

Nationwide Initiative and Referendum on Reforming Congress, 103rd Congress, H5756 (July 1994)

(Failed to Gain Congressional Support—No Vote Taken on the Issue)

NATIONWIDE INITIATIVE AND REFERENDUM ON REFORMING CONGRESS

(House of Representatives - 103rd Congress, H5756 - H5759, July 14, 1994)

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The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Michigan [Mr. Hoekstra] is recognized for 30 minutes.

Mr. HOEKSTRA. Mr. Speaker, tonight I intend to update my colleagues on the work that has been going on some proposals and a process that I started 18 months ago, the process of initiative and referendum on a nationwide basis. The things that have been going on around the country are much more exciting than the things that we have been doing here in Washington. We have had communications with citizens in over 40 States who are now working to help influence this institution on the initiatives and the bills that we have been working on.

Here is what people around the country are saying about our efforts to get this body to move and to start working and implementing real reforms that will reconnect the American people with the agenda that we are setting here in Washington. 'Those of us that are working on initiative and referendum were putting into words many of the issues that I feel strongly about,' is what somebody in Indiana writes. 'The views and the perspectives that you are taking are very refreshing. I support referendum. All Americans should have a voice in government' is what somebody from West Virginia writes. 'Thanks for trying to get national referendum, even if it is unpopular in Washington' is what somebody else in Indiana writes. 'It is just what we need' is what someone writes from Minnesota.

Here is what the ⁽¹⁾national poll numbers say: The Washington Post, April 20, 1994, says 64 percent of those interviewed favor conducting national referendums on major issues and want the Government or want Congress to give a referendum approved by the majority the same weight as legislation passed by Congress.

In addition, 66 percent favor submitting tax increases that pass Congress to a vote of the people in the next general election. A tax hike would become law only if a majority of voters approved it. This comes from the Americans Talk Issues Foundation. It is apparent that the issue of reconnecting Congress, the agenda here in Washington, with the American people through some form of an initiative and referendum process is something that the American people strongly support, and I believe that they strongly support it because I think that they believe it will not only make us more responsive to their agenda but will overall improve the effectiveness of our Government and will move us to a point where today over 61 percent of the American people believe that Congress is not doing a good job, that we can get back to a situation where the majority of people have a high agree of faith and confidence in what is going on here in Washington.

I can also tell my colleagues that organizations--organizations that are organizing at the grassroots level--have taken this on as a primary agenda item for their members because they really think it can make a difference. The National Tax Limitation Committee, they are doing nationwide mass mailings. They are coordinating State-based referendum groups to help us and to force us to change the way that we do business here in Washington. Citizens Against Government Waste, the topic has been featured in a national newsletter. It is featured on their Taxpayers' Action Network. It is featured at their regional conferences.

Specifically what Citizens Against Government Waste has been talking about, they have been talking about the proposal here in Washington that I have introduced to allow a nationwide advisory referendum on term limits, the balanced budget amendment, and the line-item veto in the November elections of 1994 so that the American people can let their feelings on these issues be known to this Congress. They believe that term limits will change politics. People will have a direct link with Washington, and they believe, Citizens Against Government Waste believe that this advisory referendum process will give Americans the opportunity that they should have, which is an opportunity to have a voice on what the agenda is here in Washington.

The Heritage Foundation in their policy review have published an article that talks about breaking the congressional lock grip, the case for a national referendum ; it talks about the problem. What is the problem? The problem is that there is a crisis of confidence in National Government, one that threatens to permanently cripple our republican democracy. That is the problem.

We have a serious trust deficit between the American people and this institution in Washington. Perhaps the best way to restore confidence in the political process is to rebuild the connection between national elections and national issues. We need a new constitutional device that lets voters help set the Nation's agenda. I propose, through a process of indirect initiatives and elections, voters should be allowed to instruct

Congress about Government priorities and goals.

We are not talking in this article about pure democracy, but we are talking about, again, an opportunity for the citizens of this country to help set the agenda in Washington. It is something, a change, that we do not take lightly.

James Madison believed a republican form of government would refine and enlarge the public views by passing them through the medium of a chosen body of citizens whose wisdom may best discern the true interests of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary and partial considerations.

Madison is usually considered one of the more level-headed of the Founders, and his critique of direct democracy is sound and broadly admired. His optimism, however, and think about the words used there. Think about how often the American people are describing this body in using these terms: the deliberative body, about the wisdom, the patriotism, the love of justice of elected representatives now seems naive and anachronistic.

The brakes against mob rule written by and into the Constitution should not be lightly dismissed. There are, on the other hand, a number of constitutional changes that promote the democratic impulse. These include a wide suffrage, short election terms for House Members, so what we are saying here is the process of becoming a more open government is not inconsistent with what the Founding Fathers envisioned and where they thought this country might move to.

But what are some of the other criticisms of this initiative and referendum? What are some of the problems that many of you have, or have expressed to me, about why letting the voters into the process just will not work? Criticisms that I hear, the first criticism is direct lawmaking by the people may undermine the legitimacy of elected government by taking power away from elected representatives. But I believe that in many cases we are already losing this legitimacy because we are not responding to the agenda that the American people have set for us.

Another argument against initiatives is that they encourage legislative inertia, that the legislative will wait for the public to act on controversial matters to avoid blame. I believe many people in America today would describe that situation as exactly what is happening in Congress today. We are not dealing with the tough issues.

What do other critics say? They say that initiatives are potentially the tools of special-interest groups. I think many people in the country today would say that the way this Congress works today is the result, or the decisions we make or that we have become a creature of special-interest groups.

Let us open up the process and let the American people into the process.

Some other critics contend that a national initiative destroys federalism and its important protections for States and regions. We are already destroying federalism by the actions we are taking here with Federal mandates, the shrinking power of the 10th amendment, the supermajority requirements; and legislative review of proposals limit the possibilities.

But the thing, the process, is we are already implementing and mandating to the States.

And, finally, critics of the initiative process say that proponents have undue faith in the masses and a lack of respect for the elected elites. I will have to say that that is absolutely true.

Admittedly, I have a lot more confidence in the masses, in the American people's ability to understand the issues and the pressures that are facing this country; I believe that they could provide a powerful insight into the types of decisions and the direction that we should be setting for this country.

The initiative and referendum process: What are some of the many benefits other than helping set the right agenda? It will help stimulate the voters. Turnouts for elections in this country are dismal, and in a Presidential election we get excited when 55 percent of the voters decide to participate in the election. In a non-presidential election year, the turnout may go down to 40 percent.

We need a process that is going to get voters back involved in the election process.

I think initiative and referendum will help stimulate voters to become more active in the process. And what else might initiative and referendum do? They will end, I believe, business as usual. After being here for 18 months, if there is anything more important for this Congress, we need to end business as usual.

As with any major reform, national indirect initiatives and referendum will disrupt comfortable relationships and break up cozy alliances. It may well mean the end of business as usual in Washington, DC. But business as usual is not what this Nation needs or what the voters want.

Indirect initiative process will help restore the Democratic nature of our Republican institution before growing public frustration brings even greater alienation or a stampede to more radical measures of change.

I think the Heritage Foundation has done us a great service. I will send this out in a 'Dear Colleague,' this article about breaking the congressional lock grip, the case for a national referendum. What else is going on at the grassroots? There is an intellectual argument for changing the process. But also, United We Stand, United We Stand America started a national petition drive so voters in every congressional district can let you know how they feel about the opportunity to vote on term limits, to vote on a balanced Federal budget and vote on a true presidential line item veto. They are gathering signatures around the country right now which they are going to be sending to you to encourage you to sign a discharge petition which will bring this bill to the floor and allow us to vote to change the process and then allow the American people to vote on those issues this fall.

Let us talk specifically about the different kinds of ways that I have seen that we can use initiative and referendum here in Washington and around the country.

I talked about House Resolution 3835, which would allow a national advisory referendum on term limits. We now have House Resolution 409, which seeks to discharge that bill that was filed by Congressman Jim Inhofe. The rule would allow us to add to that bill an advisory referendum on a balanced budget and a line item veto.

So that is one way that we can use initiative and referendum, that we can use it to get an advisory in a nonbinding format, the opinion of the American people on some critical issues that we want their input on. It is more than a poll, it is a debate on these issues before the vote takes place.

Think of our role in an advisory referendum, as Members of Congress, to understand the issues, to then debate, to inform and educate the American people about the positives, the negatives of these advisory referendums, worthy educators, worthy informers.

The American people then would have the opportunity to express their opinion to us at the polls in November. The advisory referendum, this is again published by the American Political Report, the advisory referendum, you take what is happening with term limits and imagine what we are doing, moving the issue from Washington. We think we are moving it to the American people, but really where has the issue on term limits gone? Moreover, the advisory referendum, if implemented, would effectively preempt a court decision and keep the debate political rather than judicial.

Why do we say that? Because term limits with, all the States that have passed term limits for Congressmen, they are now being challenged in the courts. The issue of term limits is not now a political decision. We are giving away our responsibility for taking the lead and deciding that issue, and the decision is going to be made by the courts. That is wrong. Congress should take the responsibility for dealing with these issues.

We should not turn it over to the courts.

More recently, in the Committee on Education and Labor we came up with another place where an advisory, in this case it would be a binding referendum, would work. Think about this: We are going through the Committee on Education and Labor and debating a National Health Security Act. One of the amendments that comes up says we should exempt Hawaii. I am a freshman, and I am not sure exactly what is going on, but it is a little surprising to me we have a National Health Security Act and we are starting to go exempting people specifically, not by a set of criteria but by name. So surprisingly we exempt Hawaii from the national health care plan. So now we do not have a national health care plan, we have a continental health care plan.

So we take the next logical step in committee, which I think is a logical step, and say rather than exempting just Hawaii, let us take and identify the criteria as to why we believe Hawaii should be exempted and let us make that a generic set of criteria and say that whatever State meets this set of criteria, like Hawaii does, will be exempted had from the national health care plan.

Surprisingly enough, well, maybe not surprisingly, that amendment is defeated.

Then when you really start taking a look at the essence and you recognize that the 50 States, the county governments, the local governments have been the ones that have been doing all the experimentation on health care, how to solve our health care crisis. So maybe not trying for everyone--not for everyone to try to meet the criteria for Hawaii, which they cannot do anyway, but it is maybe a plan that works for Hawaii, is legitimate, but perhaps the plan that works for Michigan is legitimate for Michigan's needs and that the plan for Florida is appropriate for Florida's requirements and that for Arizona is appropriate for Arizona's.

So what right does the centralized Washington Government have for dictating a plan that now is going to be imposed on 49 States? Perhaps we should allow the States the right to opt into the system. So we propose--and remember what was done is done after Hawaii was exempted--

-we proposed an amendment that said no State shall be considered to be a participating State for purposes of this act unless a majority of voters in the State, by State referendum , approve the State becoming a participating State.

Now, that is the legalese, What does it mean in plain English? In plain English it means that Washington will not be imposing on the State of Michigan a national health care plan. We in Washington can develop a framework for a health care plan, but then the people in the State of Michigan would have the opportunity through a statewide referendum, analyzing the plan that we have come up with here in Washington, that is, the generic plan that is going to work for all 49 continental States, and compare it to what we have. If they want to opt into the Federal system, they can have that and they can have their statewide referendum and we can become part of the plan. If the majority of the people in Michigan like what we have, think that we are making progress in addressing the problems that we in health care, are confident that the solution that we have developed in Michigan is more appropriate for our circumstances than what was developed in Washington as a generic national model, we stay with the Michigan system.

If that is what the people in Florida decide, they stay with the Florida system. But we are empowering, at that point, the people in the States to study an issue, which I am not even sure the Federal Government has a right in doing, determining where in the Constitution does it say the Federal Government will take over health care. What this now says is that the people in the States will have the right to determine whether they want to be a part of the national health care system. Those are some of the areas that we have been experimenting with, that we have been moving on, that we are trying to find a way to get initiative and referendum into the process so that we can connect Washington with the American people.

We are also beginning to write legislation in one additional area. I believe this maybe perhaps the most promising area of all of the different items that we are working on in National Initiative and Referendum.

And what this says is that, if Congress passes a tax increase, and it passes it without a super majority, and we are thinking right now about defining that super majority as a 60-percent vote, if Congress passes a tax increase without a super majority vote, without a 60-percent majority of the House and without a 60-percent majority of the Senate, that before that tax increase is implemented; that is, before the American people, before our constituents, have to start sending more money to Washington, they will have the right to either approve or disapprove that tax increase.

Like I said, that is a proposal that we are now currently working on. We think it starts to fill out and round out the packages of where an initiative and referendum might be most appropriate, and, like I said, I believe that it, perhaps, has the greatest potential of all of these suggestions to actually become a piece of legislation that can come to the floor of this House to be voted on.

I would like to say that I am optimistic that, through the efforts of United We Stand, through the efforts of Citizens Against Government Waste and other groups, that we will have the opportunity to vote on the floor of this House about whether we want the American people to have the right to vote on term limits, and the balanced budget amendment, and the line item veto this November. But I am not at all that optimistic that we are going to be able to do that. I would like to say that with a national health care plan, that when it comes to the floor of this House that we will have the opportunity to vote on an amendment that says, 'No State will be a participating State until the voters approve that through a national referendum.' We may have a shot at doing that, and I say to my colleagues, 'I hope you support the effort to let that be a part of the national health care debate.'

But I really think that this third item now provides an opportunity for all of us to work together, for all of us to start a process that reconnects us to the American people by allowing them the opportunity to vote on any future tax increase that we here decide to impose on them, and, when we cannot do it with a super majority, when there is not a strong consensus to increase taxes, to increase spending in this House, that the American people will have the final say, initiative and referendum , strong support at the grassroots level. I think over a period of time it will generate strong support here in Washington. The grassroots effort is going to continue putting pressure on all of us because we are not dealing with an agenda that the American people want us to deal with.

I believe in the coming months, and I believe in the next Congress, we are going to have a deal with this issue. Get ready. Start getting ready to debate the intellectual arguments. Start considering how best to implement this process. The American people want it. It will help. It will help restore confidence in this institution because we will be reconnected to the American people in a way that is genuine and will have a genuine impact on the way that we do business here in Washington.

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Note: ⁽¹⁾ Emphasis has been added to the original text for the reader's convenience.