

How the Sunshine Harmed Congress

By Dale Bumpers

Published: January 3, 1999

WASHINGTON— Twenty-four years ago I came to the United States Senate filled with awe, excitement and determination. Despite the occasional victory, the combination of my losses on issues about which I felt strongly and Congress's unwillingness to confront problems that can't be postponed much longer causes me to leave the Senate feeling more dismayed than exhilarated.

I came to Washington in 1975 from Arkansas, where I had served four years as Governor. That January, as my wife, Betty, and I drove off the grounds of the Governor's Mansion, I never felt wiser. I was prepared to serve a short internship in the Senate before running for President. Every political neophyte thought that post-Watergate America would be eager to embrace a Democratic name and face no one had ever heard or seen before.

I soon concluded, however, that the vast Federal apparatus was much more complicated than I had anticipated. Eventually scratching the idea of running for President, I immersed myself instead in the arcane rules of the Senate and the legislative process.

The year I arrived, the Senate had begun to require all committee votes to be public (unless a public vote was taken to close them). Committee meetings were to be open as well. C-SPAN started televising floor debate in the House in 1979, and the Senate followed suit in 1986.

That openness has been healthy, but at a price. A good two-minute speech can, and often does, take a half-hour for a politician with a national television audience.

Before government was conducted out in the sunshine, senators could vote as they pleased, good or bad, with little voter retribution on individual issues. But in the 1970's national associations by the dozens were setting up shop in Washington, right down to the beekeepers and mohair producers, and with them came a new threat to the integrity of the legislative process: "single issue" politics. These groups developed very harsh methods of dealing with those who crossed them. Suddenly, every vote began to have political consequences. Congress began to finesse the tough issues and tended to straddle every fence it couldn't burrow under.

Consequently, Congress is failing to get its work done. We saw the result in the bizarre spectacle that closed the session in October, when eight of the required 13 appropriation bills were folded into a \$550 billion omnibus bill that was drafted and agreed to not by Congress itself, but by six or eight senior members and a few White House staffers. I don't know which was worse: the way the Government was shut down in 1995 or the way we kept it open in 1998.

There are many reasons for all of this chaos, but chief among them is the compulsion to put a partisan bent on every single issue. That, in turn, has led to a mean-spiritedness and total loss of collegiality. There is rarely consensus even on the most practical and ideologically neutral matters. And issues that go to the heart of the values we hold as a nation have become so partisan that the imperative to win subsumes the necessity of governing. Why in the name of heaven should tobacco or the environment or education be partisan issues?

A senator periodically receives a record showing the number of times, by percentage, that he or she has voted with each of the other 99 senators. When I first came to the Senate, there were Democrats mixed in with Republicans and vice versa. Today, except for procedural votes, or what are often called throwaways, it's rare for more than two or three senators to cross party lines on a vote. Nothing could more starkly demonstrate the fog of partisanship that has enveloped the Senate.

The Christian Coalition claims to represent 13 percent of the electorate. There's little reason to doubt it. Whatever the number, the group is powerful enough to bring a filibuster on any matter it opposes. That is true to a lesser extent of groups representing the elderly, educators, environmentalists and others. It isn't that the groups don't have legitimate interests, but they distort the process by wrangling over the smallest issues, leaving Congress paralyzed, the public disgusted and the outcome a crapshoot.

Nothing illustrates what afflicts our democracy so well as this: 94 percent of candidates who spend the most money win. We have all come to reflexively calculate on every vote, significant or insignificant, (1) what 30-second television spot our next opponent can make of it, (2) the impact it could have on contributions, and (3) what interest group it might inflame or please.

Democracy is threatened when the candidates we elect and laws we enact hinge on how much money is spent. To claim that campaign spending is a legitimate exercise of free speech is to deny the constitutional principle that each one of us counts. A donor who gives \$100,000 gets a lot more free speech than the assembly-line worker, who cares just as deeply about the issues but doesn't give because he can't afford to and doesn't vote because he doesn't think his views matter unless his interests happen to coincide with those of the big donors, and they seldom do.

My office was next to the Finance Committee's hearing room. It would be instructive for all Americans to see that room and the hallways (cynically called Gucci Gulch) packed with lobbyists when the committee considers tax bills. Money does indeed buy access, and that's when access pays off.

Finally, more constitutional amendments have been offered in the past 32 years (5,449) than in the first 173 years of our history, virtually all of them ill-conceived, trivial and politically driven. To the Senate's credit, not one has been approved by the required two-thirds vote in the past 24 years. It may seem odd, but I believe this is the Senate's finest achievement. It dramatically demonstrates that there are still many truly fine people in the Senate who are trying desperately to protect the Constitution. I voted against every constitutional amendment that came to a vote in my 24-year tenure. I'll be content for that to be my legacy.

In a visit with Harry Truman in his home in Missouri in 1971, he admonished me to always put my trust in the people. "They can handle it," he said. It was profound both in its simplicity and because it was Harry Truman talking. The fact that I survived 24 years in the Senate while voting for the Panama Canal treaties and against constitutional amendments on prayer in the schools, desecration of the flag and similar popular proposals proves Truman was right.

While I'm not apocalyptic about our future, I'm greatly troubled by Congress's

unwillingness to confront our long-range problems, like global warming, population growth, loss of arable land to development and depletion and pollution of our water supplies. If we continue to ignore these problems, or only deal with them superficially, our future will be bleak indeed.

Winston Churchill wryly observed, "You can always depend on the American people to do the right thing -- once they've explored all other possibilities." But exploring all the other possibilities takes time, a commodity in increasingly short supply.

Drawing. (Kevin Brainard/Jesse Wann/Joe Roco)

Dale Bumpers, a Democrat, represented Arkansas in the Senate and retired at the end of 1998.

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