HARD COALS MAKE BAD LAW: CONGRESSIONAL PAROCHIALISM VERSUS NATIONAL DEFENSE

Robert Higgs

The U.S. national defense program is very expensive and notoriously plagued by waste, fraud, and mismanagement. Members of Congress, whose duty it is to oversee the program, often complain about it and take various actions ostensibly to repair its flaws. Unfortunately, as Rep. James Courter (R-N.J.) has said, "Congress is not the answer to waste. Congress is the problem." Economist Herbert Stein, a member of the Packard Commission, has observed that major defense problems "are compounded when the decisions move to Congress." The root of congressional misfeasance, says Stein, is that "hardly anyone [in Congress] feels a primary responsibility for the defense program as the safeguard of our national security. Too many are able to look upon the defense budget as a big pot of money from which they can serve their special interests."[1]

Analysts often dismiss this aspect of defense budget waste as "small potatoes." But is it? Assistant Defense Secretary Lawrence Korb recently estimated that the congressional pork barrel costs "at least $10 billion a year [for] things we don't want, things we don't need," but which are put in the budget "to protect vested interest." Richard Stubbing, a long-time defense specialist at the Office of Management and Budget, considers Korb's estimate probably too low.[2] The defense

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[1]Courter as quoted in Fossedal (1985); Stein (1986).

[2]Korb as quoted in Stubbing (1986, p. 101). Stubbing's own observation appears on the same page.

pork barrel looks small only in relation to the gargantuan total defense budget. In any other perspective it looks like "real money."

After presenting some facts and arguments pertaining to Congress in general, I shall tell the story of a congressional boondoggle involving the use of anthracite coal. It is one of the many "small potatoes" measures embedded in the defense program. Viewed in isolation, it lacks earth-shattering importance. Yet it is instructive. Its elements, so visible and so utterly inexcusable from the standpoint of genuine concern for national security, show how and why in other, often more costly ways the members of Congress treat the defense program as a means to serve their own selfish, parochial, and wasteful ends.

Congress: Incentives, Structures, and Strategies

The first thing to notice about members of Congress is that they have a job. They have worked hard to get it and, with few exceptions, they want to keep it. Congress, as political scientists have shown, has become a career for many of its members. Because in modern times some 90 percent of members stand for reelection and of those about 90 percent are reelected, Congress consists mainly of people who have spent a long time in the job and who expect to spend many more years in it. Between 1969 and 1986, incumbents averaged about 11 years of service.[3] They may be interested in contributing to good public policy—no doubt some are so interested, always according to their own ideological predilections, of course—but reelection must be their proximate goal. To achieve their policy goals, they must remain in the job. As a former congressman wrote, "All members of Congress have a primary interest in getting re-elected. Some members have no other interest."[4]

Accordingly, they strive ceaselessly to gain the approval of a majority of those who will cast ballots in their districts at the next election. Representatives in particular are "always running." But senators, whose longer terms give them more breathing room, cannot afford to grow complacent, as their probability of reelection is substantially lower than that of House members: 75 percent versus 91 percent for elections between 1946 and 1984; 75 percent versus 98 percent in

[3]Davidson and Oleszek (1985, pp. 37–40); Fiorina (1977, pp. 39–40, 60, and passim); Mayhew (1974, pp. 5–6, 16, 49, and passim).

[4]Frank E. Smith (D-Miss.) as quoted in Mayhew (1974, p. 16). See also Rep. Carl Vinson's advice to a new congressman, as quoted in Reed (1984, p. 234). For a clever test of the influence of ideology on defense voting in the Senate, see Nelson and Silberberg (1987). On the question of self-interest versus ideology and most other matters discussed in this section, I am indebted to Lindsay (1987, 1988, and forthcoming).

1986.[5] Incumbents need not worry much about conditions or opinions elsewhere in the nation or the world. Retention of the job turns on satisfying a majority of voters *in one's electoral district.*

In this quest they might support measures that promote the public good at minimum cost to the taxpayers at large. Unfortunately, such behavior fails to win many votes. Voters recognize that a single vote in Congress rarely decides an issue. Even if it should, benefits that flow to others are heavily discounted. In assigning responsibility for laws and policies of national application, voters typically view the actions of a single legislator as inconsequential.

Most voters are realistic and self-interested: they are always asking, in Alben Barkley's immortal words, "What have you done for me lately?" Public opinion surveys confirm that voters want their political representatives to "bring home the bacon." In political scientist Morris Fiorina's words, "Each of us wishes to receive a maximum of benefits from government for the minimum cost. This goal suggests maximum government efficiency, on the one hand, but it also suggests mutual exploitation on the other. Each of us favors an arrangement in which our fellow citizens pay for our benefits."[6]

Understanding voters' wishes, members of Congress promote themselves by establishing plausible claims to have channeled benefits toward and costs away from their constituents. They and their staffs spend much time on "casework," helping individual citizens cope with the terrors of government bureaucracy. Beyond casework, members of Congress strive to claim credit for "particularized benefits" that enhance the well-being of their constituents and are not available to everyone. Constituents especially value federal contracts and subsidies to local businesses; grants to local governments, schools, training programs, and sanitation facilities; federally funded dams and irrigation works; targeted loans and loan guarantees; military bases; and interstate highways and other construction projects in the district. Representatives and senators can make more politically valuable claims when they are able to point to apparently ad hoc federal largess. Political scientists disagree about the precise effect of particularized benefits on elections. But incumbents have no doubts. "The lore is that they count—futhermore, given home expectations, that they must be supplied in regular quantities for a member to stay electorally even with the board."[7]

[5]Davidson and Oleszek (1985, p. 62); Jackson (1988).

[6]Fiorina (1977, p. 40). See also Davidson and Oleszek (1985, pp. 37, 101, 435).

[7]Mayhew (1974, p. 57). See also Davidson and Oleszek (1985, pp. 412–14, 419–20); Jackson (1988, pp. 1, 29). For a counterargument, see Maass (1983, pp. 71, 261). On the electoral efficacy of casework, narrowly construed, see Johannes (1984, pp. 187–211).

Some members bring home more bacon than others. Much of the real action in Congress happens in committees and subcommittees, "small-group settings in which individual congressmen can make things happen and be perceived to make things happen."[8] So members need to belong to the committees that have jurisdiction over the sorts of particularized benefits they wish to channel to their constituents. When a member seeks a minor favor, "the bureaucracy considers his accommodation a small price to pay for the goodwill its cooperation will produce, particularly if he has any connection to the substantive committee or the appropriations subcommittee to which it reports."[9]

One's influence on committees expands with seniority. Despite the reforms of recent years, seniority remains the most important qualification for advancement to committee and subcommittee chairmanship. In such commanding positions, one possesses a variety of ways to shape legislation. Lacking a chairmanship, ranking minority members frequently wield extraordinary clout.[10]

Besides the elevation of rank and influence that comes with seniority, members of long tenure gain the advantage of "knowing the ropes." Congressional norms, precedents, and procedures are Byzantine. Newcomers must be utterly baffled, while "members who know the rules and precedents have an advantage over procedural novices in affecting policy outcomes." Often, timing is crucial, and only those conversant with the intricacies of congressional procedure know when the most propitious moment occurs and how to seize a momentary opportunity.[11]

Notwithstanding the considerable advantages of committee membership, chairmanship, seniority, and knowing the ropes, no member can get much done without support from others. Members spend much of their time constructing and maintaining alliances. The President can be either a fine friend or formidable foe. Accordingly, one must strive to enter into mutually beneficial political exchanges with the administration. In particular, one tries to obtain favorable treatment from the President and his cabinet in the assignment of particularized benefits to one's district. The administration has much discretion in such assignments, so potential trades can often be

[8]Mayhew (1974, p. 92). See also Lindsay (1987); U.S. Senate (1985, p. 580).

[9]Fiorina (1977, p. 43). See also U.S. Senate (1985, pp. 570–80, 603–5); Reed (1984, pp. 240–41); and Lindsay (1987) for details on committee jurisdictions and power struggles in relation to defense.

[10]Davidson and Oleszek (1985, pp. 39, 219, 222–23); Mayhew (1974, pp. 104–5).

[11]Davidson and Oleszek (1985, pp. 267, 285). For a superb example, see Apcar (1983).

arranged.[12] In such dealings, members often find it advantageous to join forces with other members from their states, frequently without regard to party membership. As House Majority Leader Jim Wright (D-Tex.) said, "When a member has his chips on the line for something that affects his district, the others pretty much fall into line and help him."[13] Increasingly, informal alliances—many of them bipartisan—have emerged along issue, regional, or commodity lines. There are, for example, a 55-member Congressional Coal Group in the House and a 39-member Coal Caucus in the Senate.[14]

Given the members, structure, and alliances, there remains the strategy. The basic problem is that members want to channel benefits toward and costs away from their own constituents. This situation would appear to be the setting for a war of each against all in a legislative Hobbesian jungle where nothing but mutually exploitative behavior could be expected. But that is not how Congress works. Indeed, its actual workings are normally just the opposite. Despite their apparent conflicts of interest, members understand that what matters most for their electoral prospects are visible particularistic benefits and costs clearly associated with the actions of individual senators or representatives. If benefits and costs are not noticed or are ignored because they are small or not clearly linked to the actions of the representatives for whom one votes, then for political purposes they do not exist. Members of Congress therefore must devise legislative strategies that enhance the visibility of particularistic benefits but that hide, obscure, or displace responsibility for the costs borne by constituents. Over the centuries, members have perfected several such strategies.

The most important strategy is logrolling, a form of vote trading that entails a tendency toward universalism: vote for my boondoggle and I'll vote for yours (maybe now, maybe later). Each of us will then have something to take plausible credit for; and even though in the aggregate the costs may vastly exceed the benefits, the voters of any given district will perceive themselves to have received net gains, to have gotten their "fair share." After all, the perceived alternative is to have borne a pro-rata share of the costs of all other boondoggles nationwide without any offsetting benefits whatever in one's own district—clearly a bad deal. Once members have positioned them-

[12]Davidson and Oleszek (1985, pp. 302–5); Weida and Gertcher (1987, pp. 22–25). On the scope for executive discretion and legislative deal-seeking in relation to defense, important contrasting cases are base closures or realignments (see Twight forthcoming) and placement of subcontracts (see Mayer forthcoming).

[13]Wright as quoted in Davidson and Oleszek (1985, p. 362).

[14]Davidson and Oleszek (1985, pp. 364–65); Lindsay (1987); U.S. Senate (1985, p. 579).

selves on committees of greatest serviceability for their reelection strategy, "observance of reciprocity is not very costly in terms of lost opportunities, and it is very profitable in terms of unfettered influence in an area vital to their continued reelection."[15] Rep. Ronald V. Dellums (D-Calif.), chairman of the House Armed Services Subcommittee on Military Facilities and Installations, gave voice to the prevailing practice when he said that "as long as 'powerful' members can get their projects through it would be discriminatory to vote against anyone else."[16]

Another important legislative strategy for facilitating the members' diverse objectives is improvising a package deal. By attaching riders (that is, substantively unrelated provisions) to a comprehensive bill, such as the appropriation bill for an entire federal department, legislators are able "to execute a hidden ball play. The broader the scope of the measure, the more chance there is of its carrying along to enactment provisions that would otherwise stand no chance of being enacted into law." Within omnibus bills—recent examples include appropriations measures covering funding for several departments, bills that may run to hundreds of pages and allocate hundreds of billions of dollars—riders occupying a few lines easily gain enactment with little effort by their sponsors. Nor do the sponsors of such riders need to worry about a presidential veto.[17]

An especially innocent-looking variant is the "limitation rider," which restricts the use to which an agency may put appropriated funds. As political scientists Roger Davidson and Walter Oleszek note, however, such riders actually "make policy" under the guise of restricting expenditures.[18] Recent defense appropriations acts, for

[15]Fiorina (1977, p. 67). See also Mayhew (1974, pp. 88, 105, 114–16, 119); Davidson and Oleszek (1985, pp. 116–17, 193, 223, 398–401).

[16]Dellums as quoted in Weida and Gertcher (1987, p. 83).

[17]Gross (1953, p. 209). See also Mayhew (1974, p. 114); U.S. Senate (1985, pp. 588–89); Weida and Gertcher (1987, p. 25). The omnibus spending bill for fiscal year 1988 signed by President Reagan on December 22, 1987, which included the defense appropriation, had more than 2,000 pages and appropriated more than $600 billion. Senator Daniel Evans (R-Wash.) recently wrote that on the evening of December 22, 1987, "I was speaking in the Senate about the impossibility of even knowing what we were about to vote on when the doors opened and a messenger from the House entered carrying a large cardboard box containing the 2,100-page bill. As they approached the presiding officer, the shouts of 'Vote! Vote!' forced me to end my remarks, and in less than half an hour the Senate had adopted a $604 billion budget that not one senator had fully read. Weeks later, we were still discovering special little provisos that members of the Appropriations Committee had inserted into the bill" (Evans 1988, p. 50; see also p. 91). One of those "little provisos" had to do with anthracite coal; see my concluding section below.

[18]Davidson and Oleszek (1985, p. 328). See also Maass (1983, pp. 136–38).

example, contain dozens, sometimes scores, of limitation riders. Behind each of them, there is a story; usually it is a story of particularistic benefits conveyed to a special interest group by an individual member or a small group of members of Congress.

"The most pervasive attribute of electoral processes," write Davidson and Oleszek, "is their local character. . . . The candidates, the voters, and often the issues and styles, are deeply rooted in states and districts." And yet, "the aggregate of all these contests is a legislative body charged with addressing national problems and issues."[19]

The residents of the United States need, *inter alia,* national defense—not defense of merely the Second District of California or the state of Idaho but *national* defense. Yet no one in Congress has much incentive to promote the national defense. In fact, all members face incentives and constraints that push them toward support of measures that weaken the national defense by depleting the defense budget to finance particularistic benefits that do nothing to produce genuine national security. Worst of all, selling out the national defense apparently violates no political norm, at least no congressional norm. As a British writer has observed, somewhat aghast, "It would not be thought unusual or wrong for either senators or congressmen to argue for the interests of their state or district even if those interests appeared to the majority to be *contrary* to the national interest."[20]

Except when acting ideologically or seeking electoral gains from public position-taking, an individual member of Congress tends to regard national security and other essential collective goods as conditions beyond control, like acts of God, even though they are the result of the aggregate of actions taken by members of Congress. "It makes much more sense," writes political scientist David Mayhew, "to devote resources to things over which they think they can have some control" and for which they can claim individual credit during the next campaign.[21] Given the structure of our legislative institutions and the strategies of the legislators, "the general, long-term welfare of the United States is no more than an incidental by-product of the system."[22]

On the basis of analysis like that just presented, several political scientists have argued that the growth of the federal government, especially the expansion of the scope of federal activities, has led to

[19]Davidson and Oleszek (1985, p. 101).

[20]Hobkirk (1983, p. 54, emphasis added). See also "Weapons Industry Lobby," pp. 89–92; Feld and Wildgen (1985, pp. 41–43); Russett (1970, pp. 186–87); Aspin (1981).

[21]Mayhew (1974, p. 32).

[22]Fiorina (1977, p. 49).

a change in the mix of congressional activities: less attention to setting basic policies, more attention to casework and pork barreling. As one congressman put it, "The federal government has projected itself into every aspect of life, from cradle to grave; so people naturally go to Washington to solve their problems." Because so many more people are now likely to have troubles with the federal bureaucracy and so many more opportunities exist to procure particularistic benefits from the federal government, the payoffs have been shifted for legislators. There are now more opportunities for them to take the sorts of actions that best promote their reelection, and they have responded accordingly.[23]

The analysis may be applied to the defense program in particular. Throughout the post–World War II era, the United States has maintained an enormous military establishment, requiring thousands of bases and other facilities, millions of workers, and a multitude of contracts for research, goods, and services supplied by private firms. The governmental allocation of these bases, jobs, and contracts involves great discretion. Members of Congress have recognized that post offices and rivers-and-harbors projects, the traditional pork-barrel measures, are now small potatoes. As Rep. Pat Schroeder (D-Colo.) complained in the early 1980s, no doubt exaggerating somewhat, "If you want anything for your district . . . the only place there is any money at all is in the Armed Services Committee bill."[24] Since World War II the U.S. Treasury has laid out more than $6,600 billion (in 1982 dollars) for national defense. The potential for pork barreling has become stupendous, and members of Congress have been alert to seize the opportunities, often in ingenious ways.

The Hard-Coal Constituency and Its Congressional Salvation

Anthracite is the hard, shiny coal that burns hot, clean, and almost without flame. It is found in the United States almost entirely in a small region of northeastern Pennsylvania. (For present purposes it suffices to say that we are dealing with no more than four congressional districts.) The anthracite industry grew rapidly in the late 19th and early 20th centuries, but after World War I it began to decline. By 1960 the industry was a shadow of its former self: output at 18 million tons (down 72 percent since World War I), employment at

[23]Congressman as quoted in Johannes (1984, p. 37). See also pp. 36, 55, and Fiorina (1977, pp. 46–49, 87–93).

[24]Schroeder as quoted in Lindsay (1988, p. 65). See also Weida and Gertcher (1987, pp. 22–25, 82–83); Bacon (1978); Mossberg (1983).

20,000 workers (down almost 90 percent since 1914).[25] The hard-coal region became a classic economic backwater. But despite the unemployment, outmigration, and despair, not all was lost. The region still had congressmen.

The congressmen had influence with the administration, and they perceived that its management of the defense program might be turned to the advantage of the shriveling anthracite coal industry. The United States had hundreds of thousands of troops stationed in Europe, giving rise to a demand for a million metric tons of solid fuels annually to heat the barracks. Those fuels, bituminous coal and coke, were being purchased from European suppliers. Someone got the idea that substituting Pennsylvania anthracite for German coke could add substantially to the withering market for hard coal. Industry leaders Harry W. Bradbury of the Glen Alden Coal Company and James J. Tedesco of the Pagnotti Coal Company took the initiative in "creating a market where none had existed before." They invested "large measures of tenacity, travel and tact and after six months of effort they prevailed." Their herculean efforts were not directed at producing or marketing coal; they were aimed at lobbying the state's congressional delegation and the administration.[26]

In May 1961 a meeting in Washington of all the interested parties was arranged by the congressmen with constituents in the hard-coal region. In attendance were Pennsylvania's Senators Joseph S. Clark and Hugh Scott and Representatives Ivor D. Fenton, Daniel J. Flood, William W. Scranton, and Francis E. Walter. Representing the Pentagon were Edward J. Sheridan, deputy assistant secretary of defense, General J. B. Lampert, director of military construction, and other high officials of the Department of Defense (DoD) and the Army. Representatives of the United Mine Workers and the anthracite producers rounded out the group. On the agenda were two items: (1) opposition to conversions from anthracite to alternate fuels by the Army anywhere; and (2) a proposal that the Army switch from German coke to Pennsylvania anthracite at its European posts. At stake was the potential opportunity to supply some 700,000 tons of solid fuel. The immediate outcome of the meeting was that Paul A. Mulcey, a consulting engineer connected with the Pennsylvania Coal Research Board, was dispatched to West Germany "to inspect and investigate the plants in question to ascertain whether there is any

[25]Miller and Sharpless (1985); Pennsylvania Department of Environmental Resources (n.d., pp. 41–43); Powell (1980); *Congressional District Data Book* (1963, pp. 428–29).

[26]"Impact of the Army Tonnage" (1961, p. 2); "Defense Seeks U.S. Coal for Troops in Germany" (1961, p. 45).

valid reason why Pennsylvania anthracite cannot be used as economically and efficiently as German coke." As the summer passed, the people of the hard-coal region looked forward anxiously to an arrangement that might entail 318,700 man-days of work, $6,700,000 in wages, $7,700,000 in sales, and all the multiplier benefits to "bolster the economy of the distressed anthracite producing region." In anticipation of these benefits, the *Bulletin* of the Anthracite Institute gratefully recognized the congressmen's "effective work in bringing about a new appraisal of anthracite" by the Army and DoD; it expressed its great appreciation and extended "the industry's sincere thanks."[27]

The scheme was nonpartisan. Senator Clark was a Democrat, Senator Scott a Republican. Representatives Flood and Walter were Democrats; Scranton and Fenton were Republicans. They had but one thing in common: each represented a voting district consisting in part of voters resident in the hard-coal region. Flood's Eleventh District was Luzerne County; Walter's Fifteenth District included Carbon County; Scranton's Tenth District included Lackawanna County; Fenton's Twelfth District included Northumberland and Schuylkill counties. Together they covered virtually all of the hard-coal fields still being worked.[28] Together they packed considerable clout—and got results.

In October the Pentagon announced that its forces in West Germany would purchase over 485,000 net tons of Pennsylvania anthracite in the next eight months. The announcement was, according to the *Bulletin* of the Anthracite Institute, "the most exhilarating news that the industry and the producing region have received in a long time." The new sales represented an amount equal to about 20 percent of the total production of stove coal and larger sizes. Beyond the benefits to the mining industry, the program promised substantial stimulus to the railroad and supplying industries. Some 8,660 extra carloads would be required to carry the European-bound shipments to tidewater piers; hence, some $118,000 in wages for railroad employees per anthracite working day. The beneficiaries were encouraged by getting the program going even though the Army had already contracted for a portion of its fuel supplies in Germany earlier in the fiscal year. It seemed "not unreasonable to anticipate" that the Pennsylvanians would be in a "much more favorable position to obtain an even greater tonnage in the year beginning July 1, 1962."[29]

[27]"Army Tonnage" (1961, p. 1).

[28]*Congressional Directory* (1962, pp. 139–141).

[29]"Impact of the Army Tonnage" (1961, p. 2); "Ten Solid Trainloads of Anthracite Per Day" (1961, p. 1).

Indeed they would be, for a government program is an easy thing to start, a hard thing to stop. Besides, this particular program could be clothed in a variety of plausible public-interest rhetoric. It was said to express President John F. Kennedy's interest in improving the nation's balance of payments, raising the gross national product, aiding economically distressed regions, and decreasing unemployment. The only losers seemed to be the German coke suppliers, "who need no help at this point." In April 1962 the *Bulletin* concluded: "This government business has done so much to further the President's stated national objectives and coincidentally bolster the local economy, that it is clearly in the best interests of all parties that it not only be continued, but expanded for the year starting July 1st."[30]

And so it was. In July 1962 the Department of Defense announced that it would award contracts to anthracite firms for about 500,000 net tons for shipment to West Germany. This time 10 firms shared the business and with the benefits more widely spread a deeper entrenchment of the program was ensured. Jobs, of course, would appear to be created. The contracts represented about 21 percent of annual production of stove coal and larger sizes and would require a minimum of two and a quarter weeks of union production. In addition, supply, service, and transport firms and their workers would gain. Some 120 more railroad workers would be needed to get the coal to ocean ports, where U.S. flag vessels and their crews would begin to get their share.[31] Everybody seemed to be better off. Not a word was spoken about the additional government outlays needed to conduct the program. Thereafter it was extended year after year as a matter of course.

By the late 1960s, however, the Pentagon had wearied of this coals-to-Newcastle scheme. Military authorities proposed conversions of the aging, inefficient, and labor-intensive anthracite furnaces in Europe to more modern designs using alternate fuels, usually oil. They expected thereby to save over $20 million a year. But DoD's requests for budget authority to convert the furnaces got nowhere in Congress. The proposal repeatedly failed to clear the Defense Appropriations Subcommittee of the House. Year after year the mighty Pentagon met defeat at the hands of a single congressman. The defense officials

[30]"Renewal of the Army Export Contract" (1962, p. 1).

[31]"Export Tonnage for U.S. Army to Be Continued" (1962, p. 1). See also "Anthracite Shipments to Army Continue" (1962, p. 43).

should not be faulted too much, however, because their opponent was "the best congressman."[32]

The Best Congressman: Dan Flood

Everyone agreed that Daniel J. Flood, the Democratic representative of the Eleventh District of Pennsylvania, was the best congressman. Most important, his constituents agreed. They elected him to Congress first in 1944 and—except in 1946 and 1952, when the Republicans enjoyed nationwide triumphs—reelected him at every election through 1978. Once, running unopposed in 1970, he received 97 percent of the vote. After he had entrenched himself, in the 1960s and 1970s, Flood routinely won by a large margin even when opposed. For 16 terms, he served as the "guardian angel" of the people of his district. He was an ombudsman, father, priest, employment bureau, entertainer, fixer, occasionally a savior. He was, in the words of one adoring constituent, "the next closest thing to God."[33]

Flood had what political scientists call a consummate "home style." He understood the people of his district and knew what they wanted from him. His constituents—predominantly members of white ethnic groups descended from hard-pressed immigrant miners, long isolated by occupation, ethnicity, and geographical remoteness from the mainstream of national political life—had little interest in matters beyond their Appalachian province. "Local, not national or international, issues mattered most to people. Voters wanted to know what a candidate could do for them—for their family, for their town, for their region of the country. The politican who did not understand this concern simply did not get elected."[34] Flood understood.

Fundamental to the power of this congressman who "wield[ed] his power ruthlessly to channel untold millions of federal dollars into his district" were seniority, advantageous subcommittee memberships, and rank. By the 1960s he had become the second-ranking Democrat on the Defense Appropriations Subcommittee. In 1967 he became chairman of the Labor and Health, Education, and Welfare Appropriations Subcommittee. In these two positions, he boasted, he was "identified with three-fourths of the whole federal budget. You can imagine what that means." Spelling out his strategic advantages for reporter George Crile in 1974, Flood explained: "You get to be known, and while you don't threaten anyone—they are very

[32]Stubbing (1986, p. 100); Crile (1975, p. 63).

[33]Crile (1975, p. 61); "Flood, Daniel J(ohn)" (1979, p. 134).

[34]Miller and Sharpless (1985, p. 331). On home style, see Mayhew (1974, p. 51).

understanding people and very human. . . . It's very technical and I use all of these opportunities, advantages, seniority, and all of this stuff for the purpose of helping whatever is left of the goddamn anthracite coal industry." With his subcommittee positions and rank, Flood had a lot to trade. His congressional colleagues appreciated the potential for gains from trade. Said House Speaker Carl Albert (D-Okla.), "Flood's in a position to accommodate a lot of members."[35]

And accommodate he did. Flood was as popular with his fellow members of Congress as he was with his constituents in the Eleventh District. As Rep. Joe Waggonner of Louisiana put it, Flood was "a Congressman's Congressman." Rep. Tom Steed of Oklahoma echoed Waggonner's appraisal: "It's true that I do more for Dan Flood than I do for other members of Congress. It's because Dan Flood can do more for me than other members of Congress." Flood became a horse trader supreme. His IOU's were distributed "throughout the power structure of the House, hitting every region and committee, and extending to both parties." He viewed a plea for help from a colleague as "an opportunity rather than a burden." If he needed to be paid back, as when in 1972 the Susquehanna River flooded much of Wilkes-Barre and other places in his district, he could say to his colleagues, "Now look, goddamn it, I've taken care of you before, now you get in line."[36] And they did.

When the Army proposed conversion of its European furnaces from anthracite to oil in the late 1960s, Flood used his strategic position on the Defense Appropriations Subcommittee to block the budget authority required for the conversion. "Hell, yes, I stopped it," he bragged to Crile. "I did it by twisting arms and hammering heads. I'd break a few arms if I had to." The former boxer was hyperbolic as usual. In truth, he possessed far more effective means of getting his way than physical prowess. In 1972 he gave the anthracite industry's captive military market even stronger protection by adding to the Defense Appropriation Act for fiscal year 1973 the following limitation rider: "None of the funds available to the Department of Defense shall be utilized for the conversion of heating plants from coal to oil at defense facilities in Europe."[37] Thereafter, the same provision—two-and-a-half innocuous-looking lines tucked obscurely into a bill with hundreds of complex sections—reappeared year after year. The U.S. Army therefore was stuck with its anthracite furnaces

[35]Quotations from Crile (1975, pp. 60, 64—65) and "Flood, Daniel J(ohn)" (1979, p. 133).
[36]Waggoner, Steed, and Flood as quoted in Crile (1975, p. 65).
[37]Flood as quoted in Crile (1975, p. 63); 86 Stat. 1184 (1972) at 1203.

and had to continue buying, transporting, storing, and handling the hard coal to fuel them.

Over time the anthracite program was costing DoD—which is to say, the taxpayers—hundreds of millions of dollars in excessive heating costs. Why, a writer asked Flood, did the defense authorities let him get away with his costly obstruction? "They can't be blamed," he answered. "After all, here's Flood, a nice fellow, and he's got a great reputation for being for defense appropriations—bang, bang, bang, and all that. Jesus Christ, suppose you were one of these goddamn generals or secretaries or deputy secretaries. What are you going to do? Jeopardize the Army materiel command with a son of a bitch like that for a couple of million dollars, for a couple of tons of coal? Bullshit."[38] Obviously the congressman had the military authorities over a barrel. Having more important projects to promote and fund, they did not consider it worthwhile to antagonize a powerful member of the Defense Appropriations Subcommittee in order to save the few hundred million dollars consumed by his favorite boondoggle.

Flood eventually met defeat, not at the hands of his constituents, who loved him to the end, but in federal court, where he was charged in the late 1970s with a variety of offenses including perjury, conspiracy, and acceptance of bribes. In a plea bargain struck in February 1980, he was found guilty of conspiracy to violate federal campaign laws. In consideration of his old age and ill health, he was given a suspended sentence and placed on a year's probation. He resigned his congressional seat on January 31, 1980.[39]

The Second-Best Congressman: Joe McDade

Joseph M. McDade is a dull man, in appearance, speech, and behavior the very opposite of Dapper Dan Flood. But politically McDade has much in common with Flood, who represented an adjacent congressional district and with whom he worked amiably for almost two decades in the service of the anthracite region in general and the hard-coal industry in particular. Now serving in his 13th term, McDade is the senior member of the Pennsylvania delegation. Though a Republican, he enjoys the support of organized labor. His appeal is to members of both parties. Avoiding strong partisan and ideological positions, he has never received less than 60 percent of the vote since 1966. He is "a model casework congressman, the kind

[38]Flood as quoted in Crile (1975, p. 63).

[39]Orlofsky (1979, pp. 239–40, 500, 685); "Flood, Daniel J(ohn)" (1979, p. 134); Orlofsky (1981, p. 190).

who sometimes seems to function as little more than an ambassador for his district."[40]

Given his seniority, what is most conspicuous about McDade is his inconspicuousness. But lack of publicity has not kept him from cultivating influence with his congressional colleagues. "He is one of those guys who is very effective by learning the ropes and being a nice guy," says Rep. Morris Udall of Arizona. "I don't know anybody who doesn't like him." According to Rep. Don Young of Alaska, "He has the ability to put together packages that are acceptable to everyman." Unknown to the public outside the anthracite region, he makes a deeper impression on his colleagues. Rep. Jack Murtha of Pennsylvania has said that "it would be difficult to have much more influence" than McDade has now.[41]

Like Flood, McDade built his congressional career on seniority, committee membership, and rank—all employed in the cause of ample casework and generous infusions of particularistic benefits for the homefolks. He is, as one political guidebook puts it, "a creature of the Appropriations Committee."[42] In 1985 he gave up his position as ranking minority member of the Interior Appropriations Subcommittee, where he "always fought for the interests of coal," to become the ranking Republican on the Defense Appropriations Subcommittee. Like Flood, he "isn't bashful about funneling funds to General Dynamics and other Pentagon contractors with plants in his district"; nor is he "shy about shovelling federal money into the anthracite country or protecting the interests of coal."[43] So even after Flood had left the scene, that same limitation rider, forbidding conversions of European base furnaces from coal to oil, kept appearing in the defense appropriations bill year after year. After all, the Eleventh District, like all the others, "wants a piece of the military-industrial complex to call its own."[44]

[40]Naughton (1987, pp. C1–C2); Barone and Ujifusa (1985, pp. 1167–68); Barone and Ujifusa (1987, pp. 1031–32); Ehrenhalt (1981, pp. 1043–45).

[41]Udall, Young, and Murtha as quoted in Naughton (1987, pp. C1–C2).

[42]Ehrenhalt (1981, p. 1043).

[43]Barone and Ujifusa (1985, p. 1167); Barone and Ujifusa (1987, p. 1031). One wonders whether McDade's 1985 move to the Defense Appropriations Subcommittee had anything to do with his receipt of $26,700 from the PACs of the 20 top defense firms in support of his 1984 campaign. See Parry (1985). Recently, announcing his intention to seek a 14th term, McDade boasted that his current term "may have been his most successful in bringing jobs and economic growth" to his district ("McDade Announces Bid for 14th Term" [1988]).

[44]See, for example, 95 Stat. 1565 (1981) at 1585, and 96 Stat. 1833 (1982) at 1857; Naughton (1987, p. C2).

With 25 years of experience in pork-barrel politics, McDade expresses no shame about his sponsorship of the anthracite boondoggle. "I guarantee you," he proudly told the *New York Times*, "that if we weren't burning [anthracite] coal in Europe we wouldn't be burning it anywhere. This is a way to keep the industry alive." To clothe this domestic welfare program in a thin garment of military rationality, some supporters have alleged that in its absence the German bases would be vulnerable to energy blackmail because of European dependence on Soviet natural gas or Persian Gulf oil and the possibility of terrorist attacks on the pipeline system. The argument is pathetic and can be exploded by a moment's reflection. U.S. Army officials have rejected it, maintaining that district heat or oil-fired systems present no greater security risk than coal-fired plants. Still, McDade is happy to trot out the discredited security argument. "I'll be doggoned if I'll tell the people that they're going to heat their bases with Russian gas," says the mock-patriotic congressman. "It's not unseemly to ask that United States coal be burned on a United States base."[45]

In late December 1982, McDade and other congressional friends of coal added to the Defense Appropriation Act for fiscal year 1983 the following rider: "None of the funds available to the Department of Defense during the current fiscal year shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available."[46] The provision gave added assurance that the hard-coal industry would retain its captive military market.

Diplomacy and Economy versus the Pork Barrel

While Congress played games with taxpayers' money, a diplomatic confrontation was steadily building in Germany. At its root were the old anthracite furnaces on U.S. bases. The furnaces caused a lot of air pollution in a heavily industrialized area already subject to severe air pollution. Damage to German forests accelerated rapidly in the early 1980s; by 1985 nearly half the trees had been affected. The Germans reacted by imposing stringent antipollution standards,

[45]McDade as quoted in Gruson (1986, p. 26). For a presentation of the security-risk argument for coal-fired plants, see the remarks of David G. Wigg inserted into the record by Senator Heinz, *Congressional Record* 132 (8 August 1986, pp. S10845–S10846). For the Army's refutation of the argument, see U.S. General Accounting Office (1987, pp. 3, 24–25).

[46]96 Stat. 1833 (1982) at 1863.

including requirements that existing boilers be retrofitted with scrubbers and, in some areas, that no coal be burned regardless of the equipment. According to the DoD's 1985 energy management plan, "German officials at all levels are unalterably opposed to the use of coal (any kind, from any country) where connection to a local district heating system is an available alternative.... The Department of Defense is becoming increasingly unable to comply with congressional direction on U.S. coal use in Europe and German law." The Pentagon found itself, in the words of Jeffrey Jones, acting director for energy policy, "pinned between U.S. law and German law."[47]

In a letter surveying the problem, Gen. Scott B. Smith, the deputy chief of staff, engineer, for the U.S. Army in Europe, cited a study that estimated the Army could save about $500 million over the 25-year life cycle of its heating equipment if congressional restrictions on conversions were removed. Further, removal of the restrictions "would greatly enhance the image of the U.S. Army in the eyes of the German government and its citizens." Smith noted that "good relations with Host Nations are our greatest assurance of gaining their support for the fielding of new weapons systems, the construction of new facilities, and the needed cooperation in realizing other common aims." High-level diplomatic communications underscored the seriousness of the irritation of German-American relations. The German minister of finance wrote Secretary of Defense Caspar Weinberger to emphasize that "using local district heating facilities would be in the common interest of maintaining and strengthening the cordial relations between the U.S. forces and the local population." The German foreign minister wrote Secretary of State George Shultz to point out "the importance of the heating issue for maintaining the good relations between the forces and the local population." And the German ambassador, Gunther van Well, wrote Senator Barry M. Goldwater, chairman of the Senate Armed Services Committee, seeking support for legislation to drop congressional restrictions on conversions of European furnaces.[48]

Faced with the excessive costs of continuing to operate the anthracite furnaces, including the prospect of some $385 million of additional defense budget outlays just to bring them into compliance with German environmental regulations, and the growing diplomatic flap

[47]Major General Scott B. Smith to Major General Richard K. Kenyon, 19 May 1986 as printed in *Congressional Record* 132 (8 August 1986, pp. S10844–S10845); DoD energy management plan as quoted in Copulos (1986, p. 5); Jones as quoted in Gruson (1986, p. 26). See also "Defense Department Wants to Stop Buying U.S. Coal" (1986, p. 17).

[48]For the letters, see *Congressional Record* 132 (8 August 1986, pp. S10844–S10845).

with German authorities, Congress took action—and made the problem even worse.

The Defense Appropriations Act for fiscal year 1985, passed by Congress in October 1984, included the standard restriction on conversions of European furnaces from coal to oil; it also carried forward the requirement, first enacted in 1982, that all coal used on European bases be U.S. coal. Still open, however, was the alternative being pressed by the Germans that the bases switch to district heating, tapping into networks of surplus heat produced by nearby factories, mills, and utilities. Ever vigilant, Rep. McDade slammed shut that door, too. Just before the defense appropriations bill left the House Appropriations Committee in September 1984, McDade attached an amendment providing that "none of the funds available for Defense installations in Europe shall be used for the consolidation or conversion of heating facilities to district heating distribution systems in Europe."

The Defense Department, already engaged in negotiations with several local authorities in Germany for just such conversions, protested the committee's action. In response, the Senate Appropriations Committee conceded "that those facilities identified by the Department of the Army as of September 24, 1984, as being in advanced stages of negotiations shall be exempt from such provision upon written notification to the Committees on Appropriations of the House of Representatives and the Senate from the Department justifying the conversion for each facility." Offsetting its slight concession, however, the Senate committee directed the Army to purchase an additional 520,000 metric tons of U.S. coal to build a one-year "strategic reserve" in Europe. These reserves, according to Gen. Smith, were "not needed." The Senate provision, subsequently enacted by Congress, would simply add to existing, already sufficient reserves at a cost of $63–75 million—more than $17 million for transport alone. But the sponsor, Pennsylvania's Republican Senator Arlen Specter, was delighted to announce the action and to characterize it as "good news for the anthracite coal fields."[49]

Every Pentagon protest, every diplomatic difficulty, every additional extraction from the taxpayer's pocketbooks seemed only to whet the congressmen's appetite for more pork. McDade, as always, had "worked closely with the anthracite industry." Specter, facing a close race in 1986, began to play a more prominent role in the

[49]Smith to Kenyon, *Congressional Record* 132 (8 August 1986, p. S10844); 98 Stat. 1904 (1984) at 1926, 1928, 1934, 1941; Copulos (1986, p. 4); Specter as quoted in "Coals to Newcastle" (1985, p. 12).

diversion of defense funds to the anthracite region. In appreciation, the National Coal Association and its political action committee (Coalpac) designated him a priority candidate and contributed $2,000 to his campaign (out of a total of $15,750 given to all Senate candidates between January 1985 and June 1986).[50] PACs sponsored by individual coal companies and the United Mine Workers made additional contributions. McDade, as expected, and Specter, with relief, easily won reelection in 1986.

A cynic might well have viewed the campaign contributions from the coal interests as a naked payoff for actions taken in Congress in 1985, when the boondoggle reached its height. That year, seeking to escape from the untenable position in which conflicting German and American laws had placed it, the Department of Defense proposed a "Solomonic compromise." In a letter dated August 30, 1985, the assistant secretary of defense for acquisition and logistics proposed to the Senate Defense Appropriations Subcommittee that in exchange for a lifting of the restrictions on furnace conversions in Europe, the department would increase the use of coal for heating its bases in the continental United States. Coal purchases would be increased—indeed, more than doubled—by 1.6 million short tons (including at least 300,000 tons of anthracite) by fiscal year 1994.[51] When the conferees finished their reconciliations and the Defense Appropriations Act for fiscal year 1986 finally became law on 19 December 1985, it was the best Christmas present ever for the coal interests. It continued all the previous restrictions on DoD energy use in Europe: no coal-to-oil conversions, no foreign coal, no conversions to district heating (except at those bases the Army identified as of April 11, 1985, as being in advanced stages of negotiation and at Bad Kissingen).[52] So DoD's proposed deal had fallen through. But Congress did accept part of the proposal, the pork-barrel part: it mandated increased use of coal on bases in the continental United States. To implement an amendment sponsored by Senator Robert C. Byrd of West Virginia, funds were provided to pay for conversion of furnaces on domestic bases from gas or oil to coal. Section 8110 of the act reads:

> Of the funds available in the Army Industrial Fund, $25,000,000 shall be available to be used to implement immediately, or to transfer to another appropriation account in this Act to be used to implement immediately, the program proposed by the Department in its

[50]"Coals to Newcastle" (1985, p. 12); "Coalpac Supports Candidates in Four Key Senate Races" (1986, p. 13).

[51]Gruson (1986, p. 26); "Defense Department Wants to Stop Buying U.S. Coal" (1986, p. 17); Copulos (1986, pp. 1, 4); *Congressional Record* 132 (8 August 1986, p. S10844).

[52]99 Stat. 1185 (1985) at 1205, 1207, 1210, 1214.

> letter of August 30, 1985, from the Assistant Secretary of Defense for Acquisition and Logistics, to rehabilitate and convert current steam generating plants at defense facilities in the United States to coal burning facilities in order to achieve a coal consumption target of 1,600,000 short tons of coal per year above current consumption levels at Department of Defense facilities in the United States by fiscal year 1994; *Provided,* That anthracite or bituminous coal shall be the source of energy at such installations; *Provided further,* That during the implementation of this proposal, the amount of anthracite coal purchased by the Department shall remain at least at the current annual purchase level, 302,000 short tons.[53]

For the first time, a statute had actually prescribed a minimum tonnage of hard coal that the Pentagon must buy—it was micromanagement with a vengeance.

This legislation anticipated the conversion of heating systems to use coal at 37 installations in the continental United States. Estimates of the costs of the conversions varied widely, from about $1.4 billion according to the Department of Defense to as much as $5 billion according to analyst Milton R. Copulos, director of energy studies at the Heritage Foundation.[54] Copulos placed the congressional coal scheme "among the most astounding examples of parochialism" but noted, with reference to the military authorities, that "no one wants to get the people [in Congress] who write your budget mad." Congressman William E. Dannemeyer of California's Thirty-Ninth District—an Orange County district conspicuously short of coal mines—expressed outrage at the program. "It's a joke," he declared, "a terrible, sad example of porkbarrel politics"; but it exemplified "how our political process works."[55]

It was either too good (for coal-state members of Congress and their privileged constituents) or too bad (for everyone else) to last. With the Pentagon still caught in the middle and with gas-state representatives in Congress bringing pressure to preserve gas sales to military bases in the continental United States, the scheme had to be altered; and in 1986 it was.[56] Along the way a revealing debate took place in the Senate.

In early August, as the senators were laboring through days of lengthy sessions to consider scores of proposed amendments to the

[53]99 Stat. 1185 (1985) at 1222.

[54]Copulos (1986, p. 6).

[55]Copulos and Dannemeyer as quoted in Gruson (1986, p. 26). See also "Defense Department Wants to Stop Buying U.S. Coal" (1986, p. 17).

[56]"U.S. Bases in Europe to Stop Using Pa. Coal" (1986). Michael Baly, vice president of the American Gas Association, reported that "We raised a lot of hell on Capitol Hill and talked with some of our friends" (Wessel 1988).

defense authorization bill, Specter offered an amendment cosponsored by fellow Pennsylvania Republican John Heinz, Byrd and John D. Rockefeller of West Virginia, and Paul S. Trible of Virginia. The amendment called essentially for reenactment of the provision passed in 1985 requiring DoD to implement the plan to increase its coal consumption by 1.6 million tons, including at least 300,000 tons of anthracite, in the continental United States by fiscal year 1994 by converting furnaces. Speaking in support of the measure, Specter, who faced an uncertain election just three months away, underscored the supposed lessons of the 1973 Arab oil embargo and the dangers of dependence on foreign energy materials. He stressed the importance of supporting domestic energy sources. By adopting his amendment, the Senate could continue its "commitment to the American coal industry" and ensure that "the U.S. coal producers, railroads, maritime industry, and our Nation's security will not be jeopardized."

Heinz then spoke in support of the amendment, noting that it was "the result of years of discussions and planning by the Defense Authorizing and Appropriations Committees in both Chambers." He expressed "deep reservations" about letting DoD off the hook in Europe and worried that the military authorities might manage their energy use to the detriment of the coal industry. The amendment, he declared, would "guarantee a livelihood to some 2,000 to 3,000 coal miners in Pennsylvania" and, by the by, avoid grave repercussions for national security "that can not be underestimated." Byrd spoke briefly in support of the amendment, explaining that it would ensure that "there will be no misunderstanding or faltering by the Defense Department in the pursuit of this program in fiscal year 1987."[57]

Senator Strom Thurmond of South Carolina, the floor manager of the bill under debate, explained that Specter's amendment should be viewed in the context of other provisions of the bill approved by his subcommittee. At long last the Armed Services Committee had approved conversion of heating plants at defense facilities in Europe "from coal to district heat or gas or oil whenever it is cost effective or required by the host nation." This would allow savings of $20–40 million in annual operating costs and preclude the necessity of installing antipollution devices at a cost of $385 million to comply with German environmental regulations. Acknowledging the political swap being made, Thurmond characterized Specter's amendment as part of "an orderly transition from using coal in Europe to using coal in the United States." His committee, having considered the

[57]*Congressional Record* 132 (8 August 1986, pp. S10842–S10843).

new coal requirements, was "willing to make that concession in order to get the big plan approved."[58]

At that point Senator Phil Gramm of Texas interjected some sour notes. He did not intend to oppose Specter's amendment, he said, because it was "a step in the right direction." But he reminded his colleagues that "in the name of domestic politics, we have literally been carrying coals to Newcastle. . . . It is absolutely absurd policy which cheats the taxpayer and creates tremendous problems with our allies." The compromise being proposed "may be an improvement, but it is plain wrong as far as foreign policy and defense are concerned." He called it "an absolute outrage" that ought to be stopped and promised that in the future he would not compromise on the issue. Senator Ted Stevens of Alaska agreed. He noted the opportunity cost of the coal program: "We are now buying more coal than we need," and such purchases divert dollars from buying airplanes, research, and other things required for national defense. "This is an entitlement," he concluded. "Let us make sure everyone understands."[59] No doubt everyone did. Specter's amendment was adopted by a voice vote.[60]

Later that day, when the Senate was debating another defense boondoggle—to use strategic stockpiling to create a de facto domestic subsidy—Senator Gramm reflected on what the Senate had done earlier with respect to coal:

> Why did we do that? We did it because of the logrolling buddy system that somebody wanted to do something to help their region. It was only the taxpayer paying for it, so we all looked the other way. We created international problems with the Germans by forcing the burning of high-sulfur coal when they had low-sulfur coal. We created the absurdity of paying a higher price for coal, then paying huge transportation costs and coming over and burning it on the very site that we could have bought cheaper coal with no transportation cost and lower sulfur. And we did that because the Con-

[58]*Congressional Record* 132 (8 August 1986, p. S10843). It has become increasingly popular for members of Congress to introduce floor amendments to defense authorization bills; by 1985 more than 100 were introduced in each chamber. See U.S. Senate (1985, pp. 589, 601, 610). As the Senate report (p. 601) points out, "This poses a dilemma for the floor managers. Fighting superfluous amendments would prolong the debate and add to its contentiousness. It is much easier to modify amendments to make them relatively benign and accept them on the floor, rather than fight them. This establishes a pattern, however, of yielding to almost any member's wishes for the sake of expediency in securing adoption of the bill." See also Lindsay (1988, p. 64).

[59]*Congressional Record* 132 (8 August 1986, p. S10843).

[60]*Congressional Record* 132 (8 August 1986, p. S10846).

> gress was micromanaging resources and we had political logrolling going on."[61]

No one denied the charge.

Ultimately, Specter's amendment was enacted as section 9099 of the 1987 Defense Appropriation Act, passed in October 1986. The section called for the 1.6 million tons (including at least 300,000 tons of anthracite) to be added to DoD purchases by fiscal year 1994 but provided that the fuel used in any new or converted heating system be the most cost effective. Again, to make certain that anthracite kept its captive market during the transition, the law stipulated that DoD buy at least 300,000 short tons of anthracite during fiscal year 1987.[62]

The 1987 Defense Authorization Act, passed in November 1986, consolidated the existing statutes regarding coal requirements on military bases and revised the U.S. Code (10 U.S.C., sec. 2690). The act stipulated that new heating systems use the most cost-effective fuel. Further, military departments were forbidden to convert heating systems on bases in Europe from coal to oil or any other energy source unless they determined that the conversion is either required by the host country or cost effective over the life cycle of the equipment. Departments must submit notification of conversions to Congress and wait 30 days before proceeding. Older, conflicting provisions were repealed.[63]

Still Not the End

Late in 1986, press reports indicated that the Pentagon would stop shipping U.S. coal to Europe in 1987.[64] The reports were incorrect. At the end of 1987, DoD was still buying U.S. coal, including anthracite, for shipment to its European facilities. Several hundred conversions to district heat have been made—with large savings expected in life-cycle costs—but American forces in Europe maintain hundreds of installations where such conversions are, for various technical and economic reasons, not feasible. The Air Force in particular, because of the remoteness of its bases from cities, has few opportunities to connect to district heating systems. European stockpiles of coal are being drawn down, and shipments from the United States are being reduced. But projections made by the General Accounting Office in August 1987 showed that in 1991 U.S. coal, including some anthra-

[61]*Congressional Record* 132 (8 August 1986, p. S10865).

[62]100 Stat. 3341-83 (1986) at 3341-117 and 3341-118.

[63]100 Stat. 3816 (1986) at 3971-72.

[64]"U.S. Bases in Europe to Stop Using Pa. Coal" (1986); "Pentagon Stops Shipping Coal to Overseas Bases" (1986).

cite, will still be used to heat U.S. bases in Europe.[65] Congress has not repealed the requirement that all coal used by U.S. forces in Europe be U.S. coal; nor is it likely to do so.

In fact, section 8038 of the 1988 Defense Appropriations Act, wrapped into the omnibus Continuing Appropriations Resolution passed in December 1987, reenacts the requirement that DoD use only U.S. coal "when available."[66] The act also prohibits conversion of DoD's European heating plants from coal to oil, natural gas, or district heating, except as provided in 10 U.S.C. 2690.[67] (As indicated above, this section allows a conversion when it is either required by the host country or shown to be cost effective over the life cycle of the equipment, provided that Congress receives a 30-day notice.) These sections of the latest defense appropriations act, along with the reports of insiders, show that industry and congressional supporters of the boondoggle remain active.[68]

So, when the *Wall Street Journal* reported on April 5, 1988, that this year, for the first time since the early 1960s, the Pentagon would ship no anthracite to Germany, one had reason to be suspicious.[69] The report, of course, was not quite accurate. According to Jeffrey Jones, DoD's director of energy policies, some anthracite may be, or may already have been, shipped to Europe in 1988. The Pentagon is attempting to minimize the shipments and plans to feed its European anthracite furnaces from stockpiles already built up in Germany in amounts sufficient to last more than four years.[70] But with or without the shipments, DoD's anthracite problem will continue.

The source of the problem should come as no surprise. Tucked into DoD's 1988 appropriations act, the one folded into the massive omnibus spending bill passed in a mad rush just before Christmas 1987, situated comfortably within a long list of limitation riders, is section 8113, which directs DoD to achieve a rate of domestic coal consumption of 1.6 million tons by fiscal year 1994, including 300,000 tons of anthracite, and to purchase during fiscal year 1988 at least 300,000 tons of anthracite.[71] This provision was not in the House version of the bill. It appeared when Senator Stevens, the subcom-

[65]Author's interview of Jeffrey Jones, 17 November 1987; U.S. General Accounting Office (1987).

[66]101 Stat. 1329-44 (1987) at 1329-69.

[67]101 Stat. 1329-44 at 1329-63, 1329-65, and 1329-85.

[68]Author's interviews of Jeffrey Jones, 17 November 1987 and 18 April 1988; author's interview of member of Representative McDade's staff, 17 November 1987.

[69]Wessel (1988).

[70]Author's interview of Jeffrey Jones, 18 April 1988; Wessel (1988).

[71]101 Stat. 1329-44 at 1329-82.

mittee chairman, as part of a deal with Pennsylvania's Heinz and Specter, added it to the Senate's bill as it passed through the Defense Appropriations Subcommittee. Once that deal was made, the big deed itself was effectively done, for the whole Senate never voted on the DoD Appropriations Act as such. There were no floor amendments. The whole Senate approved the measure only as part of the gigantic "Christmas-tree" spending resolution of December 22.[72] One would be hard pressed to find a better example of the "hidden ball trick."

So the Pentagon is again purchasing anthracite coal it does not need and does not want, at a cost of more than $20 million per year, for the plain purpose of buying a few votes for a few members of Congress. The Pentagon plans to store the hard coal as close to its source as possible, to save at least some transportation costs, building a pile 20 feet deep over 45 acres of northeastern Pennsylvania, a place already blighted by slag heaps and other scars of its mining past. Senator Gramm says the whole thing is "plain wrong," but he does not represent the hard-coal constituency. Senator Specter makes no apologies. "It is true that this coal is being stockpiled," he admits, "but it will be used."[73] Politically speaking, it already has been, and so have the American taxpayers.

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[72]Author's interview of Bill Morley, legislative assistant to Senator Specter, 25 April 1988.

[73]Wessel (1988); author's interview of Jeffrey Jones, 18 April 1988.

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