

## The Need for Skepticism in Government

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FAITH IN OUR AMERICAN SYSTEM of government does not necessarily require faith *in* government. To the contrary, a duty to that system requires grave and continuing skepticism of governmental operations at all levels. We should not forget the basic concept of those who framed our Constitution: that government was to have *limited* powers.

By its very nature, government is inherently incompetent, or at least less competent than organizations that must competitively excel in order to exist. The English humorist C. Northcote Parkinson was not merely jesting in describing the principles of government set forth in his book *Parkinson's Law*: "Government will automatically seek to expand its size and jurisdiction: it will find ways to occupy its time and to create work to fill any gaps in that time."

There is no penalty for excess spending by government, for the production of a bad product, or the inability to sell such a product. In the private-enterprise system, by contrast, penalties often are rapidly or automatically assessed at the marketplace. Very few government employees will ever be rewarded for innovation, invention or initiative; government tends to award with its highest accolades those who do not make waves or step on toes.

Government is also prone to arrogance. The civil servant

or military officer who does not come to believe in his own infallibility and omnipotence is as rare as the swimming stone. I have noted, in my relatively brief time in Congress, a growing tendency to accept the term "Honorable," the salutes and the trappings of high rank as being justified and somehow my due.

Consequently, I start from the principle that it is the duty and the obligation of those privileged to serve in the government to remain skeptical rather than adulatory about government—to constantly seek to cut back and prune the burgeoning operations and agencies and in particular to cling to some sense of humility and humor. There will be multitudes of opportunities to expand government, expand taxation, and expand operations to meet some new problem accentuated by public outcry or obvious national need. One need not look for them; they will present themselves in rapid succession.

No bureaucrat will ever urge that his bureau be abolished; no agency head will ever demand that his agency merge into another or that its number of employees be reduced. It is perfectly understandable that dedicated and honorable men, seeking to administer a law or a program, will invariably seek and find ways to better administer that program or law if only they can obtain additional personnel and funding. This is the very nature of government. It should, therefore, be in the very nature of those periodically elected to serve in government to be constantly on the alert for the means and opportunities to cut back and reduce operations.

Is there any need, for example, to have local, county, state and federal governments all participating in the education of children? Education, after all, is a matter of a child, a book, a teacher and a school. Do we really need *four* governmental agencies involved? Might we not be better served by having primary education conducted entirely at

the local level and paid for by taxes from the federal income-tax revenues, omitting entirely the administrative reviews of state departments of education and the federal Office of Education? Is there any need to collect local property taxes from both the city and the county, state revenues from sales taxes, lotteries and horse-racing taxes in addition to the federal income tax? Is there really any need for local, county, state and federal school auditors and lawyers all dealing with one another, collecting diverse revenues, accounting for different expenditures and often suing one another to determine the nature and extent of federal law as opposed to state law and local municipal regulation?

True, our federal system envisioned a separation of powers and jurisdictions not only among the Congress, the courts, and the Executive, but also between the state government and the federal government. This separation, however, does not require that *each* level of our federal system have an army and a police force or that it operate sewage-treatment plants and administer elementary schools.

Local, county, city and township governments are the creatures of the parent state government, but this does not necessarily require that there be a local office, a county office, a state office and a federal office for each and every aspect of governmental jurisdiction.

Air pollution, for example, is now handled by regional air-pollution districts. Is there any need, then, for municipal, county or state jurisdictions over air pollution? Yet today most cities have antiburning ordinances, some states have antipollution laws and others do not.

Simplicity of government, achieved within our federal system, may well be the greatest hidden challenge in America today. We seem to have attained excellence in medicine, space, science technology, the pursuit of educational techniques, and certainly in the pursuit of recreational happiness

for some of our citizens, but we have yet to achieve true excellence in government.

It is noteworthy that we pay those who seek such excellence a wage more appropriate to mediocre middle management in the business community. Of the top one hundred corporations in America, it appears that the average chief executive handling an average budget of \$200 million per year may earn perhaps \$150,000 to \$250,000 annually. Comparatively, the 535 men and women in charge of allocating an annual federal budget of \$200 *billion* are paid \$42,500 per year—approximately the same sum that may be paid a good county manager or metropolitan school district superintendent. No wonder that most competent people seek to serve in the business world rather than in government; most competent men can provide far more in the way of benefits for their families if they choose to limit their participation in government to periodic tirades against “those fools in Washington” or to an occasional small contribution to a political candidate.

Considering the immense responsibilities of government—particularly at the national level, where so much of our future is decided—it may well be that each of us has the obligation to ferret out the ablest men and women in our communities and virtually *force* them to run for the Congress. If my thesis is correct, the 535 men and women who serve in Congress are among the most important persons in America. I would not urge that their pay be increased to match their responsibilities, since the privilege of serving in the national legislature is more than enough compensation, even considering the often unpleasant results of being constantly in the public eye, being denied adequate opportunity to be with one’s family, and being forced to suffer the denigrating epithet “a politician.” For all these disadvantages, however, a certain prestige accrues to the

elected official: his fringe benefits include being at the center of the action, participating in the making of history, and having the opportunity to help shape the major events of his time.

The Congress is not a natural gathering of noblemen. Though there are good men in it, it knows its hacks and incompetents and some few knaves. Ideally, I feel, every citizen owes a small part of his time, energies and effort to making certain that his particular elective representatives are the best people that can be found for the job. Realistically, very few citizens discharge this obligation. Public-opinion polls too often reveal that only a minority percentage of the people in many congressional districts know the name of their elected representative. Fewer still recall his party or show any familiarity with his views or voting actions.

Since politicians bear watching, it is fortunate that our federal system provides for three coequal branches of government that, at least theoretically, constantly scrutinize and act in restraint of each other. On many occasions during my brief four years in Congress, I have noted an increased level of performance by one branch of government solely because of the critical scrutiny, probing and jogging by another.

The National Environmental Policy Act of 1969 may well have been the most revolutionary piece of legislation in the past decade, providing as it did that every future government program, action and expenditure would first be considered with respect to its potential impact on the whole of the environment. What this means is that we will no longer build highways, for example, with only thoughts of traffic flows in mind, but must think of air pollution, soil conservation, noise abatement, displacement of homes, and so forth. This law never would have been enacted, however,

had not the Congress overridden objections raised by the Nixon Administration.

Similarly, I doubt that President Nixon would ever have presented his major health program in early 1971 but for the need to respond to the earlier presentation of national health proposals by several members of Congress.

On the other hand, I doubt that Congress would have moved very rapidly with the environmental reorganization of the government had it not been for the Presidential proposal to merge air and water agencies, agricultural-pesticides control and solid waste into the new Environmental Protection Agency. The thrust that has been given the preservation of the environment by the legislatively inspired Council on Environmental Quality and the administratively inspired Environmental Protection Agency represents perhaps the greatest Nixon Administration success to date.

It should not be forgotten, however, that before either the Congress or the executive branch moved to recognize environmental priorities, the third branch, the judiciary, had signaled the beginning of environmental emphasis by several historic court decisions in the 1950s and 1960s.

In a landmark decision in 1954, the Supreme Court had ruled that government had a right to make its land beautiful and clean as well as healthy and safe.

In 1965, a Court of Appeals decision, involving the location of power plants and transmission lines, upheld a principle enunciated by a courageous Federal Power Commissioner, Charles Ross of Vermont, by ruling for the first time that the public interest required consideration of scenic beauty and historical heritage as well as the minimization of construction costs and utility rates. It wasn't until four years later, in 1969, that the shift to a new priority in environmental protection was made by the Congress, again

over the Administration's objection, when Congress passed nearly a quadruple increase in funding of the Clean Water Restoration Act, from \$214 million to \$800 million.

The courts have often been quicker to recognize the need for change than have the political branches of government. School desegregation was initiated by the Supreme Court's decision in 1954; the "one man, one vote" reapportionment reform was required by a court decision in 1962. Very possibly the political system would never have made these changes but for the independence of the third branch of government, the judiciary.

I think it can be said, then, that the inherent unresponsiveness of our legislative and executive branches requires constant critical attention. Quite obviously, the judiciary itself works harder and performs better when its judges are the focal point of attention as to their hours of work, case load, judicial temperament and occasional predilection to alcoholism. Likewise, the Congress never has been known to pay close attention to its rules, written and unwritten, of seniority, secrecy and senility until forced to do so by increasing public hue and cry. The executive branch, in turn, has not been noted for a tendency to increase public knowledge about its decision-making processes until forced to do so by revelations such as publication of the now-famous "Pentagon Papers."

If each branch of government is therefore impelled to do a better job by the concern and supervision exercised by its companion branches, it must be conceded that scrutiny and criticism by what is really the *fourth* branch of government, the press, is likewise necessary to increase efficiency and performance.

One of the great reasons for concern over the Nixon Administration has been its vigorous attacks on the news media. Freedom of the press was written into our Bill of

Rights not so that the press could be free to criticize *people*, but so that it could be free to criticize *government*. Perhaps the contention that broadcasters and publishers are more interested in "getting it printed rather than getting it right" is sometimes justified. Yet, participation of a skeptical, quizzical press is as important to achieving excellence in government as are the standards of care and performance of the three formal branches.

Government and the press will remain natural enemies so long as government insists on secrecy and praise of its own operations. The danger as I see it is not that the press will reveal too much, but that it sometimes is satisfied with revealing too little. On Capitol Hill, for example, the House generally is accorded much less press notice—and thus less in-depth scrutiny—than is the more glamorous Senate. Large, influential newspapers and television networks, and their best working reporters, are seldom found digging deeply into House affairs. When they occasionally do, they may find themselves with shocking stories of rampant congressional nepotism, questionable foreign junkets, or private understandings between lobbyists and lawmakers that sometimes result in special-interest legislation.

Among the correspondents for regional publications—i.e., those with smaller circulations, generally, and more likely to focus on the news from the "local angle"—are some industrious and dedicated reporters. Others of these, however, take the easy way out by rewriting the press releases of Congressmen, by reporting only the obvious, or by being content to send dispatches treating the federal grant for a new sewage-disposal plant back home. All too rarely do they ask hard questions of Congressmen, so as to advise their readers what their elected representative is saying, doing or thinking about the truly vital issues affecting all of our lives.

Not all mediocre reporting is the fault of the man on the beat: publishers or editors sometimes have their own favored angels or devils among Washington's men or issues, and may instruct their reporters—by attitude if not by word—what will be welcome from them and what will not. In cities where competing newspapers fight for circulation supremacy, newspaper management may be more interested in continuing (and circulation-building) controversy than in accurately reflecting the news from Washington. In El Paso, Texas, as an example, the two newspapers took directly opposing views of their Congressman's worth for years, no matter who he might be or what he might stand for. Let one praise him, and the other would immediately attack him, or vice versa. Since a reading of their editorial pages did not reveal all that much real difference in the respective ideology of the two publications, it seems clear they permitted their own interests to subordinate balanced coverage of the Capitol Hill beat.

It is natural for politicians and government officials to want to be loved and honored for their achievements. It therefore must be recognized that in *any* political system the governmental public-relations apparatus will churn out reams of copy reporting all possible successes. Air Force publicity films will stress the achievements of precision-bombing of the Ho Chi Minh Trail, not the cost overruns of the C-5A transport, the F-111 or the Main Battle Tank. Federal Water Pollution Control Administration pamphlets will report enthusiastically on one stream that is cleaned up, not the hundreds where pollution grows worse each year.

The inclination of bureaucrats to protect themselves extends to top councils: thus we see General Westmoreland stating to the TV cameras that America somehow won a victory when a handful of Viet Cong almost captured our embassy in Saigon, President Lyndon Johnson justifying

U. S. troop movements into the Dominican Republic by inventing dangers to American property and lives that never were borne out by subsequent investigations, or Defense Secretary Melvin Laird claiming success for our attempt to rescue prisoners of war from North Vietnam even though our forces arrived long after the prisoners had been moved. Self-protection is the nature of government, as it is human nature. We don't like to admit mistakes or confess failures, as may be discovered by reading the annual reports of corporations or Christmas cards detailing a family's history over the previous year. It is, therefore, a necessity that we remain skeptical of government—particularly of a government which surrounds its operations with secrecy, indulges in self-praise, and habitually directs strong criticism at the mass media.

Finally, it is we the people who are the most important element in government. We are the fifth branch, without whose scrutiny, analysis, criticism and participation the American system is doomed to fail. Perhaps more than any of the other four participants in government in the 1970s, it is we who are most dangerously failing the system. It is the absence of our own critical scrutiny and knowledgeable participation which may be the most damaging blow to our government.