The Great Harrisburg Caper of 2005
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The now notorious 2005 legislative pay hike is already fading into political lore. And well it should. The well known facts are these: the General Assembly while finishing up the annual budget surreptitiously increased its own salary to an average of 88,000 for House members and 96, 500 for the Senate--that’s a 16-percent increase for rank and file and a 29-percent increase for legislative leadership. In the process they made themselves the second best paid legislature in the nation.

And they did it all with style and panache. The deal itself was crafted secretly among leadership and stealthily passed by conference committee--literally in the middle of the night. The vaunted legislative inventiveness was conspicuously on display; the pay raise can be collected immediately because of a constitution bending provision that allows members to receive the extra money without delay as un-vouchered expenses--instead of waiting until the next election as the stodgy old state constitution provides.

The legislation also includes--in a master-stroke that would make Machiavelli himself proud--a "severability" clause," so should the appellate courts strike down any part of it, all of it is dead, including the pay raises for judges and other state officials included in the legislation.

Clearly, the great Harrisburg caper of 2005 well deserves its instant infamy. But it was hardly a unique performance. There have been three raises since the legislature became "full time"--in 1983, in 1987, and in 1995. This is the fourth then in just over 20 years.

But this one will be remembered; almost everyone is struck by the intense outpouring of vitriol and bitterness provoked by it. Radio talk shows, letters to the editors, and most if not every editorial has been negative--even the liberal Philadelphia Inquirer was aghast at it.

Indeed it was an act of base political cynicism: There was no public debate before the vote; the vote itself was done in darkness; and crafty legislative leadership allowed freshman or any endangered incumbent member to vote "no"--thus shielding them from any possible electoral consequences.

All in all, not a bad nights work.

Those that believe the state legislature is collectively a bunch of dumb bunnies should be thoroughly disabused of that notion. The 2005 pay raise shows just how smart the legislature is: in particular how well it learns from bad experiences.

Previous pay raises are instructive. In 1983 legislative leaders briefed reporters some hours before the vote; in 1987 and 1995, there was less information made available, but at least some information was provided to reporters before the vote. Alas, the information provided turned out to produce some nasty opposition to the planned raises, provoked some embarrassing questions, and in general moved some prominent legislators’ feet too close to the fire.
This year things were much smoother. The 2005 caper was pulled off in a conference committee report with no official information out, or much that even leaked out, and then put up for a vote in the dead of night. Some of the reporting as a result was wrong, as could be expected. But at least the nosy obstreperous reporters were kept under control.

One has to wonder, however, if this time it wasn’t just too slick. Clearly this has become the most contentious issue between the press and the legislature in a very long time—every other issue pales in comparison. And not just the working press--the editorials if anything have been more outraged by the pay grabs than the covering journalists.

But having the media as an adversary is one thing, sustaining public ire is quite another. In practical political terms, what are the likely effects of the 2005 pay hike? What are the real political consequences?

Will party power in Harrisburg be influenced by it? Might the state GOP now in commanding control of the legislature feel the wrathful rebuke of an angry electorate?

Not a chance! Even the most ardent Democrat will concede Republican control for the foreseeable future. Party gain or loss of seats in Harrisburg is so glacial that nothing short of an electoral Armageddon is going to push ruling Republicans out of Harrisburg for a long time.

Well then, what about individual legislators? Clearly judging from the evidence, a lot of their constituents are mad at them and are seeking vengeance. So, are there many individual legislators who should be quaking in their boots?

Not likely! If history is a reliable guide, few or no individual legislators should plan imminent job searches. Looking to the elections following the earlier three pay hikes, 1984, 1988 and 1996: one and possibly two defeats can be traced to voter retaliation over those pay hikes. There is no evidence of significant consequences for the overwhelming proportion of legislators.

Its not just pay hikes that provide legislators a free throw: other unpopular votes are similarly safe from retaliation. The conventional wisdom, for example, holds that politicians who support big tax hikes are likely to end up electoral road kill in subsequent elections. But this widely held assumption does not stand up under strict scrutiny.

Major tax hike votes over the past twenty years in Pennsylvania (to 1984) have figured in only a few incumbent losses and were decisive perhaps in no more than one or two. For the vast proportion of legislators, casting a single unpopular vote of any sort has no electoral consequences.

These findings on electoral accountability seem ominously relevant to the current public distemper over the pay hike. Offensive legislative behavior, such as the pay hike, has always generated public protest and threats of electoral retaliation. In a democracy that’s the way it’s supposed to work. But in modern Pennsylvania, the protests have become futile and the threats empty ones.
The hard fact is that we are in an era almost totally lacking in electoral competitiveness. At least 98-percent of incumbents are safe in any given election year. Almost nothing will defeat them, and certainly not a vote to raise legislative salaries.

From political time immemorial, provoked as voters now are, they have garnered their collective outrage and voted their ire at the next electoral opportunity; today, however, voters have little or no way to meaningfully express their displeasure. Increasingly the body politic suffers from an advanced case of hardening of the political arteries: accountability is on life support; and electoral competition is dead.

The unhappy consequences of all this are not hard to find: Pennsylvanians are increasing alienated from state government; indifferent to state elections; and apathetic about public policy. Unless this changes, it will be hard to continue to sustain the notion of a functioning representative government-- and it won’t change unless we find some way to restore meaningful competition to legislative elections.

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