

Criticisms of Congress

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We Can't Wait Much Longer To Fix Congress

I am an unabashed fan of Congress. It is, to my mind, the American institution that most wholly represents our democracy and guards our freedoms. It is our most representative governmental body, the place where the myriad currents of American society meet and come to terms with one another. Without it, there is no way for our nation to guarantee freedom, ensure that the passions of the moment are cooled in deliberate debate, or check the power of the President. So I am distressed to say that at the moment, I am not a fan of how Congress often operates, or fails to operate. This is not a partisan comment. Some of Congress' problems have been building for decades, including years during which I served as a member of the Democratic majority. However, there are now so many serious issues that have been allowed to spiral out of control, and so many problems going unresolved, that Congress, as an institution, is in deep trouble. Too often it shirks its constitutional role and appears incapable of doing the work that the American people depend on it to do. There are numerous ways in which I believe Congress has fallen short of its responsibilities: First, the budget is out of control. The budget is the operating blueprint of our government, but except for a brief time in the 1990s, Congress has been unwilling for some time to exert any meaningful control over it. This is in part because the budget process is broken, and in part because Congress has been unable to rein in spending, tax cuts, or special-interest tax breaks and subsidies.

Second, Congress is too responsive to narrow special interests. The tax breaks, regulatory waivers, and subsidies that it hands out have not only contributed to our nation's alarming budget deficits, they also have made it appear that Congress simply rewards big-time contributors and powerful friends.

Third, Congress has refused to deal effectively with flaws in our electoral system. I'm not just talking here about the need for campaign finance reforms or the decline in competitive elections. We have for decades had a fragile elections process in this country. Lists of registered voters are poorly maintained, registration rules are often convoluted, elections administration is mostly in the hands of partisan office-holders — these problems and more need to be addressed nationally to restore public faith in the underpinning of our democracy.

Fourth, Congress is exceptionally polarized. Pretty much every member of Congress complains these days about the poisonous atmosphere on Capitol Hill. It is not just the moderate center that has atrophied, but also the courtesy and civility that are crucial to productive political discourse.

Fifth, fairness in the legislative process has broken down. A majority-rule-at-all-costs mentality, especially in the House, has stifled discussion, undercut careful deliberation, and worst of all, put an end to the consensus-building that ought to be a congressional hallmark.

Sixth, Congress has refused to look seriously at reforming itself. We no longer have a Congress that is shaped to deal effectively with current challenges. Its committee structure is outdated, its processes do not reflect the nation's diversity, its ability to oversee executive-branch operations in a dangerous and complex world is limited. Yet Congress cannot overcome its own turf battles and bring itself into the 21st century.

Seventh, Congress doesn't work enough at its true job. Members of Congress spend too much of their week campaigning, and not enough of it doing the hard work of governing. Building a consensus behind an approach to a national problem is tough; it takes negotiation, extended discussion, and hard study. This is impossible to do when you spend three days on Capitol Hill and then rush home for an extended weekend of appearances.

Finally, Congress has ceded its war powers to the President. The Founders explicitly gave the powers to declare and fund war to Congress. Yet Congress in recent years has rolled over and refused to take a hard look at the executive branch's war rationale and execution or plans for an end-game. Congress has failed to act as a separate and independent body, and to provide essential oversight during times of great need. All of this has hurt Congress, to the point where people who care about it now openly debate whether it can pull out of its alarming tailspin. So what should our response be to these shortcomings? Should we just give up on the institution? Become cynical and alienated? Throw our hands up and ask, "What's the use?" No, just the opposite. We need to become more engaged, more involved, more insistent that Congress measure up to its constitutional responsibilities.

Congress is at heart a resilient, self-correcting institution that is responsive to the clearly expressed will of the people. I know it can do better, and if prodded enough, it will. As citizens, we always have a responsibility to become involved in the work of Congress, but never more so than when we think it has gotten off track.

(Lee Hamilton is Director of the Center on Congress at Indiana University. He was a member of the U.S. House of Representatives for 34 years.)

Source: http://congress.indiana.edu/radio_commentaries/we_cant_wait_much_longer_to_fix_congress.php

Congressional Bickering

One of the most common criticisms of Congress is that members spend too much time bickering and arguing, and never seem to get anything done. I must have heard it a hundred times: Why can't you folks get together?

Congress is generally perceived as the "broken branch" of government, unable to work together to carry out the nation's wishes. This is a longstanding complaint. Woodrow Wilson viewed the House as "a disintegrated mass of jarring elements." Sometimes the language during debates does get a little rough, such as when a member in 1875 described another as "one who is outlawed in his own home from respectable society; whose name is synonymous with falsehood; who is the champion, and has been on all occasions, of fraud; who is the apologist of thieves; who is such a prodigy of vice and meanness that to describe him would sicken imagination and exhaust invective." These comments make the present partisanship sound rather mild.

The perception of Congress as paralyzed by its own internal bickering comes up in most discussions of the institution, and it is one that matters. Surveys show it is a major factor in the American public's lack of confidence in Congress.

People get upset because they think that most everyone agrees on what's right and necessary, and they see no good reason for Congress not to implement such a consensus. Yet the truth is that there is far less consensus in the country than often thought. The fact is, it is very difficult to get agreement among a broad cross-section of Americans on major political issues. Most years there is little agreement on what the main issues are, let alone what specific steps should be taken to address them. The devil— and the dispute— is often in the details.

Most bills passed by Congress actually receive fairly broad, bipartisan support. Yet dispute and delay often occur because it's a tough and tedious job making policy for a country of this vast size and remarkable diversity. The issues before Congress are much more numerous than in past years, often very complicated and technical, and intensely debated, with a large number of sophisticated groups knowing that key policies and millions of dollars can hinge on every word or comma. The great variety of our nation's races, religions, regional interests, and political philosophies all bring their often-conflicting views to Congress. It's the job of the House and Senate to give the various sides a chance to be heard and to search for a broadly acceptable consensus.

There is bound to be bickering when you bring together 435 Representatives and 100 Senators, all duly elected to Congress— all of whom feel strongly about issues and want to push their views and represent the best interests of their constituents. People shouldn't fall off their chairs because they see heated debate; that's how we thrash things out in a democratic society.

Much of what the public dislikes— the spirited, often intense, debate— is part of the process. That's the way legislatures work. We could have chosen to have all decisions made by a single ruler at the top, but that's not the kind of government we wanted. Congress was set up as the forum in which strongly-held differences would be aired; conflict is built into the system. Allowing all sides a chance to be heard on the most difficult issues facing our nation almost ensures that the debate will at times be contentious, but it also helps to keep our country from coming apart at the seams.

Dispute is different from dysfunction, and results are what count. Intense debate doesn't mean that issues cannot be resolved— just that resolving them can be frustrating and time-consuming. I remember many conversations with disgruntled constituents over the years when I urged patience, and suggested that they judge Congress by the final results, not by the bickering they might see during the process.

I'm not defending strongly partisan or harsh personal attacks. Certainly things can sometimes go too far and get out of hand. And Congress does have various means for handling such cases— the member in 1875 was in fact formally censured by the House for his remarks. But overall, people should expect some bickering and arguing within Congress. A democracy without conflict is not a democracy.

(Lee Hamilton was a Member of the U.S. House of Representatives for 34 years and is now Director of the Center on Congress at Indiana University.)

Source: http://congress.indiana.edu/radio_commentaries/congressional_bickering.php

Why Congress Must Learn To Look Ahead

As the nation took stock of what we could learn from the September 11 terrorist attacks, much attention was going to the short-sightedness revealed within federal intelligence agencies and executive-branch circles. There is another branch of government, though, whose failings ought to alarm us as well: Congress.

It may seem odd to say this. Is it really Congress's job to protect American soil from attack? The answer, of course, is no, not directly. But it is Congress's job to make sure that the federal government as a whole is on top of its game, alert to the perils that face us as a nation and prepared to respond appropriately. Yet in the years just before the 9/11 attacks, even though members of Congress knew that terrorism was a threat to U.S. interests, hearings to look into the matter were modest and episodic. When intelligence briefings took place to discuss the dangers, they were sparsely attended. For whatever reason, and despite some individual exceptions, Congress simply did not anticipate 9/11. Congress, too, was caught unprepared.

The fact is, Congress is not very good at looking ahead. It falls particularly short when it comes to identifying issues that, left unattended, might some day rear up and bite us. Over the last few years, for instance, Congress has essentially ignored a growing income inequality in this country that has concentrated an astounding percentage of private wealth in fewer and fewer hands; not only has it failed to examine its own role in creating this situation, it has shown no interest at all in the political and economic repercussions should most Americans come to decide that the system is stacked against them. Nor has it spent much time considering the many implications of our country's aging population beyond tangling periodically with the politically tendentious subject of Social Security. Insufficient attention has also been given over the years to our need for energy independence or to the large number of children in America living in poverty. Similarly, there is a long list of troubles besetting large portions of the world, from scant supplies of clean water to the rise of vast urban slums in Africa and Latin America to the spread of epidemic diseases, that are breeding instability and could in any number of ways come to have a significant impact on life in the United States. Congress, however, seems largely uninterested.

Why would this be? For one thing, there's not much immediate political benefit to examining the far horizon for approaching storms. Members of Congress are quite attuned to the immediate concerns of their constituents; anyone who spent too much of his time investigating hunger in Africa would no doubt hear about it at the next round of town hall meetings. Then, too, the close partisan divide within the country as a whole has made it difficult for Congress to move forward even on the issues it does address. The result is that members are under great pressure to focus on issues that have immediate resonance with voters- "partial-birth" abortions, say, or a flag-burning amendment to the Constitution- that might give their side some advantage at the polls. There is much truth in the observation that Congress cannot look beyond the next election. This is one of the fundamental weaknesses of the institution.

When it comes to foreign affairs, the temptation in Congress is to focus on the burning issues of the moment- these days, the war in Iraq and the fight against terrorism- rather than on smoldering concerns that haven't yet burst into flame. This is understandable, but it is dangerous for a superpower; as we saw on September 11, it means we are unprepared when things suddenly go awry. The conflicts of all kinds and descriptions around the globe; hunger; disease; environmental degradation; water shortages; the hopelessness of so many people- these may not impinge right now on the daily life of Americans, but no wise world power would ignore them.

In essence, the world has become a complex, troubled and precarious place- so much so that as a nation, we can ill afford to have an entire branch of government wrapped up in short-term political thinking. As Thomas Jefferson put it, we need to lengthen our horizon to how our actions would affect the "thousandth generation." How can Congress move in the right direction, then, when the immediate political rewards seem so tenuous?

The answer, it seems to me, is for its members to re-assert their institutional prerogatives as a branch of government that is equal in power and in responsibility to the executive branch. Over the last few decades, Congress has grown increasingly accustomed to thinking of itself as an adjunct to the President, reduced in stature by its desire to help him when it is controlled by members of the same party, and by its determination to jab at him when it is not. At a time when events with long-visible roots can spin out of control with appalling swiftness, however, the interests of our nation demand a different estimation of what Congress is about. It needs to be a partner with the executive branch in deliberately exploring the stresses within our own country and in the world around us, so that we can understand their causes, evaluate their possible consequences, explore policies that might defuse them, and take a cold, hard look at how we might deal with the results should those policies fail.

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Congress and the Pork Barrel

Some years back, I was at a public meeting in Tell City, Indiana, when one of its citizens stood up to chide me and my fellow members of Congress for our devotion to pork-barrel spending. How in good conscience, he wanted to know, could we spend so much of the public's money on frivolous projects designed only to get us re-elected?

My first instinct was to ask the group to step outside. To understand why, you have to know a little about Tell City. It is a small town in southern Indiana, founded by Swiss settlers, not far from where Abraham Lincoln ran a ferry across the mouth of the Anderson River as a young man. What you notice in Tell City, though, is a different and much bigger river: the Ohio, which runs along the edge of its downtown. Indeed, the only thing between the building I was standing in and thousands of cubic feet of water were a few yards of ground and a levee. And the levee, as you've probably guessed, was built with federal money. If it weren't for this "pork-barrel" project, a good bit of Tell City would long since have been swept away. Pork, I told my audience, is in the eye of the beholder.

I do not mean to suggest that you can't find some mighty debatable appropriations in each year's federal budget. In the 2001 budget, for instance, there's \$1.5 million aimed at refurbishing a statue in one powerful senator's state; \$650,000 for ornamental fish research; and millions for various memorials, institutes and studies that, in the scheme of things, will benefit relatively few Americans. Congress never fails to provide plenty of material for groups that make it their business to uncover questionable spending.

But think for a moment about what we characterize as "pork-barrel spending." Much of it is for infrastructure: highways, canals, reservoirs, dams and the like. There's money for erosion-control projects, federal buildings and military installations. There's support for museums and arts centers. There's backing for academic institutions, health-care facilities and job-training institutes. All of these have some value, and indeed may prove important to lots of people. Especially when it comes to infrastructure spending, "pork-barrel projects" are rarely worthless.

At the same time, my scolder in Tell City was on to something. In and of itself, "pork" may provide valuable support to worthy projects. But it also helps shore up projects that most of the country would rightly question. The problem is, Congress doesn't do a good job of distinguishing between the two.

To begin with, pork-barrel projects are often inserted by powerful members in spending bills surreptitiously, literally in the dark of night. It may happen within a day of the final vote on a spending measure, and most legislators don't even notice. Nothing is more frustrating for members than to vote for major national legislation only to discover later that it also contained obscure pork-barrel items like a Lawrence Welk memorial. Or when legislators do notice a particular project and have concerns about it, they are often reluctant to object, because they may have legislation or projects of their own that they don't want to put at risk. The current process frequently doesn't allow Congress to weigh the relative merit of spending projects, to look at the interests of the country as a whole, or to weigh the needs of one region against another before deciding how to spend the public's money. The problem is not so much that the spending is wasted (it usually does some good), but whether it could better be spent for other projects. Congress usually ignores this question and simply provides the money at the influential member's request.

So is there a solution? A few years ago when I was still in Congress, a reform committee I headed up recommended requiring that all funding earmarked for individual projects be listed clearly in publicly available reports before the overall funding bill could be voted on by Congress. That would force proponents to justify publicly their provisions for special projects, and would help ensure that fewer wasteful projects will pass. Sunshine is still the best disinfectant for wasteful proposals. And on that I think my critic from Tell City and I could both agree.

(Lee Hamilton is Director of the Center on Congress at Indiana University. He was a member of the U.S. House of Representatives for 34 years.)

Source: http://congress.indiana.edu/radio_commentaries/congress_and_pork_barrel.php

Is Congress out of Touch?

It always makes me wince when I hear someone criticize Congress as "out of touch" with what the people are thinking. I used to hear this complaint several times a day when I was in Congress. Polls consistently show that more than three fifths of the public do not expect their elected officials to be responsive to their thoughts. All of this makes me wince for several reasons. In the first place, this is a very longstanding problem, around since the very beginnings of our country. From the birth of our nation down to the present day, some of America's most animated political debates have focused on whether the federal government is in close enough touch with the concerns of the average citizen.

The Framers of the Constitution fought furiously on this point. One faction, led by Virginia's George Mason, called for a large House of Representatives, so each district would be small enough for "common men" to personally communicate their concerns to House members. They were opposed by the Federalists, who argued that if each member represented more people, the House would more likely act in the national interest. In a representative democracy like ours, in which members of Congress are asked not just to pass the nation's laws but also to represent in Washington the interests of the districts and states they represent, staying in touch with constituents remains a fundamental challenge. Much as we might like it to, this isn't a problem that will soon be going away.

Secondly, I know how difficult it is for members of Congress to keep in touch with their huge constituencies. Today, each of the 435 members of the House has a district which averages nearly 650,000 people - a number that the Framers could scarcely have imagined. When the first Congress convened in 1789, each of its 65 House members represented around 60,000 people. In addition, some members cover districts of vast geography, with one House member, for example, representing all of Alaska.

The ability of House members today to stay in touch with their constituencies is vital for the health of our democracy. In our system of government, the House is assigned primary responsibility for understanding and voicing the concerns of the people. That's why the Constitution mandates House elections every two years. If the House falls down in its job as chief citizen-advocate, then the people's faith in the federal government is eroded.

Third, I know how hard members try to keep in touch. They understand their weighty responsibility, and think about this all the time. It is a constant topic of conversation among members over lunch or as they walk together between meetings — always comparing techniques, always trying to find ways to improve their outreach to constituents.

Members employ a wide variety of methods to reach out to constituents — sending newsletters district wide, hosting local forums, participating in radio and television call-in shows, attending civic functions and community festivals, using the latest technology for satellite hookups, video conferencing, and live, interactive "virtual town meetings" over the Internet. He or she makes sure that constituents who write, e-mail, fax, or contact their congressman get a letter in response.

Members also commit an extraordinary amount of time to face-to-face interaction with constituents. A normal day in the office consists of a steady stream of meetings with individuals and organizations that have traveled to the nation's capital or the district office to see their congressman. Those who come calling have an amazing array of concerns, interests, and requests — a reflection of the tremendous diversity and needs of the American population.

Because House districts now are so populous, even a frenetic pace allows a member to reach only a small portion of his or her constituency. And yet members keep trying to push the envelope on public contact, particularly when they are back home. They do this because handshaking at the county fair and 4th of July parades and other such gatherings is often the only way to have any contact with constituents who are indifferent to politics or are simply too busy in their everyday lives to bother to write or call their congressman.

Most members of Congress feel a deep sense of obligation to reach out to the public. It is an ongoing challenge for them, and they recognize they simply need to keep working at it. Congressmen have been struggling with this for more than two hundred years, and haven't yet resolved it. Citizens too need to understand their obligation to make our democratic system function well. They have some responsibility to help their representative not get out of touch by initiating contacts and responding when they can to members' outreach efforts. It takes the participation and goodwill of all to make our system work.

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