

Center for American Progress



SPECIAL PRESENTATION

“A PROPOSAL TO MAKE CONGRESS WORK AGAIN: A PANEL DISCUSSION ON PROPOSED CHANGES IN THE RULES AND PROCEDURES OF THE U.S. HOUSE OF REPRESENTATIVES”

MODERATOR:

**SCOTT LILLY, SENIOR FELLOW,
CENTER FOR AMERICAN PROGRESS**

FEATURING:

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COMMITTEE ON APPROPRIATIONS**

**REP. BARNEY FRANK, (D-MA), RANKING MEMBER,
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**REP. TOM ALLEN, (D-ME), MEMBER,
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JOHN PODESTA: (In progress) – Center for American Progress. And I want to welcome you here for the presentation of “A Proposal to Make Congress Work Again.” I want to begin by welcoming our panelists. We’re joined, in addition to our senior fellow, Scott Lilly, by Congressman David Obey, Congressman Barney Frank, Congressman David Price, Congressman Tom Allen, and Norm Ornstein. I think that people on both sides of the aisle will join me in saying, in addition to these senior members and Norm, these are people who care about Congress, who care about the House, who indeed care about our democracy.

And I think, as the title of this panel implies, “Making Congress Work Again” – I think it is clear that things on Capitol Hill, and I think particularly in the House of Representatives, have gotten seriously off-track. That’s why I think this package that these senior members have pulled together is so vital.

I spent nine years on Capitol Hill as a congressional staffer and I know that everything can’t be done by – to fix what is going on in the House today, can’t be done through rules changes alone, but we can certainly ensure that unvetted pieces of legislation don’t show up for the first time at midnight in a conference committee report on an unrelated manner. We can curb the use of earmarks to buy votes. We can give members the opportunity to know what’s in the legislation they are voting on, and that’s why I think these changes are so vital.

It’s my pleasure to introduce the moderator of this session, my friend Scott Lilly, who is a senior fellow here at the Center for American Progress. Scott came to the Center after 31 years on Capitol Hill, where he served as clerk and staff director of the House Appropriations Committee, minority staff director of that committee, the executive director of the Joint Economic Committee, and chief of staff in the office of Congressman David Obey. He’s an individual who not only had broad institutional responsibilities on Capitol Hill, but he was also one who was intimately involved in reform efforts in Congress for more than three decades.

As a senior fellow at the Center, Scott specializes in work on the economy and budget, government ethics, and congressional oversight, but as I think, as you can tell, Scott’s uniquely qualified to provide insight into our topic today and I’m sure we’ll all benefit from his expertise, as I know the members have in developing this package.

With that, ladies and gentlemen, please join me in welcoming Scott Lilly.
(Applause.)

SCOTT LILLY: Thank you. I’m so happy to see this many people who care about process and institutional reform. The U.S. House of Representatives is the center

piece of our Democracy. That is not just a piece of hyperbole repeated by those who have been elected to serve there. It happens to be true.

It is the first portion of the government established by the Constitution.

It is the only part of the government that has from the beginning been directly elected by the people. The Senate was initially selected by state legislatures. The President is still chosen by the Electoral College or the House and the Supreme Court is picked by the President with the advice and consent of the Senate.

The House is the only portion of our representative Democracy in which one persons vote counts the same as every other person.

A presidential elector from California represents nearly four times as many Americans as his counter part from Wyoming.

And in the Senate the lack of equality in representation is even worse. It is possible to move legislation through that body with votes of 51 Senators who may represent as little as 17% of the American people.

Our forefathers insisted that the House be elected every two years to insure that they remained truly reflective of public sentiment.

The unique role of the House in our government is not limited to its more direct connection to the public. By virtue of the Constitution and historical precedent, it plays the lead role in matters of money and because of its size the House has the capability to follow the activities of each agency and program across the entire federal government and to hold each accountable for its performance and service to the taxpayer.

Unfortunately, there is a growing consensus among those who study the House of Representatives that what the founding fathers intended for the institution is a far cry from the way it has operated in recent years. In fact, many see a precipitous deterioration in the performance of the House of Representatives over the past decade—a deterioration from performance levels that virtually no one would have expected to look back on as the good old days.

Many of these failings were outlined in symposium that we cohosted with American University in August:

Power in the House has been concentrated into the hands of a very small group of people.

The legislative process that is intended to insure that the will of the majority determine legislative outcomes has been turned on its head.

Legislation that has passed both Houses has been striped from bills sent to the President by edict of the leadership.

Bills that could pass neither House are added to Conference Reports with out the concurrence or at times even knowledge of conferees.

Legislation that has failed to win a majority of votes when all time on the voting clock has expired has been passed by literally hours of arm twisting, threats and log rolling promises.

The practice of earmarking for favored communities, charities and businesses has exploded and become the currency of the realm. Legislation that contains enough earmarks will pass almost irrespective of merit and increasingly legislation that would not otherwise have the popular support to pass on its own is pushed through by promising earmarks on subsequent legislation.

For most of the year the House is essentially a one day a week operation. First votes are most frequently scheduled for 6:00 or 6:30 on Tuesday evenings and the House is frequently gone before noon on Thursday. A chairman who wishes to hold a hearing or schedule a markup must convince his members to forgo the meetings scheduled for other subcommittees or committees on which he serves if he hopes to get a quorum. The prospect for serious oversight with such a schedule is remote.

Finally, it is becoming more apparent with each passing day that the turbo charged injection of special interest money into the Congress that has occurred during the DeLay era has had an effect that is even more corrosive than feared. We are now witnessing grand juries on both coasts focusing on criminal activities in the House of Representatives involving sums of money that would have seemed unimaginable a decade ago.

We have a distinguished panel who have worked among themselves to come forward with a set of proposals for making the House and better and more responsible institution.

I will not spend time with introductions since I think you all know these gentlemen except to say that each has dedicated a portion of his career to work on ways to improve the institution in which he serves.

Congressman Obey personally drafted and sponsored some of the important rules changes that revolutionized the House in the early 1970s, As a relatively junior member he was appointed by Speaker O'Neil to head what became known as the Obey Commission on Congressional Reform.

Congressman Frank has since his arrival in the House been a student House Rules and advocate for changes that will enhance debate and democratic process. As a freshman he successfully sponsored the rule that permits any member who opposes a piece of

legislation to get one third of the debate time if floor managers for both parties are in support of the legislation.

Congressman Price was a Professor of Ethics and Public Policy at Duke before being elected to Congress. He previously worked in the Congress on a number of process questions. He is the author of the “Stand by Your Ad” requirement that forces political candidates to acknowledge in each ad that they place that their campaigns paid for the advertising.

Congressman Allen is a relative newcomer among this group but he has been active since he arrived in Congress in 1997 in a variety of reform issues including campaign finance reform legislation. In 1998, the Hutchinson-Allen bill became the first legislation banning soft money to reach the House floor and ultimately contributed to the passage of the Shays-Meehan-McCain-Feingold reforms.

So I am delighted that we have such a panel and I am particularly delighted that Norm Ornstein, who’s a resident fellow at the American Enterprise Institute, has agreed to be with us to discuss these problems – the problems that face the House – and the proposals that these gentlemen have put together for you.

Mr. Obey?

REP. DAVID OBEY: Well thank you, Scott. Twice in our history when Congress fell into legislative disrepair, reformers have stepped forward to try to repair the damage. George Norris led the effort to overthrow the arrogant and arbitrary rule of Czar Cannon. And Bob La Follette, Jr., in 1946 led efforts to equip congressional committees to meet the challenges of the postwar period. Both sets of reforms focused on restoring the Congress as an institution capable of providing checks and balances to arbitrary power and to protect the public interest against special interests, whether that power was lodged in the White House or in the Speaker’s office.

Ten years ago when our Republican friends took control after 40 years of Democratic dominance, they did so with a promise to democratize the House and to enhance the rights of the minority and the rights of individual members, but I think it’s safe to say that after a decade of exercising unchecked power we have seen a dilution of Republican appetite for democracy in the House. We’ve seen a rising tide of procedural arbitrariness and K Street coziness become the norm, rather than the exception, in the House.

When Woodrow Wilson wrote about Congress, he wrote of an institution that made its decisions in a process dominated by committees, which through specialization applied their special expertise to legislation which was working its way through the House. La Follette’s reforms added to that capacity. But today, the legislative product of the House often does not flow from the specialized knowledge of committees; in fact, those committees are routinely shoved aside by arbitrary and exclusionary judgments on the part of partisan political leaders who often listen as much to the opinions of outside

ideologues on K Street as they do to knowledgeable committee chairmen. We've seen some of those unelected ideologues and lobbyists transformed from being outside pleaders for their cases to being full inside partners in the process, and I don't think the public likes it and we certainly don't like it.

We've seen some decisions reached by majorities in both Houses which were arbitrarily overthrown by the House leadership. Example: trade with Cuba provisions. Another example: the limitations on the number of broadcasting stations that could be owned by any one company. We've seen the budget reconciliation process transformed from a process that was supposed to be used to reduce the deficit, instead being used as a process by which you can inflate the deficit.

We've seen the Republican leadership hold 15-minute votes open for three hours until enough members could be intimidated into reversing the outcome. Examples of that would be the prescription drug vote and the energy bill just a few weeks ago. We've seen House GOP leaders shred conference committees of any real meaning by inserting major, new, unrelated provisions into appropriations conference reports that were never voted on by anybody in that conference. Just recently, for instance, we saw that in the agriculture appropriations bill with respect to the organic food amendment that magically materialized with no member of either House willing to claim parentage.

And because we're fed up – well, we've also seen members vote on major bills – omnibus appropriations bills, huge tax bills – with no time to learn what is in the bills at all. And because we're fed up with these actions, which we think compromise the integrity of the legislative process, we are announcing a package of 14 reforms that we will be urging the House to adopt that will make it harder for lobbyists to put their finger on the legislative scales, will make it harder for Congress to be fiscally irresponsible, will make it easier for Congress to restore meaningful oversight, which will help to reestablish the ability of the House to provide checks and balances on behalf of the public interest by making it harder to make its key decisions behind closed doors after the lights are out.

Two of these proposals relate to shrinking the influence of lobbyists. First, we would limit their influence by forbidding any congressional travel if lobbyists or their clients are involved in any way in financing that travel or financing conferences. I for one am mighty tired, having attended many Aspen Institute conferences through the years, which are perfectly legitimate and which are meant to bring members together from different sides of the aisle, often with parliamentarians from other parts of the world, to engage in in-depth discussions of serious issues – I'm tired of being – of seeing those kinds of trips tarred by what I consider to be the illegitimate arrangements that we sometimes see under which lobbyists pay for expenses or pay for trips or whose sponsors contribute to so-called phony conferences. So that's our first recommendation.

The second recommendation will be that members who have floor access – past members of the House, prior members of the House – will have to certify every time that they walk onto the House floor – they will have to certify that there is no business before

the House in which they have a financial interest. And they will have to certify that whenever they set foot on the House floor, they will not in any way lobby any members.

We will also have several proposals to deal with the budget reconciliation issue to restore fiscal responsibility. We will flat out forbid the use of the reconciliation process to be used to increase the deficit over the CBO baseline. Reconciliation measures would be in order only if they reduced the deficit below that CBO baseline. We would also close the loophole that allows bills which are not reported by committees, but simply put directly on the floor, to escape some of the budget act points of order which are supposed to prevent that funny business from going on.

We're proposing five reforms to curb abuse of power. First, we would end the practice of holding votes open for hours in order to strong-arm members to change their votes by requiring that all votes be closed within 20 minutes unless you have the agreement of both the majority leader and the minority leader.

We would also – to prevent earmarks from being used as internal blackmail in the legislative process, we would require that it be considered an ethics offense for any member of Congress to condition funding an earmark on how the members seeking that earmark votes on legislation.

We would also provide a provide – we would amend the House ethics code to make it an offense for any member to advocate an earmark unless a member discloses whether he or she has a financial interest in the entity or the exercise – I mean, or exercises any control over that entity, such as appointing members to the organization's board.

We would also say that if a rule adopted by the Rules Committee makes an order, a text in the legislation which is different from the text that the committee reported – and that has happened on numerous occasions; Barney can fill you in on one example, for instance, just recently. We're saying that if that happens, then the Rules Committee must make an order – an amendment by the ranking member – the ranking minority member of that committee that would return the bill its original text so that the House is actually voting on the product that was produced by the committee.

We would also end the practice of the majority going to the Rules Committee, getting a point of order so that they can put in a provision that would ordinarily not be allowed under the rules, unless they allow the minority to have the same exception to the point of order.

We would end the practice of these very short workweeks by saying that before the House could adjourn at the end of the session, the House must have conducted 20 or more weeks of business with at least one recorded vote or quorum call on at least four of the five calendar work days. We think that would help a lot in terms of freeing up more time for committee oversight. We would also say that except for measures on the suspension calendar, the House cannot consider legislation unless it is available for 24

hours that could not be waived by the Rules Committee; it could only be waived by a two-thirds vote of the members of the House.

And then, finally, we would provide three measures which would reform the way conference committees are being dealt with these days. Since 1920, until about 10 years ago, when the Senate amended appropriations bills, they amended – they had an item by item amendment processes. So if you had 123 changes in the Senate bill on foreign aid, there would be 123 separate amendments. The last 10 years, the Senate has gotten away from that, and what they have done is to fold all of their Senate changes into one Senate amendment. That is the act that makes it possible to wrap all of these extraneous provisions within a conference report and send them back to the Senate and the House without having a chance to have a vote on those two items.

Under the numbered amendment system, members would be able to get a vote on an amendment in disagreement when it came back to the House and the public interest would be protected, but that protection is now gone under the processes used these days.

Secondly, what happens in conference these days is that the rule requires the conferees to meet once. They usually meet once for a glove-touching operation. They may have discussion for a few amendments, and then somebody goes back into a smoke-filled room and they make the real decisions. Then the conference reports are circulated for signatures and there is never a vote on the final conference package. This requires that any item in disagreement between the two houses be present – when that's finally resolved, that that resolution be contained in the document before the conferees and that the conferees must vote – must have a roll-call vote on the document that's before the conferees so that you can end this after-the-conference gamesmanship.

And that, lastly, we simply say that it shall not be in order for any – for the House to consider any conference report that is materially different from what was agreed to by a majority of House conferees in an open session of the conference, and we think that that will go a long way toward preventing these anonymous items from being slipped in that have done so much lately to discredit the legislative process.

REP. BARNEY FRANK: David has outlined the abuses of powers section which I am going to be dealing with. I want to emphasize – Scott made a very important point: the House is the only part of the American government where the principle of one person, one vote obtains.

I do have to note parenthetically that apparently that principle bothered Samuel Alito as late as 1985. Many of us think it's a good idea. He, a few years ago, thought it wasn't such a good idea, but for those of us who do, what's important here is that the abuses that we are talking about are purposive. That is, these are not simply aesthetic abuses. These are not simply intrusions on our feelings. The way the Republicans are running the House – and what we are trying to do is to correct the following: they have found a way to shelter many of their members from taking positions that they know to be unpopular.

We are talking here about a short-circuiting of democracy. The purpose of many of these things is to allow, frankly, a public policy result out of the House of Representatives that would to be sustainable democratically, and the Republican leadership has gotten very good at marshalling its troops and winning by only as many votes as they need, and these procedures are ways in which that happens. For example, holding the vote open. Holding the vote open gives you the ability to change only as many votes as you need, and the fact is that if you hold the vote open indefinitely – and by the way, if this reform doesn't succeed, I have a secondary reform which would make us more efficient, although I don't know how much more efficient we could be. I think one test of how old you are in Washington is, can you remember when the phrase "Tuesday-to-Thursday congressman" was an insult? Older people remember that; younger people think that's the way Congress functions.

But we could save some time because the last time we had a scare of an airplane going over the Capitol and we had to evacuate, we were actually – we were in the midst of a roll call when that happened, and that roll call was in fact concluded in less time than the roll call on prescription drugs. (Laughter.) So we could, in fact – when they know they've got a tough vote coming, they could schedule a drill and have the Capitol evacuated and therefore save some time by killing two birds with one stone.

But the purpose of this is, in fact, to let Republican members hide from the public; that is, you let people vote – and of course you also see there's late voting and other factors, and again the purpose is so that members can give their constituents the contrary impression about where they really stand. So that you can have members who will boast about how they voted against the Republican leadership 40, 50, 60, 70 percent of the time, but in fact they voted with the Republican leadership 100 percent of the time when they were needed.

And, again, the failure – the problem here is from the democratic theory. The purpose of these things is to shelter members from casting votes that their constituents wouldn't want them to cast. That's why we also have this tradition that David alluded to where if the bill is reported out of committee and drastically changed by the Rules Committee, they have to let us force a vote on those changes.

And here's the problem here: the rules of the House, as you know, allow them to keep issues from being voted on, from their outrageous use of the Rules Committee procedures to shut things down. No such rules apply in committee. There is no rules committee on the committees, so that in committee we get a chance to vote on things. And what they've decided to do in a number of cases is don't make the fight in committee; let the vote go forward and then if the committee outcome is one that the right wing frankly doesn't like, go to the Rules Committee, change that, but then not allow a vote on it on the floor of the House.

Once again, the purpose of that is to shelter their members from having to stand up on the particular issue, and the example David mentioned most recently was the

legislation involving Fannie Mae and Freddie Mac. We had a proposal in there to take 5 percent of the after-tax profits and put it to affordable housing. The conservatives moved to strike that and they lost 53–17. They then got the Republican leadership not to strike it altogether, but to impose outrageous restrictions so that radical groups like the Catholic Church could not participate in providing such housing and that groups that did couldn't do any voter registration, and they knew that would fail if it was voted on. So they put that into a manager's amendment, which had many other things in it that were appealing to people, including a preference for the hurricane victims, and wouldn't allow a vote on it.

Under the proposal we've made, I as a ranking member could have said, "I want a vote on this." All we were asking for was a vote. And here's the point: they know that if we had a vote on that provision, they would have lost. So the purpose of this is allowing their members to effectuate a public policy position that they know would be unpopular, and that's why what we are talking about here, as I said, goes far beyond the convenience of the members or inside games. We're talking about trying to vindicate democracy, particularly the principle that constituents ought to know how people are voting.

And this has become – you know, we're trying to preach, now, democracy and instruct the people of Iraq and the people of Afghanistan in democracy. We have helped form legislative bodies in Afghanistan and Iraq about how to be democratic, and I've said I think we should have for – if they get C-SPAN in Iraq and Afghanistan, as they watch us there should be a thing on the bottom that says, "Please do not try this at home." (Laughter.) Because if they were to do what we did, we would be defeating this purpose. And this is true – countless reports. The 1996 immigration bill, which included a number of outrageous provisions denying food stamps to elderly, legal immigrants who'd worked hard and other things that were abusive.

We went to a conference presided over by Lamar Smith and he announced that under the rules this conference was simply to discuss, and when some of us tried to make a motion on this he said there was no provision for that. There treatment of conference committee's is that they are – as long as you have signatures of the majority of the conferees of both houses, that's all you have to do. And once again the purpose of that is – so what happened was, you then get an up or down vote on controversial provisions as part of one package, none of which had ever been voted on. And the purpose again, I want to stress, is to thwart democracy. It is to allow the Republican members to bring forward public policies without their constituents being able to identify what they are doing.

That's why this is a very fundamental issue. I mean, when David said that the Republican appetite for Democracy had diminished, he was being, for him, uncharacteristically delicate. (Laughter.) The Republicans are bulimic when it comes to democracy in the House. It causes them serious digestive upset and the reason is – and, again, it's not just an abstraction: they are pushing public policies that they understand to be unpopular. And that's okay – that could be courageous – but it is wrong to have a set of procedures and that's the function of these sets of procedures; it is to be able to muster

majorities of the House of Representatives on issues which you know to be unpopular and to do it by allowing the members to hide behind various rules and procedures so their constituents don't know what they are really doing. That's what we're talking about.

REP. DAVID PRICE: David Obey mentioned Woodrow Wilson's doctoral dissertation, *Congressional Government*. In case you didn't know, let me be the first to tell you that this is the 120th anniversary of the publication of *Congressional Government* and the Woodrow Wilson Center here, quite appropriately, recently had a symposium on reflections on that work and the current state of the Congress and I was privileged to participate in that and we have a few copies of that presentation and if you'd like to have them they are also on the Wilson Center website.

I bring that up because a great deal of what we're doing here today, as is already evident, has to do with attempting to address the way the House in particular is being run. In reflecting these large issues of the role of Congress in the constitutional system, I focused the other day on partisan rule and on the lengths to which the Republican have taken a kind of party government, although it's a stretch to call it responsible party government – at any rate, it gives anybody who adhered to that doctrine some second thoughts I expect – the decline of the committee's and with it of the institutional capacity for deliberation; and the tilting – decisive tilting of the executive-congressional balance of powers.

Let me concentrate just for a moment on that first topic, partisan rule or hyper-partisan rule in the house. There is no question that Republicans with the coming of Newt Gingrich and Republican control after the '94 elections, Republicans took the consolidation of leadership control and partisan leadership control in the House far beyond what had been achieved in the past, although the '70s and the '80s had seen some strengthening of the Democratic caucus and of Democratic leadership practices, but Gingrich went far beyond that in appointing committee chairs and members, controlling committee and House agendas. All that's quite familiar. Dennis Hastert came in professing to want to return to the regular order, but actually the consolidation of leadership control did not measurably change. Hasn't reached – it has reached a point that it hasn't seen since the days of Reed and Cannon.

There's been an additional change, though, which is very important to understand with the coming of unified Republican control over the branches of government with the advent of the George W. Bush presidency. This has been a president who was determined to govern from the right in, rather than the center out, and Republican leadership in Congress, especially in the House, accordingly has taken on a harder edge in term of tactics designed to eliminate dependence on or participation by Democrats and also tactics designed to keep the narrow Republican majority in line.

You've heard a number of these practices referred to and I won't go into great detail; most obvious probably is going to the floor with a narrow whip count, a whip count that isn't dependent on any Democrats, and then holding the vote open as long as it takes to cajole the last Republican members to vote yes. Most notorious example is the

Medicare Drug Benefit vote held open for almost three hours, but the tactic was utilized less than two months ago as Republicans pushed through the Post-Katrina Bill dealing with refinery construction and price gouging.

The second tactic is to bring bills to the floor under increasingly restrictive rules. Just one quick statistic here: the incidence of completely closed rules that preclude the offering of any amendments, including the traditional minority substitute – that went from 9 percent in the last Democratic Congress to 22 percent in the 106th and 107th Congresses, to 28 percent in the last Congress.

A third tactic is to exclude Democrats from House-Senate conference deliberations. Here the watershed year was 2003, when Republicans gained control of the Senate as well as the House and the presidency. The poster boy for the practice is our Ways and Means chairman, Bill Thomas, who told House Democratic conferees on the Medicare Prescription Drug Bill that sessions would simply be canceled if they showed up. (Laughter.)

And fourthly, leadership intervention and preemption of committee decisions has reached a new level. It had a particular impact on committees that have a history of partisan cooperation; certainly the Appropriations Committee, but also committees like Transportation and Infrastructure and Armed Services and others. In other words, this isn't just partisan tit for tat. Republicans have manipulated the process to serve partisan interests far beyond what the Democrats did in our forty year period of control of the House.

Now, this isn't just the complaint of a minority member from a district whose interests and ideas are excluded from the process. That of course is taking place and I don't like it and I don't think it's fair, but I would also suggest to you that there is more than just fairness and openness at stake here, as important as those values are. There is also a certain capacity that Congress needs – a bipartisan capacity on particularly difficult, painful issues as well as a partisan capacity that I am afraid is being dangerously weakened if not lost.

I just invite you to go through a little thought experiment. The 1990 budget agreement concluded between the first President Bush and the congressional Democratic leadership. Can anyone in this room imagine anything like that 1990 budget agreement being concluded in today's Washington, although the budget situation is far more dire? Of course, it would help to have a president who acknowledged there was a problem, but even if he did, the capacity in the Congress for bipartisan cooperation and collaboration is atrophied to the point where you simply can't imagine that kind of outcome and that does not bode well for the critical decisions down the road in terms of our budget deficits – also entitlement reform and other matters – that will probably not yield to the exertions of one party alone.

We need that partisan capacity. All of us here have worked very hard to increase the partisan capacity on our side. Congress needs strong, disciplined parties, but

Congress also need parties that are run in such a way that there is a basic capacity for deliberation, for entertaining alternative viewpoints, and at the end of the day also a capacity to act in the public interest in a bipartisan fashion when that is required.

A number of the proposals that we're making here today speak directly to the hyper-partisanship that we've seen in managing the House, the kind of partisanship that give appropriate partisanship a bad name, and that's one of the greatest dangers I think. We are strong partisans but we understand that partisanship – over-the-edge partisan excesses are rife in the House today and dangerous. And there are certain abuses of power and abuses of partisanship that we believe the right kinds of reforms can address. And a number of these rules are attempting to get at that, and I'll just call your attention to a few.

Proposal number five has to do with the duration of recorded votes in the House. You know, it's not just that these leaders want to hold votes open; it's that they want to be able to bring measures to the floor with no Democratic help, with no Democratic collaboration. They want to rely on Republican votes alone and sometimes that's hard to do, so those last few votes have to be brought into line. That's what the long roll calls are about. Governing from the right in not from the center out; that's what the long roll calls are designed to accomplish.

Rule number eight – reform number eight has to do with self-executing rules or rules that provide for changes in the text of bills – giving the minority a chance to address that and to force a vote on it.

Number 13 having to do with conference reports. That is pretty elementary one would think; that it wouldn't be in order to consider a conference report unless there had been a real meeting of the conference and that there had been some discussion and some resolution of the difference between the two bodies in an open meeting with recorded votes. And then number 14 having to do with the introduction of extraneous materials into a conference report that go beyond what's done in either body.

These are the sorts of measures that we believe would not cure, but would alleviate, would address, would mitigate the abuse of power that's rife in the House today and the hyper-partisanship that we've seen on the part of our Republican friends in governing the institution and so a certain portion of this stems from that experience. It stems, yes, from a minority-party perspective, but as I hope I've made clear also from a concern for the ability and the future of the institution. And we believe these are the kinds of proposals that would be worthy of our colleagues' consideration and adoption.

REP. TOM ALLEN: Thank you all for being here. I am very glad that I can be part of this group to promote congressional reform. We're trying to restore the people's voice to the people's house. It a particular pleasure to be here with Dave Obey. Dave has been doing this for 30 years. It was about that long ago when he helped democratize Congress by devolving power from the committee chairs and opening up committee meetings to the public. I came to Congress in 1996. David Price was on his way back

here, and we came as both Democrats and Republicans believing that we could be reformers, believing that we could change some of the sniping and scandals and bickering that we thought had been characteristic of the institution. You can judge for yourself how well we've done, but we have made some progress.

It was in that spirit that I joined with Republican Representative Asa Hutchinson. We became co-chairs of a freshman taskforce on campaign finance reform and developed our own legislation that became the base bill for the debate on campaign reform and really in many ways set the table for the enactment of Shays-Meehan McCain-Feingold, which I believe has been a helpful reform on campaign finances. But in my nine years here, I have watched the determined, deliberate effort to undermine what I would call small-D democracy in the House.

I think that most people in this country would be appalled to see how the Republican leadership has rigged the terms of debate in the House of Representatives. There are 435 members of Congress; each of us represents about 600 thousand people. Our voices – their voices ought to be heard in the debates on issues that come before the House, but, as other members of this panel have described, in various ways the voices of constituents represented by the Democratic Party or who have other views in Republican districts are simply not being heard. We are here to clean up the rules of the House, not to rig them.

We understand that given majority rule, if we have a more open, fair system, that Democrats will still lose a lot of votes, but we believe that if the House works properly we can heal political divisions and restore faith in government. The process by which we govern ourselves in the House is in the long run more important than the particular outcome on specific legislative proposals.

Our proposals are simple and sound. Each bill should have a fair and open debate. Members and the public should be able to read the bills before they are voted on. Lobbyists should not enjoy special access to members that the public can not get or afford. Vote duration should be limited so that votes are determined on the merits, not by favors offered or punishment threatened on the floor when a vote is held open. And budget rules designed a fiscal discipline should only be waved by consensus, not for the convenience of the ruling party's ideology. Some of these rules may seem arcane, but they strike at the heart of the strategy by which a determined minority has taken over the oldest directly elected legislative body in the world.

We believe that this reform package will bring disinfecting sunlight back into the legislative process and give all members representing all Americans the right to be heard. As with the adage that absolute power corrupts absolutely, the centralization of authority in the House of Representatives comes at a disastrous cost to democracy, decency, and the public interest. It's time to put the people's voice back in the public – in the people's house, and that's really what we're trying to do with these proposals.

NORM ORNSTEIN: I'm delighted by the turnout here. Process generally is considered to be irrelevant and arcane, the stuff of concern only of parliamentarians and political scientists. I want to start making two larger that go beyond the issue simply of accountability. Bad process leads to bad policy and bad process leads to bad behavior. On the former front, the way in which the House has legislated has created policy that has not been through a deliberative process, a give and take which points out flaws and failures, and we see the results. We see it in the Medicare Prescription Drug Bill. Many of the difficulties we are having now are there because we had a process that didn't allow it to go through enough give and take and was jammed through and is now backfiring in some ways.

We saw it in sharp relief with the Bankruptcy Reform Bill, which was basically a bill written a decade ago before all of the dramatic changes in the financial services world, that included a set of provisions where constructive amendments, those widely seen to be constructive and important and correcting abuses and failures, were systematically excluded from the legislation in the House and in the Senate were voted down with the argument being that the House wouldn't accept any bill that wasn't exactly as the one that had originally been presented. We saw that backfire after Katrina and we will see other flaws.

We see it – to pick a third example – in an execrable expedited election bill that was jammed through the House of Representatives to try and provide an excuse for dealing with the problem of continuity of Congress without any significant debate in the House where amendments were rejected willy-nilly – in the Senate without any hearing or debate at all. Under that bill, just to give you an example, if there had been a more widespread crisis akin to what happened in New Orleans, In New Orleans elections would have been forced for Congress while the city was basically under several feet of water with nobody living in it. Now they've just postponed there elections there another eight months, and this was something that was foreseeable and there were ways of dealing with it. It was brushed aside. Example after example of worst policy being passed by Congress because there is no process of give and take and deliberation.

Bad process leading to bad behavior: you can't legislate morality it is true, but you can legislate a climate which leads to immorality or amorality. We have done that, I think, in a couple of ways. In the larger sense, with an anything-goes, ends-justify-the-means approach to governance in Congress that suggests that rules don't matter at all if you accomplish your goals in the end. It's that kind of thing that has encouraged some of the bad behavior that's leading to scandal.

More specifically as well, the earmarking process. Scott Lilly has written some superb studies of what's happened with earmarking, which has increased tenfold or more, moving into the appropriations process in the House where it didn't exist before. Extended in the transportation bill, in areas of education, defense and otherwise. Done by a leadership which wanted first to protect its members electorally so that they could have many more specific things that they could point to that they'd done; done so that when they got to these extended votes on the floor to secure those final few Republican

votes they could use earmarks as carrots or sticks. The vote on the transportation bill was delayed for one extra day so that we could get the vote on the Central American Free Trade Agreement, and in the process of wheeling and dealing members were told that earmarks for their districts would be taken out if they didn't vote the right way, and to secure a few votes a few were added in.

When you create a process where every individual member of Congress has more ability to direct millions, tens of millions, or hundreds of millions of dollars in grants, contracts, or otherwise, you create a climate where a Randy Duke Cunningham will emerge and probably others because you are going to have lots of interests out there saying, geez, if I can give a million or so to one individual, I might get \$100 million, \$200 million, or \$300-million contract. That is a pretty good ratio. And I would encourage any regional reporters listening to this to begin to explore real estate transactions in your own districts to see if we have more widespread examples.

But all of this has led to a climate that I have found in 36 years of close Congress watching – I just antedated Dave Obey by a few months in coming here – to be unlike anything I have ever seen, and anybody who cares about congress is appalled by what exists now. It is a substantial degree – to a substantial degree different from anything that we have had before. There is no need to go through the litany of the things that have been done, many of which have been mentioned: the earmarking, the use of omnibus bills, the abuse of the rules, the way in which rules and points of order and wavers of them have been manipulated, the lengthy votes.

Suffice it to say that what we've seen is the collapse of the regular order. The idea that rules create boundaries and those boundaries should not be violated because they will be an offense of the democratic process itself is really what we are talking about here. This set of reforms is careful, thoughtful, targeted. It's not going to end abuses. Many of the things that have happened are not violations of rules, they're simply shredding the norms of behavior and pushing rules beyond any logical reason of how they ought to operate. These will help.

This, I believe, is not and should not be seen as a partisan document. Anybody who cares about process and outcomes and cares about the House of Representatives, and that includes a whole lot of Republicans who privately – and a few courageously publicly – have been appalled at what's happened over the last few years, ought to sign on to this. And keep in mind that if these rules get enacted they will be in existence and everybody here I believe will pledge to apply them even if the majority changes. So read them carefully and understand that this is not something arcane; this is hitting at the heart of policy, behavior, process and the basic integrity of Congress.

MR. LILLY: Thank you, Norm. I also want to point out that Tom Mann is in the audience today and he and Norm have a forthcoming book, I think its called *Broken Branch*?

MR. ORNSTEIN: Yeah.

MR. LILLY: And we're hoping they'll come back and join us when that book is published because its very much on point as I understand it.

We're going to have about half an hour for questions from the audience, so we welcome as much discussion.

Tom? Wait for the mike.

Q: Obviously, virtually everything you said today resonates, but I have two questions: one how to make the changes stick in a majoritarian institution where the majority can wave rules or rewrite rules with a simple majority. That's question number one. Number two, how to guarantee that a Democratic majority wouldn't succumb to the same abuses as the Republican have. You remember they made a lot of promises about procedural fairness while in the minority, which they proceeded to abandon in the majority. If in fact this is being driven by broader forces than narrow majorities, the ideological polarization of the parties, could you resist returning to the majority – abandoning what Republicans have done and actually maintaining regular order?

REP. OBEY(?): Well, I think it would be extremely difficult for any caucus to repeal rules like this which were publicly adopted. I mean, as far as I'm concerned these 14 changes ought to be something that our own caucus would be willing to institute tomorrow if we were in the majority and very frankly we didn't ask Republicans to sponsor this at this point because I think it would be very hard for individual Republicans to stand up to their leadership in supporting items, for instance to expand minority rights. But I do think that if we can get enough public attention paid to it, that it would be very difficult for individual Democrats or Republicans to resist supporting things like this.

You can never guarantee that things stay nice forever, but if you adopt these in a public process meant to clean up the House in the wake of some of the scandals that we've seen hit recently, I think it would be extremely difficult to altar or change them.

REP. FRANK: Let me follow up with that because I think we have seen an example. The media clearly can do it and here is the example: they took such a beating over those extended roll calls that they won't do them anymore. And I will tell you what happened: we now know when they roll call – when they're down by a vote or two and it starts to get past 20 minutes, all of a sudden people appear in the gallery – the press gallery, not all of a sudden. Their watching. We've seen the difference and they are very worried about that. So you have already seen them constrained by press attention from holding open the roll calls. I mean, David is right about binding our caucus to it, but on the other – and Norm is right, too: you don't change it all by the rules.

Let me give you one example I forgot to mention of where again the media, I think, needs to play a role. There is a great catch-22 going on with regards to the motion to recommit. It's very arcane. When I came to Congress, the motion to recommit was a substantive motion and you voted for it or against it depending on whether you agreed or

not with the issue. The Republicans successfully instilled in their members the notion that the motion to recommit is a procedural motion like adjournment and you are obligated to vote with your leadership even if you disagree with your leadership on the substance.

The problem is it's catch-22 because they will go to the floor – Drier and others will go to the floor and say, “What do you mean we have closed the rule? We've given you the motion to recommit.” And then when the motion to recommit comes up, they're constrained from it. I will give you an example: on the Patriot Act, when every Democrat voted to extend the sunsets, if you – we had Republicans who didn't vote with us when tried to put the sunsets in because the only amendment they would give us on the sunsets was the recommit, and I know because I spoke to them.

Go look. Look at some Republicans who voted against the bill on passage, several of whom did it because it didn't have the sunsets: they had voted against the recommit that would have put the sunsets in. And I said to some of them, “What's going on?” They said, “Oh, we can't vote that way to recommit. But that's an example of we can't change the rules on that. They have to be watched, and I've told you, your attention – those of you in the media – it has worked and that has curtailed this indefinite roll call.

MR. LILLY: I'd like to ask each person who wants to ask a question to identify them. Wait until the microphone arrives and then identify yourself before you ask the question.

Up front here.

Q: Thank you. My name is Lorelei Kelly (sp). I came to D.C. to work in Congress in 1998 with Elizabeth Furse, and now I am special projects staff with Lynn Woolsey. Something that I have realized over the last seven years is that when the Congress turned over 1995, one of the things Gingrich did which was underneath the radar screen was wipe out a lot of the public, informal support infrastructure, including the staff for the caucuses, the Democratic Study Group, which, Scott, you are a very missed institution on Capitol Hill.

And a lot of folks don't realize the importance of the sort of rear guard support that these kinds of informal mechanisms can play in Congress not only for getting information in the doors that is not commercially purchased present, but it also creates a sort of preventive structure of convening where Democrats and Republicans can get together and work on issues based on substance and not on leadership talking points.

And I'm wondering, could you talk a little bit about that informal structure that existed before '95. It seems to me that the Democrats didn't really have any kind of a support system in place that could create this alternative system after they lost power. And Gingrich basically outsourced all the substantive needs to the Heritage Foundation and the whole system that existed for them. Could you say something about that? We have only had CAP for now two years.

MR. LILLY(?): Well, I'm hoping that the Center for American Progress and other institutions can help provide some of the resource support that was lost, but I think it's a good point. The House rules up until 1995 permitted members to pool resources so that they could hire a staff to help them specialize in particular subject areas. This was helpful to members that represented certain types of economic interests in their districts, so that they could work with other members that represented. Many of these groups, in fact the vast majority of them, were bipartisan. But I think the Democratic Study Group was a very significant resource and it's unfortunate that it was eliminated. I don't know that it could be reconstructed, just given the logistical demands of that, even if the rules were changed, but I think that's a good point and something that should be looked at in terms of changing caucus rules – not just caucus rules, but the rules of the House Administration Committee basically.

REP. OBEY(?): What Gingrich recognized was that knowledge was power and he wanted individual members to have as little of it as possible, and so what he did – the reason DSG is such an extreme loss is because DSG was a source of information that was independent of the leadership. So you had a lot of Republicans who used its services because they knew that the information was not being spun by the Democratic leadership because the Democratic leadership had no input in the research product. And that is very much missed on the Hill.

MR. LILLY: Mr. Downey in the back.

Q: Well, I endorse heartily your rules changes, and I would just say, since I may be the only person affected by rule two, that you should probably go a little further, because I don't know why as a former member of Congress I should have floor privileges at all to lobby under any circumstances. And I think a more blanket rule that would say as long as you choose to be a lobbyist; you shouldn't be allowed access to the floor of the House of Representatives.

But let me make one other quick point, and something I think I can say without fear of contradiction here – that I would have hated, if I were a member of Congress, what I am about to say to you. And that is that until the House of Representatives actually becomes competitive, while these rule changes are very important, it is not going to live up to what the framers of the Constitution really wanted, which was turnover in office. And that really comes down to two very important questions: the process of changing redistricting so the districts are competitive, and the process of dealing with money, because I believe that the current system we have traps decent men and women – all of you who I deeply admire – in what is fundamentally a profoundly corrupt process. And until we change redistricting, until we change the way in which you raise your money for Congress, these rules changes, which are very important, are not really going to make the difference to make the House of Representatives truly representative.

REP. OBEY: Tom, let me simply say that I have introduced in the past and I am retooling and going to be introducing again legislation on the campaign finance front

which will go far beyond what 90 percent of people in this town would support. In my view, there should be absolutely no private money in general elections period. I'm willing to say that in primary elections, because each party have their – each party has its constituency relationships and its basic support alignment structure – I'm willing to say that in primaries that's a different picture, but in general elections I think that no candidate should be able to spend a dollar of private money.

Now, to do that you are probably going to have a constitution amendment and that is going to be near impossible to get done. But I feel compelled to introduce the legislation anyway because, I think that the only way that you can really get at the fundamental problem is by actually taking money out of the general election process, but that is so difficult to do.

This package before us today is not. This package can't fix campaign finance reform and it can't fix defective character, but it certainly can help make it much more difficult for the public interest to be subverted by insider special interests. And I think it's disciplined enough that it's going to be hard for any member of Congress to explain why they can't support this.

REP. FRANK: Let me respond. I agree with David on the money. Unfortunately, the problem is – as long as Buckley against Vallejo stays in place and spending as much money as you can get your hands on stays a constitutional right under the First Amendment, effective campaign finance reform is difficult. People say, why does America have this? Because we're the only country that I know of – a democracy – which has that rule, and so I think David is exactly right.

But I would say this: as to redistricting, yes, that's part of the problem, but I think – my own view is that there were more competitive congressional districts in a presidential election than there are in a congressional election, and I think incumbency advantage has a lot to do with it.

Dealing with earmarks: there were things in here that would make Congress more competitive. Incumbency earmarks and not letting members hide behind their leadership on tough votes. Those are two things that we have done that would improve competitors.

I have a third one that isn't in this package, and I may be in the minority here, and that's I'd cut way back on the franking privilege. I'd make a rule that you can't write to anybody unless he or she wrote to you first. My own view is that – because why stir people up if they are not making trouble. I think people have overestimated the size – the district lines and underestimated the advantages of incumbency, which is information has gotten better and everything else, technology, e-mails, et cetera have gotten better. So I basically agree with David: campaign finance (you can only do?) that way, but some of these things would cut down on incumbency advantage, particularly earmarks and the kind of ability to mass your vote – be on your leadership's side without letting your voters know it – and those could help.

MR. : Let me add a couple of things. On the franking issue, I won't talk about it now; I'll write you, Barney. But on the access –

REP. FRANK: You can't e-mail me, though, because you don't live in my district.

(Cross talk.)

MR. : On access to the floor, I think your absolutely right, Tom, I take it even further. One of the most outrageous things that happened in the Medicare prescription Drug Bill was that Speaker Hastert brought a cabinet member, Tommy Thompson, onto the house floor to lobby directly while the vote was going on. That is unprecedented in the House. It is outrageous. There ought to be more people than just former members barred from the floor and there is no reason to have it other than its nice to be able to do it.

On the redistricting, Barney had mentioned Judge Alito and his earlier comments about one person, one vote, which I agree with up to a point. I believe the problem with redistricting is that the court has taken one person, one vote to a monomaniacal standard, where they will reject any plan that doesn't have districts of 600,000-plus people virtually identical in population. Having a re-redistricting, as we had in Texas, where we know that before the ink on the census forms is dry populations have shifted dramatically, the idea that you will take a redistricting done two-plus years later is a complete violation of that standard. I hope somebody will ask Judge Alito, when the hearings take place in January, whether his early opposition to those early Supreme Court decisions from *Baker vs. Carr* on in 1962, would lead him to be more amendable to considering adding other standards into redistricting, such as competitiveness and communities of interest. Maybe we could get somewhere.

MR. : I just want to add one quick comment on the redistricting issue. I know this is all a matter of emphasis, but it seems to me in a closely divided country, the number of districts which are safe is a factor and that some way – I would agree with Norm that there ought to be a requirement that holding communities of interest together is something that should have constitutional standing because otherwise we wound up with these absurdly drawn districts, which I think not only puts people in office for longer than they should be and minimizes the number of competitive elections, but also disconnects people from their representative because they're not necessarily – in some of these cases – connected to each other in any rational way from that group to the member of Congress.

MR. LILLY: Okay, right here.

Q: Al Millikan, Washington Independent Writers. Does anyone know the history of how and why former members of the House were given such freedom to have the right to be present on the floor of the House when the House is in session? And were there financial motivations at all in the earliest days when this right was instituted?

MR. : My impression of that – and I don't know if anybody else has an answer to it, but my impression of it is simply that access to the floor was much greater in the nineteenth century than it is now. And when members of Congress – former members of Congress came back to Washington, they were usually there for a visit and it was something was simply a way of getting together with their colleagues and their former friends in a convivial atmosphere.

When I started working on Capitol Hill, there were relatively few members – former members who were lobbyists at that time. And I think it's just something that's grown up. And I would – having witnessed former members come back to the floor, I would sort of hate to see that bond broken. As long as they are not lobbying, as long as their not using access to the floor, I don't see why they can't meet with the people that they served with and shared a lot of experiences with.

REP. FRANK: I think you could keep them and I don't think Mr. Downey meant to exclude the gym from former members. (Laughter.)

MR. LILLY: Yes?

Q: Thank you. My name is Annabelle Fisher. I have two questions. Stand up? Louder?

MR. LILLY: Louder

Q: Louder. Can you hear? For Mr. Price, Mr. Allen and Mr. Ornstein, and then the second question is just a yes or no. And I wish you all success in getting some changes. I think you realize that most voters like myself who are concerned and involved are very disenfranchised with the way Congress is acting today (unintelligible) whatever.

First question is, with regard to the reform, I don't hear anything about any kind of oversight. The Ethics Committee is kind of dead. You all can't really monitor each other, so how do you feel about bringing back an ethics oversight bipartisan committee that's not – that's outside of the House and the Senate, because you are having problems now and its not only R's that are causing problems, it's D's as well.

And the second question, and I'm sorry that the David Broder left because he wrote a very interesting article several years in the *Post* about how Congress has now become a full-time job and our elected officials are looking at this job as something that is full-time, ongoing, and never ending and that's not what the constitution and our founder's set up elected leaders to be. So my question is, do you support term limits for the Senate and the House? Thank you.

REP. OBEY: No, I do not support term limits for the Senate and the House. That doesn't mean we all ought to behave as though we think we will be there forever. I don't know – a well known political scientist named Dick Fenno, wrote a book some

years ago about how the typical member of Congress at some point moves to the outreach stage to the consolidation stage in the way he sees his career and his constituency.

And I told Dick when I saw him once, “I’m still waiting for that consolidation stage.” I do not have a safe district and never will, and I think that keeps me on my toes in certain ways and keeps that outreach phase going, and I think that’s a healthy thing. One way or another, I would certainly like to see more districts on both sides of the aisle have that kind of competitiveness.

Having said that, the decision is our constituents decision as to whether to leave us in office or not, and I see no reason why that ought to be arbitrarily dictated by some kind of term limits. What human organization can you think of where you would institute something like a term-limit rule, where you would simply pull out the most experienced and knowledgeable and accomplished members arbitrarily regardless of how they are performing, regardless of the contribution they make to the institution’s functioning, on an arbitrary time frame? It just doesn’t make sense. Of course the institution needs new blood. Of course there needs to be turnover. There is actually more turnover than many people or most people realize, but I just think term limits would be a kind of arbitrary and irrational way of forcing that.

MR. LILLY(?): I’d like to amplify that answer just a little bit. The fundamental responsibility of the Congress is to be a check to the power of the executive branch. We have an enormous government. It’s enormous in its reach and it’s enormous in the complexity of each piece of it. I did analysis for the symposium we had in August. When speaker Cannon was in office at the beginning of this last century, the federal government had a budget of \$500 million. Now, that – even in today’s dollars, that’s \$20 billion – smaller than all but one appropriation bills, or about half the size of two of the smaller appropriation bills.

The government today is in real terms 250 times bigger than it was at the beginning of the century. You cannot have an effective balance to executive power with amateur, part-time legislators. You need people to dedicate their lives to it, to dedicate their lives to the cause of the Congress, and to dedicate their lives to knowing about the federal government. And it changes every day, it’s hard work, and you don’t want amateurs doing it.

MR. ORNSTEIN: Let me amplify even more. If you look at places where we’ve had term limits – if you want to do something that will remove even the limited concern we have for institutional maintenance and protection, just have people who are around for only a few years. In some ways we need more careerism, not less. When we had an era over a long period of time where people invested their lives and their careers in Congress, making sure it was functioning institution with integrity became very important to them.

Now, in places like California where people come and go, they’re consumed with their own ambition of moving to the next stage. Policy? They don’t care if something

happens in the short run that is going to have long-term costs because they'll be gone and they can get the benefit in the short run. And they don't care much about the rules.

Now, on the ethics front, one of the great disappointments I've had in the press corps in the last several years – and there's been a – I guess at best you could call it a benign neglect of a lot of abuses. When speaker Hastert dismantled the Ethics Committee a year ago, fired the chairman who had done his duty, and then fired two of the members who had done their duty in looking at the allegations into Mr. DeLay, and replaced them with members who had contributed substantial amounts to DeLay's legal defense fund while the pending complaint that had not been resolved was Mr. DeLay's activities in Texas. It got almost no coverage.

Now we see a story on page two – not page one, but page two of the *Washington Post* today saying, "Gee, we don't have functioning ethics committees," as we are about to see an explosion of the largest scandal, I believe, since the gilded age hit Washington. And basically the story dismisses it as, well, there've been just a bunch of partisan disputes. It was a deliberate attempt to defang the Ethics Committee. Over the long run this is not going to work the way it's been set up and the way it has reformed. There is no effective way or force or even motivate either house of Congress to investigate aggressively complaints against members while at the same time avoiding abuses where people bring charges just frivolously to criminalize policy differences.

We need to have a bifurcated process where you have an outside group consisting of former members and former staffers who know the legislative process, who can look at complaints or initiate them on their own, go through the investigative process and recommend whatever sanctions might be required or desirable. And then have the House itself using its constitutional authority act on them. Without that, we are going to continue to have a terrible process where scandal can take place with members knowing that there's very little chance that they will be ever be held to account for it.

REP. FRANK: And could I say, I would exception to the bipartisanship of your complaint. And this is where the Democrats have been very good. Al Mollohan has been a standout and Nancy Pelosi. And we have fought hard against this effort to neutralize and neuter the ethics committee and to cut back on the rules. This has been something the Democrats have fought hard on. And I agree with Norm that we have a major scandal brewing. From our standpoint, Jack Abramoff is the gift that keeps on taking, and we are going to see – (laughter).

But the other thing I would say is this: I also disagree with your characterization of the Founding Fathers. Let me read you a list: Madison, Jefferson, Hamilton, Adams, John Quincy Adams, Monroe. They have in common that they were all professional politicians whose absence from government was never voluntary, so I just disagree with your characterization of the Founding Fathers. (Laughter.)

REP. ALLEN: I'll make one quick comment on the term limits. We have them in Maine and I don't think any – most people who work in and around the legislature in

Maine would not say it's a success because there is such turnover in the leadership since term limits were imposed, and there are eight-year limits for both the House of Representatives and the Senate. No person has ever speaker for more than two years, or one term. And the turnover just leads to a lack of institutional memory both in how the institution functions and also the policy issues that come before the body.

REP. OBEY: Term limits are wonderful for two groups of people: lobbyists and federal bureaucracy because they stay around forever. And if you don't have long-term elected officials to counter their baloney, they've got an easier playing field.

MR. LILLY: Over here.

Q: Rafael DeGennaro with True North Projects. We can all come up with many more things you should add to the fourteen points you've put forward today, but it is an excellent list and I commend all of you. What prospects are there – and I realize this is early in the process – for getting broader agreement and participation from other Democrats? And do you think a majority of Democrats could support these as hopes rise for maybe taking back the House at some point in the near future?

REP. OBEY: Well I can't predict what any individual member will do, but I find it very difficult to find anything in here that members could explain publicly their opposition to. We intend to familiarize everyone in our caucus with these recommendations and we'll do the same thing on the Republican side. And we will welcome support from wherever we can get it.

MR. LILLY: One last question. Dan?

Q: Dan (Terdiman?). Just a follow-up on a previous question I think you pretty much answered was, do you want to push this to get a formal caucus position so we have a – so a public letter can be sent to the Speaker of the caucus's position and have that laid out there?

REP. OBEY: I don't know whether I want to get an official caucus position at this point. I just want members to understand what's in here, and I will be asking every single member of my caucus, "What is it that you don't want to support, and why?" I think it's very hard to answer any of these in the negative.

REP. FRANK: I think also – I call mine a literary reference to the Tom Lehrer's song about the old dope peddler doing well by doing good. I think that these are both morally quite compelling, but also from the Democratic standpoint, frankly, very attractive electorally because they are both good in themselves and they highlight how abusive the Republicans have been. And I think given that duality we have a very good chance of getting some strong support for them.

MR. LILLY: Thank you very much. We're delighted that you all came out and we hope that this is not the end of the discussion, but the beginning. Thank you.

(Applause.)