

Von Nicolai Examines Drawbacks of Nader's Congress Report

A political scientist at Salem College takes issue with the Nader report on Congress.

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by Bernhard von Nicolai

At first sight Ralph Nader's recent raid on Congress looks intriguing. To ask "Who Runs Congress?" is like probing the question, "Who makes the laws for the lawmakers?"

From the outset Nader's raiders paint a bleak picture of the typical congressman, heavily supported by special interests in return for legislative favors. No longer is direct bribery used, we are told; campaign contributions have taken the place of earlier forms of buying congressional votes with money "going into the congressman's pockets."

With the soaring costs of election campaigns, we are told, congressmen are ever more tied up with ever bigger money from business, from labor, and from whatever organized special interests there may be. In a shocking way congressmen are compared with meat ("U.S.-Prime," to be sure) whose price has risen as a result of inflation.

We hear also of the honest few like the House speaker, Carl Albert, who refuses "campaign contributions if they are too big," and the former senator from Illinois, Paul Douglas, who "turned down any gift worth more than five dollars. (For less, he jokingly said, he just couldn't be bought.)"

Another gloomy (or "greasy") tale is that of the "pork barrel" conspiracy between the White House and certain congressmen who help the President carry out his legislative program. "Even if the decisions are already made" to allocate certain appropriations to a specific area, they can be used "as bargaining tools by making them appear to be the product of a diligent congressman."

But why would legislators make false claims as to achievements in favor of their home districts? The simple answer is that they are constantly under pressure to prove to their special local constituency that they are serving its special interests -- a defense contract here, a new post office there -- and all of this with an eye to the next election. When it's time for re-election, pork barrel benefits may be remembered by local voters and repaid in kind -- by ballots in favor of the incumbent. And with incumbency emerging as the best insurance for success at the polls, the other barrel opens up: campaign contributions by those other, non-geographical special interests pouring those ever increasing amounts of money into re-election campaigns.

Better Chance

This "investment" in candidacies with the better statistical chance for victory evokes the

unusually generous remark from the Nader raiders that "no reasonably self-interested campaign contributor wants to throw good money into a losing cause."

But here is the crux of the whole matter: What is the relationship of both local electoral support and campaign contributions, on the one hand, to the role of an elected congressman as lawmaker for the whole nation on the other?

The Nader report makes no attempt to resolve this central question. What a promising start when two of the profiles on congressmen from North Carolina accuse the incumbents of "not living up to the ideal of the 'concerned, innovative representative who seeks to solve national problems through appropriate legislation!'"

Central Question

We read that, "instead of spending his time working out solutions to the country's problems," a certain congressman "concentrates on serving his constituents in order to assure re-election..." Another legislator is to be defeated at the polls because the voters "need a representative in Washington who will be a more active legislator and be more involved with national concerns," while the incumbent "has been more interested in listening to his constituents and solving their personal problems."

We hear the applause for congressmen of yesteryear, "men like Daniel Webster, Henry Clay, John C. Calhoun -- (who) had more to do with directing the

nation's policies than did presidents..."

Whole U.S.

All of this indicates that congressmen should serve the nation whose lawmakers they are, the whole United States, whether this be at the expense of campaign contributors, or in defiance of local voters who helped to put them into Congress. This logic would require that any and all national (federal) legislation be based on the judgement of those who have dedicated themselves (and have been voted into Congress) to serve the good of the whole nation.

Obviously this is in direct contradiction to the traditional "rules of the game" in which congressmen have been cast as agents for their geographically delimited constituencies both at the district (House of Representatives) and at the state (Senate) levels.

Unless we assume that these interests are never at variance when national legislation is under consideration, we can see how local pressures would act like special interests against the national interest which the congressmen should judge. Yet looking after constituency interests has been the most pervading aspect in the work of congressmen.

Do Nader's raiders tell us of the need for independence of congressmen from limited, local, and sometimes loco pressures? Yes and no. But the yes affects only large money contributors.

Small contributors and organized wielders of the ballot are

encouraged not only to keep up the pressure, but to increase it. And so we learn in "Who Runs Congress?" that "election years and campaign months are the best times to press your issue upon the congressmen, who seem coincidentally more interested in their constituents at these times." The sarcasm of the latter half of this statement should be measured against the fact that even the ablest and most honest of legislators get exposed periodically to stunts of narrowest local blackmail, in the course of which the loss of personal dignity appears to be the least of evils. How much public office as such suffers, including the trust in its incumbents after election, is best seen in the very attitude toward them pervading the Nader report.

It is one thing to criticize "corruption" (or applaud the absence of it), and quite another thing to define it and then be able to advise constructively on why and how to avoid it. Unless we are to assume that congressmen are a negative selection from society, or, if typical, that peo-

ple are just evil, we must find institutional problems underlying any behavior we deplore, and perhaps take a new approach from there.

To sum up:

Two mutually contradictory points stand out in Nader's report on the Congress: (1) the demand for increased local popular pressure on congressmen (including a frequent turnover in incumbencies through defeat at the polls), and (2) the demand for increased national leadership by Congress as a whole. These points remain unresolved by the report, but they are worth every effort at solution.

The inability to make Congress a national legislative institution in the true sense has led, and will always lead, to a transfer of national decision-making to a different locus, the White House, or occasionally the Supreme Court.

To criticize this development without changing current demands on the time and efforts of congressmen is to ignore the needs of modern government -- and plain logic.

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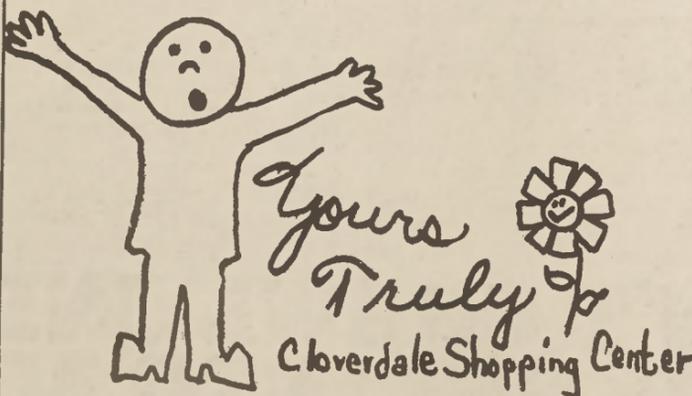
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