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The Influence of Party Affiliation on Decisions of the Interstate Commerce Commission

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THE INFLUENCE OF PARTY AFFILIATION ON
DECISIONS OF THE INTERSTATE
COMMERCE COMMISSION

A Thesis

Presented to

The Faculty of the Department of Government
The College of William and Mary in Virginia

In Partial Fulfillment

Of the Requirements for the Degree of
Master of Arts

by

William T. Molloy

1971

APPROVAL SHEET

This thesis is submitted in partial fulfillment of
the requirements for the degree of
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ABSTRACT

The purpose of this study was to determine, if possible, the effects of party affiliation on the decisions of the Interstate Commerce Commission. The effects were determined by comparing the voting patterns of the individual commissioners in five categories of decisionmaking with standard positions constructed from the Democratic Platform Plank of 1956 on Transportation. Conformity with the standards were considered to be the Democratic position, while nonconformance with the standards were construed to be the Republican position. Partial concurrences and dissents were given a halfway value between the two positions.

From the data as processed it was found that there was no significant correlation between party affiliation and any decision of the individual Commissioners. As a matter of fact, there seemed to be a high percentage of the decisions which were contrary to the assumed party positions. Further study revealed that this contrariety tended to be associated with Commissioners who had previously held public office and who had had legal training.

THE INFLUENCE OF PARTY AFFILIATION ON
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CHAPTER I

INTRODUCTION

The Interstate Commerce Act, recognizing the position of the Commission as an agency enforcing and interpreting public policy, provides that not more than six of the eleven commissioners shall be appointed from the same political party.¹ History records the fact that the fixed, overlapping terms of the commissioners, the bipartisan composition, and the vague guarantees of tenure were incorporated in the original legislation to insure that the Commission would be independent of the executive. While the requirement for "balance" of members with different party affiliations was aimed at preventing "packing," experience has shown that these safeguards do not protect against public instruction by the President, congressional ire, or budgetary controls imposed by either or both.

It was not until the Lake Cargo Coal Rate Controversy of the 1930s that recognition was given to the fact that there were political pressures both from within the government and from outside that could present a challenge to the "independence" of the Commission.² The

¹Statutes at Large, XLIX, at 481.

²Harvey C. Mansfield, The Lake Cargo Coal Rate Controversy (New York: Columbia University Press, 1932), pp. 141-43.

political pressures, as observed, took one of two forms. First there were those who sought to influence the adjustment of controversies on the horizon, or in the actual process of determination. Second, there were those who sought to mold the general course and direction of regulatory policy through manipulation of the appointing power. Those who thought to apply such pressures were assuming, either explicitly or implicitly, that the Commission was a part of the administration and was, therefore, a legitimate medium for the expression of partisan political policy.³

Since 1920 there have been several incidents involving the executive branch which were calculated to embarrass the Commission in its free exercise of control. President Harding urged his views privately on at least one of the commissioners concerned with the postwar rate adjustments, while President Hoover, on at least two occasions, publicly expressed his support and approval of positions which he thought proper in cases then in hearing before the Commission.⁴

There were also incidents of undue emphasis on political considerations in the choice of appointees during the Coolidge years. The tactics involved in political wirepulling of this type, when sectionalism becomes involved, tends to generate partisanship and

³I. L. Sharfman, The Interstate Commerce Commission: A Study in Administrative Law and Procedure, Vol. II (New York: The Commonwealth Fund, 1931), p. 453.

⁴Ibid., pp. 455-56.

extend the influence of the appointing and confirming authorities. Even the long tradition of the renomination of effective commissioners was violated in the Senate of the 70th Congress, 1st Session because of a single decision on the part of Commissioner Esch, and not on the grounds of malfeasance or nonfeasance.⁵

Some legislative enactments have also been calculated to affect the scope of jurisdiction and the range of functions and activities of the Commission. Examples were the Hoch-Smith Resolution on special rates for agricultural products, and the various bills seeking to abolish the Pullman surcharge authorized by the Commission in 1925.⁶

In a 1935 opinion the Supreme Court expressed the feeling that the members of the Interstate Commerce Commission were called upon to exercise the trained judgment of a body of experts ". . . appointed by law and informed by experience." The Court went on to imply that, despite the fact that the Commissioners were appointed by the head of the party in power, and administered laws passed as the result of political decisions, they must act with complete impartiality in the public interest.⁷ Since the Commissioners are members of an administrative tribunal sharing the executive function of administering and

⁵Ibid., pp. 461-62.

⁶Sharfman cites Statutes at Large, XLIII, at 801 and 95 ICC 469 as examples at p. 465.

⁷Humphrey's Executor v. U.S., 295 U.S. 602.

implementing stated legislative purposes, they must adopt the posture of executives acting within a policy framework and not that of judges deciding impartially between adversaries. While both an executive and a judge use the same essential materials of decision, the executive's use of the evidence is far more subjective than the judge's. The executive must exercise a greater degree of discretion and apply more value judgment in the application of statute law to concrete situations and in enunciating policy according to his expert knowledge and the best of his belief.⁸

The real cause of this diffusion and sharing of executive responsibility in the Federal Government is to be found in such basic political factors as congressional-presidential rivalries, the decentralization of political parties, the absence of responsible party government, and the prevalence of particularistic interests in this country. The so-called "independence" of the regulatory commissions is, therefore, only a symptom of the phenomenon and not the proximate cause of the diffusion according to Bernstein.⁹

If this is so, then what difference does the makeup of the Interstate Commerce Commission make? Do the individual commissioners let their political philosophy, as evidenced by their party

⁸Herbert Simon, Administrative Behavior: A Study of Decision Making Processes in Administrative Organizations (New York: Macmillan Co., Inc., 1954)

⁹Marver H. Bernstein, Regulating Business by Independent Commission, (Princeton, New Jersey: Princeton University Press, 1955), pp. 168-69.

affiliation, influence their vote on cases heard before them?

Political scientists of the past twenty years have found no concrete evidence that any political pressures have influenced the Commission as a whole, but most of their data boil down to expressions of opinion rather than fact. Of course these tendencies, symptoms and causes are not always evidenced in the public record and are not easily appraised today by reference to precise and dogmatic standards.¹⁰

Since no group of human beings can be completely objective under such pressures, it is the purpose of this writer to find out how much subjectivity is evident in the decisions of the Interstate Commerce Commission by comparing the voting patterns of the commissioners on several issues of general transportation importance with the stated public policies of the two major political parties on the regulation of business in general, and the transportation industry in particular, as reflected in the party platform. The second purpose of this study is to disclose, if possible, what attitudes and beliefs of the commissioners may be adduced from their voting patterns. In a word, how consistent are they in their decisions?

The Approach of the Study

Schubert cites three theoretical approaches available for such research into judicial decisionmaking; the traditional, the conventional, and the behavioral. Although these three are not mutually exclusive, the writer chose to subordinate the traditional

¹⁰Sharfman, op. cit., pp. 452-77.

and conventional approaches in favor of the behavioral approach for several reasons. First, the traditional theory seeks consistencies among output norms; second, the conventional looks for any observable consistencies in patterns of interaction between the commissioners and the other actors in the procedural process. Only the behavioral approach focuses upon the consistencies in the patterning of individual sets of values, consistencies between individual sets of values, and consistencies among an individual's inputs, his values, and his outputs. In short, the traditional theory deals with output relationships; the conventional with both input and output relationships; and the behavioral with the input, conversion, and output relationships.

The demands of the litigants which the Commission perceives not only as "objective content," but also as functions of the status of the litigants and the competence of the practitioners who present the cases, will be considered as the inputs to the process. Whatever the direction of the response by the Commission, it is likely to be more intense when the arguments for an issue are reinforced by the advocacy of a recognized practitioner who is experienced in interacting with the Commission and its staff. A second general source of inputs derives from the lower echelons of the Commission which initially reacted to the demands. Disagreement over conclusions as to the application of law to fact leads to the appeal procedure which involves the Commission en banc. A third source of inputs is the record of the case, the briefs, petitions and the oral arguments presented to the Commission. There are the facts in the

case and those of the case. The former consist of a description of the events that led up to the conflict of interests between the litigants and the position of the interveners. The events that transpired in the preliminary administrative adjudication, including the actions of the hearing examiners, boards, and divisions of the Commission are the facts of the case. Then there are the inputs by the critics of the Commission, i.e., Congressmen and Senators acting as individuals, executive suasion, judicial prerogative, statements by professional societies, testimony by industry associations, et cetera.

By conversion is meant that subprocess by which issues are recognized and decided as the result of group interaction, the integration of value-judgments of the individual commissioners, the shared perceptions of policy, and the factual questions raised by the litigants. Both issues and values are dynamic inputs which through the conversion process become the outputs of the policymaking system. The values may change slowly with time for the acquisition of values are a part of the socialization process, but the demands and issues may fluctuate widely.

Schubert also shows that there are three major attitudinal components of ideological liberalism and conservatism, namely those affecting the political, economic and social outlooks of the judges involved. Since the Interstate Commerce Commission is structured with a judicial framework as an administrative tribunal, it would be reasonable to assume that the same ideological components affect

the outlook of the commissioners. A political liberal on the Commission would tend to place emphasis on the rights of employees of carriers and the public which they serve. A political conservative, on the other hand, would favor the status quo with regard to regulatory matters. An economic liberal would believe in and support a more equal distribution of the profits, and better services at less cost. An economic conservative would defend private enterprise, protect vested interests, and uphold the broad differential in wealth and income between management and labor. A social liberal would be predisposed toward individual personal rights of employees and clientele, but toward collective property rights. A social conservative would lean toward collective personal rights, but insist on individual property rights.

Schubert's study found a high degree of rationality in judicial decisionmaking consisting primarily of a psychological structuring of attitudes in the minds of individual judges, rather than of a logical structuring of rationalizations for outcomes as expressed in written opinions. There is every reason to believe that a similar level of rationality may be found in the decisionmaking within the Interstate Commerce Commission because of the judicial aura with which the agency has been endowed from its inception. It is further suggested that the rationality may be attributed to the attitudes of the decisionmakers toward policy issues, and not in other cause-and-effect relationships between decisions and

output norms.¹¹

The attitudes of decisionmakers toward policy issues often parallel their political affiliations, but the predilections to which members of judicial bodies and administrative tribunals respond will not necessarily be evinced in either their written opinions or in the records of the cases heard. There are many other influences acquired during early education, and work experience, such as political influences in the broad sense, educational backgrounds, and partisan political policies which an administration will seek to implement. Since all of these will affect the output of the Commission to some degree, they must be explored before a viable conclusion can be arrived at.

One factor which may be quantitatively measured and which reflects the attitude of individuals is the voting pattern on a sufficient number of cases involving specific issues so as to be statistically significant. By mathematical techniques these quantitative measurements can serve as indicators, but the attributes and influences which lead up to these voting patterns must be identified before any interpretation may be attempted.

¹¹Glendon Schubert, The Political Role of the Courts: Judicial Policy-Making (Glenview, Illinois: Scott, Foresman and Company, 1965), pp. 120-25.

CHAPTER II

POLITICAL INFLUENCES

Historically sponsors and reformers of American regulatory commissions have had a rather naive view of the political processes in a democracy. For instance, the advocates of the Interstate Commerce Commission insisted on keeping it out of the hurly-burly of politics, and in the hands of capable and expert men who would protect the public interest unencumbered by political influences. This bias of Progressive political thought which was prevalent in the first decade of this century was combined with the legalistic emphasis on adjudication by the legal profession which resulted in the sad misconstrual of the regulatory process by proponents of the "independent" commission. They were unable to understand the true nature of the problem which the Commission would face.

As Bernstein explained:

The process of regulation is unavoidable political. So long as regulation is conditioned by the general political and social environment, and remains founded on the efforts of organized groups to utilize public power to promote either private ends or the public welfare, it will remain a major aspect of political life. It is political not in the image of progressive reformers, that is corrupt, fraudulent, dishonest, and motivated by desire for private gain. Politics refers rather to the emergence of public issues, formulation of public policies, and administration

of governmental affairs.¹²

It would, therefore, be no surprise to find that there is political influence exerted on the Commissioners of the Interstate Commerce Commission. The question is from what sources and to what degree the influences will be apparent.

Presidential Influence

By the very act of making appointments a President becomes engaged in a political act, and his appointments are going to reflect his own political policies to a greater or lesser degree.

Herring relates that Wilson's appointments were often criticized on the grounds of policy, while Harding accommodated friends and associates. With Coolidge questions of qualifications were clearly subordinated to political considerations. Bernstein also agrees with Herring that it is shortsighted to look upon politics as a malevolent force since the problem is much more fundamental. Politics in the broad sense simply cannot be separated from national policy, but what is reprehensible is the political interference which is petty, personal, and partisan. For instance, the manner in which Harding and Coolidge controlled their appointees by

¹²Marver H. Bernstein, Regulating Business by Independent Commission (Princeton, New Jersey: Princeton University Press, 1955), pp. 71-73, 258.

the subterfuge of retaining an undated letter of resignation was clearly unethical.¹³

According to Cushman, all presidents from Wilson to Franklin D. Roosevelt have attempted to influence the activities and policies of the Commissions in one way or another.¹⁴ Even the Progressive Reformer, "Teddy" Roosevelt, did not hesitate to call two Interstate Commerce Commissioners to the White House to discuss a pending case with the President of the New York, New Haven, and Hartford Railroad Company, while President Hoover used the technique of issuing a public statement on the outcome of a case on the Commission's docket to influence a favorable decision.¹⁵

Franklin D. Roosevelt attempted to oust a Commissioner from the Federal Trade Commission who displeased him, but he did not succeed. The Commissioner, Humphrey, died before the litigation was concluded, but the executor of his estate carried the case to the Supreme Court where it was decided that a commissioner could only be removed for inefficiency, neglect of duty, or malfeasance in office, but not for reasons such as political expediency or convenience.¹⁶

¹³E. Pendleton Herring, Federal Commissioners: A Study of Their Careers and Qualifications (Cambridge, Massachusetts: Harvard University Press, 1936), pp. 77-79.

¹⁴Robert E. Cushman, The Independent Regulatory Commissions (New York: Oxford University Press, 1941), pp. 681-85.

¹⁵Bernstein, op. cit., pp. 110-11.

¹⁶Humphrey's Executor v. U.S., 295 U.S. 602 (1935).

Political Party Influence

The question of why there should be political interference with the inner workings of the Interstate Commerce Commission could be answered rhetorically, "Why not?". Superficially both questions are too obvious, but as one goes deeper, one becomes too involved with human nature to obtain a simple answer.

The political influence takes many forms, some of which are inevitable. One type results from the fact that many prominent party functionaries outside of the government are also lawyers and practice before the Commission. Then there are the officeholders and aspirants at the state level who contribute much heat, but not much light, through fiery oratory and campaign pledges about sectional disputes being heard before the Commission. Lastly, there are those seekers of patronage positions within the regulatory organization staffs.¹⁷

When Executive Order Number 10440 of March 31, 1953, amended the Civil Service Commission's Rule VI, three new classes of excepted positions were added to the list of patronage jobs. The Commission was also authorized to reclassify or add positions to the confidential or policymaking category upon recommendation of the agency concerned. The Eisenhower Administration by this move removed the patronage system from the centralized control of the Executive Offices at the White House and transferred the function to the Washington office of

¹⁷Harvey C. Mansfield, The Lake Cargo Coal Rate Controversy (New York: Columbia University Press, 1932), pp. 155-56.

the Republican National Committee, which then became the clearinghouse for filling federal jobs not covered by the Civil Service System.¹⁸

As the system worked in 1954, Republican Senators, Congressmen, and state patronage managers recommended applicants to the National Committee which forwarded the recommendations to the appropriate agencies. Each department and agency was supposed to notify the National Committee monthly of their vacancies in noncovered positions, and weekly of their appointments.¹⁹

When the Democrats reassumed control in 1961, Lawrence F. O'Brien was named Special Assistant for Personnel and Congressional Relations which in effect made him the patronage boss of the new regime. The combination of personnel and congressional relations responsibilities and the assignment of O'Brien to the Executive Staff in the White House underlined the intent of the Democrats to use patronage as lever to promote Kennedy's programs.²⁰ This intent was reinforced during the Johnson years when yet another group of positions were placed in the exempt category, the noncareer executive

¹⁸U.S., President, Executive Order No. 10440, "Amendment of Civil Service Rule VI," Federal Register, XVIII, 63 (March 31, 1953), 1823.

¹⁹New York Times, October 28, 1954.

²⁰New York Times, January 3, 1961.

assignments.²¹

The effect of both of these Presidential actions on the Interstate Commerce Commission is shown in Table I.

TABLE 1
PATRONAGE POSITIONS AT THE ICC

Year	Exempted Position Title	Number
1953	Confidential Assistant to each Commissioner	11
1954	Managing Director ^a	1
1965	Congressional Liaison Officer ^a	1
1968	Confidential Assistant to the Managing Director	1
1969	Congressional Liaison Assistant	1
1970	Secretary to the Congressional Liaison Officer	1
	Total:	16

^aIndicates Noncareer Executive Assignments

Congressional Influence

Beyond the power to create an independent regulatory agency such as the Interstate Commerce Commission, Congress can and does exercise a continuing oversight with respect to all of the regulatory agencies. First, there is the technique of supplemental enactments,

²¹U.S., President, Executive Order No. 11315, "Amending the Civil Service Rules to Authorize an Executive Assignment System for Positions in Grades 16, 17, 18 of the General Schedule," Federal Register, XXXI, 225 (November 19, 1966), 14729.

such as the Hoch-Smith Resolution of 1925, and the National Transportation Policy of 1940, which direct the Interstate Commerce Commission to pursue certain specific policies under certain circumstances. Second, there is the budget and appropriations process which affords an opportunity for Congress to tangibly express approval or disapproval of the work of the Commission. Third, there is the direct technique of legislating members of a Commission out of office, as occurred to members of the Federal Tariff Commission in 1930.²² A fourth technique is reserved to the Senate by virtue of their position in confirming all initial appointments and reappointments. In 1928 Commissioner Each of the Interstate Commerce Commission fell victim to this type of action because influential members of the Senate felt that his inconsistent voting in the Lake Cargo Coal Controversy was the result of political interference, although no proof was ever found.²³

Besides the positive influences that Congress can wield, there is also a negative influence of limiting the discretionary powers of the President in removing members of a commission from office. If he can remove them, the President can control the commissioners. If he cannot, then the confirmation by the Senate is the last word. How far the power of Congress extends in restricting the removal power of the President has been outlined in two landmark

²²Statutes at Large, XLVI, at 590, 696 (1931).

²³Mansfield, op. cit., pp. 178-83.

cases decided by the Supreme Court.²⁴ The results are somewhat ambiguous and disappointing in that the scope of the removal power depends on the character of the office in question. The question of whether Congress can make a commission completely independent by denying the President authority to remove members for cause remains unanswered.²⁵

From the viewpoint of the Commission, good rapport with the legislators is imperative for survival, and the commissioners and career administrators strive to socialize committee members, especially the chairmen, to their agency's point of view. It is also essential that the agency reciprocate by providing technical help and information to Congressmen and Senators on a quid pro quo basis.²⁶ The resulting influence which the legislators exert individually (party aside) is different from that which members of the committees of interest in the Congress exert in their official capacities. In the latter case the members are concerned with public policy and decisionmaking which the Commission must administer, while in the former the legislators are involved with particularistic interests of their geographic, or technical interest constituencies. The effect on

²⁴Meyers v. United States, 272 U.S. 52 (1926); and Humphrey's Executor v. United States, 295 U.S. 602 (1935).

²⁵Cushman, op. cit., pp. 448-61.

²⁶Francis E. O'Rourke, Bureaucracy, Politics, and Public Policy (Boston, Massachusetts: Little, Brown and Company, 1969), pp. 24-31.

the decisions of the Commission is likely to be greater where the public interest is concerned than where personal concerns are involved. The relative power of the lawmakers in either case is a matter of seniority, the relationship between the individual and the Commission, or the subject matter under consideration. It cannot be attributed to some intrinsic characteristic of their personality.²⁷

The reach for influence by individual members of Congress has even included the time-honored prerogative of handling patronage with special reference to the top appointive posts and those sensitive policymaking positions not subject to civil service tenure restrictions, Schedule C jobs.²⁸

Frequently one hears of an independent regulatory body referred to as "an arm of Congress," but this does not describe a legal relationship and cannot be used as an argument for the existence of such a body. While it is true that such delegated powers as ratemaking are legislative in nature, they are of the "sublegislative" variety and are subject to review. Furthermore, there never has been a delegation of tasks to any independent agency

²⁷Andrew Hacker, "The Utility of Quantitative Methods in Political Science," Contemporary Political Science, ed. by James C. Charlesworth (New York: Free Press, 1967), pp. 136-37.

²⁸For some recent examples of Commissioners who owe their appointments to such fortuitous circumstances see Appendix B, biographical material on: William I. Lee, Walter M. W. Splawn, Charles A. Webb, Robert W. Minor, Paul J. Tierney, and George M. Stafford. All, at one time or another, were on the staffs of Congressmen, Senators, or Committees of one or another of the Houses of Congress.

that could not just as well have been performed by an executive officer. Thus in true perspective the independent regulatory agencies are separate institutions of government sharing some of the powers of all three branches.

Educational Backgrounds

In 1936, Herring conducted a study of the careers of the Federal Commissioners of the past, and looked into many of the factors and qualifications which were part of their educational backgrounds. The data which he compiled led him to make the following generalization:

The extremes [of educational experience] stress the great unevenness in the formal training of the men who have come to our commissions. . . . One hundred twenty-six commissioners attended public high schools. Only eleven men were educated at private academies, and the select private preparatory schools are conspicuously absent.²⁹

Herring's data on the forty-three Interstate Commerce Commissioners appointed up to that time shows that 49 per cent had undergraduate degrees, 14 per cent had graduate degrees, and that 7 per cent attained doctorates. Of twenty-seven with legal experience, 21 per cent had studied law privately, 9 per cent had some law school experience, while 30 per cent had received their LL.B. degrees.³⁰

Of the nineteen commissioners whose backgrounds were

²⁹Herring, op. cit., pp. 33-34.

³⁰Ibid., Appendix C, p. 109.

researched for this study 10 per cent stopped their education at the high school level, 85 per cent attained undergraduate degrees, and 5 per cent received a graduate degree. Seventeen of the commissioners had legal backgrounds (89 per cent), fourteen had LL.B.'s (74 per cent), one had a graduate degree (5 per cent), while two held doctorates (10 per cent). Other background information is included in Appendix B data.

Part of the educational background of the commissioners included in this study was the development of their concept of politics and what party affiliations they made. In this regard, it was assumed that they would have followed in general the image that the public had at that period in time.

Party Platforms and Policies

The public image of the Republican and Democratic policies on regulatory matters during the period when most of the commissioners included in this study were just beginning their careers has been clarified by some of the data collected by the Gallup Poll on presidential voting preferences. For instance, in a sample of presidential preferences in the 1936-1940 time frame with relation to the distribution of responses to the question, "During the next four years do you think there should be more or less regulation of business by the Federal Government than at present? . . .", 59 per cent of 2,386 Democratic stalwarts wanted as much, if not more, regulation, while 76 per cent of the Republican standpatters desired less.

Of voters shifting from a Republican preference in 1936 to a Democratic preference in 1940, 51 per cent of the eighty-five respondents favored more regulation, while of those 660 individuals whose preferences shifted from the Democrats to the Republicans 63 per cent desired less regulation. Among the 403 new Democratic voters, 57 per cent wanted as much, if not more, regulation, while 55 per cent of the 285 new Republican voters desired less Federal regulation of business.³¹

The traditional image of the Republican Party since the decade after the Civil War has been one of laissez faire economic policies when it came to regulation of business and industry. Even when the Progressive wing of the party under Theodore Roosevelt was in control, they were more interested in reforming the mechanics of government by such devices as the direct election of senators, the direct primary, and the initiative and referendum than they were in the regulation of business. This tendency has carried right down to the period under study.³²

The Republican platform of 1960 in commenting on transportation called for:

Continued improvement of our vital transportation network carrying forward rapidly the vast Eisenhower-Nixon national highway program and promoting safe, efficient, competitive and

³¹V. O. Key, with the assistance of Milton C. Cummings, Jr., The Responsible Electorate (New York: Vintage Books, 1968), pp. 44-56.

³²Bernstein, op. cit., pp. 34-39.

integrated transport by air, road, rail and water under equitable, impartial and minimal regulation directed to those ends [emphasis added] .³³

The Curtis Report on which the 1960 platform was based was a digest of the opinions of twenty-four experts. It placed stress on private enterprise, private incentive, minimal activity by the Federal Government, increased tax concessions to business, et cetera. Then Vice-President Nixon expressed the view that as little government as possible was the most important principle of the Republican Party.³⁴

The 1964 Republican Platform, while it made no specific reference to transportation, did commit the party to simplify regulatory requirements, to ". . . put an end to powergrabbing regulatory actions. . . ." to eliminate excessive bureaucracy, and

In all such matters relating to Federal Administration it will be the Republican way to provide maximum service for each tax dollar expended, watchfully superintend the size and scope of Federal activities and assure an administration always fair, efficient and cooperatively disposed toward every element of our competitive system. . . .³⁵

Democrats have, ever since they espoused the Populist viewpoint in the campaign of 1896, been advocates of regulation of business in the public interest. They have sponsored much of the basic transportation regulation and supplementary legislation such

³³Kirk H. Porter and Donald Bruce Johnson, National Party Platforms, 1840-1964 (Urbana, Illinois: University of Illinois Press, 1966), pp. 609-10.

³⁴Seymour E. Harris, The Economics of the Political Parties (New York: Macmillan Co., Inc., 1962), pp. xx-xxv.

³⁵Porter and Johnson, op. cit., pp. 684-85.

as the National Transportation Policy, the Motor Carrier Act of 1935, and Section 77 of the Bankruptcy Act. Perhaps the best statement of the Democrats toward transportation regulation is found in the Transportation Plank of their platform of 1956 which reads:

Transportation: The public and national defense interests require development and maintenance, under the competitive free enterprise system, of a strong, efficient, and financially sound system of common carrier transportation by water, highway, rail and air, with each mode enabled, through sound and intelligent exercise of regulatory powers, to realize its inherent economic advantages and reflect its full competitive capabilities. Public interest also requires, under reasonable standards, the admission of new licenses, where public convenience may be served, into the transport fields. We deplore the lack of enforcement of safety regulations for protection of life and property under present Republican Administration, and pledge strict enforcement of such regulations.

The same trend of thought may be seen in the Democratic platforms of subsequent national campaigns and in later legislative actions by which they sought to implement these principles.³⁶ One might thus syllogize that the attitudes of the Democratic commissioners appointed during the 1960s, who were acquiring an education and experience in the late 1930s, favored more regulation, while the opposite would be true of the Republican members.

Conditions for Effective Influence

Under what conditions can party leaders in and out of government effectively influence the decisions of the Interstate Commerce Commission? Freeman specified that:

³⁶Ibid., pp. 531, 610.

Ideal conditions [for effective influence] would exist when the Administration and Congress are dominated by the same majority viewpoint; when they can point to a clear margin of public confidence in election returns, in editorial comment and in public opinion polls; and when this sentiment reinforces the control of the Administration over the Bureaucracy and the control of the Congress over its committee personnel. Under such conditions, which are rare indeed, there would in fact be party government, and the decisions made in subsystems would be little more than reflections of the general political system.³⁷

The fact that the Chief Executive and the Congressional Leadership both wear the same labels does not mean that they have the same "majority viewpoint," for the norm in this century has been for there to be a conservative and a liberal faction in both major political parties. At the beginning of the period here under study, Kennedy polled only 49.48 per cent of the popular vote in 1960, which made him a "minority" president. The Chairmen of the Congressional committees, while all nominally Democrats, were chiefly from the conservative Southern faction of the party.

Nor was there a ". . . clear margin of public confidence in election returns" until Johnson ran on his own in 1964. Nevertheless, this margin dwindled by 1968. Even the editorial comment and the public opinion polls reflected the gradual loss of public confidence and the presidency was ultimately lost to the Republicans in 1970.

As to the ". . . control of the Administration over the Bureaucracy," this remained in the hands of the liberal faction of

³⁷J. Leiper Freeman, The Political Process: Executive Bureau--Legislative Committee Relations (Rev. ed.; New York: Random House, 1965), p. 59.

the Democratic Party by virtue of the fact that the noncareer executive appointments were handled directly out of the Executive Office of the President during the Kennedy era. By contrast, the ". . . control of the Congress over its committee personnel . . ." remained with the conservative members of the party due to the seniority system which ensured that the long-tenured Southerners from one-party districts held the reins. The conditions during the period under study were, therefore, less than ideal for effective political influence on the Commission.

The opinions of Bernstein, Herring, Mansfield and others who have commented on the role that partisan politics played in the decisionmaking process of the Interstate Commerce Commission twenty, thirty and even forty years ago bolster a null hypothesis that there will be no differences between the Republican and Democratic members' views on regulatory matters. This assumption is further reinforced by Bernstein's observation that:

The lack of a close correlation of party affiliation and regulatory views should not be surprising. Frequently the President in designating a commissioner from the opposite party will select a man who does not represent the dominant views of that party. Franklin Roosevelt often appointed Republicans who were closer to the policy of his administration than many Democrats were. Moreover, as commissioners share their regulatory experience and influence one another, party differences on general economic policies come to have less relevance to day-to-day problems.³⁸

Alternative hypotheses which would indicate a Democratic bias

³⁸Bernstein, op. cit., p. 104.

in the decisions of the Commission were constructed around four general areas of regulatory interest to transportation mentioned in the Democratic Platform of 1956; i.e., franchises; finances and unifications; rates, charges, services, and their schedules; and enforcement of safety regulations. A fifth area of prior proceedings and judicial review was added to determine if the commissioners were upholding the work of their career employees, and if the Commission was taking action consistent with judicial opinions in matters reviewed by the courts and remanded to the Commission for further action or consideration. How the attitudes of the individual commissioners were evaluated from the written decisions of the Commission is the subject of subsequent chapters.

CHAPTER III

RESEARCH DESIGN

In 1961, Stuart S. Nagel of the University of Arizona wrote an article in the American Political Science Review in which he explored the empirical relationships between political party affiliation and judges' decisions as his primary objective. He selected 298 state and federal supreme court judges, determined their party affiliations from appropriate biographical references, and then analyzed cases in fifteen typical major fields of judicial decision-making in which the judges had participated. His particular interest was to develop, if possible, an indicator for predicting how judges on bipartisan appellate courts would divide when they could not agree.³⁹

Each judge was given a "decision score" by Nagel which represented the proportion of times that a judge voted for a specific class of litigant, i.e., defendant in criminal cases, administrative agency in business regulation cases, et cetera, out of the total number of times he voted in that category. Where a judge did not vote clearly for either the plaintiff or defendant, particularly if he

³⁹Stuart S. Nagel, "Political Party Affiliation and Judges' Decisions," American Political Science Review, LX, 4 (December 1961), p. 843.

concurring in part or dissenting in part, he was given a one-half vote.

The data were then analyzed to determine what party affiliation, if any, was consistently associated with decision scores above the average in each category of case. The probability of finding the observed differences between Republican and Democratic judges purely by chance, considering the number of judges in each category, was also computed to determine if any were statistically significant. Nagel then sought to explain those relationships which were statistically significant, although he admits quite frankly that several factors make the apparent definite correlations less than perfect.

Method

Using the Nagel article as a model, the writer sought to replicate the procedure, but with a smaller population, using the Interstate Commerce Commission as the object of research. Instead of fifteen areas of law, the author used four areas of general transportation issues in which the Commissioners would be involved in making quasi-judicial decisions, and a fifth area of prior proceedings to see how consistently the Commissioners applied public policy and supported both their subordinate career employees and the courts of appellate jurisdiction. The period chosen for study was from 1960 through 1967, because it was the most recent period for which the bound volumes of Reports of the Interstate Commerce Commission were available. The cases were reviewed until a sufficient number in each category had been accumulated to provide a statistically significant

population for computation.

One difficulty in operationalizing the Nagel method to an administrative agency such as the Interstate Commerce Commission was that the nature of the duties of the Commission were different in most cases from that of the courts of appellate jurisdiction. The latter, for the most part, are engaged in determining either the private rights of litigants in civil cases, or the guilt or innocence of defendants in criminal cases. Because of the adversary nature of court cases, Nagel was able to state a definite position in each type of case as a standard of measurement.

Since there are more than two parties at interest, interveners, and public policy to be considered in administrative determinations, there cannot always be a dichotomous situation from which to select a standard of measurement. This being the case, a series of positions on each of four general transportation issues, and the issue of precedence in prior proceedings were developed to establish a Democratic viewpoint. This party was selected since they were nominally in charge of both the Congress and the Administration during the period under investigation. These positions were then used as a standard of measurement in the same manner as Nagel used his standard.

The four areas of general transportation interest selected were the matter of franchises; finances and unifications; rates, charges, services and their schedules; and safety regulation enforcement. In the matter of franchises, the 1956 Democratic Platform stated: "Public interest also requires, under reasonable standards,

the admission of new licenses, where public convenience may be served, in the transport fields. . . ."

There is also an emphasis on "the competitive free enterprise system," and "full competitive capabilities." Therefore, the standard set of responses relative to franchises must reflect disapproval of requests for new franchises, or transfers or modifications of existing ones which would lessen competition, or which were not in the public interest. Conversely, the granting of new franchises, or the transferral of existing operating rights to qualified applicants to increase competition and serve public convenience and necessity would meet the criteria. Included in the latter group would be the granting of permission to agricultural interests and others meeting the provisions of the law to operate as exempt operations as provided by Parts II and III of the Act.⁴⁰ Requests for the abandonment of lines or the discontinuance of services by railroads would be considered contrary to public convenience and necessity, or as an inability to meet competition and thus deserving of disapproval. The disciplining of operators who violate the terms of their franchises would be considered as good public policy in the enforcement of the law.

With respect to finances and unifications, the Democratic tradition of rigid regulation of big business would militate against any reorganization plans designed for the benefit of the stockholders rather than the public. On the same basis, mergers, consolidations,

⁴⁰Interstate Commerce Act, Title XLIX, Statutes at Large, U.S. Code, Vol. LIV, secs. 304, 902 (1940).

or acquisitions of control which are designed to lessen competition and concentrate the financial control in the hands of a few would be subject to disapproval.

In the matter of rates, charges, services and their schedules the Populist view of reducing rates and charges to a reasonable level, providing adequate services, and eliminating preferences, prejudices, and discriminations has long been considered by Democrats to be in the public interest. In this connection, the finding of violations of the law and regulations in rate matters, and the vigorous exercise of the ratemaking and rulemaking powers of the Commission would be taken as indications of ". . . sound and intelligent exercise of regulatory powers. . . ." In view of the preeminent position which the courts have granted the Federal Government in the regulation of interstate commerce, the countermanding of actions by individual states in rate disputes would also be considered as "sound and intelligent" in the interest of uniformity and equity.

The strict enforcement of safety regulations would include the promulgation of standards and the investigation of accidents to ascertain proximate causes so that appropriate corrective actions may be taken to prevent recurrences.

In the review of prior proceedings, both those heard on petition and those remanded from Federal Courts, the affirmation of prior orders and reports of findings, or the taking of actions consistent with the opinions of the courts were considered to be in support of the career employee members of the subordinate boards and

bureaus of the Commission, or in support of the Federal Judiciary. In either case it was considered to be the Democratic position during the period under study.

The standard responses against which the voting patterns in each case were measured follow:

Franchises:

a) Disapproving certificates and permits, modifications thereto, or transfers thereof when the applicant is:

(1) A railroad having an annual operating income of 3 billion dollars or more, or;

(2) A motor carrier having an annual operating income of 1 billion dollars or more.

b) Disapproving requests for abandonment of lines or discontinuance of service by railroads.⁴¹

c) Classifying an operation as an exempt, unregulated enterprise in accordance with the law.

d) Finding operators to be in violation of the law, their certificates or permits.

e) Granting certificates and permits, or transferring operating rights to qualified applicants other than those in a) above.

⁴¹The Interstate Commerce Commission has no authority to prevent abandonment of routes, or discontinuances of services by other carriers.

Finances and Unifications:

a) Disapproving financial plans submitted by fiduciaries in corporate reorganizations to provide operating capital for continued operation of the business for the benefit of stockholders and creditors, rather than for other considerations.

b) Denying authority to issue additional securities for any purpose.

c) Denying authority to assume obligations, liabilities, and guarantees in connection with mergers, consolidation of lines, or unifications.

d) Denying authority for sale and/or purchase of assets, leases, operating rights, agreements, or securities between two or more carriers.

e) Finding mergers, consolidations, or acquisitions of control not to be consistent with the public interest.

Rates, Charges, Services, and their Schedules:

a) Countermanding actions of state regulatory agencies in matters of rate levels, rate structure, or service charges.

b) Exercising the ratemaking or rulemaking authority of the Commission.

c) Finding undue preference, prejudice, or discrimination in rate cases.

d) Finding violations of the Act, or of the Commission's rules in connection with rate matters.

e) Denying requests for relief from the long- and short-haul provisions of Section 4 of the Interstate Commerce Act.

f) Denying requests for specific or general rate level or charges increases.

g) Finding rates to be inapplicable, unjust, unreasonable, or otherwise unlawful.

h) Ordering changes to, or cancellations of schedules (tariffs), and/or operating agreements.

i) Finding violations of law and/or regulations in rate cases other than those mentioned above.

Enforcement of Safety Regulations:

a) Promulgating and enforcing rules, standards, and instructions on traffic control systems, safety appliances, and methods.

b) Enforcing paragraph (b) of Section 25 of the Act by not approving modifications to existing safety devices and systems which would lower the standards already set.

c) Investigating accidents and making determinations as to proximate causes and fixing responsibility.

d) Promulgating rules on the transportation of dangerous articles by rail and highway modes.

Prior Proceedings and Judicial Review:

a) Affirming prior orders and reports of findings in the same matters, which were administratively adjudicated by hearing examiners, employee boards or divisions of the Commission.

b) Taking action consistent with the opinion of the court which remanded the case to the Commission for further consideration.

Procedure

The data on the issues involved, the voting pattern of the Commissioners, the identity of the nonparticipants, and the division of the vote for or against the standard responses were extracted from the bound volumes of the Interstate Commerce Reports, coded and accumulated on keypunch card work sheets. Data cards were then keypunched, verified, and read into a computer. A program was developed which processed the data so that the cases in each category were arranged in descending order of vote division, and then chronologically within each vote division. The program also recorded the number of times each commissioner voted in accordance with the standard, against the standard, or failed to participate on the case, as were the number of cases in which a seat was vacant. Sometimes a commissioner did not vote clearly for or against the standard, particularly if he concurred in part or dissented in part. On such occasions his vote was valued at one-half. For instance, in two of the cases remanded to the Commission by the Federal Courts, Commissioner Stafford cast such halfway votes giving him a decision score of one out of a possible three, or .33.

The data was then analyzed to determine what party affiliation, if any, went consistently with a decision score above the average of

the Commission as a whole in each category of issue. For example, the question was asked whether the Democrats and Republicans differed in the proportion of those above and below average. The answer was arrived at in each instance by totaling all of the decision scores for all of the commissioners involved in cases of that type and arriving at an average. The separate scores of the Democrats and the Republicans were then classified as being above or below the average. By the use of the Fisher Exact Probability Test, as modified by Tocher, the probabilities that exactly this proportion of Democrats and Republicans would be found as being above the average decision score for the group was then computed, as well as the probability that there would be an even more extreme distribution of proportions.⁴² The results of the test for the data used appear in Table 2.

⁴²S. Siegel, Non-Parametric Statistics for the Behavioral Sciences (New York: McGraw-Hill, 1965), pp. 96-104.

TABLE 2

DIFFERENCES IN DECISION SCORES OF REPUBLICAN AND
DEMOCRATIC COMMISSIONERS TO THE STANDARD
DEMOCRATIC RESPONSES BY ISSUE CATEGORY

Categories	Cases	Number of Commissioners Involved		Repubs. Above Average	Demos. Above Average	Difference in Percentage Points
		Repubs.	Demos.	(%)	(%)	
Franchises	79	5	8	80	38	42
Finances and Unifications	57	5	8	40	38	2
Rates, Charges, Services and Their Schedules	154	7	9	72	67	5
Enforcement of Safety Regulations	54	6	8	50	38	12
Prior Proceedings and Judicial Review	152	7	9	86	56	30

Notes:

None of these proportions were statistically significant when the Fisher Exact Probability Test was applied.

CHAPTER IV

EVALUATION

The authors of the original "Act to Regulate Commerce" conceived two devices to insure a decrease in the role of partisan influence on the decisions of the Interstate Commerce Commission. The first was the bipartisan composition of the Commission and the second was the seven-year term of the commissioners so as not to coincide with either the appointing presidential term or the confirming senatorial terms.⁴³ But, as Nagel points out in his article, where such devices are operative the members of tribunals have a greater tendency to vote contrary to their party patterns.⁴⁴ To see if the same observation would apply to the Interstate Commerce Commission, a measure of "contrariness" was developed to determine the proportion of the commissioners who were voting against their party pattern.

For this analysis a commissioner was considered to have voted contrary to the tenets of his party if he were a Republican above (or a Democrat below) the average decision score of the Commission in

⁴³Robert E. Cushman, The Independent Regulatory Commissions (New York: Oxford University Press, 1941), p. 61.

⁴⁴Stuart S. Nagel, "Political Party Affiliation and Judges' Decisions," American Political Science Review, LX, 4 (December 1961), p. 848.

the majority of categories in which he participated. Conversely, if a Republican were below (or a Democrat were above) the Commission average he was considered to have upheld his party's position. Using these parameters, Column 6 of Table 2 was changed to reflect the contrariety of the Democrats and the differences in percentage points and probabilities were recomputed. The result appears in Table 3.

The first thing that will be noticed is that in three of the five categories five Democrats always voted contrarily. Further investigation disclosed that it was not always the same five individuals. One Republican voted consistently in favor of liberal positions, while another did so in the three categories in which he participated.

Why so many of the commissioners of both political persuasions would be voting contrary to their party's views may only be confirmation of the observations in a study on executives in government, sponsored by the Brookings Institution in 1957, that there is little or no concern with prospective appointee's political affiliations.⁴⁵

The second observation is that in the category of Franchises, 80 per cent of the Republican Commissioners were voting liberally for increases in the numbers of new competitors in the transportation field. (Over 80 per cent of the applications voted upon were in the motor carrier branch of the industry.) The Democratic members on the

⁴⁵Paul T. David and Ross Pollock, Executives for Government: Central Issues of Federal Personnel Administration (Manasha, Wisconsin: Brookings Institution, 1957), pp. 20-28.

TABLE 3

PROPORTION OF CONTRARY DECISIONS BY REPUBLICAN
AND DEMOCRATIC COMMISSIONERS BY
ISSUE CATEGORY

Categories	Cases	Number of Commissioners Involved		Repubs. Above Average	Demos. Above Average	Differ-ence in Percent-age Points
		Repubs.	Demos.	(%)	(%)	
Franchises	79	5	8	80	62	22
Finances and Unifications	57	5	8	40	62	22
Rates, Charges, Services and Their Schedules	154	7	9	72	33	39
Enforcement of Safety Regulations	54	6	8	50	62	12
Prior Proceedings and Judicial Review	152	7	9	86	44	42

Notes:

None of the above proportions were statistically significant when the Fisher Exact Probability Test was applied.

other hand seemed to be seeking to restrain the competition in contrast to the party's position as stated in their platforms. The question of protecting existing carriers against competition has long been an important one and revolves around "public convenience and necessity" or "consistency with the public interest" on the one side, and the fitness, willingness, and ability of the new applicants to perform the proposed service on the other. The burden of proof in both instances is on the applicant. A liberal or conservative vote, therefore, reflects the ability of the applicant to produce evidence that outweighs the objections of existing competitive carriers who may be, and usually are, interveners in opposition to the application.

The category of Finances and Unifications dealt almost exclusively with railroads with only one or two cases involving transcontinental passenger carriers by highway. Since all of the petitioners could be classified as "big business," it is not unusual to find only 40 per cent of the Republicans voting contrary to party pattern; but what is surprising at first glance is to find 62 per cent of the Democrats voting to support the mergers. The task before the Commission in these instances is to weigh the advantages of preserving the competition between independent carriers and the advantages "in the public interest," of improved service, lower costs and the like which may accrue from any particular consolidation. This, after all, is the Populist view so popular at the turn of the century and which the Democrats adopted.

The control of rates, charges and services was the prime mover

in the adoption of the original "Act to Regulate Commerce." The traditional Populist view of lower rates and charges for improved services to small business, shippers and agricultural interests may account for the low order of contrary votes by Democratic Commissioners.

The large number of contrary votes by Republican Commissioners in support of the Democratic viewpoint is difficult to analyze since such an approach would reduce the revenue of the carriers involved thus reducing the profit margin. Such a stand would alienate the railroad industry, long a supporter of the Republicans.

The large contrary vote in matters of safety regulation enforcement may indicate that the Commission is administering laws which did not contemplate the wholesale abandonment of rail lines, curtailment of passenger services and the reduction of freight schedules which make some of the modifications to safety devices and systems feasible at this time. The Commission in applying administrative discretion may have compensated for some of the deficiencies in the law.

With regard to prior proceedings and judicial review, the statistics merely demonstrate the high regard the Commission has for the competency of its staff and the integrity of the Federal Judiciary.

The phenomenon of contrariety in the decisions of the Commission was also investigated in relation to the limitations which Simon feels affects the ability of administrators to perform rationally as decisionmakers. As Simon points out:

On one side, the individual is limited by those skills, habits and reflexes which are no longer in the realm of the conscious. . . .

On a second side, the individual is limited by his values and the conceptions of purpose which influence him in making his decisions. . . .

On a third side, the individual is limited by the extent of his basic knowledge of things relevant to his job. This applies both to the basic knowledge required in decisionmaking--a bridge designer must know the fundamentals of mechanics--and to the information that is required to make his decisions appropriate to the given situation. . . .⁴⁶

Evaluation of Backgrounds

Since the skills, habits, reflexes and values are assimilated during childhood and adolescence, it would be almost impossible to assess these attributes in each commissioner without detailed knowledge of his upbringing, something which is not available. The conceptions of purpose is one of the attitudes which this study seeks to arrive at by comparison with a standard. The extent of the basic knowledge of things relative to the job of a commissioner can be determined by a survey of the backgrounds of the commissioners, particularly with respect to their higher education and early employment.

To determine what part these background factors may have played in the pattern of contrariety, the sixteen commissioners under study were divided into two groups based on a series of attributes as indicated in the first two columns of Table 4. The null hypothesis in this case was that there would be no difference in the proportions of

⁴⁶Herbert Simon, Administrative Behavior: A Study of Decision Making Processes in Administrative Organizations (New York: Macmillan Co., Inc., 1954), p. 40.

TABLE 4
RELATIONSHIP OF ATTRIBUTES AND CONTRARIETY
TO PARTY POLICIES

Group I	Group II	Number In Each Group		Contrary Votes in Each Group (%)	
		(I)	(II)	(I)	(II)
49 years of age or younger at time of appointment	Over 49 years of age at time of appointment	10	6	60	66
Republicans appointed by Democrats	Democrats appointed by Democrats	2	5	50	60
Republicans appointed by Republicans	Democrats appointed by Republicans	5	4	80	50
Reappointed to additional term(s)	Appointed to partial or single terms	5	11	40	73
Elected to Chairmanship	Never elected as Chairman	8	8	63	63
Held public office	Never held public office	12	4	75	25
Appointed to public office and had legal training	Never appointed to public office and had legal training	10	4	80	25

Notes:

Every commissioner who held an elective public office also held an appointive office at some time.

contrary votes cast by members of the two groups.

Age and position as Chairman of the Commission seems not to have made any difference in the proportions of contrary votes. The greatest impact seems to have come from Republicans appointed by Republicans, individuals who had both experience in public office and legal training, and those who were appointed to single terms. Only the public office experience and legal training are in any way indicative of a trend, for when the legal training factor is held constant, the percentage of contrary votes among those who had public office experience rises by 5 per cent. None of the proportions are truly significant when the Fisher Exact Probability Test is applied.

It is of further interest to note that the number of contrary votes among Democrats is highest among those who were appointed by Democratic Presidents, while the same phenomenon occurs with respect to Republicans appointed by Republicans. One might think that there is an overcompensation to ensure that the taint of partisan politics in the decisions is avoided, but in reading the written reports there was no evidence to support such a contention. The approach of David and Pollock that little attention is paid to political affiliations in making top-level appointments and the notion that such jobs as appointments to commissions are given to opposition factions within the administration party both have merit.⁴⁷ The truth in this case probably lies somewhere between the two.

⁴⁷David and Pollock, op. cit., pp. 20-28.

Whether the 75 per cent of the members who voted contrarily lasted only one term because of their nonalignment with party policy is difficult to ascertain with any degree of accuracy, but 77 per cent of the Democrats failed of reappointment, while 57 per cent of the Republicans did not receive a second term. There are, of course, other considerations involved in the single term pattern. First, many of the commissioners are able to make contacts in industry based on their position and when their term is finished, if not before, they are able to obtain more remunerative employment outside of the government service. Political vagaries within the seven-year span of the term make clearance of reappointments with party functionaries at the state and national level a gauntlet not so easily run the second time around. Only those who make an outstanding contribution to the work of the Commission, like Joseph P. Eastman or Kenneth H. Tuggle, are likely to be reconsidered.

The combination of experience in public office and legal training, which apparently strengthens the trend to contrariety, also has a bearing on the knowledge of things relevant to the job of commissioner, as well as to the basic knowledge required in the decisionmaking tasks. Only one commissioner, Rupert L. Murphy, had ever been actively employed as a transportation lawyer. The rest had been exposed to the technical problems of the transportation industry through their previous positions as members or employees of state regulation agencies, or, as in a couple of instances, as members of Interstate Commerce Commission Staff, or staffs of the appropriate

Congressional Committees. This lack of basic knowledge of the economics of the transportation industry among the commissioners forces them to rely on the Commission staff, which also unfortunately has no professional economists. The only other source of information ". . . that is required to make his decisions appropriate to the given situation . . ." is contained in the briefs and petitions which are part of the legalistic and judicial environment of the Commission.

As lawyers, the commissioners have the requisite knowledge to apply the law to the facts, and as experienced public servants, some have the basic knowledge of the politics involved in executing public policy. This type of political action at the Commission level is based, not so much on partisan considerations, as it is on the value judgment of each individual commissioner as influenced by the substantiated facts in the evidence adduced in each case.

Conclusions

There were two purposes in mind during the research of the decisions of the Interstate Commerce Commission; first, to determine what influence, if any, party affiliation of the commissioners had on their decisions, and second, what attitudes or beliefs could be deduced from their voting patterns.

When the relationships between political party affiliation and adjudicative administrative decisions turned out to be insignificant in the positive sense, an effort was made to see if there were a tendency to vote contrarily, which might account for the lack of

positive correlation. This test too turned out to be statistically insignificant.

Aside from the fact that there may have been too few cases in the statistical population, there are many other reasons for such a lack of correlation between party affiliation and decisions on the issues involved. One of the most important factors, it is felt, derives from the fact that commissioners, like others, may have differing personal value systems yet belong to the same political party as those who appoint and confirm them in office. A commissioner may join one party rather than the other, and stay affiliated with it, not because of its stand on particular issues, but rather because it is the dominant party in his geographical area, because his parents belonged to it, for ethnic reasons, or for various other reasons which do not necessarily involve a congruence of value systems between the individual and the party of his choice. Personal experience also has a great deal to do with the development of attitudes normally associated with "liberal" or "conservative" political views and values.

Attitudes may deviate in certain areas, as for instance when a commissioner with previous regulatory experience at the state level may be liberal on franchise issues, but may be a stickler on rates. A conservative, by the same token, may favor large unifications, not because of his party affiliation, but because of some obtuse background element.

What must also be considered is the fact that the Commission

in its actions operates both as an activity which expresses the will of the Federal Government, and as an adjunct to the execution of that will. In the former role there is not the latitude for the exercise of the discretionary powers that is afforded by the executive role. The enunciation of policy is primarily the function of Congress as expressed through legislation. Here the Commission may recommend or interpret, but the recommendations may not come to fruition, and the interpretations are subject to judicial review.

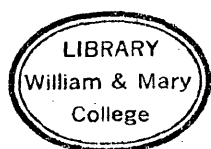
The discretion afforded the Commission in the execution of the will of Congress extends to a determination of whether or not to reconsider a report of a lower echelon, to permit a reargument of a previous decision, or to authorize a rehearing in the matter. Simon points out:

Within the area of discretion, once an individual has decided on the basis of his personal motives to recognize organizational objectives, his further behavior is determined, not by his personal motives, but by the demands of efficiency. . . .⁴⁸

This concept may very well apply to members of the Commission. The period of discretion for them occurs before a case is heard in reargument, or reconsideration, or rehearing. During the prefatory period the value system of the individual, which may account for his party affiliation, is operative in the decisionmaking process. Once the decision is made to hear the case en banc then the demands of efficiency probably predominate. This may account for the low order of correlation found in the research.

⁴⁸Simon, op. cit., p. 204.

APPENDIX



APPENDIX A

LIST OF CASES STUDIED

095MCC0533PACIFIC MTR TRKG CO
095MCC0710ICC IN RE MTR TRANS&AIRCF
096MCC1503CENTL FRT LINES U E.TEX.
096MCC1603ZUZICH TRK LINES-INVESTIG
096MCC1960PRACTICES OF MTR CC OF HG
096MCC2433TRANSAMERICANFREIGHT LINE
096MCC2463LEONARD BROS TRSFR
096MCC5833NASHUA MTR EXPRESS
097MCC2063NATIONAL TRANSP CO-PURCHA
097MCC4273MIDWEST BUS LINES-PURCHAS
097MCC7003BUCKINGHAM TRANSP INC
098MCC1543DELAWARE EXPRESS CO-EXTN
098MCC2623FISCHBACK TRUCKING CO
098MCC3563E A GALLAGHER & SONS
098MCC4830MTR CARRIER TEMPORARY AUT
098MCC5103FROZEN FOOD EXPRESS
098MCC5223JOS BALAZS SR-APPLICATION
098MCC6073SOUTHWEST FRT LINES
098MCC6813EDDLEMAN BROS-APPLICATION
098MCC7023LESTER C NEWTON

098MCC7123GREYHOUND CORP-EXTN-L.I.
098MCC7513J EDW JARMAN APPLICATION
099MCC0193HALE DISTRIBUTING CO INC
099MCC1413WILLIS SHAW FRZN EXP CO
099MCC2813C & H TRANSPORTATION CO
099MCC3513HESS CARTAGE CO
099MCC5913ARGO-COLLIER CORP-EXTN
099MCC6683ALASKA TRUCK TRANSPORT
100MCC0183WILLIS SHAW FRZN EXPRESS
100MCC0343DEVON OWENS-CONTRACT APPL
100MCC2706KERRVILLE TOURS-BROKER
100MCC2796 TNM&O TOURS INC-BROKER
100MCC3863W W HUGHES
100MCC4323MICHAUD BUS LINES EXTN
100MCC4533GREYHOUND CORP V EDWARDS
100MCC4823BRASWELL FREIGHT LINES
100MCC6653GREYHOUND LINES INC EXT
101MCC4443OHIO SOUTHERN EXPRESS PUR
101MCC5163HELPHREY MTR FRT-PURCHASE
101MCC5293TRANSCONTINENTAL-2 ACQUIS
101MCC6553CARLSBAD CAVERN COACH
101MCC7193EAZOR EXPRESS INC
102MCC2673AMERICAN MVRS CONF ET AL
102MCC2913CENTL FRT L V STRICKLAND
102MCC4113ARMD CARRIER CORP-EXTN

102MCC4293LONG RANS CO-EXTN
102MCC4573ZANTOP AIR TRANS-INVEST
102MCC4923H. MESSICK INC EXTN
102MCC5270AGRICULTURAL TRANS ASSN
102MCC5773T I MCCORMACK TRKG CO
103MCC0913MOSS TRKG INVESTIGATION
103MCC1953ARROW LINES INC EXTENSION
103MCC3073SUBLER MODIFICATION
103MCC3183KINGPAK INC INVESTIGATION
103MCC4833GRIFFIN MOBILE HOMES
103MCC7363W T MAYFIELD SONS TRKG CO
103MCC7980CACHE VALLEY DAIRY ASSN
103MCC9343JOE JONES JR CONTRACT CAR
310ICC0671FRISCO LINE DIV3 REPORT
310ICC0741NYC RR DIV3 REPORT
310ICC1021NYC RR DIV3 REPORT
310ICC4591D L & W DIV3 REPORT
310ICC4631C B & Q,WABASH DIV3 REPT
310ICC4651B & O RR DIV3 REPORT
310ICC5402B & M RR DIV3 REPORT
310ICC7911M K T RR DIV3 REPORT
311ICC0011NYC RR DIV3 REPORT
311ICC0541B & O RR DIV3 REPORT
311ICC1731B & M RR DIV3 REPORT
311ICC1771SEABOARD DIV3 REPORT

311ICC1841NYC RR DIV3 REPORT
311ICC1891NYC RR DIV3 REPORT
311ICC2071SOPAC DIV3 REPORT
311ICC2112C RI & P & C B & Q DIV3RPT
311ICC2161D L & W RR DIV3 REPORT
311ICC2291SEABOARD DIV3 REPORT
311ICC2411SEABOARD DIV3 REPORT
311ICC2461NYCRR DIV3 REPORT
311ICC2491SEABOARD DIV3 REPORT
311ICC3311SEABOARD DIV3 REPORT
311ICC3371SEABOARD DIV3 REPORT
311ICC3491SEABOARD DIV3 REPORT
311ICC4691C M STP & P DIV3 REPORT
311ICC4741B & M RR DIV3 REPORT
313ICC1441M K T RR CO DIV3 REPORT
313ICC1511C & EI RR CO DIV3 REPORT
313ICC2191NYC RR DIV3 REPORT
313ICC2251NYC RR DIV3 REPORT
313ICC2321READING DIV3 REPORT
313ICC2391NYC RR DIV3 REPORT
313ICC2651PENN RR IV3 REPORT
314ICC2661C RT & P RR DIV3 REPORT
314ICC5611B & O RR, PENN RR, UNION DP
315ICC0731N Y C RR CO DIV3 REPORT
315ICC0991GREAT NORTHERN RWY DIV3 R

315ICC3811PACIFIC ELECTRIC RWY DIV3
315ICC6631LEHIGH VALLEY RR DIV3 RPT
318ICC1517TEXAS RAILROAD COMMISSION
318ICC1990ICC DIV3 REPT
318ICC2298CUDAHY PACKING CO V AC&Y
318ICC3011KCS,L&A,FRISCO ET AL
318ICC3711L&N,ACL,SEABOARD ET AL
318ICC3953GORDANS TRANSPORT
318ICC4851ALL RAILROADS
318ICC5673PITTSBURGH & NEW ENGLAND
318ICC5893BRADY MOTORFRATE
318ICC5933MIDDLE ATLANTIC CONF.
319ICC0460NATL MTR EQUIP EXCHANGE
319ICC0839ELECTRIC BOAT V NYNH&H RR
319ICC1410WESTERN GROWERS ET AL
319ICC1827USA V OKLAHOMA-ADA-ATOKA
319ICC2275SEA-LAND - GARDEN HOSE
319ICC2353SCHWERMANN TRUCKING CO
319ICC2573JIM TIONA JR-ANIMAL FEED
319ICC3104SEA-TRAIN
319ICC4314SEA-TRAIN -RWR- ALUMINUM
319ICC6207CITY OF WILMINGTON V AGS
319ICC6271B & O
319ICC7111C RR NJ,NY & LB ET AL
319ICC7531MONONGAHELA RWY CO DIV3 R

319ICC7820SUGAR
320ICC1221SEABOARD-ACL MERGER
320ICC3191PENN RR-DISCONTINUANCE
320ICC6371OKMULGEE NORTHERN ABANDMT
321ICC0171A C&Y V A T&SF
321ICC1541SW FREIGHT BUREAU
321ICC2831ACL V SOUTHERN
321ICC3001B&M NYNH&H PENN V E CNTRL
321ICC3141ACL V SOUTHERN
321ICC3321WESTERN TRUNKLINE CARRIER
321ICC3911SOUTH-WESTERN CARRIERS
321ICC4194SEATRIN
321ICC4731NYC-ERIE-LACHAWANA
321ICC5190SOUTHEASTERN ASSN OF R&U
321ICC5641C & EL
321ICC5691MO PAC, T&P
321ICC5821SOUTHERN
321ICC7263CENTRAL STATES MTR FRT B
321ICC7387PORT OF NEW YORK AUTHRTY
322ICC0010PREVENTION OF ACCIDENTS
322ICC1035FRANK P DOW INC EXTN
322ICC1381C B & Q V C & EL ET AL
322ICC2735FEDERAL SHIPPERS ASSN
322ICC3010SUBSTITUTED SERVICE-TOFC
322ICC4911A C&U RR V A T&SF RR

322ICC5290BRAZOS R HARBOR NAV DIST
322ICC5413PACIFIC INTERMOUNTAIN EXP
322ICC5600INCREASED SWITCHING CHARG
322ICC5721B & O V C & EL ET AL
322ICC6201PULLMAN-STANDARD DIV3 RPT
322ICC74300MAHA GRAIN EXCH V CB&Q
323ICC0010POST OFFICE DEPT
323ICC0753NATURAL GAS PIPELINE
323ICC1312REPORTING STATISTICS
323ICC1857ALA STATE DOCKS V AT&N RR
323ICC2130STANISLAUS CTY V AT&SF RR
323ICC4563CARDINALE TRKG CORP
323ICC4681REA INVESTIGATION
323ICC7931ERIE-LACKAWANNA DIV3 REPT
324ICC0011N&W-STOCK ISSUEPWABASH
324ICC2081MONON RR
324ICC4604PITTSBURGH TOWING
324ICC7501NORPAC-ABANDONMENT&CONST
325ICC0011OFFICIAL & SOUTHERN RR
325ICC1063MIDDLEWEST MTR FRT BUREAU
325ICC1283MILNE TRUCK LINE-INVEST.
325ICC1383LEEWAY
325ICC1473MID-AMERICAN TRK LINES IN
325ICC1631L & N RR DIV3-REPORT
325ICC1681SO PAC CO DIV3 REP

325ICC1883TERMINAL TRANSPORT CO INC
325ICC3363DETENTION OF MTR VEH
325ICC3691C P STP & P RR DIV3 REPT
325ICC3740BUREAU OF INQUIRY-DIV3 R
325ICC4491NORFOLK SOUTHERN RR
325ICC4583NATL MTR FRT TRAFFIC ASSN
325ICC6697STATE OF NY
325ICC7220ICC- DIV3 REPORT
325ICC7521SOUTHERN, L&N ET AL
326ICC0063EASTCENTL MTR CARRIERS
326ICC0771PENN& L&N-INGOT MOLDS
326ICC2484BLACK NAVIGATION CO INC
326ICC2623NATL MTR FRT TRAFFIC ASSN
326ICC3581CMSTP&P GN ET AL
326ICC4153MID-WEST EMERY FRT SYSTEM
326ICC4531NYCRR TOFC & SEC 4 APPLCN
326ICC4835NATL ASSN FRT FWDRS
326ICC5111CENTRAL AND SW RR ET AL
326ICC7435DC ANDREWS & CO OF ILL.
327ICC0101BOSTON & PROVIDENCE REORG
327ICC1511NY NH & H RR DISCONTINUE
327ICC2791MO PAC CONTROL OF C & EL
327ICC3871WESPAC CONTROL OF W P RR
327ICC4751PENN-CENTRAL MERGER
328ICC2051DEPT OF JUSTICE ET AL

328ICC2781CRI&P RR CO
328ICC3041PENNCENTRAL MERGER
328ICC3451CONTROL OF C PAC BY SPOAC
328ICC3691NJ & NY RR E-L CONTROL
328ICC4071ERIE LACKAWANA LOAN
328ICC4601BURLINGTON-NORTHERN MERGE
328ICC6841C&O B&O CONTROL WEST MD
329ICC0171SAL V SOUTHERN
329ICC0400STANISLAUS COUNTY V AT&SF
329ICC0613MTR CARRIERS TRAFFIC ASSN
329ICC1671SOPAC & ST&SF RR-WINE
329ICC1993CHASE TRANSFER CORP
329ICC2120CHICAGO BOARD OF TRADE
329ICC2661SEABOARD - DIV3 REPT
329ICC2811B&O AND W MD PAPER
329ICC4113PRIVATE MTR CARRIERS-EXPL
329ICC4203ROCKY MTN MTR RATE BUREAU
329ICC4381L & N RR CO - DIV 3 REPT
329ICC4421ASSN OF AMERICAN RR-BRAKE
329ICC4588CALCIUM CARBONATE CO V MP
329ICC4661SOUTHERN RWY SYSTEM ALLWN
329ICC5290CHICAGO BOARD OF TRADE
329ICC5398BIG RIVER INDUSTRIES
329ICC5491N&W NYCRR ET AL
329ICC6123MIDDLEWEST MTR FRT BUREAU

329ICC6690LK CHAS HARBOR &TERM DIST

329ICC7423UNITED VAN LINES INC

329ICC7861 SL-SF RR-FRISCO-ET AL

329ICC8241C & NW,PILLSBURY CO ET AL

329ICC8541CLASS I AND II RR

32-1-1-1-1-1

APPENDIX B

BIOGRAPHICAL MATERIAL ON THE COMMISSIONERS STUDIED

BROWN, VIRGINIA MAE	DEMOCRAT	West Virginia
Born:	Pliny, West Virginia, November 13, 1923.	
Education:	High School graduate.	
	A.B., West Virginia University, 1942.	
	L.L.B., West Virginia University Law School, 1947.	
Private Positions:	High School Teacher, Law Clerk.	
Political Positions:	Executive Secretary, West Virginia Judicial Council, 1949.	
	Assistant Attorney General, West Virginia, 1952-1956.	
	Counsel to the Governor of West Virginia, 1961.	
	Insurance Commissioner, West Virginia, 1961.	
	Public Service Commissioner, West Virginia, 1962.	
	Interstate Commerce Commissioner, 1964 (Johnson).	
Military Service:	None.	

BUSH, JOHN W.	DEMOCRAT	Ohio
Born:	Columbus, Ohio, September 17, 1909.	
Education:	High School graduate.	
	B.S. in B.A., Virginia Polytechnic Institute, 1931.	
Private Positions:	Standard Oil Co. of La., Arkansas Div., 1932.	
	Gasoline Distributor, Portsmouth, Ohio, 1937-1946.	
	John W. Bush, Inc. (Tax & Business Consultants), 1957-1958	
	Director in two food processing concerns.	
Political Positions:	State Purchasing Agent, Ohio, 1949-1957.	
	Director of Commerce, Ohio, 1959-1961.	
	Interstate Commerce Commissioner, 1961 (Kennedy).	
Military Service:	None	
DEASON, WILLARD	DEMOCRAT	
Born:	Stockdale, Texas, January 3, 1905.	
Education:	High School graduate.	
	B.S., Southwest Texas College, 1930.	
	L.L.B., San Antonio School of Law, 1934.	

Political Positions: Employee, California Public Service
 Commission, 1928-1953.
 Interstate Commerce Commissioner, 1953
 (Eisenhower); Reappointed, 1960
 (Kennedy).

Military Service: None

GOFF, ABE MCGREGOR

REPUBLICAN Idaho

Born: Colfax, Washington, December 21, 1899.

Education: High School graduate.
 L.L.B., University of Idaho Law College,
 1924.

Private Positions: Private law practice, Moscow, Idaho,
 1924.

Political Positions: Prosecuting Attorney, Lattah City,
 Idaho, 1926-1934.
 State Senator.

U.S. Representative, 1st District of
 Idaho, 1947-1948.

General Counsel for the Post Office
 Department, 1954.

Interstate Commerce Commissioner, 1958
 (Eisenhower).

Military Service: Colonel, Judge Advocate General's Corps,
 U.S. Army, 1942-1946.

HERRING, CLYDE E.	DEMOCRAT	Idaho
Born:	Des Moines, Iowa, March 24, 1915.	
Education:	High School graduate.	
	B.A., State University of Iowa, 1937.	
	L.L.B., Drake University Law School, 1940.	
Private Positions:	Private law practice, 1954-1959.	
Political Positions:	Assistant City Attorney, 1945.	
	District Supervisor, U.S. Census, 1950.	
	County Attorney, 1951-1954.	
	Democratic Candidate for Governor, 1954.	
	Interstate Commerce Commissioner, 1959 (Eisenhower).	
Military Service:	Captain, Infantry, 1941-1945.	
HUTCHINSON, EVERETT	DEMOCRAT	Texas
Born:	Hempstead, Texas, January 2, 1915.	
Education:	High School graduate, Hempstead, Texas.	
	A.B. in B.A., L.L.B., University of Texas, 1940.	
Private Positions:	Private law practice, 1940-1941, 1946- 1949, 1951-1955.	
	Attorney for Texas Railroads, 1946-1949.	
Political Positions:	Texas Legislature, 1941 and 1943.	
	Assistant State Attorney General, 1949.	

Executive Assistant Attorney General and
Legislative Assistant, 1950.

Interstate Commerce Commissioner, 1955
(Eisenhower).

Military Service: Lieutenant Commander, U.S. Naval Reserve,
1942-1946.

LEE, WILLIAM IRWIN

REPUBLICAN

Idaho

Born: Madison County, North Carolina,
January 27, 1882.

Education: High School graduate.
A.B., University of Idaho, 1903.
L.L.B., National University Law School.

Private Positions: None.

Political Positions: Private Secretary to Congressman,
B. L. French (R), Idaho.
Associate Justice, Supreme Court of
Idaho, 1922.
Chief Justice, Supreme Court of Idaho,
1926.
Interstate Commerce Commissioner, 1930
(Hoover); Reappointed, 1931 (Hoover);
Reappointed, 1939 (Roosevelt);
Reappointed, 1945 (Truman).

Military Service: Captain, Quartermaster Corps, U.S. Army,
1917-1919.

Administrative Assistant to Senator
Bricker (R), Ohio, 1949-1953.

1st Assistant to Deputy U.S. Attorney
General, 1953-1956.

Interstate Commerce Commissioner, 1956
(Eisenhower).

Military Service: Lieutenant Colonel, Infantry, 1941-1945.

MURPHY, RUPERT L. DEMOCRAT Georgia

Born: Byronsville, Georgia, July 27, 1909.

Education: High School graduate, 1925.

L.L.B., Atlanta Law School, 1938.

L.L.M., Atlanta Law School, 1939.

Private Positions: Correspondent and Rate Clerk, Atlanta
Freight Tariff Bureau, 1925-1929.

Assistant Freight Traffic Manager,

Fulton Bag and Cotton Mills, 1929-
1942.

Attorney and Traffic Manager, Georgia--
Alabama Textile Traffic Association,
1942-1955.

Political Positions: Interstate Commerce Commissioner, 1955
(Eisenhower).

Military Service: None.

Referee under settlement of War Claims
Act, 1920s.

Special Counsel to Committee on
Interstate and Foreign Commerce,
House of Representatives, 71st
Cong., 1930.

Interstate Commerce Commissioner, 1934
(Roosevelt); Reappointed, 1940
(Roosevelt).

Military Service: None.

STAFFORD, GEORGE M.

REPUBLICAN

Kansas

Born: Valley Falls, Kansas, May 7, 1915.

Education: Public Schools and Business College.

Private Positions: None.

Political Positions: Assistant Director, Kansas State Sales
Tax Division, 1939-1941.

Campaign Manager for Carlson for
Governor, 1946.

Executive Director, Republican State
Committee, Kansas 1946.

Executive Secretary to Governor Carlson,
Kansas, 1946-1950.

Administrative Assistant to Senator
Carlson (R), Kansas, 1950-1967.

Interstate Commerce Commissioner, 1967
(Johnson).

Military Service: Private to Captain, 1942-1945.

TIERNEY, PAUL J.

Born: North Umlerland, Pennsylvania, June 3,
1916.

Education: B.S., Georgetown College, 1938.
L.L.B., Georgetown University Law
School, 1949.

Private Positions: None.

Political Positions: Employee, Federal Bureau of
Investigation, 1939-1941.
Special Agent, Federal Bureau of
Investigation, 1941-1953.
Member, Professional Staff,
Appropriations Committee, U.S.
Senate, 1953-1955.
Assistant Counsel, Senate Permanent
Subcommittee on Government
Operations, 1955-1957.
Assistant Counsel and Administrative
Assistant to Chief Counsel, Senate
Select Committee on Improper
Activities in the Labor and

Management Field, 1957-1959.

Returned to the Permanent Subcommittee,
1959-1963.

Interstate Commerce Commissioner, 1963
(Kennedy).

Military Service: None.

TUCKER, WILLIAM H. DEMOCRAT Massachusetts
Born: Boston, Massachusetts, December 8, 1923.
Education: High School graduate, Roslindale,
Massachusetts.
Attended Boston University, 1945-1947.
L.L.B., Boston University Law School,
1949.
Private Positions: Private law practice, 1949-1961.
Political Positions: Interstate Commerce Commissioner, 1961
(Kennedy).
Military Service: Sergeant, Airborne Infantry.

TUGGLE, KENNETH H. REPUBLICAN Kentucky
Born: Barbourville, Kentucky, June 12, 1904.
Education: High School graduate.
B.A., University of Kentucky, 1926.
Attended University of Kentucky Law
School.
L.L.D., Union College, 1947.

Private Positions: Private law practice, 1926-1953.
 Chairman, Union National Bank.
 Director in three companies.

Political Positions: City Attorney, Barbourville, Kentucky,
 1928-1932.
 Lieutenant Governor, Kentucky, 1943-1947.
 President, State Senate, 1944-1946.
 Member, Committee on Interstate
 Cooperation, 1944-1948.
 Board of Managers, Council of State
 Governments, 1944-1947.
 Member, Kentucky Committee on Resources
 and Functions of State Governments,
 1950-1952.
 Interstate Commerce Commissioner, 1953
 (Eisenhower); Reappointed, 1955
 (Eisenhower); Reappointed, 1963
 (Kennedy).

Military Service: Colonel, Kentucky Militia.

WALRATH, LAURANCE K.

DEMOCRAT

Florida

Born:

Meadville, Pennsylvania, August 16, 1909.

Education:

Attended Emory University Academy.

B.A., University of Florida, 1931.

L.L.B. and J.D., University of Florida

Law School, 1934.

Private Positions: Private law practice, 1934-1956.

Political Positions: Interstate Commerce Commissioner, 1956
(Eisenhower).

Military Service: Lieutenant Commander, U.S. Naval
Reserve, 1941-1945.

WEBB, CHARLES A.

REPUBLICAN

Ohio

Born: Eagle Rock, Virginia, March 26, 1917.

Education: Public schools Dubuque and Ottomwa, Iowa.
B.S., State University of Iowa, 1938.
L.L.B., University of Virginia Law
School, 1941.

Private Positions: Private law practice 1941 and 1946-1948.

Political Positions: Member, Senate Judiciary Committee Staff,
1948.

Member, Senate Republican Policy
Committee Staff, 1949.

Member, Staff of Senator Bricker (R),
Ohio, 1949-1958.

Interstate Commerce Commissioner, 1958
(Eisenhower).

Military Service: None.

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VITA

William Thomas Molloy

Born in Long Island City, New York, January 22, 1914.

Graduated from Poughkeepsie High School, Poughkeepsie, New York, June 1931. Attended University of Maryland, European Program, 1949-1952. Graduate, U.S. Army Command and General Staff College, December 1960. Retired, December 31, 1967, B.A. in Education, College of William and Mary, 1969. M.A. candidate, College of William and Mary, 1969-1971, with concentration in Government. The course requirements for this degree have been completed, but not the thesis: The Influence of Party Affiliation on Decisions of The Interstate Commerce Commission.

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