

# THE HERITAGE LECTURES

509

Ending  
The Mandate  
Madness:  
A Contract to  
Restore State  
Sovereignty

*By Governor Pete Wilson*



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# Ending the Mandate Madness: A Contract to Restore State Sovereignty

By Governor Pete Wilson

It is a pleasure to be back at The Heritage Foundation, which has always stood out as an island of clear thinking and common sense amid the fuzzy-headed liberalism of Washington. Here at Heritage you have long been champions of the idea of limiting government in order to expand individual opportunity, an idea that was at the heart of last week's ballot box rebellion.

Election '94 was a victory for those people who work hard, pay their taxes, play by the rules, and raise their children to obey the law.

For too long they had been compelled to watch a government that was supposed to represent *their* interests respond only to the *special* interests.

They had watched with contempt the transparent hypocrisy of a Congress that exempted itself from the laws it imposed on everyone else.

They watched the explosive growth of welfare spending—and saw that, for all its ever mounting costs, the system fails both the recipients it's supposed to serve and the taxpayers who pay for it.

They had watched the arrogance of liberal judges who ignore the law and remake it to their liking, handing down rulings that put criminals' rights ahead of victims' rights.

And they had watched a federal government impose on the states the legal duty and intolerable burden of providing benefits to illegal immigrants, causing us to cut services to our own needy legal residents.

And finally, having put up with all this for far too long, in thousands of quiet polling places all across the land, last Tuesday, these hard-working taxpayers cried out: "enough is enough!"

They cast a massive, unmistakable vote to reclaim our country from an arrogant, out-of-touch, and dysfunctional Congress and federal government.

And to those imperious congressional barons—so long in the habit of handing down mandates themselves—the American people delivered the ultimate mandate, a stunning personal rebuke and outright rejection of the status quo.

In California, a perfect example of what's been so wrong with the federal government and why it so frustrates the voters is the debate we had about illegal immigration, or more specifically, the debate about public benefits for illegal immigrants.

Illegal immigration is strictly a federal responsibility—the Constitution is perfectly clear on that. But for years, Washington has virtually ignored its responsibility to control our nation's borders. It can be easier to get across California's southern border at night than to get across K Street at lunch.

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Despite their valiant and highly professional individual efforts, our grossly understaffed Border Patrol faces “Mission Impossible” as they seek to keep people from illegally entering the country, because the federal government guarantees benefits to anyone who successfully evades the Border Patrol—at the expense of state taxpayers. It’s like offering room service to someone who breaks into a hotel room...and then signing the tab with the name of the paying guest whose room it is...while he’s there in the room!

HUD Secretary Henry Cisneros, among others, has rightly described these services as a “magnetic lure” to illegal immigrants. That magnetic lure threatens to bankrupt California. We’re spending well over \$3 billion a year providing federally mandated services to illegal immigrants and their families—that’s nearly 10 percent of our General Fund budget.

California and five other states have tried just about everything we could to get action in Washington—from lobbying Congress, to filing lawsuits against the Clinton Administration. But apart from election-year cosmetic efforts, both Congress and Clinton have continued to turn a blind eye to California’s borders.

So, fed up, the voters put on the ballot Proposition 187—the Save Our State Initiative—to send a message to Washington that it was time to end illegal immigration.

In the final days of the campaign, a desperate President Clinton came to California and tried to turn the debate on 187 into one about race and ethnicity. The voters knew better. They knew this was an issue of fundamental fairness, and they rejected President Clinton’s efforts to pit Californian against Californian. Californians of all races, colors, and creeds overwhelmingly passed Proposition 187 to send a message to Washington.

California retains its historic commitment to tolerance and compassion. In this nation of immigrants that already accepts more legal immigrants the rest of the world combined, we are the state that has most welcomed the sweat and courage of legal immigrants.

But California is not a colony of the federal government. We will not be taxed without limit to pay for the costs of federal failures to deal with illegal immigration. The message of this election is that hard-working taxpayers will cast their votes for those leaders with enough courage and honesty to fight for what’s right, and to change what’s wrong and unfair.

It’s very wrong and unfair to reward people with public benefits for breaking our immigration laws, and especially to do so at the expense of *needy legal* residents. That’s why Californians passed Proposition 187.

It’s also not only wrong, but dangerous and irresponsible to release still violent career criminals back to the streets to claim still more innocent victims. That’s why Californians approved “Three Strikes and You’re Out”—an initiative to turn career criminals into career inmates.

And it’s wrong to continue increasing taxes on working men and women to pay for welfare benefits for those able-bodied adults who won’t work themselves. That’s why Californians are supporting reforms that reward work over welfare, and allow recipients to escape from the dependency of welfare.

In recent years, Californians have faced terribly tough times. We’ve suffered from fires and floods, earthquakes and pestilence—in fact, for a while we joked that we were just two plagues behind the Bible. Of course, then both Clintons came to visit — so that evened things up.

Despite tough times, though, Californians are finding solutions to the problems we face. We’re making fundamental change to make a better future for ourselves and our children.

We're passing the tougher laws we need—not only “Three Strikes,” but also a “One Strike” law, because for certain crimes of rapists and child molesters three strikes are two too many. The first conviction should be the last.

We're streamlining regulations and creating tax incentives to make our state a place that rewards rather than punishes entrepreneurial risk-takers who create jobs and create opportunity for our people.

And we're shrinking the size of government to expand opportunity for our citizens. While the federal budget has grown year after year, in California, we've actually cut projected state spending by a third—and reduced the budget from one year to the next.

But if we're going to continue making fundamental change in California, we need your help and the help of the new Republican Congress in making fundamental change back here in D.C.

The biggest obstacle today to completing California's comeback is the very government in Washington that is supposed to represent us.

Instead of empowering people to make their lives better, the federal government stifles change by imposing regulations and mandates that replace the people's priorities with those of a congressional committee chairman or a backroom bureaucrat.

It's time to set the states free and to let people reclaim control over their destiny.

The Republican Congress has a chance to do just that by repealing the vast array of funded and unfunded mandates on states that stifle innovation and subvert local priorities.

I urge the new Republican Congress to start by getting the federal government out of the welfare business.

The House Republicans' Contract with America includes some outstanding ideas for welfare reform—in fact, we've already put many of them into practice in California. Like other states around the nation, we're reforming the system to promote individual responsibility, to crack down on fraud and dead-beat dads, and to make work pay more than welfare.

And we are ready to put into place still further reform. But we are prevented from doing so by the very federal officials who claim they want to “end welfare as we know it.”

Even when they do grant us waivers for reform, we inevitably are sued by tax-supported “welfare rights” advocates, so that a liberal federal judge who wants to play legislator can redesign our welfare program to fit, not the law, but his own personal policy preferences. These are “judicial activists”—not strict constructionists. They do not hesitate to do violence to the budgetary priority-setting of an elected governor and elected legislature.

In the area of health care, after one liberal federal judge took control of California's dental program for the poor, the cost of the program ballooned from \$120 million a year to \$1 billion a year - even though the number of people using it increased by just 3 percent. What that judge did was end common sense as we know it.

I propose that Congress not just tinker on the edges with welfare, but do something rarely considered here in Washington: I propose they simply get out of the way.

Instead of spending another year or two debating how to end federal welfare as we know it, the new Republican Congress should end federal management of welfare altogether.

To replace the present failed, dysfunctional system—with its disincentives to work and marriage—let the new Congress provide a block grant and transfer AFDC and the other welfare programs to the states.

Let us redesign them to make welfare what it ought to be—a safety net, not a hammock.

States should not have to obtain federal waivers from HHS to put into effect the reforms required to undo federal policies that encourage dependency and out-of-wedlock teen motherhood.

Congress should simply let California simply refuse to give a check to the unwed teen mother unless she lives with a parent or guardian in a fit home; and unless she identifies the father of her child to assist our child support enforcement. States should not have to ask federal permission to refuse to increase the cash grant when a welfare mother persists in having more children while on welfare. And the states—not HHS—should decide when welfare should be ended.

We simply must put an end to exploding out-of-wedlock teen pregnancy. Otherwise, we will see more, not less of the ugly correlation reported by *Time* magazine in their cover story on welfare—the correlation between 14-year-old unwed mothers and their babies who become 14-year-old predators.

Which brings me to another area where the federal government should free the states, that's in the fight against crime. The crime strategy of the Clinton Administration is a joke, but the victims aren't laughing. Last year's federal crime bill did far more for political posturing than it did for public safety. The bill will provide cities with just a fraction of what it costs to hire the police officers promised by the Clinton Administration. And what money it does provide comes with more strings attached than a marionette.

I was in San Diego the other day—California's second largest city and America's sixth largest city—the mayor's office there estimates that the federal crime bill will provide them with, at most, enough resources to add about one officer for every hundred they've already put on the street. And because the crime bill shifts the total burden for even these cops back onto the city after just a few years, instead of taking a bite out of crime, it's more likely to just take a bite out of their wallets.

Like many others, they're discovering that while President Clinton promised Dirty Harry, he's delivering Barney Fife.

If Congress is genuinely interested in improving public safety, they can do something that won't cost a dime. In fact, it will save money — but more important, it will save lives. Reform the endless system of federal appeals that makes the death penalty a cruel joke in this country.

There are 117 murderers in California whose convictions have already been confirmed by the state Supreme Court, but in every case, the victims' families continue to see justice delayed by an endless federal appeals process that can last more than a decade.

In fact, the first killer sentenced to death in California after the death penalty was reinstated was a man named Andrew Edward Robertson. Robertson was convicted of robbing, kidnapping, raping, torturing, and killing two young girls. That conviction came in 1978. Today, 16 years after his conviction, his appeal is still winding its way through the federal judiciary.

Old age should not be the leading cause of death for inmates on death row. Congress should pass *habeas corpus* reform and let justice be done.

Finally, to free the states, Congress should put an end to the vast array of federal mandates that prevent states from setting the priorities and achieving the goals their citizens want and deserve.

For years, congressional liberals have tried to impose their will on the nation through mandates—funded and unfunded—handed down from on high. Well, they should study their early American history and remember what happened to the last imperial government that handed down edicts and ignored the will of the people.

If Washington continues to treat the states like colonies, then it will seem that last week was just the Tea Party, and 1996 will be the real revolution.

And Congress shouldn't limit itself to just controlling its own mandates. Judicial activists have become just as meddlesome in trying to micromanage state policies. Congress should act to restore constitutional government and limit the meddling of judicial activists who put their own liberal convictions above the law.

If a federal judicial candidate comes before the Senate and has a history or declared judicial philosophy of putting his or her own conscientiously held views above the law, the Senate should deny confirmation. The individual is unfit to serve as a judge. Heartfelt liberal convictions do not excuse the perversion of the judicial function. The federal bench should not be the refuge of judicial scofflaws.

This new Republican Congress has a golden opportunity to return power to the states for everything that states can do better or more efficiently than the federal government. And that's a pretty long list—from reforming welfare, to building highways, to protecting wildlife.

States are where change is being made. Now with a new Congress we've got a chance to make major, long overdue change in Washington as well. As Republicans, we must never fall victim to the trap of the liberal Democrats who thought Washington had all the answers.

This is a giant, resilient, and dynamic nation we live in. If we give states, cities, and their citizens the power to make a better future, they will step up to the plate and exceed our wildest expectations. But Washington must first get out of the way.

Jefferson said that government closest to the people governs best. We should heed that wisdom and return government to the people. That's how we'll create a better future.

In his moving letter to the American people two weeks ago, Ronald Reagan told us that "for America there will always be a bright dawn ahead." My friends, that dawn is now breaking, and to realize its full potential, you and I must seize the day.

