

The Case for Congress

According to opinion polls, Congress is one of the least esteemed institutions in American life. While that should come as a shock, today it's taken for granted. What can't be taken for granted is the health of representative democracy amid this corrosive—and often unwarranted—distrust of its central institution.

LEE H. HAMILTON

Several years ago, I was watching the evening news on television when the anchorman announced the death of Wilbur Mills, the legendary former chairman of the House Ways and Means Committee. There was a lot the newscaster could have said. He might have recounted the central role Mills had played in creating Medicare. Or he might have talked about Mills's hand in shaping the Social Security system and in drafting the tax code. But he did not. Instead, he recalled how Mills's career collapsed after he was found early one morning with an Argentine stripper named Fanne Foxe. And then the anchorman moved on to the next story.

One of the perks of being chairman of an influential committee in Congress, as I was at the time, is that you can pick up the telephone and get through to a TV news anchor. Which I did. I chided the fellow for summing up Mills's career with a scandal. And much to my surprise, he apologized.

Americans of all stripes like to dwell on misbehavior by members of Congress. They look at the latest scandal and assume that they're seeing the *real* Congress. But they're not. They hear repeatedly in the media about missteps, but very little about the House leader who goes home on weekends to pastor his local church, or the senator who spends one day a month working in a local job to better understand the needs of constituents, or the many members who labor behind the scenes in a bipartisan way to reach the delicate compromises needed to make the system work.

I don't want to claim that all members are saints and that their behavior is always impeccable. Yet I basically agree with the assessment of historian David McCullough: "Congress, for all its faults, has not been the unbroken parade of clowns and thieves and posturing windbags so often portrayed. What should be spoken of more often, and more widely understood, are the great victories that have been won here, the decisions of courage and the visions achieved."

Probity in Congress is the rule rather than the exception, and it has increased over the years. When I arrived in Congress, members could accept lavish gifts from special interests, pocket campaign contributions in their Capitol offices, and convert their campaign contributions to personal use. And they were rarely punished for personal corruption. None of that would be tolerated now. Things still aren't perfect, but the ethical climate at the Capitol is well ahead of where it was a couple of decades ago. And, I might add, well ahead of the public's perception of it.

During my 34 years in the House of Representatives, I heard numerous criticisms of Congress. Many seemed to me perceptive; many others were far off the mark—such as when people thought that as a member of Congress I received a limousine and chauffeur, or didn't pay taxes, or was entitled to free medical care and Social Security coverage. When people are upset about Congress, their distress undermines public confidence in government and fosters cynicism and disengagement. In a representative democracy such as ours, what the American people think of the body that's supposed to reflect their views and interests as it frames the basic laws of the land is a matter of fundamental importance. I certainly do not think Congress is a perfect institution, and I have my own list of ways I think it could be improved. Yet often the public's view is based on misunderstanding or misinformation. Here are some of the other criticisms I've heard over the years:

Congress is run by lobbyists and special interests. Americans have differing views of lobbyists and special-interest groups. Some see them as playing an essential part in the democratic process. Others look at them with skepticism but allow them a legitimate role in developing policy. Most, however, see them as sinister forces exercising too much control over Congress, and the cynicism of this majority grew during the recent wave of corporate scandals, when it was revealed how extensively companies such as Enron and Arthur

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Andersen had lobbied Congress. The suspicion that Congress is manipulated by powerful wheeler-dealers who put pressure on legislators and buy votes through extensive campaign contributions and other favors is not an unfounded concern, and it will not go away, no matter how fervently some might try to dismiss it.

That said, the popular view of lobbyists as nefarious fat cats smoking big cigars and handing out hundred-dollar bills behind closed doors is wrong. These days, lobbyists are usually principled people who recognize that their word is their bond. Lobbying is an enormous industry today, with billions of dollars riding on its outcomes. Special-interest groups will often spend millions of dollars on campaigns to influence a particular decision—through political contributions, grassroots lobbying efforts, television advocacy ads, and the like—because they know that they'll get a lot more back than they spend if a bill contains the language they want. They're very good at what they do, and the truth is, members of Congress can sometimes be swayed by them.

But the influence of lobbyists on the process is not as simple as it might at first appear. In the first place, "special interests" are not just the bad guys. If you're retired, or a homeowner, or use public transit or the airlines, or are concerned about religious freedom, many people in Washington are lobbying on your behalf. There are an estimated 25,000 interest groups in the capital, so you can be sure your views are somewhere represented. Advocacy groups help Congress understand how legislation affects their members, and they can help focus the public's attention on important issues. They do their part to amplify the flow of information that Thomas Jefferson called the "dialogue of democracy."

Of course, Congress often takes up controversial issues on which you'll find a broad spectrum of opinions. Public attention is strong, a host of special interests weigh in, and the views of both lobbyists and legislators are all over the map. In such circumstances, prospects are very small that any single interest group or lobbyist can disproportionately influence the results. There are simply too many of them involved for that to happen, and the process is too public. It's when things get quiet—when measures come up out of view of the public eye—that you have to be cautious. A small change in wording here, an innocuous line in a tax bill there, can allow specific groups to reap enormous benefits they might never have been granted under close public scrutiny.

The answer, it seems to me, is not to decry lobbying or lobbyists. Lobbying is a key element of the legislative process—part of the free speech guaranteed under the Constitution. At its heart, lobbying is simply people banding together to advance their interests, whether they're farmers or environmentalists or bankers. Indeed, belonging to an interest group—the Sierra Club, the AARP, the Chamber of Commerce—is one of the main ways Americans participate in public life these days.

When I was in Congress, I came to think of lobbyists as an important part of the *public discussion* of policy. I emphasize "public discussion" for a reason. Rather than trying to clamp down on lobbying, I believe we'd be better off ensuring that it happens in the open and is part of the broader policy debate. Our

challenge is not to end it, but to make sure that it's a balanced dialogue, and that those in power don't consistently listen to the voices of the wealthy and the powerful more intently than the voices of others. Several legislative proposals have been made over the years that would help, including campaign finance reform, tough restrictions on gifts to members of Congress, prohibiting travel for members and their staffs funded by groups with a direct interest in legislation, and effective disclosure of lobbyists' involvement in drafting legislation. But in the end, something else may be even more important than these proposals: steady and candid conversation between elected officials and the people they represent.

Members of Congress, I would argue, have a responsibility to listen to lobbyists. But members also have a responsibility to understand where these lobbyists are coming from, to sort through what they are saying, and then to make a judgment about what is in the best interests of their constituents and the nation as a whole.

Congress almost seems designed to promote total gridlock. People will often complain about a do-nothing Congress, and think that much of the fault lies in the basic design of the institution. When a single senator can hold up action on a popular measure, when 30 committees or subcommittees are all reviewing the same bill, when a proposal needs to move not just through both the House and the Senate but through their multilayered budget, authorization, and appropriations processes, and when floor procedures are so complex that even members who have served for several years can still be confused by them, how can you expect anything to get done? This feeling is magnified by the major changes American society has undergone in recent decades. The incredible increase in the speed of every facet of our lives has made many people feel that the slow, untidy, deliberate pace of Congress is not up to the demands of modern society.

It is not now, nor has it ever been, easy to move legislation through Congress. But there's actually a method to the madness. Basic roadblocks were built into the process for a reason. We live in a big, complicated country, difficult to govern, with enormous regional, ethnic, and economic differences. The process must allow time for responsiveness and deliberation, all the more so when many issues—taxation, health care, access to guns, abortion, and more—stir strong emotions and don't submit easily to compromise. Do we really want a speedy system in which laws are pushed through before a consensus develops? Do we want a system in which the views of the minority get trampled in a rush to action by the majority? Reforms can surely be made to improve the system, but the basic process of careful deliberation, negotiation, and compromise lies at the very heart of representative democracy. Ours is not a parliamentary system; the dawdling pace comes with the territory.

We misunderstand Congress's role if we demand that it be a model of efficiency and quick action. America's founders never intended it to be that. They clearly understood that one of the key roles of Congress is to slow down the process—to allow tempers to cool and to encourage careful deliberation, so that

unwise or damaging laws do not pass in the heat of the moment and so that the views of those in the minority get a fair hearing. That basic vision still seems wise today. Proceeding carefully to develop consensus is arduous and exasperating work, but it's the only way to produce policies that reflect the varied perspectives of a remarkably diverse citizenry. People may complain about the process, but they benefit from its legislative speed bumps when they want their views heard, their interests protected, their rights safeguarded. I recognize that Congress sometimes gets bogged down needlessly. But the fundamental notion that the structure of Congress should contain road blocks and barriers to hasty or unfair action makes sense for our country and needs to be protected and preserved. In the words of former Speaker of the House Sam Rayburn, "One of the wisest things ever said was, 'Wait a minute.'"

There's too much money in politics. When people hear stories about all the fundraising that members of Congress must do today, they come to believe that Congress is a "bought" institution. I've often been told that in our system dollars speak louder than words, and access is bought and sold. By a 4 to 1 margin, Americans believe that elected officials are influenced more by pressures from campaign contributors than by what's in the best interests of the country. But in fact, the problem of money in politics has been with us for many years. It's become so much more serious in recent years because of the expense of television advertising. The biggest portion of my campaign budget in the last election I faced—\$1 million, for a largely rural seat in southern Indiana—went for TV spots.

Having experienced it firsthand, I know all too well that the "money chase" has gotten out of hand. A lot of money from

special interests is floating around the Capitol—far too much money—and we ignore the problem at our own peril. To be fair, many of the claims that special interests can buy influence in Congress are overstated. Though I would be the last to say that contributions have no impact on a voting record, it's important to recognize that most of the money comes from groups that already share a member's views on the issues, rather than from groups that are hoping to change a member's mind. In addition, many influences shape members' voting decisions—the most important of them being the wishes of their constituents. In the end, members know that if their votes aren't in line with what their constituents want, they won't be reelected. And *that*, rather than a campaign contribution, is what's foremost in their minds.

Still, it's an unusual member of Congress who can take thousands of dollars from a particular group and not be affected, which is why I've come to the view that the influence of money on the political process raises a threat to representative democracy. We need significant reform. We have a campaign finance system today that's gradually eroding the public's trust and confidence. It's a slow-motion crisis, but it is a crisis. It's not possible to enact a perfect, sweeping campaign finance bill today, and perhaps not anytime soon. Yet the worst abuses can be dealt with, one by one.

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