

THE WHITE HOUSE

WASHINGTON

INFORMATION

March 22, 1971

MEMORANDUM FOR: THE PRESIDENT
FROM: WILLIAM E. TIMMONS *ST.*
SUBJECT: The Record of the 91st Congress

Contrary to general opinion, President Nixon enjoyed greater support from the 91st Congress than he has been given credit for. Therefore, it may be helpful to review the Administration's victories and defeats in the last Congress, analyze legislative statistics, and the White House's Congressional operations.

In Tab A are the major successes, including "negative victories."

Legislation listed as Administration defeats and recommended measures not enacted by the last Congress are in Tab B.

In Tab C are statistics on the 91st Congress and the estimated work volume for the White House Office of Congressional Relations.

ADMINISTRATIVELY CONFIDENTIAL

THE 91ST CONGRESS

Richard Nixon was the first President in 120 years to start his Administration without control of Congress. The Senate ratio was 43-57, and Karl Mundt's illness reduced the Republican minority by an additional vote. In the House, the split was 192-243 but the GOP position was further eroded through vacancies and special elections.

The Democratic Congress was content to continue the New Frontier and Great Society programs, pass excessive appropriations for social functions while reducing funds for defense, foreign and space activities. Renewed interest in restrictive trade legislation in part reflected the new isolationist mood in Congress.

The constant theme of President Nixon's first two legislative years was "reform" and a number of proposals were improvements in existing programs.

Despite the handicaps of having an opposition legislature the President won major accomplishments on Capitol Hill. He successfully took environment away from Muskie, the peace issue from McGovern, and foreign policy from Fulbright. The President's initiatives and actions in many foreign and domestic areas denied his Democratic opponents a sitting target for political advantage.

Overall, President Nixon enjoyed better support from the 91st Congress than President Eisenhower did in his years with Democratic Congresses. In fact, the Chief Executive's record was better than Lyndon Johnson's last year with the 90th Congress.

The Administration, however, did not seek public credit for its legislative victories, choosing instead to accentuate the negative as a prelude to the mid-term elections and as an enticement to greater accomplishments. Perhaps it will be left to historians to record President Nixon's many significant triumphs in the 91st Congress.

ACCOMPLISHMENTS OF 91ST CONGRESS

The following list of major legislative actions were responsive in whole or part to the President's recommendations:

I. GOVERNMENT

1. A new postal service
2. A new Environmental Protection Agency
3. A new National Atmospheric & Oceanic Administration
4. The President's Domestic Council
5. A modern Office of Management & Budget
6. A new Council of Environmental Quality
7. Extension of reorganization authority
8. Federal comparability pay
9. Presidential retirement benefits
10. Office of Telecommunications
11. New federal positions
12. ICC reorganization
13. All cabinet & subcabinet officers confirmed

II. CRIME

1. Organized crime control
2. Anti-bombing amendment
3. DC crime bill & court reform
4. Dangerous drug control
5. LEAA authorization
6. New judgeships bill
7. New court executive for each circuit
8. Unsolicited smut-advertising
9. Creation of Executive Protection Service
10. Juvenile delinquency
11. Witness immunity
12. Illegal gambling
13. Secret Service protection for visiting heads of state
14. Customs court

III. DEFENSE AND FOREIGN

1. Safeguard ABM, phases I and II
2. Draft lottery
3. Foreign aid authorizations & appropriations
4. Foreign military sales
5. Supplemental security assistance (Cambodia)
6. Contributions to international banks
7. Senate resolution on peace initiatives
8. House resolution supporting Vietnam policy
9. House and Senate resolutions on prisoner rescue attempt
10. IDA increased participation
11. Mexican-American committee
12. Export control extension
13. Peace Corps
14. Nuclear Non-Proliferation Treaty
15. International Coffee Agreement
16. UN headquarters expansion

IV. ECONOMY

1. Overhaul of tax code
2. Extension and phase out of surtax
3. Debt ceiling increase (twice)
4. One bank holding company
5. Securities investor protection
6. Excise, estate & gift taxes
7. Eisenhower dollar
8. Savings bond interest increase
9. Small business loans increase
10. Interest equalization tax
11. Revision of unemployment taxes
12. Mutual funds regulation
13. Secret foreign bank accounts
14. Newspaper preservation act
15. Stockpile disposals

V. ENVIRONMENT

1. Clean air amendment
2. Water quality improvements
3. Solid waste disposal
4. Disaster relief
5. Park land expansion
6. Everglades National Park
7. Pacific trust territories
8. Wilderness areas
9. Great lakes spoil facilities

VI. CONSUMERS

1. Toy safety
2. Safe packaging
3. Unsolicited credit cards
4. Credit information control
5. Credit union insurance
6. Tire safety amendments

VII. LABOR

1. Coal mine safety
2. Occupational health & safety
3. Unemployment compensation extension
4. Railroad strike settlements (twice)
5. Philadelphia Plan

VIII. TRANSPORTATION

1. Airport and airways development
2. High speed ground transportation
3. Railpax corporation
4. Merchant ships subsidies
5. Continued funding of SST (twice)
6. Urban mass transportation
7. Federal aid highways and trust fund extension
8. U.S. travel promotion
9. Railroad safety
10. Emergency rail service

IX. WELFARE

1. OEO extension
2. Repealed freeze on AFDC
3. Older Americans
4. Insured student loans
5. Education-TV grants
6. Population growth commission
7. Elementary education extension
8. Public broadcasting
9. Taos Indians
10. Family planning
11. Social security benefits
12. Medicaid amendments
13. Veterans education benefits
14. Veterans medical financing
15. National foundation for arts and humanities

X. AGRICULTURE

1. New farm bill
2. Food stamp reform
3. School lunch programs

XI. HOUSING

1. Emergency home financing
2. Housing and urban development
3. Veterans home loans
4. Home loan mortgage corporation

XII. OTHER

1. D. C. revenue
2. D. C. transit
3. D. C. non-voting delegate
4. D. C. study commission

NEGATIVE SUCCESSES OF 91ST CONGRESS

No compilation of legislative victories is complete without mention of the President's successful efforts to defeat pernicious and limiting measures from being enacted by the opposition Congress.

Among the more prominent negative successes were:

1. Defeat of McGovern-Hatfield End-the War Amendment
2. Defeat of Hughes no-ABM Amendment
3. Defeat of Brooke anti-MIRV Amendment
4. Bottling up of Cooper-Church Amendment in conference
5. Failure to have class action bill enacted
6. Failure to have consumer agency bill enacted
7. Failure to have a Joint Committee for the Environment (for Muskie) created
8. Sustaining veto on HEW appropriations bill
9. Sustaining veto on HUD appropriations bill
10. Sustaining veto on political broadcasting bill
11. Sustaining veto on manpower training bill

VOTE STRATEGY

The Congressional Office followed a strategy of trying to maximize loyalty among Republicans and then winning sufficient Democrats, liberal or conservative as the issue dictated, to make a majority. A great deal of attention had to be given to rank and file Republicans for this policy to be successful.

Liberal measures were generally easier to pass since the White House could count on greater support from the larger liberal faction of the Congressional Democrats.

While precise measurement is difficult because of differences in issues, the general philosophical break out has been:

I. SENATE

	<u>LIBERAL</u>	<u>CONSERVATIVE*</u>	<u>SWING</u>
Republicans	9	26	8
Democrats	<u>34</u>	<u>13</u>	<u>10</u>
	43	39	18

II. HOUSE

Republicans	25	120	47
Democrats	<u>158</u>	<u>45</u>	<u>40</u>
	183	165	87

*Many conservative Republicans, out of loyalty, voted for the President on some liberal legislation.

SUPPORT

According to the research publication Congressional Quarterly, the Democratic 91st Congress supported the President 76% of the time. This figure compares favorably with the Eisenhower years (1955-60) when he received an average of only 68% support score from Democrat Congresses. In 1968, Lyndon Johnson won a 75% support score from the legislature, using Congressional Quarterly index.

HOUSE

Republicans in the House had a successful 91st Congress insofar as support for the President's legislative program was concerned. In our own listing of 41 key, tough votes, the President won 33 -- for a success index of 80.4%.

On these important votes, 59 Republicans -- almost a third of the GOP membership -- had 80% or better support scores. Only seven Republicans batted less than 50%.

In the House, Republicans with highest support ratings were:

Rogers Morton	100 %
Gerald Ford	97.5
Catherine May	97.2
Les Arends	95.1
Bob Wilson	94.5
Al Cederberg	94.2
John Erlenborn	93.9
Ancher Nelsen	92.5
John Byrnes	92.5
Glenn Davis	92.5
Bill Springer	92.3
Henry Smith	92.3
Orval Hansen	92.1
John Anderson	92.1
John Rhodes	91.8
Sherman Lloyd	91.6

Democrats with highest support ratings were:

William Colmer	75.6
Jack Marsh	73.1
Phil Landrum	71.8
Sonny Montgomery	71.0

Tom Abernethy	69.2
Mendel Rivers	68.9
Edward Hebert	68.7
Bob Sikes	68.5
George Mahon	67.5
David Satterfield	65.8
Joe Waggoner	65.7
Otto Passman	65.7
Tom Steed	65.7
John Jarman	65.7
Omar Burleson	65.0

SENATE

We listed 22 hard votes in the Senate during 1969 and 1970. Of these, the President won 12 and lost 10. Over half - twenty-four - Republicans, however, scored 80% or better on these votes. Eight of the Senate GOP scored less than 50%. It is important to note that we listed only the "crunch" votes and support scores would be higher if we included the "free-rides."

In the Senate, Rpublicans with highest support ratings were:

Gordon Allott	100.0 %
Wallace Bennett	100.0
Barry Goldwater	100.0
John Tower	100.0
Roman Hruska	95.9
Carl Curtis	95.2
George Murphy	94.7
Caleb Boggs	90.9
Bob Dole	90.9
Bob Griffin	90.9
Cliff Hansen	90.9
Strom Thurmond	90.9
Ed Gurney	90.5
Hugh Scott	90.5
Len Jordan	90.4
Jack Miller	90.4
Norris Cotton	90.0
Paul Fannin	90.0

SENATE (continued)

Democrats with highest support ratings were:

Richard Russell	92.3%
John McClellan	86.4
Harry Byrd	76.1
James Eastland	75.0
John Sparkman	75.0
Herman Talmadge	73.7
Spessard Holland	72.7

MAJOR DEFEATS BY 91ST CONGRESS

1. Rejection of Judge Clement Haynsworth nomination
2. Rejection of Judge J. Harrold Carswell nomination
3. Passage of Voting Rights - 18 year old bill
4. Override of Hill-Burton authorization bill
5. Override of Education appropriations bill
6. Reduction of Defense appropriations bill
7. Failure to have SST funded for full year
8. Wage & price controls authority

MAJOR ADMINISTRATION LEGISLATION NOT ENACTED BY
91st CONGRESS

1. Grant Consolidation
2. Under Secretary of State for Western Hemisphere Affairs
3. Consumer Product Testing
4. Consumer Representation *
5. Consumer Warranty
6. Water Pollution Enforcement
7. Water Pollution Research & Training
8. Waste Treatment Facilities
9. Environmental Financing Authority
10. Emergency Strikes
11. Federal Economy Act **
12. Federal Bicentennial Commission
13. Higher Education Act
14. Selective Service Amendments
15. National Institute of Education
16. Enlisted Men's Pay Increase
17. Indian Affairs Package
18. Wagering Tax Amendments
19. Bail Reform Act
20. Employee Benefits Protection Act
21. Revenue Sharing
22. Lost Currency Write Off
23. Joint Funding Simplification
24. Estuarine Resources
25. Santa Barbara Oil Lease Termination
26. Social Security Increase *
27. Family Assistance Plan
28. Trade (Textile Quotas, DISC & ASP repeal) *
29. Asian and Inter American Development Banks **
30. Electoral College Reform
31. EEOC *
32. SBA Amendments
33. Prurient Advertising
34. Hijacking Tax and Authority
35. 17 Stockpile Disposal Bills
36. Emergency School Aid

* White House opposed - covertly - final proposal

** Portions of Bill enacted

APPROPRIATIONS (1st Session)

In 1969 Congress reduced the Administration's fiscal year budget by \$5.3 billion. Defense and foreign aid took the biggest cuts.

Four funding measures were in excess of requests. They were Agriculture, Labor-HEW, Public Works and Transportation.

APPROPRIATIONS (2nd Session)

Over-all, Congress in 1970 reduced the Administration's budget authority requests by over \$1.7 billion. The largest single cut was \$2.1 billion in Defense appropriations.

Four money bills were in excess of recommendations by some \$1.3 billion. They were Agriculture, Education, Independent Offices-HUD, and Labor-HEW-OEO.

WHITE HOUSE
OFFICE OF CONGRESSIONAL RELATIONS

The volume of work for this Office during the 91st Congress was substantially greater than in previous Administrations according to informed sources. Estimates based on regular sample checks reveal the following totals for all members of this section:*

1. Answered 160,000 incoming telephone calls from all sources (roughly 300 per day).
2. Placed 300,000 outgoing calls (about 575 a day).
3. Processed 120,000 pieces of paper, including correspondence, memoranda, reports, studies (approximately 230 a day).
4. Attended 1,400 structured meetings outside our own internal staff meetings (about 3 a day).
5. Made over 1,600 trips to Capitol Hill (roughly 3 times a day).
6. Prepared over 450 draft speeches or Record inserts for Members of Congress (averaged over 1 a day).
7. In analyzing workload, it is important to note congressional statistics: Congress passed an average of 9 measures each day it was in session (4.3 in the Senate to 4.7 in the House). Also, the committees reported out an average of 8.8 bills each day (4.4 in both Senate and House). Of these 17 measures-per-day, it is estimated that one-tenth merited serious White House attention... and the 2 daily votes average does not reflect amendments, sub-committee votes, rules or bills which were defeated.

* NOTE: These estimated totals do not include Congressional contact made by White House staff not in this Office. Included in the above workload were thousands of requests for specific information, photographs, autographs, constituent birthday greetings and telegrams to individuals and organizations.

MATERIALS FOR INSERTION IN CONGRESSIONAL
RECORD AND PRESS RELEASES

Over 450 draft remarks were prepared for use by Members of Congress during the 91st Congress in support of the President or his policies and programs. Those Republicans most frequently helpful were:

John Rhodes	25 speeches
John Hunt	20 speeches
Sam Devine	20 speeches
William Steiger	19 speeches
Clarence Brown	18 speeches
John Duncan	14 speeches
Clark MacGregor	11 speeches
Chester Mize	10 speeches

TOTALS FOR CONGRESSIONAL ACTIVITY
FROM 91st CONGRESS

	<u>Senate</u>	<u>House</u>	<u>Totals</u>
Days in Session	384	350	N/A
Public bills enacted	234	461	695*
Measures passed	1,675	1,642	3,317
Measures reported	1,708	1,542	3,250
Measures introduced	5,466	23,575	29,041
Yea-and-Nay votes	667	443	1,110
Bills vetoed	5	6	11
Vetocs overridden	-	2	2
Civilian nominations other than Postmasters confirmed	7,253**		

* There were 640 public bills enacted by the 90th Congress (1967-68)

** Eisenhower had 3,359 for first two years.
Kennedy had 6,852 for first two years.
Johnson had 7,631 for first two years.

PRESIDENTIAL CONTACTS WITH CONGRESSMEN
DURING 91st CONGRESS

	<u># of contacts</u>	<u># of M. C. pres.</u>
Individual Meetings	448	1,111
Individual Telephone Conversations	344	344
Republican Leadership	40	604
Bi-Partisan Leadership	13	189
Bill Signing	20	224
Medal of Honor	8	61
Swearing-In	9	76
Congressional Half Hour	54	143
Breakfasts, luncheons, dinners	46	656
State Dinners	19	184
Receptions	14	1,005
Worship Services	19	320
Evenings at White House	3	31
Flights (AF-1, helicopters)	46	155
Miscellaneous	65	208

VETOES

Even though Presidents Eisenhower, Kennedy and Johnson had party control of Congress in their first two years in office, each vetoed more bills than President Nixon.

	83rd Cong. (53-54) <u>Eisenhower</u>	87th Cong. (61-62) <u>Kennedy</u>	89th Cong. (65-66) <u>Johnson</u>	91st Cong. (69-70) <u>Nixon</u>
Regular	21	11	10	7
Pocket	<u>31</u>	<u>9</u>	<u>4</u>	<u>4</u>
Total	52	20	14	11
Overriden	0	0	0	2

CRITICISMS

There were a number of complaints directed at the White House by Members of the 91st Congress, including many Republicans. Among the most prominent criticisms were:

1. UNANSWERED TELEPHONE CALLS

We received a "bum rap" on this charge. Many people in official Washington and some Congressmen believe the White House did not return telephone calls. This resulted from the incestuous attitude of the press corps, taking one story and repeating it often enough to make it believable.

ANSWER: With very few exceptions, members' calls were returned the same day, frequently within the hour. Careful attention was paid to incoming calls and if the principal was away from his office, another staff member would return it.

2. LEGISLATIVE POSITION UNCLEAR

Some Republicans and a few Democrats complained they didn't know the Administration's position on several key votes on the floor of the House and Senate. They especially were upset by not knowing when measures might be vetoed.

ANSWER: In most cases, the Administration's position was made clear in testimony before committees considering the legislation. Also, Republican Floor leaders generally knew precisely the Administration's position on major bills before the chambers. There were two exceptions when criticisms may have been valid: one was the case of a publicly popular measure which we opposed covertly, such as consumer class action, cease and desist powers for EEOC, etc. The other case involved bills that were to be vetoed. However, in the latter case, it was frequently impossible to signal a veto clearly until the measure was finally enacted and the bill could be studied in perspective.

3. PATRONAGE REQUESTS NOT CONSIDERED

Early in the 91st Congress, many Republican Members were griping that their recommendations for government employment were not accorded serious consideration and that the Administration didn't really understand the political "facts of life."

ANSWER: While it is true that some Members naturally tried to unload "hacks" on the Administration, we feel we could have done a better job in placing qualified candidates for federal positions when they were actively supported by GOP Congressmen.

4. MEMBERS VIEWS NOT CONSIDERED

It was frequently charged that the Administration did not listen to, or appreciate, Republicans' viewpoint on key program issues. Therefore, some claimed no obligation to support the Administration. This charge came mostly from both the far left and far right in the party on Capitol Hill.

ANSWER: Positions of liberals and conservatives were well known by the White House. Complainers usually meant their views were not adopted as policy by the President. The fact that both extremes were griping demonstrated the centrist attitude of the Administration. Nevertheless, we could have had more "consultation" sessions with Members.

5. PRESIDENT WAS INACCESSIBLE

Members often expressed their view that the President should have spent more personal time with them.

ANSWER: Statistics prove the President had frequent contact with Members of Congress. In addition, procedures were initiated through the Congressional Half-Hour to schedule time for brief, non-substantive sessions with legislators. Also, through the expanded GOP leadership (at 16 probably the largest in history) Members could be regularly represented in presidential consultations.

6. WHITE HOUSE INVITATIONS

Members felt they should have been invited to more social events at the White House. Bitter complaints flowed in every time a new guest list was published.

ANSWER: The record of congressional participation was greater than the White House has been given credit for. Also, there are few major events such as State Dinners and Evenings at the White House, and the congressional quota necessarily had to be limited to a percentage of total guests. Still, the most important Members were invited to events and the Sunday Worship Service was well used to accommodate the President's friends and their families. There were congressional receptions, Open House at Christmas, and other occasions when Congressmen were invited.