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## Ways and Means Committee: Behind Closed Doors

By Dale Tate

The House Ways and Means Committee appears to have given up on government in the sunshine. Instead, it is writing its tax bills behind closed doors.

The committee has traditionally been one of the most closely watched panels at the Capitol, scrutinized by lobbyists, the press and interest groups. That scrutiny has intensified with the size of the budget deficit.

But Ways and Means is becoming harder to watch as it increasingly marks up tax legislation in secret. Some members, committee staff and even tax reform groups say the secret sessions produce better bills. Others say that while the product may be improved, the public is not able to account for members' decisions.

The committee met privately throughout the week of Oct. 3 on a variety of tax issues. (Story, p. 2063)

Since 1973, House committees have held most bill-writing sessions in public. That year, the House changed its rules to require all business meetings to be conducted in the open. The House provided exceptions, among them one that allows the committee to close meetings by a majority roll-call vote. (1973 Almanac p. 718)

Ways and Means, like the Senate Finance Committee, has periodically met in private to draft controversial legislation. But starting in July, with a bill (HR3110) to curb lucrative tax leasing arrangements by tax-exempt groups, Ways and Means began to close its doors for almost all its tax markups, regardless of whether the bill was contentious. (Tax Leasing, Weekly Report p. 1539)

On Oct. 4, Chairman Dan Rostenkowski, D-Ill., gaveled the committee to order and turned to the next senior Democrat, Sam Gibbons, Fla., who offered a motion for the committee to go into executive session. The vote was 24-4 and all except members, staff and Treasury Department representatives were asked to leave.

During the 1973 floor debate on the rules changes, Gibbons argued for open meetings. He said, "It is going to make us work a little harder, and rely on our own staff more than we have, and develop a stronger staff."

According to Ways and Means' chief counsel John J. Salmon, "The result of the closed meetings is that you get better legislation."

Salmon said the committee began meeting in private for several reasons: the many issues the committee had to handle, their complexity, and the short period of time the committee had to complete its work.

But he also said closed-door meetings afford more "frank and candid discussions. Members are much more willing to feel free to say things they would never say in public - a particular problem they might have because of a constituent, for instance," he said. "And members are more likely to say, 'Let me ask a dumb question.'"

Salmon insisted the benefit of public meetings is "more than outweighed by the fact that members feel free from pressure. You've got to look at the bottom line, and you get better tax reform legislation by meeting in private."

One of the four who voted Oct. 4 against closing the meetings was Don J. Pease, D-Ohio, a former newspaper editor and publisher. Pease agreed that legislation approved by the committee in closed sessions is probably better than if the meetings were held in public.

Members are "able to agree to controversial provisions that they would be more reluctant to agree to if lobbyists were sitting out there watching," Pease said.

But, he said, "in the trade-off, you lose public accountability for what's going on."

Just outside the committee's meeting room, scores of lobbyists congregated, catching members for brief consultations as they walked to and from floor votes. And, while they complained of aching feet, they did not seem unduly concerned that

they could not be in the room.

Barbara B. Kennelly, D-Conn., who voted with the majority to close, explained the lobbyists' complacency. "There are no secrets on the Hill," she said, adding that one benefit to **closed** sessions is speed. "It does move more quickly if people don't feel they have to posture."

Support for **closed**-door committee meetings also comes from an unexpected source. According to Robert S. McIntyre, director of tax policy for Citizens for Tax Justice, a liberal group dedicated to tax reform, "If you judge the committee's work by the bottom line, they have a pretty good case for closing. It's hard to close loopholes when there are lobbyists in the room," McIntyre contended.



A more simple explanation of why Ways and Means Committee members have decided to meet in private came from its ranking Republican, Barber B. Conable Jr., R-N.Y.: "They like it."

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