

Reading is Fundamental; Congress Should Try It

As the US House of Representatives took up the Affordable Care Act, aka “ObamaCare,” in 2010, then Minority Leader Nancy Pelosi (D-CA) famously told her fellow members of Congress “we have to pass the bill so that you can find out what is in it.”

The 900-plus page bill (which eventually sprouted thousands of pages of implementing rules and regulations) had been posted to the web only days before, printing and distribution of hard copies was taking time, and some members felt that its content bore careful consideration and discussion before a vote.

They ended up passing it anyway, but they were right to worry. Since the ACA became law, its provisions have created considerable confusion and debate in the public square, among regulators, and in the courts.

Is it really too much to ask of US Representatives and US Senators that they know what they’re voting on before they vote? Apparently so, and it’s easy to see why.

Legislation that arrives before Congress these days isn’t even really written by members of Congress. It’s written by staffs of lawyers and “experts,” then its details are thrashed out between teams from those staffs.

By the time a bill actually comes to a vote, it’s often long, confusing, and full of devilish details that any given member might vote against if he or she noticed them. They count on their staffs (and lobbyists who influenced the legislation) to notice those details for them. Congress is effectively a 535-headed rubber stamp, albeit one of mixed “yeas” and “nays.”

It shouldn’t be that way. It doesn’t have to be that way. In 2006, Downsize DC proposed the Read The Bills Act. It’s about 3,000 words long, but its core provision requires that “before final passage of any bill (other than a private bill) or resolution, the full verbatim reading of the text to each house of Congress.”

US Senator Rand Paul (R-KY) sponsored the Read The Bills Act in 2012. It didn’t pass. It should have.

Harvey Silverglate points out in his book *Three Felonies a Day* that “[e]ven the most intelligent and informed citizen (including lawyers and judges, for that matter) cannot predict with any reasonable assurance whether a wide range of seemingly ordinary activities might be regarded by federal prosecutors as felonies.”

We have way too many laws. Those laws are too long and at turns too vague and too detailed, depending on whether vagueness or detail better facilitate the arbitrary exercise

of government power.

If Congress can't be bothered to even know what's in the laws it passes, why should the rest of us be bothered to understand and follow those laws?

It's time to pass, and follow, the Read The Bills Act.