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Panel Expects to Rewrite Tax Code in Private

By Pamela Fessler

The first decision the House Ways and Means Committee is expected to make on reforming the nation's tax system will be to meet behind **closed** doors.

The committee has voted routinely the past two years to mark up bills in private and there is little doubt it will do so again when markup on the tax bill begins, tentatively the week of Sept. 16. (Tax coverage, box, p. 1666)

Tax committee members argue that their legislative chores are so complex and controversial they would never get anything done in public. And, surprisingly, they hear few complaints from lobbyists, constituents or the press, despite House rules designed to encourage open meetings.

"I feel the committee produces a better bill behind **closed** doors," said member Bill Gradison, R-Ohio, echoing the sentiments of most of the panel's 36 members. "There is less posturing, less playing to the audiences. We are able to move much more quickly and I think, in the end, we do a better job."



Gradison said it would be almost impossible to complete a bill by Oct. 15, as the committee plans, if members feel obliged to make public speeches on each of the hundreds of controversial decisions they will have to make.

Traditionally, the tax-writing Ways and Means Committee is one of the most heavily lobbied committees in Congress. And hordes of special interest groups have a stake in the upcoming bill, which is expected to eliminate or restrict numerous existing tax advantages.

Since tax bills usually come to the House floor with "**closed**" rules, allowing no amendments, the bill expected to emerge from **closed**-door sessions later this fall is likely to be the one passed by the House, if and when it acts.

Facing Lobbyists

One of the few committee members who consistently opposes **closed** sessions is former newspaper editor Don J. Pease, D-Ohio, who argues that members should do their work in the open. "We're elected to make decisions and we ought to be willing to look the lobbyists in the eyes and make those decisions right out there in public," he said.

But Pease acknowledges that legislation produced behind the committee's **closed** doors can prove superior to bills written in front of several hundred lobbyists and reporters.

"With a **closed** markup you can always say to lobbyists or constituents that you fought like a tiger for their position and asked for a record vote, but not enough members raised their hands. Members almost feel obligated to demand a record vote in public, and then you have members voting in a way they don't really want," said Pease.

He said he is concerned, however, that when government meetings begin to be **closed**, even for legitimate reasons, they eventually are **closed** all the time because it is the easiest and most convenient thing to do.

In the Sunshine

Most congressional committees have opened their sessions to the public since the early 1970s when liberal groups pushed for so-called "sunshine" laws at all levels of government.

House committees have been required since 1973 to hold open sessions unless a majority of members vote publicly to close them. When Ways and Means shuts its doors, any recorded votes are made public and staffers brief the press and others afterward. (1973 Almanac p. 716)

Each Senate committee adopts its own **meeting** rules, but most sessions, including those of the Senate Finance Committee, are open except when issues of national security or personnel matters are discussed.

Common Cause, a self-described public interest group that actively fought to open congressional meetings in the 1970s, is disturbed by the Ways and Means trend and protested when the committee began closing its doors after the new rules were adopted, according to spokesman Randy Huwa. But the group has lost some of its liberal allies who find they like the kind of tax bills emerging from the back rooms.

In 1981, the Ways and Means Committee wrote the Economic Recovery Tax Act in public, and the legislation was criticized widely for granting massive tax breaks to the rich and for grossly complicating the tax system. (1981 Almanac p. 91)

In 1983 and 1984, the panel privately marked up two deficit-reduction bills that generally have been praised for attempting to close tax loopholes and clamp down on taxpayer cheating. (1983 Almanac p. 233; 1984 Almanac p. 143)

"It's a real dilemma for liberal reformers," says Jeff Drumtra, director of the Tax Reform Research Group, an arm of Ralph Nader's Public Citizen organization.

"When you look at recent tax bills, the best ones have come out of **closed** sessions. You take what you can get and hope someday you can get a good bill at an open **meeting**," he said.

Most lobbyists appear to have resigned themselves to being shut out of the committee's deliberations again this year.

Harold B. Scoggins Jr., lobbyist for the Independent Petroleum Association of America, says that while it is frustrating to stand outside the committee room trying to guess what is going on inside, he thinks everyone benefits in the long run.

"In a public session there are so many different interest groups eyeballing the congressmen that they're so torn they end up doing something nonsensical . . . that's how we got where we are," he said.



The **closed** markups will follow a private retreat by committee members Sept. 7-8 at Airlie House near Warrenton, Va., where members will meet with Treasury Secretary James A. Baker III and 10 economists to discuss tax reform.

The committee is not expected to get down to the nitty-gritty of actually writing its bill until after it returns to Washington.

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