Americans’ dissatisfaction with Congress, alas, is matched by ignorance about how the legislative branch of the government actually works. Constituents are grateful when their representative intervenes to help them solve a problem they’re having with, say, the Social Security Administration. They are likely to notice as well when a legislator “brings home the bacon” to his home district. They know precious little, however, about how a bill is conceived, revised, and passed.


Kaiser admires and respects Frank and Dodd. He attributes their success, however, to unique circumstances, including public outrage at Wall Street following the Great Recession and Democratic majorities in the House and Senate. And he demonstrates, to a fare-thee-well, that Congress is broken.

Operating in an arcane world known only to insiders with markups, Rules Committee rules, motions to recommit, amendments in the first and second degree, and cloture votes, he indicates, elected officials can play games because they know that voters are not paying attention. They are more motivated by avoiding blame for unpopular actions (that might be exploited by opponents in negative campaign ads) than by seeking to claim credit for constructive legislation. And they’re susceptible to partisan political considerations and lobbying by “special interests.” To get the support of the Independent Community Bankers of America, Kaiser reveals, Frank limited the supervisory authority of the Consumer Financial Protection Agency to banks whose assets exceeded $10 billion (only four of the 5,300 institutions in the ICBA were in that category). He accepted an exemption for automobile dealers from the consumer protection agency purview, proposed by Representative John Campbell of California, a former Saturn and Saab dealer. And Dodd agreed to a poorly written and potentially dangerous amendment regarding derivatives trading because its sponsor, Senator Blanche Lincoln of Arkansas, was in a tough reelection campaign and needed to look tough on banks.

In debate, Kaiser demonstrates, Democrats and Republicans talked past one another. He makes a strong case, however, that Republicans were more likely to make up “facts.” Without any basis in evidence, Kaiser says, Republicans asserted that the Dodd-Frank bill would create a czar who would ration credit, give government control over every financial transaction, and establish a permanent government bail-out fund.

Most important, perhaps, Kaiser reveals that these days most bills are so technical that few elected officials really know what they are voting for or against. For better and worse, this reality empowers House and Senate staffers because they are tasked by the representatives for whom they work with drafting the legislations and responding to proposed amendments. And so Kaiser, who supports Dodd Frank, deems Amy Friend, chief counsel of the Banking Committee and Jeanne Roslanowick, staff director for the Financial Services Committee, the real heroes of “Act of Congress.” But many staffers, Kaiser also points out, walk through the revolving door for lucrative jobs as lobbyists: “That they were part of the family on Capitol Hill was not a metaphorical observation; it was literally true.”

Only a catastrophe, Kaiser concludes, pushed “our clumsiest, least efficient” institution into financial
reform. With good reason, he isn’t optimistic that we’ll be so lucky the next time around.

Glenn C. Altschuler is the Thomas and Dorothy Litwin Professor of American Studies at Cornell University.

© Copyright 2013 Globe Newspaper Company.