

Ending Secrecy In House Voting

By David S. Broder

Washington Post Staff Writer

THERE IS more than meets the eye to the proposal to end the secrecy in voting on legislative amendments on the floor of the House, advanced yesterday by a bipartisan group of reform-minded members.

The obvious and avowed purpose of the change is to enable the public to learn how individual representatives vote on the many substantive questions resolved while a bill is on its way to final passage.

At present, virtually all amendments are decided in the House by voice vote, standing vote or teller vote—none of which permits a record of individual stands. The amending takes place while the representatives are sitting as "the Committee of the Whole House," according to an ancient custom imported from the British Parliament in colonial times.

Parliament used secret voting to protect its members from retaliation by the king. By the legal fiction of sitting as a committee of the whole, they removed the speaker (who was a royal appointee) from the chair and permitted members to vote against the monarch's wishes without the formality of a roll-call. Transferred to the House, the custom has permitted large issues of public policy to be settled without a record vote. This year, for example, the House has decided such matters as deployment of the anti-ballistic missile, use of American troops in Cambodia and Laos, the preventive detention and no-knock provisions of the crime bill and an anti-busing amendment to a school-aid bill—all without a record vote.

THE BIPARTISAN reform group will try to remove the secrecy when the long-awaited congressional reorganization bill reaches the floor of the House next week. Their proposal would authorize the tally clerks, who now just count the number of "aye" and "nay" voters passing down the aisle on a teller vote, to record the names of individual members on each side, and to publicize them in the press and the Congressional Record. The immediate and obvious effect of such a change would be to put each congressman on record with the public on a great variety of issues. Those who think that secrecy breeds suspicion and is a cloak for irresponsibility are urging the change on those grounds.

But there would be other effects, as well. Indeed, many students of Congress and many members think the House would be a very different place if the reform is adopted. For one thing, they agree the anti-secrecy proposal will markedly increase the number of representatives taking part in the bill-amending process. Typically now, less than one-third of the members are on the floor for teller votes on amendments. Often, 75 representatives can decide the outcome of the vote.

The rest—those without a burning interest in the issue—are back in their offices, as the late Rep. Clem Miller wrote, "trying to keep up with the mail, interviewing and being interviewed by a stream of callers . . . too far away to get back to the floor for a teller vote."

IF THE anti-secrecy move succeeds, sponsors expect congressmen to give more time to their legislative work, even at the expense of the constituent service many of them now consider their most important and most politically-rewarding labor. Sensitive as they are to the charge of absenteeism, most congressmen would feel it necessary to stay on the floor of the House when records are kept on teller votes.

Even those in their offices would be more likely to vote. At present, teller voters take barely five minutes—insufficient time for a member to reach the floor from the House office buildings. The proposed amendment would allow 12 minutes for each teller vote, adequate for a dash from the office.

With larger numbers of House members voting, most observers expect stiffer challenges to the committee versions of bills. Today, the members of the committee that has drafted a bill dominate the floor debate. They are almost certain to be present and they tend to vote as a bloc against "outside" amendments. With more members voting, the chance of the committee being overturned will be greater.

Those who think the virtue of the House lies in the expertise developed by the division of legislative labor among its committees look on this prospect with alarm. Those who think too many committees are run by elderly chairmen, out of tune with the times, welcome the change as a way of making committees "more responsive" to the whole House. Both sides would agree with a member's observation that "for good or bad, it's going to make a chairman more jittery about what he brings to the floor."

WHETHER it will have any predictable ideological effect is a subject of dispute. Most observers assume that the outcome of many votes would be reversed if members were going on the record. But they are not at all certain whether, on balance, liberal or conservative causes will be hurt by the change.

There is similar disagreement whether the change will help or hurt special-interest groups. Reform advocates argue that putting congressmen on the record will make them more responsible to their constituents. But Nelson Polsby, University of California political scientist and student of Congress, says he thinks that "only the lobbyists, for good causes or bad, will really keep tabs. This will make their job easier."

Proponents of the change agree that there may be a temptation for minority blocs of congressmen, of all ideologies, to frame amendments designed to make their opponents "walk the plank" on some issue. Rep. Thomas M. Rees (D-Calif.), a reform leader, quotes an unnamed colleague as saying, "If the public finds out what happens, maybe a lot of us won't be back next session." But Rees adds in a newsletter to his constituents: "I think it's about time we take that chance."

Washington Post - David
Broder July 9th 1970