

4. *A Cabinet for a Constitutional, federal Republic*

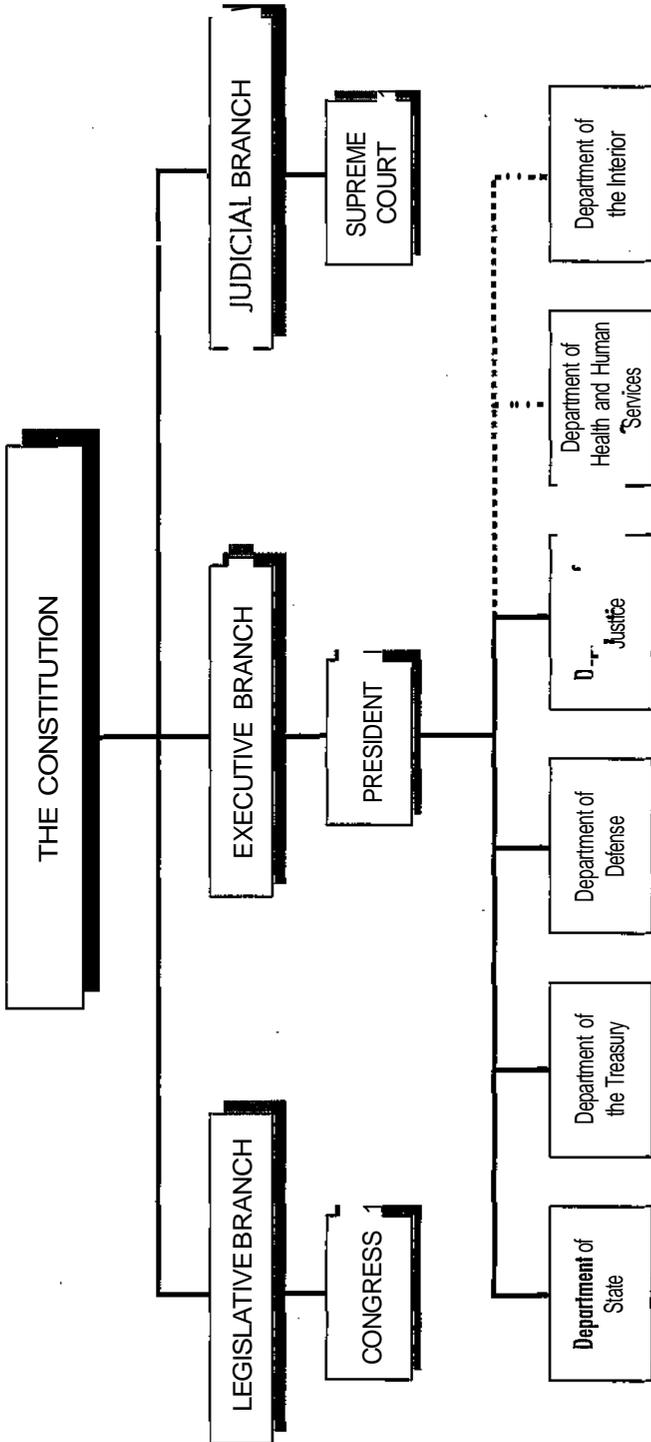
No task is more important for the new Congress than to begin restoring constitutional government. The federal government was originally conceived as a limited institution with enumerated powers. However, over time interest groups and politicians used national crises, especially those caused by their own misbehavior and mistakes, as an excuse to vastly expand federal powers. Judges soon followed suit, rewriting the Constitution to match political practice: some abandoned constitutional limits on government in an attempt to preserve their own positions from political attack; others believed in untrammelled state power.

The result was a growing federal Leviathan that would hardly have been recognized 30, let alone 130, years ago. Along with expansive and expensive programs came a bloated bureaucracy of 14 cabinet departments and 3 million federal employees (Figure 4.1). Indeed, raising agencies to cabinet level has become a favorite way of conferring political status upon influential interest groups. Environmentalists have been campaigning to turn the Environmental Protection Agency into a cabinet-level department; President Ronald Reagan, supposedly the scourge of big government, left office having transformed the Veterans' Administration into the Department of Veterans Affairs.

A vision for a freer America should include a commitment to reverse direction, restoring the constitutional vision of a limited national government with a bureaucracy to match. Cutting federal programs and restricting federal power should be accompanied by eliminating unnecessary departments and agencies. The ultimate goal should be to return to the core cabinet offices that characterized the federal government during the nation's early years (Figure 4.2).

A *Washington Post* editorial on December 11, 1994, began, "There is a lot right about considering whether certain Cabinet departments deserve to be abolished." And the *Post* correctly warned that such a change should amount to "more than a shuffling of boxes on an organizational chart." The editorial urged a rethinking of the federal government in a way that

Figure 4.2
A Cabinet for a Constitutional, Federal Republic



would “actually save money and promote efficiency.” Those are important goals, but the primary tasks are to define the proper role of government and to restore the authority of the Constitution, which granted limited powers to the federal government.

Congress should

- **eliminate the Departments of**
Veterans Affairs
Energy
Education
Commerce
Labor
Agriculture
Housing and Urban Development
Transportation,
- **restructure the Departments of**
Health and Human Services
the Interior
Justice
the Treasury
State
Defense,
- **eliminate or restructure other agencies, including the Social Security Administration.**

Candidates for Termination

Veterans Affairs

Having been the last created, the Department of Veterans Affairs deserves to be the first dismantled. So long as America has service personnel who have served in wartime, there will be veterans programs to administer. However, the scope of those programs could be dramatically reduced by eliminating veterans' hospitals and integrating patients into the mainstream health care system. There is no reason to maintain a separate, federal hospital system, especially since veterans' hospitals tend to provide poor quality care at high prices. The department's remaining functions (cemeteries, insurance, administration) could be handled by an independent agency, as they were before 1989, or a separate office within

another department, most appropriately Health and Human Services, which already manages the government's civilian health care programs.

Energy and Education

Two Carter-era departments should also go on the chopping block. As President Ronald Reagan recognized, there is no need for a Department of Energy. In its 17-year history the DOE has not produced a single Btu of energy—quite a remarkable achievement for an agency that controls 2.4 million acres of land and 100 million square feet of building space and has spent \$210 billion since its inception in 1977. Its chief function is to simultaneously regulate and subsidize the private production of energy. For instance, it controls entrance into the gas pipeline business, the corporate structure of gas and electric companies, and the purchasing policies of utilities. All those regulations make energy more costly and impede the business of meeting consumer needs. Meanwhile, the department subsidizes coal, nuclear fusion, “renewable energy resources,” and conservation—all of which should have to meet the test of the marketplace. The DOE’s one legitimate function, production of nuclear weapons, could be handled by a small, independent agency. But a cabinet-level department is based on the idea that there is a need for a national energy policy, which is no more appropriate or necessary than a national shoe policy.

Perhaps no cabinet agency more dramatically symbolizes the unnecessary intrusion of the federal government into state, local, and private affairs than the Department of Education. A gift to the National Education Association from President Jimmy Carter and his Democratic Congress, the department is a relic of a time when Washington was thought capable of solving Virtually every problem. The incoming Congress should break with the conventional wisdom and reconsider the three basic strands of federal educational policy: college loans, regulation of local school districts, and grants to state and local governments.

Student loans have become one of Washington's worst sacred cows. A college education is one of the best investments a person can make; during the 1980s the lifetime income gap between high school and university graduates grew. Since students benefit financially from pursuing higher education, there is no reason to force taxpayers to subsidize them. Indeed, the current federal loan program has encouraged people with little aptitude for or interest in additional schooling to attend college. The flood of federal money has also accelerated the rise in tuition, eating away much of the theoretical benefit to students of federal subsidies. Oversight of loan repayments could be handed to the Department of the Treasury.

In elementary and secondary education, the federal government plays the roles of both sugar daddy and national nag; it subsidizes and regulates local schools. That has, alas, allowed influential interest groups, such as the National Education Association, to force their agendas on thousands of local school boards and millions of families. That process has accelerated recently, with the Goals 2000 legislation that creates model standards for curricula, sets up a de facto national school board to oversee the standards, and establishes a citizens' panel to usurp the powers of state boards of education. Meanwhile, the draft model of American history standards, developed by a panel created under the Bush administration, wants children to learn about the Ku Klux Klan but not Thomas Edison and fails to mention important historical figures such as Robert E. Lee. Uncle Sam should leave secondary education to parents, localities, and states.

Commerce and Labor

The Departments of Commerce and Labor are essentially payoffs to two other major interest groups—business and unions. Commerce's panoply of subsidy programs should be terminated; the Republican Congress should reject corporate welfare as well as more visible forms of the dole. Deregulation of international trade would eliminate the need for the department's regulatory functions in that area. Commerce's information and statistical activities could be conducted by a much smaller independent agency.

Congress should also roll back federal regulation of the labor markets. The government should not be in the business of promoting labor unions or interfering with the right of employees to choose the working conditions that they prefer. Today, unfortunately, Uncle Sam is destroying jobs, barring workplace flexibility, and penalizing innocent employers, all in the name of protecting workers.

Agriculture

Another special-interest bureaucracy with no function other than to enrich the politically potent is the Department of Agriculture. Created by Abraham Lincoln during the Civil War to generate political support, the USDA serves no useful purpose. No national interest is served by underwriting producers of Angora wool or tobacco or wheat or milk. Agricultural research subsidies are only slightly less wasteful pork barrels. Congress should kill the programs and the department. The Forest Service, which never belonged in Agriculture, could be transferred to the Department of the Interior.

Housing and Urban Development

The scandal-wracked Department of Housing and Urban Development should also be on Congress's hit list. Today there is virtually no form of apartment or home construction, or purchase, not subsidized by HUD. However, there is no natural crisis in the housing market: private industry knows how to build homes, including inexpensive ones. It is primarily local governments, through exclusionary zoning ordinances, antiquated building codes, extravagant fees, and perverse regulations such as rent control, that have driven housing costs beyond the means of many Americans. Congress should stop subsidizing local foolishness and kill the department. Repayments of past loans could be handled by Treasury.

Transportation

Whatever justification there once may have been for a Department of Transportation has disappeared. The goal of creating a national road network was met long ago. Today the department's grants go for local projects. Why should people around the country have to send their money to Washington before spending it to construct nearby roads? Federal mass transit subsidies are even less justifiable: Uncle Sam has dumped untold billions into fiscal black holes around the country, encouraging states and localities to waste their own money as well. Safety regulation could be left with an independent agency.

Candidates for Restructuring

Health and Human Services

The most expensive department, Health and Human Services, should be shrunk, along with its programs. Welfare programs should be consolidated and largely turned over to states and localities. Medicare should be transformed from a middle-class welfare program to a means-tested medical safety net for the elderly poor, with the issuance of vouchers for the purchase of private insurance. As part of the welfare system, it should eventually be transferred to the states, which are better able to make intelligent decisions about the costs and benefits of such programs.

Interior

The Department of the Interior, too, should be streamlined as Congress more creatively manages federal lands. Evidence from around the world—from Russia's Lake Baikal to Florida's Everglades—indicates that govern-

ments mismanage land and other environmental assets. Private owners seek to maximize long-term asset values and conserve resources. As discussed in chapter 28, federally owned land that has primarily recreational or aesthetic value should be turned over to environmental groups such as the Nature Conservancy or the Audubon Society. They would almost certainly manage it more wisely than federal bureaucrats. Land that is currently being used by ranchers or timber companies should be sold or deeded to those users. Other federal lands should be shifted to the states or sold to private parties. There is simply no need for the federal government to control hundreds of millions of acres of range, forest, and wilderness properties—one-third of all the land in the United States—especially given the poor job it has done. Indeed, Uncle Sam has proved to be a remarkably poor environmental steward, wasting billions of taxpayers' dollars while harming environmentally sensitive lands by opening them to uneconomic development.

Justice

The Department of Justice, though a legitimate federal agency, is far too expansive. Antitrust law is invariably anti-freedom and often anti-competitive; civil rights enforcement has been transformed into a campaign for race and gender quotas. Those and other Justice Department divisions should be radically downsized.

Treasury

The termination of Washington's multitudinous subsidy programs and payments to such international agencies as the World Bank and the International Monetary Fund, which have funded political repression and statist economics rather than free markets, would enable Congress to drop many Treasury functions.

State and Defense

The State and Defense Departments also deserve to be trimmed. In a world of instantaneous communication, the United States need not maintain a worldwide network of full-scale embassies, particularly in the Third World basket cases. Large and lavish embassies in European countries should be downsized. There are of course legitimate diplomatic functions that will always be needed, but today many embassy officers are involved in the promotion of U.S. business overseas, a function that belongs in the private sector. The taxpayers should not be asked to chip in to promote

exports; American businesses are fully capable of designing and paying for their own marketing efforts. Finally, embassies house a host of intelligence officers—otherwise known as spies—many of whom are surely redundant in the post-Cold War era.

Similarly, there will always be a need for a Department of Defense. But a slimmer military budget, funding a force structure dedicated to defending the United States rather than protecting America's wealthy, populous allies or imposing democracy and peace on nations suffering from repression and civil strife, would require a smaller Pentagon.

Reforming Other Bureaucracies

Finally, although the cabinet is the most important symbol of federal authority, agencies and commissions also should be ruthlessly pruned. For example, the immediate budgetary problems of the Social Security Administration—which will become an independent agency this year—could be eased by phasing out payments to the nonneedy, gradually increasing the retirement age, and indexing benefits to prices rather than wages. In the longer term we should allow younger workers to direct their tax payments into private individual retirement accounts, which offer far better benefits. There is no constitutional authority and no good economic reason for the federal government to run a national retirement plan. Eventually, the remaining welfare aspects of Social Security should be transferred to the states.

The air traffic control system could be privatized, obviating the need for the Federal Aviation Administration. Applying the First Amendment to the electronic media and privatizing the spectrum would eliminate any justification for the Federal Communications Commission. The arts and humanities do not warrant coerced taxpayer support, so Congress could kill the National Endowments of the Arts and the Humanities. The Equal Employment Opportunity Commission is not necessary to enforce the civil rights laws, and it promotes quotas rather than equality; it should be terminated. So, too, should the Small Business Administration, long known as a petty cash drawer for Washington's politicians; the Export-Import Bank, appropriately nicknamed Boeing's Bank; and the Rural Electrification Administration, which subsidizes wealthy suburban America and posh resorts. Those are only a start.

A truly limited government should start with an equally limited bureaucracy. Over the next two years Congress should begin the process of moving us toward a cabinet and supporting agencies that more accurately

reflect a government of enumerated, rather than unbounded, powers. A smaller cabinet table would be a visible symbol of limited, constitutional government.

Suggested Readings

- Bandow, Doug. *The Politics of Envy: Statism as Theology*. New Brunswick, N.J.: Transaction Publishers, 1994.
- _____. *The Politics of Plunder: Misgovernment in Washington*. New Brunswick, N.J.: Transaction Publishers, 1990.
- Boaz, David, ed. *Assessing the Reagan Years*. Washington: Cato Institute, 1988.
- Boaz, David, and Edward H. Crane, eds. *Beyond the Status Quo: Policy Proposals for America*. Washington: Cato Institute, 1985.
- _____, eds. *Market Liberalism: A Paradigm for the 21st Century*. Washington: Cato Institute, 1993.
- Crane, Edward H., and David Boaz, eds. *An American Vision: Policies for the '90s*. Washington: Cato Institute, 1989.

—Prepared by Doug Bandow

5. *Congressional Reform*

The Republican takeover of the House and Senate presents a rare opportunity to fundamentally reform the institution of Congress itself. Over the past 40 years the Democratic leadership of the House has blocked virtually all efforts to overhaul Congress's anachronistic operations. The good news is that the House Republicans' Contract with America promises long-overdue policy changes in the House, many of which have already been implemented. The bad news is that those reforms often fall short of the top-to-bottom House cleaning that is necessary. The even worse news is that Senate Republicans have shown virtually no interest in institutional changes.

If America is to experience a *perestroika* in government, it must begin on Capitol Hill. The following series of recommended proposals would end careerism in Congress, reform Congress's rules that add a pro-tax-and-spend bias to legislation, and significantly reduce the cost of operating Congress.

- **Impose limits of three terms in the House and two in the Senate.**
- **Reduce congressional staff levels across the board, in the Senate and the House, by one-third. A permanent ceiling of 25,000 congressional staff members should be established.**
- **Reduce congressional and staff pay by at least 10 percent.**
- **Shrink the annual budget for the legislative branch from \$3 billion to \$2.5 billion.**
- **Reduce the number of committees in the House and the Senate by one-third.**
- **End the franking privilege, which allows members to send out free mailings. Congressional mail expenses should come out of each office's annual budget allowance.**
- **Immediately end the congressional pension program. Citizen legislators do not require pensions.**

- **Open all congressional committee hearings, House-Senate conferences, and party caucuses to the public.**
- **Establish ethics rules that prohibit members from voting in favor of any legislation they have not personally read in its entirety.**
- **Set up a committee on the Constitution in the House and Senate to review the constitutionality of all new bills. Require that all legislation be cleared through that committee on the Constitution before enactment. Make it a violation of congressional ethics for members to vote for a bill if they are not convinced of its constitutionality.**
- **End all congressional perks—such as free airport parking, elevator attendants, and limousine services.**
- **Require a three-fifths vote to raise taxes and to raise the debt ceiling.**
- **Repeal or raise the limits on contributions to political campaigns.**

Careerism

The most vital congressional reform is, of course, the enactment of real term limits—three terms in the House and two in the Senate. Replacing professional politicians with a genuine citizen legislature, as promised in the GOP Contract with America, will make Congress more responsive to and representative of the American public. The evidence suggests that it will also lead to smaller government.

Term limits should be the top priority for the 104th Congress. More than 80 percent of Americans favor the concept, with support coming from across the political spectrum. The 1994 vote reflected more than a desire for less government. It also was a vote of no confidence in the political class itself. Professional politicians and career legislators may soon find themselves on the Endangered Species List, and with good reason.

The Founders believed that for democracy to work it must be *representative* democracy. Term limits address that issue by creating a citizen legislature that is more representative of the private sector—which Congress is supposed to represent—than is a legislature composed of politicians who have spent the majority of their careers working in the public sector.

That is one reason why it is vital that the limit be three terms in the House of Representatives, rather than the six terms favored by many

incumbents. With a three-term limit many people would serve for just a single term, as was the case during most of the 19th century. At a minimum, the seniority system would be eliminated, which is important because seniority has the effect of discouraging potential citizen-legislators from seeking office in the first place. They reason that they might be willing to spend two or four years in Washington, but not if someone else is going to be setting the agenda. Career politicians, on the other hand, are not in the least deterred by the prospect of spending decades, indeed their entire adult lives, in office.

Another argument for short limits is made by political scientist Mark Petracca of the University of California at Irvine. He argues that so-called professionalism is undesirable in elected officials. The sociological literature, he notes, is full of evidence that professionals invariably create a distance between themselves and the lay public, generating their own jargon and often complicating issues unnecessarily.

The issue of three terms versus six terms for the House is substantive. It is the people's call for a citizen legislature versus the professional politicians' attempt to preserve as much of the status quo as possible. A recent Luntz poll showed that by a margin of 82 percent to 14 percent the American people favor three terms over six terms. (As a matter of fact, a plurality favors *two* terms for the House.) Of the 22 states that have imposed limits on their congressional delegations, only 2 have limits of six terms, and 15 states limit their representatives to just three terms. Speaker Gingrich has stated that retroactive term limits are a bad idea since none of the 22 state-imposed term limit laws were retroactive. He should also follow the states' lead on the number of terms.

Polls show congressional term limitation to be fundamentally **nonpartisan**. Democrats and Republicans both should make every effort to pass a constitutional amendment limiting the terms of members of Congress as soon as possible. If real term limits are not passed, Congress should, at a **minimum**, pass a constitutional amendment granting the states the power to impose any limits on their respective congressional delegations. This is consistent with the broader move toward federalism.

The World's Most Expensive Legislature

Congress also must substantially reduce the amount of tax money that it spends on itself, which is now nearly \$3 billion. The contract calls for a 33 percent reduction in committee staff. That is a good start but far too modest. Congress's spending on itself and its subsidiary institutions, such

as the Congressional Budget Office and the General Accounting Office, has been one of the fastest growing areas in the budget over the past 25 years. Congress should cut committee staff by half and congressional personal staff and other legislative branch personnel by one-third. That would reduce legislative branch **personnel** from 38,000 to about 25,000. We should emphasize that the primary rationale for substantially chopping staff levels is not to save money. Rather, it is our conviction that **overstaffing** leads to bad policy. **Overstaffing** creates an atmosphere in which vast numbers of congressional bureaucrats have the time and resources to write bad laws that require the promulgation of harmful regulations and harass businesses and **citizens**—as they have been doing for some two decades.

Several years ago Rep. Richard Gephardt (**D-Mo.**), now the minority leader, stated, "I confess that I am not qualified to act as a central planner and I do not know anybody in Congress who is." He continued, "The whole idea of trying to run the country in part by a committee of 535 people is audacious when you really step back and look at it." Yet this is precisely what the U.S. Congress has attempted to do over the past several decades: run the nation by a committee of 535 politicians.

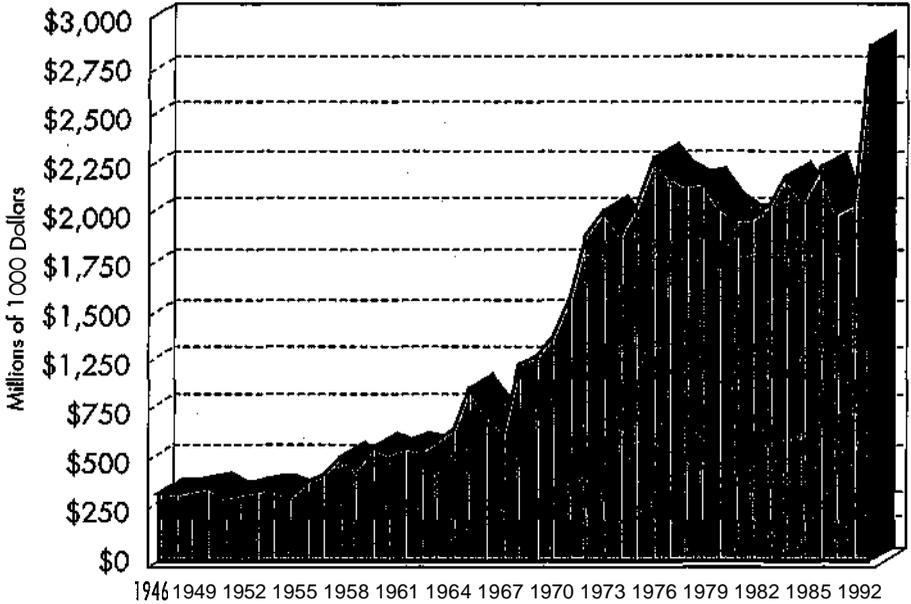
Our modern-day Congress feels compelled to get its hands into virtually every activity of our private lives. Congress has decided that it has the collective wisdom to, among other things, operate the health care industry; regulate energy prices, babysitting, and wages; tell CEOs and shop owners how and when and where to run their businesses; and subsidize the production of peanuts, honey bees, and **sheep**. Congress has even meddled with such vital issues as deciding what cities should get professional football franchises, so that, as one well-meaning congressman put it, "Every state gets its fair share of teams." We have elected a legislature of professional **busybodies**.

Part of the problem is that we have given Congress too many resources and too large a budget. If money could buy good laws and good lawmakers, America would have the best legislature in the world. Figure 5.1 shows that in 1992 the budget for Congress approached \$3 billion. Adjusted for inflation, that was more than twice the \$1.3 billion budget for Congress in 1970 and eight times the \$370 million spent in 1946.

To put those numbers in perspective, the **legislature's** spending on itself has grown at six times the rate of inflation since the end of World War n and three times faster than the defense budget since 1960.

Congressional salaries are also at, or near, all-time highs. Members earn \$135,000 a year. That puts them in the top 2 percent of all wage

Figure 5.1
Legislative Branch Appropriations



SOURCE Various issues of *Congressional Quarterly*.

earners—or the income level that President Bill Clinton has labeled ‘rich.’” Last year Speaker of the House Tom Foley was paid \$166,000; Senate Majority Leader George Mitchell made \$144,000. It is noteworthy that up until 1855 members of Congress did not receive salaries; they got a per diem amount to cover the expense of coming to Washington. Congress has raised its own pay in recent years even in the face of overwhelming public opposition. American taxpayers do not think that members of Congress have performed well enough—especially on vital issues such as controlling federal finances—to deserve more money.

Congressional fringe benefits are especially excessive. The major benefit that taxpayers provide to members of Congress is a very generous pension. In 1990 Congress contained some 330 pension millionaires, according to an analysis by the National Taxpayers Union. Two dozen legislators are eligible for \$3-million-plus pensions. Topping the list are Pat Schroeder of Colorado and Bob Walker of Pennsylvania, both of whom are eligible for \$3.5 million pensions when they leave Congress.

The question is, Why is there any pension program for Congress? The legislature was originally meant to be made up, not of career politicians,

but of citizen legislators who would serve two or three terms and then go **home**—and wouldn't need a retirement plan.

The Unelected

The proliferation of congressional hiring has been well documented. There are now 38,000 workers on the payrolls of Congress. That is more employees than are on the payrolls of all but three city governments—which are hardly paragons of belt-tightening. The congressional staff is nine times larger than that of any other legislative body in the world. Congress has succeeded in making the former Soviet politburo look lean, mean, and efficient.

What do all those people do? There are cooks, caterers, chaplains, garage attendants, beauticians, video producers, speech writers, travel agents, cameramen, and elevator operators. Congress spends \$150,000 in tax dollars on its beauty and barber shops, \$50,000 on a health promotion fund for such expenses as legislators' Weight Watchers membership fees, and \$170,000 on chauffeurs. The Democratic leadership of the House routinely spent \$100,000 a year on food and cocktails for its receptions and meetings. The lavish expenditures on itself are symptomatic of the problems Congress faces in controlling the whole federal budget.

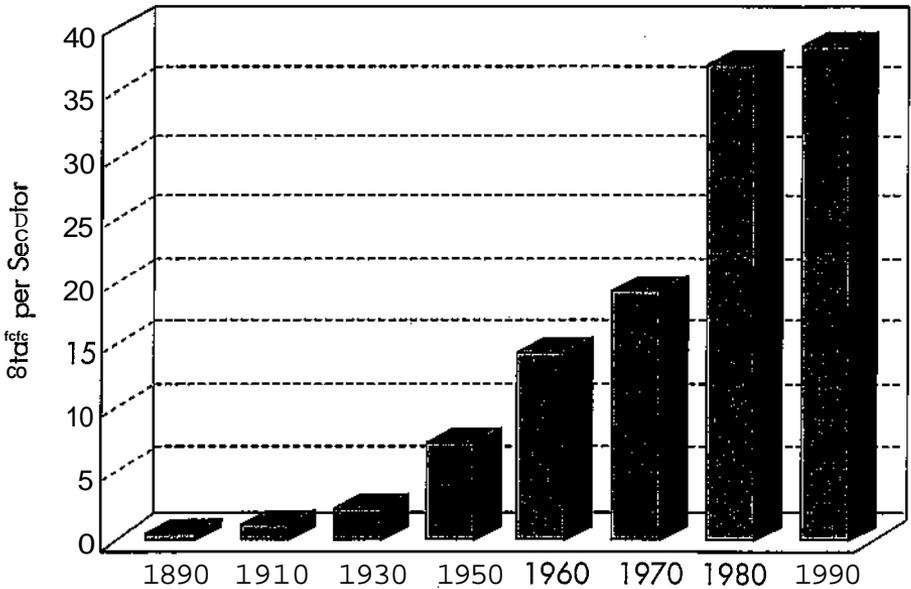
Roughly half of the 38,000 congressional employees are directly employed by members on their personal or committee staffs. Today there are 20,000 support staff on the payrolls of Congress. That is up from 11,000 in 1970, 4,000 in 1950, and 1,100 in 1930.

To put that nearly 20-fold increase in perspective, consider that today the average member of the Senate has 36 employees, in 1970 the average member had 21, in 1950 the average member had 8, and in 1930 the average member had 2 (Figure 5.2).

The Proliferation of Committees

The Contract with America promises to reduce the number and staffing of **House** committees. That is highly desirable; the Senate should do the same. The Senate Foreign Relations Committee has 62 staffers. That is more employees than the *entire* Senate had in 1900. John Dingell, the Michigan Democrat, had a whopping 140 staffers on his House Energy and Commerce Committee. The Senate Banking Committee has 42 employees. No one knows exactly what those public servants do. But what they did not do was provide the oversight to prevent the \$250 billion savings-and-loan crisis.

Figure 5.2
Senate Staff per Member, 1890-1990



SOURCE "Vital Statistics on Congress, 1989-90," *Congressional Quarterly*, 1990, p. 132.

A case—albeit a weak one—might be made that the 535 elected members of Congress deserve to be as handsomely paid as they are. But there are now more than 1,000 congressional *staffers* who earn over \$80,000, and 400 have joined the six-figure club—a financial success that the vast majority of Americans who pay their salaries can only dream of attaining.

The House and Senate Appropriations Committees have 100 workers earning \$80,000 or more. Their combined salaries are nearly \$10 million. The Senate chaplain and the executive director of the vital Commission on the Bicentennial of the U.S. Senate each made \$120,000 in 1994.

The Spending Culture

The way congressional hearings are conducted needs to be reformed by the new Republican majority. In his book *The Culture of Spending*, political scientist James Payne notes that on Capitol Hill there is a "presumption of government efficiency." That presumption is reinforced by program oversight hearings in which "95.7 percent of the witnesses speak for the program, and only 0.7 percent oppose them." More than half of the witnesses normally have a vested financial interest in seeing that funding for a particular program continues.

Clearly, congressional hearings are not objective appraisals of the thousands of programs that Uncle Sam funds; rather, they are **cheerleading** sessions for the advocates of government activism. That overt bias explains why we often read in the newspapers statements such as "Everyone agrees that Head Start works" or "Studies show that every dollar invested in child nutrition programs [or fill in the name of your favorite program] saves \$6 in the future." Of course, everyone agrees with such assessments when there is no room for dissent. So as Congress continues to delude itself that its \$1.5 trillion arsenal of spending programs is effectively combatting America's ills, the nation edges closer to financial and social ruin.

In recent years Congress has attempted to add far more spending than it has attempted to subtract. A recent project sponsored by the National Taxpayers Union examined the cost and savings of every bill introduced in Congress in 1991 and 1992. Given our record \$250 billion deficits, one might have thought that our representatives were trying to identify ways to save money, but just the opposite was true. There were literally hundreds of proposals for new bureaus, agencies, and subsidies. The NTU found that if every bill introduced were passed, net federal spending would rise by \$450 billion. For every dollar of spending cuts that was proposed, \$80 in new spending was proposed.

Campaign Finance Reform

Most efforts to reform campaign financing are really attempts at incumbent protection. Those reforms would limit contributions and try to circumvent the Supreme Court ruling in *Buckley v. Valeo* (1975)—that limitations on campaign expenditures are unconstitutional—by "taxing" expenditures above a certain level. But all such efforts have a chilling effect on political discourse.

Despite claims by groups such as Common Cause and the League of Women Voters that we are spending "obscene" amounts of money on campaigns, it could be argued that we are not spending enough. As George Will has pointed out, Americans spend more each year on yogurt than they do on political campaigns. Indeed, we spend only about \$3 per potential voter for Congress.

Contribution limitations in the Federal Election Campaign Act of 1974 should be repealed. With full disclosure there is no reason why large contributions should be disallowed. Although the proponents of limits argue that the government thereby protects the American people from the

evil designs of the wealthy, the reality is that large infusions of funds are more likely to protect the people from the limited options of the political status quo.

For instance, whether one agreed or disagreed with Ross Perot, there can be little doubt that his self-financed campaign for the presidency in 1992 enhanced the democratic process. It was only through a quirk in the *Buckley* decision that contributions to one's own campaign are treated as an expenditure, and thus not subject to limits. Had Perot been able to give his millions to another, perhaps more qualified, candidate, he might have been hard-pressed to justify his own candidacy.

At a minimum, Congress should retroactively index the 1974 contribution limit of \$1,000 for federal campaigns. That would raise the limit to \$3,100 in 1995, making it easier to challenge incumbents and inducing a larger number of Americans to seek federal office.

Why Congress Passes So Many Bad Laws

In the 1980s Congress routinely sent Ronald Reagan spending bills that contained the annual funding for virtually the entire federal discretionary budget. Those 2,000- to 4,000-page omnibus bills carried price tags of well over a half trillion dollars. More recently the 1993 Clinton tax bill was close to 1,000 pages, the health care reform bill—which, thank heavens, was never enacted—was 1,400 pages, and the crime bill—which members had a full 48 hours to read—was over 800 pages. Few, if any, members actually read through those Manhattan-phone-book-length bills—though most were approved. One way to prevent the construction of such legislative monstrosities is to make it a violation of congressional ethics for members to vote on any bill that they have not read in its entirety.

Even more important for preventing the passage of bad laws is for Congress to begin to once again take very seriously its responsibility to abide by the letter of the U.S. Constitution. The Constitution confers on Congress a very few specific enumerated powers in the areas of spending and regulating. The enumerated powers of the federal government to spend money are defined in the Constitution in article 1, section 8. Those powers include the right to “establish Post Offices and post roads; raise and support Armies; provide and maintain a Navy; declare War”; and engage in other, mostly national-defense-related, activities.

No matter how long one searches through the Constitution, it is impossible to find any language that authorizes many, if not most, of the civilian programs that Congress crams into the federal budget today. There is no

grant of authority for the federal government to pay money to farmers, run the health care industry, impose wage and price controls, give welfare money to ~~the poor and unemployed~~, provide job training, subsidize electricity and telephone service, lend money to business or foreign governments, or ~~build~~ parking garages or tennis courts or swimming pools.

Regrettably, it is extremely rare for even a single member to object to legislation **simply** on the grounds that such a law is not constitutionally permitted. Throughout most of American history, **laws—no matter how well intended—were** routinely defeated on the grounds that there was no constitutional authority for the measure at hand. For example, in 1827 Col. Davy Crockett, a member of the House of Representatives, successfully blocked a \$10,000 relief bill for the widow of a naval officer by convincing his colleagues that "Congress has no power to appropriate this money as an act of charity. Every member upon this floor knows it. . . . As members of Congress we have no right to appropriate a dollar of the public **money.**" There are hundreds of other such incidents throughout American **history—but** none that are recent.

Congress should return to the tradition of closely scrutinizing the constitutional authority for its spending and regulating activities. We need more Davy **Crocketts** in the House and Senate.

Suggested Readings

- Crane, Edward H. "**Reclaiming the Political Process.**" In *Market Liberalism: A Paradigm for the 21st Century*. Edited by David Boaz and Edward H. Crane. Washington: Cato Institute, 1993.
- Crane, Edward H., and Roger Pilon, eds. *The Politics and Law of Term Limits*. Washington: Cato Institute, 1994.
- Payne, James L. *The Culture of Spending*. San Francisco: Institute for Contemporary Studies, 1991.
- Pilon, Roger. "Freedom, Responsibility, **and** the Constitution: On Recovering **Our** Political Principles." In *Market Liberalism: A Paradigm for the 21st Century*. Edited by David Boaz and Edward H. Crane. Washington: Cato Institute, 1993.

—*Prepared by Stephen Moore and Edward H. Crane*