

## Chapter 34 – Constrained Partisanship: The 91<sup>st</sup> Congress

When the Republican Party lost the House in 1954, its conference replaced Joseph Martin as minority leader with Charles Halleck. After Republican losses in 1964 dropped their membership in the House to the fewest in 28 years, Halleck lost his position to Gerald Ford. With the defeat of Democratic presidential candidate Hubert Humphrey by Republican Richard Nixon, a member of the Class of '46, the Democratic Caucus faced a similar decision.

True, Democrats retained their majority in the House with a net loss of only five seats, but the simmering disgruntlement of some of its members with Speaker John McCormack of Massachusetts began to produce some smoke. Majority Leader and member of the Class Carl Albert of Oklahoma would later insist in his autobiography that the 77-year-old Speaker was still up to the task intellectually and physically and that he continued to possess his “towering will” but acknowledged he was a product of another time. Albert quoted 37-year-old Bill Clay of Missouri, who had just replaced Class member Frank Karsten, saying to the Speaker in December 1968, “I’m not interested in what you did before I was born.”<sup>1</sup>

McCormack’s difficulties were not just those of age. Unlike his gregarious predecessor Sam Rayburn (D TX), the teetotaling Speaker did not linger with intimates and would-be friends after the House closed business for the day; rather, he went home to his wife, seven years his senior, in their three-room suite at the Hotel Washington. Nor was he available to put in appearances in member’s districts for fund raisers. There were regular poker games with a very few buddies, and the Speaker was congenial with the numerous members. There were those who served with him during much of his now forty years in the House, but they were a dwindling number.<sup>2</sup>

The Vietnam War was also a problem for some of the Democratic membership. McCormack and Albert supported the new Republican Administration on its prosecution of the war, as they had the previous Administration of Democrat Lyndon Johnson. While the bulk of the Caucus remained hawkish, if increasingly dispirited, on the war, a dovish minority put forward a challenger to McCormack’s continuance as Speaker with a member who did not just feint and retire but who pressed the Caucus to a vote. On January 2, 1969, McCormack retained the support of the Caucus for Speaker 178-58 against Morris Udall of Arizona. Udall’s showing was significant even if badly losing. Also interesting were the four votes cast in the secret balloting for Wilbur Mills of Arkansas, Chair of the Ways and Means Committee. His support was a pittance in the vote but an indication that dissatisfaction with the Speaker was not totally a matter of generation or Vietnam. Mills was 59 compared to the 46-year-old Udall and not perceived as an opponent of the war.<sup>3</sup>

McCormack survived reelection as Speaker on January 3 with the 430 members present not breaking partisan ranks. Even Udall and Richard Bolling of Missouri, who had been after McCormack to resign for years, moved to table a vote of no-confidence in the Speaker at the meeting of the Caucus on January 19, 1970. McCormack had acquiesced to regular meetings of the Caucus as a vehicle for setting Party strategy on issues. Rayburn had opposed this, but Albert, reelected as Majority Leader on January 2 without opposition, pushed for it.<sup>4</sup>

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<sup>1</sup> Albert with Goble, 305-10.

<sup>2</sup> Nelson, 739.

<sup>3</sup> O’Neill with Novak, 126. Nelson, 740. Goss, 132.

<sup>4</sup> Remini, 423. Thomas Murphy, 192. Albert with Goble, 311.

In late 1969, Jack Anderson, who had taken over the premier muckraking franchise in Washington from Drew Pearson, would accuse McCormack's chief of staff of presenting himself not only as close to the Speaker but sometimes as the Speaker himself by imitating him on the phone to pressure government agencies on behalf of a private attorney. As a result, Martin Sweig would be indicted in October 1969 on fifteen counts of conspiracy, false impersonation, conflict of interest, and perjury. McCormack placed Sweig on unpaid leave. Anderson never accused McCormack of anything other than not paying attention to how his office was run.<sup>5</sup>

The accumulation of things, including the ill health of his wife, prompted McCormack to announce on June 22, 1970, that he would retire at the end of the 91<sup>st</sup> Congress. Harriet McCormack would die the following year.

Given that the Democratic Party of Rayburn's time was an uneasy amalgam of Northern ethnics and Southern white supremacists, the former Speaker had not expected a recurring Caucus to produce anything other than internecine conflict. There was no reason to expect much different in 1969 with a Democratic membership of 241 consisting of 115 Southerners and Border Staters, who still overwhelmingly opposed equal rights measures. In 1968 the open housing provision to the Civil Rights Act (HR 2516) had been adopted by the House with Southerners opposing it 11-70, although the Border vote was nearly equal. Northern Democrats voted for the provision 128-6. An indication on the opening day of the 91<sup>st</sup> Congress that little had changed was the vote on a motion to end debate on the seating of Adam Powell of New York, a black man who was denied his seat in the 90<sup>th</sup> Congress. Northern Democrats voted 122-8 to seat Powell while Southern Democrats voted 13-66 against seating him.<sup>6</sup>

The greatest accomplishment of the reinvigorated Caucus was in creating a Democratic Committee on Organization, Study, and Review that would contribute to the enactment of the Legislative Reform Act of 1970. Olin Teague of Texas, a member of the Class of '46, served on this Committee. Albert would proudly state that he moved a resolution to have the Committee consider reform of the seniority system and praised the Reform Act.<sup>7</sup>

The biggest effect of the Act in the short run, which Albert also would claim responsibility for, would be to allow 20 members to call for recording of individual members' votes on amendments in Committee of the Whole. In the past such votes were often by small numbers not even reaching the aggregate 100 that was required for a quorum. A result of recording votes would be a substantial increase in attendance at such debate. Other provisions would reduce the secrecy of committee hearings and voting and allow more end runs of committee members around the chairs. The seniority system was not addressed. The Act would take effect with the 92<sup>nd</sup> Congress. Albert also was critical in limiting the secrecy in House committees, but he opposed guaranteeing minority staffs, though this was approved.<sup>8</sup>

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<sup>5</sup> Nelson, 747-50.

<sup>6</sup> No generational change was evident in the Southern voting. Nine Southern Democrats did not return from the 90<sup>th</sup> Congress and seven new Southern Democrats took seats in the 91<sup>st</sup>. Except for one man, who failed to vote on the open housing question, all of these outgoing representatives opposed it. All of these incoming members opposed seating Powell.

<sup>7</sup> Albert with Goble, 312. *CQWR*, March 20, 1970, 783; April 3, 1970, 920.

<sup>8</sup> "1970 Legislative Reorganization Act." Remini, 426. *CQWR*, July 17, 1970, 1775-6; October 27, 1973, 2843.

The return of Adam Powell to the House, as his constituents had determined, was an order of business on the first day of the session when H.R. Gross (R IA) objected to his seating. Albert was conspicuous in working the floor in company with John Conyers (D MI), a black member who made Powell's return a *cause célèbre*. The five-hour debate was a repeat of the contest two years before, with the competing proposals this cycle being to seat him or to investigate him all over again. The final resolution was to seat him, fine him, and strip him of his seniority. On June 16 the Supreme Court would rule that Powell was improperly excluded from the 90<sup>th</sup> Congress.<sup>9</sup>

On four roll calls involving Powell, the thirteen members of the Class of '46 divided into those in favor of seating Powell, with or without the punishment, and those against. The Southerners, with the exception of Joe Evins of Tennessee, were opposed to seating him. The non-Southern Democrats and Evins, changing from his opposition of two years before, voted for seating with or without punishment. William McCulloch, Republican of Ohio, opposed seating. Glenn Davis, Republican of Wisconsin, opposed seating without punishment but supported seating with punishment. A fifth roll call was on the resolution to investigate and supported by the two Republicans and three of the Southerners.

Largely as a result of the Powell case, the House in 1967 had created a Committee on Standards of Official Conduct, which proposed and the House adopted in 1968 a financial disclosure requirement for members, officers, and principal staff. The reports were first due in 1969 and covered calendar year 1968. There were three categories of listing: (1) Financial interest of \$5000 or more or income of \$1000 or more from federally regulated enterprises or those that did business with the federal government, (2) professional organizations that provided \$1000 or more in income if the filer or spouse was an officer, (3) sources of income of \$5000 or more and capital gains and reimbursements of \$1000 or more.<sup>10</sup> The thirteen incumbent members of the Class of '46 reported as follows:

**1. Interest and income from federally associated entities.**

- Watkins Abbitt (D VA). 1968: None. 1969: Farmers National Bank of Appomattox, Virginia.
- Omar Burleson (D TX). 1968 & 1969: Citizens National Bank of Breckenridge, Texas.
- Davis: 1968: New Berlin State Bank of Wisconsin and Nekoosa Edwards Paper Co. 1969: First Holding Co. and Aqua-Chem.
- Harold Donohue (D MA). 1968: Amerand Corp. 1968 & 1969: American Airlines, AT&T, IT&T, Sun Oil Co., Pennzoil Corp., Worcester Federal Savings & Loan Assoc. 1969: American-Hess Corp., Kansas City Southern Inc., Southern Pacific Railroad.
- Evins. 1968 & 1969: First National Bank of Smithville, Tennessee.
- Robert Jones (D AL). 1968: International Bank of Washington, D.C., Commonwealth National Bank of Arlington, Virginia, Peoples National Bank of Huntsville, Alabama. 1969: Financial International.
- McCulloch. 1968: Ford, Marathon Oil Co. 1968 & 1969: AT&T, General Motors, Hobart Manufacturing Co., Texaco, Piqua National Bank & Trust Co., Citizens National Bank of Covington, Ohio, The Third Savings & Loan Co. of Piqua, Ohio. 1969: United Utilities Inc., The Dayton Power & Light Co., General Telephone & Electronics.
- Otto Passman (D LA). 1968 & 1969: Quachita National Bank of Monroe, Louisiana.
- Olin Teague. 1968: Aiken Industries. 1969: None.

<sup>9</sup> CQWR, January 10, 1969, 58-9; June 20, 1969, 1059.

<sup>10</sup> "House Code," CQ Almanac 1968, on-line.

- Albert, John Blatnik (D MN), Bryan Dorn (D SC), Edward Garmatz (D MD). 1968 & 1969: None.

## 2. Professional organization income.

- Abbitt. 1968 & 1968: W.M. Abbitt, attorney at law.
- Donohue. 1968 & 1969: Harold D. Donohue law firm.
- McCulloch. 1968 & 1969: McCulloch Felger Fite and Gutman attorneys at law.
- Albert, Blatnik, Burleson, Davis, Dorn, Evins, Garmatz, Jones, Passman, Teague. 1968 & 1969: None.

## 3. Capital gains and reimbursements.

- Dorn. 1968: None. 1969: Pulpwood from Greenwood farm.
- Jones. 1968: Telex Corp. 1969 & 1969: International Bank of Washington, D.C.
- Abbitt, Albert, Blatnik, Burleson, Davis, Donohue, Evins, Garmatz, McCulloch, Passman, Teague. 1968 & 1969: None.

Given the industry limitations, lower limits on reporting and that there are no upper limits, neither the wealth nor the income of the individual member can hardly be evaluated accurately. That was not the point of the requirement, which rather was the potential conflict of interest of the member. The salary of a member of the House in 1969 was \$42,500 and more could often be cadged from expense allowances and political contributions, but that individual was usually supporting two residences and incurring personal expenses incident to two residences. In 1957 the Department of Justice had sued Class member and former Rep. Ernest Bramblett of California for \$64,889 in wages improperly paid to his wife and other dummy staff over five years that he received during a period when his salary totaled \$62,500.<sup>11</sup>

As far as our thirteen go, Donohue and McCulloch stand out as the major capitalists, while the investments of the rest are limited and often to that of the local bank. Albert, Blatnik, and Bryan Dorn of South Carolina listed no reportable investments. Three of the eight attorneys listed income from their law firms. It is a little surprising that it was only three that had such income over \$1000. Other reportable income was also limited, only two reporting any over the two years. The impression from these reports is that few of these thirteen men were subject to substantial conflicts of interest or were heavily reliant on income beyond their House salaries. But in 1961 Passman had estimated his net worth from his various businesses as \$750,000, which Congressional Quarterly suggested was too modest. The 2021 equivalent would be about \$6,800,000.<sup>12</sup>

Albert's status among his Classmates remained foremost and was enhanced even further by McCormack's announced retirement in May 1970 as he became the heir apparent to the speakership. In September 1969, faced with a Republican presidency and the speakership inhibiting McCormack's gut partisanship, the generally accommodating Albert assumed a harder partisan edge.<sup>13</sup> By the 91<sup>st</sup> Congress he sloughed off all committee membership, but he stirred himself to get three public bills reported, more than in the previous three congresses, and all three were enacted. One was even a bill for his constituency.

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<sup>11</sup> See Chapter 17.

<sup>12</sup> *CQWR*, September 8, 1961, 1555.

<sup>13</sup> Drew Pearson, September 21, 1969.

There was also the usual deluge of resolutions, largely incident to his role as manager of the House's business.

If Albert was first among the thirteen, who was second and who was thirteenth? Teague and Garmatz retained their chairships of two "minor committees" in the pecking order of the House, though they, the committees and certainly the chairs, dealt with much legislation, and Teague's Veterans' Affairs had a direct impact on millions of veterans and their families. McCulloch held the ranking, albeit minority, seat on a "major committee" which affected a legal system that could potentially impact all Americans. Passman and Evins chaired Appropriations subcommittees that largely determined government spending in their areas, foreign aid and housing, cities, and a range of independent agencies, respectively. Glenn Davis held a seat on Appropriations, and Burleson moved to another "exclusive committee" Ways and Means in July 1968, though both individuals were down the ladder in seniority, eleventh and twelfth respectively, and Davis was among the minority party. Blatnik and Robert Jones were second and third on a major committee, Public Works, Abbitt was fourth on Agriculture and Donohue was fifth on Judiciary, both majors. Perhaps at the bottom of the barrel was Dorn, second on Veterans' Affairs, unless Davis' minority status consigned him to that location.

Burleson started the 91<sup>st</sup> Congress at already twelfth of fifteen on Ways and Means thanks to three retirements, including that of Class member Karsten. Davis moved up a seat on Appropriations with the resignation of Melvin Laird of Wisconsin to become Nixon's Secretary of Defense. Blatnik advanced from sixth to fifth, Jones from seventh to sixth, and Garmatz from eighth to seventh on their second minor committee, Government Operations, with Classmate Porter Hardy's retirement. Donohue moved from sixth to fifth on Judiciary due to a primary loss. Abbitt advanced from fifth to fourth on Agriculture with a retirement. Abbitt also jumped from seventh to fourth on the minor House Administration Committee with Burleson's surrender of his chair to move to Ways and Means and two retirements. The Virginian carried the added burden, and it was, of serving on Standards of Official Conduct as did Teague. Evins departed that committee at the end of the 90<sup>th</sup> Congress but retained his chairship of the permanent temporary Committee on Small Business, which could not initiate legislation, though Evins could personally. McCulloch remained on the Joint Committee on Atomic Energy.

Teague took a seat on the Science and Astronautics Committee when it was created in 1959 and was now second in seniority. A big booster of NASA and particularly of manned space flight, from his two subcommittee chairs he had investigated the deadly Apollo fire and fought a running battle with the agency's Public Affairs Office to think outside the box in boosting the program, particularly by creating ticketed visitors' centers and inviting critical supporters to launches. With the successful Moon landing on July 20, 1969, proponents of manned space flight felt it was their ball to run with. A total of 230 representatives, 34 senators, and 197 of their relatives attended the launch of Apollo 11. Teague led the effort in Committee to increase funding but met with opposition within the Committee and out. The Moon having been achieved, Congress actually cut the Nixon request for NASA funds for fiscal 1970. The Apollo 13 near disaster on April 13, 1970, did not improve the prospects for manned space flight. Nevertheless, in 1970 NASA initiated the space shuttle program as a successor to Apollo with the active backing of Teague.<sup>14</sup>

Teague's apparent lapse in attention on veterans issues in the 90<sup>th</sup> Congress looked even more curious with his activist return to the matter in the 91<sup>st</sup>. Only seven veterans bills of which he was the prime sponsor cleared the committee he chaired in the 90<sup>th</sup> compared to 32 in the 89<sup>th</sup> and an average of 25 in

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<sup>14</sup> Rosenberg, 171. *CQWR*, July 18, 1969, 1265; April 17, 1970, 1049; April 24, 1970, 1109. [Hechler], 270-9. Dodge and Beuttler, 32-3. "NASA Funds Reduced in Offices, HUD Appropriations," *CQ Almanac 1969*, on-line.

each of the six congresses from his becoming chair in the 84<sup>th</sup>. In the 91<sup>st</sup>, 25 of his bills cleared. Fifteen were enacted compared to six in the 90<sup>th</sup> and an average of 16 in the preceding six.

Claiming the Nixon Administration asked him to go slow on veterans legislation, Teague instead pushed forward the House version of a bill to increase aid to widows of veterans by 13%, an increase of 32% in benefits for veterans education and training, an increase in the allowance for modified automobiles for handicapped veterans, a presumption that veterans over 70 needed assistance in hospital and domiciliary care, allowance of medical services for non-service-connected aid for veterans with service-connected disability, recognition of adopted children as eligible beneficiaries of veterans, inclusion of mobile homes as eligible for veterans mortgage assistance, and others. In a battle with Wright Patman (D TX), chair of Banking and Currency, Teague won the flexibility of an increase in the rate of federally guaranteed mortgages for veterans to ensure their availability.<sup>15</sup>

Dorn, in the second seat on Veterans' Affairs and chair of the Subcommittee on Compensation and Pension, continued to labor in Teague's shadow. He was a sponsor of 38 veterans bills in the 91<sup>st</sup> Congress, the prime sponsor of 34. None of the 34 got out of committee. Not a single veterans bill of his had been enacted in his twenty years on the Committee.

Blatnik's accomplishments in the past notwithstanding, like Dorn he now, as in the 90<sup>th</sup>, was playing apparent second fiddle to George Fallon, Chair of Public Works. The only bill enacted in which he was the prime sponsor was the creation of Voyageurs National Park, which had contributed to primary opposition in 1968.

Garmatz remained the prime sponsor of record of numerous Merchant Marine and Fisheries acts, 47 in the 91<sup>st</sup> Congress. Sixteen passed the House and thirteen were enacted.

In the 91<sup>st</sup> Congress, Garmatz was the sponsor or cosponsor of 101 public bills, a personal best. He fell short, however, of the 114 attributed to Donohue and much further behind the 247 of Teague. The 1967 change that allowed co-sponsorships continued to drive the numbers of bills that members could hang their hats on. The thirteen incumbent members of the Class claimed 862 public bills in the 91<sup>st</sup>, up from 479 in the 90<sup>th</sup>, which was an increase over the 385 of the 89<sup>th</sup>. The increase in the 91<sup>st</sup> was largely due to Teague's increased activity; for the rest, the growth in introductions in the 90<sup>th</sup> was the more significant change. For the three most prolific sponsors, the increase in introductions meant that they spread their names more broadly than on bills meant for their own committees. For the other ten members the opposite was true; co-sponsorships resulted in adding their names to more bills for their own committees.

Tax bills had always been a siren call for members of the Class of '46, who put their names on such bills 1431 times. The members in the 91<sup>st</sup> Congress did so 452 times, 75 of which were in the 90<sup>th</sup> and 132 in the 91<sup>st</sup>. Congress enacted the Johnson Administration's 10% surtax in 1968 and passed a Tax Reform Act in 1969 prompted by perceptions of a public tax revolt due both to avoidance of taxes by millionaires and the surtax. Congressional Quarterly reported, "Tax Issues Prompt Heaviest Lobby Filing Since 1947." Donohue doubled his Ways and Means introductions from 9 in the 89<sup>th</sup> to 18 in the 90<sup>th</sup> to 36 in the 91<sup>st</sup>.<sup>16</sup>

Urban riots and the 1968 Nixon campaign's emphasis on crime control led to the Omnibus Crime Control and Safe Streets Act of 1968 and four major crime laws in 1970.<sup>17</sup> It also led to a substantial increase in Judiciary bills introduced by the Class. The House created a Select Committee on Crime in 1969.

<sup>15</sup> Drew Pearson, September 21, 1969. "Veterans Benefits," *CQ Almanac 1969*, on-line.

<sup>16</sup> "Congressionally Initiated Tax Reform Bill Enacted" and "Tax Issues Prompt Heaviest Lobby Filing Since 1947," *CQ Almanac 1969*, on-line.

<sup>17</sup> "Congress Passes Extensive Anticrime Legislation," *CQ Almanac 1968*, on-line. "Four Major Crime Bills Cleared 91st Congress," *CQ Almanac 1970*, on-line.

McCulloch, ranking Republican on Judiciary, sponsored 43 bills, 32 as prime sponsor, for that Committee in the 91<sup>st</sup>, more than in the previous four congresses. One, HR 11032 to prohibit “salacious” mail, passed the House. Another, HR 12807, providing a right of appeal on preliminary injunction rulings in government civil anti-trust cases, passed both houses but failed of resolution of their differing versions. He was a cosponsor of Judiciary Chair Emanuel Celler’s HR 17825 amending the Omnibus Crime Control Act of 1968, which was enacted.

Blatnik alone contributed 27 of the Class’s 74 Public Works bills in the 91<sup>st</sup>. He was the prime sponsor on seven of these bills. Such were the money bills of much of constituency benefits, and the introduction of co-sponsorship made claims of largesse easier for a representative, but there had been only a small increase in the 90<sup>th</sup>. Pork barrel projects had suffered in the 90<sup>th</sup> Congress’ Army Corps of Engineers appropriations, the Senate Appropriations Committee calling 1968 a “year of disaster” when only eleven new projects were funded. In comparison, 35 were funded in 1970. To Blatnik’s major concern, grants for water pollution control, which totaled \$567 million over the previous three fiscal years, were increased to \$800 million in fiscal 1970 and \$1 billion in fiscal 1971. Both appropriations bills were managed in the House by Evins as the ranking Democrat on the Public Works Subcommittee, substituting for the Chair, Michael Kirwan (D OH), who at the age of 82 fell in 1969 and broke his back; he would die the following year.<sup>18</sup> Evins lost a battle with Glenn Davis in 1969 over a water project in Minot, North Dakota. Davis, a determined fighter against public works projects, successfully amended HR 14159 to remove the project as unauthorized.

It did not appear that Evins lost many battles. Associated Press would report in 1971 that in fiscal 1969 his congressional District received \$527 million in public works projects, compared to the district average of \$313 million. DeKalb County, his home, alone received \$850 per capita. On the other hand, the Representative did lose a major struggle with Pres. Nixon in 1970. Evins continued to manage the appropriations bills from his own Subcommittee on Independent Offices and Department of Housing and Urban Development as well as Kirwan’s subcommittee. HR 12307 appropriated \$401 million less than the Administration requested for fiscal 1970, and Nixon signed it. HR 17548 for fiscal 1971 was \$541 million more than the Administration wanted; Nixon vetoed it and the veto was sustained. It was not close. Of the 398 votes cast, 266 were required to override and only 203 were achieved. Southern Democrats voted narrowly to override, but even if all voting Democrats and the 16 nonvoting Democrats had supported the override it would not have been enough. Among the Class, Abbitt, Burleson, and Glenn Davis voted to sustain the veto, and Blatnik, McCulloch, and Passman did not vote. Evins guided a replacement appropriations bill for fiscal 1971, HR 19830, through, \$300 million less than HR 17548, and Nixon signed.<sup>19</sup>

In the 89<sup>th</sup> Congress, the thirteen incumbents introduced no Government Operations bills. In the 90<sup>th</sup> there were 19, in the 91<sup>st</sup> there were 50. But they were prime sponsors of only seven in the 90<sup>th</sup> and authored only 15 in the 91<sup>st</sup>, a large proportionate increase but not large in number. Three of the thirteen served on the Committee: Blatnik, Garmatz, and Robert Jones, though it was not the primary focus of any. Still, Blatnik introduced three and seven of the seven and 15 bills.

The 91<sup>st</sup> Congress was concurrent with the start of the Nixon Administration, and Government Operations was concerned with a number of changes in the organization of the Federal government that a new administration wishes to see happen, as well as, in this instance, restrictions the opposing Congress

<sup>18</sup> "Public Works-AEC Appropriations," *CQ Almanac* 1969, on-line. "Public Works-AEC Appropriations," *CQ Almanac* 1970, on-line. *The New York Times*, July 28, 1970.

<sup>19</sup> *Eugene Register-Guard*, February 18, 1971. "Compromise HUD, NASA, Offices Bill Passed after Veto," *CQ Almanac* 1970, on-line.

wanted to impose on the Administration. Reorganization of agencies and changes in procedures were prominent, and six of Blatnik's seven bills figured in these. HR 15165, to establish a Commission on Population Growth and the American Future, passed the House, but S 2701 was enacted in lieu.

Bills from the thirteen members relating to Commerce saw a big jump in the 91<sup>st</sup> Congress. Donohue contributed 24 of the total 57 bills, but of only six was he the prime sponsor. These addressed the Federal Food, Drug, and Cosmetic Act, the Federal Hazardous Substances Act, and the Mental Retardation Facilities and Community Mental Health Centers Construction Act. Congress passed modifications to all three acts.

Donohue and fellow Judiciary member McCulloch were active on a constitutional issue, the abolition of the Electoral College. George Wallace's threat to the election of a major party presidential candidate in 1968 gave birth to HJRes 681 and SJRes 1, which would require a winning candidate to receive 40% of the popular vote for election and provide for a run-off if none did. HJRes 681, with McCulloch and Donohue as cosponsors, passed the House 338-70, but SJRes 1 was defeated by filibuster in the Senate as Southerners and senators from small states opposed it.<sup>20</sup>

McCulloch fought another equal rights battle in the 91<sup>st</sup> Congress. The Voting Rights Act of 1965 was enacted with a provision allowing covered jurisdictions to escape application after August 1970. The Administration proposed to amend the Act to extend its coverage to the entire country through 1975 but eliminate its preclearance provisions. Proponents of eliminating the escape clause and thus effectively extending the Act's coverage of the Southern jurisdictions for five more years opposed the Administration proposal as either a cynical elimination of the Act by encouraging opposition beyond the South or an attempt to "Republicanize" the South or both. While McCulloch could hardly be expected to oppose Republican gains in the South, he opposed the extension to the rest of the country as "a remedy for which there is no wrong and leaves grievous wrongs without adequate remedy."<sup>21</sup>

The Judiciary Committee bill, HR 4249, a simple extension, was amended in the House by substitution of the Administration bill, HR 12695. The Senate amended the Committee version of HR 4249 to extend the prohibition of literacy tests and extensive residency requirements to the entire country, changed its preclearance coverage so as to include seven counties outside the South and three Alaska districts with low voter registration rates, and lowered the voting age to 18. The House then accepted the Senate version without amendment. Nixon signed.<sup>22</sup>

There were three roll calls in the House on HR 4249. The substitution of HR 12695 was accepted 208-204. The amended bill then passed by roll call 234-179. The altered Senate version then was approved 272-132. Class members divided on these three votes six ways. Die-hard Southern white supremacists Abbitt, Burleson, and Passman voted for the Administration amendment, then against passage of the Administration and Committee bills. Die-hard supporters of the Committee bill Albert, Blatnik, Donohue, and McCulloch voted against the Administration substitution and its passage and for passage of the Committee bill. Supporters of the Administration version, Glenn Davis and Dorn voted for the substitution and its passage and against passage of the Committee version. Garmatz apparently felt any Voting Rights Act was better than none and opposed the substitution but voted for passage of both it and the Committee bill. Reformed Southerners Evins and Robert Jones voted for the substitution and its passage and then for passage of the Committee bill. Finally, Teague supported the substitution but voted against

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<sup>20</sup> "Electoral College Reform Victim of Senate Filibuster," *CQ Almanac 1970*, on-line.

<sup>21</sup> Berman, 78. "Congress Delays Extension of Voting Rights Act," *CQ Almanac 1969*, on-line.

<sup>22</sup> "Congress Lowers Voting Age, Extends Voting Rights Act." *CQ Almanac 1970*, on-line.

its passage, then for passage of the Committee bill. Does this make him a confused but ultimately a reformed Southerner?

McCulloch also filled a prominent role in the investigation of impeachment charges against Supreme Court Associate Justice William Douglas, who as “the last of the New Dealers, ... had played poker with Franklin D. Roosevelt, and had served on the Supreme Court since the age of forty.” Also, it was said he was “the oddest duck to ever serve on the United States Supreme Court.” Douglas had been threatened with impeachment by Class of '46 member Don Wheeler (D GA) in 1953 for staying the execution of convicted spies Julius and Ethel Rosenberg and again in 1966 for his marriage to a woman 45 years his junior, having been unfaithful to his previous three wives.<sup>23</sup>

With the successful purging of Democrat Abe Fortas from the Supreme Court (who had accepted money from a man under criminal investigation) and the failure of Nixon's appointments of Clement Haynesworth and Harrold Carswell to receive Senate confirmation, the Administration moved to get Douglas to resign as had Fortas. Material was collected and supplied to House Minority Leader Gerald Ford, who on April 15, 1970, took to the floor to list charges against the Justice. They were allegations of conflicts of interest that Nixon's Justice Department had already realized were insufficient for a prosecution and were angered that Ford took them to the floor. Nevertheless, the facts as alleged could look bad.<sup>24</sup>

Resolutions of investigation of Douglas were filed by 117 House members, including Abbitt, Jones, Passman, Burleson, and Dorn, Southerners, but not by Evins and Teague. The Judiciary Committee appointed a special subcommittee to investigate, which included Chair Celler, ranking member McCulloch, and two more Democrats and a Republican. On December 3 the Subcommittee voted 3-1 by party that there were no grounds for impeachment. The missing vote was McCulloch's. When the Subcommittee released its report on December 16, McCulloch abstained from the majority report as well as the minority dissent.<sup>25</sup>

Passman continued his public opposition to foreign aid as he shepherded foreign aid appropriations through the House. HR 15149, the appropriation for fiscal 1970, for \$2,558 million was the smallest amount in the program's history and \$1,122 million below the request of the Administration. The Senate balked at \$54.5 million, which Passman supported, to supply Taiwan with fighter planes and the House dropped the provision. The overall appropriation for fiscal 1971 was nearly the same amount. Passman also relished his opportunity to oppose authorization of \$480 million for the International Development Association, which made “soft loans” to foreign countries. The proposal failed in 1968 but won approval in 1969. The Louisianan also won a battle in 1970 over a proposal to take the disbursements and receipts of the Export-Import Bank off budget.<sup>26</sup>

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<sup>23</sup> Bruce Murphy, xv, 513. Student of the Court Peter Irons described Douglas' judicial philosophy as non-existent apart from his concern for the individual and not the state and his being a First Amendment absolutist. His most important contribution to constitutional law was his discernment of a right of privacy in the “penumbra” of the document: pp 329, 381, 429.

<sup>24</sup> Bruce Murphy, 429-35.

<sup>25</sup> *CQWR*, November 13, 1970, 2786-9; December 11, 1970, 2947-8; December 18, 1970, 3020.

<sup>26</sup> “Foreign Aid Appropriations Bill Rejected by Senate,” *CQ Almanac 1969*, on-line. “Congress Appropriates \$2.5 Billion for Foreign Aid” and “IDA Fund Contribution,” *CQ Almanac 1970*, on-line. *CQWR*, January 15, 1971, 166.

Pres. Nixon's election was in part a result of the morass the Democratic administration of Lyndon Johnson had gotten the country into in Vietnam. During the campaign Nixon's critics accused him of contending he had a secret (but they insisted, nonexistent) plan to end the war. Nixon indeed did not propose a plan, because he did not want to be constrained once he became President, but recognized in his campaign the need to cut the Gordian knot. His Administration began to reduce the number of American troops in South Vietnam and requested more funds to beef up South Vietnam's military – a solution which came to be known as "Vietnamization." Negotiations with the North Vietnamese began in Paris.

Public demonstrations against the war continued. News broke of the alleged murder of a number of noncombatants by US troops at My Lai. The shift of responsibility for the war to a Republican administration freed up some Democratic opposition in Congress, but not much. HRes 613 supporting the President's policy passed the House on December 2, 1969, 334-55. Some of the supporters argued in debate that their vote for the resolution did not express support for the President's policy. In 1970, Vietnamization continued, but the Administration broadened the ground war to Cambodia, precipitating an enacted limitation in HR 19911, the foreign aid authorization, to restrict the use of US troops in that country.<sup>27</sup>

The resolution of support for Nixon's Vietnam policy included sponsorship by Garmatz, Abbitt, Burleson, Teague, Glenn Davis, McCulloch, and Dorn. The initiative was that of Speaker McCormack, who hoped the demonstration of bipartisan support would reduce the importance of the issue in the midterm elections. All opponents but one Republican and three Border Democrats were Northern Democrats. Blatnik was the only Class member to oppose the resolution. Teague did not vote. Despite McCormack's role, Albert did not join the resolution, but he was a supporter of the war policy of Nixon and joined with the Republican leadership to restrict debate on the war.<sup>28</sup>

There were four roll calls on HRes 613: (1) To order the previous question on HRes 722, the rule to consider HRes 613, (2) to adopt HRes 722, (3) to recommit HRes 613, and (4) to pass HRes 613. The vote on (1) was 225-132 and on (2) was 252-100, giving perhaps a better indication of opposition to Nixon's Vietnam policy than the vote on the resolution itself. Gallup reported on November 27 that 64% of Americans approved of Nixon's policy in Vietnam, with 25% opposing.<sup>29</sup> Many of the 132 or the 100 may have wished to hide their opposition to the President's policy by voting for the more public passage roll call. Among the Classmates the extra votes reveal that Donohue joined Blatnik in opposing the rule and that Teague supported the rule.

One aspect of bill sponsorship that co-sponsorship did not affect was the introduction of private bills. It was the very rare private bill that had cosponsors. The thirteen Class members introduced 41 private bills in the 91<sup>st</sup> Congress, one more than in the 90<sup>th</sup>, which was the fewest since their first congress. We have observed in the early congresses that Republicans tended to introduce more private bills than Democrats and enjoyed a measure of success with them, particularly compared to their ability in the minority party to move public legislation forward. The two Republicans remaining in the 91<sup>st</sup> House were,

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<sup>27</sup> White (1969), 148. "War, Defense Commitments Dominate Foreign Affairs," *CQ Almanac 1969*, on-line. "91st Congress: Legislation Completed, Not Completed" and "Cambodia Restriction Included in Foreign Aid Bill," *CQ Almanac 1970*, on-line.

<sup>28</sup> Nelson, 745. *CQWR*, June 12, 1976, 1492.

<sup>29</sup> Gallup, 2225.

however, not profligate in their introduction of private bills. McCulloch introduced a total of 13 over twelve congresses; Glenn Davis introduced 34 over eight congresses but only 3 after his return in the 89<sup>th</sup>. For all Republicans in the Class the average was 8.4 per congress compared to Democrats' 5.8. Davis' average was 4.3 and McCulloch's was 1.1.

In enactments, 23% of McCulloch's private bills were enacted and 9% of Davis's, the former likely helped to success by being a member of the Judiciary Committee which handled virtually all private bills. The Democrats in the Class in the 91<sup>st</sup> Congress had an enactment rate of 12% over time. They averaged 3.2 private bills per congress. The averages ranged from Passman's 0.7 to Donohue's 13.4. As of the 91<sup>st</sup> Congress, Donohue had introduced the 13<sup>th</sup> most private bills per congress and the third most among Democrats.

Allegations of scandal touched Garmatz and Teague during the 91<sup>st</sup> Congress.

Columnist Drew Pearson alleged in 1969 that Blackhawk Construction Company, contending with the Veterans' Administration over cancelled contracts and bids, treated Teague's son James and James' girlfriend to a plush trip to the Bahamas. Pearson implied that, as a result, Teague inquired of the Administration about the Blackhawk affair. The columnist reported that Teague did not pressure the Administration on the matter, but that an inquiry from the Chair of the House Veterans' Affairs Committee has its own impact. It was not reported what son and father may have communicated to each other.<sup>30</sup>

A matter linking both Teague and Garmatz was the practice by Ford Motor Company of offering car leases to committee chairs and ranking minority members. The ten-year-long practice provided Teague with a Mercury at \$600 per year and Garmatz a Lincoln Continental at \$750. It was reported that the market rate of the latter was \$3,480 per year. With publicization, Ford ended the practice.<sup>31</sup>

On September 9, 1970, Associated Press reported the names of sixteen senators and representatives who received illegal contributions from shipping companies. The largest sum went to Garmatz, Chair of the Merchant Marine and Fisheries Committee. Two companies pleaded guilty and were fined. Garmatz received \$1500 in 1966 from the companies and another \$3500 from a committee that the companies contributed to. In 1971 the Seafarers International union would be indicted for illegal contributions, including to Garmatz, who had a \$37,000 fund raised by the Union and other parties. It was reported that 90% of the Representative's 1970 campaign funds came from the shipping industry. In 1970 shipping unions contributed \$15,450 to Garmatz. Under the Taft-Hartley Act it was illegal for unions and corporations to donate to political candidates, but individuals affiliated with them could.<sup>32</sup>

Members of the Class of '46 no longer in the House included, of course, Richard Nixon, who was inaugurated President on January 20, 1969. Edward Jenison also took an elected office in 1969 as a delegate to the Illinois Constitutional Convention. Jenison ran second in the two-seat State senatorial district. Elections were theoretically nonpartisan. The new Constitution was adopted by referendum in 1970. Jenison had served three terms in the House.<sup>33</sup>

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<sup>30</sup> Drew Pearson, July 25, 1969.

<sup>31</sup> *CQWR*, October 9, 1970, 2487-8.

<sup>32</sup> *CQWR*, October 9, 1970, 2489-90; March 19, 1971, 628; August 21, 1971, 1784.

<sup>33</sup> *Freeport Journal Standard*, November 19, 1969. *The Jacksonville Daily Journal*, December 17, 1970.

The capture of the White House by the Republicans led to six appointments for members of the Class. Ralph Harvey of Indiana, denied the House in 1966 after nine noncontinuous terms, was appointed to the five-member Forest Appeal Board of the US Department of Agriculture. George Sarbacher of Pennsylvania, the youngest man in the House in 1947 and the youngest man to lose reelection in 1948, took an administrative position with the Postal Service.<sup>34</sup> Donald Jackson of California, retired from the House since 1960, was given a seat on the Interstate Commerce Commission. John Davis Lodge, who left the House in 1950 for one term as Governor of Connecticut, was appointed Ambassador to Argentina. Kenneth Keating of New York, elected to the Senate from the House in 1958 and defeated in 1964, resigned from the State Court of Appeals to take the post of Ambassador to India. George MacKinnon of Minnesota, ousted from the House in 1948, received a life appointment to the US Court of Appeals for the DC Circuit, and arguably won the appointment lottery.

The chairship of Glen Johnson of Oklahoma on the Department of the Interior's Oil Import Appeals Board ended in 1969, possibly because he was a Democrat, but he stayed within the Department, taking a job as an attorney in its office in Muskogee.

In a different category of Republican appointments was Howes Meade of Kentucky who transitioned from being the State Commissioner of Personnel to membership on the State Workman's Compensation Board. Meade served one term in the House.

Retirees Karsten from the House and George Smathers (D FL) from the Senate, who left those bodies in 1969, and Thruston Morton (R KY), who retired from the Senate in 1967, took up lobbying; Karsten for Federal government employees in the New York City area, Smathers for, among others, the American Horse Council, and Morton for the Citizens Committee for Postal Reform.<sup>35</sup>

William Dawson of Utah, whose four discontinuous terms ended with defeat in 1958, retired as vice president of Zions First National Bank. He was 66. Republican John Brophy of Wisconsin ended his career in sales and public relations at the age of 68. John Allen of California, defeated for reelection to the House in 1958, retired from his law practice in McCall, Idaho, which he had opened about 1961. He was 70. Toby Morris, denied renomination to the House in 1960 after five noncontinuous terms, retired as an Oklahoma district judge in 1970. He would soon turn 71.<sup>36</sup>

Carl Albert, who moved in 1966 from a leased two-story house to a ground-floor two-bedroom flat on Massachusetts Avenue in Washington after his heart attack, lost his home to fire on February 15, 1970. He, his wife, and son, were home and escaped without harm.<sup>37</sup> Albert missed a roll call on the 16<sup>th</sup> but was voting on the 17<sup>th</sup>. The couple moved to an apartment on Cathedral Avenue.

Robert, 39, the younger son of Monroe Redden of North Carolina, who retired from the House in 1952, died April 12, 1970 from cirrhosis of the liver. Robert left two children.<sup>38</sup>

Georgia Lusk of New Mexico, denied renomination for the House in 1948, lost her 48-year-old son Gene on February 14, 1969, when he shot himself in the head in the bathroom of his wife's hospital room. A World War II bombardier, he had been Majority Leader of the New Mexico Senate and the Democratic nominee for governor in 1966. Gene's wife Ann had had a cerebral aneurism on February 15, 1966, a number of surgeries as a result, and was physically impaired, but was expected to leave the hospital this

<sup>34</sup> *The Vidette-Messenger*, May 16, 1970. *The Philadelphia Inquirer*, March 5, 1973.

<sup>35</sup> *CQWR*, July 18, 1969, 1279; September 26, 1969, 1769; November 14, 1969, 2293.

<sup>36</sup> *The Lawton Constitution*, February 8, 1970.

<sup>37</sup> *The Lawton Constitution*, October 4, 1966; February 16, 1970.

<sup>38</sup> North Carolina Birth Index and North Carolina Deaths. Redden Interview. *The Times-News*, April 13, 1970.

time after several days. Gene left three teen-age children, his mother, and a brother. Another brother had died in action in the War.<sup>39</sup>

Six wives of members of the Class died in 1969 and 1970. Helen K. Dent Whitaker, 66, widow of John of Kentucky, who died in House service in 1951, passed in 1969. Mary Lou Martin Davis, wife of James of Georgia, who was denied renomination in 1962, died on her 64<sup>th</sup> birthday, November 22, 1969, in Stone Mountain. Myrtice Alice Robinson Preston, 61, widow of Prince of Georgia, who was denied renomination in 1960 and who died in 1961, passed on August 10, 1970, after a long illness. Sue Worthington Bradley, 86, widow of Willis of California, who was defeated for the House in 1948 and who died in 1954, herself passed in El Paso, Texas on August 30, 1970. Alice Cambern Chadwick, 82, widow of Wallace of Pennsylvania, who was denied renomination in 1948, died October 26, 1970. Della Loder Jones, about age 72, wife of Homer of Washington, who was defeated in 1948, died on November 20, 1970, in Kitsap.<sup>40</sup>

And six of the Class of '46 died. Wallace Chadwick passed after an "illness of several months" in Chester, Pennsylvania, on August 18, 1969, at age 85, one year, two months, and eight days before his wife. Antoni Sadlak of Connecticut, who was defeated in 1958, died of a heart attack on October 18, 1969, in Rockville at age 61. Alfreda Zalewska Sadlak survived. Charles Deane of North Carolina, who was denied renomination in 1956 after not signing the Southern Manifesto, died from cancer in Rockingham on November 24, 1969, at age 71. Agnes Cree Deane survived. Parke Banta of Missouri, defeated in 1948, died of cancer in Cape Girardeau on May 12, 1970, at age 78, Gladys Nichols Banta surviving. Thomas Stanley of Virginia, who moved from the House to the governorship in 1953, died in hospital after "a slight heart attack" in Martinsville on July 11, 1970, five days short of his 80<sup>th</sup> birthday. Wife Anne Bassett Stanley survived. Homer Jones, who was defeated in 1948, died in Bremerton, Washington, on November 26, 1970, at age 77, five or six days after his wife of 50 years.<sup>41</sup>

Homer Jones was the 29<sup>th</sup> member of the Class of '46 to die.

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<sup>39</sup> *Albuquerque Journal*, October 31, 1966; February 15, 1969. *Las Cruces Sun-News*, February 15, 1969.

<sup>40</sup> *Nashville Tennessean*, May 19, 1927. Helen Dent Whitaker stone, Maple Grove Cemetery, Russellville, Kentucky. Mary Lou Martin Davis stone, Oak Hill Cemetery, Newnan, Georgia. *The Atlanta Constitution*, August 12, 1970. Sue Worthington Bradley stone, Ft. Rosecrans National Cemetery, San Diego, California. *Independent* (Long Beach), August 31, 1970. *Delaware County Daily Times*, October 29, 1970. Washington Death Index.

<sup>41</sup> *Delaware County Daily Times*, August 19, 1969. *The Hartford Courant*, October 19, 1969; April 2, 2002. *The Biblical Recorder*, December 6, 1969. Agnes Walker Cree Deane stone, Eastside Cemetery, Rockingham, North Carolina. *St. Louis Post-Dispatch*, May 12, 1970. *The Bee*, July 11, 1970. Gladys N. Banta stone, New Masonic Cemetery, Potosi, Missouri. Anne Pocahontas Bassett Stanley stone, Roselawn Burial Park, Martinsville, Virginia.