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THE TRAIN WRECK - AN INVITATION TO STRUGGLE?

CORE COURSE (3) ESSAY



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In his book, The President, Office and Powers, 1787-1984, Edward S. Corwin describes the grants of power to two separate bodies affirmed by the Constitution as an 'invitation to struggle for the privilege of directing American foreign policy' <sup>1</sup> Because the shared powers of the Constitution cross a broad spectrum of responsibilities, this invitation to struggle is easily applied to any intercourse between the often-at-odds independent branches of our democratic government. The framers of the Constitution debated not only the form of government at the Philadelphia convention of 1789, but also how best to avoid the tyrannical government from which they had recently wrested their freedom. The difficulty in reaching consensus by the branches of government because of shared powers creates significant tension, especially when the branches are controlled by ideologically different parties. The current clash between the Executive and Legislative bodies over the country's budget caused the longest federal government shutdown in our 219 year history. Is this confrontation, what Corwin described as an invitation to struggle, really what the enlightened Framers had in mind when drafting the Constitution?

According to Alexander Hamilton in Federalist Number 70 the separation of powers intended to provide energy, dispatch, and independent deliberation. The offices of government would be shaped to the requirements of different tasks, thus leading to governmental efficiency <sup>2</sup> But unfortunately, the checks and balances that accompanied many of these powers have created a "gridlock" in government. Some believe our whole system of government has failed because of this gridlock. Others view the gridlock as just a derogatory term for a difference of opinion which the Framers fully embraced. The intent of our forefathers to create a government of the people, by the people, and for the people, free of tyranny, has produced this inherent "struggle" by sharing powers so that no one branch of government becomes too strong.

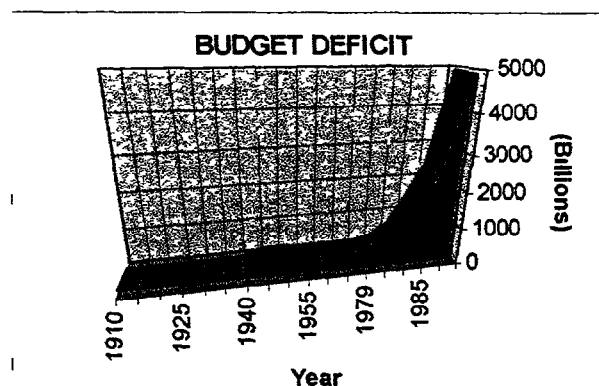
### **THE BUDGET CRISIS**

While one can point to several causes of the growing budget and an ever expanding national debt, the failure is one of both policy and procedure <sup>3</sup> Automatic indexing of entitlement programs (such as Social Security and other federal programs) to keep pace with inflation takes the legislator's hands off the tiller of these expensive entitlements (not to mention nearly bankrupting these systems). Along with

these automatic increases the Tax Reform Act of 1981 automatically adjusted the cutoff for entering higher tax brackets for inflation - causing a reduction in revenue <sup>4</sup> This automatic revenue reduction technique coupled with President Reagan's historic supply side economics and accompanying tax cuts spelled disaster as spending continued to rise. Cutbacks enacted by Congress have consistently been less than proposed and always (with the exception of 1981) less than automatic entitlement increases <sup>5</sup> Even procedural bills aimed at cutting the budget (Gramm-Rudman legislation) did not work due to constitutionality issues and "creative accounting" practices used to circumvent the automatic reductions <sup>6</sup>

Presidential and Congressional priorities lead to compromises on spending that usually exceed expected revenue. The aversion to raising taxes while protecting high priority or "pet" budgetary items causes the deficit to escalate. Many of today's legislators and concerned citizens think that the spiraling deficit should lead to a policy of "guns or butter" not "guns and butter". Senator Lowell Weicker summed up his somewhat reluctant approval of Gramm-Rudman for spending cuts: Congress has not shown the leadership to enact it gives us the "legislative substitute for the guts we don't have to do what needs to be done" <sup>7</sup> The shared powers have created a stalemate regarding budget issues. Is this an issue of legislation for defense and entitlements that the framers did not and would not address in the Constitution? Or did they just not foresee it, yet we are trying to solve it within the context of the Constitution.

As Figure 1 shows, out of control deficit spending is a recent occurrence <sup>8</sup> We have supported deficits in the past, most notably occurring from spending for war. Our forefathers probably could not have imagined such a huge budget and soaring deficit. The total budget revenues for the first 110 years of our government were 16 billion dollars with a cumulative public debt of 1 billion dollars <sup>9</sup> The entire budget was supported by taxes on commerce. Often the argument



**Figure 1- The Budget Deficit**

is presented that the rising deficit is not a national crisis because the economy of the United States is enormous. Comparing the public debt to Gross Domestic Product (GDP), or the value of all production of

the country on a geographical basis, reveals a disturbing trend. Following World War II the public debt exceeded GDP by approximately 130%. On November 13, 1995 the debt ceiling was raised to 4.967 trillion dollars, about 83% of GDP. What is worrisome is that following World War II the debt steadily declined while five years after the collapse of the Soviet Union and the end of the Cold War, the current national debt has risen almost 15%.<sup>10</sup>

The current budget stalemate with its accompanying legislative/executive battles headlined for weeks in the nation's newspapers and journals, is perceived by many Americans as fiscal irresponsibility by our elected officials. The 'mandate from the people for change' espoused by each party following a major election shows constituency based politics affecting policy. These policies determine the budget priorities and therefore the direction of the country as a whole.

### THE GOVERNMENT SHUTDOWN

The Federal Government has closed its doors nine times in the past fifteen years as shown in Figure 2.<sup>11</sup> The majority of these shutdowns have been due to budget disputes. Why has the budget

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**Nov 20-23, 1981** - The first time a chief executive ordered a massive shutdown. Budget standoff sent workers home for half a day.  
**Sep 30 - Oct 2, and Dec 17-21, 1982** - Government workers report to work but debate over a balanced budget delays short term spending bill approval.  
**Nov 10-14, 1983** - 6 Departments without spending bills approved still report to work based on a Promise by the President to sign.  
**Sep 30 - Oct 3, and Oct 3- 5, 1984** - Workers sent home for several hours over debate on civil rights legislation that preempted vote on 9 appropriations bills.  
**Oct 16-18, 1986** - Federal workers sent home when Congress missed deadline when minor issues snarled budget negotiations.  
**Dec 18-20, 1987** - Government offices shutdown for part of one day over deadlock on funding for Nicaraguan Contra Rebels.  
**Oct 5-9, 1990** - Short term spending bill vetoed after President's deficit reduction plan defeated by Congress.

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**Figure 2 - Government Shutdowns**

growth of special interest groups also highlights the fight for limited resources as these groups strive to preserve their limited self interests through lobbying.

As of 11 November 1995, 41 days after the new fiscal year deadline, only 2 of the 13 appropriations bills were signed. This is nothing new to the budgetary process, rarely have the budget resolution or appropriations bills been ready by their respective deadlines. The continuing resolution (CR),

been the key factor in the "lines in the sand"? As stated previously, how the politicians budget the money truly determines what policies they consider important. The budget dollar allocations then forms the lines of battle for nearly every program that our representatives have been elected to support. The

widely used in previous years (in fact, some have been effective 'or the entire year') would come to be used as a trump card by the newly elected Republican majority. The major issues the Republicans included in the CR causing the presidential veto are as follows: to balance the budget in 7 years, reduce spending on several key Democratic priority programs, provide a tax cut to the American people, and use 'realistic' predictions forecasted by the Congressional Budget Office (CBO). While the specific details of these issues are important to the stalemate, an examination of the effects of the budget battle and the ensuing struggle between the parties and branches of the government is the primary focus of this discussion.

Public opinion polls, which many argue fail to present the whole picture, placed the "blame" for the government shutdown squarely on the shoulders of the Republicans in Congress (see Figure 3 <sup>12</sup>). This is perceived by many as an increased approval rating for the Democrats and the President. It also prompts vehement attacks on the system and personalities of the legislators leading the debate. One federal worker likened himself to a "hostage" in an interview in the Washington Post <sup>13</sup>. Other editorial writers chastised him for even daring to compare himself to someone who has been forcibly detained or taken against his or her will <sup>14</sup>. Some called the federal employees "crybabies" because the only thing they suffered was a few days of what turned out to be paid vacations <sup>15</sup>.

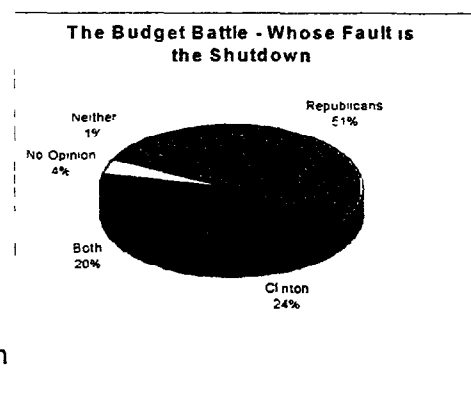


Figure 3 - The Budget Battle

On whichever side of the argument one falls, it evokes emotional feelings concerning the operation of our government. The barometer that many economists use for budgetary conflicts is the response of the stock market. For instance, the stock market plunge in the fall of 1987 signaled the feeling that the "government isn't working" and precipitated an agreement between the parties concerning a contentious deficit issue <sup>16</sup>. Although Wall Street worried that the budget gridlock could send stock prices down as much as 20%, the actual reaction of the stock market was to reach record heights <sup>17</sup>. What signal is the stock market sending? Maybe neither the Congressional Budget Office (CBO) nor the Office of Management and Budget (OMB) have accurately predicted the health of the economy. Much of the fight deals with the economic outlook estimates which hold 300-400 billion in the balance for further spending.

on issues that get people elected

### AN INVITATION TO STRUGGLE

Since the earliest days of Congress there have been differences of opinion concerning the best use of revenue. This session's heated dispute over the budget caused Congressmen Randy Cunningham (R-Ca) and James Moran (D-Va) to get into a shoving match and Representative John Mica (R-Fl) to 'verbally attack' the President by calling him "a little bugger" <sup>18</sup>. This behavior is not how we expect elected officials to behave but it certainly is a far cry from the duel between Henry Clay of Kentucky and John Randolph from Virginia over the War of 1812 declaration and slave state issues <sup>19</sup>. Duels and fist fights, like the beating into unconsciousness that Representative Preston Brooks of South Carolina gave Senator Charles Sumner of Massachusetts over slavery issues in 1856, were regular occasions in our early history <sup>20</sup>.

President Clinton is often accused of vacillating on several major issues. Some writers suggest that his inflexibility on the budget issue is politically motivated to show that he can make a stand, and that now is the time to do it, since the campaign season is approaching. Some are critical that the showdown between the Republicans and Democrats is nothing more than a "political game" that neither can afford to lose <sup>21</sup>. Still others argue that the Congress and the President are hurting the country by their childish behavior. These comments fail to understand the true nature of the stalemate and will be explored in the CONCLUSIONS.

Both Congress and the President present a compelling case to support the standoffs. President Clinton stated in a recent weekly radio address:

"I know that for many people across our country, all this conflict and drama looks just like people in Washington are playing politics again. What every American has to realize is that this is way beyond politics. There are very, very profound, fundamental issues involved. What's at stake is nothing less than two different versions of our country, and two different futures for our people" <sup>22</sup>

Speaker Gingrich (R-Ga) in turn expressed his sentiments on the vote that will culminate the Republican

legislative revolution, one that will shrink the federal government and reverse the trend of the past half-century by dismantling social programs created three decades ago. 'This is as important a vote as any since 1933 - it's an enormous accomplishment' <sup>23</sup>

If one does take the politicians' view that this stalemate is of profound significance, why have the Republicans (if in fact they are the "guilty" party) in Congress forced a government shutdown by attaching legislation to the CR bill known to be ideologically incompatible with President Clinton's views? One possible explanation is to command the attention of and arouse public opinion. Before President Jackson's time, the veto was generally only used to defeat measures the President thought unconstitutional <sup>24</sup>. Today it is used much more broadly, and, in only 7% of the instances where the veto was used, was Congress able to override it <sup>25</sup>. By tying Republican demands to the C R, the President is forced to nationally acknowledge that the shutdown was necessary to continue negotiations on the balanced budget. Newt Gingrich acknowledged that 'the president has a great constitutional tool, it's called a veto - the Congress has a great constitutional tool, it's called not sending him money' <sup>26</sup>. The struggle, going nowhere through negotiations, needed the boost of public opinion. This tactic may have backfired as not only were the Republicans deemed to have caused the shutdown, the public also sided with the President's view of the budget issue by a 56% to 36% margin <sup>27</sup>.

## CONCLUSIONS

Certainly there are arguments that the budget crisis which caused the government shutdown is nothing more than political maneuvering. During stalled negotiations, the President offered to send Leon Panetta to the Capitol to meet with Senator Dole and Representative Gingrich. Dole and Gingrich said they would meet with Clinton but not Panetta. The President then offered to send Panetta to meet with the House and Senate Budget Committee Chairmen but only if leading Democrats could be present <sup>28</sup>. At some stages in the debate, the participants even complained about the size and shape of the negotiating table. Such histrionics seldom lead to effective debate and resolution. Even after the stalemate passed due to compromises, and the President signed the continuing resolution, backpedaling on what each side agreed to immediately hit the press as pictured in a cartoon in the Washington Post (Figure 4) <sup>29</sup>.

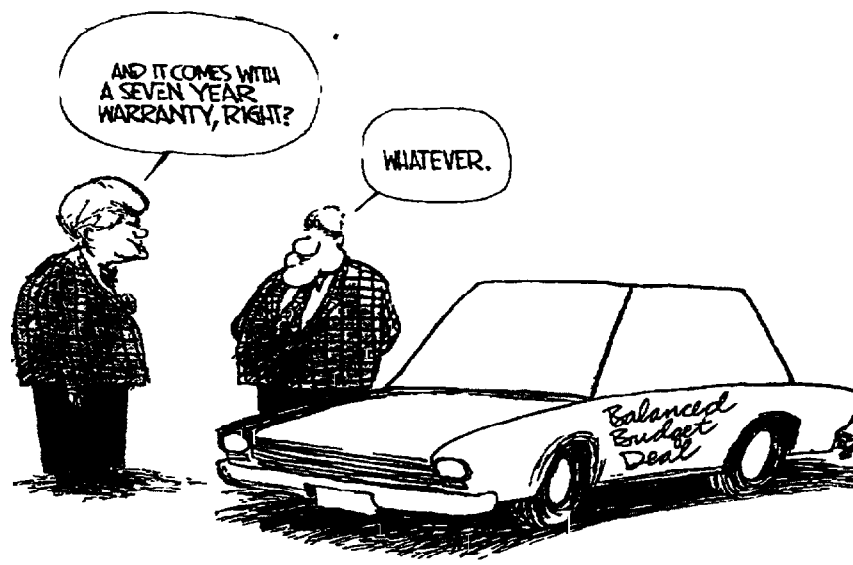


Figure 4 - The Balance Budget "Deal"

The Washington Post editorialized that 'the President and congressional Republicans are both indulging in theater at the expense of substance' Most of the arguments could be resolved easily by a little compromise, \$88 versus \$83 premiums for Medicare are hardly fundamental policy differences The Washington Post further argued that they are only 'trying to score political points' through the shutdown <sup>30</sup> This view fails to recognize that compromise on the fundamental issues keeps the country moving without a real direction We might achieve some cuts, but as discussed above in THE BUDGET CRISIS, the cuts have never be enough to forestall the automatic entitlement ramp The Republican Congress is effectively using its constitutionally granted power to put public pressure on the Democratic Executive leadership by highlighting the severe nature of the problem at hand The failure to reach agreement on the fundamental issues prompted a second shutdown of the government on December 15 following the expiration of the in-place C R and again highlights the severity of the struggle to determine the economic and social direction of the country

Many maintain that the true source of the stalemate is that President Clinton has compromised so often in his three years as President that his waffling has become a political liability The stalemate has been unjustly labeled as "a stupid game of chicken that threatens the government's credit and basic operation" <sup>31</sup> Clearly it is now more important for the President to be tough rather than conciliatory for his political survival The Republicans have written legislation that starts the unraveling of Democratic Party

principles that are now considered 'rights' by many American people. They have chosen this year's budget as the vehicle for change. This difference of opinion in the direction of the country is a perfect example of the 'struggle' that our founding fathers expected of those who govern us.

George F. Will in an editorial to the Washington Post The Way Government Is Supposed to Work, illustrates that the American people have been aroused by 'supercilious journalism' and are irritated by what they consider childish behavior at the budget impasse. Will further expresses his opinion about the operation of the government:

'It is working. We rightly revere the Constitution's subtle framers, because they produced a system of checks and balances and separation of powers that can produce inaction when that is appropriate. Today's paralysis is the inaction of a government accurately reflecting strong crosscurrents in the country. For years the public has pounded its milk cup on its high-chair tray, demanding 'change' and an end to 'politics as usual'. Now both are occurring, and the public is whining, not recognizing that this is what politics looks like when the stakes are high and serious politicians take them seriously.'<sup>32</sup>

James M. Beck and Merle Thorpe discussing the economic basis of the constitution in their book, Neither Purse Nor Sword stated:

'Inadequacy of government is the historical shibboleth of the dissatisfied and the distressed. When difficulties accumulate and privation becomes acute, when things go wrong, peoples, no less than individuals, are inclined to blame the political machinery by which the existing order is regulated and not themselves. Periodically the Constitution has been subjected to this kind of attack. Sometimes it is made in the form of criticism of the rigidity of the constitutional structure. Sometimes it is implied in protest against the ultra-conservatism of the nine Justices of the Supreme Court who interpret its provisions. All of these objections are embraced in the sweeping asseveration that the Constitution is obsolete and that it is the survival of a vanished civilization.'<sup>33</sup>

Beck and Thorpe highlight the frustration of many who work within a system designed for confrontation and debate on differing objectives. We can not allow this frustration to let us blame the tools rather than the workmanship when we find ourselves in a financial crisis created by our own doing.

Our democratic form of government is not without its problems. Indeed, every government wrestles with a myriad of social and financial issues. The prosperity but also the bad times and the threats in our past has led to huge social and assistance programs as well as unparalleled defense spending. The economic climate and spiraling costs of these expenditures threaten to bankrupt us if allowed to remain unchecked for much longer. The deficit is growing at an exponential rate and the interest alone on it accounts for as much as all annual defense spending (16%). The fight in Congress over the future of the country could not be more fundamental. Shutting down the government and furloughing several hundred thousand federal employees is not a game of chicken or political maneuvering, it is the manifestation of a profound struggle that our forefathers envisioned and allowed for in devising our unique form of government. The label 'Train Wreck' coined by the press does a disservice to the legislators working to overcome foreseeable problems not too far in the future. It is not a Train Wreck, rather it is an historical course correction in which new track is being laid to take the United States into the next century.

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