Parenti, M. (1995). *Democracy for the few,* 6th ed. Boston: Bedford/St. Martin's Press, pp. 220 – 241.

Chapter 13
Congress: The Pocketing of Power

The framers of the Constitution separated governmental functions into executive, legislative, and judicial branches and installed a system of checks and balances to safeguard against both the usurpation of power by a tyrannical few and attacks on wealth by the democratic many. The Congress they created is a bicameral body, divided into the House of Representatives, whose seats are distributed among the states according to population, and the Senate, with two seats per state regardless of population. Thus California, with sixty-six times as many people as Wyoming, has the same number of senators.[1]

The people elected to Congress are not demographically representative of the nation. Women are 52 percent of our population but less than 7 percent of the Congress. African Americans are some 14 percent of the population but have less than 5 percent of the legislative seats. Occupational backgrounds are heavily skewed in an upper-class direction. Although they are only a small fraction of the population, lawyers (many of them corporate attorneys) compose about 50 percent in both houses. Bankers, investors, entrepreneurs, and business executives compose the next largest group. There are almost no blue-collar persons or other ordinary working people in Congress.[2]

A Congress for the Money

Rather than slates of candidates backed by a cohesive party organization united around a common program, elections are individualized district-by-district contests, fueled more by personalized candidate appeals and image manipulation than by substantive issues. As already noted, the major campaign weapon is money. "Congress is the best money can buy," said the humorist Will Rogers over a half-century ago. The quip is truer than ever. In recent decades, congressional election expenses have climbed more than 300 percent faster than the cost of living.[3] Presidential and congressional elections (including primaries) totaled $1.6 billion in 1988, and $2.1 billion in 1992.[4]

In 1992, business interests outspent labor by more than five to one.[5] Coming from corporations, trade associations, and rich individuals, most campaign money finds its way into the coffers of the more conservative of the two capitalist parties. COP campaign committees raise several times more than their Democratic counterparts.[6] However, money respects class lines more consistently than party lines, only class lines. The more conservative members of the Democratic party also do quite well, Both capitalist parties (but none of the anticapitalist ones) receive millions of dollars from special-interest political action committees (PACs).[7] To hedge their bets, big donors often give money to candidates who are running against each other, thereby trying to ensure the cooperation of whomever wins.[8] Generous funds are often given to lawmakers who run unopposed—not to buy victory but to ensure influence over the preordained victor.

Members of Congress go where the money is, scrambling for congressional committee assignments that deal with issues of greatest interest to big donors. In 1989-90, the top nine Senate recipients of donations from weapons makers and the top ten House recipients—receiving together over $2.2 million—were all members of committees that dealt with defense contracts. PACs with direct interest in banking gave members of House and Senate banking committees $5.8 million over a two-year period. But Henry Gonzalez (D-TX), chair of the House committee, who believes banks should be regulated in the public interest, received but a pittance. The sugar lobby gave $3,3 million over a seven-year period, with pro-sugar legislators receiving seven times more than others.[9]

There is a century-old saying, "The dollar votes more times than the man." The power of money works ceaselessly to reduce the influence of citizens who have nothing to offer but their votes. Most senators and many House members get the greater part of their money from outside their districts or home states. Senator Robert Dole (R-KS) worked hard for a billion-dollar tobacco subsidy. He also received generous contributions from the tobacco industry. But tobacco is virtually an unknown crop in Kansas, the state that elected him, so whom was he representing?[10]

Many legislators profess to be uninfluenced by die money they accept. Thus Senator Durenberger (R-MN) maintained that the $62,775 he received from the chemical industry "hasn't had any effect on me. These people contributed in the hope that I'd be a senator, and not on the condition that rd vote for their legislation/'[11] But was the chemical industry so keen on having Durenberger be a senator because they were utterly taken by his personal qualities? More likely it was because he voted the way they liked on most issues. Politicians can claim that money does not influence their votes, but their votes influence the money flow. Big donors might be strung along now and then, contributing in the hope of buying a legislators' eventual support, but they do not long reward those who habitually oppose them.

Not many oppose them. In six years, members of Congress took $36.5 million from the banking industry. In return, bankers were granted deregulation and bailout legislation that will cost the U.S. public $500 billion. Utilities contributed over half a million dollars plus thousands more in speaking fees to members of the House Ways and Means Committee. In return, the committee defeated a proposal that would have speeded up refunds to consumers of excess taxes collected by utilities (excess collections of future taxes—amounting to $19 billion—that were no longer due because of tax reductions given to utilities). Other well-placed contributions by wealthy interests have brought similar rewards.[12]

PAC representatives and other lobbyists often are primarily concerned about having a member of Congress help them get some revision, protection, or exemption that usually applies only to themselves into legislation. With those specific but unpublicized favors safely inserted, the special-interest contributor may no longer care how the legislator then votes on the final bill. Though each individual insertion is relatively minor, the cumulative impact is great, contributing to the inability to create fundamentally reformist legislation.[13]

Legislators themselves admit they feel obliged to accommodate big contributors.[14] One House candidate, outspent and defeated by his conservative opponent, noted: "Campaign money becomes an overriding factor. Constant trips to raise money eat you up and get in the way of talking about issues and meeting voters. .. . [Many candidates] are tempted to compromise their positions in return for PAC money."[15] At a Senate Democratic Caucus, Senator Harold Hughes said his conscience would not allow him to continue in politics because of the way he had been forced to raise money. Senator Hubert Humphrey concurred:

> In all his years in politics [Humphrey] said, nothing was as demeaning and degrading as the way he had to raise money. He was in a highly emotional state as he told of how ashamed he was of the things he had to do to extract campaign money from contributors. He spoke of how politicians are treated by those who contribute, of how candidates literally had to sell their souls. Both Hughes and Humphrey clearly touched a nerve in those present at the caucus.[16]

It has been argued that money is not a major influence on elections, since better-financed candidates sometimes lose. True, the bigger spenders may not always win but they usually do, as has been the case over the last decade in over 80 percent of House and Senate races.[17] In any case, who wins is not the only way to measure the influence of campaign funding, Money also determines who runs, Candidates sometimes are backed by party leaders explicitly because they have personal wealth and are therefore more likely to wage an effective campaign,[18] Conservative losses would probably be much greater if they did not enjoy such a financial superiority in key races.

In the 1982 New York gubernatorial contest, Lewis Lehrman, a political unknown and ultraconservative, came from way behind in the opinion polls to within three points of defeating the popular Democrat Maria Cuomo, Would lie have done as well without the $14 million of his personal fortune which he expended on a massive media campaign against Cuomo? Would he have even been nominated to head the GOP ticket? Would Cuomo have won without the $6 million *he* spent in the campaign? Even if the candidate who wins spends less, he or she usually spends quite a lot. The winning candidate may not need to have the most funds but must have enough. Without money there is no campaign to speak of—as poorly funded minor-party candidates have long known.

A Special-Interest Committee System

Once elected, how do the legislators go about their work? For years, power in Congress rested with the twenty or so standing (i.e., permanent) committees in each house that determined the destiny of bills: rewriting some, approving a few, and burying most. The committees were dominated by chairpersons who rose to their positions by seniority—that is, by being repeatedly reelected, a feat best accomplished in a safe district or predominantly one-party state. This explains why Southern Democrats monopolized the chairmanships for years. Seniority increased a legislator's influence within Congress and thereby attracted an increasing amount of moneyed support, which helped ensure reelection and seniority. With two-party competition growing in the South, committee chairpersons have started coming from non-Southern states and less conservative urban and suburban districts.

Although seniority remains the rule in both houses, the House Democratic Caucus instituted a number of changes to weaken the hold of committee chairpersons, removing several from their positions and expanding the powers of subcommittees.[19] No longer can chairpersons arbitrarily select subcommittee chairpersons, nor stack a subcommittee with members of their own choice, or cut its budget. Totaling 241 in the House and Senate combined, the subcommittees have staffs of their own and fixed legislative jurisdictions. Advancement within the subcommittees, as within the full committees, is still mostly by seniority. Departures from seniority occur more frequently than in earlier decades and probably a little more frequently in the House than in the Senate. On occasion, the House Democratic Caucus will pass over the most senior person when selecting a committee chairperson or remove one who has not worked well. Chairmanships are sometimes contested in caucus elections by several candidates.[20]

House Democrats have restored some powers to the Speaker of the House, giving the speaker more input in the selection of committee members and in the formulation of policy. But as legislators rely less on party leaders for campaign funds and a place on the ballot, the leadership exercises less leverage over them. The atomized campaign system makes for a more atomized legislature. House rules limit the powers of committee chairpersons but not subcommittee chairpersons, some of whom do not always act in a democratic way.

The fragmented committee system in Congress, then, has been replaced by a still more fragmented "subcommittee system," lacking a central leadership to garner support for popular constituencies deprived of lobbyists and PACs. In agriculture, for instance, cotton, corn, wheat, peanut, tobacco, and rice producers compete for federal support programs; each interest is represented on a particular subcommittee of the Senate and House Agricultural Committees by senators and representatives ready to do battle on their behalf. The fragmentation of power within the subcommittees simplifies the lobbyist's task of controlling legislation. It offers the special-interest group its own special-interest subcommittee. To decentralize power in this way is not to democratize it. The separate structures of power tend to monopolize decisions in specific areas for the benefit of specific groups. Into the interstices of these substructures fall the interests of large segments of the unorganized public.

Whether Congress is organized under a committee system, a subcommittee system, or a strong centralized leadership—and it has enjoyed all three in its history—it seems unchanging in its dedication to business interests. Some examples:

> A Senate reclamation law revision exempts the big irrigators in the West from acreage limitations, continuing hefty tax subsidies. A House committee relieves asbestos producers of sharing the cost of removing their cancer-causing insulation from schoolhouses. A 2-year-old strip mine control law is dealt a stunning blow in the Senate under pressure from coal companies. Hospital cost-containment legislation is bottled up by a powerful hospital-doctor lobby that contributed more than $1.6 million to campaigners., . . Sugar producers are voted a 15.8 cents-a-pound price increase and milk producers' price supports are extended by a House committee. Sand and gravel and limestone pit operators win an exemption from safety training

> requirements, The House waters down a windfall profits tax proposed on the affluent oil industry, whose PACs spent better than $1 million in the last two congressional elections.[21]

One could go on. In 1989, meeting late into the night, the Senate Finance Committee voted a series of obscure provisions into a tax bill that served the few at the expense of the many, including nearly $1 billion in estate planning benefits to family business owners; $500 million in alcohol fuel benefits, much of it going to one giant processor; $58 million to private interests to build sports stadiums and convention centers; a $140 million tax shelter for timber growers; a tax exemption for gifts of appreciated property; $112 million in estate tax benefits to wealthy grandparents who want to pass assets on to grandchildren; and an expansion of tax deductions on individual retirement accounts, mostly for upper- and upper-middle income people, altogether costing the Treasury $12.6 billion over five years.[22]

Congress produces an array of protections, grants, subsidies, leases, franchises, in-kind supports, direct services, noncompetitive contracts, loan guarantees, loss compensations, and other forms of public largesse for narrow private interests. Some appropriations, known as "pork barrel" (or just "pork"), provide funds for projects that are not the most essential or economical but are highly visible representations of the legislators ability to bring home the federal bacon,[23] Recent budgets suggest that pork is no longer a significant item, if ever it was. When the Reagan administration announced it would reveal the ugly excesses of congressional pork-barrel spending, it came up with projects totaling $3 billion or one-third of 1 percent of a $1 trillion budget.[24]

Congress also knows how to save money. In recent years, it has refused to provide $9 million for a disease-control center dealing with tuberculosis. It cut five million doses out of the federal immunization program for children, for a grand saving of $10 million, and reduced venereal-disease programs by 25 percent despite increases in venereal afflictions. To teach people rugged self-reliance, Congress has cut food programs for infants and senior citizens, assistance programs for the disabled, home-care and therapy programs for the infirm and handicapped, and medical care, job, and housing programs for the poor and elderly[25] The Clinton administration has not restored any significant amounts to these programs.

What has failed to appear on Congress's agenda is any notion of major structural changes in class and power, of moving the economy toward nonprofit forms of production for social use rather than production for corporate gain. As an integral product of the existing politico-economic system, Congress is not likely to initiate a transformation of that system.

When public opinion is aroused, Congress is likely to respond by producing legislation that appears to deal with the problem while lacking real muscle. Thus we are treated to a lobbyist-registration act that does little to control lobbyists and an occupational-safety act that has grossly insufficient enforcement provisions. Congress sometimes is capable of ignoring strong public sentiments. After years of large peace demonstrations and with opinion polls showing a majority against the Vietnam intervention, the legislators were still voting huge appropriations for the war by lopsided majorities. In the Face of a nationwide consumer meat boycott and a deluge of letters and calls protesting inflation, Congress chose to listen to "cattlemen, banking and business interests and food merchants" and voted down all proposals for price freezes.[26] In 1982 a massive grass-roots movement for a bilateral, verifiable freeze on nuclear weapons swept the country like few things in our history, yet Congress continued to vote for major escalations in nuclear weapons systems. In 1986 opinion polls showed that by large majorities the public opposed aid to the Nicaraguan mercenaries who were waging war against Nicaragua from U.S.-furnished bases in Honduras, yet Congress voted $100 million in aid to the mercenaries,

At other times lawmakers will heed an aroused public—especially as election time approaches. Before the 1982 and 1986 congressional elections, even under the threat of President Reagan's vetoes, the Congress pushed through a number of important human services and environmental programs. But normally the populace exercises an influence over our lawmakers that is more episodic than durable.

Congress is inclined to remove itself from scrutiny whenever the people get too interested in its affairs. Congressional committees hold many of their sessions behind closed doors. While public-interest advocates are often kept in the dark, business groups are kept informed. "The thing that really makes me mad is the dual standard," complained a Senate committee staff member. "It's perfectly acceptable to turn over information about what's going on in committee to the auto industry or the utilities but not to the public."[27]

Secrecy can envelop the entire lawmaking process. A bill cutting corporate taxes by $7.3 billion was (1) drawn up by the House Ways and Means Committee in three days of secret sessions, (2) passed by the House under a closed rule after only one hour of debate with (3) about thirty members present for the (4) non-roll-call vote. Sometimes the lawmakers themselves do not know what is going on. In 1984, during conference committee negotiations on a bill to reduce the deficit, Representative Dan Rostenkowski (D-IL), Senator Robert Dole (R-KS), and Donald Regan, then-Secretary of the Treasury and former Wall Street executive for Merrill Lynch, slipped a provision into the final package allowing some commodity traders (including Merrill Lynch) to roll their tax liability forward year after year. Most of the Congress knew nothing about this $1.3 billion tax dodge.[28]

Some of the most significant legislation is drafted clandestinely. Without benefit of public hearings and public debate, a coterie of high-placed government officials and corporate executives secretly put together the North American Free Trade Agreement, a two-thousand page bill that imposed momentous and tailor-made changes on the relationship between popular sovereignty and capitalism, to the great advantage of the latter.[29] In November 1993, the bill was given a promotional media blitz by the Clinton administration and presented to the House of Representatives with a "fast-track" proviso that it be voted on without amendment, with only two days set aside for debate.

Capitol Hill exerts an influence on executive agencies in order to get government contracts, government posts, and favorable administrative rulings for business clients. In this capacity, the legislator again acts as little more than an extension of the lobbyist. One ex-lobbyist concludes that the lobbyist's main job is to circumvent existing laws and get preferential treatment "for clients who have no legal rights to them." To achieve this he pays cash to "one or more members of Congress—the more influential they are, the fewer he needs,"[30]

While moneyed interests may not always get their way, they usually do. If money were not effective, why would those who have it spend so much on politics? Certainly corporate heads do not feel contributions are wasted. The chair of the American Can Corporation commented on his company's PAC contributions: "I've got to admit the money does have an impact. There is no doubt about it."[31]

Helping Themselves: The Varieties of Corruption

Members of Congress will sometimes act as pressure politicians without prodding from any pressure group, either because they are so well funded by the group or have lucrative holdings of their own in the same industry, Legislators with large farm holdings sit on committees that shape agricultural programs that directly benefit them. Fully a third of the lawmakers hold outside jobs as lawyers or officers of corporations, banks, and other financial institutions that closely link them with the very industries they were elected to oversee.[32] More than a third of the senators make money every time the military budget increases; they have investments in firms that rank among the top defense contractors. Almost half the Senate and over a hundred House members have interests in banking, including many who sit on committees that deal with banking legislation. What is called "conflict of interest" in the judiciary and executive branches is defined as "expertise" in the Congress by lawmakers who use their public mandate to legislate on behalf of their private fortunes.

Plutocracy—rule for the rich by the rich—prevails in Congress. With unusual candor, Senator Daniel Patrick Moynihan (D-NY) remarked: "At least half of the members of the Senate today are millionaires…. We've become a plutocracy. . . . The Senate was meant to represent the interests of the states; instead, it represents the interests of a class."[33] The lower chamber too is going upper class, in what one critic called an "evolution from a House of Representatives to a House of Lords"[34] Because of a Supreme Court ruling that allows wealthy candidates to expend as much as they want of their own money on their own campaigns, rich individuals have an additional advantage in gaining party nominations. Furthermore, because most PAC contributions go to incumbents, it is more desirable than ever for challengers to have a private source of wealth. Thus the new House members of the 99th Congress had 400 percent more in personal assets than had the new members of the previous Congress.[35]

The people who represent us in Congress are certainly not financially representative of us. Almost all have personal incomes that put them in the top 1 percent bracket. As Philip Green notes, our rulers experience a vastly different life from those over whom they rule, Transportation policy is made by people who fly in heavily subsidized private planes and who never have to search for a parking space or endure the suffocation of a rush-hour bus. Agricultural policy is shaped by legislators who never tried keeping a family farm going. Safety legislation is devised by lawmakers who never worked in a factory or mine. Medical policies are made by persons who never have to wait in a crowded clinic.[36] The same legislators who impose austerity programs on working people vote themselves pay raises and a tax-free income.[37]

Some members of Congress pilfer from the public treasure. They travel for fun at government expense under the guise of conducting committee investigations; they place relatives on the payroll and pocket their salaries or take salary kickbacks from staff members; they charge both the government and a private client for the same expense; they use unspent travel allocations and unspent campaign contributions for personal indulgences; they keep persons on the staff payroll whose major function is to perform sexual favors.[38]

Rich corporate interests do their share to make life more pleasant for key legislators, providing them with generous speaking honoraria, expense-paid trips to luxury resorts (spouse included), and repeated use of the company's private jets.[39] Of course, lawmakers insist such things do not influence their votes, but there is no way to measure what effect gifts might have: a speech made (or not made), a bill not introduced, a committee hearing not called. Such actions and inactions have an important effect on legislative output.[40]

Venality takes more serious forms. Since World War II, scores of lawmakers or their aides have been indicted or convicted of bribery, influence peddling, extortion, and other crimes. And those were only the ones unlucky enough to get caught. Numerous other members have retired from office to avoid criminal charges. The House and Senate ethics committees are charged with overseeing and enforcing ethics codes, but they lack sufficient inclination and staff to do so.[41] In regard to thousands of its own employees on Capitol Hill, Congress ignores the rules governing civil rights, minority employment, and occupational safety and remains one of the worse employers in the nation.[42]

If, as they say, power corrupts, it usually gets a helping hand from money. Members of Congress are not the only culprits. For years there have been reports of corruption involving federal, state, and local officials throughout the nation. In just one six-year period, the number of public officials convicted included three cabinet officers, three governors, thirty-four state legislators, twenty judges, five state attorneys-general, twenty-eight mayors, eleven district attorneys, 170 police officers, and a U.S. vice-president, Spiro Agnew, who pleaded no contest, A U.S. president, Richard Nixon, escaped impeachment and jail by resigning from office.[43]

Officials in various executive agencies have received illegal favors and gratuities from companies or have owned stock in firms under their jurisdiction, in violation of federal rules. A GAO study found over 77,000 cases of fraud in federal agencies during a two-and-a-half-year period; nearly half were in the Pentagon. Only a small portion of the individuals involved were prosecuted.[44] In 1975, fifty-three federal executive officials were indicted for crimes; by 1985, the number had jumped to 563.[45] The Nixon administration was implicated in scandals involving the sale of wheat, an out-of-court settlement with ITT, price supports for dairy producers, corruption in the Federal Housing Administration, stock-market manipulations, and political espionage (the Watergate affair).

The career of Nelson Rockefeller provides an impressive example of money doing its thing. When he was being considered for appointment to the U,S, vice-presidency to replace Spiro Agnew (who had just resigned in exchange for the dropping of charges of bribery, extortion, and income-tax evasion), Rockefeller admitted to having given nearly $1.8 million in gifts and loans to eighteen New York and federal public officials, including $50,000 to Henry Kissinger, an erstwhile Rockefeller employee, three days before Kissinger became national security advisor to President Nixon, At a Senate hearing, Rockefeller insisted these payments were simply manifestations of his esteem for the recipients, "Sharing has always been part of my upbringing," he told the senators, none of whom doubled over with laughter, None of them reminded him that New York law prohibits public employees from accepting any gift greater than $25. Nor did they wonder aloud whether a "gift" to public officials who make decisions affecting one's private fortune might not better be called a "bribe." Instead they confirmed Nelson Rockefeller as vice-president of the United States.[46]

Every administration has had its scandals but the number of high-level members of the Reagan administration accused of unethical or illegal conduct was without precedent—110 by early 1986, with the number climbing well beyond that as the Iran-contra affair unfolded later that year. These included at least three cabinet members, a CIA director, several White House staff members, several advisors and aides from the National Security Council, and numerous administrative agency heads. The charges included fraud; illegal or improper stock dealings; tax-code violations; failure to make proper financial disclosures; perjury; obstructing congressional investigations; accepting illegal or improper loans, gifts, and favors; and using public resources to aid personal interests. Only a few went to jail, many resigned, and many stayed on, including Attorney General Edwin Meese.[47]

Some observers see corruption as a more or less acceptable fact of life. Passing a little money under the table is just another way of oiling the wheels of government and getting things done.[48] But corruption has gone beyond the petty bribe to reach momentous proportions. Rather than being a violation of the rules of the game, corruption is the name of the game. It is not so much a matter of finding a few bad apples as noting that the barrel itself is rotten. Corruption in government promotes policies that lead to permanent public indebtedness, inefficiency, and waste; it drains the public treasure to feed the private purse; it vitiates laws and regulations that might otherwise safeguard occupational, health, environmental, and consumer interests; it undermines equal protection of the law, producing favoritism for the few who can pay and injury and neglect for the many who cannot.

Besides denouncing corruption we should understand the politico-economic system that makes it ubiquitous. The need for corporate interests to use large sums of money to win decisions that bring in vastly larger sums is strong, especially since those who would be the guardians of the law themselves have their palms out or are in other ways beholden to the corrupting powers. If the powers and resources of the social order itself are used for the maximization of private greed and gain, and if the operational ethic is "looking out for number one," then corruption will be chronic rather than occasional, a systemic product rather than merely an outgrowth of the politicians flawed character.

The Legislative Labyrinth

As intended by the framers of the Constitution, the very structure of Congress has a conservative effect on what the legislators do. The staggered terms of the Senate—with only one-third elected every two years—are designed to blunt any mass sentiment for a sweeping turnover. The division of the Congress into two separate houses makes legislative action all the more difficult, often giving an advantage to those who desire to prevent reforms. A typical bill before Congress might go the following route: after being introduced into, say, the House of Representatives, it is committed to a committee, where it can be pigeonholed or gutted by the chairperson, or parceled out to various subcommittees for extensive hearings, where it might then meet its demise. Or it might be reported out of subcommittee to full committee either intact or greatly diluted or completely rewritten. In the event it is reported out of the full committee, the bill is sent to the Rules Committee, which might pigeonhole it, thus killing it. Or the Rules Committee could negotiate with the standing committee for a rewriting of certain provisions. Or the House might vote—by at least two-thirds—to bypass or take the bill away from the Rules Committee and bring it directly to the House floor for debate and a vote. Usually the Rules Committee provides a Rule for the bill, regulating the amount of time for debate and what provisions may or may not be open for amendment. Then the bill goes to the House, which can reject or amend the rule. The House resolves itself into the Committee of the Whole House (allowing suspension of House rules, including quorum requirements) to debate, amend, pass, or reject the bill, or recommit it to the originating committee for further study. If passed by the Committee of the Whole, the House reconstitutes itself and then decides the bill's fate.

If the bill is passed by the House it is sent to the Senate, which either places it directly on its calendar for debate and vote or refers it to a standing committee to repeat the same process of subcommittee and committee hearings and amendments. It can die in committee or be sent to the Senate floor. The Senate might defeat the bill or pass the House version either unchanged or, more likely, amended. If the House refuses to accept the Senate amendments, a conference committee is put together consisting of several senior members from each house. Should the conference committee be able to reach a compromise, the bill is returned to both houses for a final vote.[49] If passed by both houses, the bill goes to the president who either signs it into law or vetoes it. (A bill that does not make it through both houses before the next congressional election must be reintroduced and the entire process begun anew.) The president's veto can be overridden only by two-thirds of the members of each house who are present and voting. If the president fails to sign the legislation within ten days after passage, it automatically becomes law unless Congress adjourns in that time, in which case it has been "pocket vetoed" and so dies.

The bill that survives this legislative labyrinth to become law may be only an *authorization* act—that is, it simply brings some program into existence. Congress then must repeat the entire legislative process for an *appropriations* bill to finance the authorized policy—something the lawmakers occasionally fail to do. Congress's task is made no easier by the duplication of bills and overlapping committee jurisdictions.

Various dilatory tactics, from time-consuming quorum calls to Senate filibusters, help to thwart legislative action. Senate rules allow a small but determined number of senators to filibuster a bill to death or dilute it by exercising the threat of filibuster. This right of unlimited debate is a peculiarity the Senate has retained from its earliest days to preserve its historic role of blunting the majoritarian will of a democratic government. Today a filibuster can be broken with a cloture petition that requires sixty votes, which is not easily achieved. In the 1980s and early 1990s, the Republican minority used the filibuster far more frequently than did Democrats. During 1993 alone, the first year of the Clinton administration, the Senate Republicans forced cloture votes on some sixty bills,[50]

About 80 percent of the bills never make their way out of the legislative labyrinth to become law. Many of these are better left buried. But the lawmakers' wisdom is not the only determinant of what gets through; class power is also at work. Corporate and financial interests usually get what they want and stymie what they oppose. Legislation that is intended to assist the needy moves along the slow track; a $100 million bill to fund summer jobs for unemployed youth is debated in Congress for eight months, with dozens of attempts at crippling amendments; a pilot project supplying school breakfasts for a small number of malnourished children is debated at agonizing length. But when Continental Illinois Bank is about to go bankrupt, billions of dollars are handed out practically overnight without any deliberation by the appropriate congressional committees. Hundreds of billions are readily handed over in the savings and loan bailout. Billions for new weapons systems are passed in a matter of days. The North American Free Trade Agreement is rammed through without amendment in two days. And domestic programs that had taken many years of struggle to achieve are cut by many billions of dollars in a few weeks. The major financial interests may not always get all they want, but they seem to have the fast track in Congress.

One Democratic senator reminded his party colleagues that they were too responsive to moneyed interests and were neglecting to keep up appearances as "the party of the people/' In a speech on the Seriate floor urging that the scientific patents of the $25 billion space program not be given away to private corporations but applied for public benefit, Russell Long (D-LA) candidly remarked: "Many of these [corporate] people have much influence. I, like others have importuned some of them for campaign contributions for my party and myself. Nevertheless, we owe it to the people, now and then, to save one or two votes for them. This is one such instance.. .. We Democrats can trade on the dubious assumption that we are protector of the public interest only so long if we permit things like these patent giveaways."[51] Here Senator Long provided a perfect example of how the need to maintain democratic appearances can sometimes lead to taking an actual democratic stance.

Special-interest legislators often achieve working majorities in Congress by "logrolling," a process of mutual support that is not the same as compromise. Rather than checking one another as in compromise situations, and thus blunting the selfish demands of each, interest groups end up backing one another's claims at the expense of those who are without power in the pressure system. For example, legislators hoping to maintain a price support program for sugar interests will swap votes with legislators seeking to protect steel subsidies.[52]

For some members of Congress getting reelected is their major concern; for others it is their only concern. In any case, the great majority of them are quite successful at it- In the nineteenth century, half or more of every new House was made up of freshmen representatives. In recent years the turnover has dropped to between 10 and 20 percent, and this includes members who retire or die. In the last two decades, incumbents who sought reelection have won over 90 percent of the time,[53] There are several reasons for this:

Campaign funding. By definition, incumbents are persons who have already demonstrated an ability to muster enough money and organization to win. Once in office, they have opportunities to gather additional financial support. Senate incumbents raise twice as much money as challengers, and House incumbents raise over three times more.[54]

Constituent service. Members of Congress build support by doing casework for constituents (such as, locating a Social Security check or getting someone into a veteran's hospital). Members devote large portions of their staffs to working in the district home office.[55] They do little favors for little people and big favors for big people, gathering votes from the former and campaign money from the latter.

Exposure and name recognition. Incumbents use their franking privileges (free mailing) to correspond with constituents and send out newsletters and promotional sheets that herald the officeholder's virtues and accomplishments.[56] Members issue press releases, get their names in home-town media, and generally enjoy a long head start over potential challengers in self-advertising and name recognition.

One-party dominance. Some states and districts are demographically inclined toward one party or another, and many districts are gerrymandered to concentrate party strength in lopsided ways. In the 1990 election, four senators, two from each party, and eighty-one House members (thirty-five Republicans and forty-six Democrats) ran against no major party opponent at all. Convinced that they cannot muster the money or votes to win, potential challengers walk away from races.

Earlier retirements. With the workload and fund-raising tasks becoming ever more onerous, officeholders are retiring from Congress in growing numbers; a record high of 20 percent voluntarily departed in 1992.[57] Those who face tough reelection challenges usually are more inclined to quit than those who occupy comfortably safe seats. As more of them retire, fewer are defeated at the polls.[58]

Term Limits

Conservatives had nothing against limitless incumbency when conservative Southern Democrats or Republicans occupied the influential committee leadership positions, but now that senior positions are going to moderately liberal and even progressive Democrats, including members of the Congressional Black Caucus, conservatives have become the moving force behind term limitations, Recently, the issue of term limits has received wide exposure in the business-owned news media and financial backing from conservative organizations. In 1992, well-funded initiatives to limit congressional terms to six or twelve years (depending on the state) won voter endorsements in fourteen states.[60]

While promising to revitalize the legislative process and improve congressional performance, term limits will more likely do the opposite, creating a rotating amateur Congress that faces a professional, long-entrenched national security state and professional bureaucracy. Congress would be composed largely of freshman and sophomores who would still need large sums of money to get re-elected and be even more dependent on and vulnerable to professional lobbyists and big contributors. Members would also be increasingly dependent on congressional staffers, who are elected by no one, including committee and subcommittee staffers who sometimes serve for decades. And when one recalls that it takes many years of struggle to pass major public-interest legislation, we might wonder who in Congress will be able to stick around long enough to see things through—especially since term limits would wipe out whatever progressive leadership that now exists—which is the real objective of the major sponsors of term limits.[61]

A Touch of Democracy

Behind Congress there stands the entire corporate social order, with its hold over the material resources of society; its control of information and mass propaganda; its dominant influence over most cultural institutions; its well-placed policymakers, organized pressure groups, high-paid lobbyists, influence peddling lawyers, and big corporate contributors. Given all this, it is surprising that any democratic victories are won in Congress. Yet, progressive elements do manage to get things through from time to time. The lawmakers are not entirely untouched by popular pressures. Votes still count and therefore so do voters. Many worthwhile laws bring needed jobs and services to the ordinary folks back home, be it a post office, a cancer clinic, a program for the handicapped, or an adult training project.

The legislators also perform democratic watchdog functions over administrative agencies, checking to see why a Labor Department field office is not functioning, why a Social Security office is being closed, why vacancies in an agency investigating racketeering have not been filled, why a report on wage rates at rural hospitals has not been released, why compensation has not been made to veterans injured in mustard gas experiments, and other such matters. This watchdog function is an important democratic pressure on behalf of ordinary people, prodding a recalcitrant and often secretive bureaucracy.[62]

Despite the conservatism of the Reagan-Bush years, Congress approved the expansion of Medicare, strengthened major civil rights statutes, federal ethics standards, and environmental programs. It strengthened programs for AIDS victims, drug addicts, and the homeless, and extended unemployment insurance and new protections for workers facing mass layoffs. Congress passed a plant-closing notification bill and imposed sanctions on South Africa because of its racist apartheid policy. Congress, then, is not just a special-interest arena. It is also a place where larger critical issues are sometimes raised. There are dedicated legislators who often respond to the needs of the many rather than the greed of the few, impelled both by their own political commitment and by popular pressure. What victories they win are almost always hard-fought and hard-won, for the high ground is usually occupied by the conservative coalition, composed mostly of Republicans and Southern conservative Democrats who, shored up by the awesome power of big business, frequently manage to block or seriously maul any liberal agenda for change.[63] And when the White House also is on their side, conservatives score decisive victories against the hardwon gains of labor and the Left.

In sum, Congress is still a place where democratic inputs can be registered, where progressive forces occasionally can mount attacks against a conservative status quo or maintain some (partially successful) defense against right-wing rollback. However, the overall evidence suggests that the moneyed powers are the predominant influence, and that officeholders do more to sustain than to change the existing system of class power and privilege.

A more democratic Congress would be one that is more responsive to voters and less dependent upon rich individuals and corporate and trade PACs for financial support. How can that be achieved? The only money that comes with no strings attached comes from each citizen equally—from all the taxpayers, through their government—money that does not obligate the officeholder to any special interest or privileged group.[64] What is needed is a system of public campaign financing that neutralizes the influence of private moneyed interests. We need full public funding of House and Senate elections and primaries. Candidates who accept public funding would have to agree to limit their spending to the amount of the public grant. Those who decline taxpayer money would be free of that spending limit—but their opponents would then qualify for matching funds equal to any amount spent by the privately funded candidate. Limitless private funding would be allowed—but it would be neutralized and equalized by public funding.

In addition, prohibitions should be placed on lobbyists' perks, the honoraria, free travel, and other gifts and services that are little more than legalized bribery,

Finally, broadcast media should be required to set aside free and equal time for all candidates during campaigns. The air waves are the property of the American people, part of the public domain. While broadcasters are granted licenses to use the air waves, they do not own them. It is no infringement on their free speech to oblige them, as a public service, to make some portion of broadcast time available to office seekers who want to exercise *their* free speech.

With public financing of campaigns, limits on private perks, and free access to media, candidates and officeholders would be liberated from the incessant task of raising money and from slavish obligations to the moneyed interests. And major public office would be accessible to others besides the rich or those supported by the rich, something fairly fought for rather than bought.[65]

---

1. Nine states—California, New York, Florida, Texas, Pennsylvania, Illinois, Ohio, Minnesota, and New Jersey—contain almost 52 percent of the population but only 18 percent of the Senate's seats.

2. U.S. Bureau of the Census, *Statistical Abstract of the United Slates: 1992* (312th edition) Washington, D.C., 1992, p. 264; *Congressional Quarterly Weekly,* 41, January 1985, pp. 34-41.

3. *Washington Post* editorial, February 26, 1988; Philip Stern, *The Best Congress Money Can Buy* (New York: Pantheon, 1988).

4. Herbert Alexander and Monica Bauer, *Financing the 1988 Election* (Boulder, Colo.: Westview, 1991); also telephone interview with Federal Elections Commission staff member, December 29, 1993. In 1990, successful candidates for the Senate raised, on average, nearly $4 million each: newsletter, Common Cause, Washington, D.C., April 1991, In the 1990 gubernatorial race in California, the two major-party candidates spent $35 million between them; the Texas gubernatorial race that year cost $33 million; *Seattle Times,* November 4, 1990.

5. *Wall Street Journal/NBC* poll reported in *People's Weekly World,* October 31, 1992.

6. *Washington Post,* June 30, 1989. Big campaign donors who sat on the boards of directors of the top defense corporations favored Republicans over Democrats by almost six to one: Tom Koenig, "Business Support for Disclosure of Corporate Campaign Contributions/' in Michael Schwartz fed.), *The Structure of Power in America* (New York: Holmes & Meier, 1987), p. 88.

7. G, William Domhoff, *Fat Cats and Democrats* (Englewood Cliffs, N.J.: Prentice Hall, 1972), and David Corn's report in *Nation,* September 30, 1991, p. 364; Howard Reiter, *Parties and Elections in Corporate America* (New York: St. Martins Press, 1987), pp. 265-266. Democratic incumbents with strategic committee seats are well funded by business interests: *Washington Post,* June 19, 1990.

8. To cite one of many examples of "switch hitting" or "double giving", the American Bankers Association contributed $10,000 to assist a Republican senator's reelection effort. When he lost, the bankers unabashedly gave his victorious Democratic opponent $10,000, thereby hoping to ensure the newcomers cooperation: *Washington Post,* March 26, 1987.

9. *New York Times,* August 6, 1991; *PACs and Lobbies,* newsletter, Edward Zuckerman (ed.), Washington, D.C., June 1990; *Too Sweet to Resist: The Congressional Appetite for Sugar PAC$,* report by the Public Voice for Food and Health Policy, Washington, D.C., 1990; *Washington Post,* June 19, 1990.

10. *New York Times,* April 16, 1990; Stern, *The Best Congress Money Can Buy,* pp. 84-85. Members of Congress are less inclined to vote against their largest contributors than against what seems to be the interests of their district. Thus, senators who received the largest sums from defense-contract PACs were almost twice as likely to support higher military spending than those who received little, regardless of how much defense industry existed in their respective states: .study by Military Spending Research Services, reported in *Washington Post,* January 23, 1987.

11. Quoted in *Washington Post,* November 17, 1980.

12. Stem, *The Best Congress Money Can Buy,* passim; *Washington Post,* July 31, 1987, and September 6 and October 12, 1989; *New York Times,* September 15, 1993. There are "$ 10,000 clubs" providing special opportunities for big contributors to meet regularly and informally with senators who occupy influential posts: *Washington Post,* February 3 and 6, 1987. Members of Congress also solicit lucrative speaking engagements from special interest groups: *Washington Post,* July 30, 1990.

13. Dan Clawson, Alan NeuStalt, and Denise Scott, *Money Talks: Corporate PACs and Political Influence* (New York: Basic Books, 1992).

14. For specific testimony, see Mark Green, "When Money Talks, Is It Democracy?" *Nation,* September 15, 1984, pp. 200-204,

15. Thomas Cronin quoted in Dom Bonafede, "Textbook Candidate," PS, Winter 1983, p. 55.

16. James Abourezk, "Clear Out PACs, Clean Up Congressional Campaigns," release by Institute for Policy Studies, Washington, D.C., March 18, 1986. Then-Senator Abourezk was himself attending the caucus.

17. Other variables such as incumbency, the candidate's image and personality, the issues, and a strong campaign organization have an impact of their own. But some of these in turn are much helped by money.

18. Frank Lynn, "With Eye to November, Dyson Stresses Wealth," *New York Times,* August 26, 1986,

19. Representative Les Au Coin (D-OR) describes subcommittees as "sovereign states": *Washington Post,* July 17, 1989:

20, Washington *Post,* December 6, 1990. Both parties in both houses have a caucus (or "conference") consisting of the entire membership of the party in that particular house. It elects the majority (or minority) leader and party whips. The majority-party caucus also elects the committee and subcommittee chairs.

21. *Washington Post,* September 23, 1979.

22. *Washington Post,* October 5, 1989, and September 27, 1989 for additional examples.

23. A few examples: $6-4 million for the construction of a gondola system to attract tourists to Kellogg, Idaho; $500,000 to renovate the birthplace home of bandleader Lawrence Welk and built a nearby motel for tourists; and $7 million for grants to research new methods for building wooden bridges: Washington *Post,* June 4, 1989; September 11, 1989- December 1 1990; and *City Paper,* March 1, 1991.

24. *Washington Post,* March 21, 1988, Reagan did not look at Pentagon spending, however, which contains much more pork than the nonmilitary budget: Major Garrett, "House Packs Pork in Pentagon Bill," *Washington Times,* May 31, 1991.

25. See discussion and citations in chapter 7.

26. Washington *Post,* January 17, 1982.

27. Mark Green et al., *Who Runs Congress?,* 2nd ed. (New York Bantam Books, 1972), p. 56. On closed-door dealings in the House Appropriations Committee, see *Washington Post,* July 17, 1989.

28. Both Rostenkowski and Dole accepted thousands of dollars in campaign contributions from these same Wall Street firms: *Washington Post,* June 3, 1.985.

29. Jeremy Weintraub, "Citizens Shut Out," January 1993. p. 21.

30. Robert Winter-Berger, *The Washington Pay-Off* (New York: Dell, 1972), p. 14. Winter- Berger offers some astonishing eyewitness testimony in his book,

31. William May quoted in Mark Green and Jack Newfield, "Who Owns Congress?" *Washington Post Magazine,* June 8, 1980, p. 12.

32. *Washington Post,* September 5, 1979 and February 7, 1985.

33. Quoted in *New York Times,* November 25, 1984.

34. Mark Green quoted in Steven Roberts, "The Rich Get Richer and Elected," *New York Times,* September 24, 1985.

35. Roberts, "The Rich Get Richer . . ." The legislators financial disclosure do not cover their net worth and are often "incomplete, misleading or useless": *Congressional Quarterly,* September 2, 1978. Thorough disclosures would likely reveal more millionaires: *Washington Post,* May 21, 1982. Millionaire representatives are found at the state level as well. In a poor state like West Virginia, an estimated half of the state legislators are millionaires, many of them coal-mine owners; almost none are environmentalists: Jean Callahan, "Cancer Valley," *Mother Jones,* August 1978, p. 40.

36. Philip Green, *Retrieving Democracy* (Totowa, N.J.: Rowman and Allanheld, 1985), pp, 177-178.

37. In 1981, members of Congress voted enough new tax breaks for themselves so as, to avoid paying any income taxes: *Washington Post,* January 14, 1982.

38. *New York Times,* January 22, 1989; *Washington Post,* February 10, 1989; Shiela Kaplan, "Join Congress, See the World," *Mother Jones,* September/October 1986, pp. 18-24. Worried about the public's image of Congress as a privileged preserve, congressional leaders pruned some of the perks that members enjoy. *Washington Post,* April 4, 1992.

39. For numerous examples see *Washington Post,* May 23 and October 12, 1989; March 8 and June 21, 1991; and *New York Times,* January 22, 1989.

40. Richard Cohen, "Beware Congressmen Accepting Gifts," *Washington Post,* July 16, 1987.

4L The chair of the Senate Ethics Committee in the 98th Congress, Malcolm Wallop (R-WY), believed that senators should not have to disclose their financial holdings and could decide their own conflict of interest. He even criticized the whole idea of a code of ethics. No wonder his colleagues picked him for the job: *Washington Post,* December 31, 1982.

42. *Washington Post,* April 5, 1988, The reference is to staff employees and to the people in the congressional mail rooms and restaurants, and janitorial and maintenance crews.

43. *Washington Post,* January 1 and December 10, 1981 and February 21, 1984; *New York Times,* October 1985 and March 15 to March 27, 1986. For more recent examples, see *Los Angeles Times,* February 8, 1989 and October 15, 1990; *Washington Post,* January' 13, June 30, July 30, and September 22, 1990; *New York Times,* February 10, 1991 and January 21, 1993.

44. *Washington Post,* October 10, 1981.

45. U.S. Justice Department, *Report to Congress on the Activities and Operations of the Public Integrity Sector for 1986* (Washington, D.C.; Government Printing Office, 1987).

46. *Newsweek,* October 21, 1974; *New York Times,* October 7, 1974.

47. See the detailed compilation in the *Washington Post,* April 27, 1986. A Justice Department report sharply criticized Attorney General Meese for serious violations of standards. Questioned during various investigations, Meese seemed to suffer amnesia, being unable to remember a whole host of shady financial dealings in which he was directly involved. Before a Senate committee his memory lapsed seventy-nine times: *Washington Post,* February 5, 1988 and January 17, 1989. On corruption in the Reagan administration after 1986, see *Washington Post,* September 24, 1988; *New "fork Times,* July 27, 1988 and May 1, 1990.

48. An example of this quaint approach to corruption is Peter de Leon, *Thinking About Political Corruption* (New York: M.E. Sharpe, 1993).

49. More than one conference committee has rewritten a bill on its own. In 198.5, a House-Senate conference committee approved a $302.5 billion military budget that restored money for all of the twenty-two weapon systems that either the House or Senate had voted to kill: *New York Times,* July 26, 1985.

50. The Republicans filibustered against bills that supported arms control, public financing of congressional campaigns, limits on private campaign spending, legal abortions at military hospitals, human rights conditions on military aid to El Salvador, a modest tax-rate increase: for the rich, accessible voter registration for tbe poor and unemployed, outlawing the use of scabs as permanent replacements of strikers, and a $16.3 billion jobs program: *New York Times** August 9, 1987 and April 8, 1993; *Washington Post,* June 17, 1987; August 13, 1991. For instances of Democratic use of the filibuster, see *Washington Post,* November 16, 1989; *New York Times,* November 2, 1991.

51. *Washington Monthly,* April 1972, p. 18.

52. *New York Times,* October 2, 1985.

53. Charles Jones, *The United States Congress* (Homewood, 111.: Dorsey Press, 1982), p. 79. Sometimes the reelection rate is as high as 98 percent: *Washington Post,* August 28 and November 13, 1988. In 1992, 92 percent of those who sought reelection to the 103rd Congress were successful, according to my calculations based on figures taken from *Congressional Quarterly* (Special Report), Washington, D.C., December 11, 1993, p, 16.; and *New York Times,* November 5, 1992.

54. U.S. Bureau of the Census, *Statistical Abstract of the United States: 1992* (112th ed.), Washington, D.C., 1992, p. 275. Some sources estimate a higher spending disparity: Report by Common Cause staff, *Half of Senate Incumbents Seeking Election in 1990 Are Financially Unopposed,* Washington, D.C.: Common Cause, October 1990; *New York Times,* August 27, 1992.

55. *New York Times,* October 28, 1990.

56. In one session, Senator Alfonse D'Amato (R-NY) spent $2.65 million of taxpayer money in franked mailings that totaled 16.7 million pieces to his constituents: *Washington Post,* January 3 and July 18, 1990.

57. Calculations based on sources cited in footnote 53.

58. There are various reasons lawmakers retire. The inability to effect important changes frustrates some, while highly lucrative jobs in private industry entice others. The consolation of a generous pension is an additional inducement.

59. For instance, George Will, *Restoration* (New York: Free Press, 1992).

60. Son *Francisco Chronicle,* November 4, 1992; *Seattle Post-Intelligencer,* August 31, 1992. The initiatives app]y to the respective congressional delegations from the fourteen states and limit terms to six to twelve years, depending on the state.

61. Some conservatives, most notably President Nixon and President Reagan, have wanted to abolish the 22nd Amendment, which places a two-term limit on presidential incumbents, They had no problem with limitless incumbency for Republican presidents, No conservatives have urged term limits on Supreme Court justices or federal judges; the judiciary Is heavily populated with relatively young conservative ideologues. They target only Congress and those state legislatures in which the Democrats have a long-standing majority.

62. The most useful watchdog of government, the General Accounting Office (GAO) created by Congress to investigate everything from military waste to environmental abuse' operates at the request of specific legislators and reports directly to Congress.

63.^ "Recent evidence supports the view that major business lobbies appear to be able to exercise a de facto veto over measures they oppose. If business lobbies don't object reform measures can become law; if they do, they can't": Mark Green and Michael Calabre'se *Who Hum Congress?* 3rd ed. (New York: Bantam, 1979), p. 28.

64. Stern, *The Best Congress Money Can Buy,* p. ISO.

65. Marry Jezer and Randy Kehler, "Lets Have *Real* Campaign Reform," *Nation,* November 2, 1992, pp.

496-499; Stern, *The Best Congress Money Can Buy,* pp. 180-181. Public funding features already exist in the financing of presidential elections. In November 1993 the House passed the Congressional Campaign Spending Limit and Election Reform Act, to provide partial public funding of candidates who agree to comply with federal spending caps. Bills that provide public funding and voluntary spending limits have been filibustered in the Senate by well-financed Republican senators: *New York Times,* March 8, 1993.