

What Government Does Well/What Government Does Badly

by William Weld

Sunday, June 25, 2000 12:00 AM

Liberals often don't see the problems, and conservatives don't see the promise, of government.

THE PROMISE OF GOVERNMENT

The Protection, And Pursuit, Of Property

You hear it said that if men were angels we would not need government. But of course we do. We have to restrain the bad tendencies of human beings, and that includes keeping people from injuring each other economically.

Homo economus-economic man-is a very avaricious individual, a real allosaurus. If he could have it all, he would, and that would be at the expense of others. So government acts as a safeguard of our property.

But we also want government to help us better our lot, to act as an economic catalyst. When I was the governor of Massachusetts, we used taxpayers' money to stimulate growth in biotech and telecommunications, two high-end industries that were tailor-made for the state because of all the universities. I was roundly criticized from the right for violating Republican dogma by trying to pick winners and losers. My retort was there was not a sufficient supply of capital in the market in those days, so government had a legitimate role in stepping in to address what I saw as a market failure.

Economic Justice

Government has a role as well in what is referred to as redistributive justice. This is as old as the Greeks. Redivision and redistribution of land was the rallying cry of peasants and the disenfranchised in ancient Greece, and it came to be not just land but property in the form of currency as the centuries went on. One context in which it came up in Massachusetts, as it has in New Jersey and Texas, and probably most states, is our system of financing public education.

The system that had grown up in most states is that wealthy districts with an affluent population can afford to spend a lot more on their public school systems than the poorer districts. I always thought that the huge disparities in local funding violated state constitutions, which guarantee citizens a quality education no matter where they live in the state. The New Jersey Supreme Court thought the same thing, as eventually the Massachusetts Supreme Court did too. But this was after we had already put in a statutory scheme of spreading the wealth around with a

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redistributive formula for financing education that went as far as was politically feasible: You have to get the votes in the Legislature. My Secretary of Education at the time was a woman, a native Cuban, who had been in the hills of Cuba with Fidel and Che in 1958. The joke around the statehouse was that this was the most Communist piece of legislation sponsored by a Republican administration in a long time.

Life, Liberty And The Pursuit Of Happiness

One of the functions of government is to act as a safeguard not just of property but of our liberties. Government is never so noble as when it is addressing wrongs. In the nineteenth century, slavery was the greatest wrong, and government never stood so tall as when it was redressing that wrong. Second-class citizenship for women was the scandal of the twentieth century, and our government, our society, is chipping away at that major imbalance in our society.

The courts are truly the least dangerous of the three branches of our government. It's hard to believe that sometimes when you read some Supreme Court cases; Justice Scalia's opinions read as though he took them straight down from the burning bush, and that just makes me nervous. But over the decades and over the centuries, the court's function has been essentially corrective, and in that sense I think that they are the least dangerous branch.

I think government has a major role to play in helping us with the pursuit of happiness. There are several such issues where I have departed radically from the Republican orthodoxy. One is the environment, or conservation, which is fundamental to human happiness. Natural resources are so vast that no single individual or business is going to protect them; they don't have an incentive to.

The creation of a Water Resources Authority to clean up the Boston harbor happened partly because of a suit I filed when I was US Attorney in 1983 against the State of Mass, saying this harbor is too damn dirty. That's one of the things I'm proudest of in my tenure as US Attorney. One of the things I'm least proud about is that I chickened out and never filed the suit against Ohio for public nuisance on account of the air blowing Northeast on the prevailing winds to Massachusetts. It is unlikely to have been approved in Washington, but it would have been interesting to try.

There's an alliance in the environmental area, and an appropriate one, between the government and the little guy. We absolutely have to restrain concentrations of wealth in industry from

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spoiling the situation for everybody. The legal constraint on this is the Takings Clause in the Fifth Amendment of the US Constitution. There are a million cases on what constitutes the taking of private property. It's a matter of degree. In the Western part of this country, the property rights advocates think the government is riding roughshod over them. By and large I come down on the side of government assertiveness in that area.

Another area in which I depart from Republican orthodoxy is on workforce issues. I thought it was madness for the Republicans during the first Bush administration to be opposed to the Family Leave Act. This was just government enacting support for the way the workforce has changed.

Bringing Out The Angels, Bringing Us Together

I think of Lincoln's phrase about appealing to the better angels of our nature. It's healthy for government to be a kind of moral catalyst, using the bully pulpit of high office. I am not talking about organized religion or being preachy. I mean moral suasion. This is necessary these days Oliver Wendell Holmes once said that the desire to exclude other people from your circle and surround yourself with people just like yourself is a perfectly natural human phenomenon. In my book, that's why it has to be guarded against and restrained, because it is so natural. Government can contribute to a shared sense of purpose on the part of the citizenry; that's its highest and best application.

This is especially true in the international arena. My great and good friend Jesse Helms is an enormously exclusionary man; he wants to surround himself with people just like himself. A high ranking United Nations official told me a couple of years ago that Senator Helms had said to him, that the U.N.'s purpose was to sap the national fiber and resolve of the United States. It was almost a line out of Dr. Strangelove, about sapping the precious bodily fluids of the United States. Unlike Senator Helms, I think a proper role for government-and a major achievement-would be to contribute to a sense of community internationally.

A shared sense of purpose was always my credo when I was a manager in government, and it is my credo now when I am a manager in the private sector. There is nothing better to meld an organization and melt away divisions. Some have been very good at establishing this, some have been very bad. Bill Clinton is very good at it. Richard Nixon, I thought, was very bad. Franklin Roosevelt was probably the best ever.

THE PROBLEMS OF GOVERNMENT

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There are areas where the government is not terribly helpful

Taxation As Theft, Social Security As A Bastion About To Fall

I don't agree with Proudhon who said that "All property is theft". I think coercive taxation is theft, and government has a moral duty to keep it to a minimum. This view fueled all my actions as governor in Massachusetts. Before my tenure, people didn't seem to think that citizens had a right to limit the size of their government. My slogan when I ran was that there is no such thing as government money, there is only taxpayer's money, and that cut pretty deep. I think the Republicans are dead right on the tax issue in Washington.

Managing from a distance, from Washington, is not a great role of government for a country this big and this disparate.

I don't understand the Democrats' approach to Social Security in this country, and I'm not alone. It's being chipped away at, and I think it's a bastion that's going to fall. It may not seem that way to some, but it didn't look that way when the conservatives took after the welfare system either. People said: "you don't understand, this is inevitable, this is the way it's been ever since 1935." That's not forever, and I think you will see the same kind of flip on Social Security.

Too Much Administering In Education, Health, Etc.

Micro managing anything is not a great role for government. An example of this is in education, the collective bargaining contracts for teachers. One of our daughters attended the local high school in Cambridge, Mass and when she was in the fifth grade, all the parents in the PTA said "we desperately need more science teachers." The reaction was: Love to help you guys out, but the next sixteen positions have to be filled by administrators. It turns out, more than fifty cents on the dollar in our public school system in the United States is spent on Administration. If you know of a private industry that spends more than fifty cents on the dollar on administration and is still making a profit, I would like to know what it is. Similarly, micromanagement of healthcare also has been a disaster, as have wage and price controls.

It's not good for government to tell people that the world owes them a living and that things are free. My predecessor, Governor Dukakis, used to like to tell a story that during his first administration, eyeglasses were free under Medicaid, and the consumption of eyeglasses in Massachusetts was six pairs per year for every man, woman, child and beast. Even animals were all wearing glasses. But then they put on a little co-pay, three dollars for a pair of eyeglasses, and the consumption dropped 86 percent. I am sure there is a lesson in there

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somewhere.

Government As Monopoly, And Privatization

In health care, education, and to some extent transportation-but less so, I think-government monopolies have proved to be a disaster. I was chairman of the National Privatization Council when I was Governor. I don't know that anyone else besides government is going to provide public transportation, but privatization is coming slowly even there. I think transportation and corrections are not the first two areas that I would go looking for massive change.

Sex And The Single Government

Managing people's sex lives is something that I don't think is a good role for government. I extend that to the abortion issue, I extend that to the so-called gay rights issue, I think this is a freedom principle and consistent with the analysis in the economic area as well.

Trade And Immigration

Opposing the free flow of goods or people is a bad idea. I worked with Newt Gingrich and Bill Clinton on the North American Free Trade Agreement, and on immigration.

The Influence Of Money In Politics

We need a complete ban on soft money, which is sort of an enveloping problem, and a ceiling on the amount of money that can be spent on a given race. The problem is the Supreme Court case, Buckley v. Vallejo, which says that any limited like that is unconstitutional, because money is speech. But that's an issue that still divides the Supreme Court, and not along ideological lines. Justice Rehnquist dismisses as completely ridiculous the idea that money is speech. So, it's possible that Buckley will be overturned. If not, then the answer is to stigmatize people who come in and spend \$35 million on a Senate seat.

Government Is The People

Telling people that we know better is one of my least favorite exercises of government. Government is the people, so the government, by definition, can't know better than the people.

Former Massachusetts Governor William Weld, now a private attorney for McDermott, Will and Emery based in New York, plans to re-enter public life in the future, perhaps running for governor of New York in 2006, though "I have lost any desire to be a United States Senator."

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This essay is adapted from a speech delivered at a breakfast forum sponsored by Citizens Union on June 21st.