



Gene Healy: Has Congress become useless?

By: Gene Healy
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Has Congress become "a useless appendix on the governmental structure"? That was what then-Senate Foreign Relations Committee Chairman Sen. J. William Fulbright, D-Ark., feared in 1968, according to newly released transcripts from the committee's closed-session debates over Vietnam. Unless Congress was willing to assert itself on the war, he said, "I do not see how we have any real function."

Last week found Congress once again doing a good imitation of a vestigial organ, as the House forked over \$37 billion more for our endless Afghan adventure. Maybe if we called it "armed community organizing" instead of "nation building," more Republicans would be against it.

It's "not just the president's war," Rep. Jim McGovern, D-Mass., protested. "It's our war too. ... We must not simply kick the can down the road."

Alas, legislative can kicking is what the modern Congress does best. Take the Dodd-Frank financial "reform" bill the president just signed. It's a 2,300-page PR exercise that delegates everything and settles nothing. Lenders and investors wondering what's legal will have to await some 243 rulemakings from 11 different agencies.

The Constitution gives Congress vast powers over war and peace, and charges it with making the laws of the land. Yet our feckless legislators prefer to punt the hard decisions to the president and the permanent bureaucracy, even if it leaves the rest of us mired in uncertainty and crushing debt. What do we pay these people for?

There's a reason the Capitol Dome dominates the D.C. landscape, towering over the comparatively modest presidential residence down the street. The capital's design mirrors the constitutional architecture, in which Congress, not the executive, was supposed to be the prime mover in setting national policy.

The legislative branch "is by far the most important," President James Monroe proclaimed in 1822, "the whole system of the National Government may be said to rest on the powers granted to this branch. They mark the limit within which, with few exceptions, all the branches must move."

Some of you understandably shudder at the thought of handing more responsibility to an

institution led by the likes of Nancy Pelosi. But our Constitution's Framers preferred to leave national policy in the hands of bums you can vote out instead of bums you can't, like the best and brightest White House czars and unelected bureaucrats.

Despite decades of congressional abdication, Congress retains every power the Constitution grants it. There's nothing stopping legislators from drafting clear rules or taking responsibility for ongoing wars.

Even John Yoo, the Imperial Presidency's most ardent fanboy, admits that Congress could legally "require scheduled troop withdrawals" in foreign wars.

On "Meet the Press" in 2007, then-Sen. Joe Biden, D-Del., offered the typical rejoinder: Hey, don't look at us, we're just Congress. "Why not cut off funding for the war?" host Tim Russert asked. "I've been there, Tim," Biden replied. "You can't do it."

Actually, to borrow a phrase, Yes We Can. Congress has successfully used strings attached to funding to wind down our involvements in Vietnam, Lebanon and Somalia. But it usually takes a great waste of blood and treasure before our representatives feel moved to do anything.

Maybe that helps explain why Congress ranks dead last in Gallup's recent "Confidence in Institutions" poll, finishing eight points behind health maintenance organizations.

But we shouldn't let ourselves off so easy. The American voter has long played the sucker in a legislative shell game wherein Congress cedes its constitutional responsibilities to the executive, taking credit when policies "work," and demanding scalps when they don't.

Congress ducks responsibility because We the People have let them get away with it for far too long.

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