

# IOWA TRANSPARENCY NEWSLETTER



## Under the Cover of Darkness

by Doug Stout

Have you ever stopped to consider why legislative bodies all creep out of the Capitol in the middle of the night? Does that really make any sense when you think about it? I don't know too many people who do their best work when they have been working for almost 24 hours straight and it is past 5 a.m. in the morning. However, our State Legislators did it again at the end of this session of the General Assembly. The Iowa House adjourned at 5:04 a.m. on Sunday April 26, 2009. The State Senate, the more "senior" body of the Legislature had to wait for them to get done to pass the final legislation. They hit the final gavel at 5:56 a.m. on the Sunday morning.<sup>1</sup>

Have you noticed that the media tends to play into their hands and add to the "drama" of the event? Most all of the news reports said the same thing...5:04 a.m. Specifically 5:04 a.m., not at "about 5 a.m.," or "early this morning." Nope, they finished "the people's" business at 5:04 a.m. (Of course that is only true if you define the "people's business" as burdening our children with 20 years and over \$1.7 billion dollars in principal and interest to pay back on the money they borrowed, rather than make difficult funding choices.<sup>2</sup> I actually thought it was their job to make difficult

spending choices? Has that gone out of style at some point? They passed the enormous bonding proposal even though polls showed that 71% of Iowans thought it was a bad idea.<sup>3</sup> Governor Culver added insult to injury by labeling it as his "signature" legislative achievement??)

I was also under the impression that Iowa was required by law to have a balanced budget each year, but in politics...where there is a will...there is a way. The "will" was to spend more than they had...even when you include the "one-time" federal stimulus money flowing into Iowa. (Also borrowed from our children, but that is another issue.) The "way" was to use the federal borrowed money to "plug holes" in the obligations created by Governor Culver and the State Legislature overspending last year, which is really unfortunate, because those "holes" are still going to be there when the federal stimulus money stops coming. The other "way" was to borrow well over \$830 million dollars, which will take 20 years and over \$1.7 billion dollars to pay back. This was in addition to spending over \$6.3 billion dollars in this year's budget alone, the largest in Iowa history, at a time when the national economy and tax revenues do not justify, nor support those expenditures.

However, let's get back to the 5:04 and 5:56 a.m. adjournment times. Why is there an aversion to taking a nice nap and finishing up in the daylight? It is enough to make believers in the supernatural, who have been watching a few too many "creature features" on the late night movies, (those are the movies that tend to be on at about the same time our Legislators were deciding our state budget priorities for the year), wonder if there are secretly vampires lurking in our Statehouse? I have heard politicians referred to as "blood suckers," but I always thought that was a figurative description and that the term was rather beneath the dignity of their office, although maybe it does now have a double meaning? When transparency advocates talk about "letting the sun shine in," it is usually a metaphor. In this case, it can also be taken literally. Most real people have jobs and families to attend to...they are not going to be watching too closely in the middle of the night. The same goes for political reporters, although my hats off to those intrepid few who stayed to report that the Senate left at exactly 5:56, missing those deadly morning sun rays with only minutes to spare. Both reporters and Legislators are bound to be a bit disoriented in the early morning hours.

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There were reports that one obviously sober State Legislator literally fell out of his chair at one point in the early morning...as though he were drunk.<sup>4</sup> Sleep deprivation is not a laughing matter when you are making the difficult decisions we require of our elected officials.

One reason the leadership does it, is that Legislators become more "pliable" when they want to go home and get some sleep. The debates get shorter, the amendments get fewer, and the challenges to leadership decisions also decrease with the hour. There is the entirely human emotion capitalized on by Legislative leaders: "Let's get this over with and get out of here."

It is treated like a "three ring circus," complete with the guy in the funny suit. Apparently, late on Saturday evening an aide to Senate Majority Leader Mike Gronstal... was given a round of applause when he walked in wearing an outlandish "adjournment jacket," which is apparently a traditional sign that the Legislature is in its final hours.<sup>5</sup> I am sorry, but particularly this year, with the very serious matters facing our political leaders, most Iowans were not laughing.

Making spending decisions is always difficult and the irresponsible spending increases from last year made this year much more difficult. The Governor and Legislative leaders were counting on huge economic growth to cover up last year's excesses, a risky and irresponsible strategy, which caught up with them. So I don't think the "losers" in this year's spending lottery thought the process was particularly funny. Iowa State Extension employees were probably not enjoying the spectacle all that much.

A revealing article in the *Des Moines Register* reported, "At 3:49 a.m. (Senator Bill) Dotzler put on his Blues Brother's sun glasses, an

annual cue that the end is near." Senator Dotzler (D) was quoted in the same article as saying about the late night session disputes: "What happens at the very end is, it ends up being more about turf and personalities." (I am sure that is reassuring to Iowans.) The article also reported that at about "3:40 a.m. Rep. Christopher Rants (R) left the House chamber in disgust to get some sleep before driving home for his daughter's confirmation in Sioux City." He was quoted as saying: "This is ridiculous. The only result could be 'bad law.'"<sup>6</sup> (Based on the timeline spelled out by the reporter, this means he missed seeing the Blues Brother's sun glasses go on; I am sure he is sorry he missed that.)

The article noted that Representative Scott Raecker (R) complained about the spending that was slipped into the late-night bills, and added that Iowans would have been better off if their lawmakers had done business in the light of day. The article ended with: "One Senator was snoring loudly at his desk at the back of the chamber at 5 a.m."<sup>7</sup>

Our publicly elected officials were "at work" on decisions impacting your jobs and your lives. Late night sessions are done for a reason...they break down accountability...they lessen transparency...and they focus the attention on the circus atmosphere rather than on the deadly serious matters being dealt with in a sleepless stupor by our elected officials. These are not matters for fun and games. Legislators are real people, with real lives, and what they do when they leave the Statehouse Chambers is usually none of our concern, but publicly elected officials on the floor of the Chamber making decisions that will impact our lives and our children's lives...should probably not act in a fashion that resembles a slumber party.

Meanwhile, one of the things that the Members did not have time to deal with in their late night frivolity was legislation to make state government spending more transparent. Even though a bill had passed the House by an overwhelming vote of 96-3, which would have provided for a comprehensive web site to bring needed transparency information regarding spending by Iowa state agencies to the general public, the bill was left for dead in the Senate State Government Committee. Senate Majority Leader Gronstal (D) took no action to further consideration of the legislation. Since this is the first year of the General Assembly, the same cast of characters will return next January. We can only hope that the leadership is more receptive to the concept of making government actions more transparent to the general public in 2010.

One House Member who will not return in the same role as he began this session will be State Representative Mike Reasoner (D). On Thursday, April 23, with only hours to go in the session that ended very early on Sunday morning, Representative Reasoner abruptly resigned as one of the Assistant Leaders of the House Democratic Caucus. The timing of the resignation and the reasons behind it are interesting. Representative Reasoner's letter to the Speaker of the House resigning his leadership office offered the following clues to his resignation, it said in part: "To do justice to the position, a balancing of interests must occur – presenting a unified, public agreement with leadership while at the same time reconciling district and personal philosophies. My differences of opinion as to the direction of the caucus are at odds with the direction you believe House Democrats should pursue..."<sup>8</sup>

It is not unusual for someone to

decide between sessions if they no longer want to be part of the leadership team, however to resign in the 11<sup>th</sup> hour suggests there was even more going on behind the scenes in the Democratic caucus than we know. The timing of the resignation suggests either he was pressured to resign the position by the Speaker...or did so out of principle based on his strong disagreement with the policies or tactics of the Speaker. This is the same Speaker who earlier in the session held the voting machine open for an entire weekend, because he did not have the votes to win on the measure. Depending on your perspective, he was either trying to "twist arms" to get the final vote he needed or was throwing a temper tantrum because he did not get his way. And yet, after that action there were no resignations. It makes you wonder just what would cause Representative Reasoner to feel so passionate that he would resign with only hours left in the session, knowing that it would cause media attention and curiosity and reflect on the Speaker.

This is in addition to rumors that the House Democratic Majority Leader, Kevin McCarthy, might not return next year in his current position. In fact, when asked about his closing speech in the early morning hours of the last moments of the session, he commented that the rumors were that it would be his resignation speech.<sup>9</sup> It is enough to make you wonder just what is going on behind those closed doors in the Democratic caucus. It is also curious that the caucus would almost unanimously pass the bonding proposal, putting our children in debt for twenty years, when 71% of Iowans had expressed their opposition to the approach. If the people of Iowa, who elected them to office, are not the primary decision makers on caucus policy, it begs the question of who

is making the policy decisions... and on what basis are they making them? It is a level of transparency that I unfortunately do not expect to be forthcoming anytime in the near future, but it is a level of transparency that would do wonders for letting the average Iowan know who is really making the policy decisions in our Legislative chambers. It would be helpful to know just what they have in store for Iowans in the 2010 Legislative session less than 8 months away.

On the Federal level, one issue of transparency comes to mind which should be mentioned this month. Although to be fair to the Obama Administration, they have not been shy about expressing their desire to spend enormous amounts of federal money, borrowed from future generations. However, they have not been overly forthcoming in explaining just how burdensome these obligations will be to our children and grandchildren. In this case, the failure of transparency has more to do with the general media not making a point of addressing the issue. I know you all know about the April 15 deadline for paying your federal taxes and most of you probably saw news coverage of the TEA parties held across Iowa and across the nation, protesting the increasing size of our government. What you may have missed was another milestone. I am not referring to President Obama's first 100 days in office, that story got a lot of media coverage. The story that was harder to find was for the first time in United States history, our country spent all of the money we are going to collect this fiscal year by April 26.<sup>10</sup>

This means that between now and the end of the Federal fiscal year which ends on the last day of September, everything the federal government spends, on any and all programs and projects, or salaries,

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or stimulus payments, or foreign aid, or anything else you can think of...will be paid for with money borrowed from our children and grandchildren, which they will have to pay back with interest. This is the earliest point of the year when we have ever crossed from the “black ink” to “red ink,” to use old accounting terms. The term is called “Debt Day” and it is a frightening reminder of what is happening to our nation’s financial underpinnings. It is not a coincidence that the Obama Administration set another record mark...the most federal money ever spent in our history in the first 100 days of a Presidential Administration.<sup>11</sup>

Transparency is an important aspect of government at all levels which transcends policy and party. Whether you are a liberal or conservative, Democrat or Republican, it is beneficial for government responsiveness and accountability to know

what our government is doing, and how it is making its decisions, and how it is spending our current and future tax dollars. However, it is also important that the average citizen makes use of the information which is made transparent and takes action in the civic arena to use that information to improve government performance and to register their views with their elected officials regarding the policy decisions being made in their name and on their behalf as taxpayers and citizens.

**(Endnotes)**

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