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Series: Snow, Tony, Files
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OA/ID Number: 13893
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Folder Title:
[Congress-Reform, 1991]

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Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01a. Memo	Charles E. M. Kolb to Andy Card, Re: Mike Horowitz memo/ Congressional reform. (1 pp.)	10/18/91	P-5	

Collection:

Record Group: Bush Presidential Records
Office: Speechwriting, White House Office of
Series: Snow, Robert Anthony (Tony)
Subseries: Subject File
WHORM Cat.:
File Location: [Congress / Reform] [1991]

Open on Expiration of PRA
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 By CAF (NLGB) on 4/5/05

Date Closed: 12/22/2004	OA/ID Number: 13893-004
FOIA/SYS Case #: S	Appeal Case #:
Re-review Case #: 2005-0485-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P-1 National Security Classified Information [(a)(1) of the PRA]
- P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P-3 Release would violate a Federal statute [(a)(3) of the PRA]
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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Freedom of Information Act - [5 U.S.C. 552(b)]

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- (b)(9) Release would disclose geological or geophysical information

THE WHITE HOUSE
WASHINGTON

Congress Reform

October 18, 1991

To David Damant.
As you please!
Andy
10/22/91

TO: Andy Card

FROM: CHARLES E. M. KOLB
Deputy Assistant to the President
for Domestic Policy

- Action
- Draft Response
- FYI
- Let's Talk

Long
TC

I sent the attached materials around last year since I thought Mike Horowitz's suggestions were helpful.

Given recent events, they bear reading again. Mike asked me to pass this along to you. One obvious approach to this issue could be bashing the Congress. Another, more positive, theme is reinvigorating participatory democracy at home. The point here is to stress how unresponsive Congress has been to the popular will and to make this case by citing several examples of Congress's inability to get its work done cooperatively with the Executive Branch.

Attachment

Withdrawal/Redaction Sheet (George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01b. Memo	Charles E. M. Kolb to Roger Porter, et al., Re: Congress. (1 pp.)	11/27/90	P-5	

Collection:

Record Group: Bush Presidential Records
Office: Speechwriting, White House Office of
Series: Snow, Robert Anthony (Tony)
Subseries: Subject File
WHORM Cat.:
File Location: [Congress / Reform] [1991]

**Open on Expiration of PRA
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FOIA/SYS Case #: S	Appeal Case #:
Re-review Case #: 2005-0485-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

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THE WHITE HOUSE

WASHINGTON

November 27, 1990

MEMORANDUM FOR ROGER PORTER
C. BOYDEN GRAY
EDE HOLIDAY
JIM PINKERTON
BILL KRISTOL
RICHARD PORTER
JOHN SCHMITZ

FROM: CHARLES E.M. KOLB *CEMK*

SUBJECT: Congress

Mike Horowitz shared with me the attached memorandum on "the tenured Congress" which he prepared for the 1988 campaign. I am sure you will enjoy it.

There's something for everyone here: the Truman strategy appears on page 2, and you'll find a proposal for an Omnibus Single Standard Bill (treating the Congress the way it treats the rest of us) on page 21. My favorite factoid appears on page 6: in 1986, Congress sent out more than 12,000 pieces of mail for every incoming piece.

I hope these tidbits will tempt you to read the entire memorandum. If there is a critical mass of interest in pursuing some of these ideas, I recommend that we convene a small discussion group in the near future.

Attachment

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01c. Memo	Mike Horowitz to The [1988] Campaign, Re: 'The Tenured Congress: An Issue for the Campaign.' (23 pp.)	n.d.	P-5	

Collection:

Record Group: Bush Presidential Records
Office: Speechwriting, White House Office of
Series: Snow, Robert Anthony (Tony)
Subseries: Subject File

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MEMORANDUM

TO: The Campaign
FROM: Michael Horowitz *MH*
SUBJECT: The Tenured Congress: An Issue for the Campaign

I. Introduction

Congressional encroachment on the powers of the Presidency, and the price the country pays for the excesses and inefficiencies of Congress, was an issue which the Vice President effectively raised during the primaries.

Campaigning as he properly does as the candidate with broad experience in the federal government, I believe that the Vice President should soon deliver a thoughtful, summing-up speech on the problems of our gridlocked system. The speech and any campaign follow-up should focus on the failings of Congress, and those of the House in particular, rather than dwelling on the absence of a variety of presidential powers. It should move to analyses of root causes and proposed solutions that go beyond Congress-bashing. It should (and can) answer the question: If the Vice President has so much experience with and knows so much about the federal government and the presidency, what will he do as President to make the system work?

Properly done, the issue should work well for the Vice President in the Presidential campaign:

- o It allows the Vice President to stress his broad experience in Congress and the Executive Branch, in contrast to the lack of any federal experience on Governor Dukakis' part.
- o It is an issue which scholars and the media know to be critical and legitimate; a thoughtful approach by the Vice President will be treated respectfully by many who now doubt his substantive qualities.
- o It can help shift the campaign focus to the performance of Congress and the House in particular -- a popular issue with roots in the Truman campaign and the views of John Kennedy. Moreover, properly put, the issue fits in well with the Vice President's attacks on Jim Wright.
- o Raising the issue ups the ante on a Dukakis vote; focusing attention on the character and performance of the Democratic Congress sharpens the question of whether the Democratic Party can be trusted with full political control of the system.
- o Raising the issue anticipates and can make naive any Dukakis charge that "cooperation" with Congress is the key to a more functional government, and that only a Democratic President can do so. (If the ground is properly laid, such a charge will underscore the Carter-Dukakis parallel; Carter, who knew as little of Congress as Dukakis does, made the same set of charges against Ford and even accused him of an "obvious lack of leadership" for his extensive use of vetoes. By the end of Carter's term, his sensible White House Counsel Lloyd Cutler had been so affected by Congressional intrusions on the Presidency as to lead a national campaign to replace the Constitution with an Executive Branch-led parliamentary system).
- o Finally, the issue is one which the Vice President knows well and cares deeply about; he views it, properly, as an exercise in mandate-building essential to a successful next Administration.

II. The Broad Objective.

I believe it critical for the Vice President to now move beyond the mere stump speech calls for a line item veto and to issue more than mere demands that Congress stop itself before it shoots again. Likewise, he will need to avoid the trap of legalism -- to make clear that only Presidential leadership in dealings with Congress, and not even the most striking separation of powers decisions of the courts can break the gridlock that has paralyzed the government and hurt the country. Having resisted repeated calls to support a test case in search of a phantom line item veto power in the present Constitution -- the Vice President knows that gimmicks and technical fixes are no substitute for real leadership and political will.

In the end, the Vice President risks not being taken seriously if he calls on others to supply leadership that should come from him, or if he campaigns for wish lists of things which have no chance of happening.

III. The Basic Theme.

A recent column of David Broder's made the key point clearly: Today's House incumbents enjoy "something like a lifetime guaranteed contract," he wrote, which makes "[t]he part of the federal government which the Founders intended to be most sensitive to shifts in the political climate ... the most immune

to change." The effect, wrote Broder, was to "take the House of Representatives out of competitive politics." He could have added that the House has been under one party control for 34 years by reason of the problem, and that the Senate only seems better by contrast. That analysis, which has increasingly been made in the national press -- although without any serious proposals for change -- indicates a basic diagnosis of the system's failings which the Vice President can address:

- o Congress in general and the House in particular are now largely insulated from voter preferences and the democratic process.
- o As voter influence over Congress shrinks, it is increasingly dominated by special interest groups inside of Washington, by organized groups within the Democratic Party and by the Party's Congressional caucus politics.
- o Congressional staffs are near-tenured, hold unaccountable, undemocratic powers and have mushroomed in size over the past twenty years.

These are the systemic problems which the Vice President should address, and he should be seen as a reformist proponent of restoring voter influence and democratic choice to the political process -- particularly insofar as the self-designated "People's House," the House of Representatives, is concerned. This is a message far removed and far more powerful than mere calls for a line item veto, even though it nonetheless targets the same source of the system's problems -- an adversarial, micromanaging and, ultimately, undemocratic Congress.

IV. The Failings of Congress and Proposals for Reform.

That Broder is right about the stacked deck election process grossly favoring incumbents is beyond dispute:

- o The House incumbent reelection rate in the 1986 elections was 98% -- the highest in American history.
- o Not since the (Watergate) elections of 1974 has the incumbent reelection rate fallen below 90%.
- o In 1964, 4 in 10 House incumbents had reelection margins below 60%; only 1 in 10 had lesser margins in the last election.
- o A recent Stanford University study concluded that:
 - House incumbents are only half as vulnerable to party tides as were their predecessors in the 50's. (In 1984, President Reagan won majorities in 370 House districts while Republicans won only 177.)
 - But for post-1964 incumbency advantages, Republican control of the House would have occurred in 1966, 1968, 1972, 1980 and 1984 elections.
 - Without reform, Democratic control of the House will continue without the simultaneous occurrence of a number of near-impossible conditions.

I believe that the Vice President can point to three basic causes of the above condition. As to each, a serious reform can and should be offered.

These critical elements have served to make voters in Congressional elections increasingly impotent and irrelevant:

- the Congressional staff and mail explosion;
- gerrymandering; and
- campaign finance "reforms."

Each should be addressed, with specific action proposals for change.

A. The Staff and Mail Explosions.

The facts are stunning:

- o House and Senate Members are now served by 20,000 personal, committee and administrative staffers -- three times the level of 1970. (The figure can be doubled if legislative agencies such as CBO and GAO are included.)
- o Congress sent out 759 million pieces of mail at taxpayer expense in 1986, a 1700% increase over the past thirty years. At the same time, Congressional mail is self-generated; in 1986 Congress sent out more than 12,000 pieces of mail for every incoming piece.

The staff explosion has had the most serious effect on the operation of government. In particular, it has facilitated the parallel growth of Congressional committees and subcommittees and the consequent micromanagement of the Executive Branch. Likewise, it has facilitated the existence of subcommittee fiefdoms on the part of most senior House Democrats and nearly all Democratic Senators -- all to the detriment of their historic legislative roles.

The Vice President has spoken of these matters and should continue to do so. But more to the point of the proposed basic theme, the Vice President needs to make clear that it has been

Congress' desire to create year-round, taxpayer financed campaigns and campaign staffs that has led to the recent staff and mail explosions.

Thus, for example, 44% of House staffers work in their Members' home districts and more than 75% of Congressional mass mailings take the form of unsolicited "newsletters" and other forms of what is essentially campaign literature. (While the Senate in 1985 required the publication of Member mail costs, the House has refused to take even that minimal step.)

The explosive growth of Congressional budgets has of course taken place pursuant to Presidential approval of those budgets.

To date, however, no President has seriously examined the Legislative Branch Appropriations Act and none has played a role in its formulation -- all because of an alleged policy of "comity" with Congress. All Legislative Branch Appropriation Acts have routinely been signed by the President at whatever spending levels Congress has unilaterally chosen for itself.

The "comity" policy, rooted in concepts of separation of powers, has long become entirely one-sided and a bad bargain for the Presidency. Congress routinely determines the size of the White House staffs, routinely establishes reporting relations within the Executive Branch and, to the near-penny, sets appropriations levels for all parts of the Executive Branch. On the other hand, the President -- an equal party to Congress under

the Constitution in the enactment of appropriations levels and laws -- has literally ceded of all his policy discretion and Constitutional authority insofar as Congressional appropriations are concerned.

Two examples indicate the extreme lengths of Presidential acquiescence in vesting Congress with the sole authority to fix its own budgets.

- By statute, clearly unconstitutional yet wholly observed to date, the President's budget is required to "include ... without change" the proposed Congressional budget submitted to him by the Congressional leadership. (To continue the charade, Congress then cuts "the President's budget" for itself, and credits itself with having generated the "savings.")
- Despite its more than 150 examiners who routinely review and propose budgets for the smallest of federal agencies and entities, OMB does not assign a single examiner to the \$2 billion plus Congressional budget.

A PROPOSAL

Writing recently in the Washington Post about the problems created by massive Congressional staffs, a former staff aide to Senator Dole proposed a 50% staff reduction. He wrote:

"This would still leave staffing levels higher than they were little more than a decade ago. Is it possible that Congress cannot be adequately served by a "core" staff of 20,000 -- an average of 20 staff members for each representative?

The idea of the 1970s that more staff was needed to revitalize Congress had the ring of logic, but realities today belie its promise. For all its resources, Congress

can't pass appropriation bills in a normal and timely manner. Its answers to the trade and budget crises are belated, inadequate and sometimes counterproductive. The tradition of bipartisan foreign policy has been lost in petty squabbling. How could fewer staff do worse?"

The Vice President should endorse the proposal, and call as well for limitations on mail franking privileges. He should announce that the OMB Director in a Bush Administration will be directed to prepare and analyze legislative branch budgets, and that while he expects to work with Congress, it should be aware that its budgets will no longer be immune from vetoes when they permit excessive spending.

The Vice President should acknowledge that such a step -- which would be of major dimensions -- would be resisted in a variety of ways by the Congressional leadership. It would be attacked as historically intrusive and is likely to cause serious efforts at reprisal budget cuts in areas critical to the Administration. As would be the case were a line item veto in effect, the Vice President can also expect that the Legislative Branch Act would be packaged with other appropriations of major importance so as to make it more "veto-proof."

No battle involving a major reallocation of authority between the branches can be expected to come easy. But the Vice President should note that the battle is one which a determined President can win. For starters, it would be fought over issues of legislative waste and budget bloat, where Congress would be in

the unfamiliar position of defending its excesses. And, popular, informed and editorial opinion are already to the effect that such excesses are abundant. In addition, the Vice President will also be speaking in the name of fair democratic process, making clear that large Congressional staffs and budgets do not serve constituencies so much as they make them irrelevant to election outcomes. (Here again, he will have much informed and editorial support.) Finally, the Vice President will not need super-majorities to prevail, as in the case of adding a line item amendment, or even majorities of both Houses as is needed to enact legislation. For this battle, only one-third plus one of either the House or Senate will do.

Moreover, such veto strength support can, with proper leadership, be obtained. Republicans, who particularly in the House are regularly jobbed on staff allocations and budgets, and who are comfortable running against Congress, should be a natural constituency in support of legislative budget reform -- particularly if they are lined up to do so by the Vice President during the campaign. (Republican dissatisfaction with the status quo can be understood from such facts as these: With 41% of House committee seats, House Republicans are allocated but 22% of committee staff.)

As a final note, it should be understood that the Anti-Deficiency Act requires Congress to furlough its non-essential

staff during any appropriations hiatus. This will pose for Congress the unattractive choice of either keeping all staff in place and engaging in lawless (literally felonious) conduct in derogation of a clear statutory mandate, or creating the spectacle of so vast a number of furloughed staff streaming from their offices as to make the case that large budget cuts for Congress are clearly in order.

B. Gerrymanders.

A second area in critical need of leadership and reform results from the fact that a decade's worth of Congressional districts will be drawn during the next President's watch. There is widespread understanding of the fact that gerrymandering is rife and an extraordinary assault on the democratic process such as to largely predetermine the outcomes of elections. Less well known is the fact that minority party incumbents often support gerrymanders, under deals which exchange the creation of safe seats for permanent minority status for their parties.

The effect of gerrymanders on the Republican Party is profound.

- o Since 1972, Democratic candidates for the House have enjoyed a consistent "seat bonus" (difference between the percentage of seats and votes won) ranging from no less than 4.1 to as many as 10.9 percentage points.

- o In California alone, the Democrats have gained 5 seats as a result of a blatant gerrymander engineered by Congressman Phil Burton in 1981; the problem is so bad that Governor Deukmajian asked to be withdrawn from consideration as a Vice Presidential candidate in order to be in a position to thwart a repeat performance in 1991.

Gerrymandering has been attacked in the courts, most recently in a case brought by Indiana Democrats before the Supreme Court challenging gerrymanders of the dominant Indiana Republican Party. The Court made important law in the case; although many gaps remain to be filled. Remarkably, the Justice Department failed to file a brief in the case, largely out of its philosophical distaste for active involvement by the courts in what the Department termed "political questions."

A PROPOSAL

The Vice President should announce that a Bush Administration will aggressively attack post-census gerrymanders, irrespective of which party is advantaged. He should make clear his intent to use the bully pulpit powers of the presidency to take on gerrymanders, and that he sharply disagrees with Attorney General Meese and will instruct his Attorney General to attack in the courts all gerrymanders that bring undue political advantage to controlling state parties. He should make clear his view that when legislatures use their powers to entrench themselves in office, and do so in a way that makes voter choice impossible,

that courts are essential to the vindication of voter rights and the democratic process. Thus, he should applaud the Baker v. Carr "one man, one vote" decision, but express the view that without a comparable assault on gerrymanders, the courts will have created a mirror-opposite loophole.

The Vice President should challenge Governor Dukakis to pledge that he too will use his Justice Department to bring court challenges against gerrymanders and other forms of unfair districting, one and all, without regard to party or incumbent advantage. In fact, the challenge should hit the mark: In 1987, Governor Dukakis signed a redistricting bill which, in order to preserve all incumbent seats in the heavily Democratic Massachusetts House of Representatives, carved up black communities into large numbers of districts and permitted population variances between districts of as much as 10%. The redistricting bill -- as blatant a scheme as has recently been attempted to protect incumbents at the expense of voter choice -- was struck down last year as unconstitutional by the Federal courts. 21.9%

C. Campaign Finance "Reforms."

There can be little doubt that campaign finance "reforms" of the past decade have had the perverse effect of making elections increasingly one-sided affairs which favor incumbents:

- o As recently as 1974, a rough parity existed between resources for challengers and incumbents in Congressional elections; by 1986, the resource gap was almost 3 to 1 in incumbents' favor: \$334,000 for the average House incumbent, \$124,000 for the average challenger.
- o The gap is rapidly growing: in the first 15 months of the election cycle though March 31, the Federal Election Commission reported that House incumbents raised more than \$75 million while their challengers collected only \$10 million.
- o The money advantage, of course, comes largely from the PAC system; the FEC report on giving by the 4500 registered PAC's not only shows a 34% increase in funds provided by PAC's between the 1986 and 1988 campaigns, but further reveals that an astonishing 78% of PAC funds for Senate candidates and 93% of PAC funds for House candidates went to incumbents. (Not surprisingly, no challenger placed within the top 50 PAC donees.)

There is no easy route to campaign finance reforms, no certain way to reduce incumbency advantages in such a manner as to guarantee fair elections. Public financing of Congressional campaigns is a concept almost always associated with companion spending caps, which translate into even greater incumbency advantages. To the credit of Republican Congressional incumbents, their efforts defeated a 1988 Democratic "reform" bill whose provisions would have strongly protected them against their campaign opponents. Viewing the bill -- passed by the House and only defeated in the Senate pursuant to filibuster -- against the background of the prior, 1986 election, Senator McConnell's analysis was telling:

- o Of the 1986 Senate challengers, 18 of the 20 who spent within the limits of the 1988 "reform" bill lost.
- o All 10 of the 1986 Senate incumbents who spent within the limits of the bill won.
- o On the other hand, 5 of the 8 challengers who spent above the limits of the bill won.

In general, Republicans have tended to oppose all forms of public financing of campaigns, with or without spending caps, and have also tended to oppose mandatory government regulation of the election process. As indicated, Democrats have largely favored public financing of Congressional campaigns combined with extensive regulation of the process, most particularly including spending caps. Both parties have tended to stay away from efforts to modify the structure and basic nature of PAC's.

A PROPOSAL

The Vice President should call for a major reform package designed to significantly even the odds between incumbents and challengers. It should consist of real PAC reform and of public financing of Congressional candidates, but without any spending caps. An optional feature of the reform package would require television and radio stations, as a condition of licensure, to provide reasonable, free access to Congressional candidates.

As to PAC reform, the Vice President should first indicate his general distaste for the effect that PAC's have had on the

political process. He should then make clear his particular concern about the "soft money" loophole which allows corporations and unions to use their own funds, without any limitation, to establish and administer PAC operations. Barring the use of corporate and union funds for such purposes would have a major effect in reducing the number of PAC's and, even though the net effect would fall disproportionately on corporate political activity, its overall effect would be salutary. (Most corporate PAC money goes to incumbents.) To ensure that high pressure "hat passing" activities on the part of corporations soliciting their executives would not unfairly take up the slack, the Vice President should also call for a strengthened enforcement against now almost moribund bans on coercive fund solicitations.

In addition, and as a critical element in the reduction of presently unfair and destructive incumbency advantages, the Vice President should call for public financing of Congressional nominees from the two parties whose candidates won the most votes for the position in question in the prior election. Such support, which would not carry with it a corresponding obligation to limit overall spending, would ensure that challengers would have some opportunity -- when there often is now none -- to present their case to the voters. Political speech, the Vice President should say, is a virtue in and of itself. As such, it merits support to ensure that incumbents are not free, as they often and

increasingly now are, to wholly drown out the voices of their challengers.

In this regard, the Vice President might also wish to consider -- or to indicate his interest in having studied -- the possibility of providing free access to licensed media for Congressional candidates. This is a controversial policy whose merits are not entirely certain, and it is one whose mechanics of implementation may ultimately be problematic. But it is the cost of television and radio that today most places challengers without great personal wealth at their greatest competitive disadvantage -- one that indeed discourages many of the ablest potential challengers from even running for office.

In the end, whether the federal contribution is large enough to pay for reasonable media access or whether a smaller federal contribution is combined with a limited right of free access to licensed media, the Vice President should make clear that the paramount need for competitive elections compels bold policy action.

The above positions would be regarded as striking, and would be generally well received by commentators if not the media who employ them. The proposal would further serve to position the Vice President as a reformist opponent of the Congressional status quo and would further serve to focus attention on the political "fix" enjoyed by the Democratic Congress.

V. The Arrogance of Power.

Making voters increasingly irrelevant to election outcomes is an evil in and of itself, but the Vice President should conclude by describing ways in which the tenuring of incumbents (and the one party control it has allowed the House to maintain for 34 consecutive years) has caused the legislative process itself to become arbitrary and undemocratic.

A. The Rise of King Caucus.

At the turn of the century, (Republican) Speaker "Uncle Joe" Cannon was the autocratic ruler of the House. Only bills which he and his leadership cronies favored ever reached the floor for vote, and Members who failed to do his bidding were relegated to inconsequential status. The hold of Speaker Cannon on the country's political process was only broken when in 1910 Congressman George Norris brought national attention to the problem and ended "Cannonism" through a series of key parliamentary devices. Writing of that historic battle in "Profiles in Courage," John Kennedy described the scene in terms strikingly applicable to today's Wright-run House:

"The overthrow of Cannonism broke the stanglehold which the conservative Republican leaders had held over the Government and the nation ... Under the 'Czar' the Office of the Speaker of the House wielded ... a power that placed party above all other considerations, a power that fed on party loyalty, patronage and political organizations. It was a power which, despite increasing disfavor in [many] parts of the country ... had continued unchallenged for years."

The Vice President can rightly charge that in our presently tenured Congress, King Caucus reigns again -- this time at the hands of a liberal Democratic majority. Today, through the operation of the Democratic House Caucus, Congressmen seeking advancement or those already chairing committees or subcommittees have more to fear from a majority of their Democratic colleagues than they do from the voters of their home districts. A good example which the Vice President can cite is that of Congressman Les Aspin, whose support of aid to the Contras was replaced by a promise not to vote his conscience on that critical subject, lest he lose his Armed Services Committee chairmanship. Thus decreed the House leadership and its Caucus, and thus was the country's Central American policy largely fixed. Precisely as was the case with Speaker Cannon, national policy was established by party caucus despite the contrary views of the President, the Senate and a majority of the House. Whatever one's views of Central American policy, the Vice President can say, it is wrong to have that policy decided not by a majority of the Members of the House but by a mere majority of its majority. This is the means by which the Les Aspins and many conservative House Members are often not permitted to vote their consciences or their constituents' views, and it is wrong. Such an undemocratic outcome, as wrong today as it was during the period described by John Kennedy, is a function of stacked elections, and the Vice President can say that King

Caucus will flourish as long as voters have no effective sway over incumbents.

B. Double Standards.

The arrogance of power of today's largely voter-proof Congress, the Vice President can further say, is perhaps best seen through the legislative double standards which Congress feels free to establish. Whether creating ethics rules, independent counsel procedures, freedom of information access or "sunshine" rules for the Executive Branch, or whether establishing minimum wage, civil rights or environmental statutes for the country at large, one thing is clear. Congress frees itself from any such constraints, and ensures that it remains above the law. At the same time, Congress awards itself and its staff such entitlements as honoraria payments and gift receipt authority that it denies to all others.

Critically, the excuse that Congress uses to set such double standards -- that the conduct of Members is reviewed by voters and after each election is effectively endorsed by them -- stands truth on its head. The Vice President should by now have established the increasingly predictable and meaningless character of most House and large numbers of Senate elections; his point should be that Congress only gets away with being above the law precisely because its work is no longer meaningfully reviewed by the voters.

The Vice President should announce his readiness to veto double standard bills sent up by Congress and may even wish to announce his intention to send up an Omnibus Single Standard bill applying to Congress a broad range of statutes ranging from the independent counsel to the civil rights laws.

C Railroad Procedures.

Lord Acton's dictum about the inevitable consequences of absolute power manifests itself further in the day-to-day manner in which the House does its business.

Taking the floor last month to complain of such procedures, the House Republican leadership and many of its key members detailed a series of abuses which, they pointed out, have seriously worsened since Speaker Wright has assumed power. Trent Lott described a variety of "creative rule alteration procedures" -- to which he gave the acronym "CRAP" -- and by which, he said, Speaker Wright "is destroying the comity and uniformity so essential to the proper functioning of the House."

Thus:

- o Forty-four percent of the bills brought to the House floor in the current Congress were under restrictive rules, compared to but 12 percent a decade ago.
- o As pointed out repeatedly by President Reagan, appropriations are now routinely presented in fifteen pound packages, thus largely thwarting the ability of the President as well as rank and file Members of Congress to engage in meaningful votes on federal expenditures.

- o As previously noted, Republicans are given but 22 percent of House committee staff members despite having 41 percent of all committee seats.

The Democrats are highly vulnerable on this score and an attack by the Vice President would be well received. Espousing the cause of Republican House Members, the forgotten people of American politics, will help cement their loyalty to the Vice President -- in the campaign and in office.

V. Conclusion.

The above represents a menu of options which, properly chosen and presented, can allow the Vice President to:

- o shift a measure of campaign focus to the generally acknowledged failings of Congress and to the risks which will be run if the country wholly turns itself over to an inexperienced President and his Congressional party;
- o serve as a champion of voter rights -- as one challenging Congress to fairly face the voters as he does, confident that the cure for the system's failings is the application of democratic process;
- o show his capacity for Presidential leadership on a critical issue which to date has been the subject of lament, little else;
- o establish a respectful separation from Administration actions and inactions (the proposals set forth in this memo are deliberately crafted to differ with policies of Stockman-Miller OMB, the Meese Justice Department and the White House -- although, of course, they address objectives which the President powerfully shares);

- o begin to create not only a campaign issue but a needed mandate following the election.

The terms of any such speech will need to be discussed with key Republican Congressional leaders -- they and their troops may also feel threatened by ending many current incumbency advantages. In all events, such support will add enormous credibility to proposed policies such as possible legislative branch appropriations vetoes and campaign finance reforms. Senator Dole and Congressmen Michel would be powerful and articulate allies in any effort to shift the focus of debate to Congress' failings, and Senators McCain and McConnell should probably be consulted on any campaign finance reform proposals.