

# FIFTEEN ERRORS

## *More Than a Dozen Mistakes Republicans are Making This Year*

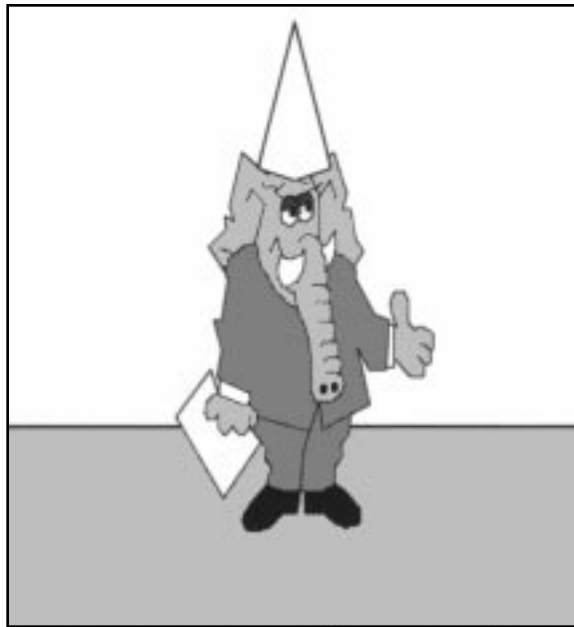
CHARLES J. SYKES

**A**t least until November, Republicans control both houses of Congress and the Wisconsin Legislature. In addition, they control the governor's office, giving them effective control of state government.

But Republicans at both levels go into the 1998 campaign in an obvious state of ennui. Indeed, repeatedly Republicans have seemed to snatch defeat from victory even as they squandered opportunities to defend principle and score points politically. Too often, they chose to roll over and play dead, even on issues where they were winning or had actually won.

This is not to say that Republicans have not had their share of victories. Successes at the federal level include a balanced budget, tax cuts, and legislation reining in the IRS; state Republicans can point to the abolition of welfare, the expansion of school choice and charter schools, tough new truth-in-sentencing guidelines, a ban on partial birth abortions, and modest tax cuts.

But it seems increasingly clear that if Republicans do lose their grip on power this



fall, it will be largely their own doing: a result both of what they have done and what they have failed to do.

While not dismissing their successes, this article looks at some (but not all) of the policy errors Republicans have made or are making in 1998:

### **Error #1: It's the Spending, Stupid.**

If there is one issue that separates Democrats and Republicans it should be spending. Fiscal restraint was once the hallmark of conservatism. Unfortunately, congressional Republicans seemed to forget that this year as they indulged is a virtual orgy of pork barrel spending. The transportation bill originally passed by House Republicans not only broke the budget, it was loaded with more special interest goodies than even the most jaded poll in Washington had ever seen.

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The technical name for the bill was the Building Efficient Surface Transportation and Equity Act, or BESTEA. In fact, it was a genuine beast.

The bill, shepherded by Republican leaders, called for \$219 billion in spending over five years. Not only did the House bill exceed the balanced budget deal by \$30 billion, it was loaded with — please hold your nose here — 1,467 morsels of pork ladled out to congressmen in return for their votes. Spending projects ranged from the absurd (\$15 million for a “Traffic Calming Project” in West Palm Beach, Florida) to the simply venal (\$8 million to widen one street in Orland Park, Illinois.) Even at its worst, the Democratic Congress had managed to stuff only 580 or so items of pork into their 1991 transportation bill. Even though the final version of the legislation was scaled down somewhat, the process exposed how far Republicans have gotten from the spirit of 1994.

Count on it: Republicans are going to hear about this bill this fall and for years to come, every time they decry excessive government spending.

### **Error #2 Tobacco Legislation**

Republicans were slow to recognize that the legal and political assault on the tobacco industry is one of the most audacious great power/cash grabs in a generation. However it is packaged, the legislation is a \$500 billion tax increase, the vast expansion of government power, and a nearly obscene giveaway to trial lawyers, not to mention the poor precedent it sets for the way we regard the free market, personal choice and personal responsibility. At some point, Republicans need to stop running for the tall grass every time the Democrats use the phrase “for the children.” Despite all of the rhetoric about the end of Big Government, the tobacco deal is symbolic of the Nanny State’s desire to micromanage virtually every detail of our lives.

So why have Republicans been so slow to use words like “freedom,” or “choice”? Why the hesitancy to oppose the largest and most regressive tax hike in history? Could it be because Republicans are blinded by the political headlights of the phrase: “for the children?” The fact is that the vast majority of smokers — well over 90 percent — are adults, but the Clinton Administration would have us believe this massive tax increase is needed to stop teens from smoking. Nonsense. It’s not about the kids, it’s about the money. Once the political class realizes that it can loot private industries with impunity if it makes them pariahs and says it is “for the children,” then no one is safe. Ask Bill Gates.

### **Error #3 Sleeping With the Enemy**

Among the greatest accomplishments of Wisconsin’s Republican legislature has been the expansion of both school choice and charter schools. But the collapse of Governor Thompson’s plan to takeover the Milwaukee Public Schools revealed the extent to which the teachers’ unions carry influence in the Republican caucus. It was, after all, the failure of Republican senators to support the governor that doomed Thompson’s proposals to hold MPS accountable for meeting goals for attendance, graduation and academic achievement.

WEAC already dominates legislative Democrats, who often act as if they were wholly-owned subsidiaries of the teachers union. WEAC’s agenda is more spending, higher taxes, less accountability, and the protection of the educational monopoly. If Republicans can’t stand up against that, they not only make themselves irrelevant on educational issues, they eliminate a rationale for entrusting them with the majority in the first place.

Indeed, why have Republicans at all if they are going to turn to be WEAC clones?

### **Error #4 Ignoring Privacy**

The right of privacy is going to be one of the most potent and contentious issues of

the next decade. Unfortunately, Republicans have a tin ear for concerns that new technologies and a growing Nanny State are shrinking the zone of private life.

In April, Governor Thompson signed into law a bill that will require doctors to report information about their patients to a new state data bank, despite warnings that such a move was not only an intrusion into doctor-patient relations, but a gross violation of medical privacy. The State Medical Society fought hard against the measure, distributing fliers to patients reading: "ALERT: This visit with your doctor will be reported to state bureaucrats without your permission." The doctors warned: "The state should not have the right to know anything about your medical condition. It's your information about your health. Only you should have a say in whether your sensitive health information is sent to the state."

But the reporting measure was backed both by labor and business, who wanted the data to help them monitor the "health-care marketplace." One prominent business advocate insisted that the bill would help consumers "make better decisions about health-care purchases."

Even if we concede that this information would be useful for consumers, Republicans should have asked a basic question: Since when is this the business of the government? Since when do Republicans vote to expand the scope and intrusion of state bureaucracies into our lives, much less into the most intimate moments of our lives?

Think of the debate this way: Who do individuals trust more with their medical

information: their doctors or a state bureaucracy? What part of this don't Republicans understand?

#### **Error #5 Racial Preferences**

Voters in California sent a powerful message two years ago: racial quotas were no longer defensible either in terms of principle or politics. Given the choice of voting for the continuation of a racial spoils system or voting for a color-blind society, Californians opted overwhelmingly to ban the use of racial classifications and privileges. Quotas have encountered an even rougher time in the federal courts, which seem to be moving incrementally toward dismantling affirmative action.

So why have Republicans backed off on the issue? Why have they refused to talk about it or act on it? Are they so afraid of being labeled racists or bigots that they can't bring themselves to make an appeal to fundamental fairness? In California, supporters of affirmative action threw everything they had at critics, even running ads

linking them to David Duke. Voters saw through it. Quotas are indefensible and conservatives have the law, principle, and public sentiment on their side. If only they could bring themselves to fight for something they believe in.

#### **Error #6 Not Cutting Taxes**

Save the scraps. Okay, so the feds cut the capital gains tax rate. Big deal. The Clinton tax hikes of 1993 are still in place. And Wisconsin still celebrates a Tax Freedom day (May 17) that is later than all but one other state in the country. Even after 12 years of having a Republican governor, Wisconsin families

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## *Who do individuals trust more with their medical information: their doctors or a state bureaucracy*

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pay more than 37 percent of their income in federal, state, and local taxes. A booming economy has tended to cover up the fact that Republicans have done little to actually shrink the size of government in this state.

#### **Error #7 HillaryCare Lite**

Republicans need to remember that they *won* the debate over health care. The 1994 debate was a watershed in both ideological and political terms: the public decided that it did not want to turn over control of medical care to the government. Since then, the Clinton Administration has decided on a strategy of incrementalism: trying to create a new national health system by small steps rather than all at once. Oddly enough, Republicans seem to have lost their voice on the issue, going along with what seems to be a steady expansion of the role of government in the field of health care. Unfortunately, one signal example is Wisconsin's own BadgerCare, a straight-out expansion of Medicaid by adding nearly 50,000 children and adults who are not poor. BadgerCare expands eligibility for government-paid health care to families making up to 185 percent of the poverty level.

Far worse, it was a Republican Congress that made it nearly impossible for Medicare recipients to enter into private contracts with doctors. Under the new law, doctors would be effectively banned from receiving any Medicare money if they so much as saw a single Medicare patient who paid for their services out of their own pocket. Thus Republicans went along with restrictions on patient choice that would make even proponents of socialized medicine blush.

In 1994, Republicans argued against state intrusion into the marketplace. They effectively argued that despite its flaws the market was better suited to provide coverage than the government. By acquiescing in incremental development of government-run health care, Republicans risk conceding that crucial

point to the Clintonites, one seemingly innocuous step at a time.

#### **Error #8 Campaign Finance Reform**

A bad idea both on principle and in practical terms. On principle, most of the proposals for campaign finance reform amount to the rationing of political speech, which is both bad policy and almost certainly unconstitutional. However you try to rationalize it, it is impossible to meaningfully limit campaign spending without restricting free speech. More practically, constraints on private campaign money inevitably shift more power and influence to the news media and to entrenched establishment liberal groups such as the unions.

#### **Error #9 No Paycheck Protection**

If Republicans wanted to do something meaningful about cleaning up politics, they would move ahead with so-called paycheck protection legislation. Once again, such measures are both good policy and good politics. Polls indicate the public would support legislation that would require unions to get the consent of their members before dues money could be used for political purposes. No man should be required to subsidize ideas he finds abhorrent. Such legislation has the added benefit of hobbling the most powerful liberal groups in the country.

Again, Republicans in Congress and the Legislature seem more afraid of antagonizing organized labor than in taking advantage of their temporary power to make Big Labor accountable. Republicans will live to regret their failure.

#### **Error #10 Putting Trade Ahead of National Security**

On the issue of free trade, Republicans need to reject two opposite errors: following Pat Buchanan into protectionism and isolationism on the one hand; and embracing trade-at-

all-price policies that ignore legitimate concerns about national security on the other. It now seems likely that the craven appeasement of Red China will backfire badly against the Clinton Administration, handing Republicans their first major foreign policy issue since the end of the Cold war. But the fact is that such policies have had the strong and enthusiastic support of much of the business community and the tacit support of many Republicans who are willing to overlook China's brutality and aggressiveness in their eagerness to exploit the world's largest markets. Republicans are in jeopardy of surrendering the moral high ground on China policy.

#### **Error # 11 Food Stamps for Immigrants**

Not a big item in terms of numbers or cost, but the vote to restore food stamps to legal immigrants was a retreat from the historic abolition of welfare. Once again, Republicans seem reluctant to hold the line even on the issues where they have won clear victories. Otherwise how to explain their overwhelming vote to create another entitlement in the allegedly post-entitlement era?

#### **Error #12 Judicial Substitutions**

Republicans tarnished their record of being tough on crime almost at the same moment they passed one of their most important bills. After months of Democratic foot-dragging, Republicans enacted Truth in Sentencing legislation. Under that bill, criminals will actually serve the sentences judges give them. But they undermined their own initiative by failing to stand up to trial lawyers and remove a bizarre legal anomaly in Wisconsin's criminal justice system. Wisconsin is the only state in the country where criminal

defendants can —without reason or justification of any kind— simply bump a judge from their case.

In practical terms, that means that criminals and their lawyers can effectively shut down conservative judges who have a reputation for handing out stiff sentences. As a matter of policy, it allows accused rapists to override the choice made by voters who chose the judges who sit on the bench. As a matter of politics, judicial substitution is popular only among the criminal classes and the bar. For Republican legislators, there was literally no downside to doing away with this odd judge-bumping loophole.

But Republicans refused. Given a choice between public safety and the criminal bar, Republicans sided with the lawyers. What gives?

#### **Error #13 Commuter Rail**

It's time to get off this train. Republicans have made it clear that they will fight any attempt to build a light rail system in Milwaukee, but they have been much more receptive to the idea of commuter rail. Unfortunately, that is also a non-starter. The 90-day trial commuter runs between Watertown and Milwaukee have been a bust, with few riders and minimal interest despite the congestion caused by work on I-94. The bottom line: Milwaukeeans are not going to get out of their cars to ride the train. Interest cannot possibly justify the expenditure of tax dollars either for light or heavy rail, so let's drop it once and for all. Refusal to recognize the failure of rail will simply further alienate core constituencies and undermine Republican claims to fiscal probity and restraint, which are already shaky on transportation issues.

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#### **Error #14 Ignoring the Social Conservatives**

The media constantly warns Republicans that they are about to be taken over and destroyed by the radical Christian Right. But Republicans should be skeptical about taking political advice from journalists. Social conservatives make up an essential Republican constituency and it is unlikely that Republicans could win without them. That doesn't mean that Republicans should turn over the party to the Christian Right. But it does mean that social conservatives deserve at least as much respect as, say, the business community.

Legislative leaders may have blundered this spring when they failed to take up legislation banning same sex marriages. Social conservatives felt betrayed and ignored. Some of them had been under the impression that their support of Mary Lazich's decisive senate campaign would guarantee that their bill would win a hearing. They may take out their disappointment on Republicans in November.

#### **Error #15 Judge Lynn Adelman**

Without doubt the worst policy error of the year.

Republicans acquiesced in the elevation of Lynn Adelman to a lifetime job on the federal bench in order to win control of the state senate. Adelman was one of the senate's most liberal members and now becomes one of the country's most liberal judges.

Republicans will remember this one a long, long time. The lesson here: deal in haste, repent at leisure.

Until now, their opposition to an activist liberal judiciary has been one of the strongest issues Republicans have had, and legitimately so, because the stakes are so high. For three decades, the left has turned to the courts to get what they could not win through the democratic process. The results have been unfortunate in the extreme, from forced school

busing, to social engineering from the bench, to judicial fiat on the abortion issue.

Now, thanks to a *realpolitik* bargain between Democrat Russ Feingold and Republican Tommy Thompson, the ranks of the activist judges have grown by one.

The Adelman deal was a classic example of substituting short-term advantage for long-term cost. It wasn't worth it.