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Congress of the United States
House of Representatives
Washington, D. C.

November 26, 1943

Hon. Marriner S. Eccles
Chairman, Federal Reserve System
Washington, D. C.

Dear Mr. Chairman:

On October 19 I introduced a resolution in the House of Representatives to amend the Rules of the House to provide for a question period at which heads of executive departments and independent agencies would be requested to appear and answer questions. A sympathetic debate on this resolution ensued in the House on November 12, one week before Secretary Hull made a personal report to Congress on the Moscow Conference.

This proposal for a question period has evoked so much interest and approval that I believe the Rules Committee of the House, to which it was referred, will give it an early hearing. The procedure is intended to be beneficial to both Congress and the Executive Departments, by bringing about an open and frank consultation. It is not intended to permit any immaterial or picayune questions - it is not to be a heckling period, but an honest effort to improve teamwork.

I am writing for your opinion of this suggestion. Would you be willing to appear in person before the Committee on Rules at the hearing or to write me a letter setting forth your views which I can use at the hearing?

With best wishes, I am

Cordially yours,

Estes Kefauver

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found any trace of has gone on record in favor of subsidies in my district.

Mr. BENNETT of Missouri. I understand the administration farm organization, the Farmers' Union, is in favor of it.

Mr. BUFFETT. I am glad to have that information.

Mr. RAMEY. Mr. Speaker, will the gentleman yield?

Mr. BUFFETT. I yield to the gentleman from Ohio.

Mr. RAMEY. In fact, is not a subsidy merely taking it off the grocery bill and putting it on the tax bill, plus administrative expenses?

Mr. BUFFETT. The gentleman has answered his own question.

Mr. RAMEY. In view of that fact, is there any means of finding out what the administrative expenses will be, and whether the already great tax bill will be increased because of interest payments going on and on? Can that be reduced to a mathematical certainty?

Mr. BUFFETT. No; I do not believe it can. In that respect I think a page of history is worth more than a volume of logic. History shows that the expenses are usually as much as or more than the benefits received.

The method proposed in H. R. 2997, Mr. Speaker, is the third alternative in this difficult situation. It will cost much less than subsidies and help only those who deserve Government help on their grocery bill. It is the only method that is fair to the two great groups whose voices have not been heard on this problem—the soldiers who are fighting to save America, and the children who must pay the bill for the bungling of this period.

Inflation, Mr. Speaker, is not a new problem. All the financial patent medicines that are being trotted out now have been tried before and they have always failed. Look at the last chapter of the European inflations in the twenties, following the First World War.

An American official assigned to study those social upheavals finished up his analysis as follows:

The solutions that I have witnessed have all tended to leave the farmer on top, but the methods used were, without exception, damned rough; nor were these methods adopted pursuant to thought or studied preparation. They were spontaneous. They consisted of the country man simply rising up and beating the life out of the city man, a solution that is as simple as it is undesirable. The reasons for such conflict may be complicated, but the termination is simple.

The warning of history is plain here for responsible officials in Government, in labor, and in industry. America must solve this problem with a solution which will deserve and secure the hearty and unqualified support of the producers. That solution is not a socialistic subsidy scheme regimenting producers. It is not unbridled inflation. It is not a scheme designed to protect high salary and high wage earners from paying their fair share of increased costs due both to the war and governmental manipulation. Disguise these schemes as you will, the producer will discover their fundamental dishonesty and revolt against them. The sensible solution is increased production, the adjustment of a few prices, and tem-

porary Government aid for truly distressed consuming groups.

(Mr. BUFFETT asked and was given permission to revise and extend his remarks in the RECORD.)

LEAVE TO ADDRESS THE HOUSE

The SPEAKER. Under special order heretofore made, the Chair recognizes the gentleman from California [Mr. GEARHART], for 20 minutes.

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to be granted those 20 minutes on Monday, following the disposition of any business on the Speaker's table and such special orders as have been granted.

The SPEAKER. Is there objection? There was no objection.

EXTENSION OF REMARKS

Mr. PRIEST. Mr. Speaker, at the request of the distinguished majority leader the gentleman from Massachusetts [Mr. McCORMACK] I ask unanimous consent that he be permitted to extend his own remarks in the RECORD.

The SPEAKER. Is there objection? There was no objection.

[The matter referred to appears in the Appendix.]

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial from the Cedar Rapids Gazette.

The SPEAKER. Is there objection? There was no objection.

[The matter referred to appears in the Appendix.]

PROPOSED QUESTIONING OF CABINET MEMBERS DURING SESSIONS OF THE HOUSE

Mr. KEFAUVER. Mr. Speaker, the matter I am going to discuss today is one that many Members have been thinking of for a long time. It is a variation of an old idea that has been before the Congress from time to time for 80 years. I have 45 minutes at my disposal, and my purpose in asking for this rather long time is because I want to yield freely to any Members of the House who are here, who want to make any statements or observations in connection with the matter under discussion.

On October 19 of this year I introduced House Resolution 327, which is brief, and which I shall read:

Resolved, That rule XXXIII of the Rules of the House of Representatives be amended by adding at the end thereof the following new paragraph:

"3. There shall be held in the House immediately following the reading of the Journal on at least 1 day in each period of 2 calendar weeks, but not oftener than 1 day in any 1 calendar week, a 'question period,' which shall not consume more than 2 hours, during which heads of departments and independent agencies are requested to answer orally written and oral questions propounded by Members of the House. Each written question shall be submitted in triplicate to the committee having jurisdiction of the subject matter of such question, and, if approved by such committee, one copy shall be transmitted to the head of the department or independent agency concerned, with an invitation to appear before the House, and one copy to the Committee on Rules with a re-

quest for allotment of time in a question period to answer such question. Subject to the limitations prescribed in this paragraph, the Committee on Rules shall determine the date for, and the length of time of, each question period, and shall allot the time in each question period to the head of a department or independent agency who has indicated to the committee his readiness to deliver oral answers to the questions transmitted to him. All written questions propounded in any one question period shall be approved by one committee. The latter half of each question period shall be reserved for oral questions by Members of the House, one-half of such time to be controlled by the chairman of the committee which has approved the written questions propounded in such question period and one-half by the ranking minority member of such committee. The time of each question period and the written questions to be answered in such period shall be printed in two daily editions of the RECORD appearing before the day on which such question period is to be held, and the proceedings during the question period shall be printed in the RECORD for such day."

The way this rule would work, if adopted, can be illustrated by a hypothetical case. Suppose the members of the Committee on Foreign Affairs of the House decided they would like to have Mr. Cordell Hull, Secretary of State, appear before the House to tell something of the details of the Moscow Conference. That is a matter in which the Foreign Affairs Committee of the House is particularly interested, and in which every Member of the House has a deep, a great, and a far-reaching interest. The Foreign Affairs Committee of the House would let it be known that they are going to invite Mr. Hull to appear, and any Member who wanted to have a question asked of Mr. Hull, could file that question with the clerk of the committee, or with some member of the Committee on Foreign Affairs, and then, prior to 2 days before Mr. Hull was to appear, the committee would go over the questions filed with them, or would originate questions of their own, and then would decide the questions and the topics they wanted Mr. Hull to discuss. Prior to 2 days before his appearance copies of those questions would be sent to the Secretary of State, and copies would be sent to the Committee on Rules. The Rules Committee, after consideration of the importance of the subject matter and the recommendations of the legislative committee as to the amount of time necessary for the discussion would fix the amount of time to be allotted to Mr. Hull. Then, supposing he were allotted 2 hours to answer the questions submitted by the committee, one-half of his time would be spent in answering the questions that had already been submitted to him 2 days before, and published in the RECORD for 2 days.

The remaining half of his time would be consumed by answering questions from the floor of the House. Time for asking questions from the floor to be controlled by the chairman of the committee and the ranking minority member of the committee. If more than one committee had a request pending for the appearance of an executive officer at the same time, the Rules Committee would fix the priority and order of appearance.

I may say that before I filed this resolution I talked about this proposal with many Members of the House. I am especially grateful to the gentleman from South Dakota [Mr. MUNDT], the gentleman from Ohio [Mr. VOORHS], the gentleman from Pennsylvania [Mr. EBERHARTER], and the gentleman from Arkansas [Mr. HARRIS], and many other Members of the House, who have made valuable suggestions about this idea. This is, of course, a rudimentary resolution. Experience will have to show us whether it should be changed in one respect or another, but at least it gives us something to start with, something to work on, something to enable us to begin discussion of the subject.

Mr. VOORHS of California. Mr. Speaker, will the gentleman yield?

Mr. KEFAUVER. Yes.

Mr. VOORHS of California. I do this to express my appreciation to the gentleman for the constructive thought that he has obviously given to this problem, and to say to him that I think he is striking at what is probably the most important single problem in the American Government today, namely, the relationship between the legislative and the executive. Does the gentleman's resolution limit the people to be questioned to members of the Cabinet, or would it be possible to have the heads of other governmental agencies as well appear before the House?

Mr. KEFAUVER. I appreciate the gentleman's comments. I may say that I was advised by the Legislative Reference Service that the words used here, "heads of departments and independent agencies," include members of the Cabinet, and that is the usual legislative description which includes members of the Cabinet.

Mr. VOORHS of California. Yes.

Mr. KEFAUVER. And it also includes the head of such agencies as the Maritime Commission, the Tennessee Valley Authority, or any of the other independent agencies or commissions.

Mr. VOORHS of California. Would the sessions where they appeared be closed sessions or would they be open sessions?

Mr. KEFAUVER. I should think that would be determined by the Speaker or by whoever determines the matter now as to whether they would be executive sessions or open sessions. In the absence of some determination that they should be in executive session, I think they should be open sessions where the public and the press generally could hear what the Cabinet members and the heads of departments have to say.

Mr. VOORHS of California. It occurs to me there are two problems that may be involved here that the gentleman's proposal may very well be a means of helping to solve. One of those is the difficulty which Members of Congress frequently have in getting to these people who are making decisions; that is, the problem of attempting to reach them. I mean the physical problem, for one thing, and certainly it would be a great advantage to the Congress to be able to have one of the policy-making officials of the Government come before us with

reference to matters we have very much in our laps which could be brought out, and he could be requested to discuss them.

Mr. KEFAUVER. I think the gentleman's observations are eminently correct. For instance, I am sure every Member of the House would like to go down and talk to Mr. Hull about what happened at Moscow. Yet we know it is physically impossible to do that. We cannot take up that much of his time, so that it would be very beneficial to all of us if arrangements could be made so that here, in our forum, and under our rules, we can direct the avenue the discussion is to take and we could have him here. It would serve the purpose and certainly would save Mr. Hull a great deal of time.

Mr. WRIGHT. Will the gentleman yield?

Mr. KEFAUVER. I am glad to yield to the gentleman from Pennsylvania.

Mr. WRIGHT. I am glad I am fortified by the presence of my friend from Alabama, the great constitutional lawyer [Mr. HOBBS], and I would like to have him listen to this discussion inasmuch as I do not believe, under our constitutional system, we can compel the attendance of these witnesses or of these officers, although we could request it. I think likewise that under any rule which might be adopted they would have the discretion as to what questions they would answer and what questions they would refuse to answer. It is obvious from your reference, for instance, to the recent conference at Moscow that there may be certain military matters which were decided there which it would be very bad to have answered even in executive session. I do not think any of us would want to be burdened, for instance, with the knowledge of when and where the second front was to be opened. That is something we would rather not hear about and would rather leave to our military officers for decision. I believe my idea of the constitutional question involved is correct. I would like to be corrected if it is not.

Mr. KEFAUVER. In the first place, I appreciate the observations which the gentleman has made. I am sure that the Congress, which is composed of the most intelligent and most loyal and most capable men in America, whose great concern is the welfare of this country, as it is the concern of every Member, has no Member who would insist that a question be answered by a Cabinet member which would reveal any military secret and hurt the security of this Nation, whether it be in an open session or an executive session.

Now, as to the point you raise relative to the constitutionality of the matter, I am going to discuss that later, but I want to say that there is absolutely nothing in our Constitution to prohibit the House of Representatives from adopting this rule. Under the Constitution each House of Congress adopts its own rules. This is one of the devices, this is one of the means open to us which I think our forefathers intended we should use. As evidence of that fact I may say that in the first Congress, in which sat many Members who were members of the Constitutional Con-

vention, this practice was very wisely carried out by President George Washington, who was Chairman of the Constitutional Convention. He appeared before the Senate on several occasions, and members of the Cabinet during that First Congress appeared before the House of Representatives in person.

So it has never been considered that this requires any constitutional amendment. The point the gentleman raised as to whether we can pass a law to require Cabinet members to appear, does bring forth an interesting question. The better reasoning on the subject and the one supported by the greatest amount of authority, as I shall point out later, is that since Congress does create these offices and defines their powers and we require them to send written reports to Congress every year, we could require them to come and make oral reports to Congress. But under the wording of this resolution it is entirely permissive. They would not have to come unless they wanted to, under this resolution; but the force of public opinion would be so heavy upon them that if they did not come they would be held up to ridicule, and as Congress controls the purse strings I imagine they would be here unless they had an acceptable excuse. So, as a practical matter they would come and they would be glad to accept the invitation.

Mr. WRIGHT. If the gentleman will yield further, I am heartily in sympathy with the gentleman's resolution. I do not want anything I might say to be considered as in criticism of the resolution. But I think it is wise to talk it out. Does the gentleman feel that the President or the President's Cabinet could be compelled to come? Undoubtedly, in that connection, the gentleman with his knowledge of history, remembers the attempt of Chief Justice Marshall to subpoena the President in the Aaron Burr trial. The opinion of most lawyers was that that was beyond the power of the courts, since the President was a constitutional officer. I should think the same rule would apply to his official family, the Cabinet.

Mr. KEFAUVER. I will say to the gentleman that Cabinet members are not constitutional officers. They are not created by the Constitution. In the second place, I think the gentleman is entirely right in that Congress cannot require the President to come to a session of Congress. The Constitution provides, of course, that he shall make a report on the state of the Nation, which two Presidents did orally, and then the practice was skipped until the time of President Wilson, who revived it. That is his duty, and aside from doing that, which he is required to do by the Constitution, Congress has no other control with reference to his appearances before the Congress. But as to the Cabinet, that presents a different question. However, it is academic insofar as this resolution is concerned, because this says only those who be invited who have indicated their willingness to accept the invitation.

In my remarks I will give the gentleman some of the authorities to the effect that Congress could require them to at-

tend in person just as we can require them to submit their annual reports.

Mr. HOBBS. Mr. Speaker, will the gentleman yield?

Mr. KEFAUVER. I am glad to yield to my distinguished colleague from Alabama, who is one of the great constitutional lawyers of the House.

Mr. HOBBS. I would just like to ask the gentleman if he does not think that the way in which he has worded his resolution it would amply safeguard against this secondary embarrassment that might arise. In other words, your resolution requires that the question be submitted to the committee in charge of the particular matter or field of questioning, and also to the Rules Committee. In that way I should think that what the distinguished gentleman from Pennsylvania [Mr. WRIGHT] had in mind would be more than doubly safeguarded.

I realize, however, that his question is deeper than he made it appear in his statement, in this, that there might be some objection to some of the questions even being asked, just as many times the severest punishment is the indictment rather than the conviction. So here, if a question could not be asked for reasons of public policy, is it not contemplated in the gentleman's resolution that it would be submitted to the committee in charge of that field of investigation, and also to the Rules Committee? And is it not predominantly probable that where there was any question, those questions would be submitted in advance and discussion held between the committees and department head involved?

Mr. KEFAUVER. Yes. The gentleman is correct about the intention of the resolution. There are two problems that face us and have to be dealt with. In the first place, we want to restrict the questions so as to hold them on the subject under consideration because we wish to prevent any embarrassment to the Government or to a Cabinet officer by asking improper questions. In the second place, we want to make it as easy as possible for any Member of Congress to ask a question. So it is with those two problems in mind that I have been delving into this subject.

My first impression was that only those questions which were approved by the Legislative Committee and by the Rules Committee should be asked. The purpose of these checks was to see that they were proper questions, to see that they followed the line of the subject matter under consideration and also to see that they were not argumentative, that they were in proper form. In talking with some of the Members it developed that they felt there should be some means for a Member to ask questions from the floor. This resolution, therefore, provides that the last half of the period shall be subject to questions from the floor. The time for asking questions would be under the control of the Chairman and the ranking minority member of the Legislative Committee which I think would be a protection. As a matter of fact, Members might make some statement here or ask a question of another Member which would be embarrassing to the Government, but

it does not happen often; Members have a great sense of propriety. I think with these safeguards we would be fully protected in the matter. There was also some criticism of the idea by several Members on the grounds that a number of Members may rise and ask a lot of irrelevant questions and thereby try to embarrass a Cabinet officer; that is the reason for providing that the Chairman and the ranking minority member should have the power of recognizing a Member for the purpose of asking a question from the floor.

Mr. HOBBS. Mr. Speaker, will the gentleman yield?

Mr. KEFAUVER. I yield further to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. I ask this question merely for the purpose of exploring a little further the thought of the gentleman from Pennsylvania. Has the gentleman from Tennessee thought of the possibility of limiting the right of questioning or the submission of questions so as to require the committees to consider in advance of publication in the RECORD any question relating to foreign affairs or to the conduct of a war? The answering of such questions could be declined of course on the ground of public policy. It seems to me that the gentleman, who has given evidently so much thought and great care to this resolution and its preparation might give us the light of his reflection on that question.

Mr. KEFAUVER. I appreciate the gentleman's question. I have thought a great deal about that very thing.

Mr. ZIMMERMAN. Mr. Speaker, will the gentleman yield at that point?

Mr. KEFAUVER. I yield to the gentleman from Missouri, yes.

Mr. ZIMMERMAN. The proposal of the gentleman, to say the least, is very ingenious, but does it occur to the gentleman that we are seeking to break down that barrier set up by our Constitution, by our forefathers that the legislative, executive, and judicial branches of this Government shall be separate and independent of each other? Cabinet officers are members of the President's family; they are a part of his set-up. A Cabinet officer cannot be divorced from the office of the President, because he carries out the functions of the executive branch of the Government. Does not the gentleman believe that to have them brought in here and subjected to cross-examination in this body would just about submerge the executive to the legislative branch of the Government?

Mr. KEFAUVER. I will answer the gentleman's question in just a minute. Let me first answer the question of the gentleman from Alabama [Mr. HOBBS], then I will revert to the gentleman's inquiry.

We will, of course, have to be guided by our experience in working out better methods of handling this procedure. I am sure that custom and practice will throw protections around it which will prevent any divulgence of confidential information that should not be given. In the first place, the Cabinet member could refuse to answer on the grounds of public policy. In the second place the commit-

tee would direct the course of the discussion, and the chairman and the ranking minority member would have the right to prevent anybody's asking a question unless they knew what the question was going to be. In the third place we could have executive sessions. I believe, therefore, that is not a situation we need worry about. I believe custom and the good sense of the Members would take care of it; also, if the protections we already have are not sufficient, then we would have to adopt other protections as experience may show them to be needed.

Coming now to the question asked by the gentleman from Missouri [Mr. ZIMMERMAN], I intended to take up this issue later, but now is as good a time as any. He has raised the question as to whether or not this is a violation of the traditions of our constitutional form of government.

Fortunately, we have three separate and coextensive branches of government, the executive, the legislative, and the judicial—we are fortunate that this is the case. I do not want to change this form or system in any way whatsoever. I think it is the best form of government that was ever devised, that the writers of our Constitution had almost divine inspiration in creating this plan; but I call the attention of the gentleman to the fact that while it is often said that the branches of government are separate and distinct, this is not actually the case. As a matter of fact, the three branches are interwoven and fit into a plan where it cannot be said they are separate and distinct in the strict legal sense. It cannot be said for instance that all legislative power is in the hands of Congress. The fact of the matter is that Congress does not have the full say over laws that are passed. Any law that is passed in this body has to be signed by the President; so the President comes into the law-making picture. If the law is not signed by the President it has to be passed over his veto. In the event a motion to adjourn sine die cannot be agreed upon, the President can adjourn Congress. The President may call Congress into extra session. The Constitution provides that he shall report on the state of the Union to Congress and our President comes here at every session in order to report on the state of the Union. It is said that all executive powers are invested in the President, yet the Congress can fix the salary of the President; the Congress can decide the executive offices that are to be created and require those executive officers to report to the Congress. Congress can impeach an executive officer; Congress can impeach the President. We say that all judicial powers are vested in the Supreme Court and such other courts as the Congress may create. That is a provision of the Constitution.

As a matter of fact, the Congress can fix the terms of the court, Congress can fix the salaries of the judges, Congress can fix the number of the judges on any court, Congress can even say that a two-thirds majority in a case shall be sufficient for a decision, Congress defines the crimes or the laws that the courts are to pass upon. Congress is not independent of judicial system. As a matter

of fact, to show how much effect they have with Congress, any law that Congress may pass may be nullified and declared null by the Supreme Court, and even on occasions in impeachment proceedings involving a President, the Chief Justice of the Supreme Court sits in at the impeachment trial. To say we have three separate and distinct divisions of our Government in the practical and actual sense is not correct.

Let me read just one thing that was said in the report of Mr. Pendleton for a select committee of the House of Representatives back in 1864, which I think is about the best answer I can give to the gentleman from Missouri:

This brief summary shows that the departments of the Government entrusted as they are with the legislative, executive, and judicial power, though separate and in some sort independent, are yet in their organization, in their applications intertwined and interdependent. They cross the boundaries of each other; they come in contact but not in conflict. They cross paths assigned to each without meeting or clashing in the pathways. They are cooperative and harmonious though distinct. They justify the saying of Mr. Adams applied to the lawyers of Cincinnati at a bar dinner given in his honor: "Harmony of conflict in elements is the true music in the spheres."

May I say further to the gentleman from Missouri, he may get the idea this is an invasion on our constitutional traditions because we have not used this useful plan for a long time. As a matter of fact, the record contains many instances where the First Congress of the United States brought in the President and the Cabinet members to advise the House of Representatives and the Senate on various proposals that were being considered. If there were any persons who knew what was meant by the Constitution, it certainly should be the Members of the First Congress.

Another very forceful answer to the question raised by the gentleman from Missouri [Mr. ZIMMERMAN] is the action taken by the group of outstanding men who wrote the Constitution of the Confederate States. I think we are far enough away from the Civil War, so that we from the South can be grateful that the Union was preserved and those from the North can appreciate the ability and genius of some of the leaders of the Confederacy such as Robert E. Lee, Jefferson Davis, and Alexander Stephens. Alexander Stephens in spite of ill health, was one of the great statesmen and brains of his times. In the convention to adopt a Constitution for the Confederate States, Mr. Stephens was chairman of the Committee on Rules. The provisional government of the Confederacy adopted a resolution reported by Mr. Stephens that the heads of departments be admitted to the floor of Congress both in secret and open session.

The idea was later written into the permanent Constitution of the Confederate States, in the following language:

Article 1, section 6 (2): No senator or representative shall, during the time for which he is elected, be appointed to any civil office under the authority of the Confederate States, which shall have been

created, or the emoluments of which have been increased during such time; and no person holding any office under the Confederate States shall be a member of either house during his continuance in office. But congress may, by law, grant to the principal officer in each of the executive departments a seat upon the floor of either house, with the privilege of discussing any measures appertaining to his department.

The Confederate Constitution was very similar to the Constitution of the United States. It followed the idea of the three separate powers. Its framers did not believe it would obviously affect the functions of the three separate divisions.

In 1864 a select committee of Members of the House of Representatives was appointed to consider a provision to enable Cabinet members to participate in debate on the floor of the House. This committee of seven unanimously recommended the adoption of a resolution amending the Rules of the House so as to make this possible. The report of the committee is a legislative masterpiece. It is found in Miscellaneous Senate Documents, volume 1, at page 15. Congressman Pendleton, who hailed from Ohio, was thereafter elected to the Senate.

In 1881 a select committee was appointed from the Senate to consider S. 227, which provided that the principal officers of the executive departments could participate in debate affecting their departments. This select committee unanimously recommended the legislation. The report was signed by seven outstanding Members of the Senate—Senators George H. Pendleton, W. B. Allison, D. W. Voorhees, J. G. Blaine, M. C. Butler, John J. Inglass, O. H. Platt, and J. T. Farley.

A proposal similar to this has been recommended by such eminent men as President Howard Taft in his message to Congress on January 3, 1913; by President Woodrow Wilson, Hon. Elihu Root, President James A. Garfield, and Hon. John W. Davis.

I could cite many favorable arguments in favor of the proposal from many noted and thoughtful historians, such as Dr. Charles A. Beard.

Mr. MUNDT. Will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from South Dakota.

Mr. MUNDT. The gentleman is making a very challenging and constructive proposal in this resolution. I have read it carefully several times and, as the gentleman knows, I have discussed it with him at great length and find it to be both intriguing and compelling. Like other Members who have interrogated him earlier, I had some doubts and some reservations about its constitutionality and its workability, but I must say that the longer I consider it, the more frequently I discuss it with the author, who has given it a tremendous amount of thought, the more impelling I feel myself toward the resolution.

I wonder if this is not a correct analysis of the situation brought up by the gentleman from Missouri. There was never intended by the constitutional forefathers to be a barrier set up between these three departments of government.

They were intended to cooperate, each independent of the other, but to work together. There was not to be a barrier between the functions of one with the other and anything which steps up the speed of cooperation without destroying the balance of power, which is the essential thing, is what we are driving at. If we can speed up the cooperation and speed up the workability of the three departments without destroying the balance of power, I think we have made a proper achievement. Does not the gentleman feel that if this resolution can be worked out so that neither the authority nor the independence of the cabinet officers nor of the Congress is jeopardized, we will have stepped up the speed of government without in any way destroying the balance of power?

Mr. KEFAUVER. The gentleman has made a most valuable statement and has expressed the idea so much clearer and in much more forceful language that I could hope to employ. As the gentleman has said, this is a device that is open to us without interfering with our good system of separation of powers. Our separation of powers is guaranteed by the Constitution in the provision which says that no Member of the Congress shall be entitled to hold any other office in the Government. That means, then, that under that provision there must and will always be a separation of powers.

May I say that I am very grateful to the thoughtful gentleman from South Dakota [Mr. MUNDT] for his many suggestions. I appreciate greatly his interest in and support of this measure.

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from Ohio.

Mr. VORYS of Ohio. I want to congratulate the gentleman for introducing this resolution and for opening debate on this subject. As the gentleman knows, I have long been interested in it. I have investigated somewhat the conduct of the Canadian and British Parliaments in this respect, and I have seen this parliamentary questioning in action. I feel that it will in some form or other add greatly to the functioning of our Government.

I want to, if I may, offer this comment on the constitutional question. We are quite accustomed to having the Supreme Court receive before it a Cabinet officer, the Attorney General or the Solicitor General as is usually the case, a member of the executive branch, if you please, who argues his case before the Supreme Court, not in chambers, not before a committee of the Court, but before the Court itself. The members of that Court in turn interrogate him most sharply, this member of the executive branch, a lawyer representing the executive, an executive appointee before that Court. However, we never feel that the Court is invading the province of the executive by interrogating the executive in public or that the executive is overpowering the Court by arguing most strenuously and vehemently for its position before the Court.

It seems to me all that is involved here is a more immediate method of cooperation, so that we bypass a lot of circuitous channels and streamline our Government by getting the executive immediately before those of the legislative branch who have questions involving legislation that the executive wants and we are, therefore, not violating the Constitution, but implementing the proper functioning between the branches of government.

There is one question I would like to put to the gentleman and that is whether there may not be in the Constitution an authority for this sort of thing where the Executive is required to report to the Congress on the state of the Nation.

Would not that obligation be delegated to these Cabinet members and other administrative officials who would come here directly on behalf of the Executive to report on the state of the Nation?

Mr. KEFAUVER. I thank the gentleman for the very valuable contribution he has made to this discussion. I think that definitely is a precedent in our Constitution, that we do not have to be actually separated from one another in trying to perform our respective duties because the Constitution provides that the President shall make a report, and we, as a matter of fact, require all of these agencies to send their reports to Congress, although these reports are very long and few Members read all of them. The analogy the gentleman draws with reference to the Solicitor General appearing before the Supreme Court proves the point.

Also along the line of what the gentleman said, it is well known that we do receive advice, and we have frequent communication with the judges in considering legislation. The Judicial Conference, which is composed of the senior judges, meets every year, and they have bills under consideration. Their recommendations—and the distinguished gentleman from Michigan [Mr. MICHENER] will bear me out in this—are very helpful to the Committee on the Judiciary and to the House.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from Pennsylvania.

Mr. WRIGHT. I do not want to take up too much of the gentleman's time because he is presenting a very interesting discourse on a very important and timely subject, but I should like to call his attention to an article in the current issue of Fortune Magazine which advocates a course similar to the one the gentleman is suggesting today, and refers to the early practice in our country where the Cabinet officers did appear before Congress. It states that at that time Alexander Hamilton was supposed to be rather arrogant with the Members of Congress, so they decided that they were not going to listen to him.

There is also the precedent of the resident himself going before the Senate to discuss preliminarily the terms of a treaty. When the Senators asked rather sharply about it and proposed some modifications, the President got rather huffed, and I believe his words

were that he would be damned if he would ever go back. So the practice which apparently was intended by the Constitution was changed in the very first days of the Government. There is no constitutional reason why it cannot be revived if it is in the interest of better government.

Mr. KEFAUVER. The gentleman is entirely correct. The article in Fortune entitled "Our Form of Government" is a very challenging one which I hope all Members will read. The reason President Washington and Members of the Cabinet did not continue the practice was that, with all due deference to the founder of our country, he was the type of man who had his say and he was not of the temperament to debate or join in arguments. Had he been of a different mood I am sure we would today have the procedure I am proposing. They did not set up very good machinery for its operation so the practice was discontinued, just as the practice of the President's reporting in person to Congress on the state of the Union was discontinued by Thomas Jefferson because he did not happen to be a good speaker before a large audience. He, along with George Washington, was a great man of early American history. I revere Jefferson and Washington. But their particular personalities had a rather unusual effect upon future American history.

When President Wilson revived that practice, many people said that he was upsetting the tradition of the Constitution of the Nation. As a matter of fact, he was doing nothing of the sort, he was just bringing back into practice a very useful device that was given to us and allowed us by the Constitution.

Mr. COFFEE. Mr. Speaker, will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from Washington.

Mr. COFFEE. I wish to panegyricize the gentleman for having brought before the House this important proposal. I realize that any encomiums of mine are superfluous, as the proposition speaks for itself. So I merely wish to say that I hope the gentleman will continue working for this worthy reform.

In that connection, I direct the attention of the gentleman to the fact that the late Woodrow Wilson, following his graduation from Princeton in 1879, wrote a series of articles in the Gentleman's magazine, then a popular magazine, over several monthly issues, in which he discussed this very point and later incorporated them in his monumental work, Our Congressional Government. He pointed out that that was one of the advantages of the English parliamentary system over the American form of government, in that it brought more closely to the elective representatives of the people the functions of the cabinet members of government, as obtained in Great Britain and Canada.

Mr. KEFAUVER. I appreciate the gentleman's comment, and I should like as far as possible to put this forth as a good American practice that would be good for us under our form of constitutional government, rather than get too much on the English idea, because the

fear that we might be aping the English is really what has defeated this proposal in the past.

Mr. HOBBS. Mr. Speaker, will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from Alabama.

Mr. HOBBS. After all is said and done, is it not in essence a question of distance? Is there any such bulwark or wall or partition between Cabinet officers or executive heads of departments as has been envisioned by our friend the gentleman from Missouri? Do not we consult them and do not they welcome consultation on any of the measures pending before Congress? Is it not done all the time, either in one of these outlying rooms or in their own chambers?

Mr. KEFAUVER. The gentleman is quite correct. This brings the consultation into the open where we can all hear what is said and where we can all participate, and have open, face-to-face discussion rather than cloakroom discussion or discussion in our offices.

Then, another thing, it prevents a repetition before several committees or Members. It would save a lot of time. It is another way of doing what is already being done, but doing it in a very much better way.

Mr. HOBBS. May I say to the gentleman before he concludes that I congratulate him upon his statement and upon bringing this bill before us. I believe it will be overwhelmingly endorsed. Therefore the gentleman will have rendered a great service to our Nation.

Mr. KEFAUVER. I appreciate the comment of the gentleman. I will be satisfied if the resolution is passed, rather than be overwhelmingly endorsed. I am not as optimistic over the outcome as the gentleman from Alabama.

We hear a lot these days about the reform of Congress. I do not think reforms are needed in the sense we usually use the word "reform." There is nothing wrong with the personnel of Congress. By and large, we have excellent membership composing the outstanding men and leaders in American life. What we do need is to use some of the mechanisms that fortunately are available to us under our Constitution which will enable us to do our work better. What is needed from the executive branches is information, not ordinary information but expert, detailed information.

We are coming into the most important, complex, and challenging period of world history. We have to improve the administration of laws by our executive departments, and we have to improve the way Congress works. This is one of the most effective methods whereby we can improve our congressional system. We can use this method to secure more and better information. It is impossible to read all of the hearings coming from the various committees. It would be vastly useful to the Members if, on great and important problems, we could meet those to whom we must look for information face to face and discuss the issues with them. Many matters coming before Congress these days are of interest to the members of all committees. They transcend the special interest and

jurisdiction of any one committee. These reports and issues should be discussed in our own forum, under procedure decided by us.

Dozens of resolutions for the creation of investigating committees are filed during each session of Congress. The fact that these resolutions are filed shows that the Members are seeking information and it shows a desire for knowledge of facts. During this Congress we have authorized the appointment of several select committees to make special investigations into the way executive departments are carrying out their functions. After a law is passed, we have no direct method of ascertaining whether the intention of Congress is being carried out. The Smith committee is now making a special investigation of the instances in which the intention of Congress was not followed in the administration of laws. The necessity for most of the investigating committees would be obviated if we could bring the administrators into this forum and here, face to face, require them to give an account of the stewardship of their department.

A procedure would be inaugurated, if this resolution were passed, which would establish the importance of Congress in the public mind. At present executive administrators hold press conferences. These press conferences are given more play in the newspapers and over the radio than action taken by Congress on important measures. If the plans and proposals for the administration of laws are brought out on the floor of the House, pursuant to questions from Members, the important news would arise from what was said on the floor and not what was said at some press conference.

This procedure would be beneficial to the Cabinet members and heads of the departments. In the first place, the President in making appointments would have to take into consideration that they would be called upon to appear on the floor of the House and the President's administration would be judged to a considerable extent by the impression these administrators made. He would be doubly sure that he secured outstanding men as heads of the executive agencies of the Government. The procedure would enable the administrators to obtain the people's view as expressed directly by the people's representatives. The administrators would consider more deliberately their decisions if they knew they would be called upon to give an account of what they were doing before the House. There could be no ghost writing. These men would have to know their departments and be able to give facts.

It frequently happens that rumors or unjust criticism are spread about executive officers. If this criticism comes from a Member of the House, the executive officer has no opportunity to answer except through the newspapers. Under this procedure he would be given an opportunity of appearing and explaining his side of the controversy.

In summing up the advantages, I think I might well use the words of Senator Pennington's report

The advantages of the system proposed are so obvious and manifold that the committee

feels relieved from a detailed statement of them.

There are many angles to this question that I would like to discuss this afternoon. Later on I expect to secure more time for a further discussion and on that occasion I expect to bring forth some of the objections that have been or may be raised to this type of legislation and try to answer them to your satisfaction.

Mr. VORYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. KEFAUVER. Yes.

Mr. VORYS of Ohio. I feel confident that the gentleman has offered this proposal, not as being the last word in the machinery for arranging a question period, but as affording a basis for discussion of this subject.

Mr. KEFAUVER. The gentleman is quite right.

Mr. VORYS of Ohio. In the same spirit I wish to raise this question, which I mean to be constructive, on the proposed machinery in the gentleman's resolution, which I have read with great interest and with some care. Someone may object that the present proposal loads the question period too strongly in favor of the party in power, the majority, and that in the interest of obtaining order, and an orderly questioning, the gentleman has sacrificed certain of the freedoms which exist under our House rules. Our House rules are an attempt to keep an even balance between the rights of the majority and the minority and the individual Member. It is possible, under the machinery proposed, that the individual Member's rights to propound questions as in other parliamentary bodies could be so circumscribed that they might be stifled entirely, and that the minority would have no voice as such under the machinery set up. I know the gentleman has considered and weighed alternative proposals which might go further in the direction I mention, and I believe that when this matter is taken under study by the Committee on Rules, we will then have time, I hope, to discuss and debate the particular wheels and cogs in this machinery that will make it function so as to protect the Cabinet officer, and also protect the rights of the minority, the majority, and of the individual Member.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute more, in order to answer the question of the gentleman from Ohio [Mr. Vorys].

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. KEFAUVER. I do not want to leave the well without saying something in response to the question asked by the gentleman from Ohio. I do not want anyone to get the impression that this is a partisan issue in any respect whatsoever. I do not want anyone to get the impression that I intended to write the resolution in such a way as to give advantage to one side or the other. This is a device, as I say, that will be helpful to Congress, as a whole, regardless of which party is in power. If it does work out

so as to give any party an advantage I want it changed to give each side an equal opportunity. I thought it did as presently written, because it provides as to questions as to be answered, that the time shall be controlled by the committees, and I think committees generally recognize the rights of the minority. The second half of the time is to be controlled, one-half by the chairman and one-half by the ranking minority member. If that does not work out fairly and equitably, I want the resolution changed to do so, because certainly I want the rights and prerogatives of the minority and of the majority fully protected in every way.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has again expired.

(By unanimous consent, Mr. KEFAUVER was granted leave to extend and revise his remarks.)

WHY AN OIL SHORTAGE

The SPEAKER pro tempore. Under previous order of the House, the Chair recognizes the gentleman from Kansas [Mr. WINTER] for 30 minutes.

ORDER OF BUSINESS

Mr. MUNDT. Mr. Speaker, will the gentleman yield?

Mr. WINTER. Yes.

Mr. MUNDT. Did I understand the majority leader correctly today to state that there will be a session of the House tomorrow, Saturday?

Mr. WINTER. That is correct.

Mr. MUNDT. If the gentleman will yield a moment further, I would like to say, speaking as one of the members associated with the drive-for-action committee, that we congratulate the majority leader on having this session on Saturday, which, of course, is rather unusual and departs from the established custom of the House. As announced by the drive-for-action committee, our purpose is to hold the House in session every legislative day except Saturdays and holidays until and unless a definite legislative program is presented to the House by the Democratic leadership.

Mr. WINTER. That is correct.

Mr. MUNDT. A program of constructive and remedial legislation is the goal sought by the drive-for-action committee. Consequently, it is encouraging this morning to find, first, that a legislative program has been announced for next week, and one for the week following has been hinted at. Second, we are gratified that the majority leader has extended the program to include tomorrow, because we feel that certainly there is reason enough for the House to be in session tomorrow, reason enough, in fact, for the House to be in session morning, afternoon, and evening until some of these serious problems concerning America are brought before the House for solution. The drive-for-action committee will be here, as has been true during the week, and the Republicans will be here in three and four and five times the number of Democrats tomorrow, just as we have been here in a similar overwhelming percentage every day this week. Not only that but we challenge

December 6, 1943.

Honorable Estes Kefauver,
House of Representatives,
Washington, D. C.

Dear Mr. Kefauver:

This is to acknowledge your letter of November 26 in which you invite me to express an opinion in regard to your proposal for a regular question period in the House of Representatives similar to that which prevails in other democratic countries. I am wholeheartedly in favor of the purpose which your proposed amendment to the House Rules seeks to accomplish. It is one of the desirable features of parliamentary government that I feel very strongly should prevail in this country.

I was interested to read the discussion that took place on the floor and appreciate your sending me the extract from the Congressional Record. It seems to me that the arguments presented weigh overwhelmingly in favor of the proposal and dispose of any concern lest it would in some way transgress the intent and spirit of our Constitution. On the contrary, it appeals to me as not only consistent with but impelled by the very nature of our Constitution.

I think, as so many of your colleagues do, that you are to be congratulated upon your advocacy of a revival of this practice and upon the time and careful thought which you have so obviously devoted to it.

Sincerely yours,

M. S. Eccles,
Chairman.

 ET:b

ESTES KEFAUVER
3rd DIST. TENNESSEE

HOME ADDRESS:
CHATTANOOGA, TENNESSEE

COMMITTEE ON JUDICIARY

SECRETARIES:
HENRIETTA O'DONOGHUE
EVA DE WITT LAY

FIELD REPRESENTATIVE:
ROBERT S. BRADY
MCMINNVILLE, TENNESSEE

Congress of the United States
House of Representatives
Washington, D. C.

January 7, 1944

Honorable M. S. Eccles
Board of Governors of the
Federal Reserve System
Washington (25), D. C.

Dear Mr. Eccles

Your letter of December 6 with reference to House Resolution 327 to amend the rules of the House to provide for a question period, during which heads of departments and independent agencies may be invited to appear on the floor, has been received and is greatly appreciated. Please excuse my delay in replying; I have been out of town so much in the past few weeks.

I am delighted that you are in favor of this resolution. Your endorsement will be very useful when the matter is presented to the Committee on Rules. After the Committee sets a date for the hearing, I will get in touch with you and I hope that it may be possible for you to appear and make a statement in the interest of the bill. In any event, I will be able to use your letter to good advantage.

Thanking you for your interest and for your letter, and with kindest regards, I am

Sincerely,

ESTES KEFAUVER
3d DIST. TENNESSEE

SECRETARIES:
HENRIETTA O'DONOGHUE
EVA DEWITT LAY

HOME ADDRESS:
CHATTANOOGA, TENNESSEE

COMMITTEE ON JUDICIARY

Congress of the United States
House of Representatives
Washington, D. C.

FIELD REPRESENTATIVE:
ROBERT S. BRADY
MCMINNVILLE, TENNESSEE

January 27, 1944

Honorable M. S. Eccles
Board of Governors of the
Federal Reserve System
Washington (25), D. C.

Dear Mr. Eccles

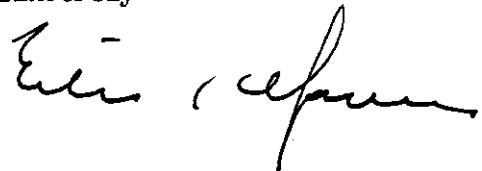
This is with further reference to your letter of December 6 relative to House Resolution 327.

The Rules Committee has granted a hearing on the resolution beginning February 1. I am advised that ordinarily the Committee only hears members of the House, but inasmuch as this is a matter of original jurisdiction with them, I imagine they will want to have the advice of some cabinet members and heads of the principal agencies. The Rules Committee will decide on the matter in a few days.

I hope and feel that the Rules Committee will make this exception and we will be able to have several witnesses other than members of the House. If you care to do so, I think it might be well to drop Mr. Adolph Sabbath, Chairman of the Rules Committee, a note that you are willing to appear before the Committee and make a statement in behalf of the resolution.

With kindest regards, I am

Sincerely



February 1, 1944.

Mr. Estes Kefauver,
Congress of the United States,
House of Representatives,
Washington, D. C.

Dear Mr. Kefauver:

This is to thank you for your letter of January 27,
with further reference to House Resolution 327.

My letter to you of December 6 expresses my strong
approval of the objective sought by your proposal, and I doubt
that I could add anything by asking for an opportunity to be
heard by the Rules Committee, though I appreciate your sugges-
tion to that end.

I have noted with satisfaction, the overwhelmingly
approval given to your proposal by the public as evidenced in
editorial comment and particularly by the Gallup poll.

Let me say again that you are to be congratulated on
advancing this important measure and on the manner in which you
have presented it.

With best regards, I am

Sincerely yours,

M. S. Eccles,
Chairman.

 ET:bjd

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