

CHAPTER X

PORK — THE REMEDIES

ANY president of the United States who will may prevent the passage of a pork-barrel bill. The simple and effective remedy lies in the veto power. Any president who has the courage to veto a pork-barrel bill and raise the question thus publicly would create public opinion that would make subsequent pork items unlikely. A president who would advise the Congressional leaders in advance that he would refuse to approve any bills containing a certain item or items, could prevent their inclusion. This is also true of a governor.

THE EXECUTIVE VETO AS A REMEDY ¹

The existing power to veto the bill would serve this purpose more effectively than the power to veto items. Instead of eliminating an item here and an item there — a power that may be used malevolently just as it may be used beneficently — the veto of the bill raises the issue in a manner to secure public interest because it raises the whole question and not a fragment or fragments of it. It makes use of the governmental issue as an educational means. It makes for a permanent understanding and a cumulative public opinion in which

¹A broader discussion of the executive veto is given in Chapter XI.

evils are likely to remain corrected and constructive changes permanent. Under a veto of items procedure more pork items are likely to be included in pork-barrel bills so that the responsibility for rejecting them is "put up to" the president. This is a convenient way to shift responsibility to the president and to take the chance that he may leave many items in because perhaps he may need votes for his own legislative program.

Presidents and governors themselves have been interested in having items added to pork-barrel bills. And if the executive is going to raise the pork-barrel question and not smother it through veto of items, he ought to be required to veto the bill as a whole so that the question of his items — if any — may be raised with the others in relation to the whole program of the subject of the bill.

Responsibility for any pork-barrel may be placed squarely on the executive. The executive veto is a blunt way of serving notice on the pork-hunters that he wants none of it. But while it is possible to fix responsibility for individual pork-barrel bills, the system of executive veto does nothing to correct the fundamental legislative and political conditions which make pork-barrels possible. So while pork-barrels cannot pass without presidential connivance, what is needed is a correction of the pork-making process in its earliest stages rather than in its "last phase." These correctives, as already explained, are the subject matter of the remainder of this chapter. They are: local contributions to national public work projects; a system of election of Congressmen based on a practical system of

proportional representation, the substitution of party for individual responsibility and an administrative commission.

REPRESENTING A LOCALITY OR A CONSTITUENCY?

Pork and pork-barrels are the expression of the local character of a legislature, of its lack of social motive. It means that these larger interests are sacrificed for purely local interests. It means that national interests may be log-rolled away to secure "venal wasteful projects" for the district. The legislators must "bring home the bacon."

This system of representation of localities loses sight of a very, very important fact that though sections and places have yet claims in a nation as wide as ours, social and economic questions have overshadowed them. The pork-barrel is tied up rather intimately with the principles of sectional or territorial representation.

The Middle West has a definite meaning in our national politics; the South, too, and the West and the East. Wisconsin has its peculiar significance, and Oregon and Oklahoma. These sections ought to be definitely represented. In the Senate we have accepted on the basis of states the principle of representation of locality. The district represented is sufficiently large to prevent a too narrow localism. The same principle has been accepted in our House of Representatives — the national "ward system" of politics. Here we have subdivided the state into districts that hardly ever have any social, economic or genuinely political cohesion and hardly ever any geographical

significance.¹ Apart from the fact that these districts do not have this social cohesion, they are represented in the national legislature by a single member. Each time a member is elected a part of the electorate is unrepresented. If there are two parties closely contesting, then a little less than half are disfranchised. If more than two members are contesting minority representation is usually the rule, and sometimes disgracefully so.

The single member district sends to our legislatures men who are representative of a certain number of voters, sometimes a majority, oftener a plurality, and not infrequently a minority. The group that is represented is not bound together by any definite political or economic ideas. The politically effective group, as well as the others, is usually a medley.

It is this unrepresentative character of our representatives that makes service as representative a bargain-counter scramble for local projects. "Get something for the district" is the battle cry. But it ought to be definitely understood that there is no imperious public opinion demanding pork. There is no large or small *social* group urging it. It is the battle cry of the contractors and real estate interests of some part of the district. Sometimes it is merely the bait held out by the politically ambitious. Frequently there is no demand from the district whatever, even from local contractors and others. But a fifty-million waterway Congress lobby uses this district appeal as the basis of its propaganda and serves notice in the language of Captain Ellison, secretary of the river

¹In the practice of gerrymandering it is made to serve a prostitute political purpose.

lobby, as follows: "We send Congressmen here to legislate for the Nation, theoretically, but actually to get all they can for us, and if they do not get our share and then some, we do our best to replace them." (Cong. Record, Jan. 13, 1916, p. 1147.)

This district bogy must be destroyed. Fortunately some cities are destroying it on their own initiative.

But most cities and citizens accept these public buildings, "river improvements," navy yards, and other Congressional perquisites as the result of an occult process which is bestowed upon them, they know not how, and which they are powerless to refuse. The Congressman, they feel, is the "genius" through whom these marvelous results are brought about. But some cities are not imposed upon by such a primitive theory of political action as already noted. But most are under its influence, they know not how.

An election system must be devised which will subordinate locality as a major factor in electing representatives and which will secure proportional representation to substantial groups of public opinion. It is proposed that this be done by the abolition of the single member district and the substitution of a very much larger district which would select at least three members. Each person has one vote, and a candidate is elected who has in a three-member district one-third of the votes. The individual votes are transferable. If a candidate has more than one-third of the votes, those in excess are transferred to other candidates in accordance with the expressed wish of the voter on his ballot. A voter indicates his choice by making the numbers 1, 2, 3, etc., after the names he chooses in the

order of his choice. The numbers 2, 3, 4, etc., are used if the candidate who was voted for as 1 has already the necessary number of votes — the quota. This system of election is usually called proportional representation.

The proportional representation principle through its body blow to the single member district is a very important corrective of the pork-barrel. If accepted and put into practice it would help change our Congress from a local to a national agency. It would illustrate the contrast which Burke put so well in his address to the electors of Bristol: "Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a deliberative assembly of our nation, with one interest — that of the whole — where not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole. You choose a member, indeed, but when you have chosen him, he is not a member of Bristol, but he is a member of Parliament."

Members elected by substantial social groups with a well defined public opinion do not have to bring the bacon home. They have a solid backing in the electorate, and no ultimatum to "get what we ask for and then some or get out" could have any possible meaning. It could not even be uttered. The shibboleth, "get something for your district" would also lose its sinister aspect. The legislator has no district; he has a constituency. And so does the pork-barrel as it is

sustained by the single-member district of (mis)representation lose its foundation.

The account of stewardship which has to be rendered under the proportional representation system is quite different from the account of pork secured by the present representative. How faithfully did you carry out the political opinions of the constituency, not what pork did you get for the district — this is the nature of the accounting that will be required under proportional representation.

LOCAL CONTRIBUTIONS

“Getting something for nothing” is the general view of the elements in a community that are interested in legislative pork. For the general taxpayer everywhere “pork” is merely “green goods.” The legislative representative after his first revulsion generally accepts it as an inevitable part of the legislature and takes Senator Tillman’s earlier attitude: “The Mississippi itself has quit having any steamboats on it and the whole scheme of river improvement is a humbug and a steal; but if you are going to steal, let us divide it out and do not go to complaining.”

The system is continued, too, because a hundred new members every Congress are initiated into it in their ignorance — some do rebel — and with the old guard form a sufficient majority to “put it over.”

To get a magnificent new building for the community for nothing, even if it makes the other buildings look shabby, is hardly anything to complain of. No direct tax tells the story of the community’s share in paying for it and for similar extravagance in other

sections of the country. That the citizens of the community and other communities are paying for this "bald unmitigated waste" is never driven home to the individual citizen or community.

Perhaps one of the most important agencies in cleansing out the pork blot from our legislative escutcheon would be machinery providing for local contribution to pork projects — waterway improvements, post roads, public buildings or others — and requiring deliberative local judgment as to the need for it. If it could be provided further that the community would back up its judgment as to the need by "digging down into its jeans" and contributing "cold hard cash," then perhaps we might leave a venal pork-barrel Congress to its "venal wasteful projects," and to its making "scientific channels for traffickless streams."

Senator Theodore Burton has given admirable expression to the same thought in these words: "It would seem that the rule can be derived from the experience of states and communities that expenses are most judicious, are most carefully applied to public objects, are disbursed most economically and efficiently when and in proportion as there is an immediate local interest in the use to which they are applied. And in the same manner improvements and expenditures are kept within well-considered limits in proportion as those who immediately bear the burden decide what undertakings shall be entered upon." (Cong. Record, 1904, p. 3295.) But the former point to be really effective must be inextricably bound up with the second, namely, local interest must be deep enough and genuine enough to find expression in local contribution.

A second element, therefore, in the possible solution of the pork-barrel problem is a system of local contribution. In the rural post roads bill, approved by the President July 11, 1916, this principle is accepted. This law provides that the Secretary of Agriculture who is the administrative officer under the act shall notify the State Highway Department or the governor of each state how much is available for federal aid in that state. Then section six of the bill continues:

“Sec. 6. That any State desiring to avail itself of the benefits of this Act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require: Provided, however, that the Secretary of Agriculture shall approve only such projects as may be substantial in character and the expenditure of funds hereby authorized shall be applied only to such improvements. Items included for engineering, inspection, and unforeseen contingencies shall not exceed ten per centum of the total estimated cost of the work. If the Secretary of Agriculture approve the plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this Act on account of such project, *which shall not exceed fifty per centum of the total estimated cost thereof.*¹ No payment of any money apportioned under this Act shall be made on any project until such statement of the project, and the plans, specifications, and estimates therefor, shall have been submitted to and approved by the Secretary of Agriculture.”

¹ Italics ours.

Notice how completely federal funds are safeguarded. Thus is a potential twenty-five million dollar pork barrel avoided!

The Committee, reporting in the bill in the House of Representatives, said: "Primarily roads are local concerns and jurisdiction over them belongs to the States and local authorities. This jurisdiction should never be disturbed by the General Government." (H. R. 7617, p. 4.) And it is on this basis that such a large initiative is given to the local government. It is desirable that this is so, but it is not always possible to do so so completely. If military roads were under discussion, such large national projects could not wait upon local initiative or local acquiescence. It is conceivable, too, that even for rural post roads the national government may at times have to step in to maintain or construct roads where a lagging local interest does not or refuses to contribute.

But nothing that has been said, for example, about military roads must be understood as eliminating the possibility of federal and local government cooperating to build highways that may be used as military roads. A state may wish to build a new highway that would be in harmony with a national plan for military roads or could be made so. In such a case every public interest requires the cooperation of all the governmental agencies in the undertaking.

The reasoning of the last few paragraphs applies practically to all public works. The relative interests of national and state or local government vary. In some cases national needs may be so imperious and so controlling that the lesser governmental units can-

not be "waited upon" for approval or contribution. In other cases local interests can be largely controlling. The United States government may be giving fairly satisfactory service. Improved service may be desirable, but not necessary. For the national government to give this improved service at national expense, would be disproportionate emphasis in view of the national situation, but it may do so if the locality really feels the need for it and is willing to contribute one-fifth, or one-third, or one-half, or two-thirds of the cost.

The principle established in the rural post roads law may be applied to other public works — to all potential pork-barrel projects. The size or the proportion of the local contribution is a question of fact to be determined in each class of work or in each project by an expert administrative officer or commission. How such an administrative agency shall be organized is discussed later on in this book (p. 233). But neither of these questions affects the soundness of the principle of local contribution as a matter of public policy.

Though from the point of view of local or state government the local contribution is given on the basis of benefits conferred, the national government accepts a wider point of view than the corollary of the point of view of the state. The local payment for local improvements the national government accepts. But the process by which the local community comes to its decision of the need for additional service or better facilities is more important than the decision itself and the contribution determined upon.

PARTY RESPONSIBILITY AND THE PORK-BARREL

Representative Sherley puts another relation of the pork-barrel — its relation to party government — admirably in these words :

“ We are all alike; we live in an atmosphere where a man's success here is essential if he is to live. He does not have the opportunity a member of Parliament has, where he lives or falls with his party. Here every man has to show an individual activity under our present system, and as the result of a spur from behind he is constantly seeking to get something for his particular locality, and until you prevent that by the rules or cultivate a public opinion that will not judge Members by the amount of money they bring home to their districts, you will have the same tendency continued ” (Swagar Sherley, In House of Representatives on “ A Budget Proposal,” p. 23.)

President Lowell has put the positive side of the situation equally well :

“ Bagehot has remarked somewhere¹ that the House of Commons has been saved from becoming a collection of delegates from local constituencies by the spirit of deference; but at the present day it is due in even larger measure to the spirit of party. That spirit has prevented the predominance of local interests which is the curse of many legislative bodies.” (Lowell, *Government of England*, Vol. I, p. 514.)

The remedy for the pork-barrel evil through substituting party or majority responsibility for the lack of

¹ “ Efficiency in an assembly requires a solid mass of steady votes; and these are collected by a deferential attachment to particular men, or by a belief in the principles those men represent, and they are maintained by fear of those men — by the fear that if you vote against them, you may yourself soon not have a vote at all.” (Bagehot, “ *The English Constitution*,” pp. 210-211.)

responsibility of the individual member is an effort to substitute group action for individual action. When that has been done, Jones' attempt to get fifty thousand dollars for Mud Creek affects and concerns not only Jones but the membership of the party or group with which he is acting. His insistence on a worthless project and their acquiescence may mean their loss of power at the next election. On such a result following upon decisions as to pork, a sober sense of expediency, if not of honesty, would be cultivated. You introduce thereby a new psychology of legislative action that is more important than any changes in organization. You socialize your legislation.

But there are dangers, too, in substituting this party or group action for individual action. The party or coalition of parties may be welded together on a certain large issue, but on lesser ones they merely vote together for the coalition. And so you get a mechanical majority that merely registers votes but does not think on questions. The result is sectarian government, "the worst of all governments," says Bagehot. But subject even such a party or coalition to effective popular control and you have a corrective that will be effective.

With the lack of any very definite ideas back of parties in the United States and with polar antagonisms in parties as they do exist, no very great gain can be expected from this source, but responsible group action is a decided advance over irresponsible individual action. If party government is combined with the proportional representation electoral plan, very much more can be expected because party groups will

be representative of definite bodies of public opinion, and will be sensitive to its various phases and will feel need for a definite account of its stewardship.

ADMINISTRATIVE COMMISSION

The declaration of public policy is the primary function of the legislature. It is organized to do that. To decide the multitudinous details of administration is not its province. It is not organized to do it, nor is it equipped to do it. To declare that railway rates shall be reasonable is a proper legislative function, but to determine what shall be the specific rates from Chicago to New York it is not organized to do, nor equipped to do, nor has it time to do. That duty the legislature itself has delegated to an administrative commission called in the United States government the Interstate Commerce Commission. In the whole question of public utility rates this differentiation of function has been generally recognized. Perhaps it may be helpful in arriving at a solution of the pork-barrel problem, and for that reason a fuller statement of it may be permissible.

The legislature decides what the public policy is with reference to public utilities: rates shall be reasonable and service shall be satisfactory. It has recognized that it is futile to attempt to determine the multitudinous detailed questions of rates and services. It recognized, too, that the ordinary courts are not equipped or organized to deal with the problem. Questions of law are only incidental. Vast, varied and complex social and economic facts are the determining factors.

The determination of these scientific and administrative questions needs a new kind of public servant and a new machinery to operate through. The New machinery is the administrative commissions; the new public servants are engineers and economists. The members of the administrative commission, in order that they may be free, are made during their term of office independent of minority control of the legislature. This is done through the provision of continuing appropriations, that is, a salary continues until it is changed by positive action of a majority of the legislature. You cannot control the commission through failure to appropriate. You can control it — as you ought to — when a majority of the legislature and the governor want to control it. You thus have public policy declared by the legislature. You have specific determinations under this policy settled by an agency organized to do it, which agency is subject to legitimate legislative control.

Do the questions of the location, size and construction of river and harbor improvements offer such detailed questions for determination as makes it wise for the legislature to delegate the specific determination, under general policies laid down by the legislature and subject to legitimate legislative control, to an administrative commission specially organized to make such determinations?

Do the questions of the location, size and construction of public buildings offer such detailed questions for determination as makes it wise for the legislature to delegate the specific determination, under general policies laid down by the legislature and subject to

legitimate legislative control, to an administrative commission specially organized to make such determinations?

Do the questions of the location, size and construction of navy yards and army posts offer such detailed questions for determination as makes it wise for the legislature to delegate the specific determination, under general policies laid down by the legislature and subject to legitimate legislative control, to an administrative commission specially organized to make such determinations?

Let the first of these questions be examined in some detail, and the others somewhat more summarily. This is done because the first of these questions looms large in the significant contemporary discussion of the pork-barrel.

Congress decides, for example, that the federal government shall stimulate navigation on internal waterways and undertakes a program of river improvement. What rivers or water-courses shall be improved? In what manner shall they be improved? What shall be the depth of the channel? What shall be the width? Shall anything be done by way of reclaiming land adjacent to the rivers? Determination of these questions can be answered only by a multiplicity of facts about the geography and geology of the river; its present commerce and prospects of new commerce, the cost, hauls and other details of competing railroad and river traffic. Then this information must be interpreted and a specific program of improvement suggested with costs of engineering and transportation experts. This responsibility must be assumed for final

judgment by the legislature or by an agent of the legislature.

Congress has already recognized this need for expert assistance. Reports on river and harbor improvements must be made by the Board of Army Engineers and particularly by the Chief, and projects will be recommended only upon approval of the Board. Such a provision seems quite obviously in the public interest. Let us see how it operates.

The need for a waterway improvement is indicated somewhat by the commercial tonnage, and presumably increased tonnage would follow immediately upon river improvement.

For 1914 the Chief of Engineers allotted a million dollars for the upper Mississippi from the mouth of the Missouri to St. Paul, Minnesota. Let us take a retrospect of this improvement. Since 1885 the United States government has spent from twenty to twenty-five million dollars in this section of the river. Notice the effect in "commerce."

	Tons
Brush for river construction work.....	82,450
Gravel dredged from river.....	398,178
Rock for river work.....	708,000
Sand dredged from river.....	562,000
Logs that have floated for 50 years.....	98,268
Lumber and wood barged	64,408
Animals ferried across river.....	55,322
Automobiles ferried across river.....	6,034

1,974,980

"All could be floated in 2 or 3 feet of water, leaving 170,335 tons of questionable commerce remaining, which was hauled on an average of 26 miles or thereabouts.

“What a legislative travesty when eleven-twelfths of the commerce for which \$1,000,000 was allotted by the Chief of Engineers is of that character. Who weighed the brush? Who weighed the logs? Who weighed the rocks, gravel, sand, and so forth, used in the river work? Where was it carried and for what purpose? Was it floated 1 mile or 10 miles? Who knows? Why measure Government material for river work, anyway?”

“The Chief of Engineers says that 26,609 tons of horses were carried a mile and a half across the river and their value was \$6,540,000, or one-fifth of the total. Other live stock carried across the river, he says, was valued at \$5,218,730; and then, to cap the climax, this report adds that 6,034 tons of automobiles ferried across the river were valued at \$9,545,950.

“Nearly two-thirds of all the glowing commerce valuations on the upper Mississippi, including Government sand, rock, and gravel, turns out to be animals and automobiles ferried across the river.

“Again, how much of the remaining 170,000 tons was repair material or Government supplies out of a total 772,000 tons reported? How much was duplicated before it could boost a million-dollar allotment for the upper river?” (Speech of James A. Frear, in Cong. Record, Jan. 13, 1916, p. 1125.)

And the chairman of the River and Harbor Committee frankly and bluntly admits that these alleged commercial statistics are treated to a process of geometrical progression, or in his own words, are “duplicated, triplicated and quadruplicated in some cases.” The simplest way this is done is to count the amount of commerce passing each lock on a canal and adding the result to arrive at the “total” commerce of the river.

But let us see how the technical engineering aspects are handled.

The engineers estimated the cost of the Trinity River improvement in Texas at \$4,550,000. Eleven years after it is started it is ten per cent. completed and costs \$1,870,061.84 in addition to \$7,000 spent on the original survey. The amount spent during the fiscal year (1913) was \$342,929. Note that at the present rate the eventual cost will not be four and a half million but eighteen millions (\$18,700,618.40) and will be completed one hundred years hence. The engineer's report says, and Mr. Frear comments:

“The work of the snag boat above Liberty is of no benefit, except to prevent further deterioration of the channel and to improve the drainage.”

“We are apparently spending \$20,000,000 to improve the river drainage for Dallas. However that may be, the Chief Engineer has an inspiration when he says in the 1914 report, page 2344:

“The appropriations which have been made so far by Congress for the Trinity River seem to indicate an intention to provide locks and dams.”

“After 12 years' work and about \$2,000,000 in completing 10 per cent. of the work, the chief is beginning to see just what he believes he thought was intended when he recommended \$4,550,000 at the outset. Quoting further from this remarkable serial story:

“The normal flow of the Trinity River for eight months of the year is so small that open navigation between pools is not feasible and until the river is completely canalized — 110 years hence — no practicable navigation will obtain.”

“Apparently for eight months of the year the bed of the stream might be used for a wagon road.” (James A. Frear, Cong. Record, Jan. 13, 1916, p. 1135.)¹

¹ The following colloquy occurred in Congress March 24, 1914:
“Mr. Callaway: I ford this river, and time and time again I have seen water standing in holes below the points called the

An army engineer was wise enough to suggest that it might be advisable to dig artesian wells to aid navigation. And the Chief Engineer, as part of this system of "ingratiating humbugger" recommended the continuance of work on this project in spite of Congressional condemnation of it. It is no wonder then that we hear the pork-barrel condemned for its "criminal prodigality." There is a peculiar aptness in the description of the pork-barrel as "Congressional waste and engineering complicity."

Such detail about one or two typical cases is presented in order to have clearly in mind just what is happening and to anticipate an objection. It may very properly be asked if the Army Engineers have fallen down so completely on their job, what chance is there that another expert board would succeed?

In any case the breakdown of the ethical and professional standards of the Army Engineer is not pleasant to contemplate. And come what will, these standards should have been maintained. But in the relation of Congress to the Army Engineers is the explanation of the situation. They are subject to all manner of direct political influence. They are dependent upon Congress for funds for their own legitimate work. And in the generosity which the distribution of pork makes possi-

head of navigation. In Dallas for months they could not get enough water to supply the necessities of the city and they hauled water there by rail.

"Mr. Frear: Is not that a case like the Kissimee River in Florida, that ought to be insured against fire?"

"Mr. Callaway: Yes . . . I believe I can show you by the wording of the engineers' report that there is no serious intention of ever navigating the Trinity River." (Cong. Record, Jan. 13, 1916, p. 1135.)

ble the Army Engineers have a secure basis of good will for their appropriations. Mr. Frear puts the case somewhat bluntly in the following statements:

“With the facts before us each must answer the question to his own satisfaction, and it may be useless to suggest what such statesmen already know, that after scattering \$50,000,000 with lavish hand, in addition to approving \$250,000,000 in new projects and granting 250 new surveys in 1915, Chief Kingman will easily locate a crowd of pikers if he fails to get all that he asks from Congress.”

Even Army Engineers permit professional considerations to rise superior to political ones. Engineer Deakyn reports against a project, but his report is not accepted by his superiors and Deakyn is transferred. For what public purpose?

The failure of the present arrangement is not the failure of reference of complex problems to trained men for professional advice, but the failure of professional men subjected to what seems to be an irresistible political pressure. The remedy would seem to be to free professional men from such pressure, to encourage independent professional men to undertake the work, and to remove any possibility of an insidious or indirect system of Congressional reward and punishment. A really feasible way of doing this is through the machinery of an administrative commission with proper safeguards.

Let us propose no changes from the existing theory of what should happen, namely: Congress will accept no project in its river and harbor bill that is not recommended by technical engineers and economists in the

governmental employ. Around these men are thrown the machinery of an administrative commission.

The first thing to be done is to protect the commission from minority control or committee control. This is done by means of a continuing appropriation instead of an annual appropriation. As pointed out elsewhere, such an appropriation continues in force until a majority of the legislature and the executive agree to change it, or a legislative majority sufficient to override a veto can be secured. In the Interstate Commerce Commission this remedy was adopted. It was adopted also in the Federal Trade Commission. It is adopted in the legislation providing for a Federal Board of Vocational Education.

In the proposed National Waterway Commission bill this safeguard is thrown around the members of the Commission through the provision: "Sec. 2. That each commissioner shall receive an annual salary of \$10,000 payable in the same manner as the judges of the courts of the United States. The commission shall appoint a secretary who shall receive an annual salary of \$5,000 payable in like manner." Thus while the commissioners and the secretary are protected as to salary, they are not protected, for example, as to traveling expenses. But more important than that is the fact that the field staff of the commission, after the initial appropriation is expended, is at the mercy of a committee of Congress or a majority of either house or the executive and one-third of one of the houses and will always be similarly situated upon the expiration of an appropriation — presumably annually. The provision of the bill is: "Sec. 7. That the sum of

\$500,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury, to carry out the provisions of this Act." By inserting the word "annually" between the words "is" and "appropriated," the independence of the Commission from committee or minority control would be secured. For automatically there would be placed at the disposal of the Commission \$500,000 annually, or any other definite sum, unless a majority of Congress wishes to increase, decrease or reject it entirely, in other words, change it.

These continuing appropriations permit the Commission and its field staff to work unhampered, subject, of course, always to legitimate legislative control. The attempt of the majority to abridge the power of the Commission or subject it to improper influence through legislation raises the question in a public manner and thus permits the organization of a public opinion. If it were rushed through one house, the second house might rebel. If both houses were of one mind on the subject, the executive might rebel. Each point of friction furnishes opportunity for more public discussion. After they heard from back home the legislators might want to change their minds.