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# The Worst Congress Ever

*How our national legislature has become a stable of thieves and perverts -- in five easy steps*

*Matt Taibbi*

There is very little that sums up the record of the U.S. Congress in the Bush years better than a half-mad boy-addict put in charge of a federal commission on child exploitation. After all, if a hairy-necked, raincoat-clad freak like Rep. Mark Foley can get himself named co-chairman of the House Caucus on Missing and Exploited Children, one can only wonder: What the hell else is going on in the corridors of Capitol Hill these days?

These past six years were more than just the most shameful, corrupt and incompetent period in the history of the American legislative branch. These were the years when the U.S. parliament became a historical punch line, a political obscenity on par with the court of Nero or Caligula -- a stable of thieves and perverts who committed crimes rolling out of bed in the morning and did their very best to turn the mighty American empire into a debt-laden, despotic backwater, a Burkina Faso with cable.

To be sure, Congress has always been a kind of muddy ideological cemetery, a place where good ideas go to die in a maelstrom of bureaucratic hedging and rank favor-trading. Its whole history is one long love letter to sleaze, idiocy and pigheaded, glacial conservatism. That Congress exists mainly to

misspend our money and snore its way through even the direst political crises is something we Americans understand instinctively. "There is no native criminal class except Congress," Mark Twain said -- a joke that still provokes a laugh of recognition a hundred years later.

But the 109th Congress is no mild departure from the norm, no slight deviation in an already-underwhelming history. No, this is nothing less than a historic shift in how our democracy is run. The Republicans who control this Congress are revolutionaries, and they have brought their revolutionary vision for the House and Senate quite unpleasantly to fruition. In the past six years they have castrated the political minority, abdicated their oversight responsibilities mandated by the Constitution, enacted a conscious policy of massive borrowing and unrestrained spending, and installed a host of semipermanent mechanisms for transferring legislative power to commercial interests. They aimed far lower than any other Congress has ever aimed, and they nailed their target.

"The 109th Congress is so bad that it makes you wonder if democracy is a failed experiment," says Jonathan Turley, a noted constitutional scholar and the Shapiro Professor of Public Interest Law at George Washington Law School. "I think that if the Framers went to Capitol Hill today, it would shake their confidence in the system they created. Congress has become an exercise of raw power with no principles -- and in that environment corruption has flourished. The Republicans in Congress decided from the outset that their future would be inextricably tied to George Bush and his policies. It has become this sad session of members sitting down and drinking Kool-Aid delivered by Karl Rove. Congress became a mere extension of the White House."

The end result is a Congress that has hijacked the national treasury, frantically ceded power to the executive, and sold off the federal government in a private auction. It all happened before our very eyes. In case you missed it, here's how they did it -- in five easy steps:

## STEP ONE RULE BY CABAL

If you want to get a sense of how Congress has changed under GOP control, just cruise the basement hallways of storied congressional office buildings like Rayburn, Longworth and Cannon. Here, in the minority offices for the various congressional committees, you will inevitably find exactly the same character -- a Democratic staffer in rumpled khakis staring blankly off into space, nothing but a single lonely "Landscapes of Monticello" calendar on his wall, his eyes wide and full of astonished, impotent rage, like a rape victim. His skin is as white as the belly of a fish; he hasn't seen the sun in seven years.

It is no big scoop that the majority party in Congress has always found ways of giving the shaft to the minority. But there is a marked difference in the size and the length of the shaft the Republicans have given the Democrats in the past six years. There has been a systematic effort not only to deny the Democrats any kind of power-sharing role in creating or refining legislation but to humiliate them publicly, show them up, pee in their faces. Washington was once a chummy fraternity in which members of both parties golfed together, played in the same pickup basketball games, probably even shared the same mistresses. Now it is a one-party town -- and congressional business is conducted accordingly, as though the half of the country that the Democrats represent simply does not exist.

American government was not designed for one-party rule but for rule by consensus -- so this current batch of Republicans has found a way to work around that product design. They have scuttled both the spirit and the letter of congressional procedure, turning the lawmaking process into a backroom deal, with power concentrated in the hands of a few chiefs behind the scenes. This reduces the legislature to a Belarus-style rubber stamp, where the opposition is just there for show, human pieces of stagecraft -- a fact the Republicans don't even bother to conceal.

"I remember one incident very clearly -- I think it was 2001," says Winslow Wheeler, who served for twenty-two years as a Republican staffer in the Senate. "I was working for [New Mexico Republican] Pete Domenici at the time. We were in a Budget Committee hearing and the Democrats were debating what the final result would be. And my boss gets up and he says, 'Why are you saying this? You're not even going to be in the room when the decisions are made.' Just said it right out in the open."

Wheeler's very career is a symbol of a bipartisan age long passed into the history books; he is the last staffer to have served in the offices of a Republican and a Democrat at the same time, having once worked for both Kansas Republican Nancy Kassebaum and Arkansas Democrat David Pryor simultaneously. Today, those Democratic staffers trapped in the basement laugh at the idea that such a thing could ever happen again. These days, they consider themselves lucky if they manage to hold a single hearing on a bill before Rove's well-oiled legislative machine delivers it up for Bush's signature.

The GOP's "take that, bitch" approach to governing has been taken to the greatest heights by the House Judiciary Committee. The committee is chaired by the legendary Republican monster James Sensenbrenner Jr., an ever-sweating, fat-

fingered beast who wields his gavel in a way that makes you think he might have used one before in some other arena, perhaps to beat prostitutes to death. Last year, Sensenbrenner became apoplectic when Democrats who wanted to hold a hearing on the Patriot Act invoked a little-known rule that required him to let them have one.

"Naturally, he scheduled it for something like 9 a.m. on a Friday when Congress wasn't in session, hoping that no one would show," recalls a Democratic staffer who attended the hearing. "But we got a pretty good turnout anyway."

Sensenbrenner kept trying to gavel the hearing to a close, but Democrats again pointed to the rules, which said they had a certain amount of time to examine their witnesses. When they refused to stop the proceedings, the chairman did something unprecedented: He simply picked up his gavel and walked out.

"He was like a kid at the playground," the staffer says. And just in case anyone missed the point, Sensenbrenner shut off the lights and cut the microphones on his way out of the room.

For similarly petulant moves by a committee chair, one need look no further than the Ways and Means Committee, where Rep. Bill Thomas -- a pugnacious Californian with an enviable ego who was caught having an affair with a pharmaceutical lobbyist -- enjoys a reputation rivaling that of the rotund Sensenbrenner. The lowlight of his reign took place just before midnight on July 17th, 2003, when Thomas dumped a "substitute" pension bill on Democrats -- one that they had never read -- and informed them they would be voting on it the next morning. Infuriated, Democrats stalled by demanding that the bill be read out line by line while they recessed to a side room to confer. But Thomas wanted to move forward -- so he called the Capitol police to evict the Democrats.

Thomas is also notorious for excluding Democrats from the conference hearings needed to iron out the differences between House and Senate versions of a bill. According to the rules, conferences have to include at least one public, open meeting. But in the Bush years, Republicans have managed the conference issue with some of the most mind-blowingly juvenile behavior seen in any parliament west of the Russian Duma after happy hour. GOP chairmen routinely call a meeting, bring the press in for a photo op and then promptly shut the proceedings down. "Take a picture, wait five minutes, gavel it out -- all for show" is how one Democratic staffer described the process. Then, amazingly, the Republicans sneak off to hold the real conference, forcing the Democrats to turn amateur detective and go searching the Capitol grounds for the meeting. "More often than not, we're trying to figure out where the conference is," says one House aide.

In one legendary incident, Rep. Charles Rangel went searching for a secret conference being held by Thomas. When he found the room where Republicans closeted themselves, he knocked and knocked on the door, but no one answered. A House aide compares the scene to the famous "Land Shark" skit from *Saturday Night Live*, with everyone hiding behind the door afraid to make a sound. "Rangel was the land shark, I guess," the aide jokes. But the real punch line came when Thomas finally opened the door. "This meeting," he informed Rangel, "is only open to the coalition of the willing."

Republican rudeness and bluster make for funny stories, but the phenomenon has serious consequences. The collegial atmosphere that once prevailed helped Congress form a sense of collective identity that it needed to fulfill its constitutional role as a check on the power of the other two branches of government. It also enabled Congress to pass legislation with a wide mandate, legislation that had been negotiated between the

leaders of both parties. For this reason Republican and Democratic leaders traditionally maintained cordial relationships with each other -- the model being the collegiality between House Speaker Nicholas Longworth and Minority Leader John Nance Garner in the 1920s. The two used to hold daily meetings over drinks and even rode to work together.

Although cooperation between the two parties has ebbed and flowed over the years, historians note that Congress has taken strong bipartisan action in virtually every administration. It was Sen. Harry Truman who instigated investigations of wartime profiteering under FDR, and Republicans Howard Baker and Lowell Weicker Jr. played pivotal roles on the Senate Watergate Committee that nearly led to Nixon's impeachment.

But those days are gone. "We haven't seen any congressional investigations like this during the last six years," says David Mayhew, a professor of political science at Yale who has studied Congress for four decades. "These days, Congress doesn't seem to be capable of doing this sort of thing. Too much nasty partisanship."

One of the most depressing examples of one-party rule is the Patriot Act. The measure was originally crafted in classic bipartisan fashion in the Judiciary Committee, where it passed by a vote of thirty-six to zero, with famed liberals like Barney Frank and Jerrold Nadler saying aye. But when the bill was sent to the Rules Committee, the Republicans simply chucked the approved bill and replaced it with a new, far more repressive version, apparently written at the direction of then-Attorney General John Ashcroft.

"They just rewrote the whole bill," says Rep. James McGovern, a minority member of the Rules Committee. "All that committee work was just for show."

To ensure that Democrats can't alter any of the last-minute changes, Republicans have overseen a monstrous increase in the number of "closed" rules -- bills that go to the floor for a vote without any possibility of amendment. This tactic undercuts the very essence of democracy: In a bicameral system, allowing bills to be debated openly is the only way that the minority can have a real impact, by offering amendments to legislation drafted by the majority.

In 1977, when Democrats held a majority in the House, eighty-five percent of all bills were open to amendment. But by 1994, the last year Democrats ran the House, that number had dropped to thirty percent -- and Republicans were seriously pissed. "You know what the closed rule means," Rep. Lincoln Diaz-Balart of Florida thundered on the House floor. "It means no discussion, no amendments. That is profoundly undemocratic." When Republicans took control of the House, they vowed to throw off the gag rules imposed by Democrats. On opening day of the 104th Congress, then-Rules Committee chairman Gerald Solomon announced his intention to institute free debate on the floor. "Instead of having seventy percent closed rules," he declared, "we are going to have seventy percent open and unrestricted rules."

How has Solomon fared? Of the 111 rules introduced in the first session of this Congress, only twelve were open. Of those, eleven were appropriations bills, which are traditionally open. That left just one open vote -- H. Res. 255, the Federal Deposit Insurance Reform Act of 2005.

In the second session of this Congress? Not a single open rule, outside of appropriation votes. Under the Republicans, amendable bills have been a genuine Washington rarity, the upside-down eight-leafed clover of legislative politics.

When bills do make it to the floor for a vote, the debate generally resembles what one House aide

calls "preordained Kabuki." Republican leaders in the Bush era have mastered a new congressional innovation: the one-vote victory. Rather than seeking broad consensus, the leadership cooks up some hideously expensive, favor-laden boondoggle and then scales it back bit by bit. Once they're in striking range, they send the fucker to the floor and beat in the brains of the fence-sitters with threats and favors until enough members cave in and pass the damn thing. It is, in essence, a legislative microcosm of the electoral strategy that Karl Rove has employed to such devastating effect.

A classic example was the vote for the Central American Free Trade Agreement, the union-smashing, free-trade monstrosity passed in 2005. As has often been the case in the past six years, the vote was held late at night, away from the prying eyes of the public, who might be horrified by what they see. Thanks to such tactics, the 109th is known as the "Dracula" Congress: Twenty bills have been brought to a vote between midnight and 7 a.m.

CAFTA actually went to vote early -- at 11:02 p.m. When the usual fifteen-minute voting period expired, the nays were up, 180 to 175. Republicans then held the vote open for another forty-seven minutes while GOP leaders cruised the aisles like the family elders from *The Texas Chainsaw Massacre*, frantically chopping at the legs and arms of Republicans who opposed the measure. They even roused the president out of bed to help kick ass for the vote, passing a cell phone with Bush on the line around the House cloakroom like a bong. Rep. Robin Hayes of North Carolina was approached by House Speaker Dennis Hastert, who told him, "Negotiations are open. Put on the table the things that your district and people need and we'll get them." After receiving assurances that the administration would help textile manufacturers in his home state by restricting the flow of cheap Chinese imports, Hayes switched his vote to yea. CAFTA ultimately passed by two votes at 12:03 a.m.

Closed rules, shipwrecked bills, secret negotiations, one-vote victories. The result of all this is a Congress where there is little or no open debate and virtually no votes are left to chance; all the important decisions are made in backroom deals, and what you see on C-Span is just empty theater, the world's most expensive trained-dolphin act. The constant here is a political strategy of conducting congressional business with as little outside input as possible, rejecting the essentially conservative tradition of rule-by-consensus in favor of a more revolutionary strategy of rule by cabal.

"This Congress has thrown caution to the wind," says Turley, the constitutional scholar. "They have developed rules that are an abuse of majority power. Keeping votes open by freezing the clock, barring minority senators from negotiations on important conference issues -- it is a record that the Republicans should now dread. One of the concerns that Republicans have about losing Congress is that they will have to live under the practices and rules they have created. The abuses that served them in the majority could come back to haunt them in the minority."

## STEP TWO

### *WORK AS LITTLE AS POSSIBLE -- AND SCREW UP WHAT LITTLE YOU DO*

It's Thursday evening, September 28th, and the Senate is putting the finishing touches on the Military Commissions Act of 2006, colloquially known as the "torture bill." It's a law even Stalin would admire, one that throws habeas corpus in the trash, legalizes a vast array of savage interrogation techniques and generally turns the president of the United States into a kind of turbocharged Yoruba witch doctor, with nearly unlimited snatching powers. The bill is a fall-from-Eden moment in American history, a potentially disastrous step toward authoritarianism -- but what is most disturbing about it, beyond the fact that it's

happening, is that the senators are *hurrying* to get it done.

In addition to ending generations of bipartisanship and instituting one-party rule, our national legislators in the Bush years are guilty of something even more fundamental: They suck at their jobs.

They don't work many days, don't pass many laws, and the few laws they're forced to pass, they pass late. In fact, in every year that Bush has been president, Congress has failed to pass more than three of the eleven annual appropriations bills on time.

figures into tonight's problems. At this very moment, as the torture bill goes to a vote, there are only a few days left until the beginning of the fiscal year -- and not one appropriations bill has been passed so far. That's why these assholes are hurrying to bag this torture bill: They want to finish in time to squeeze in a measly two hours of debate tonight on the half-trillion-dollar defense-appropriations bill they've blown off until now. The plan is to then wrap things up tomorrow before splitting Washington for a month of real work, i.e., campaigning.

Sen. Pat Leahy of Vermont comments on this rush to torture during the final, frenzied debate. "Over 200 years of jurisprudence in this country," Leahy pleads, "and following an hour of debate, we get rid of it?"

Yawns, chatter, a few sets of rolling eyes -- yeah, whatever, Pat. An hour later, the torture bill is law. Two hours after that, the diminutive chair of the Defense Appropriations Subcommittee, Sen. Ted Stevens, reads off the summary of the military-spending bill to a mostly empty hall; since the members all need their sleep and most have left early, the "debate" on the biggest spending bill of the year is conducted before a largely phantom audience.

"Mr. President," Stevens begins, eyeing the few members present. "There are only four days left in the fiscal year. The 2007 defense appropriations conference report must be signed into law by the president before Saturday at midnight. . . ."

Watching Ted Stevens spend half a trillion dollars is like watching a junkie pull a belt around his biceps with his teeth. You get the sense he could do it just as fast in the dark. When he finishes his summary -- \$436 billion in defense spending, including \$70 billion for the Iraq "emergency" -- he fucks off and leaves the hall. A few minutes later, Sen. Tom Coburn of Oklahoma -- one of the so-called honest Republicans who has clashed with his own party's leadership on spending issues -- appears in the hall and whines to the empty room about all the lavish pork projects and sheer unadulterated waste jammed into the bill. But aside from a bored-looking John Cornyn of Texas, who is acting as president pro tempore, and a couple of giggling, suit-clad pages, there is no one in the hall to listen to him.

In the Sixties and Seventies, Congress met an average of 162 days a year. In the Eighties and Nineties, the average went down to 139 days. This year, the second session of the 109th Congress will set the all-time record for fewest days worked by a U.S. Congress: ninety-three. That means that House members will collect their \$165,000 paychecks for only three months of actual work.

What this means is that the current Congress will not only beat but shatter the record for laziness set by the notorious "Do-Nothing" Congress of 1948, which met for a combined 252 days between the House and the Senate. This Congress -- the Do-Even-Less Congress -- met for 218 days, just over half a year, between the House and the Senate *combined*.

And even those numbers don't come close to telling the full story. Those who actually work on

the Hill will tell you that a great many of those "workdays" were shameless mail-ins, half-days at best. Congress has arranged things now so that the typical workweek on the Hill begins late on Tuesday and ends just after noon on Thursday, to give members time to go home for the four-day weekend. This is borne out in the numbers: On nine of its "workdays" this year, the House held not a single vote -- meeting for less than eleven minutes. The Senate managed to top the House's feat, pulling off three workdays this year that lasted less than one minute. All told, a full fifteen percent of the Senate's workdays lasted less than four hours. Figuring for half-days, in fact, the 109th Congress probably worked almost two months less than that "Do-Nothing" Congress.

Congressional laziness comes at a high price. By leaving so many appropriations bills unpassed by the beginning of the new fiscal year, Congress forces big chunks of the government to rely on "continuing resolutions" for their funding. Why is this a problem? Because under congressional rules, CRs are funded at the lowest of three levels: the level approved by the House, the level approved by the Senate or the level approved from the previous year. Thanks to wide discrepancies between House and Senate appropriations for social programming, CRs effectively operate as a backdoor way to slash social programs. It's also a nice way for congressmen to get around having to pay for expensive-ass programs they voted for, like No Child Left Behind and some of the other terminally underfunded boondoggles of the Bush years.

"The whole point of passing appropriations bills is that Congress is supposed to make small increases in programs to account for things like the increase in population," says Adam Hughes, director of federal fiscal policy for OMB Watch, a nonpartisan watchdog group. "It's their main job." Instead, he says, the reliance on CRs "leaves programs underfunded."

Instead of dealing with its chief constitutional duty - - approving all government spending -- Congress devotes its time to dumb bullshit. "This Congress spent a week and a half debating Terri Schiavo -- it never made appropriations a priority," says Hughes. In fact, Congress leaves itself so little time to pass the real appropriations bills that it winds up rolling them all into one giant monstrosity known as an Omnibus bill and passing it with little or no debate. Rolling eight-elevenths of all federal spending into a single bill that hits the floor a day or two before the fiscal year ends does not leave much room to check the fine print. "It allows a lot more leeway for fiscal irresponsibility," says Hughes.

A few years ago, when Democratic staffers in the Senate were frantically poring over a massive Omnibus bill they had been handed the night before the scheduled vote, they discovered a tiny provision that had not been in any of the previous versions. The item would have given senators on the Appropriations Committee access to the private records of any taxpayer -- essentially endowing a few selected hacks in the Senate with the license to snoop into the private financial information of all Americans.

"We were like, 'What the hell is this?'" says one Democratic aide familiar with the incident. "It was the most egregious thing imaginable. It was just lucky we caught them."

### STEP THREE *LET THE PRESIDENT DO WHATEVER HE WANTS*

The constitution is very clear on the responsibility of Congress to serve as a check on the excesses of the executive branch. The House and Senate, after all, are supposed to pass all laws -- the president is simply supposed to execute them. Over the years, despite some ups and downs, Congress has been fairly consistent in upholding this fundamental responsibility, regardless of which party controlled

the legislative branch. Elected representatives saw themselves as beholden not to their own party or the president but to the *institution* of Congress itself. The model of congressional independence was Sen. William Fulbright, who took on McCarthy, Kennedy, Johnson and Nixon with equal vigor during the course of his long career.

"Fulbright behaved the same way with Nixon as he did with Johnson," says Wheeler, the former Senate aide who worked on both sides of the aisle. "You wouldn't see that today."

In fact, the Republican-controlled Congress has created a new standard for the use of oversight powers. That standard seems to be that when a Democratic president is in power, there are no matters too stupid or meaningless to be investigated fully -- but when George Bush is president, no evidence of corruption or incompetence is shocking enough to warrant congressional attention. One gets the sense that Bush would have to drink the blood of Christian babies to inspire hearings in Congress -- and only then if he did it during a nationally televised State of the Union address and the babies were from Pennsylvania, where Senate Judiciary chairman Arlen Specter was running ten points behind in an election year.

The numbers bear this out. From the McCarthy era in the 1950s through the Republican takeover of Congress in 1995, no Democratic committee chairman issued a subpoena without either minority consent or a committee vote. In the Clinton years, Republicans chucked that long-standing arrangement and issued more than 1,000 subpoenas to investigate alleged administration and Democratic misconduct, reviewing more than 2 million pages of government documents.

Guess how many subpoenas have been issued to the White House since George Bush took office? Zero -- that's right, zero, the same as the number of

open rules debated this year; two fewer than the number of appropriations bills passed on time.

And the cost? Republicans in the Clinton years spent more than \$35 million investigating the administration. The total amount of taxpayer funds spent, when independent counsels are taken into account, was more than \$150 million. Included in that number was \$2.2 million to investigate former HUD secretary Henry Cisneros for lying about improper payments he made to a mistress. In contrast, today's Congress spent barely half a million dollars investigating the outright fraud and government bungling that followed Hurricane Katrina, the largest natural disaster in American history.

"Oversight is one of the most important functions of Congress -- perhaps more important than legislating," says Rep. Henry Waxman. "And the Republicans have completely failed at it. I think they decided that they were going to be good Republicans first and good legislators second."

As the ranking minority member of the Government Reform Committee, Waxman has earned a reputation as the chief Democratic muckraker, obsessively cranking out reports on official misconduct and incompetence. Among them is a lengthy document detailing all of the wrongdoing by the Bush administration that should have been investigated -- and would have been, in any other era. The litany of fishy behavior left uninvestigated in the Bush years includes the manipulation of intelligence on Saddam Hussein's weapons of mass destruction, the mistreatment of Iraqi detainees, the leak of Valerie Plame's CIA status, the award of Halliburton contracts, the White House response to Katrina, secret NSA wiretaps, Dick Cheney's energy task force, the withholding of Medicare cost estimates, the administration's politicization of science, contract abuses at Homeland Security and lobbyist influence at the EPA.

Waxman notes that the failure to investigate these issues has actually hurt the president, leaving potentially fatal flaws in his policies unexamined even by those in his own party. Without proper congressional oversight, small disasters like the misuse of Iraq intelligence have turned into huge, festering, unsolvable fiascos like the Iraq occupation. Republicans in Congress who stonewalled investigations of the administration "thought they were doing Bush a favor," says Waxman. "But they did him the biggest disservice of all."

Congress has repeatedly refused to look at any aspect of the war. In 2003, Republicans refused to allow a vote on a bill introduced by Waxman that would have established an independent commission to review the false claims Bush made in asking Congress to declare war on Iraq. That same year, the chair of the House Intelligence Committee, Porter Goss, refused to hold hearings on whether the administration had forged evidence of the nuclear threat allegedly posed by Iraq. A year later the chair of the Government Reform Committee, Tom Davis, refused to hold hearings on new evidence casting doubt on the "nuclear tubes" cited by the Bush administration before the war. Sen. Pat Roberts, who pledged to issue a Senate Intelligence Committee report after the 2004 election on whether the Bush administration had misled the public before the invasion, changed his mind after the president won re-election. "I think it would be a monumental waste of time to re-plow this ground any further," Roberts said.

Sensenbrenner has done his bit to squelch any debate over Iraq. He refused a request by John Conyers and more than fifty other Democrats for hearings on the famed "Downing Street Memo," the internal British document that stated that Bush had "fixed" the intelligence about the war, and he was one of three committee chairs who rejected requests for hearings on the abuse of Iraqi detainees. Despite an international uproar over

Abu Ghraib, Congress spent only twelve hours on hearings on the issue. During the Clinton administration, by contrast, the Republican Congress spent 140 hours investigating the president's alleged misuse of his Christmas-card greeting list.

"You talk to many Republicans in Congress privately, and they will tell you how appalled they are by the administration's diminishment of civil liberties and the constant effort to keep fear alive," says Turley, who testified as a constitutional scholar in favor of the Clinton impeachment. "Yet those same members slavishly vote with the White House. What's most alarming about the 109th has been the massive erosion of authority in Congress. There has always been partisanship, but this is different. Members have become robotic in the way they vote."

Perhaps the most classic example of failed oversight in the Bush era came in a little-publicized hearing of the Senate Armed Services Committee held on February 13th, 2003 -- just weeks before the invasion of Iraq. The hearing offered senators a rare opportunity to grill Secretary of Defense Donald Rumsfeld and top Pentagon officials on a wide variety of matters, including the fairly important question of whether they even had a fucking plan for the open-ended occupation of a gigantic hostile foreign population halfway around the planet. This was the biggest bite that Congress would have at the Iraq apple before the war, and given the gravity of the issue, it should have been a beast of a hearing.

But it wasn't to be. In a meeting that lasted two hours and fifty-three minutes, only one question was asked about the military's readiness on the eve of the invasion. Sen. John Warner, the committee's venerable and powerful chairman, asked Gen. Richard Myers if the U.S. was ready to fight simultaneously in both Iraq and North Korea, if necessary.

Myers answered, "Absolutely."

And that was it. The entire exchange lasted fifteen seconds. The rest of the session followed a pattern familiar to anyone who has watched a hearing on C-Span: The members, when they weren't reading or chatting with one another, used their time with witnesses almost exclusively to address parochial concerns revolving around pork projects in their own districts. Warner set the tone in his opening remarks; after announcing that U.S. troops preparing to invade Iraq could count on his committee's "strongest support," the senator from Virginia quickly turned to the question of how the war would affect the budget for Navy shipbuilding, which, he said, was not increasing "as much as we wish." Not that there's a huge Navy shipyard in Newport News, Virginia, or anything.

Other senators followed suit. Daniel Akaka was relatively uninterested in Iraq but asked about reports that Korea might have a missile that could reach his home state of Hawaii. David Pryor of Arkansas used his time to tout the wonders of military bases in Little Rock and Pine Bluff. When the senators weren't eating up their allotted time in this fashion, they were usually currying favor with the generals. Warner himself nicely encapsulated the obsequious tone of the session when he complimented Rumsfeld for having his shit so together on the war.

"I think your response reflects that we have given a good deal of consideration," Warner said. "That we have clear plans in place and are ready to proceed." We all know how that turned out.

## **STEP FOUR** *SPEND, SPEND, SPEND*

There is a simple reason that members of Congress don't waste their time providing any oversight of the executive branch: There's nothing in it for them. "What they've all figured out is that there's

no political payoff in oversight," says Wheeler, the former congressional staffer. "But there's a big payoff in pork."

When one considers that Congress has forsaken hearings and debate, conspired to work only three months a year, completely ditched its constitutional mandate to provide oversight and passed very little in the way of meaningful legislation, the question arises: What do they do?

The answer is easy: They spend. When Bill Clinton left office, the nation had a budget surplus of \$236 billion. Today, thanks to Congress, the budget is \$296 billion in the hole. This year, more than sixty-five percent of all the money borrowed in the entire world will be borrowed by America, a statistic fueled by the speed-junkie spending habits of our supposedly "fiscally conservative" Congress. It took forty-two presidents before George W. Bush to borrow \$1 trillion; under Bush, Congress has more than doubled that number in six years. And more often than not, we are borrowing from countries the sane among us would prefer not to be indebted to: The U.S. shells out \$77 billion a year in interest to foreign creditors, including payment on the \$300 billion we currently owe China.

What do they spend that money on? In the age of Jack Abramoff, that is an ugly question to even contemplate. But let's take just one bill, the so-called energy bill, a big, hairy, favor-laden bitch of a law that started out as the wet dream of Dick Cheney's energy task force and spent four long years leaving grease-tracks on every set of palms in the Capitol before finally becoming law in 2005.

Like a lot of laws in the Bush era, it was crafted with virtually no input from the Democrats, who were excluded from the conference process. And during the course of the bill's gestation period we were made aware that many of its provisions were more or less openly for sale, as in the case of a small electric utility from Kansas called Westar Energy.

Westar wanted a provision favorable to its business inserted in the bill -- and in an internal company memo, it acknowledged that members of Congress had requested Westar donate money to their campaigns in exchange for the provision. The members included former Louisiana congressman Billy Tauzin and current Energy and Commerce chairman Joe Barton of Texas. "They have made this request in lieu of contributions made to their own campaigns," the memo noted. The total amount of Westar's contributions was \$58,200.

Keep in mind, that number -- fifty-eight grand -- was for a single favor. The energy bill was loaded with them. Between 2001 and the passage of the bill, energy companies donated \$115 million to federal politicians, with seventy-five percent of the money going to Republicans. When the bill finally passed, it contained \$6 billion in subsidies for the oil industry, much of which was funneled through a company with ties to Majority Leader Tom DeLay. It included an exemption from the Safe Drinking Water Act for companies that use a methane-drilling technique called "hydraulic fracturing" -- one of the widest practitioners of which is Halliburton. And it included billions in subsidies for the construction of new coal plants and billions more in loan guarantees to enable the coal and nuclear industries to borrow money at bargain-basement interest rates.

Favors for campaign contributors, exemptions for polluters, shifting the costs of private projects on to the public -- these are the specialties of this Congress. They seldom miss an opportunity to impoverish the states we live in and up the bottom line of their campaign contributors. All this time -- while Congress did nothing about Iraq, Katrina, wiretapping, Mark Foley's boy-madness or anything else of import -- it has been all about pork, all about political favors, all about budget "earmarks" set aside for expensive and often useless projects in their own districts. In 2000, Congress passed 6,073 earmarks; by 2005, that number had risen to

15,877. They got better at it every year. It's the one thing they're good at.

Even worse, this may well be the first Congress ever to lose control of the government's finances. For the past six years, it has essentially been writing checks without keeping an eye on its balance. When you do that, unpleasant notices eventually start appearing in the mail. In 2003, the inspector general of the Defense Department reported to Congress that the military's financial-management systems did not comply with "generally accepted accounting principles" and that the department "cannot currently provide adequate evidence supporting various material amounts on the financial statements."

Translation: The Defense Department can no longer account for its money. "It essentially can't be audited," says Wheeler, the former congressional staffer. "And nobody did anything about it. That's the job of Congress, but they don't care anymore."

So not only does Congress not care what intelligence was used to get into the war, what the plan was supposed to be once we got there, what goes on in military prisons in Iraq and elsewhere, how military contracts are being given away and to whom -- it doesn't even give a shit what happens to the half-trillion bucks it throws at the military every year.

Not to say, of course, that this Congress hasn't made an effort to reform itself. In the wake of the Jack Abramoff scandal, and following a public uproar over the widespread abuse of earmarks, both the House and the Senate passed their own versions of an earmark reform bill this year. But when the two chambers couldn't agree on a final version, the House was left to pass its own watered-down measure in the waning days of the most recent session. This pathetically, almost historically half-assed attempt at reforming

corruption should tell you all you need to know about the current Congress.

The House rule will force legislators to attach their names to all earmarks. Well, not all earmarks. Actually, the new rule applies only to *nonfederal* funding -- money for local governments, nonprofits and universities. And the rule will remain in effect only for the remainder of this congressional year -- in other words, for the few remaining days of business after lawmakers return to Washington following the election season. After that, it's back to business as usual next year.

That is what passes for "corruption reform" in this Congress -- forcing lawmakers to put their names on a tiny fraction of all earmarks. For a couple of days.

## STEP FIVE *LINE YOUR OWN POCKETS*

Anyone who wants to get a feel for the kinds of beasts that have been roaming the grounds of the congressional zoo in the past six years need only look at the deranged, handwritten letter that convicted bribe-taker and GOP ex-congressman Randy "Duke" Cunningham recently sent from prison to Marcus Stern, the reporter who helped bust him. In it, Cunningham -- who was convicted last year of taking \$2.4 million in cash, rugs, furniture and jewelry from a defense contractor called MZM -- bitches out Stern in the broken, half-literate penmanship of a six-year-old put in time-out.

"Each time you print it hurts my family And now I have lost them Along with Everything I have worked for during my 64 years of life," Cunningham wrote. "I am human not an Animal to keep whipping [*sic*]. I made some decissions [*sic*] Ill be sorry for the rest of my life."

The amazing thing about Cunningham's letter is not his utter lack of remorse, or his insistence on blaming defense contractor Mitchell Wade for rattling him out ("90% of what has happed [*sic*] is Wade," he writes), but his frantic, almost epic battle with the English language. It is clear that the same Congress that put a drooling child-chaser like Mark Foley in charge of a House caucus on child exploitation also named Cunningham, a man who can barely write his own name in the ground with a stick, to a similarly appropriate position. Ladies and gentlemen, we give you the former chairman of the House Subcommittee on Human Intelligence Analysis and Counterintelligence:

"As truth will come out and you will find out how liablest [*sic*] you have & will be. Not once did you list the positives. Education Man of the Year...hospital funding, jobs, Hiway [*sic*] funding, border security, Megans law my bill, Tuna Dolfin [*sic*] my bill...and every time you wanted an expert on the wars who did you call. No Marcus you write About how I died."

*How liablest you have & will be?* What the fuck does that even mean? This guy sat on the Appropriations Committee for years -- no wonder Congress couldn't pass any spending bills!

This is Congress in the Bush years, in a nutshell -- a guy who takes \$2 million in bribes from a contractor, whooping it up in turtlenecks and pajama bottoms with young women on a contractor-provided yacht named after himself (the "Duke-Stir"), and not only is he shocked when he's caught, he's too dumb to even understand that he's been guilty of anything.

This kind of appalling moral blindness, a sort of high-functioning, sociopathic stupidity, has been a consistent characteristic of the numerous Republicans indicted during the Bush era. Like all revolutionaries, they seem to feel entitled to break rules in the name of whatever the hell it is they

think they're doing. And when caught breaking said rules with wads of cash spilling out of their pockets, they appear genuinely indignant at accusations of wrongdoing. Former House Majority Leader and brazen fuckhead Tom DeLay, after finally being indicted for money laundering, seemed amazed that anyone would bring him into court.

"I have done nothing wrong," he declared. "I have violated no law, no regulation, no rule of the House." Unless, of course, you count the charges against him for conspiring to inject illegal contributions into state elections in Texas "with the intent that a felony be committed."

It was the same when Ohio's officious jackass of a (soon-to-be-ex) Congressman Bob Ney finally went down for accepting \$170,000 in trips from Abramoff in exchange for various favors. Even as the evidence piled high, Ney denied any wrongdoing. When he finally did plead guilty, he blamed the sauce. "A dependence on alcohol has been a problem for me," he said.

Abramoff, incidentally, was another Republican with a curious inability to admit wrongdoing even after conviction; even now he confesses only to trying too hard to "save the world." But everything we know about Abramoff suggests that Congress has embarked on a never-ending party, a wild daisy-chain of golf junkets, skybox tickets and casino trips. Money is everywhere and guys like Abramoff found ways to get it to guys like Ney, who made the important discovery that even a small entry in the Congressional Record can get you a tee time at St. Andrews.

Although Ney is so far the only congressman to win an all-expenses trip to prison as a result of his relationship with Abramoff, nearly a dozen other House Republicans are known to have done favors for him. Rep. Jim McCrery of Louisiana, who accepted some \$36,000 from Abramoff-connected donors, helped prevent the Jena Band of Choctaw

Indians from opening a casino that would have competed with Abramoff's clients. Rep. Deborah Pryce, who sent a letter to Interior Secretary Gale Norton opposing the Jena casino, received \$8,000 from the Abramoff money machine. Rep. John Doolittle, whose wife was hired to work for Abramoff's sham charity, also intervened on behalf of the lobbyist's clients.

Then there was DeLay and his fellow Texan, Rep. Pete Sessions, who did Abramoff's bidding after accepting gifts and junkets. So much energy devoted to smarmy little casino disputes at a time when the country was careening toward disaster in Iraq: no time for oversight but plenty of time for golf.

For those who didn't want to go the black-bag route, there was always the legal jackpot. Billy Tauzin scarcely waited a week after leaving office to start a \$2 million-a-year job running PhRMA, the group that helped him push through a bill prohibiting the government from negotiating lower prices for prescription drugs. Tauzin also became the all-time poster boy for pork absurdity when a "greenbonds initiative" crafted in his Energy and Commerce Committee turned out to be a subsidy to build a Hooters in his home state of Louisiana.

The greed and laziness of the 109th Congress has reached such epic proportions that it has finally started to piss off the public. In an April poll by CBS News, fully two-thirds of those surveyed said that Congress has achieved "less than it usually does during a typical two-year period." A recent Pew poll found that the chief concerns that occupy Congress -- gay marriage and the inheritance tax -- are near the bottom of the public's list of worries. Those at the top -- education, health care, Iraq and Social Security -- were mostly blown off by Congress. Even a Fox News poll found that fifty-three percent of voters say Congress isn't "working on issues important to most Americans."

One could go on and on about the scandals and failures of the past six years; to document them all would take . . . well, it would take more than ninety-three fucking days, that's for sure. But you can boil the whole sordid mess down to a few basic concepts. Sloth. Greed. Abuse of power. Hatred of democracy. Government as a cheap backroom deal, finished in time for thirty-six holes of the world's best golf. And brains too stupid to be ashamed of any of it. If we have learned nothing else in the Bush years, it's that this Congress cannot be reformed. The only way to change it is to get rid of it.

Fortunately, we still get that chance once in a while.

*Posted Oct 17, 2006 2:36 PM*