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Gene Healy: Read the bills? How about reading the Constitution?

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You can live in this town for years and still occasionally find yourself gobsmacked by what counts as "normal" by Washington standards. Take the ongoing debate over whether it's fair for us to expect our elected representatives to read the laws they pass and expect us to follow.

Recently, Sen. Thomas Carper, D-DE, and Rep. John Conyers, D-MI, scoffed at the idea that they should read the health care legislation working its way through Congress (hey, it's only a matter of life and death). That attitude has inspired the "Read to Vote" campaign--designed to get congressmen to pledge to "read every word of every bill before casting my vote."

Read to Vote's efforts earned them a condescending *Washington Post* editorial last month, complaining that their proposal "would bring government to a standstill." (Heaven forbid.) "To read all 1,427 pages of Waxman-Markey," the *Post* fretted, "it would take at least 12 hours -- tough on a tight legislative timeline."

Is reading the cap and trade bill tough? Tough. If you're planning to regulate every industrial process in America, you may have to do some heavy slogging.

True enough, the bills Congress passes have become increasingly impenetrable over the years. In Abraham Lincoln's first State of the Union, he worried about the growing complexity of federal law, but noted that, with a modest effort at revision, "all the acts of Congress now in force [could fit in] one or two volumes of ordinary and convenient size." Today, the Senate Finance Committee's 1,502-page health-care bill would take up more than that much space by itself.

Worse still, most of the actual "law" in this country--the rules that citizens have to follow, at pain of fine or imprisonment--is generated by unelected administrative agencies, which use broad authority delegated by Congress to add over 75,000 new pages to the Federal Register every year.

It's said that the Roman emperor Caligula posted new laws high on the columns of buildings so citizens couldn't read them and figure out how to avoid their penalties. He could have achieved the same effect by covering the country with such a dense thicket of rules that no one could tell what the law commands.

Legend has it that Caligula also made his favorite horse a senator. Considering how lightly most of our legislators take their constitutional obligations, you could probably do worse.

In February 2003, the *New York Times* reported that both parties had hired lawyers to run seminars for congressmen, explaining the requirements of the McCain-Feingold campaign

finance law they had just passed. "I didn't realize what all was in it," said Rep. Robert Matsui (D.-CA); "A real education process," echoed Rep. Thomas M. Reynolds (R.-NY).

If congressmen can't be bothered to read a law that directly affects them, should we be surprised that they're not planning to read the health care bill, which won't?

But, even assuming we could force legislators to read the bills, would that lead to better government? Maybe not. Carper had a point when he said that modern legislative language "is so arcane, so confusing...[that] it really doesn't make much sense."

If congressmen had to read what they passed, they might draft shorter, more



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comprehensible bills. But one way to do that is by punting yet more lawmaking authority to the permanent bureaucracy, which can then issue its own mammoth set of unintelligible rules. That hardly solves the problem.

A better idea can be found in a resolution recently introduced by Sen. Jim Bunning, R-KY, requiring all new legislation to be posted online for 72 hours before consideration. That could put the distributed intelligence of the web to work, ferreting out the many devils in the details of proposed laws.

However, that's still just treating symptoms. Federal law has become incomprehensible because Congress has inserted itself into every area of American life. As James Madison explained, though, Congress's constitutional powers are "few and defined.... [to be] exercised principally on external objects," like foreign policy and international trade.

Read the bills? It's more important for congressmen to read the Constitution. They'll be pleased to learn that it's short and written in plain English.

Examiner columnist Gene Healy is a vice president at the Cato Institute and the author of "The Cult of the Presidency."

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I heard recently that the the health (lack of) care bill is now over 2000 pages long. When Mr. Conyers was asked not long ago at his town hall meeting about reading the bill, his response was "Read it?? It's too long. And if I did, I'd need 2 lawyers to explain it to me!!"

I agree w/Mr. Healy's comment: if they had to actually read what was written, maybe they'd write shorter bills.

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