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FACING A “SLIPPERY SLOPE”? ELIMINATE THE “WHOOPS! FACTOR!” CALL IN THE LABORATORIES OF DEMOCRACY!



By Stephen L. Bakke  May 2, 2016

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Facing a Slippery Slope? Eliminate the “Whoops! Factor”! Call in the “Laboratories of Democracy”!

We weave a tangled web by encouraging the Federal government to make rules and referee everything. Tortured reasoning has led us to an incredible expansion of the Federal government’s powers. It’s gotten in the way of truly creative and productive governance. We haven’t taken the opportunity to exploit the power, creativity, and flexibility of individuals and states governments.

An examination of the U.S. Constitution sheds light on powers granted therein to the Federal government. Perhaps even more important, the limitations on the Federal government become clear. The powers reserved to individual citizens and the states are quite profound. The governance structure we have been subject to the last few years/decades doesn’t take advantage of the advantage to be gained by using what’s been labeled. “the laboratories of democracy.” There are 50 of these – Alabama, Florida, New Jersey and Minnesota are examples.

Whenever we face a societal challenge we tend to charge headlong into an expectation that the Federal government should deal with it, and fix it! Often the perceived solution involves massive changes in attitudes, priorities, and redirected dollars. Such is the nature of transformative change. Our current President proclaimed that as a goal and he’s been laboring long and hard to accomplish it.

The President has been frustrated and expressed his disappointment in his occasional failures at transformation. He should be reminded that our Founders intended for it to be difficult to legislate “transformative” change at the national level. Not only is it hard work to pass controversial legislation, it’s sometimes even harder to “undo” inevitable mistakes. That’s what I call the “Whoops! Factor.”

In their wisdom, our Founders limited some duties of the national government in favor of individual state initiatives. James Madison wrote this in 1794: “[T]he government of the United States is a definite government, confined to specified objects. It is not like the state governments, whose powers are more general.”

Here's the way it works. When a common problem crops up, perhaps Massachusetts would take it on with legislation. And maybe New Mexico would also deal with the common problem – but a little differently. Some states, rather than searching for a solution would purposefully decide to “leave well-enough alone.” These are the “laboratories” at work.

Officials from other states could evaluate the success or failure of the more proactive states. Gradually, states learn from each other and they deal with issues with their own, well considered solution. Some things are best left to the states with the “Feds” staying out of it. Nationwide solutions may come more slowly, and not be totally uniform, but I believe they'd be better, longer-lasting solutions.

Here are some recent “slippery slope” issues. I've already decided in favor of leaving the Feds out of these. I leave it to the reader to decide for themselves whether using the “laboratory” method would yield the best possible solutions. Consider these: definition of marriage, abortion policies, gender identity issues, voter ID requirements, firearm laws, educational programs, minimum wages – I could go on, but you get the picture.

Problems run rampant when the Federal government treads beyond where they should. Given our Founders' wisdom, we have 50 states which have significant power, and exist partly to be “laboratories of democracy.” On an individual basis, states should venture out and permit or reject many of these controversial laws and policies. Those that work prevail, and others states follow suit. For those that fail, the trial legislation or program is rejected by all.

Bring on the states as social “laboratories” for new and controversial laws and policies. Eliminate the “Whoops! Factor.”