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Session 5: Former Member Spotlight

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**Moderator Ray Smock with Congressman Barney Frank (D-Massachusetts, 1981-2013)
and Frank staffer, Peter Kovar**

Ray Smock (RS):

– to come and talk to us, to reflect on their careers, to answer your questions, to ask them what they're doing with their papers and all kinds of good questions along those lines. I remember once having a conversation with Speaker Tom Foley and he said, “You know, the trouble is we never have enough time to reflect on what we're doing because we're so busy doing it.” And that was about the time that the Library of Congress here set up a special reading room and a place for retirement and reflection where members could go and read and reflect, and maybe study the Constitution or whatever. The room was lovely. It still exists, but I don't think it was ever used. Members don't have time to do that, so when we get a chance to have a distinguished congressman like Barney Frank and others that we've had in the past to come and talk to us, it's important to us and we learn so much from them.

And this time, and this is the first time we've done this and I think it's very interesting, instead of having all members we have Peter Kovar, who's with us also, who is a long-time staff member and was twenty-five years with Barney Frank on his staff, eighteen years of it as his chief of staff. And so we have Congressman Frank, who you all know. I don't think I need to introduce him but I will say, obviously, that he was in Congress, a representative from Massachusetts from 1981 to 2013. And during the banking crisis and

the financial crisis of 2008 and thereabouts, he was Chairman of the Financial Services Committee and was a major reformer of the banking system with the, well, best-known as the Dodd-Frank Act. And since he's left Congress, of course, he has frequently appeared on many shows. I've always learned from him because he explains Congress and understands it so well.

Peter Kovar is now a councilmember in Takoma Park, Maryland, which is a very interesting town. So all government is local, Tip O'Neill used to say, and I suppose there's some comments and reflections I'd like to have you make about Takoma Park too, where I think, what is it, sixteen-year-olds can vote? So maybe we'll get into that a little bit too. But what I would like to do now is just turn the microphone over to Congressman Frank for any opening remarks that he would care to make to us along the lines of reflecting about what's happened in Congress, what's changed, what he sees, what issues we should be looking at that we might, as we, as students of Congress, as people who have records of Congress that we want people to use and make available, anything along these lines, so Congressman, please.

Barney Frank (BF):

Thank you. In general, I think the academic study of Congress is at a very high level, and I have learned from it. I taught a brief course, a one-week course, in legislating at Stanford a year ago, and I'd liked the chance to get back to the academic literature. So I'm going to talk about wherever I think there's a gap, but it's in the context. I think people do a very good job of describing the way it actually works, but there's one gap in

the analysis of Congress, to some extent, I'm not a thorough student of the literature, and it's even more of a gap with regard to the journalistic coverage.

There is, I think, an under-appreciation of the extent to which what members of Congress do is constituency driven. When you are an elected official, no matter how safe your district theoretically is, there is something qualitatively different about being an elected official with reelection pending. And one of the things I've found is that there is a fellowship among people who have been in elected office.

When I became chairman of the committee, I asked one of my closest personal friends who had been in the legislature with me in the early seventies in Massachusetts, to come down and work for me. And I was consciously emulating Tip O'Neill, who when he got elected to be I think the majority leader, sent for a guy who had been his colleague in the state legislature at a comparable age in the thirties.

These are people, one, who know what you're going through, because having your name on the ballot is just an extraordinarily different experience than most people get. And two, other people respect it. And here's the deal, and this is what is so different about it. Well, two aspects; first of all, if you are an elected official, on one day every two, four, six years you are either a 100 percent success or a 100 percent failure. No other profession has that. If you are a lawyer, the client goes to prison, you do not. The patient dies; the doctor lives. There are no other areas I can think of where it is 100 percent or

nothing. Even if you don't get tenure, you are still available to do something else. I mean, it is the all or nothing which heightens the stakes.

Secondly, no matter how good you think you're doing, your fate, your job depends on anywhere from several thousand to several million people, one day every X years, in complete and total privacy, not having to explain what they are doing to anybody, decide your fate. They could be in a bad mood; there could be events that you have no control over. That's why elected officials are often being critical for being more risk adverse than people on the outside think they should be. But it is both the lack of control over your fate and the consequences of failure that drive that. Given that, I do not think people fully understand how constituency driven people are. It doesn't mean they do whatever is popular. Obviously, people have their own ideologies, they have their own parties, and parties have become more important, but the constraint, the most constant ongoing constraint is fear of constituents.

Now the fact is that you get a lot of slack, there, a lot of issues constituents don't care about, but that constituency control is there. By the way, that is one of my criticisms of the criticism we have of politics. Too often, and you mentioned Tip O'Neill, Tip used to stress the fact that you looked at the House of Representatives and everybody who had a vote in that body had a vote because he or she got more votes than anybody else in the last election.

Too often, the analysis is as if this is an autonomous group of people who make the decisions on their own. And what particularly troubles me, and this not in the academic context but it's in the journalistic one, there is this mode of analysis which essentially posits a wise and benevolent and thoughtful group of voters who paradoxically are misrepresented year after year after year by these dysfunctional politicians without saying, well, wait a minute, how did they get there? And so that's a part of it.

Now, the second issue is that partisanship is going to be increased, for a couple reasons. When I got across the street in 1981, there was still this fundamental gap. There were dozens of members of the House who were in this ideological crossover. That is, there were dozens of Republicans who were more liberal than dozens of Democrats. I don't think there is a single case of that anymore.

If there is, it may be one or two. For two reasons: the main reason is the evolution that started with Barry Goldwater of the South going Republican. That had two effects, and the immediate effect of the South going Republican, when you look at party control and how for forty years you had Democratic control of the House, but that's a misleading figure. For many of those years, for more than half of them, the Democratic control of the House was based on 100 Southern Democrats. And if you hold constant, if you take the South out of it, then the party balance has not shifted very much.

But the Democrats lost the South, that was the direct effect, that many more Republicans and a much less conservative Democratic Party because the conservatives left, but it had

an offsetting effect, which was it moved the Republican Party to the right which made it harder and harder for the more liberal Republicans to survive. And it's very interesting, I don't know whether historians looked at this, but there's this five-year period, six-year period, from 1978 to 1984 when liberal Republicanism disappeared as a political force.

In that period of time, Jacob Javits, Clifford Case, Edward Brook, and then Elliott Richardson all lost Senate elections, three in primaries, one in the final election. That was significantly a shift, so by the time I got there, there was still some conservative southern Democrats, but it was shifting and within ten years that was gone, so you now have is greater partisanship probably because you have a logical split between the parties.

Then you have the second phenomenon, which was the arrival of Newt Gingrich, which was really quite significant, and Gingrich consciously set out to undermine bipartisanship. He was very explicit about that. He believed that as long as you had this kind of oh, we're all pals together, the Republicans couldn't take over. He forced out Bob Michel, and he introduced a much more partisan approach. And he takes credit for that, and I'm not accusing him of something that he denies.

The Democrats then did this in return, and it has progressed. So those are the factors. What happens then is the parties are much more separated ideologically, and they're angrier at each other. And then the final factor is the evolution of how people get their information, and the situation in which the most active people live today in parallel and separate ideological universes, and that reinforces it. What that means is that voting with

the other side, with the other party, has now become a betrayal. The emotional stakes of that, part of the problem is you could lose your primary, but over and above that there are personal pressures in the institution. There are enormous internal pressures generated within each party because the other side has become the enemy.

There's the old joke Cokie Roberts likes tell that her father always said that the Republicans are the opposition, but the Senate is the enemy, House-Senate enmity.

That's no longer the case; there is now partisan opposition. Having said that, and we're seeing this play out now, you're seeing this on the health care bill, constituency pressures continue to be a factor and they shape things. I disclose the last thing, I've told people, they ask, well, you know, I want to influence the members of Congress. What do I do? I live in a district where my congressman disagrees with me. My answer has been, "Let your representative know that," because yes, it is very likely that if the issue where you disagree with her on comes up, she will vote against you. But if enough people in your district tell you that they don't like it, you will vote against them if the issue comes up, but you will also go to your leadership and ask them to perform one of the major functions of the Congressional leadership, "Protect me from having to take an unpopular stance." And so, bills do not come up sometimes because of that.

So, increased partisanship is the change, constant concern about constituency is the constant. And one last point, I believe that many of my ideological allies greatly exaggerate, or they distort the role of big money in congressional (indecipherable 14:05). Money is very important, but the major importance of money is in who gets elected.

Once people are elected, campaign contributions are not a major factor. Shorthand is that votes in Congress do not follow the money; the money follows the votes.

And I will tell you, during the financial reform bill, as I was lobbying very hard to try and get members and I was dealing with the partisanship, I knew I couldn't count on any Republicans. I encountered a number of cases where members would say to me, "Gee, I'd like to be with you, but I'm hearing from the credit unions, I'm hearing from the community bankers." I was often told that constituency pressure kept them from voting with me. I was never told that it was contributors. And we tell the truth to each other.

So people underestimate the continuing importance of constituency pressure. And the final thing is the anguish now, the toughest part of the job, and the Republicans are seeing it now, it's when your party is in power and you are caught between the demands of your party and the preferences of your continuants. And that I think is the current dynamic you're seeing play out.

RS: Thank you. Peter, would you?

Peter Kovar (PK):

Thanks, and I do want to say it's a real pleasure just to get to sit next to Barney and talk about these things, since we had a different kind of interaction when I was working in his office. As Ray mentioned, I was elected to the City Council in Takoma Park, so I kind of went backwards after working for thirty years in the federal area. Now I'm a local elected

official. I didn't even get a thousand votes, I got over 600 and that was the most of anyone running for City Council in Takoma Park. But I was elected for the first time in 2015, so if I run again I'd be running this fall. And I'm just kind of thinking right now about what Barney said about the 100 percent success or failure in November, and what that would mean.

So, I do agree with him that the constituency thing is a huge part of it, and, you know, I basically represent three neighborhoods. My son-in-law is here, and he walks around the neighborhood. You can walk from one end to the other in like ten minutes, but I hear from the people constantly, and in fact now, you know, what's changed is people don't call up. As a city councilmember, they don't call you up. They email you or text you, and so it's maybe a little bit easier because you don't have to answer right away, as when they call. But I hear from everybody about everything, the smallest things, and most of what I do, much of what I do is spent dealing with small matters, literally. On my first day, someone asked me to do something about a pot hole.

We do have bigger issues that we work on, but it is heavily constituency driven. There's absolutely no question about it. As a staffer, I was thinking when Ray and I talked beforehand about what to talk about here, one of the things that struck me was looking back on how much it had changed, and Barney talked about this. And it's real easy to sound like you're sort of a, hey, get off my lawn kind of person, but there really are huge differences.

I remember when I was first working there, I think when I started, which was in Barney's second term, he already got to be, right then, a subcommittee chairperson, and there used to be – subcommittees would hold markups on bills and that's rare to nonexistent now.

And even when full committees do hold markups, once the bill emerges it's changed a lot and controlled by the leadership in terms of when it's going to come forward. And just in general, at that point, I think power was more diffuse. Partly it was because, as he says, you had the southern Democrats and the more moderate northern Republicans, but also chairs of committees and subcommittees had a lot more power and influence and I think things were less driven, in a way, by the leadership.

Now if you look at it, and I said this to Ray when we were talking before hand, it almost does look like a parliamentary system. And as Barney said, it's very rare that people would diverge from their party, except on some real vote of conscience. Or, for example, on the recent health care bill, when they knew they had the votes, I think they let a few of their people, on a kind of catch and release thing that they do, vote the other way, once they knew they had sufficient votes. So today, even small bore kinds of legislation or minor bills end up being filtered through what the leadership wants.

So the question of how we got here, I suppose, is a natural one, and I agree with some of the points that Barney made. The redistricting and the big sort, the process by which people tend to live more and more with each other, and definitely the way technology works, because now with social media and even cable television, the loudest voices and

the more extreme kinds of views tend to be those that get more attention, and it's harder for all of those reasons for people to want to cooperate.

And there's some talk about the Hastert Rule, when Dennis Hastert was Speaker, and it wasn't a rule that you were required to follow, it was kind of a guideline that he came up with. And my recollection of that was that he wouldn't bring a bill to the floor unless a majority of the members of his Republican Conference supported the bill. So that meant that a majority of the votes for the bill would come from the Republicans. Now, unless the total majority for the bill is from the Republicans, nothing comes up.

So it used to be, you would need half or more of the 218 to pass a bill; it had to come from the Republicans. Now that's all they'll do. So with the recent health care bill, if you look at it, it's one of the few cases I can remember where a bill failed, and then when they went back it moved in a more conservative direction instead of coming more to the center, which means the Senate will never end up passing it. But that's because from the current Republican leadership's view in the House, all of that support has to come from them.

I think Barney mentioned Gingrich, and I agree Gingrich is crucial in this in terms of changing the partisanship, along with technology and other factors. But I think, to me, just looking back over the last several decades, there were a number of other operators and conservative leaders and people like Lee Atwater and Rove, and even Grover

Norquist, who created these ideas, things like cutting taxes will increase revenue, or that the programs to end discrimination in housing somehow caused the housing crisis, or that private sector always does better than government, or that cutting the deficit has to kind of supersede every other issue.

Most of those things were devised by those operatives, to me, more as an electoral strategy than because they were well thought out issues that really deserved to be considered on their own merits. They worked unfortunately, from my perspective, as electoral strategies. The problem was a lot of voters, millions of voters, and actually some rank and file and maybe even some people who are now in leadership in Congress came to sort of believe those things as articles of faith.

So, if you end up in a position where you're supporting these policy ideas that were never really devised to be that as much as when the Republicans were in opposition, or just in general because this this will help them get elected, it's really hard to legislate and that's what you see with the health care legislation. And Trump is a perfect example of that, because he got elected, not as sort of an advocate of any serious policies. He mentioned a few on the campaign, but obviously he doesn't really have any sort of personal investment in any of those and so he's this empty vessel, who just says, okay, fine, we'll do all these traditional Republican kinds of things, except on trade, maybe.

That's ended up painting them into a corner, where they basically pass something that can't really come close to passing in the Senate and may never be able to pass. So I think

Trump is really more a logical continuation of that distortion of policy being put forward for electoral purposes. And maybe I'll stop there.

RS: Let me ask, since we do have a member and a chief of staff who worked together, and I know this is very hard to generalize, because every day in the Congress, every day that you're in the House doing your work, you're in committees, you're in your office, you're at meetings; it's all over the place. But could you try to give us a little picture of how you worked together as chief of staff and as member, how the interactions worked, and how that related to just the sort of mechanical operations of the office, from the perspective of the chief of staff and the member.

BF: Well, I'll start it. If it's not complete seamless cooperation, you're in big trouble. Here's probably a House-Senate difference: in the Senate the chief of staff's got to be more of a manager of twenty or thirty people. In the House, it's a much more intimate operation, and the chief of staff and the member have got to be almost interchangeable. First of all, I've always found it odd that there are some members who kind of don't want their staffs to ever be recognized or get prominence. From my standpoint, the more people respected and admired my staff the easier my life was, because one of the things the staff does is to be where you can't be. And to the extent that people will accept dealing with the staff in lieu of you, that's a force multiplier, in military terms, and I think that's the relationship we had.

One of the important things with the chief of staff does more than the member, remember, every member of Congress, with maybe the exception of Eleanor Norton and Jamie Raskin or Gerry Connolly, you're managing two separate operations that are geographically separate. One of the glitches you have early on is coordinating the scheduling, because there are times when you need to be in two places at once. And I think very important for me was that my chiefs of staff got along very well with my main operation in Newton and in Washington. And that is one that I think you pretty much have to delegate to the – you deal with each office, but there's a coordination issue that has to be done.

I have to say in general, I was always proud that when they pass – you have certain flexibility in your allotment to budget, I was always pleased that I was either the first or second member in terms of total staff salary. Particularly the personal staffs are the greatest bargain the American people get. One of the things that troubles me is that the committee staffs pay so much more than the personal staffs, so that if you become a person in the position to hire people at the committee, you strip yourself, you cannibalize your own office. Because you can't deny the people who work for you so long and hard in your personal office a chance to get a more decent salary, so you move people from the personal office to the committee office, and some of the committee stuff is very important, in some cases it would have been better off serving your needs if they stayed where they were, but it's just not right to do that.

But it has to be a completely synchronized operation. And in very good situations, within limited cases, for example in the Massachusetts delegation, we got to know each other's chiefs of staff and I could work with my colleagues' chiefs of staff and vice versa. That would be a very important piece of it, but it is an absolutely essentially cooperative operation.

PK: And I would just say, and Barney's nice to say that he did try to give staff credit, I always thought that my job as a staffer, and what I tried to instill in the people when I was in charge of the office was, you're empowered, and people need to know that you're speaking for the Congressman, but that also means that you can only say things that you know he really agrees with, and you have to be willing to say I don't know, I have to check back with him. Because the worst thing, from a staff point of view, would be to say, oh, yeah, yeah, we'll do that, we'll do that. And it could be something really simple, like would you just sign on to this, your colleague letter, for example, that's something that you know Barney has on a number of other occasions said yeah, I agree with that particular point. But, who knows on that particular letter that day; given who the sponsor of the letter is, maybe there is some reason why –

BF: You might want something from that person, so you might not want to rush right into it.

PK: That's right. Or maybe that particular member as done something that you're not particularly happy about that day, and so.

BF: Or you may have, because you can't communicate everything to everybody, in the interim promised somebody that while you wouldn't change your position, you wouldn't actively advocate the opposite position.

PK: Exactly, so there's a whole series of reasons why any formal action, you can't just assume that you're going to do it.

BF: But, also, there's a flip side to that. One of the things that I was glad about, my first position in public service was as an assistant to the mayor of Boston. And then I worked for a year for a congressman, Michael Harrington. One of the things I learned, actually from the mayor of Boston was, if you have somebody operating generally within the scope of a delegation, even a broad delegation, even where you disagree with a decision that person made in your name in a particular instance, you really want to back that person up and not repudiate him. Say, don't do it again, because if people don't have confidence that your staff in fact speaks for you, then they won't deal with your staff. If you want to have people be able to multiply you, then you have to be able to back them up at all times.

PK: Right, and I think that adds to the idea, though, of not getting out too far on a limb and saying something, because I do feel that – I'm not going to say I never made a mistake or other the staff – but Barney would not at a hearing say, “My staff just gave me the wrong information.” If it was a purely technical matter –

BF: One of the things that most turns you off on members, when he or she blames staff. I will say this; I was in politics fulltime, whether with the mayor or state legislature, from really October of '67 till January of 2013. I cannot think of an instance where an elected official made a serious mistake and it was not his or her fault. I cannot think of a time when the people who blame the staff are just scapegoating inappropriately. Now, there may be some year that (indecipherable 30:11) staff stole money, but then you go after him. But in general, it is always the members, they decide upon that. It's one of the things, I had some colleagues who'd get upset if a staff member's name appeared in the media; I was the opposite. I'd be very proud of people who did that. Again, it redounded to my credit.

PK: And the one other thing I would say is how this evolved. And so when I was first working on the Hill in the early eighties and working for Barney, and I had read the flow charts about how a bill becomes a law but I didn't know anything about what really happened. And I was starting out at a pretty low level in correspondence, so I would draft these letters for his signature and he would edit them, he would copy edit them, which was fine. And that was the level, which pretty much anything I did, legitimately, he would see.

I think as we went on, and then when I was in charge of the office, and in particular when he became the ranking Democrat and then the Chair of the Financial Services Committee, inevitably, that absorbs a lot of work. It wasn't that he stopped paying attention, by any

means, to the constituency thing, which as he mentioned was preeminent and still went back most weekends, I think.

But I think on issues that we had already developed and that we understood the importance of, and I'm thinking of some of these local, important issues in Massachusetts, which are very specific to our district like textiles and fishing and cranberries, believe it or not, which were all important industries that were affected in negative ways by federal policies, he would say to me, "Take care of this. Do these things," but with the understanding that when I needed to come back and check with him, I would. And I think that mostly worked out.

BF: And then the last point, an obvious one but not everybody gets it, the most important thing the staff does for you is to bring you bad news, to tell you when things aren't going, when things are going to change, and there was an inevitable human tendency to penalize people for doing that. And making sure that people tell you the bad news, if they only get a chance to tell you one thing, if they tell you the bad news, then you've got to fight against your tendency. You don't shoot the messenger. You just have to make sure that happens, because that's how you get in worse trouble.

RS: Let me shift gears just a little bit, and then I want to turn it over to the questions from the audience. Congressman, you have donated your papers and they are archived now, just, could you tell us just a little bit about that?

BF: I did them where it was judicious. I donated my papers to the branch of the University of Massachusetts, centered in a major part of the district I represented, the Town of Dartmouth. People get confused. They think my papers are at Dartmouth College. It's a University of Massachusetts Dartmouth, located in a town of Dartmouth, Mass, which is next to New Bedford on the southern coast of Massachusetts. It's a very important school. They played a very important role in my career. I think highly of their educational missions, so I was very pleased to donate my papers there.

And then, every semester I go back for a day or two to be available and meet with students. But we run into the problem – I'm reminded that some of the most important documents in my career weren't mine to donate because they were committee property. And I didn't realize that until I was there that this, I mean, I can understand, okay, not one person, but there ought to be some sharing of the committee stuff, because the whole question of the financial crisis, all those papers are still in the hands of the committee, or whoever, the custodian to the committee. When I was chairman of the committee, nobody ever asked me if one of my predecessor's papers could be made available.

RS: We have in the audience the director of the Center for Congressional Archives at the National Archives, who has all your committee records and everybody else's.

BF: I would think people would be glad to at least at least have copies of it. I'm trying to think, there's one book where they must have been made, I would have thought, made available. There's a very good book by a man who was the chief of staff or chief

economist for Henry B. Gonzalez in the eighties, when Henry was chairman of the then Banking Committee, and Henry was a pioneer in opening up the Federal Reserve. And there is a book, what's his name? Bob?

PK: Auerbach?

BF: Auerbach, and he must have had access, but maybe he had to go look at them in the committee, had to go look at them centrally then, so yeah, that makes sense. But if there was a way to share them, I would think that would be a good idea.

RS: Okay, I'd like to open it up for any questions that you might have of our panel. And fire away. Yes?

F: My name is (indecipherable 35:20) and I'm at the University of West Georgia, and I'm the administrator of Newt Gingrich's papers. What is your level of curiosity about sort of the inner relationship, the documentation of inner relationships between Congress people working with the legislature and other people's (indecipherable 35:45) Do you just (indecipherable 35:46), I mean, you're busy with your other things.

BF: Oh, I look forward to getting the benefit of them when people write about them. I mean, you know, I like to read biographies and histories, so yeah, I would think those are – I mean, obviously you don't have the time to go look at other people's papers on your own,

nor do I have the expertise, but yeah, I know I'm glad they're available and so I've read other people's biographies where I've obviously benefited from those.

RS: Have you done any oral history interviews?

BF: No, I don't remember being – I would've if I was asked. Well, I take it back. I've done some on some issues and some personal. Actually, I just did what was an oral history, but today it was a podcast. I did it at the *Huffington Post* yesterday on the evolution of the policy dealing with the right of gay and lesbian people to serve in the military, from start to finish. And that was a legislative – it had a couple of very important legislative battles in '93 and then 2010. And I've done some others, I think, about individuals. I did one about Henry Gonzalez, the University of I think Saint Mary's Law School is where Henry went to law school, in San Antonio. So I've done some, a handful maybe, on particular issues or people, but not a general one about my own career.

RS: Peter, have you ever been interviewed in any way for your work in government all those years, by anybody? You know, the Senate Historical Office does extensive interviews with staff, not with the members so much, but with key staff members. But I don't think the House has ever –

PK: Not in a history0gathering way. I mean, I was interviewed by newspapers when I had to fill in when Barney couldn't speak to journalists and now, of course, in my new role, I get

asked about these things. But I don't think staff are generally thought of as having institutionally that much to contribute to something like that.

RS: Well, see, that's where I would disagree with that, because someone should sit down with you and you should talk about what you did in all the years you worked with Congressman Frank, from your perspective.

PK: Well, I think the challenges of that staff on the Hill, anyway, what's ingrained in them is that, despite what Barney said, which I think is true and great to want to make sure staff got credit for things, I think staff are reluctant to do more than describe and talk about nuts and bolts kinds of things, because they shouldn't be responsible for policy and that's policy.

BF: In a very different era, what are we talking now, eighty years ago, historians here will remember, when they first really beefed up the Executive Office of the President under Franklin Roosevelt, one of the qualifications that they said existed for the new assistants to the President, was a passion for anonymity. (Laughter) That was considered to be a bona fide occupational qualification. Clearly, that is no longer the case.

PK: I can't talk too much about the way things work now on the Hill with social media. When I was working there, that wasn't as prevalent or maybe I wasn't using it. Now people told me when I ran for office that I had to be on Facebook, and I'll just give you one example of that. I occasionally, mostly I just put on there things about what's happening locally,

but I wrote an essay about the healthcare process recently and I got seven people clicked on it. And then my wife assigned me the job of making this cake shaped like a bunny rabbit, which I did make, and I got like a 112 people clicking on that, so you don't –
(Laughter)

BF: I'm into it. Before I left, was it when Obama became President, Peter served for what, four years?

PK: Yeah.

BF: Or five, as the Assistant Secretary of HUD for congressional relations.

PK: Right.

BF: So, I mean, did you deal with staff a lot there, or what was the –

PK: Yeah, I mean, I dealt with staff and with members. I think the thing that's interesting about that is, and I actually did speak last month at this program at Georgetown, which was an educational program for staff on Executive Branch-Hill relations, since I had done both, and I'm not sure how what I would say would be different now with the new administration. But I think, you know, one of the challenges that you face when you're working on the Hill is you look at a presidential administration² you say well, did they do this thing, it's so irritating, it's wrong. They were supposed to get back to me, and

obviously what this agency said, which conflicts with this, they should have known. And what is hard to imagine until you get over there, and I think it's mostly just the size, is that it's so big, the coordination is really hard.

I had a little office at HUD. I had twenty people in my office. There were other divisions within HUD that had 3,000 people or 600 people. And even within my twenty, it was really hard to coordinate² and despite all the efforts that were made in my office and in our building and with the White House, that coordination was really, really difficult.

I can remember some instances with Barney's colleagues on the Financial Services Committee² and we either failed to tell them something or told them something which turned out not to quite be the way they wanted to hear it. And I had to say, actually to this one senior staffer, and I probably talked more to the senior staffers than to the members but I talked to both. But I said, "Look, I'll cop to the mistake, I'm not going to cop to the Machiavellian piece of it." In other words, we didn't leave you out because we thought, okay, Congressperson So-and-So, we're not going to give you this information. Just in the rush of business, a mistake occurred.

But I think there's a tendency when you're on the Hill to think well, if we didn't get this information that was intentional. Sure, occasionally you had to not give someone information they wanted for some larger reason, or because the White House wanted you to, but mostly it was just we were running nonstop, and I think that is one of the biggest

things I noticed between when you're on the Hill and when you're in the administration is this perception of everything's all perfectly organized. And it just wasn't.

RS: Question, (indecipherable 42:20)?

F: Congressman, going back to your question about lack of access to committee records.

Do you think it would be helpful for people who (indecipherable 42:32) to your papers, if there were oral histories of people that you selected, who worked with you on that committee to help –

BF: Oh, absolutely. I think there are half a dozen staff members from the committee who would be very helpful. One of the best books I've read about Congress was written by one of the best journalists of my generation, Robert Kaiser, and he was sort of between projects. He retired as deputy managing editor of the *Washington Post*. And in 2008, knowing this was coming, I said to him, "Why don't you write about our doing the legislation," which we knew was coming, and he's an old friend of mine and also a good friend of Chris Dodd's. So Chris and I gave him total access, and it's a very good inside book, but much of it were constant interviews he did with the key staffers on both sides. There's no question that they, in some ways, because they were – one nice thing about being a committee staffer is that you don't have to deal with constituents. You have to be conscious – well, the reason is this. It's not because constituents are bad people, but they are by definition people who are coming to you at bad moments in their life.

If you work in a congressional office, for instance, in the congressional district, you're pretty much in the grief business. That is, you sit there all day, and people come to you because they are unhappy about something. No one comes in and said, by the way, I just want you to know, my mother's Medicare has been wonderful. (Laughter) You know, I did this job for the federal government, boy, they paid me on time, it was a great thing.

So you're solving people's problems, and they're often very difficult problems, not easily solved. That's another one of the problems I have with the media is this assumption that every problem is solvable and then if it has not been substantially resolved, it's a sign of the incompetence of the public officials, rather than maybe the intractability of the problem. But if you're on the committee staff, you're just dealing with substance, and so their minds are the clearest. They are able to just focus on the substance. And there are half a dozen people who worked on the bill. They would be absolutely – and I read Kaiser's book and I read about a couple things that they had told Kaiser that I had not known about, not because they were concealing them, just because I didn't have time to do it. So yeah, no question committee staffers would be very – and wouldn't be any obstacle to the committee staffers talking to people.

RS: Time for one more question, perhaps. Yes, sir?

M: (Indecipherable 22:18) I was wondering about the increasing partisanship (indecipherable 45:36) I was wondering if you could look into a crystal ball and maybe give us some thoughts about where this increasing partisanship (indecipherable 45:56).

BF: Most important question, to some extent it's in the hands of the voters. The great enforcer of the partisanship, I mean it gets angry, but it is primary voters. I mean, the major mechanism, a major enforcer in the partisanship are people who vote in primaries. They're the ones who are in the parallel media universe and they're only hearing what they want. And let me, as I said, you're going to assign some of the blame, if you don't like things, to the public.

I've been thinking about this, as I was sitting here. Things took a turn for the more partisan in 2010. In 2008, there was still a great deal of bipartisanship in the cooperation that we Democrats and the majority gave to the Bush administration during the financial crisis. And Peter was warning me, that was part of his job was that he was sitting there listening to angry people from my district because we were bailing out the banks, although we made a profit of \$30 billion on that but they didn't know that at the time. I mean, I was glad to know that. It alerted me so that I'd put more effort into my 2008 reelection than I had in many years, because I knew we had these problems.

But there was some cooperation, and then there was anger. The key was, in 2010 Republican primaries, people who had been seen as cooperative, even with the Bush administration, were defeated. Robert Bennett, Kay Bailey Hutchison. And what happened was that – but by the way, so the people who voted in primaries enforced party discipline. And as I think now, recently, I can think of members in both parties, more in the Republican than ours but in both parties, who have lost primaries or have faced

tougher primaries than they should have because they were seen as too collaborationist with the other side.

I cannot think of a single instance of anybody losing a primary because he or she was seen as too partisan or too obstructive. I mean, it's almost an oxymoron to think about that. Primaries reward hyper-partisanship and obstruction. And this is the answer to your question. I do believe that more of this has come on the Republican side. Two thousand and eight; and I'll insist on this, you look at what happened in 2008, and the Democrats gave George Bush a degree of cooperation throughout that year. And then Obama becomes President and the Republicans turn it around.

Turning point would be 2007. I'm the chairman of the committee. We put the first bill on the floor to try and restrict subprime mortgages. The ranking Republican member, Spencer Bachus, who had these good instincts, supports our bill. A minority of Republicans vote with us, not a majority. He almost loses his ranking membership, as a collaborator with me, and has to move back.

So here's the deal, and you're seeing this played out now in the healthcare bill. There's this old Lord Acton maxim, "Power corrupts, and absolute power corrupts absolutely." Non-legislators, impotence corrupts, because when you're not responsible, when you're not going to be held accountable can be totally irresponsible.

You're seeing this now with the Republicans. It was very easy to repeal the healthcare bill when it wasn't going to count. And so when your party is in power, this conflict between the demands of your primary voters and the demands of the general election voters become a big issue. Until now, on the Republican side, when in doubt you went with your primary voters, and figured you – and they did okay in general elections. Two thousand eighteen will be a test of this.

If Republicans who chose to go with the party loyalty position against public opinion in their districts survive in November of 2018, then things won't change, because only the voters can change this. As of now the voters on the whole reward you for being very partisan. There is zero sign of the voters punishing anybody in the House or the Senate for being too partisan, even in November. Not until that happens will you see any kind of changes.

PK: And I would just add that I think a lot of the core Trump voters, and that's a similar group for the ones supporting the Freedom Caucus and so on, it really looks like there are very few actual issues or policy kinds of formulations that motivated them. It's more about sort of Trump's style and alleged, you know, sort of repudiation of political correctness and that he says what he thinks and all these kinds of things that really attract them. Because each issue that comes up that he backs away from, his core support doesn't seem to abandon him.

When you combine that with the way information is not evenly shared, and there was a piece in the *Post* I think today where this woman, her son's healthcare went down and she attributed that to the passage of the bill, which of course hasn't passed but, you know, maybe Trump was smart to have a kind of like a faux signing ceremony there and all these people now think that the bill actually passed and they'll never realize that it didn't. With that level of poor information, combined with people really not voting based on those things, I'm just not sure what kind of change we'll see in the short term.

RS: Okay. Well, I want to thank our panelists and thank Congressman Frank and thank Peter Kovar for a very exciting and interesting session. We appreciate your coming to our conference and thank you very much, both of you. And with that, we will adjourn this session. Thank you all.

BF: It was a pleasure.

[End]