

Grover Norquist Is Wrong on Fix to Inheritance Politicians

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In an opinion piece in the Financial Times on November 21, 2007, Americans for Tax Reform President Grover Norquist argues for amending our Constitution to include a provision that prohibits a “spouse, sibling, or child” from succeeding her husband, brother, or father “in the same elected or appointed office.” While Norquist correctly identifies the unseemly and mildly hypocritical existent in the United States of relatives succeeding relatives to the same offices, his solution is somewhat undemocratic, violates the principles of federalism, is broader than the actual problem, and, most fatally, utterly fails to fix the real problem, which is the power of incumbency.

On the facts, Norquist is on solid ground when highlighting some of the more egregious examples of inheritance politicians. He cites the Dingell father and son team who have held the same congressional seat for almost 75 years and counting. Similarly, he is correct in noting the increase over the last few decades of inheritance politicians. The best example cited by Norquist is the potential Bush-Clinton-Bush-Clinton presidencies that could rule over America for as much as 28 years, which would represent over 12% of America’s history under the Constitution.

That being said, one of the biggest obstacles Hillary Clinton will have to overcome to become president is convincing the voters that another four-to-eight years of the Bill and Hill Show will be good for America. That obstacle is one of the reasons that former Florida Governor Jeb Bush – a far more talented and intellectually grounded politician than his brother – decided against running for the presidency in 2008. Many Republicans viewed Governor Bush as the strongest and most qualified possible candidate in 2008, and believed he would have easily won the Republican nomination. Unfortunately, he is the brother of the current President, so didn’t think America wanted to elect another Bush in 2008. We will see in the next year if Clinton can overcome the Clinton fatigue.

On more fundamental grounds, Norquist’s solution is somewhat undemocratic. Specifically, Norquist’s proposal prevents the voters from being able to vote for the person they deem best qualified. While Norquist is correct that the Constitution contains some age and citizenship restrictions on who is eligible to hold certain elected positions, those restrictions focus on ensuring that office holders have a sufficient level of experience (gained through the wisdom of age) and, in the case of the presidency, are absolutely loyal to America (gained from being born here). Norquist’s restrictions have nothing to do with qualifications as some relatives might just be as or more qualified than the relative who previously held the office for which they seek to be elected. In those cases, it doesn’t make sense to prevent

the voters from electing whomever they choose. Norquist incorrectly wants to place form over substance.

Similarly, Norquist's proposed constitutional amendment violates the principles of federalism because it goes beyond just banning inheritance politicians at the federal level; it bans such practices at the state and local level, too. As with other issues, the vibrancy of our "laboratories of democracy" is dependent upon having fewer constitutional restrictions on how state and local governments are run. We should leave the means of state and local political elections solely in the hands of the people in those jurisdictions so that they each can decide what is best for their respective jurisdiction.

Another fatal problem with Norquist's solution is that he uses a fairly broad brush to paint a fairly small canvas. While the actual numbers are hard to come by short of an exhaustive and expensive analysis, the vast majority of the thousands of federal, state, and local elected and appointed officials are not "spouse[s], sibling[s], or child[ren]" of the individuals who held those offices previously. While inheritance politicians may exist to some degree at the federal level where the perquisites are the greatest, the same cannot be said for every school board, county commission, county coroner, or one of the hundreds of other elected or appointed positions across the United States. The problem, if it exists, is largely in Washington. Most problematic for Norquist's solution is that it doesn't solve the real problem, which is the power of incumbency. The voters in Michigan who elect John Dingell every two years might legitimately believe he is the most effective representative for them in Washington. He just might be. Because the power of incumbency makes it so difficult for anyone to challenge and win, we likely won't ever know if Dingell is the most effective person those Michiganites could send to Washington. Once in his seat, the odds of getting beat become somewhat insurmountable. In the vast majority of federal races, that dynamic is pervasive. Unfortunately, that dynamic exists whether the incumbent inherited his seat or not.

So, how do we decrease the power of incumbency?

First, we should repeal the Seventeenth Amendment and place the election of senators back into the hands of state legislatures. This change will restore the check states had on Washington, and ensure that senators represent the interests of the states when in Washington. That change presumably will remove 100 federal elected positions from the inheritance problem.

Next, we must eliminate the gerrymandering of congressional districts and draw those districts with two key goals in mind: preserving communities of interest (such as keeping a city within one district) and making the districts as competitive as possible (an equal number of registered republican, democrat, and unaffiliated voters). While in the short run it might be appealing to gerrymander congressional districts to create as many safe partisan seats as possible; in the long run, what is

gained by gerrymandering is also lost by gerrymandering when the political pendulum swings the other way, which is invariably does. Proponents of competitive districts not only have the more principled position, but also a more effective practical tool. With competitive districts, incumbents will focus more attention on serving their constituents knowing that their next election is anything but guaranteed.

We also should repeal the McCain-Feingold legislation as it puts challengers at an enormous disadvantage when trying to unseat an incumbent who has much higher name identification and an existing pipeline in their home states and Washington by which to raise funds. Our campaign finance laws should contain four elements: (1) candidates should be allowed to accept unlimited funds from U.S. citizens above the age of seventeen, (2) non-candidate political committees should be able to raise unlimited funds from U.S. citizens above the age of seventeen, (3) all donations to candidates and political committees must be posted on the internet within seven days of receipt, and (4) all political advertisement must identify the group or individual funding the advertisement so that viewers can ascertain on their own the appropriate weight to give the piece. This change would allow funds to be raised more efficiently, but also ensure total transparency and accountability. After all, any politician taking a large sum from a single individual will have to explain to the media and voters why that sum will not or did not influence his vote or support of a particular piece of legislation or action that benefited or burdened the individual.

Finally, if after putting in place the first three changes, the power of incumbency remains too strong, then we should renew our efforts to pass a constitutional amendment that places term limits on congressional seats. While this solution suffers from the same defect as Norquist's solution in that it artificially eliminates that ability of voters to vote for the candidate of their choice, it addresses the concern that elected officials become too powerful (and, not surprisingly, much wealthier) the longer they serve in Washington.

It also is more narrowly tailored because it only applies to those in office who have had the opportunity to serve, not to those who would like to serve. Contrary to claims of opponents of term limits that such restrictions create inexperienced legislative bodies that cannot get things done, a review of the legislature in Ohio showed that fourteen years after passing term limits, the General Assembly has slightly less experienced members today than it did in the year the term limits amendment was passed and more experienced members than the General Assembly twenty-eight years ago had.

The bottom line is that Norquist identifies a growing problem in the United States that seems to undermine our democratic values. We are not, however, like Syria and Egypt where sons replace fathers and get "elected" with 99% of the vote, nominal or no opponents, and little freedom of the press to publicize the fraud elections. While we have some inheritance politicians, our elections are still fiercely fought in the public arena. Our political reform efforts should be focused on reducing the power of incumbency so that those serving remain focused on doing the best they can to

represent us. That end is best achieved when political races – regardless of who runs – are competitive politically and financially.

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