

Chapter 42 – Democrats Consume Their Own: The 95th Congress

For the twelfth congress in a row, and for 22 of the last 24 the Democratic Party organized the House of Representatives. Two-thirds of the representatives were Democrats, but on policy matters a Republican-Southern Democratic coalition could theoretically outvote other Democrats by 44 votes. The President, Jimmy Carter of Georgia, was now a Democrat and a Southerner. How many of the committee chairs would be?

Three chairs by right of seniority had been ousted in 1975. The only sitting chair who followed in 1977 was Robert Sikes of Florida, who chaired the Appropriations Subcommittee on Military Construction. Sikes had been officially reprimanded for his role in legislation to benefit his undisclosed investments. His replacement was the next senior member of the Subcommittee, but such was not the case on the committees on Merchant Marine and Fisheries and Small Business, where new chairs that replaced departed chairs skipped over more senior members who apparently chose not to contest for the chairships.¹

Subcommittee chairs in Appropriations remained the only such requiring Democratic Caucus approval, with a move failing to extend that vetting to the subcommittees of Ways and Means. Even if violations of seniority were few, the option for challenges to the model weakened the power of chairs and increased the complexity of legislating in the House. The number of committee chairs from the South now dropped to only five (four from Texas alone) from nine, and four of the Appropriations subcommittee chairs were Southern, down from six. The departures of members of the Class of '46, Robert Jones of Alabama, Joe Evins of Tennessee, and Otto Passman of Louisiana, contributed to these declining numbers. Olin Teague of Texas was reconfirmed by the Caucus in his chairship of the Committee on Science and Technology by a vote of 210-42.²

There was no challenge to the rise of Thomas O'Neill of Massachusetts to the speakership, replacing Border Stater Carl Albert of Oklahoma and the Class of '46. The progression up the leadership ladder held for O'Neill, but his replacement as Majority Leader was not Majority Whip John McFall of California, but deputy whip Jim Wright of Texas in a free-for-all contest. McFall ran for it but suffered from a split in the California delegation between him and Phillip Burton of the State, the candidate of the supposedly most liberal faction of the Party. McFall was also harmed by his involvement in the continuing Koreagate scandal and his perceived lack of aggressiveness. Wright had the support of former Speaker John McCormack and quietly of O'Neill.³

John Brademas of Indiana, the other deputy whip, moved into the Majority Whip slot, appointed by Wright, as the reformers continued to lose their effort to make it an elective position. There was a challenge for the chairship of the Democratic Caucus. Burton left the position to run for majority leader and was replaced by Thomas Foley of Washington, another leader of the Democratic Study Group, but only after defeating fellow DSG member Shirley Chisholm of New York, a black woman who was given the sexist consolation prize of secretary to the Caucus.⁴

While the reformers of the DSG retained an important role in the Party, O'Neill emerged as potentially a dominant speaker with its failure to advance Burton, the weakness of the committee chairs, and the

¹ "95th Congress Elected New Leaders," *CQ Almanac 1977*, on-line.

² *CQWR*, January 22, 1977, 145-6.

³ *CQWR*, June 12, 1976, 1491, 1493. *CQ Almanac 1977*, 5. Remini, 450-1. Farrell, 390-1, 412-5.

⁴ Biggs and Foley, 59. Baer-Bositis, 211. Chisholm replaced Patsy Mink of Hawaii who lost her renomination to the House.

handicapping of the Rules Committee. But he had his own Koreagate tie-in and a President who, while liberal on many social issues, was a fiscal conservative and came with an entourage not only unschooled in Washington ways but contemptuous of them.⁵

The House Committee on Standards of Official Conduct's investigation of Koreagate found that there was reason, though not proof, to suspect that Suzi Park Thompson, employed by Albert and seen with him at social events in the Capital, was an agent of the South Korean Central Intelligence Agency. The Committee also concluded that Albert received gifts of objects from the South Korean government over the years that were valued at over \$6,000, but he turned the gifts over to the General Services Administration on his retirement. More curious was that documents that the Committee subpoenaed from the former Speaker's papers deposited at the University of Oklahoma had been removed by Albert.⁶

The Committee also failed to get documents that Otto Passman had deposited with Northeast Louisiana University. In January 1978, South Korean businessman Tongsun Park told the FBI that he made large payments to Passman, statements which the Louisianan refuted. In March 1978 Passman was indicted on charges of bribery and conspiracy to defraud the United States in connection with rice sales through Park. In April he was indicted for failing to report \$143,000 on his income taxes.⁷

In October 1978, the Committee on Standards of Official Conduct found three representatives, including McFall, guilty of misconduct and all were reprimanded. Other representatives who had accepted contributions from Park, including Brademas and Foley, had reported them and were absolved. O'Neill was criticized for accepting parties hosted by Park. The Committee had no jurisdiction over those who were no longer members, that is Albert and Passman.⁸

Koreagate was not the only scandal or allegations of such to touch on members of the Class of '46. Passman was also the defendant in a suit brought by a former staff member who alleged she was fired because of her gender. Her letter of termination said as much. The suit was dismissed in January 1977 by district court on the grounds that anti-discrimination laws did not apply to members of Congress. An appellant panel sent it back to district court to hear the anti-discrimination argument. Rejected at the lower level again, the Fifth Circuit *en banc* dismissed the claim. Then, the Supreme Court on October 30, 1978, granted certiorari.⁹

Muckraker Jack Anderson claimed a nefarious relationship between Joe Evins, who had chaired the Small Business Committee, and James Rice, the ex-Representative's first cousin once removed. Anderson alleged that Rice would set up minority business fronts to receive Small Business Administration programs and was protected by Howard Greenberg, who was the staff director of the Committee, who went to work for Rice before leaving the staff. It was also suggested that Rice paid off the Representative by buying the Evins family's controlling stock in the First Central Bank of Smithville. Evins' response was that he helped Rice as a constituent.¹⁰

Democrat Edward Garmatz of Baltimore, who retired from the House in 1972, was indicted in August 1977 on charges of accepting bribes from shipping companies for facilitating legislation in his role as chair

⁵ O'Neill with Novak, 308-18. Farrell, 486-90.

⁶ *CQ Almanac* 1977, 823-4. Boettcher, 246. *The New York Times*, February 6, 2000.

⁷ *CQ Almanac* 1977, 824. *CQWR*, March 18, 1978, 707. Boettcher, 283-5. *CQ Almanac* 1978, 804. Hathorn, 341.

⁸ Boettcher, 303-4.

⁹ *CQWR*, February 11, 1978, 340, 343; November 4, 1978, 3196. *Davis v. Passman*.

¹⁰ *Times Record*, May 12, 1977.

of Merchant Marine and Fisheries. The Justice Department asked for dismissal of the case on January 9, 1978, after discovering that their sole witness had lied about the bribes.¹¹

It is worth noting the final required financial reports of the four recently retired members of the Class of '46. For 1976, all four, Carl Albert, Joe Evins, Robert Jones, and Otto Passman, reported no interest in financial institutions, top defense contractors, oil and gas companies, pharmaceutical companies, power companies, radio and TV companies, farm or ranch interests, real estate interests, airlines or railroads or commercial freight carriers, and insurance companies. All reported no capital gains over \$5,000, no income from legal practices, and no unsecured loans over \$10,000 aggregate. It is, of course, possible that financial reports were as accurate as campaign finance reports, but the lack of identifiable conflicts of interest is impressive.¹²

Teague remained on the Committee on Standards of Official Conduct, where he had a history of being soft on members of the House. The allegations against Passman, Evins, and Garmatz, who were no longer members, were outside the scope of the Committee, but he found himself chairing a subcommittee investigating Democrat Daniel Flood of Pennsylvania. Indicted for bribery, he finally would plead guilty in 1980 to one charge, would be censured by the House, and would resign. Flood was first elected to the House in 1944, then lost his seat to Mitchell Jenkins of the Class of '46. Flood defeated Jenkins and returned with the 1948 election, survived another one term hiatus with the Republican successes of 1952, and then came to stay. He was chair of the Appropriations Subcommittee on the Departments of Labor and Health, Education, and Welfare. The day after Flood was indicted, Teague introduced HRes 1337 that would have expressed the sense of the House that a chair indicted of a crime carrying a penalty of at least two years in prison should resign the chair. The resolution would not have made the resignation mandatory and would not have involved resignation from the House.¹³

Teague remained chair of Science and Technology and a member of Veterans' Affairs as well as Official Conduct. Now the sixth most senior member of the House, he also stayed highly active, remarkably so considering debilitating health problems. Despite his war injury that resulted in a compromised ankle that necessitated a special shoe, he had been a terror of the House gym, but now at the age of 66 the War, diabetes, and age caught up with him. On December 30, 1976, he entered Bethesda Naval Hospital for an infected foot and by February lost part of his left leg. The surgery and recovery kept him out of the House for an extended time both in 1977 and 1978 and confined him to a wheelchair. In both years he had the lowest voting participation of any member of Congress.¹⁴

The official history of the Committee on Science and Technology reports great activity on Teague's part during these years in shepherding the development of the Office of Technology Assessment and the Office of Science and Technology Policy and protecting NASA, which were valued projects of his, as well as negotiating the treacherous shoals of the Clinch River Breeder Reactor Program. Clinch River was highly valued by a majority of his committee, but Pres. Carter was dedicated to ending it. Teague reportedly worked hard to find an accommodation that would maintain the Program even as its budget was

¹¹ *The Washington Post*, January 10, 1978.

¹² *CQWR*, July 23, 1977, 1513-7.

¹³ *CQWR* June 10, 1978, 1461; September 9, 1978, 2437.

¹⁴ [Hechler], 164, 533, 741-7. *The Austin American-Stateman*, January 1, 1977. *The Eagle*, April 16, 1977. *CQWR*, February 25, 1978, 497. *CQ Almanac* 1977, 29-B. *CQ Almanac* 1978, 17-C.

stringently reduced. Teague was reported holding numerous meetings in hospital concerning Clinch River.¹⁵

Certainly, Teague remained very active. His floor activity was the greatest of his tenure. He had developed a major interest in energy development and research. His comments touched on energy conservation, solar energy, synthetic fuels, biomass conversion for alternative fuels, the development of electric vehicles, coal gasification, sea grants, earthquake hazards reduction, and DNA research. He was the sponsor of 135 public bills during the 95th Congress, only 20 fewer than in the 94th. Thirteen of those of which he was the first sponsor passed the House. Seven of them were enacted. Six of these were committee products of Science and Technology, all of them authorization bills. The remaining one, HR 8701, however, was a bill to increase the rates of vocational rehabilitation, educational assistance, and special training allowances for veterans.

Teague had been a mover and shaker, if an aggressively friendly one, in the House for over 20 years. One indication of his values was that attending the effort to win veterans benefits for those who had been Women Air Forces Service pilots. These WAFS ferried military planes during the Second World War, but unlike the other women's services were never "militarized" and thus faced even greater difficulties achieving veterans benefits. Teague was no longer chair of Veterans' Affairs but in many ways was still the dominating member of the Committee. He was also the kind of veteran who kept his discharge papers in his pocket. Teague, along with Chair Ray Roberts of the Committee, felt that the women did not merit benefits because the Service had not been militarized. But on the floor, Rep. Margaret Heckler (R-MA), sponsor of HR 5087 to provide the benefits, approached Teague and she held out the discharge papers of Helen Porter, former WAFS. Teague pulled his own out and compared them. They were the same in recognizing the Army service of the two individuals. Teague's opposition disappeared and he shepherded a Senate amendment to add the benefits to his HR 8701 in concurrence.¹⁶

The one other member of the Class of '46 remaining in the House, Omar Burleson of Texas, also remained active, even more so than in the past, neither handicapped by illness nor aided by the prerogatives of chairship. Only a step behind Teague in overall seniority at seventh, Burleson had never been a particularly busy initiator of legislation, even during his tenure as chair of House Administration. The rule change in the 90th Congress that allowed multiple sponsors upped his name on public bills, but in the 95th he was still found on only 60. Yet, four with him as first sponsor passed the House, more than ever before. Neither was enacted, though one passed both houses in different versions. HR 112 would have addressed the tax requirements on foundations that operated long-term care facilities.

Burleson in recent years, with his service on the Budget Committee, became a more publicly aggressive advocate of reducing government spending, though in the 95th Congress his more activist role was in trying to restore the Administration's budget goals for defense spending to the Legislative Budget Resolution. His amendment succeeded in the House but was dropped by the Senate and eventually failed in the Resolution's enactment.¹⁷

On the Ways and Means Committee, Burleson and six other Democrats joined the twelve Republicans to prevent HR 13511, Pres. Carter's tax bill, from eliminating deductions for sales taxes. The Administration and Congress responded to one of the recurring crises in Social Security solvency to

¹⁵ [Hechler], 651-4, 722-9, 741-7, 857-92. Edward Kennedy, 80. Dodge and Beuttler, 36-7. *CQWR*, September 24, 1977, 2001-2; April 8, 1978, 841-2; April 15, 1978, 887-8. *CQ Almanac* 1978, 692.

¹⁶ *America's Women Veterans*. Keil, 341, 345-8.

¹⁷ *CQWR*, May 7, 1977, 842-3.

increase its taxes, creating a reluctance to increase other taxes to meet the rising costs of the rest of government in that inflationary period. The Administration hit upon the solution of eliminating deductions, such as for sales taxes. Congress turned the idea on its head, cutting capital gains taxes, which Carter was afraid to veto, and the result further stimulated inflation.¹⁸

One of the bills that Burleson did sponsor was HR 5 to create a national health care system. Every year from 1935 on, compulsory health insurance bills were introduced and to date failed except for the Medicare and Medicaid programs of 1965, which covered only portions of the population. In the 95th Congress there were six major bills on the table. Burleson's was one of two that did not envision a public system but rather one that relied on the insurance industry. Carter took the pledge to sponsor national health care in the campaign but would not introduce one until the next congress. None of the bills went anywhere.¹⁹

A newspaper in Burleson's district described him in 1977 as "Quiet and courtly, he probably never has been accused of hogging the spotlight." "By his avoidance of both name-calling and attributing bad motives to his opponents, Burleson can be credited with lowering the temperature of political debate." For a Democrat who survived a series of major reapportionments for over ten years, a radical shift in the partisanship of many if not most of his constituents, and all without achieving a major role in the House, perhaps quietude was the ideal strategy.²⁰

Democrat Bryan Dorn of South Carolina was the only former member of the Class to seek elective office in 1977 or 1978. Having ended his House career with a narrow loss for governor in 1974, he tried again. Dorn came in third in the primary with 30% behind the Lieutenant Governor and a former State Senator who won the runoff. Dorn wrote that he pinned his hopes of nomination on another State Senator, Tom Turnipseed, "lambasting" the other two candidates, but Turnipseed withdrew from the race. Turnipseed was something of a wild card, the former head of George Wallace's segregationist campaign for President who in 1978 was a campaigner for equal rights for black people. It is unclear why Dorn felt he himself would have been lambast-free.²¹

Class member Abraham Multer ended his post-House career on the New York courts after nine years with a mandatory retirement on reaching the age limit of 76.

Albert and Evins turned to lobbying their former colleagues after retirement but in very different ways. The former joined the Washington law firm of Cohn & Marks, but lasted only a year or so before saying, "I haven't got the guts to go out and lobby for some interest that kept me in Congress all those years." The Governor of Tennessee appointed Evins to lobby for the funding of a TVA dam project which Pres. Carter opposed. Evins had been instrumental in getting the initial funding of the dam, for which work began in 1969. Residents were evicted and land was acquired and eventually the dam was 90% completed. But endangered mussels were discovered in 1977 and work would end in 1983. The dam would be demolished in 1999.²²

¹⁸ *CQ Almanac 1978*, 227. "Congress Approves \$18.7 Billion Tax Cut," *CQ Almanac 1978*, on-line. Hargrove, 99-100.

¹⁹ *CQWR*, July 15, 1978, 1772. De Lesseps. Califano, 89, 103.

²⁰ *Abilene Reporter-News*, July 3, 1977.

²¹ Dorn & Derks, 268-9. Sandra Johnson, 43-7.

²² *The New York Times*, February 6, 2000. *The Tennessean*, April 1, 1977. *Kingsport Times*, April 16, 1977. *The Seattle Times*, October 10, 1999.

Three wives of members of the Class of '46 died during the 95th Congress. Julia Dick Macy, widow of Kingsland Macy of New York, died on August 11, 1977, at age 85. Alice Morgan Lewis, widow of William Lewis of Kentucky, died on December 20, 1977, at 102. Ruth Isaacs Cotton, second wife of Norris Cotton of New Hampshire, died on August 24, 1978, at 85.²³

And three members of the Class also passed away. Ellsworth Foote of Connecticut died on January 18, 1977, in Guilford. He suffered a stroke in November 1975 and had been in poor health since, dying at age 79 and leaving four children. Wife Ruth McGill Foote had died the previous year. He served one term, losing elections in 1948 and 1950. Mitchell Jenkins of Pennsylvania died on September 15, 1977, in Wilkes-Barre of a heart attack. He was 81 and left his second wife, Janet Morgan Jenkins, and a son. He did not run for renomination in 1948. Walter Riehlman of New York died of respiratory disease on July 16, 1978, at Ormond Beach, Florida, leaving wife Lucia Sherwood Riehlman and two children.²⁴ His reelection was a victim of his party's presidential candidate Barry Goldwater in 1964. He was 78 and the 49th member of the Class of '46 to die.

²³ "United States Social Security Death Index." Alice Lewis stone, A.R. Dyche Memorial Park, London, Kentucky. *The Los Angeles Times*, February 27, 1989. Ruth Isaacs Cotton stone, School Street Cemetery, Lebanon, New Hampshire.

²⁴ *Congressional Record*, January 26, 1977, 2328. Ruth McGill Foote stone, Bare Plain Cemetery, North Branford, Connecticut. *The Mercury*, September 16, 1977. *The New York Times*, July 17, 1978.