

Jonathan Kasperek: Excerpt from “Proxmire: Bulldog of the Senate”

Posted on Friday, Mar 8, 2019

The following is an excerpt from *Proxmire: Bulldog of the Senate*, by Jonathan Kasperek, published by the Wisconsin Historical Society Press. The book is available through libraries and book retailers statewide and online at www.wisconsinhistory.org/store. The book is also available as an e-book.

Excerpted from Chapter 9: “Building a Legacy” *Proxmire: Bulldog of the Senate*

From 1950 to 1989, William Proxmire was a major figure in Wisconsin politics, serving one term in the legislature before running for governor. Denied the governorship three times in six years, he shocked everyone by winning a special election in 1957 to replace the late U.S. Senator Joe McCarthy, and he went on to win reelection six times. Known for championing consumer protection legislation and farming interests, Senator Proxmire also fought continuously against wasteful government spending, highlighting the most egregious examples with his monthly “Golden Fleece Awards.”

Proxmire began the Golden Fleece Awards—which would become his most popular and longest-lasting attack on federal spending—in 1975. His success in exposing the cost overruns of the C-5A and other Pentagon waste demonstrated the necessity of good publicity to expose government waste, so Proxmire decided to create “a monthly award for the most absurd example of waste accomplished by one federal agency or another during the preceding thirty days.” After considering several names (such as Rip-Off of the Month, Spending Crime of the Month), Proxmire and his staff settled on “fleece” to suggest “a smooth, legalized theft from the taxpayers.” Tom van der Voort, who had an interest in Greek mythology, suggested “Golden Fleece”¹

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On March 11, Proxmire issued a press release awarding a Golden Fleece to the National Science Foundation for spending \$84,000 on a University of Minnesota study on why people fall in love. It set the tone for ridicule that would characterize the award for the next thirteen years:

I object to this because no one—not even the National Science Foundation—can argue that falling in love is a science. Even if they spend \$84 million or \$84 billion, they wouldn't get an answer that anyone would believe. And I'm against it because I don't want the answer. I believe that 200 million other Americans want to leave some things in life a mystery, and right at the top of this list of things we don't want to know is why a man falls in love with a woman and vice versa.²

Professor Ellen Berscheid, the lead researcher, quickly defended the study as part of a larger project studying psychological dependence and interpersonal attraction begun in 1972 that would benefit psychologists and therapists and therefore have practical application. When Proxmire followed up by criticizing a similar \$224,000 grant to the University of Wisconsin, Professor Elaine Walster responded that her study was part of a larger field of study that she called "equity theory," which she had been working on for the past fifteen years and was widely respected among social scientists. She accused Proxmire of not trying to understand a complex and relevant field of research and instead going after a cheap laugh and political points. The UW Faculty Senate condemned Proxmire's criticism as a threat to basic university research in a statement that concluded, "To the extent that in his personal opinion some funded basic research projects are wasteful, Senator Proxmire's criticisms must be directed at improving the Foundation's policies and review criteria. To instead make attacks on individual scientists' projects, through the mass media and on insufficient knowledge, is a threat to the freedom of scientific inquiry which the Faculty Senate can only view with deep dismay." Proxmire conceded that the UW faculty had a fair point and did indeed work with the NSF to improve its procedures for approving and reporting grants.³

Proxmire awarded the second Golden Fleece to the NSF, NASA, and the Office of Naval Research for spending more than \$500,000 over seven years to fund a study by Dr. Roland Hutchinson of Kalamazoo State Hospital on why rats, monkeys, and humans clench their jaws. His press release for the second "fleece" was even more sarcastic than the first, mocking the "transparent worthlessness" of Hutchinson's research and declaring it was "time for the federal government to get out of this 'monkey business.' "

Proxmire repeated this story in his constituent newsletter and on the Mike Douglas television show.⁴ This time, Proxmire got more than an angry rebuke from Midwestern faculty: a year later, Hutchinson filed a lawsuit against Proxmire and legislative assistant Morton Schwartz, who had done most of the research, for libel, claiming that the award had “held him up to public ridicule and damaged his professional reputation,” rendering him unable to obtain future grants. Ironically, Schwarz, a former economics professor himself, had indeed done his homework, contacting each of the granting institutions and obtaining documents that supported the grants.

Before making the announcement, Schwarz contacted Hutchinson and read him the press release. Hutchinson insisted that the press release was not a fair evaluation of his work and that he would prepare a rebuttal, which turned out to be a \$6 million lawsuit.⁵

Despite its origin in government-funded “monkey business,” the Hutchinson lawsuit dragged on for nearly four years and actually involved some serious constitutional issues. Article I, Section 6 of the Constitution granted members of Congress legal immunity for statements made on the floor in order to guarantee free debate and prevent reprisal for controversial statements. But did that immunity extend to statements repeated in print or on television? Because this question was of great importance to every member of Congress, the Senate funded Proxmire’s defense, though

Senator Barry Goldwater pointed out the hypocrisy of Proxmire himself receiving federal funds to defend himself for attacking others for receiving federal funds. A federal court dismissed the suit based on the doctrine of congressional immunity (which covered Proxmire’s statements on the floor of the Senate) and the freedom of speech clause of the First Amendment (which covered his newsletter and television appearance), but Hutchinson appealed the decision. In July 1978, the US Court of Appeals upheld the lower court ruling, stating that by accepting public funding for his work, Hutchinson had become a public figure. As a public figure, therefore, Hutchinson had to prove that Proxmire had acted with malice in his statements. Without evidence of malice, Proxmire’s statements were protected free speech. Hutchinson refused to give up and appealed the verdict to the US Supreme Court, which agreed to take the case in January 1979. In June, the court ruled in an 8-1 decision that Hutchinson was not a public figure and had to prove only injury, not malice, and that the congressional immunity clause did not apply to statements made outside of Senate debate, meaning that Proxmire could be sued for libel. The

court remanded the case back to a lower court, but in March 1980, Proxmire agreed to a settlement. Hutchinson accepted \$10,000 plus \$5,131.92 in court costs—paid out of Proxmire’s own pocket—and a public clarification that Proxmire had not intended to disparage Hutchinson’s research, a not-quite apology. Proxmire’s defense costs were nearly \$125,000, which

Proxmire gradually repaid, beginning with royalties he earned from a book about the Golden Fleece Awards.⁶

The lawsuit was an expensive ordeal, but Proxmire continued to make his monthly award during the suit and for the remainder of his time in the Senate. Every month, his legislative assistants spent hours meticulously researching some instance of wasteful government spending, often tipped off by someone working for some federal agency, and the office would decide on a winner. Proxmire would revise the award’s language, injecting his own humorous style to make them appealing as press releases. Administrative assistant Howard Shuman was responsible for editing and releasing them. Some government agencies were targeted more frequently, like NASA and the Armed Forces, and the amounts were sometimes tiny compared to other federal spending, but the press releases were always written to outrage the American taxpayer. Proxmire issued one of his favorite Golden Fleece Awards in July 1981 to the Department of the Army for spending \$6,000 to produce a seventeen-page set of instructions for the purchase of Worcestershire sauce. The Senate itself received occasional awards, including a March 1978 award for spending \$122 million on a new office building. Sometimes Proxmire issued special merit awards to those individuals or agencies that saved money, such as the Smithsonian Institution, which completed the Air and Space Museum ahead of schedule and under budget. Although the Golden Fleece Award remained quite popular with Wisconsin voters and certainly generated good press, not everyone was entirely comfortable with a prominent US Senator ridiculing research. NASA received several awards—spending \$140,000 to pay an author to write a six-thousand-word history of the Viking Project, for example, or requesting \$28 million for a building addition to store moon rocks. He bestowed an award on the Smithsonian Institution for producing a Tzotzil dictionary, a language spoken by a few thousand inhabitants of southern Mexico. Some journalists, though they admired the research put into them by Proxmire’s staff, thought a few of the Golden Fleece Awards were little more than cheap shots. Even some of his staff were uncomfortable with them, seeing some as petty. Such criticism may have had an impact. Over the years, Proxmire and his staff tended to focus on government agencies funding sometimes

embarrassingly inappropriate expenses rather than getting pulled into the merits of research, and later awards avoided naming names. Legislative director Ken Dameron, who had a law degree, took on the responsibility of reading the awards to make sure there would be no further legal issues. Even after Proxmire had been out of office for years, the Golden Fleece Awards remained probably his best-known work.

“Where’s William Proxmire when you need him?” wondered one columnist in a 2002 column bemoaning a \$3.2 million study on identifying individuals by smell.⁷

NOTES

1. According to his March 29, 2009 interview with Anita Hecht in Proxmire, *The Fleecing of America* (Proxmire Oral History Project, Wisconsin Historical Society Archives)
2. Wisconsin State Journal, March 12, 1975 (William Proxmire Papers, Archives Division, State Historical Society of Wisconsin)
3. Wisconsin State Journal, March 13, 1975 (William Proxmire Papers, Archives Division, State Historical Society of Wisconsin)
4. From an April 18, 1975 press release (William Proxmire Papers, Archives Division, State Historical Society of Wisconsin)
5. According to Irvin Kresiman in his April 16, 1976, *Capital Times* article “Fleece Award Winner Sues Prox for Libel” (Wisconsin Historical Society Archives)
6. According to Spencer Rich in his May 10, 1976 *Capital Times* article, “Proxmire Seeks Funds from Senate.” (Wisconsin Historical Society Archives)
7. According to Carl Eifert in his July 6, 2009, interview with Anita Hecht, Proxmire Oral History Project, Wisconsin Historical Archives.