

THE WHITE HOUSE

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MEMORANDUM FOR THE PRESIDENT

FROM: William E. Timmons *WT*

SUBJECT: 93rd Congress

The August recess provides an appropriate time to review the first seven months of this session of Congress, analyze developments and trends and study statistics as they may be a guide to the fall term.

Attached for your information is a brief report on various aspects of the 1st session of the current Congress.

ANALYSIS

After the President's landslide re-election, the press picked up the theme of legislative - executive conflicts. The Congress had abdicated its proper functions to the White House, so the drumbeat went. Because Republicans didn't gain as many House seats as they hoped and the GOP suffered a net loss in the Senate, the Committee to Re-Elect the President (and the White House) became the "whipping" boy for those with complaints.

Institutional problems like executive privilege, impoundment, war powers and confirmations were accentuated by the media at the start of the session. The result has been a spate of legislation designed to "redress the balance" between the two great branches of government.

Personnel changes, existence of a "lame duck" President and refusal to fund some pork barrel projects helped to create an atmosphere of conflict.

Congressional Democrats joined together, with some GOP assistance, to fight off threats of the demolition of Great Society and New Frontier social programs. Categorical spending programs -- the heart of committees' jurisdiction and interest -- proved to be difficult to terminate.

In the 93rd Congress, House Republicans had a net gain of 12 seats, while Senate GOP forces were down two members. The 192 Republicans in the House and 43 in the Senate could not pass any legislation without significant cross-overs from the majority party. It was evident that only through broad public support for the President's New Federalism initiatives could the congressional climate be developed to support revenue sharing, re-organization and economic bills recommended by the President.

Nevertheless, a strong minority could sustain vetoes and the threat of Presidential disapproval was thought to be a club to force responsible compromises by the Democrats. This strategy has been moderately successful.

In the House, six committee chairmanships were open because of the election and nine ranking Republican vacancies had to be filled. Also, 69 freshmen replaced retired congressional "old hands," some who learned to work with the Republican Administration.

ANALYSIS (continued)

1973 saw the total dominance of the House Democrats by its liberal faction, the Democratic Study Group. Through caucus votes or threats of intimidation, the DSG wielded stronger power in the House, affecting committee and leadership decisions, including the Speaker's.

While the publicity of the Watergate investigation has affected the relationship between the White House and Congress, it of itself has not affected passage or non-passage of bills in either body. Members vote their constituency, their institutional power, their backroom trades or their political party's leadership. Also, there's a tendency among Republicans not to get out in front on Administration legislation for fear of being linked somehow to the scandal.

The fall term will see action on appropriations and many foreign policy (State Department, CIEP, foreign assistance and defense authorizations, and their appropriations, a Trade bill, Radio Free Europe, War Powers, Executive Agreements, etc.) bills, most of which do not have a natural grass-roots constituency.

It is doubtful that there will be substantial movement this year on major new initiatives of the President.

PRESIDENTIAL CONTACT

Contact between the President and Members of Congress has been high for the first seven months of 1973. It appears that records will be set for the year in several significant categories. There have already been more bipartisan leadership meetings and State Dinners than any previous year in this Administration. Congressional receptions are running ahead of earlier years and may set a record.

However, some categories of contact are substantially below averages for other years. For example, there have been far fewer Presidential telephone calls to Members (records were set when birthday calls were made), the number of aircraft flights with Members of Congress are down, and substantive meetings with Members are well below the average (primarily because of fewer large breakfast meetings which have been held in the past).

However, the inclusion of "wild card" special guests to Republican leadership meetings has been well received by the participants and has been helpful in having more Members to the White House to watch their leadership work.

In the social area, 1,324 congressional invitations have been extended to State Dinner, Evenings at the White House, Worship Services and Receptions.

THE BUDGET PICTURE

The Administration requested \$268.7 billion in outlays for FY 1974.

Thus far Congress has appropriated \$557 million over the Budget, and through "backdoor" finances and mandatory provisions in legislative bills increased the Budget by \$1.4 billion. The Administration proposed \$1.4 billion in reductions, but the outlook is bleak for Congressional action on these measures.

Therefore, as of the August recess, Congress can be said to have raised the Budget for the current year by \$3.4 billion.

Additionally, there are \$2.7 billion, in appropriations and "backdoor" spending, over the Budget which have passed at least one House but have not been cleared for the President. It should be noted that the legislative committees, not the appropriations panels, are the biggest Budget busters. The total "overages" of some \$6.1 billion could be reduced by Defense appropriation cuts currently estimated at \$2 billion for FY 74, leaving a new Congressional deficit of about \$4 billion.

This Budget outlook does not take into consideration court cases and higher interest rates.

RECORD VOTES

Total recorded votes in Congress more than doubled during the President's first term -- from 422 in 1969 to 861 in 1972. (These figures do not include voice votes.)

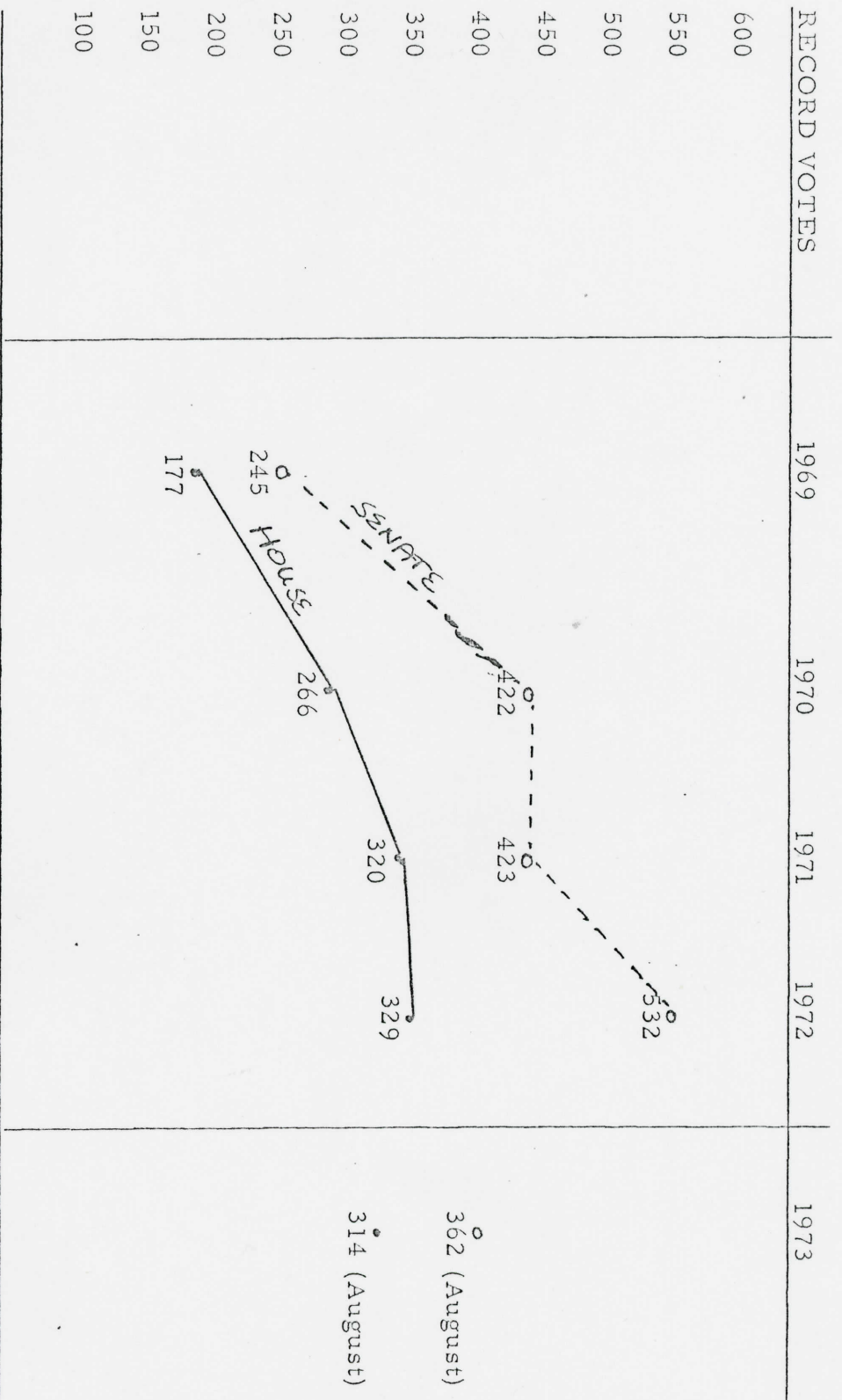
1973 appears to be another big year in Congressional tallies on legislation, appropriations, amendments and procedural matters. At the August break there were 67 more recorded votes than at a similar point last year.

Traditionally the Senate leads the House in vote totals because of its non-germaness rule and easy Member recognition in floor procedures. While it may be difficult for the Senate to match its 1972 high of 532 votes, the House is certain to set a new record in roll calls.

The attached chart shows growth in recorded tallies.

At this point the House has been in session 114 days, exactly where it was in 1972. The Senate has put in 109 days as opposed to only 96 this time last year. Total hours in session for both bodies are about the same, as an average, for first sessions of previous Congresses.

However, in the area of total measures passed both House and Senate are running well behind other years for this date.



1973 SUPPORT SCORES

The following statistical information is of interest although it would be incorrect to judge particular votes from generalizations based on averages.

I. HOUSE

On key votes in the House of Representatives, the President has received support from an average of 81.2% or 156 Republicans. However, since GOP absentees are 4.9%, our core strength is 148.

An average of 55 House Democrats rally to support the President on selected key votes. Since the Majority Party's absenteeism runs higher than the GOP -- 7.1% -- we can add 51 for a total support base of 199.

Counting all absentees 205 has been the magic number for a majority vote.

II. SENATE

On key issues this year in the Senate, the pro-Administration average has been a meager 29 votes. Absentees run 11.5% to make 33% the normal support score for those present and voting.

REPRESENTATIVES

Forty-one Republicans have a 100 per cent batting average this term. Well over 100 other GOP Members score high on the support index, but thirty-two Republicans rate under 50 percent.

Least supportive Republicans are:

| | | |
|----|---------|-------|
| 1. | Conte | 15.3% |
| 2. | Heckler | 21.1 |
| 3. | Gude | 21.1 |
| 4. | Mosher | 22.2 |
| 5. | Whalen | 26.3 |
| 6. | Cronin | 26.3 |
| 7. | Cohen | 26.3 |

About 50 Democrats have supported the President on most key votes. The best Democrats are:

| | | |
|-----|-------------|--------|
| 1. | Jarman | 100.0% |
| 2. | Satterfield | 94.4 |
| 3. | Daniel | 89.5 |
| 4. | Haley | 89.5 |
| 5. | Montgomery | 89.5 |
| 6. | Waggoner | 89.5 |
| 7. | Passman | 88.9 |
| 8. | Hebert | 87.8 |
| 9. | Fisher | 84.6 |
| 10. | Whitten | 84.2 |
| 11. | Milford | 84.2 |

SENATORS

BEST SUPPORT

GOP:

| | |
|----------|-------|
| Hansen | 93.5% |
| Fannin | 93.5 |
| B. Scott | 93.3 |
| Bennett | 92.8 |
| Buckley | 92.0 |
| Helms | 90.3 |
| Bartlett | 88.2 |
| Hruska | 87.8 |
| Curtis | 84.8 |
| Cotton | 82.1 |
| Thurmond | 80.0 |

Democrats:

| | |
|-----------|-------|
| Allen | 56.2% |
| H. Byrd | 50.0 |
| Eastland | 50.0 |
| Johnston | 42.2 |
| McClellan | 39.3 |
| Ervin | 36.3 |
| Nunn | 36.3 |
| Talmadge | 33.3 |
| Sparkman | 32.1 |

Note: Stennis has been absent

LEAST SUPPORT

GOP:

| | |
|-----------|-------|
| Mathias | 15.3% |
| Schweiker | 26.4 |
| Brooke | 26.9 |
| Case | 27.2 |
| Hatfield | 30.3 |

Democrats:

| | |
|-----------|------|
| Hughes | 3.2% |
| Mansfield | 5.8 |
| Hathaway | 6.0 |
| McGovern | 6.4 |
| Ribicoff | 8.0 |
| Kennedy | 9.0 |
| Bayh | 9.0 |
| Hart | 9.3 |

LEGISLATION ENACTED

Over eighty public bills have been signed into law. No significant Administration initiative, however, has been passed.

Many measures, signed into law, are the result of legislative-executive compromise. Among those are:

1. REA Amendments
2. Airport Development
3. Public Works - EDA
4. Federal Aid Highways
5. LEAA Amendments
6. Farm Bill
7. Older Americans
8. Veterans Cemctaries
9. Community Mental Health Centers
10. Veterans Medical Care
11. Emergency Farm Loans

Other minor bills, supported in whole or part by the Administration, were signed. Among those are:

1. Penn-Central Work Stoppage
2. Increase HUD Flood Insurance
3. Interest Payments on Deposits
4. Bicentennial Commission Extension
5. Clean Air Act Extension
6. Solid Waste Disposal Extension
7. Merchant Marine Act Extension
8. Maritime Authorization
9. Economic Report Extension
10. Supplemental Appropriation
11. Continuing Appropriations
12. Economic Stabilization Extension
13. Interest Equalization Extension
14. Public Debt Extension
15. NASA Authorizations
16. PRC Diplomatic Immunity
17. Interstate Highway Apportionment

VETOES

During the first seven months of the 93rd Congress it was necessary for the President to veto five bills. None has been overridden although final action on Emergency Medical Services is still pending. These vetoes, carefully selected, have been instrumental in forcing compromises by the opposition Congress on many other pieces of legislation.

Bills vetoed in 1973:

1. Rural Water & Sewer
2. Vocational Rehabilitation
3. OMB Confirmation
4. Supplemental Appropriations
5. Emergency Medical Services
6. (Expect Minimum Wage to be vetoed early in September)

During this Administration, there have been 36 vetoes with 4 overrides (Water Pollution, Railroad Retirement Increase, Education Appropriations, Hill-Burton Authorization).

| | <u>1969</u> | <u>1970</u> | <u>1971</u> | <u>1972</u> | <u>1973</u> |
|-------------------|-------------|-------------|-------------|-------------|-------------|
| Bills Vetoed | 0 | 11 | 3 | 17* | 5 |
| Vetoes Overridden | 0 | 2 | 0 | 2 | 0 |

*13 of 17 bills were pocket-vetoed and Congress did not have opportunities to override.

Among the measures that have passed at least one House which appear to be veto prospects are:

1. State-USIA Authorization
2. War Powers
3. Anti-Impoundments
4. REAP
5. SBA Amendments
6. HEW Appropriations
7. FHA Extender
8. Annual Postal Authorization
9. Health Maintenance Organization
10. Emergency Employment Act

ADMINISTRATION TESTIMONY

Presidential detractors have made much out of a phony issue that Administration officers are unwilling to testify before Congressional Committees. The fact is that well over 4,000 hours have been spent by principal witnesses before subcommittees, full committees and joint committees this year. An additional 14,000 hours have been consumed by supporting witnesses who accompany their Cabinet officer or other principals.

Averaging days in session between the House and Senate, Congress has been at work 112 days this year. By dividing this figure into the 4,000 hours spent testifying the result is an average of 36 hours per day.

Since most committees hold hearings in the morning, 36 hours -- even spread among many panels -- represents a heavy concentration of Executive Branch time.