, and afford the people who sent them to Washington an opportunity to have them appear under the microscope of public attention only with respect to what they did, how they articulated the problems of the day and how they stood on the legislation which affects the people.

This is without casting any reflection on the desirability or non-desirability of running with, and concurrently with, the President of the United States.

Representative Multer’s bill, House Joint Resolution 78, calls for a 4-year term to run concurrently with the President. To this, there are a number of objections. The objections most frequently voiced are that it was the intention of the Founding Fathers to have the Members of the House of Representatives, the most numerous branch of the legislature, to stand before the people more frequently than the President of the United States, with the possibility that the people may control, by electing a new House of Representatives, control the hand of a President who may not be conducting his office in accordance with the mandate he received from the people, or to control a President who may be “rebellious” in office.

On the other hand, you have an opportunity more frequently than every 4 years to put out of office what has been frequently referred to as a “rebellious legislature.”

All of the arguments should be made before this subcommittee and subsequently before the House Judiciary Committee.

I would propose, Mr. Chairman, that these hearings be conducted in such manner as to give every representative group in the United States interested in the subject, including the leading bar associations, an opportunity to be heard. The record should be complete and we can render a service to the people of the United States by determining what they really want with respect to the term of office of the Members of the House of Representatives.

As for myself, and you will pardon the personal reference, I had never been in politics before a year ago last March. I have practiced law for 36 years, but throughout this period I frequently supported and articulated the desirability of having a longer term for Members of the House of Representatives.

Frankly, I always favored a 4-year term, until I read the debate which took place when our Founding Fathers wrote the Constitution. That is why I adopted, not an original idea, but the view proposed

by the delegation from the State of New York to the Constitutional Convention, and seconded by none other than James Madison.

I favor an increased term for Members of the House to redeem one of my campaign pledges. I come from a district which never had a Representative of my party in the House. The fact that I favored an extension of the term for Members of the House did not deter the voters from supporting me with 56 percent of the vote when they sent me to the House of Representatives.

I selected this means of serving my country, because I did not have an opportunity to serve in the Armed Forces. I was too young in World War I and too old in World War II. Here in Washington I have learned to respect the Members of Congress, because so many of them are dedicated to their tasks, so many of them render a great public service. As a lawyer and as a businessman and now as a Member of this distinguished, honorable body, I have learned to respect and understand the nature of the service of the Members of the House. I suggest that we should be inclined to preserve the health of the Members of Congress and protect them from the stress and strains of too frequent campaigns, aside from the financial burdens so well articulated by Congressman Chelf in his testimony.

There are many other reasons which demand the attention which is being given by the Judiciary Committee to the problem, and I would not be concerned with the reaction of our State legislatures.

There is a difference between the service in the Congress of the United States, with sessions lasting 9 and 10 months in recent years, with that of the service in our State legislatures. There is also a considerable difference in the workload of a Congressman as compared to that of members of State legislatures. I mean no reflection upon them, for they serve the people well, but there is a difference, and that difference should be recognized. I have no objection and certainly would support a referendum of the people on this proposed amendment to the Constitution of the United States. I have no serious objection to the clause included in Congressman Chelf's bill, which is designed to win the favor of the Members of the other body, but I also share the sentiment of Congressman Multer that each Member of Congress should stand before the people on the basis of his record and be willing to stand the test of the electorate as to whether he deserves to remain in office or not. I, for one, aspire to no other office, and would be delighted if God wills it and if the people so desire it, to serve out the remainder of my years in the House of Representatives. But I do not fear the loss of my seat to any Member more competent, more capable, who wins the support of the electorate.

I want to thank the chairman and the members of the committee for receiving my unscheduled testimony. I ad libbed without referring to my notes, but I have your leave to include my statement in the record.

Thank you, sir.

Mr. DONOHUE. Any questions?

Mr. CORMAN. Mr. Chairman, Congressman, I agree with you that this committee needs to consider this matter very carefully and fully and debate among ourselves, and I think you have brought us important additional considerations. I, for one, think that we will, and we

ought to, report out a proposal to the floor, and I doubt if any of us have formed finally in our minds what that proposal ought to be.

I am wondering if you considered the additional cost to the States of conducting what in a sense would be off-year elections if they have 3-year terms?

Mr. TENZER. Well, gubernatorial races do not run concurrently with the President of the United States. Legislative races are conducted in off years and senatorial races are conducted every 2 years.

Mr. CORMAN. No, sir, but the point is that if we have a 3-year term, at least in our State and I think perhaps in many States, we would have Congressmen standing for reelection when no other offices would be up for election. In other words, at the moment all of us run every even-numbered year. In my State, one time it is with the President. The next time it is with the Governor. But if I had a 3-year term, then on the odd-numbered year when the Congressman ran, in our State we would have to conduct an election solely for the selection of the Members.

Now, I do not know that that is a bad thing. I only inquire whether you considered the additional cost for the States and whether you think there might be any objection to it.

Mr. TENZER. Congressman Corman, you raise a question which I am not prepared to answer. I think my strength is that I know what I know, and I am pretty sure about the things that I do not know. I believe the question that you raise highlights the need for this committee to obtain a complete survey of the elections in various States and how they will be affected by these proposed amendments. In my State, for example, in my own district which is a one-third part of Nassau County, we have an election for county executive every 3 years. Then, we have county elections and town elections, but I am certain that this calls for a study, and I urge that before this bill is considered in the full committee every one of the questions raised should be supported by proper documents and research, so that we may have all the answers when the proposal reaches the full Judiciary Committee. I have great confidence in the wisdom and understanding of the 35 members of our Judiciary Committee.

Mr. CORMAN. I thank you very much. I think you have brought us some facts to consider that certainly had escaped me, and they are going to be very useful when we finally draft a proposal to take to the floor of the House.

Mr. TENZER. Thank you.

Mr. DONOHUE. Thank you very much, Congressman.

Mr. TENZER. Thank you.

Mr. DONOHUE. We will now hear from another capable Congressman from the great State of Louisiana, Congressman Waggonner.

STATEMENT OF HON. JOE D. WAGGONNER, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mr. WAGGONNER. Mr. Chairman and members of the committee. I do not want to be repetitions. Convincing arguments have been made here this morning in proposing an extension of the terms of the Members of the House of Representatives in the United States Congress. The argument I make is one in which principle is involved, and I would like your consent to include my statement in the record.

Mr. DONOHUE. Without objection, it will be made a part of the record.

Mr. WAGGONNER. In addition to my statement for the record, may I briefly make two or three remarks, and then if there are questions, I would be glad to attempt to answer any you might have.

First of all, I want to lay further emphasis upon a point which has been made by those who have testified here this morning, that a comprehensive study should be made by the Judiciary Committee and every effort made to develop every pro and every con with regard to extension of these terms. I take no pride of authorship in proposing House Joint Resolution 385. I am concerned simply with the fact that I sincerely believe that terms should be extended first.

I personally will accept the language of, I believe, almost any bill that conceivably the committee could report that would extend these terms.

After listening to the testimony of my colleagues here this morning, I must say in all sincerity I do not concur with my dear friend and colleague, Mr. Chelf, of Kentucky, when he suggests writing a prohibition into the amendment which would preclude the possibility of a Member of the House seeking another office while serving here. I take this position for the very reasons Mr. Multer expressed in his testimony. Because I believe that, in this land of some freedom of choice, the people are deserving of the best representation they can get. It is not competition for office that we are attempting to stifle. We must not deny to the people the opportunity for better representation, at least better representation in their eyes.

The point Mr. Corman has raised, and my other colleagues have commented on, having to do with the mater of ratification is a good point, and I have no specific or ironclad feelings about this. Any manner that the committee would choose to word their legislation would be satisfactory to me.

I personally believe, as Mr. Corman also expressed, that perhaps this matter of ratifying constitutional amendments by State legislatures rather than the people themselves is obsolete. I believe there is some argument to be made for the fact that we do not submit enough proposals of this nature to the people of the States for ratification.

With just those few comments, I would be glad to accept questions and have you accept my statement for the record, Mr. Chairman.

Mr. DONOHUE. Thank you very much. Are there any questions?

Mr. CORMAN. I have no questions, but I want to sincerely thank my colleague for bringing us this additional approach, and I share with him a desire that we devise the best possible proposal and we set in the framework the most hope for success in getting it ratified.

Mr. DONOHUE. Off the record.

(Discussion was had outside the record.)

Mr. DONOHUE. Thank you again.

Mr. WAGGONNER. Thank you, Mr. Chairman.

(The prepared statement submitted by Mr. Waggonner follows:)

STATEMENT OF JOE D. WAGGONNER, JR., U.S. REPRESENTATIVE FROM THE STATE OF LOUISIANA

Mr. Chairman and members of the committee, I appreciate the courtesy you have shown me in inviting my testimony today on the measures which have been introduced calling for a 4-year term for Members of the House. As you know,

one of these measures, House Joint Resolution 385, I introduced myself on March 22 of this year.

I am not here to champion my own bill to the exclusion of any other on this subject. In this respect, I have no pride of authorship. It may well be that the committee in its wisdom, might decide that the detailed provisions of one of the other measures might be more workable than what I have suggested. I leave this to your more experienced hands. I am here only to testify for the principle itself: that Members of the House should be elected for 4-year terms rather than 2-year terms.

I do not intend to dispute the logic which guided the framers of the Constitution to the decision that 2-year terms were appropriate because at that point in time the decision was a correct one. It was essential to liberty then, as it is today, that the House of Representatives in particular have a common interest with the people, an immediate dependence upon them and an intimate sympathy with them. Times have changed, but the principle has not.

A hundred and seventy-five years ago, the only way to insure this interest, dependence, and sympathy was through frequent elections which would require the officeholder to maintain close liaison with his constituents. This condition no longer obtains. Television, telephone, radio, rapid mail delivery, and other speedy means of communication have all served to shorten the distance between Washington, D.C. and our districts and have cut time into fractions of what it was then. Today's jetplanes allow us to go to and from our districts, no matter how remote from the Capitol they are, in a matter of a few hours at the most. We are able to maintain this intimate liaison with our constituents in a manner and to a degree that no frequency of election could have provided for 175 years ago.

On the other hand, while communications improvements allow us to do this job better, these same communications have proliferated to an extent that the cost of an election campaign is approaching the prohibitive. When the Constitution was written, about the only cost of a campaign was the price of a good horse on which to ride the circuit of the district. Today, the cost of our biennial elections run, oftentimes, into hundreds of thousands of dollars. Fifty and seventy-five thousand dollar campaigns are common. Facing this kind of expenditure every 2 years, it is no wonder that the profession threatens to become the rich man's hobby. Politics should and must be an honorable profession open to everyone. It must not be allowed to become any man's hobby. With advertising and campaign costs rising to astronomical costs, it is becoming more and more difficult for an independent man to become a serious candidate. In order to come up with the tremendous amount of money needed to run a race, he has to appeal to special interests and if he accepts their financing, it is inevitable that he becomes their candidate and, if elected, their pawn.

Not only is the cost of modern-day campaigning a staggering item to contemplate, the time required of a Member to conduct a biennial campaign is spent at the detriment of his service to his constituents. And this, in my opinion, is the most serious waste of all. A general rule of thumb, I believe, is 1 year devoted to the duties of the office and 1 year devoted to campaigning for re-election. Most of us are able to keep the offices running in election years with a close proximity to full efficiency, but in doing so, we tax our own physical endurance to a dangerous point. In having to absent ourselves from Washington in order to campaign in our Districts, we deprive the people of their voice on the scene here. We must not lose sight of our true duty as Representatives, and that is to function as the voice of the people in Washington and not as the voice of Washington back home.

I, myself have been one of the fortunate in that I have not had an opponent since my first election so this has posed no problem to me thus far. I appreciate however, the position it places others in and I know that I will be placed in this same position myself someday.

I have discussed the matter of 4-year terms with a number of people, some from my own District and State, but equally with people in all walks of life from all parts of the country. I find few who are opposed to it. The typical response has been to wonder why we have not done something about it a long time before this.

This view is not a new one to me. Prior to taking office, it seemed to me that biennial elections worked an unusual hardship on Members of the House and prevented full-time representation of the people. For proof of this, one has only to look to the number of absentees or to the rush for early adjournment every election year.

No member has a greater reluctance than I to alter in any degree the Constitution which was written to guide this Government. Nor would I support in any degree a change in the principles of that document. The passage of time has brought about conditions of communications that were unknown and undreamed of in 1787. It is right for us to meet this change with a compensating change: 4-year terms for Members of the House.

I know the committee will give my bill and the others introduced on this subject every consideration. It is good legislation. It will benefit the people and I urge that an appropriate bill be reported out favorably so that it can be voted on and then submitted to the people's legislatures for ratification. I have no doubt but what such a measure will be overwhelmingly approved by the States.

MR. DONOHUE. Are there any other Congressmen present that desire to be heard?

MR. CHIEF. If I may for just one brief moment, so that the record could be full and complete on section 4, say that in my addressing a moment ago, I stated that section 4 was a prohibition against a member of the House running for other office, that he could not seek or accept it. But actually, it is not as bad as I may have made it to appear. And for the purpose of the record, I would like to read exactly what section 4 does.

SEC. 4. A Member of the House of Representatives shall not seek or accept the nomination or election to any elective office other than that of United States Representative during his term of office, except when a vacancy occurs in another elective office during his term.

As a concrete example, anybody in the South Carolina delegation of the House of Representatives today, if my bill were enacted into law, could run for the U.S. Senate because of the recent death of Senator Johnston from that State. That is one exception.

Then, it goes to say:

Otherwise, a Representative shall submit his resignation as a Member of the House of Representatives prior to seeking or accepting the nomination or election to any such other elective office.

Actually, it does not prohibit him from running. It merely says, "Well, look, better you stay at your job and continue to legislate, but if you must run for the Senate, or if you must run for mayor of Chicago, or New York, or San Francisco, or whatever; then you have to resign."

For the record, I thought that ought to be clarified.

Now, insofar as section 3 is concerned, the way and the manner in which it is drawn, every 10 years, gentlemen, the fellow that maybe was running in the off-year would have another chance to run in the "on-year" with the President, for this reason: Whenever there is an increase or a decrease in the number of Representatives in a given State, the State naturally has to be redistricted according to the then-existing census figures. So that if I were in the position of running in the "off-year" and you were in the position of running in the presidential year, at the end of 10 years the membership would again meet and draw straws or cut cards, cast lots, or whatever, in order to determine their position. So, there would be another opportunity to run with the President if one had been running in the "off-year."

Now, one other thing was mentioned, about the expense of campaigns. I can give you one little incident that cost my Fourth Kentucky District, the people of my District, 19 counties, a terrible sum.

In Kentucky, you do not have to pay any fee to announce for any office. If you have a 5-cent stamp in your pocket, you can mail your

papers to the secretary of state and you have filed according to Kentucky law.

In 1958, there were 2 minutes between me and the deadline, which was the midnight hour of filing with the secretary of state. At 1 minute to the midnight hour, a man came in by the name of Riley and filed for the nomination to Congress on the Democratic ticket. Of course, this brought about a political race that everybody had figured would not happen because it was an off-year, it was the so-called congressional year in Kentucky. We had had our year for our Governor; we had had the year for the presidential race; we had had the year for the county offices, and this happened to have been that "off-year" when only the Members of Congress ran in Kentucky.

And to give you an example of the devastating effect it had on one little county. The county fiscal court had met and had appropriated some \$10,000 to repair the roof of their courthouse—it was leaking—on the assumption that they would not need any money for any campaign that year. And lo and behold, when the man filed against me at 1 minute to the midnight hour, and the next morning the Courier-Journal so reported it, the fiscal court of that particular county immediately met, and they said, "Well, boys, there goes the roof." There went the roof, because they had to spend that \$10,000 on an unnecessary, unwarranted, unneeded election. And for what? Just to satisfy this man's ego it cost my people in an "off-year," they estimated, between \$35,000 and \$45,000. But this was democracy in action; and it still exemplifies and I think explains just how an additional amount of money can be spent even uselessly.

Now, one other thing in trying to clear this up. There have been those who have said "My goodness, another constitutional amendment." Well, we have had, as you know, 24 amendments adopted, and there is one in the brew now. As I understand it, two legislatures have already met and approved the 25th amendment that has to do with presidential inability. So, I do not think that that is any valid argument against this particular amendment at all.

Forgive me, gentlemen, for going into these things, but they were discussed here today, and I felt that an explanation was due to this committee.

Thank you.

Mr. TENZER. Mr. Chairman, will you permit a question from a witness today of Congressman Chelf?

Mr. DONOHUE. I have no objection.

Mr. CORMAN. No objection.

Mr. TENZER. Perhaps we can render a service to the committee, Congressman Chelf, if you can refer again to section 3 of House Joint Resolution 394 and clarify the statement you just made about what happens when the number of representatives of the State is either increased or decreased following a reapportionment of representatives. That would not only involve the drawing of a lot of the representatives of that particular State whose number has been increased or decreased, but it may also involve the drawings in other States at the very same time, because if the number of representatives in one State is changed by virtue of an increase, then obviously the number in another State has been changed by virtue of a decrease. Therefore, the drawing by lot would have to take place in both of those States.

Mr. CHELF. Yes.

Mr. TENZER. Do you contemplate under your proposal that all of the Representatives of the particular States affected shall then draw by lot again?

Mr. CHELF. Yes. Yes. Now, that may be a good feature. It may be a bad one.

Mr. TENZER. This may become a perpetual lottery of congressional seats.

Mr. CHELF. Well, there is one thing about it. If there are those who would be unhappy with the 2-year term and running in the "off-year," at least he would have the hope that some day he would have another chance at changing it.

I never felt so sorry for a man in all my life as when our colleague from the House, Representative Bartlett, was elected as U.S. Senator from the State of Alaska. He met, according to the Constitution, and by lots he drew the short term, he drew 2 years, and within 2 years he had to run again for the U.S. Senate, but, of course, at that time he had his 6 years. But it is as fair for one as it is for the other, as I see it.

Mr. DONOHUE. Is that the system they have of selecting the horses that will run in the Kentucky Derby?

Mr. CHELF. Sometimes when I am standing there at Churchill Downs, Mr. Chairman, tearing up my tickets, I think you are right.

Mr. TENZER. Perhaps that is the reason why I do not understand the lottery system so well.

Mr. CORMAN. Off the record.

Mr. DONOHUE. Off the record.

(Discussion was had outside the record.)

Mr. CORMAN. I would like to inquire, Mr. Chelf, into this matter of one being unable to run for another office, section 4, and I assume that was devised in major part to relieve the fears of Senators. But I am wondering of the advisability of us by Federal legislation prohibiting, for instance, the people in Los Angeles from having the ability to select one of their Congressmen as a candidate for mayor—or for mayor if he survives the primary. We have had some very fine mayors in Los Angeles from this House, as does San Francisco right now. I can see the wisdom of it so far as it relates to the other body of the legislature, but I am wondering if there is any reason that we should limit that and make it possible for people at a local level, or possibly even at the State level, to move one of their Congressmen to another position if they decide they want to?

Mr. CHELF. Well, as I pointed out a while ago, Mr. Corman, I have never feared going before the public in any election that I have ever run or in any campaign that I have ever made.

If you will pardon another personal reference, I resigned my seat as prosecuting attorney of my county in order to be able to run for Congress.

Now, if a man wanted to run badly enough for mayor of Los Angeles or New York or Chicago, or whatever, all he would have to do would be to resign. And then he could devote his full time and energy, and he would not be doing it at the expense of his people that he is supposed to be here representing. This is the point that I have in mind. Some of these campaigns for mayor of these large cities takes a terrible toll on them financially, physically, and last but not least, they are time consuming. They must necessarily remain away from their

duties here at the taxpayers expense. This is where they ought to be, in my opinion. Yes, here in Washington on the job, where they belong.

Mr. CORMAN. Yes, but I was just reminded of the statement made earlier concerning once-Congressman-then-Mayor Poulson because I served on the city council under Mayor Poulson, and I think it was a great advantage to the people of the city of Los Angeles that they had that gentleman for mayor at the time they did, and apparently from the recitation of his activities, he did not neglect his duties here while he was running.

My point is: I am not trying to devise this so that it is a convenience for Members but rather giving the voters a broader choice of people they select for local and State offices, and if they wanted to select a Congressman who very well might not want to resign his seat to run, that is my concern, not his welfare, but making that possibility available to voters in the city or in the State if they wanted to.

That is the only reason I would at least want to consider it.

Mr. CHIEF. Well, I must confess again, and I have to be honest, this was a gimmick that I put in the bill to gain support. I would be unfair and unkind and untruthful, if I did not tell you that I, having been here the 21 years—having had the honor of serving on this Judiciary Committee—if I did not tell you frankly that I put this in there deliberately with my eyes wide open to try to assure the Members of other body that we wanted to follow the Golden Rule, the Sermon on the Mount, and the Ten Commandments, by treating them decently, so that they would not have to worry about the “off-year.”

Mr. DONOHUE. Thank you very much, gentlemen.

Now, without objection, we will have the statements of several Congressmen.

(The prepared statements referred to follow:)

STATEMENT OF HON. PETER W. RODINO, JR., U.S. REPRESENTATIVE FROM THE STATE OF NEW JERSEY IN SUPPORT OF PROPOSALS AUTHORIZING A 4-YEAR TERM FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES

Mr. Chairman, I am happy to have the opportunity to submit testimony in support of proposed legislation to lengthen the term of Members of the House of Representatives from 2 to 4 years.

Historically, we know from debate during the Continental Congress which developed our Constitution that there was no unique reason for choice of a 2-year term for House Members. One-, two-, and three-year terms were proposed, with debate centered around the question of the desirability of annual elections to prevent a “tyrannical legislature” and the considerable problem of the time then required for Congressmen to travel back to their home districts. The final agreement on a 2-year term was, in effect, a compromise suitable to the needs and conditions existing in our Republic at that time.

Today the situation is vastly different. With modern communications media and transportation there is no problem for Congressmen in maintaining close contact with their electorate. And certainly constituents have no difficulty in keeping informed about activities of their Representatives or in communicating their views to them.

But television, jet airplanes and other 20th century advantages have also created a new problem: the increasing expense of conducting election campaigns. Advertising, radio and television time, printing and postage, all now considered necessities of a modern political campaign, are becoming more costly each year. And to campaign in districts covering large geographical areas can require the expenditure of thousands of dollars for travel.

This heavy financial demand naturally discourages many talented and competent people from even considering seeking public office. I recall that President Kennedy suggested the possibility of some Federal financial aid for candidates, a

proposal first advocated years ago by President Theodore Roosevelt. A 4-year term would also lessen the financial burden carried by the individual States in conducting elections.

In my judgment, however, the most overwhelming argument for a 4-year term is that it would result in better representation for the Nation during this perilous period in our history. Government at all levels continues to become more complex, and certainly no one anticipates an early or easy solution to the challenges we face as leader of the free world nations.

It is significant here to remember the farsighted comments of James Madison, when he argued for adoption of a 3-year term in 1787: "Instability is one of the great vices of our republics to be remedied. Three years will be necessary in a government so extensive for Members to form any knowledge of the various interests of the States to which they do not belong, and of which they can know but little from the situation and affairs in their own."

Four years would enable individual House Members to render much more effective and meaningful service. Now a newly elected Member must spend most of his term learning the job and running a reelection campaign. With a 4-year term Congressman would be able to concentrate on legislative problems and broader, substantive issues of national concern.

In another way, too, a 4-year term would result in more efficient and responsible Government. For a congressional election must take place in the middle of each President's term, with accompanying disruption to his legislative program, even when there is no significant loss of seats to his party or loss of control of either House of Congress. Studies have clearly demonstrated that accord between the Executive and Legislative Branches is essential if any administration is to be able to carry out its program or to bring about any truly constructive achievements for the Nation.

There is widespread support for this proposal. Former President Eisenhower, at a press conference on March 2, 1955, noted that Congressmen must campaign for reelection every 2 years and went on to say: "Incidentally, I think this is a mistake. I would like to see a 4-year term for them." And our distinguished colleague who has led the effort to bring about this change, Representative Frank Chelf, informed us on June 16 that in a poll of House Members 253 out of 359 replied favored this change, while 32 of 52 Senators who commented on the proposal supported a 4-year term.

Mr. Chairman, I believe a 4-year term would greatly improve the effectiveness of Congress in carrying out its ever increasing and ever more complex responsibilities. I urge the Committee's careful consideration of the proposals to bring this about.

STATEMENT OF HON. EDWARD J. DERWINSKI, U.S. REPRESENTATIVE FROM STATE OF ILLINOIS

Mr. Chairman and members of the committee, I appear before you to oppose the 4-year term for House Members. However, since this committee very properly is considering alternatives and all questions in this matter, I do state that if a 4-year term is considered desirable, the election should be held in the nonpresidential election years. My principal reasons for opposing the 4-year term are as follows:

The House of Representatives was created as the body of Congress closest to the people. Direct election and a 2-year term fulfill this concept, in contrast to the Senate's 6-year term and its original method of indirect selection by State Legislatures.

A 4-year term would produce a major change in our Government by weakening public control over House Members. As we urge developing nations to evolve as democracies, it would be contradictory for our republic to become less of a democracy by diluting the public's control over its representatives.

The Federal Government is growing into an unmanageable monstrosity completely escaping public control, and the increase to 4 years of terms for Members of the House would accelerate this unfortunate development.

I recognize the appeal that a 4-year term has for Members, but I believe that it is not the fond hope of incumbents and would-be House Members but service to the public that must be considered. A Representative should welcome the responsibility and challenge of submitting his record to his constituents at the historic 2-year intervals.

It is an inaccuracy to charge that the complications of the day require such attention of the Members that the time-consuming campaign every 2 years lessens their legislative effectiveness. The facts are that with office automa-

tion, increased staff and travel allowances, vastly improved transportation facilities, and telephone and communications media, a House Member has a much easier time keeping in touch with his constituents than have our predecessors.

The most demanding problem facing a Member every 2 years is the financing of his campaign, but if strict limitations on expenditures were prescribed and enforced, the election period would not be a burden.

Since we recognize the growing complexity in the issues of the day and natural public frustration at the size, power, and ruthlessness of the Federal Government, the public is deflected from the trend to autocracy by the exercise of their vote for House Members every 2 years. History reveals that congressional elections in the middle of a presidential term have been effectively used to demonstrate public reaction to the conduct of government affairs, and they have effectively served as a restraint on and have given direction to the Chief Executive as well.

Numerous complications would arise from a 4-year term. The lesser of evils would be to elect House Members in the off-year rather than at the time of the presidential election: If the election of House Members is completely tied to the presidential campaign, the independence of the legislative branch would be destroyed and rubberstamp Congresses would be a permanent fixture on the national scene.

I also fear that a 4-year term for House Members would produce a move by Senators to extend their terms to 8 years and would give rise to agitation for a 6-year presidential term, thus diminishing public control over the Federal Government.

I realize the grave complications that the committee is considering, but it would also be practical to consider reducing the Senate term for 6 to 4 years. Obviously, Members in the other body would not appreciate this possibility, but it would bring them closer to the public.

I believe that the most effective way to solve the problems which Members face campaigning every 2 years is to have completely enforceable ceilings on campaign expenses. In addition, our individual States could provide practical alleviation to some of the pressure by setting the primary dates later in the year, thus shortening the actual campaign period.

STATEMENT OF HON. RICHARD FULTON, U.S. REPRESENTATIVE FROM THE STATE OF TENNESSEE

The Congressman today is running for reelection all the time. Even though his job has become a full-time occupation as legislation becomes more and more complex and the sessions become longer and longer, the Congressman still has to run for reelection almost continuously due to the 2-year term. He has little time for gathering expertise in a legislative field, he has little time for learning the complex procedures of legislation, for almost from the day he arrives in Washington he is running for reelection.

Another benefit that a 4-year term would provide would be to reduce the high personal costs of a congressional campaign. The heavy financial burden imposed by the need for frequent campaigns is a source of deep concern to many Members of the House, especially those that have no other source of income outside of their salary. With the longer sessions, it is becoming practically impossible for a Member to practice law or any other profession while he is not attending Congress. This cost of campaigning discourages promising young candidates seeking office, for they are not wealthy enough to incur the heavy expense of running for office every 2 years.

A 4-year term for a Congressman will enable him to give more effective service and still give him sufficient opportunity to return to his district. The 4-year term would mean better legislation because it could then be considered on a long-range basis. A Congressman would be able to study legislation without thinking in terms of conducting a campaign for reelection at the same time that he was working on bills. Indeed, the 4-year term is vital if the House of Representatives is to remain as important in the legislative structure as it has in the past. The times demand full-time legislators and the 4-year term will help provide them.

The reason for the 2-year term originally was to make the House more responsive to the wishes of the people. In the old days, a Member would only see his constituents at election time. This is no longer true. Visits back to the district are frequent and with telephone service and airline service, a Member is in daily contact with his constituency, and is well informed of the electorate's feelings.

STATEMENT OF HON. JAMES C. CLEVELAND, U.S. REPRESENTATIVE FROM THE STATE OF NEW HAMPSHIRE

Mr. Chairman, I have long favored increasing the terms of U.S. Representatives from 2 to 4 years and I appreciate this opportunity to present my reasons to this distinguished committee.

The pressure of having to campaign every other year detracts from time and energy that should be devoted to legislative duties. A 4-year term, preferably with elections held in nonpresidential years, to permit the maximum possible attention to be given to candidates for the House, would give each Member adequate time to develop and carry out his program.

I want to stress, however, that I advocate increasing the term only if the law provides that a Representative relinquish his seat if he becomes a candidate for the U.S. Senate. I would also strongly advocate that a measure to increase terms be coupled with a limitation on the number of terms which a Representative may serve consecutively.

There is considerable popular support for the proposal to increase the terms of Members of the House. Members might be interested to know that I asked the question of my constituents in a recent poll, which I am still in the process of tabulating. Of those who have responded so far, 63 percent said they favored increasing the term from 2 to 4 years.

However, on the same questionnaire, I asked about limiting the number of terms a Representative could serve and my constituents definitely did not favor this proposal. In spite of this, I still feel that a limitation on the number of terms which a Representative can serve consecutively would be beneficial to the country. We limit the terms of the President. We also limit the terms of many Governments. Such a proposal would help solve the problems of seniority. It would also insure a reasonable turnover and infusion of new and fresh ideas in the House. It would offer some Members, at least, a graceful, and perhaps welcome, way to withdraw from the political scene.

Four years is a sufficient interval, in my opinion, to test the public's wishes on whom they wish to represent them in the U.S. House. I hope the committee will recommend such a measure to the Congress and the country, with the qualifications I noted earlier.

STATEMENT OF HON. DEL CLAWSON, U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. Chairman, all of us appearing before this committee no doubt speak from experience with the personal inconveniences and the expense attendant upon the necessity to conduct a campaign for reelection every 2 years. However, the important question to be explored as thoroughly as possible is whether the 2-year term gives the people of this Nation the most efficient and responsible representation possible, or whether a longer term will improve congressional performance.

Obviously, in recent years the duration of congressional sessions has been extended appreciably, the legislative load has grown in volume and complexity and the demands for other forms of service through the congressional office have proliferated. Ironically, a Member of Congress has less time to "bone up" (study and research in depth on legislative matters) thereby learning the job, because his duties require so much more time in the performance. Then before their Representative has had an opportunity to grasp more than the fundamentals, the people are required to evaluate his performance deciding whether he should be retained in office. What private industry could long remain solvent if its policy was to devote 2 years to training its employees at wages paid to Members of Congress, with every potential of losing their services after such a brief apprenticeship?

It has been said that "a Congressman's first duty to the people is to get reelected," and the House of Representatives is the poorer for the loss of some of our ablest men who disregarded that homely maxim in the service of their country. I am convinced that the 4-year respite from the physical and mental urgencies of perpetual campaigning would make it easier for Members of Congress to increase their expertise. It would also allow for more long-range planning of the legislative program—in all a better functioning, more constructive legislature.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 12, 1965.

HON. EMANUEL CELLER,
Chairman, House Committee on the Judiciary, Rayburn Office Building, Wash-
ington, D.C.

DEAR COLLEAGUE: It is my understanding that Subcommittee No. 5 will hold hearings on August 18 and 19 on House Joint Resolution 394 and in view of the fact that I will not be in the District of Columbia on those days, I wish to file this statement of my interest in and approval of House Joint Resolution 394.

This change in the term of office for the Members of the House of Representatives is long overdue. In the early days of our history there is no question but what the election of the entire House of Representatives every 2 years had a very stabilizing effect on the Government for it prevented the explosive nature of opposition which, when pent up, terminates in revolution. Our Founding Fathers were, in my opinion, farsighted and intelligent in inserting in the Constitution the necessity for the election every 2 years. This allowed the people to express their opposition to what was going on in Washington and if the opposition was strong enough, they could overturn the entire membership of the House.

Now, however, the necessity for that stabilizing effect is no longer present and because of the increase in the cost and time consumed in elections every 2 years, the office of U.S. Representative is not nearly as attractive as it used to be. I sincerely hope that House Joint Resolution 394 will be promptly and favorably reported to the full committee.

Cordially yours,

J. ARTHUR YOUNGER,
Member of Congress, 11th District, California.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 17, 1965.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Rayburn Building,
Washington, D.C.

DEAR MR. CHAIRMAN: Enclosed is my statement on House Joint Resolution 423, a constitutional amendment providing 4-year terms of office for Members of the House of Representatives.

I also wish to thank you for the courtesy with which your subcommittee has treated me.

With kindest regards, I am,

Sincerely yours,

ELMER J. HOLLAND.

STATEMENT OF HON. ELMER J. HOLLAND, U.S. REPRESENTATIVE FROM THE STATE
OF PENNSYLVANIA

The Congressmen of the United States are laboring to provide responsible government under an archaic system of elections which is transforming the House of Representatives into an institution when it should—and can—be a dynamic instrument of government. For this reason, I introduced House Joint Resolution 423.

The duties and responsibilities of the Members of the House have changed since our first Congress met in 1789. We are no longer just wealthy aristocrats, nor do we come, for 4 or 5 months a year, from States not more than several hundred miles from Washington. Today we are not without rapid means of communication, nor is our work limited to only 130 bills. We are men and women from different social classes, who come to Washington for periods of 10 to 12 months a year, from States which are as far as 5,000 miles from Washington, and work on as many as 10,000 pieces of legislation. Telephones, radios, Telstar, television, and our tremendous postal system give us communication with our constituents that the Nation's founders could not have foreseen. In short—the times have changed—and, if we hope to continue to provide responsible government, the Constitution must be amended to meet today's needs.

I shall not inconvenience the subcommittee by delving into the long history of the debate over the 2-year term for Congressmen, which started as the Constitution was being written—and is still going on today.

Gaining the knowledge of the many technicalities which a new Congressman must know to fulfill his obligations to his constituents, as well as to the other citizens of the United States (for being a U.S. Congressman gives us all a heavy responsibility to provide for the Nation) takes many months—and even years. One observer has been led to say, "It takes 2 years just to learn your way around the Rayburn Building." The functions of the Federal Government have grown, and are still growing. With this growth, the responsibilities of the Members of Congress have continually increased. Yet, we are expected to manage the business of our Nation and maintain control of the international situation—but also continue to do school assignments for students in our district, book tours for individuals and groups visiting Washington, handle all the problems our constituents may have with the Federal Government—and continue our campaign for reelection (which is never ending).

For freshmen Congressmen, the problem is particularly difficult. These duties plus the realization of the vastness of the job makes it nearly impossible for the freshman Congressman to prove his ability to his district.

The problem of reelection exists not only for freshmen Congressmen, but for all of us. Let us be frank with one another and with the people of the Nation. We are compelled to begin campaigning for our reelection the day after we are elected. This requires more time—and money—than we, and the people of the United States, can afford. We must be constantly "mending our fences" back home, and, for some of us, our fences are 3,000 to 5,000 miles away. How often are Members absent from important votes or committee meetings because they had to go home? Too often. In many cases the Members cannot be blamed. It is the fault of the archaic system.

Opponents of the 4-year term have claimed that such a term would remove us from the people, and the House might become a rubber stamp for the President. Let me just state that the U.S. Senate, with a 6-year term of office, is not undemocratic. It is in close touch with the American people, and the House Members would maintain their contact with the American public. House Joint Resolution 423 provides elections every 2 years, with half the House to be elected. In Canada, Great Britain, and most of the nations of Western Europe, the terms of Members of Parliament are set at a minimum of 4 years, yet they have remained democratic, responsible, and in some cases are more efficient than our Government.

A 4-year term of office will definitely provide the Nation with a more effective House of Representatives. Members could—and would—be able to look at legislation more objectively, seeing a period of 4 years to work on, and perfect legislation. They could present comprehensive and well-planned programs—and not just drop "bills in the hopper" to keep their name before the public.

Last, but not least, is the cost involved in running for reelection every 2 years. The American electorate is no longer a select group of American males. It now encompasses men and women, starting at the age of 18 in some States. We no longer represent only 30,000 citizens, but rather an average of 450,000. Campaigns, today, run into thousands and thousands of dollars, and no Member is in a position to finance a campaign without outside help. Thus men and women running for public office are forced to seek contributions from individuals and special interest groups, whose position on national and international issues are in accord with the candidates. With elections every 4 years, rather than biennially, Representatives could devote their time to legislative matters and not be constantly concerned with soliciting campaign funds.

For these and other reasons, I believe we should adopt a Constitutional amendment which would provide Congressional elections every 4 years. Several proposals have been offered this year, and while I personally think H.J. Res. 423 is the best—it is up to you gentlemen to decide.

We must act, Gentlemen, if the House of Representatives is to be a dynamic body—not just a service bureau for those residing in the various Congressional Districts.

Mr. DONOHUE. The meeting is now adjourned, to meet again at 10 o'clock tomorrow morning.

(Whereupon, at 11:15 a.m., a recess was taken until 10:00 a.m., Thursday, August 19, 1965.)

CONGRESSIONAL TENURE OF OFFICE

THURSDAY, AUGUST 19, 1965

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE No. 5
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10 o'clock in room 2141, Rayburn House Office Building, Hon. Emanuel Celler (chairman) presiding.

Present: Representatives Celler, Rodino, Corman, McCulloch, and Mathias.

Also present: William R. Foley, general counsel; Martin R. Hoffmann, associate counsel.

The Chairman. The committee will come to order.

Our first witness this morning is our distinguished colleague from California, Mr. Harlan Hagen.

STATEMENT OF HON. HARLAN HAGEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. HAGEN. Mr. Chairman and other honorable members of the committee.

I do not have a printed statement. I wrote out something which I will read, however.

I am for a constitutional amendment for a 4-year term.

Mr. CORMAN. This proposed constitutional amendment would make congressional terms 4 years.

Mr. HAGEN. I want to express myself on this.

Mr. CORMAN. For the record, would my colleague from California indicate if the voters have ever rejected a 4-year term for Congressmen at the polls?

Mr. HAGEN. No, they have not. I support the proposition that we should have a 4-year term for Members of Congress. I think at one time maybe the 2-year term had some validity when the country was small and Members traveled here on horseback or in buggies and when the cost of electioneering was not what it is today.

Traditionally, I believe that labor and other valid groups in our society have opposed any extension of the congressional term. If that is their present position, I think they are being unrealistic because the requirements of election costs are such now that these groups lose their influence in too frequent elections.

I feel that we would have a much better situation in the House of Representatives if we did have a 4-year term, because some of the pressures would be lifted from us and we could be more objective,

and I feel this is responsive to the needs of the people we represent and of the Nation.

The CHAIRMAN. Is there anything else you would like to talk about?

Mr. RODINO. I would like to complement the gentleman from California. He has shown his ability to express himself on any subject at any given time.

Mr. HAGEN. I feel rather humble here. I would like the opportunity at least to submit a statement on this Federal system in State legislatures to the proper subcommittee.

Mr. CORMAN. As I recall, when we suspended our hearings we left the record open for additional statements on the so-called Dirksen amendment or proposal. Is that record still open?

The CHAIRMAN. Yes.

Mr. CORMAN. I would move at this time we invite Congressman Hagen to submit a statement to appear in those hearings on the matter of the Dirksen amendment, and his statement in support of a 4-year term to appear in the record at this point.

Mr. HAGEN. I would be very hopeful that you would approve the 4-year term.

Mr. CORMAN. My colleague has served many years in the State legislature. May I ask if he anticipates there might be any problem in getting the State legislatures to ratify an amendment for a 4-year congressional term, or if we ought to consider making that ratification by popular vote of the people.

Mr. HAGEN. I think it should be by vote of the people. Actually, one of the most frequent comments I get when I go home is, "Why do you have to run for office every 2 years?" Nobody supports the proposition that you should have to do this. They feel that the duties of the office are such that constant electioneering interferes with them. That is a very common observation, probably the most common that I run into.

Mr. RODINO. Congressman Chelf introduced a proposal, H.J. Res. 394, having in it a prohibition on Members of Congress against his running for any other political office at the time that he may be eligible for seeking a 4-year term. Have you any comment with regard to that? This would mean, in other words, that there would be an absolute prohibition on a Member of Congress running for a seat in the Senate.

Mr. HAGEN. I understand that is designed to get the approval of the Senate. If that choice had to be made, I would see no objection to that.

Mr. RODINO. Do you think it might be necessary in order to get this legislation through?

Mr. HAGEN. I think in the larger States the prohibition would be a minor factor in determining whether or not a Member of Congress, of the House of Representatives, would run for the Senate. I think other factors would bulk much larger than whether or not he had to give up his seat. I do not think that would be determining. In the smaller States this might be determining.

Mr. RODINO. A colleague of ours on this committee, from California, indicates there might be some difficulty in getting legislation like this through since members of the State legislatures might be eyeing a seat in Congress. Do you think there is justification for argument of that sort? Let me say this is a possibility. What is your thinking on that?

Mr. HAGEN. I do not quite follow the argument. I think, generally speaking, members of the State legislatures would welcome a 4-year term for Members of Congress, because many of them ultimately aspire to run for Congress.

Mr. CORMAN. My question—and I do not know the answer to it—my question would be whether or not the State legislatures would welcome this change in view of the fact that that would cut in half the number of opportunities they would have to run for Congress.

Mr. HAGEN. That is a consideration. I had never thought of it.

Mr. RODINO. On the other hand, anyone who might be seeking a seat in Congress who is presently in the State legislature would look even more eagerly on such a seat when he knows it is for a 4-year term instead of a 2-year term.

Mr. HAGEN. I think you have to weigh one against the other. I think they are both valid considerations.

Mr. McCULLOCH. Will the gentleman yield for an observation? Comparatively recently we changed our Constitution to provide that all statewide official positions should be for a term of 4 years. We also provided that State senators should be elected for a 4-year term. The proposal did not appear to be a deterrent to Members of the House in proposing a constitutional amendment, and there were few, if any, arguments made against the proposed amendment even in private by Members of the House of Representatives. The same inducements to run for State senator, for statewide public office, and for U.S. Senate would be present.

Mr. HAGEN. I think really the whole matter of the cost and the rapidity of running for office is a major concern with the public, because they are solicited every 2 years, of course, to donate money for political campaigns. They just cannot understand, really, why a Member of Congress should have to run for office every 2 years. If there were a popular referendum on this subject nationally, I have no doubt what the result would be.

Mr. RODINO. James Madison in 1787, when he was arguing for the adoption of a 3-year term, said that instability is one of the great vices of our Government to be remedied. He said that 3 years will be necessary in a government so extensive for Members to form any knowledge of the various interests of the States to which they do not belong and of which they can know but little from the situation and affairs of their own. This was away back in 1787, and at a time when the population in any constituency was somewhere around 30,000.

Today we live in a jet-propelled age and atomic age when we move so fast and have some 500,000 people or 600,000 people in any one constituency.

Mr. HAGEN. I notice also all of you come from two-party States. I think traditionally the 2-year election gives an unusual advantage to those States or areas which have only one party operating effectively, because the election of those people is practically automatic, whereas we have to face a contest every time, and very frequently are dumped, with the accompanying loss of seniority and various other things.

The CHAIRMAN. Any other questions?

Thank you very much.

Mr. HAGEN. Thank you very much.

The CHAIRMAN. The Chair wishes to place in the record the statements of the following colleagues: John R. Hansen, of Iowa; John G.

Dow, of New York; James A. Haley, of Florida; John M. Slack, Jr., of West Virginia; Dave Martin, of Nebraska; Odin Langen, of Minnesota; Robert L. F. Sikes, of Florida; Walter S. Baring, of Nevada; John H. Dent, of Pennsylvania; Morris K. Udall, of Arizona; Ancher Nelsen, of Minnesota; Gale Schisler, of Illinois; and Clement J. Zablocki, of Wisconsin.

(The statements follow:)

STATEMENT OF HON. JOHN R. HANSEN, U.S. REPRESENTATIVE FROM IOWA

Mr. Chairman and members of this committee, I appreciate the courtesy of Chairman Celler and the other members of this subcommittee for permitting me to make this statement.

As the eldest Member of the 1965 class of freshman Congressmen, I am not overly expectant of a long period of service in Congress. So my plea for a longer term for Members of the House of Representatives includes no personal benefit.

However, I have watched and worked in political campaigns for over 35 years and therefore view House Joint Resolution 394 from more than that of a passive observer. It is my considered judgment that the 2-year term is no longer feasible in our present modern day world. In time consumed, resources expended and results achieved it seems to me that we are using an archaic system. It is extremely inefficient and present campaign procedures only compound the problem.

In Iowa we are moving away from the 2-year term for most county officials and there is now a concerted effort to do so on the State level. This seems to me to be dictated by commonsense and a desire to achieve more efficiency in government by way of giving officials more time to dedicate to their responsibilities.

If Congressmen were elected at the same time as the President, it would reflect the feeling of the country in both the executive and legislative branches of Government. This would avoid much of the stagnation that arises when one party controls the legislature and the other the executive branch of Government.

Much is being said about the 89th Congress and its ability to pass important legislation. This comes as no surprise to astute political scientists. When the political pendulum swings as far to one side as it did in the 1964 election, you are going to have a legislature that reflects the concerns of the people in a dramatic way.

One of the major disadvantages of the present system is that a Congressman must spend a disproportionate share of his 2 years in office campaigning for reelection. Under the plans for extending the term to 4 years it will permit an elected official more time to concentrate on the job of serving as a representative of the people.

I hope that you will approve House Joint Resolution 394.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C. August 17, 1965.

HON. EMANUEL CELLER,
Chairman, Committee on Judiciary, U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: It is a privilege to enter this testimony before your subcommittee and I want to express my appreciation of your concern for the problem of the term of Members of the House.

This new Congressman supports the bill House Joint Resolution 394 to increase the terms of Members from 2 to 4 years.

Speaking personally, I can say that the exactons in the way of energy, time, and money upon any individual running for Congress in this day and age have just about reached the limits of tolerance. I am sure that this statement needs no documentation to find support in your committee.

Also, it is to be noted that a great outpouring in the way of public demonstrations, money, and human effort by hundreds of people is required each time there is a congressional election in a congressional district. This represents considerable public cost.

However, Mr. Chairman, weighty as the foregoing points may be, there is still another that seems to me to be overriding. I refer to the inordinate amount of time and effort that must be diverted from a Congressman's total service to the sole purpose of securing his reelection. This may be more pronounced in the case of a new Congressman, but certainly it is a matter that is paramount with a great many Congressmen for long periods.

When the present class of "freshmen" of the 89th Congress first convened for orientation, the main theme of the instruction was that a Congressman's first duty is to be reelected. This means that other duties such as study and reflection upon public matters, careful investigation of major legislation, and dispassionate evaluation of national problems are all subordinated to the demonic efforts necessary to assure reelection.

If re-election were less frequent, and the Congressman was secure for a good part of his term from the fear that concerns his reelection, it seems to me that the public would be better served.

Therefore, Mr. Chairman, I most positively and respectfully recommend that your subcommittee bring forth a recommendation to extend the terms of Members of the House of Representatives from 2 years to 4 years.

Sincerely,

JOHN G. DOW.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 25, 1965.

HON. EMANUEL CELLER,
Chairman, Committee on Judiciary,
U.S. House of Representatives, 2137
Rayburn Building,
Washington, D.C.

DEAR MR. CELLER: This is a supplement to the letter of August 17 that I wrote you in support of H.J. Res. 394 providing for an increase in the term of Congressman from 2 to 4 years.

Let me say that I will support nearly any reasonable proposal that calls for an increase in the term of Congressmen beyond 2 years. While House Joint Resolution 394 calling for a 4-year term looks proper to someone who hasn't studied the matter in the fullest detail, I would not want you to assume that I would not support some other proposal calling for a lengthening of the term.

With appreciation for your attention to this added point.

Sincerely,

JOHN G. DOW.

STATEMENT OF THE HONORABLE JAMES A. HALEY, U.S. REPRESENTATIVE
FROM THE STATE OF FLORIDA

Mr. Chairman and my distinguished colleagues of the subcommittee, may I express my appreciation for the opportunity afforded me to make this statement in support of a proposal to amend the Constitution to provide for election of Members of the House of Representatives for terms of 4 years, rather than for the 2-year terms which have been in effect since the founding of our Republic. I am, as you know, the sponsor of one (H.J. Res. 135) of these several resolutions before you, but I am more interested in supporting the basic principle involved than I am in my own pride of authorship.

I am fully aware that our Founding Fathers had good and sound reason when they wrote into our Constitution, originally, the provision limiting the terms of Members of the House of Representatives to 2 years. They wanted, and properly so, to make the House of Representatives quickly responsive to the will of the people—and this they sought to do by providing for biennial election of the entire membership of the House.

I do not disagree with the premise that the membership of the House of Representatives should be chosen in such a manner as to make it speedily responsive to popular will. But I submit that circumstances have changed in a century and three-quarters, and that under conditions which prevail today, we can make the House responsive to popular will in elections every 2 years, while at the same time providing for 4-year terms, both realistic and desirable, in the light of modern conditions, for the membership.

This could be done by providing for the election of half the membership of the House every 2 years, the other half 2 years later. Certainly, this provides some technical problems—the House membership cannot be divided into precise halves, delegations from some States also cannot be so divided, and some States have only a single member. But this is a technical problem, a legalistic problem, if you will excuse the word from a layman, which you gentlemen of the legal profession can solve. After all, one-third of the membership of the U.S. Senate is supposed to be elected each 2 years—but you cannot divide 100 by 3, precisely. Nevertheless, we do not elect $33\frac{1}{3}$ Senators each 2 years. We take care of that problem by electing 34 in one year—and so it can be arranged with respect to the House.

I support a 4-year term for Members of the House of Representatives for some very simple reasons. In the first place, I think that—anywhere in the United States—it has become so costly for an individual to run for election to the House that a campaign may well cost more than the total salary which would be earned by a candidate in the 2-year term, if he should be elected. If elected, he then must consider the prospect of reelection—and again, the great cost of campaigning, perhaps in a primary and, perhaps, again, in a general election. As you well know, in the second year of the 2-year term, the incumbent-candidate in many States must file for reelection early in that year. If he faces opposition in the primary election and general election, he will have to devote at least part of his efforts for as much as 9 or 10 months to seeking reelection.

In further support of the principle of this proposed constitutional amendment, I would suggest that its adoption would allow Members of the House to devote perhaps three-quarters of their terms, rather than the no-more-than-half now possible, to their job of representation, without worrying about a reelection campaign.

Shorn of the burdens of biennial campaigns, they could devote far more time, far more energy, far more thought to representation of their districts, communities within those districts, and groups and individuals within those communities—whether on the floor of the House or in its committees—or in dealing with the executive agencies on specific problems.

It is, of course, inherent in the process for amendment of the Constitution, that this proposal cannot be something which could be arbitrarily imposed on the people by a willful Congress. I need not point out that a resolution, such as I have proposed, to amend the Constitution would require a two-thirds vote of each House of the Congress, but also would—if approved for submission by the Congress—require ratification of three-fourths of the States, through their legislatures, before it could become effective. Thus, it seems obvious to me, there is nothing arbitrary, nothing compulsive, about this proposal, and I am hopeful that this subcommittee, and the full Judiciary Committee, will approve it in principle in order that both houses of Congress may decide whether it should be submitted to the various and sovereign States.

STATEMENT OF HON. JOHN M. SLACK, JR., U.S. REPRESENTATIVE FROM THE STATE OF WEST VIRGINIA ON AUGUST 18, 1965

Consideration of a proposal to increase the term of Members of the House of Representatives from 2 to 4 years automatically invites a comparison of the circumstances faced by a Member today as against those prevailing when our Constitution was written.

If this proposal were adopted, would we be departing drastically from the goal of those who first attempted to devise by Constitutional means a democratic representation fully adequate to meet all of the needs of a growing Nation? Would Members of the House, if elected for a 4-year term, be less responsive to the representation needs of constituents?

Examination of the statements made and positions taken by delegates to the Constitutional Convention of 1787 are revealing in connection with the subject matter at hand. On Tuesday, June 12, 1787, the Convention met in the Committee of the Whole and considered the question of term of membership for those who would serve in the House of Representatives.

It was moved by Robert Sherman and Oliver Ellsworth of Connecticut that House Members should serve for only 1 year. John Rutledge of South Carolina proposed the 2-year term. Dan Jeunifer of Maryland announced his support of 3-year term, and stated "too great frequency of elections renders people indifferent to them, and makes men unwilling to engage in so precarious a service."

James Madison of Virginia seconded the motion for 3-year terms. He told the delegates that "3 years will be necessary in a Government so extensive for Members to form any knowledge of the various interests of States to which they do not belong."

Elbridge Gerry of Massachusetts insisted upon annual elections and feared that if House Members served a longer term "the people would consider this a prelude to usurpation." But Madison replied that "if the opinions of the people were to be our guide, it would be difficult to say what course we ought to take * * * we ought to consider what is right and necessary in itself for the attainment of a proper Government * * *."

A vote was taken on these proposals and the 3-year term carried the day. These events should be measured against the basic difference between 1790 and 1965. In 1790 there were 13 original States with 3.9 million total population. Today the House must legislate in response to the needs of some 190 million persons residing in 50 States. If Mr. Madison felt in 1790 that 3 years would be required for a Member to become informed regarding the interests of States other than his own, it seems most probably he would support a 4-year term today.

On June 21, 1787, the subject was again debated and Edmund Randolph of Virginia moved to strike out the 3-year provision and insert language calling for the 2-year term. Delegate John Dickinson of Delaware reminded his colleagues that the idea of an annual election came from England, whose national legislature contained members drawn from a smaller geographical area. He spoke in favor of retaining the 3-year term and pointed out the inconvenience which would be caused by election campaigning oftener than every 3d year. He suggested as a compromise that one-third of the House membership could be rotated through annual elections. James Madison responded that too much time would be consumed in traveling back and forth for annual elections and that this time could be better spent in gaining knowledge of the affairs of the Government.

Colonel George Mason endorsed the 2-year term because he felt that this would fairly equalize the circumstances for all who served in the House whether they resided in nearby or far distant States. Colonel Alexander Hamilton of New York supported the 3-year term and stated his conviction that this would provide neither too much nor too little dependence on popular sentiments. He felt that too frequent elections caused the people to lose interest and open the door to disproportionate political influence by small cliques.

After this discussion a vote on the proposed amendment was taken and the 2-year term was adopted.

A number of interesting viewpoints were expressed during the course of the debate which might well find their counterparts today. Theodore Sedgwick of Massachusetts stated that a term of 2 years was necessary at the minimum. He said that annual elections may be best in individual States, but when the "great affairs of 13 States are entailed" a man cannot divest himself from local concerns and "instantly initiate himself into the general knowledge of extensive and weighty matters."

James Madison supported the 2-year term proposal in preference to annual elections, but made known his conviction that a 3-year term was preferable because it would give stability to the office and "induce gentlemen of first weight to engage in it."

Delegate Ames of Massachusetts expressed a preference for biennial rather than annual elections as a safeguard against factionalism. He said "I consider biennial elections as a security that the sober, second thought of the people shall be law * * * the Member chosen for 2 years will feel some independence in his seat. The factions of the day will expire before the end of his term."

In view of the weight of support for the 3-year term in 1790, when this Nation contained 3.9 million people in 13 colonies along the Atlantic Seaboard, it would appear to be a reasonable conclusion that were these same men assembled in a Constitutional Convention today, to deal with this matter for a nation whose population has expanded 50-fold since 1790 and whose 50 States range across more than 5,000 miles from Maine to Hawaii, certainly majority support for the 4-year term could be anticipated. As James Madison said in the Constitutional Convention, this is a question which must be decided on only one basis: What is right and necessary in itself for attainment of a proper government. Certainly the worldwide responsibilities of this country and the complexity of the issues with which the Congress must deal gives plain evidence that the House of Representatives would number among its membership more men sufficiently well in-

formed to make reasoned and informed decisions if it were necessary for them to stand for election only every 4 years.

STATEMENT OF HON. DAVE MARTIN, U.S. REPRESENTATIVE FROM THE STATE OF NEBRASKA

Mr. Chairman, thank you for this opportunity to present my statement to the committee in behalf of House Joint Resolution 141, my bill to amend the Constitution of the United States to make the term of office 4 years, instead of 2, for Members of the U.S. House of Representatives.

Under my resolution, one-half of the Members of the U.S. House of Representatives would be elected every 2 years for a 4-year term. The proposal offers a number of advantages over the present 2-year term specified by the Constitution:

1. Members would be able to devote more time and energy to their committee work and legislative duties, as less time would be required for campaigning for reelection.

2. The 4-year term would provide greater continuity in the membership of the House since only one-half of the total membership would be up for reelection every 2 years.

3. In view of the fact that the average Member now represents slightly over 400,000 people—in contrast to the first Congress in which the average Member represented approximately 45,000 people—this tremendous increase in the workload justifies a 4-year term instead of the present 2-year term.

4. Many able young men with family responsibilities are hesitant to run for election to the House of Representatives because of the 2-year term, its resultant economic insecurity, and the constant job and expense of campaigning. By making this office a 4-year term, more young men would seek election to the U.S. House of Representatives.

5. Costs of campaigning have increased tremendously within the last few years and many qualified people decide against running because of the combination of a 2-year term and the excessive costs involved in a campaign.

6. The physical burden of a campaign every 2 years is most exhausting and is no doubt a contributing factor to the number of deaths of Members from each Congress.

I have discussed the merits of this proposal with many people in my district, both Republicans and Democrats, and have their unanimous approval of a 4-year term for Members of the House of Representatives.

I hope that early and favorable consideration can be given to legislation to amend our Constitution to bring the term of office for Members of the House of Representatives more in line with the demands of this century by increasing the present 2-year term to a 4-year term.

STATEMENT OF HON. JOHN H. DENT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before you today in support of House Joint Resolution 410. This measure is similar to that of the gentleman from Kentucky, Mr. Cheif, and I salute him for his untiring efforts on behalf of this proposal.

The arguments regarding the proposal are few and are simply put. Opponents point to the intention of the Constitutional Convention and add that a House Member should account to his constituents every 2 years. This argument holds that a Member should stay in close contact with his district and should be directly responsive to their desires. They feel the best way to insure this is for the Member to subject himself to ratification every 2 years.

Mr. Chairman, these arguments are both historically correct and logical. I hastily add, however, that their accuracy has steadily diminished since that great convention. We now find ourselves not with horse and buggy, but with high-speed transportation systems. We now find ourselves not with slow and inefficient—and in most cases nonexistent—communications media, but with television and radio, the telephone and telegraph, and the most efficient newspapers and other periodicals history has ever known.

I submit, Mr. Chairman, that the reasons for a 2-year term are vastly different today than they were during the founding of our Republic. We are close to the people we represent by the day instead of by the year. We return to our districts several times during the congressional session rather than only at the conclusion. The only conceivable reason in support of a 2-year term now,

can be the desirability of "standing muster" every other year; and I might add that there are more ills to this reason than benefits. For instance, an election every 4 years, as opposed to 2, would save the States millions of dollars in unnecessary election expenditures. It would further cut the financial demands placed upon a Member every 2 years. The campaign requires an outlay of funds which can create personal hardship for many among us who have left our businesses or law offices to serve in the Congress.

Finally, an election every 4 years, instead of 2, would make it possible for a Member to devote himself entirely and completely to his duties instead of having to campaign so much of the time. This Congress convened only 7 short months ago, and yet, we must already begin to concern ourselves with the organization of next year's election campaign. I suggest this demand cannot allow a Member to work completely and conscientiously on the legislative business of the country.

Mr. Chairman and members of the subcommittee, the issue is not a complex one. I believe the reasons in support of the proposal far exceed those in opposition. Indeed, the arguments of the opposition become more antiquated by the day. This idea is not a new one. I believe, however, that the resolution under consideration more adequately preserves the original intent and purpose of our Founding Fathers than did earlier such resolutions.

I wish again to express my deep appreciation for the courtesy shown me in inviting me to appear before you today. It is my sincere hope that you will look with favor on the matter before you and report favorably thereon to the House.

STATEMENT BY HON. ODIN LANGEN, U.S. REPRESENTATIVE FROM THE STATE OF MINNESOTA

Mr. Chairman and members of the committee, I am most grateful for this opportunity to submit a statement in support of H.J. Res. 394, a bill to increase the term in office of a Member of the House of Representatives from 2 to 4 years. You are to be commended for scheduling this hearing into this most timely subject.

In reviewing the history of our Nation as it relates to the terms of House Members, it is interesting to note that there was no unanimity as to the length of the terms even when they were first set during the Constitutional Convention in 1787. I recall James Madison's words when he spoke out in favor of a 3-year term instead of the present 2. He said: "Instability is one of the great vices of our republics to be remedied. Three years will be necessary in a government so extensive for members to form any knowledge of the various interests of the States to which they do not belong, and of which they can know but little from the situation and affairs in their own." Little did Madison dream of just how extensive that government would become and how the complexities of the National Legislature would pyramid. Madison's views were pertinent then, and his reasoning even more sound today.

Even Madison could not perceive that the Congress would eventually sit in session most if not all of the year or that each Representative would number his constituents by the hundreds of thousands. If Madison was worried about the workload of a Member of the First Congress, who would be expected to spend but a matter of months in the seat of government, we certainly should be concerned with conditions faced by the 20th Century Representative who faces the Washington scene most of the year, is required to educate his family away from the familiar home-State surroundings or be separated from them, and face a workload undreamed of by our forefathers.

Only 142 bills were introduced in the 1st Congress, but by the end of last week, well over 10,000 bills had been introduced in this Congress not including resolutions, and we're not even at the halfway mark for the 89th. While I realize that a 4-year term would not in itself reduce our legislative load, it would enable us to keep our legislative machinery and office staffs running more smoothly without the added burden of disrupting it for political campaigning 50 percent of the time.

A first-term Congressman can hardly be effective in just 2 years. He spends his first year familiarizing himself with the complicated committee system, setting up his office staff, and generally acclimating himself to his new surroundings which is quite a job in itself now that we are spread out between three office buildings and the Capitol itself. The second year he is running for reelection long before a consensus can even be formed on his performance and

record. As we noted last year, the election campaign is actually in its final stages before a Member's voting record has even been completed. A 4-year term would give the constituents a much better chance to evaluate their Representative's performance and they would receive far better service from him in Washington.

In recalling my own experiences of the past almost 7 years here in the House, I note that lengthy sessions have become the rule rather than the exception. Attempting to coordinate an intelligent campaign for reelection every other year becomes more difficult and results in frantic and confused periods where we rush for adjournment here in Washington, passing on major legislation at the very moment we must formulate campaign plans. Then we rush home at the last minute, make a rapid dash across our districts in the give-and-take atmosphere of a political campaign. This sort of thing can never approach the desirable atmosphere of a more leisurely tour of the district to meet with and inform the people. I believe my personal experiences indicate that we now actually lose the personal touch with our people because of the 2-year rule, even with the advantages of mass communications media. We would have far more opportunity for person-to-person activity if the term was 4 years. I am certainly aware of the circumstances in an off-election year, when the limited time between the two sessions can be spent touring the district, reporting to the people, listening to their problems, without the harried circumstances of facing a political foe. Two years ago we didn't get out of here until Christmas Eve, so there was no tour of the district at all. The following year was election year, so the routine then was preordained. A 4-year term would eliminate much of this confusion and would actually allow a Representative to approach his constituency on a closer personal basis, free of the political ramifications so inherent under the present system.

One aspect of campaigning every 2 years that has caused me great concern is the ever-increasing costs involved. Campaign expenses not only keep going up, but threaten to get completely out of hand. Many factors cause this, of course, including the costs of such items as the newer forms of mass communications and the endless parade of gimmicks that seem to be required these days. Just the travel alone to cover a district with such vast area proportions as mine in Minnesota is enormous.

Some suggest that we are now at a point in history where it takes a rich man to run for public office. For a man of more modest means, he certainly must constantly solicit his constituency for funds. I for one would like to reduce this burden being thrust on the wonderful people who must finance our campaigns but who find it increasingly more difficult to cough up increasingly larger amounts each year.

The job of serving as a Representative in the Congress is a full-time one and must be treated as such if the people are to get the most from their representation. We can take a big forward step toward such an accomplishment by favorably approving the bill to increase the terms of House Members from 2 to 4 years.

STATEMENT OF HON. ROBERT L. F. SIKES, U.S. REPRESENTATIVE FROM THE STATE OF FLORIDA

Mr. Chairman, I consider it a privilege to appear in support of H.J. Res. 394, increasing from 2 to 4 years the term of office for a Member of Congress. Much has been said over the years concerning this proposal. The subject has been debated since the days of the Constitutional Convention. Recently, there has been a growing awareness for the need for change.

I do not think that anyone can properly deny that monetarily and legislatively a 2-year term for a Member of Congress is highly impractical thinking. I say monetarily because the cost of filling the job of Congressman is increasing every year. Growing numbers of constituents make constantly increasing demands upon Members of Congress. Many of these demands require out-of-pocket expenditures. Then, there is always the problem of campaign costs. This, too, is growing. Campaign costs are high throughout the Nation. To run each 2 years means that a Member may spend more than his entire salary in campaigns. Added to this is the increasing number of districts where both a primary and a general campaign are required each 2 years. The problem has a direct bearing on the election of capable and qualified men to Congress. Many more who are highly qualified have been discouraged from running for the House of Representatives simply because it is too expensive. A 4-year term will cut the cost of campaigning in half.

Legislatively, the problem speaks for itself. Members of Congress are elected to legislate. It is as simple as that. Yet, every responsible Congressman knows he cannot legislate effectively when constituents' problems and reelection worries preoccupy such a substantial portion of his time—even a majority of his time. Yet, increasing national problems and increasing foreign problems demand that more time be spent by Congressmen on legislative processes if we are to have sound legislation.

The old chestnut has been used for years that 2-year terms are necessary to keep the elected close to the electorate. I would be reluctant to say that Senators are only one-third as close to the people as Congressmen because they have 6-year terms, or that Governors are only one-half as close to the people as Congressmen because they have 4-year terms. Let's be perfectly frank. It matters not one bit whether a Member has a 2-year term or a 4-year term or a 6-year term insofar as staying close to the electorates is concerned. Congressmen are close to their constituents now because they have to be to stay in office. They are close to the constituents because it is now an extremely easy thing for a constituent to contact a Congressman. He can no longer isolate himself by distance or inaccessibility.

Now, let me say this. Presumably, our Government is a democracy which represents the wishes of the majority. We in Congress are elected by a majority of our constituents. We legislate in Congress by a majority of the votes cast on each bill. My good friend and colleague, the Honorable Frank Chelf of Kentucky, has spent long and arduous hours polling the Member of Congress on this proposal. The results speak for themselves. At last count, less than 100 Members in both the House and Senate were either undecided or opposed to lengthening the term of office; 435 to 1 is a sizable majority in any kind of an election. I don't see how we as responsible public officials can ignore this situation.

I sincerely hope the subcommittee will report favorably on House Joint Resolution 394.

STATEMENT OF HON. WALTER S. BARING, U.S. REPRESENTATIVE AT LARGE FROM THE STATE OF NEVADA

Mr. Chairman, thank you for letting me state my case before you today in regard to House Joint Resolution 394 which would increase the term of a Representative from 2 to 4 years.

I believe this legislation has great merit and should be given serious consideration.

I am serving in my seventh term as a Representative from the State of Nevada. Five of them have been consecutive. Each new session of the Congress becomes more demanding because more complicated legislation is considered.

During my years in the Congress, it seems that I have spent a major part of my time campaigning. We all know from our campaign experiences, that the day we are elected or reelected, we must consider our next election.

We file, we begin campaigning. First we face the test in the primary, then the general election. Finally, when that is finished, we must thank those who have helped us in our election bid. By this time it seems as though the entire process begins once again.

The important thing we must consider is that our function is to represent the people in the best, most effective way possible. Having to campaign every 2 years makes politics come to the forefront more often than it should while our legislative responsibility is somewhat shoved aside.

The major portion of our time should be devoted to studying the issues, the proposed legislation, and the needs and problems of our state and the country. Our grassroots contacts should be made out of need to feel and understand the constituency.

In addition to this we must consider as equally important, the time we must devote to committee work, on the floor of the House, and in thinking about the issues, needs and problems as legislators of this country.

In my State of Nevada, I represent a population of close to 500,000 people. As an at large Representative I must cover an area of over 110,000 square miles and this figure does not include the 3,000 miles I must travel from Washington, D.C. to the State. During the time in which I campaign, a good deal of it is spent traveling over this vast territory to the different areas of the State, talking with the people, answering their questions, listening to their problems. This time comes too soon, too often.

I am of course, fully aware of the fact that a Member of the House of Representatives is the "popular representative" of the people. I believe that the im-

portance of making grass-roots contacts cannot be over-stressed and indeed, should be made even more often. But I do not believe that it is wise nor good for the people, nor the Representative to have to make these contacts so often for the political reason of reelection. Of course, during a campaign we certainly learn of the desires of our constituents, but we have little time to reflect and study their nature.

The problem is that of time which ticks away when we would like to stop the clock. The time which goes into a campaign could well be turned into time for studying the problems of the country, the State, the people whom we represent.

On the one hand it is easy to understand why the House was set up with Members elected every 2 years. But then, at the time this provision was made, the United States was not involved in the affairs of the world; it was not a major power; there were not 50 vastly different States; we did not have the problems of population, distance, commerce, education and others too numerous to mention.

Our work here is too important to have it fall by the wayside every 2 years. We hold the future of generations in the actions which we take, the course we choose to follow. This consideration is perhaps the most frightening in relation to time consumed outside of legislative duties.

I support this legislation because I believe it is in the interest of the people of the United States. They realize, as we do, the involvement of our country both here and in the world. The burden of a Congressman is great. He should be able to devote an even greater amount of time than he does to represent his people adequately.

STATEMENT OF HON. MORRIS K. UDALL, U.S. REPRESENTATIVE FROM THE STATE OF ARIZONA

Mr. Chairman, I am grateful for the opportunity to urge this committee to report favorably on my bill, House Joint Resolution 405, or one of the companion measures.

This proposal to increase the term of office in the House from 2 to 4 years would provide beneficial effects in many areas.

All Members of the House are familiar with the high costs of elections in money and time. While it is difficult to assess the fiscal savings to taxpayers which might accrue as a result of the proposed 4-year term, there is no doubt, at least in my mind, of the increase in efficient representation which constituents would enjoy for perhaps the greatest loss caused by the 2-years term is to the welfare of our country. At present, a Congressman can devote his full attention to the needs of his constituents only during his first year in office. Before his second year is half over he has to start thinking about campaigning for reelection. In my judgment, a Congressman has to spend about one-fourth of the time he was elected to represent the people trying to achieve reelection. Under the proposed 4-year term he probably would spend only about one-eighth of his term away from his legislative duties.

The savings in campaign costs would be significant and assuredly welcomed by the public-spirited citizens who contribute to campaigns. I am confident also that we might expect a welcome rise in grassroots political activity if the men and women who carry on the work of the party of their choice were not faced with heavy demands in time and money every year and a half.

It might be argued that the present 2-year term insures representation that is immediate and responsive to the needs and wishes of the people. It is my belief that 4-year terms will have little effect upon the quality of responsiveness to the Nation's needs. Under the proposal, half of the Members of the House would be elected every 2 years. Thus, at any given moment, half of the Members in office would be newly elected or newly reelected, and would, therefore, represent current thinking as much as is possible in our kind of system. The other half would be getting ready to face the voters and could be expected to be very sensitive to their opinions and desires. However, I think it also needs to be said that responsive representation is more the result of the man than of the date of his election.

On this subject of immediacy in representation current reelection percentages offer an insight. In the Eighty-ninth House, for example, of the 435 Members, 340 were reelected—and this year marked an exceptionally high turnover. This figure obviously does not include those Members who might have been reelected had they chosen to run again. The point is that the American electorate

does not change with the wind and consistently demonstrates at the polls its belief that it is receiving responsive representation.

My own experience has been that very few constituents are aware their representatives serve for only 2 years. And this is true despite the level of education or sophistication. I have had lawyers and bankers and leading businessmen ask me: "Do you come up this time, or next?"

The fact is that many of the people we represent are of the opinion that the change sought by my bill is already the case. Thus, I firmly believe the people will approve and accept the proposed changes in the election of the Members of the House of Representatives and I urge they be given the chance to do so.

STATEMENT OF HON. ANCHER NELSEN, U.S. REPRESENTATIVE FROM THE STATE OF MINNESOTA

Mr. Chairman, I am happy to have this opportunity to present my views on the proposed constitutional amendment to increase the terms in the House of Representatives to 4 years. I am certain that all of us feel a great sense of humble pride as members of the world's greatest representative body, the U.S. House of Representatives. It is fitting that this proposal should serve as the cornerstone for the modernization and reorganization of this body now being contemplated.

Both history and the present serve to show the wisdom of this measure. Members of the Continental Congress were elected to 1-year terms, but the delegates to the Constitutional Convention sought to avoid such frequent elections. In fact, on the vote taken in the Committee of the Whole of the Convention, a 3-year term was adopted by a margin of 7 to 4. Of course, we know that this was later changed to 2 years by the Convention. However, it is interesting to read the debate that took place on the subject. James Madison, who seconded the 3-year term, pointed out that, "Instability is one of the great vices of our republics to be remedied. Three years will be necessary in a government so extensive for members to form any knowledge of the various interests of the States to which they do not belong, and of which they can know but little from the situation and affairs in their own."

Alexander Hamilton observed that while members of the British House of Commons were elected every 7 years, the democratic spirit of the Constitution had not diminished. He added that frequency of elections tended to cause indifference in the voters, thus aiding small power groups.

Perhaps one of the most logical explanations of the need for longer terms was set down by Hamilton in the *Federalist* in which he stated: "No man can be a competent legislator, who does not add to an upright intention and a sound judgment, a certain degree of knowledge of the subjects on which he is to legislate. A part of this knowledge may be acquired by means of information, which lie within the compass of men in private, as well as public stations. Another part can only be attained, by actual experience in the station which requires the use of it. The period of service ought, therefore, in all such cases, to bear some proportion to the extent of practical knowledge, requisite to the due performance of the service. The period of legislative service, established in most of the States for the more numerous branch, is, as we have seen, 1 year. The question then may be put into this simple form: Does the period of 2 years bear no greater proportion to the knowledge requisite for Federal legislation, than 1 year does to the knowledge requisite for State legislation? The very statement of the question, in this form, suggests the answer that ought to be given it."

Mr. Chairman, these words are no less applicable today than they were in the 18th century. Representatives now serve in a period of great technological and social revolution. If a Member of the House were elected for 4 years, he would be able to apply his efforts to the monumental and technical legislation of our times on a longer range basis. The American Political Science Association has endorsed longer terms in observing that, "the present term is so short that a freshman Member is involved in a campaign for renomination before he knows his job or has had much opportunity to prove his worth to his constituents or his party." In addition to learning the ropes himself, every new Member must also train a new administrative and clerical staff.

The major opposition to this measure is based on the fear that 4-year terms would endanger the traditional close contact and responsibility which Members of the House have always enjoyed with their constituents. However, this fear is baseless in view of our modern means of communications and transportation, unknown in 1787 but available to us now, which provide easy and rapid contact between the House and the voters back home. The Members of the Parliament

of Canada, Great Britain, and most of the countries of Western Europe now serve terms of 4 years or longer. Are not the duties of U.S. Representatives as difficult and vital?

Encouraging legislative service as a career has considerable merit. The tremendous costs of conducting a campaign serve to discourage promising young candidates with limited financial resources from competing in a congressional election. We certainly would not consider limiting our business and professional leadership to 2-year terms. Is the business of the people less important that we should recruit less than the best personnel available regardless of his or her financial resources? Indeed, longer terms of office would allow members to be more independent of the pressures of powerful special interest groups.

Mr. Chairman, in closing I would like to reemphasize the point that passage of this proposal is in full accord with those ideals laid down by our Founding Fathers. The elements of close contact and direct responsibility are even more actual now through our technological advantages than they were in 1787. At the same time that these advances in our society greatly aid us in the performance of our legislative duties, the 20th century has imposed an enormous workload on these offices which could not be anticipated at the time of the Constitutional Convention. The House of the 1st Congress proposed only 142 bills, of which 118 became law. During the 88th Congress, there were 15,299 measures introduced in the House, of which 749 became law. In view of this tremendous growth in the load and complexity of the duties of a Representative, it is important that we increase the terms to 4 years.

Thank you for giving me time to express my opinion on this measure.

STATEMENT BY HON. GALE SCHISLER, U.S. REPRESENTATIVE FROM THE STATE OF ILLINOIS

Mr. Chairman and members of the committee, I sincerely appreciate the opportunity to add my remarks to those of my colleagues in support of House Joint Resolution 394, introduced by the Honorable Frank Chelf, of Kentucky.

The question of a 4-year term for Members of the House of Representatives has come before the Congress on a number of occasions in the past. This Congress, however, has a special responsibility to give careful attention to the proposal. Recently, a resolution passed both Houses authorizing hearings by a Joint Committee on the Organization of Congress. These hearings have been underway for a few weeks, and I am pleased to note that considerable support for a 4-year term has been voiced by the witnesses appearing to date.

The arguments of many of these witnesses have been expressed before. I am sure most of you here are familiar with them, but I strongly believe that this particular proposal deserves a brief review of the principal reasons why the adoption of a 4-year term is so important.

To begin with, the available time of the average Congressman is becoming increasingly limited. The constant attention to the problem of reelection has complicated the workload of the Member. This fact is even more serious when viewed in the light of the ever-increasing pressure of legislative business. For example, the First Congress, meeting in 1789, considered only 142 bills during both sessions. When we compare this total to the 18,000 bills and resolutions expected to be introduced in the 89th Congress, we can see that a 4-year term could be very helpful in relieving the pressure of electioneering and thus make additional time available for legislative duties.

But additional time for legislative duties is not the only benefit derived from a 4-year term. Perhaps the best reason for a longer term is the potentially lower cost of campaign expenditures. In recent years, we have been blessed with significant advances in travel and communications. All of these marvels have made campaigning more effective, more exhausting, and more expensive. I am sure anyone who has been involved in a political campaign will volunteer that it takes a lot of money to purchase radio and television time, billboard space, bumper stickers, and so on.

The result of this fact, I am afraid, is that many talented young men and women with limited financial support are being priced out of a political career. This country cannot afford to continue to let this talent dry up out of misuse. We must take some action to curb the cost of political campaigning. Now I know that a 4-year term is not the whole answer to this problem, but the fact is that a longer term will reduce these costs by nearly 50 percent. Depending on the size and location of the Member's district, that kind of a savings could amount to a cut in campaign costs of from \$20,000 to \$50,000 every 4 years.

In addition to the savings enjoyed by the candidate, a 4-year term would also benefit the 50 States through a cut in the costs of holding elections. In a time of rapidly increasing Government services, the Congress cannot overlook this relief for our hard-pressed State treasuries.

Finally, I should like to stress that recent opinion polls indicate a strong support for a 4-year term. Very often, the folks back home are way ahead of us here in Washington. They recognize that a 4-year term is a useful and practical change, and I feel it is about time we at least gave them the opportunity to vote on the proposal.

I thank you for your close attention to the details of House Joint Resolution 394, and I strongly urge a favorable consideration.

STATEMENT OF HON. CLEMENT J. ZABLOCKI, U.S. REPRESENTATIVE FROM THE STATE OF WISCONSIN

Mr. Chairman, at the outset I want to commend you and the members of your subcommittee for scheduling hearings on House Joint Resolution 394, to increase the length of the term for a Member of the House of Representatives from 2 to 4 years.

These hearings also are a tribute to the distinguished gentleman from Kentucky, Mr. Chelf, who has authored and championed this proposed amendment to the Constitution. He has given generously of his time and abilities in order to further this resolution. We who support the position that a term in the House should be increased to 4 years have much reason to be grateful to him for his dedication and outstanding efforts.

My testimony today chiefly will be devoted to an historical assessment of the Constitutional provision of a 2-year term for a Member of the House, how it came to be, and how the deliberations of our Founding Fathers bear on the attempt to change the term to 4 years.

Very shortly after the Constitutional Convention met in Philadelphia in 1787, Edmund Randolph presented to the gathering a draft constitution which has come to be known as the Virginia Plan. On June 13, 1787, the convention's committee of the whole reported a revised version of this plan.

It called for direct election by the people of the first branch of the national legislature, which we now know as the House of Representatives. In that draft the term of office was set at 3 years.

This provision, however, met stiff opposition from delegates from the New England States. Led by Elbridge Gerry, they insisted on a 1-year term as was common for public office in the New England States. One year was also the term of a delegate to the Continental Congress which was established by the Articles of Confederation.

Gerry considered annual elections as the only defense of the people against tyranny. He believed that only by forcing a legislator to return home annually to account to the people for his service could usurpation of power be avoided.

Looking at Gerry's argument from an historical perspective, there appears to be some logic to his point of view. Our Nation even then was a large one. Travel often was difficult. Some delegates to Congress reasonably could be expected to stay at the seat of Government during their entire term, without returning home. If forced to come back to their constituents annually, Gerry reasoned, legislators would be more responsive to the public will and less likely to try to usurp power.

This opposition soon led to a compromise in the draft of the Constitution and the term of office for members of the first branch of the legislature was reduced from 3 to 2 years.

The importance of this historical sequence for our present discussion is this: it demonstrates that the 2-year term was not a carefully planned, purposeful part of the Constitution. Rather, it was the result of a compromise, a simple solution to a conflict within the convention itself.

The 2-year term, therefore, is not sacrosanct. It grew out of the environment in which, and the personalities by whom, the Constitution was drafted. We need not be reminded how drastically times have changed since 1787.

Today no Member of Congress—even those from the furthest points of our Nation—is more than a few hours from his constituents. Improved and faster transportation, the development of a national postal system, wireless and the telephone, and the growth of daily newspapers, have allowed almost continuous communication between a Member of Congress and his electorates.

It is time, perhaps, that we reassess the 2-year term in the light of changes since 1887. In this effort we should be guided by the words of the great American statesman, James Madison. Speaking at the Constitutional Convention in reply to Elbridge Gerry's demand for a 1-year term, Madison—who favored a longer tenure—said the deciding factor should be "what was right and necessary in itself for the attainment of proper Government."

Using this wise criterion, let us examine briefly some of the requisites for the effective functioning of the legislative branch in our complex, modern world. What, in other words, is demanded of Members of Congress if good Government is to be preserved in our Nation? There are, of course, a number of requirements. But three in particular seem pertinent to our discussion today:

First, a Congressman must spend as much time "on the job"—representing the people—as humanly possible. The tremendous growth of the Federal Government in the past three decades demands that a Member of Congress spend most of his waking hours immersed in the problems and needs of his constituents.

Second, a Congressman must develop an expertise in those areas in which he has particular responsibilities, for example, in his committee work. The executive branch employs hundreds of experts to prepare the programs brought before Congress for approval or funding. It is required of the Members to be as knowledgeable as possible in order to detect waste, duplication of effort, and inefficiency.

Third, if Congress, and particularly the House, is to function effectively there must be a certain continuity of membership. It does no good if a representative develops an expertise over a 2-year period, but is not returned to office or determines to seek another elective position with a longer term.

Mr. Chairman, I submit that all these requirements could better be fulfilled if a Member of the House of Representatives was not required to run for office every 2 years. There would be significantly more time to devote to the needs of the people, more opportunity to develop expertise, and greater continuity in representation.

A constitutional amendment setting the House term at 4 years would accomplish these beneficial effects. In my opinion, such an amendment is—to paraphrase Madison—"right and necessary * * * for the attainment of proper government."

Therefore, I earnestly urge that this committee give full and favorable consideration to H.J. Res. 394, proposing this amendment, and report it soon to the floor of the House for debate and vote.

The CHAIRMAN. Two Representatives are on their way, Representative Matthews and Representative Hathaway. We shall hear them when they arrive.

(Off the record.)

The CHAIRMAN. Our good friend, the distinguished Representative from Maine, William D. Hathaway, is with us.

Go right ahead.

STATEMENT OF HON. WILLIAM D. HATHAWAY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MAINE

Mr. HATHAWAY. Good morning, gentleman. I appreciate the opportunity to appear before the committee to testify in support of the 4-year term for Congressmen.

I introduced House Joint Resolution 562, and also I have left with the committee a written statement which I shall not read but would like briefly to summarize. I would like the written statement made a part of the record.

The CHAIRMAN. Without objection, it may be done.

(Mr. Hathaway's statement follows:)

STATEMENT BY HON. WILLIAM D. HATHAWAY, U.S. REPRESENTATIVE FROM THE STATE OF MAINE

The job of Congressman has become a full-time occupation. The day when a Member of the House of Representatives could go to Washington for a few months, pass the required legislation, and then spend the rest of the year at his other job is long in the past.

Today, there is no other job. The job of legislating for the United States has become so complex and burdening that there is already talk of year-round sessions in office. This would have frightened our predecessors in office. A session of 6 months seemed quite sufficient to them to handle the country's business.

We all agree that the responsibilities and duties of a Congressman have enlarged, yet we still are forced to work under the outmoded framework of the past. I refer to the 2-year term for Members of the House of Representatives.

No one will deny that it takes a great deal of time for a freshman Congressman to learn the ins and outs of the House of Representatives. Yet, as soon as this freshman has learned enough to truly represent his constituents, he is called upon to run for reelection. This seems to be a tragic waste of time and talent.

The hinderance of virtually always having to run for reelection drastically cuts down the time that a Congressman can spend on his primary duties: legislating and aiding constituents. Even longtime Members of Congress are hindered in their work because they have to be constantly preparing for the election that seems to be just over the horizon.

A 4-year term for Members of the House will alleviate this seemingly constant campaign for reelection. It will permit the Congressman to attend to the job of legislation more often and still give him sufficient opportunity to return to the district to talk to his constituents or to campaign.

A second benefit that a 4-year term would provide would be to reduce the high personal costs of a congressional campaign. We all know that a political campaign today costs vast amounts of money. Much of this money has to come from the Congressman's own resources. A campaign every 2 years is a very heavy burden on those Members who do not have a private source of income other than their congressional salary. With the longer sessions it is becoming practically impossible for a Member to practice law or any other profession while he is not attending Congress. The cost of frequent campaigns is a factor which weighs heavily on a Member of Congress.

This cost of campaigning often acts as a deterrent for some good men in their seeking of political office. Many men, brilliant and willing to provide excellent representation for the people in their districts, often are not wealthy enough to incur the heavy expense of running for office every 2 years. The result is that this valuable talent is lost both to the people in the district and also to the people in the country. In such times as these, we can ill afford to lose such talented men.

There are many arguments against a 4-year term for Members of the House of Representatives. I feel that many of these arguments have lost their meaning with the passage of time. Indeed, many arguments for the 2-year term spring not from a rational analysis of present conditions, but rather are a sentimental attachment to an old institution. The signers of the Constitution did not mean that document to remain unchanged through the years. In fact, Thomas Jefferson felt that each generation should develop its own set of laws so as not to be bound by the wishes of its ancestors. We have not had to write a new Constitution because our present one has changed and been revised as time went by. This is a continuing process and one that serves to make our Constitution not only one of the oldest, but also one of the most modern. We needn't fear change in the Constitution. We should start to be afraid when that document ceases to change.

The reason for the 2-year term for the House of Representatives originally was to make that House highly responsive to the wishes of the people. Many years ago, the Congressman would see his constituents rarely. It was only at election time that they could make their wishes known to him. This is no longer true.

The times have changed. No longer does the Congressman remain isolated from his constituents for 2 years until the next election. Contact with the people back home comes quite often. Visits back to the district are frequent and every day vast amounts of mail arrive for the Members of the House. The Congressman is well informed of the electorate's feelings. No Congressman can remain unresponsive to his constituents and still remain in office, no matter how often that election comes.

An election is not always needed to make the Congressman responsive; the threat of a defeat in the next election is sufficient reason for a Congressman to listen very carefully to the electorate.

Many have argued that a 2-year term permits the people to halt a President's program if they decide they do not like it. They can simply elect a House of Representatives which opposes that program when the off year election takes place and the President's program is thereby effectively blocked.

My resolution, House Joint Resolution 562, effectively provides for just such an occasion. In my bill, one-half of the House will be elected every 2 years. The electorate will be able to modify or even negate any mandate they gave the President in the previous election by simply electing a hostile group of candidates in the next election.

My resolution also provides for the division of the House into two groups—one group running at the same time as the President, and the other group running 2 years later.

The 4-year term is necessary and vital if the House of Representatives is to remain as important in the legislative structure as it has in the past. The times demand full-time legislators and the 4-year term will provide them.

**A FOLLOWUP STATEMENT BY WILLIAM D. HATHAWAY, A U.S. REPRESENTATIVE
FROM THE STATE OF MAINE**

Mr. Chairman, members of the committee, the following is an addition and modification of my previous statement.

After further deliberation on the matter of House Joint Resolution 562 providing a 4-year term for Members of the House, I would deem it advisable to amend said resolution as follows:

On page 2, line 10, strike the remainder of section 2, beginning with the words "by lot in a manner" and insert "by lot in a manner provided by Congress by law which insures that the number of seats of one class does not exceed the number of seats of the other class by more than one, and that the number of seats from one class from any State does not exceed the number of seats of the other class from such State by more than one. Except as provided in subsection (b), terms of persons occupying seats of the first class shall end on January 3 in each year in which the term of the President ends, and terms of persons holding seats of the second class shall end on January 3 in each year occurring two years after the year in which the term of the President ends.

"(b) If the number of seats apportioned to a State or the boundaries of districts from which Members are elected within a State are changed, then the terms of all Members from such State shall end immediately before the first Congress to which such changed apportionment or boundaries apply. Members from each such State, and from any State newly admitted to the Union, shall, when elected, be divided by lot into two classes in a manner provided by Congress by law which insures that the number of seats of one class from any such State does not exceed the number of seats of the other class from such State by more than one, and that the difference between the total number of seats of one class in the entire membership of the House of Representatives differs from the total number of seats of the other class of such membership by the smallest number possible."

Subsection 6 of section 2 provides that in the event of a reapportionment in a State, the terms of all Members from that State shall end immediately before the first session to which the reapportionment applies. The Members so elected will then be divided by lot in such a way as to insure that the number in one class does not exceed the other class by more than one and that the difference between the two classes in the total membership of the House of Representatives differs by the smallest number possible.

Strike out all of section 3 and insert the following:

"SEC. 3. Whenever, at the end of the first session of a Congress, it appears that in the following Congress the total number of seats of one class will exceed the total number of seats of the other class by more than 10 per centum of the smaller

class, then (effective on the day preceding the beginning of such following Congress) a number of seats of the larger class equal to one-half of such excess (or equal to the largest whole number less than one-half of such excess, if such excess is an odd number) shall be transferred to the smaller class in the following manner: One member holding a seat of such larger class shall be chosen by lot from each State having more seats of the larger class than of the smaller class. Members so chosen shall draw by lot for the seats the class of which is changed by this section. Such a drawing shall take place no later than January 30 of that year."

Section 3 corrects the situation which might arise as a result of a reapportionment under section 2(b). In the event that the difference between the two classes in the total membership of the House is more than 10 percent, a number of seats of the larger class equal to one-half of the excess will be transferred to the smaller class. In each State which has more Members holding seats of the larger class, one Member from each of these States shall draw by lot to determine which of these Members shall become Members of the smaller class. The number of such Members shall be determined in each instance by the total number of seats involved. As a result of such an arrangement, the difference in the two classes in total membership of the House of Representatives could not exceed 10 percent.

Mr. HATHAWAY. First of all, I would like to call attention to the fact that in House Joint Resolution 562, section 6 may sound a little ambiguous. It just means it will not take effect until the first Congress after ratification, and from then on. It probably could be worded a little better. It does not mean it is limited to the first Congress after ratification as it might be interpreted the way it is phrased.

I think the main objection I have heard to the proposal for a 4-year term for Congressmen is that Congressmen will no longer be responsive to the will of the people. This may have been true 50 or 100 years ago when we did not have the media of communication and publicity that we have today. Whether a Congressman is in for 2 or 4 or even 6 years, I believe he will be responsive to the people in view of the fact that just about everything he does is subject to public scrutiny and the news media, radio, television, and newspapers are constantly printing his statements and actions so the public knows at all times what he is doing.

The public, as members of this committee well know, are not hesitant to write you or telegraph you or call you and let you know what their feelings are about what you have been doing and their feelings on what they think ought to be done. For that reason I believe that the argument based on the grounds a Congressman would not be responsive unless he were to be elected every 2 years does not hold as much water as it would have years ago.

The arguments in favor of Congressmen serving for 4 years rather than 2 probably have been made several times previously to the committee. It is clearly obvious that with a 2-year term almost the second day you are here you to begin thinking of your campaign of 2 years hence. That does impede you from performing the duties that you ought to be performing while you are here. A 4-year term would considerably alleviate that situation and leave the Congressman more time for deliberation on the important matters which come before him.

I know I am spending at least half of my time on matters which are concerned with reelection, and I should not be spending that much time on it. I do not think any Congressman should be. Take a matter such as the very important matter now before us, the farm bill. I know many Congressmen, including myself, have not given that bill

the study it ought to have. I think most of us have read it and read the report, but we have not had time to give it the analysis that it deserves, nor do we have the time to give many other important measures the time and study they deserve.

The CHAIRMAN. Your bill, House Joint Resolution 562, at the bottom of page 2, section, reads:

"Seats in the House of Representatives shall be divided into two classes by lot in a manner, provided by Congress by law, which insures that—

"(1) the number of seats of one class in the House of Representatives does not exceed the number of seats of the other class in the House of Representatives by more than one, and

"(2) the number of seats of one class from any State does not exceed the seats of the other class from such State by more than one, except that in the case of a State with an even number of seats such excess may be equal to two if necessary to carry out paragraph (1)."

What is meant by that?

Mr. HATHAWAY. That is so you would not have the total number in one class exceeded by more than one. There may be instances where you have to have the number of one class in an individual State exceeded by two in order to make the total of the two classes in the Nation as close to even as possible; that is, within one of being exactly even. This is not necessarily the only way, but one way that we could insure this almost equal division.

The CHAIRMAN. How could it be in excess of two? I do not understand.

Mr. HATHAWAY. Maybe I do not understand the chairman's question.

The CHAIRMAN. In line 10, page 3, "with an even number of seats such excess may be equal to two." How is that possible? I do not quite get that.

Mr. CORMAN. We might classify them as A and B—A in presidential years and B in off years. You might have a State with 10 seats. You could have six in A and four in B. Is that right?

Mr. HATHAWAY. That is right. It may have to work out in even numbered States that way.

Mr. CORMAN. I wonder if there is a complexity in this approach. At the time of the reallocation of the seats after the decennial census, would it be up to the Congress to decide, for instance, when a State loses a seat, whether they lose a class A or class B seat, and then when they reallocate them when States are gaining population, how would they apportion them? Would that be the chore of the Congress itself or the executive branch?

Suppose a State has four seats and loses one. They might feel deeply whether they lose one in class A or class B.

Mr. HATHAWAY. Under this bill, it would be left to Congress by law. We thought of various methods. You could say all the odd-numbered districts will be 4-year terms. That is, number all the districts in the whole country starting with "A" through the alphabetical order, if you wanted, and go straight through the numbers and say the odd ones will be 4-year terms and the even ones will be 2-year terms. Then by statute you could state that when there was a change in the situation, you would have to throw all of the changed States, larger and smaller, into a hat and simply draw them out again—within the limits of section 3, subsections 1 and 2.

Mr. CORMAN. Some Congressmen would thereby serve less than 4 years.

Mr. HATHAWAY. That is true.

Mr. CORMAN. We would have to provide that is the way we do it, I take it.

Mr. HATHAWAY. Unfortunately, that can happen.

Mr. CORMAN. That is all.

The CHAIRMAN. Suppose they increased the number in your State. You have three now, have you not?

Mr. HATHAWAY. Two.

The CHAIRMAN. Suppose they increased it to three, what would happen under this proposal? If the decennial census increased it to three, what would happen then?

Mr. HATHAWAY. Whether he would get a 2- or 4-year term?

The CHAIRMAN. Would the man be elected to 2 or 4 years?

Mr. HATHAWAY. That would have to be determined by Congress by law, how they wanted to do it, whether they wanted to do it simply by lot and let the States with an increase of 1, say there would be 10 of them, put 10 into a hat and draw them out and 5 would be 2's and 5 would be 4's, provided section 3 was complied with.

The CHAIRMAN. Could that be done by law?

Mr. HATHAWAY. I do not see why it could not be accomplished by law. In fact, when I first drafted this resolution, I had all the details in it, and then after consulting with someone else, I thought it would be better to leave it as stated.

The CHAIRMAN. Let me ask another question. Suppose a State has four Members, and after the decennial census the State has only three. You have A, B, C, and D. D has been elected for 4 years. After the census, the number of Representatives is reduced from four to three. One district is cut out. Meanwhile, he would have ordinarily 2 more years to run. Despite the fact that the number of Representatives had been cut down, would he still run 2 years?

Mr. HATHAWAY. His term would be cut short.

The CHAIRMAN. But he has been elected for 4 years.

Mr. HATHAWAY. Section 2 provides that a Member may be elected on a 4-year term basis but he is not necessarily guaranteed he will serve the 4 years.

The CHAIRMAN. Whether that can be done by law, I do not know.

Mr. HATHAWAY. We do not necessarily guarantee individuals that they are going to serve a certain length of time. We simply guarantee States that they will have a proportionate number of Representatives in Congress at all times. Although it is unfortunate that some people will think they are going to serve a 4-year term and may be cut short, nevertheless that State is not deprived of any representation.

The CHAIRMAN. Any further questions?

Mr. MATHIAS. Just one question.

One argument which has been raised, not only by Congressman Hathaway but by other witnesses, which I do not fully follow is that, as I think you stated, you spend about half your time on reelection problems. What would you do for Blue Hill or Stonington in a 4-year term that you would not do for Blue Hill or Stonington in a 2-year term which may or may not reflect on the object of reelection? I do not see how this will make a great deal of difference.

Mr. HATHAWAY. I think any Congressman devotes a considerable amount of time to making sure he is getting a lot of publicity because he knows he will have to run again in a very short length of time. That would not necessarily mean he would not work just as hard for Blue Hill or Stonington. In Blue Hill, for example, they have a copper mine and you might be doing something for them to obtain an ARA loan. For political purposes you might give out publicity every day of the week stating each stage of your progress on their ARA loan so your name would be constantly in the paper, having in the back of your mind that you want your name constantly in the paper in order to be reelected. It will take up a considerable amount of your time to develop that publicity; whereas you could still accomplish the same thing for Blue Hill and simply make the announcement after the ARA loan was granted, and avoid all that time that you spent on the intermittent publicity, if an election were not imminent.

Mr. MATHIAS. That is immaterial for a Member of the minority party, because you can work just as hard for them but somebody in the majority makes the announcement anyway. This does not hold. My observation is that the politically minded Members of the other body work just as hard on their publicity and on public relations with a 6-year term as anybody over on this side does with a 2-year term. So, I do not know that this is a convincing argument.

Mr. HATHAWAY. Another point, if I may raise it, is that I think many Congressmen go back to their districts considerably more simply for campaign purposes during a 2-year term than they would with a 4-year term, but still would be able to maintain the communication they need during the 4-year term without going back to the district. Some feel compelled to go back to their district every week, for example, and this takes 2 or 3 days that they could be devoting to legislative matters here.

I know that they could get the same information as far as benefiting the people from their district, without having to go back. I, for example, have a full-time man in the district who keeps me informed at all times. He is traveling constantly throughout the district.

The CHAIRMAN. You would agree, would you not, it would be a great convenience to the Members to have a 4-year term instead of a 2-year term? Is that not correct?

Mr. HATHAWAY. Yes; I would.

The CHAIRMAN. Do you think the convenience to the Members should be deemed an overriding reason for the change?

Mr. HATHAWAY. Yes; because I think the convenience to the Members would inure to the benefit of the Nation as a whole because they have more time to deliberate on important measures and they could do a better service to their districts and to the Nation.

The CHAIRMAN. Do you not think the Nation should have an opportunity to register its will in general on the whole Congress, particularly the House of Representatives, more frequently than every 4 years?

Mr. HATHAWAY. Of course, under my bill and I think all the bills which have been submitted, every 2 years the people will elect half the Congress. There will be staggered terms. So, the will of the people will be manifested every 2 years with respect to half of the membership of the Congress.

The CHAIRMAN. Is there not a danger, maybe not too strong a one, if half of the Members are elected in 2 years and half elected in 4 years, in many administrations the party that is in power at the White House would not be in power in the Congress, and would that not create grave difficulties for the Nation? I ask your opinion on that.

Mr. HATHAWAY. I do not believe it would create grave difficulties. We have had that situation at times in the past, and it has not. I think it would give back to the legislature something that it is losing a little bit, and that is the initiative in legislation.

Mr. MATTHIAS. I think I apprehend the drift of your question, that we have almost a lameduck situation where the mood of the country may be changed in a 4-year period, and certainly the mood of the country does change historically in a 4-year period, but Members do not change with the mood of the country in that period of time and, therefore, becomes practical lameducks, if not legal lameducks.

This, of course, could prove to be a very unfortunate aspect of Congress before the constitutional reform on the lameduck question.

Mr. HATHAWAY. But if half of the State delegation is elected for a 4-year term in, say, 1968 and will serve until 1972, and in 1970 half of the delegation from a State will be elected, they are going to reflect the views of that entire State. No State is so large that a man in one district does not reflect the views of the people in the farthestmost district away from his. Each influences the other. So, the new Members coming in every 2 years will have some influence on the so-called lameducks, the ones serving for a 4-year term.

The CHAIRMAN. You might have a situation where during a presidential year Congress very likely would have a majority of the party of the President. In the next 2 years, conditions may change and then you would have the majority in the House of the party opposite to the President. My experience over many years is that when you have that, there has been considerable confusion and the administration cannot carry out its policies. From the foreign affairs standpoint, I wonder whether that would be good or ill. I am inclined to believe it might be ill.

Mr. HATHAWAY. In the Senate you have one-third changing every 2 years.

The CHAIRMAN. The question is whether you should have it in both Houses.

Mr. HATHAWAY. It is true that it might interfere with administration policies, but at the same time it would help to correct those policies and bring them better in line with the feelings of the electorate.

The CHAIRMAN. If the policies were good and there was obstruction for obstruction's sake—you often have that, and both parties are guilty in that regard, with a stalemate very frequently—when it comes to foreign policy, that may be highly dangerous. Congress can influence foreign policy only by virtue of its control of the purse strings and its debate. I shall ask you these questions as a sort of devil's advocate to bring out all the facts.

Mr. HATHAWAY. I think the recent salary increase and this proposal will to a great extent better the quality of the people who are running for Congress and who will be elected, so the chances of getting a purely obstructionist membership are diminishing as time goes on.

I think you will find Members will be more cooperative as time goes on, rather than obstructionists, especially in the area of foreign policy where it is not a party issue at all.

Of course, with respect to domestic policy, you are going to get a good reflection of just how people feel, and perhaps some of the domestic policies should be changed based on the feelings of the people.

The CHAIRMAN. Thank you very much, Mr. Hathaway. We appreciate your coming here.

Mr. HATHAWAY. Thank you very much.

The CHAIRMAN. We shall next hear our colleague, Mr. Seymour Halpern.

STATEMENT OF HON. SEYMOUR HALPERN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. HALPERN. Mr. Chairman, at the outset I wish to commend you and the members of this committee for holding these hearings on this legislation, which I believe is among the most important before the current Congress. It is indeed a pleasure for me to appear before this distinguished subcommittee to testify in behalf of House Joint Resolution 415, a resolution I introduced last March. The resolution set forth a constitutional amendment designed to provide 4-year terms for Members of the House. I had the honor of testifying on this important issue earlier in the year before the Joint Committee on the Organization of Congress, and I welcome this opportunity to reaffirm my conviction that the adoption of this amendment would greatly enhance the quality of government in the United States.

Because my resolution differs from other similar proposals which have been introduced, I would like to briefly explain its essential provisions before proceeding to discuss its merits. In sum, the resolution would provide 4-year terms of office for Members of the House, with congressional elections held every second and fourth year. The elections are thus staggered, so that one-half the congressional delegation from each State would be "up for election" every second year. In this way, the people in each State would retain their biennial right to register satisfaction or dissatisfaction with administration programs and the work of the current Congress. The resolution would also preclude a Member's seeking or accepting the nomination to any other elective office while he serves in the House.

The CHAIRMAN. If you were nominated for the Senate from New York State, you would have to decline?

Mr. HALPERN. No; I think the interpretation I would give to it would be in accepting the nomination I would have to decline.

The CHAIRMAN. You could not run for the office itself?

Mr. HALPERN. While a Member of Congress.

The CHAIRMAN. During the period for which you had been elected.

Mr. HALPERN. No; I could serve as a Member until designated; but once thus designated, it would be incumbent on me to resign from the House.

The CHAIRMAN. You say:

The resolution would also preclude a Member's seeking or accepting the nomination to any other elective office while he serves in the House.

If you were elected for 4 years, you could not accept any other office during that 4-year period.

Mr. HALPERN. I could accept it, but not while a Member of the House. I would have to resign in order to accept such position.

The CHAIRMAN. That is right, but you would be deprived, unless you resigned, from accepting another elective office.

Mr. HALPERN. That is right.

This, I believe, will serve to mitigate the apprehension with which some of our colleagues in the Senate might view this legislation, which is quite well known.

This is my fourth term in the House of Representatives and, as I view it, the primary role of Members of Congress is to bring wisdom to the difficult affairs of our times, so that sound legislation can be enacted to improve and advance the society in which we live. To the extent, therefore, that we concentrate on lawmaking—not on politics—the American people are benefited. But to discharge our responsibilities to our country and to our constituents, requires time and energy, both of which are dissipated by the all-to-present preoccupation with problems, political in nature.

The CHAIRMAN. Let us go back a bit and take the illustration of New York. Mr. Lindsay is a Congressman. Under this provision he could not run for mayor unless he resigned from Congress?

Mr. HALPERN. If this had been the law at the time.

The CHAIRMAN. He could not run for mayor unless he resigned from Congress, is that it?

Mr. HALPERN. Once he accepted the nomination, it would have been incumbent upon him to resign; yes.

The CHAIRMAN. If he accepted the nomination, that would be tantamount to resignation.

Mr. HALPERN. If this were part of our law, yes; if this constitutional amendment were adopted.

Mr. MATHIAS. This would also apply to our colleagues, Ross Bass and Bill Montoya, who left the House last year.

Mr. HALPERN. Certainly.

The CHAIRMAN. But Mr. Lindsay did accept the nomination and has not resigned.

Mr. HALPERN. This was not the law at the time and it was not necessary for him to do so. I certainly have the utmost and highest regard for Mr. Lindsay and believe he is fully cognizant of his responsibilities as a Member of the House and will respect the responsibilities accordingly, as he has done. But we do not always have a John Lindsay, and the bill is not applicable just to one candidate.

The CHAIRMAN. I use that as an example. There is nothing political in the example.

Mr. HALPERN. I realize that, but I am clarifying it to point out the fact that certainly Mr. Lindsay is within his rights as a Member of the House under the existing law to be a candidate for office while a Member of the House, a practice which has been followed for many, many years, particularly in cases of Members of the House who run for the other body. I believe one of the reasons we are extending or at least proposing the extension of the congressional term from 2 to 4 years is that we concentrate on lawmaking, that we concentrate on the

job to which we were elected, and that it be a full-time job for a 4-year period.

In many States we have spring primaries—as I will bring out in my testimony—that bring many of the Members back home, and their work is diverted because of local political situations. In order to overcome this, I do not think we can compromise it. I think either we have a strong law or we do not.

The CHAIRMAN. Is Mr. Lindsay any better or worse Congressman for having accepted the nomination?

Mr. HALPERN. As I said a few moments ago, I do not think his acceptance affects his role or his effectiveness as a Member of Congress. I think he is a superb Member of the House. He has been a credit to this House. He has been a credit to public service.

As I also said, we do not have many John Lindsays as such, and there may be others who would take advantage of the dual capacity as a candidate and also a Member of Congress.

The CHAIRMAN. As another example, John Sparkman, a U.S. Senator, ran for Vice President.

Mr. HALPERN. A most commendable Senator and a most commendable candidate. I am not making any inference concerning the quality of these men. I do believe if we are to establish a certain principle here, it should be carried all the way.

In many States, primaries are held in the spring. To meet a primary challenge, plans must be drawn up well in advance, speeches must be delivered, political fences must be mended, and all this requires that the Congressman spend much time back in his district. In the meantime, essential legislation either waits for action, or is acted upon in his absence. And this is just the beginning, for the same kinds of activity must be generated to win the election. All this deprives the interested legislator of the time he requires to develop and present the ideas we need to meet the ever-emerging problems of our society.

The CHAIRMAN. Would that situation not obtain also if you had a 4-year term, because during the last year he would be doing the same thing all over again, campaigning.

Mr. HALPERN. At least there would be 3½ years, we say, of concentrated effort down here where the Member should be and where he should be concentrating his effort. An election every 2 years, the threat of a primary every 2 years, and many other local situations, requires a Congressman in order to hold onto his seat, in order to continue doing the work he is doing, to go back home, to wear out his physical health and his mental capacity, to keep running back and forth and diverting his interests between his local political problem and his work down here. To do that every 2 years is certainly a lot more strain than it would be every 4 years, Mr. Chairman.

The CHAIRMAN. I have been elected many times, and I would say the secret of my being elected so often was that the day after election I started to campaign for the next election.

Mr. HALPERN. There are all ways of campaigning. I think the best form of politics, I am sure you will agree. Mr. Chairman, is good government. Good government is good politics, and good politics is good government. So, applying yourself as I am sure the chairman does, and I know he does, for I have been an admirer of his, for my 25

years of public service—he works 24 hours a day, 365 days a year, at being—

The CHAIRMAN. What do you mean by campaigning? What is your definition of campaigning?

Mr. HALPERN. That is a broad term, of course. I am talking about physical campaigning in one's district in the references I make here. I think we campaign in the sense that we try to do a good job down here, that we work in the public interest, and as such—

The CHAIRMAN. Is that the best type of campaigning?

Mr. HALPERN. I would say that is, yes.

The CHAIRMAN. And that requires you to work down here.

Mr. HALPERN. That, of course, requires that you work down here.

The CHAIRMAN. Would you not have that situation also with a 4-year term?

Mr. HALPERN. Yes, you would, but you concentrate with the work at hand. Unfortunately, in too many instances the local public back home is not necessarily acquainted with and they certainly are not aware of the extent of our committee activity, the extent of such hearings as this, and the homework that a Member of Congress does, his necessity to be on the floor, his participation on the floor, and the multitude of other facets of this activity. This requires our time, and I do not think we necessarily have to wave the flag that we are doing it while we are doing it down here. The main thing is to do a good job, and then in good conscience we can come back to the public every 4 years and, based on this record we have established, expect them to reelect us.

But if we have to do it every 2 years, unfortunately we are diverted physically and otherwise to our district activities. I do not mean district activities in the sense of taking care of constituent problems, meeting with constituents, making certain personal appearances. This I am sure we do to the extent of our capacity, whether it is every 2 years or every 4 years. But I refer—

The CHAIRMAN. Those who are within 50 miles from the Capital always go back on the weekends or they live in their home districts and frequently go back, regardless of the length of term.

Mr. HALPERN. I believe this should be up to the individual Congressmen.

The CHAIRMAN. In other words, you must make a differentiation between Members who live in the far-distant parts, as those who come from the State of Washington, and those who come from States which are fairly near the Capital. Those from the farthest States even now, with 2-year terms, do not go home very often, and therefore they cannot participate locally or attend meetings in their home district as frequently as you and I do, because we are from New York and we can get to New York by plane in an hour or an hour and a half. That must make a difference there when you speak of physical presence.

Mr. HALPERN. I was talking at this point about when there are spring primaries and where it is necessary literally to campaign in the sense of physical campaigning in the district. I think that is a little different than going back on a weekend to see constituents if one has the advantage of having convenient transportation to do so. I think there is a difference.

It is also a question of concentrating on issues. Many a time, Mr. Chairman, as you well know, an issue that is popular today is not necessarily the most popular issue tomorrow. Many issues are emotional. Many times we feel these issues as they are before us. I believe there would be a much more statesmanlike approach to legislation and to these public issues if the emotions and the popularity or unpopularity of the issue at the moment were not something that confronted Members of the Congress. Knowing we had a broader range and knowing that these issues must be met and should be met in the best national interest, I believe that the Members would act accordingly, rather than be swayed by emotion or by the popularity or unpopularity of the issue at the moment.

To be an effective Congressman, despite the great legal talent of the chairman of this committee possesses and the other members of this committee possess, I am sure you all agree that one need not necessarily be an astute lawyer or a professor of political science, but he must have sound judgment, a certain degree of knowledge in the subjects on which he is to legislate, and a sensitivity to the difficulties and aspirations of the people whom he represents. I am convinced that a 4-year term is much more conducive to the development of these qualities. For without a measure of detachment, it is very difficult to find the time to formulate the intelligent judgments that are required for effective advocacy and constructive criticism.

The CHAIRMAN. I take it from those criteria that you have just announced, we had a pretty bad lot of Congressmen for over 150 years. They were not able to satisfy all those criteria because we had only a 2-year term.

Mr. HALPERN. I did not say that at all. I think the quality of Congress has been superb, Mr. Chairman, but I think it has not been without a lot of difficulties.

The CHAIRMAN. When you consider the criteria you lay down here—

Mr. HALPERN. I think we have had, as I said, a splendid representation of the American people in Congress, but here again there are many men who would like to serve here and a lot of men who would like to continue to serve here—

The CHAIRMAN. You say:

To be an effective Congressman, one need not be an astute lawyer or a professor of political science * * *

Mr. HALPERN. That is right.

The CHAIRMAN (continuing):

but he must have sound judgment, a certain degree of knowledge in the subjects on which he is to legislate, and a sensitivity to the difficulties and aspirations of the people whom he represents. I am convinced that a 4-year term is much more conducive to the development of these qualities.

We have had to a lesser degree these qualities that made a good Congressman for these 150 years?

Mr. HALPERN. I believe it is a question of interpretation of phrasing here, Mr. Chairman. It is not intended as a reflection on the quality of Members of Congress either now or in the past. I do mean that for the development or for the continuation or the perpetuation of one's role in the Congress, too many of our Members, and you have

seen them, Mr. Chairman, you have been a pillar of strength, you have been indestructible here, and you have certainly been a tremendous credit to the Congress through the years, and your devotion to public service through these many years is commendable; but only too many of our colleagues, probably because of family situations or because of financial considerations or because of physical handicaps and others, are running back and forth every 2 years, and because of the drain or strain on them give up, even though they have developed a degree of maturity, a degree of seniority. After a certain number of years they just say they have had it. They would like to serve more, but they just cannot go on, in many cases.

In other cases there are men who aspire to the role and who have great talent, but who are handicapped because of running every 2 years. This is the intention of that statement. I would like to clear the record accordingly.

I know it comes as no surprise to you gentlemen that congressional campaigns are time consuming, expensive, and a real physical drain. The cost of running a congressional campaign staggers the imagination of the average American. The New York Times conservatively estimates that a candidate for congressional office must be prepared to spend at least \$25,000 in his campaign. And this is indeed a conservative estimate, as the U.S. News & World Report puts the figure at \$75,000—which of course I am sure we agree may be quite high, but there have been congressional campaigns that have gone that high and even higher. Regardless of the sum, whether \$25,000 or some sum in between it and the higher figure, it is a tremendous drain on any candidate and his supporters, and a substantial burden on both the candidate and his supporters. It's no wonder that many able and experienced Congressmen, the kind this country needs, leave the House to take judgeships or retire to private practice or to their own businesses which do not require such expenditures of funds and energy. And competent, able men are discouraged from running by these same factors. Instituting a 4-year term would enable the Member to conserve not only his financial resources, but the time and energy he needs to serve with distinction in the position to which he was elected.

The CHAIRMAN. You say the U.S. News & World Report says it costs \$75,000 for a candidate for Congress to run for a 2-year term. How much would you say it would cost to run a 4-year term?

Mr. HALPERN. I think there is a certain degree of campaigning that we all have capacity for and I do not think it would take one iota more to run for a 4-year term because through the same experiences, through the same routine of campaigning—your buttons, your posters, your workers, and all the other things—I do not think it would cost one dime more to run for a 4-year term than for a 2-year term.

The CHAIRMAN. Would you and I have more aspirants for the office if it were a 4-year term?

Mr. HALPERN. In that case the better man would win, Mr. Chairman.

The CHAIRMAN. But the contention would be stronger and you would have to overcome those contentions and it would cost more money?

Mr. HALPERN. I do not believe it would. I think in a way it costs more to campaign for a 2-year term because in many cases—many of

us have been fortunate enough not to have that experience—but all too often the Members have to fight for their political lives. They do a heck of a good job down here, Mr. Chairman, but a lot of it is not known down home and every 2 years they have primary situations and many good men have been knocked off because they could not take the time to go back to the district to do the job they would like to do.

The CHAIRMAN. I do not want you to get the impression I am opposed to this proposal.

Mr. HALPERN. I appreciate that, Mr. Chairman.

I favor a 4-year term not to lighten my own burden, but to enable me to channel my efforts to more productive pursuits. We all know that to prepare adequately for participation in floor debates, for hearings and for testifying, entails long hours and arduous work. I think I speak for the vast majority of my colleagues when I say that I do not shrink from this work, I welcome it; I sought the privilege of this office, and I willingly accept its responsibilities and its burdens. But I firmly believe that we could be of greater service were we not so often confronted with the pressing need to campaign.

Mr. Chairman, I might point out I not only have had that experience in the Congress for four terms but, as you know, for seven terms in the State Senate of New York, so I have had at this point eleven 2-year campaigns. Therefore, I am a veteran and I do think I speak from experience of the problems of running every 2 years. I do not think I am any the worse for wear but I certainly feel that my contributions, while I believe I have done the maximum one can in one's dedication to public service, still I think the strain would have been a lot easier, a lot less difficult, and I think the time I could have devoted to this work could have been even—I do not like to say more productive because I like to feel I have been as productive as the good Lord has made it possible for me to be—but I feel I would have liked to have devoted even a broader scope of activity to public service were it not for this activity of running every 2 years.

I might say the New York Senate has approved a 4-year term for members of the State senate for this year. They have had hearings and there seems to be overwhelming public support for it for the same reasons I have stated today.

If we ran for office every 4 years instead of every 2, our constituents would be better prepared to come to an informed decision in casting their ballots, for they would be able to view our records with more perspective.

The CHAIRMAN. What makes you conclude that?

Mr. HALPERN. I think they could look at our records with more perspective, Mr. Chairman. I think they would have a broader base on which to evaluate our records if we had a longer term.

The CHAIRMAN. I believe they would be less able to evaluate your record if you had a 4-year term. Now they can review your record twice in 4 years. They have a better opportunity, it strikes me, to review your record if it is presented to them more often. This way they would only have the opportunity once every 4 years instead of twice in 4 years. I do not know why it would be better. You say they would have a better opportunity to come to an informed decision.

Mr. HALPERN. I repeat that, Mr. Chairman, because I feel a 4-year term is a much broader base for the public to evaluate than a 2-year

term. I believe there are many private organizations and many public organizations and members of the press, et cetera, that do evaluate the records of Members of Congress and I think they can put that in better perspective if they have 4 years in which to evaluate it than a 2-year term. I believe a Member is more apt to be responsive to the immediate issues at hand because he has an election to face within a matter of months; but I think if he had 4 years to develop this record it could be a much more solid and substantial base for evaluation of his record than it would be in a shorter interval.

Too often, I fear, votes are based not on the light of reason but on the heat of emotion. Many issues evoke inordinate emotional responses, which only time can subdue. For example, many Americans felt that the Civil Rights Act of 1964, would inevitably bring more discord to the South than harmony, and that, therefore, the measure was counter-productive. This fear was fairly widespread before the elections of 1964, but has since proven to have been unfounded. In the South, the owners of public accommodations put aside old traditions, accepted the will of the majority, and opened their doors to all Americans. This is just one example of how time sheds light on the wisdom of a decision.

In addition, of course, a 4-year term would enable voters to study one's position on a whole range of issues, and not just on one or two well-publicized bills. And I believe that if this were the case, a legislator would be more disposed to take a controversial stand on a measure when he believed the national interest required his overcoming protestations of a vocal special interest. I certainly respect and honor the right of any individual to vote against me. But I prefer that this vote be based, not on one or two emotionally charged issues, but on my record as a whole; and I believe that it is obvious that the longer the term one serves, the more accurate a picture the voters can have of his record and political philosophy.

In other Western nations such as Britain, France, Italy, Brazil, and Canada, the Members of the lower House of Parliament are elected to terms of 4 years and above.

The CHAIRMAN. Wait a minute. In England you might have an election every 3 months if a vote of no confidence is taken in the lower House of Parliament.

Mr. HALPERN. That is true, of course, Mr. Chairman.

The CHAIRMAN. So you do not strictly have periodical elections.

Mr. HALPERN. No, but the intent there is a 4-year term. Of course, they do have a different political system, but many of the other nations have found that this longer term is necessary for a member to develop the expertise necessary for handling the complicated issues of modern society. I believe it is clear that our economic and social problems are at least as compelling as theirs, and we need the experience and professionalism that a longer term makes possible.

A slogan in vogue at the time our Constitution was drafted, was, "Where annual elections end, tyranny begins." Our Founding Fathers had so lacked meaningful representation that the only question which arose concerning the term of Representatives was whether it should be a 1-year or 2-year term.

The CHAIRMAN. Or 3 years.

Mr. HALPERN. Or 3 years. The point is well taken, Mr. Chairman.

But at that time, there was no precedent for judicial review of

validity of legislative enactments, and it was felt that the power of the Congress would be a good deal more than that of either of the other two branches.

I believe that our judiciary and our executive branches today play a much fuller role in the decisions which shape the destiny of our country than do their counterparts in other nations, where members of Parliament have longer terms. And as Alexander Hamilton put it:

The greater the power is, the shorter ought to be its duration; and conversly, the smaller the power, the more safely may its duration be protracted.

The CHAIRMAN. Mr. Halpern, Alexander Hamilton argued for 2 years in the Constitutional Convention.

Mr. HALPERN. Well, if Alexander Hamilton were alive today, based on the 180 years' experience we have had, he would be plumping now for a 4-year term.

In addition, if there is any doubt about the absence of a relationship between the length of term and the disposition to tyranny, I think that doubt can be resolved by considering the U.S. Senate, where a 6-year term prevails.

In closing, Mr. Chairman, I should like to point out that my resolution vitiates one of the key objections that has been raised against a 4-year term; namely that an electoral weather vane should be retained to permit the public to reflect, every 2 years, its approval or disapproval of administration programs and the work of the current Congress. Under the resolution I introduced half the Congressional seats in each State would be filled every 2 years. There may be technical problems, for example, when districts are reapportioned, such as you pointed out to the previous witness, but whenever we embark upon a bold, new course, we can expect to encounter obstacles. The point to be emphasized is that none of these obstacles is insurmountable, and this course—though not without difficulties—is one which will lead to a sound improvement in the quality of government in the United States.

Again, Mr. Chairman, I truly want to thank you for the opportunity to appear here this morning and if there are any further questions I shall be happy to answer them to the best of my ability.

The CHAIRMAN. Thank you very much.

Mr. HALPERN. Do not mention it, Mr. Chairman.

The CHAIRMAN. Our next witness is the distinguished Member from Florida, Mr. Matthews.

STATEMENT OF HON. D. R. MATTHEWS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. MATTHEWS. Mr. Chairman and distinguished members of the committee, I regret that I do not have copies of this testimony but I shall try to be articulate and I do have a prepared statement to give to the stenographer.

Mr. Chairman, I am grateful for this opportunity to testify before the Judiciary Committee in support of House Joint Resolution 412, a proposed constitutional amendment providing for a 4-year term for Members of the House of Representatives.

The present 2-year term for Representatives was instituted by the framers of the Constitution in the belief that such a term would be

sufficiently long to enable Members of the House to come to grips with public issues and to give the best of themselves to resolution of these issues, and yet sufficiently short so that he would be placed under the necessity of keeping the rights and legitimate interests of his constituents in the forefront of his thinking and acting.

The factors involved in public issues have change so completely, have become so enormously complex and highly technical, that the 2-year term for Members of the House has not only ceased to further the aims which the Founding Fathers had in mind, but actually frustrates their attainment.

The American people have constituted the Congress of the United States with authority to establish an order of law, an order of rights, and of corresponding duties. In order to carry out this difficult task of justice, Members of Congress must become possessed of sufficient insight into the problems of our society to be capable of recognizing within the context of these problems where rights and duties lie, to be capable of recognizing who owes what to whom.

Let us only pass in quick review some of the social factors and consequences which must be taken into account in accomplishing this monumental task of law and justice. Congress must confront the problem of unemployment caused by technological innovation. It must review and evaluate the needs of our public schools. It must seek resolution of conflict between management and labor. It must determine the future of our technological effort in space. It must judge the needs of our urban centers with respect to such things as housing and mass transit. It must respond to the problems of agriculture. It must determine the role of government in experimental research in the physical sciences. And so on.

The social factors and consequences which affect the exercise of rights and the fulfillment of duties, or which call for new definitions of rights and duties, become increasingly complex, technical, and difficult to grasp with that comprehensiveness which the lawmaker must have if he is to establish an order of justice and promote the general welfare.

Mr. Chairman, if Congress is to continue to fulfill the duties assigned to it by the American people, each and every Representative in the House, from the freshman Member to the most senior, must be enabled to acquire that comprehensive grasp of social factors and that insight into the moral obligations implicit in complex social situations which are indispensable to the work of legislation.

Would not most Members agree that a 2-year term tends to make it more difficult for Members—especially newer Members—to acquire expertise in the intricate operation of Congress?

First of all, 2 years is simply too short a time.

Only consider the situation of the new Congressman, and this year, of course, we have an unusually fine number of new Congressmen.

He must first of all familiarize himself with the modes of procedure by which Congress conducts the public business. He must necessarily do this before he gets down to the public business itself. I think that such modes of procedure must become second nature, and that the new Representative must become a real member of the family, so to speak, before he can begin to realize his potentialities as a legislator.

Not only this, but he must organize his office staff, hire assistants, and assign jobs in such a way as to provide himself with the best pos-

sible service. This is no mean task, and will probably require a considerable amount of time, especially in the beginning.

Third, the new Congressman has been sent to Congress by his constituents to deal with national issues and to perform the public business. Two years, I suggest, even without considering the time required to become familiar with congressional procedure and the time required to get an office staff in motion—2 years is not enough time in which to acquire the practical grasp and moral understanding of social issues, a problem to which I have already alluded.

But I have yet to mention a most serious and disadvantageous consequence of the 2-year term.

No sooner has the new Congressman been elected, no sooner has he arrived here to undertake his legislative duties, than he is compelled to face up to the necessity of reelection. With a 2-year term, the very next year is an election year for the Representative during the first session of Congress. His whole political future, and his remaining in a position most effectively to present his political perspectives, depend on his reelection. Can it be expected of him that he will not feel pressed to devote a good part of his energy to maintaining the support of his constituents?

Let us only consider, Mr. Chairman, how concern for the political situation at home, a concern which is necessitated by the very imminence of the next election, will tend to deprive a Member, especially a new and less secure Member, of that freedom which he must have in order to devote himself heart and soul to his legislative duties.

Now if I may depart from my prepared remarks for a moment to give you a personal situation that concerns not only myself but concerns a colleague from Florida, the Honorable Don Fuqua. When we consider the time that it takes to wage a political campaign, and the effort, please note this map of Florida. I wonder if the chairman can see the red in this map? This is a map of Florida and the red in this map, which is composed of 24 counties—there are only 67 counties in Florida—nearly one-third of all the counties in Florida are in this red area and it will become, as of January 1, 1967, the new Second District of Florida. It will combine my present Eighth District with the gentleman from Florida, Mr. Fuqua's, Ninth District, to become the Second District of Florida. It combines the Eighth and Ninth Districts and becomes the Second District of Florida. It has 24 counties and a population, based on the 1960 census, of 443,000, but already the one-man, one-vote principle is out of date because the latest population estimate in this part of Florida, which is not growing as rapidly as other parts of Florida, indicates there are 481,000 people and by the time we start campaigning in this area, that stretches 300 miles, the population will be 500,000. This area is larger than the square mileage of Connecticut, Delaware, and Massachusetts combined. In just one county, Levy County, in this district there are 1,103 square miles, more than in the State of Rhode Island.

In the beginning of the new year I and my colleague from Florida, Mr. Fuqua, and I would suspect quite a few others who would want to be here voting on important issues and who should be here, will find ourselves confronted with the problem of campaigning. If you can relieve this burden and agony and make it just 50 percent less by making it possible for this intense effort to be made only once every 4

years rather than once every 2 years, sir, I believe the people's business can be more effectively performed and I believe on that basis alone we could justify a 4-year term for Members of Congress. It would be tremendously helpful to us as individuals, but I think the crux of the matter is that better service would be given to our constituents.

I know that the distinguished chairman can remember, in his long term of service here, that many times dozens and dozens of his colleagues cannot be here to vote on vital issues during the time of their primary elections. They feel it necessary to go home and campaign. And let me repeat, if we can make the agony once every 4 years rather than once every 2 years, I believe the business of the Republic can better be performed.

I do not mean to imply that concern for political success and devotion to legislative duty are necessarily contradictory. They may or may not be, but the motivation involved in each is likely to be different from that involved in the other. Elected Representatives are not meant to enjoy absolute political security—that would contradict the meaning and efficacy of representative government. But the relative, political insecurity, and apprehension engendered by too frequent elections are obstacles, I suggest, to whole-hearted devotion to the public business. I say this in the knowledge of the numbers of new Congressmen who, much to their credit, have risen above such insecurity and have demonstrated complete dedication to the public business to be done here in Washington.

I suggest, Mr. Chairman, that both the future role of Congress in national affairs and the fundamental interests of constituents would be enhanced by a 4-year term for Representatives.

Every condition which makes it more difficult for Congressmen to give themselves uninterruptedly to study of the complex factors with which legislation must deal and which the Congressman must grasp in a comprehensive way—every such condition constitutes a threat to the ability of Congress to deal with such factors. As I have said, a practical and comprehensive grasp of social factors is a prerequisite to the moral judgment and insight from which law must proceed. And if Congressmen are denied the chance to acquire such a grasp, so that Congress as a whole is less able to deal with the complex problems of our society, then real power to decide about the rights and duties of people may be transferred little by little, and maybe unnoticed, from the legislative branch to the executive branch. Congress must be able to deal effectively with complex issues and technical problems in carrying out both its duties of legislation and of oversight.

A 4-year term for Representatives would make it much easier for each and every Member to qualify himself to judge the social issues which Congress has the responsibility to resolve. And a 4-year term would not only be of great advantage to Congress as an institution, but would also, as I have mentioned, enhance the fundamental interests of constituents.

I suggest, Mr. Chairman, that the fundamental interests of constituents are two.

The first of these is the preservation of genuinely representative government. By this I mean that the rights and interests of constituents are put forward and effectively represented in the very process by which we formulate law.

If Congressmen are handicapped in acquiring a comprehensive grasp of difficult and complex problems, so that effective power begins to pass to the executive branch, to that extent the rights and interests of constituents will not be genuinely represented in the process of making decisions which affect their lives.

The second fundamental interest of constituents, Mr. Chairman, is the public interest as it incorporates their own legitimate interests.

Certainly it would be to the advantage of the American people, as constituents of the House of Representatives, that each Member be given a better chance to contribute a comprehensive knowledge of factors and a deeper moral insight toward furtherance of the public interest. Moreover, with the better chance to deal with public issues which a 4-year term would afford, every Member of the House would be able to demonstrate more conclusively his qualifications as a lawmaker, and constituents would be enabled to judge his qualifications with greater accuracy.

One final consideration, Mr. Chairman, which is not the least urgent, is the reduction in expenditures for political purposes which a 4-year term would effect.

And let me depart again from my prepared statement. I have checked my campaign expenditures, and this might seem unbelievable but I have been elected for seven consecutive terms and all I have had to spend is a total of \$25,000 for seven consecutive terms.

Mr. MATHIAS. Mr. Chairman, may I express my admiration and envy.

Mr. MATTHEWS. Mr. Chairman, what I am hastening to say is I have already told my constituents, "You haven't heard anything yet." I have been able to campaign as many of you are not able to campaign. I have been able to campaign on "Operation Shoe Leather." I sometimes go 150 miles and shake hands with only 50 people. But now with the tremendous increase in population the expenses you gentlemen have had for many years—television, newspaper advertising, and so on—are beginning to mount, and I predict what I have spent for seven consecutive terms is just a drop in the bucket compared to what I hope my friends will have to help me raise in the next campaign. I would say \$50,000 would be a conservative estimate of the amount of money the average Congressman has to spend every 2 years, and I do wish, somehow or another, that problem could be presented to the American people a little more effectively than it has. Often a Congressman has to use a good portion of his salary, as you know, to pay for the expenses of campaigning.

A reduction in the number of campaigns would undoubtedly reduce a Congressman's expenditures considerably, if instead of two campaigns, you could have just one. If we should estimate the staggering costs of advertising, of radio and television, of printing and postage, we would see that the reduction in expenditure would be no small amount.

It is my conviction, Mr. Chairman, that a 4-year term would advance the interests of Congress as such, the interests of Congressmen, and the interests of the American people as constituents of the House of Representatives.

I hesitate, sir, to make this one comment, because the chairman of this committee is so knowledgeable, but you were talking a moment

ago about the English Parliament. Several years ago I spent a few days with a Member of the English Parliament and I commented on the low salary he received. He said, "We have no campaign expenses." I asked how that was and he said, "I am a member of the Labor Party and they don't want me to make a speech. The speeches are made by leaders of the party." He was quite amazed when I told him of my "Operation Shoe Leather."

That concludes my presentation, Mr. Chairman.

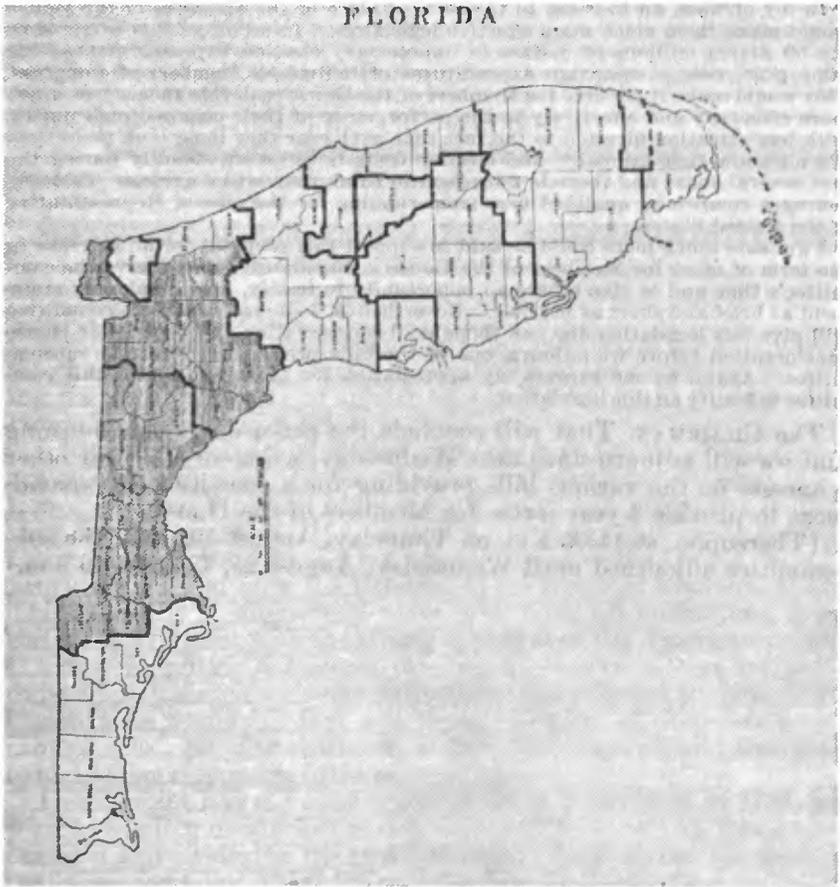
Mr. MATHIAS. I thank the gentleman for his excellent statement. It is splendid and realistic.

The CHAIRMAN. I will say the statement is an excellent one. Thank you very much.

Mr. MATTHEWS. Mr. Chairman, I do not know if the map could be included in the record. I will file it.

The CHAIRMAN. It may be filed.

(The map follows:)



STATEMENT OF HON. TIM LEE CARTEE, U.S. REPRESENTATIVE FROM THE STATE OF KENTUCKY

Mr. Chairman and members of the committee, I certainly want to express my appreciation for the invitation to appear before your committee to testify on behalf of my bill, House Joint Resolution 414, and related or identical bills to increase the term of office of Members of the House of Representatives.

I have been interested in this legislative proposal for some period of time. In my opinion, much can be said in support of this proposal. As you gentlemen know, especially those of you who have been here for a long time, this idea is neither new nor novel. The attempt to increase the term of office of Members of the House has been made from time to time for many years. As we all know, the population of congressional districts has increased by leaps and bounds since the term of office was placed at 2 years.

Back when the term of office was established at 2 years, there were many substantial arguments favoring the term of 2 years. But today we face a completely different state of affairs. I agree that being close to the people is a very good idea, but neither a 2-year term nor a 4-year term keeps them really close to the people. With our modern means of communication and travel today, you might say that a Representative is as close to his people as the telephone.

In my opinion, an increase in the term of office of the Members of the House would make them much more effective legislators. In addition, this would save the 50 States millions of dollars in unnecessary election expenses and, at the same time, reduce campaign expenditures of individual Members of Congress. This would make it possible for Members of the House to devote themselves much more efficiently and effectively to the performance of their congressional duties, with less attention directed to the fact that next year they must seek reelection. We all know that campaign and election costs have grown steadily during the last several years and there is no reason to think they will decrease. This discourages competent, qualified men from running for the office of Representative of the United States.

I am sure much more could be said to support this proposal for an increase in the term of office for Members of the House. But in order to conserve the committee's time and to give others an opportunity to testify, I will make my statement as brief and short as possible. Nevertheless, I sincerely hope the committee will give this legislation due and thoughtful consideration and report, for House consideration before we adjourn, one of the bills presently before this subcommittee. Again, let me express my appreciation for the invitation of this committee to testify on this legislation.

The CHAIRMAN. That will conclude the proceedings this morning and we will adjourn until next Wednesday, when we will hear other witnesses on the various bills providing for a constitutional amendment to provide 4-year terms for Members of the House.

(Thereupon, at 11:35 a.m. on Thursday, August 19, 1965, the subcommittee adjourned until Wednesday, August 25, 1965, at 10 a.m.)

CONGRESSIONAL TENURE OF OFFICE

WEDNESDAY, AUGUST 25, 1965

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 5 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 o'clock in room 2141, Rayburn House Office Building, Hon. Byron G. Rogers presiding.

Present: Representatives Celler (chairman), Rodino, Rogers, Corman, and McCulloch.

Also present: William R. Foley, general counsel; Martin R. Hoffmann, associate counsel.

Mr. ROGERS. The committee will come to order.

Our first witness this morning is the Honorable Paul A. Fino, Representative of the great State of New York.

STATEMENT OF HON. PAUL A. FINO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. FINO. Thank you.

Mr. Chairman and members of the subcommittee, at the very outset, allow me to express my sincere appreciation to the committee for giving me the opportunity to appear here today and speak in support of House Joint Resolution 394.

I have always been impressed with the way the American people are quick to try a new product or do away with a cumbersome tradition. The people of this country truly delight in progress. In fact, they demand progress. It is this fact which prompts me to support House Joint Resolution 394, a proposal to amend the Constitution by providing a 4-year term for Members of the House of Representatives. This is clearly a progressive move and, from all indications, I am certain it will meet with the strong approval of the American people.

I know as quickly as someone proposes a 4-year term there are bound to be cries that such a change will subvert the original purpose of the Constitution; namely, that the 2-year election of Representatives should reflect popular sentiment at frequent intervals and thus tend to make them responsive to the popular will.

This concept has the same merit today as it did back in 1789, but what is so often overlooked is that circumstances and conditions have changed a great deal in the past 180 years. In 1789, the Members of the House were just about the only officials who were chosen by a direct vote of the people. Today, nearly every office in this country which represents the electorate is decided by popular vote.

Also, when the Federal Constitution was adopted, the country had a comparatively small population and communication both within and

among the States was severely limited. Today, we enjoy the best communications facilities in the world. People and pressure groups discuss their problems and they can quickly make known their feelings to their elected representatives.

The point is that over the years times and conditions have changed, and the conditions which made a 2-year term necessary in 1789 do not represent a serious problem for the country today.

But we must always concern ourselves with keeping the Congress responsive to the popular will. This is one condition that a democracy cannot afford to change. That basic concept is maintained in the provisions of House Joint Resolution 394 by staggering the election of Members of the House so at least one-half of the membership is elected every 2 years. Thus, House Joint Resolution 394 combines the best qualities of both a 2-year and a 4-year term.

I recognize that most of you here, members of the committee, are familiar with the arguments supporting a 4-year term. They are not new, but each is important and each deserves to be repeated.

To begin with, the average Congressman does not have adequate time to make a substantial contribution to the legislative process. The question is asked: Why? The answer is, because, under a 2-year term, a Congressman is constantly running for reelection. The Committee on Political Parties of the American Political Science Association in its 1950 report made this comment, and I quote:

The present term is so short that a freshman Member is involved in a campaign for renomination before he knows his job or has had an opportunity to prove his worth to his constituents or his party.

But this problem is not limited to freshman Members. Every Member is constantly under pressure to divert his attention from legislative duties and concentrate on the necessity of campaigning for several months out of every 2-year period. This, in my opinion, is a shameful waste of time, and when viewed in the light of the ever-increasing legislative burden, this country cannot afford such a waste.

But the cost in time is not the only waste generated by a 2-year term. Closely related to the time lost is the equally costly factor of campaign expenditures. In recent years, we have been blessed with significant discoveries in travel and communications. These advances have made campaigning more effective and more exhausting but often, I regret, more expensive. I do not have to remind you gentlemen that it takes a lot of money to purchase radio and television time. It takes money to buy billboard and newspaper space and bumper stickers and other equally expensive campaign material. What bothers me is that these soaring campaign expenditures are stopping many young men and women from attempting a political career. Let's face it, gentlemen, it is just too darned expensive for the average beginner to get into politics and run for public office.

I do not for 1 minute believe that a 4-year term will solve the problem of higher campaign costs, but I strongly feel that it is a step in the right direction. In fact, depending upon the size and location of the district, a savings from \$20,000 to \$50,000 could be realized every 4 years.

Another important benefit of a longer term is the value of additional experience. The longer a Member serves in Congress, the more knowledgeable he becomes in public affairs and in the legislative process

and the more valuable he becomes, not only to his district but to his country.

Finally, I want to stress that House Joint Resolution 394 closes the door on Members of the House running for other elective offices during the 4-year term. This provision should allay any of the misgivings of the distinguished other body, and I hope that they will support the adoption of House Joint Resolution 394.

I have not, of course, detailed every argument favoring the concept of a 4-year term. I have tried to outline those reasons that I feel are the most pressing, and I strongly urge that we in the Congress catch up with the progressive thinking of the American people. I therefore urge this committee to give serious and favorable consideration to House Joint Resolution 394.

Mr. ROGERS. Thank you, Mr. Fino. We appreciate your coming and your testimony in behalf of House Joint Resolution 394.

At this point we will place in the record the statements of Members:

STATEMENT OF HON. HERVEY G. MACHEN, U.S. REPRESENTATIVE FROM THE STATE OF MARYLAND

In the early days of our country, Congressmen would meet for a few days each year to consider—at a leisurely pace—the legislation before them and adjourn in time for the spring planting. This was when the entire population of the United States was less than that of Metropolitan Chicago today.

The complexity of Congress today coupled with an enormous population increase has put pressure upon the Members of the House of Representatives that were not dreamed of by the framers of the Constitution.

Each Congressman serves hundreds of times more constituents than his 18th- and 19th-century predecessor. The code of laws that he must deal with today is an accrual of nearly 176 years and amendments to this code are no longer simple changes.

Formerly, most Congressmen represented districts made up of people that they knew personally and well. Today's necessity for communication with a mobile population requires that much time be spent sending out newsletters, news releases, taping interviews with radio and television; in other words, campaigning throughout the term of office just to get their names known.

For these reasons I am supporting legislation to lengthen the term for Members of the House of Representatives from 2 to 4 years.

In 4 years a Member has the opportunity to learn the ropes and establish an effective office without the burden of campaign pressures.

After all, the chief function of Congress is the making of laws. All Congressmen could do a better job if they were free to devote their time to this function over a longer term.

Coming to Washington from Annapolis where I served in the State legislature for 10 years has convinced me that there just isn't enough time in 2 years to do everything that could better be done in 4 years.

Certainly, the Constitution must be updated in the face of the heavy requirements and responsibilities we carry today.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 23, 1965.

HON. EMANUEL CELLER,
Chairman, House Committee on the Judiciary,
Rayburn House Office Building,
Washington, D.C.

MY DEAR CHAIRMAN CELLER: In my State—as in most other States, as I understand it—the squires, or magistrates as the case may be, are elected for 8-year terms. Sheriffs are elected for 4 years. At a recent constitutional convention in Tennessee, an amendment was approved providing that trustees—keepers of the funds—be elected for 4-year terms and not be held accountable for funds

until the 4 years are completed. Every office in the country, it seems, has been dignified with some elevation by added tenure except the House of Representatives of the National Legislature.

Surely the time has come to give consideration to the election of Members for terms of 4 years, as has been so frequently and long discussed.

It should not be necessary to refer to the basic reasons with which we are all familiar—constant and continuing pressures, the closeness of the people and the constant attendance to their problems, the lack of time to study legislation because of the short term which requires almost continual campaigning.

The matter should not be delayed further. I support wholeheartedly the Chelf proposal. It is meritorious, just, and sound.

Probably the little story once told me by the secretary of my illustrious predecessor, Cordell Hull, will illustrate the point. Judge Bradley McGinness, who is now aged about 90, was the first secretary to Cordell Hull when he entered Congress. Judge McGinness told me that when he and Congressman Hull came to Washington, there were no offices for Congressmen. Members, stayed in hotel lobbies until the call. Only the chairmen of committees had offices and they were mostly little cubbyholes. Cordell Hull received little mail and so had much time for study and so became an expert on tariffs and trade. Although Cordell Hull had time for study because of lack of office facilities, this, nevertheless, illustrates the need to free Members from constant campaigning to give them time for the study of legislation.

Let's let the people express themselves in this matter.

With kindest regards, I am,

Sincerely your friend,

JOE L. EVINS,
Member of Congress.

STATEMENT OF HON. CHARLES S. JOELSON, U.S. REPRESENTATIVE FROM THE STATE OF NEW JERSEY

Mr. CHAIRMAN. I want to go on record as being very much in favor of extending the term of Members of the House of Representatives to 4 years.

I do not take this position out of self-interest because, since a constitutional amendment is involved, it will be some time before the change could be put into effect.

I favor the amendment because it is in the public interest that Members of the House of Representatives be able to concentrate on public business without the necessity of having to campaign almost constantly for reelection.

Discussion with my constituents has led me to believe that they favor the change, because they realize the vital importance of their Representative having the time to be thorough in his full-time job.

STATEMENT OF HON. EDWARD A. GARMATZ, U.S. REPRESENTATIVE FROM THE STATE OF MARYLAND

Mr. Chairman and members of Subcommittee No. 5, because of meetings of my own committee, it is impossible for me to testify personally before you today. However, I would like to submit this statement for inclusion in the record.

It has long been my conviction that our constituents will be far better served if the Members of the House had a longer term, preferably 4 years.

We know from experience that in the second year of every Congress the House schedule is always badly interrupted by primary elections in the various States. Furthermore, the Members find it necessary to spend more time back in their districts to prepare for the primaries.

An uninterrupted 3 years between elections would enable the Members to give much better service to their constituents without the worry of primary preparations; would give them a better platform on which to run on the basis of performance; and would be a considerable saving in campaign expenditures.

Under the circumstances, I believe there is every justification for approving legislation extending the term from 2 to 4 years and I urge your committee to approve this legislation.

STATEMENT OF HON. FRANK A. STUBBLEFIELD, U.S. REPRESENTATIVE
FROM THE STATE OF KENTUCKY

Mr. Chairman and members of the subcommittee, I appreciate this opportunity to express my interest in and support of House Joint Resolution 394, which would amend the Constitution and thereby provide for a 4-year term for Members of the House of Representatives. This subject, which evoked considerable debate even during the Continental Congress, will no doubt produce strong arguments on both sides of the question throughout this hearing. I shall, therefore, make my comments brief.

The problem of preventing a tyrannical legislature, which was back of the reasoning of our Founding Fathers when they designed the 2-year term for House Members, does not exist today. This, I believe is evidenced by our many years as a democratic nation. The U.S. Senate, which has a 6-year term, can be cited as an example of this.

As I see, the ultimate aim of this legislation is good government and I submit that better legislation would result by having a longer term for Members of the House. To mention only a few things, more time could be devoted to the ever-increasing duties and requirements of House Members and less time would be necessary for planning and engaging in campaigns for reelection. It goes without saying that the heavy financial burden which is imposed on Members because of frequent campaigns is also a major consideration.

The problem of enrolling our children in school in September and transferring them in January has to be faced each year and most of us know what this means in terms of normal family life. There are countless reasons why a longer term for Members of the House of Representatives would contribute to better and more efficient service to their districts, States, and to the Nation.

STATEMENT BY HON. W. R. HULL, JR., U.S. REPRESENTATIVE FROM THE STATE OF
MISSOURI

Mr. Chairman and members of the subcommittee, I appreciate this opportunity to express my support for the proposed constitutional amendment to increase the term of Members of the House from 2 to 4 years.

Such a constitutional amendment has been proposed in House Joint Resolution 394, introduced by our colleague, the Honorable Frank Chelf, of Kentucky, and generally would provide that—

The term of office of a Representative shall be 4 years.

The Members of the House of Representatives of each State delegation shall be divided into two classes, so that one-half the Members of each delegation shall be elected every second year.

A Member must resign from the House of Representatives before seeking or accepting the nomination or election to any other elective office.

These provisions shall apply to Representatives elected for terms beginning at least 1 year after the amendment is ratified.

In my opinion, the greatest benefit to be derived from this proposed change in our Constitution is to allow all Members of the House to more completely devote themselves to the increasingly complex legislative duties they were elected to perform. As several congressional leaders have pointed out, our freshman colleagues suffer greatest from the current 2-year term, since in this short period of time they hardly have the chance to learn what this complicated and demanding job requires.

In addition, a 4-year term for Members of the House would result in savings of millions of dollars in election costs to the States, and would, of course, greatly reduce campaign expenses for each Member.

Thomas Jefferson said: "I am not an advocate for frequent changes in laws and constitutions. But laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times."

We have not kept pace with the times in retaining the constitutional requirement that Members of the House be elected every 2 years. As Representative Chelf has pointed out, we are living in an entirely different world than that of 1789.

This proposal to increase the House term from 2 to 4 years challenges neither the logic of the members of the Constitutional Convention, that Members of the House should be kept close to their people, nor the necessity for continued proximity to the people by each Member. Modern means of travel and communication allow present-day Representatives to keep in much closer contact with their constituents than could the first Members of Congress, in spite of the nearly 1,500 percent increase in the size of these constituencies that we have observed in the last 176 years.

A majority of the Members of both the Senate and the House have already expressed their support for this proposed 4-year term, and it appears that the public also generally supports this change. I urge your favorable consideration of this constitutional amendment.

STATEMENT OF HON. LIONEL VAN DEERLIN, U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. Chairman, I appreciate this opportunity that you and the members of the committee have given me to discuss the proposals which would increase House terms from 2 to 4 years.

In general, I favor such a change and I hope that the committee and the Congress will adopt a constitutional amendment to that effect. I do not agree, however, with the staggering of the terms so that one-half of the Members of the House of Representatives is elected every 2 years. The practical political problems of deciding which district should elect its Members in the midterm and which should elect in the presidential year are monumental, and do not seem capable of being resolved at this time. My opposition to staggered elections rests on another, more solid foundation, and I intend to elaborate upon it later in my testimony.

My support of this 4-year term is rooted in several well accepted beliefs about which I am sure the committee has already been apprised. To summarize them briefly:

First, the present 2-year term does not permit an incumbent adequately to apportion his time in the best interests of his constituents. Very soon after he is elected he has to start making arrangements for his next campaign. This, of course, detracts substantially from the amount of time and effort he is able to give to his legislative duties. A 4-year term would remedy this shortcoming.

Second, the 4-year term would be less costly for all concerned. The increase in campaign expenditures has made the relatively unimportant criterion of money loom as a vital factor in frequent campaigns.

Third, the 4-year term will give a new Member a better chance to become acquainted with the legislative process, and thus represent his district more effectively. A district which keeps sending a different Congressman to Washington every 2 years can hardly expect the competent and knowledgeable representation it deserves, no matter how able its selection. A 4-year term would at least permit a freshman to gain more experience and establish a more concrete record of achievement before submitting his record for the approval or disapproval of his constituents.

Fourth, the lower cost of running for office is likely to attract men from a broader spectrum of the Nation's social fabric. The electorate will then have a wider range of qualified individuals from which to choose.

These arguments, I am sure, have been placed before the committee before, and their value is beyond dispute. I would like, however, to present before you today a less well-known argument which in my view is at least as compelling as those already offered, and perhaps much more important for sound government.

I suggest to the committee that Members of the House of Representatives be elected every 4 years at the same time that the President is chosen.

It is clear that any proposal for improving Congress depends upon what one thinks Congress ought to be. I happen to believe that our two great political parties are indispensable for converting public will into public policy.

Every 4 years the two parties develop a platform and establish goals upon which they make an appeal to the electorate. The party which elects a President and a majority in Congress then has the responsibility of shaping public policy. To the extent that its policy fails, the electorate then has the option of calling upon the other party.

Thus, the electorate has an opportunity to vote a party in or out depending upon the quality of government it has provided. This is what has been called responsible party government.

It is my feeling that responsible party government cannot possibly work when one party controls one branch of Government and the other party controls the other branch. Former President Eisenhower has taken the same position and has said that "when the executive and legislative branches are controlled by different parties, politics runs riot in Washington."

I feel quite strongly, therefore, that public policy should be shaped in such a way as to assure that the same party prevails in the White House and on Capitol Hill. The way in which we are most likely to bring this about is by having the President and Congress elected simultaneously every 4 years.

The record of elections since the end of World War II indicates that in every presidential election year except one, the party that gained the White House also gained control of the House of Representatives.

As the following table demonstrates, in 1948, 1952, 1960, and 1964, a solid intergovernmental working relationship was capable of being established between two branches controlled by the same party. Only in 1956, when Mr. Eisenhower was elected for a second time, was a winning President unaccompanied into office by a majority of his party.

Year	Presidential party	Majority congressional party
1946	Democratic	Republican
1948	do	Democratic
1950	do	Do
1952	Republican	Republican
1954	do	Democratic
1956	do	Do.
1958	do	Do.
1960	Democratic	Do.
1962	do	Do.
1964	do	Do.

In five midterm elections during the same period the presidential party was capable of returning a majority to the House of Representatives on only two occasions. Thus President Truman in 1950 and President Eisenhower in 1954 and 1958 had to work with congressional majorities controlled by leaders of the opposition party. While it is and has been possible to maintain cordial relations with a leadership outside one's own party, party responsibility as I understand it, is almost beyond reach under such conditions. The American people are unable to attach responsibility or blame—to reward a party for successful leadership and policy, or penalize one which provides undistinguished or poor leadership.

Mr. Chairman, I respectfully submit that by increasing the House Member's term from 2 to 4 years and conducting all elections simultaneously with the presidential election, more responsible government will result. The American people will be in a better position to control the decisions which shape their destiny.

STATEMENT OF HON. SAMUEL N. FRIEDEL, U.S. REPRESENTATIVE FROM THE STATE OF MARYLAND

Mr. Chairman, it is an honor and a privilege for me to appear here today before this distinguished and important committee of my esteemed colleagues in the Congress.

Since I share with you our desire that our Government operate with the greatest efficiency possible and in the best interest of the people, I strongly urge that House Joint Resolution 394, which was introduced by the distinguished statesman from the great Commonwealth of Kentucky (Representative Frank Chelf) and a large number of identical House joint resolutions be favorably considered. These House joint resolutions propose an amendment to the Constitution that the term of office of Members of the U.S. House of Representatives shall be 4 years instead of the present 2-year term.

The Founding Fathers of this great Nation of ours in colonial days decided on a 2-year term for Members of the House. Since those early days, the Nation's growth and development has been truly extraordinary. Our obligations have not changed since the founding of the Republic. But the Nation has vastly changed, and so has the world in which we now live. From the horse and buggy days we have emerged into the nuclear and space age. From infancy as a nation we have now reached maturity.

We are, indeed, fortunate that our Constitution provides a method for its amendment in order to meet the challenge of changing times and different conditions. Everyone will agree that 1965 is far different than 1787, the date when our Constitution was adopted. In 1787, it was decided that the term of a Representative to the Congress shall be only 2 years. In 1965, it is still the same. In 1787, U.S. Senators were chosen by the legislatures of the States; this was changed in 1913 in order to have the people directly elect their U.S. Senators. Today, a change is urgently needed to increase the term of a Representative from a 2- to a 4-year term. There are compelling reasons for such an amendment.

Today, practically all offices on municipal, county, and State levels have 4-year terms. But when a member of the U.S. House of Representatives is sworn into office in January, after his November election he is then within only 12 months of another campaign and a great deal of his time, effort, and concern is expended in an almost continuous campaign for reelection as a result of the present 2-year term in the Constitution. If we seek reelection, we must necessarily campaign for our seats.

We all know from experience that our workload here in the Congress has increased tremendously because of our Nation's growth. More and more people—our constituents—look to Washington, and the first officials generally contacted are the Members of the House. Ours is a great responsibility. We must decide vital legislative issues. We are compelled to consider our international relations, particularly the growing Communist menace to the free world. Committee hearings in various parts of the country require our attendance. The needs of our constituents with their many problems must be attended to. As a result of our brief terms, we do not find sufficient time to do all these things. These many duties, unfortunately, have left us little time to visit our congressional districts to personally report to the citizens what is happening in Washington and in the world.

In order to give the people full confidence in their Government and its elected officials, it appears extremely important that we conduct our professional and private affairs in a manner commensurate with the dignity of the office bestowed upon us by the electorate. A term of only 2 years is not sufficient. A look at recent adjournment dates of the Congress will readily bear out the fact that we are a full-time, year-around legislative group on the national level, that the multitude of our duties and obligations are so great and demanding that it prevents our having time for campaigning in primary elections, runoff primaries in some States, and in the general elections.

We must squarely face facts and the realities of our full-time congressional legislative responsibilities. A 4-year term would enable each Member of the House to spend more time in Washington looking after his legislative duties and would eliminate the necessity of his beginning to run again immediately after election. The American people would definitely benefit by this extended term of office.

A 4-year term, which would give Representatives an additional 2 years, would be beneficial to their health by freeing them of the worry, anxiety, and physical labors of continuous campaigning. It would make it possible for them to devote more time to the service of constituents and to the work of legislation and committee investigations. It would also increase the benefits of continuity and reduce the increasingly high cost of elections.

A noteworthy feature of the House joint resolutions this committee is now considering provides that each State delegation shall be divided into two classes. The seats of the Members of the first class shall be vacated at the expiration of the 2d year, and the seats of the Members of the second class shall be vacated at the expiration of the 4th year, so that, as nearly as possible, one-half of the Members of the House of Representatives in the delegation from each State shall be elected every 2d year. Such staggered terms will, therefore, still keep the House close to the people and will reflect its will.

In conclusion, I should like to summarize the impelling reasons why it is deemed, by about two-thirds of the membership of the House, essential that the Constitution be amended to provide a term of 4 years for Representatives.

1. It would be in the public interest.
2. It would reduce the strain on the physical endurance of the Members, thus being beneficial to their health which in turn would be of benefit to their constituents.
3. It would make it possible for a Member to devote himself to his duties instead of having to campaign constantly.
4. It would greatly reduce the personal campaign expenses of the individual Member.
5. It would encourage more qualified persons to seek the office of Representative to Congress.
6. It would increase the effectiveness and prestige of the legislative branch of the Government and restore to the Congress its function as a coequal in the three great branches of government.

I sincerely appreciate the opportunity afforded me in presenting to this committee my views regarding the proposed amendment to the Constitution and I earnestly urge you to favorably report such legislation to the House for action.

STATEMENT OF HON. JAMES KEE, U.S. REPRESENTATIVE FROM THE STATE OF WEST VIRGINIA

Chairman Celler and distinguished members of the Subcommittee No. 5 of the Committee on the Judiciary, United States House of Representatives, I highly commend you for holding hearings on House Joint Resolution 394, and related bills proposing and amendment to the Constitution of the United States, to provide for 4-year terms for Members of the House of Representatives.

I fully and completely endorse this proposal which is a very definite forward step that will benefit all America.

Mr. Chairman, I have been closely associated with the office that I have the honor to hold since March 1933, a period of time just over 32 years.

In March 1936, I entered on duty in the Office of the Clerk of the House of Representatives and worked under and reported directly to the late Honorable South Trimble and in this capacity, I have had the opportunity to work with other congressional offices.

During these years, I accepted a position in the Federal agency for only one reason—I wanted to find out first-hand just how the executive branch of the Government looked at the legislative branch. After I was satisfied with this opportunity to observe the operation of a congressional office from both inside and outside, I voluntarily resigned and returned eventually to my first love—the Hill.

With my own eyes, I have seen the transformation since 1933 to the complexities of the space age today. I have seen the fantastic increase in the duties placed upon the shoulders of the Members of the House. America is moving forward, and our duties will continue to increase with our continued population explosion and additional responsibilities that each Member of the House will be required to assume.

While the proposal that Members of the House be elected for a 4-year term rather than a 2-year term is a complicated problem, it seems to me that a fair and equitable solution could be worked out under your able and competent leadership to authorize a 4-year term. This authorization would permit each Member of the House to spend more time in Washington looking after his legislative duties and would eliminate the necessity that each of us face in spending every other year at home in the interest of our primary and general elections, while the Congress is in session. It is a fact that an incumbent Member of the House must, to the best of his judgment, divide his time between his official duties in Washington and campaigning at home.

Times have changed so rapidly in recent years and our problems both international and domestic continue to demand more and more personal attention from each of us, in order that we may enact the best possible legislation for the benefit of the people. It is our responsibility to report to our constituents and to listen to their problems and suggestions. With a 4-year term, we will be able to perform our duties in a more effective and efficient manner.

In my judgment, the 89th Congress will be recorded as the most responsible and responsive Congress in the history of the United States.

I can clearly see a tremendous increase in our correspondence from citizens that will result this year because of beneficial legislation enacted during this session. I am of the firm belief that if this Congress will pass an amendment to the Constitution providing for 4-year terms for Members of the House of Representatives, this one step alone will be recorded in the history as our most important legislation passed in the year 1965.

In conclusion, I feel it is only proper to highly commend Congressman Frank Chelf for his able leadership in bringing this most important legislative proposal to your attention. I am, therefore, most hopeful that you and the members of your committee, following thorough and complete consideration, will report a legislative proposal providing for a 4-year term for Members of the House, for the simple reason that I am convinced that the American people will definitely benefit by this extended term of office.

Thank you, Mr. Chairman, for this opportunity to present this statement for your consideration.

STATEMENT BY HON. JOHN A. RACE, U.S. REPRESENTATIVE FROM THE STATE OF WISCONSIN

Mr. Chairman and members of this distinguished subcommittee, may I take the opportunity at the outset to express my gratitude for the privilege of presenting this statement to you today.

Perhaps as a freshman Member of the House of Representatives I do not have the experience, the tenure, and the practical agony of living with a 2-year term, which would lend weighty credit to my testimony. Be that as it may, I do desire to express myself to House Joint Resolution 394 from the very point of view of a new Member of the House of Representatives.

So that you may give proper perspective to my testimony, I wish to tell you that I am not a lawyer. I am not wealthy. I am not a former member of the legislature of my State.

I have been a dues-paying member of the International Association of Machinists for more than 20 years, in relation to my employment as a machinist specialist for a large factory in Fond du Lac, Wis. I have been a factory wage earner all my adult life.

On my wages I have supported myself, my wife, and three daughters, leaving little savings to help finance a political campaign. And yet, events have proven that a wage earner is not barred from election to this high office of Representatives in the Congress of the United States.

But, Mr. Chairman and members of this subcommittee, I can tell you from hard experience of two campaigns for election to this office, that a 2-year term does, indeed, pose as a factor which automatically eliminates countless men of ability from becoming a candidate as a representative of the people.

Without going into detail, but referring to the facts of political life with which you are all aware, a political campaign dissipates the energies, the time, the optimism, and the funds of most of those persons courageous enough to enter the political arena. Such a struggle, self-evidently, detracts from a Member's energies, time, enthusiasm, and funds which could better be channeled to the task of legislating and representing.

As a new Member of Congress, and one without previous experience in my State legislature, I can say from fresh and current experience that this office demands more than full time in "learning the ropes," in reading, in studying, in research.

The freshman Representative in Congress, probably more than any others, is the one most hurt by a 2-year term. For, while the crash program of study is pursued diligently, there hangs over the total effort the almost immediate challenge of another dissipating election campaign.

Candidly, there is not sufficient time for a freshman Member of Congress to learn his job well in the restrictions a 2-year term imposes. A new Member of Congress no sooner begins to feel comfortable in his new knowledge of the complex duties and responsibilities of his office than he must shelve it all for the long rigors of campaigning.

In a sense, the Member's first reelection campaign is application to the people to let him put his newly learned knowledge to work for them. And, it may be that another new Representative is sent to Congress, and the process begins all over again.

It is my sincere belief, that if the American people knew just half of the responsibilities and duties that a Congressman has, a great majority of the people would insist on a term of at least 4 years, so fuller time and effort could be devoted to those responsibilities and duties, instead of the dissipation of an election campaign.

In respect to a more orderly functioning Congress, in respect to fuller representation of the people, in respect to the complexities of the office, and as a freshman Member of Congress, I most sincerely request that this subcommittee give favorable consideration to House Joint Resolution 394.

STATEMENT OF HON. GEORGE E. SHIPLEY, U.S. REPRESENTATIVE FROM THE STATE OF ILLINOIS

Americans are especially fond of running down their Congressman. So noted Lord Bryce at the end of the 19th century. In his reflections on the American Commonwealth, Bryce concluded that adverse public sentiments often failed to evoke reform measures. This was the case because of the nature of American public opinion which he characterized as "quick and strenuous in great matters, headless in small matters, overkindly and indulgent in all matters. It [public opinion] suffers many weeds to go on growing till they have struck deep root in the soil." Were the British statesman-observer to witness contemporary debate revolving around the appropriate role and effective functioning of the Congress, he might conclude that one of the following was true: (1) American public opinion is no longer "overkindly and indulgent in all matters," or (2) the legislative effectiveness of the Congress "has struck deep root in the soil." He might further conclude that 20th-century critics surpass their predecessors not only in the intensity and scope of their criticisms, but also in their ability to draw into the discussion a host of participants who speak as one. In unison they demand that "something be done" to increase the efficiency and ability of the Congress to cope effectively and speedily with its current responsibilities. Though there exists a consensus of opinion that the congressional structure needs remodeling; there is a noticeable lack of unanimity in the specific goals that should be attained and in the explicit means for their realization.

Those who are sincerely interested in the reform of the Congress of the United States, and especially in reform of the House of Representatives, should give careful consideration to House Joint Resolution 394 sponsored by my able colleague from Kentucky, Mr. Chelf. This measure is designed to effect an increase from 2 to 4 years in a House Member's term of office. How does the extension of the tenure of a House Member sow the seeds of reform in the House? As the whole is equal to the sum of its parts, so the House of Representatives will only be as effective as the Members who compose it. The quality of its performance must be a reflection of the attitudes and legislative skills of its individual Members. Veteran and freshman Congressmen alike face the same dilemma. Hardly has a Member begun to give heed to his committee obligations and to familiarize himself with the intricacies of the session's legislative proposals, when he must give serious thought to his upcoming campaign. It is time to take to the hustings again. Such cannot help but be his plight in the light of a 2-year term of office. He has had a little time in which to make a careful study of the multitude of detailed and complex legislation upon which he is expected to express an educated opinion and register what may prove to be a crucial vote. Moreover, he has had little time in which to produce legislative results which may be of vital interest to his home district.

Yet politic or perish is the Member's motto and the legislator must give second billing to the all-important committee proceedings in which an administration's proposals are under congressional scrutiny.

Many scholars of the Congress claim that the effectiveness of a Congress is determined, in large measure, by its ability to act promptly on the specific programs offered by the administration. A longer term of office, therefore, would allow the Congressman to devote more of his efforts to his committee obligations and in so doing, contribute more meaningfully to the intelligent study and prompt implementation of policies and programs which are of major moment at home and abroad.

The Representatives' dilemma did not go unobserved by the British scholar, Bryce. In his words, "An ambitious Congressman is therefore forced to think day and night of his renomination—no habit could more effectively discourage

noble ambition or check the growth of a class of accomplished statesmen. There are few walks of life in which experience counts for more than it does in parliamentary politics. It is an education in itself, an education in which the quick-witted Western American would make rapid progress were he suffered to remain long enough in Washington."

What can he said of the caliber of the legislator and the frequency of House elections? It is not difficult to understand why extremely competent men are often unwilling to interrupt their careers in order to serve in the Congress. A 2-year term of office, a good portion of which must be devoted to reelection efforts, appears too risky to many qualified individuals. What is more, well-run political campaigns in a truly competitive district cost money. Few able men of limited or average financial means can afford the luxury of running for the Congress. It is estimated that a candidate for a typical House seat can expect to spend in excess of \$75,000 per election. Since he must seek reelection again in 2 years, the present cost is staggering.

Were the Representative to seek reelection every fourth year, the overall campaign expenditures would be lower and able men of average means once again attracted to serving in the House of Representatives.

I do not subscribe to the view that it is easier to hear what's amiss than go about to reform it. I believe that the resolution offered by Mr. Chief is one of the soundest proposals yet offered. While it will not remedy all of the faults that plague the House, it represents a great stride toward the alleviation of major trouble spots which are lamented by both friend and foe of the Congress.

STATEMENT OF HON. E. S. JOHNNY WALKER, U.S. REPRESENTATIVE FROM THE STATE OF NEW MEXICO

I feel that it is in the best interest of this Nation that an immediate change be made in the length of term of a U.S. Representative. Therefore, it is with pleasure that I join with my other colleagues in supporting House Joint Resolution 394 which would aid in accomplishing this change. The savings to many of the individual States in having elections every 4 instead of 2 years is no small matter. The individual cost of a present-day campaign has made it almost impossible to conduct such a campaign every 2 years.

The time spent by an incumbent in his effort to continue to serve his people is time that has been lost to the people of the Nation and to the Representative's State, that could have been spent more profitably in their behalf.

I truthfully see no reason for the continuance of a system that has become antiquated. We adjust and change other laws to coincide with the facts of life as they exist today, yet we have been clinging to a system that dates to 3-month sessions of our National Legislature.

I wish to go on record as favoring the proposal that will change a Representative's term to 4 years. I think it is past time when we should face up to the facts of the 20th century and adapt our political thinking and methods to the thoughts and actions of our present-day way of life.

I urge this committee to approve this resolution and send it to the floor where the Members of the House may vote in accordance with the wishes of the people on this issue. The people have indicated their approval of such a proposal.

STATEMENT OF HON. LEONARD FARBSTEIN, U.S. REPRESENTATIVE FROM THE STATE OF NEW YORK

Mr. Chairman, I feel a special responsibility today in testifying in favor of H.J. Res. 409, because I am one of those who does not believe in tampering with the Constitution of the United States without due and sufficient cause. I believe the document passed down to us by the Founding Fathers was a bold and masterful plan of government unmatched in all the annals of political thought. It has served us well for 176 years, and we ought to be very careful before we take it upon ourselves to amend it.

And yet, the Constitution was written in another age; the world has changed so drastically since 1789 that it is almost a different planet—and in some respects the process of government has shifted and altered in tempo with the changing times. This is as it should be. Prudent and rational men, statesmen, if you

will, have not been too timid to adjust the mechanism of American Government when it appeared clear that such interstitial adjustment was required for the good of the Nation. They proceeded cautiously, weighed judiciously, considered the question not only in the light of present circumstances, but in the light of history, and the probable course of future events. And then they acted. And the nature and quality of government in the United States has been improved as a result.

I am addressing this distinguished subcommittee on the Judiciary today in support of an amendment to the Constitution of the United States which would provide that Members of the House of Representatives be elected for terms of 4 years. I honestly believe, for the reasons which I will proceed to set forth, that the continuation of the tripartite system of government as envisioned by the Founding Fathers rests upon the enactment of this amendment. If the Congress is to remain a branch of government coequal with the executive and the judiciary, a number of its procedures and structural characteristics must be brought up to date so that it can discharge its constitutional obligations as effectively as the other two departments. In my opinion, one of the most vital and necessary alterations in the structure of the Congress is an increase in the length of terms of Members of the House of Representatives.

The Constitution provides, in article I, section 2, that Members of the House must stand for election every 2 years. In 1789, when that provision was adopted, there seemed good reason why the terms of House Members should be no longer than 2 years.

The Founding Fathers feared a tyrannical legislature would result if Representatives did not each reflect only the views of his own small constituency. In those days the concept of a Federal system was difficult to grasp, and a man's loyalty was to his community and his State before it was to the United States. The people of each district wanted above all to have their special interests protected in the National Legislature.

Additionally, the Founding Fathers viewed the job of Representative not as a career, but as something a man might take off 2 years from his business or farm to do, with the intention of returning home immediately after his term ended. Professionalism in government was regarded with suspicion even in the executive branch, and even more so in the legislative.

Finally, expertise was not considered necessary for legislators in that far-off day. No one in 1789 could have imagined a 296-page bill or a hearing volume of 2,000 pages. It was assumed that any appropriations bill could be easily comprehended by any reasonably intelligent legislator.

Today none of the factors which influenced the Founding Fathers to set the term of a Representative at 2 years is operative or valid any longer. The life of a legislator has become more difficult and his responsibility infinitely more weighty. His time has become limited and precious, and his ability to fathom at first glance astoundingly complex legislation is no longer taken for granted.

Today a legislator is not expected simply to parrot the views of his constituency in Congress to the exclusion of all other considerations which might be in the national interest. A Congressman, to be sure, is expected to represent his district, to insure that its special problems and interests receive fair hearing and consideration. But he must also legislate in the interest of all the people in all the States. Thus, the quality of responsiveness to the popular will takes on a somewhat different aspect than it had in the 18th century.

If House Joint Resolution 409 is passed, and a constitutional amendment providing 4-year terms for Representatives is enacted, Congress as a whole will remain responsive to the shifting currents of national public opinion. The resolution provides for staggered elections, with one-half the House membership to be elected every 2 years. Thus every 2 years the fresh viewpoint of the Nation will be expressed in Congress; the country will have an opportunity to vote its will.

But the Congress will no longer be responsive in what I consider to be a bad sense—in the sense that every Representative has to vote with one eye on the merits of legislation and one eye on his reelection campaign. An incompetent Representative, or one who utterly fails to adequately express the opinion of his constituency will be voted out of office after 4 years as certainly as after 2. But a good Representative will have the opportunity to prove himself as he never can in a 2-year term. A good Representative will not lose his seat because once he voted his conscience in violation of some passing sentiment of the electorate, or in violation of the dogma of a pressure group which has the power

to organize strong opposition to his reelection. A good Representative will still be around when the benefits of a vote which once was widely condemned come to pass.

There is another factor to be considered. The President of the United States represents the national consensus of the electorate. If Congress is also to represent the Nation beyond the parochial interests of the individual districts, there should be a clear majority of House Members who are sympathetic to the President's legislative program. The people who elected the President have a right to expect that his program will not be stalled or bottled up in a Congress hostile to his views.

Under the present arrangement, all 435 House Members must run for election every 2 years, both in presidential election years, and in so-called off years. It generally happens that in off year elections the President loses a part of his majority in Congress. I submit that this is highly unfair to the majority of the national electorate, who have elected a President with the hope and the expectation that his program will be carried out.

If Representatives were elected for 4-year terms, with only half the membership of the House running for office every 2 years, as this resolution provides, the danger to the President's legislative program would be substantially lessened. Yet, the voters would still have the opportunity every 2 years to express their mandate, as was intended by the Founding Fathers—except that only half the Representatives would risk their seats in that expression of mandate.

In essence, this mode of election of Representatives would be hardly different from that in the Senate, where the people may vote on the merits of only one-third of that body every 2 years. For those who would argue that the comparison is not valid, I would note that there is today but a subtle difference between the constitutional responsibilities of a Senator and those of a Representative. Before 1912, when Senators were appointed by the State legislatures, the difference was substantial. But the 17th amendment provided for the direct election of Senators by the people. Senators, like Representatives, are now required to balance their view of the national interest against the narrow viewpoint of their constituencies. As their responsibilities are now quite similar, I see no reason why their mode of election should differ as markedly as it now does.

Legislating is no longer the part-time job or avocation it was considered to be when article I, section 2 of the Constitution was written. It takes a professional to understand and work with the intricate legislation and the complex issues which face the Congress today.

Congressional sessions are much longer and Representatives must spend much more time in performing their duties. The work of committees, the very heart of the legislative process, is much more extensive. The large number of revenue-raising and appropriations bills introduced in each Congress requires the expertise of experienced Members.

It follows that the best interests of the Nation are served only when men are willing to make a career in the Congress, are willing to remain in the House long enough to acquire the experience and the knowledge required to make the involved and often cumbersome machinery of the legislative branch work to produce the enlightened laws needed by this great Nation.

The 2-year term thus tends to accomplish two counterproductive ends—it hounds men from public office before they have a fair chance to learn to do well the job of a Congressman, and, it discourages good men who would be willing to make a career in Congress from running for a House seat. If the three branches of Government are to pull their weight equally, and exert equal influence upon the course of governmental action, then some semblance of continuity must come to characterize the lower House of the Congress. Otherwise the Congress will continually find itself outmatched by the career professionals downtown in the bureaucracy.

There is another had effect produced by the 2-year term for House Members which was not foreseeable at the time the Constitution was written. In addition to the very unfortunate fact that a Congressman must campaign for reelection throughout his entire tenure in the House—must often act the politician when his conscience would have him act the statesman—there is the added burden of the high cost of an election campaign.

It has been estimated that the average congressional election campaign costs upward of \$60,000, and in highly contested urban districts, much more, due to the increased costs of television time, printing, advertising, etc. Most House

Members are not wealthy. They must rely on contributions, often from groups to whom they would prefer not to be in debt. Often an incumbent is defeated simply because his opponent has mounted an expensive campaign he cannot match; often a potential challenger with little financial support is discouraged from mounting a campaign at all. I am not saying that the 4-year term will make campaign costs any less outrageous than they are now—but clearly it is an improvement to be forced to make the race every 4 years rather than every 2.

Mr. Chairman, I realize how difficult it will be for House Joint Resolution 409 to obtain the almost universal approval it will need to become part of the Constitution of the United States. And yet it is my hope and my belief that the Nation has reached a stage in its history when it does not fear change when change is required. I believe the amazing progressive record of this session of Congress so far bears out my assessment of the national mood.

I believe that if it is clearly explained and interpreted, this proposed amendment to the Constitution can meet with objection only from the very few reactionary diehards left among us. The international and domestic challenges facing our Nation today and in the years ahead demand a responsible and responsive Congress, and also a Congress with sufficient independence to discharge the responsibilities placed upon it in the 20th century. Adoption of a constitutional amendment providing 4-year terms for Members of the House of Representatives will be a great step in that direction.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 23, 1965.

Hon. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: I wish to concur on the bill introduced by the Honorable Frank Cheif, of the Fourth District of Kentucky relative to a 4-year term for Members of Congress.

I think it is some legislation that is long overdue.

With every good wish, I remain,

Sincerely your friend,

ROBERT A. EVERETT.

STATEMENT OF HON. JOHN D. DINGELL, A U.S. REPRESENTATIVE FROM THE
STATE OF MICHIGAN

Mr. Chairman, for the record my name is John D. Dingell. I am a Member of Congress from the 16th Congressional District of Michigan.

I appreciate the privilege of presenting my views to this great committee on the provisions of House Joint Resolution 394, which would increase the term for a Member of the House of Representatives from 2 to 4 years.

I have had the privilege of serving in this great body for 5½ terms and have had the opportunity of observing its activities closely for a period in excess of 30 years. My father was first elected to Congress in 1932 and served continuously until his death in 1955. I served as a page in the House for nearly 5 years during the administration of President Franklin Delano Roosevelt.

The purpose of originally establishing a 2-year term was to provide close representative identity between Members of the House of Representatives and their districts, and to require the Members to maintain close touch with their constituents.

Today the modern means of travel and communication not only permit the Representative to maintain close ties with his constituents, but demand it. Most Members make many trips home in the course of the year. Most spend almost if not all of the time during adjournment at home in their districts sampling the wishes and thoughts of their people.

I, myself, make as many as 30 round trips between my home district and the Congress during a session and spend extensive periods of time in my district during adjournment. My times of visiting in my district run between a few hours on a night during the session and several months at adjournment. Indeed, I seek to actively maintain contact and identity with my many friends and my constituency at home.

Our people are invariably surprised at the failure of Members of Congress to express more enthusiastic support for 4-year terms for Members of this body. Indeed, I frequently hear the comment made by my constituents that the term of a Member of the House of Representatives should be fixed at 4 years and not 2 years. The reasons given me are that it would breed more responsibility and better representation and prevent the exceedingly costly campaign every 2 years to be borne by Members of Congress.

In the short period I have observed the Congress, I have watched its workload grow. When my dad first came to Congress a Representative appeared to be sworn in late in March and the Congress regularly adjourned by the middle of June. Special sessions were a rarity and the staff of a Member of Congress consisted of two people.

We all know the length of a session now runs between 9 and 12 months with intensive demands upon the time of Members of Congress in his office, on the floor, in committee, and in meetings with his constituents here in Washington and at home.

Indeed, the First Congress found 142 bills proposed for consideration, of which 111 were passed. In the 88th Congress just past, 15,299 bills and resolutions were introduced and 1,026 passed. These statistics tell only a part of the story but they make clear the increase of the workload of a Member of this body. I noted that legislation numbered H.R. 10275 went across my desk at the time this statement was being prepared. This vast mass of legislation must be digested, understood, studied, witnesses must be heard, it must be debated in committee and on the floor, and the other demands of the office must be met. In the midst of this, the Members of the House must return to his district to maintain his contact with his people and, moreover, must maintain an extensive campaign for reelection.

Admittedly, the convenience of Members of the House will be served by avoiding the annual 2-year elections. This is a relatively unimportant consideration, as we are servants of the people. However, it is clear to me that the public interest, and that of the citizens will be served by a Congress more able to arrive at calm and deliberative decisions in the absence of the continual campaigning imposed on many Members of this body.

I come from a relatively safe district and have less reason to fear the elections that face me than do most of my colleagues: so I can speak with calmness of the demands of the election every other years. Others face these with vastly more concern.

I would commend to consideration of this committee the number of days lost from the working session afforded to Members of this body because of primaries and general elections being held in the several different States.

I would conclude by pointing out to this distinguished committee that never in my discussions with my constituents on this matter have I heard a word of criticism from my people on the possibility of a 4-year term for Members of this body. I have arrived at my position of support for this proposal only after earnest consideration and after the most careful and deliberative sampling of the wishes and thoughts of my many constituents who have spoken with me on this subject.

I strongly urge that this legislation be reported at an early time to the House in order that the membership may work its will favorably upon it. I am sure the Senate and the White House will afford it favorable consideration. I believe the legislatures, as well as the newspapers and the public at large, will also support this measure.

Mr. ROGERS. The committee will be adjourned until tomorrow morning.

(Whereupon, at 10:40 a.m., the subcommittee adjourned, to reconvene at 10 a.m., Thursday, August 26, 1965.)

CONGRESSIONAL TENURE OF OFFICE

THURSDAY, AUGUST 26, 1965

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE No. 5 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to adjournment, at 10:05 a.m., in room 2141, Rayburn House Office Building, Hon. Byron G. Rogers presiding.

Present: Representatives Rogers, McCulloch, and McClory.

Also present: William R. Foley, general counsel; Martin R. Hoffmann, associate counsel.

Mr. ROGERS. The committee will come to order.

The first witness this morning is the Honorable Donald M. Fraser from the great State of Minnesota. Come forward, Mr. Fraser and proceed.

STATEMENT OF HON. DONALD M. FRASER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. FRASER. Mr. Chairman and members of the subcommittee, I appear in support this morning of a 4-year term for Members of the House. My informal sounding of public sentiment suggests to me that there is considerable public support for this measure.

In my opinion, 2-year terms are too short. I believe that 3-year terms would be ideal, but I can't figure out any feasible way of integrating a 3-year term into the pattern of elections that we find in this country.

Mr. Chairman, I appear today not only in support of the 4-year term, but particularly to express my view that the 4-year term ought to coincide with the term of the President. I take, as my premise, the belief that the President ought to have, in general, a responsive Congress.

The history of elections with which I am familiar suggests that off-year elections favor the party out of power, often leaving a President with a Congress which is either divided or against him. I might note that there has been an increasing trend throughout the country to put State officials on a 4-year term, and my impression is that their elections tend to come in the off-presidential years.

I was the author in our State of a 4-year term for our State officials, and after considerable reflection we decided to have those occur in the off-presidential year, in the belief that national issues could occupy the years during which the President was to be elected and State issues could occupy the off-presidential elections.

I have also long been of the opinion that the long ballot we have in this country carries with it certain handicaps for the electorate, and

I believe any success in separating State and National elections will help to keep issues clarified and will help to overcome some of the handicaps of the long ballot which is so characteristic of this country and not of many others.

Mr. McCULLOCH. Mr. Chairman, may I interrupt our colleague right at this point?

Mr. ROGERS. Yes.

Mr. McCULLOCH. Would you tell us, please, what you mean by the "long ballot"? Do you mean a party column ballot where one mark means you have voted for an entire list of nominees from the President down to the last nominee whose name appears in that column on the ballot?

Mr. FRASER. Mr. Chairman, Mr. McCulloch, I am not familiar with that kind of ballot because we do not have it in our State. We have to vote for each of the offices.

Mr. McCULLOCH. Could you tell us what you mean by the "long ballot"?

Mr. FRASER. What I mean by "long ballot" in our State is the fact that the voters who go to the polls will be voting on perhaps 20 or 30 offices. This is too many. Oftentimes he won't know who these people are. This occurs not only in city and county elections but in our State elections as well. For example, we elect—I have forgotten the exact number—five or six of our top constitutional officers, we elect members of the supreme court, and at the same election the voters are voting also for county officials, voting for State legislators, and voting for various judges. All together, this makes up a long ballot.

I would contrast this, for example, with the voter in England who in his lifetime will vote for perhaps not more than two people his representative in Parliament and the town selectman. One of the interesting things to me is that they do not have party designations in England. But because they have just one or two people on the ballot, the party identification of the persons standing for election is so well known they don't need party designation.

Mr. McCULLOCH. Could I ask another question, Mr. Chairman?

Mr. ROGERS. Go right ahead.

Mr. McCULLOCH. We do not have the party column ballot in Ohio. One cannot make a single mark and vote for every nominee of a given party. We have the Massachusetts ballot with a separation of the presidential and the vice-presidential choices from the rest of the ballot. In presidential years now we do not elect any of the state-wide officials except one or two or three, as the case may be, including members of the supreme court. But in off-year elections, off-presidential-year elections, even-numbered years, we elect some five or six State officials, all of our county officials; at 6-year intervals, or oftener if there is a vacancy, a U.S. Senator, and Members of the U.S. House of Representatives, and every 4 years a members of the Senate in Ohio, and every 2 years a members of the House of Representatives. The voters must seek out and vote individually for each of those candidates except when one casts a vote for the President, and one casts a vote for the Vice President of the same party at the same time.

While it is literally a long ballot, we have found it is a much better ballot than the old party column ballot, and we in Ohio have been reluctant to have a short ballot with only one or two or three officials

elected and all the rest of the present elective officials appointees. We changed our system in 1950 and we think it has worked very well.

I would like to make this other comment also, these are friendly and not critical comments.

I have not come to a conclusion concerning your suggestion that, if there be a 4-year term for Members of the House, they be elected at the same time that the President is elected. If that be the case and there is a sweeping trend whereby the Chief Executive is elected and brings with him an unbelievable number of persons of his own party, there is no way to get to the sense of the people until 4 years has expired. This is, of course, contrary to the system in England, where at any given time a vote of confidence may be required. If there is a vote of no confidence then there must be an election called. That is the thing I am fearful about, though I have come to no conclusion.

Mr. FRASER. If I may respond to that, Mr. McCulloch, the Senate is elected every 2 years, a third of it. And the Senate really provides a mixture of long-term stability and also the short-term changes that come with changes in public sentiment.

I think when you point to the English system you must recall that to get a vote of no confidence you have to get it out of those people who are elected; that is, in some respects you would have to get those people who are elected, in effect, to change their minds about the program or a particular measure of the administration or of the Prime Minister.

Mr. McCULLOCH. I wonder if a change of mind on one material policy is not sufficient, though, to bring into motion the machinery for a new election.

Mr. FRASER. It is, but I think that in English terms, as I understand it—I am no expert on this—to cast that kind of a vote takes a great deal of soul searching, because you are not just opposing the government on that one issue, you are bringing the government down. This puts a much greater onus on that vote than on one we might cast here in the Congress where we frequently oppose the administration with whom we may generally sympathize.

I would only call your attention, Mr. McCulloch, to the problem President Eisenhower had when he was faced with a Democratic Congress through most of his 8 years. While I, as a Democrat, think the Democratic Congress did very well by him and protected the public interest, from his point of view I am sure he felt he could have discharged his obligation better with a Congress elected at the same time he was, one more responsive to the prevailing Republican philosophy or feeling in the country.

Mr. McCULLOCH. While I cannot speak for President Eisenhower, I would presume he felt that way. But there are a great many political scientists, I understand, and some rank and file voters who thought the results during the Eisenhower administration were probably in accordance with the wishes of the majority of the people in the country. While there may have been some delays in proposals by the President it was probably good for the country.

Mr. ROGERS. All accomplished by a Democratic Congress except in 1953 and 1954.

Mr. McCULLOCH. I didn't downgrade the Congress or the majority who were in control thereof. I found myself voting with the majority on some very crucial issues, and I have never sought to hide that fact.

Mr. ROGERS. For all of which we thank the gentleman.

Proceed, Mr. Fraser.

Mr. FRASER. I might say, also, in looking at the House, it is the place where we find the development of expertise. With all deference to my friends in the Senate, that has not necessarily characterized the work in the Senate.

I might just close, Mr. Chairman, by saying that the proposal which our colleague, Mr. Chelf, has made to designate by chance the district which would run in one election as against the other poses some problems when it comes to redistricting, because when a State redistricts it is free to attach whatever number it chooses to a district and is free to really rearrange the districts in practically any manner it chooses to do so. I haven't studied Mr. Chelf's draft of this amendment carefully from that point of view, but it seems to me it poses some very real problems in order to make it workable.

I will just conclude, Mr. Chairman, by saying I do favor the 4-year term, whether or not it should be on the basis of the draft of Mr. Chelf. My own preference, however, would be that the 4-year terms coincide with the presidential term. I think the public interest would be served if this were to happen.

Mr. ROGERS. Thank you, Mr. Fraser, for your testimony and giving us your thinking as it relates to House Joint Resolution 394.

Mr. FRASER. Thank you.

Mr. ROGERS. Our next witness this morning will be the Honorable Joseph P. Vigorito who represents the great State of Pennsylvania. Come forward, Mr. Vigorito.

STATEMENT OF HON. JOSEPH P. VIGORITO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. VIGORITO. Thank you, Mr. Chairman. I will make a brief statement here and then submit it for inclusion in the record, with your permission.

Mr. ROGERS. We will be glad to receive it.

Mr. VIGORITO. Mr. Chairman and members of the subcommittee, I do not appear before you this morning to add anything to the many profound and well-worded statements which my fellow colleagues have presented in favor of a 4-year term for Members of the House of Representatives. I just wish to add my voice to the growing groundswell of support for this legislation.

As a first-term Congressman I am especially aware of all that has to be learned and all that has to be done in a short 2-year period. I am a member of only one committee, yet between my work in connection with this committee and its subcommittees, and the normal duties required on the floor of the House, I have little time to devote to study, research, or other work which would benefit both myself and my constituents.

I have found my work as a Representative both rewarding and stimulating. I feel, however, that a Congressman's stay in Washington could become more advantageous and beneficial to his congressional district if he were given more opportunity to familiarize himself with the workings of Congress. This would allow him to devote more time to the people he represents.

There is no doubt constituents suffer when their elected Representative has to be continually facing the task of running for reelection the minute he takes his oath of office. We feel as if our every action should be based on improving our image with the voter, rather than benefiting him and the Nation at large.

I hope that this subcommittee, and the full committee, will come to see the merits of the 4-year term for Representatives. I think it will add stability to the legislative process and result in more dedicated public servants.

Thank you, Mr. Chairman, for this opportunity to present my views here today.

Mr. ROGERS. I take it from your statement that so long as it is a 4-year term it will be all right with you if it is at the presidential election or the off-year.

Mr. VIGORITO. I believe it should be, and I am in favor of it, at the presidential election. I think that is the only way.

Mr. ROGERS. We appreciate your testimony.

Mr. VIGORITO. Thank you very much.

Mr. ROGERS. We will stand in recess for a few minutes.

(A short recess was taken.)

Mr. ROGERS. The committee will reconvene, and we will be pleased to have the Honorable Frank E. Moss, U.S. Senator from the great State of Utah as our next witness. Senator Moss, we certainly appreciate your coming over on this side of the Capitol and we are looking forward to your statement in connection with House Joint Resolution 394.

STATEMENT OF HON. FRANK E. MOSS, A U.S. SENATOR FROM THE STATE OF UTAH

Senator Moss. Thank you, Mr. Chairman. I apologize for being late and delaying the committee. I have a partial excuse. I had to stop—I did not have to, I was invited to stop to witness the signing of a bill this morning at the White House, and then I confess I don't know my way around this new building quite yet and I had a little trouble with the room numbers.

Mr. ROGERS. It is complicated.

Senator Moss. I am very pleased to be here, Mr. Chairman. I have a brief statement and I would like to read it, and then, of course, answer any questions the committee may wish to put to me.

I appear here today to give my support to a measure to which I attach great importance. Many people, including former President Truman, have pointed out over the years the great burden placed upon Members of the House of Representatives by the requirement that each Member must, if he wishes to continue to serve, seek reelection every 2 years. Now, at last, something may be done about that burden.

I need hardly point out to the members of this committee what has been said so often—that a new Member spends his first year in office learning how to do his job and the second year trying to hang onto his job so that he can apply what he learned the first year. Even many Members with long seniority must during that second year get out and beat the bushes for votes, with the attendant possibilities of neglect of official duties.

During my service in the U.S. Senate, I have continually been impressed with how well Members of the House manage to acquit themselves while facing up to the reelection burden. It should be possible to lighten that burden on the Members with consequent great advantage to the country.

Members from closely divided districts have diminished opportunity to build a reputation of competence and experience in the legislative process to take before the voters.

Extending Members' terms to 4 years will afford each Member more time to acquire experience in legislative matters, to participate more thoughtfully and more deliberately in the resolving of the great issues of the day. The Member can become a better legislator and a more valued representative of his constituents. If he has the ability, he can build a record of constructive contribution to this Nation's welfare and to the welfare of his constituents. Such a record would in fact redound to the Nation's interest.

Needless to say, the House would benefit from the gain in experience and the greater stability of membership brought about by the adoption of this proposal.

I might point out the trend in the States to increase from 2 years to 4 years the terms for Governors as an example of the way the people of this country feel about tenure. The same arguments relating to experience and attention to official duties have been made at the State level and overwhelmingly have been accepted. We have no cause for fear, I believe, that what we in Congress do will be rejected at the State level.

Some people have said—and I reject the contention—that the Senate will not accept any such proposal that might increase the propensity of Representatives to run for the Senate. This argument has always to me reflected most unfavorably on the willingness of all Senators to consider something in the light of the public interest rather than our own narrow, personal interests.

But, be that as it may, if it is felt that such a reluctance exists, I think that section 4 of the proposal effectively meets it.

In short, Mr. Chairman, I support this proposal because it seems to me to look toward a better Congress and a better serving of the national interest.

Mr. ROGERS. Thank you, Senator. I am sure that you and I recognize we have a long ways to travel to get back to our constituency, and if we get back there quite regularly the expense in connection therewith also matters.

Senator MOSS. It is a tremendous burden, Mr. Chairman. You and I come from the same part of the country, and the expense of a round trip home can become a very burdensome thing. We have a limited number of opportunities to travel home officially, but in a campaign year the extra cost of going home makes it most burdensome on a Congressman.

Mr. ROGERS. Are there any questions?

Mr. McCLORY. Thank you very much, Senator Moss, for your enlightening and helpful statement. My name happens to come just before Representative McCulloch's on the roll. I am Mr. McClory from Illinois, a member of the House Judiciary Committee, filling in for Mr. McCulloch this morning.

I am extremely pleased that you have come here as a witness and to have these assurances of the support that you feel will emanate from the Senate. I would like to inquire whether you feel confident that the other body, the Senate, will provide the necessary two-thirds majority in behalf of this House joint resolution. I refer specifically to House Joint Resolution 394 to which your testimony is directed.

Senator Moss. It is my opinion that there will be a two-thirds majority available in the Senate. I haven't done a nose count or anything scientific about it, but in conversations with other Senators over a period of time I find rather strong support for the idea that the House tenure should be extended to a 4-year term. I feel there is certainly the two-thirds available.

Mr. McCLORY. The argument is made, and, of course, it has been made ever since the Constitution was recommended in 1789, that there was a responsibility on the part of the House Members to return immediately to their constituents to seek approval or to subject themselves to the disapproval of the voters with respect to their actions in the session just ended. Do you think that that argument is rather compelling today? How do you gage that argument, which is the principal one, as I see it, against this proposal?

Senator Moss. I think it is much less compelling today than at the time it was written into the Constitution, for two or three reasons.

In the first place, methods of communication are so much more effective and so different now. As my previous colloquy with the chairman indicated, even though we live 2,000 miles from the Nation's Capital, we can get home on a jet airplane in the matter of 4 or 5 hours' traveltime at the most, which we do frequently. Even though it is burdensome and expensive, we do go home a great deal, whereas the conditions of travel at the time that this provision was written were such that simply to go 300 miles took a matter of many days and was more burdensome than it is now to go 2,000 or 4,000 miles.

Another factor I think is that our country has grown in size. The complexity of the problems with which the Congress must deal, and especially since World War II and our emergence as leader of the free world, is such that it demands almost total concentration of a Member of Congress the year round. Not too many years back a Congressman could count on being through with the congressional session midway through the calendar year and wend his way home and have almost unlimited time to be with his constituents. And now it is required that he be here most of the year. He has to make quick trips home and make quick trips back. So conditions have changed materially.

I think those are rather compelling arguments why the situation is somewhat different now than when the provision was first written.

Second, I would think that by an arrangement whereby half of the membership of the House would be standing for reelection every 2 years there is adequate opportunity for an expression of the will of the people if there is a shift of sentiment or point of view. If the electorate wants to change the direction of administration, it could be very fully expressed, I would think, in the election of half of the House. So if the terms were staggered and half of the membership

came up each 2 years, you could have fully the reflection that it was thought desirable to have at short intervals.

Mr. McCLORY. Would you favor such a provision in the constitutional proposal that half of the House be elected at the time of the election of the President and the other half at the off year?

The reason I ask that is there is strong sentiment in support of having the entire membership elected in the off year so that the House Members will stand pretty much on their own two feet instead of being elected in large measure as a result of the national popularity, shall I say, of the successful candidate for President. I feel that, as a Republican Member, a great many of us feel the poor showing of our party at the last election was the unpopularity, as it turned out, of Mr. Goldwater. In a great many States, the result was that a number of experienced and worthy Republicans lost out as a result of President Johnson's popularity and Mr. Goldwater's lack of voter appeal. How do you feel on that subject?

Senator Moss. First of all, I think we must recognize the political facts of life, that when there is a presidential election on, with the extra attention that it gains and the possible popularity or unpopularity of candidates, it obviously reflects itself through other offices that are up at that same time and will tend to perhaps color the results of a congressional election. And perhaps specific Congressmen would rather be running always with the President or always in the off year. However, I believe that over the long span the thing shakes itself out. In other words, we Democrats don't have to reach back too far to remember when the Republicans were running with Mr. Eisenhower and they rode along with a great bandwagon sweep with General Eisenhower. This was certainly true in my part of the country. So I think the thing evens itself out. I believe that I would favor strongly dividing it so that you could have half of the House of Representatives coming up every 2 years. You are going to have Senatorial elections every 2 years when a third of the Senate will be up, so I think we ought to have a general election every 2 years in which a sizable part of our Congress has to stand for election. Then, if there is a change of sentiment, and abrupt change of sentiment in the electorate, we can have it reflected at least every 2 years.

Mr. McCLORY. In other words, having half the House elected at the same time as the President and the other half in the off year you feel would give us a certain balance. It would tend to give some support to the idea of the successful presidential candidate having an administration which enjoyed some support of his party in the House of Representatives, while at the same time, providing the independence that would come to those Members who are elected in the off year?

Senator Moss. Yes, you state my position very well in your summary there. That is what I believe. I would expect it to continue to be the normal situation where the Executive would more likely have the majority party in control of the Congress. Our system is geared to this a little better than the divided party responsibility of one party controlling the executive branch and the other party controlling the legislative branch.

Mr. McCLORY. I want to express my appreciation for your very helpful testimony, Senator, and also for the very encouraging report

you give as to the support that this measure can expect after it successfully passes the House of Representatives with the necessary two-thirds majority. I notice our principal sponsor, the gentleman from Kentucky, Mr. Chelf, is here. I am one of his supporters. He is competing with Mr. Gallup here in the House of Representatives and ran a poll which indicates a strong support for the 4-year-term proposal. We are confident we can get the two-thirds majority in the House, and I am encouraged now to feel we can likewise get the necessary two-thirds in the Senate. Thank you very much.

Mr. ROGERS. Thank you so much, Senator Moss, for coming over and testifying and giving us the benefit of your thoughts on the matter. With that, we will excuse you and let you get back to your busy schedule.

Senator Moss. Thank you, Mr. Chairman. It is a pleasure.

Mr. ROGERS. Our next witness is the Honorable Lloyd Meeds, a Representative of the great State of Washington. Come forward Mr. Meeds.

STATEMENT OF HON. LLOYD MEEDS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. MEEDS. Thank you, Mr. Chairman and members of the committee, for allowing me this opportunity to appear before your committee.

I am sure there are some—and there is some basis for this—who might feel it is presumptuous of a freshman Congressman to come and testify with regard to the 4-year term amendment. Regardless of the merit of this, certainly it can be said that I knew and we knew when we ran for this office that it was 2 years, and we ran for this office with that full knowledge, and still ran.

Secondly, certainly a freshman Congressman is not in the best position to know and to come forward to testify with regard to major changes in the composition of the House.

As for myself, and on the first point, I am very grateful to the people of my State, and particularly the people of my congressional district, for allowing me the opportunity to serve them 2 years or 2 minutes. I think it is a great honor, and if I had it all to do over again and the term was only 1 year I would consider it a privilege to undertake that honor.

However, I am here, gentlemen, to testify primarily, not with regard to myself but with regard to my value to my constituents. I am sure this is true with other freshmen Congressmen also. I feel at this moment, gentlemen, I am undergoing the most extensive, intensive, and gruelling educational experience I have ever had in my life, and a good share of my life has been spent in education. I am meeting now with problems which I never even knew existed, and certainly the complexity of these problems is something absolutely new to me.

It is easy enough, I must admit, to campaign and talk about the large generalities and theories, but when one comes to the Congress and then begins to put these things into practice the complexity and the intensity of these problems is something that I must admit is new to me. So I think that the people of my congressional district, and those of the United States, have a substantial investment in me, a substantial investment in my training and the experience which I am

gaining at this time. I think that this is an investment from which the people have a full right to expect a fair return.

I do know, and feel, within a 2-year period this educational experience will have reached the point that I am returning to them full measure for the value that they have placed in me. I believe that.

Again, while I feel campaigning is a very valuable and, frankly, to me an exciting thing—and you gentlemen are, I am sure, again more aware of this than I am—I think the campaigning detracts from the ability of a person to serve in the Congress. Let us not kid ourselves that a good share of the time, particularly in the second year, is going to be devoted to seeing that one gets back here. I don't think we can be blamed for this, and I am being very candid about it, and I would expect that, if I didn't do this, my constituents would elect someone else, and perhaps they should, but this person would have to start the same process that I had just gone through within the 2-year period, a period during which—and, of course, I am sure there are probably more intelligent people in my district—but this person would be faced with this same educational process which I am now undergoing.

Another thing I would go into, during the campaign and since my election, I would like to report to this committee that I have never gone out and said to anyone, although I have held this view privately for many years, that the term of a Congressman should be 4 years. I have never gone out affirmatively and stated this to anyone. However, on many occasions, first, by knowledgeable people that know that the term is 2 years—on their own they have suggested to me that the term of a Congressman ought to be 4 years. Second, by people who do not know—and I am sure we all know these people. You know, you will be talking to them and say, "I have to start campaigning again next year," and they say, "Are you only in for 2 years?" This latter class of people have expressed wonderment that we should have a system which requires a Federal congressional candidate or Member of the Federal Congress to run every 2 years. So at least from the standpoint of what my constituents think, the ones that have expressed opinions on this—I haven't taken any polls, but from among these people the sentiment has been overwhelmingly in favor of a 4-year term for Congress.

I certainly favor the 4-year term on the basis that it will give the individual Congressman more of a period of time to acquaint himself with the procedures to enable him to better represent his people. I think then that the people would know that they were electing a Congressman who could go back, could devote full time, at least for 3 years, to the business of representing them, and not a good share of that time in the business of getting back to represent them again.

Mr. McCLORY. Thank you very much, Mr. Meeds. I want to make a brief inquiry. I am wondering about this point:

The measure about which you are testifying, House Joint Resolution 394, because I think we have to direct our attention to a specific proposal—

Mr. MEEDS. Yes.

Mr. McCLORY (continuing). Provides that upon the first election after the adoption of this constitutional amendment the Members would assemble and draw lots to determine which ones would serve for

2 years and which would serve for 4 years, and with one-half of these Members then becoming candidates for re-election in either the presidential year or the off year, whichever it happened to be.

Mr. MEEDS. Yes.

Mr. McCLORY. I would like to have your opinion on that proposal as contrasted to one which would require all the Members of the House of Representatives to be elected in the off year when the President was not a candidate, so that they would be standing entirely on their own two feet and not being swept in or having their election influenced by the popularity or unpopularity of the presidential candidate of their party.

Mr. MEEDS. I would answer by saying this: That of those two proposals I favor the first; that is to say, the drawing of lots so that one-half would be, in effect, the first time running for a 2-year term and one-half running for a 4-year term. So you would have, in effect, as Senator Moss suggested, one-half running every 2 years.

Mr. McCLORY. Don't you feel in your own case your election to Congress was influenced substantially by the popularity of President Johnson?

Mr. MEEDS. I do, and that is why I answered the way I did. I said of those two proposals, because I actually favor a third which is not in the bill in terms of what should be done. I am again reluctant to disagree with Senator Moss, and I am sure the author of this bill, but it is my feeling that the Congress should stand for election at the same time the President does.

Mr. ROGERS. The entire Congress?

Mr. MEEDS. The entire House of Representatives; yes, sir.

I say that for this reason: I feel that—and I would not say it applies to 50 or 100 years ago—but I feel our world is moving so fast that matters are becoming so complex and knowledge has expanded so greatly it is necessary to move as a unit. I feel this theory would be more nearly completed or met by the assembly of people who stand or fall on a program which is presented. This would be more near the parliamentary system of England and Canada, in which the House would represent in large measure, as we would see it under our system, the thinking of the person who was elected as President.

Mr. McCLORY. Doesn't that position that you are expressing now conflict with your opinion that Members of Congress gain by experience and they become more valuable as they learn their jobs better?

This turnover which results from the defeat of a candidate because he happens to be of the minority party at the time of the presidential election seems to me to be an unfortunate circumstance insofar as stability and service to the House of Representatives as an independent part of the legislative branch of the Government is concerned.

Mr. MEEDS. May I answer by saying I am sure it is subject to this interpretation. However, I feel there are degrees of independence, as is the case in many other things we face, and it is necessary for the good of our people in this country that we be able to present a platform, a program which has a chance of being tested. I feel this is a 4-year period of time that is a better period of time for this to happen than a 2-year period of time.

Some of the programs, for instance, we are getting underway right now are not programs that we are going to be able to assess as successes

or failures within a 2-year period of time. I think that it is necessary for an administration to be able to move in terms of programs.

Mr. McCLORY. If the program is not wanted by the people, they should be able to turn it in 2 years and not 4 years.

Mr. MEEDS. I have enough faith in the ethics and the high caliber of people I have met in the U.S. Congress that if a program is really not going well, as we judge it, that they would be willing to change it in 10 minutes, if this fact was established.

Mr. McCLORY. You are aware, are you not, that the 2-year term itself was a compromise because there was strong sentiment in support of a 1-year term at the outset.

Mr. MEEDS. I understand that.

Mr. McCLORY. How would the people reverse the trend in a program in 10 minutes or any shorter time than 4 years if you have the President and the Senate and the House of Representatives being elected for a 4-year term?

Mr. MEEDS. For two reasons I can think of just offhand. One, that the Congress, through its committees, through its ability to investigate for the purpose of legislating, can make this determination and can vote out programs if they are not meeting the requirements that the Congress feels they should.

And, second, while we may not under such a 4-year term, have to stand for election every 2 years, we are still subject, certainly, to the—I hate to say “pressure”—to the demands of our constituents. The Senators run for 6 years and are in for a 6-year term, but they are subject, certainly, to the demands of the constituents of the entire State.

Again, I think we are moving in a field of degrees and we have to settle on what we feel would be the proper degree of demand from the constituents. But I feel that certainly in a 4-year period of time that this demand, or the degree of this demand, would still be ample to cause a Representative, an individual Representative, to change his thinking.

Mr. McCLORY. I thank you very much for your explanation. You haven't sold me on this 4-year term to coincide with the election year of the President. I am inclined to favor the measure as submitted by my colleague, Mr. Chelf.

Mr. MEEDS. I assure you, there is ample and valid reason for this, sir. This, of course, is subject to the thinking of different people.

Mr. ROGERS. Have you anything further?

Mr. MEEDS. May I have permission to insert prepared remarks?

Mr. ROGERS. You will be given that privilege.

(The prepared remarks referred to follow:)

STATEMENT OF HON. LLOYD MEEDS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. Chairman, I appreciate the privilege of being able to testify before this committee. I realize that there are some people, and I can see merit in their attitude, who would think it presumptuous for a freshman Congressman such as myself to speak in favor of a 4-year term for Congressmen. First of all, we freshmen knew the length of the term when we ran last year and, second, we are still pretty new to this body to be suggesting major improvements. For myself, I am grateful for the opportunity to represent my home district here in Washington for these past 8 months. Even in light of my experience here, I would gladly have accepted a 1-year term. However, I do not come before you

today to speak of my personal interests but to talk about my value to my constituents and about the job that I am able to do for them.

I think that a freshman has a unique basis from which to speak on this issue. I, along with nearly every other Congressman new to these Halls this year, am right in the middle of the most extensive, the most demanding and the most intense educational experience of my life. Every day I am learning more about my responsibilities here, more about the formation of national legislation, and more about the ways of Congress. Through frequent trips home and through continuing contact with many constituents, I am gaining an expanding knowledge of my district and of my State.

Over these past 8 months, I have been impressed most of all by the complexity of the knowledge that one must gain, as a freshman, in order to be an effective legislator. Speaking out in favor of Federal aid to education last fall, I had no idea how complex and time consuming would be the task of sitting around a table with other Members and working out a formula for the fair distribution of funds among the States. I realize that more veteran Congressmen face the same issues but they have had the experience to prepare themselves for such work. The freshman has the double task of learning the ropes of congressional work and, at the same time, doing the work of a regular Representative of his district.

I believe that the people of my district made an investment in me last November. In choosing me as their Representative in Washington, they placed their trust in me and gave me a weighty responsibility. In accepting that responsibility, I realized that I would have to work doubly hard at first to gain experience and then, using what I have learned, to act in their behalf.

Very soon, next year's campaign will be upon us and I suspect that it will seriously disrupt this process of educating the freshmen as well as drawing away his attention just when he is able to be shifting his emphasis more and more toward action. I am not saying that a new Congressman should spend all of his time at his desk in Washington. Nor am I saying that all trips home are campaign forays. As a freshman, I have made several trips back to my district already this session. These trips have been very helpful to me in learning about the varied needs of my district. On one trip, I toured several school buildings that had been damaged in a severe earthquake that struck our State. After talking with the school officials there, I returned here to put together and introduce a bill that will provide relief to schools struck by natural disaster. On another trip, I participated in a panel at a State college where the topic was Federal aid to education. In both instances, I felt that my trips were extremely beneficial to myself and to my constituents. Nevertheless, next year when all of us will be facing the off year elections, such trips will, of necessity, become more and more political.

I see campaigning as a very necessary, and certainly exciting part of our democratic system. In many ways I look forward to returning to my constituents and presenting to them my record for the 2 years. On the basis both of this record and of my ideas on current local and national issues, I shall ask them for a second term. However, unlike the case of a veteran Congressman whose record is solidly based, I question whether the voters have had an opportunity to see enough of my performance to judge whether or not they want my services for another 2 years. In spite of the investment they have made in me, they will have given me only time enough to become moderately experienced and little time to repay their investment by working in their behalf. If I were to decide that I should devote my second year strictly to their interests, and neglect the campaign, I could expect them to quickly choose a replacement for me. Then this fellow, whoever he might be, would face the same problem I have and again the district would be denied a Representative who could really give every effort to becoming a first rate Congressman.

I favor the 4-year term as a means of giving a Congressman more of an opportunity to act for his constituents. Every Congressman must face an election every 2 years and most will admit that they have to spend a very disproportionate amount of time campaigning. My point here is that the freshman has an added burden because he barely has time in his first year and a half to learn how to be a Congressman before he has to return to his constituents to prove to them that he has been a very good Congressman. With the 4-year term, the voters could be sure that when they elected a new Congressman he would have a fair amount of time to work in their interests in Washington. Returning at the end of 4 years to face election, a Congressman's constituents would have had ample time to judge his performance. They could also know that they were not

electing a series of Congressmen who spent a disproportionate amount of their time learning how to be Congressmen and to little chance to act on their gained knowledge.

Mr. ROGERS. We are grateful to you for your appearance and giving us your thoughts on this matter.

At this time we will present in the record a statement by the Honorable Fred B. Rooney, Member of Congress from the 15th District of Pennsylvania, a letter from the Honorable Harold R. Collier, the 10th District of Illinois, and a statement from the Honorable Prentiss Walker of Mississippi, and a statement by the Honorable Horace R. Kornegay, Member of Congress from the 6th District of North Carolina.

(The documents referred to follow:)

STATEMENT OF HON. FRED B. ROONEY, A U.S. REPRESENTATIVE FROM THE STATE OF PENNSYLVANIA

Mr. Chairman and members of the committee, I am very grateful for this opportunity to present my views in favor of the bill to allow a 4-year term for Members of the House.

I shall be very brief, in keeping with my lack of seniority as I sit in this august and distinguished company.

My reasons for favoring a 4-year term are not entirely selfish. I believe the term should be lengthened for the good of the Congress and for its future effectiveness.

When the 2-year term was established there were, I am sure, good and sound reasons for it. Those were the days when communication with the people back home was far more difficult. It took days, often weeks, for news of what had happened in the House to reach the constituency.

Today we are almost literally covered minute by minute by the finest, most accurate, and most comprehensive news network in the world. No matter what we might decide to do, within a matter of minutes, radio, television and our news wire services will send the word back to our own people in our own district.

Just as communications has progressed and been modernized, so should the Congress in which we serve, continue to try to improve and modernize itself. I favor a 4-year term for these reasons:

One: Because it is impossible for a new Member to achieve the full understanding he needs to have of the job he must do in the short space of time now allotted him for one term.

Two: Because the present system is a colossal waste of energy, necessitating, as it does, one campaign for election right after another.

Three: The present system is entirely too costly. As we are now going the expense of running for election makes it prohibitive for anyone, even the rich. With the cost of political advertising soaring constantly higher, accompanied by the burgeoning expense of every other aspect of campaigning, including travel, we may one day find that no one but the man with a seven-figure bank account will be able to run for office.

The 2-year congressional term, therefore, is a luxury we cannot afford.

I make these statements with a large degree of humility. I am among the newer Members of this great deliberative body, having come here as a result of a special election in July 1963, to fill the vacancy created by the death of a former member of this committee, Congressman Francis E. Walter.

Since that special election, I have had a primary fight and a general election, all in the space of 16 months.

Many of you who have served far longer have been through the same sort of thing, I am sure.

But the question is: Does this incessant running for election really serve the best interests of the people we represent? Does it truly serve the best interests of our Nation?

The answer, I believe, is in the negative.

And the solution, I believe, is in lengthening the term of Congressmen to a reasonable, logical, and less time-consuming 4 years.

Once again, I am grateful for your willingness to allow me to testify in favor of this bill.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 24, 1965.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR COLLEAGUE: I would like to take this opportunity to record my strong support of House Joint Resolution 394, proposing a constitutional amendment to provide for 4-year terms for Members of the House of Representatives.

Since there are more than 250 Congressmen who favor the term being increased from 2 to 4 years, there is no point in repeating the many arguments in support of this constitutional amendment.

It is my sincere hope that your committee will favorably report this legislation so that the entire House of Representatives may have the opportunity to vote on it.

With kindest personal regards,
Sincerely,

HAROLD R. COLLIER.

STATEMENT OF HON. PRENTISS WALKER, A U.S. REPRESENTATIVE IN CONGRESS
FROM THE STATE OF MISSISSIPPI

Mr. Chairman, I am grateful for the opportunity of submitting my testimony before this distinguished committee in support of House Joint Resolution 394 proposing the necessary machinery to extend House of Representative terms from 2 to 4 years.

As a freshman Congressman, and after serving almost half of what I hope is the first of many terms in this great body, I feel that I or any other Congressman who is elected to serve the people of his or her congressional district could better serve with a 4-year term.

I am proud to be called a conservative, and as a conservative I am reluctant to suggest or support constitutional changes at will, but in this case I do feel that a change would be advisable.

With the vast improvements in communications and transportation, I feel that a Representative can today remain constantly in touch with his constituents, and to have a 4-year term instead of a 2-year term, even a freshman would be in a better position to organize and carry out a constructive tenure of office.

I feel in this case to amend our Constitution would be most proper. The basis for such changes has been provided in our Constitution and even encouraged by our Founding Fathers. Upon the walls of the Jefferson Memorial is inscribed a statement by that great American that is befitting this occasion, it reads: "I am not an advocate of frequent changes in laws and Constitutions, but laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new thoughts discovered and manners and opinions changed, with the change of circumstances, institutions must advance also to keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy as a civilized society to remain ever under the regimen of their barbarous ancestors."

Mr. Chairman, I respectfully urge you and the other members of this distinguished committee to add the endorsement of the committee to the already long list of supporters of House Joint Resolution 394.

STATEMENT BY HON. HORACE R. KORNEGAY, A U.S. REPRESENTATIVE FROM THE
STATE OF NORTH CAROLINA

Mr. Chairman, my name is Horace R. Kornegay, it is my privilege to serve as a Member of Congress from the Sixth Congressional District of North Carolina.

I am now serving in my third term, having been elected to the 87th Congress.

Since I am confined to a hospital in my hometown of Greensboro, N.C., with pneumonia I ask your indulgence that this written statement be admitted as part of the hearing record.

I join with others in support of House Joint Resolution 394 introduced by our colleague, the distinguished gentleman from Kentucky. I sincerely believe

that Congressman Chelf is rendering a service to his country—not his colleagues—by his introduction of this resolution. Certainly, individual Members of this body will, in future years, benefit from the lengthening of their terms from 2 to 4 years, but it is my considered opinion that the electorate will reap far greater rewards.

This is a modern and complex age we live in today, with conditions far different from those existing during the Constitutional Convention of 1787, when a compromise resulted in 2-year congressional terms—rather than 3-year terms. An extension of term of office would permit a duly elected Representative to devote more of his time and attention to legislative matters which the voters elected him to carry out. It would grant to the Representative the opportunity to exercise more freely his service to his constituency. It would allow newly elected Members the necessary time to learn the complexities of the Congress and permit them the chance to be of greater service to their constituents and to their country. It would greatly reduce the cost to the States and political subdivisions of operating the election machinery. It would, if you will permit a personal reference, give a Member of Congress a chance to get reacquainted with his family.

I know and I believe the vast majority of the voters know that if a Congressman did not have to spend a great part of his time attempting to retain his job by participating in frequent campaigns he could put more of his skills and talents to the primary task at hand—legislation.

Since this is an effort to amend our Constitution and three-fourths of the State legislatures must ratify it in order for it to become effective, it is not a measure that will not immediately affect any present Member of the House—for it could take as long as 7 years and 3 more congressional elections before it became active. However, it is a measure which could increase the efficiency and effectiveness of future Congresses and Congressmen.

We hear much talk these days about congressional "reforms" and suggested changes for practices and procedures of the House of Representatives. I believe that we can consider this proposed joint resolution one of the most necessary changes yet offered. It is my further belief that the proposed amendment would do much to attract even better and more able candidates for office. If you will permit another personal reference I quite often hear friends of mine say: "I wouldn't have your job for anything, having to run for office every 2 years." The 2-year term, I submit, makes the office of a Member of Congress one of the most undesirable or unattractive positions of great responsibility in our Government.

I urge the committee's careful consideration of the bill as it is my feeling that by adoption of this resolution we will demonstrate that the Congress is "in tune with the times" and that we can change our practices and policies to reflect the great progress of the 20th century.

Mr. ROGERS. Are there further witnesses present?

FURTHER STATEMENT OF HON. FRANK CHELF, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY

Mr. CHELF. Mr. Chairman, the other day when I testified and you members so graciously heard me through, I believe it was Mr. McCulloch who had something to say with respect to the various governorships from time to time being lengthened, the logic being that on the State level they were beginning to consider a longer term with the thought it would be better for the State and for the State government.

Mr. McCLORY. He also had reference to the right of the Governor to seek reelection because so many States deprive the Governor of that right.

Mr. CHELF. That is true.

I have in my hand, Mr. Chairman, something I would like to incorporate in the record as part of my previous testimony given on the 18th. I would like to read this. It is identically on the subject matter.

This is from the Louisville-Courier Journal, Louisville, Ky. The editorial states:

“‘Show-Me State’ Has Been Shown.” Missourians decided by a 3-to-1 vote in a referendum last week to amend their State constitution so that Governors may serve two consecutive terms. Up to now Missouri’s constitution, like Kentucky’s, has forbidden a Governor to run for reelection after one term. In both States the one-term limit rested on the fear that a Governor, given a longer period consecutively in office, might entrench himself permanently.

Missouri has for years rejoiced in the title of “show-me-State,” indicating that its people take pride in a certain amount of skepticism. They have been shown that the danger of a bad Governor perpetuating his badness may not be as great as the danger of restricting a good Governor in the execution of his programs.

The result, as the St. Louis Post-Dispatch has put it, is a major reform. It is a reform that gives hope to the people of every State whose government is hog-tied by constitutional prohibitions which time has proved to be unreasonable.

With your kind permission, I would like to add that to my testimony.

Mr. ROGERS. Our next witness will be the Honorable Sam Gibbons, a Representative in Congress from Florida.

STATEMENT OF HON. SAM GIBBONS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. GIBBONS. Mr. Chairman, I came here to tell you what I think about this particular piece of legislation and to urge its adoption.

I apologize for being late, but I have been in the committee upstairs. I was the next witness up there and I say again I regret I was detained.

Mr. ROGERS. You were before another subcommittee of Judiciary?

Mr. GIBBONS. Yes, sir.

Mr. ROGERS. I can understand how it took you a long time to get through.

Mr. GIBBONS. I was brief, Mr. Chairman, but some of the people who had matters before me were examined for a long time by the members of your committee, and very properly so.

Mr. Chairman, I support the legislation that Mr. Chelf has introduced which would have the effect of converting the term of the U.S. Congressman from a 2-year term to a 4-year term upon a staggered basis.

I have studied the legislation and I want to speak from my own practical experience. I think that one of the things that could be done that would most improve the representation of the people in the U.S. Congress would be to give the Members of Congress a longer term. In my own particular State—and I am sure it happens in most other States—we spend an inordinate amount of time seeking reelection. When this country was founded, despite the fact that it didn’t have all the marvelous communication facilities we now have, it must have taken considerably less time to seek this office than it does now.

I think all of us must admit that we probably spend a great amount of our term in seeking reelection. Either recovering from the last hard election or getting ready for the next one.

This, to me, eliminates the possibility of Members of Congress putting their primary attention on the duty for which we were elected. I think there is, of course, a virtue of being close to the voters, but I have found from my experience in elections—I speak really as only

a sophomore here, but I served in the Florida Legislature for 10 years, most of that time under a 2-year term in the State house of representatives.

You can do a better and more effective job in the representation of your constituency if you have more time in which to actually work upon the real problems rather than the elective political problems.

We must give a broad brush and a light treatment, of necessity, to matters that occur in an election campaign. Most members I have found in legislative bodies are very conscientious and want to do a better job, but they are constantly distracted by the need to keep their cases before the voters.

I think that we would have a better Government, a more effective Government, if the term of the Members of the House of Representatives was increased to 4 years.

I have never made a political issue out of this matter. I have never really discussed it on the campaign stump, but I have been constantly impressed, Mr. Chairman, by people stopping me on the street at election time and saying, "Oh, my goodness, you have to run again? When in the world is Congress going to change this matter of the terms of Members of Congress, and likewise the members of the State legislature?"

I think this is a program whose time has arrived in the hearts and the minds of our people. It would be widely supported and I think it would be adopted.

I realize there are certain mechanical problems that make the change from a 2-year term to a 4-year term a little difficult. I think that in time we will easily overcome that. I think it would lead to better government.

Mr. ROGERS. Thank you, Mr. Gibbons.

Are there questions?

Mr. McCLOXY. I have no questions.

I thank the gentleman for his observations and his contribution here. Being a sophomore colleague of his, I have a full appreciation of the remarks the gentleman from Florida makes.

Mr. ROGERS. Yes, sir, and we know it is a long way to Key West, Fla.

Mr. GIBBONS. Very fortunately the people in Key West are not represented by me, but I have a compact district and perhaps my job is much easier running for election than someone who has a vast rural district and must travel for a great distance.

Having had some 17 or 18 opponents in my life in politics, and having been on the ballot some 8 or 10 or 11 times, Mr. Chairman, I have no fear of this elective process, but I do feel we could all do a better job if this bill is reported favorably.

Mr. ROGERS. Thank you, Mr. Gibbons. Counsel will insert the submitted letter and statements in the record.

(The above-mentioned material follows:)

STATEMENT OF HON. RALPH J. RIVERS, U.S. REPRESENTATIVE FROM THE STATE OF ALASKA

Mr. Chairman, I appreciate very much this opportunity to testify today on House Joint Resolution 394.

I think it desirable that the Congress propose a constitutional amendment that would extend the term of a Member of the U.S. House of Representatives

from 2 years to 4 years, I believe that such extension would make the Congress a more effective coordinate branch of government.

Four-year terms would make the Congress more effective because 4-year terms would enable each Member of the U.S. House of Representatives to be more effective. Once elected, a Congressman could proceed to the hard and increasingly complex task of legislating, instead of having to continuously divide his time between legislating and planning for the coming campaign. For many Congressmen, as an outstanding political scientist has written, "the last election and the next election are often an indistinguishable blur."

With 2-year terms, most lawmakers must neglect, to some extent, either their legislative duties or their approaching reelection campaigns. Among the more conscientious lawmakers, it is preparation for the coming election that gets neglected, and the consequence for them may be defeat.

In this country the trend is that of increasing the terms of elective offices in cities, counties, and States, reflecting a growing recognition that it makes sense to have terms of adequate length to enable the elected official to do the job he is expected to do. Lengthening the term of a Congressman to 4 years would not make him less responsive to the public's needs. He might be less responsive to frivolous demands upon him, but as an elected official, he would continue to depend upon voter approval for his return to office. The concept of keeping the House of Representatives close to the grassroots can be adequately maintained by creating staggered terms with one-half of the Members running every 2 years for 4-year terms.

Though my advocacy of 4-year terms for U.S. Representatives is based on the conviction that such terms would enable the Congress to more effectively do its work, there is a consideration that shouldn't be overlooked: the high cost of campaigning to getting elected. In this connection I think of the party workers who help raise money and of the friends and other contributors who are imposed upon all too often under the present setup to help the nominees meet the heavy costs of political campaigns which run into ever-mounting dimensions. Though television advertising on top of newspapers and radio and other advertising may be a reason why many candidates require burdensomely large sums, in my case it is something else as well. I refer to travel costs which are substantial in my campaigns because the State of Alaska—my district—is geographically as large as five Western States. Thus it would be a great relief to millions of Americans if the congressional candidates of their districts ran only every 4 years instead of every 2 years.

I think the people of this country will agree that the time has come to establish 4-year terms for the Members of the House of Representatives. Thus I urge this subcommittee, in order to obtain the desired results, to approve the resolution so dynamically advocated and sponsored by our colleague, the gentleman from Kentucky, Mr. Chelf.

STATEMENT OF HON. FRANK ANNUNZIO, U.S. REPRESENTATIVE FROM THE STATE OF ILLINOIS

Mr. Chairman and members of this subcommittee, I am pleased to have this opportunity to express my support for House Joint Resolution 394 now being considered by Subcommittee No. 5 of the House Judiciary Committee.

This measure, introduced by Representative Frank Chelf, seeks to extend the term of service of a Congressman from 2 years to 4 years. I know that extensive hearings have been held by the subcommittee on this proposal which is by no means a new concept. As far back as the Constitutional Convention held in 1787, Alexander Hamilton and James Madison were strong supporters of such a law. Foreseeing many of the problems that have now developed, they, along with others, urged adoption of a term longer than 2 years, but their proposal did not receive sufficient support for enactment at that time.

There are numerous reasons why I feel the term should be extended now.

First, the duties of a Congressman are difficult and complex. He must have time to become familiar with all of the functions and the responsibilities of his office in order to serve his district, his State and his Nation. In a government as extensive as our, I feel that at least 4 years are necessary for Members to gain knowledge and insight into the various interests and problems of States other than their own. With this knowledge, they may be able to draft constructive legislation and vote meaningfully when the occasion arises.

Secondly, every Congressman must hire and train an administrative and clerical staff, and the staff, in turn, must become familiar with the particular

problems of the Member's district and must work effectively with the Congressman to solve these problems. If the problems are of such a nature that they cannot be solved immediately a longer term will give a Member sufficient time to resolve the problems satisfactorily.

Third, a 4-year term would alleviate the high expenses of facing primaries and of campaigning for reelection every 2 years—campaigning which we all know is also both physically tiring and emotionally wearing. I feel that a Member of Congress would be able to function more effectively if he did not have campaigns facing him quite as frequently as he does now. As elections stand now, a Member has to begin plans for a reelection campaign almost immediately upon assuming his new office.

Fourth, it has been estimated that elections for Members every 4 years would save the treasuries in every State in the Union hundreds of thousands of dollars in unnecessary election costs, costs now being financed by the taxpayers' dollars.

Fifth, with a longer term, Representatives would have more time to devote to legislative work and to study and do research in areas where legislation may be required to relieve critical situations, to correct inequities which may exist, and to meet the needs and wants of the people.

Sixth, a 4-year term would provide the voters the opportunity to judge more accurately their Member of Congress on the basis of his conduct and record in office compiled over a 100 percent longer period of time.

I want to congratulate the Honorable Emanuel Celler, the distinguished chairman of this subcommittee and chairman of the Judiciary Committee, for continuing the hearings in order to give ample opportunity to testify to all those interested in seeing a law passed which would insure that Members of Congress have sufficient time during their term of service to adequately serve the needs of the people.

I want to commend the members of the subcommittee for their dedicated efforts in continuing these hearings and in studying this problem with diligence and foresight.

I would like to cite my worthy colleague, Hon. Frank Chelf, chief proponent of the new bill. He has labored long and arduously to revise this now outdated law. Congressman Chelf has served in the Congress for 20 years and during that time he has sampled public and congressional opinion. Times and conditions have changed during this span and he now finds that a vast majority are heartily in favor of the revision of the present term. He reports that a poll of House Members reveals that 254 Members are overwhelmingly in favor of such a change and only 41 are opposed.

I strongly urge my colleagues to support House Joint Resolution 394, and I hope that the committee will take prompt action in favorably reporting this legislation so that Members of Congress will have ample opportunity during this session of the 89th Congress to vote on this measure.

STATEMENT OF HON. DOMINICK V. DANIELS, U.S. REPRESENTATIVE FROM THE STATE OF NEW JERSEY

Mr. Chairman, I am very happy to be able to have the opportunity to speak in support of legislation sponsored by the very hard-working gentleman from Kentucky, Representative Frank Chelf, who has spelled out a most convincing case for lengthening the terms of House Members from 2 to 4 years.

In my own State of New Jersey most public officials are now elected for a term of 4 years. The mayor of Jersey City, where I reside, as well as all members of the city council are now elected for 4-year terms. The Governor of New Jersey and members of the State senate are also elected for 4-year terms.

We in the Garden State have come to realize that a man who is elected for only 2 years has to start campaigning for reelection almost from the very day he is sworn into office.

As a member of two active committees, I am aware of how the practical considerations of mending home fences interferes with the orderly process of conducting the public's business.

In the early days of this Republic it was felt that only through short terms could the public maintain control over elected officials. In fact, during the 19th century, annual elections were the rule for most State and local officers.

Today, we have matured a bit in our thinking and most political scientists have come to feel that if you are going to elect a man to do a job then you have

to give him a fair amount of time to accomplish what he has pledged himself to do.

I know that my district is not a typical one. The 14th District is unusually compact and we are fortunate to have two very fine daily newspapers, the Hudson Dispatch and the Jersey Journal, as well as several reliable weeklies which treat all political figures fairly and impartially. For this reason, Congressmen from our areas do not have to continually stump their Districts to correct journalistic errors of omission or commission.

Further, my constituency is easily reached by public transportation from Washington, D.C., and I am able to spend Saturdays and Sundays with my constituents.

Yet, despite all this the 2-year term poses problems for me and I can only imagine how severe the difficulties must be for those Members who represent sprawling districts in parts of the Nation where travel is both difficult and expensive.

I would not be honest if I did not say to this committee that I can live with the present 2-year term. But I am compelled to come before you and state that based upon my 7 years experience in this House, I have no doubt that the legislative process would be transacted in a better way if the length of Members' terms were changed from 2 to 4 years.

If the Chelf bill succeeds and is passed in the other body and then is approved by the requisite number of States, we shall see a vast improvement in the business of lawmaking. If the measure is enacted, we shall see the House achieving the status of a truly deliberative body.

In conclusion, I would like again to commend Congressman Chelf for the good work he has already accomplished in battling for this badly needed reform. The people of the 4th District of Kentucky have every reason to take great pride in the accomplishments of their able Congressman.

Mr. Chairman, I strongly urge this committee to report favorably on this piece of legislation.

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HOUSING OF THE
COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., August 26, 1965.

HON. EMANUEL CELLER,
*Committee on the Judiciary,
House of Representatives,
Washington, D.C.*

DEAR CHAIRMAN CELLER: Although it will not be possible for me to appear personally to testify in favor of House Joint Resolution 394, which would increase the terms in the House of Representatives from 2 to 4 years, I nevertheless would like to go on record in support of it.

Having served in the Congress for almost 20 years, I can clearly see the need for a 4-year term. A Member of the House no sooner wins reelection than he begins the cycle all over again.

If we were elected to a 4-year term, it is my personal opinion more time could be devoted to the legislative processes and less to campaigning. It's a duty we owe to the taxpayers of this Nation.

I further firmly believe that a 4-year term would be an inducement to very capable men to enter the Government service. The Congress, the Nation, and the taxpayer would be the recipients of the benefits.

I wholeheartedly support Congressman Chelf's resolution.

With best wishes, I am

Sincerely yours,

WILLIAM A. BARRETT.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 30, 1965.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: Congressman Frank Chelf has informed me of the hearings before subcommittee No. 5 on House Joint Resolution 394.

I would like to go on record in support of a 4-year term for Representatives. It is in the Nation's interest not to have Members of Congress spending so much of their time, talent, and resources on reelection.

If possible, I would appreciate having this letter included in the record of hearings on House Joint Resolution 394.

Sincerely,

LEE H. HAMILTON, *Member of Congress.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 27, 1965.

HON. EMANUEL CELLER,
Chairman, House Judiciary Committee,
House of Representatives.

DEAR MR. CHAIRMAN: The purpose of this letter is to advise you that I am in accord with the effort of Congressman Frank Chelf of Kentucky, and others, who believe that a 2-year term of Members of the House of Representatives should be increased to 4 years.

I am certain that all of the arguments which I could advance on this proposition, and all of the problems associated with a 2-year term, have been recorded time and time again to you. Therefore, I merely wish to advise that I believe the public's business and interest can best be served by a constitutional amendment increasing the period of a term as indicated above.

Sincerely yours,

WILLIAM H. BATES.

STATEMENT OF HON. HENRY P. SMITH III, U.S. REPRESENTATIVE FROM THE STATE OF NEW YORK

After careful review and thoughtful consideration, I am firmly convinced that an increase in the term of House Members from 2 to 4 years would be in the best interests of the people of the United States.

An unfortunate fact of the political life of a House Member today, is that he, or she, must spend too much time first getting reelected. Following an election, the House Member serves only one session before launching into a second session that culminates in a reelection campaign. As a practical matter, such a system works only to the disadvantage of the constituencies served by the Members of the House. To lengthen the term of House Members would permit greater uninterrupted service to the electorate.

Certainly the American people, in this modern world of split-second communications, have the knowledge and the wisdom to permit them to elect their U.S. Representatives to a 4-year term of office.

In the interests of the people we serve, I sincerely hope that the committee will act favorably on House Joint Resolution 394.

STATEMENT BY HON. DANTE B. FASCELL, U.S. REPRESENTATIVE FROM THE STATE OF FLORIDA

Mr. Chairman, I wish to express my strongest support for House Joint Resolution 394, a proposed constitutional amendment introduced by Representative Chelf, which would lengthen the term of Members of the House of Representatives from 2 to 4 years.

The 2-year term was adopted, Mr. Chairman, in an age far less industrially and commercially advanced than our own. Consider, for example, the radical increase since the days of the Founding Fathers in the percentage of our Nation's commerce which comes under the category of interstate commerce. Congress, moreover, finds it necessary today to exercise its legislative authority to an extent far beyond what the earliest Congresses would have considered necessary.

But one thing has not changed, and must never change. And that is Congress as the living proof that American citizens are fully capable of governing themselves, and that they do not need to deliver the business of regulating and aiding our Nation's activities to a handful of technical experts who would not be immediately responsible to them.

The Founding Fathers were convinced—and the history of our country verifies their conviction—that the American citizen who is able to manage his own affairs in a responsible way and who is possessed of a genuine sense of justice and rectitude is capable of taking part in the resolution of national issues.

The possibility of citizen self-government is rejected by the Communists. In every Communist country, it is an elite that governs the mass.

The possibility of citizen self-government must be with us an enduring conviction.

In order that it may be so, I think it is necessary to give every Congressman—and I have in mind especially new Congressmen—more time to come to grips with his job.

Two years does not give the new Congressman enough time. Before any new Representative can get to know as thoroughly as necessary the broad areas of legislation with which he must deal, he must first of all get to know Congress itself, he must first of all become thoroughly familiar with the legislative process. And while he is doing this, he must select and organize both persons and materials in his own office, and he must prepare his office staff to give him the maximum assistance.

But these are not the only concerns which take considerable time and which make it difficult for the new Congressman to get down immediately to the legislative business. Since he has been elected only for a 2-year term, the next election to be won appears to be rapidly approaching. As a matter of fact, we all recognize that we are constantly involved in campaigns for reelection. Therefore, the 2-year term pressures every Member of Congress exactly at the time when he needs to deliberate and have the time to do so.

It is of the essence of representative government that the Representative remain in office only so long as his constituents choose to keep him there. It is therefore essential that the Representative prove to his constituents that he is advancing their rights and interests in the legislative process. Constituents would find it much to their advantage if their man in Washington were given adequate time to comprehend his legislative duties. It is they who may ultimately lose the advantage of effective representation. The brevity of their Representative's term of office, from which must be subtracted the time required for him to familiarize himself with congressional procedure, time to prepare his office staff, and time to keep up the process of persuasion back home—the brevity of their Representative's term in office may threaten the advantage to constituents of effective representation if their Representative finds it difficult to give sustained and uninterrupted attention to national issues.

And would it not be more just to a Congressman and of more advantage to constituents if the former were given greater opportunity to show his constituents a record of genuine legislative service and accomplishment? The Member would be relieved of much political pressure, especially during the first half of his term, and would be enabled to give more undivided attention to legislative questions. His constituents, far from losing the advantage of having a Representative responsive to their legitimate interests, would have, besides, a Representative better able to deal with public issues; and would have in addition to this a more genuine basis upon which to judge the quality of service rendered them.

It is arguable that a 4-year term would permit a Congressman to be less responsive to his constituents' rights and interests? I do not think so. The term of Senators is 6 years, but I have not observed on the part of any Senators a consequent indifference to the interests of the people of their States.

Mr. Chairman, it would be of advantage both to the Members of this House and to their constituents if a 4-year term provided Congressmen more time to serve their constituents and perform their legislative work without the constant pressure and loss of time, effort, and initiative of constant campaigning because of the present short term.

STATEMENT BY HON. CLAUDE PEPPER, U.S. REPRESENTATIVE FROM THE STATE OF FLORIDA

I should like to say at the outset that I am grateful for this opportunity to discuss with you some aspects of an important proposal presently before the Congress. I refer to the extension of the term of Representative from 2 to 4 years.

Now I am well aware that such an extension has been suggested in practically every Congress over the past century. This proposal hardly can be described

as a novel one; but with each succeeding Congress, the need for an extended House term becomes more and more evident.

My firm hope is that this Congress, which to date has already put together an unparalleled record of legislative firsts, will add to that list with yet another progressive and improvement legislative accomplishment.

To begin with, it is encouraging to note that the proposed 4-year term has received the backing of a long and impressive list of witnesses testifying before the Joint Committee on the Organization of the Congress. Scholars, as well as Members, have been quick to lend their support to this proposal. Dr. Lawrence K. Pettit's comments before the joint committee are typical of this support:

"I think that nearly everyone would agree that one of the central problems of Congress now is that the individual Congressman does not have the time to do all he wants to do in his job and that one of the reasons for this in the House of Representatives is that you are running for reelection all the time. I think a 4-year term would help to offset this." (Hearings before the Joint Committee on the Organization of the Congress, pt. 5, p. 728.)

I cite this testimony in an effort to demonstrate that a 4-year term is not advocated by the Members alone. In recent years, much support has been garnered from numerous academic communities, citizen councils, civic organizations; and most importantly, a large segment of the general public. But the problem of translating this support into significant action has consistently plagued the legislative process. Perhaps we should ask ourselves why this problem has continued. What arguments have been used against the 4-year term and how valid are these arguments?

Probably the outstanding objection to the longer term is the fear that a drastically changing national mood could not be properly reflected in a 4-year elective gap. I, too, am concerned with this possibility; and for that reason, I support the principle of a staggered 4-year term as provided in the resolution sponsored by Congressman Chelf. In testimony before the joint committee, the Congressman outlined the principle. In part, he comments: "It would stagger the total membership of the House of Representatives so that one-half the number would have to run every 2 years along with one-third of the Senate. Never in history have the people been known to defeat anything near one-half of the total membership of the House of Representatives." (Hearings before the Joint Committee on the Organization of the Congress, pt. 4, p. 695.)

Another objection to a longer term has traditionally come from the Senate, and perhaps with some justification. But here again, Congressman Chelf's resolution meets the Senate's objections by including a section which specifically prohibits a House Member from running for any other office. In short, a Representative would be compelled to resign should he desire to seek election to the Senate.

It is clear, then, that the two basic arguments against the 4-year term are considerably diluted by the provisions of the Chelf resolution. But this fact serves only to dispense with the objections. What is it that makes the longer term a "must" piece of legislation?

As with the arguments against the 4-year term, the arguments in favor of the proposal have remained pretty much the same from year to year. But the point I want to stress is that with each succeeding Congress, the need for a longer term does not remain static. Rather, that need has become increasingly desperate.

First of all, as Dr. Pettit pointed out, we must somehow begin to deal with the overwhelming workload of the average Member of Congress. I know you would all agree that there are not enough hours in the day, or enough days in the year to get the job done. He simply cannot continue to handle the myriad problems of 400,000 constituents, administer his local district office, run for reelection, and adequately participate in the legislative process—without gaining some additional working time. This additional time must be appropriated from somewhere, or the average Congressman will not be able to fulfill his responsibilities to the electorate.

A 4-year term will not be a cure-all for this problem; but clearly it would help to relieve the constant pressure of electioneering and thus make available additional time for legislative duties—the primary function that all of us have been sent here to perform, I might add.

Next, we must somehow find a way to cut the personal campaign expenses of individual Members of Congress. The trend in the cost of campaigning continues up and up. The jet, the television, and the billboard have all contributed to this trend. Unquestionably, each of these media has been a tremendous boon

in getting the politician before the public eye; but I don't have to tell you that it takes money, and a lot of it, to purchase radio and television time, billboard space, and fancy transportation. In short, unless we begin to clamp a ceiling on campaign spending, the political sphere in this country will increasingly become the private domain of the rich man. A democracy that seeks to remain vibrant cannot long afford that kind of a development.

Here again, I don't claim that a 4-year term will solve every aspect of this problem. But I do know that a longer term can provide a savings in campaign expenditures every 4-years of from \$20,000 to \$50,000—depending, of course, on the size and location of the Member's district. To put it another way, the adoption of a 4-year term would cut in half the cost of the average Representative's campaign expenses.

In addition to the important savings to the Member in both time and money, the longer term also provides a "spinoff" benefit of substantial election savings to the individual States. It is a benefit that I am certain would not be unwelcome at the State and local level.

Finally, many of the Members who have testified before this committee and the Joint Committee on the Organization of the Congress have stressed that the people back home support a longer term. This fact is continually reflected in the latest public opinion polls; and frankly, gentleman, I believe it's about time that we at least give the State legislatures an opportunity to vote on this proposal. Certainly, there is no reason to be discouraged about the chances of extending that opportunity. The results of Congressman's Chelf's poll indicate that there is strong support in both House of Congress for a longer term.

So, gentlemen, it would appear that all of the factors point toward success. The fears associated with a 4-year term are largely dispelled by the provisions of the Chelf resolution. The advantages of the proposal speak for themselves. We have the support of the people and the support of our fellow colleagues. I am afraid that the only thing we lack is time. If we approved this resolution today, we could not expect it to be come effective for at least another 5 or 6 years. And let me stress again, the longer we wait the less effective the average Representative will become. He simply cannot afford the time it requires to be running for reelection every 2 years.

And while we are on the subject, I want to thank you for allowing me to take up your valuable time; and I urge your support of this resolution.

STATEMENT BY HON. OGDEN R. REID, U.S. REPRESENTATIVE FROM THE STATE OF NEW YORK

Mr. Chairman, I submit this statement in strong support of House Joint Resolution 394 and related bills—proposing an amendment to the Constitution of the United States to provide for 4-year terms for Members of the House of Representatives.

Although the 4-year term would be a major alteration in our traditional electoral procedure, I believe a change is both compelled by the hard realities of modern life and warranted by the substantial benefits which in my judgment it will produce.

It cannot be denied that the volume and importance of legislative matters today are substantial. The demands made upon the legislator by his constituents and by the flow of business in Washington are greater than ever. The necessity of participating in an election every 2 years compounds this problem, for it can seriously reduce the amount of time and attention a Member of the House devotes to his work. It impedes his conscientious efforts to give sufficient consideration to the full range of issues upon which he is required to act.

The opportunities offered by the establishment of a 4-year term are many.

By doubling the length of the Member's service and halving the frequency of time-consuming campaigns, the 4-year term would permit a larger effort directed toward the solution of our increasingly complex national problems. Opportunity for thorough research, formulation of affirmative alternatives, and careful consideration of all major proposals would be heightened. The quality of legislation emanating from Congress would, as a result, undoubtedly be enhanced.

In addition, a longer term would be of particular benefit to new Members of the House. It would give them needed time to acquaint themselves with the important aspects of the legislative process. No major task in the United States, be it in a public or private field, can be undertaken with competence, let alone

skill, until the individual has been able to familiarize himself with its complexities. This is particularly true in Congress, where a knowledge of procedure and the ability to get first rate research are essential if one is to be an effective and creative legislator.

By requiring election campaigns only once every 4 years, there would be, in my judgment, a major reduction of the financial cost of serving in the Congress. I am certain many eminently qualified and capable men and women have heretofore been deterred from public service by an inability to afford it. The Congress should attract the best ability the country has to offer, irrespective of financial means.

Accountability of representatives to the people is a fundamental principle of American government. This principle is maintained in the proposals before this subcommittee—the election of half the Members of the House would be required every 2 years and the voters would continue to have a voice at frequent intervals.

At the same time, this requirement may provide to the Congress an additional measure of independence from the executive branch and thus contribute to our system of separation of powers. A presidential campaign would not have as great an impact as it now obviously does on congressional elections if only one-half of the House of Representatives were involved.

Although I support these proposals, Mr. Chairman, I do have serious reservation with regard to one aspect—the prohibition against running for other elective office while holding a seat in the House of Representatives. Inasmuch as no other Federal official is subject to such prohibition, it seems a discriminatory application in this case.

Subject to this reservation, I believe that the Congress has an opportunity to initiate meaningful reform by supporting a 4-year term for Members of the House of Representatives. When traditional practices become unsuited to modern day needs, we should not fear to change them. The benefits which would accrue from such a constitutional amendment warrant its proposal and ratification.

STATEMENT OF HON. GEORGE E. BROWN, JR., U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. Chairman and members of the committee, I am very grateful for this opportunity to present my views in favor of the proposal to increase the term of office in the House from 2 to 4 years.

In terms of time consumed, resources expended, and results achieved, it seems to me that we are presently using an archaic system.

Much has been said in recent months about one-man, one-vote—the principle that one man's vote is equal to another's. Not only, however, should we concern ourselves with the problem of fair representation in Congress, but also with the problem of full and meaningful representation.

It is my feeling that a longer term for Congressmen would greatly improve the quality of that representation. An election every 4 years, instead of 2, would make it possible for a Member to devote more time to his duties rather than having to campaign so much of the time. At present, a Congressman usually has to spend almost all of the time when Congress is not in session, weekends, and evenings trying to attain reelection rather than developing the legislation and projects he would like to see developed. This Congress convened only 7 months ago, and yet we are already pressured to begin considering the organization of next year's election campaign. I would say that this demand on a Member's time and energy does not allow him to concentrate as completely and conscientiously on the legislative business of the country as he would like to.

The chief arguments against a 4-year term are the force of tradition and the belief that the necessity of running every 2 years is desirable in keeping a Representative close to his constituency. I would be most reluctant to say that Senators are only one-third as close to the people as Congressmen because they have 6-year terms, or that Governors are only one-half as close to the people as Congressmen because many have 4-year terms. Responsive representation is more the result of the man than the date of his election. Certainly he must periodically give an accounting of himself to the people—but to ask him to do this every 2 years impairs his effectiveness in office.

The change to a 4-year term would not be a drastic one—in fact, it would conform with the growing trend toward the professionalization of government

itself. Most of our States have lengthened the terms of office for their Governors so that today there are only 16 which provide only a 2-year term. Government at all levels has grown so much more complex than it was in our own fathers' day, and I believe that the public will readily recognize this and understand that its officials, both legislative and executive, need more time if they are to learn their jobs thoroughly and do them properly—free from excessive campaigning and extraneous pressures.

I felt very fortunate when I arrived in Washington that I had had the advantage of prior State legislative experience. However, many new Members are forced to spend too much of their first year in office learning how to do their job and too much of the second year trying to retain their jobs. With a change to the 4-year term, the voters would be guaranteed that when they elected a new Congressman he would have a fair amount of time to work in their interests in Washington. They would also be insured that they were not electing representatives who spent a great deal of time learning how to be Congressmen with too little opportunity to apply their gained knowledge.

Finally, an election every 4 years, as opposed to 2, would save millions of dollars in unnecessary campaign expenditures. The present trend makes the expense of running for election increasingly prohibitive. We may one day find that no one but the man with the fur-lined wallet can afford to run for office. A 4-year term would allow the Representative to devote more time to legislative matters and not be so concerned with soliciting campaign funds. It would also reduce the burden thrust on the people who must help finance those campaigns.

STATEMENT OF HON. J. RUSSELL TUTEN, A U.S. REPRESENTATIVE FROM THE STATE OF GEORGIA

Mr. Chairman and members of the committee, I wish to go on record as being in favor of House Joint Resolution 304. It is my sincere hope the Judiciary Committee will recommend this resolution to the House.

Primary and general election campaigns have become longer, more elaborate, and more expensive. The cost of utilizing the news media to cover a congressional district is enormous. This fact discourages many good men from seeking congressional offices. It bankrupts many others who attempt to contribute to the political life of the Nation. Longer terms would ease the financial burden imposed by frequent campaigns and allow much more time for the official duties of a Representative.

Two-year terms force Representatives to begin running for reelection the day they assume office. Unless they are members of great seniority and from a safe congressional district, campaigning is a full-time job. As a result, many Congressmen neglect important legislative matters at a time when the legislative workload is increasing tremendously. For example, the First Congress, in both of its sessions, proposed only 142 bills of which 118 became law. During the 2d session of the 84th Congress, 5,260 bills were introduced. In the current legislative session, 10,732 bills had been introduced by August 30.

In view of the foregoing facts, a constitutional amendment providing 4-year terms for Members of the House is necessary.

CORNELL UNIVERSITY,
Ithaca, N.Y., December 30, 1965.

HON. EMANUEL CELLER,
Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN CELLER: Thank you for your letter of December 15 soliciting my views on the extension of the term of Members of the House of Representatives to 4 years.

It is my judgment that all Members of the House should continue to be elected at one time and that this election should take place in the presidential year. I cannot see the point of having half of the House elected every 2 years. This seems to be copying the Senate just for the sake of copying the Senate. More important would be the fact that half of the Representatives would never have to run in a presidential year. Thus half of the membership of the House, being elected again and again at midterm, would be chosen by an electorate approximately two-thirds the size of that which chooses their colleagues. In effect there would be

two "Houses," one elected by one electorate and another elected by a quite different one. It does not make sense to me. (Even Senators must run in presidential years every other term.)

Clearly an entire House elected with the President every 4 years would contain some Members who came in on the "coattails" of a popular presidential candidate. This is the case right now, and it would be silly to deny that these men are very loyal indeed to the White House program and its occupant. However, recent experience has shown that the "coattails" effect is less significant than we would like to believe. It was not present in 1960 with the Kennedy victory, and it was not operative with Eisenhower in 1956. My own view is that there is more ticket splitting than ever before, and the voters make their own judgments about presidential and congressional candidates on criteria other than simply the party label.

Sincerely yours,

ANDREW HACKER,
Associate Professor and Acting Chairman.

STATEMENT OF HON. FLORENCE P. DWYER, A U.S. REPRESENTATIVE FROM THE STATE OF NEW JERSEY

Mr. Chairman, I greatly appreciate both the decision of the committee to undertake these important hearings and the opportunity to appear before you in support of my bill, and related bills sponsored by a large number of our colleagues, to provide for a 4-year term for Members of the House of Representatives.

As I understand the issue, there are two principal objections to a 4-year term for Members of the House: First, that it would tend to remove Representatives from the immediate contact with and responsiveness to their constituencies, and second, that it would, in contrast, tend to make the House more susceptible to direction from the White House.

I do not believe that either of these objections is valid. Contact with the voters, for instance, the preservation of the sense of "neighborhood" between electors and the elected, is more a function of geography than it is of frequency of election. A 4-year term would not change the character or size of a congressional district. It would not lessen the need to maintain regular communication with one's constituents. Senators, elected for a 6-year term, utilize all the means and media of communication with the people they represent as regularly as do Members of the House. Regardless of length of term, House Members, representing smaller and more manageable areas, would continue to find it essential to keep in close touch with their people. Certainly, that is my experience.

The key to these objections, it seems to me, would be staggered terms for House Members, with one-half the House elected with the President and the other half elected at midterm. With one-half the membership elected every 2 years, the voice of the people would not be appreciably weakened. Any significant shift in voter sentiment which might be reflected in a particular election would as soon be sensed by incumbents as by the newly elected Members.

If the generalization often advanced by opponents of a 4-year term is valid—and I am inclined to think it is somewhat superficial—that Members elected with the President are more inclined to support his program, while those elected in the midterm election tend to be more sensitive to any popular dissatisfaction with the President's record, therefore providing a democratic check on the Chief Executive, then the staggered 4-year term would not so much change this situation as it would temper it. Members elected at midterm would surely not be immune to any indication 2 years later of a popular mandate for an incoming President, but they would also be conscious of the possibility of change by the time their own seats were up for decision by the voters. Their colleagues, elected at the same time as the President, similarly could not ignore midterm signs of general disaffection. Consequently, any change in the performance of the House as a whole resulting from a 4-year term would seem to be in the direction of greater stability and continuity—which would be neither undemocratic nor undesirable.

While the objections to a lengthened term for Members of Congress are not convincing, the arguments justifying it appear to me to be very persuasive. The framers of the Constitution were by no means unanimous about the wisdom of

a 2-year term. The Constitutional Convention, in fact, was sharply divided over the issue, with such stalwarts as James Madison and Alexander Hamilton strongly favoring a 3-year term. The factors cited by these brilliant statesmen nearly 200 years ago are even more compelling today. The problems of stability, for instance, are not less important now. With 10- and 12-month annual sessions a commonplace today, Members have even less time to spend in their districts than in the early days of the Republic. And the number and complexity of public issues in the latter half of the 20th century have obviously never been greater or more demanding of the mastery of the representatives of the people. A 4-year term, by providing more time, would contribute to the resolution of each of these difficulties.

Time is the great need of the contemporary Congressman—time to think, to learn, to reflect, time to develop programs, time to weigh the pros and cons of others' programs, time to understand better the problems of our world and the consequences of our actions—and time would be the chief benefit of a 4-year term.

It is axiomatic that Members representing districts in which the two political parties are active competitors must begin running for reelection as soon as they have been elected. While this fact may seem to the uninitiated to require the Member to be more immediately responsive to his electorate, the more significant truth is that it requires him to devote less and less time to the substance of legislating and more to the appearances, or the "public relations" aspects of constructing an acceptable "image."

We all know that the frequency of speeches, statements, press releases, or the sponsorship of bills is no necessary index to a Congressman's ability or reliable guide to his constructive influence. It may, as a matter of fact, indicate the reserve. Yet, for a Member who must go to the people every 2 years in a closely contested district, the temptation is strong to sacrifice quality for quantity.

In addition, of course, we must consider the increasing demands of our people for nonlegislative services, services which, in the face of a growing Federal bureaucracy, assume greater and greater importance. As the population grows, as the role of Government in the daily lives of all Americans increases, the average Member must devote a corresponding proportion of his and his staff's time to these extracurricular activities. Since there is no politically "safe" or responsible way of avoiding these duties, and they are vitally important both to Members and constituents even though they often conflict with legislative demands, the additional time required to do these jobs properly can only come from a 4-year term.

A 4-year term for Members of Congress will not work miracles, Mr. Chairman. But it will, I am confident, permit just that extra amount of attention to the legislative work of Congress, encourage that greater degree of concentration on important public issues, provide that added bit of relief from the more immediate pressures of getting reelected, and make possible that increased increment of independence, objectivity, and continuity—which would help lift the performance of Congress just a little bit higher. It would be undramatic but it could be very valuable.

That concludes the witnesses and the committee now stands adjourned, subject to the call of the Chair.

(Whereupon, at 11:15 a.m., the subcommittee was adjourned, to reconvene at the call of the Chair.)

CONGRESSIONAL TENURE OF OFFICE

TUESDAY, FEBRUARY 8, 1966

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The committee met, pursuant to adjournment and at the call of the Chair, at 10:35 a.m., in room 2141, Rayburn Building, Hon. Emanuel Celler (chairman) presiding.

Present: Representatives Celler, Chelf, Rodino, Rogers, Ashmore, Kastenmeier, Gilbert, Corman, St. Onge, Senner, Hungate, Conyers, Grider, Jacobs, McCulloch, Poff, Cramer, Moore, MacGregor, Mathias, King, Hutchinson, and McClory.

Also present: William R. Foley, general counsel; Martin R. Hoffmann, associate counsel.

The CHAIRMAN. The committee will come to order.

We are here this morning to consider bills relating to tenure of office for Members of Congress, as well as other resolutions of a similar nature offered by a number of Members. The Chair would like to read a statement first.

In the Federalist Papers No. 52, dealing with the terms of office for Members of the House of Representatives, will be found this statement:

First, As it is essential to liberty that the Government in general should have a common interest with the people, so it is particularly essential that the branch of it [House of Representatives] under consideration should have an immediate dependence on, and an intimate sympathy with, the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured.

That is the heart of the matter. The House of Representatives is the body nearest to the people—it is the body in which all measures to raise revenue are originated and is closest to the Nation's pocket nerve.

A 4-year term concurrent with the presidential term could stifle political dialog. For many years there have been in the House approximately 90 or 100 "marginal seats." This has been particularly true in the off-year elections. With this in mind, the turnover in seats in off-year elections is very impressive. For example, in the 80th Congress 58 seats changed hands, 35 in the 82d, 29 in the 84th, 50 in the 86th, and 82 in the 88th Congress. Thus, when the House is nearly equally divided, as it often is, these figures in the change of seats in off-year elections become most impressive. In the past, this change in the return of Members to the House has reflected the keen interest of the voters in current issues.

Circumstances surrounding major issues change rapidly. Shall a voter wait 4 years to express his views in terms of the ballot?

New voters, those coming of voting age, enter the rolls every year. Hence such a voter may have to wait up to 3 years or more to join in political expression. It is being said that the issues are so complex that it takes at least 4 years for a Member to become schooled in the intricacies of House rules and thus become an effective legislator. This is a non sequitur. To follow this argument to its logical conclusion we would not permit any Member to vote before he has been in the House for 4 years. It is also argued that the workload of a Member has increased a thousandfold since the founding of this Nation. True, but so have the aids available to Congressmen increased at least a thousandfold. A Member of the House is given ample funds with which to secure skilled and proficient help. The telephone and telegraph, the jet airplane, the mimeograph, the copier, are all there to aid him in discharging his duties. The Library of Congress prepares material on every issue and makes its work available to every Member of the House. Most of the agencies have liaison offices in the buildings which house the Members and are available for consultation with the Member or his congressional aid at all times. There are endless forums on radio and TV and endless pamphlets, brochures, or what have you, educating a Member to every facet of any problem. At the beginning of each Congress, the new Members are given a series of lectures by the officers of the House, by the Parliamentarian, by the Library of Congress personnel, and other authorities so that no new Member need stumble around in a legislative maze.

It is also said that no sooner is a Member elected than he must begin campaigning again, for primary as well as regular contests. Why not? It is that campaigning that keeps a Member alive to the issues. He educates the constituent who, in turn, educates him. In other words, the 2-year term serves as a barometer and that barometer is essential to our system of checks and balances, and this barometer indicates a shift in public opinion which gives a reading to the majority party and emphasizes to the minority the role it must play. Contrary to those who support a 4-year term, the 2-year term makes for far greater stability in Government than would a 4-year term. It gives a reasonable outlet to dissent; it places reins on executive excess should it exist, and it keeps the Members of the House where they belong—on their toes. Should there be no outlet for dissent or shift of opinion for 4 years, we cannot know what explosions could occur.

The Chief Executive has failed only three times to carry the House with him at the beginning of his administration. In midterm elections, the President's party has won the House 8 times and lost it 15 times. Thus, a coattail Congress could hang on for 4 years, subservient to Presidential power and help impose upon this country an unhealthy political conformity. We should acknowledge freely that in the 1964 election many districts would have remained in the Republican column as they had been for many years but for the choice of Mr. Goldwater as presidential candidate.

I see no reason why districts of this kind in future elections should have to wait 4 whole years to vote its convictions. A similar situation may develop in the Democratic Party. I make the point that 4 years is too long to wait before the "ins" and the "outs" join issue. All of these defects, I am told, could be eliminated by a 4-year term of Members but with a staggering of elections. In staggered elections, that is,

one-half the House being elected every 2 years, we would really court disaster. At the very least we can commend the President's proposal for neatness. In the staggered term we would have the House divided against itself. Those who ran during a presidential election would find themselves in the enviable position of running in presidential elections every 4 years; the midterm Member remains forever a midterm Member, frozen into his position as a midterm Member.

Mr. CRAMER. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Mr. CRAMER. I hate to interrupt, but I see the press have copies of your statement. Do Members have a copy, Mr. Chairman?

The CHAIRMAN. Yes, sir. Are there any more there?

Mr. CRAMER. Maybe I can get some from the press.

The CHAIRMAN. The number of those voting is much higher in presidential elections. Those running with the President would have a much greater advantage than those running in midterm. In the House itself we would have a presidential party and a non-presidential party. Thus the splits already existing in each of the major political parties would be increased. Because of the staggered elections many rules of the House would have to be changed. Would we have a new Congress every 2 years, or would the House become a continuing body for 4 years? Do bills die at the end of 2 years as they do now, or remain alive for 4? Is the Speaker elected for 2 or 4 years? If representation of a State is apportioned every 10 years as it is now, what happens to a State when half of its membership has been elected for 4 years, when it has lost seats in the apportionment?

To make the proposed amendment palatable in the Senate, many of the proposals contain the provision that no Member of the House of Representatives can run for the Senate unless he resigns from the House 30 days before election. Nothing is said about primaries. Thus in some States where a primary is tantamount to election, a Member of the House can run in the primary without the risk of losing his seat in the House. Should he win the primary he can then resign. Should he lose the primary he still has his House seat. I fear many Senators will not want that kind of riskless competition.

The 3-year term suggested combines the difficulties of the presidentially concurrent election and the staggered system of election.

I must admit that running every 2 years is a great financial burden placed upon Members of the House. This burden can be greatly ameliorated if Congress adopts a tax credit or tax deduction for contribution to a political party. This is a much fairer way to help since it will increase voter interest and participation without embracing a constitutional amendment, the consequences of which cannot be foreseen.

Now, the reason why I took time to express these views is that this is a proposed constitutional amendment. It is highly important. And I think it is incumbent upon me personally, as I feel it, to express my views at the very inception of these hearings.

Is there any other gentleman of the committee who wishes to express himself?

The CHAIRMAN. Mr. Chelf.

Mr. CHELF. Mr. Chairman, just for the purpose of the record, as you know and the other members of the committee know, I have spoken on

this matter at length here before the committee and also before the Joint Committee on the Reorganization of Congress; however, at this juncture I would say this in the way of rebuttal to my distinguished chairman and my dear friend from New York.

And that is, insofar as I am personally concerned, I want the world to know that this bill, if it is enacted into law by the Congress and is then submitted to the 50 States for ratification by three-fourths of them, that it will not, under any condition or circumstance, inure to the personal benefit of the gentleman from Kentucky speaking at this moment, because, as my good friend and chairman knows and understands it will take some 4 or 5 years for the mechanics of the legislation to develop and to become law.

Heaven knows I hope with all my heart to be able to retire by that time.

Now, let me say this to my good friend from New York. He and I have worked together, we have served together here for 21 of his 42 long and honorable and distinguished and outstanding years; and, if a man is ever going to become close to another, such was accomplished by our fine relationship together on displaced persons legislation, civil rights legislation, voters rights legislation, and immigration legislation. We truly have been a team, Mr. Chairman, you and I. And this is one of the few times in the 21 years that I have had the honor and privilege and the satisfaction, may I say, to serve here on this great committee that we ourselves have differed.

But I will say this to you, sir, that the thing that really got me into this situation as deeply as I am now involved was a personal thing that happened to me shortly after I was redistricted in 1962 in Kentucky. It just so happens in the 21 years I have been here I have represented four different Fourth Congressional Districts in Kentucky. That means that I have represented a vast number of counties in Kentucky at one time or another. It is no wonder that my friends have urged me to run for Governor or U.S. Senator. I have represented so many of our counties that I am well known.

After the redistricting of 1962 as a result of the census of 1960, Mr. Chairman, I found myself with a vast new territory. Sometimes I feel like an "Army brat." You know what an "Army brat" is? He is a son of a member of the Armed Forces who has transferred from one fort to another camp and from another camp to another fort, and by the time the poor youngster gets in school, learns his teachers, learns his playmates, his father is transferred to another camp, and the lad has to start all over again.

That is about the shape that I have been in over the years. Just as soon as I get to really know and love my new constituents, they are taken away from me. Bless them.

But be that as it may, when I had to finally be subjected to four hard, brutally costly races within a period of 2 years, then I thought it was time that somebody in Congress did something about this tenure of a 2-year term, because I dare say, my friends, that the time is coming when this will become a rich man's organization, a rich man's club, and there will be very few young men or women who can afford to run for the office. That was one of the things that caused me to introduce a bill and work my heart out and my head off.

You have heard me many times on this, my friends and my colleagues; I want to apologize for taking up this brief time but I think a 4-year term is good for the country.

The mechanics of this legislation will be difficult but not insurmountable. And in the final analysis I think they can be worked out to the betterment of good government and the best interests of the Nation rather than to its detriment.

If the chairman will be so kind, I will place my thoughts at length in the record at this point, and thank you very kindly for affording me an opportunity to be heard.

As I say again, Mr. Chairman, you are my very dear friend, and although I am sorry that we differ on this, I feel just as deeply about it as my friend does.

The CHAIRMAN. Your further statement may be included at this point in the record.

(The further statement of Mr. Chelf follows:)

Mr. Chairman and my colleagues, thank you for your kind invitation to say a few words about House Joint Resolution 394 which would increase the term of a Member of the House from 2 to 4 years.

Mr. Chairman, you do not have to undergo the great difficulties and financial sacrifices that the vast majority of the Members of the House are faced with every 2 years for reelection. Mr. Chairman, you are not just a Member of Congress—you are a household word—a hallmark—and you will continue to be removed from the "political heartaches" of the rest of us "until death do you part." Your announcing for reelection, Mr. Chairman, is all you need. Your people love you—know and appreciate you, and that is that.

In addition thereto, Mr. Chairman, you have sponsored and passed so much good liberal legislation for your fellow man such as civil rights, voters' rights, immigration and others that you have erected an endless, solid wall of magnificent monuments all to your everlasting and perpetual credit and memory. Therefore, in the case at hand, Mr. Chairman, one wee small footstone is all that I seek to indicate that I have merely passed along this now well-paved highway that is the result of your early pioneering and trailblazing.

The decision to sponsor this particular legislation grew out of my experience over a period of years in visiting my constituents, both in election years and in "off" years. Inevitably, it seemed the conversation revolved around the shortness of the 2-year term and I was frequently asked why we did not "do something" to lengthen it. Inasmuch as this question was put to me so often during my 20 years of service in the House, I finally determined that I would heed the advice of my people and try to do something about it. One Member advises me that a poll of his district shows that more than 80 percent of his people are for this bill. Consequently, I have worked diligently to prepare a resolution which would be acceptable to two-thirds of the Members of the House and which would gain the necessary support of the Senate.

There are many reasons why such a bill should be enacted. Here are a few:

(A) It would save the 50 States millions of dollars in unnecessary election costs.

(B) It would cut the personal campaign expenses of an individual Member. The campaign, coming as it does every other year, requires quite an outlay of funds which can create personal hardship for many of us who have closed our law offices or businesses in order to give top priority to the office of Representative of our people, devoting to it all of our time, energy, and ability.

(C) It would make it possible for a Member to devote himself completely to his duties instead of having to campaign so much of the time.

(D) It would help to reduce the pressures of the numerous pressure groups.

Mr. Chairman, before I introduced this legislation, I wrote to 433 Members of the House requesting them to give me their reaction and advice as to whether I should take such action. I am glad to tell you that out of 362 replies, 254 favor the amendment, 41 are against it, and 67 remain doubtful about it. Some of the doubtful ones indicated they would keep an open mind and would be inclined to favor some plan to increase the present term from

2 to 4 years. Many of those in favor of it expressed themselves as being "fervently," "overwhelmingly," "vehemently," or "emphatically" for it. One Member even used the expression that he was not only religiously and painstakingly for the legislation but that his wife was, too! My poll of the Senate reveals that two-thirds of that body are for this bill.

It is my information that a most recent Gallup poll conducted throughout the United States indicated that the American voters favor a 4-year term by approximately 3-to-1 ratio. This is the voice of the people making their views known.

Mr. Chairman, I am familiar with all of the antiquated arguments against this legislation. The paramount objection is based on the idea that the House Member should have to stand muster every 2 years so that he can remain close to the people.

This objection has been countered by the way in which my constitutional amendment has been drafted. It would stagger the total membership of the House of Representatives so that one-half of the number would have to run every 2 years along with one-third of the Senate. Never in history have the people been known to defeat anything near one-half of the total membership of the House of Representatives.

When the term of 2 years was set in the Constitutional Conventions, it was done for the purpose of requiring each House Member to go back home via horseback or stagecoach to visit his approximately 30,000 constituents often enough to keep in close touch with them. Today, Mr. Chairman, we are living in a different world. With our fast modes of transportation (auto, rails, jets) a Member of Congress can visit his 435,000 constituents often throughout the congressional session. Through the media of newspapers, telephone, telegraph, radio, television, and "teletar," he can remain in direct contact with his people and it is now a routine matter to maintain an easy and quick exchange of views. In addition to this, it has now been almost 190 years since our revolution and, therefore, the aftermath and suspicion of our young untried democracy have given way to a feeling of soundness, logic, and complete confidence in our system of representative government.

Through the years, many Members of Congress have made public statements in favor of a 4-year term. I would like to quote a few lines from a speech made in the U.S. Senate, January 20, 1959, by the Honorable Mike Mansfield. Among other things, he said: "I find that 170 years ago, there was no majority of opinion in favor of a 2-year term, and I feel that the supporting arguments for a 4-year term have advanced in this modern and more complex age." He also said: "A 4-year term would give * * * more time to legislative duties. Two years is by no means long enough for a Representative to learn his job, which is one of the most complicated, demanding, and responsible in the world." Senator Mansfield completed this particular speech by saying: "Campaign and election costs have grown steadily and there is no reason to think they will decrease. Good men may be discouraged from running for the House of Representatives because they feel they cannot afford it."

On April 2, 1965, an editorial appeared in The Courier-Journal, Louisville, Ky., entitled "Representative Chelf's Proposal for the Reform of Congress." I would like to quote the following excerpts from this editorial:

"Representative Frank Chelf's effort to increase the terms of Congressmen to 4 years deserves a better fate than its many predecessors have enjoyed. It is one of the basic reforms needed to make Congress a viable institution."

"Cynics will say the Lebanon Democrat and others who support him on this issue are merely trying to perpetuate themselves in office. This is hardly a valid criticism of the proposed constitutional amendment. The fact is that less than 100 of 435 Members of the House need worry seriously about reelection. For the vast majority, including Chelf, the semiannual election hula-baioo is a prodigious waste of time."

"Voters can swallow only so much electioneering. Many rural districts are quick to take pity on their Representatives. After they have proven themselves in two or three races, done the requisite number of favors for their constituents, and achieved a modicum of seniority, they tend to become institutions, unassailed by the winds of change, impervious to all but the most insistent demands of the voters."

"Senator Joseph S. Clark, Democrat, of Pennsylvania, summed it up nicely in his recent book, Congress: The Sapless Branch: '2 years is too short a term in which to represent effectively a congressional district. A newly elected Congress-

man has hardly warmed his seat before he must leave it to campaign * * *. And if he comes from a noncompetitive district he will remain a Representative for the rest of his political life. So what does it matter if he goes through the motions of getting reelected once every 4 years instead of every 2?"

Mr. Chairman, I realize that my House joint resolution is not a new idea. Bills of this nature have been introduced for many years. However, in making a conscientious and intensive study of all of the bills I was able to find on the subject, I came to the conclusion that they did not cover the situation adequately. As a result, I have tried to use the precise wording now in our Constitution which I felt would carry out the original intent and purpose of our intellectual and idealistic Founding Fathers when they conceived, drafted, and perfected this great document, especially their "modus operandi" with respect to the organization of the two Houses of Congress.

Mr. Chairman, again I want to express my deep appreciation for the courtesy shown me in allowing me to make these introductory remarks.

The CHAIRMAN. Thank you, Mr. Chelf.

The first witness this morning is the Honorable Jackson E. Betts, Representative from Ohio.

Mr. McCULLOCH. Mr. Chairman, could I say a word of welcome to Congressman Betts?

The CHAIRMAN. Surely.

Mr. McCULLOCH. Jack, I am very pleased to have you as a witness before the committee this morning.

Mr. Chairman and members of the committee, Jack Betts served as chairman of the Judiciary Committee of the Ohio House of Representatives longer than any man in the history of the State. And he was also one of the best, if not the best, chairman that ever served in that important position in Ohio.

In addition, he was Speaker of the Ohio House of Representatives before he came to Congress.

I am particularly pleased to have you before the committee this morning, Jack.

STATEMENT OF HON. JACKSON E. BETTS, A REPRESENTATIVE FROM THE STATE OF OHIO

Mr. BETTS. Thank you, Mr. Chairman, and thank you, Mr. McCulloch. I appreciate those kind remarks. And I would like to add that during the time I served as chairman of the Judiciary Committee, my distinguished colleague from Ohio, Mr. McCulloch, was Speaker of the House, and one of the greatest Ohio ever had. I do appreciate it.

Mr. Chairman, may I say that I was not expecting the distinction of being the first witness this morning. Just for this morning, then, I would make a few observations.

Ever since my good friend Frank Chelf proposed this 4-year term, I have attempted to make a study of it; and, as a result, I have come to the conclusion that the arguments are definitely against it, but I do want to say to the gentleman from Kentucky that I think he has done an admirable thing here in raising the issue, because I think it is fruitful to take a look at ourselves and reappraise, so to speak, our responsibilities as Members of the House.

In the second place, let me say, Mr. Chairman, that I want to associate myself with your remarks. Before I came here, I had the opportunity of reading your letter to the editor; I think it was in the New

York Tribune of January 22d, and I do think that you have hit upon the very great arguments that do exist in opposition to this proposal.

Now, I think that in our mad rush for more and more legislation and attempt to change over our form of government we overlook one of the basic concept of our constitutional form of government, and that is the theory of checks and balances.

As I read constitutional history, I think it is one of the great contributions we have made to political science—to Government. Checks and balances, I think, are the great obstacles that prevent any department or branch of government from running wild, so to speak. And when you take away this 2-year term and lodge the legislative responsibilities of the House in Members who have 4-year terms, I think you are removing this very important constitutional concept and contribution to government.

I think also, Mr. Chairman, that there is a tendency to move government away from the people. I think that the many programs that we have enacted here with increasing number of agencies and expansion of bureaucracies has a tendency to take government away from the people. And this is simply another expansion of that. That is one of the things that makes me most fearful of this proposal; that is, taking government away from the people.

I think you put it very aptly when you said that the present 2-year term keeps a Congressman where he should be—on his toes, by having him responsive to the people.

Now, I recall that in the President's message he mentioned the fact that 2-year terms tend to keep a Member of the House constantly politically minded and aware of the necessity of going back to his district and keeping in touch with people.

I want to share your conclusions, Mr. Chairman, that that is what we should do. I mean I think that is the job, the purpose of this branch, of the House.

Congressional observers, as I have noted over the years, have pinpointed the responsibility of the House, and I think one of the reasons that they have noted this extreme responsibility of the House, seriousness of House Members to legislative proposals, is the fact that they are more aware of the thinking of the people back home and the responsibility to their constituents; and I think that the 2-year term is the reason for that.

I am also fearful that in the drift toward centralized government—and I am not sure that this is too fanciful either—if this proposal passed, after consideration in the Senate, the next thing we might expect is 10-year terms for Senators and even 7-year terms for Presidents, and, to me, this is simply the beginning of a built-in Federal Establishment that could never be broken through.

I think that as we move on toward centralization, which apparently is the theme of our legislation today, that we have to keep one foot on solid ground, as near the people as possible and maintain our 2-year term for Representatives.

Mr. Chairman, that is all the observation I care to make this morning, except this; and I simply throw it out as a rhetorical question: I am wondering what position Sam Rayburn would take if he were here today and had to vote on this issue. As I read his speeches and

recall his remarks in which he expressed his deep devotion of the House because it was close to the people, I am sure that the statements made by the great former Speaker support this contention that we should keep the House close to the people and maintain a responsibility that comes only from our 2-year terms.

And for that reason, and in line with the statement that you made, Mr. Chairman, I wish to register my opposition to the formal proposal.

The CHAIRMAN. I take it you would agree that the tenure of office does not necessarily make for a good or a bad Congressman or effective or ineffective Congressman; the way to be an effective Congressman does not depend upon the tenure of office? Do I correctly understand you on that point?

Mr. BETTS. I agree with that 100 percent, Mr. Chairman.

The CHAIRMAN. And that if a man has dedication, devotion, integrity, and willingness to work, whether it is 2 years or 4 years or 6 years, he would be a good public servant?

Mr. BETTS. I consider it thus, Mr. Chairman.

The CHAIRMAN. We have had, have we not, some very, very outstanding Members of Congress who only served in the 2-year terms throughout our history, men like Clay and Webster and Lincoln, John Quincy Adams and Andrew Johnson and Rayburn and Rainey and Bankhead and Joe Martin, to name some of the Speakers; Longworth, and so forth. As far as I know, I have never heard or read a word from them that they wanted the extension of the term from 2 to 4 years.

Do you know anything to the contrary?

Mr. BETTS. No, sir. And I think your observations are timely. I had not thought of it in that way, except in the comment I made to the position that Sam Rayburn always took with respect to the House; and I think your observations are timely.

I actually remember the closeness they had to the people and the great Congressmen they were, and I think that closeness was brought about in a large way by the 2-year term.

The CHAIRMAN. With all due respect to the Members of the upper body and with all due respect for that body itself, do you think a 6-year term makes it a better public servant because it is 6 years?

Mr. BETTS. Well, of course that contains some philosophical observations, Mr. Chairman, that I think are beside the point as far as this proposal is concerned. I think that the 6-year term as distinguished from the 2-year term is part of our system of checks and balances. A 6-year term for Senators was intended to be a check on the changing whims of the people and that the 2-year term was a check on a sort of static thinking that might develop in those that have 6-year terms and might feel more stable and not responsive to the thinking of the people.

The CHAIRMAN. Is it not true that if there were an inefficient, worthless Congressman elected, the constituents in that district would have to suffer the "albatross around their neck" for a period of 4 years and could not get rid of them except at the end of the 4-year period?

Mr. BETTS. Oh, I do not think there is any question about that.

The CHAIRMAN. That is something you consider also, is it not?

Mr. BETTS. That is right.

In other words, what you are saying is that in the House of Representatives the people have a right to not only keep a good Congressman but to get rid of a bad one.

The CHAIRMAN. In my experience I remember two Members of the House who became insane. I do not want to mention their names, but their names are on the record; it could be found out. If the term was 4 years, we would have to have an insane Congressman for 4 years.

Mr. ASHMORE. Mr. Chairman, I would just like to observe that they may have become insane because they were worrying about the elections.

The CHAIRMAN. Any other questions?

Mr. HUNGATE. Mr. Chairman.

The CHAIRMAN. Mr. Hungate.

Mr. HUNGATE. I want to thank Mr. Betts for highlighting some important issues here, and I would like to inquire, and hope to develop this throughout, what percentage of the vote, for example, Mr. Betts, by what percentage, did you win in your last election in the fall, approximately?

Mr. BETTS. Sixty-one percent.

Mr. HUNGATE. Thank you, sir.

Mr. BETTS. Give or take 1 percent. I forget it.

Mr. HUNGATE. The absentees. I understand.

The CHAIRMAN. Mr. McClory.

Mr. McCLORY. Thank you, Mr. Chairman.

Mr. Chairman, I just want to say that the philosophical statements which the gentleman made certainly coincide with my own. I am wondering, in considering this broad subject of a 4-year term, however, that, if the 4-year term would commence during the midterm, not during the presidential election, the legislative branch would then become much more independent than it is under the present system. Is that not correct?

Mr. BETTS. I do not think that is the only point we should look to here, Mr. McClory. And I think that whatever argument you make, how many observations you make, we always get back to the conclusions of the Founding Fathers, as the chairmen set forth in his statement, that one branch of the Congress should be close to the people. And I do not think you are going to argue that philosophical position away by proposing a 4-year term beginning on the even years between presidential elections.

Mr. McCLORY. Well, the thing that strikes me—and I noticed this in the chairman's statement too—there were 82 Members who lost their races in the 1964 elections. Now, I just cannot believe that 82 Members were replaced because they were not responsive to the views and the wishes of their constituents. It seems to me that the principal factor in the loss of these 82 was the fact that they were running for election during the presidential year and their opponents went in on the President's coattails.

Now, if we had the election during the non-presidential-election year, the Members of the Congress would be running on their own merits and the voters would judge on the basis of the responsiveness of the Members, even though we would be providing the Members with 4-year terms.

Mr. BETTS. Well, I think that you are overlooking the fact there, Mr. McClory, that the people should have the right to express themselves by electing their Congressmen to try out a President in his first term, and then they have a right to express themselves through electing a Congressman 2 years later to voice their approval or disapproval of what the President had done.

And as I say, I do not think by proposing any other term of office or any other length that you can argue away the philosophical position that the House of Representatives should be responsive to the people. The only way you can do that is to have them elected every 2 years. To me, that is the overriding issue.

Mr. McCLORY. You would be equally opposed to a 4-year term where the terms began during the off year, the nonpresidential election?

Mr. BETTS. Yes, I would.

The CHAIRMAN. If you had a 4-year term for Representatives without a staggered election, would the Congress be a continuing body?

Mr. BETTS. I noticed you raised that point. Of course, that is debatable. But I think the argument is very much in favor of the position it would be, because that is the conclusion that has been reached as far as the Senate is concerned.

The CHAIRMAN. It has some very knotty problems posed for the first few years. If the President would be impeached—it is possible; I hope it will never arise, of course, impeachment—and what would happen if the 2 years roll around and then the new body, because you have already changed, is trying impeachment; in other words, the indictment or impeachment would be frequently occurring in one Congress, and then after half that Congress has been changed, you would have the hearing on the impeachment in the House. What will be the effect? I mean on the charge of the House. The hearing would be in the Senate. You see some of the knotty problems that would arise.

Mr. BETTS. I think, answering the question—

The CHAIRMAN. What about apportionment? Suppose a State tried to apportion a certain number of Congressmen in the scattered 4-year terms, election every 2 years, half every 2 years; they would be entitled to, say, 10 Members in the first part of the congressional 4 years, and then in the second part, after the decennial census, they are cut down by 2 or 3. What would happen then? Some have been elected running for 4 years. And yet the State is not entitled to the numbers which would include those elected for 4 years. What would be their fate?

Mr. BETTS. I believe your question poses the answer too. It is simply making more problems and more questions that would have to be solved.

Another thing, I would just like to add this one observation. In the years I have been here most of our laws have led to more complexity than simplicity. I think the questions you asked here simply indicate that this proposal too would add complexity to the situation rather than the simplicity which we have today.

Mr. ROGERS. Mr. Chairman.

The CHAIRMAN. Mr. Rogers.

Mr. ROGERS. As I understand, your chief objection is based upon the fact that we now have communications, television, radio, jet airplanes, and what not, that we could get to and from our districts in a hurry,

so to speak, and that it is essential that we keep in close touch with the people, because, as you quoted or made reference to the late Sam Rayburn, he always felt that the Members of the House of Representatives were those who represented the people because we, in the Constitution, said that all revenue-raising measures should arise in the House.

Now, since conditions have changed and communications and transportation have improved, what would you think of having an election once each year for the House of Representatives rather than two?

Mr. BETTS. Well, I think that is the other extreme. You can pose all sorts of questions here. I think you have to be reasonable about it, and I think maybe a 1-year term would be unreasonable. That would be my quick answer.

Mr. ROGERS. Would it not be likely that, if we had an election each year—

Mr. BETTS. Well, you are trying to say the means of modern communication have made it so simple to keep in touch with our constituents that it is just as easy to run for 1 year as 2 years. My answer to that is I am not in favor of a constituent being contacted by remote control.

Mr. ROGERS. All right. In that case—

Mr. BETTS. I think all of these methods of communication may be helpful, but I do not think they take the place of getting back to the district and meeting your constituents.

Mr. ROGERS. Now, by the years when you were contacted by your constituents by remote control, I assume you mean by the television, radio, and communications, and so forth?

Mr. BETTS. Yes.

Mr. ROGERS. Now, you and I know that in the last two campaigns we went through that Congress was in session up until October and your chances of getting back and shaking the hand of the man who sent you here was rather remote. In other words, what chance have you got, if you are staying down here and tending to your business with Congress in session, of having a good campaign at home? What are you going to do in that situation?

Because you and I know that a number of men during the first week of October 1964 took off, never even came back. Some stayed until we adjourned on the 14th.

Now, what about we who are sitting Members when our opponents are home campaigning? What is the answer to that?

Mr. BETTS. Well, I think what you worry about proves the point I made. I think personal contacts are the best communication you can have. And I regret the fact that sessions are so long that you cannot get back and campaign like you should.

Mr. ROGERS. Yes. Well, now, that leads to the next question: Is it proper and right for a Member of Congress to immediately leave the city of Washington and go to his district when he gets into a close campaigning and stay there and not be down here to vote?

Mr. BETTS. If I may respectfully say so, Mr. Rogers, I think that goes beyond the contemplation of arguments here on this issue. You are asking me what my personal opinion is, what a Congressman should do as far as campaigning is concerned.

Mr. ROGERS. No. What I am asking you is, unlike the situation as it was 10 or 15 years ago, when a hot campaign developed, you

could actually accomplish this at the same time; or almost 16 years ago. But you know and I know that, outside of one session in 1953, Congress has usually stayed in session until September and October. And you know and I know as a probable situation that any number of Members, whenever they get into hot campaigns, desert their duties here and return home to not campaign by remote control but by shaking the hand of the people who elect them.

Now, if that is the situation, should a man be condemned for doing it or should we proceed under the process that we have?

Mr. CHELF. Would the gentleman yield?

Mr. ROGERS. Just a moment, please.

Mr. BETTS. No, I would not condemn any Congressman for feeling he should answer to his people and know what their thinking is. Maybe one Congressman may have different ideas as to how they should contact their constituents and one Member thinks he should leave here and go home and do a better job in Congress for doing that; I am not going to criticize him.

I think probably the overriding intention is to find out what the people think back home and know how he can best answer to the people, and if he thinks he must leave early to do it rather than stay here on the job, that is a decision he himself has to make. And I just do not feel that I should criticize anybody that does it.

Mr. ROGERS. In other words, it becomes his own independent judgment?

Mr. BETTS. I think so.

Mr. CHELF. Will the gentleman yield?

Mr. ROGERS. I yield back to the chairman.

The CHAIRMAN. Mr. Chelf.

Mr. CHELF. Shortly after the untimely death of President Kennedy, when President Johnson became President, we were here on Christmas Day of 1963.

Mr. BETTS. Of course, that was not election year.

Mr. CHELF. We never did that before.

Mr. BETTS. That was not election year, of course.

Mr. CHELF. Fortunately. But it could have been.

Mr. RODINO. Would it not appear, though, if the term were longer, that there would be more opportunity for the Member to get back to his constituency, ascertain what they are thinking, communicate with them, and in that way obviate the necessity of having to leave when Congress is debating, in order to serve his own needs to be reelected?

Mr. BETTS. Well, I think the urge to contact your constituents is a part of the political animal, and I do not think it is going to change, whether it is 2 or 4 years.

Mr. RODINO. In other words, you do not believe that, if a Member has the opportunity to get back home in a 4-year period, you will say, more frequently than he might in a 2-year period, that that would serve the constituency better?

Mr. BETTS. No. That is the position I take, that I do not think it will.

Mr. RODINO. Thank you.

Mr. MOORE. Mr. Chairman.

The CHAIRMAN. Mr. Moore.

Mr. MOORE. May I inquire along that line?

It seems to me the major thrust behind the suggestion for the 4-year term was the fact we were not going to be better Congressmen back in our districts but we were going to be better Congressmen back here in Washington.

If I recall, the President's observation during his state of the Union message was that we were spending so much time back in our respective districts, and we were always so conscious of the fact of the next coming election, that it did not give us enough time to adequately undertake our legislative responsibilities here. It is rather strange that the question is one that can conveniently give us more time to prepare for the election, when actually the suggestion came from the President that it would give us more time to undertake our legislative duties under the proposed bill.

Mr. RODINO. That was not the tenor of my question. The tenor of my question was the need to remain here because we consider that to be more important, but that, if there were a 4-year term, that the Member could get back to the district as well. And I think that this is necessary, getting back to the district, getting the feel of the constituency, and at the same time fulfilling his obligation and responsibility as a legislator.

Mr. BETTS. Well, I think probably we overlook the fact that the issue here is not only one of being a good Congressman but it is also one of recognizing the right of the people to decide whether or not his views are truly representative of their position on the matters with which he must deal.

Mr. CORMAN. Mr. Chairman.

The CHAIRMAN. Mr. Corman.

Mr. CORMAN. The people who are elected may pull themselves up by their bootstraps, but the fact of the matter is we do not elect the President in the manner anticipated by the Founding Fathers, and we do not elect the Senators in the way prescribed by the Founding Fathers. And yet it seems to me that both of those changes have probably been for the better.

Will you agree with that so far as the President and the Senate?

Mr. BETTS. Yes. I agree with you; we should not use that as an example for everything, but I think that overall the Founding Fathers used pretty good judgment, and I would want strong arguments before I would change their decisions.

Mr. CORMAN. I would agree with you that the arguments should be pretty persuasive, but I would see that the elections of the President and Senators have drastically changed from the manner anticipated. I think probably it works for more representative government.

Now, you might argue that extending the present term does not necessarily do that. And there are other considerations that might outweigh the decision that was made in 1789, the decision that was made right now, depending upon what the factors are.

The CHAIRMAN. Mr. Jacobs.

Mr. JACOBS. Thank you, Mr. Chairman.

Mr. Betts, just a point of clarification. Did I understand you a while ago to say that it is your opinion that, regardless of whether there are 2- or 4-year terms, the nature of the man holding the office of

Congressman would cause him to maintain substantially the same contact with his own constituents?

Mr. BETTS. Well, I do not know that I said exactly that. What I meant to say was that I think basically a person who runs for political office usually maintains a desire to act according to the majority of his constituents. I think that that desire or inclination would exist whether or not it is a 2- or 4-year term.

Mr. JACOBS. Yes; I understand that. I appreciate your candor.

I have one additional question. As I understand, the average size of the ideal district is a little over 400,000, around 425,000. And on the question of direct contact with constituents as opposed to electronic contact or to meeting generally, in a given campaign with the Congress, perhaps in your own experience, if you have such a district so populated, what percentage of those people do you suppose a Representative in Congress actually has the physical opportunity to speak with meaningfully, more than just shaking hands with them?

Mr. BETTS. Probably not too many. But I think that his contacts in the district have a way of proliferating by word of mouth. And I think that is getting into some of the political angles that I do not know are too important here.

And I want to reiterate a position which I think is important. And I do not think we should stress too much here or take too seriously or too strongly a position as to whether or not it is good for the Congressman. I think the issue should be what is for the best interests of the people. Getting back and making contacts is something we do for our own benefit. But we should stress the advantage to the people we represent in being able to judge our work every 2 years.

Mr. JACOBS. I would only raise the point, Mr. Chairman, to indicate what I consider to be a rather tragic development in the very nature of the growing size of our country. When it becomes increasingly difficult to make personal contacts with constituents so that, whether you are in Washington, D.C., or travel all the way back to the district, it seems to me that the largest part of your contact is indeed through the public medium.

Mr. BETTS. Yes. Your question points up what, of course, is true in every issue here, that there is nothing black and white; we get into gray areas.

I think, though, on the overall, and as far as I am concerned, your arguments are in favor of the 2-year term. As I say, benefiting the Congressman is not the issue here; it is a question of whether or not it is helpful to the constituents back home.

Mr. JACOBS. Thank you very much.

The CHAIRMAN. Any other questions?

Mr. MACGREGOR. Yes, Mr. Chairman. Excuse me.

The CHAIRMAN. Yes.

Mr. MACGREGOR. Mr. Betts, at the risk of repeating something you may have said before I was present, it strikes me in Chairman Celler's statement that the comment about young people being denied the right to participate in any of our national elections—except possibly an election for a Senator that perhaps occurs in their State for the period of perhaps 3 or 3½ years before they become of voting age—is a point that deserves some consideration. Is this also a persuasive point with you?

Mr. BETTS. I would think so; yes, sir. I would say "Yes."

Mr. MACGREGOR. It seems to me that much of our effort, without regard to any partisan political feeling, is to encourage young people, as they move toward the age of 21 immediately upon attaining the voting age, or a lesser age if it would be permissible in the States in which they reside, to participate as early as possible in the voting for officeholders. It strikes me that this 4-year term would diminish the possibilities of attracting that interest at the earliest possible age.

Does it strike you that way?

Mr. BETTS. I think you are absolutely right. And that is one of the reasons, Mr. MacGregor, that I said at the outset that I associate myself with the remarks of the chairman.

Mr. POFF. Will my colleague yield?

Mr. MACGREGOR. I yield to the gentleman of Virginia.

Mr. POFF. I was present during the argument that my distinguished colleague on the committee had just made. But may I inquire rhetorically: Do you not think something should be done to enable young people to vote for President without waiting possibly for a period of 4 years?

Mr. BETTS. Was I supposed to answer that or Mr. MacGregor?

Mr. KING. He said it was rhetorical.

Mr. MACGREGOR. He let us all off the hook by saying it was a rhetorical question.

Thank you, Mr. Chairman.

The CHAIRMAN. Any other questions?

Thank you very much, Mr. Betts. We are very grateful to you for your contribution.

Mr. BETTS. Thank you, Mr. Chairman. Thank you, Mr. McCulloch.

The CHAIRMAN. The next witness is the Honorable John B. Anderson, Representative from Illinois. Mr. Anderson.

STATEMENT OF HON. JOHN B. ANDERSON, A REPRESENTATIVE FROM THE STATE OF ILLINOIS

Mr. ANDERSON. Mr. Chairman, members of the committee, there have been several references already this morning to the fact that a good Congressman ought to remain on his toes. So I do not know whether it is inappropriate to assume the sedentary posture before this committee or not, even though I agree with what the proposition of a 2-year term is apt to keep a Congressman in that position.

I have listened very carefully to the excellent statement that was presented at the outset by the distinguished chairman of this committee, so I feel there is a measure of redundancy in what I am going to say, because I do agree with the points that he made, and I will try to be brief.

The sustained applause that greeted President Johnson's statement concerning a 4-year term in the state of the Union message seemingly reflected a great deal of enthusiasm among members of the audience. It is the job of this committee, however, and one which I know they will do well, to act not in a burst of spontaneous enthusiasm but to weigh carefully the merits and the demerits of this proposal.

It is the job of this committee to sift the arguments pro and con—and they are many indeed—and then add the prestigious recommenda-

tion of the Judiciary Committee for or against this change in our Constitution.

I would begin by confessing that in assaying this proposal as an individual Member of Congress, I find much to recommend it—the avid security of a 4-year term, the lessening of the financial and, yes, the physical, burden of frequent campaigns are most appealing.

Obviously, however, we cannot decide this question on the mere basis of individual preference or personal convenience. It must, rather be weighed in the scales of public convenience and desirability, and the decision must be made after answering two fundamental questions. And they are—

(1) Will a 4-year term result in a more effective and efficient job by individual Members of Congress; and

(2) Will a 4-year term halt what almost every political scientist with few exceptions has in recent years referred to as the “erosion of legislative authority” in favor of the concentration of more power in the executive branch; or, stated somewhat differently, will a 4-year term reestablish the system of checks and balances which were such an important objective in the minds of the framers of our Constitution?

There are those, of course, who take the view that the present imbalance between the executive and legislative branches cannot be corrected, that it is an inevitable concomitant of our modern, urbanized, and industrialized society, beset as it is with recurring world crises.

One of these is Dr. James McGregor Burns, professor at Williams College and author of the recent work “The Crucible of Government.” He stated, and I quote:

Congress is already weakened. We live in an era of executive government, executive power. I feel that, no matter how you and I try to check executive power, we would not be successful. The old checks and balances have been eroded by modern developments, especially in foreign policy. I think executive leadership and presidential power are so necessary in managing vast modern governments that the old checks and balances just cannot work. Hence I rely on the quadrennial election.

And then he goes on to make some references to the fact that the reform ought to be not in the direction of fostering checks and balances but in strengthening the opposition party.

The CHAIRMAN. Pardon the interruption; was that book, speaking of that portion, speaking of the weakness of Congress; was that chapter or even the book written before the first session of this Congress?

Mr. ANDERSON. The book, as I understand it, was just published within the last few days. I do not know how much time was occupied by the author in writing it. Presumably, though, he was writing it during the 1st session of the 89th Congress.

The CHAIRMAN. And that session has been proclaimed as a highly successful session all over the country, has it not?

Mr. ANDERSON. Yes; there are those who would say that about the first session of this Congress.

Let me say, Mr. Chairman, that I think Professor Burns is wrong in his assumption that a system of checks and balances is outmoded in today's world. Indeed, quite to the contrary, I think that the very fact of the gradual accretion of enormous powers within the executive branch is the very reason why we should be careful to avoid steps

which would further compromise the capacity of the legislative branch for independent action.

It is my belief that election of the entire House of Representatives in presidential election years would diminish rather than increase that capacity. The coattailed-rider effect of a popular presidential candidate has been cited too often to need repeating here. It is, after all, the very reason for the so-called normal midterm losses that are usually sustained by the party in power, which were referred to a few minutes ago in the chairman's statement.

Congressmen who merely ride the coattails of a popular candidate are not going to help build the reputation of Congress as a co-equal branch of the Federal Government. The trend toward conformity with presidential wishes rather than exposing executive programs and policies to the fire of free and open debate will be accelerated. We need the dissenters within each of our two great parties. They are essential to the health of the Republican and the Democratic Parties.

Yet I have the feeling that, if candidates for Congress run only in the context of presidential elections, that the tendency will be to nominate and elect only those men who are identified as Eisenhower or Johnson men, just to cite two examples.

To be sure, I think that normally a congressional candidate can and should be for the man who is at the head of the ticket, and 99 times out of a 100 maybe he will be or maybe he will not be nominated and elected, but he should run as a representative of the people to the Congress and not as the subaltern of the man who commands first place on the ballot.

Now, there will be those who will disagree with my philosophy, but I think it is essential to the preservation, as I have said, of a system of checks and balances.

I referred just a minute ago to Professor Burns and his belief that it has already become too late, that the erosion in the system of checks and balances as ordained by the Founding Fathers has already carried away this important constitutional top soil. The same historian, it should be added, has already expressed concern over the enormous expansion of presidential power and the dearth of the continuous, forceful, and thorough opposition.

It is interesting, I think, and even significant to recall that the same historian only 7 years ago wrote a book entitled "The Deadlock of Democracy," and the main thesis of that book, if I understood it correctly, was a lament that differing points of view between the so-called presidential wing and congressional wing of a party could block implementation of a President's program.

It now seems—and the chairman would agree, from the remark that he made a minute ago—that democracy was not really suffering from the hammerlock that the professor thought it was. And as a member of the once powerful Rules Committee, who should recognize this any better than I?

This latter observation leads me to the final point that I would like to make to the committee today.

Congress as an institution can and should be improved. That presumably is why 20 years after the Legislative Reorganization Act of 1946 we now have a Joint Committee on the Organization of the Con-

gress. I personally hope that it will make some sweeping recommendations for both substantive and procedural change. We should at least await the outcome of the deliberations of that committee and test the effectiveness of its proscription for a more efficient and effective Congress before we amend the Constitution to provide for longer terms. Save in a single instance that I recall, amending the Constitution has proved to be a pretty irrevocable act.

The CHAIRMAN. Any questions?

Mr. HUNGATE. I want to thank Mr. Anderson for his clarity, as usual, and inquire: What percentage of the vote, approximately, would be your winning margin last time?

Mr. ANDERSON. Well, it was not nearly as good last time as it ordinarily would be, or I would like it to be. I think it was about 57 percent.

Mr. HUNGATE. 57 percent. And the preceding time it would have been approximately what?

Mr. ANDERSON. You embarrass me now. I will have to confess that it was 67 percent.

Mr. HUNGATE. I do not see how any Congressman could be embarrassed by that fact. But thank you.

Mr. MOORE. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Mr. MOORE. Mr. Chairman, the gentleman was testifying very strongly on the question of the complexity of the Congress, and its taking the same complexion and desire and wishes of the executive branch with the President. May I visit with you a few minutes along this line?

Do you not think that today, as we presently are operating under the 2-year term, that very often the situation in the House of Representatives is that the vote is taken, not on the issue at hand, but on whether or not the Members of the body are going to support their President of the United States?

Mr. ANDERSON. Yes.

Mr. MOORE. How do you get the objective wishes of the people expressed in the House of Representatives when that is constantly heard time and again in the chamber?

Mr. ANDERSON. Well, I think the gentleman is absolutely right, and that all too often the issue is framed in those terms.

And I read somewhere, I think just in this morning's newspaper, that the distinguished chairman of the Foreign Relations Committee in the other body, in conducting the hearings that are going on before his committee now, said he did not think it was the role of Congress merely to acquiesce, that there were matters on which the Congress ought to exercise independent judgment.

But all too often I think, as the gentleman points out, this is true, that in the past the clarion call has been sounded: We have got to support the President, irrespective of what may be good for the country or what you or the people you represent actually think.

Mr. MOORE. Well, then you would agree that oftentimes the wishes of the people are really not expressed by their Representatives, especially those who respond—and this has occurred in both parties—to that clarion call. How are you going to get this body, which is defended here today as being representative of the people, this body that is sup-

posed to be closer to the people, and the arguments that you have made and the arguments that our distinguished chairman has made, that you want to keep it so, when in actuality it is not so?

Mr. ANDERSON. I would answer the gentleman's question in perhaps a somewhat negative fashion by saying I do not think you will get it, I do not think you will accomplish that by electing a Congressman for 4-year terms in a presidential year.

Mr. MOORE. You do not believe that 4 years would create an atmosphere of independence from the executive branch today, as it is constructed today?

Mr. ANDERSON. No, I really do not.

Mr. MOORE. I thank you.

Mr. GRIDER. Will the gentleman yield?

The CHAIRMAN. Mr. Grider.

Mr. GRIDER. Mr. Chairman, I would like to express my thanks to Mr. Anderson and ask him if he does not think that it is just as frequent that the "clarion call" goes out to oppose the President simply for the sake of opposing him for a Republican?

Mr. ANDERSON. There is no question but that you can turn this coin over and you will find excessive partisanship present in both parties on both issues, Mr. Grider. I would be the first to admit that.

And this is not a question of trying to paint one party or the other as being lily white or pure in approaching things from the standpoint of what the issues should be rather than what somebody up above may want. I had not intended to create that impression.

Mr. GRIDER. Do you not think it is possible that sometimes it appears to the Republicans that we Democrats are merely supporting the President when as a matter of fact it just happened that the President is right and so are the Democrats?

Mr. ANDERSON. This, of course, is a matter for independent judgment, and you as an individual are certainly entitled to make it.

Mr. MOORE. Mr. Chairman, I think yesterday there was an expression of feeling of the House of Representatives when we voted 381 in favor of the GI bill of rights. There are times when we all go down the same path together.

But my point is that so often today the debate is removed from the issue at hand. It revolves around whether or not you are going to support the President of the United States. I have had my party leadership ask me and compel me and impel me to follow my President simply because he was of my party. I raise the question of whether or not you have truly, as the House is composed today, that closeness that we speak of when we refer to it as a body representative of the wishes of the people.

The CHAIRMAN. The Chair wishes to announce that we have permission to sit during general debate.

Mr. MATHIAS. Mr. Chairman.

The CHAIRMAN. Mr. Mathias.

Mr. MATHIAS. I would like to follow this line of thinking just a little bit further with the distinguished gentleman from Illinois and to admit all of the partisan considerations that have been discussed here by his colleagues.

But to carry it a little bit further—to the 4-year term—at least there is the opportunity for the courageous Member who rises above

the imperatives and the disciplines of a party organization to speak his mind and to reflect the thinking of his district as he perceives it. Of course, to take that decision of his own back to his people for their final judgment at 2-year intervals. If you remove that, would the gentleman from Illinois agree that we are creating a rigidity and an inflexibility which would be unparalleled among any of the great powers in the world today?

Mr. ANDERSON. Yes, I certainly would. And I would go on and say that I think, particularly today, given some of the problems that we face domestically and internationally, that there is real value in having a national referendum on some of the great issues that confront us and having that referendum conducted not in a context of all of the hoop-la and emotion and excitement of a national presidential campaign, but I think of having it a referendum conducted within each one of the 435 congressional districts of this country.

Mr. MATHIAS. I thank you.

Mr. McCLORY. Will the gentleman yield, Mr. Chairman?

Mr. MATHIAS. Yes.

The CHAIRMAN. Mr. McClory.

Mr. McCLORY. I want to commend my colleague who comes from the adjoining district to me in Illinois and to pursue with him the philosophical discussion which he has raised.

It seems to me that in the consideration of this proposed constitutional amendment we have at least three alternatives. One, of course, is to retain the system which we have now under which the congressional role has been eroding, as the gentleman says. We have the opportunity to pursue the program as delineated by the President, which, as the gentleman indicates, would further erode the congressional role and with which I am inclined to agree.

But then we have, in addition, the opportunity to provide for a 4-year term which is independent of the presidential election which would occur at the nonpresidential year, which, it seems to me, would enhance the congressional role or at least increase the independence of the Congress and to force the Congress from this business of coat-tail Congresses.

Of course, beyond that, if we consider the original proposal of Congressman Chelf, we would consider and recommend then 4-year terms which are unstaggered terms.

I realize that there are complications involved there, and you get part of one philosophy and part of another, but there are those alternatives.

I would like to inquire of the gentleman if he does not feel that providing for a 4-year term with the elections to occur in the non-presidential election years, would that not increase the independence of the Congress and fault the eroding or reverse the trend to which the gentleman referred?

Mr. ANDERSON. Well, I think you can make that argument, Mr. McClory. I can see, frankly, some disadvantages, however, to electing all 435 members in a nonpresidential year.

I think I would go back to what I said in the concluding paragraph of the statement which I gave a few moments ago, that I would be the first to concede that we need to take some steps, and maybe even some pretty sweeping and radical steps to improve the organization

and effectiveness of the Congress. But I would prefer to see what we can do with the committee now in existence and their recommendations before we take the pretty drastic step of amending the Constitution.

But with respect to the question, the particular question that you asked, I think it would obviate part of the objection that I have.

The CHAIRMAN. We hear so much about the so-called erosion in Congress. I have been in Congress a good many years. I do not think there is any erosion in Congress during the course of the 43 years I have been in Congress. I find that the powers of Congress have been strengthened, not weakened. Our position is far greater than it was when I first came in Congress.

I do not understand these arguments about the erosion of Congress.

Mr. ANDERSON. Mr. Chairman, you draw on a wealth of legislative experience that is vastly superior to my own. I have been here but 5 years, and you have been here for 42 or 43.

One thing, though, that to me illustrates some erosion is, it seems to me, most of the bills that we get nowadays do not really originate in Congress; they do not originate within our committees. They are written too often, I think, downtown in executive agencies and come up to the Hill and, sure, we make some changes here and there and tack something on and take something out, but there has been a loss of congressional initiative with respect to proposing legislation.

The CHAIRMAN. We always must get a message at the beginning of our session which relates to legislation and suggestions and bills to be offered. The mere fact that the executive communications are sent to the chairmen outlining some bills does not necessarily mean that the chairman or the committee should slavishly follow those suggestions. We do not also follow the executive communications.

I can give you any number of executive communications which are gathering dust in my desk. I do not pay any attention to them.

Mr. ANDERSON. I admire the chairman's forthright position. I think we disagree on the issue, and I think the political scientists are with me. As I say in my statement, I think most political scientists would agree there has been a loss of congressional authority, whether you call it erosion or use some other term.

Mr. McCLORY. I would like to ask one more question, if I may, Mr. Chairman. May I ask one more question, Mr. Chairman?

The CHAIRMAN. Yes, sir.

Mr. McCLORY. I am convinced that this committee must consider what should be done insofar as the benefit of the constituents, as far as the people in the Nation are concerned and not the individual wishes of the Members. I think it would be really an affront to suggest that the Members are going to recommend a constitutional proposal just for their personal convenience.

But what I am wondering is this. Do you not believe that, if there is 4-year terms, that there would be greater opportunity for service to constituents and the many personal requests and needs and requirements of the constituents; and do you not feel, further, that 4-year terms would provide greater opportunities for consideration of legislative proposals because of a smaller amount of time which would be involved in campaigns and the people could benefit from a 4-year term?

Mr. ANDERSON. No, Mr. McClory, frankly I do not. I think that human beings are human, and that those Members who are inclined to be a little bit slothful would continue in their sloth even if they had a longer term.

And maybe the added security; somebody said when we started this morning a 2-year term keeps a Member on his toes. Maybe if he had that long a time to relax in the security of his office, he might have less motivation to get out and get going.

So I am not at all persuaded that the longer term is going to bring all of these dividends of increased efficiency and devotion to duty, and so on, that you see.

Mr. HUTCHINSON. Mr. Chairman.

The CHAIRMAN. Mr. Hutchinson.

Mr. HUTCHINSON. I have one question, Mr. Chairman.

To follow up your response to Mr. McClory's question relative to a 4-year term starting in the presidential midterm, would not the gentleman on the witness stand agree that, if we keep in mind first the desirability of responsiveness of the people, that the people have as much right to elect a House in a presidential campaign as they have to elect one in the off year, and that it might be the people's will to send the landslide Congress as they did in 1964? And would not the proposal to elect them solely in the off years deny the people that right?

Mr. ANDERSON. In other words, to deprive them of the right to repent in leisure, having acted in haste?

Mr. HUTCHINSON. Well, the point is that they would never have an opportunity to elect a House with a President, and perhaps—I can think of many times in our history when that has been important.

Mr. ANDERSON. I think the gentleman's point is well taken, and I go back to what I said; I think in answer to Mr. Mathias, that I think a 2-year referendum on national issues is important.

The CHAIRMAN. Mr. McCulloch.

Mr. MCCULLOCH. Mr. Chairman, I, too, agree that there has been no great erosion of the powers of Congress within my time in Congress. I have served under four Presidents, which includes 8 years under a Republican President. The record will indicate that on occasion I chose not to follow the President of my party on an issue.

I would like to say for the record that this committee has not been downgraded in the eyes of those who have been studying what it has been doing in the last several years. The civil rights legislation in large part had its inception in this committee. The immigration and nationality law which was passed in the last session of Congress had its inception here.

Mr. CHELF. The gentleman is so right. It started from scratch within this committee.

Mr. MCCULLOCH. I thank the gentleman for that reminder and that help. I should like to say further for the record that we have had some strong recommendations on wiretapping from the executive department of the Government that we just have not seen fit to take up.

This very issue, 4-year terms for Members of the House, had its inception in this committee.

I can go further. The electoral college proposal was exploited and studied thoroughly by Lodge and Gossett from Texas some 10 or 12 years ago.

I would like to say for the record that the constitutional amendment on Presidential inability came from the Congress, not from the Chief Executive.

I would like to say that even before I came to Congress there was much antitrust legislation that had its inception here and on the other side of Capitol Hill.

And so on down the line. It was the Congress who submitted the legislation on narcotics, which needs attention so badly. I could go on and on.

For Members of Congress with courage, the Presidential pressure, when the chips are really down, is not nearly as important as one would be led to believe. The really important proposals that come before the Congress or are submitted by the Congress are invariably carefully considered.

MR. ANDERSON. Mr. Chairman, if I may respond to the very eloquent statement just made by the gentleman from Ohio, I certainly did not imply in my statement, I think, that Congress is quite the sapless branch that the gentleman, a Member of the other body, has implied, but some people think it is. But I would adhere to my original position that I think, at least in the minds of the public, there has been an erosion of congressional authority and influence. Maybe it stems from the anonymity that we now have.

A recent Gallup poll indicated that something like 57 percent of the people in this country did not even know who their Congressman was. Maybe that is part of our trouble. But I do not think any problems are going to be solved just by lengthening the term of office.

THE CHAIRMAN. Perhaps that impression about the erosion of Congress recalls, you know, the humor that existed in our land at the time of Mark Twain. I think it was Huckleberry Finn who speaks of the following: "Now as a Congressman, if you will pardon me, I repeat myself."

Then I remember being examined for jury duty, and one woman was asked, "Do you believe in capital punishment?" And she said, "All those Congressmen ought to be punished."

You read of all these jokes. So that Congress has always been the plot for all the satire, all the cartoons. Maybe that is the reason why we are held in this kind of esteem. But when the truth is told, as the gentleman from Ohio, Mr. McCulloch, indicated to us, maybe we can participate in some of these "faults."

Any other questions?

MR. MATHIAS. Mr. Chairman, may I pursue this one step further? This discussion has led itself, and very properly, to a consideration of the way Members conduct themselves in the House, the bases for their decision, their independence, their courage, the impartiality of their judgment on great issues. And I think this is all certainly to be considered when we are going into the organic structure of the House itself.

But there is a further thought here that I do not think we should forget. The gentleman from Illinois has mentioned it in his statement—that part of our governmental system involves a participation

by all of the American people in Government. A 2-year election to the House is an act of participation; it is an act almost as frequent as possible actually doing something about Government. It is a means of either indicating in advance or ratifying in retrospect the acts of the House. And this is, I think, an extremely important aspect of the 2-year congressional term.

The fact that you would remove this right from people might make the American people feel even more distant than they do today from the Halls of Government. And I think the gentleman has touched upon this in his statement, and I think it is a point that should be emphasized.

The CHAIRMAN. Any questions?

Otherwise, I want to express our gratitude to you, Mr. Anderson, for being a very fine witness.

Our next witness will be the Honorable Samuel L. Devine, from Ohio.

Mr. McCULLOCH. Mr. Chairman, without delaying the proceedings more than half a minute, I would like to say a word of greeting to the gentleman who is before us from that very excellent Ohio delegation. He got his apprenticeship through the Ohio House of Representatives, too. We are glad to have you with us, Sam.

STATEMENT OF HON. SAMUEL L. DEVINE, A REPRESENTATIVE FROM THE STATE OF OHIO

Mr. DEVINE. Thank you, Mr. Chairman, Mr. McCulloch.

Gentlemen, I have no prepared statement. I would say to you my name is Samuel Devine. I am a Member of Congress from the 12th District of Ohio, serving my 8th year in Congress, a candidate for reelection for the 5th term; I represent a district in excess of 800,000 in population.

And for the benefit of Mr. Hungate, my majorities have been from 55 to 68 percent.

Mr. HUNGATE. Thank you.

Mr. DEVINE. My remarks here I do not think are going to win me any popularity contest among my colleagues in the Congress, and I hope my remarks are taken in the proper sense.

I would say this to you, that, when the Congress was on display before the mass media of the United States on January 12 on the occasion of the President's state of the Union message, I was appalled, I was amazed, I was embarrassed by the spontaneous outburst by my colleagues, or some of my colleagues, displaying their unbridled enthusiasm for the President's suggestion of a 4-year term. It indicated to me that we in the Congress—and I am speaking in the editorial sense—were interested more in ourselves than in anything else.

The President's state of the Union message had many, many things in it, some things with which I disagree. But this particular item brought more response, more applause, more self-interest—not "Chelf" interest, but self-interest—than anything the President said. And I think the American people across the country were concerned about this.

I have had people on the streets say to me: "Is that all you fellows are interested in down there, perpetuating yourselves?"

I think we should take a good look at this issue, primarily because the Congress was not created for the convenience of its Members. The Congress is a clear demonstration of our representative form of government, in my opinion, and this is probably an oversimplification; it is my opinion that, in order for Members of the House to be responsive to the wishes of their constituents, they should be required to face their constituents each 2 years.

Now, there have been all kinds of suggestions about the benefits, the dividends in a 4-year term.

Well, No. 1, I do not know of any congressional office that has gone by default because it is not an attractive position because you have to run for 2 years.

No. 2, you do not have to run. But no office that I know of has gone by default over the years.

It does keep the Government closer to the people and the people closer to the Government. Every public speech I have made since I have been in the Congress, I have pointed out that the House of Representatives is the closest contact the people have with their National Government because the Members of the House must answer to the people every 2 years, while Senators every 6 years, and the President every 4.

In fact, some people have suggested, well, the President would be more responsive if he were required to run on a 2-year basis. And I, of course, do not take that seriously. But some people talk about that particular issue.

In all sincerity, from the political standpoint, I would be surprised if the U.S. Senate would approve this particular legislation for the very simple and again selfish reason that Members of the House would be in a position to run for one of those senatorial positions and, if they were not successful, would still be a Member of the House if it was in the middle of their 4-year term.

And finally, because I do not think cumulative testimony is going to add anything here, and particularly to my colleagues on the other side of the aisle, my good friends on the Democratic side, do you realize that, I think it is 30 out of our last 34 years the Democrats have——

The CHAIRMAN. I think the gentleman is in error on that; they would have to resign if they wanted to run for election, but they would not have to resign if they ran in the primary.

Mr. DEVINE. The final point I wish to make, and again direct this to my friends on the Democratic side of the aisle; I think it is 30 out of the last 34 years that the Congress of the United States has been in control of the Democratic Party. Well, now, if that is not responsive, I do not know why you would want to change it. [Laughter.]

That concludes my statement, Mr. Chairman, in case anyone might have any questions.

Mr. MOORE. If the gentleman will yield on that point, do you not think we ought to look at it and do something about it from the standpoint of our side of the aisle? The system is obviously wrong. [Laughter.]

Mr. CHELF. Mr. Chairman.

The CHAIRMAN. Mr. Chelf.

Mr. CHELF. When the gentleman spoke a moment ago about a Member of the House having the right or having the privilege of running

against the U.S. Senator, I would call to his attention section 4 that I deliberately placed in the bill.

Section 4 reads—and it is very short :

A Member of the House of Representatives shall not seek or accept the nomination or election * * *—

And that covers the waterfront ; that is the primary and the general ; I go further than the President—

* * * to any elective office other than the U.S. Representative during his term of office when a vacancy occurs in another elective office during his term. Otherwise the Representative shall submit his resignation as a Member of the House of Representatives prior to seeking or accepting the nomination or election to any such other elective office.

In other words, that would prevent a Member of Congress from campaigning for mayor of New York or mayor of Los Angeles or any place else. He would stay here and take care of his knitting, to which he was elected for the 4-year term.

Mr. DEVINE. That is provided in your particular legislation ?

Mr. CHIEF. Would not seek or accept the nomination or election.

Mr. SENNER. Mr. Chairman, if I may, I think in most States it is the primary election, and the general election is the actual elective office.

Mr. HUNGATE. Will the gentleman yield? May I inquire, please?

The CHAIRMAN. Mr. HUNGATE.

Mr. HUNGATE. In what year was the 55-percent which you gave?

Mr. DEVINE. 1964.

Mr. HUNGATE. This past election?

Mr. DEVINE. Yes. I think it was pretty close to that in 1958.

Mr. HUNGATE. And the other years it was running up closer to 60 or 67?

Mr. DEVINE. Sixty-eight; that is right.

Mr. HUNGATE. We made reference to the rules and procedures of the House, and we are acquainted with the seniority system. Would you think that perhaps the seniority system we now employ would perhaps penalize marginal districts? It is conceivable that on occasion they might send very capable young men, equally as capable as men who were there for years, but under the seniority system the marginal district would never truly realize full power, would it, under our present seniority system?

Mr. DEVINE. Well, that possibility, of course, does exist. But we must rely on the wisdom of the constituency in each of our individual districts.

Mr. HUNGATE. In making them safe?

Mr. DEVINE. That is right.

The CHAIRMAN. Any further questions?

Hearing no requests, we are grateful, Mr. Devine, for your appearance this morning.

Mr. DEVINE. Thank you, Mr. Chairman.

The CHAIRMAN. Our next witness is Hon. Barber B. Conable, Jr.

Mr. CONABLE. Thank you, Mr. Chairman, but I believe there is a senior Member present.

The CHAIRMAN. All right, if you do not mind, I will be glad to hear from the gentleman from California.

Mr. TALCOTT. Mr. Chairman, gentleman of the committee, I am Burt Talcott, U.S. Congressman from the 12th District of California.

I have a prepared statement of which I would like to read a part. Much of this has been covered by the preceding witnesses. I have one suggestion I would like to make, which has been—

The CHAIRMAN. Go ahead.

STATEMENT OF HON. BURT L. TALCOTT, REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. TALCOTT. Mr. Chairman, I appreciate the invitation to appear during your consideration of the bills to extend the term of Representatives in Congress.

The President has revived the old idea of extending the term of Representatives in Congress from 2 to 4 years, with a special dangerous suggestion that their terms be coterminous with the term of the President.

Proponents of this idea claim a desire to reduce the escalating campaign costs in time, money, and energy of the incumbent, the opposing candidate, and their supporters. They also argue that "less campaigning will permit more time for legislating."

Our Founding Fathers, the greatest aggregation of political scientists ever assembled, acting from vivid experiences under European tyranny, established a bicameral Federal Legislature—6-year terms for Senators to provide continuity and 2-year terms for Representatives to provide responsiveness to the people.

Today continuity is doubly insured. More than 150 Congressmen are reelected each election year without a real contest; 169 Congressmen are serving their sixth 2-year term—12 years—or more; 239 are serving their fourth term—8 years—or more; only 5 Senators, but 25 Representatives, have served since before our entry into World War II.

Responsiveness to the constituency is the ingredient which needs attention and preservation.

Unquestionably too much time, energy, talent, and money of incumbents, candidates, and supporters are wasted during campaigns—and too much time and energy is diverted from proper legislative functions. This problem can be solved in a better way than that suggested by the President. So far as I know, my proposal is novel.

I propose that the time between the primary and general elections be drastically shortened. If, for instance, primary elections were held on the first Tuesday after the second Monday in September, the enormous costs of campaigns and elections—and the exacerbation of fellow citizens—could be greatly reduced and yet the vital responsiveness of Representatives, insured only by short terms, could be preserved.

If a candidate cannot sell himself or his ideas in 45 days, he should quit and try again later. Such telescoping of "campaign time" would permit proportionately more "legislative time."

Long, protracted campaigns—from before March to early November—more than 9 months—are enormously wasteful of the time, talent, energy, and funds of a large and growing segment of our society—as well as of the candidates. The shortening of the time of all campaigns by 4 months or one-half would be more effective than reducing the

number of campaigns of Congressmen by one-half. Reduction of campaign time would benefit all campaigns—local, State, and Federal—and thereby permit enormous multiple savings.

Campaigns per se are not wasteful or detrimental to the legislative process. Only extended campaigns are unnecessary and bad. Short campaigns are beneficial to a legislator and to the constituency—affording an opportunity to exchange views and “size up” each other. It should help more than hinder the legislative process—and improve the caliber of representation—for every incumbent legislator to face an able opponent and a bona fide campaign every 2 years.

I respectfully suggest that we sort out and pinpoint the real problem—the actual defects. Let us make certain that our diagnosis is correct. Let us not confuse the issues or wrongly diagnose the ailment of the patient.

Before we anesthetize the American public into believing the President's political scheme for severing one of the important constitutional checks and balances, will benefit the Republic as well as strengthen the Presidency, we should fully explore other proposals and evaluate the consequences of each.

Restoring an essential constitutional provision after it is removed by amendment is as difficult as restoring an amputated leg. Let us not hastily or negligently amputate the wrong leg before sundown just because the patient appears to limp a little in the morning.

The ailment seems to be in the political campaigns—their length, their methods, their techniques, their standards, and so forth—not in the terms of office of the Federal legislators.

For almost 9 months of every other year—three-eighths of our time—the U.S. citizenry is buffeted and bombarded into near insensibility by political campaigns. This prolonged exacerbation of the electorate is immeasurably detrimental. A good game for nine innings, a good debate for a few hours, or a good race for 2 furlongs, could be entertaining, educational, or exhilarating—but the prolongation of these delightful activities for days, weeks, and months would be boring and repugnant. So with political debate and campaigning.

With the marvelous facilities of mass communication, long campaigns are not necessary to present a candidate, his views, and his platform satisfactorily. But the very miracle of vast, comprehensive “in depth” exposure by the communications media, bores, and satiates the electorate after weeks and months of repetition.

Protracted, elongated campaigns degrade rather than upgrade politics and the electoral process.

The exacerbation of the populace by protracted political campaigns contributes considerably to campaign abuses and election law violations. Illegal and excessive spending occurs more often in long campaigns. Smearing, libel, misrepresentations, and deceit escalate in almost direct proportion to the extension of campaigns past 45 days. Bitterness and recriminations increase in intensity and persistence with long campaigns.

We need full debate and deliberation of the issues and thorough presentation of the candidates and their views—but we also need to return to normalcy, cooperation, and teamwork as soon as the election returns are counted. The longer the campaign, the more difficult it is

to return to normal and to a respectful and cooperative effort with campaign opponents.

There must be dozens of valid reasons why almost all political campaigns should be shortened.

The principal deterrents to the changing of primary election dates to mid-September, are the election and voter registration officials who claim insurmountable mechanical and personnel problems in tabulating primary returns and preparing for the general election within such a short period of time. But new techniques and procedures, automated election equipment, and more efficient use of personnel can easily solve the problems imagined by election and voter registration officials. The mechanical difficulties which now may loom large to election officials must be solved because the much larger and higher interests of the electorate must be served. As other agencies and governmental offices have modernized to cope with changing conditions and needs, I am confident that election officials can develop the necessary procedures to permit the election process to serve the electorate best.

This issue demonstrates the need for local, State, Federal cooperation in solving governmental and political problems. Elections are primarily State responsibilities. State and local officials should, and must, contribute to the dialog and to the solution of this Federal issue concerning the terms of office for Representatives in Congress.

I therefore urge this committee and each Member of Congress to take a broader look, to study this issue comprehensively and thoroughly, to consider the many advantages of reducing the campaign time rather than reducing the number of campaigns, and to place the best interest of responsive legislation, our peerless Federal system of government, the electorate, the general citizenry, and our Republic, above the self-interest of incumbents and their campaign organizations and supporters.

I urge this committee and each Member of Congress to use his influence with the State and local officials in his State and district to shorten the time between primary and general elections. This proposal will do more than the proposal of the President to improve our political and legislative processes.

The President's suggestion to make the terms of Congressmen coterminous with the term of the President is especially devious and dangerous. His argument—that it would be unfair for half of the Representatives to be able to run with the President and the other half to be required to run between presidential elections—is specious.

In 35 States members of the State senate have terms the same as the Governor's.

In 17 States members of the State house have terms the same as the Governor's.

In 10 States members of both the house and the senate have terms the same as the Governor's.

In only four States, Alabama, Louisiana, Maryland, and Mississippi, the State representatives have 4-year terms the same as their Governor.

There have been some recent actions by the State electorate concerning this issue. In New York, the legislature in 1965 approved legislation to increase the terms of members of both houses from 2 to 4 years. In a statewide referendum, the people rejected this proposal. I think the Governor did not propose the legislation.

In Texas, in the November 1965 elections, the people in a referendum rejected a proposal to extend the term of the Governor and members of the State house of representatives from 2 to 4 years.

In Virginia there is a similar proposition under consideration at this time.

In the interest of brevity, Mr. Chairman, I would like to submit the rest of my statement without reading it further.

The CHAIRMAN. That may be done.

(The remaining text of Mr. Talcott's prepared statement follows:)

In Virginia, a resolution to amend the State constitution to grant 4-year terms to members of the house of delegates (lower house) is now pending before the general assembly (the State legislature). This measure originated in the general assembly and was not suggested by the Governor.

The only purpose for the coterminous terms is to further subordinate the legislative branch of the Federal Government to the domination of the Presidency. Already we have drifted or have been guided too far toward executive control and Presidential dictatorship. The legislative and executive branches, with the judicial, were constitutionally ordained to be, and should be kept, strong but coequal. If Presidential proposals for legislation are valid and meritorious, approval can be obtained by debate, deliberation, and majority vote without political manipulation or boss politics.

Such coterminous terms would encourage "coattail" and "me too" campaigns. Such campaigns would result in rubberstamp or Xerox Congresses, slowly but certainly destroying the independence and responsiveness of the legislature. A logical extension of this proposal would lead inexorably to an impotent Congress. Eventually a separate election for President and Congress would not be necessary. Perhaps the next step would be a constitutional amendment requiring all State gubernatorial and State legislative elections to be held concurrently with the presidential election.

The Governor and President should run for their respective chief executive offices and the individual legislator should run for his own office. The offices are different—the campaigns should be different and disassociated.

We should discourage coattailing rather than invite a practice which degrades legislators and diminishes the legislative function.

Thank you very much for your attention and consideration of my views.

The CHAIRMAN. Any questions?

Mr. CORMAN. Mr. Chairman.

The CHAIRMAN. Mr. Corman.

Mr. CORMAN. I think, Congressman, you suggested short campaigns. Do you anticipate doing the things without the opponents? Campaign for 2 years. I assume that the Government should not do anything to prohibit short campaigns. But how do you do that?

Mr. TALCOTT. I have made my suggestion, which I think is a proper one and an effective one, but—

Mr. CORMAN. Well, you are suggesting if you change the time for holding the primary, that has nothing to do with an opponent running for the full 2 years against an incumbent in Congress. You would not propose we do anything to inhibit him, would you?

Mr. TALCOTT. No, that would not be necessary. I think that potential candidates might be campaigning in the way that you are now suggesting for 6, 7, 10 years, preparing themselves for public service, even preparing themselves for a particular office and maybe actually doing the things that many politicians often do—talking to service clubs, joining organizations, and this sort of thing—for a long time before. But if we shorten the time between the primary and general election to 45 days, this will inhibit the expenditure of considerable time and money not only by the candidate himself but by his supporters. They just would not be as interested in organizing or ac-

tively carrying out a campaign for 16 months or 9 months before the election.

Mr. CORMAN. I would suggest that that depends upon the circumstances rather than on the dates of the holding of primary elections.

But I would assume from your concluding remarks that you still feel this is a matter which should be left to the States and not reserved to the Federal Government, the date of the primaries?

Mr. TALCOTT. That is right.

Mr. CORMAN. Thank you.

Mr. TALCOTT. But the reason I mention it here is because you Members, in the consideration of this problem by this committee, can have a great deal of influence on what is done in the State election offices to help solve the basic problem.

Mr. HUNGATE. May I inquire, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. HUNGATE. I would like to ask my usual questions. Your winning percentage in this past election, Congressman, approximately?

Mr. TALCOTT. I think it was about 62 percent.

Mr. HUNGATE. And prior to that, say, 1962, would you recall that percentage?

Mr. TALCOTT. Sixty, I think.

Mr. HUNGATE. Sixty. Thank you, sir.

Mr. SENNER. Mr. Chairman.

The CHAIRMAN. Mr. Senner.

Mr. SENNER. I think the point has not been made—and I do not know; I do not have the figures on it—but it is not a trend for State officials and offices recently in Arizona, the county officials, to go to a 4-year term?

Mr. TALCOTT. I have done a little research, and Arizona is the only State I know of that has increased terms of local offices from 2 to 4 years; although there are other States, I think four—including Nebraska—which have changed the terms of the Governor from 2 to 4 years. I think one State attempted to change the term of Representatives in the State from 2 to 4 years.

Mr. SENNER. But if this is a trend and is starting to be followed in the States, you cannot see the problem of the Congressmen being the only elected official and the difficulty of getting constituents to come out to the polls on election day to cast their preference?

Mr. TALCOTT. I think it is not a trend. I think the few instances in which it has occurred are not a trend. I cited only two instances I know where the electorate themselves spoke on this subject, and in each case they resisted, defeated the proposal to lengthen the terms.

Mr. SENNER. Let us say this was in a State where everybody had a 4-year term, the Congressmen were the only ones running; can you see problems or difficulties there with the Congressmen in getting the people to the polls?

Mr. TALCOTT. There might be a problem for the Congressmen, but I still believe it would be the desire of the constituency to back or reject the Congressmen every 2 years.

Mr. SENNER. Of course, you realize that the constituency sometimes goes to the polls to cast a vote in favor of their brother-in-law who is running for sheriff and justice of the peace and as a consequence will also mark the ballot for Congressmen.

Mr. TALCOTT. It would seem strange to me that in Arizona they would have only one election every 4 years, and that all local, State, and Federal officials would be elected every 4 years. In California it is to the contrary. We have some elections every year—school board elections, school bond elections, local elections, or State and Federal elections.

Mr. SENNER. Of course the Congressmen are not involved there.

Mr. CORMAN. Recall elections?

Mr. TALCOTT. Well, I do not know of any recall elections for Congressmen.

Mr. SENNER. I mean if the Congressmen are required to run in all those elections you are talking about.

Mr. TALCOTT. No, but he would have an opportunity to run along with his brother-in-law and everybody else at one of the elections, if that were vital.

Mr. SENNER. Thank you.

The CHAIRMAN. I thank you very, very much, Mr. Talcott.

Mr. TALCOTT. Thank you, Mr. Chairman.

The next witness is the Honorable Barber B. Conable, Jr., from New York.

STATEMENT OF HON. BARBER B. CONABLE, JR., REPRESENTATIVE FROM THE STATE OF NEW YORK

Mr. CONABLE. Mr. Chairman, members of the committee, I would like to express my gratitude to those of you who have had the patience to wait until the very last speaker.

I have some penciled notes that permit of some telescoping; I will try to do that to the extent possible.

The American people are increasingly sympathetic to those who seek job security, but this quest has no place in representative government. The House of Representatives is the only representative part of our sprawling Federal establishment. It should not be made less responsive unless there is a crisis of representation resulting from the difficulty of attracting good candidates under present conditions.

I personally believe that nowadays a plethora of good candidates is more typical of the average constituency than is a dearth of good candidates. The argument is made that only wealthy people can afford to run for Congress under present conditions, because of the expense of frequent elections.

The President has called for a review of election laws with an eye to better control of procedures and financial limitations respecting candidacy of or for office. This is the right approach to the problem of election expense rather than reducing the number of elections.

I am not even sure, parenthetically, that a longer term would reduce election expense substantially. Actually doubling the length of the term would not halve the expense, because a candidate could easily feel justified in making a larger expenditure to secure a longer job.

The argument that the 2-year term keeps Congressmen campaigning constantly is not really an argument for a 4-year term. A Representative should seek to mirror the concerns of his constituency. Good representation is the creature of good dialog. And the dialog of representation is not encouraged by contemplative seclusion.

I hasten to add that even in a 4-year term I do not believe our condition is likely to be one of contemplative seclusion except in a relative sense. But for the first 2 years of a 4-year term those poorly represented have no remedy if the dialog of representation drops to a whisper.

The proposal before us is a 4-year term concurrent with the Presidency. You, Mr. Chairman, have delt with the issue of the loss of independence, which possibly could result, fairly and fully. Such an arrangement would mean a Congressman would never run for office except on the coattails of the Chief Executive. It is good for the caliber of men in Congress and for the country that at least every other election we have to run on our own record, on our own two feet, and not as part of a national ticket.

Mr. Chairman, I am glad the American people are going to have a chance to give a vote of confidence or a vote of warning to this administration. I would say this regardless of who was President. The American people are swept by changing moods, and they should have a frequent chance to express these changing moods if they are to remain in friendly contact with their Government.

Politicians hear the noise of balloting more clearly than they hear the noise of the scratching pen or the clamor of noisy citizens engaging in oral protests. Elections are for us the facts of life, and they should be.

There are those who feel, quixotically, I think, that the legislature should be composed of philosopher kings rather than those who accurately reflect the concerns of the people. This is why we have a Senate composed of men elected for a 6-year term.

Washington called the Senate a saucer into which popular passions are poured to cool. The House is intended to be responsive. Thus the legislative branch is itself a compromise, a balance which should be changed only by a clear showing that the quality of government is in jeopardy.

Thank you, Mr. Chairman.

The CHAIRMAN. Any questions?

Mr. HUNGATE. Yes, please, might I ask the usual question?

Mr. CONABLE. Fifty-four percent.

Mr. HUNGATE. Fifty-four?

Mr. CONABLE. Yes, sir.

Mr. HUNGATE. And the preceding time, please?

Mr. CONABLE. I am a freshman. Did you not notice I am the last witness?

Mr. HUNGATE. I regret that.

Now, the presidential coattail theory we voted down, that would not necessarily have held true in Alabama in the last election, would it?

Mr. CONABLE. No. But I think it entirely possible that the congressional elections in Alabama reflected also the candidacy of the President and his opposition.

Mr. HUNGATE. Thank you.

The CHAIRMAN. Thank you very much, Mr. Conable.

And I want to conclude the hearings this morning. They will be continued next Tuesday at 10:30 a.m.

(Whereupon, at 12:35 p.m., the committee recessed, to be reconvened at 10:30 a.m., Tuesday, February 15, 1966.)

CONGRESSIONAL TENURE OF OFFICE

TUESDAY, FEBRUARY 15, 1966

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The committee met, pursuant to adjournment, at 10 a.m., in room 2141, Rayburn Building, Hon. Emanuel Celler (chairman) presiding.

Present: Representatives Celler, Chelf, Rogers, Whitener, Kastemeier, Gilbert, Hungate, Tenzer, Jacobs, Poff, MacGregor, Mathias, Hutchinson, and McClory.

Also present: William R. Foley, general counsel; Martin Hoffmann, associate counsel.

The CHAIRMAN. The committee will come to order.

We are here this morning to consider further various bills in connection with the extension of the tenure of office of Members of the Lower House from 2 to 4 or 3 years, and our witness this morning is our distinguished Attorney General, Mr. Katzenbach, who is very familiar with these surroundings, and we are very happy to have him.

I am sure he is going to make a very telling contribution, although he may be subject to questioning, and I am sure he relishes that.

We will now hear from Mr. Katzenbach.

STATEMENT OF HON. NICHOLAS deB. KATZENBACH, ATTORNEY GENERAL OF THE UNITED STATES

Mr. KATZENBACH. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee, I am pleased to have this opportunity to discuss the proposed constitutional changes to extend the term of office for Members of the House of Representatives to 4 years. I strongly favor H.J. Res. 807, the measure embodying President Johnson's recommendations on the subject as set forth in his special message to the Congress last month.

Amending the Constitution is a step to be taken only when the need is compelling and when other alternatives are not open. I believe this to be the case for the constitutional provision limiting the term of Members of the House to 2 years. It is out of keeping with the times and it has impeded the institutional development of the House of Representatives to the detriment not only of the House itself but the country.

The need for a 4-year term:

Criticism of the 2-year term for Representatives is not new. In the Constitutional Convention the debate turned on whether to provide a 1-year or 3-year term.

Madison argued that the longer term was needed "in a government so extensive, for Members to form any knowledge of the States to which they did not belong," and that without such knowledge "their trust could not be usefully discharged." That is from Records of the Federal Convention, Farrand Edition, volume 1, page 361.

Madison, predicting that a 1-year term would be "almost consumed in preparing for and traveling to and from the seat of national business," said that a 2-year term was scarcely an improvement since none of the representatives "who wished to be reelected would remain at the seat of government."

Hamilton agreed. It was his view that a 3-year term was to be preferred because, "Frequency of elections tended to make people listless to them; and to facilitate the success of little cabals. * * *" "This evil," he observed, "was complained of in all the States."

The proponents of the 1-year term were influenced by two factors: First, in colonial days, the annual election of the popular assembly had been the only check against the Royal Governors. Second, in 1716 the British Parliament had changed the term of its members from 2 to 7 years in order to defeat the popular will. The 2-year term emerged as a compromise.

The 2-year term may have been a sensible compromise in 1789. The volume of Federal legislation in the House was not great, sessions were relatively short, the problems before Congress were not particularly complex, and the costs and other incidents of election campaigns were not such a strain.

But now the legislative volume facing Members of the House has skyrocketed. In the First Congress 142 bills were introduced, and 108 public laws enacted. In the 88th Congress, 15,299 bills were introduced and 666 public laws were enacted.

In addition, each Congressman answers thousands of letters, attends numerous legislative meetings, drafts legislation, writes reports, and prepares for debates.

In recent years the urgency and complexity of current national and international problems has produced much longer sessions of Congress. As the President observed in his recent message:

Congress adjourned in April of 1904, June of 1906, May of 1908, and June of 1910. But increasing workloads have substantially extended the sessions. Thus it was in August of 1958 that Congress concluded its work, in September of 1960, October of 1962, and again in October of 1964.

In the first five Congresses of this century Members sat for an average of 314 days; the average for each of the last five Congresses was 582 days.

It is increasingly difficult for a Member of the House to consider meaningfully the volume of present-day legislation in Washington and also to devote the necessary time to frequent primary and general campaigns for reelection at home. Either his work or his chances of reelection suffer.

The nature of congressional problems has also undergone a radical change. Representatives today are faced with a whole spectrum of complex and diverse issues flowing from advanced technology, growing population, and international commitments. They range from the problems of crime to the strategy of nuclear defense, from outer space

to school construction, from rural highways to urban housing, from civil rights to international health.

This volume, complexity, and diversity make it difficult even for a veteran Member to be its master. How much are these difficulties magnified for a freshman Congressman—and each Congress has a substantial complement of new Members.

For example, according to Congressional Directories, in the 1st sessions, there were 83 freshmen Members in the House in the 89th Congress, 66 in the 88th Congress, 75 in the 87th Congress, and 79 in the 86th Congress.

As soon as a new Member begins to master the not inconsiderable mechanics of how the House operates, he comes up for reelection. He must disengage himself to wage a new campaign. The cycle is self-generating and almost self-perpetuating. Mr. X, who has just been elected, is replaced by Mr. Y who has no more experience than his predecessor and yet is faced with precisely the same problems.

Here we can do no better than to recall the words of James Bryce, the perceptive English student of American life. Bryce, speaking in 1893, said that the Congressman's tenure of office was so short that he could "seldom feel safe in the saddle." This was most unfortunate, Bryce thought, since "There are few walks of life in which experience counts for more than it does in parliamentary politics."

No one would expect a business to operate in such a systematically uncertain manner. Why should Government? Sound management is hardly assured when our Representatives know in advance that their days may be numbered, that they do not even have 2 unencumbered years until the next election, but only until the next election campaign begins.

Just as business or any responsible enterprise looks to qualified managers with a long-range, creative outlook, so too should the Government.

Another important factor is the expense of election campaigns. Their great and steadily rising costs have priced many worthy candidates out of a political career. The frequency of campaigning severely aggravates the problem.

Asking a man to run every 2 years may well mean he has to spend more on his campaign than he receives for serving in Congress. While wide divergencies exist in campaign expenditures, they are reported to run as high as \$30,000, and in some cases as much as \$60,000.

This is a situation which makes candidacy difficult for men who are highly qualified but who have family responsibilities and limited resources. The choice often is either to forgo serving in the House or to become obligated to large financial contributors. Obviously this kind of situation increases the danger of being unduly influenced by special interest groups. The choice is not one the Nation should ask candidates to make.

There are other disadvantages to the 2-year term. It deprives new Members of any real opportunity for showing their true caliber as legislators. The personal frustration is accompanied by an inability to stand on a record which makes them worthy of reelection. This is not fair to the Congressman or his constituents. With a 4-year term, a House Member has a greater interest and incentive for establishing

his own identity separate from the President's, and a better opportunity for doing this.

In short, as the President said in his special message:

We have learned that brief and uncertain periods in office contribute—not to the best interests of democracy—but to harassed inefficiency and the loss of invaluable experience.

However necessary we regard the 4-year term to be, the question remains whether it should be concurrent with that of the President's term.

President Eisenhower came to the same conclusion that President Johnson has. "Congressmen ought to be elected for 4 years," he said, "at the same time with the President."

The support that can be mustered for this feature of House Joint Resolution 807 is persuasive. The presidential election is the only truly national election, when all the people have the opportunity to install a new administration. Their choice should include the right to elect as Representatives men who they believe will help the President they have selected.

Those who serve the people in the House should not be chosen, as they are in off years, by a substantially smaller number of voters as compared with the number participating in presidential elections. The underlying theory of democratic government is to have as broad an electorate as possible.

A 4-year term for House Members coinciding with presidential terms is generally favored by students of government. In 1950 the American Political Science Association said synchronizing the terms of President and Members is as important as lengthening the term of House Members to 4 years:

"If the elections for these offices always coincide, recurrent emphasis upon national issues would promote legislative-executive party solidarity," they said.

This is also the view of such authorities as Professors Burns, Bailey, Finer, and Koenig. For the convenience of the committee, representative excerpts from their writings are set forth in the appendix submitted with this statement.

All these arguments for a 4-year term are, at the same time, compelling arguments against the half-and-half, staggered-term proposal, under which half the House would be elected every 2 years.

The obvious consequence is that half the House always would run with the presidential candidate and the other half never would—a consequence which would, I believe, dilute the gains to be derived from changing the term to 4 years in the first place.

A half-and-half system not only would impose a strained and difficult burden on the party in power, it would split the opposition party as well. In both cases, the national interest would suffer, for at least two reasons.

It is not difficult, assuming such a system, to conceive of the entrenchment of two subparties in each major party. The national interest which every Member seeks to serve while he is serving his district would suffer. The Member running in off years, free to ignore the presidential banner and platform of his party, might well campaign solely on narrow local issues and thus abstain from positions on national issues.

A further argument against this half-and-half approach is a very practical one relating to the decennial reapportionment. What would happen, for example, if a State's representation were reduced? How would such a reduction be put into effect?

In short, it seems to me that the problems created by staggered 4-year terms are staggering. They would create new difficulties worse than those we seek to correct. A cure, to be a cure, cannot be worse than the malady and I urge you to reject this alternate proposal.

We would, concededly, pay a certain price even by establishing concurrent 4-year terms. Plainly, no 4-year term system, regardless of how it is timed, provides as frequent opportunity for the expression of public attitudes as a 2-year term system.

But I believe the advantages of a concurrent 4-year term outweigh decisively this advantage of the 2 year. And I believe that even the original advantage of the 2-year term—public expression—has lost its importance.

In the postrevolutionary era, there were no national communications, there were no polls, and even mail took weeks or months to be delivered. But today, national issues are discussed daily in newspapers, television, and radio. Those who read, watch, and listen obtain an informed understanding of the Nation's concerns. They make their views quickly known to their Representatives by millions of letters, telegrams, personal visits—and by abundant opinion polls.

There is another effective barometer of public opinion. You will recall that one-third of the Senate is elected in off years in two-thirds of the States. Therefore, even if there is no voting for House Members in the off years, two-thirds of the national electorate would still be going to the polls in each off year to elect one-third of the Senate.

History shows that over the years when there has been a swing from one party to the other in the House, it has been accompanied generally by a corresponding shift in the Senate. Accordingly, if there is substantial dissatisfaction with the administration in power, it will be reflected in the vote for Members of the Senate.

A further argument advanced against the 4-year term is that it would increase the likelihood that Members, riding the President's coattails, would become Presidential "rubber stamps."

I believe this argument is unsuccessful for several reasons. First, all Members of the House must run with the President under the present system. A change to a 4-year term would not enlarge that circumstance.

Second, in presidential years the public in general elects a Congress that is running on the platform of the President. This does not mean that these Members of Congress are therefore rubber stamps. It means that those elected candidates of the same political complexion as the President are basically in sympathy with the views of their party.

In this climate, the President and the Congress are more likely to be able to carry out a program without unreasonable deadlocks.

Off-year elections, on the other hand, too often involve local issues and personalities; national issues are often subordinate. Since there are frequently no substantial competing alternatives offered nationally in off-year elections, candidates are much less likely to take positions for or against their party's program.

I find it hard to see, therefore, how elimination of off-year elections can deprive Members of Congress of a base for positions more independent of the President when alternative national positions are not by and large even presented.

I am inclined to feel, moreover, that the "coattail" argument is exaggerated. For example, even such a popular President as Dwight D. Eisenhower was elected in 1952 without carrying in great congressional majorities for his party. And when he won an even greater victory in 1956, his party lost both the Senate and the House.

Let me comment briefly on section 2 of House Joint Resolution 807. That section would provide that no Member of a House of Congress shall be eligible for election as a Member of the other House until his term has expired unless at least 30 days prior to that election he submits his resignation from the office he holds.

The aim of the amendment is to make the House a better instrumentality of Government. But this objective would be threatened if House Members, having been freed from the need to campaign in off years, were free also to campaign for the Senate in those years without resigning their seats in the House.

While that prospect may be unlikely, it is only fair that the conditions for running for office in another House should apply alike both to Members of the House and Senate.

In conclusion, I am convinced that an extension of the term of Members of the House to 4 years would make considerably more effective the House's ability to discharge the Nation's affairs. It is a needed step toward better government, viable government and responsible government.

In my opinion, House Joint Resolution 807 merits prompt adoption by the Congress, and therefore I earnestly urge this committee to give it its early approval.

Thank you, Mr. Chairman.

The CHAIRMAN. You spoke of an appendix you wanted to insert of some statements.

Mr. KATZENBACH. Yes.

The CHAIRMAN. By various professors.

Mr. KATZENBACH. Yes, I have this.

The CHAIRMAN. That will be accepted for the record.

(The appendix referred to follows:)

APPENDIX

THE VIEWS OF POLITICAL SCIENTISTS

James McGregor Burns, "The Deadlock of Democracy" (1963), pages 330-331:

"* * * Constitutional reform on the whole is not recommended, partly because it is so difficult. Still, as a capstone to these reforms, certain constitutional amendments would be extremely helpful and might achieve enough support to pass.

"One of these is a 4-year term for Representatives, to coincide with presidential terms. Today, a 2-year term for important office is an anachronism, as many States have recognized in shifting to 4-year terms for Governors and other statewide offices. A 2-year officeholder hardly has time to master his job; he is perpetually mending fences; he is unduly vulnerable to sudden gusts of public opinion. More important, the off-year elections usually raise havoc with the President's support in Congress, and of course form one of the bases of the congressional party system. Parliamentary democracies elsewhere find a 4- or 5-year term satisfactory for national legislators."

Stephen K. Bailey, 109 Congressional Record, 4502:

"The constitutional provisions for staggered elections are a significant cause of the pullings and haulings in our National Government. It is equally clear that a 2-year term for the House is too short to turn a freshman Member into an effective legislator or to avoid the harassing and expensive responsibilities of perpetual campaigning. The last election and the next election are often an indistinguishable blur. Furthermore, if a truly competitive two-party system should develop across the Nation, there will be more frequent alternation of victorious candidates between the parties, thus shortening the tenure of any one Congressman.

"A 4-year term for the House, if it coincides with the presidential term, should have a number of important effects. Under normal conditions, it would insure the same political complexion for the House as the President's. It would reduce the continuous campaign and constituency pressures which a 2-year term almost inevitably fosters. It would give Congressmen sufficient time to learn their trade and to make a substantial contribution to public life."

Herman Flner, "The Presidency, Crisis and Regeneration" (1960), p. 306:

"Why should the House be granted a 4-year term? In order to relieve Congressmen of the anxiety of reelection in such a short period as 2 years, when after only 3 months in Washington he begins to look homeward to every pressure group, lest he be rejected. Congress is far too subservient to local and immediate views. A 4-year term would give definite assurances, and we hope that this will fortify independence of mind for a more deliberate view of the national good, a broader view of the Nation's policy, and a higher view of the Nation as a community of more importance than the local district. The 2-year term is one of the most antiquated political devices in the modern world. No nation today has less than a 4-year term. Above all, the longer term is necessary to give a chance for an understanding of the Nation's foreign policy. In 4 years a man will learn much by a process of trial and error, combined with reflection, provided he is not overly preoccupied with mending his fences."

Roland Young, "The American Congress" (1958), pages 40-41:

"The respective requirements for Congress and for society may at times be in conflict, as when constituent demands prevent legislators from performing their legislative functions. The extraordinarily close relationship between the lawmakers and the constituents may in fact encourage aggressive and perhaps selfish groups to take special advantage of this ease of access to those in authority by making excessive demands as the price for their support. The legislator has a sensitive position where, continually, he must listen to the complaints of the aggrieved and the demands of the ambitious. He may need more protection from pressures, more time to deliberate on alternative courses of action, more autonomy in making up his mind than is actually offered him.

"The 2-year terms for the House of Representatives may also have a disruptive effect on the legislative process by making the Members continually conscious of the pending elections. A case can perhaps be made for extending the term of the House of Representatives to 4 years, with all Members elected at the same time. If elections were not always just around the corner, the Members might be able to be more selective in their judgment—and to have more time and be under less pressure to make a judgment. The open communications which otherwise exist would still permit legislators to be aware of actual needs and desires in integrating policy."

Louis W. Koenig, "The Chief Executive" (1964), page 153:

"* * * the House's 2-year term, and consequent election at the President's midterm, subjects his administration to a severe test of its popularity at an interval that is unfair, coming when his administration has barely started. Defeat in the election can be damaging to the President's prestige in both foreign and domestic politics. All too often, either his party loses control of the House or Senate, or its majority is reduced. Despite the rare and unwanted help of the 1962 Cuban crisis, a kind of event that tends to increase the legislative strength of the party that controls the Presidency, Kennedy's Democratic strength in Congress declined in the elections of that year."

Ernest S. Griffith, "Congress: Its Contemporary Role" (1956), pages 191-192:

"Criticism of our Constitution from those who uphold democratic values concerns largely the relationships between Congress and the President. Especially does this criticism center upon the risks involved or revealed in a crisis situa-

tion. Without more power in the hands of the President or, as regards Congress, without more strict party discipline and stronger party leadership relating itself to the program of the President or party, it is alleged that Congress cannot or will not act with the necessary speed.

"A still more acute situation, it is held, arises when the majority of Congress and the President belong to different parties. Under such a situation it is assumed or at least feared that a deadlock will ensue, as has happened before in our history. This contains the danger of blocking all action, no matter how serious the situation, or at least the danger of prolonged delays. At best, it is assumed that politics in the bad sense will more or less dominate such a situation and the legislative output will be quite other than the high occasion of the critical hour should have evoked.

"As regards a remedy for this latter event, a simple amendment raising the term of Members of the House to 4 years to correspond to that of the President is usually among the measures advocated. It has been pointed out that historically the divergence in party control has customarily grown out of midterm elections."

The CHAIRMAN. You quoted Madison, and may I quote Madison and ask for your comment?

In the Federalist Papers No. 52, Madison wrote as follows:

First, as it is essential to liberty that the Government in general should have a common interest with the people, so it is particularly essential that the branch of it (House of Representatives) under consideration should have an immediate dependence on, and an intimate sympathy with, the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured.

What is your comment on the frequent elections?

Mr. KATZENBACH. My comment is that Mr. Madison was a politician. There was a considerable sentiment for a 1-year term. He himself favored a 3-year term. But to get the Constitution accepted, he became an advocate for a 2-year term.

The CHAIRMAN. But I do not think you understand his argument of the need for frequent elections. Would you say 4 years involves frequent elections?

Mr. KATZENBACH. Yes; I would, Mr. Chairman. I think, if you consider in the first place the fact that two-thirds of the States will be having an election for one-third of the Senators every 2 years, there is a presidential election every 4 years, there are gubernatorial elections every 4 years, and in the off years everything ranging from school boards to State legislators, that people go to the polls pretty often.

The CHAIRMAN. You will admit that we have had a 2-year tenure for 176 years; is that correct?

Mr. KATZENBACH. Yes, sir; that is correct.

The CHAIRMAN. During that period we have become probably one of the greatest of nations, and with the 2-year tenure as part of our Government structure, we survived crisis after crisis, we went through a cataclysmic Civil War, we have had two World Wars, we have gone through prosperity and the depressions. We now have a gross national product, the largest of any nation in the civilized world has ever witnessed; namely, an approach to \$700 billion. Why change?

Mr. KATZENBACH. I have never thought that all of these were consequences of the 2-year term, Mr. Chairman. I would have said that it just simply shows the greatness of this country that we can overcome this kind of handicap and nonetheless accomplish these things.

The CHAIRMAN. Well, we hear a lot about the Congress, what is wrong with the Congress? What do you find wrong with the Congress that requires this 4-year term?

This last session of Congress adopted, I know, scores of bills which you recommended and the administration recommended. We were quite responsive to the will of the administration and responsive to the will of the Nation, and that session of Congress was praised to the skies.

Now, if the Congress warrants, a Congress with 2 years' tenure warrants that tremendous praise, that outpouring of admiration, why change?

Mr. KATZENBACH. Well, Mr. Chairman, I share all your feelings about the Congress last year. I only hope we can do as well in this year, in an election year.

The CHAIRMAN. That is only a hope. But we have done very well with what we have.

Mr. KATZENBACH. But there generally tends to be much more difficulty in the second year than in the first. And one of the reasons is that Members feel they have to spend a great deal of time home campaigning, mending their fences back home, and for that reason it is much harder to get attendance at committee meetings; it is much harder to get legislation moving.

The CHAIRMAN. We will come to the campaigning in just a moment, surely. I am just asking you a few other things first.

Mr. KATZENBACH. I suspect here in February, Mr. Chairman, there are Members campaigning right now.

The CHAIRMAN. Beg pardon.

Mr. KATZENBACH. I think here in February there are Members already campaigning.

The CHAIRMAN. Members campaigned the day after they were elected. But all good Members campaign the very day after election. I do. And that is why I have been elected so many times. It does not detract from my effectiveness of being what I hope to be, a good Congressman.

Do not issues change very rapidly, and is the 4 years too long a time for the people to register as a barometer their wills?

To see what has happened on the question of Vietnam, that change has been most decisive in a rather short period of time.

And take the question of the worry about inflation a year ago. Today there is no worry—I should say the worry about unemployment; put it that way. The unemployment was a source of great worry a year ago. We no longer have any unemployment. We cannot get men or hands enough to do the work that is required.

Now, if you have a Congress embedded in the national conscience or political conscience for 4 years, these ideas change; they have set ways on the matter.

How can you have the Congress respond to the popular will with these ever-changing, quickly changing ideas in this Nation?

Mr. KATZENBACH. Mr. Chairman, I think the whole Government, and not just the House, is responsive to the will of the people. I think that they know what this will is. It has been reported in the press from time to time.

The President reads polls, various issues, I think the same is true of Members of Congress. I think we want to know the thinking of the people in these districts, and I think they do know what people in their district are thinking.

But you raised the question of Vietnam. Now, this is a question which it seems to me is far better debated and discussed in the presidential election year than it is in an off year. And I say this for this reason: While the President has his record in Vietnam—and I think it is an excellent one—the Members of Congress that are running, the Democrats that are running with him, to the extent this becomes an issue in the campaign, there is no position by another presidential candidate on this point. They are merely the views; and they may range from the most extreme “hawk” view to the most extreme “dove” view in any particular congressional district.

In other words, the people are not really making, as they are in a presidential year, a decision on a whole platform, one offered by the Democrats, one offered by the Republican, on a foreign policy offered by the Democratic candidate for President, or foreign policy offered by the Republican candidate for President.

As far as national issues are concerned, you are running into a bunch of helter-skelter elections on this. And while a number of House Members lose their seats in the sense that there is fairly often a large number of new faces, actually the shift in control is relatively rare and it is relatively rare that there are really major shifts in this respect. And every single time in recent years where they have been, the other House has shifted as well. So there is a protection against this.

THE CHAIRMAN. Well, I respect your views, but I cannot agree with them.

MR. KATZENBACH. And I would add to that—

THE CHAIRMAN. What are you going to do about a young fellow who has just become of age? You have a 4-year term, say 3 years before they can enter the political arena, as it were, as far as voting is concerned. At the present time they wait probably a year or a little more than a year. Now you are going to expand that, probably to three or three and a half years. How do you know what is fair to the young voters who have to wait that long?

MR. KATZENBACH. Mr. Chairman, I can answer that in two ways.

In the first place, those young voters have an opportunity to vote in two-thirds of the States for a Senator. They will often have an opportunity to vote for Governors in other local elections.

I have never heard it suggested, Mr. Chairman, that we should reduce the Presidential term to 1 year or 2 years in order to allow 18- or 21-year-olds to have a crack at voting for the Presidency.

And, furthermore, the amendment that President Johnson is proposing here is done in the national interest. Now, if you can establish to me that people becoming 21 years old have substantially different views from the rest of the electorate, then I would think you would make your point.

Say the 21-year-old voters are all Republicans or all Democrats, or something of this kind. I would guess that your people coming in at 21 would fairly well have the same voting pattern as that particular district has. And if that is true, then they must have to wait a little while, although the national interest has not been affected one single bit by their having to wait.

THE CHAIRMAN. You tell that to the young voters and see what you find.

Mr. KATZENBACH. Yes, sir; I would be happy to tell that to the young voters.

The CHAIRMAN. Now, you speak of the great load and workload and that it takes so long for Members to get acquainted with their chores, but do you know that most Congressmen are elected many times and there are less than 100 new Members each Congress? Let me read you some figures on the question of continuity.

Today continuity is, I would say, doubly insured. More than 150 Congressmen are reelected each election year without a real contest.

And the second: 169 Congressmen are serving their sixth 2-year term; that is, 12 years or more; 259 have served 4 terms, 8 years or more. Only 5 Senators, but 25 Representatives have served since before our entry into World War II.

Therefore, there is a decided continuity, and therefore plenty of time exists for the Members to get on with their work and understand exactly what the problems are, and they have the sufficient knowledge and expertise to help solve those problems without 4-year terms. They can do it with a 2-year term as we have it now.

Mr. KATZENBACH. I think, Mr. Chairman, what you say is true. And I would agree with it.

But it does not seem to me to make a good deal of sense to have an election every 2 years and force all of these people who have this continuity and experience to spend their time back home campaigning when they are going to be elected anyhow.

So you are having an election only for something less than 100 seats. These are close seats. And those are the people that I am particularly concerned about, because, while we talk about learning the ropes in Congress, these people have very little opportunity with respect to their own ideas to make an impact and to show that they individually have made a record in Congress. They would have a much better opportunity to do this after 4 years.

And so often in these close districts where there is a swing that way, the Congress, the House is simply getting along with a quarter, a little less than a quarter of its body, a fifth of its body, which is inexperienced and which may well shift again.

So that, if it is true as the figures seem to indicate that most Members are going to be reelected, by far the overwhelming majority are going to be reelected anyhow; then I do not know why we should go through the tremendous expenses of a campaign in order to simply reelect these Members.

The CHAIRMAN. In 46 of our States are you aware that the members of the lower house, their legislature, are elected for only 2 years, and that we have a number of States where an effort to expand the tenure to 4 years was rejected? The only States that have 4-year tenure are Alabama, Louisiana, Maryland, and Mississippi.

Do you have a comment?

Mr. KATZENBACH. I make two comments on that, Mr. Chairman.

In the first place, a number of other States are considering lengthening the terms of the State representatives for essentially the same reasons that are proposed here.

Secondly, a Congressman has the problem of traveling long distances to return to his constituency. Typically in a State legislature

the representative is in his constituency most of the time. The sessions of the State legislatures are relatively short, and the inconveniences, costs to him are far less in the State legislature than they are to the Congress. And while I regard State matters as important, I do not think that the complexity of matters in the State legislature often approach the complexity of matters which often have to be handled by Members of this body.

The CHAIRMAN. Do you think that a 4-year term is always going to make a better Congressman than a 2-year term?

Mr. KATZENBACH. I think the 4-year term will tend to attract people into running for political office, and I think in this sense that it will. I think a 4-year term will be more prestigious, and I think most people, more able people will be willing to be attracted to it.

I say that, as you know, Mr. Chairman, with the greatest deference for the present Members of Congress of both parties, whom I regard as exceptionally able, willing, and dedicated people.

The CHAIRMAN. By that token, that argument, then, if a Senator was elected for 6 years, he ought to be three times better than a Member of Congress. You do not agree with that, do you?

Mr. KATZENBACH. Mr. Chairman, I have the highest respect to the Senate, also.

The CHAIRMAN. I can assure you that I have been aware of a number of Members of this august body that could not possibly compare with scores and scores of Members in the House, where the election is for only 2 years. I could name you names, but I do not think it would be gracious of me to do so.

But some of the greatest names in history, in our history, have been men who served 2-year terms in the House—Lincoln, Rayburn, Rainey, Longworth, Eugene McCarthy, Webster, Clay—so many, many others. Two-year terms did not impede their distinction.

Mr. CHELF. And Mr. Celler.

The CHAIRMAN. Beg pardon?

Mr. CHELF. I say, and yourself.

The CHAIRMAN. Well, I leave that out.

What if we have some misfit elected? You elect him for 4 years. We just could not get rid of him, and have to hold onto him 4 years.

I remember in my own career we had two men who became insane. Those insane men would have to remain on the rolls for 4 years, and it would be better to have them only on for 2 years rather than 4 years.

Mr. POFF. Mr. Chairman, would my chairman yield at that point?

The CHAIRMAN. Yes.

Mr. POFF. I cannot see the relevance of that argument. If you just consider the fact that you elect Senators for 6 years, suppose a Senator should become insane the day after he was elected?

The CHAIRMAN. Well, I do not want to duplicate that situation and put an albatross around the neck of certain districts and have them there for 4 years. And I would rather get rid of them in 2 years rather than 4.

Mr. POFF. Mr. Chairman, does the Chair expect the witness to answer that question?

The CHAIRMAN. Beg pardon?

Mr. POFF. Do you want the witness to answer that question?

The CHAIRMAN. If he wishes.

Mr. KATZENBACH. I believe the House is the judge of the qualifications of its own Members, and I believe in the case of insanity or inability to serve, the House could cope with that problem.

It may be more urgent if the House cope with it if it is a 4-year problem than a 2-year problem. But the ability to cope with it is still there.

Certainly, talking about mental imbalance, it is something that could apply to many other people as well. The Congressman points out it could apply to Senators for 6 years.

Mr. HUNGATE. Supreme Court.

Mr. KATZENBACH. It could apply to the Supreme Court. It could apply to a life tenure. It could apply in many other places, Mr. Chairman.

Mr. POFF. Mr. Chairman, the only point I would like to make to the chairman, is that this witness represents the administration. I can't agree to harassing the witness. I do not see the relevance of that question.

The CHAIRMAN. I am not harassing the witness at all. I am trying to bring out the true facts. It is only on the anvil of some sort of discussion that is the dialog that we can forge the truth in what is essential here.

Mr. POFF. I suggest that the question the chairman asked was not designed to get at the truth, because he failed to take into account the parallel situation in the senatorial term.

The CHAIRMAN. Well, I am sorry that I have to differ with my distinguished colleague from Virginia.

Mr. Attorney General, at the beginning of these hearings I made the statement, and I would like to have your comment on it; you did somewhat comment, but I would like to have your further comment:

A 4-year term concurrent with the presidential term could stifle political dialog. For many years there have been in the House approximately 90 or 100 "marginal seats." This has been particularly true in the off-year elections. With this in mind, the turnover in seats in off-year elections is very impressive. For example, in the 80th Congress, 58 seats changed hands; 35 in the 82d; 29 in the 84th; 50 in the 86th; and 82 in the 88th Congress. Thus, when the House is nearly equally divided, as it often is, these figures in the change of seats in off-year elections become most impressive, in my opinion. In the past, this change in the return of Members to the House has reflected the keen interest of the voters in current issues.

And would you not, therefore, if you elect for 4 years, where you have men coming in—you do not like the word "coattails"—more or less on the coattails of the President, would you not unduly emphasize what is a very fashionable word; namely, "consensus" and concomitantly dull the edge of the energy and the dissent and the innovation and the initiation that comes with new Members that might be elected in the off year, the nonpresidential year?

Mr. KATZENBACH. I do not believe so at all, Mr. Chairman. In fact, I was looking at the figures here, and viewed in a slightly different way which would seem to be more meaningful than in terms that you are making would be, when did the administration lose one or the other of the Houses?

I do not know that it really is particularly meaningful to have a Democrat beat a Republican in for the congressional district of *x* State and have the opposite occur in the Ninth Congressional District

of another State. That does not seem to me that it reflects very much other than local issues.

But where we have gotten major changes in the House composition we have also had it in the Senate.

For example, in the 79th Congress Mr. Truman was President, the Democrats controlled the House and Senate.

In the next election Mr. Truman lost both the House and Senate. That was the 80th Congress.

In the next election he regained both the House and Senate.

In the next election he lost slightly in the House and his margin went down slightly in the Senate.

When President Eisenhower was elected, he carried a close majority in both the House and the Senate. In the off-year election he lost by a close majority both the House and the Senate.

In the next election, presidential year, he carried both the House and the Senate again. In the off year—excuse me, that year he lost the House of Representatives by a narrow margin, and lost the Senate by a narrow margin. In the off year that margin was increased.

When President Kennedy was elected, he carried both the House and the Senate.

And while a number of seats changed hands in the off year, as you point out, the total difference was a loss of five Democratic seats, a gain of three Republican seats in the House, and comparably a loss of two Republican seats in the Senate and a gain of two Democratic seats.

So I think the figures, if there is a major swing, you lose both Houses rather than one. And I think the figures bear that out.

The CHAIRMAN. Well, I still think that—

Mr. KATZENBACH. To me it is not significant that you have 80 new Members elected. In fact, I think that is rather, in many ways, unfortunate to have 80 new Members elected if the result of it is to leave the House of Representatives virtually untouched in terms of party composition.

The CHAIRMAN. Well, I wonder whether that is a sound argument. Of course, I am a Democrat. I like to see a good Democratic majority. But, on the other hand, I am not such a Democrat and not so steeped in my party or my party's success that I want to see done away with this ferment that is generated by having a firm and even strong minority.

And I am concerned lest that minority is greatly reduced and greatly hurt by having an election at the time of the Presidency and for 4 years. That is what I am concerned with.

Mr. GILBERT. Will my chairman yield at that point?

The CHAIRMAN. Surely.

Mr. GILBERT. I am very interested in this particular aspect on the dialog, because I think it really goes to the heart of the question of a 4-year term.

I wonder, Mr. Attorney General, whether you have the figures as to the number of persons that vote in a—I would not call it a national election, but for Congress in the off year as opposed to the number of people that vote in the national election for President.

Mr. KATZENBACH. I do have those figures. They appeared in the Presidential message, I believe, Mr. Congressman. I can find them in a minute.

Fifteen percent less in the off year than in the presidential year.

Mr. GILBERT. Well, that is what I suspected, Mr. Attorney General, that you will find that there are less people that go out to the polls to vote in the off year, so that you actually do not get a true expression of the thinking of the country. Because we have what we call the 4-year voter, and it is the 4-year voter that adds to that overpreponderance of number of people that come to the polls.

So that it has been my experience, and everything I have read or seen, is that only during the presidential election do you get the vast expression and thinking of the people of the country, in order to say that is an accurate statement, Mr. Attorney General.

Mr. KATZENBACH. I think it is. And I think it is the only time when there is a real focus on national issues.

Mr. GILBERT. That is right. And you will find in the off year that there is rather a minority of people that control the destinies of the Congress rather than the vast majority of the people.

Mr. McCLORY. Will the gentleman yield so I can pursue that point?

The CHAIRMAN. Yes, sir.

Mr. McCLORY. I would just like to ask this question.

There are 15 more percent who vote in the presidential year, and they vote for President and just incidentally the Members of the Congress are victims in a sense, or they are objects of this increased vote, which is not directed toward them nor their candidacy, but directed toward the presidential race in which they incidentally benefit or suffer. Is that not correct?

Mr. KATZENBACH. Well, Congressman, what I would comment on that would be this, that I think to a certain degree the focus of attention certainly is on the presidential election. To me this makes sense that, because of the tremendous importance of the office of the Presidency, it would make sense that voters would ordinarily wish to vote for representatives who they thought would support that platform of the President and ideas that had been expressed in the presidential campaign.

This can cause tremendous difficulty for a Congressman in some sections. Because of this, I would suppose that, if elections were held every fourth year with the Presidency, that, rather than make Congressmen rubberstamps, as has been argued, there would be a tremendous effort on the part of all Congressmen who were in Congress, of either party, to make their identity particularly well known to the voters in terms of their interest in local issues.

Four years would increase their ability to produce in that respect, so that they could create a separate identity so they simply would not be washed out in a presidential election where the vote was somewhat overwhelming as, for example, it tended to be in the last presidential election, and where it was in some areas a problem for members of the minority party to create a separate identity from the presidential candidate.

Mr. McCLORY. Would it not follow, however, that, if the Members of Congress were elected in the off year at the time when the President is not being elected, that they would be judged on their own merits, their own qualifications, and on the issues that are made up in the Congress and not made up in a presidential platform and campaign?

Mr. KATZENBACH. I think you have a theoretical point, and I do not think you have a real one. And the reason I think you do not have a real one, if I may put it that way, is that we are talking, as the chairman pointed out, about a relatively few seats where this is likely to happen.

Now let us take the example of the Congressmen who rides in the presidential year. He then goes back to attempt to establish his separate identity in the off year, and his opponent is elected. His opponent then attempts to establish his identity, and you are back in a presidential election where he can be swept in, under your theory, by one or the other. That simply does not make a lot of sense to me.

I think that the people who have established their identities as the figures that the chairman read on the terms of service do not have to be concerned as much about it, and I think in those areas it is pretty clear in the chairman's area that—what is it, Mr. Chairman, a little over 80 percent of those people are going to vote for you, whether President Eisenhower is elected or whoever else it is. And I think this is because you have established your own identity.

The CHAIRMAN. You made a very grievous blunder. It is 90 percent.

Mr. KATZENBACH. It has gone up. [Laughter.]

Mr. McCLORY. Mr. Chairman, may I just make this additional point?

The CHAIRMAN. Yes, sir.

Mr. McCLORY. I would favor, myself, the 4-year term which was where the Members were elected in the off years, and I think there are many arguments in support of extending the term. But it seems to me that in the 4-year-term proposal which the administration is setting forth here, and in the arguments that you are making, Mr. Attorney General, you are losing sight of the constitutional purpose for the 2-year term, which is to have the Representative return to the people and be responsive to the people. And your suggestion and your argument seems to me to go in the direction of national purpose, national campaigns, and loses sight of the fact that the Representative of the congressional district is an individual responsive to voters in the district.

And in that respect I think that the 4-year term proposal as set forth loses sight of that. And your prior answer just indicates to me that you are opposed to this individual judgment which the Constitution implied would be made on the 2-year term.

Mr. KATZENBACH. I think, Congressman, you misunderstood my point. My point was that being elected with the President in 4-year terms, it would behoove that Congressman to be independent in terms of his district, to remain closer to his district and to establish a quite separate identity, because of the danger of the presidential candidate's views happening to be unpopular within his particular district at any given time.

So I thought, and I believe that it would enhance that.

Now, the constitutional purpose is as you state. I think we both recognize that the Government, however, is not today as it was at that time.

Mr. McCLORY. Be that as it may, I see advantages to 2-year terms to returning to the people. I think they ought to be candidly put on the table.

Mr. KATZENBACH. It is just my view that the disadvantages of that are so great as compared with its advantages, that we should adopt the 4-year term that the President has proposed.

But I do not say that there is no advantage to going back every 2 years. There may be advantages to going back every 1 year. And to increasing the frequency of elections.

But I would think they would be outweighed. I would think that a 4-year term today makes a good deal more sense than the 2-year term.

The CHAIRMAN. Mr. Attorney General, according to your plan, no Member of the House could run for the Senate unless he resigns from the House 30 days before election. But nothing is said about primaries. In some States primaries can amount to election. Thus, a Member of the House should run in the primary without risk of losing his House seat. Do you think the Senators would like such a riskless competition? What about the primary?

Mr. KATZENBACH. Well, Mr. Chairman, the reason for the proposal as far as the general elections was concerned is simply this. This is a problem that would be created by a 4-year term which does not exist where you have a 2-year term. The purpose of the 4-year term was to give Congressmen an opportunity to perform the extremely important functions that Members of this House have to perform. There would be a temptation on the part of the Congressman of the other party to run in a general election against the person on the other party. This would tend to be true in one-third of the Senate seats, two-thirds of the States.

So that you would have 33 Members who might be very tempted to run in the general election where they could still continue as House Members. This is a problem that would be created by the 4-year term.

The problem that you raise of primaries is of a rather different order.

In the first place, you are talking about people of the same party running against a Senator of the same party, which seems to me a less likely occurrence.

Secondly, you have made the point that primaries are tantamount to general elections. That has been true within some States in the past. It is increasingly less true today. And I doubt that today that is really true in more than two States. I think it is ceasing to be true there. It used to be true in places like New Hampshire, and it is not true now.

The CHAIRMAN. You say that a successful candidate in a primary becomes assured of election in only two States?

Mr. KATZENBACH. I would think that was about true, Mr. Chairman.

Mr. CHELF. Mr. Chairman, would the gentleman yield at that point?

The CHAIRMAN. Yes, sir.

Mr. CHELF. I cannot help but agree with the Attorney General. What is this all about?

As I understand it, the primary object, intent, and purpose of the legislation, and I feel reasonably sure that of the President's, was to do what? To increase the term, the present term, from 2 to 4 years.

In order to do what? To give the membership of the House a fair opportunity to do a better job of representation for their people.

Now, I will say to you quite frankly that, if we are fortunate enough to pass this 4-year term in the House and in the Senate with the necessary votes and then it is sent to the people who, in the final analysis, would either ratify it or reject it, I say to you quite frankly that then, if a Member, having been given a 4-year term, jumps up and announces for one office or another, he ought to be forced to resign.

Let me give you a concrete example.

Back in 1944, as a young county attorney—prosecuting attorney of my county—I ran for the Democratic nomination for Congress. And when I won, I walked in to my county judge and I resigned my office. And therefore I became a candidate on my own time and not the taxpayer's time of little Marion County, Ky.

And I say to you quite frankly I do not think that anybody that is a Member of the House of Representatives ought to be running for the mayor of New York City or mayor of Los Angeles, no matter who he may be. Because I think he is running at the taxpayer's expense; and when he has absented himself from the Hill over here, and his seat, there is nothing, shall I say, as sad in my opinion and as pathetic as an empty seat here in the Chamber of the House of Representatives when the roll is called.

Mr. POFF. Mr. Chairman, will the gentleman yield for an inquiry?

Mr. CHELF. Yes.

The CHAIRMAN. Yes, sir.

Mr. CHELF. I yield to the gentleman from Virginia.

Mr. POFF. The gentleman from Kentucky referred to the legislation which he has introduced, and I wonder if he has reference to House Joint Resolution 394 or House Joint Resolution 807?

Mr. CHELF. Well, of course, in my bill, House Joint Resolution 394, I tried to take care of that, Mr. Poff, for this reason. I anticipated that there may be—frankly, I do not mind telling you, section 4 was drafted with the hope that we would get some support in the Senate where we absolutely needed it. And I tried to cover the nomination and the election, because it reads as follows in my bill, House Joint Resolution 394:

SEC. 4. A Member of the House of Representatives shall not seek or accept the nomination or election to any elective office other than that of United States Representative during his term of office except when a vacancy occurs in another elective office. Otherwise the Representative shall submit his resignation to the House of Representatives prior to seeking or accepting the nomination or election to such other elective office.

Mr. POFF. Then I take it you agree with the chairman on this point?

Mr. CHELF. What point is this?

Mr. POFF. On the question of what prohibition against candidacy there is for a senatorial seat in the primary.

Mr. CHELF. I will agree with him on that. That is one of the few things I do agree with my chairman on.

Mr. POFF. Mr. Chairman, there are other differences between House Joint Resolution 394 and House Joint Resolution 807.

Now, just in order that I can be of help, be an ally, I would just like to know which way are we going?

Are you an author or sponsor of both bills, or which one do you favor?

MR. CHIEF. Well, now, to be perfectly honest about it, if I had my druthers, I would rather we had our 4-year term, with half to run each 2 years, one-half of the House to run.

MR. POFF. That is House Joint Resolution 394.

MR. CHIEF. Yes. I will say this, though. When the President endorsed a 4-year term and sent his bill up to the Hill—he put us heading for the same destination. I may be on the New York Central and he might be on the Pennsylvania, but we both have as our destination—a 4-year term.

I am willing to accept any fair, logical, reasonable, helpful, constructive amendment or idea.

MR. POFF. Which one are you going to promote?

MR. CHIEF. I am going to promote anything that I can get out of here for a 4-year term.

MR. ROGERS. Mr. Chairman, will the gentleman yield?

THE CHAIRMAN. Yes, sir.

MR. ROGERS. Mr. Chairman, do you not think that whether a gentleman runs for the House or the Senate can be resolved when it gets over to the Senate? I am sure they will take care of it.

MR. McCLORY. Will the gentleman yield?

THE CHAIRMAN. Yes, sir.

MR. McCLORY. The gentleman made reference to a former member of the committee who—as a member of the committee—ran for mayor. I suppose in his condemnation he would include the late President Kennedy or President Johnson, who ran for Vice President and President, respectively, when they were Members of the Senate?

MR. CHIEF. I did not include those; Mr. Goldwater, or Mr. Nixon—that's the Presidency. But I would not take anything back that I have said. I did not use any names, but just a short time ago, as you know, we had "one of our boys" defeated out in Los Angeles for mayor.

THE CHAIRMAN. Mr. Attorney General, I do agree with you that there is a burden on the Member who has to run every 2 years. This is a burden very difficult to bear, there is no question about it. But could that not be obliterated if Congress adopts, say, a tax credit or tax deduction for contributions to a political party or to the campaign chest of a Member's campaign committee, and if we could attack that evil in that way, why should we be so careful to avoid one evil and embrace other evils that might be involved in a 4-year term?

MR. KATZENBACH. Yes, sir; I certainly think legislation of that kind would help to mitigate that particular problem. But it is going to remain true that, if he runs every 2 years rather than every 4 years, whatever your corrupt practices was, say, he is going to have to raise that much more money. So you are not going to solve it entirely. You can help that problem along. And you are not going to keep him in Washington.

THE CHAIRMAN. Now, you also state, I think, or one of the thrusts of your argument is that it takes 4 years more or less for men to learn the ropes in order to become an effective legislator. To my mind that

is sort of a non sequitur. If that is so, then we might well prohibit a Member from voting until he is in the House for 4 years, until he knows the ropes.

Mr. KATZENBACH. But you misunderstand my point, Mr. Chairman. My point there was his representation of his district; and moving things that are of particular interest to his district, he becomes more effective as he learns the ropes in Congress. I was not questioning his right to vote in Congress any more than I would question the right of an eligible voter to vote for or against him.

But I do think that an effective Congressman is one who has learned, in terms of the problems of his district, how he can establish some sort of identity with these problems and how he can help to resolve those problems.

My point there was that he was strengthening himself in terms of the local conditions of his district and becoming more effective with respect to those.

Mr. ROGERS Mr. Chairman.

The CHAIRMAN. Now, it is true, Mr. Attorney General, that the workload of a Member has increased a thousandfold. It is also true the aids of all sorts given to the Members of Congress have increased a thousandfold. He has plenty of office space, he has funds with which to hire good help; there is now the telephone, the telegraph, the mimeograph, the Xerox machine; for those who go to the Library of Congress for information, there is a liaison officer; every department near at hand where he can get information readily.

There are seminars of all sorts that are offered to Members periodically by heads of departments. There are lectures at the beginning of every Congress by officers of the House, by the Parliamentarian, by committee chairmen, and almost all department heads.

So that with that kind of aid he is able to cope with the additional burdens, it strikes me.

Mr. KATZENBACH. I think, Mr. Chairman, there is no question about the fact that he has additional aids. There is no question about the fact that he is the man that is elected to that office and that to absorb all this he has to spend infinitely greater time on the job.

After all, it was not his staff or the Library of Congress the people of his district elected; it was he. And I have never felt that one of these little cram book booklets was a good source of knowledge with respect to a problem in the university, and I do not think that is true with respect to a Congressman. Whether he gets all of this aid, he still has to absorb it. He still has to make judgments about it. And his electorate is counting on his judgment, not that of the Library of Congress or somebody that he hires.

Mr. TENZER. Mr. Chairman.

Mr. MATHIAS. Mr. Chairman.

The CHAIRMAN. The workload will be just the same whether he is 4 years or 2 years.

Mr. KATZENBACH. I disagree with you, Mr. Chairman. The workload is greater, No. 1, but he does not have to spend all that time campaigning where he cannot be doing this; and, No. 2, what he has learned in the first year he can use in the second year, what he has learned in the second year he can use in the third year. And if he is defeated, you have got another fellow there in his first year who

is learning it all over again. And as your figures indicated, you have got a large number of people without the equivalent change in terms of the political complexion of the Congress. You get 80-some new Congressmen with a net change of 5. Now, I do not think that that makes sense from anybody's point of view.

The CHAIRMAN. Right off, the statistics will show that most Members of Congress are reelected in 4 years, so they have already had the benefit of that vast experience.

Mr. KATZENBACH. But, Mr. Chairman, that argument cuts two ways. We are running a national election so that we can change less than 100 Congressmen, and even there changed them not significantly in terms of their party affiliation. That seems to me a devastating argument against the 2-year term.

The CHAIRMAN. Of course, you have not got to run for office. I have, and I think I can speak more or less as an expert. I find that confronting the electors in the district makes me more alive to the issues. It not only educates the voters, but I get an education from the voters by participating in campaigns. And the more I do that the more educated I become in the issues of the day. I get the people's views and determine my views before them. I have a sort of barometer of what those views are.

I would be less inclined to find out those views if I were elected for 4 years. But I am on my toes when I have to run every 2 years. And the 2-year terms will keep the Members on their toes far more than the 4-year term.

Mr. MATHIAS. Mr. Chairman.

Mr. HUNGATE. Will the gentleman yield?

The CHAIRMAN. Mr. Hungate.

Mr. HUNGATE. I would like to inquire if this was the same proposal as submitted by President Johnson on the 4-year term to be elected at the same time as the President, as President Eisenhower submitted to Congress.

Mr. KATZENBACH. I do not recall that President Eisenhower actually submitted that proposal to the Congress. My recollection is that he was asked a question at the press conference and he made that reply.

Mr. HUNGATE. Yes.

Mr. MATHIAS. Mr. Chairman.

The CHAIRMAN. Yes, Mr. Mathias.

Mr. MATHIAS. Following your own line of thought, I am wondering if the Attorney General would comment on what he feels about the sense of remoteness that the American people seem to be having with respect to the Federal Government in general. As I go around my district, and talk to the people, I find that a great many of them feel that the Federal Government, although it is physically close to my district, is a very remote kind of animal. They feel it is getting more remote. If you decrease the impact of the people on the Government through the biennial congressional election, are you not increasing the distance between the people and the Government and thereby decreasing a very important relationship in American political life?

Mr. KATZENBACH. I would not have thought so, Congressman. I would not have thought that people, No. 1, felt that remote from

their district. I would think that every Representative of the district had an opportunity throughout the 4 years, not confined to the election in the second year, to stay as close as he could to the people of his district. I am sure every Congressman does that.

Mr. MATHIAS. I am not thinking—if I can interrupt you, I am not thinking necessarily just of the Congress, but the fact is that in many cases the Member of Congress who goes back to his district is the only personification of the Federal Government that the people will see. They find it more and more difficult to collect their social security checks or to get a pension from the Veterans' Administration. As the bureaucracy grows, all of these problems of dealing with the Federal Government grow. The fact that you have the biennial congressional election makes it more personal that they are electing a Congressman; they are participating in something to do with the Federal Government which they understand. A lot of it they are understanding less and less.

Mr. KATZENBACH. Well, I would have thought, Congressman, that the functions you have described that a Congressman can, does, and should perform would be better performed by more experienced Congressmen. I take it if you want to straighten out that social security business, it will be better done by a Congressman who is familiar with these problems, who can take care of that a good deal quicker than a Congressman who has just been elected and cannot yet find his way around the Government, does not know whom to contact, does not know how to accomplish these things.

In fact, it seems to me the more experience you have the more knowledge you have from being in Congress, the more effective you can be at both identifying those problems and in serving your district and thus bringing the district closer or the Federal Government closer to the people.

Mr. MATHIAS. But are you not speaking as one who is at the pinnacle of the Federal structure? And this seems very obvious to you.

Mr. ROGERS. Will the gentleman yield?

Mr. MATHIAS. If you were Mr. John Q. Citizen, and you were out thinking about some problems you had with the Federal Government—

Mr. ROGERS. Will the gentleman yield?

Mr. GILBERT. Will the gentleman yield?

Mr. MATHIAS. Just a minute. I will be glad to yield as soon as I finish my question.

And you were thinking of some problem you had with the Federal Government and thinking about some individual who came around to you here around 3 or 4 years before when he was running to Congress, would you not feel fairly remote from that Representative as compared to the one who was obviously coming around seeking your vote, your suffrage every 2 years? Is this not a question of getting more and more remote from the people?

Mr. KATZENBACH. I do not think it has anything to do with 2 years, Congressman.

Mr. ROGERS. Will the gentleman yield?

Mr. KATZENBACH. In fact, I would say the Congressman who is running every year with the Presidency would, as I said before, have

a particular interest in hedging against his presidential candidate likely to be 4 years; hence, that in serving his district particularly well, and he would be better equipped to serve it. I do not think you are going to stop answering your mail, if that passes. I think you will continue to do your job just as well as you can.

Mr. MATHIAS. Yes; but I think your argument is directed from Washington out toward the people. What I would like to look to is from the people's view toward Washington. And I do not think there is any doubt that the people are going to feel more detached and with less relationship to the Federal Government as they participate less.

Mr. GILBERT. Will the gentleman yield?

Mr. MATHIAS. When you elect a Congressman only half as often, they are participating very substantially less.

Mr. KATZENBACH. Then if they feel that way, the States would not ratify this amendment.

Mr. GILBERT. Will the gentleman yield?

Mr. MATHIAS. Yes.

Mr. GILBERT. May I say to my colleague, I am utterly amazed by his statement of the word "remoteness". If there is one thing that you have heard consistently, and particularly from your side of the aisle, it has been the statement of the encroaching of the Federal Government, that they are in everything, that there is not a program that the Federal Government is not in.

And, quite to the contrary, I would say that today the Federal Government is closer to the people than any other time in history. I do not see where you get this argument and to whom you have been speaking that says that the Federal Government is remote. I think the Federal Government is closer to the people today than at any time in the history of our country.

As a matter of fact, you have open press conferences on television where the President presents himself to the people almost on a daily basis, a weekly basis, a monthly basis. You have the Federal Government constantly having the rapport with the people. You have all sorts of polls. You have all sorts of census taking.

Now, if you are talking about the remoteness of a Congressman to this district, you are talking about an entirely different question. And once we separate these two arguments, I will be very glad to argue that point with you at another time.

Mr. MATHIAS. If I may answer the gentleman—

Mr. CHELF. Will the gentleman yield?

Mr. MATHIAS. If I may answer the gentleman, I want to say he is exactly right. We have built an enormous Federal structure. It surrounds the people in a very personal way. Yet they still feel remote from it. This is one of the real tragedies of our situation, that people have great difficulty in accomplishing very simple things in relation to their Federal Government. This is one of the reasons that the Congressmen are constantly being called upon to be mediators between the people and the Government, because, in spite of this enormous apparatus, in spite of the fact that the President is on television all the time, he is not getting across. The Government is not coming across in a personal way to many millions of people—

Mr. GILBERT. Will the gentleman yield?

Mr. CHELF. Will the gentleman yield?

Mr. HUNGATE. Will the gentleman yield?

Mr. GILBERT. Maybe in your district the President is not getting across, but in my district the President is certainly getting across.

Mr. ROGERS. My suggestion is that I think we are remote, away from people. Go around the Collector of Internal Revenue about April the 15th, and you will find that the people are very conscious of where the Federal Government is.

I happen to have my district office next to the Collector of Internal Revenue, so I know.

Mr. MACGREGOR. Mr. Chairman.

Mr. TENZER. Will the gentleman from Maryland yield?

Mr. CHELF. Mr. Chairman.

The CHAIRMAN. Yes, Mr. Chelf.

Mr. CHELF. There was something said a minute ago in connection with the gentleman from New York that a Member of Congress, once he has obtained or secured the 4-year term, would become absent from the local scene, so to speak, for 4 years. But any Member would be very foolish not to show his face before his people only once in 4 years. And if a Member did remain away for 4 years from his people, he ought to be defeated.

Mr. MACGREGOR. Mr. Chairman.

The CHAIRMAN. Yes.

Mr. MACGREGOR. Mr. Attorney General, I would like to direct a question to comments you make on page 6 of your prepared statement with respect to the preoccupation with national as opposed to local issues and their relationship to the presidential year election and the nonpresidential election.

Specifically, your comments in paragraphs 4 and 5 on page 6, are to the effect that off-year elections too often involve local issues and personalities, and that national issues are often subordinate. Later you say that in the off-year elections alternative national positions are not by and large even presented.

Those paragraphs struck me as being contrary to my experience in 1962 when American policy toward Fidel Castro and Cuba seemed to dominate virtually every congressional election. They may well be inapplicable in 1966, when the issue of Vietnam and specifically on our policy in southeast Asia generally may be the predominant issue.

I wonder if you have in mind any specific historical situations in recent years when in off-year elections local issues and personalities were predominant?

Mr. KATZENBACH. What I had in mind, Congressman, was this. In the presidential years you have issues presented, party platforms presented, you have a presidential candidate who is presenting a series of proposals in effect as to how he would intend to run the country as President and his job as President in the next 4 years, and that this poses a choice for the people not simply on one isolated issue or another, but on a whole series of issues as far as the executive branch is concerned.

In the off year you may get a whole variety of views expressed, as you point out, in 1962 on Cuba. Perhaps this year there will be a variety of views expressed on Vietnam. These views, as they are expressed, will be expressed within a particular congressional district

in a variety of different ways, without the same comprehensiveness that they would be presented in a presidential year.

I find that in a way of less value as indicia of a national position for or against a particular policy.

Now, if in your party, Congressman, there was an absolutely consistent position about this, if a presidential candidate was running, this would pose a policy to use in foreign policy. That seems to me much more difficult to in an off-year election, because in both parties there are a lot of variety of different views on this. And that variety of different views does not seem to me to receive any particular expression in the results that come out. The fellow loses here, another fellow with the same ideas wins over here, and so forth and so on. That is what I had in mind.

Mr. MACGREGOR. I would gather, then, from the totality of your answer that you are not in substantial disagreement with me that in 1962 national as opposed to local issues were the predominant factor in congressional elections?

Mr. KATZENBACH. I think they were, yes, sir.

Mr. MACGREGOR. Could you, Mr. Attorney General, give me an example of a recent year, let us say since World War II, when you felt that local issues and personalities predominated over national issues in an off presidential, congressional election year?

Mr. KATZENBACH. I would suppose that this were true in both of the off-year elections to some extent in the Eisenhower years. I have done no survey of all of the congressional districts, but I say that for the reason that President Eisenhower lost fairly substantially in the off-year elections; he was overwhelmingly elected in the national election. And it is hard to see that off-year change as a reflection on his policies if, when he runs again for office, he is so overwhelmingly elected.

So that whether they are local issues or just local personalities, I do not know. But it does not make sense to me to have that kind of result and say that in each election you were saying something about national policies.

Mr. MACGREGOR. That is a conclusion on your part that the election results of 1954 and 1958—

Mr. KATZENBACH. Yes.

Mr. MACGREGOR (continuing). Resulted too often from local issues and personalities.

Mr. KATZENBACH. Yes, I would think so.

Mr. MACGREGOR. Well, perhaps you will explain the election returns of 1956, when the Democrats in both House and Senate gained when President Eisenhower was elected.

Mr. KATZENBACH. Well, I would say again that, as far as they were concerned, it was undoubtedly their personal identities and they were able to maintain that. Because certainly President Eisenhower's policies were not repudiated by the voters in 1956.

Mr. MACGREGOR. So you would say that in the congressional elections in the presidential year in 1956, when the Congressmen ran on the same ballot, for President, that they decided the presidential race on national issues and the congressional races on local issues or personalities?

Mr. KATZENBACH. It would seem to me that that was pretty clear.

Mr. MACGREGOR. Then it would not follow that in presidential years you can divorce the question of local issues or personalities from the outcome of congressional races?

Mr. KATZENBACH. Oh, no. And I would not desire to.

In fact, one of my points here has been that I would think, if the Congressmen were running each year with the President, they would be very desirous of establishing the local identity, would work very hard at doing it, in the thought that it would not simply be a vote for the President and then a vote down the same ticket, but that he would be concentrating on those local issues, that he would have the advantages of both the national issues being discussed, and the Congressman, the incumbent, at least, having attempted to make his reputation on a number of local issues in that community.

Mr. MACGREGOR. Mr. Attorney General, there was one thing you said a moment ago that I am not sure I fully understood.

Is it your view of the proper role of the U.S. House of Representatives that its primary function is to either support or oppose the overall program of the executive branch of the Government?

Mr. KATZENBACH. No. I think the purpose of the House is to exercise its own judgment and will as a House of Representatives. I think this could be done within degrees. I do not think it is proper to state it as supporting or opposing. I think it is more proper to state it as passing its own independent judgment.

And I would think we had in this country, by and large, better government in times when a majority of the Houses were in basic philosophical sympathy with the President than when they are not. When they are not, it makes it much more difficult to do anything.

Mr. MACGREGOR. Would you say that your statement applies to the role of the Congress in ascertaining the true facts as to the conduct in office of the executive branch of the Government, so that the American people can make more intelligent choices when they exercise their precious right of the elective franchise?

Mr. KATZENBACH. I think—

Mr. MACGREGOR. Do you sincerely believe that when the Congress of the United States is in the hands of party A and the Presidency is in the hands of party A, that the Congress performs its proper role in determining the facts as to the performance in office of the executive branch of the Government?

Mr. KATZENBACH. I think that is one of the most important functions that Congress performs, Congressman, and I would be shocked if it did not continue to perform that under either circumstances.

I think it is important to find out what is going on and to make the people know what is going on. I think that that is an important function of Congress, and I would be surprised to learn from my own experience that it has not been performed.

We get a lot of inquiries from Congress. We get a lot of questions asked.

Mr. MACGREGOR. I was referring primarily in my question to the quality of the responses. And I think we will get a view from the people of the United States on the question that I have just posed in November of this year.

I yield to the gentleman from Virginia, Mr. Poff.

Mr. POFF. I thank my colleague.

I assume your question is also prompted, in part at least, by the fact that the witness quoted apparently from a publication of the American Political Scientists Association, appearing on page 4 of your testimony, Mr. Attorney General. Am I correct?

Mr. MACGREGOR. The gentleman is correct.

Mr. POFF. May I read that just for the purpose of propounding this question:

If the elections for these offices always coincide, recurrent emphasis upon national issues would promote legislative-Executive party solidarity.

Now, I do not know what precedes that nor what follows it. It may be unfair to take it out of context, but I cannot imagine a better argument for the opposite position than you have attempted to uphold. I cannot see how you can contend that the best interests of this country are always promoted by legislative-Executive party solidarity.

Granted, as you have just said, perhaps the best government results when the Congress happens to reflect the basic philosophical sentiments of the Executive.

This is no tribute to the proposition that there is legislative-Executive solidarity; rather, it is a tribute to the people who saw fit to do that. I think, the function of a legislator is to defy, when necessary, the Executive, and to resist solidarity and unanimity and uniformity and standardization.

I am a little bit surprised that the gentleman would use that quotation, unless, as I say, there is something that precedes it or follows it that makes it more meaningful.

Mr. KATZENBACH. Well, I think I—

The CHAIRMAN. We do not want any goose-stepping by a Member of Congress.

Mr. KATZENBACH. I do not expect to see that, Mr. Chairman. It has not been my experience today.

Mr. HUNGATE. Will the gentleman yield?

Mr. POFF. If the gentlemen reviewed the record of the 89th Congress, he found that there was a great deal of legislative-Executive solidarity.

Mr. HUNGATE. Will the gentleman yield at that point?

Mr. MACGREGOR. I yield to the gentleman from Maryland.

Mr. MATHIAS. If the gentleman will yield.

The CHAIRMAN. I recognize Mr. Tenzer.

Mr. TENZER. I yield to Mr. Mathias, Mr. Chairman.

Mr. MATHIAS. Thank you, Mr. Tenzer.

As to the point made by the gentleman from Virginia, if he recalls, the distinguished Senator from Pennsylvania, Senator Clark, wrote a book about the Congress not too long ago called "The Sapless Branch." One of the various arguments he makes for a 4-year term concurrent with the presidential term is that it will create a presidential kind of government. Senator Clark feels that this is a very good thing; he wants the President and the Presidential party to have complete control of the Congress.

Now, I personally have great faith in the independent judgment of the Members of Congress. But this is the argument made for the 4-year term.

The CHAIRMAN. Will the gentleman yield at that point?

Mr. MATHIAS. Certainly.

The CHAIRMAN. Do we not pride ourselves on being a government of checks and balances, and that if there is a minority in the House particularly, that checkmates the inordinate power that resides in the Presidency, and as we grow as a nation we are increasing to a very major degree the powers of the President; and I have a great affection and the highest regard for the President—nothing personal in this matter—but as we go on, we have tremendously increased the powers of the President. And to that degree, should there not be this check so as to create the balance, this check, in the House, and it would be to a greater degree served by the people being familiar to elect their Representatives every 2 years rather than 4 years.

Mr. MATHIAS. I agree with the chairman, and I would just like to further say that—

Mr. TENZER. Mr. Chairman, I yielded to Mr. Mathias for a question. I yield further, if you will return the floor to me.

Mr. MATHIAS. If the gentleman will yield for one observation.

Mr. TENZER. Yes. Thank you.

Mr. MATHIAS. I will say with the gentleman from Virginia that the fact that this may tend to create a presidential kind of government is an argument against the 4-year term rather than for it.

And I would further say, if my colleague will extend his time for the moment—

Mr. TENZER. Surely.

Mr. MATHIAS (continuing). That if we are going to create a presidential kind of government as opposed to the system of checks and balances under which we have existed so long, then this amendment should not be advertised to the American people as simply the extension of the terms of the Members of the House of Representatives, but should be clearly labeled as a very definite turning of the corner in philosophy of government and should be debated on that basis.

Mr. McCLORY. Would the gentleman yield to me for one question?

Mr. TENZER. Excuse me, I asked that the gentleman return the floor to me.

Mr. McCLORY. Mr. Chairman.

Mr. TENZER. Mr. Chairman, I do not yield, please.

Mr. McCLORY. I am sorry.

Mr. TENZER. Yes, thank you.

Mr. Chairman, there has been a great deal of discussion here, and, of course, I would like to address myself to each of those items, but, unfortunately, time will not permit me.

I would like to refer to something which the gentleman from Maryland said when he spoke about the remoteness of the Federal Government.

Returning to that, I would like to say that in these days of instant products, with instantaneous news and instantaneous exposure, that people could not be closer to the Federal Government than they are today, as my colleague, Mr. Gilbert, said.

I think that Mr. Mathias underestimates the electorate when he says that they are understanding less and less, because I find that we have an informed and articulate electorate.

True, they get a great many things out of a computer which they don't understand. At the same time, they are getting a great many things out of the Federal Government which perhaps they do not

understand in great detail. But it is certainly printed in every newspaper, exposed on every radio station and on every television program.

I do not agree, nor are we discussing the merits of Senator Clark's book for presidential form of government. This is the kind of form of Federal Government I believe in, set forth by the U.S. Constitution. And that is why I favor an increased term.

And in so doing I disagree with my distinguished chairman, which, as Mr. Poff said, we do not defy our Executive, and in addition to that, in favoring an increased term, I defy the Chief Executive of our Nation, for whom I have a great respect and admiration, because I favor a 3-year term. And I proposed House Joint Resolution 630 for a 3-year term.

And of those who would follow the writings and the Federalist Papers and read them—because they should be read to understand the discussion that we are now having, they will know that the 2-year term was a compromise between the one and the three at that time.

And it may interest the gentleman from Maryland, the gentleman from Virginia, who I am sure know about it, that the delegations from those respective States, including the State of Pennsylvania and Delaware and New Jersey and New York and Georgia, were those who voted in a favor of the 3-year term at that time.

Now, was the Government more remote or less remote from the people in 1789 than it is today? Obviously not. We are closer to the people today.

We have a greater number of constituents, and I disagree with our chairman, for whom I have had a longtime respect, long before I came to the Congress as a Member, knowing each other for many, many years—but his arguments are not persuasive, because I do not think that the greatness of the United States would have been frustrated by either a 3-year or a 4-year term.

When he spells out the problems that Members of the Congress have in their respective offices and the tremendous aids furnished to them, every business organization today has mechanical aids. And yet their duties and their responsibilities have increased.

So, certainly, the duties and responsibilities of Congressmen, in spite of the fact that they have these tremendous additional mechanical aids, greater today than it ever was before, and it will increase from day to day as the population in our respective districts increase.

And so, Mr. Chairman, with due respect, I do not think that the greatness of America is in the slightest degree related to the number of mechanical aids in the respective congressional offices around the Capitol. And the way to keep in touch with our people, if you will, is not by going to a political club and making a speech every once in a while and talking to 40 or 50 or 75 people; the way to keep in touch with the people is by answering their letters, answering their correspondence—and they are writing in great numbers today—and through the press, because they do not come to the meetings.

Take a poll of the number of people which every Member of Congress addressed personally at meetings. We do not talk from street corners any more.

When I was a little boy—I remember even the chairman speaking about it—when I was a little boy of 10—and that is 50 years ago—

I spoke from the back platform of trucks on the lorry side. But we do not have that today, any more.

And my objection to the 4-year term, while I favor an increased term, is that when you run concurrently with the President all the time, it is the President and the Vice President who have that instantaneous exposure. And the qualifications, the quality of the Member of Congress as a candidate or as an incumbent is kept from the people, and the only way to give him an opportunity to stand up on his own 2 feet and discuss his own merits and his own contribution to our society is for him to run at a time without the President of the United States. So perhaps there will be four lines in the newspapers or in the magazines about what he did, whether it be for or against. This is the argument.

And furthermore, I would like to talk about experience.

By the way, the Federalist Papers tell us that the frequency of elections was not only inconvenient to the Congressman but inconvenient to the people, as has been suggested here by the number and frequency of elections and the number of times they voted polls, as has already been brought out here.

But this is persuasive and should be persuasive to the American people. And it deals with the experience gained in the House of Representatives and the quality of performance that a Member of Congress can give to the people of the United States and thus preserve our democratic process rather than a presidential form of government as has been suggested.

Mr. POFF. Page 13?

Mr. TENZER. I would like to quote this, if you please. This is Mr. Hamilton stating:

No man can be a competent legislator who does not add to an upright intention and a sound judgment a certain degree of knowledge of the subjects on which he is to legislate. A part of this knowledge may be acquired by means of information which lies within the compass of men in private as well as public stations. Another part can only be obtained by actual experience in the station which requires the use of it. The period of service ought, therefore, in all such cases to bear some proportion to the extent of practical knowledge requisite to the due percentage of the service. The periods of the legislative service established in most of the States are, for the more numerous branches, as we have seen, 1 year. The question then may be put into the simple form: Does the period of 2 years bear no greater proportion to the knowledge requisite for Federal legislation than 1 year does to the knowledge requisite for State legislation? The very form of this question in this form suggests the answer that ought to be given to it.

Now, Mr. Chairman, you spoke about, "Why change?"

The CHAIRMAN. Mr. Tenzer, may I interrupt?

Mr. TENZER. Surely.

The CHAIRMAN. For the Chair and Mr. Poff. I am prepared to go to the Rules Committee in a few minutes, and you can continue your statement after I have propounded just one question.

Mr. TENZER. Yes, sir.

The CHAIRMAN. I am anxious to get the views of the Attorney General on this, and it has not been adverted to heretofore.

Mr. Attorney General, if a Member is elected for 4 years, say after 2 years the Federal census cuts down the representation of the State, say, from eight to five; what happens to the three Members who have been

elected for 4 years but have not served out their terms? What would happen under those circumstances?

Mr. KATZENBACH. Mr. Chairman, I find myself utterly incapable of solving that if you have the staggered proposal that Mr. Chelf has proposed. And if it has a way of solving it, it just has not come to my attention.

As far as the two proposals for the 4-year terms is concerned, the net of this would be that once every 20 years there would be a delay of 2 years in the reapportionment. That does not seem to me a particularly serious price to pay.

The CHAIRMAN. If you change the Federal census to 20 years?

Mr. KATZENBACH. No; no, sir. The census is taken every 10 years. The reapportionment would be made when the census figures are in and the next following election, as far as they could do that, it would be only 2 years thereafter. Every 20 years it would be 4 years thereafter. And that would be the total consequence of it.

Mr. CHELF. Will the gentleman yield?

Mr. KATZENBACH. Mr. Chairman, I would not want my silence in this discussion—

The CHAIRMAN. We have to change our statutes in that regard?

Mr. KATZENBACH. No, sir; you would not. You could change your statutes to make it every 8 years if you did not want a 2-year delay every 20 years. I would think that would be an unwise thing to do, because the decennial system fits in with a good many foreign systems that are on the zero years, and therefore seems to me serves some additional purposes. I do not think a delay of 2 years is particularly serious.

The CHAIRMAN. I do not think it would be so easy, and that leads me to this final conclusion: "And rather we should bear the ill wills we have than to fly to those we know nought of."

Mr. KATZENBACH. I think it is just about that easy. It is just a simple mathematical problem, Mr. Chairman. And I think you will find out in 1980 and in 2000 there will be a delay of 2 years in the reapportionment.

Mr. POFF. Mr. Chairman, I believe I might express the hope that when you vacate the chair you will authorize the gentleman from Kentucky to occupy the chair in order that the witness might have at least one friendly question before he departs.

Mr. WHITENER. Mr. Chairman.

Mr. TENZER. I am going to yield, Mr. Chairman; I am going to yield the balance of the time, because I do not want to disagree with my chairman when he is not here.

The CHAIRMAN. I thank the gentleman from New York, Mr. Tenzer.

Mr. HUNGATE. Will the gentleman yield?

(Mr. Chelf assumed the chair at this point.)

Mr. CHELF. The gentleman from North Carolina. Oh, I am sorry, Mr. Tenzer had the floor.

Mr. TENZER. Mr. Chairman, I will yield back the balance of my time and reserve the rest of my questions for a period when the chairman, Mr. Celler, returns, because most of my argument is in disagreement with him but I do not like to do that when he is not present.

Mr. WHITENER. Mr. Chairman.

Mr. CHELF. The gentleman from North Carolina.

Mr. WHITENER. Mr. Attorney General, I did not hear all of your statement, but one of the things that persuades me that the change in the term of a Member of the House would not be too devastating is the fact that, with the 17th amendment the Congress and the people abandoned the original concept of the Founding Fathers, which in part makes the Federalist Papers and all these references somewhat irrelevant. Because, as we know, it was the original thought that the Members of the House would be the direct representatives of the people through these 2-year elections, and that the Members of the U.S. Senate would be the direct representatives of the States or would be elected by the State legislatures.

Now, with the direct election of the U.S. Senate on a staggered term proposition have we not reached the point now at which we do not have to worry too much about the voice of the individual citizen being heard in the elections as far as the Congress is concerned?

Mr. KATZENBACH. I think your point is well taken, and the difference between the Constitution and the system of government conceived with the President quite remote from the people and the Senators being quite remote from the people; that is, only indirectly elected, and the House, did serve a special function which would now affect the direct election of all of them. It seems to me to be fairly remote from the system today.

Mr. WHITENER. So in my State today a U.S. Senator must bear in mind the thinking of 5 millions of people rather than 170 members of the State legislature.

Mr. KATZENBACH. Yes, sir.

Mr. WHITENER. And it does make quite a difference.

Now, another thing that you have mentioned; rather that the chairman and others have mentioned, there has been so much merit to a 2-year term that under their argument there would be much more merit to a 1-year term; and the Senators, maybe let them come up every 2 years. But of course I do not want to ask as to that.

But I am impressed by your statement that a Member of the House of Representatives not only must know the issues and the procedures here but that he must have an opportunity to know his district and his economic and social and other problems.

I can give you my own situation. I came here in 1957. I represented seven counties. In 1961, with the redistricting, I still represented seven counties but I represented four new counties and did not represent four that I had had for the preceding 4 years. And now with the Federal courts making decisions on the propriety of redistricting I find myself in 1965 still representing seven counties but with two additional new counties and losing two. So I wind up with only 2 of the counties that I started out with 10 years ago.

So I do know something about this problem of knowing your district, knowing the needs, and in a State like North Carolina and perhaps Wisconsin and other States, from county to county you have a wide diversity of interests.

And so I am impressed with your contention that there is more to this thing than just learning the rules of the House.

Mr. KATZENBACH. I certainly feel that very strongly.

You feel also, Mr. Congressman, that the diverse interests of the people that you represent in the congressional district are a pretty good guarantee against your becoming a rubber stamp for presidential programs, which every Congressman has to think in terms of his particular constituents in that regard.

I think Congressman Mathias made the point, or he made reference to the last Congress. My impression, Congressman, is that you voted as a Republican for most of the important legislation that was passed in the 89th Congress, and I am sure that was your independent judgment.

Mr. WHITENER. Well, may I say this, too, bearing upon this question of direct representation? As I remember the Constitution provided each district to have 40,000 people, at least. Well, today in my State the average district must be 414,000 people. And I think this also makes a difference not only in knowing your district but in the burdens of campaigning and the burdens of the office.

And we cannot just look at 1789 and say that that is the ideal situation for today.

Mr. KATZENBACH. I think that is true, Congressman.

Mr. WHITENER. And if I may make a brief comment on this business of local elections, of course districts vary just as much as people vary. Like the chairman, I am sorry that the local issues outweigh national issues. If they run in an area like some I represent in an off-year election, when a sheriff is being elected they find out that local issues are much more important than congressional. Just like anything else, because they are in the average county, our sheriff's race will get out more votes than the presidential election will.

So it seems to me that we are going to have to find a meeting place here on this. And I do not know that it is valid to try to write a constitutional amendment which gives some assurance that people of the State will have a certain Senator unopposed or a particular Member of the House. It may be a man that the people want who might be willing to seek it if he were not deprived of the right to serve in the House. I believe if he represents the Government we ought to give people a wide choice.

Mr. KATZENBACH. I believe in giving the people a wide choice, Congressman, but one of the purposes there was to encourage Congressmen to stay at the heart of their work rather than campaigning. And there was the suggestion that with 33 Senators up there might be 30-odd Congressmen that would want to take a free swing at that seat, and therefore to that extent were neglecting their duties here at the House.

Mr. WHITENER. Is not the real purpose to try to get legislation here which they will support in the other body to get this issue to the people?

Mr. KATZENBACH. I think that was the secondary consideration.

Mr. CHELF. Mr. Kastenmeier.

Mr. KASTENMEIER. I just have one or two questions for the Attorney General, more or less in line with what was just stated.

In view of the Voting Rights Act of last year, which was an attempt to enlarge the franchise and guarantee more protection and the right to vote, in the recent court decision on apportionment which has gone

to one man, one vote, which has tended to extend, make equal, the opportunity to vote for a Congressman, how do you answer the assertion that this proposal runs counter to this; namely, the ability for people to exercise, because in this case if the change were made, they would be giving up the option to vote for the House of Representatives in at least one opportunity in every 4 years, where we seem to be giving them more opportunity and equal opportunity to vote. Here, indeed, we withdraw the option.

Mr. KATZENBACH. I would think, in the first place, Congressman, that to the extent that more people do have the opportunity to vote and to the extent that the votes are more fairly weighted in this regard, that it makes it in ways less important; that is, presents a more representative election, then perhaps it is less important that they vote every 2 years.

There may be disadvantages to not having the vote every 2 years. I think they are greatly outweighed by the advantages of the 4-year term. And I do not wish to repeat what I have said before in that connection except perhaps to emphasize that, as the chairman did, Mr. Celler did, that where you have elections for 435 Congressmen you are really only talking in a very meaningful sense about elections for 80 to 85 of those Congressmen. All the rest have to spend time going back and campaigning, and they have to get money, and they are going to have contests, knowing nonetheless just based on the record, the time they have served, chances are pretty good in an off-year election that they are going to be reelected.

So we are going through this whole business of letting people express their views in a congressional election throughout the country only for the purpose of allowing them to express their views in some meaningful way in fact in some 80 to 85 districts.

Mr. KASTENMEIER. I yield to the gentleman from North Carolina, Mr. Whitener.

Mr. WHITENER. Mr. Attorney General, I believe that there are today only six States which have 2-year terms for Governors. I understand in the early days most of them did have. In my home State, and I understand in other States, many of your local offices, just register of deeds, clerk of courts, sheriff, and others, were originally 2-year terms. I suppose that is in keeping with this philosophy that the Founding Fathers had about the frequency of elections.

And I was wondering if it would be asking too much to ask your people if they can get some information assembled on what the States have done in extending from 2- to 4-year term their State and local officeholders. Because I think this would certainly be a key to what the thinking of people in the Nation is on the 2-year terms versus the 4-year term.

Mr. KATZENBACH. Yes, we can do that, Congressman.

(The information follows:)

MARCH 5, 1966.

HON. BASIL L. WHITENER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WHITENER: In accordance with the request made by you during the hearings held on February 15, 1966, before the House Judiciary Committee on proposals relating to congressional tenure of office, I am enclosing information which shows the terms of various State administrative officials and of members of State legislatures. This information was prepared by the Council of State Governments.

If I can be of further assistance to you, please feel free to communicate with me.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Attorney General.

Governors—Political affiliation and term of office

State or other jurisdiction	Governor, (D) Democrat, (R) Republican	Length of regular term in years	Present term began January	Number of previous terms	Maximum consecutive terms allowed by Constitution
Alabama	George C. Wallace (D)	4	1963		(1)
Alaska	William A. Egan (D)	4	1962	1	2
Arizona	Samuel P. Goddard, Jr. (D)	2	1965		
Arkansas	Orval F. Faubus (D)	2	1965	5	
California	Edmund G. Brown (D)	4	1963	1	
Colorado	John A. Love (R)	4	1963		
Connecticut	John Deimpsey (D)	4	1963	(1)	
Delaware	Charles L. Terry, Jr. (D)	4	1965		2
Florida	Haydon Burns (D)	2	1965		(1)
Georgia	Carl E. Sanders (D)	4	1963		(1)
Hawaii	John A. Burns (D)	4	1962		
Idaho	Robert E. Smylie (R)	4	1963	2	
Illinois	Otto Kerner (D)	4	1965	1	
Indiana	Roger D. Branigin (D)	4	1965		(1)
Iowa	Harold E. Hughes (D)	2	1965	1	
Kansas	William H. Avery (R)	2	1965		
Kentucky	Edward T. Breathitt (D)	4	1963		(1)
Louisiana	John J. McKeithen (D)	4	1964		(1)
Maine	John H. Reed (R)	4	1963	(10)	2
Maryland	J. Millard Tawes (D)	4	1963	1	2
Massachusetts	John A. Volpe (R)	11	1965	11	
Michigan	George Romney (R)	10	1965	1	
Minnesota	Karl F. Rolvaag (D)	4	1963		
Mississippi	Paul B. Johnson (D)	4	1964		(1)
Missouri	Warren E. Hearnes (D)	4	1965		2
Montana	Tim Babcock (R)	4	1965	(14)	
Nebraska	Frank B. Morrison (D)	11	1965	2	
Nevada	Grant Sawyer (D)	4	1963	1	
New Hampshire	John W. King (D)	2	1965	1	
New Jersey	Richard J. Hughes (D)	4	1966	1	2
New Mexico	Jack M. Campbell (D)	2	1965	1	2
New York	Nelson A. Rockefeller (R)	4	1963	1	
North Carolina	Dan K. Moore (D)	4	1965		(1)
North Dakota	William L. Guy (D)	4	1965	2	
Ohio	James A. Rhodes (R)	4	1963 ¹⁰		2
Oklahoma	Henry Bellmon (R)	4	1963		(1)
Oregon	Mark O. Hatfield (R)	4	1963	1	2
Pennsylvania	William W. Scranton (R)	4	1963		(1)
Rhode Island	John H. Chafee (R)	2	1965	1	

See footnotes at end of table.

Governors—Political affiliation and term of office—Continued

State or other jurisdiction	Governor, (D) Democrat, (R) Republican	Length of regular term in years	Present term began January	Number of previous terms	Maximum consecutive terms allowed by Constitution
South Carolina.....	Robert F. McNair (D).....	4	1963	-----	(17)
South Dakota.....	Nils A. Boe (R).....	2	1965	-----	18 2
Tennessee.....	Frank G. Clement (D).....	4	1963	10 2	(1)
Texas.....	John B. Connally (D).....	2	1965	1	-----
Utah.....	Calvin L. Rampton (D).....	4	1965	-----	-----
Vermont.....	Phillip H. Hoff (D).....	2	1965	-----	-----
Virginia.....	Mills E. Godwin, Jr. (D).....	4	1966	1	(1)
Washington.....	Daniel J. Evans (R).....	4	1965	-----	-----
West Virginia.....	Hulett C. Smith (D).....	4	1955	-----	(1)
Wisconsin.....	Warren P. Knowles (R).....	2	1965	-----	-----
Wyoming.....	Cilford P. Hansen (R).....	4	1963	-----	-----
American Samoa.....	H. Rex Lee (D).....	(20)	1961 21	-----	-----
Guam.....	Manuel Flores Leon Guerrero (D).....	4	1963 22	-----	-----
Puerto Rico.....	Roberto Sanchez-Vilella 23	4	1965	-----	-----
Virgin Islands.....	Ralph M. Paiewonsky (D).....	(20)	1961 24	-----	-----

¹ Governor cannot succeed himself.

² Alaska constitution specifies first Monday in December as Inauguration Day.

³ Since the first Governor was precluded from serving a full 4-year term, the 2-term constitutional limitation did not apply to his first term.

⁴ Governor Dempsey, formerly Lieutenant Governor, succeeded to office in January 1961, to fill unexpired 4-year term of former Gov. Abraham A. Ribicoff (resigned), which began in January 1959. Elected to full 4-year term in November 1962.

⁵ Absolute 2-term limitation.

⁶ Recent constitutional amendment specifies that the Governor shall be elected at midpoint between presidential elections. Hence, Governor Burns was elected in November 1964, for a 2-year term. Another election will be held in November 1966, for the regular 4-year term. At this one election the incumbent Governor may succeed himself.

⁷ Hawaii constitution specifies first Monday in December as Inauguration Day.

⁸ Dec. 10, 1963.

⁹ May 12, 1964.

¹⁰ Governor Reed, formerly senate president, succeeded to office in December 1959, upon the death of former Gov. Clinton A. Clauson and was elected in November 1960, to fill unexpired 4-year term which began January 1959. Re-elected November 1962.

¹¹ Beginning with the election of 1966, term of office of Governor will be 4 years.

¹² Previous term 1961-63.

¹³ New Michigan constitution provides that term of office for Governor will be 4 years beginning with January 1967, term.

¹⁴ Governor Babcock, formerly Lieutenant Governor, succeeded to office in January 1962, upon the death of former Gov. Donald G. Nutter, and filled unexpired 4-year term which began January 1961. Elected to full 4-year term in November 1964.

¹⁵ Previous term was 2 years, now 4 years.

¹⁶ Governor McNair, formerly Lieutenant Governor, succeeded to office in April 1965, to fill unexpired 4-year term of former Gov. Donald S. Russell (resigned), which began in January 1963.

¹⁷ Governor not eligible for "reelection."

¹⁸ Nomination for third successive term prohibited by State law.

¹⁹ 2 previous terms: 1953-55; 4-year term 1955-59.

²⁰ Indefinite term.

²¹ May 1961.

²² Became Acting Governor on Jan. 20, 1963, upon resignation of Gov. Bill Daniel. Inaugurated on Mar. 9, 1963.

²³ Popular Democratic Party.

²⁴ April 1961.

*Terms of State administrative officials (The Book of the States, 1964-65,
pp. 142-144)*

State or other jurisdiction	Lieutenant Governor	Secretary of state	Attorney general	Treasurer	Auditor
Alabama.....	1 4	1 4	1 4	1 4	1 4
Alaska.....		4			
Arizona.....		2	2	1 2	2
Arkansas.....	2	2	2	2	2
California.....	4	4	4	4	
Colorado.....	4	4	4	4	4
Connecticut.....	4	4	4	4	4
Delaware.....	4	4	4	2	2
Florida.....		4	4	4	
Georgia.....	4	4	4	4	
Hawaii.....	4				8
Idaho.....	4	4	4	4	4
Illinois.....	4	4	4	4	4
Indiana.....	4	1 2	2	1 2	1 2
Iowa.....	2	2	2	2	4
Kansas.....	2	2	2	2	2
Kentucky.....	1 4	1 4	1 4	1 4	1 4
Louisiana.....	4	4	4	4	
Maine.....		2	2	2	4
Maryland.....			4		
Massachusetts.....	2	2	2	2	2
Michigan.....	2	2	2	2	2
Minnesota.....	4	4	4	4	4
Mississippi.....	4	4	4	1 4	1 4
Missouri.....	4	4	4	1 4	4
Montana.....	4	4	4	1 4	4
Nebraska.....	2	2	2	1 2	2
Nevada.....	4	4	4	4	
New Hampshire.....		2	4	2	
New Jersey.....					8
New Mexico.....	1 2	2	2	1 2	1 2
New York.....	4		4		
North Carolina.....	1 4	4	4	4	4
North Dakota.....	2	2	2	1 2	2
Ohio.....	4	4	4	4	4
Oklahoma.....	4	1 4	4	1 4	1 4
Oregon.....		1 4	4	1 4	
Pennsylvania.....	1 4			1 4	1 4
Rhode Island.....	2	2	2	2	
South Carolina.....	4	4	4	4	
South Dakota.....	2	2	2	1 2	2
Tennessee.....	2	4	8	2	
Texas.....	2	2	2	2	2
Utah.....		4	4	1 4	1 4
Vermont.....	2	2	2	2	2
Virginia.....	4		4		4
Washington.....	4	4	4	4	4
West Virginia.....		4	4	4	4
Wisconsin.....	2	2	2	2	
Wyoming.....		4		1 4	4

¹ Cannot succeed himself.

² consecutive terms.

NOTE.—Terms of office (number of years) and constitutional limits on terms are given for designated elected officials only.

*Terms of State legislators*¹

State or other jurisdiction	Senate term	House term	State or other jurisdiction	Senate term	House term
Alabama.....	4	4	Montana.....	4	2
Alaska.....	4	2	Nebraska.....	4	2
Arizona.....	2	2	Nevada.....	4	2
Arkansas.....	4	2	New Hampshire.....	2	2
California.....	4	2	New Jersey.....	4	2
Colorado.....	4	2	New Mexico.....	4	2
Connecticut.....	2	2	New York.....	2	2
Delaware.....	4	2	North Carolina.....	2	2
Florida.....	4	2	North Dakota.....	4	2
Georgia.....	2	2	Ohio.....	4	2
Hawaii.....	4	2	Oklahoma.....	4	2
Idaho.....	2	2	Oregon.....	4	2
Illinois.....	4	2	Pennsylvania.....	4	2
Indiana.....	4	2	Rhode Island.....	2	2
Iowa.....	4	2	South Carolina.....	4	2
Kansas.....	4	2	South Dakota.....	4	2
Kentucky.....	4	2	Tennessee.....	2	2
Louisiana.....	4	4	Texas.....	4	2
Maine.....	2	2	Utah.....	4	2
Maryland.....	4	4	Vermont.....	2	2
Massachusetts.....	2	2	Virginia.....	4	2
Michigan.....	4	2	Washington.....	4	2
Minnesota.....	4	2	West Virginia.....	4	2
Mississippi.....	4	4	Wisconsin.....	2	2
Missouri.....	4	2	Wyoming.....	4	4

¹ All information is from "The Book of the States," January 1966 (not yet published).

² In 1966 all legislators were elected for 4 years. However, Nebraska has a unicameral legislature.

Mr. KATZENBACH. And I might observe this, that I am not sure that a real plethora of elections is the best way of really getting representative feelings from the people. That is, it is a little bit like Greshon's law—the more elections you have the less turnout and the less interest there is.

I think it is more important to concentrate to the extent that it is possible on meaningful elections, to get as many people out to vote, to make this vote count for as much as possible. I think really you are closer to democracy doing that than you do in loading elections all the time for one thing or another and frequent elections. And you get this falloff in the electorate.

Mr. TENZER. Mr. Chairman, if such a schedule is going to be prepared, could it also go back to indicate the number of State legislators or legislatures which changed from a 1-year to a 2-year term and greater? Because that would show the trend. Because those States that joined the Union afterward did not start with 1-year terms. Most of the Colonies had 1-year terms for all officers, and that is why I think your development of that would be very startling and very significant.

Mr. KATZENBACH. The 1-year term is really psychologically related to the colonial period.

Mr. TENZER. And the foreign system.

Mr. KATZENBACH. Because of the tremendous importance of that 1 year.

Mr. CHELF. May I add at this juncture, Mr. Attorney General, and to what Mr. Tenzer has just said, that the State of Kentucky, my own native State, has at the present time for submission to the house of representatives and the State senate, and later the people, a 4-year term for the representatives of the State.

Now, Mr. Hungate, you may have the floor.

Mr. KASTENMEIER. Mr. Chairman, I yielded to Mr. Tenzer. I have a question.

Mr. CHELF. I am sorry. Mr. Kastenmeier.

Mr. KASTENMEIER. And that question was, Mr. Attorney General—incidentally, I agree with the comment from my colleague from North Carolina. There is a tendency to go in the various States from 2-year to 4-year elections for Governor and constitutional officer slates. I think a willingness to accept a 4-year term from a popular standpoint.

My question is, in the event the committee considering the various proposals; just assume the committee goes to the broken-term proposal; that is, half every 2 years, assuming it can find answers to some of the questions now raised, do you feel that the Department of Justice would support another variation other than the one that you come here this morning to testify for?

Mr. KATZENBACH. I very much doubt it, Congressman. I think that the difficulties of any splits are so great that they perhaps outweigh the advantages in changing the present system.

I think that there has been the conclusion that most students have made on the subject, particularly acute because of the reapportionment question, although that might seem detailed; but I think that it really could have the result of half of your Congress being almost a distinct half from the other half in another subsidiary sense, in that you have Democrats and Republicans, and then you have within each of those parties another subgroup that is running not merely with the President but with a presidential candidate.

And I would think it had so many unforeseeable results that, thinking as a constitutional amendment—and I am reluctant to propose constitutional amendments unless it is clear that they are desirable and needed; and I would see so many problems with that that I would have great difficulty in supporting it.

Mr. KASTENMEIER. Thank you.

Mr. HUNGATE. Mr. Chairman.

Mr. CHELF. Mr. Hungate.

Mr. HUNGATE. Thank you, Mr. Chairman.

And I would like to take the opportunity to commend and congratulate the Attorney General on the exposition of this whole problem. I think he has delineated the pitfalls and the arguments in favor of this proposition in a most persuasive manner.

Mr. KATZENBACH. Thank you, Congressman.

Mr. HUNGATE. And discussing the 1-, 2-, 3-, and 4-year term we have had some proposals in my area about civil service. But I do not think we will consider all that for Congressmen.

I wondered, Mr. Attorney General, do I understand with each election it would seem there is a certain kind of energy that must necessarily—a minimal amount of energy that must be spent in a campaign, and therefore if we half as many elections, that perhaps a Congressman would have more time in which he would at least have an opportunity to devote to the public's business rather than to promoting himself? Would that be a fair statement?

Mr. KATZENBACH. That would, Congressman, yes.

Mr. HUNGATE. And it has been indicated that elections keep a Congressman on his toes, and I think anyone would concede that someone who wins by a margin of 80 percent or more is an expert on elections. Would you think that that would have a greater tendency to keep him on his toes perhaps even than a district in which there was 80 percent of it going one way?

Mr. KATZENBACH. I would think so; yes.

Mr. HUNGATE. Now, we have discussed coattail syndrome and landslides. Would you think it would be possible—I am discussing Congress maintaining its independence. Would you think it would be possible that under our present system we could have a landslide year such as 1964, and that we would still have independence in our Congress sufficient, even under a 2-year term, that a Congressman could be elected in such a landslide and still oppose such a bill such as the one that is presented now by the administration? Do you not believe that Congress does have a significant amount of independence even under the 2-year term?

Mr. KATZENBACH. I think it does. And I do not except that independence to be affected by the 4-year term. In fact, I think in many ways a Congressman would have a greater independence in the 4-year term than he does in the 2-year term.

Mr. HUNGATE. Now, what is your State, General?

Mr. KATZENBACH. New Jersey.

Mr. HUNGATE. Do they have coroners in New Jersey?

Mr. KATZENBACH. Coroners?

Mr. HUNGATE. Yes, sir.

Mr. TENZER. They must have.

Mr. KATZENBACH. I think so. I just do not believe it is an elected office, if that is your point.

Mr. HUNGATE. Well, the purpose that I am inquiring on, in Missouri we do have an elected coroner. And he has a 4-year term. And I was wondering if you thought there would be any danger to the Republic in giving a Congressman the same security at the ballot box as the coroner, for example, a 4-year term.

Mr. KATZENBACH. I certainly do not.

Mr. TENZER. Of course, there is a difference. Would the gentleman yield?

Mr. HUNGATE. I yield for a brief question, due to my seniority, Mr. Tenzer.

Mr. TENZER. As I understand, Mr. Hungate, the coroner has only one function to perform; when a man is dead, he is dead.

Mr. HUNGATE. Well, the electorate does that for Congressmen occasionally.

But, General, I wonder what your views would be—you are well acquainted with the seniority system that we follow here in Congress and the Senate; would it be possible that marginal districts where the Congressmen have to be the most responsive, I would think, to the public will, a gentleman is winning by a margin of 5 percent or less—and we have had no one testify yet in opposition to this bill who has not been winning by a margin, carrying 55 percent of the vote—would you not think that those districts where Congressmen shift back and forth in great response to the public will on the seniority system; does it not appear that they are perhaps deemed never to have chair-

manships or committee chairmanships because they do not have any-one here long enough? Would that seem correct?

Mr. KATZENBACH. I think that it would. It is rare in one of those districts, but occasionally a person can keep building it up each year until he achieves such personal reputation within the district that he sees what would not be a safe seat becomes a safe seat for him.

But I think that with the seniority system, working as it does, it would be understandable to me that there could be a difference in view.

Mr. HUNGATE. Now, we have had some discussion on the growth of our Nation under the present system.

I will repeat, Mr. Chairman. We have had some discussion on the growth of our Nation which we presently enjoy. I wonder if it is not a fact that—you suggested that—there is no relevancy between the 2-year term and this growth. But it is not also true during this period that this Nation had experienced or suffered with segregation in great measure in many areas and separation in its schools and criminal procedures whereby defendants even in capital cases for many years were not afforded counsel? And it is not correct that in many of these areas that the remedy has finally come through what some call judicial legislation in this same period of 2-year term?

Mr. KATZENBACH. In many instances the remedy has come from the courts.

Mr. HUNGATE. Yes, sir.

Now, we had a discussion of the effectiveness of a Congressman in his first year and thereafter. As I understand, sir, you intended to raise no question in a way about the capability or the quality of a Congressman voting in his first year. It was suggested perhaps he should not vote until he had been here 3 or 4 years. That would not be your position?

Mr. KATZENBACH. No, certainly not.

Mr. HUNGATE. Did you refer perhaps to factors such as his ability fully to represent his district through knowledge of the somewhat intricate procedures that are employed in taking legislation through committees and through the House? Is that the sort of thing to which you referred?

Mr. KATZENBACH. Yes. That is what I intended to refer to, plus his knowledge of the whole executive branch, his ability to serve his particular constituency through knowing what to do and how to do it and how to go about it, and also to getting legislation, making his views effective.

In addition to that, there is another thing that happens very often. A man is elected to Congress in his first term. Congress passes, we will say, an agricultural bill and he comes from an agricultural section. Before that bill has any opportunity to work, he is back there on that bill defending that bill which he voted for without any opportunity for anybody to know at this point whether it is going to work out or not work out for that district, and he rises or falls on that.

Mr. HUNGATE. You have a very significant point, I think, General. We have discussed districts in which the primary is tantamount to election. In a district such as that it would seem to me that the same situation could prevail as to medicare where primary is in Missouri in early August. The taxes for medicare will begin, have begun in

January. There will be no benefits beginning until July. So that the Congressman's state in reelection might depend on how many people he can get in the hospital in one month of July. Because, as you have indicated, these programs under the short term that we now enjoy frequently do not have time actually to become operational until we are called on to vote on the individuals who enacted them.

Mr. KATZENBACH. That is right.

Mr. CHELF. Any further questions?

Mr. HUNGATE. I thank you very much, Mr. Chairman.

Mr. CHELF. Mr. Gilbert.

Mr. GILBERT. I thank the chairman.

But first may I commend the Attorney General for his statement this morning?

Mr. KATZENBACH. Thank you.

Mr. GILBERT. And his frankness and candor in the answers that he has given in response to many of the questions, some of which I think were most difficult.

I would like to make one or two observations for whatever they are worth. I have been in public life for 17 or 18 years, having served in the State senate for 6 years, in the State of New York, and 4 years in the State assembly, and now 6 years here.

And in the State of New York we also have a 2-year term for our State legislators.

I will never forget the first time I was elected, I went up to the State legislature with all the desire, all the emotion to do the best possible job I could do for my constituents. And my colleagues there said: "Look, Jack, this is what I want to tell you. Your first job is to be reelected." I understand that, but—well, your first job is to be reelected. Forget about the issues. You just service your district. You care for the people in your district and you will be concerned about the people in your district. Do not worry about the issues.

And I think that this advice is given to almost every person that is elected, because his job, if he wants to remain in public life, is to be reelected. And it is not necessarily going to follow that he is going to comply with what he thinks is in the best interests of the country or the Nation or of the State, but rather what he thinks is going to be best to reelect him.

And, therefore, there is a very narrow viewpoint that a legislator gets, whether he be in the State or in the Congress, because he cannot give the thought to the particular issue presented to the legislative body.

The next thing is that we in Congress here have what we call a short session of Congress and a long session of Congress. I think almost the moment that we are elected there is some Member of either the Senate or the House of Representatives who will say: "Well, this first year we are going to adjourn by August." And this is back somewhere in December. The reason for it is that they want to make sure that they are going to get back into their districts.

So as a result the people who elect them are being shortchanged, because the moment they are elected somebody already is deciding when they are going to quit. And that is the long-term session.

Then you have the short session, which we have this year. Because you have a general election and you have a primary in most States. Now, my primary is in June in the State of New York. At least the legislature has designated up to this moment.

Petitions are going to be filed in my State, or should be filed in March. Now, if I am going to have a primary opponent, my business is to be reelected. And like our acting chairman, Congressman Chelf just said, I am not going to be my weight in salt to the Congress of the United States, I am going to defraud the people of my State, because I am taking money on false pretenses; I should be here, but I am not here. I am going to be back home campaigning. And this is a disgrace. This is an utter disgrace.

So I would say that in one sense—you talked about remoteness or being close to the people—I think you are getting closer to the people for your own personal edification and gratification, but you are not getting closer to the people with respect to the important issues that face our country.

And this, I think, is the paramount consideration. It is the waste of manpower, the waste of time, the waste of effort, and the waste of anything.

I think something should be done in this area. I do not know whether the 4-year term is the right thing to do. This is very difficult to estimate. Or the 3-year term as my good friend, Congressman Tenzer, proposes. But certainly something should be done in this area. It should not remain an open wound that is festering on the American scene, because in the long run the American public, the constituents of every district, are the people who are being shortchanged here and are not getting the value that they elect these people for, the value that they remain in Congress that they do a specific job for the country.

And one other thing. They talk about coattails, Mr. Attorney General. I run every 2 years with my Governor. Now, if there is a landslide for the Governor, following the same argument, if there is going to be a landslide for the President you are going to have a majority of the people elected from this body in the State legislature. And perforce I, running for the Congress of the United States with 435 other Members—434 other Members, I should say—we are lost in the shuffle. People are concerned about State issues, the importance of State issues, the Governor is being projected as a possible presidential candidate, and the little old Congressman nobody knows that he is running. He does the very best that he can. He cannot get a word in edgewise concerning Federal issues, because everything is about the State.

So I think this coattail argument is ridiculous on its face. Because when you run with the President, you run with the Governor, you are going to be overwhelmed by that particular office.

So I say that I think this committee would do a great service to our Nation if we passed on out of this committee legislation which would extend the term of our Congressmen. And I disagree, as much as I hate to, with our chairman, Chairman Celler, in this particular field.

Mr. CHELF. Mr. Tenzer.

Mr. TENZER. Just one more question addressed to the general principle of a 3-year term, Mr. Attorney General.

I have just prepared a little schedule here, and I would like to hand it to you and then discuss it with you as I talk.

When the objections to the 4-year term were voiced, you are aware of all the arguments that were presented against the 4-year term because they are practically the same arguments that were presented in 1789. There were practically no new arguments presented.

But the idea of running concurrently with the President or in the split 4-year term, the 3-year term would afford the compromise, for this reason. Once every 12 years the Members of the House of Representatives would run with the President. Three times during that 12-year period he would have to run alone. But the entire House would be elected at the same time.

When the one-third of the Senate is elected every 2 years, this type of a schedule that is presented here, which I will probably place into the record with the permission of the chairman, place that schedule into the record.

Mr. CHELF. Yes; without objection, it is so ordered.

(The schedule referred to follows:)

Year	President ¹	House ^{2,3}	Senate
1972.....	President.....	Full House.....	1/3 Senate.
1973.....			
1974.....			1/3 Senate.
1975.....		Full House.....	
1976.....	President.....		1/3 Senate.
1977.....			
1978.....		Full House.....	1/3 Senate.
1979.....			
1980.....	President.....		1/3 Senate.
1981.....		Full House.....	
1982.....			1/3 Senate.
1983.....		Full House.....	
1984.....	President.....	Full House.....	1/3 Senate.

¹ Representatives will run every 12 years concurrently with President.

² Representatives will run every 12 years concurrently with Senate.

³ 3 times during 12 years Congressman runs alone.

Mr. TENZER. The Member of the House would run without the President and without the senatorial candidate. So that if the Senators represent the States and the President runs every 4 years, the Member of the House running every 3 years would give the people an opportunity to judge the Members of the House on their own merit.

Secondly, the argument that in the event a rebellious President was elected you want the people to have an opportunity to take control of the House of Representatives, this schedule gives that opportunity even with a greater frequency than has been suggested, because the first time in 1972, for example, the House of Representatives would run with the President. Then in 1975, 3 years after the presidential election, there could be a check and balance upon the Presidency.

In 1975 and 1978, only 2 years after the President has been elected, there can be a check and balance, but in the third time around, the House of Representatives would be elected only 1 year after the President.

So that under this system you would have a more definitive and more accurate and more controllable system of checks and balances.

I would like your comment on that.

Mr. KATZENBACH. I think the disadvantages of your proposal, Congressman, is the fact that it is only once every 12 years that the House runs with the President. Under the schedule you would have a complete House election in 1972 with the President. You would then have one in 1975 without the President and without even knowing who the presidential candidates were going to be the next year.

It would seem to me that that election would very likely be largely on the local issues that were presented, and there would be no opportunity at this point for the Congressmen to really say whether or not they support a party platform or not. In fact, as Congressmen they would not have to endorse party platforms or support party platforms except every 12th year it would come upon them. By that time they would be as individuals, some of them at least would be quite well entrenched.

So that I would think that it would separate the Congressmen not only from the Presidency or the presidential candidates, but I would think from their party and their party responsibilities.

I firmly believe that neither House of Congress should be a rubber-stamp for what the President proposes. But I think it is helpful if a party in general—it may have exceptions within it—but in general has a membership that is committed in general terms to the same philosophy of government and in general terms to the same objectives as the President.

And I would fear that this would greatly weaken the party organization and greatly weaken the two-party system, and would tend to greatly weaken that at the national level while perhaps strengthening it to some extent at the State level. In other words, I think the Congressmen would tend much more to be identified with State and local issues than they would with national issues and would tend to be much more responsive to their State organizations than they would to the national philosophy and the national organization.

It might work, and it might work out well; but again it would seem to me that this is so novel, despite the fact that it was proposed in an entirely different context, at the time of the Constitution, that I would be fearful that it would weaken some of those institutions on which we have depended in this country and which have given us a good form of government.

Mr. TENZER. Well, Mr. Attorney General, would it not rather strengthen the two-party system, and would it not be just contrary to the dilution of the peoples' rights if the Members of Congress elected in 1972 with the President had an opportunity to articulate their voting records, which was either for or against a platform, and would not this be helpful to the two-party system to have the party platform reviewed separate and apart from a quadrennial election, so that the candidates for the Congress would be able to articulate and also even test out new subjects for the presidential platform of his party in the subsequent election 1 year later?

Mr. KATZENBACH. I would not really think—I doubt very much that it would work that way, Congressman. I think the presidential candidate elected in 1976 knows he is going to have to work with the same Congress that has already been elected the year before. And if you assume that—I do not know what the complexion of that Congress

would be in 1975. I think it is pretty tough when a President, particularly if it is a President of the opposite party, would come in and then have to work for 2 years with a Congress not elected with him, not committed to his ideas, and not even elected when those ideas were before the electorate.

And I would fear that, while it might increase the prestige in a way of the Congressman running, I would also fear that it would result in a full House almost always elected by substantially less electorate than that which elected the President.

Mr. TENZER. I would like to make it clear at this point for the record that, while I favor an extended term, I am not married to the language or the concept of a 3-year term or the language of House Joint Resolution 630 which I introduced. But I do want to have a full debate before the committee and would like to have your specific views on the 3-year term, and if you perhaps have any further thoughts on it, you may let the entire committee know through a communication to the chairman on that point.

Mr. KATZENBACH. All right; be happy to.

Mr. TENZER. I think we should have, while we are having these hearings and we have not had any on the subject of an extended term for a long, long time, that perhaps it would be well that we give the 3-year term a good hard look to see if it does not create a compromise, because there are many people who oppose the 4-year term who have indicated that they would favor a 3-year term.

So if an extended term is desirable, we ought to take a good look at this.

Mr. KATZENBACH. I would be happy to supplement my views, sir.
(The information follows:)

MARCH 14, 1966.

Hon. HERBERT TENZER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN TENZER: At the hearing held on February 15, 1966, before the House Judiciary Committee on various proposals for extending the term of Members of the House, you asked for my views on a proposal such as House Joint Resolution 630, which would extend that term from 2 to 3 years. Its effect would be that candidates for the House would run with the President once every 12 years and that three times during the 12-year period they would run alone, with the entire House being elected on each occasion.

Your proposal does, of course, have a proud history. James Madison argued for the 3-year term during the Constitutional Convention. His reasons for preferring a 3-year to a 1-year term were similar to those which have led many Americans today to believe that a 4-year term is preferable to a 2-year term.

First, it takes time for a Congressman to learn what he needs to know about the Nation, the Government, the Congress, and the job, and as the country has grown and its affairs have become more complex the time necessary for this educational process has also increased. Second, shorter terms means more frequent elections, more time devoted to campaigns and more needed for campaign funds. Thus the Congressman's available time and energy are diverted from his legislative tasks.

To some extent a change from 2-year to 3-year terms would help to alleviate these problems, but not as surely and not as efficiently as a 4-year term. Moreover, a 3-year-term system eliminating simultaneous House elections in 2 out of 3 presidential election years would result in a drastic change in the balance of powers established by the Constitution. In such areas of constitutional structure it is desirable to move carefully and only in response to demonstrated needs.

In this connection, I believe it important to emphasize that the two-party has, in my opinion, been one of the basic sources of political stability in

this country. The requirement that candidates for membership in the House of Representatives and for the Presidency run together every 4 years seems to me to be one factor which operates to insure the continuation of that system. An election process in which congressional and presidential candidates ran together only every 12th year might operate to weaken it, and thus deprive our Government of an element which has been vital to the strength and growth of the Nation. I, therefore, would hesitate to endorse this change, and, in fact, as I have testified, if there is to be any change at all, it may well be that the change should be in the opposite direction. I might add that a system which would provide for concurrent House and presidential elections in only every third presidential campaign would have some Presidents take office with a newly elected House, others take office with a House elected a year before, and the rest take office with a House already in office for 2 years. This would result in uneven treatment for different Presidents and different Congresses.

For these reasons, and those stated in my testimony, although I am pleased to endorse the spirit of House Joint Resolution 630, insofar as it calls for an extension of the present House terms, I have concluded that I must oppose the resolution. May I take this opportunity, in conclusion, to reaffirm my opinion that the President's proposal provides the best solution to the problems presented by the existing system.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Attorney General.

Mr. CHELF. Mr. Mathias.

Mr. MATHIAS. Mr. Chairman, one final question.

The Attorney General has been a distinguished observer of the Washington scene from inside the administration. He was very close to President Kennedy, he is a member of President Johnson's Cabinet. Would you say that the existence of the midyear or the midterm congressional elections had any effect on the President in his thinking and planning and administration in the country? Does the President, looking into the President's mind, allow for the existence of the midterm election and direct his thoughts and plans on the basis of them?

Mr. KATZENBACH. That is a very difficult question to answer. I would think that the—

Mr. MATHIAS. It is part of the initial problem, though.

Mr. KATZENBACH. I think the President is always sensitive to the views of the electorate because he knows that the Congress is always sensitive to it, and he would agree with that. Both of them should be sensitive to the views of the people.

So I think you tend to look at this to some extent in terms of your program, you want to have the support of people and you want the support of Congress. But I think from the President's point of view, he is interested, first of all, in doing what he believes is right in attempting to persuade Congress to do what is right.

Secondly, he realizes that in any programs that are adopted by Congress there is a lag in terms of their operation until all the effects can be seen of this.

So I think there is an urgency to build a record as early as you can, putting as much work on Congress as you can.

I would not say that either President Kennedy or President Johnson because of midyear elections were not proposing or urging or trying to get Congress to enact what they thought should be enacted. I think they are sensitive to the desires and wills of the people as I think you are to democracy. But I do not think that the midterm elections are a special factor in terms of this.

And certainly the midterm election in 1962, while there was quite a turnover, the net effect of this was fairly small in terms of its effect on the Congress or on the President's ability to get through programs.

Mr. MATHIAS. Well, you say it is not a special factor. But it is inevitably a factor.

Mr. KATZENBACH. Well, it becomes a factor in this sense, Congressman. Congressman X is going to be running this year, and he is an important member of the Y Committee. And it is going to be tough for him to support this piece of legislation in an election year. Therefore it is going to be tougher to get that piece of legislation through, even though you think that is a good piece of legislation to get through. So you take these factors into consideration in that sort of way.

But I do not see that that is contributing importantly to good government or to responsible government. It may just make it more difficult to get legislation through in an election year because, particularly as you get down to the time really when Congress gets voting on this, a Congressman is concerned, as he should be, about his own reelection, is not sure how the people in his district are going to view this particular proposal, even though he personally thinks it is a good proposal, he would rather vote on it after the election than he would before the election.

So there may be some hesitation about sticking his neck out at this point.

I do not think that those considerations, which certainly are in the minds of anybody in the executive branch with responsibility for urging legislation that the President wants—I do not think those are factors that make for better government. I would think probably to the contrary, you may have trouble getting a quorum.

Mr. MATHIAS. Well, would you say that over and above these rather technical and mechanical considerations, however, that a President would want to avoid, say, what happened to President Eisenhower at the end of the first 2 years of his term? There was a great falloff in the Republican Members of Congress, and that he would interpret this to some extent as a reflection on policy positions that the administration had taken, and that therefore he would be constantly using this as some barometer of the position of the administration with the general electorate, not just Congressman X on the Committee Y?

Mr. KATZENBACH. Well, I think, to repeat what I said, I think, of course, you are conscious of the feelings of people throughout the country, whether it is an election year or not. And I think if you try to do what is right you find that a lot of the people seem to have doubt about this, and you are persuaded as to the merits of it, the response generally is, on the part of the President not to say "Let us give that up" but to say "We have not made our case on that, let us make it."

Mr. MATHIAS. Thank you.

Mr. CHAIRMAN. I would just like to take the further opportunity to thank the Attorney General for his patience and good humor.

Mr. KATZENBACH. Thank you.

Mr. CHELF. Due to the lateness of the hour, I shall be very brief.

There are several questions that I really would like to discuss with you, Mr. Attorney General, but two in particular I think stand out here today. And there was much made of it.

I am rather inclined to be, as my good friend, Mr. Tenzer was, about the suggestion he made a while ago when he alluded to the fact that our chairman, Mr. Celler, had made much over, "Why all the change?" Possibly I should wait until Mr. Celler returns, but for the purpose of the record—and certainly I will call his attention to it—there are two things I would like to discuss briefly. One is the question of the so-called coattail riders.

And I would ask you, sir, would a 4-year term not actually work both ways? If there were some fellows who rode into office on the so-called political coattails of the President, would not the same thing happen in the long run by those who would become braver with a 4-year term and just might buck the administration?

Mr. KATZENBACH. I would think, as I said, Mr. Congressman, I really think the 4-year term would have the impact of giving a greater independence in many respects to Members of the House.

Mr. CHELF. Would you not agree, then, that this would be possible?

Mr. KATZENBACH. Yes, sir.

Mr. CHELF. I mean a man could better stand on his own two feet and defy even the President if he disagrees with him.

Mr. KATZENBACH. I would think so.

Mr. CHELF. One other question, and that was the question of "change". There was much said about the change, "Why the change?" Why all this?

In way of comment, our forebears did not fear a change when they fled the pressure of tyranny beyond the seas; they did not hesitate to draft a constitution, adopt a bill of rights, and organize a new government here. They even fought a revolutionary war. All of these things were drastic changes. Would you not agree?

Mr. KATZENBACH. I certainly would, sir.

Mr. CHELF. And therefore, under the circumstances, I believe I would hazard a guess that any opposition to any change that was for the betterment of the country or for the good of the country would be like stopping the clock and actually be in opposition to progress. Is that a fair statement?

Mr. KATZENBACH. I think so, yes, sir.

Mr. CHELF. Mr. Attorney General, there is another witness, and let me say once again that I am delighted you have come, and you, as always, have done a magnificent job in your presentation. And I want to thank you, certainly on my behalf and on behalf of this committee, for your appearance here and leveling with us, as you always do.

Mr. KATZENBACH. Thank you, Mr. Chairman. It is always a pleasure to be before this committee.

Mr. CHELF. Thank you kindly.

Is Dr. Calvert L. Dedrick here?

Dr. Dedrick, would you come around, please? I see that you are scheduled as the next witness. Dr. Dedrick is the Chief of the International Statistical Programs Office of the Bureau of the Census.

Mr. CHELF. Congressman Gathings, do you have a statement you want to put in the record?

Mr. GATHINGS. Yes, sir.

Mr. CHELF. Without objection, it will be placed in the record at this point.

Congressman E. C. Gathings of the great State of Arkansas has this statement he wants to put in the record.

Mr. GATHINGS. Thank you.

(The full text of the statement of Hon. E. C. Gathings, U.S. Representative, from the State of Arkansas, follows:)

STATEMENT OF HON. E. C. GATHINGS, U.S. REPRESENTATIVE FROM THE STATE OF ARKANSAS

THE 2-YEAR TERM HAS WORKED WELL

In his state of the Union message President Johnson proposed a 4-year term for Members of the House of Representatives. Our colleague, Sidney Yates, of Illinois, relates a story that the late Vice President Barkley told regarding a bachelor friend of his who nearly got married. "It happened only a few days ago," the friend said. "I was introduced to this very attractive girl. I took one look and fell in love with her." "Fine," said Vice President Barkley, "why don't you marry her?" "Well," the bachelor replied, "I took a second look." Our present 2-year term is a success. The American people have someone to call upon whenever they have a grievance against their Government. They know their Representative generally and their Representative strives to know those he serves.

The real issue is whether the voting citizen should be deprived of expressing his will in choosing Members of the House every 2 years.

In 1938 111 new faces were elected to the House in the off-election year of President Roosevelt's second term. The people of the First Congressional District of Arkansas did not send me here at that time because they did not like the way President Roosevelt was administering the affairs of the Government. Probably in some other districts that could have been the case. These newly elected Members were successful for various reasons. The 2-year term provides a full and complete look at the record made in Washington at the halfway mark of a presidential term. This is one of the checks and balances which make for good government.

In the President's view a 4-year term would be desirable as the sessions continue to get longer, new problems arise, and campaign costs are excessive. He further stated that such a term would attract the best men. I cannot agree that a longer term will attract better people to seek office. When the Constitution was being drafted, Roger Sherman, of Connecticut, favored a 1-year term for Members of the House. James Madison, of Virginia, sought 3-year terms, while John Rutledge, of South Carolina, fought for 2-year terms. None of them asked for a 4-year term.

It was the Founding Fathers' contention that a Representative should be close to the people, and that he should speak the will of the people he serves. He meets that criterion fully under the present system.

A 4-year term of office for a House Member could cause him to become lax and inattentive to his duties. He may lose touch with his district. He also may be difficult for some of his constituents to locate when needed, should he be entrenched for a period of 4 years, as he could get Potomac fever.

A Representative is a public servant and whoever enters upon such a position should bear in mind that the people who employ him should have easy access to him at all times. He should be available to his people when called upon in all matters coming under the purview and prerogatives of his office. Quite a lot of opinions will be expressed on this issue before a final determination will be made. The 2-year term has worked well. It is responsive to the will of the people and gives the people better government.

Mr. CHELF. Sit down, Dr. Dedrick, and make yourself at home, please, sir.

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At this juncture I would like to place in the record a statement on behalf of Congressman Winfield K. Denton, of the Eighth District of Indiana, on behalf of the 4-year term.

(The full text of the statement of Hon. Winfield K. Denton, U.S. Representative from the State of Indiana, follows:)

STATEMENT OF HON. WINFIELD K. DENTON, U.S. REPRESENTATIVE FROM THE STATE OF INDIANA

Mr. Chairman and members of the committee, I want to enter my testimony in favor of the proposed constitutional amendment that would lengthen the terms of Members of the House of Representatives to 4 years.

Although not one of the oldest Members of this body, I have been in Congress a number of years and have observed the changes in the workload and responsibilities facing the Members. For many years I was opposed to the repeated overtures to lengthen the House terms. But in the last year or so I have become reconciled to the fact that a longer term has become necessary if we are to adequately and correctly serve our constituencies.

When Congress first started, sessions ran for some 4 to 6 months. Then Members returned to their districts, went about their normal or usual occupations, met with and discussed issues with their constituents for the balance of the year. In election years this meant that Members seeking reelection had anywhere from 6 to 8 months to campaign.

This is not true today. Last year the Congress adjourned on October 23 after more than 9½ months of session. This left only 2½ months before the next session was to begin. In 1964 Congress adjourned October 3, after nearly 9 full months of session—and only 1 month before the general election. In 1963 Congress was in session during the full 12 months of the year.

And, gentlemen, I'm sure you're all aware that the office of a Congressman has become more and more complex over the years as our society has become more and more complex. This means more and more time consumed on constituent problems.

Committees now take months and months of intensive hearings to come up with recommendations for the House. This means more and more of a Congressman's time must be spent in committee meetings and in study of proposals.

Opponents of the extension of House terms say the term should be short so that those seeking the office can take the issues to the public and that we should be judged frequently. I agree that we owe it to the public to campaign and to take the issues to the people. But what kind of a job can be done in 1 month's time as we had in 1964 before the last general election?

I think it is unfair to the public to force a Member seeking reelection to campaign every 2 years, spending valuable time in campaigns that could be spent on legislation and constituent problems. But it has come to the point where it is virtually impossible to give adequate time to either. At least not with the current requirement of seeking office every other year.

Therefore, gentlemen, I am now in favor of extending the term of Members of the House of Representatives to 4 years. I firmly believe that it would allow the Members of the House to do a better job for the people in all ways; in having more time to serve them with their problems and to spend on legislation, and in having more time to campaign and to present the issues to the people.

Now there are, I understand, some who want to split the election years so that the entire House does not run for election the same time as the President.

This proposal I am against. I feel it would create too great a problem in aligning the districts and create unfair advantages and disadvantages for those running in either case, with or without a presidential candidate.

I also believe that a more solid path of legislation could be laid if the House were elected at the same time as the President, since in most cases candidates run on the same platform as the President and would be obliged to maintain a position on the issues and to live up to campaign promises.

So I am in favor of an extension of the terms of House Members from 2 to 4 years and for making the terms concurrent with that of the President.

Mr. CHELF. Proceed, Doctor.

STATEMENT OF DR. CALVERT L. DEDRICK, CHIEF, INTERNATIONAL STATISTICAL PROGRAMS OFFICE, BUREAU OF THE CENSUS

Dr. DEDRICK. An allusion has been made already in the testimony as to the effect on apportionment laws and procedures of a 4-year term for the Congress. My statement on this matter can be very brief.

There is a document of the 86th Congress, 2d session, Union Calendar No. 1009, a report of the Subcommittee on Census and Government Statistics of the Committee on Post Office and Civil Service of the House of Representatives, which goes into detail as to the steps by which reapportionment occurs. I can summarize those, if the committee wishes. It has been stated by the Attorney General that the only change that would be made in the present procedures would be once every 20 years when the effective period of the apportionment would be delayed by 2 years.

The present law provides that the census be taken in April of the year ending in zero. The total population of each State is reported to the President before December 1 of the same year. He reports it to the Congress, by law, within the first week of the new session of the Congress which is elected in the year ending in zero and which meets in January of the year ending in 1.

This report then passes to the appropriate committee of the Congress, and the Congress is allowed, by its own laws, 15 days in which to take some kind of action, such as increasing the size of the House, or decreasing the size of the House, or changing the method of apportionment. In the absence of such action by the House within 15 days, the Clerk of the House certifies to each State the number of Representatives that they will have beginning in the Congress 2 years thereafter—in other words, in January of the year ending in 3.

The elections for this Congress, of course, are held in November of the year ending in 2. And so the effective date is 2½ years following the date of the census itself or is 2 years from the date in which the President reports the results of that census to the Congress for apportionment purposes in accordance with title 2, United States Code, section 2(a).

With a decennial census and a 4-year term for Congress and President, once in 20 years this apportionment would become effective in the election of the year ending in 4 instead of the year ending in 2.

In other words, if I may trace this briefly, the 1970 census, the next to be taken, would affect the elections of the fall of 1972, which is also a presidential year, and the elections of 1976 and 1980 would be under the same apportionment. But 1984 would be the next 4-year period, and the apportionment based on the 1980 census could not go into effect until January 1985 as a result of the lack of simultaneity of the 4-year presidential term and congressional term under the new amendment and the 10-year census.

This is the only problem which exists if the proposed 4-year term is adopted as an amendment to the Constitution. Whether, as was suggested I believe by Chairman Celler, an amendment to United States Code, title 2, the present apportionment act, would be required, I believe is of minor importance in this matter, because it can relatively easily be solved.

Mr. CHELF. Mr. Hungate.

Mr. HUNGATE. No questions, Mr. Chairman.

Mr. CHELF. Mr. Tenzer.

Mr. TENZER. No questions, Mr. Chairman.

Mr. CHELF. Mr. Mathias.

Mr. MATHIAS. I would just like to thank the witness very much for his statement, for his views. They are helpful to us, and I think we perhaps view this from opposite sides of the question; and for that reason, he is all the more enlightening and helpful.

Mr. CHELF. Doctor, I was wondering if I might ask one question.

In your opinion, expert opinion, would it be better to have the census every 8 years, in view of this; just assume that this 4-year term became the law. Would it be better or worse toward the situation?

Dr. DEDRICK. Mr. Chairman—

Mr. CHELF. I understand there is quite a clamor for a reduction from the 10-year to the 8-year period, chiefly by businessmen throughout the country. Now, this has occurred to me on many occasions, and I would certainly welcome your comments on it.

Dr. DEDRICK. The decennial census of the United States, first taken in 1790 and taken every 10 years since then, as you know, Mr. Chairman, has become an institution which has now spread really worldwide. This has attained considerable importance in the cyclical flow of public information—to people about themselves—and which influences many public and private policy decisions.

As more data are required for policy purposes by Government, by business, and others, there has been a rising tide of support—I could say demand—for a 5-year census, or a middecade census. Possibly this would not be as detailed as the 10-year census is at the present time, but certainly would be enough to give population figures for each community, each small area, also to give the characteristics and composition of population, data on housing, on occupation, and other factors that are very important as we get more and more laws which require policy decisions or administrative actions, based on facts concerning our people, their occupations, their earnings, homes, and so on.

The possibility of an 8-year census has not been proposed, to the best of my knowledge, at any time prior to the beginning of this hearing. Whether it is constitutional I believe would be a matter for this committee to decide. The Constitution itself provides that the first census shall be taken in 1790 and within each subsequent term—within each subsequent term; I emphasize the word—of 10 years.

From an operational point of view, I believe that the committee should ask the opinion of the administration. It is relatively easy for us at the Bureau of the Census, with high-speed computers and other equipment, to take a census at any time, or to estimate the size and characteristics of the population of the United States as a whole at any time.

It would not be as easy for the ordinary university professor, private researcher, or business person to use our data, I believe, if we took an 8-year census as it is if we took a 10-year census. The reason is that the generation of children who are now under 10 years old will be, of course, 10 to 19 years old 10 years from now, and so on. And we always tabulate the census by 5- or 10-year intervals. So that it is quite easy for the users of the data to compare one census with another one exactly 10 years away.

An 8-year census, as I say, will present no mechanical difficulties so far as the Bureau of the Census is concerned, and might go part way toward meeting the needs for a more frequent census which have been expressed in many places at hearings before committees of the House of Representatives on a middecade census.

There are, however, various problems as to flow of information to the public—the periodicity of the regularity of flow of information—which I think would have to be studied before we would be willing to support such a proposal.

Mr. CHELF. There has been comment and I am sure that you have heard it, that pushes for a 4-year term along with the President, a second 4-year term would fit in fine, but then, the next 2-year period would throw them into the "off year" again. Would this pose a problem? I am happy to have your remarks on this, because there are some mechanical difficulties in the legislation, and they have to be worked out; they have to be solved.

So I just wondered how you felt about it and whether you could at this juncture put yourself on record as to how you felt.

Dr. DEDRICK. That was the intention of my remarks, Mr. Chairman, to indicate that the matter does require study, which we have not performed, to the best of my knowledge, and that, should this be seriously considered, I believe that an inquiry to this effect should be directed to the administration.

Mr. CHELF. Are there any other questions?

Mr. TENZER. Mr. Chairman.

Mr. CHELF. Mr. Tenzer.

Mr. TENZER. Dr. Dedrick, do you have information as to the number of special censuses taken for or on behalf of States other than the decennial census?

Dr. DEDRICK. I do not have with me, Mr. Congressman, that information, but I can get it for the record if you wish. It is a very large number.

Mr. TENZER. A large number of special censuses?

Dr. DEDRICK. And with each passing decade the number becomes much larger. Your State, I believe it is New York?

Mr. TENZER. New York.

Dr. DEDRICK. And you have had many special censuses.

Mr. TENZER. I would appreciate that information, Mr. Chairman. I think it might be useful to the committee when it goes into executive session, because of the point raised today.

(The information follows:)

Special censuses conducted since Apr. 1, 1960, by State and year

State	1961	1962	1963	1964	1965	Apr. 1, 1960, to Dec. 31, 1965
Alabama.....		1	2	5	2	10
Arizona.....	1	1			35	37
Arkansas.....	6	18	18	35	47	124
California.....	8	6	6	15	24	61
Florida.....				1		1
Georgia.....			2		1	3
Idaho.....		1		1	1	3
Illinois.....	5	25	45	52	71	198
Indiana.....		2	4	5	12	23
Iowa.....				1	25	26
Louisiana.....			1			1
Minnesota.....		1			75	76
Mississippi.....			2			2
Montana.....		1				1
New York.....		1	14	48	90	153
North Carolina.....				2		2
North Dakota.....		2	4	7	5	18
Ohio.....	1	1			2	4
Pennsylvania.....	1	2	3	16	23	45
Rhode Island.....					1	1
South Carolina.....		1	1	3	5	10
Tennessee.....				1	5	6
Texas.....	1	1			1	3
Wisconsin.....	1	1		2	2	6
Total.....	24	65	102	194	427	813

¹ Includes 1 special census in 1960.

² Special census of entire State.

³ Excludes approximately 75 checks of 1960 addresses in annexed areas and approximately 15 special censuses of annexations only.

Mr. TENZER. And one more question, if I may, Mr. Chairman.

Are we approaching a period when it would be less costly and take less time to prepare for a census on a national basis because of the computers and the mechanical equipment available?

Dr. DEDRICK. There is no question, Mr. Congressman, but what for a given amount of information we can, with computers and the other techniques that we are now using, for example, sampling, get is much more rapidly and possibly more reasonably. On the other hand, the demand for additional detailed information is using up part of our saving, or in some cases, we feel, all of our savings. There is a perfectly enormous demand for census data in the United States.

Mr. TENZER. I am aware of the long range of census data that you furnish. But for the purposes of the discussion we are having dealing with the Constitution and the amendment dealing with a term for the Members of the House of Representatives, we are dealing strictly with population.

Dr. DEDRICK. Yes, sir. The requirement of the Constitution is only for total population.

Mr. TENZER. And that would become less difficult as time goes on with the storage and retrieval systems that we are now working with?

Dr. DEDRICK. Yes. If we had to do only that.

We are, on the other hand, giving, I hope and believe, much more accurate data to you, the Congress, and the the American public, than we did years ago, by doing a very much more careful job in preparing

for a census. We have already taken experimental censuses in various places in the United States in preparation for the 1970 census.

For example, if our present experimental work is successful, we will not need to have an enumerator go to every door, but the householders themselves will complete much of the information, which then can be mechanically read, and so on. This may reduce the cost of the census. But only through very careful research and trials before the census—more adequate preparation for the census.

Mr. TENZER. Is the census by States kept up to date with removals from one State to the other as indicated by the social security system or other systems of the Government?

Dr. DEDRICK. No. We use all available information as to the migration of people from one area to another in preparing our State estimates, which we publish regularly. But, in the United States, unlike, let us say, Sweden, Germany, and some of the other countries of the world, there is no requirement that a person register or get permission to move.

Mr. TENZER. And that is good.

Dr. DEDRICK. We, therefore, have to rely on the best estimating procedures that we can use. I believe that you are acquainted with some of these estimating procedures, probably having looked at some of the data that we use, such as school enrollment, social security, and other migration indications of one type and another, in determining whether a congressional district is over a certain size.

But we are not in a strong position, Mr. Congressman, in making estimates for States; and we are in an even weaker position for cities and for smaller areas. The smaller the area, the more difficult it is to make estimates.

Mr. TENZER. Thank you.

Mr. CHELF. Thank you very much, Doctor. We certainly appreciate your cooperation and your help.

And with this we will recess the committee until next Wednesday at 10:30 in the morning.

(Whereupon, at 1 p.m., the committee adjourned, to reconvene at 10:30 a.m., Wednesday, February 23, 1966.)

CONGRESSIONAL TENURE OF OFFICE

WEDNESDAY, FEBRUARY 23, 1966

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The committee met, pursuant to adjournment, at 10:35 a.m., in room 2141, Rayburn Building, Hon. Emanuel Celler (chairman) presiding.

Present: Representatives Celler, Feighan, Rodino, Whitener, Corman, St. Onge, Hungate, Tenzer, Jacobs, McCulloch, Poff, Mathias, King, McClory, and Henry P. Smith III.

Also present: William R. Foley, general counsel; Martin R. Hoffman, associate counsel.

The CHAIRMAN. The committee will come to order.

We will resume the hearings on various resolutions involving constitutional amendments providing for extending the terms of Members of the House to 4 years or 3 years.

Our first witness is our distinguished Member from New York; from Long Island, I should say, who is a very, very dear friend of mine and who always presents us with a clear and concise analysis of the subject, Representative Otis G. Pike from New York.

Mr. PIKE. Thank you, Mr. Chairman.

I do have a prepared statement here, which I will either submit for the record, or I would be happy to give it.

The CHAIRMAN. If you would sit over here next to the microphone so we can hear.

Mr. PIKE. Yes, sir.

It is a very short statement, and, with your permission, Mr. Chairman, I will run right through it.

The CHAIRMAN. All right.

STATEMENT OF HON. OTIS G. PIKE, REPRESENTATIVE FROM NEW YORK

Mr. PIKE. I want to thank the members of the Judiciary Committee for this opportunity to express my views on the subject of a 4-year term for Members of the House of Representatives, which, although they may not be popular, I feel rather strongly.

I will accept without reservation all of the arguments made on behalf of the 4-year term. We do spend a great deal of our time, of our energy, and of at least somebody's money, in the effort to get reelected every 2 years. This is particularly true in districts known as marginal districts, and as a Democrat from a district which was always characterized as "safe Republican" until 1960, I believe I can speak with

some authority on marginal districts. I would agree that the work of a Congressman becomes increasingly complicated technically, and burdensome, and that despite all efforts to lighten his load, his load becomes increasingly heavy. I would agree that a Congressman is not fully effective at the end of 2 years. Overriding all of these considerations, however, is what I deem to be a more fundamental issue. It is, of course, a constitutional issue, which is why this legislation is in the form of a constitutional amendment.

More than that, however, it is a fundamental political and psychological issue. Much as I would like to be elected for a 4-year term, I believe that I am a better Congressman because I have to go back to the people and have my lease on my seat in Congress renewed every 2 years. I believe I work harder at my job knowing that I must face the people who give me my job every 2 years.

In the final analysis, whether or not this legislation should be passed must depend not upon what is good for Congressmen, but must depend upon what is good for the people who make us Congressmen. We live in an age when, whether we like it or not, power is accumulating in the hands of the Federal Government, and that accumulation of power is accelerating. Local and State governments are becoming relatively less and less important in the daily lives of our people as the Federal Government becomes more and more important. There is nothing worse for the preservation of a democracy than to have the people look upon their Government as something remote from them; something in which they have a diminishing voice—something over which they have a diminishing control. The heart of the democratic system lies in the word "participation." Whether we are talking in terms of a 4-year term elected simultaneously with the President, or 4-year terms staggered so that half of the House is elected every 2 years, any effort to change the traditional 2-year term to a 4-year term is in essence nothing more than an effort to cut the voting power of the average citizen in half. It is an effort to reduce his voice in his Government by half. It cuts his power to express pleasure or displeasure. The only effective way he can express his pleasure or displeasure—at the polls—is cut in half. His participation in the voice of those representatives which are closest to him is divided by two. His voice is half as strong as it was.

I would hate to see this great committee endorse any proposal which will weaken the voting rights of our people, make our Representatives less representative of our peoples' will, and diminish the last great bastion of individual freedom in an era of increasingly powerful Federal Government—the right to change that Government.

Thank you, Mr. Chairman.

The CHAIRMAN. I cannot take any exception to what you have just uttered. I said at the inception you would give us a very good analysis, and you have.

Mr. PIKE. Thank you.

The CHAIRMAN. Any questions?

Mr. CORMAN. Mr. Chairman, one of our members who is unavoidably detained this morning has been posing a specific question and asked me if I would do that. So I speak for him, Congressman, when I ask you the percentage by which you have been elected each of the times you have been elected for office, if you happen to know.

Mr. PIKE. Well, your question in itself is a little flattering, Mr. Corman, in that the first time I ran for office I was clobbered, and I collected 43 percent of the vote in my first run for office, 50.1 percent of the vote in my second run, 57 percent in 1962, and 64 percent in 1964.

Mr. CORMAN. Thank you. I am sure he will find this interesting. And I would assume that after your first race you were not for a 4-year term either?

Mr. PIKE. You are absolutely correct. After my first race I was not for a 4-year term.

It is a very happy curve, I might say.

Mr. TENZER. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Mr. TENZER. I am delighted with the statement made by my colleague from Long Island. But I would like to ask him this question, referring to the last paragraph of your statement, in which you state that the voting rights of the people would be weakened and make our Representatives less representative of the people as well. What kind of a Representative does one make when one runs concurrently with the President of the United States and the candidate for the Congress, the House of Representatives, has very little opportunity to articulate his own positions on the vital issues of the day but rather must depend upon the articulation by the presidential and vice-presidential candidate?

Mr. PIKE. Well, first of all, I would essentially agree with you, Mr. Tenzer, that it is very difficult for a Representative in Congress to make his own views a major issue in an election in which the Presidency is also at stake. The only way you can do this, I would assume, is if your own views differed quite radically from those of the President of the opposition candidate for the Presidency.

I certainly think you are right. As one who has ridden on the coattails of both Lyndon B. Johnson and Robert Morgenthau, it is possible to, I think, sometimes make your own views fairly well articulated and to have your own views thought of separate from those of the man at the head of the ticket.

Mr. TENZER. Well, the man at the head of the ticket was different. I was not aware that Mr. Morgenthau was candidate for President.

Mr. PIKE. No; he was not. He was Governor in that case.

Mr. TENZER. Yes. Have you given any thought or consideration to House Joint Resolution 630, which is a bill for a 3-year term, which gives candidates for the House of Representatives an opportunity to stand on their own feet at least three times out of every 12 years and appear before the people to articulate his own positions for and against the administration then in power?

Mr. PIKE. I am aware of your bill, Mr. Tenzer, and I certainly appreciate the arguments which you advance on its behalf and the motivation which prompted you to introduce it.

My essential feeling of it is that, while it does not reduce the voting power of the citizens by 50 percent, it does reduce them by 33 $\frac{1}{3}$ percent, and I am not in favor of that, either.

I think that, instead of chopping the voting power of the citizens in half, you are cutting them by a third, and I think that that, too, is bad. It does overcome this question of being a coattail candidate to

a substantial degree, a very substantial degree; and to that extent I think it is very good.

But I also think that all of us here in both parties do have a certain affiliation with an administration or an opposition to an administration, and I do not think that this is wholly bad. And I do not think that the concept of separating your own campaign from that of the Presidency is that important a concept to justify what I consider to be a poor move, that of reducing the voting power by increasing the term.

Mr. TENZER. Congressman Pike, a candidate for the House of Representatives running without the benefit or handicap of a President of the United States, Vice President of the United States, or gubernatorial candidate, but running by himself, standing before the people, would he not have a better opportunity to articulate his own position for and against the administration's platform and program and then give the people the best type of representation to determine whether they want that candidate to be elected or not?

Mr. PIKE. Well, he certainly would if he were not going to run on the same ticket with anybody, with a Senator or a Governor or President. But what you are proposing now is a complete revision of the entire voting system, and I do not think that that is seriously contemplated by anybody.

I think that the candidate has got to do the best he can to articulate his own position even when there is somebody at the head of the ticket who is getting more publicity than he is. And I think that this can be done.

Certainly, if we were elected at a different time than the President and Governor and Senator, people would pay more attention to our positions. But I do not think that this is all that important. I do not think it is wrong to either be affiliated with or opposed to the position of a President or a Governor. Sometimes I have been on both sides, and I have managed to make my point fairly clear.

Mr. TENZER. I am well aware of some of those positions, and I have found myself that way, too. I am not making a proposal which is different from that of the President of the United States.

But your answer, Congressman Pike, would seem to infer that this is a new idea. I am sure that you are aware that it was the New York delegation to the original Constitutional Convention in 1789 which proposed a 3-year term and that it was James Madison of Virginia who seconded that proposal, and that the 2-year term was a compromise between the 1 and the 3, which were the two favorite suggestions at the time.

The CHAIRMAN. Before you answer that, Brother Pike, may I be forgiven by you for an interruption?

Mr. TENZER. I will be glad to yield to my chairman.

Mr. PIKE. Yes, sir.

The CHAIRMAN. I have to make an announcement. I should like to make the announcement there has been assigned to our committee a new member, the distinguished gentleman from New York, Henry S. Smith III, in front on my extreme right. And I just want to say that Mr. Smith comes from North Tonawanda, N. Y. He was born in North Tonawanda September 29, 1911. And we certainly welcome him into

our family circle here. I am sure he will enter fairly upon his work and will serve with distinction.

He attended the public schools, Nichols School of Buffalo, Dartmouth College, where he received the degree of A.B. in 1933; went to Cornell Law School and got his LL.B. in 1936; engaged in the practice of law in Ithaca, N.Y., until 1941, and since then in North Tonawanda. He was elected mayor in November 1961, and he resigned in January 1963, to accept the appointment as Niagara County judge for 1 year. He is married to the former Helen Elliott Belding; has three daughters, Susan (Mrs. Walter G. McConnell), Lucinda, and Christiana. He was former president of the chamber of commerce; trustee drive chairman, and president of the United Community Fund; member of Selective Service System Board 81; member and president of the Rotary Club; director of the Beeman Foundation in Niagara Falls; elder of the North Presbyterian Church. He was selected by the chamber of commerce as Tonawanda's Citizen of the Year in 1963; elected to the 89th Congress, November 3, 1964.

We certainly welcome you, Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman.

The CHAIRMAN. You might care to answer that question propounded by Congressman Tenzer, Mr. Pike.

Mr. PIKE. I would like to say that Mr. Smith's presence here does, once again, indicate that, if a person is sufficiently articulate and is in a sufficiently good district, he can manage to withstand a pretty good landslide every now and then. And I want to congratulate Mr. Smith on having done that.

I would say, Mr. Tenzer, yes, I am aware that this is a very old proposal and that it was first offered by the New York delegation to the Constitutional Convention. I am aware of it.

I will go further and say because you told me about it some time ago, for which I am very grateful.

But I would say also that, while I yield to no man in my admiration for minorities, I do not think that the majority is always wrong. And that the Constitutional Convention this proposal was voted down by the majority. And I think that the majority knew what they were doing at the time, and I think that for us at this particular time to say that they did not know what they were doing after we have managed to survive on this system for 175 years indicates that we do not have quite the faith in them that we might have had.

Mr. POFF. Mr. Chairman, would the gentleman yield?

Mr. TANZER. Do you want me to yield?

Mr. POFF. Yes, please.

Mr. TENZER. I yield to the gentleman from Virginia.

Mr. POFF. I appreciate the sentiments the witness has stated, but I wonder if his same comments would have any relevance when we adopted the 17th amendment.

Mr. PIKE. I would think so. I do not say that I have always opposed any constitutional amendment. I have not always opposed any constitutional amendment by a long shot. What I am saying is that the fact that a particular provision was introduced at a constitutional convention does not really sway me one way or the other. I would say the fact that it was debated at the Constitutional Conven-

tion and voted down at the Constitutional Convention indicates that the people there considered it very fully, and in this particular instance I would agree with the conclusions of the majority.

The CHAIRMAN. Would you not say that the 17th amendment was an amendment involving procedure rather than principle? It was simply a procedure by which the Senate was to be elected. This amendment goes to a very fundamental; namely, it affects the checks and balances, the constitutional fathers' vote upon the Houses of Congress. They looked upon elections as sort of a barometer whereby the people could register their views. If it went up or down, they could change it; or as to time on certain subjects. Therefore, it was quite distinguishable from the 17th amendment.

Mr. PIKE. Well, Mr. Chairman, I would feel that this is certainly the most fundamental constitutional change which has been presented certainly since I have been in Congress. It is the first time that I have felt moved to speak on one of them or testify before this committee. It certainly is fundamental.

And I think that the proposal, quite frankly, before us for a concurrent 4-year term is the least desirable of all of the proposals which your committee is considering. Because it does, as you indicate, affect the checks and balances of the Constitution.

I would say that the staggered proposal would be less undesirable. I would say that Mr. Tenzer's 3-year term would be less undesirable than that. But to me the most desirable of all is to leave it alone.

Mr. POFF. Mr. Chairman, will the gentleman yield, Mr. Tenzer yield further?

Mr. TENZER. Yes, sir.

Mr. POFF. This is in the nature of a response to my distinguished chairman.

I had not heard it argued previously that the 17th amendment was involved only in procedural matters. Procedures were affected, but as it often happens when you make a change in procedures it also rather radically sometimes alters the substance. And certainly this was the case with reference to the 17th amendment.

The CHAIRMAN. Mr. Tenzer.

Mr. TENZER. Mr. Pike, when talking about following the majority of the Constitutional Convention, I would like to call to your attention that in the Committee of the Whole at the original Constitutional Convention, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and Georgia—seven—voted for the 3-year term; and Massachusetts, Connecticut, New York, South Carolina—four—voted against it.

You see, in those days we also had political maneuvering, and as a result there were some fairly sharp political maneuverings, and the House changed that vote.

Mr. PIKE. Those New York delegates just were not as intransigent as they are today, were they?

Mr. TENZER. Those New York delegates stayed with the 3-year term, and that is why we are taking a good hard look at it now.

I wanted the record to show that I am not married to the language of the 3-year term or the 3-year term as a solution to the problem; but I just wanted it that, while we are debating the question of the extension of the term, with those objections voiced by you and others to the

4-year term running concurrent with the President and a 4-year term running on a split basis with half elected every 2 years, which has its pitfalls as well, we want to examine into the 3-year term. And I thank you for your comments on it.

Mr. PIKE. Well, Mr. Tenzer, if I may respond briefly to that, I would like to say my principal objection is not to the concurrence, it is not to the staggered, it is simply to the whole concept of diminishing the participation of the citizen in his Government by requiring the Representatives to go back to the citizen every 2 years. And I think that this is the whole guts of the matter. And I think that anything we do which lessens the participation of the average citizen in his Government is a tremendous mistake.

Mr. TENZER. Did you ever think in terms of how the citizens of the United States are sold short by the amount of time that a Member of the House of Representatives is required to spend in his second year in office on the job of getting reelected, and the attendance at both House and committees is far short of what they are planned to be?

Mr. PIKE. I said in my opening remarks that I do recognize the time and effort and money and energy that go into campaigning every 2 years. But to me these admitted liabilities by no means approach the importance of taking away from the citizen the right to express his own pleasure or displeasure every other year.

Mr. TENZER. Would you add to those liabilities the attendance record in the second year, in the second session of each year of Congress?

Mr. PIKE. I can only speak as to my own, Mr. Tenzer, and this is not a planted question. But mine has not dropped below 97 in the second year of any session of Congress, and I hope it will not this year either.

Mr. HUNGATE. Will the gentleman from New York yield?

Mr. TENZER. The gentleman from New York has concluded his questioning, Mr. Hungate.

Mr. HUNGATE. May I inquire, Mr. Chairman?

The CHAIRMAN. Yes; you may.

Mr. HUNGATE. Mr. Pike, would you consider the fact that in the first Congress each Congressman represented 40,000 people, whereas today they represent about 450,000 people; would this not be an accentuation of the lessening participation which you mentioned by the voters?

Mr. PIKE. I am not particularly concerned with this argument, Mr. Hungate, for this reason. The problem is not that of how many individuals a Congressman represents; the problem is his ability to communicate with these individuals, to get their ideas and to give them his ideas.

In the first Congress I could not have gotten home to my district in 2 hours; today, I can. The man most removed from his district can get home to it in 12 hours. He could not have done that if he were in Virginia or Maryland at the time of the first Congress.

The communication ability is so much greater today than it was in those days that I think it neutralizes the fact that he does have that many more people to represent.

Mr. HUNGATE. Well, you think the improvement in communications and postal service, for example, would—

Mr. PIKE. Until recently the postal service was improved, yes sir.

Mr. HUNGATE (continuing). Would bring you closer, into closer contact with your constituents, even though you are farther from them?

Mr. PIKE. I do, indeed.

Mr. HUNGATE. Would that not tend to increase the feeling of participation by the citizen in his Government?

Mr. PIKE. I would say these two equate. The number of people that you have to represent is certainly so much greater that you cannot have as close communication with every one of them as you would have had with some before. But I think that it is not only the postal service; it is the ability to pick up the old telephone and get the Congressman on the line.

Mr. HUNGATE. To see him on television perhaps?

Mr. PIKE. To see him on television, if he happens to have a district which is blessed with a television station. I do not happen to have one.

Mr. HUNGATE. I almost sensed that. Do you have radio, though?

Mr. PIKE. Indeed we have. It is not that backward at all.

Mr. HUNGATE. I do not argue whether or not that would make it backward.

May I inquire what you think about the fact that the First Congress considered at least 750 bills and the first session of this Congress had, I think, 16,000 measures presented; would you think that would require more of the Congressman's time?

Mr. PIKE. I certainly do. Although I am going to be honest and admit that, out of that 16,000 bills, I did not consider 15,000 of them very hard. I think that the number of bills which are dropped in the hopper bear a startling lack of correlation to the amount of energy that the Congressman puts on studying these bills.

I think if we are honest with ourselves, I think we will all admit that, of the 16,000 bills which were dropped in the hopper, probably better than half were duplicates of bills which somebody had dropped in and—

The CHAIRMAN. Would you pardon the interruption?

Mr. PIKE. Yes, sir.

The CHAIRMAN. A great many of them were private bills.

Mr. PIKE. Yes; certainly a great many of them were private bills.

I think that the number of bills dropped in the hopper is not a fair criterion of the amount of work which a Congressman does. I will agree that the workload is much greater. We are also getting paid more.

The CHAIRMAN. Will the gentleman yield?

Mr. PIKE. Yes, sir.

Mr. HUNGATE. Yes, sir; I will yield to my chairman, certainly.

The CHAIRMAN. This committee receives probably 38 percent of all bills. You can well imagine we could not consider all of those bills. We would have a lot of confusion, frankly, if we took all those bills out and considered them, and we could not do anything else in this committee. Many are also identical.

So that I, as chairman, have to exercise the discretion which lies in the Chair and determine what bills shall be considered, what bills shall not be considered. That does not mean that I am dictating, but it is impossible to consider all these bills. I would just, in common parlance, have to sit on many of them.

So to say that we consider all these bills that have been offered is just not so.

Mr. PIKE. I am well aware of this, Mr. Chairman. As the author of a couple which have been sat on, I know that this does happen upon occasion.

Mr. TENZER. Mr. Chairman, at this point, while my colleague, Congressman Pike, is still on the witness stand, I would like to ask leave to include in the record at this point the editorials of the two daily newspapers published in his and in my district, Nassau and Suffolk County, the one of the News Day, which is opposed to the 4-year term; and the one of the Long Island Press, which favors the 4-year term.

The CHAIRMAN. You have that permission.

(The editorials referred to follow:)

[From News Day]

FOUR YEARS? NO THANKS

President Johnson has proposed a constitutional amendment, effective in 1972, extending from 2 to 4 years the terms of Members of the House of Representatives. In a message to Congress, he has mustered a number of convincing arguments, but they are not convincing enough.

First, as the President sets up the new amendment, all Members would be elected in a presidential year. This would be fine for the President, whoever he might be, since any popular man running for the office would frequently carry in a majority of Congressmen of his own political faith. Result: monolithic government.

Second, a simultaneous election of President and Congressmen rarely gives the voter a chance to register his dissent with prevailing policies. Under the existing 2-year system, when the entire House is reelected, the public can be clearly heard, and Congress can mirror existing thought more faithfully. Third, a 4-year setup would tend to freeze into being a seniority system for committee chairmen and members such as now exists in, and often paralyzes, the U.S. Senate.

The President objects to a compromise proposed by Senators Everett M. Dirksen, Republican, of Illinois, and Mike Mansfield, Democrat, of Montana, the minority and majority leaders of that House, calling for a 50-50 deal—half of the House of Representatives to be elected each 2 years. That's better than the Johnson plan, but still not good enough.

If, as the President accurately says, Members of the House must start campaigning for another term at the moment they take office, then why not limit by law or by agreement between the parties the length of time permitted for campaigning? English Members of Parliament operate under this arrangement, and successfully.

The amendment as put forward is supposed to improve the efficiency of Congress. It would not do this. It would simply lessen the power of the people to remove or replace their elected Representatives whenever they fail to fulfill the popular will.

[From the Long Island Press, Jan. 22, 1966]

THE 4-YEAR TERM IN CONGRESS

President Johnson has urged Congress to initiate two amendments to the Federal Constitution. One would provide that all Members of the House of Representatives be elected to serve 4 years instead of 2. The second would abolish the electoral college and give all the electoral votes of each State automatically to the candidate who carried the State in the popular election.

The Press believes both proposals have great merit. To put them into effect requires passage by a two-thirds vote in House and Senate plus subsequent ratification by the legislatures of three-quarters of the States. This is a long process, but it does have the merit of insuring extended consideration and debate. Today in this column we limit ourselves to a brief comment on the congressional proposal.

The advantages of a 4-year term for Representatives, as President Johnson sees them, are these:

Members will be long enough in office to reach informed judgments on complex issues; the time consumed in campaigning for reelection will be reduced; the costs of holding congressional office will be similarly diminished, and the office itself will become more attractive to well-qualified men.

Critics of the President's plan believe that to elect Congressmen for 4-year terms coincidental with the President's will fill the Chamber with coattail riders carried into office by the Presidential glamor; that the voters must have opportunity to pass on congressional effectiveness every 2 years; that if our congressional system is changed at all, it should be made more flexible in the British manner, rather than more rigid.

As we see it, the chief merit of a 4-year term is that it would give every Congressman a fairly long interval in which he could feel secure from outside attack and the strain of seeking reelection. Such a sense of freedom and security should certainly lead to the taking of more considered positions. In addition, we now live in an era when national problems are of such complexity that congressional debate is necessarily prolonged, and the time needed for passage of major legislation is measured in years rather than in months.

The CHAIRMAN. Would the gentleman yield further?

Mr. HUNGATE. Yes, Mr. Chairman.

The CHAIRMAN. I would, of course, like to comment on the proposition that we ought to adopt the 4-year term because of the costly campaigns. Now, would you not say that those are two different problems that should not be mixed in order to rid ourselves of these costly campaigns; should we sacrifice the advantages that we get from a 2-year tenure? Secondly, would it not be better to await the deliberation of the joint committee that has been established for an act of Congress? They are now tackling this very problem of campaign expenditures. They may come up with a remedy that might involve contributions, who shall be entitled to tax deductions or tax exemptions. They may have some other remedy for this very vexatious problem.

But there is no reason why the two should be mixed together. I do not think you can mix oil with water, and that is what they are trying to do in this regard.

Mr. PIKE. Well, Mr. Chairman, I would like to agree with you, and certainly I think, in the abstract you are correct; philosophically they are two different problems. But to the Congressman who is running every 2 years and who has to raise the money for the campaign, I think it seems to him very much like all part of the same problem.

The CHAIRMAN. Well, should we look upon it as a congressional body in the financial light?

Mr. PIKE. I do not think you should, because, quite frankly, I am not sanguine about the hopes of anything very constructive coming out of the financial aspects of the problem. It certainly is a very major part of the problem which the Congressman feels as to the difficulties of running every 2 years. I think if we tend to go off the deep end on this subject, it is that we spend too much time thinking about the Congressman's problems. And I think this is something he is just going to plain have to live with if he wants to be a Congressman.

I think that the other consideration about what we are doing to the whole system should have the overriding consideration and not the burdens that are placed upon the Congressman. He does not, after all, have to be a Congressman.

Mr. HUNGATE. What percent of the time, Congressman Pike, would you estimate the Congressman spends in working toward his own reelection?

Mr. PIKE. I think it is almost impossible to treat the question mathematically. To a certain extent every time you answer a letter you are working on your own reelection. Every time you fail to answer a letter you are working against your own reelection.

I think that some say this particular amount of time is used in working on being reelected is an arbitrary line which just plain cannot be drawn. I think that in direct campaign time perhaps, I would say no more than 10 percent.

Mr. HUNGATE. And what about the problems of raising campaign funds? Would you think that involved a substantial part of the time of that 5 or 10 percent?

Mr. PIKE. I will be honest with you and say it does not involve a substantial part of my time. It does involve a substantial part of the time of some friends. And why they do it I will never know.

Mr. HUNGATE. And this 10 percent to which we referred is time, I presume, that, if you ran every 4 years instead of every 2 years, a Congressman would have that much more time theoretically?

Mr. PIKE. Well, now, I am not so sure you are right. I think it would cut it down some. But I think that you would spend—I think the average man would be willing to spend a lot more time running for a 4-year term than he would be willing to spend running for a 2-year term. And I think also he would be willing to spend a lot more money for a term of office which paid \$120,000 than for a term of office which paid \$60,000.

So I do not think you are going to get any direct mathematical advantage out of doubling the length of the term.

Mr. HUNGATE. In other words, you do not think that would permit the Congressman to devote more time strictly to the duties of his office as opposed to the duties of promoting himself?

Mr. PIKE. I think it would permit him to spend some more time, but I do not think it would cut down the amount of the campaigning expense in half, and I do not think it would cut the amount of campaign time in half.

Mr. HUNGATE. Do you think there is a law of diminishing returns of investing funds and time, though, in campaigning?

Mr. PIKE. I certainly do.

Mr. HUNGATE. And if it was 4 years off, a great portion of the time would be wasted campaigning, would it not, in the first 2 years? Is there not a timetable, do you not believe, when there is a time too to campaign as elections become closer? Or maybe you do not agree with that.

Mr. PIKE. No, I do not. I think the best time to campaign is right after you got elected the last time.

Mr. HUNGATE. Now, you mentioned that this problem of devoting study to the bills and the time it takes to get reelected is a Congressman's problem. Do you not think to the extent that it takes his time away from studying bills over to the problem of reelection that it is also the citizens' and the Government's problem?

Mr. PIKE. To the extent that any Congressman's efficiency in studying bills which are before him for consideration is diminished by

spending time raising money for campaigning, of course you are right. What I indicated to you was that as a Congressman I do not spend much time studying 16,000 bills.

Mr. HUNGATE. Yes.

Mr. PIKE. And I do not think that the bills which reach the floor of the House which I must study, or the bills which are before my own committee, with which I must get very deeply involved personally, are so numerous or so burdensome that I cannot do this and still devote the requisite number of hours to campaigning.

Mr. HUNGATE. Well, according to some figures I have seen, something like 200 major pieces of legislation or something passed in the first session of this Congress. Would you think that each Congressman truly had time adequately to study each of these major pieces of legislation on which he voted?

Mr. PIKE. I do not know. The word "adequately" I expect could mean almost anything to anybody. I think this: I think that I had time enough in the first session of this Congress to study the bills to the extent that I was able to vote intelligently upon the bills which were on the floor. My constituents might disagree with me, but I felt that I knew what I was voting upon when I voted.

I think that I had sufficient time to study in depth the legislation which was before my own committee.

Mr. HUNGATE. Thank you.

The CHAIRMAN. Are there any other questions?

Mr. MATHIAS. Yes, Mr. Chairman.

The CHAIRMAN. Yes, sir.

Mr. MATHIAS. It is always a great pleasure to have our colleague from New York with us in this committee, and particularly so when he is on such a sound ground as he is today.

I am interested that he has used the word "remote" in describing Government, because this occurs to me as a very important point.

You say that there is nothing worse for the preservation of a democracy than to have the people look upon their Government as something remote from them.

We have had several colloquies on the use of this word "remote" in connection with Government here. I would wonder if the gentleman would agree that, although, as some of my colleagues who are here today have pointed out rather forcibly, although the Federal Government is more and more present in the daily lives of people, yet it is a paradox that it is also more remote from people, more difficult to control, more difficult to find an effective participation; and that this is the kind of remoteness which will be made even greater as a result of diminishing the participation in the ballot box.

Mr. PIKE. Well, Mr. Mathias, I would agree with you completely. One of the things that bothers me most is to have my constituents talk to me about government as a "they" somewhere; "they" are doing this, or "it" is doing that. It is something from which people increasingly feel detached. And I think you are absolutely correct.

Mr. MATHIAS. I thank the gentleman very much for his contribution here today.

Mr. JACOBS. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Mr. JACOBS. Mr. Pike, I was somewhat intrigued by Mr. Mathias'

question concerning the thesis that the Federal Government is now more remote from the citizens of the United States than maybe sometime in the past. And since your reply to his suggestion implied agreement, I was wondering if you could explain in what respect the Federal Government is more remote from people now than, say, 25, 30, or 50 years ago?

Mr. PIKE. Well, I think this is a natural corollary of the fact that our constituencies are increasing in size. Each citizen now owns one four hundred and fifty thousandths of a Representative as opposed to one forty-thousandths. As the Nation gets larger and larger, it does seem to me that you are less likely, the average citizen is less likely to know his Representative personally. In those areas where there is television, he may have an image of his Representative which is closer to him than he might have had a hundred years ago. But I do think that there is a tendency toward nonparticipation which is something that we have got to fight against all the time.

I think that there is a feeling of remoteness. Now, this does not apply, you said, to the Federal Government. I think this does not apply to the President, because I think in the executive branch the newspaper coverage is so complete; the television coverage is so much a part of our daily lives that there is a direct line between the citizens. But I do not think this is true between the citizens and the House of Representatives or the Congress.

Mr. JACOBS. Well, did I not understand you to say, however, that the increase in population of each congressional district and the remoteness that this might cause from connection with its Representative in Congress was offset by the improvement in communications between the district and the Congressman?

Mr. PIKE. You did. And I say this certainly helps the Congressman to keep in touch—

Mr. JACOBS. But you said it also was diminished.

Mr. PIKE. Yes.

Mr. JACOBS. I would assume the equation would remain constant so far as that representation was concerned over the years. I find myself somewhat puzzled now that you would say that it has diminished; that is, the representation of, or the communications between and the representation of the congressional district.

Mr. PIKE. No, I do not say that the communication has certainly diminished; the communication has improved. What I say is that to the average citizen I believe that the House of Representatives seems more remote from him than it used to. I think his Federal Government, aside from the Presidency, seems more remote from him than it used to.

Mr. JACOBS. Then would you say that the dilution of the congressional representation in the United States of America by virtue of the increased population without proportionate increase in representation in the House of Representatives has not been offset by the improvement in communications in this country? Would you withdraw that assertion?

Mr. PIKE. You are asking me a question which is capable of a mathematical answer: Of course the representation has been diluted. There is no question about it. If you have the same number of Congressmen

and a population which has increased tenfold, the representation has obviously been diluted.

The point I make on the communication is that it is possible for an individual Congressman to communicate with these people much more rapidly than he could before.

Mr. JACOBS. I understand that. Though, as I understood your testimony, you were saying that the effectiveness of the representation, although diminished by the dilution; the diminution was offset by the improvement of communication. Now, am I correct; was that your meaning?

Mr. PIKE. No, it was not.

Mr. JACOBS. Then I misunderstood your testimony.

Mr. PIKE. What I meant to convey was that the difficulties of representing 450,000 people as opposed to 45,000 people have been offset by improved communications, and that a Congressman as such has the capability of communicating with his district far more than he could 100 years ago or 150 years ago.

Mr. JACOBS. Why is that district more remote from the Federal Government?

Mr. PIKE. Well, it may be the Congressmen's fault to a very large extent. There are an awful lot of Congressmen who do not take advantage of the radio stations.

Mr. JACOBS. Well, this is the average fellow who does a good job. Let us take a good man 100 years ago and a good man today and talk about the physical contingencies. Would you say that it has diminished the participation; citizens and their role to participate in the Federal Government and to be close to it has been diminished in the last hundred years, or would you say it is about the same, or would you say that it has even improved?

Mr. PIKE. I do not know what the statistics would show, for example, on the percentage of people who are qualified to vote, who do vote.

Obviously we have qualified a lot of people to vote; women, for example, that were not always qualified to vote. To this extent I think it has increased. Certainly, however, if we chopped their right to vote from every 2 years to every 4 years, there is nothing on earth we could do.

Mr. JACOBS. Of course, this is not what I am talking to.

Mr. PIKE (continuing). Which could more diminish their participation.

Mr. JACOBS. That is not the subject of my inquiry. I am speaking of—and I think it is very important to the deliberations of this committee—that in considering any change in the arrangement for electing Representatives, to develop the thought that Mr. Mathias propounded, that the average citizen of the United States is further removed from his Federal Government today than he was at some time in the past. And I only asked the questions for that reason.

Mr. PIKE. In my opinion, he is, as far as the legislative branch of the Federal Government is concerned.

Mr. JACOBS. Then it would be correct to say that the dilution of representation in the Congress, in the House of Representatives, has not been offset by the improvement of communications in this country?

Mr. PIKE. Yes. I think to that extent that would be a completely fair statement. I think the tendency has been toward a remoteness and a lesser degree of participation. I still think, however, that it is within the capability of a Congressman to stay in close communication with his district if he uses all of the means of communication which are available to him.

Mr. TENZER. Mr. Chairman.

The CHAIRMAN. We have three more witnesses.

Mr. TENZER. Mr. Chairman, just one more point.

The CHAIRMAN. If you will make your questions short, please.

Mr. TENZER. Since the question of "remoteness," has been raised by several witnesses, rather than engaging in a question of semantics, I would like to read you the definition of "remote" and then I would like to have my distinguished colleague from Maryland and any other witness who talks about remoteness to explain precisely what they mean.

Webster's New Collegiate Dictionary: "Remote. Adjective. Removed to or situated at a distance; distant; also out of the way or secluded."

Another group of definitions: "Foreign, alien, markedly divergent."

Another group of definitions: "Not closely related or connected."

Another: "Separate, abstracted, hence aloof, inaccessible."

Another group: "Not proximate or acting directly, not primary."

Another group: "Not obvious or striking; slight, as a remote resemblance."

Now, that is the end of the definitions.

Now, if we have instant news, if the entire United States, through the newspapers, magazines, radio, television, with the facilities of our 1-day mail, with our forums held in the district, and with recent events where people gather to speak and articulate the problems of the day, with travel accelerated through the jets to and from the Capitol in Washington, and with more people having the funds necessary to make this travel; how can we possibly agree on a conclusion that the Federal Government in its seat in Washington, either the House of Representatives or the President, is remote from the people, when it enters every living room and every bedroom in Maryland?

Mr. PIKE. Well, Mr. Tenzer, you started by saying you were going to ask the witness to define which definition of "remote" they accepted. I would accept any except the first and the last in the context. I certainly do not mean geographically remote. This is not changed.

Mr. TENZER. Do you accept the one about foreign, alien, markedly divergent?

Mr. PIKE. Yes, I would.

I think that quite frequently citizens think of their government as something which is rather alien to them. They do not think of it as something to which they belong, something in which they participate. To the average citizen participation in government is going out and voting probably on election day. To my way of thinking this is a pretty thin participation in government by the average citizen.

Mr. TENZER. How far the other way would you go? Would you advocate that the 453,000 people in my district, for example, should daily meet for the purpose of determining what should be done, or should they do it through you, their elected Representative?

Mr. PIKE. I think they ought to do it through their elected Representatives.

Mr. TENZER. That is right.

Mr. PIKE. I think they ought to do it through the mail. I think they ought to do it by the telephone.

I still say, however, that I think, and I find in my own district, a great feeling that these people in Washington are doing such and such; or the Government is doing so and so, and it is not our elected Representatives who are doing it; it is not people we know; it is an unnamed amorphous "they" out there somewhere which is doing all these things to us or for us.

Mr. TENZER. Thank you, Mr. Pike. I will properly revert to this subject of definition when our distinguished colleague from Maryland returns to the committee room.

The CHAIRMAN. Thank you very much, Mr. Pike.

Mr. PIKE. Thank you, Mr. Chairman.

The CHAIRMAN. We appreciate your fine answers.

Our next witness is the Honorable Bert Bandstra, Representative from the State of Iowa. Mr. Bandstra.

STATEMENT OF HON. BERT BANDSTRA, A REPRESENTATIVE FROM THE STATE OF IOWA

Mr. BANDSTRA. Thank you, Mr. Chairman.

I do have a printed statement which I would like to have submitted and put in the record. I will just summarize briefly.

Mr. CHAIRMAN. You will have that permission.

Mr. BANDSTRA. Thank you.

I feel a little inadequate after listening to this discussion here and particularly after following my colleague, Mr. Pike, who obviously is very capable in this field.

I want to also recognize at the outset that there are problems, I am sure, in regard to a Congressman devoting his full time to or as much time as possible to, his legislative duties. However, I do not believe there is any reason for throwing the baby, so to speak, out with the bath by going to a 4-year term when there are other alternatives which perhaps could help.

For example, I estimate that I must spend at least an hour every day just signing my mail. We could have over on this side of the Congress some equipment which I understand they have on the Senate side. We could have more staff.

And I understand that the Joint Committee on the Organization of Congress has gone into these matters. And we also need more space. And I am sure much of this could be alleviated by something other than lengthening the term.

So I recognize the problem, and I do not want to be totally negative, but I also agree with what Mr. Pike has said regarding the watering down of the vote of the electorate.

I think we ought to be thinking more in terms of reducing the terms of some of the elected officials rather than increasing them.

For example, we could have a 4-year term over in the Senate. I am sure that that body would not particularly be sympathetic to a

constitutional amendment which would reduce their term from 6 to 4 years, but it seems to me that this is entirely too long. All the reasons that were probably present at the time the Constitution was adopted for granting the Senators a 6-year term have long since disappeared. And I think our move ought to be in that direction more than in the direction of lengthening terms.

I just want to make one other point. I know Thomas Jefferson has been quoted frequently. I have seen it in the press wherein he has been quoted on this particular point.

I ran across something that a man for whom I have always had a great deal of admiration, now deceased, Ambassador Adlai Stevenson, said shortly after the election in 1952; and this is what he said:

I have great faith in the people. As to their wisdom, well, Coca-Cola still outsells champagne. They make mistakes; they do sometimes, but given time, they correct their mistakes in 2- or 4-year intervals.

Now, he was obviously talking about the 2-year term of Congressmen and the 4-year term of the President. But I think the important thing is—and I think we can all agree—that people do at times, given the proper factors, make mistakes. In my judgment, we made a rather serious mistake in both 1952 and 1956, at least in the presidential election. Other people think we made a mistake in 1960 and again in 1964. But the point is that there is always a possibility of mistakes, and they do occur.

Now, if we agree in this, that the electorate can and does make mistakes at times, then they ought to be given an opportunity very frequently to correct these mistakes, an opportunity to go back to the polls. If their Representatives are not performing as the people think they should, then the people should have the chance to elect new Representatives.

I just think that it is very vital to a democracy. I think it is very fundamental and very basic that the people have an opportunity frequently to express their pleasure or their disapproval of their elected officials.

I am sure you are all familiar with the quote of Thomas Jefferson that "where annual election ends, tyranny begins"; and I am sure that the 2-year term was somewhat of a compromise, as has been pointed out here before.

I think for these reasons that it would be a serious and somewhat tragic mistake to lengthen the term of a Congressman at this particular time, especially when there are other ways, I think, to help lighten a Congressman's load, and which would do the job just as effectively without depriving the people of their right frequently to correct their mistakes if in fact they do make a mistake.

Thank you very much.

(The full text of Mr. Bandstra's prepared statement follows:)

STATEMENT BY HON. BERT BANDSTRA, U.S. REPRESENTATIVE FROM THE STATE OF IOWA

Mr. Chairman, members of the committee, I appreciate the opportunity to testify today on the proposal to amend the Constitution to provide for 4-year terms for U.S. Congressmen.

House Joint Resolution 807, which incorporates the recommendation to the Congress made by President Johnson on January 20, 1960, provides that terms of Congressmen would be extended to 4 years effective January 3, 1973, if the

proposed amendment were ratified by the necessary three-fourths of the States by January 1, 1972. The terms for Congressmen, under the provisions of House Joint Resolution 807, would run concurrent with the presidential term. There are, as the committee knows, other proposals relating to extending terms for Congressmen under consideration. However, since the proposal by President Johnson has attracted the most notice, I would like to limit my comments to House Joint Resolution 807.

The President, in his message to the Congress, argued that 4-year terms for Congressmen are needed because of the accelerating volume of legislation, the increasingly complex problems confronting Congressmen, the longer sessions of the Congress required to deal with legislative matters and the increasing cost of campaigning every 2 years. These are, of course, very real problems, and many of them were discussed last year during hearings conducted by the Joint Committee on the Organization of Congress. The President also has suggested solutions to some of them, such as providing tax deductions for campaign contributions.

I do not feel, however, that these problems are great enough to justify a constitutional amendment giving Congressmen 4-year terms. In attempting to remedy them, we should not throw the baby out with the bath. Therefore, I would like to place myself on record as opposed to House Joint Resolution 807. The present constitutional provision for 2-year terms has served the Nation well, and I think there are sound reasons why it should not be discarded.

The present 2-year provision, first of all, allows the electorate to express itself on issues of national importance at fairly frequent intervals. Frequent elections, I think, are basic to democratic government. This is a tradition that goes deep into American history. In 1800, writing to Samuel Adams about the principles of the American Revolution, Thomas Jefferson said:

"A government by representatives, elected by the people at short periods, was our object; and our maxim at that day was, 'where annual election ends, tyranny begins'; nor have our departures from it been sanctioned by the happiness of their effects."

The Jeffersonian principle of frequent elections should, I think, continue to apply to the House of Representatives. The House, as the most numerous branch of the National Legislature, was intended by the framers of the Constitution to be the one part of Government most directly representative of the people. Two-year terms for Congressmen, with the requirement for biennial elections, is necessary to preserve this direct relationship between the people and their Congressmen.

A second advantage of the two-year provision is that it gives the people a chance, within a reasonably short period of time, to correct any mistake they might have made in a congressional election. Democracy is the best system of government yet devised, but there is no assurance that the people will always make the right choice in every election. On this point, Adlai Stevenson, speaking shortly after the 1952 presidential election, remarked:

"I have great faith in the people. As to their wisdom, well, Coca-Cola still outsells champagne. They may make mistakes. They do sometimes. But given time they correct their mistakes—at 2- or 4-year intervals."

He was, of course, referring to the elections of Congressmen every 2 years and the election of the President every 4 years. I am not suggesting that the presidential term of office be shortened. But I do feel that, should the people in a particular congressional district discover they have elected the wrong man, they should not have to wait 4 years to correct their mistake.

In this connection, I think it would be beneficial to democratic government if the term of office for U.S. Senators were shortened from 6 to 4 years. Naturally, an amendment incorporating this proposal would find little enthusiasm in the Senate. Nevertheless, the Senate is no longer the aristocratic body envisioned by the framers of the Constitution, and I can see no justification today for 6-year terms for Senators. Therefore, consideration might be given to a constitutional amendment providing for 4-year, staggered terms for both Senators and Congressmen. Such an amendment, which would make the Senate more responsive to the electorate, would have my support. I recognize, however, that staggered terms for Congressmen would raise technical problems with regard to congressional redistricting, and any amendment containing this provision would have to receive long and careful study.

In any case, I do not think it requires a constitutional amendment to solve many of the problems facing Congressmen listed by President Johnson in his

message of January 20. The heavy workload on Congressmen can be eased to a considerable degree simply by providing more staff, more office space, and more technical assistance on complex legislative matters. The Joint Committee on the Organization of Congress, as I mentioned earlier, has heard proposals of this nature, and I am hopeful that action on such reforms will be taken this year.

Finally, I would like to add that, while I do not support an amendment to give Congressmen 4-year terms, I do believe that constitutional reform is badly needed in another area. In his message of January 20, the President also restated his recommendation that the electoral college be abolished. I strongly agree with this recommendation. The electoral college, which leaves individual electors legally free to vote for anyone they desire in casting ballots for President and Vice President, is an outdated and undemocratic institution. In 1964, I served as a presidential elector from Iowa, and I was able to observe the workings of the electoral college at firsthand. Since then I have introduced House Joint Resolution 819, which would abolish the electoral college and reduce to a minimum the chances of a presidential election being thrown into the House of Representatives.

As a former presidential elector, I think the electoral college should be abolished, so that the people can vote directly for President and Vice President. As a Congressman, however, I think the term of office for Members of the House should remain unchanged, and that the people should continue to have the opportunity to vote once every 2 years for their Representative to Congress.

The CHAIRMAN. Any questions?

Mr. HUNGATE. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Mr. HUNGATE. Mr. Bandstra, approximately what was your margin in this last election, may I ask?

Mr. BANDSTRA. I am able to give you that figure right on the nose: 53.64 percent of the vote.

Mr. HUNGATE. Thank you.

And I would like to ask, would you think that you could profitably use more time for purely congressional duties as opposed to the campaigning? I mean do you think you could if you had it?

Mr. BANDSTRA. Well, of course, I am not very qualified to speak on that particular subject matter, Mr. Hungate. As you know, I will know more about that after this next election. This will be my first return trip to the district to see whether or not the people out there, the good folks out there in the Fourth District of Iowa, really thought they made a mistake in 1964. And so I really do not know how much of my time it is going to take to campaign for reelection. I just have not traveled that course before.

Mr. HUNGATE. Well, I did not phrase my question well, I am afraid. What I am seeking to find out is if you feel the need of more time for your congressional duties.

Mr. BANDSTRA. Well, yes, of course. I think everyone would agree with that.

Mr. HUNGATE. Yes.

Mr. BANDSTRA. The only thing is I do not know that a 4-year term would particularly be the answer to that.

For example, I could use more office space and a legislative assistant, as they have over in the Senate. This type of thing. The kind of personnel that would take off my hands the answering of the telephone on long-distance calls. Much of this work is very important to the people back there, but you could have someone handle it as well as I could personally, I am sure.

Mr. HUNGATE. Would you think that if we had elections every year, that you would have more, the same amount of time, or less time to devote to your congressional duties?

Mr. BANDSTRA. Well, of course. Obviously any time you spend back in the district you are not in your office reading the reports that are issued by the Judiciary Committee and the House.

Mr. HUNGATE. Well, could we agree, then, that the more frequently you have elections the less purely legislative time you have to devote to your job?

Mr. BANDSTRA. Well, of course, I think that the election is just one aspect of this. There are other factors that take time away from a Congressman's principal objective and his primary purpose for being here, which is legislation. And as I say, I do not know exactly how much time it is going to take on my part to be back there to convince those folks they did not make a mistake. I really do not know about that.

But I do know that many Congressmen feel, who have been over this course many times before, that you can spend too much time back there. And I notice when I go back and am around town a few days, people say: I thought you were in Washington; what are you doing back here?

And I am not too sure at this particular point in time that it is necessarily going to be to my advantage to spend that much time back there if Congress is actually in session.

Mr. HUNGATE. Would you agree with the preceding witness, Mr. Pike, that, while there may be some 16,000 bills that were introduced at the last session, many of those are duplicates or are perhaps not seriously offered and it is not necessary to study over half of them or even less than that?

Mr. BANDSTRA. I am sure it would be considerably less than half, as you well know.

Mr. HUNGATE. Would you think that you would have adequate time, in your own mind, to satisfy yourself, to study the some 200 pieces of major legislation that went through the first session of this Congress?

Mr. BANDSTRA. Well, again I agree with Mr. Pike that the definition of the word "adequate" might be a little difficult to get at.

Mr. HUNGATE. Well, I should phrase that better. But I mean to your own satisfaction.

Mr. BANDSTRA. No.

Mr. HUNGATE. That is what I mean.

Mr. BANDSTRA. No, of course not. Before I came up here, I practiced law, and I never had the time on any one given case to spend the time on it that I thought it actually deserved. I never got through trying a case when I did not say to myself: Well, now, if I had had more time, I would have also done No. 1, 2, and 3. And I think this is a problem that you run into in any activity.

Mr. HUNGATE. I believe his testimony was that he thought he was able to conform himself well enough to vote intelligently on all these measures. Would you share that same view?

Mr. BANDSTRA. Oh, I would not dare say anything but that.

Mr. HUNGATE. And I want to develop that point.

I am satisfied that you voted intelligently on this question.

Mr. BANSTRA. Thank you. I might say that I have some people out there that wonder about it sometimes.

Mr. HUNGATE. But are there not other facets? Do you find—and this is your first term?

Mr. BANDSTRA. Yes, sir.

Mr. HUNGATE. Do you not find that there are other facets, such as motions to be made, and procedural problems to handle, and amendments to be offered and rules to be adopted? Do you feel that in your first year you are fully effective in all these procedural trails?

Mr. BANDSTRA. Well, no. I think that is undoubtedly correct. But I do not know what that would have to do with a 4-year term. And it would still be the beginning of my second year in Congress, and I would not know any more about that if I were here for 6 years. Or if I were here for a 6-year term, I should say.

Mr. HUNGATE. Well, would you not feel that you would probably be better prepared your last 3 years of a 4-year term than you were the first year on procedural matters? Would you think you would have a better acquaintance with them?

Mr. BANDSTRA. Do you mean would I be more acquainted with the procedural—

Mr. HUNGATE. In your second, third, and fourth year of a 4-year term than you were your first year?

Mr. BANDSTRA. Well, if I go back and am reelected, I will be familiar with those rules.

Mr. HUNGATE. Better than you were in your first year?

Mr. BANDSTRA. Oh, yes. I am sure.

Mr. HUNGATE. Yes.

The CHAIRMAN. Thank you very much.

Mr. HUNGATE. Thank you very much, sir.

Mr. BANDSTRA. Yes, sir. Thank you.

The CHAIRMAN. Our final witness for this morning is Prof. Richard E. Neustadt, who is the associate dean of the Graduate School of Public Administration at Harvard University. Professor Neustadt.

Mr. NEUSTADT. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Mr. NEUSTADT. I have a short statement here which I distributed as best I could within the limits of number of copies. With your permission, I will read it as quickly as I can and take questions.

The CHAIRMAN. All right.

STATEMENT OF RICHARD E. NEUSTADT, PROFESSOR OF GOVERNMENT AT HARVARD UNIVERSITY AND ASSOCIATE DEAN OF THE HARVARD GRADUATE SCHOOL OF PUBLIC ADMINISTRATION

Mr. NEUSTADT. Mr. Chairman, members of the committee, I am glad to respond to your invitation to appear this morning. For reasons I will come to in a moment, I am doubtful that an outsider can add much to your deliberations. But I am happy to try.

My views on 4-year terms for Members of this House are simply stated.

First, the proposal stands or falls, in my opinion, on the needs of legislators for more effective working conditions. That is the issue as I see it. If the drain on time, on energy, on funds, for a substantial portion of your membership is half as serious as we on the

outside have reason to believe, then I see a compelling case either for eliminating biennial campaigns or for shortening election periods and subsidizing campaign costs.

Second, apart from its effects upon the Members of the House—and thus, presumably, on the effectiveness of the whole House—elimination of biennial campaigns would not have more than marginal effects on other major features of our governmental system, provided this were done through the elimination of so-called off-year elections. Regarding the responsiveness of Congressmen to voters, modern methods of communication seem a guarantee that 4-year terms will not convert this House into an ivory tower. Regarding executive-legislative relations, any advantages accruing to the Presidency in a first term should be offset by the disadvantages likely to follow in a second term.

I do not share the notion of a number of my academic colleagues that a 4-year term for Congressmen would aggrandize the Presidency vis-a-vis the legislative branch. Probably a first-term President would find it good to contemplate 4 years of counting the same noses here—although he would have to give up all thoughts of “another 1934.” But a second-term President probably would miss the moderating influence midterm elections now exert on the succession struggle for the Presidency. And taking these relations from the other side, I should think Congressmen who have a 4-year tenure are quite as likely, if not likelier, than those with 2-year terms to assert independence of the White House.

As for other features of our system, the proposed amendment would, of course, eliminate a change of party control in the House during a presidential term. On the whole, this seems to me a good thing from the standpoint of effective government. If it also meant suppression of such shifts of public sentiment as were expressed in 1930 or 1946, I would regard it with a great deal of concern. But one-third of the Senate and many governorships remain available to register a shift of those proportions. Congressmen can read as well as run. No doubt they would.

To repeat, then, I regard a 4-year term concurrent with the President's as marginal in its effects outside the House. Again, it seems to me a reform to be judged by its effects inside the House, on Members of this body.

Third, the question becomes altogether different, in my judgment, if lengthy tenure for House Members were achieved by any other means than 4-year terms concurrent with the President's—by 3-year terms, for instance, or by nonconcurrent terms for half the House. Changes of this sort would have adverse effects on vital, settled features of our constitutional system far beyond the realm of your internal management, not least upon the standing of the House within the system. Whatever the gains for Congressmen as such, changes of this sort exact too high a price throughout the system. Accordingly, I urge against all such proposals.

Two effects in particular disturb me. The one concerns the Presidency, the other this House itself. To create a class of Congressmen who never run in presidential years is to deprive the winning presidential candidate of an important opportunity which has been of the essence to the Presidential Office in our constitutional tradition: the opportunity to make his “coattails” carry all the weight they can in the

election to the House which will take office as his term begins. I am myself a skeptic about "coattails" in modern times. The opportunity may not be very great. Sometimes, as in 1956, it has proved small indeed. Sometimes, as in 1964, the evidence suggests that negative as well as positive coattails are operating. But the fact that there is some sort of opportunity becomes an element in everybody's calculations, and this has always been an aspect of the Presidency's status in our system. To remove it is to strike a random blow against the Presidency.

At the same time, an even sharper blow is struck against the House of Representatives. While this House was originally meant to be the only body in our system directly representative of the people at large, the Senate and the Presidency now have equal claim. And the claim of the House would become weakest of the three if half or all its Members never faced the widest national electorate, which turns out only in a presidential year. Compared to the Presidency or the Senate—each of whose Members confronts that enlarged electorate one term in two—a House composed in part or whole of off-year men, always chosen by a smaller bloc of voters, would, I think, be certain to lose status in our system. For ours is a system based upon, legitimized by, the concept of popular sovereignty. The House of Representatives should be mindful of that—and should embody it. Symbolism is important. And the symbolism of a class of Congressmen perpetually elected in off years bodes no good for the House, in my opinion.

To conclude, then, I would favor the proposal of the President to give the Members of this House 4-year concurrent terms, assuming that there were no other practicable means of relieving the burdens upon them—and assuming further that the burdens are as heavy on a portion of your membership as they appear to some of us who view the difficulties from outside. As to that, you and your colleagues are the experts, not I.

This returns me to my starting point: The issue is a matter of effectiveness for Members of this House in their capacities as working members of our Government. In that capacity they are entitled to no less consideration than we give executive officials at the Federal level, or State Governors, where moves for lengthened tenure have been made in recent years. If the needs of your Members are serious, then I think you should not hesitate to meet them, provided you can do so without wayward side effects upon the balances in our established system.

Mr. Chairman, that concludes my prepared statement. I will be happy to take questions or proceed as you desire.

The CHAIRMAN. Any questions?

Mr. CORMAN. Yes, sir.

Mr. POFF. Mr. Chairman.

Mr. MATHIAS. Mr. Chairman.

Mr. TENZER. Mr. Chairman.

The CHAIRMAN. Mr. Tenzer.

Mr. TENZER. Professor, thank you for making a brief, succinct, and articulate statement on the issues involved.

Am I correct that you are addressing yourself primarily to the Chelf bill, which calls for a split term for Members of the House of Repre-

representatives as distinguished from the President's proposal and other proposals which we have had before us last year dealing with a 4-year term running concurrently with the President?

Mr. NEUSTADT. Yes, Mr. Tenzer. I was aware that you had proposed an alternative of 3-year terms, but before I left Cambridge I was unable to see your bill and see how those terms related, if at all, to the presidential term. What strikes me as of the essence here is that the system either be left alone or that we do not create a class of Congressmen perpetually elected in off years. That is my chief concern.

Mr. TENZER. Thank you. My question was not referring to the 3-year term but rather first referring to the 4-year term split with one-half returning in the off years.

Mr. NEUSTADT. Yes.

Mr. TENZER. So your statement then voices the objection to the split 4-year term with a part of the House running in off years?

Mr. NEUSTADT. Yes, sir.

Mr. TENZER. And as between the two, you would favor the 4-year term running concurrent with the President if you would have a choice and no alternative?

Mr. NEUSTADT. That is right, sir.

Mr. TENZER. Now, referring to the 3-year term, it would appear that the sentiments you express on the second page of your statement for a 3-year term were referring to one that was publicized; namely, a 3-year term with one-third of the House elected every year.

Mr. NEUSTADT. That is right, sir.

Mr. TENZER. House Joint Resolution 630, which I introduced, does not call for that.

Mr. NEUSTADT. I understand that.

Mr. TENZER. And therefore on House Joint Resolution 630 the House of Representatives there would be no portion running perpetually in off years, because the entire House would run concurrently with the President every 12 years.

Mr. NEUSTADT. Well, Mr. Tenzer, to sharpen our colloquy, I would say that in the perspective of my objections to these other proposals, you are "close but no cigar." It is better to have Congressmen run each third term in the context of the widest possible electorate than to have some Congressmen who never do so. But I think it is still better to have them run each second term. The issues here, as I see it, turns upon the terms and conditions of employment for younger Members of the House, particularly those in competitive districts. I think the margin of advantage of an extra year in office is not great enough to offset the margin of disadvantage of removing from each second election to each third election the legitimating effect of facing that wider electorate. So on balance I prefer to leave the system as it is than to go from 2 to 3 years.

Mr. TENZER. I am aware that that was the thrust of your statement, but I just wanted to clarify the statement that you have:

And the symbolism of a class of Congressmen perpetually elected in off years bodes no good for the House, in my opinion.

House Joint Resolution 630 is not proposing a system under which there would be any class of Congressmen perpetually elected in off years, I just wanted to straighten that out.

Mr. NEUSTADT. I am glad you did so, sir. It is just the remoteness of Cambridge from the seat of government that, until I got down here this morning, I was not able to see your bill.

Mr. TENZER. I will be glad to supply you a copy, then perhaps if you have anything to add, we will be glad to hear it from you.

Mr. NEUSTADT. Yes, sir.

Mr. TENZER. Thank you, Mr. Chairman.

Mr. MATHIAS. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Mr. CORMAN. Just a brief question, if I may, Professor.

At page 1 in the first paragraph you have concluded that there might be some remedy to the problem in shortening election periods or subsidizing campaign costs. And I am just wondering if you have anything specific in mind.

For instance, what can you do to prevent an opponent from running against you for your entire period that you are elected to office, whether it be 2 or 4 years?

And, secondly, what are we talking about in talking about subsidizing campaign costs?

Mr. NEUSTADT. Well, I do not know for sure whether you are asking me what I think is practicable.

Mr. CORMAN. Yes, sir.

Mr. NEUSTADT. Or what I think is theoretically possible.

Mr. CORMAN. Practicable is my problem.

Mr. NEUSTADT. I myself would like to see, and do not in the least expect to see, a Federal subsidization of campaign costs. I think that what television has introduced we will never get away from. It will affect more and more districts, more and more races as times goes on, particularly as the country gets increasingly urbanized, increasingly used to the traditions of TV campaigning. And the costs will go on up in every contested interparty election and to some extent in primaries.

There is one sitting Member of the House now being challenged at an informal party primary by four candidates in one district in New York. I am told that expenditures of each of these four candidates in what is not even a formal primary is enormous. That strikes me as a sign of things to come. It bothers me.

Now, there are some foreign precedents for direct contributions from the Treasury and for limitations upon all sources of campaign contributions. But in this country we have been very unsuccessful so far in legislative attempts to narrow or limit contributions to individual campaigns. Effective prohibitions against all sorts of contributions, direct or indirect, and their enforcement present staggering problems. Meanwhile, subsidization cuts against the grain of our tradition. So, I am not hopeful.

And so I am driven to take the 4-year term seriously as an alternative way of meeting the problem.

Mr. CORMAN. Thank you.

Mr. MATHIAS. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Mr. MATHIAS. I would like to thank Professor Neustadt for being with us and giving us the benefit of his thinking. But I would like

to question him about the statement he makes that the issue is a matter of effectiveness for Members of this House in their capacity as working members of our Government.

Now, do you really think the issue is as simple as that?

Mr. NEUSTADT. Yes, sir. I really do. And I think that if an outsider does not say it, then it would get said; you'll feel you can't. This is partly a matter of role playing: I can say this as a happy, "irresponsible" professor who doesn't face the voters, a great deal more easily, I think, than a Member of the House can say it.

Mr. MATHIAS. I am sure people are no less responsible on the Charles than they are on the banks of the Potomac.

Mr. NEUSTADT. I really believe that on the testimony one hears from outside—and I put it to you that you are better experts than I—a portion of the membership of this House is in very serious difficulties among the working parts of this Government. I refer particularly to younger Members, younger in terms of tenure, especially from contested districts. The other components of the working government are their seniors here, along with Senators, appointive Executive officials, and, above all, the permanent officials of the Government. These are the players in this government arena here. And I think the weakest based players are Congressmen of the relatively junior, vulnerable sort to which I refer. And that relative weakness disturbs me.

Now, I do not speak as an "expert". I have not served in the House. I am somewhat dubious about the testimony people in my position often get from Members and former Members of the House about the difficulties of working here, particularly from those who have sought refuge in the other body. Their testimony, after all, may not be wholly objective.

So you must judge this. I cannot. But I make no apology for saying I think it is very important that, if this portion of your membership is as disadvantaged as we on the outside are told, then you should take steps to reduce those disadvantages.

This Government of ours actually operates on a very complicated system of informal relations, informal checks and balances. And it is my observation that now in the third generation of "big" Government, of permanent officialdom on a grand scale, the elected officeholders as a group tend to have declining impact on the formulation and operation of governmental policy.

This is the trend in every industrialized country in the world. It is a trend from which this country is more nearly immune than any other—but we are not altogether immune; I am sure of that. And the most vulnerable element among our elected officials consists of the junior Members of this House from contested districts. So I think this is a serious matter. At least I take it seriously. And I think the President was right to raise it with you.

Mr. MATHIAS. I have a considerable understanding of what you are talking about, because I am one of the relatively junior Members of the House. I am a Republican in a Democratic district, and I have about all the problems that anybody can probably have on this score, plus the fact that about half a million of my constituents can reach the Capitol with a local phone call. But I am not sure I agree

with you that the 4-year term would be the answer to problems of this sort.

Mr. NEUSTADT. I am not sure it would either. I have no passion on that particular approach.

Mr. MATHIAS. One thing which has not been mentioned in these hearings is the fact that there is a Joint Committee on the Organization of Congress now working, and I hope they are going to come up with some answers other than a 4-year term which will help us. But the point that has been made here before, and one that satisfies many of your expressed difficulties is the fact that you do not give any weight at all to the view from Main Street to Washington. You are basing your testimony and your opinion totally on how you view it from Washington looking outward. And I am concerned by this question of remoteness from the government.

Now, my good friend from New York here has got the dictionary definition of "remoteness," and I would say that there is a sense of remoteness in America. In another subcommittee of this committee we are dealing with the problem of State taxation of interstate commerce, which is in part an outgrowth of the frustration of the business community in dealing with government and of their sense of total inability to cope with proliferating bureaucratic government. And it seems to me that when you reduce the participation of the American people in electing the Congress—and you are reducing it when you cut it in half as far as the House is concerned—that you are going to increase the sense of psychological remoteness.

Mr. NEUSTADT. Well, that is perfectly fair, but let me give you my view on it for whatever it is worth.

I do not dismiss the problem of representation when I estimate that elimination of one election in two is marginal to our total working system. I think it is marginal because I think a lengthened tenure for you gentlemen might or has some prospect of increasing rather than reducing your effective contact with a service to constituents.

Now, let me explain. I believe the remoteness problem does exist. For years I have asked classes experimentally, without any warning: "Do you say 'we' or 'they' when you talk about the Government?" And the answers always are 90 percent "they." So I do agree on that.

But I think you will find that the network of contact between citizens and the Federal Government is a very complicated system in which a host of operating agencies—this has been true for 30 years, and increasingly now—a host of executive agencies are closer to, or more in contact with, or more identifiable by citizens than are Congressmen. The voting act as such is not, in my judgment, the most important act of citizen participation. More important acts of participation consist in a whole variety of things from the individual encounter with a Federal field office to what we loosely call lobbying, call petitioning, expressions of view, efforts to be heard, a great deal of which centers not on Congress but on executive agencies.

And I would not think this mass of contacts between citizens and Government is centrally affected by elimination of midterm congressional elections. I think the effects could be offset if you gentlemen were put in a position where you could intervene more actively with

more authority than some of you are apparently able to do now in the processes of the executive and its relations with the citizens. That would seem to me the offsetting advantage. In my estimation it should be an advantageous offset, from the standpoint of citizens as well as Members.

Mr. MATHIAS. Well, you say that the only issue is more effective working conditions.

Yet does that not really translate to staying in Washington more, spending less time on the telephone, doing less of things which are personal contact opportunities with the people of America for whom their Congressmen may be the only personification of Government in Washington that they will ever see aside from television? Is it not by your own definition cutting down on this personal contact?

Mr. NEUSTADT. I do not know whether it means staying in Washington more. I think it does mean an opportunity to learn the ways of Washington more intensively, so better able to intervene in the byways of Washington on behalf of your people more effectively. That is really all I have in mind. I cannot make the judgment or I would be a damn fool to make it, because you people know it with an intimacy I cannot, from a whole range of experiences, whether if you did not campaign every second year, what then would be the distribution of your time.

It does not automatically seem to me with modern means of communication that you would be in your districts less. You would have different things on your minds. And I think that might be of some advantage to your constituents as well as to you. That is the issue.

Mr. MATHIAS. As long as this is so highly subjective, I think it is difficult to say that this ought to be the answer, then, eliminating the biennial election.

Mr. NEUSTADT. Well, sir, I did not mean "issue" in any other sense than that it seems to me the presumed condition of a portion of your membership, is the justification for this or some other effort. And I do not see that this proposal can be justified unless it meets that condition. That is my point.

Mr. MATHIAS. Just one further question.

If this were to come about, would we not end up with the most rigid and inflexible system of government of any of the great powers today?

Mr. NEUSTADT. No, sir; I cannot see why that is so. There are no legislative branches, by our standards, in Russia or China, and not much of one, currently, in France. In Britain elections are mandatory only once in 5 years. And Parliament is actually, through the party mechanism, the creature of the Cabinet.

What we call parliamentary debate in its meaningful sense really takes place within the Cabinet and not on the floor of the House of Commons. That is, while the Government has a party majority there.

Compared to Britain, whether you have 2-year terms or 4-year terms this is a remarkably flexible system we have got here.

Mr. MATHIAS. Of course, they have various safety valves, the whole system can change; alter.

Mr. NEUSTADT. Not really. It is only Prime Ministers who call elections.

Mr. MATHIAS. In fact, sometimes they do it against their will.

Mr. NEUSTADT. Yes; but in modern British history, where typically governments have had working majorities, there is no way to force elections against the will of the Executive. That is inflexible in our terms.

Mr. MATHIAS. Finally, do you view this as—aside from the flexibility question; I think you said in your statement that it is not going to aggrandize the Presidency at all.

Mr. NEUSTADT. I do not think so.

Mr. MATHIAS. But do you not feel that to a greater degree than has already taken place in this century that this would move us toward Presidential government, because, for this reason—I mean perhaps I should explain the question.

It is pretty tough for a Member of the House, and even more tough for a candidate for the House, to make his voice heard amidst the tumult of the presidential campaign.

Mr. NEUSTADT. Yes.

Mr. MATHIAS. It will be in an off year election, even though you may be running with the gubernatorial ticket in your State, the Member of Congress or the candidate for Congress has a fair chance of being listened to on any sensible idea he may advocate. But you are going to be in a pretty rigid political straitjacket if you can only run with the presidential ticket, and when you have to take it or leave it as far as the issues are defined in some convention platform or when you have to be subjected to all this kind of reduction of your personal independence and mobility as a candidate.

To get back to my question, will not this really make this more of a presidential system than a balanced system?

Mr. NEUSTADT. Well, the trend—let me give you a three-part answer:

The trend toward presidentializing the system is a very deep one, and has lots of other roots which look more important to me. That trend is probably bigger than all of us. My impression is that in terms of Presidential power, this is a marginal matter—because I think there are offsets from term to term.

Mr. MATHIAS. I am not arguing that in the question.

Mr. NEUSTADT. But you are not arguing that. You are asking a question really, if I understand it, about individual congressional identities. At least you go back every second year to the portion of the electorate that is engaged; you are much more visible than you are in the presidential year. Is that—

Mr. MATHIAS. That is exactly right.

Mr. NEUSTADT. I would not mean to suggest that you don't have an identity problem. I'm sure it's real.

Mr. MATHIAS. And you run on your record. My experience has been that you run on your record in the off year congressional election. You can run on the party platform in the presidential year. You have some opportunity to take exception to the platform, but it is not an easy or usable thing to do.

Mr. NEUSTADT. I would not argue that you lose this opportunity with 4-year, concurrent terms. But it can be said on the other side, sir—and you have to weigh how these offset each other—that the 4-year term, the increased continuity it gives the younger Member may give him a better base from which to play for the kind of press attention

you would like, and it may also elevate his office in the eyes of numbers of constituents. The effect might be to give him a sort of junior senatorial standing, both with the press and with the electorate.

If that were true—of course, it is bound to be less true than in the case of the Senate, where you are running statewide—if that were true, I would consider it a substantial offset on this problem of identity. But I do not feel secure about it. How the devil do I really know in advance? This has to be speculative.

Mr. MATHIAS. I yield to the gentleman from New York.

Mr. TENZER. I would like to thank the gentleman from Maryland for articulating some of the best arguments in favor of the straight 3-year term.

Mr. MATHIAS. Once again, I would like to thank Professor Neustadt for being here, sharing his thoughts with us.

Mr. NEUSTADT. Well, sir, I thank you for your time.

Mr. WHITENER (assuming the chair). Thank you very much, Mr. Neustadt.

Professor, as you probably know, and I am sure the members of our committee know, one of the problems our committee has to face is of being two places at once. We wish you could suggest a solution to that. We have a very important bill on the floor right now.

Mr. NEUSTADT. Yes, sir.

Mr. WHITENER. And this, of course, is very important. I understand that there may be one other question by Mr. Hungate.

Mr. HUNGATE. Thank you, Mr. Chairman.

I wanted to thank you too, Dr. Neustadt, for your informative and enlightening testimony.

There was discussion of a view from Washington. You never served in Washington, as I understand it.

Mr. NEUSTADT. Oh, yes, I have served here, sir. Served at the White House in Truman's time, and I have been down often again since as a consultant, both downtown and on the Senate side.

Mr. HUNGATE. Is it fair to characterize your testimony as a view from Washington or as a view from Harvard Square, or either?

Mr. NEUSTADT. Well, I am professionally an outside observer.

Mr. HUNGATE. I see.

Mr. NEUSTADT. I sometimes get data by coming in and getting involved. But I am trying to give you the view from Harvard Square.

Mr. HUNGATE. You do not purport to present the view from Washington?

Mr. NEUSTADT. That is right. And that is why I regard you gentlemen on this issue as much more expert than I. I have not been an elective official and have not served in the House.

Mr. HUNGATE. But if you feel that the term should be changed to 4 years, that you would be further removed or would be more remote from your Congressman?

Mr. NEUSTADT. No, sir.

Mr. HUNGATE. Do you feel more remote from your Senator than you do from your Congressman?

Mr. NEUSTADT. No. As a matter of fact, I think for what might be called the professional segments of this society Senators are closer than Congressmen—and as a matter of fact, the way this Government

has developed the White House may be closer still—because the issues with which professional people are so frequently concerned tend to be national issues, tend to be issues in which the less remote officials are those with more visibility, and also more apparent capacity to act. I stress the “apparent.”

Mr. HUNGATE. Well, now, you say you have served in the executive branch of Government; is that correct?

Mr. NEUSTADT. That is right.

Mr. HUNGATE. Would you think that a lengthening of the term might increase the influence of Congressmen with people who are serving in the officialdom, in that capacity? In other words, you are dealing with a man who has been here 4 years instead of 2?

Mr. NEUSTADT. That is what I would hope.

Mr. HUNGATE. It has been testified earlier, if I recall it correctly, that on some occasions we have had an election in which 80 Members of Congress can change and a net change in parties of 5 or 10 Members. Are you acquainted with whether this would be about correct on occasion?

Mr. NEUSTADT. Yes. There has been a long-term decline in the numbers of House seats shifting frequently from party to party. But the tendency for offsets, which do not affect the party composition, I believe has often been of something like that proportion.

Mr. HUNGATE. Well, would it appear to you, sir, that if we changed 80 Congressmen but only changed party ranks by a figure of 10, that we might have wasted a good deal of time and expense in training some of these men in the ways of Congress?

Mr. NEUSTADT. Yes. I have a feeling that in the ranks of that minority of the House, perhaps a fifth of your Members by current standards, which is subject to highly competitive election, there is a good deal of wastage in our governmental system. Quite a lot of it. Too much of it for my taste.

Mr. HUNGATE. Thank you.

Mr. WHITENER. Thank you very much for being with us, Professor. We appreciate your coming down to Washington to give us this information.

Mr. Reporter, at this point in the record we will make a part of the record the statement of the Honorable Walter S. Baring, Representative from Nevada, which he requests and that it be personally presented.

(The statement of Mr. Baring follows:)

FURTHER STATEMENT OF HON. WALTER S. BARING, U.S. REPRESENTATIVE AT LARGE,
NEVADA

Mr. Chairman, thank you for letting me state my case before your committee in support of H.J. Res. 394, which would increase the term of a Representative from 2 to 4 years.

President Johnson, in his state of the Union message in January of this year, cited the circumstances of the times which he said call for longer terms for Representatives and summarized the advantages which are generally claimed would accrue from 4-year terms. The circumstances are “the accelerating volume of legislation * * * the increasingly complex problems that generate this flood of legislation * * * longer sessions of Congress * * * the increasing costs of campaigning”. The advantages were set forth, as follows:

Provide for each Member a sufficient period in which he can bring his best judgment to bear on the great questions of national survival, economic growth, and social welfare.

Free him for the inexorable pressures of biennial campaigning for reelection. Reduce the cost—financial and political—of holding congressional office.

Attract the best men in private and public life into competition for this high public office.

I believe this legislation has great merit and should be given serious consideration.

I am serving my seventh term as Representative from the State of Nevada. Five of them have been consecutive. Each new session of the U.S. Congress becomes more demanding than the last because more complicated legislation is being considered.

During my years in the Congress, it seems that I have spent a major part of my time campaigning. We all know from our campaign experiences, that the day we are elected or reelected, we must consider our next election.

We file, we begin campaigning. First we face the test in the primary, then the general election. Finally, when that is finished, we must thank those who have helped us in our election bid. By this time it seems as though the entire process begins once again.

The important thing we must consider is that our function is to represent the people in the best, most effective way possible. Having to campaign every 2 years makes politics come to the forefront more often than it should while our legislative responsibility is somewhat put in the background.

The major portion of our time should be devoted to studying the issues, the proposed legislative measures, and the needs and problems of our State and the country. Our grassroots contacts should be made out of need to feel and understand the constituency.

Two-year terms for Members of the U.S. House of Representatives were the result of one of the compromises made at the Constitutional Convention in 1787. Some delegates wished to continue the 1-year terms that had been the practice in colonial legislative bodies, while James Madison led in urging 3-year terms. It was argued that House Members needed more time to learn the needs of areas other than their own. The slowness of communication and travel was cited to support Madison's position, and in the Committee of the Whole his proposal was approved, but later the Convention decided on 2-year terms as an alternative.

The importance of the 2-year term of office as a means for keeping Congress "close to the people" has been minimized by modern communications and travel facilities which enable Congressmen to keep in close touch with their districts and district residents in touch with their "man in Washington" and these factors keep a Representative responsive to his district, rather than the formality of an election every 2 years. Furthermore, the Senate has now become as fully a representative a body as the House, which was not the case prior to the adoption of the 17th amendment to the Constitution, and the need for the House to be constantly held to account no longer exists.

In my State of Nevada, I represent a population of 500,000 people. As an at-large Representative I must cover an area of over 110,000 square miles, and this figure does not include the 3,000 miles I must travel from Washington, D.C., to the State. During the time in which I campaign, a good deal of my time is spent traveling over this vast territory to the different areas of the State, talking with the people, answering their questions, listening to their problems. With the Congress being in session later and later each year, and my primary being in September, it is quite often that I have to leave Washington in the midst of major legislation to get out to the State, or vice versa, I do not get out because I have to stay here to vote on a major issue. There is never time any more to either visit my constituents or give enough time to the legislative measures pending.

I am, of course, fully aware of the fact that a Member of the House of Representatives is the "popular representative" of the people. I believe that the importance of making grassroots contacts cannot be overstressed and indeed should be made even more often. But I do not believe that it is either wise or good for the people, or the Representative to have to make these contacts so often for the political reason of reelection.

The problem is that of time which ticks away when we would like to stop the clock. The time which goes into a campaign could well be spent for study of the problems of the country and thoroughly review the legislative measures pending.

A longer term would provide a more extensive record upon which the voter could judge the Representative's performance in office; certainly if an individual cannot be trusted for 4 years he should not be elected in the first place; furthermore, the evidence from voter turnout at elections does not suggest that the public has any desire for frequent elections.

I do want to state here that I do not favor that all Members should be elected at the same time a President is chosen. I fear that such a procedure would weaken further the diminishing role of Congress in our political system, and thus make more of the Members of the House of Representatives dependent on the power of the President's "coattails." The House must maintain its role in the governmental scheme and its powers of "checking."

I believe that the biennial election of one-half of the membership is necessary to preserve the basic idea of a House kept close to the people.

Mr. WHITENER. The chairman of the full committee has advised that we will conclude our hearings on this issue in full committee next Tuesday, commencing at 10 o'clock. So until that time the committee will stand in recess.

(Whereupon, at 12:20 p.m., the committee adjourned, to reconvene at 10 a.m. Tuesday, March 1, 1966.)

CONGRESSIONAL TENURE OF OFFICE

TUESDAY, MARCH 1, 1966

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The committee met, pursuant to adjournment, at 10:35 a.m., in room 2141, Rayburn Building, Hon. Emanuel Celler (chairman) presiding.

Present: Representatives Celler, Chelf, Whitener, St. Onge, Senner, Hungate, Tenzer, Grider, Jacobs, Poff, Moore, Cahill, MacGregor, Mathias, Hutchinson, McClory, and Smith of New York.

Also present: William R. Foley, general counsel, and Martin R. Hoffmann, associate counsel.

The CHAIRMAN. The committee will come to order.

Our first witness will be the distinguished Representative from Illinois, the Honorable Kenneth J. Gray, whom we are all happy to hear from.

STATEMENT OF HON. KENNETH J. GRAY, MEMBER OF THE HOUSE OF REPRESENTATIVES FROM THE STATE OF ILLINOIS

Mr. GRAY. Thank you very much, Mr. Chairman, and members of this distinguished committee. I deeply appreciate your courtesy in allowing me to appear in support of House Joint Resolution 807 and other bills to provide a 4-year term for Members of the House of Representatives.

Mr. Chairman, I realize you have been extremely busy with this subject for an extended period of time. Therefore, my testimony shall be brief.

I am strongly in support of a 4-year term for Members of the House of Representatives because I honestly feel that it is in the best interests of good government and the American people. Historically, the House of Representatives has been closer to the people. If we do a good job as Representatives, the people are benefited—if we do a bad job, the people are the losers.

I submit to you that a Representative in Congress, who faces a primary fight lasting from 1 to 4 months, depending on the State, and then finds himself embroiled in a hard general election fight that again takes several months of his valuable time, is a loss to the people. You cannot be in two places at the same time. Therefore, time spent every 2 years campaigning is robbed from giving good personalized service to a Member's constituents.

Mr. Chairman, if I may be so bold as to suggest that since we are hired hands we leave this matter up to the electorate of the country. A constitutional amendment providing for the States, through their

elected representatives, to determine this matter is highly in order. Under the recent one-man, one-vote edict of the Supreme Court, my congressional district now comprises 22 counties, over 8,000 square miles, running from St. Louis, Mo., across the State to near Evansville, Ind., and south to Paducah, Ky. It will be an impossibility for me to devote enough time to campaigning in a primary and general election every 2 years and at the same time see to the many and varied needs of this vast sprawling district.

I would like to address myself briefly to the argument advanced by some Members who are in opposition to the 4-year term, that by electing the House Members every 2 years the undesirable elements can be eliminated. It is my feeling that this is an affront to the electorate. Who are we, as Members, to question the right of any congressional district to send their chosen representatives to Washington, whether it be for 2 years or for 4 years?

I have the suspicion that if a Member is sent here who does not represent the mainstream of his constituency that he will be of little or no effect to the legislative processes anyway. Putting it another way, as we would say in the country, "You don't kill a dog to get rid of a flea." By the same token, I believe we should not inconvenience the American people and their elected Representatives by requiring them to run continuously in order to eliminate a few members of one party or the other.

I also see nothing wrong with electing the entire House membership in a presidential election year. If the people want a change and vote in a President and a Congress of the same political party, I believe they should have this right. I have never known a majority of the American people to fail in their responsibilities for providing good government. I think the only question to be resolved by the Chelf bill and other proposals is whether or not we want to devote our full energies to representing our constituents to the limit of our abilities without the continual interruption of 2-year political campaigning. I think the issue is just as simple as that. I am indeed hopeful that this committee and this Congress can report favorably on this important proposal.

Thank you again for giving me the privilege of appearing before your committee. I want to commend and salute you for your diligent work.

The CHAIRMAN. Questions?

Mr. McCLORY. Mr. Gray, I am sure that you support the constitutional principle of checks and balances and the division of authority that is constitutionally established between the executive, legislative, and judicial branches.

Mr. GRAY. I do.

Mr. McCLORY. Do you not feel that the election of the entire Congress at the time of the presidential election would diminish the effectiveness of this system of checks and balances and would reduce the independent role of the Representatives in the Congress?

I am sure that you must have witnessed and observed that when Members are elected in a presidential year the main impetus is on the presidential election, and there is a great deal of support for Representatives in the Congress and for that matter other Members

who happen to be on the ticket with the President at that particular time.

How do you reconcile your support of this position of Members running concurrently with the President and the constitutional system under which we operate?

Mr. GRAY. I would say to my distinguished colleague from Illinois that he raises a valid point: if a candidate for Congress is not a vigorous candidate who gets out and lets the people know that he, too, is a candidate on the ticket with the President, and I think I could give my own race as a good example of my feelings. I am a Democrat. I was elected for the first time from a Republican district, if you please, in 1954. At that time, we had a Republican president, Mr. Eisenhower. Two years later, in 1956, Mr. Eisenhower ran for his second term, and I, being a Democrat, also ran from a predominantly Republican district, was reelected, and have been reelected six times. What I am saying is that a candidate for Congress, regardless of his party, would not necessarily have to be defeated just because it was a presidential election year, or go in on the coattails of the presidential candidate.

I have always been able to get enough publicity, whether it be an off-year election or a presidential election year. I feel any candidate for Congress can do the same. I feel just because it is a presidential election year there is no real danger, as you put it, of the party of the President electing large numbers of his party. The other ticket will be trying hard, too; don't forget that.

If the electorate is alerted, and if you have good, vigorous candidates, I feel, giving my own case as an example, that this should not be a valid theory.

The CHAIRMAN. Mr. Whitener?

Mr. WHITENER. I would like to commend the gentleman, from the portion of the statement I heard, and say, without implying any feeling about when the 4-year term should commence, that I have had a similar experience in my district; that the Republican candidate for President has carried my district every time, up until the last one. Mr. Nixon carried it by a little over 500 votes, and I carried it by over 23,000. This time—and there are less votes for the congressional candidate than for the President—this time, in my present district, President Johnson carried it by a little over 6,000, and I carried it by over 20-something thousand, so I agree with the gentleman that, if we talk about coattails, sometimes it may work in reverse.

I don't think there is any question that generally he is a help to the presidential candidate, and I would assume that where the congressional candidate carries the district, and the other party carries the presidential part of the ticket, that no doubt the congressional candidate has helped the presidential candidate in some degree, and this would depend entirely on who is running for what and where.

Mr. GRAY. I thank the distinguished gentleman from North Carolina for his observations and, if I may be permitted to answer briefly, I would say that out of my six terms in Congress I have been elected for three under Republican presidents and three under Democratic candidates.

If a candidate is active, he will have no trouble letting the electorate know he is on the ticket.

Mr. WHITENER. I have no knowledge of the returns in your district, but I would assume that in none of those has your vote been the same as the President.

Mr. GRAY. The first term I won by 6,000, increasing each time up to the sixth term when I won by over 50,000 plurality. So the point is that, if you try to do your job, I am sure that you will not be bound by what a presidential candidate might do, regardless of what party it is.

Mr. WHITENER. Thank you, Mr. Chairman.

The CHAIRMAN. Are there any other questions?

Mr. GRAY. Thank you again, Mr. Chairman.

The CHAIRMAN. The next witness is the Honorable William L. Dickinson, the U.S. Representative from Alabama.

STATEMENT OF HON. WILLIAM L. DICKINSON, MEMBER OF THE HOUSE OF REPRESENTATIVES FROM THE STATE OF ALABAMA

Mr. DICKINSON. Thank you, Mr. Chairman. I very much appreciate the opportunity of being with you today and expressing my opinion at least on the proposed change in our constitutional amendment.

I am not here today in favor of a 4-year term for Congressmen running concurrently with the presidential election. I am here in favor of the idea or the concept of a 4-year term, but I do feel that the first bill—the staggering of the election period so that one-half is elected each 2 years—is highly preferable to all running at one time.

This, again, provides the checks and balances that Mr. McClory was interested in, and that we are all interested in, as a matter of fact.

I would like to say I know that you gentlemen have gone into this matter in depth, and there is very little I can add. There was one argument presented recently in a periodical by Walter Lippmann, that distinguished columnist, and he raised the question that I think is legitimately a subject of inquiry here.

We all realize that the initial reason for the 2-year term was so that the Members of Congress would be closer—that was the idea as I understand it—to their electorate, and to enable them to get back to their districts more often and stay in closer contact.

Well, of course, with our modern methods of communication and television and so forth, the historical concept of this no longer exists. All of us get back more often now than Senators or anyone did a hundred years ago.

Mr. Lippmann raised the point that possibly we, as Members of the Congress, spend too much time on incidentals and details such as appointments to the Academy or running errands for our constituents and possibly the solution would be in hiring a more capable and additional staff. This sounds fine, except that you gentlemen know just as well as I know that, first, we cannot hire more staff—I do not think the Congress would authorize more staff—and if we did, they would have no place to physically sit. We do not have the facilities, we do not have the room, and I do not think that putting more people on the payroll is an answer. If you are going to take a quarter of our

time politicking every 2 years, we are not giving the representation that our people deserve.

I might add in conclusion—I do not know that my situation was unique, but I was running a year ago, I found the majority of the people in my constituency at least were surprised to learn that we only had a 2-year term. They thought it was a 4-year term. That might be due to the fact that my predecessor in office was in office for some 26 years, and did not run too often. Whatever the reason, this is true.

Most think that we do serve a 4-year term. They are surprised to learn it is only a 2-year term, and I know I speak for my constituency, and I think for the people of my State, when I say that, by and large, they approved it and certainly I think the people of the United States would approve a constitutional amendment.

I appreciate the opportunity to be with you and to express my views. I am for the concept, or the idea, of a 4-year term on a staggered basis.

Thank you, Mr. Chairman.

The CHAIRMAN. A question?

Mr. HUNGATE. May I? I want to thank the gentleman for a very helpful statement, I think, for the problems that face Congressmen and as to the physical limitations of the office if you were enabled to have more staff.

Do you also find, perhaps, that, regardless of your staff, certain of these decisions necessarily have to be made by you?

Mr. DICKINSON. Of course, anything that has to do with policy, and I was quoting Mr. Lippmann on detail, but I do not believe—I do not feel—that, as to detail even, others can take care of it for me.

Mr. HUNGATE. As you mentioned, the academies are one. You make that ultimate decision.

Mr. DICKINSON. I think we all do; we all recognize this to be a fact.

Mr. HUNGATE. I came from a district where they had the same man for 42 years. I had the same experience you had. They were surprised at a 2-year term of office. They may have felt it was civil service, I do not know, but they certainly thought it was over 2 years.

Mr. DICKINSON. It is not fair to our supporters and our contributors, to all of those who are called on to work and do work that every 2 years we have to go right back over the same ground and do it again. I think the original need no longer exists, and I would certainly be in favor of a 4-year term on a staggered basis.

Mr. HUTCHINSON. May I inquire?

The CHAIRMAN. Yes.

Mr. HUTCHINSON. Mr. Dickinson, I have listened to a good many witnesses make the argument about back when the 2-year term was established that travel and communication was slow, and they say this is an argument now for a 4-year term because communication and traveling is rapid.

To me, that argument is an argument really in favor of a 2-year term rather than a 4-year term. The point is this. You may want to respond to this observation of mine:

There was much more reason for a longer term back in the olden days than there is now. It took so much more time for a man to get

back to his district and it took so much more time to communicate with his people. He can communicate with his people quickly now, and consequently reason would suggest that a shorter term now would be more justified than a longer one.

Mr. DICKINSON. Mr. Hutchinson, I cannot in my mind believe that that is the fact and, if so, there is one other fact that must be tied in with this fact situation, and that is the length of time that we are now in Congress and in session, compared to a hundred years ago or fifty years ago. We have how much time now between sessions?—2 months, 3 months, where it used to be 9 months, so that fact must also be considered in determining the length of time for a term. Of course, it took more time to get back, but when you were there you were there to stay longer, or you could, if you so desired.

Now you don't even have the time to spend in the district. Six months used to be average, I suppose, and you gentlemen have the figures—I am sure they have been reported to you—where in the last 20 years, starting before the war, you would get through in the spring here. Then sessions went into the summer, and the late summer, and now we are rushed to get out for Christmas Eve.

Mr. HUTCHINSON. Yes, but you don't feel that—you don't argue that if we had a 4-year term that that situation would be any different, and that you really would not have any more time in the 4-year term than you have in the 2-year term.

Mr. DICKINSON. I would have more time in the Congress, rather than in the field campaigning, Mr. Hutchinson. That is the biggest part.

Mr. HUTCHINSON. Do you not agree that the job of being a Representative in Congress is really a continual period of campaigning anyway? Is that not the nature of representation?

Mr. DICKINSON. This is true; yes. But it is a question of where you must be to carry on your campaigning, so to speak, and the representation of the people. You cannot very well get reelected if you do not go back home. The big point there to me—

Mr. HUTCHINSON. Yes; I agree with you. But the point is that in a 4-year term you would not have any more time, total time, to get back to the people than you do in a 2-year term.

Mr. DICKINSON. If I can make my point clearer, I would not need to spend as much time in the district. I would be up here in the Congress doing what needs to be done instead of returning so that I can save my political skin, if that answers your question.

Mr. HUTCHINSON. I would like to address myself to just one other observation that I have heard mentioned repeatedly, too, and that is—perhaps you will want to give me your reaction to this:

You say that the people are surprised that you only have a 2-year term.

Mr. DICKINSON. Many of them; yes, sir.

Mr. HUTCHINSON. Many of the people are surprised that you only have a 2-year term. Might I observe that the electorate, all of them, or most of them, went to school far enough to have a course in American government, civics we used to call it, and really this idea of a 2-year term for Members of the House of Representatives, that is really one of the, shall I say, one of the foundation stones of our governmental

system, and maybe I should simply, in a rather ungentlemanly way, observe that it does not speak well for the manner in which our people are being educated in government if they do not even realize that representatives of the people have 2-year terms, short terms.

Mr. DICKINSON. I could not argue that point. I think I would probably agree with you, but the fact remains.

Mr. HUNGATE. May I inquire? I would ask Congressman Dickinson if he finds that perhaps many of the constitutional cornerstones that we have all learned in school have been changed in recent years.

Mr. DICKINSON. This is true; whether we learned it in elementary school or law school, we have found a change in recent years.

Mr. TENZER. Mr. Chairman, I would like to make the observation that although I studied civics in high school, it came as a surprise to me to learn how quickly the 2-year term ended.

The CHAIRMAN. Thank you very much.

Mr. DICKINSON. Thank you very much, Mr. Chairman. I appreciate the opportunity of appearing and being heard.

The CHAIRMAN. The next witness is our distinguished Member from Missouri, the Honorable Durward G. Hall.

STATEMENT BY HON. DURWARD G. HALL, MEMBER OF THE HOUSE OF REPRESENTATIVES FROM THE STATE OF MISSOURI

Mr. HALL. Mr. Chairman, colleagues of the committee, I appreciate this opportunity, particularly as one of the six House Members on the Joint Committee on Organization, or sometimes referred to as a reorganization of the Congress, and then in my own right as a Representative from the Seventh, Missouri, to comment on the proposal to amend the Constitution and provide 4-year terms for Member of the U.S. House of Representatives.

This committee on the reorganization of the Congress has heard thousands of words upon this subject, Mr. Chairman, including statements by Members of both Houses of the Congress, political scientists, all who wanted to come before us, outside organizations, representatives of the other branches, because Senate Concurrent Resolution 2 specifically says in addition to the reorganization of the Congress that we should inquire into the congressional relations with the other branches of Government, on the various plans and bills that have been introduced.

Personally, I resent the executive branch preempting this area of congressional jurisdiction, and our committee's work.

Generally, there have been three major proposals which include—

1. The President's proposal that Members be elected every 4 years concurrently with the President's election. Of the three proposals this, without a doubt, is the least desirable and the most offensive to the ideals of representative government as established by the Founding Fathers.

2. An alternative proposal that half the Members of the House be permanently consigned to running when the President runs, and the other half permanently consigned to running in the off-year elections. This, too, is an affront to the Constitution and to the theory of "separation of powers." It is perhaps only 50 percent as bad as the President's suggestion, but still bad.

Another, and third, suggestion is that all Members have a 4-year term, but that they run only in the off-year elections. While this plan has more merit than the other two, it, too, makes a basic and far-reaching change in our system of government and has many disadvantages. It would mean that when the people of America are dissatisfied with the performance or policies of a President, or a party in power, and vote in a new President and/or a new party in power, they would have to wait 2 years before that President or party could implement its views because of a "lame duck" Congress.

There is also, Mr. Chairman, the question of U.S. Senate concurrence, particularly those Senators who would run for reelection to a 6-year presumed term from time to time against the 4-year representatives in their own States.

Now, I am well aware that there are other plans, Mr. Chairman. Perhaps I should have listed four, such as the 3-year term by some of our colleagues with staggered election dates.

But I think that when all things are considered the present system, however imperfect, however demanding on incumbents, still comes closest to achieving the inspired grand design of our Constitution as reflected therein, and I might interpolate that I am not sure that it is bad to have to spend considerable time with the people that we represent in the district in continually running for office.

I think this is definitely outweighed by the advantages that I will list later herein.

After all, Mr. Chairman, the Congress exists to serve the people. The people do not exist to serve the Congress or its elected Members at any one time. What should finally determine our actions are the people's best interests and not ours.

I have a deep feeling for the young Congressman with a growing family, but they all knew this situation when they elected to run. We have seen a constant repetition of revolts and revolutions in Africa and Asia from among those, perhaps, who have yet to be proved responsible. One reason in addition is that the people there are denied a valid political mechanism by which to remove, through due process, those public officials who do not measure up to the people's expectations.

Part of the genius of our Republic is that we do have such a process, and biennial elections of the people's representatives in the House are to me the very essence of our political stability.

To subvert the present system and substitute in its place a coattail Congress whose election is influenced to such a profound degree by the presidential election would accelerate an already alarming trend toward executive dominance of our Republic and again default the principle of separation of powers.

I still recall all too well, as do our colleagues, the President's instructions to the Senate last year not to make a single change, not to delete a comma or a period, in the aid to education bill which had been previously passed in the House.

Surely the people are entitled to an independent legislative body and the adoption of a President's plan would accentuate a trend that desperately needs reversing, not acceleration.

If congressional campaigns are too costly, and I am one that believes that they are, then let's turn our attention to a new campaign practices bill which would make it less costly, or more reportable,

but let's not throw away the baby with the diaper that was responsible for the chafing. Let's not tinker with a basic tenet of the Constitution and further weaken the basic checks and balances of the government, which are almost weakened beyond repair.

The CHAIRMAN. May I interrupt? Is your committee wrestling with the problems of these vexatious campaign expenditures?

Mr. HALL. Yes, Mr. Chairman, among many others. The bill is actually being drafted by staff now, in its first intracommittee confidential rough form. We are meeting in the morning to go over that after 15 months of meetings on all of these subjects.

So I repeat, let's not tinker with the basic principle of the Constitution and further weaken our system of checks and balances in government that are already weakened; this would even do eventual violence, in my considered opinion, to our basic belief in majority rule.

Let's preserve the people's rights to turn out to pasture every 2 years those representatives whose policies and actions no longer meet with the approval of those they represent.

Truly, I can state that my only excuse for being in the Congress is because of basic principles of representation to which I have adhered through the years, and hope to adhere to forever under a constitutional republic. I think our genius is that our constitutional process can be changed, or amended, under appropriate circumstances.

Mr. Chairman, I fail to notice, and I believe my colleagues on this committee have not noticed, any opponents who were discouraged from running by the prospect of a mere 2-year term. Political hats are still tossed in the ring in profusion. The brief 2-year span has not kept from public office men of great ability and talent, for example, those who serve on this committee.

All know the benefits, the responsibilities, the distractions, before they announce or file. There may be nothing magic about a 2-year term. Perhaps it can be improved. If so, with responsible legal machinery, I think I would be for it. But the magic that the 2-year term in my opinion has produced in the last 180 years suggests to me that it deserves far better than its abandonment, especially at the whim of the executive branch.

The CHAIRMAN. I ask myself, What is the disadvantage to Congress of the 2-year term? That Congress, part of a government that has made our Nation to be one of the greatest in the world that we can even survive a civil war, we went through two world wars, many police actions, the Korean, and now Vietnam. We have made tremendous progress along political, cultural, and economic lines. The Congress did its share of that with the 2-year tenure. What is the reason for the change?

Mr. HALL. Mr. Chairman, I could not agree with you more, and, listen as I would through the past 14 or 15 months to testimony by those who would change, probably as a result either of personal situation or expediency or the current topheavy majority in Congress—one of those three—I have failed to find the answer to the question that you so wisely hypothesized.

I am more convinced, sir, after being here for only three terms that it is important that we keep the people's personal representatives, with all the prerogatives pertaining thereunto, in this House of Representatives in the people's elected Representatives, than otherwise.

Now, I will say frankly to this committee, to the chairman—inasmuch as he has postulated this statement and inquiry so well—that I have heard—that neither have I heard anyone say: “What is wrong with the 2-year term, except a matter of convenience, personal effect, or power structure?”

I also will say, sir, that after having been here three terms I am more convinced than ever that those interested in the true representative process, as long as the Constitution does require that tariffs and levies originate in this body, had well best consider forthright and exercise the most perceptive and prudent judgment before they yield away by vote or by amendment, or any process, the right to turn out to pasture their Representatives every 2 years.

In my opinion, sir, this far outweighs the personal inconvenience, the disadvantage, and, as I say, will aid and protect the principal of the separation of powers, and will protect the Constitution as far as the belief in majority rule is concerned.

The CHAIRMAN. The members will pardon this expression, but from what I can gather, at first blush, this idea seems to be intriguing, this idea of a 4-year term, but, when examined, you see a good many pitfalls and defects, and opinions change.

It is very much like a fellow who goes out with a girl. He is very much attracted to her because of her looks, and the second time he goes out with her, he finds that she is ignorant. The third time he goes out, he finds she is bowlegged. The fourth time he goes out, she had a body odor, and finally he discards her.

Mr. HALL. I yield to the chairman's experience. [Laughter.]

I say that professionally. I am just a hillbilly doctor at heart.

The CHAIRMAN. Mr. Whitener.

Mr. WHITENER. Dr. Hall, I have enjoyed and appreciated your statement. I notice the burden of your statement is that Congress should serve the people, and our only justification for being here is to represent the wishes of the people.

You put it well when you say that Congress exists to serve the people and the people do not exist to serve Congress. Yet you opposed the 4-year term in the face of what I read in the Gallup poll and other respectable polls, polling organizations, that they have found that the majority of the people do prefer that a 4-year term be created for Members of the House of Representatives, so how does this tie in with your representation of the people?

Mr. HALL. Mr. Whitener, I appreciate your question. I am truly glad that you asked it. Fools sometimes tread where angels fear to walk lightly. I believe it was Baron Broughman who said:

The informed are easy to lead, difficult to drive, easy to govern, impossible to enslave.

As the chairman has so beautifully just exemplified, sometimes information on this subject is not complete, and at first blush it is a popular concept, and I would refer to the Chief Executive of our Nation's statement during the state of the Union message. I believe that all present would agree that when he mentioned the 4-year term the applause was greater than any other point in his speech, barring perhaps his initial reception and the approval as he closed his speech,

but more mature judgment and more information to the people as to how this would directly affect their pocketbooks, how it would definitely affect the public trust of elected officials, how it would affect the majority rule, and how it would affect the principle of separation of powers, in my opinion will bring a complete reversal.

I won't elaborate on the fact that pollsters have ways of asking questions to get—even reputable polls—to get almost any answer they want, but I will say that, based on information that I have openly and overtly carried to my people, a recent poll and the results that are present so far do not indicate the same thought among our people about the 4-year term, and this might have a personal reference, of course, that they do on a national or Gallup poll, or others that you have mentioned.

I believe it is a question of information, of time for developing prudent judgment on a very important issue, and I believe that when an issue is this important, and might do much damage to our principle of proper representation in the Republic under our Constitution, it is far better to let it lie than it is to bring up some new—it is not true, I know it has been discussed since the time of Madison—but some precipitous action on the part of a Congress which itself is, to say the least, lopsided in favor of the majority.

Mr. WHITENER. I might say to the gentleman that if I were to take the position he has just taken in my district, I would be saying that the editors of the daily papers in my district in the past 10 years have not been very well informed, because long before President Johnson made the suggestion every daily paper in my district had editorialized in favor of the 4-year terms, and it was not connected with President Johnson, or recommendations made by any particular individual, and so I do think that, if you go to my district, you would find that the most informed people in my district, a majority of them, would be for a 4-year term.

They have had good reason to be, and they know what is going on, because we have had redistricting, and we are about to run out our ears with redistricting. We just finished one, and the courts said they must do it again after the next election. When folks introduce me, they say: "The Representative from the 10th District, wherever it is this year."

Mr. HALL. If I might just interpolate, I would simply observe that maybe he has done a better job of informing from your point of view than I have from my own point of view in my district. Certainly the difference in opinion is the thing that makes a horseshoe and makes this country great, and I respect your opinion and your ability to inform your people.

Mr. WHITENER. I do not think I can take that credit. The Federal courts—

Mr. HALL. I think the Federal courts are what has brought about your dilemma, and again I would repeat my statement, let's not throw the baby away because of the chafing diaper.

Mr. WHITENER. You make the statement that the President's proposal is most offensive to the idea of representative government as established by the Founding Fathers. I must say to you that, had the philosophy of the Founding Fathers remained in the Constitution, I would be a 2-year term man very strongly, but when the 17th amend-

ment was drafted upon our Constitution, that is when we got away from the philosophy of the Founding Fathers, and now we have a Senate that is elected by direct vote of the people, a Senate which now is supposed to directly represent the constituents they serve rather than the States they serve as the Founding Fathers intended, so this thing of saying that the people don't have a chance to get at their representatives, I think, is a myth and, had I been in Congress when the 17th amendment was proposed, I think I would have opposed it.

Mr. HALL. I think the gentleman would agree with me that, regardless of manmade proposals, principles do remain permanent.

I am far too smart as a hillbilly surgeon turned legislator to debate or engage in colloquy with an eminent barrister and a student of the Constitution, but I certainly do feel that you are just taking part of the text or content of the statement when you apply the 17th amendment to these principles that many of us think should remain eternal, whether they are or not, and I admit they have been clipped away by court decision, by subsequent action of the Congress. There is some question in my mind whether these take preeminence over the 1st and 10th amendments or not.

I will always argue that, but in seriatim I will submit they are the most timely. I will submit that even though the Representatives of the States, those in the other body are now elected by popular vote, their duties are still confined to advising and consenting to approval of treaties, to serving as a court as tried by the House of Representatives, the people's personal representatives, and if the gentleman does not believe that there is a strong effort, especially in this Committee on the Reorganization of the Congress to form a joint committee between the two Houses under the guise of saving testimony twice so that the powers of the purse may originate in the other body, then the testimony has been worthless, or unsteady.

Mr. WHITENER. I would say that it is speculation that our Founding Fathers speculated that the Members of the Senate would be subjected to direct election by the people, that these powers that the Senate has on approving treaties and so forth may be well given to both the House and the Senate—

Mr. HALL. But the corollary is true: Are we now willing to yield to them as representatives of the States the power of the purse in originating trades, tariffs—

Mr. WHITENER. There is nothing in these proposals that would change that provision of the Constitution.

Mr. HALL. I am not so sure that the end result would not be the same if we go to too long a term in the House of Representatives.

Mr. WHITENER. How does the gentleman explain away the trend which we have witnessed throughout the country, certainly in my State, to change from 2-year terms to 4-year terms the offices of Governor—in my State—the sheriff, clerk of the court, and many others, local and State offices, which up until recent years were 2-year terms? I believe now there are only three or four States that elect a Governor for 2 years, if that may.

Mr. HALL. I do not know that I could explain that in the gentleman's State. I would simply add in confirmation that we have even passed a 4-year gubernatorial succession law in our State, and I would be the first to admit that this is probably an expedient matter in which to get

maximum utility from the individual so elected without the cost of recurring elections, without the cost of campaigning, and so forth, but I still think, and I really believe basically, that the gentleman agrees with me, that the other end of the stick, the matter of personal reputation and the rights of the people and these principles that are involved, outweigh that expedient advantage.

Mr. WHITENER. Does the Governor of your State have a 2-year term?

Mr. HALL. No, his term is for 4 years and he can succeed himself.

Mr. WHITENER. Has that always been true, or is that a recent development?

Mr. HALL. It has been true to my knowledge always, but only recently has he been allowed to succeed himself.

Mr. WHITENER. The gentleman has mentioned the aid to education bill—

The CHAIRMAN. Let us pass on to what happened in the States in the election of Governors. It is interesting to note that Alabama, Louisiana, Maryland, and Mississippi have a longer term than 2 years for the members of the lower house in the State legislature. In 46 States the tenure of office of members of the lower house is only 2 years, and in New York and in Texas a referendum seeking to extend the term to 4 years was rejected by the people.

Mr. HALL. I might add one additional comment. I have seen experiments in one of our neighbor States with the unicameral legislature. I cannot find it in my prudent judgment to think that this is desirable, and I greatly fear that the step we are discussing here today might be one in that direction.

Mr. WHITENER. As you said on page 2 of your statement:

Biennial elections of the people's personal representatives in the House are the very essence of our political stability.

And then you point out in the next paragraph that we had the aid to education bill, and the President sent instructions to the Senate not to make a single change, not to delete a comma or a period in the aid to education bill which passed this 2-year-term House.

I take it that the gentleman is inferring that the 6-year-term man knuckled under to the President in that suggestion.

Mr. HALL. I do not know that I am privy to whether the other body knuckled under or not. Actually, as the gentleman well knows, it did come through without any change at all so that no conference was necessary, and it went to the President directly for signature. I doubt if this is the essence of a good deliberative body or the exercising of the will of the States' representatives or the people's representatives on any given problem.

This is one of the basic principles I think we wish not to erode away by lengthening the term of the Congressman, of the Representative.

Mr. WHITENER. Does the gentleman wish to draw inference that because the Senators had a 6-year term they were willing to yield to the "instructions" of the President?

Mr. HALL. No; that was not my intent at all. My intent, of course, was to indicate the principle involved here: that too lopsided a majority is a concern of all people, not just of the parties, not just of the incumbents, but of all the people if we are to have debate, colloquy, and portray all of the people's will through their Representatives on the floor.

I am pointing out here that a much too much lopsided majority is a concern of the people, which would be implemented to a greater degree by a 4-year term, I would say to the gentleman from North Carolina, and hence is a danger. That is what I am trying to get at.

Mr. WHITENER. But the people are entitled to have that lopsided majority if they want it.

Mr. HALL. That is correct.

Mr. WHITENER. And you imply because of the 4-year term we would be less independent than we are with a 2-year term, but I am wondering if the converse is not true.

Mr. HALL. The gentleman is a master of the use of corollary, and I would only say that actually what I am trying to imply is as long as we keep one body with a 2-year term the people can correct any error they may have made quicker than if it is a 4-year term.

Mr. WHITENER. I think you could argue with equal force that if a man were here during his first, second, or third year of a 4-year term that he may just, if he is not of strong will, he may exercise greater independence with a 4-year term than a 2-year term.

Mr. HALL. I am sure the gentleman could argue it ably.

Mr. WHITENER. If that premise be correct, then, you really may be throwing the baby out with the diaper now.

Mr. HALL. I would never admit that that premise is correct in my own judgment, and I respect the gentleman's opinions, but I think the corollary is that if an error were made, and if we did get too lopsided so that it became a concern of the Nation, the people had better be able to correct it at the earliest possible date.

Mr. WHITENER. The gentleman also mentioned with some displeasure the fact that the President made a suggestion for a constitutional amendment to change the terms of the Members of the House, but any time that I have been here, I have found that that limited no one. The so-called Randall report, I believe the name of it was, came out where President Eisenhower appointed a Committee to decide what our compensation should be.

I am not so sure they did not deal with a 4-year-term proposition in the Randall report. Maybe they did not.

Then we have had these suggestions for the changing of a committee structure of the House of Representatives made by the Executive, so there is nothing new about a man occupying the White House making suggestions for the improvement and operation of the Congress.

Mr. HALL. I think the gentleman is being extremely unfair in stating that my displeasure is because of one party's Chief Executive or the other.

If you will read carefully, you will note that I purposely leaned over backward not to indicate that. My displeasure is that the executive branch would presume upon or preempt the powers of the legislative branch.

I could say the same with regard to the judicial in certain instances. I would agree with the gentleman that even the second Hoover report has recommended certain changes along these lines which have not been implemented.

Frankly, I think it is good that they have not been.

Mr. WHITENER. Well, I think that the gentleman is not giving due credit to that great quarterback in this issue, Congressman Chelf, who threw out this constitutional pass which was caught by the President, and he is now on about the 10-yard line, and some folks hope he makes it on the other 10 yards, so I think the President picked up the ball, or caught the ball, which Mr. Chelf and others had tossed out.

Mr. HALL. Mr. Chairman, I will say to the gentleman from North Carolina that I played center in all my university days, and I had the greatest respect for the quarterback, and I also respected his wingmen. I doubt if the inference drawn by this shrewd gentleman from North Carolina is of import. We all know that our purpose in being here and testifying before this committee is to know that perhaps the greatest sin of all, according to St. Luke, does not prevail; namely, an act of omission, so we must debate both sides of this question.

So it is not a question for a quarterback or a wingman or anything else. It is a question of this committee, in its great wisdom, delving into the basic underlying problem and trying to envisage what the Congress and the people's House of Representatives would like under other circumstances when trying cases before us or important legislation or even amendments that were being considered.

I happen to be of the belief for many reasons, which I have tried to set forth here—1, 2, 3—without regard for side inferences or out-of-context statements, and so forth, that we should not change it at this time.

I hope that this position will prevail in the prudent judgment of the gentleman, and—

Mr. WHITENER. I thank the gentleman. I make this observation: it has been a joy to sit here and have things said about me which are so rarely said by members of the gentleman's party.

Mr. MOORE. Mr. Chairman, I would like to inquire of the gentleman from Missouri on a point which I believe requires some consideration.

I am having some difficulty with this section of the bill, in which it makes it absolutely a requirement upon the Members of the House of Representatives to resign office in the event that they seek to run or stand for election for any other office in the land, whether it be on the State level or for the Presidency or the Vice-Presidency.

Now, I have a hard time wondering why we, in this legislation—I know the reason it is there, of course—but if there is merit to the suggestion of a 4-year term for Members of the House of Representatives, does the gentleman feel we should make a different class of public servant out of him than we do of individuals of the other body, let us say, that desire to run for the Presidency, or desire to run for the chief office of their State? Do you not think that in the event that this committee would be of a mind to so report out, say, a 4-year term, that we should give some considerations to whether or not we are violating the rights of a Member of the House of Representatives in making him the sole exception in our whole body politic that—in the event he decides to stand for another office—that he cannot share the remainder of his term, but he must forthwith resign?

I have considered several amendments that might be appropriate in this particular section that would place that imposition upon the other body in the event that they decide to stand for election for an-

other office rather than having the remainder of their term available to them.

What does the gentleman feel in this particular area, because it said the Member of the House of Representatives shall not seek a nomination or election to any elective office other than that of the U.S. House of Representatives during his term.

Mr. TENZER. Are you referring to the Chelf bill?

Mr. MOORE. I am referring to the Chelf bill and the President's message in this particular regard, which carries the same import.

Would the gentleman respond in this regard?

Mr. HALL. I will say to the gentleman, Mr. Chairman, this is why I put in the insert after the numbered figure 3 paragraph on page 1 of my testimony about the question of the other body's concurrence, and having then disqualified myself as to expertise, not being a lawyer, before this distinguished Committee on the Judiciary, all of whom are outstanding legal minds and well-trained lawyers, I would say that I could not agree with the gentleman more.

One of the reasons in considering this problem that the Joint Committee of the House and Senate on the Reorganization of the Congress has—and I think I can speak for the other members—has been leery of this because of the various suggestions made, the lack of running times in an orderly, divisible fashion, and the alienation of the rights of the individual, it has even suggested in further answer of the gentleman from West Virginia's statement, Mr. Chairman, that the clause "not be able to run for another position unless they have been out of office for 1 year" be inserted therein as a technique for bringing about either staggered or longer terms.

This is an extremely unwieldy thing. The right of the individual is present, and it could be denigrated easily with such a clause as section 4, as the gentleman states.

It is an additional reason for being against any change—

Mr. MOORE. Does not the gentleman agree that if there is merit to the 4-year term—I have an open mind on this matter and am here trying to gain as much information on the thought of the membership of the House in this regard as I can—does not the gentleman feel that if the 4-year term is meritorious and that it will add materially to a better type of service and a better type of performance on the part of the Members of the House—if such is available—that we do not have to make a special exception, if it is as meritorious as some would have us believe, to court the other body to submit such a constitutional amendment to the people. That is perhaps the only reason it is in the proposed legislation we are considering.

The other body would never let it out so long as we had the opportunity, perhaps, to stand for elective office for which they also might be standing at the same time and have the opportunity to return and fill the remainder of a term in the House of Representatives.

Mr. HALL. I certainly agree with the gentleman. I do not believe it should be written in there, and I would underline the "if" when you say if it is meritorious in terms of a 4-year term.

I hesitate to discuss it, because I think this will involve a trade-off with the other body, such as their originating appropriations, if they are to concur in such a statement or the deletion of a statement such as the gentleman reads in section 4.

This is one of the reasons that I hesitate to even countenance the bill in addition to the basic damage that I think it does to the separation of powers, majority rule, the Constitution, and the other principles involved.

Mr. MOORE. You mean envision aside from that, from section 4, you envision that the other body would even go beyond and demand a surrender of the other constitutional obligations that the House of Representatives has in order for that body to favorably consider the submission of a constitutional amendment providing the 4-year term?

Mr. HALL. I will at least say it has been openly discussed in our committee.

Mr. WHITENER. Will the gentleman yield?

Mr. MOORE. I will be happy to yield.

Mr. WHITENER. I believe the gentleman is referring to section 4 of the joint resolution. He is not pointing out that section 4 that he refers to is quite different from the legislation which the President suggested, that it is much broader than the President's suggestion insofar as limiting the rights of Members of the House of Representatives to run for other offices.

The President's proposal said:

No Member of a House of Congress shall be eligible for election as a Member of the other House for a term which is to begin before the expiration of the term held by him unless 30 days prior to the expiration of the term and the beginning of his term * * *.

Section 4 in this legislation bars the Members of the House from running for any office or even seeking the nomination. The President has not suggested that.

Mr. MOORE. I make the vain suggestion that again we have the President saying to us that this is in the best interests of the country, and yet it is necessary in order to get it through the other body to use the language as indicated. Very rarely do you find the Members of the other body seeking to give up that seat and return to the House of Representatives. So this only has—however the verbiage may be put together—it only has the effect of saying, "As a member of this House you are not going to run for any other office."

Mr. WHITENER. The section 4 to which you refer on membership of the House of Representatives in Washington could not run for county board commissioner—

Mr. MOORE. That is in the bill, and in the President's bill. It says that a Senator, if he wants to run for the House of Representatives, must resign. Now, how ridiculous can you be? The language is there in the administration bill, and I think it is accurately written so that it does not seem to cast any more of a reflection upon the House Member than it does the Senate Member, but we know the way the water flows around here.

The CHAIRMAN. None of the bills, in none of them do we find the word "primary."

Mr. WHITENER. You do in section 4, if you will pardon me, Mr. Chairman. In section 4 the gentleman refers to, you do find it there, because it says, "Shall not seek or accept the nomination."

The CHAIRMAN. Does that mean primary?

Mr. WHITENER. Yes, it does. You get nominations in the primary.

In other words, he could not write a letter in January of 1966 to

a constituent who is going to be a delegate to the convention if they nominate by convention, and say, "Look, there is a convention in 1969. I want to be a candidate for the U.S. Senate, and I am seeking your support."

Mr. MOORE. The only reason for pointing this out is that we seem to have the definite point that we are either for or against the 4-year term for a number of different reasons. We inquire whether it was against the original concept of the Founding Fathers. We go into the question of the burden of our memberships, the cost of campaigning, and so forth. But within this existing constitutional amendment, I think there are other questions that legitimately should be answered and this is one and that is the reason I inquired, and I thank the gentleman from North Carolina.

Mr. HUNGATE. Will the gentleman yield?

Mr. MOORE. We have yielded.

Mr. HUNGATE. I want to thank my colleague from Missouri first for his study and statement on this question, and I do not want him to be too humbled by being a hillbilly. I think the hillbillies have the strongest constitution of anybody in Missouri, and about being among attorneys, I had to assure my people I wasn't much of a lawyer to get here.

We discussed this 2-year, 4-year proposition and the chairman very aptly told the story about the bowlegged girl. It would seem to me that that might be told, depending on the viewpoint, about the 2-year term as well as the 4-year term, and it seems to me that, in discussing this, it reminds me of a contest where the fellow won first prize, and that was a week in Philadelphia, and the second prize was 2 weeks in Philadelphia, so it may be how you view the job, and it may be the witness is a very dedicated Member of this body.

Doctor, what was the percentage by which you won, approximately, in your three elections?

Mr. HALL. Oh, the first election in 1960, I believe was $57\frac{1}{10}$ percent, and then developed to, in the off year, to—no, it went up to 7.2 percent, and then last year was down to 117 percent.

Mr. HUNGATE. You are not in one of these 80 percent districts—you are in a close district.

Mr. HALL. Very close, and getting closer.

Mr. HUNGATE. The question has been put as to what is wrong with Congress, and I suppose this committee on which you serve is going into that exact question now.

Mr. HALL. We have been for 10 months, and addressed ourselves originally to the question, not only what is wrong; but is something wrong, and, if so, what?

Mr. HUNGATE. I take it there are places you have found where improvements could be made?

Mr. HALL. I think there is no question about that.

Mr. HUNGATE. In your opening remarks, I think you stated that, with some sympathy for the newer Members, that they knew what they were seeking when they ran for the office.

Well, my question would be, Would not this perhaps be an argument against any change? In other words, an argument against increasing salaries, or staff, or typewriters, or telephone allowances? Couldn't you argue that the Member knew what it was when he ran for it?

Mr. HALL. As a matter of fact, I used this argument when I opposed the salary increase. I think the gentleman is correct. It is an overall drawing of an assumption.

Mr. HUNGATE. Doctor, would you think that in Missouri, and maybe it is more widespread than that, but more people know the name of their sheriff than know the name of their Congressman?

Mr. HALL. I could discuss this at some length. Actually, I ran a poll among the youth of my district, all of whom were seniors in high school. I was amazed, and rather personally disgruntled, to find that less than a majority knew the name of their Congressman; unfortunately, I did not poll them about how many know the sheriff, the name of their sheriff. I believe maybe the gentleman is right.

I would like to make one other point in connection with that question and the former one if I can just interpolate a remark.

Mr. HUNGATE. Please.

Mr. HALL. The question of drawing an assumption based on the overall knowledge that we knew exactly what we were getting into when we filed could well be handled in sympathy to the young Representative who has a growing family, and I truly am heartsick about some of their situations.

I have seen homes broken in the Congress, as I know members of this committee have, by the fathers that first tried bringing their families here, and the father going home in the fall to campaign and leaving them in the districts and the father coming here to represent, like the old days of Paul Revere, but I am not sure that, again, a simple session 4-year term would not be throwing away the baby because of the chafing diaper.

Why not correct that situation with a summer lull, or expediting the business of the Congress, or a change in rules or procedure in either House, rather than a constitutional amendment to change the length of term? I think this is another point in fact that I was trying to make about the vitality of getting at the basic disease rather than just treating one of the symptoms, if, again, I can revert to my profession.

Mr. HUNGATE. Along that line, has the committee considered enlarging the number of Representatives, enlarging the number of people to be represented, or is that a matter that has been discussed?

Mr. HALL. I think the net disposition of the House in that question in 1961, if I remember correctly, or 1962, after both Hawaii and Alaska had been admitted as States of the Union, that the committee did not consider this at any great length, nor was testimony spontaneously submitted thereon.

Mr. HUNGATE. Doctor, back to the sheriff, and the purpose of my question there, as we all know, they have powers of arrest and imprisonment, and I am seeking to illustrate that they may be closer to the daily lives of the people, in the minds of their people, than their Congressman.

As we know in Missouri, the sheriff enjoys a 4-year term. Do you think it would be salutary to reduce that term to 2 years?

Mr. HALL. No, I do not think so, and I do not think it necessarily follows, because the sheriff may have the power of arrest, and he may organize youth clubs and he may render a great service, but he does

not have the power of the purse. He does not have the power of drafting and conscription. He does not have many other powers that the legislators and Congress do, and he certainly cannot originate trade, taxes, tariffs, and levies. They are pretty vital to the people, in my opinion.

Certainly the sheriff is the highest officer in the county, as we know, as far as legally elected power is concerned, and I understand whereof the gentleman speaks, but I think it is kind of comparing apples and oranges a little bit to draw a conclusion on that.

The CHAIRMAN. Does counsel wish to speak?

Mr. FOLEY. Was any consideration given for a plan as to how you would divide the two classes of Congressmen if we had staggered elections? A specific plan.

Mr. HALL. Yes, sir; this has been considered. It has been presented. There are bills—I am sure they have probably been referred to this committee—which would solve this problem. Some of them get pretty terrifically involved, and I mentioned a while ago the 3-year plan, for example, not in the sense of a compromise, but in the sense that it could be technically worked out more easily on that basis.

Mr. FOLEY. What consideration was given to the impact on the reapportionment of the House and on the decennial census, and is there any specific plan on that?

Mr. HALL. I think that has not been worked out by the committee staff—

Mr. FOLEY. Under the President's plan, or the plan proposed by Mr. Chelf, there is definitely going to be an overlapping and perhaps a postponement of reapportionment.

Mr. HALL. Not only that, but a definite problem of integration, not in the sense that this committee usually thinks of integration, but interdigitation, if I may use that word, between the terms of the House and the Senate.

The CHAIRMAN. We have one more witness before we conclude this morning.

Mr. TENZER. I appreciate many of the sentiments expressed in your statement today, because I share a number of them, but I wonder if the emphasis is at the right point.

First, you speak of the executive branch and congressional jurisdiction. In sending the message to the Congress, the President outlined the duty outlined for him in the Constitution, because the Constitution instructs the President that he has the power to recommend such measures as he shall judge necessary and expedient, so that this is just by way of mention.

In your opening remark, you referred to numerous proposals, and you analyzed them very well. I share your opposition to the split 4-year term, and I share your opposition to the straight 4-year term, and I share your opposition to the 4-year term running in the off years.

You refer to a 3-year term which is staggered. Have you considered at all the feasibility of a 3-year term which does not provide for staggering and which does not provide that a Member of the Congress must resign before he runs for any other office?

I am referring to House Resolution 630, which is a straight 3-year term under which all of the safeguards that you seek, to eliminate the coattail Congress, would come about because, under that plan, men

running for Congress, or a Congressman runs only once every 12 years with the President, and on three other occasions he runs on his own two feet, sometimes in a year without a senatorial candidate running, so that the people would have a good look at the Congressman, know what he stands for, what he voted for, what he voted against and express their sentiments with respect to the desirability of returning him to Washington.

Have you reviewed that?

Mr. HALL. Yes, sir; we have. As you know, several of our colleagues have submitted such a bill. They did also testify before the Committee on the Organization of the Congress. I think it is by far the best one or the one that I would come nearest to accepting at this time in the same spirit in which I have testified in discussing the three, plus the fourth Senate objection here, I would say it is just one-fourth as bad, because we still have the coattail riders with the presidential year every 12 years.

I would remind the gentleman that in the same article of the Constitution from which he read to me that it also says that the Congress will have the supreme and sole judges of its own administration.

Mr. TENZER. Precisely, but it does not preclude the President's authority.

We have no argument about that.

Now, you suggested that under the proposed House Joint Resolution 630, to which I referred, you still have a coattail Congress which will be running once every 12 years. How about the present system where the Congress runs every 4 years with the President? Doesn't that present a greater danger?

Mr. HALL. Yes.

Mr. TENZER. So it is a question of 25 percent worse or better than the other system.

Mr. HALL. Than the current system.

Mr. TENZER. The 3-year term increases the representation by the people because of the fact that only once every 12 years does a man run with the President where today he would run three times out of 12 years.

Mr. HALL. I agree with the gentleman. I was only referring when I was dividing up the halves and quarters to my remarks in items 2 and 3.

Mr. TENZER. I would say to the gentleman, if we are in favor of an extended term, and one of the things that persuaded me to the 3-year term last year was that I thought the interests of the people could be better served by having their Congressman elected more often without the concurrent running of the President, and if I think that dilutes—

The CHAIRMAN. I think we have to terminate the testimony of the good doctor. We appreciate your very fine presentation and you have been very helpful. Thank you very much.

Our next witness is Mr. George Agree, executive director, National Committee for an Effective Congress. After his testimony, the hearing will be closed, but the record will be kept open for any additional remarks that might be made by interested parties for a reasonable period.

STATEMENT BY GEORGE AGREE, EXECUTIVE DIRECTOR, NATIONAL COMMITTEE FOR AN EFFECTIVE CONGRESS, NEW YORK, N.Y.

Mr. AGREE. Dr. Hall made my point so well and eloquently that I hesitate to follow him. I am here in my capacity as the executive director of the National Committee for an Effective Congress. My views are not a formal statement of the committee position, but they do reflect a consensus of the executive board. I particularly want to acknowledge the counsel of Mark DeWolfe Howe, professor of constitutional law at Harvard University Law School.

Mr. Chairman and members of this committee, it is indeed a high honor to take part in these proceedings. For, in a most meaningful sense, when you consider an amendment to the Constitution of the United States, you are the colleagues and associates of the Founding Fathers. For this purpose and this time, you meet on their business to consider, as they did, the future of the union of the people of the United States.

I stress the people because the Constitution they wrote, and under which you serve, begins with the people. Indeed, it was conceived and rooted in the people.

During the past 180 years every single amendment to that Constitution having any bearing on the people's participation in our political process enlarged and enhanced that participation. Not once ever did your distinguished predecessors reduce the people's participation. They always enlarged it.

The list is stirring and emphatic. The 1st amendment guarantee of the right to speak, assemble and petition; the 14th amendment guarantee of citizenship for all Americans; the 15th amendment guarantee of the right to vote; the 17th amendment provision for direct election of Senators; the 19th amendment guarantee of equal suffrage for women; the 23d amendment provision for voting in Presidential elections by residents of the District of Columbia; and the 24th amendment prohibition of taxes on voting. Each enlarged the people's voice; each enhanced the people's role.

The 4-year term for Representatives would reduce——

The CHAIRMAN. Was there not an exception, the 18th amendment, to enjoy our right to liquor?

Mr. AGREE. I do not know what part, sir, liquor played in the political process, but if it played any, you are right.

The CHAIRMAN. We had a sense of proportion there until we finally took that amendment out.

Mr. AGREE. The 4-year term for Representatives which you are considering today would reduce by half the people's opportunity for a voice in the affairs of this House. After almost two centuries of progress, this would be the first politically regressive amendment in our history, and I would repeat that your predecessors never passed one.

Only the most compelling reasons could justify such a sharp change of direction in the development of our political system. And they would have to be reasons rooted in the people's needs, not, if I may say so, in the needs of the people's servants, however compelling some may feel them. But, gentlemen, I believe the 4-year term does not even meet your needs.

True, the House has an accelerating volume of legislation, involving increasingly complex issues and requiring longer sessions. But this is a Representative's business, just as it is a Representative's business to make frequent reference to the people concerning these issues and this legislation.

The primary diversion from this business cannot be the business itself. It is the necessity of spending so much time on constituent casework. The volume of this casework has risen because of our growing population and the increasing impingement of the Federal Government on the lives of citizens. It is interfering with the Members' function as legislators and making them business agents instead of Representatives. Fifty percent of Representatives' time is now spent on casework. Thirty-five years from now they will have twice as many constituents in an even more complicated world. At the present rate, they then would be required to give casework 100 percent of their time—and more. This is the real problem.

Sooner or later Representatives will have to confront this problem by finding someone else to do the casework. The 4-year term is not a solution. It is merely an evasion.

True, the costs of campaigning are rising, and the role of big contributors and special interests is too great. But the cost of campaigning is largely a reflection of the number of voters. There has been relatively little change in the cost per vote. And the fact is that less frequent elections would probably increase, not decrease, the proportionate role of the big contributors.

No special interest that budgets its political giving, at so much per year, will reduce its budget because the terms are longer. It just will give twice as much when the election comes around, and perhaps even more, because the stakes will be higher and the competition will grow. The people whose contributions will be discouraged are the little givers, who respond only at election times, in the heat of campaigns. They will give only half as much because half as often. The \$10 givers will not bank their money in order to be able to give \$20, 4 years later.

Thus, if one assumes that little givers account for \$30 out of every \$100 spent in House elections at 2-year intervals, they will give approximately the same \$30 at 4-year intervals. If big contributors and special interests account for \$70 out of every \$100 every 2 years, they will give approximately \$140 at 4-year intervals. Where the ratio of large to small may now be 70 to 30, it would become 140 to 30. The net reduction in the amount of campaign money would be only about 15 percent, and the proportionate influence of the public-spirited contributor would be cut in half.

There are many real problems in the field of political financing and much has been proposed to Congress that would alleviate them. Congress should genuinely address these problems. The 4-year term is not a solution. It is merely an evasion.

It has been argued that the security of longer terms would attract better men to your ranks. The only empirical basis for such an assertion would be a finding that Representatives from safe districts are more able than those from marginal districts. No student of Congress that I know of has made any such finding.

The most important single characteristic of a good Representative is a high enough motivation toward public service to assume the risks

of that service. If any problem exists on this score, it is that there are too many one-party and machine-dominated districts. There is not enough political competition, and there is too much political featherbedding. Congress and the courts have taken steps toward solving this problem by extending the franchise among Negroes in the South, and by reapportionment. Now that we are moving toward "one man, one vote," it would not be constructive to add, "Yes, but please not so often."

The only way for Congress to be better manned is for it to be more representative. The 4-year term would not make it so. Again, it is an evasion of the real problems of our political system.

There are some, particularly in the academic community, who would like to see a 4-year term concurrent with that of the President because of the effect it would have upon party discipline, and ultimately upon the nature of our political system. They deplore what they consider our chaos, and admire the order of the parliamentary systems. But to make the Legislature more responsive to the Executive, without making the Executive as responsible to the Legislature as it is in parliamentary systems, would not emulate those systems so much as it would prepare the ground for a kind of American authoritarianism.

The principal growth of this school of thought among political scientists occurred during the 20 years following the 1938 election, when the House of Representatives was dominated by what has been called the conservative coalition. Based on rural and Southern constituencies, where there was either a declining population or a disenfranchised population, the coalition, and therefore the House, was felt to be not as representative of the American people as was the President. This was contrary to constitutional theory, but it did accord with the facts to some degree.

Nevertheless, if the problem was that the House was unrepresentative, the proper solution was to make it more representative, not to put it under Presidential influence. This is now happening—thanks to history, the courts, and the Congress itself. The urbanization of our people, reapportionment, and the extension of the franchise are together producing a profound shift in the electoral base of the House, making it more representative and much closer to that of the President. Within a relatively short time, the old concept of "a Presidential party and a congressional party" may become an anachronism.

This organic implementation of our constitutional system is infinitely healthier than would be any such mechanistic alteration of the system as the 4-year term represents.

Mr. Chairman, and members of the subcommittee, we are no longer a town meeting America. This is a time when many tens of millions of us live in communities so large that we are as remote from even our local governments as people in other lands from their national governments. There is evidence, particularly among our youth and our minorities, of a growing sense of alienation, of feeling cut off from and irrelevant to the sources of decision over our own lives.

All the while, the world changes ever more rapidly, the people's needs and concerns change with it. In an age when a single event, such as the lofting of a sputnik, can transform the national temper, government must become very more responsive. The complexity and the interdependence of the new world we are creating impose great

and, in the long run, insupportable difficulties on governments whose decisionmaking institutions are not responsive to all information and sensitive to all interests in a society.

No number of signatures on petitions, no amount of demonstrating in the streets, no frequency of public opinion polls—with all due respect to our leaders who read them—can take the place of voting to choose one's representatives.

The 79th Congress may have read the polls and the letters to the editor, but that did not make it as Republican as the people chose to make the 80th Congress, and it did not make the 83d as Democratic as the people chose to make the 84th.

The point is that the people must have a way not merely to indicate what they want, but to make sure they get it. This is most important for those people who want change, whether housewives in 1946, unemployed workers and disenchanted intellectuals in 1958, or southern Negroes today. Tomorrow it may be small businessmen. Always, it will be a party out of power. Political action would be difficult for them to sustain if it were not directed at goals that are near at hand.

For almost 200 years our political system has operated according to a well-established rhythm, to which all parts of the system have made intricate and delicate adjustment. A halving of the frequency of national elections would have widespread and serious effects upon this system. Many of these effects have not even been identified by those who have written on the subject, let alone given serious consideration.

We are used to biennial national elections. The grassroots may wither if we do not keep them. Thank you, Mr. Chairman.

Mr. JACOBS. I want to ask you concerning your opinion to, apparently, and I say "apparently" because of the chairman's comment, that apparently there has been no constitutional amendment to diminish the people's participation in their Congress, and I think that is probably true.

I do believe that through legislation of the Congress pursuant to the Constitution, obviously there has been some diminution of the people's participation in the Congress in that, as I understand it, when the 2-year term was established the average congressional district in the United States was 35,000 citizens, whereas today it is approximately 400,000 in population, so the question is, Do you think in order to maintain the same degree of democracy and participating in the Government that our Founding Fathers found in their time that we should increase the membership of Congress so that the average district in the United States would be placed back to what it was when the Founding Fathers founded the country, 35,000?

Mr. AGREE. I think this is not a constitutional question, but one, as you have indicated, that is within the jurisdiction of the Congress itself without reference to the Constitution.

The answer to your question is, "No, I do not." You have here a question of what size of body becomes unwieldy and unable to perform its functions, and since we are in a situation now where our projected population 35 years from now is twice what it is today, any effort to fix the size of constituency to a limited and fixed figure of population would just result in an enormous proliferation of the size of this body.

Mr. JACOBS. Do I take it that you consider the practicality of the institutional function of Congress itself—let me preface that by saying that I take it there might be two concepts of the House of Representatives, of a Representative.

One, a Representative of a district; two, a Representative in Congress, and that the institutional aspects of the House of Representatives, the functioning of the House of Representatives in the institutional aspect is then, in your opinion, of great importance to—

Mr. AGREE. They both are of great importance, sir, but I do not think, and have nowhere had demonstrated to me that the institutional problems of this House are such that they require any diminution of the people's voice in order to solve them.

I think that ultimately the people's ability to see to the perfection of the institutional arrangement of this House depends upon their franchise, just as their ability to see that they get anything else depends upon their franchise, and I do not think that the price of cutting their franchise in half is required to take care of any of the problems of this House.

As I suggested in my statement, I think any attempt to do so is in truth an evasion of those problems by people who are unwilling to face them.

Mr. JACOBS. Would it be fair to say, then, that at some point you would consider—you do not consider the 2-year term an absolute concept in terms of the people's need for participation in government?

Would you concede a possible 1-year term might be at least considered to increase their participation, or that a 3-year term might be within the realm of consideration—

Mr. AGREE. In theory.

Mr. JACOBS. Let me finish the question. (Continuing) To increase the institutional effect of this body of Congress?

Mr. AGREE. In theory, I think that any alteration in the length of term may be considered, but primarily as it may increase the degree to which this body is representative of the people.

Mr. JACOBS. Then you think there is nothing sacred about the 2-year term as such? Circumstances could arise to make it no more sacred than the 35,000 population district?

Mr. AGREE. Much more sacred than the 35,000 population district, but not completely sacred.

Mr. JACOBS. Thank you.

The CHAIRMAN. The Chair wishes to enter into the record the statement of Roger H. Davidson, the statement of our colleague, Representative N. Neiman Craley, Jr., of Pennsylvania, the statement of Representative Henry Reuss, of Wisconsin, and the statement of Carl L. Shipley, chairman of the District of Columbia Republican Committee.

(The four statements referred to are as follows:)

SOME SECOND THOUGHTS ON THE FOUR-YEAR TERM BY ROGER H. DAVIDSON

Long a familiar item in the literature of congressional reform, the proposal for 4-year House terms has recently become an object of serious public debate. The Joint Committee on the Organization of the Congress heard testimony on the idea in 1965, the interest centering around Representative Frank Chelf's proposal for 4-year terms with half of the House Members elected every 2 years.

In his 1966 state of the Union message, President Johnson espoused the more traditional notion of holding all House elections in presidential years.

While popularity is no test of the reasonableness of an idea, it may be relevant to point out that public attitudes apparently constitute no barrier to the 4-year term. National sample surveys in recent years have indicated that a substantial majority of the population favor the plan.¹ However, public attitudes on this question—and on most matters of congressional “reform”—probably indicate acquiescence rather than intense conviction. That is, citizens may favor the idea when confronted with it, but they are unlikely to act upon their preferences and work for its adoption. With the exception of a few scholars and close observers of Congress, little public pressure is likely to be generated one way or the other. (I have yet to hear Members report a barrage of mail on the subject.) Representatives and Senators are thus relatively free of public constraints in assessing the 4-year term.

There is considerable support for the 4-year term among Members of the House of Representatives. Representative Chelf reports that 254 of his colleagues have endorsed his plan—58 percent of the House membership. When my colleagues and I interviewed a random sample of Members in 1963 and 1964 we found that slightly more than two-thirds of our respondents backed the proposal. However, the opponents of the measure, thought a minority (33 percent) were very strongly committed to their position: more than 8 out of 10 were willing to play an active role in opposing the proposal.² Thus, our respondents were pessimistic in estimating the likelihood of House passage of the reform. In contrast to the 68 percent vote of approval for the measure, nearly 80 percent of the respondents felt the measure had less than an equal chance of adoption within the next decade.

The reactions of Senators are also relevant, not only because they must assent to any constitutional amendment, but because they have a vested interest in the career patterns of their colleagues in “the other body.” Fully one-third of the Senators serving in 1966 are themselves former Members of the House. Because of the difficulty of meshing 4-year terms and 6-year terms, Senators may feel threatened by giving their House colleagues a midterm “free shot” at Senator seats in an average of one out of two senatorial elections. These would include all instances in which a senatorial election would occur at the midpoint of the Congressman’s term, allowing him to run for the Senate and, if defeated, continue to serve in the House. Recent proposals have therefore included the requirement that House Members resign before contesting a Senator seat. The surprisingly large number of Senators cosponsoring the 4-year term resolution suggests that this proviso may have dissolved some, if not all, of the expected Senate resistance.

If Senators and Representatives (along with State legislators) are asked to cast their vote on this constitutional issue, their decision will be considerably more costly than expressing an opinion or responding to a survey questionnaire. Therefore, their final choice must be more than a matter of intellectual preference. It should be reached only after serious consideration of whether the 4-year term would alleviate Congressmen’s problems, whether it would have undesirable effects which are unanticipated, and whether there are not alternative innovations which would go more directly to the heart of the matter. If these questions are confronted candidly, I think that legislators—and informed citizens as well—will find themselves hopelessly divided on the question of the 4-year term.

The 4-year term would have three kinds of impacts, which I propose to consider in order. First, it would have some effect on the crowded schedules of Representatives. Second, by altering the electoral process it may reorient the legislator’s view of his constituency. Finally, the proposed change would have a far-reaching effect on the strength and autonomy of Congress in its relations with the executive branch.

I

The most compelling argument for the 4-year term is the increasing incapability of many Congressmen to master their legislative duties while looking

¹ Sixty percent in late 1965 (American Institute of Public Opinion).

² The figures used in this paper are based on survey responses of a random sample of 80 Members of the House of Representatives during the 88th Cong. The proposal here was for a 4-year term running concurrently with the presidential term. For a full report of this survey, see Roger H. Davidson, Michael K. O’Leary, and David M. Kovenock, “The Politics of Congressional Reform” (in press).

over their shoulders toward the next election. The pressures are especially acute upon those Members who feel their constituents expect them to put in frequent appearances in the district. Such Members may come from a competitive district or one close to the Nation's Capital, or they may lead political organizations back home. But these are not the only kinds of legislators who are frequently found back in their districts during the congressional session; and as election time draws nearer, even Members who are relatively sure of reelection become justifiably impatient for adjournment. (Interestingly enough, our 1963-64 survey showed that Members from "marginal" districts were not more likely to support the 4-year term than Members from "safe" districts.)

There is every evidence that the strains associated with electoral politics weigh heavily upon Members. When asked to discuss their problems, nearly 40 percent of our respondents said that such things as electoral vulnerability, the need to court constituents, and the process of constant campaigning hampered their personal performance as Congressmen.

Yet the incompatibility of legislative deliberation and campaigning may be overstated, because of a failure to specify precisely what is meant by campaigning. The actual electioneering associated with "the" campaign is perhaps its most conspicuous form; but even more time consuming is the perpetual campaigning which Members and their staffs undertake even when an election is not just around the corner. These ongoing activities run the gamut from handling constituents' problems ("casework") to such outright forms of publicity as newsletters, press releases, and radio and television appearances. In our interviews with Representatives, we asked them to tell us the major time-consuming activities of their jobs. A summary of their answers is presented in table 1. Only 3 percent of our Congressmen named campaigning itself as the major time-consuming activity, though 14 percent named it as an important secondary activity. The more continuous activities, which might in the largest sense be termed "campaigning," loomed far more largely in the Members' schedules. Almost 20 percent of our sample reported these activities (casework, communications) as their single most time-consuming job, and fully 96 percent mentioned these activities as important secondarily.

TABLE 1.—THE MAJOR TIME-CONSUMING ACTIVITIES OF MEMBERS OF THE HOUSE OF REPRESENTATIVES¹

[In percent]

Activity	The major time-consuming activity	Important as secondary activity
Legislation, committee work.....	77	20
Casework, "errands" for constituents.....	16	58
Publicity, communication with district.....	3	38
Campaigning.....	3	14
Intra-House politics.....	1	10
Washington social life.....	0	4
Total.....	100	² 144

¹ Each of the 80 Members was asked to describe, in detail, the job of the Congressman as he interpreted it. Each of the Members tended to emphasize one of the six types of activities as the most time-consuming portion of his job; the other activities mentioned are listed as "secondary."

² The sum of the percentages of secondary activities exceeds 100 percent because a number of Members mentioned more than one such activity.

Unfortunately, we do not know exactly how much time Members devote to such campaign-related activities as casework and constituency communications. Congressmen allocate their time in varying ways, depending on their views of their "proper" role, the competence of their staffs, and the number and type of demands which their constituencies impose on them. But these activities surely constitute a "problem" which many Representatives would like to see "solved." When we asked our respondents to discuss their job problems, more than one-half (58 percent) declared that constituent services were a burden on them, their staffs, and Congress as an institution.

Several things need to be said about these campaign-related activities, however. First, most Congressmen are convinced that such activities are legitimate and important. More than three-fourths of the Members interviewed (78 per-

cent) either agreed or tended to agree that an important part of a Congressman's job should be to "go to bat" for constituents in their dealings with executive agencies. And 88 percent agreed with the proposition that Congressmen should take an active role in educating their constituencies concerning public issues. If it is suggested that longer terms will reduce these activities, the proposal is open to the charge that it threatens functions which Representatives perceive as important (even if burdensome) in a democratic system.

But there is no assurance that longer terms would lighten these burdens perceptibly. Constituency service and communications are not, by and large, regulated by the proximity of elections. There is no reason to think that Senators have proportionately less constituency work because they enjoy 6-year rather than 2-year terms. We do not even know for certain whether Senators spend less of their personal time on such matters than Representatives do. This may be the case, but if so, it is undoubtedly because the sheer volume of the work has forced Senators to delegate more of these responsibilities to their office staffs—an expedient which may or may not appeal to Representatives. The essential point, however, is that a very large portion of constituency-related tasks are not bound up in the frequency of elections.

The conflict between constituency demands and legislative deliberation may, in fact, be endemic to the role of the politician in a democracy. This is not to say that the conflict cannot be made more tolerable through a variety of tactics—perhaps better utilization of the individual Member's staff, or better scheduling of the congressional sessions. I will have more to say about these matters presently.

II

The impact of elections on the Congressman's view of his constituency is, if anything, an even more complicated subject, and one about which very little is known. And while I believe the drawbacks of the 4-year term clearly outweigh its advantages, I confess, on the other hand, that I see nothing particularly magical about frequent elections. Philosophers have sometimes emphasized the inherent advantages of frequent elections, working from the reasonable premise that expression of popular will is a good thing. And if public expression is a good thing, the more the better. This easy association of the frequency of elections with the quality of our democracy is not necessarily valid.

Procedurally, of course, citizens may find frequent elections to be a nuisance as well as an advantage, by multiplying the physical problems of getting to the polls and the intellectual problems of casting a vote. More fundamentally, I have intimated that elections are not the only devices for expressing popular will—and perhaps not even the most important ones. It is more realistic to view constituency influence as a continuous process working within and upon the Member in a variety of ways. The constitutional requirement that a Representative be a resident of his district, and the almost universal political requirement that he possess a long association with that district, means that he will be sensitive to the attitudes and needs of his fellow citizens. (In our survey, no less than 53 percent of the respondents agreed with the statement: "I seldom have to sound out my constituents, because I think so much like them that I know how to react to almost any proposal.") Constant exposure to communications from the district—personal contacts, newspapers, and his mail—renews and extends the Member's knowledge of his constituents.

There remain many issues on which the public voice is silent, or contradictory, or both. Some Members claim to encounter a major problem in knowing what their districts desire of them. (Thirty percent of our survey respondents agreed with the statement that "so many groups and individuals want so many different things that it is often difficult to know what stand to take.") But elections, whatever their frequency, are a crude tool for expressing public preferences, even when such preferences exist. Once these preferences have been registered at the polls, the elected official must find other means to ascertain and weigh his constituents' demands—a task which is one of the inevitable functions of the democratic politician.

A somewhat different question is whether the perspectives of Members will actually be shifted by the prospect of less frequent electoral challenges. Some supporters of the 4-year term claim a desire to reduce the localism of the House by providing its Members with more "national" perspectives.

The argument seems to be that, if Members could be insulated somewhat from the stresses and strains of campaigning, they would shed some of their supposed parochialism and develop more interest in "national" problem areas (including

the subject matter of their committee assignments). Some superficial evidence, at least, suggests that this might occur: we know, for instance, that Members who are least vulnerable at the polls tend to be somewhat less district-oriented in the focus of their activities. (See table 2.) Why this is so is not so apparent. Is it simply because Members from "safe" districts need to devote less time in nurturing their constituencies? Or is it that, with a brighter prospect of developing seniority and committee leadership positions, these Members are led to cultivate interest and expertise in national problems handled by their committees? Probably both factors are involved, but in any event further research is called for.

TABLE 2.—*District vote and Members' area focus*¹

[In percent]

	Constituency vote in 1962	
	Marginal (50 to 59 percent)	Safe (60+ percent)
District predominant.....	40	32
District, National equal.....	33	26
National predominant.....	25	41
Unclassified.....	2	1

¹ The geographic focus of Members' conceptions of their jobs was derived from our interviews. The "national" focus includes concern for specialized nongeographic constituencies. Safeness of the Member's district is defined in terms of his percentage of the vote in the 1962 congressional elections.

A further complication is that, while some claim to favor the 4-year term as a means of insulating Congressmen from parochial pressures, others view the proposals as a way of heightening competition in congressional districts. President Johnson is not alone in arguing that a longer term will make the job more attractive, and thus increase the number of men who contest for seats. Whether this would actually follow from lengthening the House term is questionable. But if this effect were to occur, it would reassert the Member's concern over reelection and perhaps even intensify the very parochialism which this proposal purports to alleviate.

At best, the relationship between frequency of elections and the "national view" is tenuous. Of course the time consumed by campaign activities limits Members' capacity to concentrate on legislative matters which may be only vaguely related to their constituency. On the other hand, it is the House rather than the Senate which has more effectively exploited the specialized, problem-oriented work groups—the committee system—in bringing expertise to bear on technical matters of national policy. There are a variety of reasons for this, not the least of which is the greater size of the House and, consequently, the larger number of relatively senior Members from safe districts who are able to provide leadership for the committees. Frequent elections have been no insurmountable barrier to this development, and infrequent elections no guarantee of it.

III

The most profound issue raised by the 4-year term is one the President left unstated: the possible effects of the proposal on the relation of Congress and Congressmen to the executive branch. Here the concern is not so much over the idea of the 4-year term as over the inevitable dilemmas of implementing it.

President Johnson's proposal calls for congressional terms coterminous with those of the President. His position, it must be said, is not inappropriate for a relatively popular President who anticipates that national elections will exert a pull upon the essentially localized contests in each congressional district. The unstated premise of this position is that there are certain differences between the electorate in presidential years and the electorate in "off" years. To a degree, this appears to be the case.

For one thing, the electorate in presidential years is from 15 to 20 percent larger than in off years. Who are these 4-year voters who are attracted by the national campaign but not by the congressional campaigns? It would appear that these citizens are less motivated to participate in politics than those who do in all elections. And lesser motivation tends to be associated with a some-

what reduced sense of partisanship—for contrary to common myths about the “independent” voter, high partisanship and high participation tend to be found together in our political culture. This 15 to 20 percent of the electorate would be more susceptible to the appeal of popular presidential candidates of either party, constituting a kind of “floating vote.” Because these voters have less information and little stable party allegiance, it is assumed that they translate their attraction to presidential candidates into a straight-ticket vote which can sweep into office many other candidates of the President's party. This is the essence of the so-called “Presidential coattail” effect in politics.

Many objections could be made to this reasoning; and in any event I have had to condense into a short paragraph what is actually a very complex set of relationships. The coattail effect worked for President Johnson in 1964, but not for Kennedy in 1960 or Eisenhower in 1956. Nonetheless, I think it likely that under the President's plan some sort of coattail effect would be operative more often than not. If so, this would have far-reaching consequences for the composition of Congress, and in turn for the kind of body it would become.

Personal values inevitably come into play at this point. If one believes (as many scholars seem to believe) that elections should be constructed so that the President and Members of Congress are tied together to some national party program, then the President's proposal will have great appeal. On the other hand, those who wish to preserve or perhaps enhance the autonomous character of Congress will find his proposal disquieting in the extreme. And, assuming the national ascendancy of the Democratic Party in the foreseeable future, Republicans ought to be especially wary of any proposal which seeks to bind congressional elections to presidential trends. In contrast, any plan for holding congressional elections exclusively in nonpresidential years would encounter the objections of those who wish to encourage a tighter relationship between the President and Congress. This discussion demonstrates how a “sober second look” at the 4-year term may well serve to scatter its would-be supporters, as they realize how radically their interests and values would be affected by it.

In these terms, the version which calls for staggered 4-year terms yields a mixed bag of results. The procedural aspects of this plan are bound to be somewhat bizarre. The difficulties center around (a) the propriety and procedure of selecting which Members would be elected in which years; and (b) the method of dealing with the reapportionment of seats among the several States following each decennial census. Devices for circumventing these problems have been suggested, the resulting proposals taking on something of the appearance of a Rube Goldberg invention. Though the problems are not insoluble, there is something to be said for an electoral system which is simple enough that it does not discourage citizen understanding.

IV

My argument to this point is that the proposed constitutional amendment for a 4-year House term raises at least as many problems as it would solve. If campaigning is viewed as a continuous process of consultation with the electorate, then it is hard to see how the burden of campaigning will be substantially eased by reducing the number of elections. In fact, it is questionable whether insulation of the Member from his electorate is either possible or desirable. And any method of implementing the proposal involves procedural difficulties and, what is more important, profound philosophical and policy consequences for the place of the Executive and Congress in our political life. The purpose of this discussion may not seem very constructive; but if I have succeeded in pointing out some of the dilemmas involved in this proposal, my purpose will have been fulfilled.

Yet the central problems remain, and no Congressman needs to be reminded that they are very real problems. Legislative issues are becoming more numerous and complex with the increasing complexity of our society itself. Constituency demands are rising at the same time, and they are likely to continue to rise. The quandary faced by Members of Congress—and indeed by all democratic politicians—is how to apply their finite energies and resources to enable them to deal effectively with these problems. As a former legislator, President Johnson quite correctly laid stress on this dilemma. It impairs the capability of Members to handle their jobs, and it certainly contributes to the hardships with which they and their families must cope.

If the 4-year term will not alleviate these problems, and if it raises new and critical questions of its own, what can be done to help Members do their jobs

more effectively? I believe there are a number of alternatives which would be more to the point than the 4-year term. I suggest the following for your consideration:

(1) Constituency service and communications are tasks no less worthy or legitimate than legislative deliberation. The fact that both are becoming more demanding does not mean that either one should be slighted.

(2) The job of the Representative is a full-time one. Congressional leaders should recognize this fact in planning the annual legislative schedule and providing for periodic recesses of 2 weeks or so, to enable Members to anticipate their constituency tours. Adjournment should be set about 2 months before each election.

(3) Congress should have the courage to vote Members unlimited allowances for travel to and from the district. Though the expense would be considerable by current standards, it would be a small price to pay for the increment of effectiveness in constituency contacts. While they are at it, Senators and Representatives might well authorize unlimited telephone trunklines linking Washington offices with home States or districts.

(4) Some legislators are exploring devices to give more focus to the process of "continuous campaigning." Advisory groups and public meetings in the district are just two innovations which have been tried recently with some success.

(5) Other devices which help the legislator perform his tasks more efficiently, or bear campaign burdens more easily, are relevant to the problems which the 4-year term seeks to alleviate. The recent proposals for handling campaign finances, for example, certainly warrant attention. The Joint Committee on the Organization of the Congress is considering many such suggestions, and perhaps this body should be put on a semi-permanent status to provide a continuing exploration of these and other innovations.

Ultimately, of course, no amount of innovating can relieve the public career of its hectic quality or its daily share of difficult choices. While it is well to make the job of the legislator as attractive as possible, it can never really be made easy. Former President Truman's remark about the ability of public men to withstand the heat in the kitchen is a sage reminder of the inescapable stresses and strains of democratic politics.

DISTRICT OF COLUMBIA REPUBLICAN COMMITTEE,
Washington, D.C., February 17, 1966.

Re House Joint Resolution 807, constitutional amendment to extend the term of Members of the House of Representatives.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House Office Building, Washington, D.C.*

DEAR CHAIRMAN CELLER: Will you please enclose this statement in the hearings on the above proposal to amend the Constitution to extend the term of Members of the House of Representatives from 2 to 4 years?

Since President Johnson recommended this proposal to Congress for its consideration, I have had an opportunity to talk with many citizens here in the Nation's Capital concerning the impact of the proposed 4-year term.

There seems to be almost unanimous citizens opposition. There is a feeling that while it is true Members of Congress have increased constituencies and many more problems to consider now than in 1789, when the Constitution was adopted, nonetheless improved highways, jetplanes, radio, TV, wire services, and much better mail service all make the physical task of campaigning every 2 years much easier than it was in the days of the Founding Fathers. By the same token, these improved methods of communications, high level of education, and availability of printed material, all make it much easier for a Member of Congress to understand current issues and to exchange views with his constituents than it was in the days of the horse and buggy, when mail was carried by Pony Express.

It is fundamental to the American scheme of representative Government that the persons who make the laws which regulate the lives and property of citizens should be selected on election day by popular suffrage, and subject to frequent recall at the ballot box, to insure that they represent the views and wishes of their constituents.

Our Federal Government has grown to an entrenched bureaucracy of more than two and a half million persons, and increases each year. Each year there are more Federal agencies, and Congress delegates to these agencies more rule-making authority. These Federal agency rules have the same force and effect as Federal law, but they are enacted by persons who are not elected and who are remote and disinterested in the views of voters. These Federal bureaucrats serve not for a term, but virtually for the life under the protection of the civil service system. Thus, it becomes more important each year for voters to have a chance to pass upon important national issues at the ballot box as frequently as possible.

To amend the Constitution to extend the terms of Members of the House of Representatives from 2 to 4 years would simply remove from voter control those Representatives of the popular branch of the Legislature who the Founding Fathers intended to reflect the views of their constituencies under the healthful responsibility of reporting to the voters every 2 years.

For those Members of Congress who feel that a 2-year term is too onerous, they have the option of resigning or declining to run in the next election.

There is no congressional district in the United States where there are not a number of highly qualified persons in each of the two great political parties willing and anxious to serve for a 2-year term and incur the perils and hardships of campaigning every 2 years.

I pass these views along to you for consideration with other matters which will be presented to your committee.

Very truly yours,

CARL L. SHIPLEY, *Chairman.*

STATEMENT BY HON. N. NEIMAN CRALEY, JR., A U.S. REPRESENTATIVE FROM THE STATE OF PENNSYLVANIA

Mr. Chairman, I am Neiman Craley, Representative from the 19th Congressional District of Pennsylvania.

I sincerely appreciate having this opportunity to make a brief statement in support of the proposed amendment to the Constitution to provide a 4-year term for Members of the United States House of Representatives.

Based upon my experience as a first-term Member of Congress, I believe this change is justified and I am hopeful that the committee will approve the bill so that it can be referred to the States for their decision.

Speaking as a "freshman" Member of the House, I have found that one really cannot get settled down to develop some expertise in legislation and committee assignments, because one's first year is devoted primarily to orientation and familiarization with the complexities of the legislative process; and the second year has to be spent on the campaign trail. A new Member cannot develop an effective program in 1 year and be able to go back to his constituents to say: "Look what I have done for you." Members with several terms of service can point to accomplishments, because they have had time to develop programs and achieve certain goals; but even they must disrupt what should be a normal pattern of legislating to spend the greater part of the second year in their districts campaigning for reelection. I feel this cuts down on the Member's effectiveness, whether he is a "freshman" or has served for several terms.

I do believe that a Member should go back to his district as frequently as possible, for I think perhaps one can get to know his district much better while campaigning; but this should not be done at the expense of his legislative duties. I feel that with modern news media and communications, the voters are kept well informed of the Representatives' activities, so that physical visits to the district are not as essential as they were years ago when televisions and radios were not available to the American public.

A 4-year term would give Members time—a breather, so to speak, from campaigning—to study, evaluate and hopefully come up with solutions to the problems not only in his district but the Nation as a whole, rather than spending about half his term campaigning for reelection. I believe this is necessary because with our population growing the way it has, districts get larger with each census; legislation becomes more complicated; and the Government becomes more involved. A Member needs more time to devote to the duties and responsibilities of his office.

I feel strongly, however, that in order to maintain a proper balance, the entire membership of the House should not be elected at the same time; it should

be split so that one-half is elected in the presidential election year and one-half in the even off year.

I thank you for this opportunity to appear before you and respectfully urge that the people in the 50 States be given the opportunity to express their will on this issue.

STATEMENT OF HON. HENRY S. REUSS, U.S. REPRESENTATIVE FROM THE STATE OF WISCONSIN

Mr. Chairman, I appreciate the opportunity to present my views on House Joint Resolution 807 and related proposals to extend the term of Members of the House of Representatives to 4 years.

I am opposed to any extension of the term of House Members.

In the Constitutional Convention of 1787, the Founding Fathers did not choose a 2-year term lightly or without exhaustive debate and consideration. Over the years, a number of proposals to lengthen the House term have failed—not chiefly because of inertia but because the 2-year term has served us well.

There are today two major objections to 4-year terms, one of which recalls arguments voiced by many of the Founding Fathers against long terms for House members.

1. Four-year terms would make the House less responsive to the people

Many of the delegates to the Constitutional Convention thought that annual, or, at least, biennial elections of Representatives were necessary as a safeguard against a "tyrannical Legislature" and legislative "usurpations."

Elbridge Gerry, of Massachusetts, said:

"The people of New England will never give up the point of annual elections. They know of the transition made in England from triennial to septennial elections and will consider such an innovation here as the prelude to a like usurpation."

Annual elections, Gerry went on, are the only defense of a people against tyranny. He declared that the proposed triennial elections would be as objectionable as a hereditary executive.

On a lower key, James Wilson, of Pennsylvania, said annual elections were needed "for making the first branch (the House) an effectual representation of the people at large."

Roger Sherman, of Connecticut, pointed out that short terms would require Congressmen to keep in close touch with the people. He would prefer annual elections, Sherman said, "but would be content with biennial. The Representatives ought to return home and mix with the people. By remaining at the seat of Government, they would acquire the habits of the place which might differ from those of their constituents."

Edmund Randolph, of Virginia, said he "would have preferred annual to biennial (elections), but for the extent of the United States and the inconvenience which would result from them (annual elections) to the Representatives of the extreme parts of the empire."

After advocates of 1- and 3-year terms compromised on the 2-year term, James Madison defended this arrangement in *The Federalist* papers, Nos. 52 and 53.

"As it is essential to liberty that the Government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration (the House of Representatives) should have an immediate dependence on, and an intimate sympathy with, the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured."

The Founding Fathers' understanding that short terms are necessary to make the House highly responsive to public will remains valid today.

The campaigning about which we hear complaints is the lifeblood of democratic, representative government. Campaigning, at its best, is a two-way educational process between constituents and their representatives which ought to go on more or less continuously.

Moreover, in this period of rapid change, 4 years is too long a period to go without an occasion on which the American people as a whole can express their feelings about the course of Government policy. With the President elected every 4 years and only a third of the Senate up for election every 2 years, biennial House elections are the only available vehicle for registering a widespread change in public opinion between presidential elections.

In the last few years, we have witnessed a number of steps that are making the House of Representatives more responsive, more representative, and better able to reflect the will of the people.

The franchise has been broadened through legislation originating in this committee which struck down the barriers to voting that kept many millions of Americans from the polls.

Congressional districts are being equalized in size so that one man's vote is worth as much as another's. If the Senate acts on H.R. 5505, the distortion of representation flowing from gerrymandering should also be wiped out.

The House has reformed its own procedures to eliminate two of the major barriers that have kept the majority from working its will in the past.

In the midst of this progress, it would be ironic if we were to take a step backward by making the House less responsive and representative through approval of 4-year terms for its Members.

2. Four-year terms, with Members elected in presidential years, would make the House too dependent on the President

The election of House Members for a term coincident with that of the President means a bigger change in our system of government than is immediately apparent.

This innovation would substantially increase the power and influence of the President and diminish the independence and importance of Congress.

The programs and policies and personalities of the presidential candidates could come to have a dominance in congressional elections similar to the preeminent role of the would-be prime ministers in elections under the parliamentary system.

The President would gain this added influence over Congress while Congressmen would not benefit from the influence on the Executive possessed by their parliamentary counterparts, on whom the Government must depend for its continuance in office.

The size and diversity of the United States argue against any such development.

"In a certain sense, and to a certain degree," Abraham Lincoln said, "he (the President) is the representative of the people. He is elected by the people, as well as Congress is. But can he, in the nature of things, know the wants of the people as well as 300 other men coming from all the various localities of the Nation? If so, where is the propriety of having a Congress?"

In the American system, the true role of Congress ought not to be as a rubberstamp for the President, but as an independent, positive contributor to national policy.

During the Constitutional Convention, as now, there were distinguished and eloquent proponents of a term for Representatives longer than 1 or 2 years.

But I do not find their arguments convincing.

1. It has been said that longer terms are needed to promote "stability" and that Congressmen may be turned out of office without having had a chance in 2 short years even to master the legislative process or issues.

Madison, who prior to the compromise advocated 3-year terms for Representatives, said:

"Instability is (one of) the great vices of our republics, to be remedied. Three years will be necessary, in a Government so extensive, for Members to form any knowledge of the States to which they do not belong, and of which they can know little from the situation and affairs of their own. One year will be almost consumed in preparing for and traveling to and from the seat of national business."

He returned to this argument at another point, citing:

"The time requisite for new Members who would always form a large proportion, to acquire the knowledge of the affairs of the States in general without which their trust could not be usefully discharged."

In his state of the Union message on January 12, President Johnson said that Congressmen now need "more time to learn and more time to master the technical tasks of legislating."

But in fact, congressional inexperience is not a major problem. Nor have the fears of congressional instability been borne out.

Congressmen tend to be reelected, giving them the opportunity to build up legislative experience and knowledge. In the last six Congresses, an average of 85 percent of the House membership in each new Congress has been made up of holdovers from the previous Congress. The biggest turnover in the past

decade occurred in 1965 and even then only slightly less than 20 percent of the House Members were freshmen.

Although some Members with a fine potential may be turned out before they really learn the job, this is a small price we pay for representative government.

2. It has been said that "a longer term will serve to attract more men of the highest quality to political life."

This assertion by President Johnson in his January 12, 1966, state of the Union address, echoes the warning to the Delegates of 1787 by Mr. Jenifer, of Maryland, that frequent elections "made the best men unwilling to engage in so precarious a service."

But what keeps many good men out of politics and limits our choice of congressional candidates is not the length of the House term, but the inordinate cost of campaigning and the meager sources of funds outside the major, organized interest groups. I believe we can attract more good men to bid for congressional seats by reforming campaign financing. Let us stimulate small political contributions from the average voter by allowing tax credits. Let us also pass realistic and enforceable regulations on campaign spending and expense reporting. By so doing, we will open political opportunities to men of modest means.

It is arguable that a 4-year term, by reducing the House's possibilities for an independent and creative role, would make congressional service less attractive to the best men.

3. It has been said that issues nowadays are more complex and that Members need more time to study and act on vital national and international problems. So they do.

This needed time can be found, not by cutting out continuing communication with the people, but through reforms in rules and procedures which are now under study by the Joint Committee on the Organization of Congress. Just a few of the ways by which time could be saved are using computers and automatic data processing for legislative oversight and budget review, establishing an American ombudsman to handle some of the time-consuming work of dealing with citizens' grievances with the bureaucracy, ceasing to act as city council for the District of Columbia, and scheduling congressional business more purposefully.

4. It has been said also that biennial elections are troublesome for Congressmen. So they are. But representative government was not created for the ease and convenience of elected officials, but for the benefit of the people.

Having argued the issue of the length of House terms from all angles, James Madison summed up:

"All these considerations taken together warrant us in affirming that biennial elections will be as useful to the affairs of the public as we have seen that they will be safe to the liberties of the people."

We could not do better than to reaffirm this statement.

The CHAIRMAN. Thank you very much, Mr. Agree. You have been very, very helpful.

This action, as I said before, will close the formal hearings. The record will remain open indefinitely for anybody who wishes to make additional statements and comments concerning this important matter.

We will now adjourn.

(Whereupon, at 12:20 p.m., the committee recessed.)

(The following was submitted for the record:)

STATEMENT OF HON. CHARLES E. CHAMBERLAIN, A U.S. REPRESENTATIVE
FROM THE STATE OF MICHIGAN

Mr. Chairman, the attractive side of the proposed amendment to the Constitution to increase the term of office of Members of the House of Representatives to 4 years running concurrent with that of the President is certainly readily visible to any Member of Congress. There can be no doubt that the increasing volume and complexity of legislation, length of sessions, and size of constituencies, place greater and greater demands upon the time of a Representative in Congress. Every Member, I am sure, wishes there were more time to devote to legislative duties. It is equally undeniable that substantial problems are posed to anyone who must seek reelection every 2 years. Just as surely, if

representative government is to be truly effective, Members of Congress must work in an environment conducive to the best possible discharge of the people's business.

The executive branch claims that a 4-year term would greatly improve the performance of the House and do so at a no "cost" at all to our system of government. The President has said that the 2-year term is "too brief for the public good"; and that a 4-year term is necessary if a Member is to have "a sufficient period in which he can bring his best judgment to bear on the great questions of national survival, economic growth, and social welfare." I believe that it can be demonstrated, by a brief examination of the reasons set forth by the President in support of such an amendment, that the 4-year term carries with it an exorbitantly high price tag which we can ill afford to pay if we desire to maintain representative government as we have known it.

First of all, let us examine for a moment the President's invocation of selected statements of one of the Founding Fathers, James Madison, who at the Constitutional Convention of 1787 argued against annual elections in support of a 3-year term. Madison asserted that, because of the nature of the conditions of transportation at that time, Members would consume an entire year in travel to and from the Capital; and furthermore, that the term of office should be such as to permit Members to acquire "knowledge of the various interests of the States to which they do not belong and of which they can know but little from the situation in affairs of their own." There is no denying, of course, the spectacular rise in the volume and complexity of legislation over the last 175 years, nor the simultaneous increase in the length of congressional sessions. The question remains, however, whether the 4-year term is an appropriate remedy, or whether the remedy is worse than the malady it seeks to cure.

What is at stake in this proposal is a fundamental change in the theory and practice of representative government as we have known it. This, I believe, derives principally from the fact that the 4-year term would run concurrently with that of the President. The President devoted the bulk of his argument in his message to Congress on this proposal to an explanation of why a Member of the House needs more time to do his job. However, that argument in itself can, in no way, establish the case for making the terms of the House and the President concurrent. In fact we are told that concurrent terms should be established because it offers a better solution than staggered terms with half the House being elected every 2 years for 4-year terms. Such an argument can only indicate the relative superiority of the one over the other. Nothing else is proved. Madison had argued for a longer term of office than was the practice at that time in the lower houses of State Legislatures but the "Father of the Constitution" made no recommendation that the term of House Members be the same as that of the President. No one at that time, as far as I am aware, argued that the "lives" of the two be joined.

The Founding Fathers were particularly concerned to insure the complete separation and independence of the executive and legislative branches. Consequently, they insisted that the President be elected by the people rather than by legislators. Today, however, universal acknowledgment of the phenomenal increase in the powers of the Executive presents the question of whether the corresponding weakening of the control by the elected Representatives of the people over governmental policies is not now the issue of greatest concern if our fundamental system of checks and balances is to be preserved. I cannot believe that making the House a creature of presidential elections will tend to make it a more equal or more independent branch of our Government. Congress was intended to be something other than an appendage to the President's coattails. The 2-year term may have been intended purely as a check upon the power of the House but under the unanticipated conditions of our modern party system it has come to serve as well as a check on Executive authority. The essential question before us in this proposal, therefore, goes beyond one of a longer term of office for House Members to one of whether this check upon the Executive should be eliminated.

While the President states, "Established in office for 4 years the weight of the House in the councils of Government is certain to increase," there are more persuasive reasons, I believe, which point to the opposite result. To increase the term from 2 to 4 years, I submit, would greatly dilute rather than strengthen the power and authority of the House's claim as a branch of our Government closest to the people. The 2-year term in raising the House above all others as the branch of our Government most responsive to the people, and in insuring its

Independence of the Executive, clearly serves as added justification for the fact that it was the House that was invested by the Constitution with the sole authority to originate tax laws and impeach the President. It is important as well to keep in mind, I believe, that Madison wrote at a time before the appearance of organized political parties as we know them. In his famous essay in *The Federalist*, No. 10, he writes eloquently of the dangers flowing from unchecked factional and party interests as a result of which "measures are too often decided not according to the rules of justice and the rights of the minor party but the superior force of an interested and overbearing majority."

Madison sought a Congress in which conflicting interests would be so checked and balanced as to permit a genuine exercise of judgment on the part of Members acting for the general interest of the Nation as a whole. The President, too, has said we wish Members of the House to exercise judgment, but does his proposal safeguard or undermine the Independence and therefore the significance of that judgment?

In my view the arguments advanced in support of the President's proposal * * * and it is worth noting that the Executive is urging this change in the legislative branch upon us * * * have failed to establish a case. A few short months ago the President unequivocally stated that the 1st Session of the 89th Congress, having passed nearly every piece of legislation he requested, was to be remembered as the "greatest" in our history. At the beginning of the second session of that same Congress, we are informed, that a 2-year term is not a period sufficiently long to permit a Member to bring his best judgment to bear on the great questions of national survival, economic growth, and social welfare.

This curious sequence of statements should not mislead us into thinking that a 4-year term in any way guarantees that the House would use better judgment in the future. The Attorney General has noted approvingly, in testimony before this committee, the view that one of the chief virtues of the 4-year term is that it would make for greater "executive-legislative solidarity." Controlled as it is by the President's party by majorities of 2 to 1, the 89th Congress has established a remarkable record of harmony between the two branches. Under the conditions of such an unbalanced Congress there is certainly less occasion for the effective exercise of independent judgment, yet it is one of the avowed purposes of the 4-year term to insure such solidarity, such diminished independence. Thus we are faced with the paradoxical situation that even though the 4-year term may have as its intention the improvement of the House's deliberation and action on legislation it results in establishing conditions which work strongly in the opposite direction. This proposed amendment might give Members of the House more time to deliberate but if a substantial number of them owe their political existence to the President in power their actions would tend to be something less than independent, their judgments less than genuinely meaningful. Consequently, the "solidarity" that the 4-year term would encourage, I submit, runs counter to the spirit as well as the letter of the Constitution.

In conclusion, I would say that while the "concurrent terms" provision of the proposed amendment is the source of greatest concern neither do I believe that the case for the 4-year term itself has been convincingly established. This is revealed in noting the fallacy underlying another argument put forth in support of this amendment. The President would have us believe that the public good can only be served "if Members are * * * free of campaigning for a period sufficiently long to enable them to master the work of the House * * *." Now, the truth of the matter, I suspect, is that the 4-year term would have very little effect upon the character of the work of a Member of Congress. Everything a Congressman does or says necessarily, and properly so, influences his chances for reelection. Obviously, the same can be said as well with respect to the President. The simple fact is House Members, operating under a 2-year term, are no more continuously campaigning than is the President with a 4-year term. The fundamental question at stake therefore again remains whether the people should or should not be deprived of a means of expressing their approval or disapproval of their Government's policy every 2 years.

I submit they should not be so deprived. The increasing volume and complexity of legislation is not reason in and of itself for a 4-year term. On the contrary, it makes it even more imperative that the people be allowed to pass judgment frequently enough to insure that the range of issues is not so multitudinous as to make their vote an expression with no particular meaning. Last session an extraordinary number of far-reaching programs were inaugurated

during the first year of the President's term. I do not believe it would be in the interest of the general welfare or prudent for any administration to have its proposals go unapproved by the people for a period of 4 years.

There may be, as the President says, "little magic in the number two." Nevertheless, we delude ourselves if we think we can alter so vital a provision of the Constitution without sending shock waves throughout. The 2-year term has served us well, not because it stands by itself but because of the relationship of the interlocking checks and balances which it shares with the presidential and senatorial terms of office. The immense growth of centralized authority reaching as it does deeper and deeper into the daily lives of our citizens makes it essential that in no way should the power of people over that Government be in any way diluted. We do not promote the public good by removing our Government further from the consent of the governed.

STATEMENT OF HON. HAROLD T. (BIZZ) JOHNSON, A U.S. REPRESENTATIVE
FROM THE STATE OF CALIFORNIA

Mr. Chairman, I appreciate the opportunity to join with my colleagues who are urging before your fine committee that the Constitution be amended to permit the extension of the term of Members of the House of Representatives.

Possibly it would be advantageous to touch briefly on the historical background of the present 2-year term of the Representatives in Congress. This was established when the Constitution first was drafted in a day and age when the mails were exceedingly slow and there was none of the rapid communications such as telephone and telegraph which you and I have come to accept as commonplace. The essential two-way communication between Representative and those he represented was extremely difficult. Recognizing this, our Founding Fathers felt that a short term would force the Representatives to return to their congressional districts frequently in order to keep in touch with the will of the people, for the House of Representatives was designed, and truly is today, the house which reflects almost instantly the changes in attitudes of our citizenry. I might point out that at that time a major debate centered around the possibility of 1-year terms but the Constitutional Convention settled on a 2-year term.

Today, times are completely different. Our people can, and do, commute from the west coast to Washington and return in a single day. I admit that it is a rough trip, but it can be done. This is a far cry from the 25 to 30 days it once took our earlier legislators to make the trip from their home districts to Washington. Today, also, any constituent can pick up the telephone and call his Congressman to discuss the issue. For 75 cents a constituent can wire his views from any place in the country to a Congressman, and, if he wants to expand his views, a letter can reach Washington from the Pacific coast overnight by airmail.

Therefore it is my feeling that the electorate and the Representatives in Congress, regardless of the area that they may represent, today are in almost constant communication. The basic causes behind a 2-year term no longer exists. I feel, then, that it is appropriate that the length of this term be extended to 4 years. All of us appreciate the expense of running for public office. I certainly am dismayed at this development. However it is one of those facts of life which must be faced up to. The high cost of an election to a 2-year term, in many instances, prevents people from seeking the office. As far as an incumbent is concerned, while his first responsibility is always to serve the people during the term for which he has been elected, he must look ahead to his reelection. This is only fair to the individual. Therefore he must devote a certain amount of time and money for this purpose. If, as I have always tried to do, a Representative fulfills his first obligation of serving the people before opening his reelection campaign, he can be exposed to a vigorous campaign from an opponent who is home on the ground.

This, you will agree, is a difficult position in which to place a legislator. Frankly, when this happens every other year, I do not believe it fair to the incumbents because it does put them at a very definite disadvantage. Accordingly, Mr. Chairman, I would like to urge that this committee recommend the adoption of a constitutional amendment establishing a 4-year term for Representatives in Congress, staggered in much the same way the U.S. Senate staggers its elections, with one-half the Representatives elected each 2 years. This arrangement certainly has worked very satisfactorily in the Senate, and, I think, has a great

many advantages over reelections of a full legislative body at one time. The major advantages, of course, are continuity and stability, which would result from having the carryover of at least one-half the House of Representatives each election.

Thank you, Mr. Chairman.

STATEMENT OF HON. ABRAHAM J. MULTER, A U.S. REPRESENTATIVE FROM THE STATE OF NEW YORK

Mr. Chairman, I have introduced a resolution to amend the Constitution to provide a 4-year term for Members of the House of Representatives in every Congress, except one, since I first came to Congress in 1947. In this Congress, I have introduced House Joint Resolution 78 for the same purpose.

Some years ago, I conducted a poll of the membership of the House and the result of that poll indicated that 319 Members were in favor of the 4-year proposal, with only 110 opposed. I believe that the principle of the 4-year term is overwhelmingly supported, not only by the Members of the House, but by the general public. The best way to find out would be to submit this resolution to the people in the States and let them ratify it or reject it, as they desire. I think there, too, the overwhelming action of the electorate will support the resolution.

The question has been raised whether terms of the Members of the House should be staggered so that one-half of the Members run each 2 years or whether all Members should run, as has been suggested by the President, along with the President every 4 years. I favor the President's idea to synchronize the terms of the President and the Members of the House.

I firmly believe that when we elect a person of one party as President, he ought to have the majority of his party in the Congress so that responsibility is on the party, if we believe in the two-party system. I know that it has occasionally happened that the President has been elected from one party while the majority from the other party are elected to Congress. In off years, very frequently, the control will change in the Congress, so that we have a majority party different from that in the White House. But, if we really believe in and want a strong two-party system, then this is the only way to place the responsibility on a party. This precludes the device of denial of responsibility at election time. The man in the White House and the majority should be of the same party.

If the party in power does not live up to its pledges and does not do the job for which it was elected, the people should turn it out of office 4 years later. Divided responsibility should be avoided. The Members of Congress then cannot say: "We didn't have a member of our party in the White House." And, the man in the White House cannot say: "The Members in the majority are of the opposite party and they are not going along with me." This would make for stronger and more effective government.

In closing, I would like to add that our people are not only entitled to fair representation but also to full representation. Fair representation requires that each man's vote shall be equal to his neighbor's. Full representation deals with the quality of that representation. We have solved, legislatively, the problem of fair representation. Let us also solve the problem of full representation.

An almost impossible burden is placed on a Member who must run for office every 2 years. With an election scheduled every 2 years, a Member must campaign constantly. He must keep "one face" back in the district ready to meet the demands for constant service by his people. He must answer thousands of letters, as well as telephone, wire, and personal requests on various and sundry subjects. He is faced with endless demands on his time, effort, and money for political activities.

All this is vital to his survival as a Congressman, but it has little to do with the legislative business of the House. It is true that in a democracy every elected official must periodically give an account of his stewardship to the people. They then either accept or reject him. This is as it should be. But to ask a Member of the House to do this every 2 years impairs his effectiveness in office.

I urge that the resolution amending the Constitution to extend the terms of Members of the House of Representatives to 4 years be reported favorably to the House for its consideration.

STATEMENT OF HON. WILLIAM M. TUCK, U.S. REPRESENTATIVE FROM THE STATE OF VIRGINIA

Mr. Chairman and members of the committee, I welcome this opportunity to appear before my committee colleagues and present my views on the question of increasing the constitutional tenure of office enjoyed by Representatives in Congress. I am here to add my voice to those of other witnesses who have opposed any increase in that tenure. The occasion is especially gratifying to me since it offers me the opportunity of agreeing foursquare with our distinguished chairman and dean of the House, Mr. Celler.

The issue of the 4-year term and the underlying arguments are well known. I shall not require much of the committee's time. For me, the question boils down to this: Shall the constitutional term of office of Members of the House be fashioned to serve the convenience of the Members and to augment the influence and power of the Presidency, or shall it be fashioned to serve the public interest? In my opinion, any increase in the present 2-year term would constitute a whittling away of the great principle of representative government upon which our Republic is based. That principle requires that the people shall have the opportunity at reasonable periods to reassess their attitudes on political issues and on the performance of their elected Representatives. I have stood for election as the Representative in Congress of the Fifth District of Virginia on seven separate occasions.

Opposition is distasteful, as well as expensive and time consuming, and it is also hazardous, but under our system, as I understand it, the Members of the Senate are to represent States, and the Members of the House are to represent people.

Thus, the House of Representatives was established and 2-year term was agreed upon in order to provide direct, frequent, and immediate contact between the Representative and the people.

In my opinion, 2 years serves the people far better than would a 4-year term. The people should have ready opportunity to indicate their will. Four years seems to me to be entirely too long a period into which to freeze expression of the people's choice. Of course, it would be convenient to us Congressmen not to have to engage in biennial election campaigns. Personally, I would find it very attractive indeed to have been elected to the House for life, or during good behavior. But the very elements that would make a longer term attractive to the individual Congressman combine to render such a term harmful to the interests of his constituents. The Congressman would simply be that much less responsive to the needs and wishes of his district. Thus, the most direct and effective access of the populace to its government would be impaired.

The principal arguments offered in behalf of the proposed extension of term are, first, that a 4-year term will result in greater harmony between the President and the House, and second, that under the present situation Congressmen must devote too much of their time to campaigning and have too little time left for the performance of their legislative duties.

The first of these arguments, it seems to me, assumes the desirability of strengthening the Presidency at the expense of the Congress, by scheduling all House elections in years in which the Presidency is also at stake. It seems to me entirely undesirable to invest such additional power and prestige in the Chief Executive.

On the other hand, even if the President's proposal were altered, so as to provide for elections of all or half of the Members of the House of Representatives in years midway through the Presidential term, and if some such scheme were to be adopted, we would still confront a whole host of technical problems. These questions are easy to ask but extremely difficult to answer. For example:

A Representative is elected to serve in a definite Congress. If a 4-year term is adopted, would Congress then be renewed every 4 years, or every 2 years?

What would the Congress be if one-half of the House were elected every 2 years—would there be a new Congress every 2 years?

Would the Congress under either the 4-year term or the staggered 4-year term be a continuing body?

What changes do you believe would have to be made in the statutes governing the census under a proposal for a 4-year term, either straight or staggered? Over a period of years, would there not be some overlapping of congressional terms with the presidential election?

Would it not be necessary to alter the statute regulating congressional apportionment after each census?

Would not State legislatures be limited in their present constitutional privilege to redistrict a State after each apportionment since such redistricting could not be effective for 4 years?

Would not a 4-year term require alteration of almost every State's primary election laws?

It may be that all these questions could some day be answered, but I submit that their solution would still not balance the great harm that would be done if we were to lengthen the period during which the people are powerless to change their congressional spokesmen.

As regards the argument that too much time is today spent in election campaigns, it seems to me that the 4-year term proposal does not squarely meet the evil sought to be redressed. I agree with the witnesses before this committee who have expressed the view that we should exercise our ingenuity in devising ways to shorten the duration and reduce the cost of election campaigns, and not meddle with one of the keystone provisions of the Constitution at least until all other expedients have been thoroughly explored and found inadequate.

Mr. Chairman, we must not permit the siren song of longer undisturbed tenure to seduce us from our obligations to our constituents. Proposals to lengthen the present term should be rejected.

STATEMENT BY CONGRESSMAN FRANK C. OSMERS, JR., FROM THE
STATE OF NEW JERSEY

Mr. Chairman, I am unalterably opposed to any attempt to change the term of a Member of the House of Representatives; I do wholeheartedly favor preserving the current term, as directed by the U.S. Constitution.

The historic concept of a 2-year term for Congressman has often been challenged in the past, as it is being challenged today.

Let us look at some of the reasons advocates provide for changing the term to more than 2 years:

Doing so would ostensibly give a Congressman more time to pursue the interests of his constituents;

It would free him from the time-consuming and costly task of seeking reelection every 2 years;

It would allow a new Congressman more time to learn the intricacies of his job, and an old one more time to put to use his knowledge.

Let us grant that all of these purposes have merit. Let us also admit that such reasons as these alone do not represent the real rationale behind this latest move.

At root, the attempt to give a Congressman a longer term is no more than an attempt to consolidate power—to make this particular public servant less dependent on the will of the electorate, and more dependent on (and subservient to) the power of the President, under whose wing Congressmen might then seek reelection on a quadrennial basis.

Conversely, the historic concept consolidates power in the will of the people. It requires a Representative to support his representation and his record at one of the most frequent intervals of any elected official in the United States.

The 2-year term has been, and is, intended in the interests of our citizens; the convenience of the Congressman is, and ought to be, secondary.

By preserving a 2-year term, at least in off-year elections the electorate has the opportunity to approve or disapprove its representation in Congress without the influence of a coinciding presidential election.

If such is costly in time, costly in campaign expense, costly in effort, such is the cost of democracy.

FOUR-YEAR TERMS FOR CONGRESSMEN MAKE SENSE, BY DR. GEORGE S. REUTER, JR.,
PROFESSOR, EDUCATION DIVISION, SOUTHERN ILL. UNIVERSITY, EDWARDSVILLE, ILL.

INTRODUCTION

Last year our people enjoyed a \$675 billion economy and a \$210 billion government. The great majority of Americans are proud of both. The experts who object to current policies of government realize the necessity for the expenditure but question specific measures. Many of the measures questioned were enacted by the Congress without devoting sufficient time to analyzing the bills, and this was necessary because most of the Congressmen were using the lion's share of their time conducting future campaigns back home.

It required 160 years—from 1789 to 1949—for Federal expenditures devoted to civilian purposes to reach the level of \$10 billion. It took only another 17 years—to fiscal 1966—to lift them from \$10 billion to over \$54 billion. This dramatic boost in Federal spending since World War II became necessary because of a lag on the part of State and local governments. Again, the great majority of the people favor these expenditures, but they would prefer a Congress that would remain fairly stable during the tenure of each President. All the people elect the President, some of the people elect each U.S. Senator, but only a small group elect each Congressman, hence the proper approach is not currently directed toward promoting the most effective and efficient democratic government in Washington. Just as the president of United States Steel would expect to have a board of directors working as a "team," so our President should have the same consideration.

Americans, like Narcissus of the Greek legend, have suddenly discovered our image. But unlike Narcissus, we are distressed by what we see. We have made our image abroad a major issue in the last two national campaigns, yet there is still a serious need for additional improvements, and a critical area is our Congress and legislatures.

Perhaps, it is time to recall Thomas Jefferson at this point. He said: "Laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times."

Just as it is evident that Jefferson would vote for 4-year terms for Congressmen, America is now witnessing a new interpretation of federalism which is more suited to today, more sensitive to the rapidly changing pressures and powers in an increasingly pluralistic society. This new creative federalism, unlike earlier brands, does not conceive of power as a static commodity, to be transferred from private to public sectors or State to national levels at the expense of the earlier possessor of power. Public policy, rather, arises in response to the new needs and conditions and changes as pressures change. The energies of the creative response from all levels and sectors in turn galvanize the Federal sector into positive action.

BAD PROPHECY

George Mason was fearful of centralization and thought there was a very real danger of losing all the Revolution had gained. He said that a consolidated government "is totally subversive of every principle which has hitherto governed us."

Benjamin Franklin, after the Constitution was adopted, anticipating a people negligent in safeguarding their rights, said he thought our Government would be well administered for a few years but that it "can only end in despotism."

Lord McCauley, the English historian, after a careful study of our Government in general and our Constitution in particular warned the American people: "Your Constitution is all sail and no anchor. Either Caesar or Napoleon will seize the reins of government with a strong hand or your Republic will be as fearfully plundered and laid waste by the barbarians in the 20th century, as the Roman Empire was in the 5th—with this difference, that the Huns and Vandals who ravaged the Roman Empire came from without, and your huns and vandals will have been engendered within your own country by your own institutions."

We deeply respect these statesmen, but it is clear they were in error on this prophecy. We have those today who would attempt to prove these statesmen right by preaching status quo. Then, there are those Congressmen from "safe" districts who desire 2-year terms, because the present policy results in only a few being immune from defeat and this is a quick way for the few to develop seniority. Some Congressmen oppose extending the term, because the people would demand greater cooperation between the Congress and the President. Finally, a few U.S. Senators oppose the longer terms, because it could result in more Congressmen opposing them in off-year elections, but this is negative thinking and does not deserve an answer. It is thus clear that the present opponents to longer terms for Congressmen are in as serious error as the statesmen were about America.

GOOD PATTERN

President Johnson has recommended a constitutional amendment to lengthen the terms of Congressmen from 2 to 4 years. There are many excellent reasons for this recommendation and no scientific reason for opposition. The President

suggested a few valid reasons—the Members would be “free of campaigning for a period sufficiently long to enable them to master the work of the House” and the long term would “reduce the cost—financial and political—of holding congressional office,” and this would make the office more attractive to “the best men in private and public life.”

This would result in consultation with the voters every 4 years, except for a third of the U.S. Senators being elected every 2 years. Again, this is better than current practice. It would thus allow the party in power ample time to establish a program and would result in a better working relationship between the Congress and the Chief Executive.

It does not make sense to elect a President unless the American people approve the party's platform. President Kennedy won in 1960, because the people approved the Democratic platform and the wonderful way Governor Bowles presented it. Therefore, if the platform is approved, it is important to elect Congressmen who support this document. Otherwise, there is a deadlock between the President and Congress and the country drifts, and this is extremely unhealthy. All of our Presidents in this century have had these difficulties, and it has cost our beloved Nation billions of dollars in gross national product.

GOOD PRECEDENTS

James Madison, who was one of our great Presidents, wrote two articles in the “Federalist Papers” in 1787, urging at least 3-year terms for Congressmen. His keen reasoning was much the same as those advanced by President Johnson. Let's note a few key words from each statesman. First, Madison wrote: “Some portion of the knowledge (of government) may, no doubt, be acquired in a man's closet, but some of it also can only be derived from the public sources of information and all of it will be acquired to best effect by a practical attention to the subject during periods of actual service in the legislature.”

Then, President Johnson said: “The mark of government is far more complex than in our early years, requiring more time to learn and more time to master the technical tasks of legislation.”

Thus, it may be said that if democratic government is to continue to succeed in today's complicated world, Congressmen must have more time to devote to their legislative tasks. Also, Congress should work with the President rather than at cross-purposes. For many years, careful students of government have felt that a failure of democratic practices develop when a President has a noncooperative Congress. A few times the “cup ran over” and the American voters became so angry with a “do-nothing” Congress, as was the situation from 1947 to 1949, that they spoke clear and plain in the ballot boxes.

Under the President's proposal, all Congressmen would be elected during presidential election years. This would tend to give each President a working majority, and the Congressmen would be elected in an election when more people were voting. The 4-year term would keep the people in greater control of the House and all mankind would profit from a unified National Government.

GOOD SOLUTION

In the Constitutional Convention of 1787, serious discussion centered on whether the terms of Congressmen should be 1, 2, or 3 years. The Convention selected the compromise, but there are sufficient reasons for extending the term now. Government, can be, and should be, man's best friend. It is, when it fulfills its primary tasks well.

The Declaration of Independence proclaims that governments are instituted among men to secure certain unalienable rights among which are life, liberty, and the pursuit of happiness. It goes on to say that it is possible for governments to become destructive of the goals, hence the people have the right and obligation to step in and alter the defective operations. For the people to enact the constitutional amendment establishing the 4-year term for Congressmen would be a giant step toward greater democracy and progress.

Both on the National and State levels, there are many examples of the legislative bodies having failed to serve the needs of the majority. At times, the issues became so critical that the U.S. Supreme Court had to step in. Only a few such examples will be cited.

For years the rural-dominated Indiana legislature prohibited Indianapolis from accepting Federal grants for such programs as urban renewal, thereby

denying the city an estimated \$40 million. A similar situation still exists in Louisiana.

Reapportionment in Michigan not only produced a legislature more willing to grapple with urban problems, it also focused attention on some of the more obsolescent aspects of the State's government. What happened in Michigan is likely to happen elsewhere—thereby justifying a theory held by many political scientists that reapportionment's "fringe benefits" will be just as significant in the long run as the overt advantages gained from an equitable distribution of seats.

Yes, breaches of decorum and a preoccupation with trivia are harmful outgrowths of legislative impotence, and this has given a poor image to that branch of government. Robert Moses described the difficulty, when he said: "We are living in a second American Revolution, as critical as the first one which established our Nation * * * the Supreme Court now legislates and executes." Mr. Moses is thus saying that the legislative branch is forcing the judicial branch to do more than the Constitution desired. Four-year terms for Congressmen will greatly help in this critical area if all members of the lower house are elected only during presidential elections. We must not fall the people and democracy—we must support President Johnson's plan.

HANOVER, N.H., February 23, 1966.

HON. EMANUEL CELLER,
Committee on the Judiciary,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE CELLER: Because of my personal and professional interest in the problems of Congress, I have prepared the enclosed statement on the proposed 4-year term which may be of interest to your committee. My statement incorporates the findings of a survey of attitudes of Members of the House toward this and related issues. This survey was completed in 1963-64 and was directed by myself and two colleagues—Prof. Michael K. O'Leary of Syracuse University and Prof. David M. Kovenock of Dartmouth College. The application of our findings to the specific question of the 4-year term is my responsibility alone and does not necessarily represent the views of my colleagues, or of Dartmouth College, or the Brookings Institution.

Briefly, my conclusion is that adoption of the 4-year term would be extremely unwise. It might be true that a longer term would alleviate many personal hardships for Members, but any method of implementing the proposal—either the President's plan or the Chief variant—would involve profound alterations in the American political system. We do not know what all of these results would be, and I do not think we are ready to commit ourselves to them.

Therefore, I strongly urge that your committee give the most careful scrutiny to the possible consequence of these proposals. If, as I suppose, such an examination will suggest the possible perils of action, I would further urge that these proposals be tabled for the time being.

In appreciation of the committee's crowded schedule, I have chosen to submit this statement in writing. Should you or your staff have reason to want further clarification, I should be happy to be of assistance.

Sincerely yours,

ROGER H. DAVIDSON,
Assistant Professor of Government, Dartmouth College; Guest Scholar
(1965-66), the Brookings Institution, Washington, D.C.

PROPOSALS FOR 4-YEAR TERMS FOR MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES

BACKGROUND

In his 1966 message to Congress on the state of the Union, President Johnson urged "swift action" on a proposed constitutional amendment to increase the terms of office of Members of the House of Representatives from 2 to 4 years.

The result has been a heightened interest in the subject, reflected in additional committee hearings and a revival of public discussion of the question.

The President's endorsement gave impetus to a movement that was already underway.¹ During the first session of the present Congress, in 1965, 20 Members of Congress introduced proposals to lengthen the terms of House members. The topic was discussed last year during the hearings held by the Joint Committee on the Organization of Congress and at that time 25 Members of Congress expressed their views on the matter, in addition to a number of other experts in the field.² Also, a subcommittee of the House Judiciary Committee held hearings on the issue in August 1965.

Through the years the idea of longer House terms has been considered from time to time. Many proposals have been submitted to Congress³ and political scientists and other students of politics have discussed the advantages and disadvantages involved. Fundamentally, the debate involves the role of government in society and of Congress and the President in that government, and particularly concerns whether Congress should be a relatively independent force in the system or primarily a base of steady support for executive leadership. In 1950 the American Political Science Association sponsored a study of our party system one outcome of which was the study group's advocacy of a 4-year term for Representatives. Former President Dwight Eisenhower publicly endorsed a 4-year term twice, once during and once since his presidency. The Gallup poll has queried the public periodically and found a steadily increasing degree of support for a 4-year term of office for House members.⁴

Renewed concern about congressional organization and procedure has stimulated efforts to increase the length of House terms, and perhaps some of the attention stems from continuing efforts to lengthen the terms of all public offices. Much effort has been expended at the State and local levels of Government, so that today three-fourths of our Governors and two-thirds of other State executive offices have 4-year terms. State legislatures have been less affected by these efforts. Three-fourths of the State senates have 4-year terms, although only three have been extended from 2 to 4 years since World War II. The terms of representatives in State legislatures have remained unchanged during that period. Four States have 4-year terms and the rest have 2-year terms.⁵

Two-year terms for Members of the U.S. House of Representatives were the result of one of the compromises made at the Constitutional Convention in 1787. Some delegates wished to continue the 1-year terms that had been the colonial practice for State legislatures, while James Madison led in urging 3-year terms. It was argued that House Members needed more time to learn the needs of areas other than their own. The slowness of communication and travel was cited to support Madison's position and in the Committee of the Whole his proposal was approved, but later the convention decided on 2-year terms as an alternative.

The basic arguments for biennial elections at that time were set forth in the Federalist Papers: frequent elections were the only way to secure "immediate

¹ A 1963 study, in interviews with 80 Members of the House, found strong support for a 4-year term but an even stronger belief that the change was not likely to occur within the next 10 years. See "Congressional Reorganization: Problems and Prospects," conference working papers by Roger H. Davidson, David Kovenock, and Michael O'Leary, for the Orville E. Dryfoos conference on public affairs, Public Affairs Center, Dartmouth College, Mar. 7 and 8, 1964, reported in hearings before the Joint Committee on the Organization of Congress, 89th Cong., 1st sess., pt. 5, p. 761.

² A poll conducted by Representative Chelf among Members of Congress was reported to the joint committee in July 1965, as showing the following results: House Members in favor of a 4-year term, 253; against, 41; in doubt, 65; Senate Members in favor of a 4-year term, 32; against, 7; in doubt, 13. See hearings before the Joint Committee on the Organization of Congress, 89th Cong., 1st sess., pt. 7, p. 1072.

³ See, for example, H.J. Res. 315, 78th Cong. (1944), H.J. Res. 35 and 95, 82d Cong. (1951).

⁴ The latest Gallup poll, taken before President Johnson's speech, shows 61 percent favoring a 4-year term, 24 percent against, with 15 percent having no opinion. A 1961 poll reported 51 percent favoring, 34 percent against, with 15 percent having no opinion. A similar query in 1946 indicated only 40 percent favoring, with 51 percent disapproving, and 9 percent having no opinion. (Poll results reported in the Washington Post, Jan. 14, 1966, and in Congressional Quarterly Special Report, "Congressional Reform," Apr. 1, 1964, p. 49.)

⁵ Data from hearings before the Joint Committee on the Organization of Congress, 89th Cong., 1st sess., pt. 7, p. 1071, and from Harvey Walker, *The Legislative Process* (New York: Ronald Press, 1948), p. 166.

dependence on, and an intimate sympathy with, the people" and 2 years would be a safe time span for this. (The concern in 1787 was whether 2 years was not too long a term.) Furthermore, the term should "bear some proportion to the extent of practical knowledge requisite to the due performance of the service" and it seemed reasonable to assume that Federal problems would demand more knowledge than those of any one State, where 1-year terms for legislators were the rule.⁶

PROPOSALS BEFORE CONGRESS

SUMMARY

Twenty-two proposals have been introduced in the 89th Congress to submit to the States a constitutional amendment changing the term of office of Representatives. Twenty resolutions were put forward during the first session and two (S.J. Res. 126 and H.J. Res. 807) encompassing President Johnson's recommendations have been submitted in the second session.⁷ One resolution (H.J. Res. 630) calls for 3-year terms; all others stipulate 4-year terms. The administration's proposal was introduced in the House by Representative Chelf (807) and in the Senate by Senator Bayh (126) and others.

Six of the proposals call for all Members of the House to be elected at the same time as the President, while 15 would have staggered terms, one-half of the House being chosen every 2 years. The staggered terms would be achieved by having a final 2-year term for one-half of the seats filled at the first election under the new plan.

In addition to these basic provisions, there are others which vary among the resolutions. The resolutions incorporating President Johnson's suggestions contain a restriction on the freedom of House Members to run for the Senate. The restriction forbids Members of either House of Congress to run for the other House, except when their own term is ending, unless they resign at least 30 days before the election. This would mean that House Members could not seek a Senate seat in midterm and retain their House seat as a "haven" in case they were defeated. This proposal would allow challenges in primary elections.

One proposal (H.J. Res. 394), duplicated in 10 other resolutions, has a requirement that House Members must resign to seek "any elective office" (except U.S. Representative) unless the office sought is vacant at the time. This would preclude House Members challenging incumbent Senators or other officeholders, even in primaries, while holding their own seat.

Two resolutions (H.J. Res. 78 and 272) would require candidates for House seats to be qualified voters in their States when nominated.

Additional provisions in the proposals calling for staggered terms are concerned with the mechanics of staggering terms after reapportionment or redistricting. All of them require the division of seats between alternate election years to be as nearly equal as possible, both in total and within each State. Division by lot, after the first election or an election following a reapportionment, is specified in most instances.

The administration proposals (S.J. Res. 126 and H.J. Res. 807) set an effective date of 1972 or 1976, depending upon the date of ratification. Other resolutions call for effective dates of 6 months, 1 year, or the first appropriate election after ratification.

List of pending resolutions

SENATE JOINT RESOLUTIONS

- 72, Senator Clark (for himself and Senator Metcalf).
 126, Senator Bayh (for himself and Senators Bible, Douglas, Inouye, McGee, Metcalf, and Moss).

⁶ These arguments are set forth in Federalist Papers Nos. 52 and 53. It will be noted that these basic positions, both supporting a 2-year term in 1787, are now the key pro and con arguments with regard to 4-year terms.

⁷ S.J. Res. and H.J. Res. are abbreviations for Senate and House joint resolutions. Resolutions proposing amendments to the Constitution do not require approval by the President.

HOUSE JOINT RESOLUTIONS

78, Representative Multer	412, Representative Matthews
135, Representative Haley	414, Representative Carter
141, Representative Martin of Nebraska	415, Representative Halpern
157, Representative Matsunaga	420, Representative Edwards
272, Representative Dwyer	423, Representative Hollard
385, Representative Waggoner	480, Representative Nix
394, Representative Chelf	562, Representative Hatlaway
405, Representative Udall	564, Representative Hagen
409, Representative Farbstein	630, Representative Tenzer
410, Representative Dent	807, Representative Chelf

Table of key provisions

	4-year term (elected with President)	4-year term $\frac{1}{2}$ elected every 2 years)	How terms divided	Restrictions
SENATE JOINT RESOLUTIONS				
72.....	X.....			
126.....	X.....			Cannot run for Senate in midterm unless resigns before election.
HOUSE JOINT RESOLUTIONS				
78.....	X.....			Must be qualified to vote in State when nominated.
135.....		X.....	$\frac{1}{2}$ 2 years, $\frac{1}{2}$ 4 years at 1st election.	All terms end when number of seats changes and new division of terms made.
141.....		X.....	do.....	
157.....	X.....			Changes in seats effective at end of then current terms.
272.....	X.....			Same as 78.
385.....		X.....	1st election; odd-numbered seats 2 years.	All districts in each State numbered consecutively.
394.....		X.....	$\frac{1}{2}$ 2, $\frac{1}{2}$ 4 years by lot after 1st election or changes.	May not resign to seek any other elective office, unless vacant when sought.
405.....		X.....	do.....	Do.
409.....		X.....	do.....	Do.
410.....		X.....	do.....	Do.
412.....		X.....	do.....	Do.
414.....		X.....	do.....	Do.
415.....		X.....	do.....	Do.
420.....		X.....	do.....	Do.
423.....		X.....	do.....	Do.
480.....		X.....	do.....	Do.
562.....		X.....	$\frac{1}{2}$ 2, $\frac{1}{2}$ 4 years by lot.....	All terms end in a State when changes in seats. New lot division. District changes only after decennial census.
564.....		X.....	Same as 394.....	Same as 394.
630.....			Provides for 3-year terms..	
807.....	X.....			Same as S.J. Res. 126.

NOTE.—“X” means that the proposal includes the provision indicated.

FOUR-YEAR TERMS

Arguments for 4-year terms

President Johnson, in a special message to Congress in January, cited the circumstances of the times which he said call for longer terms for Representatives and summarized the advantages which are generally claimed would accrue from 4-year terms. The circumstances are “the accelerating volume of legislation * * * the increasingly complex problems that generate this flood of legislation * * * longer sessions of Congress * * * the increasing costs of campaigning * * *.” The advantages were set forth as follows:

Provide for each Member a sufficient period in which he can bring his best judgment to bear on the great questions of national survival, economic growth, and social welfare.

Free him from the inexorable pressures of biennial campaigning for reelection. Reduce the cost—financial and political—of holding congressional office.

Attract the best men in private and public life into competition for this high public office.⁸

In the message it was argued also that modern communications, opinion polls, and letters give Congressmen ample data on what the people think and want, so that 2-year terms are no longer necessary to assure public influence on policy. Another statement said that with 4-year terms "the weight of the House in the councils of government is certain to increase" because of its greater authority "in making known the will of the people."

Other supporters of a 4-year House term also have emphasized this need for time to master the complex, technical knowledge needed to resolve issues, without the added complication of constant campaigning for office. As long as this biennial disruption exists, it is maintained that other internal reforms will have only limited value in helping Members cope with the demands on their time.

Proponents of longer terms have called attention to the present situation, in which many House Members feel that they must spend the better part of 1 year each term campaigning in primary and general elections, leaving only 1 year to perform fully their legislative responsibilities.

On the matter of financial costs, advocates of longer terms point out that skyrocketing campaign expenses create hardships for both parties and candidates and that fewer elections would reduce these costs and also the opportunities for financial pressures to be brought to bear on Congressmen. It has been noted also that the success of incumbents seeking reelection would suggest that most of the elections which would be eliminated are unnecessary to assure majority representation. (See app. B.)

And, along with the President, there have been many students of politics who believe that longer terms and fewer campaigns would make service in Congress more attractive to "the best men" in the States. By the same reasoning it seems to follow that a longer term would stimulate more serious competition for individual seats than has been the case in the past. It has been said that the more competitive our two-party system becomes in districts across the Nation, the more likely that the parties will alternate election victories, the less tenure any Member will be able to gain, and the greater the need for longer terms to keep House service attractive.

An argument related to "the best men" viewpoint holds that the need for longer terms is not disproved by the fact that most Members are reelected anyway, because it is the marginal districts which are likely to produce these higher quality men. These are the districts where campaigning never ends and thus where more job security should immediately result in improved legislative performance.

Some advocates of longer House terms feel that biennial reelection needs are too disruptive a force in policymaking and that they seriously weaken not only party and presidential influence on the House's treatment of many important social and economic issues, but also the House Member's opportunity to play a more decisive role in policy matters. Fewer election campaigns also mean fewer opportunities for pressure groups to exert undue influence through election support or opposition, proponents say.

The extent to which House incumbents win reelection and the existence of so many congressional districts in which one party dominates the election process has led many persons to the conclusion that it is largely a waste of time, money, and energy to conduct campaigns biennially. Whatever value the 2-year term once had to assure responsiveness to public sentiment seems to have disappeared under these circumstances.

The importance of the 2-year term of office as a means for keeping Congress "close to the people" has been minimized by supporters of longer terms for the reasons noted in President Johnson's message—modern communications and travel facilities enable Congressmen to keep in close touch with their districts and district residents in touch with their "man in Washington" and that these factors keep a Representative responsive to his district, rather than the formality of an election every 2 years. Furthermore, say others, the Senate has now become as fully a representative body as the House, which it was not prior to adoption of the 17th amendment to the Constitution, and the need for the House to be constantly held to account no longer exists.

A longer term would enhance the influence of the House by giving it greater prestige, enabling Members to devote more time to being statesmen and less

⁸ Congressional Record, Jan. 20, 1966, pp. 655-657.

to being errand boys for constituents, encouraging Members to remain in the House rather than seek Senate seats, and making it easier for newcomers to insist on sharing in control of the House and its work without serving an extended apprenticeship. All of these points have been made at various times by proponents of this change.

Among other points made by advocates of longer House terms, these are put forward frequently: a longer term would provide a more extensive record upon which the voter could judge the Representative's performance in office; if an individual cannot be trusted for 4 years he should not be elected in the first place; the evidence from voter turnout at elections does not suggest that the public has any desire for frequent elections. To the argument that 4-year terms would present problems in administering decennial reapportionment changes, it is replied that at worst the present 2-year lag would become a 4-year term one and that procedures can be adopted which would make the changes no more difficult than at present.

Arguments against 4-year terms

Opponents of any extension in the term of office for Members of the House of Representatives take their basic stand on arguments propounded in the Federalist Papers that the House was intended to be the branch of Government most directly representative of the people and that to achieve this it must have close contact with and clear dependence on the public. Such contact and dependence are best assured by frequent elections and 4-year terms, while they would undoubtedly improve the personal lot of individual Congressmen, would not be in the best interests of the Nation.

A corollary of this position is that a truly representative relationship with one's constituency comes from personal involvement on home ground and not through secondary sources or visits in Washington from a limited number of constituents. A longer term of office would not reduce the need for this but could well reduce the Congressman's motivation to go home and maintain this personal contact.

Along with this basic position, and really as a part of it, those who favor maintaining the present 2-year term argue that it is important in a fast-moving world for the general public to have a frequent opportunity to express itself on the course of national affairs, to be able to give vent to their feelings when they dissent or to endorse when they approve, and that a 2-year interval is not too often for this to occur.

The importance of this biennial referendum through midterm elections, it is said, is indicated by the outcomes of those held since World War II, which have had significant impact upon Government policies and have reflected national as much as local issues.

Another point made by supporters of a 2-year term is that frequent elections are even more necessary today as a democratic safeguard, given problems of Government secrecy, techniques of mass communication and propaganda, and administrative agency concern with job security, all of which make it ever more difficult for the public to know what their Government is doing. The exposes by the "outs" trying to get in and the efforts of the "ins" to remain where they are need encouragement, in their view.

Those opposed to longer terms also challenge the view that longer terms would reduce the time House Members spend electioneering. The assertion is made that campaigning is a permanent activity and is engaged in to the extent considered necessary regardless of the length of a term of office—the political situation, not the term, determines how much time is spent back home. In this connection it is observed also that many political analysts believe the most effective campaign efforts are made in nonelection years and that more and more politicians are following this perpetual campaign procedure. If this is the case, the opposition says, it seems unlikely that lengthening terms will bring any significant reduction in time spent running for office. Some profess to see no substantial evidence that Senators with 6-year terms spend proportionately more time "legislating" and less time "politicking."

Persons against longer House terms usually are in agreement with the viewpoint that Members of Congress are swamped by their workload and need help. But they believe there are many devices and means for saving time and handling the workload which could make legislators' tasks manageable. Instead of longer terms which would encourage going on in the same old way, they consider it more important for the Nation that Members adopt some internal reforms which

would improve the entire congressional operation and in the process probably disprove any real need for longer terms.

The advantage held by an incumbent seeking reelection over anyone challenging him for his congressional seat is another factor which opponents of longer terms consider important. A longer term, they believe, would only magnify this advantage and make it more difficult to keep Members responsive to their constituencies.

Advocates of longer terms have pointed to the trend toward professionalization at all levels of government in support of their view that longer House terms are necessary if Members are to cope with their present-day tasks. The response to this view by advocates of the present 2-year term has been that this conception of professionalization is pertinent to the executive and judicial branches but not to Representatives engaged primarily in broad policy determinations. They also call attention to the experience at other levels of government, where legislative terms have remained relatively untouched. Rather than trying to professionalize representation solely through more guaranteed time in office, the need as seen by advocates of short terms is to assure that Representatives share in the benefits deriving from professionalization in the other branches—something not automatically accompanying longer terms.

Opponents of longer terms do not seem to dispute the fact that one result of such a change would be a reduction in the financial costs of conducting formal election campaigns, and they have not addressed themselves to the assertion made in President Johnson's message to Congress that the change would "attract the best men" for House seats. The latter argument is a standard part of the lexicon of reform, and this, together with the nearly impossible task of establishing criteria by which to judge who are the "best" legislators, may have suggested to opponents that this point is patently conjectural.

One question about the technical effect of a 4-year term has been raised by some students and observers of the legislative process. A Congress now has a life of 2 years. The query is whether a 4-year term for House Members would mean a 4-year life for each Congress, producing corresponding changes with regard to organizational and procedural matters. For example, would the Speaker of the House and other elected officials of the House hold office for 4 years instead of 2? What about committee assignments and resolutions authorizing investigations which expire, under present rules, when the Congress expires every 2 years?

ELECTION OF ALL HOUSE MEMBERS AND THE PRESIDENT CONCURRENTLY

Arguments for concurrent elections

President Johnson's message to Congress supporting a 4-year term for House Members urged that all Members be elected at the same time as the President. The view expressed was that staggered terms would create an "unnecessary and wholly unfair division" in the House and produce problems whenever reapportionment was necessary. His message also stated that if the House were to be made "more effective" Members would need to be elected by "the largest electorate our democracy can produce" and that "perpetually condemning half of its membership to a shrunken electorate" would "make the House the least representative of our three elective elements" in the Government and end "its claim to be an equal partner in the work of representative government."

Some political scientists and others who support concurrent elections concede that these results do not follow necessarily from staggered legislative terms, judging from experience in the U.S. Senate and in State legislatures, but they contend that staggered terms would diminish party responsibility. An administration spokesman has been quoted as urging concurrent elections in the interest of "legislative-executive party solidarity." It is argued that electing all House Members at the same time a President is chosen would maximize the likelihood of effective control of Congress and the Presidency by the same political party, since the pattern of elections over the years indicates a President nearly always can pull in many candidates of his party on his "coattails." The contention is that this in turn would help fix clear responsibility for governmental actions and policies upon one party, require closer cooperation between Congress and President, assure the President that his program would be enacted—or at least seriously considered—and permit the public to better hold its officials accountable by minimizing the opportunities provided by divided party control to camouflage responsibility for actions taken and decisions made. The basic

position is that such simultaneous elections would assist in producing more responsible political parties and more responsible government.

Supporters of 4-year House terms with Members elected in presidential years for these reasons disapprove of biennial elections for Representatives. The mid-term elections almost invariably result in a loss of seats for the President's party. In 17 of 44 such elections since 1790 the President's party lost control of one or both Houses of Congress. Thus midterm elections frequently diminish the President's basis of support in Congress, encourage a party system in Congress independent of and even antagonistic to the President, and tend to impede efficient, responsible government.

Some who favor election of the President and the House concurrently take the view that the United States is becoming, if it has not already become, one huge constituency in its needs and aspirations and that Congressmen, like the President, should represent the national view on issues. Election with the President should make the House more sensitive to these national needs because Members would be elected with these things in mind. It is argued that since the American people tend to judge national affairs in terms of the President's program and leadership, it seems proper that issues reflected in presidential elections should be dominant in the election of Members of Congress.

Some advocates of coinciding House and presidential terms also maintain that such a practice would help assure more House Members who could be conscientious and statesmanlike in their approach to issues, because it is the midterm pressures which force Representatives to give disproportionate attention to local matters and special interest groups.

Others have put forward the argument that 4-year terms coinciding with presidential terms would mean larger numbers of citizen voting for Congressmen than in off-year elections and in this way provide broader participation in selection of Members of the House.

Another thought which has been put forward to alleviate concern about joint presidential-House terms concerns the growth of split-ticket voting and the increase in the numbers of well-educated voters. These developments, it has been noted, should work against the chances of complete one-party sweeps. It also is pointed out that as recently as 1956 there was a presidential election in which both Houses of Congress were lost by the winning President's party.

The view that House terms coinciding with the President's would destroy congressional power has been countered with the assertion that the President can effectively frustrate Congress now if midterm elections produce changes he dislikes, and that concurrent elections would not cause any real weakening of the power of Congress to eliminate such impasses. The 1947-49, 1955-57, and 1959-61 periods in recent history are cited in this regard.

Arguments against concurrent elections

The principal objection to having House terms of 4 years, with all Members elected at the same time a President is chosen, is based upon the separation of powers doctrine and our traditional checks and balances system. The fear has been expressed that such a procedure would weaken further the diminishing role of Congress in this political system, making more Members of the House of Representatives dependent on the power of the President's "coattails." The House's distinct role in the governmental scheme and its powers of "checking" would be seriously impaired—with unforeseeable consequences, opponents say.

In response to advocates of concurrent terms in the interest of executive-legislative harmony—consensus—the view of the late Mr. Justice Brandeis is recalled: "The doctrine of the separation of powers," he wrote, "was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."⁹ As Representative Poff (Virginia) put it, "The duty of the Congress is to defy the Executive when necessary * * * to resist conformity * * *."¹⁰

Some objectors to President Johnson's proposal have observed that its goal of a unified legislative-executive election is characteristic of parliamentary systems which, they note, also provide for an ultimate legislative power which our Con-

⁹ *Myers v. United States*, 272 U.S. 52, 240, 293.

¹⁰ *Washington Post*, Feb. 16, 1966.

gress does not have—the right to force the Executive to go to the people for a vote of confidence in new elections whenever the Legislature so decided. Even with this power, these objectors point out also, political observers seem generally agreed that the Executive dominates in these parliamentary systems. Without such ultimate authority in Congress, they consider Presidential supremacy inevitable.

Another point made by those opposed to election of all House Members and the President at the same time is that this proposal should not be adopted until the effects of court-ordered legislative reapportionments can be fully experienced and assessed. This view assumes that reapportionment decisions have strengthened the political power of urban minorities; that presidential politics is oriented to these groups; that our Presidents are increasingly dominating national affairs, and that the total effect probably will be to make Congress subservient to the President. If this should be our development, say these observers, the additional Presidential power inherent in the election of the House and the President concurrently would be untenable.

Most opponents of the idea of having House terms running with the President's contend that the results of midterm congressional elections prove their value in that they frequently indicate new trends in public opinion on national policy issues. Thus, opponents of concurrent terms assert that the midterm election is a useful device for inducing national officials to remain attentive to public desires.

FOUR-YEAR TERMS—STAGGERED ELECTIONS

Arguments for staggered elections

Election of Members of the House for 4-year terms is endorsed by many Congressmen, political scientists, and other political analysts provided one-half of the terms expire every 2 years. Proponents of this approach seem to subscribe to most of the points made by supporters of 4-year terms, noted earlier in this analysis, but in addition insist that the biennial election of one-half of the membership is necessary to preserve the basic idea of a House kept close to the people.

Thus it is maintained that by electing half the membership every 2 years Representatives could have the opportunity to derive the benefits of the longer 4-year term while many of the advantages of the present system would be retained. More effective service could result and at the same time the voice of one-half of the constituencies represented in the House would be heard alternately every 2 years.

Supporters of this approach point out that the Senate has always had staggered elections, that off-year election of some has not affected adversely the effectiveness or prestige of either the Senate or the individual Senators concerned, and that, indeed, some students of politics consider this continuity through overlapping terms a key basis of the Senate's importance in our Government. Thus, it is believed the House should acquire some of the continuity, stability, and independence of the Senate with staggered 4-year terms.

Additional support for staggered elections comes from those who believe 4-year terms are needed to help the House maintain its position in the face of modern demands, but because they see a steady trend toward White House domination of national affairs they are afraid that electing all Members with the President would make them lose their ability to act as a counterbalance to the executive branch.

Another view which has been expressed is that electing one-half the House each biennium would permit a President to secure a sufficient margin of support in presidential years while allowing a chance for a midterm referendum (in one-half of the districts) on the President's performance.

Arguments against staggered elections

Opposition to staggered biennial election of House Members to 4-year terms may stem from disapproval of either midterm elections or 4-year House terms. In both cases the principal arguments have been presented earlier in this analysis. There are other criticisms made of this arrangement, however, which are directed more at the mechanics and political effects of its operation than at the desirability of the basic scheme itself.

Some critics have agreed that staggered 4-year terms would offset, in part, the argument for the traditional biennial contact with the public, but have been

disturbed by the fact that only one-half the House would be facing the public each biennium and that only one-half of the Nation's citizens would have a chance to vote for Representatives each time.

Another object in a similar vein is raised by those who call attention to the effect of the standard proposal to determine staggered terms by drawing lots. The result is not likely to be a very meaningful nationwide referendum on national affairs, it is pointed out, when it will depend on the luck of the draw what proportions of districts voting each biennium are urban, suburban, or rural, competitive or one-party dominated, or whether or not gerrymandered to the advantage of either party. This situation is complicated further by the fact that none of the voters in five States with only one Representative (Alaska, Delaware, Nevada, Vermont, and Wyoming) would be able to vote in House elections each biennium.

Other opponents have expressed concern that staggered 4-year terms would produce another and even more divisive influence in the House than any now existing there. The fear is that pro-President and anti-President (or at least non-President-oriented) factions would develop in both parties, according to whether Members were elected with the President or in midterm elections.

Two other criticisms of staggered terms have been directed toward the difficulty the public would have in exerting effective election pressure on the House since only one-half the Members will be facing the voters each biennium and, by the same token, the trouble a President may have in bringing a working majority into the House with him in presidential election years.

Technical problems associated with implementation of staggered 4-year terms have been noted and put forward as factors working against adoption of the plan. There is the problem of staggering seats evenly within individual States, and the problem of handling reapportionments as required after each decennial census. The usual solution suggested for the latter problem is to have all terms end at the election following reapportionment. This means that House Members would serve two 4-year terms and one 2-year term every 10 years, thereby losing a portion of the presumed benefits of the longer term of office.

LIMITATIONS ON HOUSE MEMBERS

One controversial, though less talked about, aspect of the current recommendations on lengthening the terms of House Members is the proposal to accompany a longer term with a limitation on House Members' freedom to seek other offices. This is part of the administration recommendation, and has been proposed by others.

Supporters of such limitations on the right of House Members to seek election to the Senate or to other offices maintain that the limitation, at least with regard to seeking Senate seats, is essential to secure Senate support for an amendment lengthening House terms. The belief is that Senators may not be willing to go along with a proposal which would make it possible for House Members to challenge Senators for their seats without risking their own positions. A further argument has been that such a limitation is appropriate because the main purpose of longer terms is to allow Representatives more time for their legislative responsibilities—not for campaigning.

Those opposed to placing limitations on the right of Representatives to seek other offices while retaining their House seats argue that no other key elected public officials are so discriminated against and that such a restriction is an infringement on the public's freedom in selecting their public officials.

Opponents also note that such proposals are designed principally to foster Senate support for longer House terms, rather than from any real conviction about the merits of the idea, and that such immunization of Senators from political contests is too high a price to pay, even for longer terms, in a democratic system. The proposal made in the President's message that such a limitation apply to each House of Congress in seeking election to the other is challenged as a meaningless gesture on the ground that no incumbent Senator has ever sought a House seat and never will.

Opponents also note that the President's proposal would not prevent a House Member from seeking a senatorial nomination at any time and thus would not

be likely to have any effect in influencing Representatives to spend less time campaigning for these offices. The President's recommendation provides only that voters cannot choose as their Senator in off-year elections a man who is a Member of the House at the time of the election, even though that Member is a senatorial nominee.

Opponents of such limitations argue that the best guarantee that House Members will not seek Senate seats is the 4-year term itself, which will make service in the House more attractive and Senate service correspondingly less enticing.

Critics of such restrictions also ask why, if House Members should not be allowed to seek other offices because of the time it takes from their work, should not all officeholders be so barred from campaigning for other offices?

APPENDIX A

FATE OF THE PRESIDENT'S PARTY IN CONGRESSIONAL ELECTIONS

There have been 44 midterm elections and 44 presidential elections through 1964, excluding the elections of 1788.

In eight midterm elections the incumbent President's party has failed to win an absolute majority in both Houses of Congress. In eight additional midterm elections his party has not won an absolute majority in the House of Representatives, and in one election his party failed to win control of the Senate. Thus, 17 of 44 midterm elections have produced at least 1 House of Congress in which the President's party did not hold an absolute majority.

In only two presidential elections has a winning President seen his party lose both Houses of Congress (1848 and 1956). There have been four other instances in which a winning President's party did not carry the House and three times when his party did not carry the Senate in presidential elections. This means that in only 9 of 44 presidential elections the President's party has not won an absolute majority in both Houses of Congress. Except for 1956 and 1916, all of these elections took place prior to 1888.

Altogether 26 of 88 congressional elections have resulted in a President having to work with a Congress in which his party did not hold a majority in both Houses. Four of these elections have occurred since World War II. Three others were held between 1910 and 1918. The remaining elections took place in the periods 1874-94, 1842-58, and prior to 1840.

In 21 other midterm congressional elections the incumbent President's party has lost seats in one or both Houses of Congress (16 times in the House, 12 times in the Senate), but has retained an absolute majority of seats in both houses. In 13 presidential elections the winning President's party has lost seats in one or both Houses (7 times in the House and 6 times in the Senate), while maintaining an absolute majority in the 2 Houses.

The incumbent President's party has added seats to an already existing majority in 21 midterm congressional elections (10 times in the House, 17 times in the Senate). Such midterm enlargements of existing majorities in one or both Houses have occurred only three times since 1912 (in the Senate in 1914 and 1962, in both Houses in 1934). Since 1830 the only such midterm gain for a controlling party in the House of Representatives, other than in 1934, took place in 1902.

In 26 presidential elections the winning President's party has succeeded in adding to existing majorities (21 times in the House, 18 times in the Senate). Eight of these elections have occurred since 1914.

An incumbent President's party has been able to win a majority in one of both Houses in a midterm election, after failing to win it while electing the President, only three times since 1790. All three cases were prior to 1840. On the other hand, in presidential election years, the winning President's party has won a majority in one or both Houses, after having failed to do so in the previous midterm election, in 14 elections (10 times in the House, 11 times in the Senate). Three of these have been since 1914.¹

¹ U.S. Bureau of Census, *Historical Statistics of the United States—Colonial Times to 1957* (Washington, D.C., 1960), pp. 691-692, and *Congressional Quarterly Almanac*, 1964, p. 1078.

APPENDIX B

Reelection of Incumbents, U.S. House of Representatives, 1946-1964

Year	Number of incumbents reelected	Percentage of total House membership	Percentage reelected of incumbents running	Number of incumbents defeated in election	Number of incumbents defeated for renomination
1946	329	75.6	(1)	(1)	(1)
1948	317	72.8	(1)	(1)	(1)
1950	302	83.2	(1)	(1)	(1)
1952	355	81.6	(1)	(1)	(1)
1954	379	87.1	(1)		(1)
1956	389	89.4	94.6	22	6
1958	354	81.1	89.8	16	3
1960	374	85.9	92.3	37	5
1962	368	84.5	93.1	26	12
1964	344	79.0	87.0	15	8

¹ Not available.

NOTE.—Last 5 elections (1956-64):

Average number of incumbents seeking renomination at each election: 400 (91.9 percent of House membership).

Average number of incumbents defeated for renomination at each election: 7 (1.6 percent of House membership).

Average number of incumbents winning renomination at each election: 393 (90.3 percent of House membership).

Average number of incumbents reelected at each election: 366 (84.1 percent of House membership), (93.1 percent of renominated incumbents), (91.5 percent of incumbents seeking renomination).

Source of data: Congressional Quarterly Almanac, years 1946 to 1964.

STATEMENT OF DONALD RUMSFELD (13TH, ILLINOIS)

Mr. Chairman, members of the committee, I appreciate this opportunity to submit my views on the pending proposals to amend the Constitution of the United States to provide for 4-year terms for Members of the House of Representatives. My purpose is to recommend that the committee give consideration to recommending an amendment to the Constitution which would provide that congressional districts in a State would be contested during those general election years in which that State is contesting a full 6-year Senate term. Very simply, this means that Members of the House of Representatives would run for alternating 2-year and 4-year terms, and, therefore, would run twice every 6 years rather than three times as they do at present.

First, let me say that I fully recognize the advantages which would accrue by lengthening the term for Members of the House. There is no question but that a longer term would result in a reduction of campaign expenditures and a reduction in the Member's time away from legislative responsibilities, to mention but two advantages.

However, of the four different proposals now pending before the committee, my study has convinced me that in each case the people of this country would have to give up too much in exchange for the benefit resulting from the advantages mentioned above, which would be gained by lengthening the term.

(1) The proposal for a 4-year term to be elected in presidential election years, as has been proposed by the President, would unquestionably reduce the present separation and balance between the executive and legislative branches. To use the words of the chairman of the Judiciary Committee, the Congress might very likely tend to walk in "lockstep" with the Executive.

(2) The opposite might be true if the committee were to approve a 4-year term to be elected only in non-presidential-election years.

(3) The pending proposal for a 3-year term, of course, would require the scheduling of additional general elections and, therefore, add to the total election expenditures in the country.

(4) The pending proposal for 4-year terms with one-half of the House to be elected in presidential election years, would result in a situation where, under the present seniority system, those Members from districts to be contested in nonpresidential years would have a much greater opportunity to attain sufficient seniority to achieve a position of a major policymaking level in the Congress.

Thus, having said that I recognize the advantages of lengthening the term and yet stating my opposition to all of the four pending proposals described above, let me suggest a possible alternative which, in my opinion, does not suffer from any of the disadvantages described above. If it has a disadvantage, it is that it sounds complicated. In reality, it is not.

My suggestion, as stated in my testimony before the Joint Committee on the Organization of the Congress on June 2, 1965, and as indicated in the first portion of this statement, is as follows:

The Constitution could be amended so that Members of the U.S. House of Representatives would be elected for alternating 2- and 4-year terms. There are a variety of ways that this could be done. The simplest would be to provide that all congressional districts in a given State would be contested during those years when that State is contesting a full 6-year senatorial term. Another, more complicated, approach would be to break the 435 congressional districts into thirds and provide that each group would be elected on alternating 2- and 4-year terms. Regardless of which method is used, the above approach would provide the following advantages:

(1) All congressional seats would be contested over a period of time during both presidential and nonpresidential election years. This being true, there would be no danger that the Congress would, as a result, be either overly responsive or overly unresponsive to the executive branch as Chairman Celler and others have cautioned against.

(2) Because two-thirds of the House would be elected every 2 years rather than 100 percent of the House as is the case today, or one-third as is the case with the Senate, the people of this country would be assured that they would retain the opportunity every 2 years to change sufficiently the membership of the House of Representatives—as was the intention of the drafters of the Constitution when the 2-year term was originally established—to accomplish any legislative goal.

(3) By providing that Members of Congress would run twice in each 6-year period, rather than three times as is presently the case, the very valid arguments which the President put forward in his message to the Congress on this subject with regard to legislative duties, expenses, etc., would be met.

(4) The disadvantages of greater election expenses of the 3-year term proposal would be avoided.

(5) The seniority problem of the proposal providing for election of one-half of the membership of the House in presidential election years and one-half in nonpresidential-election years would be avoided.

(6) And, because all House districts in a given State would be contested in the same year, there are no problems relating to redistricting after the biennial census.

Mr. Chairman and members of the committee, I strongly believe that the arguments put forth in the Constitutional Convention concerning the desirability of keeping Government close to and responsive to the people are as valid today as they were then. But our country has changed dramatically, and is still changing and growing. Constituencies are in the hundreds of thousands today rather than in the tens of thousands. The problems facing the Nation—both the great domestic and the international issues—are indeed complex and demand greater attention by the peoples' representatives. It may well be wise to make some provision to solve some of the problems which have resulted from the changes in our Nation. But if a change is to be made, we must be alert that we do not unwisely create more problems than we solve.

Should the committee report out an amendment to the Constitution providing for either a 4-year term to be elected during presidential election years, or nonpresidential-election years, or for a 4-year term to be elected one-half in a presidential election year and one-half in a nonpresidential-election year or for a 3-year term, I would be forced to be opposed. I have reached this conclusion after careful thought and only because I feel that, on balance, we in this country would be giving up too much in exchange for too little.

I know that the committee will give careful attention and thought to all possible approaches to this problem. I sincerely believe that the only acceptable alternative to the present 2-year term is the proposal which I have described above, establishing alternating 2-year and 4-year terms. I believe that the contesting of all of a State's congressional districts whenever a full Senate term is contested in that State is the best possible solution. This approach has particular merit because Members would still run, over a period of time, in both presidential and non-presidential-election years as they do now, because there would

always be a statewide race at the time of the congressional elections, thereby generating greater interest and voter participation, and because the House would remain responsive to the country.

Thank you for giving me this opportunity to express my views on this important question.

THE JOHNS HOPKINS UNIVERSITY,
DEPARTMENT OF POLITICAL SCIENCE,
Baltimore, Md., March 29, 1966.

Representative EMANUEL CELLER,
Chairman, Committee on the Judiciary,
U.S. House of Representatives,
Washington, D.C.

DEAR CHAIRMAN CELLER: I have followed with interest your recent hearings on constitutional amendments calling for 4-year terms for Members of the House of Representatives. There have appeared from time to time newspaper accounts suggesting that the great majority of political scientists favor a 4-year term. It is my impression that a strong minority of political scientists, particularly close students of Congress, are more concerned with the severe problems that 4-year terms would pose to the maintenance of coordinate branches of Government.

You may wish to include the enclosed defense of the present 2-year term as part of your published hearings. In any event, I would appreciate receiving a copy of the hearings when they are published.

Sincerely,

ROBERT L. PEABODY, *Associate Professor.*

REBUILD THE HOUSE?

THE PRESIDENT PROPOSES THAT OUR REPRESENTATIVES SERVE 4-YEAR TERMS.
IS HIS CASE A SOUND ONE?

(By Robert L. Peabody)

The present 2-year term requires most Members of Congress to divert enormous energies to an almost constant process of campaigning—depriving the Nation of the fullest measure of both their skills and their wisdom. Today, too, the work of Government is far more complex than in our early years, requiring more time to learn and more time to master the technical tasks of legislation. And a longer term will serve to attract more men of the highest quality to political life. The Nation, the principle of democracy, and I think, each congressional district will all be better served by a 4-year term for Members of the House. And I urge your swift action.

PRESIDENT LYNDON B. JOHNSON.

State of the Union message, January 12, 1966.

Should Congress pass a constitutional amendment extending the term of members of the House of Representatives from 2 to 4 years?

If so, should the terms of office be staggered? Or should they run concurrently with the term of office of the President?

What would happen, under either version, to executive-legislative relationships and the system of checks and balances upon which our Government is based?

If the questions are perplexing, we can take comfort in the knowledge that debate over the length of the House term is as old as the Constitution itself. The present 2-year term was a compromise between those who favored annual elections, and others, including James Madison, who advocated 3-year terms. Madison later defended the compromise version in "The Federalist Papers":

"As it is essential to liberty that the Government in general should have a common interest with the people; so it is particularly essential that the branch of it under consideration [the House] should have an immediate dependence on, and an intimate sympathy with the people. Frequent elections are unquestionably the only policy by which this dependency and sympathy can be effectively secured."

The question then, as now, was how frequent House elections must be in order for one branch of the Government to maintain "an intimate sympathy with the people."

Senators, on the other hand, were granted relative independence from the short-term changing moods of the country. Each Senator was to be elected for 6 years, with one-third of the Senate up for reelection every 2 years. The resulting check and balance of the two Houses upon each other, and of Congress upon the executive branch and the courts, has effectively prevented usurpation of power by any one institution of our National Government.

Sporadically since 1787 the issue of longer terms for House Members has made its appearance. In 1950, the American Political Science Association's Committee on Political Parties issued a report, "Toward a More Responsible Two-Party System," which advocated 4-year terms for House members running concurrently with the President as a means of promoting legislative-executive party solidarity. This recommendation, by no means uniformly endorsed by political scientists, was but one of a series of proposals designed to bring about more centralized political parties in this country.

Fortunately, like most proposals drafted without the participation of the people to be effected, almost nothing came of them.

The passion for reform and the particular fondness of some political scientists for political parties modeled after the more disciplined parties of Great Britain has never completely died out. James MacGregor Burns gave these themes their most eloquent recent restatement in his book, "Deadlock of Democracy." For Burns and other political scientists who are executive-branch oriented, 4-year terms running concurrent with the President would tend to reduce what they perceive as a "deadlock" between the two branches.

Ironically, the election of 1964 and the subsequent legislative successes of the 89th Congress took away much of the pressure behind congressional reform at the same time that heavy Democratic majorities in Congress increased the probabilities that major changes could be implemented.

The issue of 4-year terms for House members had generated considerable interest in the 89th Congress even before President Johnson endorsed the idea in his state of the Union message early this year. Representative Frank Chelf, Democrat of Kentucky, third-ranking member of the House Committee on Judiciary, had waged a vigorous letter-writing campaign to secure support among his colleagues for his own resolution. His version, introduced in March of 1965, called for staggered 4-year terms, with one-half of the 435 Members of the House to be elected every 2 years.

A Joint Committee on the Organization of the Congress had been created at the beginning of the 89th Congress, and it added further impetus to the drive for 4-year terms. Last year 18 House Members and several Senators testified before the committee in favor of 4-year terms. Senate supporters included Birch Bayh, Democrat of Indiana, the chairman of the Senate Judiciary Subcommittee on Constitutional Amendments, under whose jurisdiction such resolutions would come. Several of the House Democratic members of the Joint Committee on Organization, including one of its two cochairmen, Representative Ray Madden, Democrat of Indiana, were pushing strongly for 4-year terms as part of the committee's recommendations.

What moved this particular constitutional amendment beyond the realm of congressional dreams and academic speculations was President Johnson's strong endorsement in his January speech.

Why did he make this recommendation? The President is not a reformer of political institutions by inclination. He has made the existing system work well for him. As Democratic floor leader in the Senate from 1953 through 1960, he was by general agreement the most skillful and successful floor leader in recent memory. His record as President during the epic first session of the 89th Congress had already established him as one of the most effective presidential coordinators of legislation in all history.

Perhaps uppermost in President Johnson's decision to endorse 4-year terms for House Members were three factors. First, the amendment appeared to be popular with many House Members. A 1965 poll conducted by Representative Chelf showed 251 Members for, 41 against, and 65 in doubt, of 357 replies received. Sentiment in the Senate, the traditional source of opposition to such proposals, seemed favorable. Of 50 responses, 31 were for Chelf's staggered-term proposal, 7 against, and 12 doubtful. And indeed, Johnson's endorsement of

4-year terms drew more applause from Congress than almost any proposal put forth in his state of the Union message.

Furthermore, it generated a great deal of positive publicity in many national newspapers and magazines.

Finally, and most important, this proposal would add nothing to the mounting costs of carrying on the Great Society programs and the war in Vietnam.

In a special message sent to Congress on January 20, accompanying a draft of his proposed amendment, President Johnson set forth in detail three arguments in favor of 4-year terms for House Members. These arguments, all quite sound, can be reduced to the following essential points:

(a) The United States of America has undergone tremendous expansion. The legislative process has increased in scope and complexity. Demands upon Congressmen are ever more time consuming.

(b) The costs of campaigning every 2 years are becoming more and more burdensome, if not prohibitive.

(c) Four-year terms would attract more and better-qualified candidates.

Before turning to a fourth and, in my judgment, the crucial argument, each of these points needs brief development.

There is no question but that the United States and its political institutions have undergone great change since the Constitution was ratified. In 1789, America was a very small country. Most of its people lived in relative isolation. Of its 4 million population, only about 200,000 lived in cities and towns of over 2,500 persons. New York City, then the capital, had a population of 33,000. Washington, D.C., was only a swamp. The First Congress was composed of but 26 Senators and 64 Representatives. A Member of the House represented but 30,000 inhabitants. Only 144 bills were introduced in the First Congress, 108 of which became laws.

Today, the population of the United States numbers more than 190,000,000 people. Almost two-thirds of the people live in urban areas. Social mobility, ease of travel, television, and newspapers have brought more and more people into communication and contact with one another. As the Federal Government has grown and the role of government in the economy has increased, the demands Congress have multiplied. Each House Member now represents, on the average, 530,000 constituents. The workload of Congress has increased in volume and complexity; over 14,000 bills were introduced in the 1st session of the 80th Congress alone, and of these, 349 became public laws. Congressional sessions increasingly run for 10 months or more of the calendar year.

In his first two or three terms, a House Member's effectiveness as a legislator is reduced by his need to build a firm base of district support. As he gains in experience, of course, his ability to check upon and ameliorate the impersonal impact of the Federal bureaucracy on his constituents is increased. As he begins to master the skills of serving his campaign and his constituency, a congressman can afford to devote more and more of his time to committee work and influencing the outcome of legislation.

He must still face the hazards of mounting campaign costs. Federal and State expenditure ceilings are ineffective and totally unrealistic. While campaign costs vary considerably from "safe" to competitive districts and from rural to urban districts, expenditures of \$50,000 to \$60,000 per campaign are not uncommon. Attempts to unseat incumbents can send these costs much higher. For example, a freshman Democrat from New York filed campaign expenditures of almost \$200,000 in a successful bid to defeat a Republican incumbent in 1964.

As another freshman Democratic Member argued: "Four-year terms would prevent congressional offices from being 80 percent campaign headquarters and only 20 percent offices for legislative activities. As it is now, I am constantly involved in fund raising."

The most direct approach to these problems, however, would be sensible revision of laws governing campaign expenditures and contributions.

Third, it is argued 4-year terms would probably attract more and better qualified candidates for public office. By reducing the frequency of elections and the costs of continual campaigning, presumably more people would consider running for public office. The caliber of Congressmen, already quite high, would no doubt be improved.

Sound as this argument may be, from a political standpoint it may be self-defeating. For this argument, unlike the others, can cut two ways in terms of mobilizing support for this constitutional amendment.

A fourth and crucial argument, used by many advocates of 4-year terms for House Members, is that it would enhance the influence of the President by centralizing party organization and making Members more responsive to presidential programs. Members running with or against the President would be forced to campaign on national issues. "Coattail effects," or the tendency for congressional candidates of the same party to benefit from the size of the vote for strong presidential candidates, would be magnified.

President Johnson did not make use of this argument in his presidential message. However, Attorney General Nicholas Katzenbach, in testimony before the House Judiciary Committee, did emphasize the impact of concurrent terms on executive-legislative party unity. Under this proposed amendment the President and Congress would be more likely "to be able to carry out a program without unreasonable deadlocks."

The rationale for closer harmony between the President and Congress is given its more positive statement in Senator Joseph S. Clark's book, "Congress: The Sapless Branch." If a House Member, Clark argues—

"* * * comes from a competitive district, he will be more of a statesman and less of an errand boy if he runs always at the same time and on the same ticket as the presidential candidate of his party. The strengthening of the national interest in terms of the effective dialog on issues which such a procedural change would bring about is substantial. The strengthening of the national parties is even more so. The strengthening of the hand of the President, who alone speaks for all Americans, is the most substantial of all."

There rests the case, a strong one, for longer terms for House Members. The first three arguments are especially appealing. A much stronger case, however, can be made for maintaining the present system of 2-year terms.

The argument turns on commitment to the principle of coordinate branches of Government. The practice of "separate institutions sharing power" is insured by multiple checks and balances built into our Constitution. Variation in the lengths of terms among our political leaders is one of the most fundamental safeguards against any single leader or institution dominating all the others to the detriment of democratic freedoms.

In our Government, the House, Senate, and President frequently represent quite different political interests. These different interests deserve a hearing and need to be reconciled if public policy is to reflect the will of substantial majorities. Members of the House act as spokesmen for local, sometimes even parochial, interests. At the same time, they are called upon to legislate in the national interest.

Which interest should House Members represent? Edmund Burke, in his "Speech to the Electors of Bristol" in 1774, presented what has become the classic argument in favor of representation of the national interest over local concerns. As Burke said: "Parliament is not a congress of ambassadors from different and hostile interests; which interests each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a deliberative assembly of one nation, with one interest, that of the whole; where, not local purposes, not local prejudices ought to guide, but the general good, resulting from the general reason of the whole."

What is sometimes overlooked is that hostility among the electors of Bristol to Burke's national views later forced him to withdraw as a candidate from this constituency.

In our country, a Representative must remain sensitive to the wishes of his constituents. He recognizes that they can turn him out if he does not vote in their best interests. If a legislator decides, as he not infrequently does, that national interests outweigh local considerations, then he does so at some risk.

It is this sensitivity to the will of the people which 2-year terms of office help to preserve. This continuing tension between local and national interests is a strength, not a weakness, of the representative process. Many factors in our political system are at work to reinforce the impact of national interests; 2-year terms assure that local needs will not be overlooked in an era increasingly characterized by expanding Federal powers.

Furthermore, the elections of House Members that occur between presidential elections perform several basic functions which add to the stability of our political system and strengthen our two-party system. Off-year elections provide an opportunity for a review of presidential policies. The results can either extend the presidential mandate, as the election results of 1934 and 1962 were largely interpreted, or dampen it, as in the elections of 1918, 1946, 1954, and 1958. The

election of 1966 may well turn on the success or failure of President Johnson's policies in Vietnam.

Midterm elections also provide the "out" party an opportunity to increase its strength in Congress. Since 1900, the party which does not control the White House has averaged a net gain of 38 seats in off-year elections. In only one midterm election, 1934, was the party in power able to make a net gain of House seats. When the same party controls the White House for 8, 12, or a longer period of years, midterm contests may become crucial for preserving a minority that can successfully criticize and provide alternatives to the majority.

A third and related point is that 2-year terms provide a fundamental check on the powers of the Presidency. As the Federal Government has grown, the power of the President has increased. Four-year terms running concurrently with the President would weaken Congress at the same time that it would enhance the powers of the President. Some Democratic Congressmen clearly owe their seats to the length of the President's "coattails" in the election of 1964. Yet few of these Congressmen would welcome the idea of becoming more dependent upon presidential favor and national party, as distinct from congressional campaign committee, contributions.

Supporters of 4-year terms may argue that these would give Representatives greater independence from interest-group and constituency pressure. But they can hardly argue that it would make them less susceptible to White House pressure at the same time that they say that it would lead to greater executive-legislative party solidarity. Four-year terms would remove one of the most effective shields now used by Congressmen to withstand pressure. Almost every Congressman has, at one time or another, found it convenient to take refuge from Executive "arm twisting" by the simple but almost irrefutable argument: "My people back home are opposed to this measure, and I am up for reelection next year."

Thus, it is for the very reasons that Burns, Senator Clark, and others support 4-year terms running concurrently with the President, that this constitutional amendment should be opposed. Such a change would drastically alter the separation of powers and checks and balances upon which our governmental system is based. Congress needs to maintain its independence from the Presidency. Reelection every 2 years furthers this independence, helps to maintain a viable minority party, and thus promotes the balance of power within the Government.

The staggered-term proposal advocated by Congressman Chelf would counter this danger, but impose further problems of its own. Each State delegation would be divided by lot into two classes as equal as possible. One-half of the Members would run with the President and the other half would run in midterm elections. Such a proposal runs the risk of splitting the House of Representatives into two classes of Congressmen: Those disposed to support the President, and those Members elected in the off year who would likely oppose presidential programs. This might well lead to greater "deadlock" and prevent the occasional extraordinary Congress, such as the 89th, where legislation comes of age and productivity is exceptionally high.

In short, 4-year terms concurrent with the President would promote a Congress overly responsive to the President. Staggered terms, on the other hand, would create a class of half the Members who quite likely would be unresponsive. Reapportionment and redistricting would create still further problems.

One possible way out of this dilemma has been suggested by Representative Donald Rumsfeld, Republican, of Illinois. His proposal calls for alternating 2- and 4-year terms for each Member. Over a 12-year period a Member would run four times, as compared with the present six elections: twice during presidential years, and twice in nonpresidential years. This would seem to mitigate a division of the House into two classes, one overly responsive and the other unresponsive.

Such a proposal seems preferable to still a fourth variation: 3-year terms for House Members with one-third of the Members up for reelection every year. Yet, both run the risk of further confusing a relatively uninformed, if responsible, electorate.

What are the chances that any of these variations will end up a constitutional amendment? In passing, let us note that constitutional amendments are difficult to create. More than 20,000 have been proposed in the history of the country and only 24 have become the law of the land. The Founding Fathers provided for change but they did not intend for change to come about easily. Hence the

requirement that constitutional amendments receive two-thirds of the votes of both Houses, followed by ratification of three-fourths of the State legislatures.

For the current proposals to tamper with the 2-year terms for House Members, the probabilities of adoption are becoming increasingly slim. Hearings held before the House Committee on the Judiciary in February 1966, have, if anything, dampened some of the early enthusiasm for either the President's or Representative Chelf's proposal. A January poll by the Congressional Quarterly revealed a stiffening opposition. Of those Members who replied, the vote was 105 to 90 in favor in the House and 19 to 20 opposed in the Senate.

Among key Democrats who oppose 4-year terms are Emanuel Celler of New York, chairman of the House Committee on the Judiciary; Frank Thompson of New Jersey, an influential House liberal; and predictably, a number of southern conservatives, including Howard W. Smith of Virginia. The two most influential House Republicans, Minority Leader Gerald Ford, of Michigan and Republican Conference Chairman Melvin Laird, of Wisconsin, have both issued statements warning of the inherent dangers in the 4-year term proposals.

Most of what support remains for 4-year terms comes from the younger Members of the House, particularly those associated with the Democratic Study Group (of which Frank Thompson is chairman), an informal grouping of some 175 northern and western Democratic moderates and liberals.

Behind the growing opposition are practical considerations as well as the constitutional arguments. A major stumbling block, heretofore, has been opposition from U.S. Senators. Without built-in restrictions against running for other statewide offices, a 4-year term would be a virtual invitation for sitting House Members to take on incumbent Senators or Governors up for reelection in the off years. Presently a House Member almost always is forced to give up his own seat in order to campaign against a Senator or Governor. These public officials would prefer to keep it that way. A similar argument has been used against 3-year House terms; this arrangement would allow State legislators with 2- or 4-year terms a free crack at incumbent House Members.

The President's proposal has done away with most Senate opposition on these grounds by including a section which prohibits Members of Congress from running for the other house unless the Member resigns 30 days prior to such an election. The Chelf resolution goes even further. It would prohibit a House Member from seeking nomination or election to any office, other than a vacancy, unless he resigns in advance.

A final argument from the standpoint of practical politics is that 4-year terms may lead to greater, not less, turnover among House Members. There is virtual unanimity among successful Congressmen that elections are really won in the odd years. Nonelection year activities provide them with opportunities to make nonpolitical speeches and emphasize their role as spokesman for all their district's interests. Incumbent Congressmen have many advantages, including franking (free mailing) privileges, the assistance of a trained staff of up to 10 members, and multiple chances to build good will and develop favorable publicity. So great is this advantage that, over the years, more than seven out of eight incumbents who run for reelection are victorious.

At first glance, 4-year terms would seem to improve an incumbent's chances of being reelected. He would, after all, have three nonelection years to solidify his position. But this view may be misleading. If a Member were not up for reelection every 2 years, the pressures on him to return to his district would be lessened. Polls reveal that, even now, as few as one-third of the electorate can name their Congressman. Elections every 2 years provide a Congressman with an opportunity to get his name before the public.

The existence of off-year elections are particularly valuable, since they allow Congressmen to establish their independence from the national ticket. This independence is especially important in areas where the national party or its presidential candidate is not popular. Thus, a number of southern liberal Democrats were able to withstand the Goldwater tide in their States because they had developed name-familiarity and independence from the national ticket. Similarly, a number of northeastern liberal Republicans, most notably John Lindsay, were able successfully to divorce their 1964 campaigns from a losing national cause.

Four-year terms would probably lure additional candidates from private and public life into competition for House seats. District-wide races would almost inevitably be lower in cost than statewide Senate campaigns. Young lawyers, labor leaders, businessmen, and other professionals might find run-

ning for the House almost as attractive as a Senate seat. Present incumbents will undoubtedly think twice before they vote for an amendment which poses the threat of increased competition and the danger of potentially greater turnover among House Members.

Congressmen are overworked. Given their high responsibilities, heavy expenses, and the burden of frequent trips to and from their districts, annual salaries of \$30,000 make Congressmen, if anything, underpaid. Many must start fund raising, if not campaigning, almost as soon as the last election is over.

Yet, as the Washington Post recently commented in an unusually sympathetic editorial, "no one compels these men to run for Congress. Presumably they seek election to Congress because they like it, because they want the salary, or because they see opportunity to render a national service, and we surmise that they will continue to do so regardless of how long the term is."

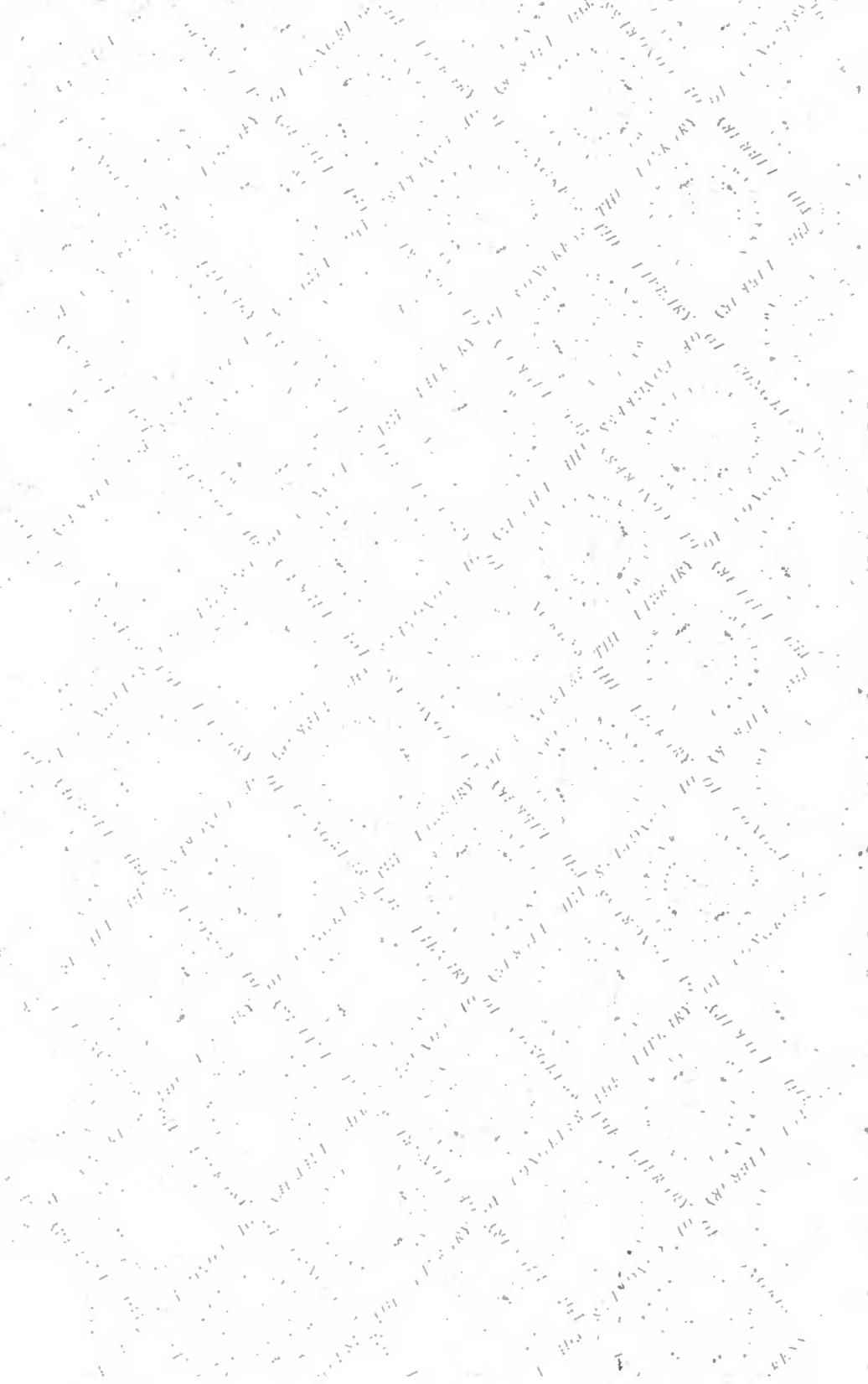
The Constitution requires that all Members of the House of Representatives be elected every 2 years. Every 4 years they must run with the President of the United States, thus providing an opportunity for a strong presidential candidate to bring Members along with him who will be sympathetic to his programs. Every 4 years, at midterm elections, House Members have their own contests. For the most part, these are relatively insulated from the forces which shape the outcomes of national presidential elections. From time to time they provide a mechanism for endorsing or rejecting administration policies.

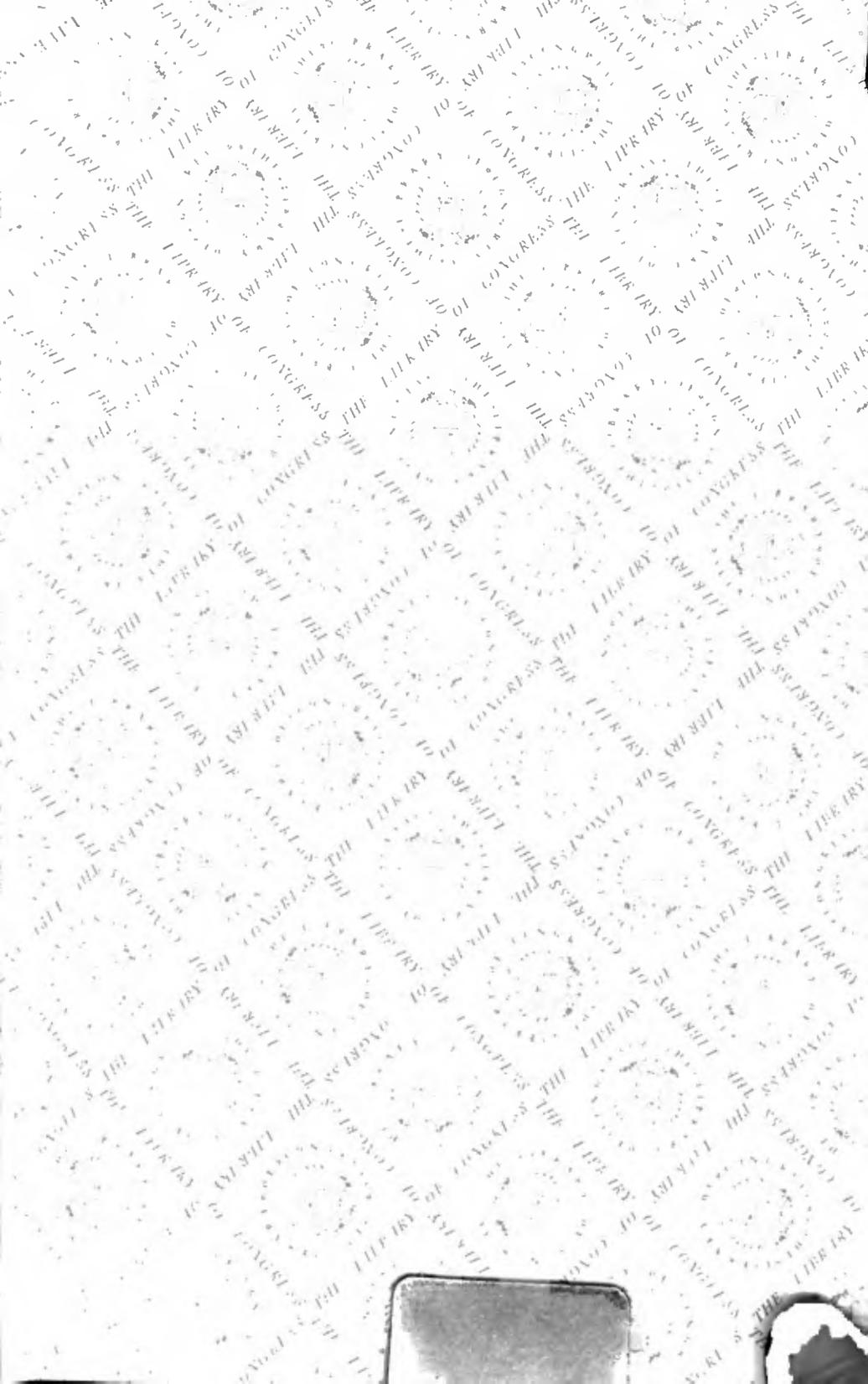
It is a relatively simple and uncomplicated election system which has withstood the test of time. Occasionally the House responds slowly, or not at all, to the demands placed upon it by the President and the executive branch. On other occasions, its Members may overreact to crisis. But the House continues to come closer to reflecting the will of the diverse local interests of our country than any branch of our National Government.

On the whole, the House of Representatives has proven its worth as a viable and responsive legislative assembly. Two-year terms of office have been basic to the maintenance of this responsiveness to the will of the people.

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