

The Washington Post

The infamous Roman Emperor Caligula and the U.S. Congress

What do they have in common?

Janine Turner

October 1, 2015

The infamous Roman Emperor Caligula used to post his new laws high upon a column so the Roman citizens could not study them. These tactics were dictatorial and antiquated. Nothing like this would happen in the United States Republic, right? Wrong. When it comes to today's laws, there is very little difference between the deceptive tactics of Caligula and the U.S. Congress.

American citizens cannot study the laws passed by Congress, not because they are unattainably high upon a column but because they are unattainable due to their largesse and legalese. American citizens have become despondent and apathetic because the bills and laws are so voluminous they cannot be read and so incomprehensible they cannot be understood. James Madison predicted that it would be of no avail for men to elect men of their own choice if they could not understand what was in the laws. How does one know what is in the bill or law, and equally as important, how can one hold a representative accountable, under such circumstances. Caligula knew this well.

United States bills and subsequent laws have become insanely bloated over the past 40 years due to increasingly bitter party politics, backroom deals and legal jargon. Consequentially, no one, not even the representatives, can understand what they are reading and, even worse, passing into law. Here's an example of the page counts of recent bills compared with literary classics from "Long and Little Known, How Incoherent Statutes Harm Liberty & the Rule of Law," a white paper I co-wrote with Nathaniel Stewart for Constituting America:

How long did they used to be? Here is a fascinating comparison, from "Long and Little Known":

"The Judiciary Act of 1789, for example, established the judicial courts of the United States in 21 typed pages. The act establishing a uniform rule of naturalization in 1790 — of no small importance to a young nation of immigrants — took less than two pages of text. Congress

repealed and replaced this Act in 1795, again requiring just two pages to do so. As the nation grew exponentially through the 19th century, laws were passed accordingly, but even significant legislation like the National Banking Act of 1863 providing for and regulating a national currency took Congress 18 pages to articulate. Similarly, the Federal Reserve Act of 1913 creating our modern federal reserve system required a mere 25 pages. Monumental 20th century reforms like the Social Security Act of 1935 ushered in sweeping change with less than 30 pages of text, and broad-based regulatory statutes like the Clean Air Act of 1963 ran just 10 pages, while its younger cousin, the Clean Water Act of 1972, dribbled on for 88 pages.”

The longest law was in 1972 and it was 88 pages. Today, 40 years later, they ramble on for thousands of pages. This is a method of operation that must stop. This is also the reason why Congress has drastically lost favorability ratings — no one knows what’s in the bills or laws. On every front, all accountability has been lost.

Ubiquitous bills lead to dangerous shenanigans. This is one example from “Long and Little Known.” The Congressional watchdog group Citizens Against Government Waste recounted in 2007:

“In 1997, Jason Alderman, a staffer for the late Rep. Sidney Yates (D-Ill.), had an altercation with a policeman after being stopped for walking his dog without a leash in Meridian Hill Park in Washington, D.C. Alderman later got language added to a House appropriations bill ordering the National Park Service to build a dog run at the park “as expeditiously as possible.” Rep. Yates was unaware of the earmark until it appeared in a column by the late journalist ... Jack Anderson.

“More recently, a staffer held up passage of the fiscal 2005 Omnibus Appropriations Act after he added an obscure line to the 3,000-page bill that would give the chairmen of the Appropriations Committees and their staff assistants the authority to access the income tax returns of any American. The language was discovered only hours before the original vote was scheduled and Republican leaders had to convene a special session to remove the provision.”

This type of deceit is commonplace. How can we, or our representatives, stop the guilefulness if the bills are too time consuming to read and too obliterated by legal code to understand. Not only are the laws incomprehensible they are most often not written for United States citizens’ comprehension. They are written for bureaucracies who will then create more bureaucracies who will then create stifling regulatory laws — laws which at that point will have no Constitutional check or balance.

To make things even worse, after they are written, even the government bureaucracies do not claim responsibility for understanding them. Thus, the American citizens are left vulnerable to breaking the laws and subsequent criminal prosecution. “Long and Little Known elaborates”:

“Mr. Lynch of The Cato Institute voiced similar concerns in his testimony before Congress regarding other rampant and confusing regulatory control exercised by federal agencies and prosecutors due to the size, scope, and uncertainty of federal law. As Mr. Lynch noted, “the Environmental Protection Agency received so many queries about the meaning of the Resource Conservation and Recovery Act that it set up a special hotline for questions. Note, however, that the ‘EPA itself does not guarantee that its answers are correct, and reliance on wrong information given over the RCRA hotline is no defense to an enforcement action.’”

The United States Congress has legislated themselves out of the hearts and minds of the American people. Congress has lost their respect and trust. Never underestimate the genius of the American people. It is time for the people to take action by signing the TRUTH ACT. To quote Patrick Henry, “We cannot lie supinely on our backs clutching the delusive phantom of hope.” Only pressure from the American citizenry can force Congress to limit the size of the bills, insist on single subjects and legal codes in the margins, and write that they are written in a comprehensible manner. We — and our representatives — must be able to understand what’s in the bills and laws so that wise decisions may be made. This is rule number one for a Republican form of government. Otherwise, we will slide further into the bureaucratic nightmare which is limiting our liberties and God forbid into tyranny with a tyrant like Caligula.