

THOMASVILLE  
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## **A fiscal crisis awaits. Here's a provocative idea for heading it off.**

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George F. Will

When astrophysicist Arthur Eddington (1882-1944) was told that some people believed that only three scientists understood Albert Einstein's theory of general relativity, he quietly said: "I'm just wondering who the third might be." At the opposite end of the intelligibility spectrum, there is broad understanding of the obvious: This nation is slouching into the most predictable fiscal crisis in its history.

There is no mystery about what the crisis is; there is clarity about what broadly must be done. There is, however, fatalism about the political system's inability to do it. The fatalism is refutable, but with a mechanism that should make constitutionalists queasy: Should we protect the nation's fiscal future by further diminishing Congress, which would exacerbate the braided problems of a rampant executive and an unaccountable administrative state?

Demography is destiny for today's entitlement state, which functions primarily to transfer wealth to the elderly. America's population is aging, life expectancy is increasing, a quarter of Medicare spending is on services in the last year of life, and 40 percent of that 25 percent on the last 30 days. Furthermore, the U.S. birthrate is declining, and immigration will not be liberalized nearly enough to adequately replenish the long-term workforce that must fund entitlements.

Without politically excruciating changes, the two principal drivers of federal deficits - Social Security and, especially, Medicare - will produce ever-higher government spending and ever-

larger deficits. This certainty influenced Fitch's recent lowering of the nation's credit rating. Within a decade, Medicare providers and Social Security recipients are set to face 11 percent payment cuts and 20 percent benefit cuts, respectively. They will not happen. General revenue (including borrowed money) will be poured into both programs to protect incumbent legislators and prevent social upheaval.

Absent entitlement reforms, interest rates will rise, reducing private investments and economic growth, and federal revenue. What can be done to prevent risk-averse politics from producing this self-reinforcing doom loop? The Cato Institute's Romina Boccia has a suggestion: "a BRAC-like fiscal commission."

After the Cold War waned, the Base Realignment and Closure commission accomplished what the political class flinched from doing: five rounds (from 1988 to 2005) of closures of military facilities crucial to communities' prosperity. The BRAC recommendations automatically took effect unless, after approved by the president and submitted to the House and Senate, Congress passed a joint resolution disapproving the recommendations in their entirety.

Boccia proposes a similar entity, "composed of independent experts," tasked with what she mildly calls the "clear and attainable objective" of stabilizing the nation's debt at a size not exceeding gross domestic product. Leave aside the unsettling echo of progressives' (Woodrow) Wilsonian aspiration to constrict politics by expanding the sphere of "independent" expertise. Boccia has the courage of her conviction that the alternative is even worse than this aspect of her proposal: The commission's recommendations must be "self-executing upon presidential approval, without Congress having to affirmatively vote on their enactment."

With a bracing candor reminiscent of another realistic child of Italy (Machiavelli, in "The Prince"), Boccia says: Making the commission's recommendations self-executing without

Congress's having to endorse them is necessary to give legislators "political cover to vocally object to reforms" vital to the national interest but impossible to enact by normal procedures.

Is there a paradox of sovereignty? May a legislature, exercising its sovereign lawmaking power, enact a law that divests itself of lawmaking power? Congress frequently does essentially this by granting to executive agencies discretion so broad that it arguably violates the "nondelegation doctrine." That is, it delegates essentially legislative power, in violation of the Constitution's first substance word - the first after the preamble: "All legislative Powers herein granted shall be vested in a Congress" (emphasis added).

Boccia notes that Sen. John McCain supported the BRAC mechanism even though, he said, "Congress has probably abdicated its responsibilities." The brute fact, he said, is that Congress is "incapable of acting in any other way." And Boccia knows that the stakes in the base closings were trifling compared with those in entitlement reform, concerning which Congress's abdication of responsibility is ongoing.

Adopting Boccia's recommendation - "a new mechanism for forcing action" - would be an admirable acknowledgment by Congress of an unadmirable weakness. Call it the Odysseus measure:

Confessing his weakness regarding the temptation of the Sirens' voices, Odysseus told his ship's crew, "Bind me, to keep me upright at the mast, wound round with rope. If I beseech you and command to set me free, you must increase my bonds and chain even tighter."