

The Congressional Frank: A Simple Case of Abuse

By Senator Pete Wilson

Speaking here today gives me a chance to discuss what I call the "frank-enstein" monster that ravages millions of mailboxes across the country. It is truly hard to fathom the number of pieces of franked mail sent out by Congress each year. First, historically, Congress spends only about 8 percent of its mail budget to send letters in response to constituent inquiries. The rest, around 92 percent, goes for unsolicited mail.

How much mail, you ask? In 1988, Congress sent out more than 400 million pieces of letter-sized junk mail (newsletters and first class mail in envelopes) and an equal number of post cards, purportedly to announce town hall meetings, but actually to raise the name recognition numbers.

My crack staff figured that, stacked on top of one another, these 800 million pieces of mail would create a pile 424 miles high. End to end, they would stretch around the Earth more than 3 1/2 times (94,698 miles).

Not being one to let an opportunity to drive the point home go by, I asked my staff what would constitute the equivalent weight of 800 million pieces of mail (that is, 20 million pounds). I received a number of answers: 746 Greyhound buses, 171 Chieftan tanks, or one U.S. Navy cruiser. The most colorful response was 270 sperm whales. Unfortunately, it is the whale that is the endangered species.

Thus I discovered what it takes to send out 800 million pieces of junk mail. Recognizing that we have to look for savings everywhere if we are to bring down federal spending to meet revenues — rather than the other way around as preferred by the Democrats — in 1986 I offered an amendment on the floor of the Senate to prohibit unsolicited mass mail. The amendment failed.

In subsequent years I have offered my proposal again in various forms. I did rather well in the Senate when we had voice votes on budget resolutions, but in final form, these only slightly binding legislative packages never included my proposal.

This past winter, at the start of the 101st Congress, the Senate Rules Committee actually brought to the Senate a proposal to expand the ability of Senators to send junk mail. I tried to stop it, but I lost 50 to 47.

Finding the Right Time. Politics is many things, and as someone who has been in politics for more than twenty years and not won every race the first time, I know that timing is critical. Of course, finding the right time can be a little tricky.

The right time came this month. On September 5, after spending a very restful and invigorating vacation in the United Kingdom, I landed at Dulles Airport and drove to my office on Capitol Hill just in time to hear the President presenting his National Drug Control Policy to the nation. In his speech, he called on the whole country to pitch in, for everyone to take an active roll in the war on drugs.

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Helping the War on Drugs. So, the very next day, September 6, I grasped at a rather fortunate opportunity. On that day, our first day back in session after the August recess, the Senate considered the bill providing funds for Congress. And an opportunity was born. Certainly, Congress would be willing to expend some of its budget to help fund the drug war. And certainly the carping Democrats in Congress, who trashed the President's drug strategy as being too little, would be willing to cinch in their own belts a little to help such a worthy cause — the war on drugs.

So I offered a simple amendment: It would prohibit members of Congress from sending unsolicited mass mail. The money that was saved would be redirected to provide treatment for drug-abusing pregnant and postpartum women and their children. Out of the budget recommended by the Senate Appropriations Committee, that amounted to a transfer of approximately \$45 million.

Now, \$45 million may not seem like a lot of money in a trillion dollar budget, and it is certainly not up to the full task of meeting the problem at hand. But, believe it or not, \$45 million amounts to ten times what was otherwise proposed by Congress to help drug dependent pregnant women and drug abused children.

The limits that would have been imposed by my amendment would simply have tailored use of the frank to what is rational and affordable: It would have allowed members of Congress to answer their mail, but not to campaign for reelection on the public dole.

Good Assessment. While preventing the mailing of unsolicited mailings of substantially identical material to more than 500 people, it would allow Congress to answer every constituent, and further, to send follow-up mail on subjects previously written about. It also would allow sending mail to public officials and material to the press without limitation. And if the audience consisted of fewer than 500 people, there would be no limit on unsolicited mailings.

I do not know if there are any pollsters in the audience, but if so, you know that an unsolicited letter sent to sample the views of 500 people provides a rather good assessment of the views of the public at large. Of course, if the purpose is something other than soliciting views, such as raising the politician's name recognition, then 500 letters does not really do the job. Of course, that is not why the frank was devised — it has just evolved in that way.

As reasonable as my amendment was, it led to a spirited debate on the floor. A few Senators strongly opposed my proposal. One said that the newsletter allowance permitted him to inform his constituents how to protect themselves from toxic chemicals, how to protect themselves from radon in their homes, and how to protect their children from abduction. All are worthwhile, even critical goals; the public needs the information. But with due respect to my colleague, was he really intent on informing them of dangers, or was he most interested in letting them know that it was he who was giving them this critical information? And other Senators echoed this view that mass mailings provide a means of educating the public on a variety of issues of the day.

From the debate, one would think that, if the flow of 400 million unsolicited letters and 400 million town meeting notices from Washington were stopped, the rest of the country outside the Washington Beltway would suddenly be struck ignorant. But is Congress the only entity in our country that can properly inform the electorate? Certainly Congress is well-equipped, with four-color presses, massive paper allotments, computers to address envelopes, and machines to stuff them.

Step Toward Privatization. It has always been my understanding, however, that it is the primary job of Congress to legislate and then to oversee the Executive's implementation of these laws, and that it is the role of the press to inform the public. If it is news, if it is in the public's interest — and health and safety definitely qualify — then the media will spread the word. They are the best retailers of the news. Perhaps one way to look at a ban on congressional newsletters is that it is another step toward privatization.

So we voted, and the Wilson Amendment carried 83 to 8. Then the bill went to a House-Senate Conference Committee. The House of Representatives tried to wait out the notice that my amendment received — very good notice, I might add. Vic Fazio, the Chairman of the House Legislative Branch Appropriations Subcommittee ran the show in the House, but he could only wait so long, and as time went by, public attention grew. So, when the House was asked to instruct its conferees on the Wilson Amendment, it voted by a 2 to 1 margin to support the limits that I had proposed.

All of a sudden, however, the slow moving congressional funding bill picked up speed; in fact, it accelerated so quickly that one of my staff members who knows about such things said that it reminded him of one of those top-end speedsters that are called funny cars. Within two hours after the House told its conferees to accept the Wilson Amendment, the House conferees sloughed off their instructions and took the opposite tack. They moved forcefully to delete the Wilson Amendment banning newsletters. They were so forceful, apparently, that they were able to force their Senate counterparts to drop it.

The House conferees went even further. They insisted that the Senate drop provisions requiring that spending on the frank by each member of Congress be publicly disclosed. So much for helping to inform the public.

Budgetary Profligacy. The House also insisted that the Senate drop its proposal to stop the Post Office from violating a law that applies to every other government function — the so-called "Anti-Deficiency Act." That law states that no federal funds may be spent unless they have been appropriated. However, this very simple and straightforward law does not apply to transporting congressional mail. Perhaps here we have found the very epitome of budgetary profligacy.

And in a final bit of sanctimony and contempt, the House conferees insisted that the Senate drop its proposal requiring franked letters to carry the legend, "Prepared, Published, and Mailed at Taxpayer Expense." The Senate conferees backed down.

It is often said on Capitol Hill that we need a United States desk at the State Department, for that agency of our government often seems to ignore the will of the American people in order to serve some "higher purpose." Well, Congress would appear to need a United States desk, too, for Congress clearly feels exempt from the call to arms. We exempt ourselves from almost every law, such as minimum wage, equal employment, and OSHA, but when Congress exempts itself from the war on drugs, it truly sets a new low.

Yesterday, the House agreed to the Conference Report, after defeating an effort to send it back to the House-Senate conference committee — an effort that failed by a 2 to 1 margin. Now it is on to the Senate.

When the Senate takes up the Conference Report on the congressional funding bill, as early as next week, the Senate will be given a chance to renew its vows to eliminate monies for mass mailings. If I am successful, the bill will go back to the House, which is threatening

to do all sorts of things, some of which may actually be agreeable, while others are just plain petty.

The fight goes on. I face opposition on three grounds. The first is that my proposal to abolish newsletters and other unsolicited mail is "not serious." That is what Congressman Fazio said. Indeed, in 1986 when I started along this road, Congressman Fazio said that it was easy for me to propose this as I was not then running for reelection — implying that I did not need the publicity that comes from sending newsletters. Now he claims that I am pushing my proposal because I am running for Governor of California. Apparently, he feels that he cannot carry the argument on the merits. The fact is that he just cannot carry the argument — period.

Then, there is the argument made by Mr. Fazio that, with the addition of \$40 million for drug dependent pregnant women in the just passed Senate drug bill, there is a total appropriation for fiscal 1990 of \$45 million, which is enough. Well, ten times that amount would not be enough, and \$45 million more would certainly not be too much.

Returning Junk Mail. Finally, Congressman Fazio makes the argument that the American public wants to receive congressional junk mail. My response to that is that I receive approximately 15,000 pieces of mail each week, and I do not recall receiving one asking me to crank up the presses to send out newsletters.

Maybe a better indication of the public's support for newsletters comes from a radio station in Congressman Fazio's district. Taking a page from the radio show campaign that asked listeners to send tea bags to Washington to protest a congressional pay raise, this station is urging listeners to send their junk mail to the Congressman.

It seems that, when it comes to newsletters, Congress is simply unable to go cold turkey. And you would think it would be easy, for those who would put their personal political interests ahead of the cries of drug-abused infants are certainly cold. And as for the second part of the cold turkey equation, the Congress definitely has its share who qualify. It is a Congress that is so self-indulgent that it is so far unwilling to make any self-sacrifice to deal with our country's number one social problem — drug abuse.

With the support of the American public, and a little soul searching and self-sacrifice by my colleagues, I am hopeful that we can reset our priorities and devote our resources toward helping those in need, not those in office.

