



Michigan COMMENTARY

An Institution in Peril

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Our republican form of governance relies mightily on the strength of the legislature, whose credibility has eroded badly at both the state and national levels over the past generation. Term limitation, now in the constitutions of 15 states, further impedes the effectiveness and vitality of this most democratic element of our constitutional republic.

The people of Michigan are disquieted, disappointed, and angry about what they regard as a betrayal of the public trust in the activities and leadership failures of the state legislature. Having in the last election seen the passage of term limitation in Michigan, a stinging rebuke to the credibility of elected lawmakers, we are now faced with the danger of accelerated erosion of public confidence over the House Fiscal Agency scandal.

In politics it has long been said that to get along, you must go along. Add to that Lord Acton's observation that power corrupts, and absolute power corrupts absolutely. Taken together, those axioms lead us to the current sorry state of affairs, where the trouble in the House Fiscal Agency threatens to destroy the credibility of not only an oversight agency but of the entire legislature, raising the specter of dangerously weakening the legislative branch. Governor Engler has enunciated a principle that should guide us all, regardless of short-term political disadvantage: "Our constitution is very clear and says that taxpayers should be able to account for all public monies spent, and that means down to the last penny. Therefore, I believe all investigative authority should be used by the federal and state government to ensure that all taxpayer dollars are accounted for."

Only direct action by the legislative leadership to open the accounts of both chambers to full audit and public inspection can dissipate the miasma of rumor suggesting that legislative funds have been spent in ways unknown to the vast majority of even those elected and serving.

Sorry enough as this developing imbroglio is, it is the effect of the innuendo and rumor about the entire legislature that results from such revelation that is most disturbing. There are troubling rumors that the procedures, practices, and payments of other legislative support agencies and, yea, of the House and Senate themselves have been tainted by impropriety.

There is growing disquiet about the correctness of the legislature's expenditures on encumbered work projects that may range into the tens of millions of dollars over the last several years. Such innuendo dishonors the government and demoralizes the governed; it must be silenced. The legislative leadership—Messrs. Hillegonds, Hertel, Posthumus, and Miller—has little choice but to open the books of every legislative agency. We must correct procedures as required, improve oversight if needed, punish malefactors, remove from positions of authority those not worthy of such confidence, and clear the name and reputation of officials who have fulfilled their public trust, so that the legislature can move on with policy-making.

Beyond opening their books, both the House and the Senate must redirect their activities to improve their effectiveness as credible partners in the business of government. In the last generation, the legislature has evolved into a body much more concerned with appropriations and the politics of advantage than with strategic planning. One emblematic and disconcerting effect of this preoccupation is the inordinate growth of the appropriations committees to include more than one-quarter of the membership, leaving too little energy and talent for other policy formation and law-making tasks.

The legislature needs to reorganize its committee structure, reduce the number of committees, and enhance its oversight role. Both chambers must expand their focus beyond the annual budget cycle to longer term considerations. The forthcoming proposals from the executive branch for a biennial budget deserve careful consideration, not only because they would save money but also for their potential for reallocating talent to the pressing issues that face us.

Talent and leadership potential must become the main criteria for committee membership, and seniority—that comfortable throwback to a more leisurely time—must be abandoned. These committees must be staffed by individuals selected on the basis of competence, not political patronage.

If the legislature is to rehabilitate its reputation with the electorate, we must move with dispatch, reinstitute confidence, improve function and performance, and open the public records to public scrutiny and evaluation.

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