

12 The Case Against Academic Earmarking

David Minge

Financing research and higher education is a critical challenge. Except for a handful of the most brilliant and lucky, all researchers struggle with questions of financing. This interest in financing naturally extends to the federal government, because, with a budget of almost \$2 trillion, that is where the money is at.” The United States government spends billions on research—by far more than any other entity, not just in this country, but in the world.

Traditionally, once Congress has appropriated funds for categories of research, the dollars are allocated to specific institutions and investigators by formula and by a competitive process commonly called “peer review.” This review is intended to channel money to the worthiest project as judged by scholars and by career professionals at federal agencies. It is a merit system. When billions of dollars are at stake, feelings can be intense and disappointment severe. Yet the consensus is that merit is the best criterion for making decisions that will be accepted and respected.

In the last 20 years, an ever-increasing portion of federal dollars has been allocated to particular institutions and projects by another means, by so-called congressional earmarks. These are provisions in legislation or accompanying committee reports that indicate, with varying degrees of specificity, congressional intent. These earmarks, otherwise known as “pork,” usually occur in appropriations bills that fund agencies.

I strongly disagree with the statements of Boston University chancellor John Silber in this volume, (see Chapter 11) that this earmark process is a healthy antidote to the shortcomings of the peer review process. Earmarking eats at the very integrity of our public institutions and should be abolished. I will explain why I take this position.

David Minge is a former Member, U.S. House of Representatives (D-MN), and former co-chair of the Congressional Porkbusters Coalition. This article is based on remarks delivered at the 26th Annual AAAS Colloquium on Science and Technology Policy, held May 3–4, 2001, in Washington, DC.

At the outset, it is important to recognize that what we are talking about is significant money. *The Chronicle of Higher Education* estimates that approximately \$1 billion was spent on academic earmarks in the year 2000. That figure might be as high as \$2 billion in 2001.

Looking at earmarks more generally in the federal process, the Citizens Against Government Waste estimated that pork barrel spending was about \$15 billion in 1997. My expectation is that, depending on how you define pork barrel spending, it could be up to \$25 billion today.

So why is earmarking such a bad thing? To understand this, it is important to understand what the earmark is and how it works. Historically, earmarking appeared in appropriations bills. Thirteen such bills typically come up in Congress—one for each of the thirteen subcommittees of the Appropriations Committee. The importance of these subcommittees and their chairs is indicated by the keen competition for membership on the Appropriations Committee and the informal title of “Cardinal” that is often used to refer to the chair. Also, it is noteworthy that on the Senate side Robert Byrd (D-WV) decided he preferred to be the top Democrat on the Appropriations Committee rather than the Democratic leader in the Senate. Apparently, he felt he could do more for his state of West Virginia from the Appropriations Committee.

Due to the negative publicity attached to earmarking and pork barrel spending, fewer and fewer earmarks are actually in legislation voted on by Congress. Increasingly, earmarks are found in report language that accompanies appropriations bills. Report language is part of the legislative history. The most important report is the one that emanates from the conference committee of the House and Senate. This accompanies the final bill that resolves differences between the two Chambers and goes to the President. It is hard to amend the report language, which is simply a commentary. In fact, most Members have little or no interest in reading (or time to read) the actual appropriations bills, let alone the report that is drafted by staff. Yet the report language can contain substantial earmarking of funds to specific institutions or projects. Although it lacks the force of law, the language is rarely disregarded by Presidents and agency heads.

Earmarks are bad because they are obscure and do not face competitive review—except in the backroom politics of the Appropriations, Transportation, or other committees that engage in the process. Earmarks lack peer review and the scrutiny of public hearings. They are not included in the Administration’s budget. Often they originate in only one Chamber. Thus earmarks move below the radar.

With regard to earmarking, it is important to recognize the political setting in which individual Members of Congress find themselves. As the late U.S. Representative from Boston and Speaker of the House Tip O'Neill (D-MA) said, "All politics is local." Each of us in Congress is under constant pressure or temptation to "bring home the bacon." These aphorisms are significant to the Boston area in manifestations other than Boston University research projects and facilities. Everyone has heard of the Central Artery/Tunnel Project known as the "Big Dig." All who fly into Logan International Airport and drive into Boston have encountered this monstrous project. It is probably the biggest federal earmark in history. The allegations of impropriety and corruption that swirl around the "Big Dig" ought to give all of us pause about the desirability of earmarks.

We do not need a "Big Dig" for higher education. We need projects that are funded on a basis that withstands the light of day, not a basis that must be buried in a tunnel. We do not need or want our political process contaminated, compromised, or corrupted by such excesses.

Within the academic community, the earmarking process could become corrosive. At its logical extreme, faculty would be rewarded more for their role in politics than for developing sound research proposals. Assistant professors would be encouraged to put up lawn signs and distribute campaign literature to enhance their political influence with Members of Congress. Given the importance of fundraising, department heads, deans, and university presidents would be drawn into raising money for congressional races as a way of gaining the ultimate influence. We certainly do not want to go down that road.

Furthermore, if institutions rely on earmarking, they face the vagaries of the political process in a much more capricious way. They risk the loss of their political patron. Members of Congress and the Senate move on. Those institutions that depend on a "sugar daddy" may face a period of drought when their patron leaves. Recently Senator John Kerry (D-NE) said that the University of Nebraska lost \$30 million per year when he retired. Indeed, his decision was a sad moment for faculty and staff at that institution.

It is critical to recognize that the money going to these projects is public, tax-raised dollars. Congress has a trust obligation to allocate these dollars in the fairest way possible. The William and Flora Hewlett Foundation recently contributed \$400 million to Stanford University, which was the largest donation to an educational institution in history. The Hewlett Foundation can give its money to whom and at such time

as it desires. It has its own internal merit, or private pork barrel, system. By contrast, the federal government's tax dollars must be distributed by public standards. The money belongs to and comes from all of us. The process should be transparent and the standards clear.

This brings us back to the claim of John Silber, that earmarking is a healthy antidote to the shortcomings of the peer review process. If peer review has problems, Congress should conduct oversight hearings to define the nature and extent of the problem and to develop possible solutions. Peer review should then be repaired, or an improved distribution process should be substituted.

The absurdity of earmarking as a corrective for a merit or peer review process becomes obvious when the standards for academic journals are considered. No one would support political decision or anything resembling earmarking as a corrective response to the shortcomings of peer review as the basis for selecting articles for publication. Even chancellor Silber, in extolling earmarking used as evidence of the quality of his university's earmarked projects the merit-based accomplishments of his faculty, including publication in peer-reviewed journals and professional awards. That any legislative or congressional committee should decide what is published or who is selected for academic awards is absurd. Clearly, earmarking of projects by Congress is not an improved process for distributing federal dollars.

Also unfortunate is the symbolism of earmarking. In an era of large deficits it was easier to resist such spending. We needed discipline to balance the budget. Earmarks could not be afforded. Now with the surplus, we are threatened with an opening of the floodgates. It is hard to convince constituents of the need for restraint and fair play when word of earmarks leaks out.

The political pressure for obtaining earmarks is overwhelming. There is no end to the areas where Members of Congress are asked to earmark funds. The work of Senator Robert Byrd for West Virginia is legendary. On the other hand, some Members have worked to curb earmarking. Notable are the efforts of the late Representative George Brown, Jr. (D-CA), former chair of the Science Committee, to control earmarking for research. I was co-chair of the Porkbusters Coalition in Congress, along with Ed Royce (R-CA). We were preceded by Representative Harris Fawell (R-IL) and Representative Tim Penny (D-MN). On the Senate side, Senator John McCain (R-AZ) has led the charge.

Special note should be made of the efforts of former Representative Mark Neumann (R-WI). He was elected in 1994, and used his position

on the House Appropriations Committee in 1995, and 1996, to identify earmarks and to bring them to the attention of the rest of us who did not have early access to committee reports. Let me explain. The bills and committee reports that contain most earmarks are often not available for inspection until the day before they are debated. Given the length of the reports, the short time, and the press of other responsibilities, most Members of Congress lack the time and the staff to sift through the reports to find offensive pork barrel earmarks.

Mark Neumann attempted to solve this problem. As a member of the Appropriations Committee, he had the staff and early access to the reports, and he made the information available to those who were interested. For his work, some Republican colleagues tried to have him removed from the committee. This was a highly unusual move. Members virtually never lose their positions on committees. But Mr. Neumann so irritated his colleagues that this extraordinary effort was made—at least as a warning to him and any others who might be emboldened by his example. Although Democrats took heart at the hypocrisy between the Republican rhetoric and the reality of Republican pork barrel politics, the truth is that the Democrats would not have tolerated such conduct any better. Earmarks and pork barrel spending are vicious prostitutions of the political process that are practiced on a bipartisan basis.

Thus it is not easy to oppose earmarking. My stand against earmarking and pork barrel projects was well-known in my congressional district. One community leader, partly in jest, threatened to erect a statue of me and place it at a congested intersection to be named after me unless I obtained funds for a highway project. The leaders of this particular community resented the fact that I would not sell my political soul to obtain the federal dollars to remedy their local problem of traffic congestion. Given the margin of 155 votes by which I lost my reelection bid in 2000, this stand may have cost me my seat.

By crossing the Appropriations Committee or any other committee that engages in the earmarking practice (and most do), Members run the risk of so irritating colleagues that the Member's district loses out on funding. Committees keep score. When goodies are being handed out, reformers are reluctant to ask for anything. We know the request will be thrown in our faces when we later object to egregious earmarks. Indeed, such attacks on critics of earmarking are commonplace, and letters from them requesting projects are carefully filed for ready access when criticism is needed.

Efforts in Congress to end pork barrel spending are supported by an organization called Citizens Against Government Waste. Each year it publishes *The Congressional Pig Book*, and holds an event during which a pig roots in a trough of money. It distributes pig noses, highlights the most egregious pork barrel projects, and invites a handful of Members of Congress to speak out. Nevertheless, efforts to reform congressional rules and expose and curb pork barrel spending have been largely unsuccessful. The Republican takeover of Congress, after 1994, saw a flurry of activity and breast-beating about reforming perceived abuses, including pork barrel spending. To be sure, the practice dropped off in 1995, when the line-item veto was passed. But then the line-item veto was declared unconstitutional, and earmarks and pork barrel spending have since risen to historic levels.

Congress can be successful in minimizing the problem of earmarking only when sectors that are the beneficiaries support that effort. Our academic institutions should not be contributing to this prostitution of the political process. But academics have been the enablers. We cannot eliminate the supply without first addressing the demand problem. In the academic community, there must be a consensus and there must be discipline. Without consensus and discipline, the current trend will continue. While universities pay lip service to peer review and collectively condemn earmarks, they proceed individually and reluctantly to seek them. The academic and research communities should instead be making an effort to identify shortcomings of the peer review process, devise ways to rectify the shortcomings, and lobby Congress to implement the reforms and to enact effective enforcement mechanisms.

I cannot condemn the practice of earmarking—academic or otherwise—strongly enough. We need to avoid the temptation to feed at the public trough, and instead work to strengthen our procedures and institutions. We need to stand together for good government.