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The Stupidity of the American Voter

By JIM HARPER
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Conservatives and libertarians were scandalized this week to see video of MIT economist and Obamacare “architect” Jonathan Gruber describing how a lack of transparency allowed the president’s signature health care regulation to pass. The real scandal would be if Republicans, now in control of both the House and Senate, allowed the conditions that produced Obamacare to persist.

Pro-transparency changes in the 114th Congress could create a bulwark against legislation of any stripe being rammed through with insufficient public oversight, debate, and consensus. The Obama administration is already committed to greater transparency in executive branch spending, as it implements a bill passed last spring called the DATA Act.

“Lack of transparency is a huge political advantage,” academic economist Gruber said at a conference last year, singing like a canary about the Obamacare debate. “And basically – y’know, call it the stupidity of the American voter or whatever – but basically that was really, really critical to get the thing to pass.”

Obamacare’s backers may see Gruber’s words as a little too transparent themselves, but he was almost certainly right. Greater public knowledge of both the process and Obamacare’s inner workings, which are clearly deficient, would have produced a better debate and a better outcome.

If there’s “stupidity” among American voters, it’s the product of all the information they’re not given. Congress gave a nod to the Internet and transparency when it established the Thomas web site at the beginning of the 104th Congress in 1995. And Congress.gov is a recent user-friendly improvement. But documents and records in HTML and PDF hardly meet the public’s need for information. Twenty years on, the most recent Republican-landslide Congress should advance the ball on transparency again, by producing information about its activities as computer-readable data, in real time.

It would be impossible to catalog all the data Congress should share with the public. The House has been making slow and steady advances, including the creation of document-and-data repository docs.house.gov. But one area that is particularly ripe for improvement is legislation.

The bills introduced in Congress are published in a technical format called XML that readies them for printing and web display. That same format can be used to make bills at least partially computer-readable. The Cato Institute’s “Deepbills” project does exactly that. Supported by the Democracy Fund, Deepbills adds technical markup to legislation that makes it possible to automatically find references to existing law and to agencies and bureaus. Deepbills markup

allows computers to pick out “budget authorities,” which authorize spending and spend taxpayer dollars. Thanks to Deepbills, Americans – for the first time ever – have the ability to sift and sort through bills in Congress that propose to spend their money.

With Deepbills’ methods adopted by Congress, the public could do computer-aided oversight of the thousands of bills under consideration at any given time. Decades in the dark have caused Americans to lose some of their civic muscles, but there should be no more “We have to pass the bill so that you can find out what is in it” – the infamous words of then-House Speaker Nancy Pelosi.

Data transparency is a matter of bipartisan agreement. House Democrats are full supporters of the pro-transparency steps that have been taken in the lower house. By signing the Digital Accountability and Transparency Act last spring, President Obama obligated his administration to start producing consistent, machine-readable data about government spending. It’s an opportunity to finally fulfill transparency and good-government promises made during his 2008 campaign.

It would be nice to see an all-out race between the Congress and the Obama administration for which can do the most to produce data that informs the public about its deliberations, management, and results. If the impetus for increased transparency in some quarters is outrage about the process that produced Obamacare, so be it. More transparency would not produce a partisan victory.

Rather, it would diminish the role of partisanship. When Americans have better insight into what is being proposed in Congress and what is being done in the executive branch, they will be able to debate about national values with less need for posturing, party labels, and slogans.

Debates about future legislation and programs should be won or lost on something closer to the merits, not on non-transparent shenanigans. Data transparency in Congress and full implementation of the DATA Act are two ways to improve transparency. Congress and the president can change the conditions that allow anyone to speak of “the stupidity of the American voter.”

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