

The First Annual Bernard & Irene Schwartz Lecture on Congress
A Series Presented by the John Brademas Center for the Study of Congress

Executive Summary

On Thursday, September 15, 2005, the John Brademas Center for the Study of Congress at NYU's Robert F. Wagner Graduate School of Public Service hosted the First Annual Bernard and Irene Schwartz Lecture on Congress. Held at the Library of Congress, the lecture was the first in an annual series created to begin a dialogue on the processes by which the Congress of the United States shapes the nation's policies.

The lecture brought together Senators Richard G. Lugar (R-IN) and Paul S. Sarbanes (D-MD), the Honorable Dr. James H. Billington, Librarian of Congress, and Dr. John Brademas, NYU President Emeritus and former member of the U.S. House of Representatives. Dr. Norman Ornstein, Resident Scholar at the American Enterprise Institute in Washington, D.C. and member of the Center's Advisory Council, served as moderator for the event. The Senators provided insightful remarks on how Congress, under a variety of constraints, develops policy. Dr. Ornstein spoke about the decline of Congress as an independent institution, and the implications this weakening has in Congress' ability to perform its oversight and legislative functions. The session concluded with a question and answer period in which members of the audience raised questions about presidential power and recent changes in how Congress operates.

Dr. John Brademas set the tone for the lecture in his opening remarks by explaining the rationale and meaning of the new center to study Congress: "The purpose of the Center will be to encourage the exchange of ideas among scholars and policymakers, thereby promoting the creation and dissemination of knowledge and public understanding of what is, after all, the First Branch of Government." Brademas also noted the importance of the Center's bipartisan nature. Dr. James Billington, who graciously

served as host of the event, praised Brademas's efforts in creating the Center.

Senator Dick Lugar then addressed the role Congress plays in shaping foreign policy, and described the "push and pull" relationship between Congress and the Executive Branch in making such policies. He noted Congress' power to declare war and approve war spending, but also pointed out that Congress tends to act reactively in these roles: "most of the time, Congress treats its Constitutional foreign policy powers as an invitation to react to the President's exercise of his policymaking authority." He also remarked that Congress' reactive nature is reinforced by a lack of resources. He noted the limited number of congressional staff people available to develop foreign policy, and remarked that even staffers assigned to international issues are forced to focus their time on other issues as well.

Despite these challenges, Senator Lugar emphasized Congress' success in passing key pieces of foreign policy legislation, even in the face of Executive opposition. He suggested that foreign policy initiatives are more successful when Congress relies on three of its institutional strengths - staying power, the ability to reflect public opinion and the ability to confer a bipartisan framework on a policy that might otherwise be viewed with suspicion by one or both parties. The Senator discussed the Nunn-Lugar Cooperative Threat Reduction program as an example that highlights each of these strengths. The Nunn-Lugar program was established by Senator Lugar and former Senator Sam Nunn (D-GA) to lessen the threat posed by weapons of mass destruction by deactivating these weapons and encouraging former weapon's scientists to work for peace. Lugar noted that its success stemmed from the continuous support of Congress through five presidential terms, despite being seen by many observers as "counter to public opinion," and

stressed that the bipartisan partnership that made this program possible “was indispensable to both its initial success and to its long-term viability.” To conclude his remarks Lugar called for increased congressional engagement on foreign policy issues.

Turning the focus to domestic policy, Senator Paul Sarbanes began his remarks by discussing how Congress plays its policymaking role in an arena characterized by the constant debate among the three branches of government and the public. Senator Sarbanes also emphasized that in order to effectively perform its policymaking function, Congress must maintain its autonomy from the President. To illustrate Congress’ ability to effectively establish policy in its own right, Sarbanes described various pieces of legislation, including the Higher Education Act and the Clean Air and Clean Water Acts. He also discussed the Sarbanes-Oxley Act, which passed in an attempt to address shortcomings in financial reporting and improve the effectiveness of internal audits in the wake of the Enron Corporation’s 2001 failure. Sarbanes described how Congress systematically examined the company’s collapse by holding ten hearings over a two month period, in which attention was focused not only on punishing wrongdoers, but also on determining how and why the collapse occurred. By deeply investigating the problems with Enron, Congress was able to craft a more comprehensive and effective policy and successfully fulfill its policymaking role. Sarbanes concluded his remarks by emphasizing the importance of Congress’s role as a policymaking institution.

Rounding out the session, Dr. Norman Ornstein commented on the various roles of Congress and the value that the new John Brademas Center will add through its pursuit of the study of the First Branch of Government. Ornstein’s remarks focused on the decline of Congress’ institutional identity and loyalty. He noted that Members of Congress increasingly follow the President, “What I see in leadership in both houses...is much more a sense that members and leaders are lieutenants in the President’s army rather than independent actors.” He added that reduced independence from the President hinders Congress’ ability to perform adequately its oversight role because Members are less willing to openly criticize and debate policies the Administration supports. Ornstein noted that Congress’ lack of oversight contributed to

FEMA’s insufficient preparedness for the very recent Hurricane Katrina. He said, “It is the lack of criticism, as much as anything, that has contributed to the debacle we saw in Louisiana and Mississippi, because there was no oversight to speak of in the Department of Homeland Security and no oversight of the changes made to FEMA.”

Members are increasingly less reverent and loyal, Ornstein noted, to the traditions of Congress. In the past, Members of Congress were more likely to stay in Washington, DC throughout the week, while today most Members are only in town from Tuesday to Thursday. He described how former Member Bill Frenzel’s address to freshman Congressmen invited them to bring their families to Washington to partake in what would be the greatest experience of their lives. Ornstein believes the more common perception of Members has changed to, “I have to come to this distasteful place to try and change the culture or overcome my enemies.” The compressed schedule, Ornstein emphasized, also reduces the ability of Members to interact with one another; this reduces their ability to respectfully discuss and reach consensus on legislation.

Ornstein remarked on how Members of the House are also increasingly unwilling to compromise on bills with the Senate. Ornstein presented the recent Energy and Medicare Prescription Drug Bills as examples of this trend where the common House attitude toward the Senate was, ‘If you don’t pass it exactly as we have passed it, we are just going to wash our hands of the whole matter.’ In addition to struggles between the houses of Congress, Ornstein highlighted how increasingly tribal politics are permeating Capitol Hill and hinder the policymaking process: “There is a sense of ‘us versus them’ that almost translates into ‘good versus evil.’” These factors have created an environment where Members are less able to work together naturally across institutional and party lines, as they had successfully done in the past. Without cooperation between the parties and the chambers, the creation of legislation that reflects the center is unlikely. The beliefs of most Americans reside close to the political center, yet, as Ornstein notes, legislation is less likely to represent these majority views because greater numbers of politicians are representing the outer “wings” of their parties, rather than the center.

Dr. Ornstein emphasized the waning independence of congressional committees and decreased adherence to rules and norms. As an example, Ornstein discussed how the Appropriations Committee strayed from its long-standing precedent of protecting against expensive misallocation of funds, “We’ve had this huge increase in earmarking of Members picking specific projects which often have little to do with the overall needs of the nation,” he explained. Ornstein also emphasized how, especially in the House, rules for handling amendments and debates are often bent because the belief that the ends justify the means permeates.

At the end of his remarks, Ornstein emphasized the importance of the Brademas Center in watching over and encouraging positive developments in Congress. To conclude he noted the importance of a strong Congress: “There is nothing more important, as I see it, for the future of our country than a vibrant Congress playing an independent and thorough policymaking and oversight role in society.”

Dr. Ornstein and the Senators then answered questions from the audience. In his response to a question about increased Presidential power, Ornstein discussed how the struggle for power between the Executive Branch and Congress is especially fierce in the current age of terrorism because there is “a natural inclination to turn more power over to the Executive Branch.” In response to a question raising concern about Congress’s future Sarbanes said, “The notion that the people cannot influence or shape their government, which is constantly bandied about, I think completely misses the mark. An energized public can in fact impact and shape

the government and its policies, but a lot of people sort of seem to look the other way and that I think is one of the underlying problems we confront.”

The speakers at the event provided interesting observations on the current relationship between the Executive and Legislative Branches of the Federal government. The Senator’s examples demonstrated the constraints Members face when constructing legislation and the various roles Members play in government. Ornstein’s remarks on the decline of institutional identity in Congress highlighted concerns about how Congress will function in the future, especially in the face of increasing presidential pressure to pursue a specific agenda. The event raised questions about how Congress should engage in oversight and what outcomes result from decreased adherence to rules. The John Brademas Center will continue to explore these topics through future events and research.

The event attracted an audience of over 100 including elected officials, federal government personnel, business leaders and academics. Among the numerous distinguished guests were the Honorable Corrine “Lindy” Boggs, the Honorable Cathy Long, the Honorable William Ratchford and the Honorable Paul G. Rogers--all former Members of Congress, as well as Alton Frye, Presidential Senior Fellow Emeritus at the Council on Foreign Relations and Thomas Mann, Senior Fellow in Governance Studies at the Brookings Institution—both members of the Center’s Advisory Council. Representatives from the Congressional Research Service, the National Archives and various academic institutions were also present. The event was made possible by a generous contribution from the Bernard and Irene Schwartz Foundation.

The central mission of the John Brademas Center for the Study of Congress is to advance the understanding of Congress and bring new insights and perspectives to those working on Capitol Hill and to citizens generally. The Center achieves its mission through non-partisan research, teaching, and public outreach activities focused on the role of Congress in making national policy. For more information please visit: <http://www.nyu.edu/ofp/brademascenter>