

Committing Political Suicide

The 109th Congress

by Doug Bandow



The 109th Congress was ugly to behold. Spendthrift, irresponsible, incompetent, corrupt—like the pigs who were transformed into the farmers they had displaced in George Orwell’s *Animal Farm*, the Republicans ended up looking like the Democratic legislative establishment they had toppled just a dozen years before.

This proved to be politically inconvenient. After all, it was no longer possible to frighten voters by repeating the usual mantra of prospective Democratic misdeeds when the Republican majority already was perpetrating most of them. One disaffected GOP was observed: “Yes, the Democrats would certainly be worse. They would probably hire Islamofascist terrorists to kill their mistresses. After forcing them to have abortions and gay marriages.” The fact that Americans proved impervious to Republican scaremongering was only slightly more surprising than the fact that Republicans did not deploy the specter of mistress-murdering Islamofascist terrorists.

Some Republican Party apparatchiks have attempted to downplay the significance of their losses on November 7. Yet it was through maldistricting that the Republicans limited their House losses, and the newly Democratic state legislatures will reverse that after the 2010 census. In the Senate, Democrats took 24 of 33 contests, losing not one seat. And the losses rolled down to the state level, giving Democrats a majority of governorships for the first time since 1994, as well as the dominant state legislative position.

The election ended fantasies about an enduring Republican majority. With President George W. Bush’s approval rating around 30 percent, what a good many Republican Party professionals most desire from him is his departure. And the

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Democrats will cheerfully make him wish he were back in Texas. As Martin Sieff of United Press International observes, “Bush, the least bipartisan of presidents for his first six years in power when he was riding high, can cry all he wants now about wanting to work with Nancy Pelosi and Harry Reid. They and their majorities are going to spend the next two years tearing him apart.”

The GOP problem was both substance and process. Polls indicate that Iraq was the most important issue. Dissatisfaction with Mr. Bush’s war sharply drove down Republican votes by independents and moderates and even dampened support among what had been his most reliable constituencies: conservatives, married men and women, evangelicals, and “values voters.” Irresponsible, wasteful spending was another common criticism: Outlays have increased 47 percent since 2001, with 270 more subsidy programs in operation. In size, scope, and expense, the federal government today looks an awful lot like it did in 1994, only bigger. By Election Day, more Americans viewed the GOP as the home of big spenders and trusted Democrats more than Republicans to handle the budget deficit.

Of course, the Democrats’ hands are not clean when it comes to the war or spending. But the Republicans overshadowed them by bringing to the table the gift that keeps on giving: scandal. Scandal is a natural part of political life. Not natural, as the GOP proved so dramatically, is confronting scandal honestly and competently.

Republican scandals fell into three categories: legislative operations, lobbying abuses, and sexual peccadillos. The first was the most serious, but, because it happened in broad daylight, it did not have the feel of a typical scandal.

No one, no matter how partisan, can easily railroad the Senate, whose rules make it a more deliberative body. Without at least 60 votes to defeat a filibuster, even a determined majority can only go so far so fast. The House, however, is more of an

elective dictatorship. For years, the GOP minority chafed under a Democratic majority that provided Republicans with few committee resources and equally few opportunities to influence legislation. When Newt Gingrich led his Republican warriors to victory, the new leadership promised an era of openness. Rules would be fair; operations would be efficient.

It did not take very long for Republicans to succumb to the honeyed elixir of power, however. Winning votes and, even more importantly, retaining the majority (which meant preserving incumbents) soon displaced promises of reform. The eventual partnership of Dennis Hastert and Tom DeLay created an unstoppable GOP freight train.

The Republican leadership operated on the simple principle that nothing got to the House floor that was not backed by a majority of the majority. That meant that raw partisanship, rather than any form of bipartisanship, ruled. Of course, little good usually comes from bipartisanship. When legislators of both parties stand together, citizens should reach for their wallets; when the President joins the parade, people should start running. Nonetheless, partisanship disconnected from principle (other than a determination to get reelected) is even worse.

The Republican House Rules Committee operated as it always had, restricting not only what legislation got to the floor but what amendments the Democrats could offer to the legislation that made it. Moreover, rules were bent as far as necessary to achieve the desired partisan result. The most scandalous moment occurred early on a morning in 2003, when the House leadership held open for three hours the Medicare Prescription Drug Bill ballot in order to cajole a couple of Republicans to switch their votes—something the Democrats had never done in the 40 years they controlled the House. When this was not enough, Hastert and DeLay strong-armed enough congressmen to win the necessary reversals. The leadership even promised a retiring member that they would support his son as his replacement. In the end, the House GOP delivered legislation that created more than \$18 trillion in unfunded future liabilities—more than Social Security's total future deficit.

The GOP President and Congress also routinely abused the appropriation process, adding extra outlays after enacting the budget. As Veronique de Rugy of the American Enterprise Institute notes, "Supplemental spending, 'emergency' spending in particular, has become Washington's tool of choice for evading annual budget limits and increasing spending across the board." The use of supplementals rose from \$7 billion in 1998 to \$143 billion in 2005.

Less expensive but more obnoxious was the earmarking of money to be spent on individual projects or directed to particular grantees. In this, the Democrats were pikers compared to the Republican majority. The GOP Congress passed 14,000 earmarks in 2005, adding 6,371 to the Transportation Bill alone. As Rep. Jeff Flake (R-AZ) observed, Republicans have "adopted the belief or the principle that you spend money to get elected."

After the "bridge to nowhere" became a *cause célèbre*, Congress delisted the project with great fanfare, only to provide the same amount of money to the same Alaskan authorities to do with as they (meaning Alaska Sen. Ted Stevens, father of the "bridge to nowhere") wished. The House later passed rules to identify those requesting earmarks, but only after a great struggle—in which Republican Appropriations Com-

mittee members threatened to kill the bill. In December, the GOP caucus reelected Rep. Roy Blunt, a vocal defender of the practice, as whip. Only a lame-duck filibuster by Senators Tom Coburn (R-OK) and Jim DeMint (R-SC) forced the Republican leadership to drop spending bills for 2007 containing roughly 10,000 earmarks.

Although the operations of the House never became a clear-cut campaign issue for most Americans (it was too much inside baseball), the process angered principled conservatives. Equally important, Republican misbehavior served as a backdrop for the other, more obvious scandals.

Another strategy to create a permanent Republican majority involved conscripting Washington lobbyists. The "K Street Project" actually was a complicated creature, involving various activists and politicians. Much of what went on was not particularly controversial: Where ideological conservatives and practical lobbyists wanted the same result, cooperation was easy. Nor could Republicans be blamed for knocking on the doors of firms that once hired Democrats.

Majority Leader Tom "The Hammer" DeLay went a step further, seeking to bust down those doors by taking "cooperation" with K Street to a new level. He created an atmosphere of "pay to play" and aggressively raised funds from lobbyists. With little subtlety, the GOP leadership threatened businesses and associations that employed Democrats. In return, lobbyists played a key role in drafting legislation. Although Democrats had never been hesitant to work with K Street and squeeze its denizens for campaign contributions (remember Tony Coelho?), Republicans refined the process.

Rather than being chastised by criticism of his hardball tactics and tainted associations, DeLay gloried in them. He applied his hammer to the Texas state legislature, pushing the new Republican majority to redistrict the state in order to increase sharply the number of Republican congressmen. Fairly or not, his various activities eventually led to a state investigation.

Unfortunately for him, the rules implemented by GOP reformists when they organized Congress in January 1995 required that any leader step down if indicted. As a DeLay indictment became likely, the leadership decided that the rule had been a silly idea and pushed a reluctant caucus to drop that provision. Abandoning their own rule the first time it applied triggered outrage far beyond Washington, causing Republican leaders to reverse themselves, and, in 2005, DeLay was indicted and resigned.

The DeLay mess was modest compared with the imbroglios surrounding Rep. Duke Cunningham (R-CA) and Jack Abramoff. In 2005, it became apparent that Cunningham, previously a well-respected conservative, had essentially sold his services to a defense contractor for \$2.4 million in cash and goods. His resignation and conviction quickly followed. Rep. Curt Weldon (R-PA) later was hit with less serious, but still career-ending, allegations of steering federal contracts to his lobbyist daughter.

A well-connected politico who got his start in the College Republicans, Abramoff built a complex network of clients, activists, and legislators. Indian tribes, in particular, paid astounding fees to a lobbyist who privately insulted them; Abramoff directed monies to friendly organizations and treated helpful congressmen and staffers to tickets and trips. Eventually, the enterprise crashed spectacularly.

By historic standards, it was a modest scandal. There were

no bribes paid to Cunningham, no satchels full of cash passed hither and yon. Rep. John Murtha (D-PA), who unsuccessfully ran for majority leader, came much closer to the edge years ago in Abscam than did any of those linked to Abramoff. (Rep. Robert Ney (R-OH) was convicted for gorging on perks otherwise normal on Capitol Hill, not money.) The issue's primary impact was symbolic. The spectacle of DeLay's aides becoming lobbyists to cash in, Representative Ney traversing the globe enjoying expensive perks, and Sen. Conrad Burns (R-MT) collecting campaign donations contributed to the image of ideologues gone native. Few GOP members lost because of their direct association with Abramoff. But the whole Abramoff affair, including the GOP's anemic response, stoked a fire already raging because of Iraq, overspending, and other scandals.

No campaign would be complete without a sex scandal. After all, when the public square includes Bill Clinton, Ted Kennedy, Newt Gingrich, and Robert Livingston, it seems strange not to have an ongoing sex scandal. However, such controversies are most damaging when they stain the party that is consciously appealing to "values voters." It gets worse when the response to the scandal reinforces the perception that Republicans took just 12 years to become as arrogant and out of touch as the Democrats became after 40 years.

The GOP's first sexual pinup was Rep. Don Sherwood (R-PA), who was accused of assaulting his mistress. He acknowledged the infidelity but denied that he had ever abused her, though he did pay \$500,000 to settle her lawsuit. Despite Sherwood's sleaziness, the GOP imperative was to preserve the majority in a tough year, so every seat mattered. This led President George W. Bush, faithful Christian and vocal proponent of moral values, to visit Sherwood's district. Notably, Sherwood was one of the few GOP candidates who requested a presidential visit.

Also scheduled to appear on Sherwood's behalf were Speaker Hastert and Rep. Tom Reynolds (R-NY), chairman of the National Republican Congressional Committee. Because of the antics of Rep. Mark Foley (R-FL), however, Hastert and Reynolds became more toxic than Don Sherwood, and they were forced to cancel their visit.

Never a heavyweight member of the GOP leadership, Foley nevertheless chaired a committee, considered running for the Senate, and was pushed by worried House leaders to run for reelection after he had decided to retire. At the same time, he was suspected of being one of Capitol Hill's closeted homosexual members. It turns out that he was also busily ingratiating himself with male House interns, engaging in salacious e-mail and internet-messaging exchanges with a number of young men. He apparently had sexual contact with at least one of them, though only after the intern turned 21.

The scandal itself was revolting, but not as revolting as the reaction of the Republican leadership. The first priority of the speaker, majority leader, majority whip, NRCC head, and others in leadership positions was to avoid taking responsibility. Instead, they pointed fingers at one another and everyone else. Top Republican staffers suffered a sudden onset of amnesia, forgetting conversations about Foley's conduct. The GOP congressmen in charge of the intern program apparently were clueless for years even as new interns were being warned to beware the overly friendly Foley.

The second reaction was to blame the Democrats. Hastert and his partisan confederates, who had routinely disembow-

eled the Democratic opposition, claimed—shock!—that their opponents knew of the allegations and alerted the press. GOP officials also cried *et tu!* Many Democrats had sought to lessen the punishment meted out on Rep. Gerry Studds (D-MA), who had sex with an underage male page in the last House page scandal two decades before.

Obviously, the GOP did not get it. The Republicans controlled the House and ruled with a firm hand. Foley was a Republican. As the recently released House Ethics Committee report explains, a number of GOP members and staffers learned of inappropriate contacts between Foley and pages at least a decade ago but made no effort to investigate his conduct. The Republican leadership withheld all information from the Democratic member of the House Page Board while tossing the problem to the head of the GOP congressional campaign committee. When allegations of Foley's conduct surfaced, Republicans worried more about protecting themselves and their electoral prospects than about investigating the charges or worrying about Foley's impact on past interns. In a model of understatement, the Ethics Committee concluded that Republican leaders "failed to exercise appropriate diligence."

None of the scandals alone was lethal. The eyes of many voters glaze over when candidates start arguing about legislative rules, and, after 40 years of running the House as a partisan fiefdom, the Democrats could not convincingly whine about their mistreatment.

The Republicans may have forged some new ground in attempting to seize control of K Street, but they mostly perfected Democratic techniques in shaking down lobbyists for campaign aid. The Democrats also have Rep. William Jefferson (D-LA), who keeps bribes in his freezer. Democratic ethics and earmark "reforms" are not likely to come to much, and Democratic congressmen had been caught with their hands out or their pants down over the years without costing the Democrats their majority. Indeed, the GOP attack on Bill Clinton, who was caught indisputably lying about sexual misconduct in the Oval Office, appeared to have cost the party seats in 1998.

Collectively, however, the scandals were devastating. Principled conservatives knew that the GOP Congress and President had slipped their moorings. The list of grievances was long and serious, but not so obvious to voters and even grassroots conservatives who paid more attention to the campaign rhetoric of their supposed champions than to their actual performance. The scandals provided irrefutable proof to everyone, even those who usually paid scant attention to public affairs, that the Republicans were more interested in themselves than in anyone else.

The almost unlamented 109th Congress was ideologically vacuous, bereft of ideas, and committed only to winning reelection. It also was lazy, working fewer than three days per week and finishing only two of eleven spending bills, pushing the others onto the incoming Democratic Congress. On what basis did the GOP majority deserve reelection?

Admittedly, there is little reason to hope for much positive good to come from the new Democratic majority. However, "negative good" is possible, even likely. Power tends to corrupt, even when it is wielded by Republicans controlling both ends of Pennsylvania Avenue. In January, the return of divided government reestablished the checks and balances so valued by the nation's Founding Fathers. 

Lost in Iraq

The Election, Republicans, and Conservatives

by The Hon. John J. Duncan, Jr.

In one of the most memorable lines in American political history, Joseph Welch, the patrician Boston lawyer, asked Sen. Joseph McCarthy, “Have you no sense of decency?” Traditional conservatives should be asking the so-called neoconservatives if they have no sense of shame.

In the pages of *Vanity Fair*, on various television interviews, and in other media, the neocons have been trying to shift blame for our disaster in Iraq. We should not let them escape responsibility, however—for Iraq or for the numerous Republican losses on Election Day. Not only did the GOP suffer big losses in both the House and Senate, but several members who eked out narrow victories will face much tougher challenges two years from now.

It is almost sickening to read and hear Richard Perle, Bill Kristol, Kenneth Adelman (of “cakewalk” fame), and other architects of the misadventure in Iraq say that the war would have been successful if more troops had been sent or if the Bush administration had not botched it. The worst thing, without question, is that nearly 3,000 young Americans have been killed, and many thousands more have been horribly wounded. Our soldiers do a great job wherever they are sent, and it is certainly no criticism of them to say this was an unnecessary war.

A secondary but still important ramification of all this is the loss of conservative seats in Congress and the elevation of Nancy Pelosi and others on the far left to positions of power. Considering the advantages Republicans enjoyed before the election because of favorable redistricting, a good economy, lower gas prices, a booming stock market, popular tax cuts, and liberal elitism that alienates so many, it is the weakest of excuses to say that their losses were just typical of a sixth-year presidency. Even Bill Clinton picked up seats for his party in his sixth year.

It was Iraq that fired up the Democrats and swung surprisingly big majorities of independents their way. About Iraq, Tim Russert said on NBC the next morning: “That was the issue that drove this election.” And, while he acknowledged that there were other factors involved, in the end, it was “all about Iraq.”

At 12:15 A.M. on Election Night, MSNBC’s Chris Matthews correctly declared that “the decision to go to war in Iraq was not a conservative decision, historically. It was a reach of power. It was not along the old lines of limited power . . . The President has asked the Republicans to behave like a different people than they, it seems to me, intrinsically are.”

Every year since we voted to go to war in 2002, I have said in speeches on the House floor that there is nothing conservative

about the war in Iraq and that it goes against every traditional conservative position. I do realize, however, that a large majority of Republicans still support the war. They like President Bush personally and want to be loyal to him. And, as the editors of *Chronicles* know better than almost anyone else, it is virtually impossible to take on the bully pulpit of the White House and foreign-policy elitists, in and out of the administration, especially when they are supported by the big guns in the national conservative media.

Still, many conservatives are beginning to express doubts, especially when such people as William F. Buckley, Jr., and Sen. Kay Bailey Hutchison (the President’s own senator) say they would have been against the war if they had known in 2002 what they know now.

Even back before the invasion, some were warning of the consequences of failure in Iraq. In the November 25, 2002, issue of *Fortune*, Bill Powell warned (in “Iraq—We Win. Then What?”) that “A military victory could turn into a strategic defeat. . . . A prolonged, expensive, American-led occupation . . . could turn U.S. troops into sitting ducks for Islamic terrorists.”

Eighty percent of House Republicans voted against the bombings in the former Yugoslavia under President Clinton. I am convinced that at least the same percentage would have opposed the war in Iraq if it had been started by a Democratic president. I remember as a teenager reading a pamphlet from the Republican National Committee saying that Democrats start wars and Republicans end them. Perpetual war for perpetual peace is not a traditional Republican or traditional conservative position.

What should we do now, with regard to Iraq and with regard to the future of the Republican Party?

First, we must admit that a civil war is and has been raging in the more populated areas of Iraq for many months. Deaths of 40 or 50 per day (sometimes even over 100) are not uncommon, and Iraq has a population that is only one twelfth of ours. If we were seeing equivalent internecine killings—several hundred thousand—in the United States, we would consider it a civil war.

We also need to acknowledge that, although we have great respect for our military leadership, they will always say that great progress is being made and much good is occurring. There is a reason why we have civilian leadership over the Department of Defense.

While some good things are taking place in Iraq—since so many billions have been spent there and most of what we have spent really is pure foreign aid—we must recognize that our Constitution and our debt do not permit us to run another country. What we are doing in Iraq is both unconstitutional and unaffordable.

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