

The Remarkable Case of Disappearing Earmarks in the United States: The Limits of Transparency Reforms

Roy T. Meyers

Department of Political Science

UMBC (University of Maryland, Baltimore County)

318 Public Policy, 1000 Hilltop Circle

Baltimore, MD 21250 USA meyers@umbc.edu

Presented at the 2012 conference of the International Public Management Network: Innovations in Public Management for Combating Corruption, Honolulu, Hawaii, June 28, 2012

Abstract:

Political conservatives in the United States have recently described legislative earmarks as “the gateway drug to corruption.” Building on this perception, recent efforts to constrain earmarks have been surprisingly successful, overcoming the historical importance to the Congress of making distributive allocations through earmarks. Several years ago, the Congress required transparency of earmark requests and awards, and it has now imposed a moratorium on earmarks. This paper first summarizes how and why these surprising developments came about. It categorizes earmark transparency as “transactions transparency,” and identifies how the mechanisms of “targeted disclosure” and “naming and shaming” might reduce earmarks. But the paper finds that transparency has not met the expectations of many reformers. Since the moratorium on earmarks is highly unlikely to be sustained, the paper concludes with some suggestions about how earmarks might be limited but be put to better use. It also suggests that reformers should shift their attention from earmark transparency to other reforms that have a stronger potential to improve citizen and legislator understanding of budget allocations, and to control the corruption that is inherent in the current campaign finance system.

Sections:

Introduction

The Case Against Earmarks: Corruption and Other Costs

Earmarks Make the Most Wanted List, and Then Apparently Die

Who Done It

The Logic of Transactions Transparency for Earmarks

Transparency Will Improve Once We Figure Out What Should be Transparent

The Limited Effects of Earmark Transparency

Earmarking Is Immortal

Additional Reforms for “Pretty Good Government”

References

Introduction¹

On April 27, 2011, a tornado hit Arab, Alabama. Five people died, and property destruction was widespread--though a local paper also reported seeing “a souvenir Coca-Cola bottle from the 1970s featuring former Alabama football coach Paul ‘Bear’ Bryant. The bottle was intact, not even scratched, as it lay on the ground” (Gattis, 2011).

You can watch a YouTube clip of the tornado’s touchdown at: http://www.youtube.com/watch?v=J5a_yyh4KbQ. The funnel cloud is visible in the distance, but more audible than the storm’s wind is the amateur cameraman’s repeated exclamation “oh my God” and the recurrent warning of the tornado siren intermixed with a spoken announcement to take cover. Though five people died, one might reasonably conclude that the siren and other warnings reduced the loss of life.

That this tornado happened to strike in a “tornado alley” (a location prone to tornadoes because of its geography) was not surprising. What might be surprising is that Arab, Alabama and its emergency technology had previously come to attention in the context of legislative earmark transparency, the subject of this paper. A legislative earmark is a provision that directs funds to a specific beneficiary due to its sponsorship by a legislator.²

In 1997, *The Washington Post* reporter Guy Gugliotta noticed an especially non-transparent earmark, and then spent five days and 27 phone calls to six agencies to identify its location (Gugliotta, 1997). The text of the earmark was:

¹ This paper includes some material from a paper I presented in 2007 to the annual conference of the Association for Budgeting and Financial Management.

² Regarding definitional accuracy: speaking at Nashville’s Opryland about Congressional appropriators, President Bush said: “They ought not to be trying to slip special spending measures in there without full transparency and full debate -- those are called entitlements” (Bush, 2007).

\$450,000. . .for a demonstration project. . .an underground emergency transportation management center utilizing satellite communications. . .in a region that is susceptible to tornadoes. . .at an elevation of over 1,3000 above sea level. . .within close proximity to military, space and or nuclear facilities to provide rapid response time.

It turned out that this earmark was requested by Senator Shelby (R-AL) for Arab, Alabama, which had been hit by a tornado two years earlier. *The New York Times* reported that there had been no warning of the storm (Smothers, 1995). Regarding the earmark's bizarre opacity, it is clear that Shelby meant to hide its intended beneficiaries from casual observers, though the public safety officials in Arab knew full well what they were getting. Many other earmarks awarded during this era were also opaque regarding their beneficiaries, their sponsors, and in some cases even the dollar amounts awarded.

Yet several years earlier, in 1994, the House Republicans' "Contract with America" had promised to reduce earmarks, and also proposed to grant the President statutory line-item veto authority that could be used to excise earmarks from appropriations bills. This implied the Republicans were so distressed by earmarks that they were willing to grant this power even to a Democratic President. President Clinton killed the Arab, Alabama earmark with the statutory item veto, but that power was quickly declared unconstitutional (Swope, 1997).

Since the Republicans' rhetoric had long hammered Democrats for sponsoring earmarks, during their first term of control in 1995-6 the Republicans kept to their pledge of earmark restraint. They also triggered the government shutdown during which President Clinton successfully blamed them for trying to end programs that citizens appreciated. So in 1997 the Republicans abandoned their vocal opposition to earmarks, and instead relied heavily on earmarks to increase election prospects for their electorally-marginal incumbents. According to

Citizens Against Government Waste, “pork” spending increased by 80% in constant dollars from fiscal year (FY) 1996 to FY06 (Evans, 2007).³

Though this growth was especially notable because of its clash with party rhetoric, earmarks have long been a common feature of appropriating (White, 1989; 2005).⁴ But they expanded in numbers and costs after the 1960s. That growth is explained in Savage’s review of academic earmarks (1999) and in Robert Kaiser’s extraordinary “Citizen K Street” reporting (2007; 2010). Earmarking-specialist firms, led by Cassidy and Associates, grew to be among the city’s most influential lobbyists. These firms identified clients who could benefit from tapping into budget accounts susceptible to earmarking, developed sophisticated “case statements” that supported their claims, and lobbied legislators whom they asked to sponsor and protect these set-asides. The growing cost of campaigns also encouraged sponsorship of earmarks, part of which could be recycled back into campaign contributions from earmark-seeking lobbyists. Especially skilled committee chairs such as Robert Byrd (D-WV) and Mark Hatfield (R-OR) popularized earmarking by making the practice central to their images and by widely distributing benefits to their many colleagues.⁵

This short history is entirely consistent with the self-interest assumptions central to the rational choice models of legislators and legislatures. “But Wait! There’s More!” to this story. And just like that sales pitch popularized by the Popeil brothers, what follows is almost

³ On the leadership’s heightened influence with the Appropriations Committee, see Aldrich and Rohde, 2000. See also Taylor, 1996; Murray, 2000.

In his 1989 dissertation on the House Appropriations Committee, Joe White convincingly argues that Fenno underemphasized the politics of district projects.⁴

⁵ For an interesting insider account, see also Lehman, 2000. To understand the recent fortunes of earmark lobbyists, see Ackley, 2012.

unbelievable, perhaps too good to be true.⁶ This the paper's title: "The Remarkable Case of the Disappearing Earmarks."

For since the FY06 peak of earmark spending, a series of legislative reforms greatly enhanced earmark transparency. Given the history of earmark opacity, these reforms were surprising enough. Then, in a development that astounded many Washington veterans, Congress placed a moratorium on its earmarking during 2011-2012. Returning to tornados, it was as if a tornado hit the same location twice, not in a tornado alley, but in the Arctic.

This paper evaluates how effective these reforms have been. It begins by setting out the arguments of earmark opponents, and describes how these opponents succeeded in advocating reforms. It then considers the mechanisms of earmark transparency in theory and practice, finding that the reformers' hopes have not been fully realized. Projecting that the earmark moratorium will not be converted to a permanent ban, the paper concludes with suggested reforms that could foster progress beyond the developments of recent years.

The Case Against Earmarks: Corruption and Other Costs

Representing the long tradition of Louisiana governance, Sen. Bennett Johnston defended an earmark with the following: "I'm not for good government. I'm for pretty good government" (Felton, 1989, p. 3177). But many have looked at the most recent case of this state's rich political tradition and asked if this is good enough. Representative William Jefferson, of New Orleans, is now serving prison time after being convicted of promoting trade benefits for

⁶ For those not familiar with American advertising, the Popeils sold products on television by demonstrating their wonder-inducing effects, and then with the phrase "But Wait! There's More!," showed additional benefits and/or threw in more products to the sale at the same "unbelievable" price.

businesses that paid him bribes, \$90,000 of which was found wrapped in aluminum foil in his freezer.

The American public now holds the U.S. Congress in extremely low regard. While cases like Jefferson's are an aberration, other recent cases of venality undoubtedly contributed to public discontent, as did a broader pattern of self-dealing in the 1990's House checking accounts scandal. Research tends to suggest, however, that the poor reputation of the Congress is based mostly on public dislike of the highly contentious legislative process (Hibbing and Morse, 2002). For the reality is that there is a comparatively low extent of bribery in the United States, the result of over a century of corruption control efforts that started with the country's Progressive movement. The typical American citizen has not paid a bribe during his lifetime to a government official, and most Americans do not believe that the legislators that they elect are "on the take."⁷

While explicit bribe-taking for legislative actions is legally and politically out of bounds, many Americans are concerned that this is an insufficient definition of which exchanges between legislators and advocacy interests are corrupting. They are not reassured that Congressional ethics guidelines allow a campaign contribution to a legislator by an interest group that recently benefitted from a legislator's action as long as the legislative action and the contribution are separated by a "decent interval" (such as a week) and have no nexus in location (Lessig, 2010). These guidelines underestimate the extreme dependence of legislators on campaign contributions and the strong incentive to act legislatively in order to maximize such contributions (Lessig, 2011).

⁷ Uslander, 2008, chapter 8 describes the extent of corruption across the United States.

Mayhew (1974) and his successors have long argued that legislators increase their chances of re-election by building “personal votes”--i.e., voter support not closely identified with party identification--by extensive casework and by credit-claiming for obtaining federal funds for the district. A personal vote insulates an incumbent from political trends that disadvantage the legislator’s party. Federal funds can be delivered by sponsoring earmarks with the full expectation that this will generate campaign contributions. Incumbents thus have the ability to finance their campaigns indirectly out of the federal treasury, but their challengers lack this advantage. These effects corrupt our ideals of electoral competition and government accountability.

The second line of argument against earmarks is that they present large opportunity costs for the legislature and for agencies. Earmarks are almost always about little things. Sponsors rarely connect them to the social, economic, and other conditions that face the government or to agency strategic goals. Nor are their effects typically measured by performance information systems. When legislators spend a lot of time on earmarks, they are maintaining the legislature’s traditional fixation on inputs rather than using the more desirable approach of results-oriented policy design and management.

Legislators often claim that earmarks are carefully vetted for cost-effectiveness, and in their pro-earmarking book Frisch and Kelly maintain that “the level of public scrutiny given to earmarks far exceeds the scrutiny given to other forms of federal spending” (2011, p. 33). This is a bold claim, one that is not sufficiently supported by their otherwise useful description of how earmarks proceed through the legislative process.⁸ A back-of-the-envelope calculation of

⁸ The book does show, however, the value of archival research in the papers of retired legislators.

staffing constraints suggests it is impossible at the committee level. For example, the House Appropriations Committee reported that by the beginning of July 2007 it had received 32,684 earmark requests for FY08, or 75 per member. If 2 clerks from each of the 12 subcommittees were detailed to spend 1 hour reviewing each project and worked 40 hours a week on just this task, it would take 34 weeks to clear the queue.

The costs of reviewing earmarks are thereby partially shifted to the agencies. Some of that “scrutiny” is actually discovery--Savage (2009) described the high administrative costs to the Office of Naval Research in deciphering Congressional intentions about earmarks and then executing them.⁹ During execution, earmarks often receive financial propriety auditing, but not the demanding ex ante reviews or ex post performance audits that are applied to many programs (e.g., see Kobell, Rona and Greg Garland, 2007). To the extent that agencies are forced by earmarks to spend on projects that would never be approved using effective formal procedures (peer review, standardized project applications, procurement regulations, and so on), earmarks inefficiently allocate resources.

Earmarks Make the Most Wanted List, and Then Apparently Die¹⁰

The most important earmark transparency requirements were included in House Rules changes adopted January 4, 2007, and in The Honest Leadership and Open Government Act of 2007 (P.L. 110-81). That law amended the Lobbying Disclosure Act by adding new limits on “revolving door” lobbying and required new disclosures by lobbyists.

⁹ See also GAO, 2008, and Nixon, 2008, 2009. The latter article reports that many agencies have reduced earmark awards to beneficiaries by charging agency administrative costs against these grants and contracts. The Congress mandated an OMB report (2009) that detailed these deductions.

¹⁰ See Doyle, 2011a or Doyle, 2011b for more details on the adopted reforms.

The earmark provisions actually did not use the term “earmark,” instead defining the objects of concern as any “congressionally directed spending item, limited tax benefit, and limited tariff benefit” included at the request of a legislator. “Congressionally directed spending items” were those allocations “to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.” The tax and tariff language restricted the definition to provisions that were narrowly targeted to relatively few beneficiaries. (For convenience, the rest of this paper simply uses “earmark” to describe these types of provisions.)

The new rules created points of order against bills lacking information about the legislative sponsors and beneficiaries of earmarks, and prohibited earmarks in an appropriations conference report that were not included in the original House or Senate versions. The rules also required legislators to declare that neither they nor members of their immediate families had a “pecuniary interest” in any earmarks they requested.

Implementation of these provisions was not always smooth. The House Appropriations Committee unsuccessfully tried to delay compliance, complaining of the burden on its already busy staff (Clarke and Higa, 2007; Lilly, 2007). The chair of its Defense Appropriations Subcommittee, champion earmarker Jack Murtha, told a reporter who complained about committee reports that did not comply with the spirit of the new rules: “So, you have to work. Tough shit” (Allen, 2007). The President’s Office of Management and Budget (OMB) attempted to ease the search task by developing its own web page, <http://earmarks.omb.gov/> (a source that now includes data for appropriations earmarks made from FY08-FY10). Using that database, any citizen could quickly find the Senator Shelby again earmarked for tornados--\$784,000 in

FY2008 to the University of Alabama, Huntsville for research, and \$1 million in FY2009; the latter amount was reduced to \$800,000 in conference and cosponsored by Rep. Cramer. FY2009 appropriations also awarded \$665,000 to Northwood, North Dakota, “for reconstruction of downtown retail and office space destroyed by a tornado,” sponsored by Senator Dorgan and Senator Conrad (the Senate Budget Committee chair).

In 2009, the chairs of the House and Senate Appropriations Committees further increased transparency by requiring legislators to list their earmark requests on their web pages. These pages varied in how easy they were to find and interpret, as did the pages developed later by the two committees that aggregated earmark awards. The committee leaders also pledged to restrict earmark totals to less than one percent of total discretionary spending. President Obama targeted for spending cuts some accounts often used to finance earmarks, and added the constraint that agencies would now competitively bid earmarks to for-profits.¹¹ During 2010, the House Republican Conference voted that its members should not request earmarks. When Republicans gained control of the House in the mid-term election, their leaders quickly declared a moratorium on earmarks for the next two years. The Senate, still led by Democrats, was not as interested, but recognizing that appropriations bills with earmarks would die in conference, went along with the House initiative (Wong and Raju, 2010).

Who Done It

The term “earmarks” is often confused with “pork.” Safire reports that the “pork” term in politics come by analogy to slaveholders watching slaves fighting for the limited contents of a barrel of

¹¹ Though legislators already had developed the workaround of earmarking to a non-profit or subnational government shell recipient for the intended for-profit beneficiary.

salt pork (2008, p. 561). Yet from the perspective of legislators, what they consume is much more plentiful than the slaves' fatback, and obtained much more cooperatively. The more appropriate antebellum metaphor is the cooperation of "log-rolling" for cabin construction. Coalition-building to support "internal improvements" was central to the political economy of the U.S. throughout the 19th century; the next century saw similarly broad coalitions develop for many more policy sectors.

Since then, political scientists have conducted extensive research on this form of policy making (Evans, 2011). Lowi sanitized the "pork" term by referring instead to "distributive policies," which provide highly disaggregated benefits, such as by project and to individual districts. He argued that this policy design tends to promote an apartisan and less conflictual politics compared to programs that are more redistributive in intent and more aggregative in how benefits are conveyed. An important research question that followed was: what is the typical size and nature of a coalition that supports a distributive policy? Is it a minimum winning coalition (50% plus 1), and if so, what is its core: the majority party, leaders and members of committees with jurisdiction, and/or a particular region? Or is the coalition more a universal representation of the legislature's membership, one in which everyone gets something, or everyone gets about the same?¹² Among the most interesting empirical findings on these questions is from Stein and Bickers, who showed that many "pork" programs benefit not even close to a majority of districts. This implied that the legislature's culture enabled cross-program, cross-bill logrolls. Earmarks were a critical element of this system, but awards made by agencies and legislatively-designed formulas also produced distributive outcomes.

¹² Useful sources include Evans (2004), Balla, et.al. (2002), Bickers and Stein (2000), Stein and Bickers (1995), Baron (1991), Collie (1988), Shepsle and Weingast (1981), and Ferejohn (1978).

Not all legislators endorsed the earmarking system. For decades, occasional self-proclaimed “pork-busters” such as Representatives H.R. Gross, Steve Largent, and Jeff Flake and Senators John McCain and Jim DeMint carried out lonely campaigns using press releases and floor amendments that garnered favorable press but few supporting votes (e.g., Starobin, 2581; see also Savage 1999). An example of just how far these iconoclasts were willing to go is the following press release:

Washington, D.C., Oct 5 - Republican Congressman Jeff Flake, who represents Arizona’s Sixth District, today highlighted a pork project contained in the Transportation-Treasury-HUD Appropriations bill for fiscal year 2006. This week’s egregious earmark: \$300,000 to the University of New England for construction and equipment at the George and Barbara Bush Cultural Center. “Read my lips: no new earmarks,” said Flake. (<http://flake.house.gov/News/DocumentSingle.aspx?DocumentID=75901>)

Skewering a former President of his own party did not win Flake plaudits in his party’s conference--but Flake now sits on the House Appropriations Committee, serving as a watchdog for the transparency and moratorium reforms. For Flake, the “pork-buster” image plays well at home, and he is not alone. Legislators’ personal votes need not depend on bringing home the bacon--rejecting earmarks can also generate credit (Bovitz, 2002; Savage, 1999; Sellers, 1997; though for an exception, see Friel, 2004). Conservative legislators who sponsor earmarks while espousing a fiscally conservative ideology that is supported by their constituents may instead risk losing electoral support (Bickers, et. al., 2007).

Kingdon’s multiple streams model is a useful ex post framework for understanding the remarkable victories of earmark opponents. The model explains the timing of a policy change as the interactive product of heightened concern about a policy problem, acceptance of a policy response, and supportive political conditions.

The growing movement for government transparency provided a plausible policy response; this topic will be covered in detail below. Regarding the policy problem, as just stated, it had long been defined by pork-busters, but their arguments have been given greater play by the media over the past few years. Particularly newsworthy was the “Bridge to Nowhere” that received tremendous press play (Rosen, 2006).

Since this was not the first demonstrably wasteful earmark that received media attention, it may be that the audience had been prepped by high-visibility corruption prosecutions (Stone, 2007). Especially notable were the 2006 conviction of leading conservative lobbyist Jack Abramoff for a variety of fraudulent acts, and the 2005 conviction of Republican Representative “Duke” Cunningham for taking \$2.4 million from military contractors in return for earmarks that benefitted those companies. On the Democratic side, accusations swirled around the PMA Group, a lobbying firm stocked with former aides to influential appropriators and champion earmarkers Jack Murtha, Peter Visclosky and James Moran, among others. While some of the firms’ principals were convicted, connected legislators were not, a fate that Murtha may have avoided only because he died. Murtha was an extraordinarily skillful politician, a Vietnam war veteran whose turn against the Iraq war brought him much support within his caucus. Despite being the target of the Citizens for Responsibility and Ethics in Washington website “You Don’t Know Jack,” which documented Murtha’s long history of questionable dealing starting with the 1980 Abscam investigation, House Democrats successfully opposed a Flake motion to require an Ethics Committee investigation of these Members. Their leaders distributed an email entitled “Don’t Be a Flake” (O’Connor and Bresnahan, 2009), a request not honored by some conservative Blue Dog Democrats. Another corruption-tinged earmark controversy involved so-

called “monuments to me,” which are buildings, programs, or projects named after a sitting legislator; timely examples were Centers named for Ways and Means leader Charles Rangel and Appropriations leader Jerry Lewis.

Poll results on earmarks during this period show that, when prompted about generic earmarks rather than ones that might have local benefits, respondents opposed earmarks and desired controls on them.¹³ A USA Today/Gallup Poll. April 28-30, 2006 asked:

As you may know, members of Congress sometimes insert provisions, known as 'earmarks,' into bills that direct federal spending to projects in their home states or districts. What should Congress do about the practice of earmarking? Should it significantly restrict the ability of members to place earmarks in bills, allow members to place earmarks in bills as they do now but require full disclosure of it, or not change the rules on earmarking?"

41% of respondents favored “significantly restrict,” 41% chose “require full disclosure,” 11% wanted “no change,” and 7% were “unsure.” A CBS News June 2007 poll asked

Members of Congress sometimes add provisions to legislation that include government spending projects for their own home states and districts, sometimes known as 'earmarks' or 'pork.' Do you think this practice is generally acceptable or not acceptable?"

23% found the practice “acceptable” and 67% “not acceptable.” Three years later, in December 2010, a CNN/Opinion Research Corporation poll asked:

Members of Congress sometimes add provisions to legislation that include government spending projects for their own home states and districts, sometimes known as 'earmarks.' Do you think this practice is generally acceptable or not acceptable?"

Support for earmarks declined a bit, to 19% “acceptable” and 79% “unacceptable.” That same month, a Gallup poll asked:

Would you vote for or against a law that would ban all earmarks in bills passed by Congress?

46% said “yes,” 36% said “no,” and 18% were “unsure.”

¹³ These results are drawn from <http://www.pollingreport.com/>.

This reduced taste for earmarks may not have been anticipated by the massive literature on distributive politics, but that is what appears to have happened in the Republican party. Most analyses of ideological positioning of voters and legislators have shown a growing ideological distance between the parties, particularly from Republicans moving much farther to the right on a “size of government” dimension (McCarty, Poole, and Rosenthal, 2006). Within the GOP, activists sensed that the party had lost its way on spending control, and more of the party’s legislators and candidates rejected the party’s big government conservatism strategy.

So throughout 2006, House Republican opponents of earmarks tried to force their leadership to adopt reforms. They were “supported” by Republican Appropriations leaders who insisted--with poison pill motivations--on expanding requirements to authorizing and tax legislation. The Republicans finally forced through a narrow rule change that was less ambitious than that adopted the next year by the Democrats. (Dennis, 2006). That Congress also adjourned after passing only two regular appropriations bills. In part this was due to Senate Majority Leader Frist attempting to mobilize the party’s base by spending floor time on wedge social issues. But it was also because the House GOP was deeply split between the conservatives who wanted lower levels of domestic spending and fewer earmarks, and the much smaller group of moderates who wanted the opposite--that is, they were upset with limits on earmarks. The latter group combined with the unified Democratic opposition to prevent passage of bills. After Democrats won control of the Congress for 2007, the incoming Appropriations chairs, Senator Byrd and Representative Obey declared a temporary moratorium on earmarks. With this stance, they would not need to reference Republican-drafted committee reports and thus accept earmark distributions they had not controlled.

The 2007 adoption of transparency reforms and a reduction in the amount of earmarked funds was bracketed by two significant elections. Moderate Republicans took huge losses in the 2006 election, making the Republican party more consistent in its revitalized opposition to earmarks. The 2008 election brought to the White House a strong advocate of transparency who also spoke of renewing good government. That cause was largely displaced by the demands of responding to the Great Recession. The same period saw the mobilization of “Tea Party” forces (Skocpol and Williamson, 2012). They helped the Republican party gain control of the House in the 2010 election, and to return the party to its small government dogma. During 2010, House Republicans had denied themselves requests for earmarks (Hunter, 2010), and shortly after their election victory, Republican leaders declared an earmark moratorium for the next Congress. Long-standing members of the Appropriations Committee, desirous of retaining committee leadership positions, reinvented themselves as earmark opponents despite their extensive records as the opposite (Hulse, 2011). Most GOP incumbents removed information about previous earmark requests from their web sites, and the party website <http://sunshine.gop.gov> dropped its searchable database of earmark requests (Kucinich, 2010).

For some of the Tea Party conservatives, legislative earmarks were not “the gateway drug to corruption” primarily because of the temptations they offered for personal venality. Their objection was instead ideological, in the form of radical economic libertarianism. Earmarks are funded through coercive taxation, which these conservatives opposed for any purposes beyond maintaining national security and public order. When modern government itself was viewed as inherently “corrupt,” then transparency requirements were not enough; a ban was needed.

Many other legislators supported larger government. For some of them, transparency requirements were necessary reforms to prevent a few corrupt legislators from taking advantage of their positions. For others, transparency requirements were a simple, though perhaps symbolic, solution to a temporary political problem.

The Logic of Transactions Transparency for Earmarks¹⁴

Modern approaches to promoting political and economic development often try to increase the freedom of information.¹⁵ When information is available to citizens, they have the potential to hold their governments accountable. Since the reforms of the 1970s, the legislative process in the Congress has been highly transparent, and earmark transparency has added to that. Citizens can now tell not only who has sponsored an amendment to a bill, but also who has inserted an earmark in a committee report.

It should be noted, however, that earmark transparency has not been a major goal of public financial management experts. The International Monetary Fund has issued a *Manual on Fiscal Transparency*, and routinely evaluates how well governments comply with its transparency expectations through its “Report on the Observance of Standards and Codes” process, but the IMF’s code does not include any mention of earmarks or any equivalent practices. The Organization for Economic Cooperation and Development has issued a best practices guide for budget transparency and periodically surveys its members on budget practices and procedures, but earmarks are not covered. The Open Budget Surveys of the International

¹⁴ Very helpful reviews of transparency concepts are by Hood, 2006 and Heald, 2006. See Roberts, 2006, on the political challenges of generating and using transparency.

¹⁵ For example, see <http://www.freedominfo.org/about-us/>.

Budget Partnership have also not asked about the topic. Earmark transparency is clearly not in the core of recommended practices or core concerns, as compared to, say, comprehensive budgets and regular audits.¹⁶

In the U.S., earmark transparency is well described as “transactions transparency,” an approach that comprehensively reveals disaggregated actions of government in an accessible web site format and encourages public users to analyze and interpret this data. A landmark law in this regard was the Federal Funding Accountability and Transparency Act of 2006, which requires a searchable database of every entity receiving federal funding. Its co-sponsors were the pork-buster Senator Coburn, and a young Senator from Illinois named Obama. As President, one of Obama’s first executive orders set the goal of attaining an “unprecedented level of openness in government” (Reynolds, 2009). Web portals for the TARP and ARRA legislation revealed how these acts’ funds were spent. The Obama Administration then developed a master site for all government at <http://usaspending.gov/>, and strongly supported the multinational Open Government Partnership (Obama, 2011).

Much of this government-released data has been made even more accessible through non-governmental portals such as <http://bailoutwatch.net> and <http://subsidyscope.org>. Perhaps the leading U. S. advocate in this movement is the Sunlight Foundation. One of its projects converted FY2008 defense earmarks into a Google earth satellite view, with the following characterization: “We would like to include every villain,” said Sunlight senior fellow Bill Allison, “and give people this kind of bird’s eye view of earmarks” (Sangillo, 2007).

¹⁶ For empirical studies of the determinants and effect of financial transparency, see Alt and Lassen, 2006; Benito and Bastida, 2009; Wehner and Renzio, 2011.

Sunlight has declared a Connecticut site to be a “best practice” example of its transactions approach: <http://transparency.ct.gov/html/main.asp>. Just as earmarking databases can answer questions about the degree to which a legislator earmarked, this source is quite powerful for satisfying one’s curiosity about government officials, including those deep in the bureaucracy. For example, if you want to see if you are keeping up with the Joneses, on Connecticut’s site you can find the specific payments in FY11 to 126 state pension beneficiaries with that surname, from Adeline to Yolande.¹⁷ The site is not a comprehensive source for the curious--for example, the available data exclude tax payments, or more relevant to the earmarking issue, any dramatic reduction of tax liabilities through legislatively-enabled tax avoidance strategies. Nor does the site go beyond transactions details--it doesn’t summarize how the pension plan that supported 126 Jones was funded, though that information could be found elsewhere by a diligent searcher.

What distinguishes earmark transparency within the transactions transparency category is that not just recipients of government payments are identified, but legislative sponsors are as well. Earmark transparency may thus be thought of as an informational policy that attempts to increase awareness about how legislative agents award concentrated benefits, perhaps contrary to the interests of their principals--the citizens who bear the dispersed costs of earmarks. It is important to note here that prior to the earmark transparency reforms, earmarking legislators did not regularly try to hide their actions from all viewers. Earmarks already had partial visibility--the beneficiaries knew, and returned the favors through political support. It was the cost bearers who were more likely to be ignorant of these exchanges. Newly informed, in the reformers’

¹⁷ Regarding the supposed need for public release of this information, note that “ghost employees” are not a common occurrence in the United States.

perfect world, the cost bearers would screen and discipline malefactor sponsors of earmarks (concepts from Besley, 2006).

This approach can be compared to what Archon, et. al. have labeled as “targeted disclosure” policies for consumer products, in which regulations require revelation of performance attributes and safety hazards (2007). Negative information about specific products will cause potential buyers to decline purchases. Another possible comparison is to “naming and shaming” policies that identify how specific individuals behave in a failing or deviant way, and that may lead to public sanctions (Pawson, 2002). These authors show that applying these policy tools regardless of context does not guarantee success. Archon, et. al. find that targeted disclosures are most likely to be effective when they reveal new information to consumers, and helps them to better think through their choices and then act in a way that affects the disclosers. Similarly, Heald observes that “For transparency to be effective, there must be receptors capable of processing, digesting, and using the information” (2006, p. 35). These conditions are not always met. Pawson similarly finds that shaming and blaming information can be disseminated poorly, and that sanctions can be too strong or too weak.

In the case of earmark transparency, all that is revealed beyond the identities of sponsor and beneficiary is the amount of money awarded and a brief description for the use of that money. To put it mildly, those descriptions don’t highlight any downsides to earmarks. Archon, et. al. observe that for product information regulation, it is rather common for targeted disclosers through the process of agency capture to have significant influence over what, when, and how they are required to inform consumers. Earmark transparency is self-regulation, so the informational value of disclosures might be even more limited. A realistic expectation should

thus be that revealed earmarking will not upset many observers, contrary to the occasional “Bridge to Nowhere”-like cases that have received widespread publicity and disdain.

In my teaching experience, students who review listed earmarks tend to react favorably to the vast majority of them; the students see potential worthiness in the listed beneficiaries and the uses of funds. These students are not representative of the American public, not because of their acceptance of individual earmarks, but because they were led to the appropriate web sites. From what we know about American citizens’ knowledge about and involvement in politics, it should have been expected that many would not rush to their web browsers and then mount campaigns against incumbents who were revealed to be earmark sponsors. Instead, to meet the hopes of earmark opponents, earmark disclosures would require significant intermediation by the press, advocacy organizations, and when necessary, by prosecutors and ethics authorities. That intermediation would have to interpret the newly available data in ways that would convince citizens that the earmarks are not worthy projects.

This paper next discusses the challenges of producing transparent data on earmarks, and then reviews the apparently limited effects of earmark transparency.

Transparency Will Improve Once We Figure Out What Should be Transparent

As transparency reform reached the agenda, the disparities between different databases exposed some of the challenges of measuring and reporting on earmarks. For example, OMB FY05 data counted 13,492 earmarks totaling \$18.9 billion for appropriations accounts, but the conservative advocacy group Citizens Against Government Waste (CAGW) counted 13,997 earmarks totaling \$27.3 billion, or 44% more dollars OMB’s total. A compilation of earmarks in appropriations

bills by the Congressional Research Service (CRS) produced a total of \$52 billion, or 175% of the OMB total. That total was not calculated by CRS, however, as it argued that it could not arrive at a reliable total for the whole Congress because of different practices across committees (CRS Appropriations Team, 2006a, 2006b; Cochran, 2006).

One explanation of these disparities is that earmarks can be arrayed on the related gradients of legality and explicitness, which are sometimes abbreviated by the fuzzy monikers of “hard” vs. “soft” earmarks.

The strongest and most obvious (that is, “hard”) earmark is a statutory directive to spend \$xxx on a particular object. These are relatively rare because almost all appropriations are lump-sum allocations to budget accounts that carry out a range of programs and activities; this is necessitated by the vast scale of the federal budget. Lump-sum requests are supported by massive and extraordinarily detailed justification books. While the general understanding between agencies and subcommittees is that agencies will spend approved budgets in conformity with these details, they are not legally obliged to do so. However, Congress may create that effect by including in the statute language that “incorporates by reference” the allocations in agency justification books.

Most earmarks are similar to the details in justification books in that earmarks are usually specified in committee report language rather than in law. They are generally honored despite having no statutory basis. A particularly “soft” form of earmarking is to write in the committee report that the committee “encourages” (or some such suggestive verb) the administration to fund a particular activity or project. The specific dollar amount or beneficiary is unnamed, but is identified through informal communication between the committee and the funding agency. This

approach is similar to the Arab, Alabama earmark in its “under-the-radar” non-transparency, but it is even more difficult to measure. Representative Rahm Emanuel claimed that “Letter-writing is not an earmark,” but the intent is obviously the same (Solomon and Birnbaum, 2007).

One perverse effect of transparency reform and the moratorium has been to encourage such behavior, which now goes by the labels of “phonemarking” and “lettermarking.” Legislators encourage would-be earmark requesters to instead apply for an agency review process, but also promise to “put in a good word” during that process. In 2007, the Senate adopted by voice a DeMint amendment to ban the practice, perhaps because it would be impossible to enforce (Jansen, 2007). Phonemarking is a procedurally inefficient substitute for the regular order, but I have no doubt that it has increased (Hernandez, 2011). Among the evidence to this effect is a boast reported by *The Hill* (Strauss, 2011):

In response to a question about whether earmark bans have "curtailed" the Appropriations Committee's power, Moran responded, "No, and I have to say — and I'm going to be as candid as possible — the appropriators are going to be okay because we know people in agencies and so on. We will continue to do the best job we can for the country and to some extent for our congressional districts because that's our job as well."

In 2011, President Obama considered an executive order requiring agencies to publicize lettermarks, but it was not promulgated (Wilson, 2011).

Presidents can legally ignore non-statutory guidance and simply refuse to honor Congressional suggestions. The typical view in the Congress has been that any President who tried this would need a strong backbone, but also might lack a working brain. Placing earmark recommendations in committee reports allows for greater agency flexibility--because there is frequent communication between committee staff and agency budget offices, reprogramming procedures can be used to excuse agencies from honoring earmarks to which the agencies

strongly object. Absent such Congressional permission, failure to honor an earmark would almost guarantee inclusion of that provision in next year's statute. Nevertheless, in January 2008 President Bush issued Executive Order 13457, which directed agencies not to spend earmarks denoted in non-statutory form (Brass, et. al, 2008). That bluff was successfully called by the Congress when it incorporated earmarks by reference.¹⁸ The reality is that since the executive and legislative branches must bargain over appropriations each year, the Congress need not call on the force of law--it has the force of tit-for-tat politics.

A related issue was how to treat administration budget requests that were the equivalent of earmarking. OMB's definitional guidance stated:

Earmarks are funds provided by the Congress for projects or programs where the congressional direction (in bill or report language) circumvents the merit-based or competitive allocation process, or specifies the location or recipient, or otherwise curtails the ability of the Administration to control critical aspects of the funds allocation process.

Earmarks and Programmatic "Control." If the congressional direction accompanying a project/program/funding in an appropriations bill or report or other communication purports to affect the ability of the Administration to control critical aspects of the awards process for the project/program/funding, this IS an earmark. Note: The definition of "control critical aspects" includes specification of the location or recipient or otherwise circumventing the merit-based or competitive allocation process and may be program specific. However, if the Congress adds funding and the Administration retains control over the awards process for the project/program/funding, it is NOT an earmark; it is unrequested funding.

Other noted opponents of earmarks, such as Senator McCain and CAGW, have defined earmarks to include any funding that was not requested by the administration or authorized by authorizing committees.

¹⁸ Similarly, the Republican substitute to the House FY08 budget resolution called for all earmarks to be in the text of legislation, but that amendment failed. See Heaser, 2009 re the legal force of report language.

From the perspective of most legislators, many administrative allocations were indistinguishable from Congressional earmarks in their lack of competition and the resulting possibility of political favoritism.¹⁹ For example, the Democrat-controlled House Oversight and Government Reform Committee reported that over \$200 billion--almost half of total government procurement--was made without full and open competition in 2006 (HOGRCCommittee, 2007). Similarly, Republicans blamed the Obama Administration budget for its energy budget, which they said guaranteed funding to the FutureGen “clean coal” experimental power plant even though that recipient was not named (Javers, 2009). Many committees added to their displays of legislative earmarks the non-competitive allocations requested in the administration budget, sometimes listing as well legislative sponsors.

Another issue was how to treat earmarks in non-appropriations bills. Appropriations committee leaders had insisted that other committees bear the transparency burden, but those committees didn’t always want to comply. For example, Democratic leaders on Senate Armed Services unsuccessfully tried to convince the committee to not disclose earmarks in the defense authorization bill. (Donnelly, 2007b). The challenge grew during the 2011-2012 earmark moratorium. In 2011, House Armed Services Committee chair devised a system that was exposed by Democratic Senator McCaskill and then prevented by a House amendment:

. . . members of the Committee were directed to submit requests for increased authorizations in defense spending accounts ahead of the Committee’s consideration of H.R.1540, much as members had done in the past when requesting traditional earmarks. However, instead of the Committee adding funds for the earmark projects to the base text of the bill, as would customarily take place, the Committee prepared amendments for each earmark that the members then offered during the mark-up of H.R. 1540. A special fund was created by the Chairman to allow the Committee members to easily offset their earmark spending, as required by Committee rules. These amendments were

¹⁹ See Berry, Burden, and Howell, 2010.

subsequently adopted in large groups with little or no debate. Members were not required to disclose their requests or disclose the entity they were seeking to direct funding to, as required by House rules on earmarks in past years (McCaskill, 2012, p. 2; see also Weinstein, 2011).

During 2012, 65 House Republican freshmen (including Tea Party adherents) wrote Speaker Boehner asking that “miscellaneous tariff bills”--that is, packages of “limited tariff benefits” proscribed by the earmark reforms--be allowed (Newhauser, 2012).

The fundamental difficulty here is that some bills, like the tariff bill, have traditionally been fully earmarked. For example, the Water component of the Energy and Water Appropriations bill usually includes project allocations that when summed exceed the bill’s total funding--it is expected that some project spending will be delayed for technical causes (see Bolton, 2011). Defense authorizations and appropriations bills, both of which provide exceptionally detailed guidance to the Department of Defense, are uninterpretable without referring to the department’s budget justification “Green Book.”²⁰ Whether changes to the President’s request in this area are earmarks or not can often be difficult to determine. For example, if a legislator proposed an increase in the number of aircraft to be purchased--when there is a sole manufacturer--should this be viewed as an earmark (Donnelly, 2007a)?

Many of these definitional problems had been reviewed by a Republican Earmark Reform Committee that Leader Boehner established in 2008. Though the committee couldn’t agree on how to resolve them, the party insisted on earmark transparency. Or perhaps “fuzzy transparency” is the more accurate term--not an oxymoron, but rather an inevitability.

²⁰ See Wheeler, 2011 for evidence of defense earmarking in a less transparent manner during the moratorium.

The Limited Effects of Earmark Transparency

Despite the definitional problems just described, there is no question that earmark transparency has improved significantly. If there have been any clear beneficiaries of this, they have been social scientists. Data access in the past required very time-consuming data collection, or was potentially compromised by reliance on data compiled by the CAGW, an advocacy organization that has close ties to the corporate sector. Recent research with the new data has produced interesting findings about the nature of distributive politics (e.g., Lazarus, 2009, 2010; Lazarus and Steigerwalt, 2009; Engstrom and Vanberg, 2010), and there is surely more to come.

This section instead reports on what has happened since the earmark reforms to show that the assumptions of earmark transparency reformers were overly optimistic. It is complicated by the 2011-2012 moratorium, which by definition should have eliminated supply, but as the above examples indicate, did not fully succeed. That supply had already been reduced by the chairs' ceiling for earmarks of 1% of total spending, and confirmed by the 2007 removal from subcommittee web sites the "Dear Colleague" letters inviting earmark requests from legislators.

Starting with the idea that corruption helped to motivate the reforms, transparency should have especially reduced demand for earmarks that would threaten to fail the smell test. But apparently, some legislators were anosmiatic (lacking a sense of smell). Two recent investigative articles in *The Washington Post* show that not all legislators stopped sponsoring earmarks that could benefit them financially (Fallis, Higham, and Kindy, 2012; Higham, Kindy, and Fallis, 2012). The paper painstakingly compared earmark sponsorship data to data on properties owned by the legislators and to employment data for immediate relatives. Among other revelations, the paper showed that 33 legislators had earmarked projects within two miles of--and often directly

adjacent to--properties they owned. This was legal because they were not the sole beneficiaries of the projects, and the involved legislators strongly defended their actions. Left to be determined is how the blaming publicity affects currently shameless legislators, and warns others.

Regarding within-district earmarks more generally, the reformers' assumption that revealing earmark sponsorship would be inevitably condemnatory was naive. Contrary to the assumptions of pork-busters, transparency was unlikely to embarrass many legislators because the specifics of what was made more transparent--money to the district for seemingly beneficial purposes--was appreciated rather than disdained by most constituents. Lazarus reports that the FY2008 earmark data show 98% of House members receiving at least one earmark in appropriations bills (2009, p. 1055). Since that transparency identified who was responsible for requesting projects, claims for having obtained the funds were likely more credible than ever.²¹

Whether those claims were getting through to the general public is another question. The Cooperative Congressional Election Study of 2008, in response to the question "Can you recall any specific projects that your members of Congress brought back to your area?," only 17% of the respondents said "yes" (and they were not asked to name any such projects) (Ansolabehere, 2011).

Recall, though, that Bickers, et. al., 2007 found that earmark sponsorship was not always taken positively by conservative constituents, as the Republican party was moving rightward. Consider, then, the positions taken that year by Representative Gingrey, a Republican from Georgia. On October 4, 2007, a press release from his office announced that he had introduced

²¹ Apparently responsible. See Engstrom and Vanberg, 2010 for evidence that marginal freshmen in the majority party received sponsorship help from party leaders.

the Earmark Reform Act of 2007, which would cap earmarks at 1% of discretionary spending, or approximately \$14.5 billion. The bill would equally divide funds for earmarks between the House and Senate, and would “further prevent abuses of the earmark system by creating parity among all Members of Congress.” On November 8, another press release that followed his vote to pass the conference report on defense appropriations claimed credit for bringing \$20.25 million to his district. Multiplying that amount by 435 (the number of representatives) and then doubling the result to reflect the Senate’s equal share of earmarks produces a total of \$17.6 billion, which exceeds Gingrey’s proposed earmark cap by a fifth.

This assumes that Gingrey would not receive earmarks from any other bills--or perhaps he might be willing to drop some of his defense earmarks, such as “\$1 million for the development of Active and Smart food packaging that makes sure our troops are provided with safer and longer lasting combat rations--Printpack in Villa Rica” (Gingrey, 2007a, 2007b). The odds are, though, that he would want to keep it. An article in the Times-Georgian quoted Gingrey’s press secretary Chris Jackson:

“Of all the projects that we request funding for, we feel all of them are great projects and that they deserve funding,” Jackson said. “It’s hard to choose one over another, but we certainly treasure our defense-type of companies that we have, but there are also other companies in our district that may not necessarily make weapons or other defense-related products, but that develop products that possibly could help our military.”

As an example, Jackson pointed to Villa Rica’s Printpack, which manufactures plastic bags and other packaging products.

Jackson described a food packaging product Printpack is developing that can detect if the contents have been tampered with or been tainted by any type of bacteria or health hazard. He said that Gingrey, who had seven earmark requests in the defense appropriations bill this summer, was proud of having secured some money for the company.

Jackson also emphasized that Gingrey, who brought back about \$23 million in earmarks this past year, was very cognizant of constituents' frustration with what they view as reckless government spending.

“We think this is a real step in the right direction in terms of reigning in what a lot of people see as a ‘blank check’ mentality in Congress, and a lot of people are frustrated with the spending, and you can see it in the 11 percent approval ratings for Congress, and you hear it all the time at our town hall meetings when people ask, ‘When are you going to stop all this wild spending’,” he said (Daniels, 2007).

This is not an isolated case. Extensive quantitative research will be needed to explain fully how such “nuanced” (that is, hypocritical) position taking has been attempted by legislators, mediated by news organizations and advocacy groups, and understood by citizens, and to what effects. The point to be made here is that even if transparency reforms did lead to more cost bearers disapproving of legislators for bringing home the bacon, it appears that even would-be earmark reformers weren't too worried about that effect. The aphorism “one person's pork is another person's valuable project” is based on voters' local rationality.

While the reformers' intended target may have been the public, transparency also informed legislators. Those who found they had received fewer earmarks might feel justified in increasing their demands. The first publicized analysis of FY08 earmarks led to this effect. Taxpayers for Common Sense and CQ Weekly showed that members of the House Appropriations Committee accounted for 45% of the roughly 5600 House-passed earmarks that were requested by individual lawmakers (this counting rule excluded the roughly 1000 earmarks requested by multiple members) (Allen, 2007). While the partisan split of earmarks resembled the partisan balance in the House, this study also revealed that black and Hispanic legislators received only about half the dollar amount of earmarks received by white legislators. This led the Congressional Black Caucus to demand a remedy to this “earmark gap”--which could be closed either by reallocation or by increasing total supply. Note that some of the “disparity” was

explained by the Democratic party's strategy of granting more to its newly-elected members from marginal districts; black and Hispanic legislators tend to come from safe districts and be more senior, and may also be more focused on protecting means-tested benefit programs.

Another potential effect of greater transparency could have been to increase the success rate of pork-busters' challenges. If this is what happened, the increase was from infinitesimal to miniscule. I started to collect data on the post-transparency success rate of pork-buster amendments, but found so few successful amendments that I stopped.²² One of the rare successes on floor amendments was sponsored by Republican Senator Kyl, with publicity help from conservative columnist Robert Novak (2007). He attacked a \$1 million earmark for the Museum at Bethel Woods, New York, with an amendment that transferred \$336,500 of the funds, which would be drawn from the Office of Museum and Library Services Grants and Administration account, to the maternal and child health services program carried out by the Health Resources and Services Administration. The remaining amounts would be put towards deficit reduction. Two factors worked against this earmark. The first was that Bethel was the site of Woodstock music festival, which allowed the pork-busters to make fun of the legacy of flower power. The second was that Presidential candidate Senator Clinton was a co-sponsor, though Senator Schumer was the main sponsor. The motion to table the amendment to kill the earmark failed by a vote of 41-52. Four Democrats voted against tabling (Bayh, Feingold, Landrieu, and Webb), none of whom had an earmark in this account. Eleven Republicans who had earmarks in this title (some had two) voted against tabling: Alexander, Bennett, Chambliss, Crapo, Graham, Hatch, Hutchinson, Inhofe, Specter, Stevens, and Voinovich.

²² Flake joked that "votes on my amendments have all the drama of a Cuban election" (Clarke, 2009).

That rare success was motivated by partisan blame-generation and enabled by hypocrisy. Many other amendments of this type could be cited, but they were not adopted. For example, in 2007 Senator Coburn proposed an amendment to the Labor-HHS appropriation that would have excised earmarks from it and similar bills until “all children in the U.S. under the age of 18 years are insured by a private or public health insurance plan”--a strange condition given that Coburn opposed insurance mandates and Medicaid expansion (Milbank, 2007).

It is possible, on course, that there was an anticipated reaction effect by some potential earmark sponsors who declined to do so because of risk of pork-buster attacks. On the other hand, it is obvious that some sponsors of earmarks relished being attacked for their actions. Defending an earmark that was singled out for blame, with victory almost guaranteed, further announced to receptive districts that their legislators were their champions.

As appropriations bills were being considered in 2007, CNN asked legislators to reveal their requests, but the vast majority refused (Griffin and Johnston, 2007). But after that, as described above, transparency of legislators’ earmark requests was required.²³ As with the certified credit-claiming effects described above, these revelations had the potential benefit of increasing the number of requesters told that their legislator went to bat for them. On the other hand, for those who didn’t receive earmarks, they might ask their legislator: “why didn’t you hit it out of the park for us?” Those expectations may have been unrealistic given the imbalance of earmark requests and available funds; in FY11 39,294 earmarks totaled to \$131 billion, or about nine times the plausible ceiling (Raju, 2010b). Joe White has suggested (in personal

²³ An example of how legislators complied may be seen at the web page of Representative Quigley, an Illinois Democrat: http://quigley.house.gov/index.php?option=com_content&view=article&id=219:project-requests&catid=6

communication) that an important reality of earmarks is the number of times legislators effectively have to say “no” to earmark requesters.

Earmark transparency is relatively new, and only time and systematic research will generate strong findings about its effect. But it is safe to conclude now that the hopes of transparency reformers have not been fully met. Earmark transparency, while generally beneficial, will not dramatically limit earmarks, and it may encourage even more position-taking. We shouldn't be surprised. Congress has periodically made itself more transparent, and much good has come from those efforts. But transparency can have drawbacks. For example, we should give thanks for CSPAN, but also recognize that many legislators now use the channel to take positions before the public, and have lost the ability to deliberate with their fellow legislators.

Earmarking Is Immortal

Recognition of the drawbacks and limitations of transparency drove earmarking opponents to advocate for the moratorium that was put in place for 2011-2012. But moratoria, by definition, are temporary; a permanent ban is highly unlikely (Hooper, 2012; Hunter and Palmer, 2011; Raju, 2010a). This is a common result for self-limiting rules that are adopted by the Congress.

One reason is electoral competition. Just as earmark sponsors must defend the occasionally questionable earmark, proponents of the moratorium need to explain their position (Steinhauer, 2011). News reports are full of GOP second thoughts about their unilateral disarmament (Nocera and Snider, 2012). The Democratic 2012 strategy includes pointing to needed infrastructure repairs, and then accusing incumbent Republicans of not wanting to fund

them because of opposition to earmarks. Public works committee leaders have repeatedly stated that delayed passage of the surface transportation bill has been slowed in part by non-availability of earmarks (e.g., Ferguson, 2012).

Grease for the wheel has long been a common justification for earmarks--and opaque earmarks at that. Appreciation for that legislative art tends to vary by the content of the bill. For example, environmentalists hate the water resources bills that fund the Corps of Engineers, but praised Representative Phil Burton (D-CA) for his legendary “park barrel” bill that preserved many millions of acres of land for wildlife and recreation. A legislative genius, Burton broke a logjam of small parks bills by combining scores of earmarks so as to create a large enough supporting coalition, while intentional obfuscating some of the effects of the bill (Jacobs, 1995, chapter 16).

At times like the present, when ideological and partisan dispersion is so high, and when those who threaten filibusters rule the Senate, side payments are often necessary to get anything done. If the price of a project is a vote for the bill, that may be necessary to pass bills, particularly those that would promote the public interest but have lower chances of passage because of voter reluctance to accept their terms (see Evans, 2004). Ellwood and Patashnik make the strongest claims along these lines:

Favoring legislators with small gifts for their districts in order to achieve great things for the nation is an act not of sin but of statesmanship. . . In exchange for an increase in pork barrel spending, however, members of Congress just might be willing to bite the bullet and make the politically difficult decisions that will be required if the federal deficit is ever to be brought under control. (1993)

Whether earmarks can fulfill this function in practice requires case-by-case analysis. They won't if the price of a project is not a vote for the bill--Evans has documented convincingly that many Senators demand and get earmarks even when they don't ultimately vote for bill passage (2004).

The final important political reason for the revival of earmarks is that a ban on them would empower the executive branch far more than legislators want (Ackley, 2007). This is a politically unsustainable position for the many legislators who appreciate being part of the world's most powerful legislature. Appropriators take this position most strongly (Wasson, 2011), but it is held even by many ideologically conservative legislators who want to cut the size of government--except in their districts (Sherman, 2010).

Additional Reforms for "Pretty Good Government"

Since earmark transparency has not been fully effective, and since the moratorium will expire, perhaps reformers should grant that Senator Johnston had a point. Not all earmarks are indefensible. Some peer review networks are biased towards older and richer institutions, and earmarks may be a useful corrective in some cases. Earmarks present a range of opportunities for innovation and demonstrations that may suggest modifications to and replacements for existing programs. In their best use, earmarks can also help the Congress represent the vast variety of district-focused concerns, thus building citizen support for an often remote government. And in the context of overall budget challenges, earmarks are not the most important problem. At their peak, the earmark percentage of total federal spending was only around 1% of the federal budget; many earmarks were drawn from accounts that if not

earmarked would have been spent on executive branch priorities. If not “chump change,” this is at least “small potatoes.”²⁴

Assuming that post-moratorium, the earmark transparency reforms will be retained, but with a more realistic sense of their likely impact, what should be next on the reform agenda? This paper concludes with several suggestions that have not been widely discussed.

First, to address the concern that conflicts over earmarks have taken too much time, I propose a compromise: the Congress allows a limited amount of earmarks, but only when it passes a budget resolution, this resolution includes a ceiling on earmarks, and those earmarks are available only when the regular appropriations bills are presented to the President by the beginning of the fiscal year (Meyers, 2009). This self-commitment approach could help the Congress eliminate the significant costs agencies bear from tardy action (1997); making earmarks contingent on action would reinvigorate the fiscal year deadline for legislators. And in response to the widespread public disgust with the many legislators who reject reasonable compromises in hopes of squeezing out partisan advantages over extended periods of inaction, this approach would state the resolve of Congress to do its job.

Second, to address the desire for local input on how federal funds are allocated, the concern that current earmark allocations are inequitable, and the fear the earmarks promote incumbency protection, the Congress could guarantee each district or state a small pot of funds for local development (contingent on meeting the requirements of my first proposal). A range of countries already use this tool under the generic name of “constituency development funds” (Tshangana, 2010; Murray, 2011). The worst implementations are slush funds for the

²⁴ See Frisch and Kelly, 2011, for examples that support these arguments.

creation of personal votes and legislator self-enrichment; the better ones appear to promote citizen involvement and inter-district equity in the allocation of moneys. This approach could be called “participatory local development grants.” That abbreviates to PLDGs, or “pledges”--implying that legislators would promise to pass bills on time to make them available, and that the grants would be reviewed carefully. Each legislator would be required to appoint an advisory commission of leaders from state and local government and non-profits to screen requests for these grants; the membership would rotate over time and multi-partisan. This approach could help earmark opponents resist earmarking of some budget accounts by pointing to how PLDGs are supposed to serve that function.

Third, regarding concerns about corruption, transparency advocates should aim elsewhere after having gained perspective on the small relative magnitude of earmarks and the likely small benefits to be gained from additional transparency. Earmarks are far from the only or largest type of policy that that can serve as quids for the acquisition of political support, particularly campaign contributions. Consider, for example, the huge effects of lenient regulatory provisions for private financial institutions--privatized profits and socialized risks--and the politics that results--almost innumerable fund-raisers with financial executives. If I wanted to judge whether Senator Shelby was corrupt, I would pay less attention to his earmarks for his constituents, and more attention to his Senate Banking Committee activities.

For the supreme irony of earmark transparency is that it has coincided with a dramatic increase in the opacity of campaign finance, particularly after the *Citizens United* decision by the Supreme Court. The campaign against earmarks has been a modern morality play with a positive ending, but throughout its many acts the more serious evil has never made it to the stage. Anti-

corruption reformers should declare victory on earmark control, and turn to the richer target of campaign finance.

While increased transparency for campaign finance could help reduce its corrupting effects, there are limits to its effectiveness. Just as desirable would be new incentives that would encourage broader public participation in the financing of campaigns. Ackerman and Ayres (2002) have proposed a brilliant reform along these lines that deserves more consideration than it originally received--and it is especially relevant to this paper because of the strong case it makes for the occasional virtue of opacity. They analogize campaign financing to voting by secret ballot, and propose a public financing system that would entitle all citizens to “Patriot Dollars.” These dollars would be contributed to candidates anonymously through a secret donation booth, using plausible methods to assure anonymity. Because this approach to campaign funding would mean legislators would be less dependent on advocating particularized policy--earmarks included--it could be a mechanism for limiting such policies.

Finally, the great flaw of earmarks is not that they may corrupt the government, but rather that they distract government from more important activities.²⁵ The same goes for earmark transparency, and for transactions transparency more generally. Coglianesse labels it as “fishbowl” transparency--“to expand the release of information that can document how government officials actually behave.” He says, and I agree, that we instead should emphasize “reasoned” transparency, an approach “that demands that government officials offer explicit explanations for their actions” (2009, p. 537).

²⁵ Frisch and Kelly, p. 4 make a similar point, but don't propose specific alternatives to the status quo process.

Imagine if the earmark transparency effort of recent years had instead been towards creating a “popular budget report” that could be understood by ordinary citizens. Might that have made it less possible for elected officials to make unrealistic claims about the actual budget choices faced by the U.S.?

Within the Congress, the campaign against earmarks has sometimes been described as an effort to promote cost-effectiveness, but it has not certainly been the best approach for meeting this goal. Preferable would have been an effort to make performance budgeting a reality in the Congress. Following adoption of Government Performance and Results Act (GPRA) of 1993, the executive branch has made significant progress in developing and using performance information. By and large, the Congress has not, and willfully so. Had earmark opponents been more supportive of agency budget submissions using a performance format, the resulting deliberation about strategic goals, budget allocations, and results could have showed how small earmarks really are in magnitude and political import. The Congress should take advantage of the second chance it has given itself through passage of the GPRA Modernization Act of 2010 to try this approach.

All of these proposals have risks, and likely require much greater explanation to convince readers that they are desirable. The limits of earmark transparency suggest they deserve consideration.

References

- Ackerman, Bruce and Ian Ayres, 2002. *Voting with Dollars*. New Haven: Yale University Press.
- Ackley, Kate, 2007. "Earmarks Revisited; Lobbyists Target President's Budget For Their Projects," *Roll Call*, January 31.
- Ackley, 2012. "K Streeters Adjusting to Loss of Earmarks," *Roll Call*, April 19.
- Adair, Bill, 2006. "Waste 'Watchdog' Barks for Donors," *CQ Weekly*, June 12, 1610.
- Aldrich, John H. and David W. Rohde, 2000. "The Republican Revolution and the House Appropriations Committee," *Journal of Politics*, 62: February, 1-33.
- Allen, Jonathan, 2007. "The Earmark Game: Manifest Disparity," *CQ Weekly*, October 1, 2836-2850.
- Alt, James E. and David Dreyer Lassen, 2006. "Transparency, Political Polarization, and Political Budget Cycles in OECD Countries," *Midwest Journal of Political Science*, 50: July, 530-550.
- Ansolahehere, Stephen, 2011. "CCES Common Content, 2008," <http://hdl.handle.net/1902.1/14003> V4 [Version], April 13.
- Balla, Steven J., Eric D. Lawrence, Forrest Maltzman, and Lee Sigelman, 2002. "Partisanship, Blame Avoidance, and the Distribution of Legislative Pork," *American Journal of Political Science*, 46: July, 515-525.
- Baron, David P. 1991. "Majoritarian Incentives, Pork Barrel Programs, and Procedural Control," *American Journal of Political Science*, 35: February, 57-90.
- Benito, Bernardino and Francisco Bastida, 2009. "Budget Transparency, Fiscal Performance, and Political Turnout: An International Approach," *Public Administration Review*, May, 403-417.
- Berry, Christopher R., Barry C. Burden, and William G. Howell, 2010. "The President and the Distribution of Federal Spending," *American Political Science Review*, 104: November, 783-799.
- Besley, Timothy, 2006. *Principled Agents? : The Political Economy of Good Government*. N.Y. Oxford University Press.
- Bickers, Kenneth N. and Robert M. Stein, 2000. "The Congressional Pork Barrel in a Republican Era," *Journal of Politics*, 62: November, 1070-1086.

- Bickers, Kenneth N., Diana Evans, Robert M. Stein, and Robert D. Wrinkle, 2007. "The Election Effects of Credit Claiming for Pork Barrel Projects in Congress," presented at the annual meeting of the American Political Science Association.
- Bolton, Alexander, 2011. "Without Saying 'Earmark,' Sens. Boxer, Inhofe Solicit Requests for Projects," *The Hill*, February 22.
- Bovitz, Gregory L., 2002. "Electoral Consequences of Porkbusting in the U.S. House of Representatives," *Political Science Quarterly*, 117: 3, 455-476.
- Brass, Clinton T., Garrett L. Hatch, and R. Eric Petersen, 2008. "Bush Administration Policy Regarding Congressionally Originated Earmarks: An Overview," *Congressional Research Service*, November 17.
- Bush, George W. 2007. Speech in Nashville, Tennessee, July 19; <http://www.whitehouse.gov/news/releases/2007/07/20070719-3.html>.
- Clarke, David, 2009. "House Gives Financial Programs a Boost," *CQ Weekly*, July 20, 1714.
- Clarke, David and Lirel Higa, 2007. "Parties Reach Accord on Earmarks," *CQ Weekly*, June 18, 1848-9.
- Cochran, John, 2006. "A Project by Any Other Name," *CQ Weekly*, June 12, 1612.
- Coglianesse, Cary, 2009. "The Transparency President? The Obama Administration and Open Government," *Governance*, 22: October, 529-544.
- Cohn, Jonathan, 1998. "Roll Out the Barrel: The Case Against the Case Against Pork," *New Republic*, April 20, need pages.
- Collie, Melissa, 1988. "The Legislature And Distributive Policy Making In Formal Perspective," *Legislative Studies Quarterly*, 4: November, 427-457.
- CRS Appropriations Team, 2006a. "Earmarks in Appropriations Acts: FY1994, FY1996, FY1998, FY2000, FY2002, FY2004, FY2005," Congressional Research Service, January 26.
- CRS Appropriations Team, 2006b. "Earmarks in Appropriations Acts: FY2006," Congressional Research Service. March 6.
- Crittenden, Michael R., 2007. "House Wraps Up Financial Services Bill," *CQ Weekly*, July 9, 2032-2033.
- Daniels, Doug, 2007. "Cutting fat from the pork|Gingrey bill would curtail earmarks," *Times-*

Georgian, http://www.times-georgian.com/view/full_story/3277506/article-Cutting-fat-from-the-pork-Gingrey-bill-would-curtail-earmarks.

Davis, Joseph A., 1988. "War Declared Over Report-Language Issue," *CQ Weekly*, June 25, 1752-1753.

Dennis, Steven T., 2006. "House Changes Its Rules on Earmarks," *CQ Weekly*, September 15, 2466-7.

Donnelly, John M., 2007a. "C-17s: A Primer in Directed Spending," *CQ Weekly*, January 8, 104-5.

Donnelly, John M., 2007b. "Dems Make Awkward Case Against Disclosing Defense Earmarks," *CQ Weekly*, June 25, 1892.

Doyle, Richard, 2011. "Real Reform or Change for Chumps: Earmark Policy Developments, 2006-2010," *Public Administration Review*, January, 34-44.

Doyle, Richard, 2011. "The Rise and (Relative Fall of Earmarks: Congress and Reform, 2006-2010." *Public Budgeting and Finance*, Spring, 1-22.

Engstrom, Erik J. and Georg Vanberg, 2010. "Assessing the Allocation of Pork: Evidence from Congressional Earmarks," *American Politics Research*, 38: 6, 959-985.

Ellwood, John W., and Eric M. Patashnik, 1993. "In Praise of Pork," *The Public Interest*, 110: pp. 19-?.

Evans, Diana, 2004. *Greasing the Wheels: Using Pork Barrel Projects to Build Majority Coalitions in Congress*. New York: Cambridge University Press.

Evans, Diana, 2007. "Appropriations in the Republican Era," *Extensions*, Carl Albert Center, University of Oklahoma, Spring 2007, 9-14.

Evans, Diana, 2011. "Pork Barrel Politics," in Eric Schickler, Frances E. Lee and George C. Edwards III, eds., *The Oxford Handbook of the American Congress*, N.Y.: Oxford University Press, 315-339.

Felton, John, 1989. "Remembering the Home Folks," *Congressional Quarterly*, November 18, 3177.

Fallis, David S., Scott Higham, and Kimberly Kindy, 2012. "Public Projects, Private Interests," *The Washington Post*, February 7, A1.

Ferejohn, John A., 1974. *Pork Barrel Politics: Rivers and Harbors Legislation, 1947-1968*. Stanford: Stanford University Press.

Ferguson, Ellyn, 2012. "Bottom-Line Issues Yield Trouble Down on the Farm," *CQ Weekly*, April 9, 726-7.

Frisch, Scott A., 1998. *The Politics of Pork: A Study of Congressional Appropriation Earmarks*. N.Y.: Garland.

Frisch, Scott A. and Sean Q Kelly, 2011. *Cheese Factories on the Moon*. Boulder: Paradigm Publishers.

Fung, Archon, Mary Graham, and David Weil, 2007. *Full Disclosure: The Perils and Promise of Transparency*. N.Y.: Cambridge University Press.

Gaul, Gilbert M., and Sarah Cohen, 2007. "Rural Aid Goes to Urban Areas," *Washington Post*, April 6, A1, A8.

Gattis, Paul, 2011. "In Arab, killer tornado breaks hearts and wrecks lives," *The Huntsville Times*, April 28. http://blog.al.com/breaking/2011/04/in_arab_killer_tornado_breaks.html

Government Accountability Office, 2008. "Congressional Directives: Selected Agencies' Processes for Responding to Funding Instructions," January.

Griffin, Drew and Kathleen Johnston, 2007. "Despite Promises, few in House make earmarks requests public," *CNN.com*, June 19.

Gugliotta, Guy, 1997. "Veto Is Making 'Pork Barrel' A Shell Game," *Washington Post*, October 18, A1, A4.

Heald, David, 2006. "Varieties of Transparency," in Christopher Hood and David Heald, eds., *Transparency: The Key to Better Governance?* Proceedings of the British Academy, 135, Oxford: Oxford University Press, 25-43.

Heaser, Jason, 2009. "Pulled Pork: The Three Part Attack on Non-Statutory Earmarks," *Journal of Legislation*, 35: 32.

Hernandez, Raymond, 2001. "Lawmakers Find a Path Around an Earmarks Ban," *The New York Times*, March 16.

Hibbing, John R., and Elizabeth Theiss-Morse, 2002. *Stealth Democracy: Americans' Beliefs About How Government Should Work*. N.Y.: Cambridge University Press.

- Higham, Scott, Kimberly Kindy, and David S. Fallis, 2012. "Close Connections," *The Washington Post*, February 8, A1.
- Hood, Christopher, 2006. "Transparency in Historical Perspective," in Hood and David Heald, eds., *Transparency: The Key to Better Governance?* Proceedings of the British Academy, 135, Oxford: Oxford University Press, 3-23.
- Hooper, Molly K., 2012. "House GOP Lawmakers Take Aim at Earmark Ban," *The Hill*, May 18.
- Hulse, Carl. 2011. "Appropriations Chief Spends Less and Cuts More," *The New York Times*, March 22.
- Hunter, Kathleen, 2010. "Tensions Rise Over Earmarks," *Roll Call*, April 19.
- Hunter, Kathleen and Anna Palmer, 2011. "Members Rethink Earmark Ban," *Roll Call*, March 15.
- Jacobs, John, 1995. *A Rage for Justice*. Berkeley: University of California Press.
- Jansen, Bart, 2007. "Senators OK Ban on 'Phonemarking' in Quiet Adjustment of Lobby Rules," *CQ Weekly*, October 22, 2004.
- Javers, Eamon, 2009. "Stimulus Serves Up Obama Pork," *Politico*, June 16.
- Lehman, William, 2000. *Mr. Chairman: The Journal of a Congressional Appropriator*. Lanham, MD: University Press of America.
- Kaiser, Robert, 2007. "Citizen K Street," *washingtonpost.com*, March 4-April 8, <http://blog.washingtonpost.com/citizen-k-street/>.
- Kaiser, Robert, 2010. *So Damn Much Money: The Triumph of Lobbying and the Corrosion of American Government*. N.Y.: Vintage.
- Kelly, Brian, 1992. *Adventures in Porkland*. N.Y.: Villard Books.
- Kucinich, Jackie. "House GOP Earmark Transparency Web Site Goes Dark," *Roll Call*, October 6.
- Law, Marc T. and Joseph M. Tonon, 2006. "The Strange Budgetary Politics of Agricultural Research Earmarks," *Public Budgeting and Finance*, 26: Fall, 1-21.
- Lazarus, Jeffrey, 2009. "Party, Electoral Vulnerability, and Earmarks in the U.S. House of

Representatives,” *The Journal of Politics*, 71: July, 1050-1061.

Lazarus, Jeffrey, 2010. “Giving the People What They Want? The Distribution of Earmarks in the U.S. House of Representatives,” *American Journal of Political Science*, 54: April, 338-353.

Lazarus, Jeffrey and Amy Steigerwalt, 2009. “Different Houses: The Distribution of Earmarks in the U.S. House and Senate,” *Legislative Studies Quarterly*, 3: August, 347-373.

Lessig, Lawrence, 2010. “Delusion on the Hill? The Earmark Puzzle,” *Huffington Post*, March 10.

Lessig, Lawrence, 2011. *Republic, Lost*. N.Y.: Twelve.

Lilly, Scott, 2007. “When Chutzpah is an Understatement,” Center for American Progress, June 13. http://www.americanprogress.org/issues/2007/06/chutzpah_lilly.html

Lowi, Theodore J., 1964. “American Business, Public Policy, Case Studies, and Political Theory,” *World Politics*, 16: July, 677-715.

Mayhew, David, 1974. *The Electoral Connection*. New Haven: Yale University Press.

McCarty, Nolan, Keith T. Poole, and Howard Rosenthal, 2006. *Polarized America: The Dance of Ideology and Unequal Riches*. Cambridge, MA: MIT Press .

McCaskill, Office of U.S. Senator Claire, 2011. “Investigation of House FY 2012 National Defense Authorization Act Earmarks.”

Meyers, Roy T., 2009. “How to Pass Spending Bills on Time This Year,” *Roll Call*, March 24, 4.

Meyers, Roy T., 1997. "Late Appropriations and Government Shutdowns: Frequency, Causes, Consequences, and Remedies," *Public Budgeting and Finance*, 17: Fall, 25-38.

Milbank, Dana, 2007. “Children’s Health Yields to the Senators From Pork,” *The Washington Post*, October 24.

Murray, Mark, 2000. “King of the Roads,” *National Journal*, September 23, 2954-2959.

Nather, David, 2007. “The Earmark Dossier of ‘Dr. No’,” *CQ Weekly*, May 14, 1398.

Newhauser, Daniel, 2012. “Tariff Bills Muddle Earmark Message,” *Roll Call*, April 26.

Nixon, Ron, 2008. “Not All Earmarks Are Paid in Full, and a Senator Wants to Know Why,” *The New York Times*. May 20.

- Nocera, Kate and Adam Snider, 2012. "Earmarks: GOP Frosh Face Dilemma," *Politico*, May 1.
- Novak, Robert D., 2007. "Flower-Power Pork," *Washington Post*, October 18.
- O'Connor, Patrick and John Bresnahan, 2009. "Top Dem: 'Don't be a Flake'," *Politico*, May 14.
- Obama, President Barack, 2001. "The Open Government Partnership: National Action Plan for the United States of America," September 20.
- Office of Management and Budget, 2009. "Report to Congress on Deductions from Congressionally Directed Funding (FY 2008)." April 1.
- Pawson, Ray, 2002. "Evidence and Policy and Naming and Shaming," *Policy Studies*, 23: 3/4 211-230.
- Payne, James L., 1991. *The Culture of Spending*. San Francisco.: Institute for Contemporary Studies.
- Pianin, Eric, 2003. "Prober Faults NASA Shuttle Judgments," *Washington Post*, May 14.
- Raju, Manu, 2010. "The Senate's Proud Porkers," March 17.
- Raju, Manu, 2010. "Study: 39,294 Earmarks Sought," *Politico*, December 6.
- Rapp, David, 1988. "OMB's Miller Backs Away From Report-Language Battle," *CQ Weekly*, July 9, 1928.
- Reynolds, Maura, 2009. "A Mottle of Transparency," *CQ Weekly*, July 20, 1698-1705.
- Richert, Catharine, 2007. "GOP Walks Out as Agriculture Bill Passes," *CQ Weekly*, August 6, 2370.
- Roberts, Alisdair, 2006. *Blacked Out*. N.Y.: Cambridge University Press.
- Rosen, Yereth, 2006. "How Pet Projects in Alaska Became Pet Peeve on Hill," *The Christian Science Monitor*, July 25.
- Rundquist, Barry S., and Thomas M. Carsey, 2002. *Congress and Defense Spending: The Distributive Politics of Military Procurement*. Norman: University of Oklahoma Press.
- Safire, William, 2008. *Safire's Political Dictionary*. N.Y.: Oxford University Press.

- Sangillo, Gregg, 2007. "Murtha Cam, *National Journal*, November 10.
- Savage, James D., 1991. "Saints and Cardinals in Appropriations Committees and the Fight Against Distributive Politics," *Legislative Studies Quarterly*, 16: August, 329-347.
- Savage, James D., 1999. *Funding Science in America: Congress, Universities, and the Politics of the Academic Pork Barrel*. N.Y: Cambridge: Cambridge University Press.
- Savage, 2009. "The Administrative Costs of Congressional Earmarking: The Case of the Office of Naval Research," *Public Administration Review*, v: May, 448-457.
- Sellers, Patrick J., 1997. "Fiscal Consistency and Federal District Spending in Congressional Elections," *American Journal of Political Science*, 41: July, 1024-1041.
- Shepsle, Kenneth A. and Barry Weingast, 1981. "Political Preferences for the Pork Barrel: A Generalization," *American Journal of Political Science*, 25: February, 96-111.
- Sherman, Jake, 2010. "GOP Gets Queasy on Earmark Ban," *Politico*, December 9.
- Skocpol, Theda, and Vanessa Williamson, 2012. *The Tea Party and the Remaking of Republican Conservatism*. N.Y.: Oxford University Press.
- Smothers, Ronald, 1995. "Three Killed As Tornado Strikes Town In Alabama," *The New York Times*, February 17.
- Solomon, John and Jeffrey H. Birnbaum, 2007. "Pet Projects' Veil Is Only Partly Lifted," *Washington Post*, September 9, A1, A5.
- Starobin, Paul, 1987. "Pork: A Time-Honored Tradition Lives On," *CQ Weekly*, October 24, 2581-2591.
- Stein, Robert M. and Kenneth N. Bickers, 1995. *Perpetuating the Pork Barrel: Policy Subsystems and American Democracy*. N. Y.: Cambridge University Press.
- Steinhauer Jennifer, 2011. "Lawmakers' End of Earmarks Affects Local Programs Large and Small," *The New York Times*, February 7.
- Stone, Peter H., 2007. "The Abramoff Wave," *National Journal*, August 11, 28-32.
- Strauss, Daniel, 2011. "House Appropriator: We Know How To Get Around Earmark Ban," *The Hill*, March 3.

- Swope, Christopher, 1997. "Veto Pen Comes Down Hard On a Small Alabama Town," *CQ Weekly*, November 8, 2757.
- Taylor, Andrew, 1996. GOP Pet Projects Give Boost To Shaky Incumbents, *CQ Weekly*, August 3, 2169-2173.
- U.S. House of Representatives Committee on Oversight and Government Reform, 2007. "More Dollars, Less Sense: Worsening Contracting Trends Under the Bush Administration," June.
- Wasson, Erik, 2011. "Cardinals Say Ban on Earmarks Is Not Forever," *The Hill*, January 12.
- Wehner, Joachim and Paolo de Renzio, 2011. "Citizens, Legislators, and Executive Disclosure: The Political Determinants of Fiscal Transparency," *International Budget Partnership*, Working Paper, December.
- Weinstein, Adam, 2011. "The Pentagon Budget's Stealth Earmarks," *Mother Jones*, June 6.
- Wheeler, Winslow, 2011. "Where to Find the Earmarks in the House Defense Appropriations Bill." June 22. <http://pogoblog.typepad.com/pogo/2011/06/guest-post-where-to-find-the-earmarks-in-the-house-defense-appropriations-bill.html>
- White, Joseph, 1989. *The Functions and Power of the House Appropriations Committee*. University of California, Berkeley dissertation.
- White, Joseph, 2005. "Making Connections to the Appropriations Process," in Paul S. Herrnson, Ronald G. Shaiko, and Clyde Wilcox, eds. *The Interest Group Connection*, second edition. Washington, D.C.: CQ Press.
- Wilson, Reid, 2011. "Name and Shame? Obama May Go Public with Lawmakers' Funding Requests," *National Journal*, November 7.
- Wong, Scott, and Manu, Raju, 2010. "Earmark Ban Faces New Test in Senate," *Politico*, November 5.