

Reform on My Terms: Partisan and Ideological Responses to a Corruption Scandal

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There are times when the news coming out of Washington seems to confirm Americans' worst fears about Congress. January 2006 was one such time. Accused of fraud, tax evasion, and conspiracy to bribe a public official, former lobbyist Jack Abramoff struck a plea deal with federal investigators in which he vowed to name members of Congress and congressional staffers whom he provided with gifts, campaign contributions, and trips in exchange for favorable activity on key legislation (Schmidt and Grimaldi 2006). The public favored reform in the wake of the scandal, with 58% of respondents to an ABC/*Washington Post* poll saying the allegations were evidence of widespread corruption in Washington, and 90% stating that lobbyists should not be able to provide gifts or trips to members of Congress¹ (for more on the public reaction to the scandal see: Best, Ladewig, and Wong 2013; Cobb and Taylor 2014.) The Republican House and Senate that year passed versions of lobbying and earmark reform but never agreed on a comprehensive reform bill (Kady 2006). After Democrats seized control of Congress in 2007, the new majority party instituted a series of reforms, including earmark disclosure and a ban on gifts, trips, and meals paid for by lobbyists.

Both parties, it seems, agreed that reform needed to occur in the wake of the Abramoff scandal, but did the parties agree over the goals of reform? To hear David Dreier (R-CA) introduce the Lobbying Accountability and Transparency Act of 2006, one might think so. In the floor debate leading up to the passage of the bill Dreier argued, "Anyone, anyone, Democrat and Republican alike, outside groups, academics, anyone who wanted to offer any suggestion ... has had that opportunity. This has been a very thorough and, again, a very bipartisan process."² The next speaker, Louise Slaughter (D-NY), quickly dispelled any notion that the two parties unified around a common reform measure: "This bill is a sham; and by promoting it as a real reform measure, Republicans are lying to the American people."³ In the end, only eight Democrats joined the 209 Republicans who voted in favor of the bill. Roughly a year later, with Democrats set to pass the Honest Leadership and Open Government Act of 2007, it was Republicans' turn to call the reform a sham. "This bill as it is currently written is a fraud," said Senator Jim Demint (R-SC).⁴ In the end, 14 Republican senators opposed the final version of the bill.

What does partisan disagreement over how to respond to the Abramoff scandal tell us about the politics of ethics reform

in the contemporary Congress? One possibility is that "partisan teamism" forces members into opposing camps even when there is no ideological disagreement (Lee 2009). Although this is part of the story, I argue that ideological disagreements also arose as both parties sought to advance other goals while they advocated for reform. Republicans, on the one hand, used the scandal as an opportunity to attack earmarks and government spending more broadly. Democrats, on the other hand, used the scandal to highlight the role lobbyists played in helping craft legislation Democrats disagreed with ideologically. As both parties sought to frame the scandal in a way that helped them advance other ideological goals, the disagreements over how to respond to the scandal became *both* partisan and ideological.

Although the focus here is on elite response to a single scandal, it indicates the potential fruitfulness of additional research into how Congress responds to charges of institutional corruption. In an era of heightened competition between the parties, there are incentives for members of Congress to address public dissatisfaction with the institution when its reputation takes a substantial hit. This responsiveness, however, is not immune from the typical partisan and ideological battles that have come to characterize the modern Congress. Instead, the Abramoff case demonstrates that both parties see scandals as an opportunity to advance their power-seeking and policy goals. The Abramoff scandal created an opportunity for members of Congress to "couple" their ideological goals with calls for ethics reform (Kingdon 2003), thus aligning multiple interests behind reform efforts (Schickler 2001). The two parties' responses to the Abramoff scandal are therefore consistent with expectations that congressional reform efforts in a partisan era become entangled with the parties' policy and electoral goals (Adler 2002, chapter 7). Research into congressional reaction to scandals thus offers an opportunity to investigate both how responsive Congress is to charges of institutional corruption and how individual and collective actors inside the institution seek to shape the politics surrounding reform.

THE SCANDAL AND THE RESPONSE

Media attention to the Abramoff scandal spiked in January 2006 when he reached a plea deal. A search of the Vanderbilt Television News Archives for the word "Abramoff" shows 23 nightly news stories on ABC, NBC, and CBS news in January 2006, compared to five stories in the three prior months combined (see also Best et al. 2013, 134). The Abramoff scandal not only

raised concerns about lobbyists' access, it also heightened attention to earmarks, or funds for specific projects inserted into appropriations bills. As earmark opponent Jeff Flake (R-AZ) argued in a *New York Times* editorial, "The disgraced lobbyist Jack Abramoff was astute when he referred to the House Appropriations Committee as an 'earmark favor factory'" (Flake 2006). Reformers thus focused on both earmarks and lobbying.

occurred in subsequent years (Doyle 2011), with a complete moratorium on earmarks occurring after Republicans retook control of the House in 2011.

THE PARTISAN DIVIDE

The responsiveness in Congress did not come without partisan rancor, however. Scholars have previously argued

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In January 2006 alone, 12 bills were introduced in the House and Senate that proposed changes to the earmark process, lobbying rules, or both. Most of these bills were a clear response to the Abramoff scandal. Figure 1 plots the introduction of bills proposing earmark or lobbying reform in each quarter from the first quarter of 2003 through the fourth quarter of 2008. In the 12 quarters immediately prior to January 2006, members of Congress introduced a total of 24 bills related to earmarks, lobbying, or both. In the 12 quarters from January 2006 through December 2008, members of Congress introduced 100 such bills.⁵

Many of the resultant reforms did not immediately occur, but reforms did come. As previously noted, Congress passed the Honest Leadership and Open Government Act in 2007. Although it is difficult (and probably inaccurate) to trace all subsequent reforms to the Abramoff scandal, the reform-minded 110th Congress also created the independent Office of Congressional Ethics in 2008, which has the power to investigate charges of unethical behavior by members of Congress and make recommendations to the House Ethics Committee. Additional earmark reforms

that parties try to use scandals and the issue of government ethics for partisan gain. Although some have argued that ethics charges are a way to subvert traditional electoral politics (Ginsberg and Shefter 1999), others argue that raising ethics issues can be part of an electoral strategy (Best et al. 2013; Lee 2009; Quirk 1998; Theriault 2005). Although partisan electoral considerations undoubtedly played a role in the sparring that took place following the scandal, a focus solely on partisan posturing tells an incomplete story about why the parties divided over reform in the wake of the Abramoff scandal. The scandal also became an opportunity for Democrats and Republicans to attempt to advance other ideological goals. In a classic account of how politicians and other policy entrepreneurs seek to advance their causes, Kingdon (2003, 203) notes, "They have pet solutions ... and wait for problems to float by to which they can attach their solutions, or for developments in the political stream that they can use to their advantage." As this section demonstrates, the Abramoff scandal served as one such development.

The relative attention the two parties paid to earmark and lobbying reform illustrates the divide that emerged over how to respond to the Abramoff scandal. Figure 2 plots the number of bills each party introduced focusing on earmark and lobbying reform from January 2006 through the end of 2008. Figure 2 shows that Democrats, on the one hand, prioritized lobbying reform above earmark reform, with 34 bills focused on lobbying reform compared to 19 focused on earmark reform in the two years following the scandal. Republicans, on the other hand, introduced 36 earmark reform bills compared to 26 lobbying reform bills.⁶

By focusing on earmarks, Republicans were able to adopt a reform stance aimed at reducing government spending. *CQ Weekly*, in a story about the debate taking place within the Republican Party over earmark reform, highlights the dual goals of reform: "Debate over earmarks turned passionate for two reasons: the belief among fiscal conservatives that the practice of inserting

Figure 1

Earmark/Lobby Reform Bills by Quarter (First Quarter of 2003–Final Quarter of 2008)

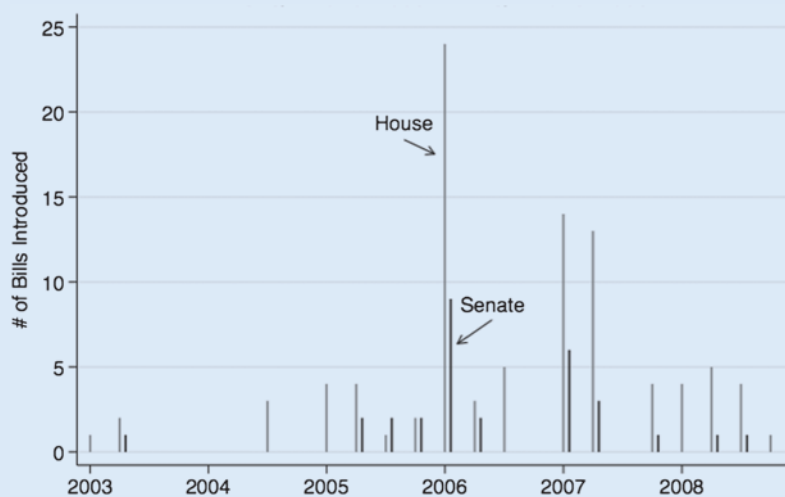
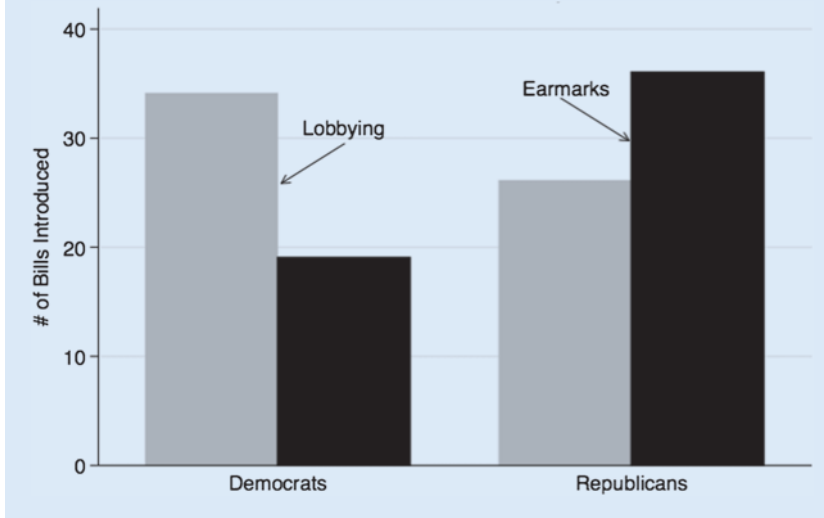


Figure 2

Earmark and Lobbying Reform Bills by Party (House and Senate Combined, 2006–2008)



them into appropriations bills every year has undermined efforts to keep federal spending in check; and the public's perception that the special money provisions play a critical role in interactions between lobbyist and lawmakers," (Poole 2006, 1164). In a speech on the House floor, Mike Pence (R-IN) made clear his vision for reform included reining in government spending. He argued, "Fiscal and moral integrity are inseparable issues ... Only by marrying budget reform and ethics reform can we hope to restore the confidence of the American people in the fiscal and moral integrity of our national legislature."⁷ Just as other efforts at congressional reform align competing goals and interests (Schickler 2001), the Republican push for earmark reform following the Abramoff scandal appealed to both institutional reformers and fiscal conservatives.

Meanwhile, Democrats' focus on lobbying reform often singled out legislation Democrats disagreed with ideologically as examples of the corruption lobbyists bring to the legislative process. During debate over the Lobbying Accountability and Transparency Act, Martin Meehan (D-MA) noted, "Instead of allowing an open debate on our proposals, the leadership proposed and decided that it would be business as usual. What do I mean by 'business as usual?' Well, I mean last year we voted an energy bill written by big oil companies loaded with \$12 billion in tax breaks for the oil and gas industry."⁸ Meehan's quote

is an example of how Democrats used the lobbying issue to both criticize the power of big business in a Republican-controlled Congress and also criticize bills that proved incongruent with Democrats' liberal ideology.

Although the quotes cited previously provide anecdotal evidence that the parties talked about reform differently, it is possible to conduct a more systematic test of this argument. To do so, I analyzed members' speeches during the debate over the Lobbying Accountability and Transparency Act of 2006 (H.R. 4975). Mentioned in the introduction, the bill both increased disclosure of lobbyist activity and earmark requests. The bill passed the House, but it ultimately died after Republicans failed to reconcile the House and Senate versions. Democrats, nearly united in their opposition to the bill, called for stronger lobbying reform, which they passed in 2007.

Because the bill contained both earmark and lobbying provisions, it is possible to analyze which aspect of the bill Democrats and Republicans emphasized in their speeches. To do so, I performed a content analysis of the remarks of the 31 members (17 Democrats and 14 Republicans) who spoke during debate over legislation. Through an automated content analysis program, Linguistic Inquiry and Word Count (Pennebaker, Booth, and Francis 2007), I searched the speeches for any mentions of lobbying or earmarks.⁹ The results are presented in table 1.

Consistent with the bill sponsorship data, Republicans focused more on earmarks while Democrats talked about lobbying. A higher percentage of Republicans mentioned earmarks at least once during their speech than did Democrats, while Democratic members proved more likely to mention lobbying than Republicans, although neither difference reaches statistical significance at $p < 0.05$. The final two columns show the average number of times members mentioned earmarks and lobbying, respectively. Republicans mentioned earmarks 1.86 times on average in their speeches, while Democrats averaged less than a half a mention ($p < 0.05$). Democrats, meanwhile, focused more attention on lobbying, averaging 7.00 mentions to Republicans' 3.21 mentions ($p < 0.05$).

Table 1

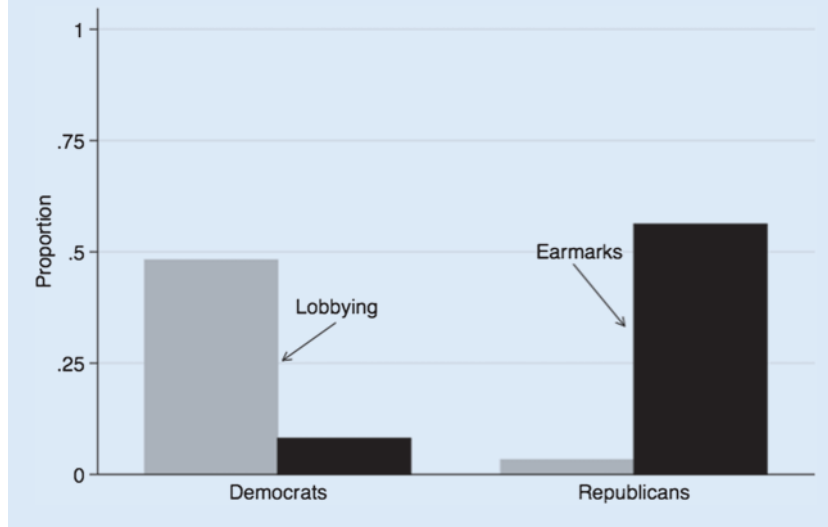
Attention to Earmarks/Lobbying in Debate over H.R. 4975

PARTY	NUMBER OF SPEAKERS	% WHO MENTIONED EARMARKS	% WHO MENTIONED LOBBYING	AVERAGE # OF EARMARK MENTIONS	AVG. # OF LOBBYING MENTIONS
Republicans	14	50.00	78.57	1.86*	3.21
Democrats	17	29.42	94.12	0.41	7.00*

* $p < 0.05$, two-tailed.

Figure 3

Proportion of “Ethics” Speeches that Mention Earmarks or Lobbying by Party (2007–2008)



To assess whether Democrats and Republicans remained consistent in their positions after the switch in majority party control, I content analyzed all one-minute speeches from the 110th Congress (2007–2008) for mentions of words related to ethics or transparency.¹⁰ One-minute speeches, which occur at the beginning of the legislative day, are a unique opportunity for members of Congress from both parties to take to the House floor to speak about any issue of their choosing. In total, 61 of the nearly 4,000 one-minute speeches given in 2007–2008 mentioned one of the specified keywords related to ethics or transparency. Each one-minute speech that mentioned one of the specified keywords was then read and coded to ensure that it dealt with congressional ethics, and also for any mention of lobbying or earmarks.¹¹

Figure 3 shows the percentage of these speeches in 2007 and 2008 that touched on lobbying and earmarks, broken

linked the issue of ethics directly to government spending more broadly, and pork-barrel projects specifically.

Almost all south central Michiganders have the same message: control runaway government spending, maintain the highest of ethical standards, and put an end to wasteful pork barrel spending. The actions of Congress this week not only continue the culture of corruption currently plaguing the capital city, but also are an insult to an American public that longs for transparency and accountability.¹²

In contrast, Albio Sires (D-NJ) focused on the cozy relationship between members of Congress and lobbyists in past (i.e., Republican-controlled) congresses. In the process, he implied that two positions he disagreed with — subsidies for oil companies and the lack of government negotiating power over prescription drugs — came about because of the influence of lobbyists.

Mr. Speaker, for too long the American people have been paying for the cost of corruption here in Washington, whether it be skyrocketing prices at the pump last summer, or spiraling prescription drug costs. ... Democrats began to restore faith in Congress when we reformed our rules to prevent the kind of lobbying scandals that have become commonplace during much of the past six years. We then began to fix some of the laws that were written and passed in the dark of night. During the first 100 hours in power, we gave the Federal Government the ability to negotiate lower prescription drug prices for American seniors, something that should have been done when the law was first passed. Yesterday, we repealed \$14 billion in subsidies to big oil companies that simply don't need it right now.¹³

CONCLUSION

The parties' responses to the Abramoff scandal show that calls for reform following a scandal are likely to be bipartisan, but

The end result is that issues that appear nonpartisan and nonideological in the abstract become both partisan and ideological in practice. An issue as seemingly unifying as ethics reform, in other words, is unlikely to bridge the partisan and ideological gap in Washington.

down by party. As figure 3 demonstrates, more than half of Republicans' speeches that mentioned ethics or transparency words in the 110th Congress focused on earmarks, compared to less than 10% of Democrats' speeches. In contrast, roughly 50% of Democrats' speeches related to ethics and transparency touched on lobbying, compared to less than 5% of Republicans' speeches.

Excerpts from two one-minute speeches from the 110th Congress further highlight how ethics reform became linked to members' broader ideological goals. Tim Walberg (R-MI)

we can expect the types of reforms the parties advocate to differ for both partisan and ideological reasons. In a Congress where both electoral and policy goals motivate behavior of the members of Congress (Fenno 1973; Smith 2007), and coalitions of members unite around reforms to achieve multiple competing goals (Schickler 2001), it is unlikely that any single factor will motivate congressional behavior in most cases. Members will find any opportunity to score political points against their partisan opponents (Lee 2009). They will also seize on opportunities to achieve their policy goals, which often entail linking

their proposed solutions to the issue of the day (Kingdon 2003). The end result is that issues that appear nonpartisan and nonideological in the abstract become both partisan and ideological in practice. An issue as seemingly unifying as ethics reform, in other words, is unlikely to bridge the partisan and ideological gap in Washington.

More research is needed before we can develop a general theory of how members of Congress respond to scandals. As this article has shown, how members respond to scandal may prove fertile ground for research (see also Rosenson 2005 for a state-level study). We can use scandals to investigate how responsive members of Congress are to threats to Congress's reputation, but scandals also offer members of Congress an opportunity to frame the discussion of the root causes of the scandal and the types of reforms needed. In sum, while scandals carry the power to end congressional careers (e.g., Basinger 2013; Welch and Hibbing 1997), they also open up opportunities for institutional reform and new venues for partisan and ideological conflict.

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NOTES

1. ABC News/Washington Post Poll, Jan, 2006. Retrieved Aug-29-2010 from the iPOLL Databank, The Roper Center for Public Opinion Research, University of Connecticut.
2. *Congressional Record*, 5/3/2006, H2011
3. *Congressional Record*, 5/3/2006, H2014
4. *Congressional Record* 8/2/2007, S10695
5. Earmark bills were located by searching congress.gov for bills in the 108th, 109th, and 110th Congresses containing the words earmark, earmarks, earmarking, or pork. Lobbying bills were located by searching the same Congresses for bills containing the words lobby, lobbyist, lobbyists, or lobbying. For the earmark search, bills and resolutions aimed at reducing earmarks in general or increasing the transparency of the earmarking process were included, while bills only seeking to repeal specific earmarks were excluded. For the lobbying search, bills and resolutions placing restrictions on who can lobby or lobbyist behavior and bills and resolutions aimed at increasing lobbying transparency were included. Bills where the only lobbying restriction was to prohibit funds from the bill from going toward lobbying or prohibit lobbyists from serving on a commission created by the bill were not included. Two coders searched all Congresses to ensure completeness of the dataset, with the author correcting any discrepancies. The author will make the bills available at <http://ldancey.faculty.wesleyan.edu/research/> website following publication.
6. These numbers combine House and Senate bill introductions, although the differences, especially on the Republican side, are largely a function of patterns in the House. Republican House members sponsored 29 earmark reform bills compared to 17 lobbying reform bills, while Senate Republicans sponsored 7 earmark reform bills and 9 lobbying reform bills. On the Democratic side, House Democrats sponsored 25 lobbying reform bills compared to 13 earmark reform bills while Senate Democrats sponsored 9 lobbying reform bills and 6 earmark reform bills. Some bills included provisions related to both and were thus counted in both categories here.
7. *Congressional Record*, 2/14/2006, H229.
8. *Congressional Record*, 5/3/2006, H2018.
9. Linguistic Inquiry and Word Count (LIWC) searched for the words lobby* and earmark*. The asterisk picks up extensions of the stem words. Since just mentioning the name of the legislation — The Lobbying Accountability and Transparency Act of 2006 — would code a member as talking about lobbying, I deleted the word lobbying any time a member named the bill. Similarly, I deleted mentions to previous legislation, such as the Lobbying Accountability Act of 1995.
10. LIWC searched for speeches containing any of the following words "ethic*," "corrupt*," "scandal*," "dishonest*," "unethical," "bribe*" or "transparen*." The asterisk picks up all extensions of the stem word.
11. Speeches that were about congressional ethics reform, increasing the transparency of the legislative process, or unethical behavior on the part of Members of Congress were considered to be about congressional ethics. Speeches were considered to be about lobbying or earmarks if they mentioned lobbying/lobbyists or earmarks/pork. The author and an independent coder both read and coded all the speeches that LIWC identified as containing one of the key "ethics" words. The few discrepancies between coders were checked and reconciled by the author.
12. *Congressional Record*, 6/13/2007, H6338.
13. *Congressional Record*, 1/19/2007, H762.

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