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Civil Justice Reform Proposed

A task force representing a broad array of interest groups and legal experts has issued a report calling for extensive reform in the federal civil justice system.

The "Justice for All" task force was initiated at the suggestion of Senate Judiciary Chairman Joseph R. Biden, Jr. (D-DE) because of his concern about the costs and delays in litigation and the way these problems restrict access to the courts.

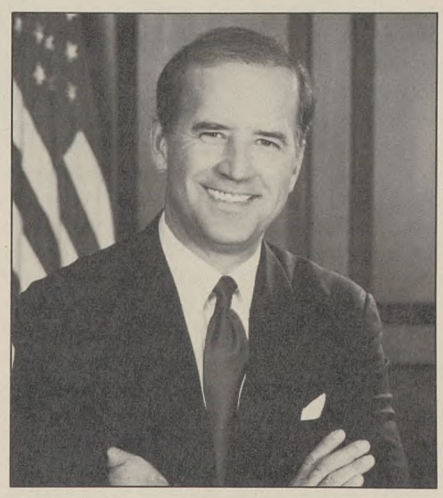
At an October news conference to release the report, Sen. Biden praised the study, *Justice for All; Reducing Costs and Delay in Civil Litigation*, as "substantive and innovative" and said "it presents a workable set of recommendations." He pledged to make civil justice reform a high priority of the Senate Judiciary Committee.

CFA Legislative Director Gene Kimmelman, who served as a member of the task force, said, "This is the only reform proposal presented to the Congress that would clean up our judicial system without denying the public essential legal rights. If Congress and the legal community implement the task force's civil justice reforms, legal costs will fall significantly and justice will be expedited in federal courts."

Litigation Too Costly, Slow

Concluding that "civil litigation costs too much and takes too long," the report identifies three key areas that must undergo structural changes:

- Congress should require each federal district court to develop its own "Civil Justice Reform Plan" that should include, among other things, provisions for assigning cases of differing degrees of complexity to different "tracks" and mandatory initial conferences to schedule discovery and trial and to explore alternatives to litigation for speedy dispute resolution.
- Judges should take a more active role in managing their cases, ending the practice in some courts of delegating to magistrates functions that are in fact better performed by judges. At the same time, the federal judiciary must be given more resources to do its job.
- The professional bar and clients should place much greater emphasis on reducing litigation costs and delay and take measures to accomplish this objective.



Sen. Joseph R. Biden, Jr., who initiated the task force, pledged congressional attention to the reform proposals.

"Task force recommendations to speed up pre-trial preparation for litigation, encourage alternative dispute resolution, and increase case management by federal judges would enhance just resolution of legal disputes faster and more efficiently than currently occurs," Kimmelman said.

Although the task force focused primarily on problems of federal courts, its members believe their proposals will have important application in state and local courts, as well.

First Broad Consensus

While many of the recommendations have been advocated previously by other experts, "the task force findings represent the first consensus among interest groups and the legal community on how to improve the operation of the civil justice system," Kimmelman said.

In addition to CFA, the task force included private attorneys for plaintiffs and defendants, general counsels of major corporations, attorneys representing civil and women's rights and environmental organizations, representatives of the insurance industry, and former judges and law professors.

Because such a wide, and often conflicting, range of interests is represented on the task force, "the comprehensive set of procedural reforms they propose probably has a greater chance of becoming law than any other civil justice reform effort in the past," Sen. Biden said.

S&L Assets To Expand Low Income Housing

The Resolution Trust Corporation is currently making decisions that will determine how this new agency implements the sale of assets of insolvent savings and loans and operates its low income housing program.

"Our main goal in terms of this program is ensuring its workability for those non-profits wishing to use these eligible assets for low income housing," said CFA Legislative Representative Peggy Miller.

"Properly implemented, the program will make a significant contribution toward housing the homeless and others who simply cannot find affordable housing," she said. "This is a time of great possibility."

Created under the savings and loan reform bill, the RTC is responsible for disposition of approximately $400 billion in assets, including residential and commercial property, as well as vacant land.

Principles of Workability for Low Income Housing Program

As part of its program to encourage low income housing, the RTC must identify less valuable residential assets, those appraised at under approximately $67,500 in value, and make them available for bid by non-profit organizations willing to set aside a portion of the residences for low income housing.

Miller outlined a number of factors seen by CFA and other low income housing advocates as essential to make such a program workable, including:

- initial deep discount pricing policies;
- use of concessional seller financing by the RTC to non-profit entities for acquisition and rehabilitation, based on the debt service capability of targeted users, where discount pricing is not possible;
- an effective clearinghouse structure which provides information on properties quickly and clearly through all the available networks;
- use of non-profit organizations and certain public agencies experienced in low income housing issues for clearinghouse functions if such functions are compensated; and
- giving priority to those bids that provide the most low income housing units and use of deed restrictions as one method of ensuring adherence to long-term target population goals.

While the main focus of CFA efforts has been the housing program, the overall issues of asset disposition also have important consumer impacts, Miller said. "The manner in which these assets are sold and who they are sold to will have substantive economic development impact," she said.

How the RTC makes these decisions will determine whether the program contributes to "effective economic, environmental, and resource management planning" or "leads to rapidly constructed deals that cause endless problems for local, state, or even federal planners," she warned in testimony before the House Banking Oversight Task Force on the Resolution Trust Corporation.

Public Comments Needed Now

In November, the RTC released for public comment a strategic plan outlining how it will fulfill its functions. With a December 31 deadline for presentation of a final plan to Congress, the RTC is moving rapidly toward implementation.

All interested parties should submit their concerns and ideas at this time, before the disposition system is established, Miller said. "The RTC is hearing from banks and brokers, but they also need to hear from public interest organizations," she said.

Specific concerns that CFA is encouraging RTC staff to address are:

1. Access to property information and ability to bid by any interested party.

CFA has been working with RTC to set up effective clearinghouse operations that provide rapid, thorough information to all potential buyers and to create a bidding system that accepts bids from small buyers, even individuals. Big banks and investors want to be able to purchase whole thrifts and sell non-performing assets themselves. This would keep smaller companies and buyers from having a chance to bid on choice property and thus could exclude budding industries, businesses, and non-profits from the process.

2. Proper planning by RTC to reflect long-term economic, environmental, and social impacts of such large-scale asset disposition.

3. The incorporation of energy conservation underwriting guidelines as part of the RTC mortgage and rehabilitation guidelines for bids and financing.

Telecommunications Conference:

Congressmen Debate MFJ Revision

In a keynote session at CFA's October telecommunications conference, two members of the House Telecommunications and Finance Subcommittee disagreed over whether consumers' interests are served by revising the conditions of the AT&T breakup.

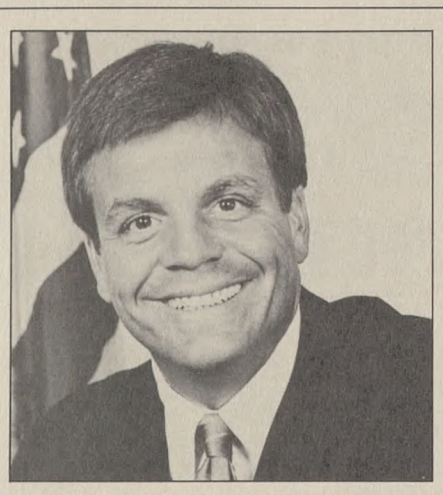
Rep. Al Swift (D-WA), who along with Rep. Thomas J. Tauke (R-IA) has introduced legislation to revise the modified final judgement, argued that the restrictions in the MFJ seriously limit both the United States' ability to compete in the international telecommunications marketplace and consumers' ability to receive a wide array of services at a reasonable price.

Rep. Mike Synar (D-OK), on the other hand, said that he has seen no proof that lifting the restrictions will make available services that aren't already available to consumers with the restrictions in place, and he warned that substantial risks to ratepayers are involved in lifting those restrictions.

The congressmen focused their comments on the restrictions that prevent the Regional Bell Operating Companies from manufacturing telecommunications equipment and providing information services.

Technology has evolved to a point where the manufacturing process requires the idea people to be actively involved in the design and production stages, Rep. Swift said. Eliminating the Bell Companies, with their experience, expertise, and resources, from this process will hurt U.S. competitiveness, he said.

Rep. Synar said he is "still somewhat skeptical" that the MFJ limitations are "responsible for balance of trade problems in telecommunications." A more likely culprit, he said, is unfair trade practices.



Rep. Al Swift (left) and Rep. Mike Synar debated at CFA's October conference.

On the issue of restricting the Bell Companies from providing information services, Rep. Swift said such restrictions will prevent the development of a system that allows intelligence to be built into the network, with consumers getting access through a relatively simple, inexpensive piece of equipment.

"The question is whether the average consumer will have a reasonable array of services available to them at an affordable cost. The decision is being made today, if we do nothing, in a way that is decidedly anti-individual-consumer," he said.

Rep. Synar countered that all of the services currently being touted as benefits of lifting the MFJ restrictions are already available in other forms. "What is it that the [Bell Companies] want to provide that right now isn't currently available? What is it that consumers are being denied that they want and can't get?" he asked.

On the other hand, he argued, lifting the restrictions poses risks of cross-subsidization, anti-competitive behavior, discrimination in connections, elimination of competition, and restriction of U.S. access to foreign telecommunications markets.

Lifting the restrictions also will create a tremendous enforcement responsibility for the Federal Communications Commission, he said. "I am not confident that, left to their own devices, the FCC has the ability to do the job."

Debate, particularly in the area of adequate consumer safeguards, is appropriate, Rep. Swift said, but inaction is unacceptable. "I think it is important to know that there is no riskless position to take on the MFJ," he said. "The risks of doing nothing scare me more than the risks of moving ahead."

Rep. Synar's position was seconded by CFA Research Director Mark Cooper in a session on "Meeting Consumer Information Needs Through Telecommunications Technologies."

"We find the needs of consumers being met in a very efficient manner; consumers pay for what they want and what they value," he said. If you centralize choices about what services will be available, you will inevitably "end up subsidizing the high-cost services that the upper end of the market wants and now pays for itself," he said.

"The information age is here. It is rapidly developing and efficiently developing," he said. "Today, the right people are paying. If you centralize it in the future, the wrong people will pay."

In a keynote address, Janice Obuchowski, Assistant Secretary for Communications and Information of the National Telecommunications and Information Administration, emphasized that in making decisions about the telecommunications infrastructure the focus should be on ensuring the widest availability of all services.

"We must not allow development of a telecommunications infrastructure whose advanced capabilities and services are available or affordable only to selected segments of the population," she said. "We cannot risk the possibility of a society divided into the 'information rich' and 'information poor.' "

The conference, which attracted more than 150 representatives of consumer organizations, industry, and government agencies, also included general sessions on state restructuring of services and, for the first time, a session devoted entirely to problems in the cable television industry.

Other issues discussed included consumer concerns with marketing practices, consumer concerns over privacy, the future of lifeline service, and how to bring the information age to rural America.

Low Income Banking Bills Introduced

Rep. Richard H. Lehman (D-CA), Chairman of the House Banking Subcommittee on Consumer Affairs, has introduced two bills—H.R. 3180 and H.R. 3181—that would mandate the provision of low cost, no frills basic banking accounts and the cashing of government checks by banks and thrifts.

Testifying at an October 17 subcommittee hearing, representatives of CFA, Virginia Citizens Consumer Council (VCCC), the American Association of Retired Persons (AARP), and ACORN urged speedy passage of the two bills.

H.R. 3181 would require banks and thrifts to offer accounts with minimum balance requirements of $25 or less and 10 withdrawals per month for a minimal fee set by the Federal Reserve Board. Individuals with more than $1,000 on deposit would not qualify for the account.

H.R. 3180 would require banks and thrifts to cash federal, state, and local government checks in amounts of $1,500 or less for a reasonable fee set by the Federal Reserve Board. Consumers would be required to register for the service with a particular bank.

Sen. Howard Metzenbaum (D-OH) has introduced similar bills, S. 906 and S. 907.

CFA Legislative Representative Peggy Miller said such legislation is needed to help bring low income consumers into the banking system, because voluntary efforts by banks and thrifts to provide these services have come too slowly and have been too sporadic.

Seventeen percent of all families in this country and between 40 and 50 percent of low income families have no bank accounts "and are forced to pay the going rates at check-cashing outlets of one to six percent to cash a check," she said.

Though many banks (approximately 25 percent) are striving to meet this need for affordable services by offering low cost accounts or government check cashing services, Miller said actual availability remains scarce throughout most communities.

By establishing a uniformity of service for low income customers, such legislation would eliminate the strain on the few institutions currently offering such services and address the fears of loss of competitive advantage believed to be responsible for keeping many institutions out of the low income service business, Miller said.

Jean Ann Fox, President of CFA and of VCCC, presented the results of a survey of low and moderate income consumers recently conducted in Virginia by the consumer group.

Among the findings of that survey with implications for the proposed legislation:

- The majority of low income consumers do not have any relationship to a financial institution.
- Cost factors, including opening balance requirements, high monthly fees, and fear of bounced check charges, are the reasons most often cited by consumers for not having accounts; only 13 percent of those without accounts said they do not want an account.
- Consumers want to be able to use low cost checking accounts and to get their checks cashed at banks.
- The working poor are just as likely not to have accounts as they are to have them and therefore should be included along with government benefits recipients in proposals to make check cashing services available.
- Identification requirements are a real barrier to low income consumer entry into the financial mainstream, since only two percent of those without accounts have bank cards, and similar percentages have retail credit cards.
- Living without a checking account is expensive and risky; nine percent of consumers without checking accounts said they had been robbed of cash in the last two years, compared to two hundredths of one percent for the population as a whole.

AARP Board Member Jack Guildroy urged subcommittee members, as they move toward markup of the bills, to reject bank proposals to tie basic banking services to direct deposit requirements.

Not only is direct deposit unacceptable to many of the individuals for whom basic banking services are needed, but it poses an unknown and potentially substantial cost to the federal government, Guildroy said.

Because direct deposit causes the government to lose use of its funds much sooner than payment by check, expansion of the direct deposit system would require increased borrowing and create increased interest expense, according to a Federal Reserve Board study.

Based on that study, AARP estimates that the 1989 loss to the government (and windfall to financial institutions) would approximate $1.43 billion just for retired worker Social Security beneficiaries. When all government benefit recipients are taken into account, "the value of the float loss grows tremendously," Guildroy said.

Energy Agenda Submitted to DOE

In late September, CFA sent a letter to Department of Energy Secretary James B. Watkins outlining the areas of agreement reached at a CFA sponsored conference, "Toward a Consumer Energy Agenda for the 1990s: A Consensus-Building Conference." (For details of the conference, see the July-August 1989 issue of CFAnews.*) Representatives of consumer groups, government agencies, and energy industries participated in the consensus-building process, which was organized and directed by CFA Assistant Director Ann Lower. The following is an excerpted version of the letter, written by Lower and approved by conference participants, which was sent to the DOE.*

Dear Secretary Watkins:

Not since the energy crises of the 1970s have experts been so troubled about our energy future. Rising oil imports, strained electricity generating capacity, and increasing environmental concerns are among these new worries. At the same time, an earlier decade of energy shocks spawned the rapid development of new energy and consumer product technologies that now hold promise for the 1990s and beyond.

Consequently, not since the 1970s has there been as great a need to develop a national agenda that will guide our energy planning into the next decade. Recognizing this fact, the Consumer Federation of America invited state and local consumer groups and the major associations representing public, cooperative, and private energy suppliers and users to assist in planning a working energy conference to identify and define the issues central to a rational and constructive national consumer energy agenda for the 1990s.

This working conference was held in May 1989. In general sessions and workshops, participants from consumer advocacy groups, public service commissions, and federal agencies joined in issue and policy option discussions with attendees from rural electric coops, public power systems, investor-owned utilities, energy suppliers, industrial end-users, auto and home appliance manufacturers, and energy engineers and architects. We explored the impact of, reasons for, and policy and technological solutions to energy problems in three areas: energy supply; end-use energy efficiencies; and low income energy needs.

While a wide range of opposing views and options were left unresolved at the conference, the discussions resulted in a remarkable degree of consensus. The review that follows of the general areas of agreement illustrates the necessity for a re-evaluation and reformulation of our nation's energy policy. [Because of space limitations, the eight general findings are reported here, accompanied by briefer explanations than those provided in the letter.]

1. A new energy policy focus is needed [that recognizes the changes in price, consumption levels, environmental concerns, and product technologies that are the central features of the energy picture in the 1980s].

2. Global warming requires examination [with regard to its physical, economic, and social effects].

3. Our future energy security is in jeopardy [as a result of rising domestic energy consumption and increasing dependence on foreign energy supplies].

4. End-use efficiencies and conservation have significant untapped potential [estimated at up to $100 billion annually].

5. Low income retrofit policies [that ensure an affordable and secure energy supply for low income users are cost-effective and therefore] make economic sense.

6. [Energy efficiency] research centers [in universities and technical schools] can provide new options to meet low income needs.

7. Energy assistance for low income consumers is a necessity [because energy consumption is a basic necessity that many cannot afford].

8. Energy technologies must become an integral part of our energy policy [because new technologies have the potential to provide a mix of solutions in the next decade and beyond to the energy problems of supply and usage, of efficiency and conservation, and of the affordability and reliability of our energy stock].

As a result of the above findings, we believe that the most reasonable course of action is for the administration to undertake a rational, consensus-building process of policy development and analysis. In particular, the Department of Energy should broaden its technological research efforts to reflect changing conditions, while at the same time it begins reformulating national energy policy. This process should include the constructive involvement of consumers, environmentalists, the energy industry, business, and the states.

A consensus-built reformulation of our nation's energy policy will provide the following benefits:

- crisis-driven management of energy policy, such as occurred in the 1970s, would be avoided;
- a consensus among business, consumers, and environmentalists could result, so that capital decisions could be made in a stable climate; and
- the financial and social resource base for technological advancement, innovative design, and assistance programs could be expanded.

The commitment and work of each participant in the May energy conference has made possible the consensus reflected in this statement. Although constructive disagreement still exists among participants, we believe that the conference demonstrates that the involvement of consumers, environmentalists, the energy industry, business, and the states has the potential for developing a consensus-built energy policy. We would welcome an opportunity to discuss with you and your staff ways we could undertake a consensus-building process of policy development and analysis.

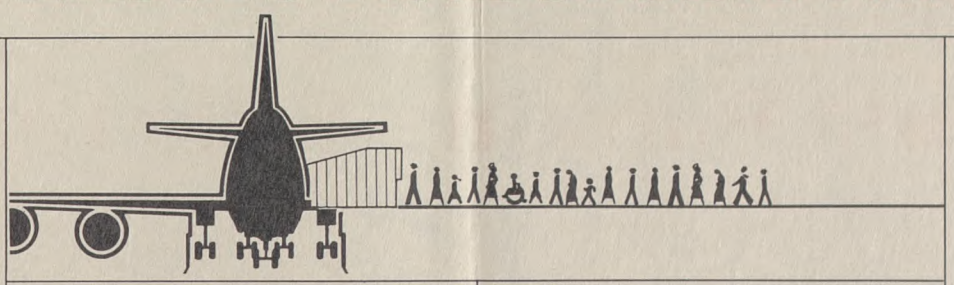
Consumer Federation of America

Bill Would Ensure Reasonable Airport Fees

Legislation has been introduced in the House to ensure just and reasonable pricing of access to airports for off-airport service providers, such as car rental firms.

Introduced by Rep. Douglas H. Bosco (D-CA) and Rep. Lawrence J. Smith (D-FL), the Ground Transportation Consumer Protection Act, H.R. 3325, is designed as a response to mounting evidence that the pricing of access to airports is a serious and growing problem.

In particular, "fees that are assessed on the basis of gross receipts rather than airport use place a burden on consumers and pose a threat to competition," Rep. Smith said.



In introducing the bill, both Rep. Smith and Rep. Bosco cited two research reports as evidence of the need for such legislation: a 1988 study by CFA Research Director Mark Cooper, which estimated the indirect impact of these fees at as much as $500 million annually; and a 1989 study by the Department of Transportation.

The DOT study, which was requested by Congress in the FY 1989 Department of Transportation Appropriations Act, "corroborates the essential findings of our earlier research and adds some important new pieces of information which are supportive of our analysis," Cooper said.

The DOT study attests to the competitive benefits of off-premises auto rental companies, including lower prices as a result of this competition. According to the study, the primary beneficiary of this competition is the average consumer, or "discretionary traveler."

The DOT also found that imposition of excessive fees result in higher prices, lower profits, or reduced market share for the smaller off-airport companies, while allowing the large on-airport companies to raise prices, and thus profits, and/or increase market share.

"Looking only at the narrowest of impacts, DOT found tens of millions at stake—$67 million at the 30 largest airports alone. The anticompetitive effects of these fees could raise that figure considerably," Cooper said.

The DOT study also added the following new information, he said:

- Gross receipts fees tend to reduce the number of competitors, with the burden falling especially heavily on smaller, off-premises competitors. Controlling for other factors, such as airport size and composition of airport traffic, there are between one-third and one-quarter fewer rental firms available at airports that have fees.
- The problem is growing rapidly. At the end of 1985, there were approximately half-a-dozen fees being collected. By the end of 1988, the number of airports where fees had been authorized had grown to 42, with actual collections having started at 18. And additional fees have gone into effect since the DOT study.

"The empirical evidence clearly shows ever mounting millions of dollars of consumer losses from unfair and uneconomic pricing of access to airport ground transportation," Cooper said. "The brunt of that burden falls on average Americans, seeking to save a little money on their vacation expenditures."

H.R. 3325 is designed to provide air transportation passengers access to and information about all ground transportation services, to prohibit certain anticompetitive activities by local governments that operate airports, and to prohibit airports from charging unreasonable and unjustly discriminatory access fees.

"This legislation balances the legitimate revenue needs of airports with the importance of fostering competition in the travel marketplace and ensuring that consumers have the widest possible choice in ground transportation alternatives, as well as necessary information about those alternatives at the nation's airports," Rep. Bosco said.

Urging support for the bill, Cooper said "it is incumbent on Congress to act swiftly to curb these abuses and prevent the airports and on-premises rental companies from reimposing a tight oligopoly on the industry—an oligopoly which was found to be detrimental to the public interest in the 1970s."

The bill has been referred jointly to the Committee on Public Works and Transportation and to the Judiciary Committee.

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Senate Considers Airline Competition Bill

In October, Senators John McCain (R-AZ), John C. Danforth (R-MO), and Christopher S. Bond (R-MO) introduced legislation, supported by consumer advocates, to enhance competition in the airline industry. In introducing the bill, Sen. Danforth said the legislation is needed to "ensure vigorous airline competition that will provide travelers the quality, low-priced service they deserve."

"Eleven years ago, we had a vision that through deregulation we could create a competitive air transportation system," he said. "Today, many Americans are not reaping deregulation's benefits because competition has been trampled by predatory marketing practices and airport capacity limits."

Only 59 of the 215 airlines formed in the early days of deregulation remain. The top eight airlines now control nearly 90 percent of the market, up from 78 percent at the time of deregulation. And recent studies show a direct correlation between increasing concentration at certain airports and higher fares.

S. 1741, "The Airline Competition Enhancement Act of 1989," would:

- reform the computerized reservation system by separating the ownership interest of the computer system from the ownership interest of the airlines;
- discourage the creation of fortress hubs as the core of monopoly networks by giving airports greater leverage in achieving the construction of competing facilities;
- discourage affiliation arrangements between dominant airlines and regional airlines that squelch competition by prohibiting code sharing; and
- give the Federal Trade Commission authority to oversee the industry.

At a November hearing, CFA Research Director Mark Cooper urged passage of legislation to enhance airline competition.

Testifying in support of the legislation at a November hearing before the Senate Subcommittee on Aviation, CFA Research Director Mark Cooper said that "the record of airline deregulation is spotty at best. While deregulation has had positive effects, many of its benefits have been overstated by the airlines and its negative effects have been ignored."

"The single greatest cause of these negative effects has been the failure of competition to develop. High levels of concentration and integration in the industry have given rise to pervasive anticompetitive and anticonsumer business practices," Cooper said. "These include the manipulation of computerized reservation systems, excessive prices imposed behind the walls of impenetrable hubs, anticompetitive affiliations between regional and major airlines, and abuses in marketing."

Cooper praised the bill for having "identified the key impediments to competition."

The provision on computer reservation systems is "the best way to ensure fair operation of the reservation system," he said.

Giving FTC oversight responsibility will "remove consumer protection from an agency whose primary purpose is to promote the industry and give it to one whose primary purpose is to protect consumers and defend competition," Cooper said. "We have not always been pleased with the FTC in recent years, but it is the correct place for consumer protection authority to reside."

While supportive of the other two provisions, Cooper said he is concerned that they may not go far enough. CFA would like to see "more authority to ensure fair access to bottleneck facilities" and better control of "other potentially anticompetitive impacts" of affiliations between regional and dominant airlines.

"Consumer advocates led the charge for airline deregulation because they firmly believed, and still do, that competition is the consumer's best friend. Unfortunately, a decade of 'do-nothingism' by federal antitrust and consumer protection agencies has denied us the benefits of competition. We are not asking for a return to regulation, but we demand real competition, and this bill is a step in the right direction," he said.

Utility Tax Rebate Voted Down

In a move that one *Washington Post* writer has termed "The Great Tax Heist," the Ways and Means Committee voted down a bill that would have forced utility companies to rebate the tax payments which the utilities collected from ratepayers but which, since passage of the 1986 tax overhaul bill, the utilities no longer owe the federal government.

The bill, H.R. 2493, would have repealed the provision in the 1986 tax bill that allowed utilities to continue collecting customer payments to cover the utilities' taxes as if those taxes were being calculated under pre-1986 law on depreciation schedules and corporate rates. That provision, coupled with the substantial reduction in corporate tax rates included in the same bill, provided a $19 billion windfall to the nation's telephone, electric, and gas companies. Under the 1986 law, the utilities have 30 years in which to return those excess taxes to ratepayers.

"It is overwhelmingly clear that the excess deferred taxes collected from utility ratepayers under the old tax code and now not due to the federal government is money that belongs to consumers," said CFA Research Director Mark Cooper in testimony before the Ways and Means Committee in early October. "We believe that utilities never should have been allowed to collect taxes before they were due, obtaining what were essentially interest free loans from their ratepayers. Now that the money will never be paid to the federal government, there is certainly no justification for them to hold it."

The utilities companies argue that forcing them to rebate the money quickly would eventually force them to raise rates. Cooper rejected that argument, saying, "The effort by the utilities to avoid reducing consumer rates is based on pure greed—an effort by an industry that was unfairly and unnecessarily given advantages under the old tax code to preserve its advantage. They could easily fund their investments from cash flows that are not bloated by deferred taxes.

"If they do need more money for investment or to accelerate their depreciation, they should ask public service commissions directly to grant them rate increases, not use the cover of the tax cut to obscure their intentions," Cooper said.

Both *The Washington Post* and *The Wall Street Journal* tied the committee decision to political action committee contributions by the utilities. In an October 17 *Post* article, Jerry Knight wrote: "The utility tax heist is one more example of how special interests work their way in Washington."

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