

THE HERITAGE LECTURES

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**A Congressional
Priesthood**

By Ralph Kinney Bennett



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A Congressional Priesthood

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Andrews Air Force Base is just a short limousine ride from Capitol Hill, just outside the Beltway and about as far into real America, it seems, as our isolated Congress would like to go. Andrews is far enough away from the Hill that the nation's legislators can escape the legislative grind but still be well shielded from the prying eyes of the general public, so that they can act, well, like themselves. While a "reform" spirit continues to sweep the Hill and perks keep dropping, at least temporarily, by the wayside, it's useful to recall something which happened at Andrews Air Force Base last fall: the Congressional Golf Tournament held on the base course.

There, you could see well-tanned senators and congressmen dressed in gaudy golf clothes gathered at the base officer's club. Imagine, if you will, mighty legislators with tiny whales and anchors and other little devices embroidered on their kelly-green pants coming in from their day on the course. As they indulged in food, drink, and camaraderie, they were able to contemplate a veritable tumulus of consumer goods, very expensive ones, piled before them: VCRs, crystal, electronic gadgets, clothing, liquor, magnums of champagne. All this vast pile, provided, by the way, by lobbyists, was to be handed out as prizes for various feats on the golf course that day. The august lawmakers eyed this mass of goods in such an anxious way that it was clear their \$125,000 a year salaries had not inured them from intense freebie lust.

Somehow it was decided that the idea of awarding prizes would be dispensed with. Everyone could take what they wanted. Whatever decorum there may have been quickly evaporated. Elbowing each other aside the men, all of whom had been provided with \$400 leather golf bags courtesy of some lobbyist, began stuffing items into these handy containers in what a participant described later to the *Wall Street Journal* as a "feeding frenzy."

A World Apart. Such sordid scenes remain largely hidden from public knowledge because Congress truly does live in a world apart. It's not just the perks and salaries; it's much more. We're seeing all that go by the wayside for the moment under the glare of publicity: the fixed parking tickets, the free first class upgrades, the junkets, the numerous slush funds disguised as furniture allowances and stationery expenditures, et cetera, et cetera, et cetera. But there's something else that sets the Congress apart, something of which the perks are just a symptom. It's a wilful elitism which has become institutionalized and manifests itself in the very texture of life on the Hill. Congress, by and large, sees itself not working for the people as public servants, but *governing* them. It does what it wants and it takes what it wants.

The House check kiting scandal is an obvious example. Go back to the early days when it was first revealed that the House bank, staffed by patronage employees, was allowing overdrafts to float for months and even years. As the dimensions of the scandal first became apparent, the lawmakers instinctively tried to cover up what was going on.

Read the newspaper accounts of those early days and see the character of the immediate reaction of the Congress to that scandal. A reporter tried to find out whether the House Ways and Means

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Committee chairman, Dan Rostenkowski, had bounced any checks. One of the congressman's key aides confronted the journalist and said, "Aren't you ashamed? This is none of your business." Representative Barney Frank embellished that and just said, "It's none of your damn business." Gus Savage replied, "Call back when you have a serious question."

As public outrage grew, we noticed that the House fell back on its favorite defense, assuring the public that it would have the matter investigated—by, of course, the House Ethics Committee, a body whose chief purpose is as a staple of stand-up comedy. But my favorite moment, I think, was when a spokesman for Speaker Foley reminded the press that these overdrafts were paid out of members' bank balances and therefore no "public funds" were ever used. It never occurred to the staffer that every dollar of the House bank overhead and salary of staff, every dollar in its accounts, was *our* money. *We*, the people, pay these solons their ill-gotten salaries.

Watch congressmen and -women on the Hill and you see a separate race of public figures carefully coiffed, clothed, considerably pancaked for the television cameras, moving about on private elevators, cordoned from staring tourists by sycophantic doormen and their own police force. They have slipped the bonds of being public servants and assumed the mantle of governing in their own right. While burdening the people with massive regulations, they have, of course, exempted themselves routinely from all of them. Congress is totally exempt from such strictures as the Equal Employment Opportunity Act, the Occupational Safety and Health Act, the Fair Labor Standards Act, the Freedom of Information Act, the Wage and Hour Act, the Americans With Disabilities Act, all of the Civil Rights Acts.

Fancying themselves "in touch with the people" and fooling many voters through the technological trickery of such things as computerized letters to answer constituent mail with replies tailored to every issue, our senators and representatives basically listen only to each other and to the special interest lobbyists, many of whom are ex-congressional staffers or government bureaucrats. They hear what they want to hear in endless rounds of hearings, receptions, and junkets, disguised as fact-finding trips.

Spenders Listening to Spenders. Read the excellent work which Jim Payne¹ has done showing how this congressional culture thrives on itself and how its budget planning is nothing but spenders listening to spenders in carefully orchestrated hearings. Look, too — if you believe that Congress might somehow be taught to hold the line on national spending — at what Congress spends on itself. In fiscal 1991, while businesses were cutting back, holding the line, offering three and four percent salary increases, an expansionist Congress increased its spending 14.2 percent to over \$2.5 billion for its offices, its burgeoning staffs, its police, its trappings, and perquisites.

In fiscal 1992, Congress's spending on itself will jump 17.5 percent to over \$3 billion. This reflects not only the pay increases for the legislators themselves, but many other costs. There are now 20 committees and 87 subcommittees in the Senate, 27 committees and 155 subcommittees in the House; 37,000 employees on Capitol Hill. Five times the level from 1970.

This is all part of a phenomenon that really should give us pause. There was a survey done by the Kettering Foundation that didn't get much notice last year. Called "Citizens and Politics as Viewed From Main Street America," it shows that despite the conventional wisdom that Americans are apathetic about national politics, the real problem lies elsewhere, on Capitol Hill. The Foundation concluded that "citizens do care about politics but they no longer believe they can have an effect. They feel politically impotent." Why? Because the study finds they feel they have been cut off

1 James L. Payne, *The Culture of Spending: Why Congress Lives Beyond Our Means* (San Francisco: ICS Press, 1991).

from most policy issues due to the way these issues are framed and talked about in Washington. They are cut off by arcane procedures, and a foreign insider language that is alien to them.

I have seen this problem close up on Capitol Hill, and as I have interviewed congressmen and staff people, I've come to realize more than ever that Congress does its business in such a way as to really cut the public out of the loop. It has created elaborate parliamentary and procedural screens behind which it can conduct its business without what it considers interference from the public. Indeed, it has gone to the trouble of creating an ersatz forum of "public input," elaborately, orchestrated through select witnesses and structured hearings. It has created for itself a huge, complex, yet virtually invisible legislative system which goes its own way, forming legislation on its own terms and with input only from those lobbyists and pressure groups which it chooses to hear.

Congress, if you really want to understand it, has become a priesthood, a priesthood of legislators, staff, and lobbyists. It is a priesthood of Byzantine complexities, temples within temples, rites within rites. It employs a variety of obscure procedures, terms of art, et cetera, all designed to create an *illusion of openness*. And the press, in many ways, goes along with this, because the press's position is enhanced by this priesthood. Journalists are privileged to come down onto the steps of the temple and explain to the masses the mysterious rites going on inside.

It is interesting, isn't it, that it took two reporters from the *Philadelphia Inquirer* fifteen months of working day-in and day-out to ferret out the story of how the 1990 tax bill came into being. Think about that! Here was a bill which affected you and me, every American, and yet it took two reporters, working full-time and using every tool of their trade from leaks to Freedom of Information filings to consultations with accountants and lawyers to furtive meetings with staffers who said, "Don't use my name," to find out what was in a tax bill.

Robert Potts, former chief of staff of the Senate Republican Policy Committee and a top senatorial aide for former Senator Bill Armstrong, notes that, "Curiously, all this has been compounding even while the Congress seems to be becoming more open, with C-SPAN coverage of both Houses. But remember, the Congress controls those cameras and most of what is really significant cannot be seen by the average citizen."

Congress's Tricks. There are many ways, of course, by which Congress bypasses or subverts the normal civics class idea of how legislation is produced. One, of course, is the informal session. Before the formal session of the committee (which you may well see on C-SPAN and thus feel you're seeing democracy at work) there has already been an informal meeting of the main committee members in which all the substantive issues have been agreed upon and ironed out. There may well have been agreement in that meeting that no new issues will be brought up during the public session. In some cases, there may not even be this informal session, but merely a series of phone calls between top staffers, extracting prior agreements that no embarrassing amendments or new business will be brought up, and that certain congressmen or senators who have shown a kind of a meddlesome streak will be kept out of the procedures.

Another favorite device is to bypass the conference committee. Instead of the usual meeting of House and Senate conferees to reconcile two bills, a more informal get-together with key members from both sides takes place. We'll never hear about this. There's no conference report. Perhaps not even a complete transcript of the meeting in which the mark-up takes place.

Then there are the so-called "task forces." These are the new ad hoc, get-things-done groups on Capitol Hill. Instead of the full committee meeting on something, task forces are formed excluding certain "difficult" members. And, of course, there's that hoary classic: simply delay the printing of the material from the hearings themselves. The record of the hearings on a bill is often not available in time to be of any use to those considering the pros and cons of the legislation. (In the hearings, the pros far outnumber the cons anyway.) Very often the final bill itself is not prepared or made available in time for the vote. A thousand-page bill is being considered and there is one copy on the

floor for members to come down and peruse. Who is going to read it, let alone understand what is in it?

But my favorite device of all—I love to see this one in action—is the concept that the more important and vital the hearing, the smaller the hearing room. This is a very deeply ingrained and very important matter on the Hill. Committees do not want you to know what goes on when they get together with lobbyists to thrash out legislation. So what is not settled over the telephone or in an informal session is discussed in tiny rooms where access is extremely limited. Go up to Capitol Hill very early in the morning: you will see messengers who have been paid by lobbyists to sit in the hall outside these legislative walk-in closets. They sit in the hall and hold a place in line for various special interest supplicants who will then have a chance to get inside the room where this vital legislation is being “hammered out.”

Now, of course, the advocates of this system, the priests themselves, say that this is a more effective way of doing business. After all, it’s so messy when the public gets involved in these things.

“**Just a Citizen.**” Bob Potts told me a story that I think best illustrates the way Congress has become a world apart, how even those with the best intentions become imbued with the characteristics of a priesthood:

Senator Armstrong was on the Treasury and Postal Subcommittee of Appropriations, so I would go to all those hearings with him. One morning we had a meeting in which the Secretary of the Treasury was testifying. It was just a small room and there weren’t many people there. While he was testifying, a man and his family, tourists, came into the room. It was just a man and his wife and their kids, kind of thrilled, I guess, to be seeing democracy at work close up.

At one point the Secretary had to leave the room to make a phone call or something and there was a break. This man got up and raised his hand and said, “Mr. Chairman, Mr. Chairman,” very quietly and politely. He said he knew something about the point they were discussing and he had something helpful he would like to say. We all ignored him. I remember the staff people who were there, just regular guys, good down-to-earth people, but suddenly they were part of the different world, the different culture, and we ignored this guy.

Finally some staff guy felt, “Well, I’d better do something,” and he went down and spoke to the man for a minute. He came back and we asked, “What did you tell him?”

He said, “I told the man that if he had anything to say he could sign up to testify and come back in a couple of months.”

Why didn’t we just let this guy say what he had to say? It wouldn’t have hurt anything. But no, we were the Senate and he was just a citizen.

