



ACCURACY
in ACADEMIA

Attacking the Federal Government's Regulatory Beast

Malcolm A. Kline

December 14, 2016

Stories surfaced this year to the effect that federal employees would quit if Donald Trump were elected. Unfortunately, that's not likely to happen.

"Most of what we think of as federal law is written by federal agencies," Benjamin Ginsberg, a professor at Johns Hopkins pointed out recently at the Cato Institute. "In the most recent year available, Congress passed 218 pieces of legislation, not all of them substantive, while federal agencies added 150,000 rules, many of them important, for example, Taft-Hartley [right-to-work] regulations."

"So the Department of Labor is writing new law nominally based on some ancient statute."

The last president to be greatly concerned about this growth of rules, Ronald Reagan, established the *Office of Information and Regulatory Affairs (OIRA)*, in order to gain control of it. Yet and still, his successors, even the nominally Republican ones, have not had quite his level of interest.

Professor Ginsberg remembered that George W. Bush's director of OIRA had only one question of the outgoing Democratic predecessor at that office: "What do you think of changing the name of these regulations to regulatory prompts because our party is against federal regulations?"

Professor Ginsberg is the author, with Jennifer Bachner, also of Johns Hopkins, of *The Unelected Officials Who Actually Run the Government and Their Misconceptions About the American People*. They surveyed hundreds of them.

"Washington policy makers are whiter, better educated and wealthier than the American public," Professor Ginsberg said at Cato. As well, "They didn't have much regard for the ability of the American people to govern themselves."

"They didn't have much regard for the intelligence of the American people." The feeling might be mutual.