



MR. SCHIEFFER: The name of this panel is “Checking the Powers of Government.” And we're going to explore some of the proposals that Professor Sabato and others have suggested. Let me just begin by briefly introducing the panel.

To my left is Catherine Crier. She's an award-winning journalist. She's an accomplished lawyer. She is a former District Judge down in Texas. She's a writer. From 1999 to 2007 she hosted Catherine Crier Live on Court TV. She began on CNN where she was co-anchor of the ground-breaking Crier & Company. She is a Texas-bred Independent with, as it says here, a spirited passion for justice. She released her first book, the New York Times number one best-seller The Case Against Lawyers in the fall of 2002.

Next to her is Paul Freedman. He needs no introduction because I introduced him as a member of the last panel when, in fact, he was a member of this panel. Dr. Freedman is a professor at the University of Virginia. He serves as an associate professor in the -- in the University of Virginia school there where he focuses on public opinion, media, and politics and research methods. He was the 2003 recipient of the University of Virginia Alumni Board of Trustees' Teaching Award.

Joe Lockhart, he served as the Chief Spokesman, Press Secretary for President Clinton and the Clinton Administration from 1998 to 2000. He conducted those daily press conferences in the White House press room. Before joining the White House, he was the National Press Secretary for the Clinton-Gore re-election campaign. He is an award-winning journalist himself. He's held key positions at Sky Television News of London, CNN, ABC. In 2002, he founded the Glover Park Group, which specializes in media relations and political strategy. He's also a founding member of the on-line political and social networking community hotsoup.com.

Down at the end is Sarah Weddington. She is well known for her work on issues affecting women through her many roles as an attorney, legislator, presidential advisor. At the age of 27, she argued the winning side in the landmark case of *Roe v. Wade* before the United States Supreme Court. She is thought to be the youngest woman ever to win a case in the Supreme Court. She's recently been involved in promoting the development of leadership and self-renewal skills. She's a long-time advocate for women, in 1972 was the first woman from Austin elected to the Texas House of Representatives, where among other things she served with my little brother.

Rich Lowry is the editor of *National Review* down there. He graduated in 1990 from the University of Virginia where he studied English and History. He edited a conservative monthly magazine called the Virginia Advocate there. He is a



syndicated columnist, a commentator for the FOX News Channel. His book Legacy, Paying the Price for the Clinton Years was a New York Times best-seller. He is currently, as many of you know, the editor of the *National Review*.

And then Fred Grandy, who's lived a life that most people would only fantasize about -- as an actor he starred on the wildly-successful television series, *The Love Boat*, which not only obliged him to visit the world's most romantic ports of call but actually paid him to do it. After that he ran for Congress. He survived in Congress for many terms. He finally left in 1995, two weeks later took over one of the nation's largest charitable organizations, Good Will Industries, as the president and chief executive officer. He is currently, I believe, now hosting a talk show on radio here in Washington.

MR. SCHIEFFER: Have I -- I believe I got everybody there. So why don't we start.

Well, the whole idea here is checking the powers of government. So why don't we talk about something that comes up from time to time, is still being debated now. It's being debated on the -- in the Republican presidential primary debates right now, and that is the line-item veto.

MR. SCHIEFFER: Rich Lowry, is the line-item veto a good idea?

MR. LOWRY: First of all, let me say it's a pleasure to be invited here today but -- and let me assure you that's a very sincere sentiment on my part because as a conservative who lives and works in New York City, it's really a pleasure for me to be invited anywhere. It doesn't happen very often. I'm a very lonely guy up there. And I'll just -- I'll give you just a brief idea of what it's like being a conservative in New York.

For the longest time, the offices of *National Review* were located directly above the headquarters of a rap recording studio called Loud Records, very aptly named. And the most interesting part of this juxtaposition was that on warmer days, when we'd open up our windows, this kind of unmistakable odor would waft up. And I regret to report to all of you today that on a lot of days, *National Review* has been produced in a haze of marijuana smoke, which some people might think explains a lot.

I also want to thank Larry -- Larry Sabato for inviting me here today, which represents a great generous gesture on his part because, as Bob mentioned, I went to the University of Virginia. I took Larry's famous -- justly-famous Politics 101 course and dropped out halfway through the course. So I'm sure if I had completed the class, my answers today would be much shrewder and better informed. But, really, I want to congratulate Larry on this book, which is a real tribute to the creativity and passion he brings to politics and issues of government.



I think the line-item veto, to answer your question, Bob, is probably a pretty good idea. But I don't think it's worth amending the Constitution over. And that would be my reaction to a lot of the ideas that Larry proposes in his book. I really bring a conservative sensibility to them and the most basic respect. Someone once said, "If it's not necessary to do, it's necessary not to do it." And that's my attitude, especially when it comes to amending the Constitution. So it might be that a line-item veto would exercise at the margins some small restraint on spending, make spending a little bit more rational. In Washington I'm not sure how pronounced that effect would be over time. I think there'd be a tendency for it to wash away because the President is going to want to get along with members of his own party and Congress. Members of his own party are invariably going to want pork projects. The members of the other party are invariably going to want their pork projects. So you're going to have sort of a united front in favor, generally, of pork in Congress. And I think you're going to have a President tend to go along with that.

So is it a good idea? In theory, yes, it is. Would it help somewhat? Probably. Is it worth amending the Constitution over? In my view, no.

MR. SCHIEFFER: What about you, Joe Lockhart? What do you think about it?

MR. LOCKHART: Well, I had the great pleasure of defending the Pre -- President Clinton's use of the line-item veto. And I'll tell you, there was -- I can't remember an issue that caused so much grief within the white House and with the President with so little consequence.

It made sense on paper to be able to go and strike things out. But to actually have to call a member of Congress, as members of the President's staff had to do, and call and tell them that they were going to strike that member's pet project turned out to be a painful process. And, frankly, as much as I think the President was politically committed to the concept when the Supreme Court struck it down, I don't know that there was a happier guy in Washington because it was not a -- it was not a great -- I think on -- you know, even when we had it, it didn't have that much impact. I do think, though, on the broader question, I think it's a bad idea personally because we have seen, I think, over the last few decades, a pretty massive expansion of Executive power at the expense of Congress. And I think we should approach any of these changes from the perspective of how do we get that back in balance as opposed to granting what is -- would be quite an extraordinary and fundamental change in fiscal policy, granting new powers to the Executive.



MR. SCHIEFFER: Is there anybody on the panel who thinks it is such a good idea that it ought to be -- there ought to be a constitutional amendment in favor of it? Fred?

MR. BARNES: Well, I would -- was a member of Congress until 1994 so I did not actually survive to actually see this enacted -- lobbied heavily for it, have now recovered from that. Because I tend to think that even though it was enormously attractive, particularly to members of the minority at the time -- and when there was a Democratic President, as Stu pointed out, who worked a Republican Congress, it seemed to be the great political synergy of our time. But it was, again, tinkering at the margins.

And what happens, having been a member of that body, is there has yet to be a law or a mechanism designed to kind of impose congressional discipline that shrewd members of Congress haven't figured out how to get around. And this would be an example because, really, of course, when you're talking about budgetary matters and congressional spending, the real problem, of course, is always automatic spending, entitlements. And this really does nothing to do that. It gives Presidents the same kind of powers. And I assume -- President Clinton had this as Governor Clinton. So there was an enormous appeal by people who had been Chief Executives in states to use it. But at the end of the day, it really became a device and not -- not a solution to address the problem. And although it only survived a couple of years, my guess is had it been able to survive some kind of judicial review, members of Congress would have found ways to load items into a budget, knowing the President would veto them, and then use them as negotiating tools for things that might even be more expensive or more pejorative.

So I am not sorry to see this struck down. And were I elected again, I'd probably be on the other side of this issue.

MR. SCHIEFFER: Anybody else want to comment on that?

All right. Let's -- let's talk to something else that comes up from time to time. Let's talk about the Judiciary. Should the Constitution be amended to eliminate lifetime tenure for all Federal Judges in favor of a single non-renewable term of, say, 15 years? Just this whole idea of lifetime appointments to the bench, do you think that -- Catherine Crier, you write the book *The Case Against Lawyers*. Do you think that's a good idea?

MS. CRIER: Well -- and I wrote a second book called *Content*, *How the Right is Wronging American Justice*, which dealt quite a bit with the Judiciary, in particular the Federal Judiciary. Yeah, I do think so. I think it's pretty obvious that when this was established, the life expectancy was not into eighties and even nineties and 100 on a regular basis. So I do think that generational shifts are so



obvious now that to have Judges that certainly bring experience but maybe live in a very, very different world than the nation they confront on a regular basis as Judges is becoming -- it's an anachronism. And we need to reflect that. And whether it requires a constitutional amendment or not, I do think that lifetime tenure should now be reduced.

MR. SCHIEFFER: What would you do about it? Would you have a specific term? Would you have a certain period which after that period the Judge would have to be reconfirmed? What would be your suggestion as a way to correct what you see as something that's --

MS. CRIER: I think the very healthy suggestions, including those that Larry has proposed in his book -- a long term so that you are not influenced by political circumstances, so that you're not sort of in that lame duck position, so that you've got freedom from influence -- 15 years is very reasonable; 20 years could be an option. But at that point in time, enough is enough, and we all should think of something else to do with our lives.

MR. SCHIEFFER: What's your thoughts on this, Sarah? Sarah Weddington?

MS. WEDDINGTON: Well, first, I was trying to figure out when Scalia was appointed. And I think all Judges since that year should be subject to very definite limitations.

(Laughter.)

MS. WEDDINGTON: Could I make an introductory comment, Fred?

MR. SCHIEFFER: Sure.

MS. WEDDINGTON: Not Fred. I was thinking, as I read the book -- and I think all of us are very grateful to Larry Sabato for having done the book and make us think about things in a whole new way. As I read it about the Executive, I thought, Well, you know, I was Assistant to the President. And working at the White House is the most exciting thing I've ever done. You know, just that office about the Oval Office, weekends at Camp David, flying Air Force One, dinner with Margaret Thatcher when she was in town -- you know, the little things that make a job truly interesting.

And then I was reading about the Judiciary and, of course, thinking about when you argue a case before the U.S. Supreme Court, you get a handmade goose quill pen. It is a custom that dates back to the time of Thomas Jefferson and is a souvenir because so few lawyers ever get to do that. And then if you win a case, you can write in and get an autographed photograph of the Justices. So if you



come to my office, I have my handmade goose quill pen, my autographed photograph of the Justices. And sometimes people say, Well, can you get one if you lose? And I say, I don't know. I've never lost in the Supreme Court.

(Laughter.)

MS. WEDDINGTON: And then, of course, the legislature, I was the first woman elected, as you pointed out, in -- from Texas. But what has not been pointed out is that I also served as a delegate to the constitutional convention in Texas. We wrote a new Constitution in 1974, submitted it to the public in 1975. And it was overwhelmingly defeated. 250 of 254 counties turned it down.

And so I thought, you know, I think I have something to contribute in what not to do. And one of the things is I would not be talking about a new Constitution because I think what immediately happens is everyone who likes part of the current Constitution immediately reacts with an, "Oh, no, they're going to interfere with whatever I'm interested in."

And Geraldine Ferraro set out so well some of those issues this morning. I won't dwell on them. But in the preamble to the book, you know, that he says, Let's set aside the controversial issues -- well, you can't do that if you have a constitutional convention. I don't think even if the Congress said, We're going to set aside all the following issues, you could do that.

And so as I tried to look at the lessons -- and then one of his specific suggestions I wanted to quickly point on, I would say, We in Texas tried to do too much and make it too perfect because I think you really do have to look at what will the public do in reaction to this. And we tried to take out some of the fiscal things that people said should not be in the Constitution, like the balanced budget. We tried to take that out. And what happened was then the Governor of Texas, who was on the same party I was in, said, You know, they have just set up a situation where people could be taxed in Texas for a state income tax, which we had never had. And we were looking at it more as, How do we clean up the Constitution?

Or, for example -- well, there were other things. Let me just say that -- and I think there would have to be a very long run up to voting because I don't think we had enough time to explain what we were trying to do or why we were trying to do it.

I thought his idea of public service was a great one. We looked at it in the Carter Administration. And I was convinced then -- I'm still convinced -- that it would be too much bureaucracy and too much money, although Professor Sabato does look at exactly what would it probably cost and be too complicated.



And so I wanted to suggest that someone look back at Stu Eisenstadt's papers and the Carter papers because there's a lot in it on that. I loved the automatic voter registration because I do think everyone who's a citizen and eligible for voting ought to be registered and ought to be able. And I was thinking how much we are spending time and effort on just trying to get people registered where we could be talking about other issues. War powers, expand congressional impact -- absolutely. Members -- well, I'll stop there because I'm sure you have other people you want to ask questions of. But I do think there should be very short terms for those appointed to the Supreme Court after the late 1980s.

MR. SCHIEFFER: All right. Well, Professor Freedman, you would be the last to comment. Why don't you just sum up what you have heard here so far? And you're an expert on polling and public opinion. How do you think people would feel about having a constitutional convention? And you heard what Sarah Weddington just said. Sometimes you -- you go wrong when you try to do too much.

MR. FREEDMAN: Absolutely. With respect to the constitutional convention, we are, I think, as a nation, fairly cautious and conservative when it comes to making changes, particularly changes to the Constitution. And so we see that even -- even issues that enjoy a great deal of support as legislative initiatives or as political positions, support tends to drop off fairly quickly when we -- when we talk about actually amending the Constitution to, for example, forbid desecration of the American flag or to prohibit same sex marriages.

And so -- and yet these are precisely the sorts of -- as Sarah Weddington and as Geraldine Ferraro said this morning, these are precisely the sorts of issues that people would come to a constitutional convention ready to really put on the table with a great deal of passion and enthusiasm. And so we have to be absolutely clear that these are among the issues that we are going to be grappling with. It's not simply line-item vetoes and balanced budgets.

Let me suggest that with respect to mandatory retirement -- although I appreciate what I've heard and what my colleagues on the panel have had to say about putting time horizons and reasonable time limits on the amount of time that Judges and Justices can serve, I think -- I think that there's another concern with respect to the -- with respect to the respect that we give, really, as a culture to age and the experience that comes with age. And I think that perhaps the most important criterion for a good Judge or a good Supreme Court Justice is wisdom. And throughout history, in culture after culture, it's precisely the elders who have been given the positions of authority and respect for good reason. And the fact that we're living longer, I think, increases the chance that we're going to have elders who are in positions to serve us and serve us well.



MS. CRIER: Let me add real quickly about it, if I might. It's not so much that I object to someone that is 80 serving as it is someone to serve 30, 40 years in one position on the bench. And now that we are seeing the appointment of younger and younger Justices, we are looking at that sort of service. So if you want to take the bench at 65, then by all means serve until you're 80. But if you want to take the bench at 30, I don't know that you should be in the same spot at 75 or 80 years of age.

MR. SCHIEFFER: Now, one of the proposals that Professor Sabato makes that I find the most interesting is that he proposes a constitutional requirement that all able-bodied young Americans devote at least two years' of their lives to service to the country. He says this would heighten civic awareness and participation. I'd like to just get the panel's thoughts on that. And what -- I assume that when he talks about this, he is talking about national service that would include military -- a military commitment.

I would just point out -- and think it will be of interest to the students in the audience here -- we're currently involved in a war in which one-half of one percent of the American population has assumed all of the sacrifice and the burden because we have an all-volunteer Army. We have probably, I would think, without question, the best and most powerful Army in the history of the world. But because it is an all-volunteer force, many times a lot of our citizens don't even know someone in the military, let alone share in any of the sacrifice that is being made.

I think of myself. If I didn't read about the war in Iraq in the newspaper or hear it on television and watch what's happening there, it would probably have no impact whatsoever on my life. My life would continue to go on. I'm not paying higher taxes. None of my relatives happen to be involved. And it has caused me to wonder in recent years, should democracies be involved in wars if the sacrifice is not equally shared by all members of the society?

So I'd like to get the panel's thoughts on this since this is one of the things that the professor has proposed. Why don't we just go down the line and see what you all think.

MS. CRIER: Well, I certainly grew up -- a little bit young but during Vietnam. And certainly at the tail end I was in college during that time and had a lot of friends, obviously, involved in all of that. And I've always supported the notion of public service. I don't know that, again, a constitutional amendment -- I'm a bit leaning towards what Geri Ferraro said this morning about a convention.



But when you've got multiple options and it does not mandate military service but mandates some service back to the country, I'm a confessed patriot, and I would support that.

MR. FREEDMAN: I think it's an outstanding idea. And I say that in part having seen students at the University of Virginia and elsewhere who really have a passion and a hunger for service. They want this. The students want to -- they choose -- for example, one of the most popular programs over the last several years is called Alternative Spring Break. And students, rather than going to the beach, go down to New Orleans and help with construction there or go to Central America and help with -- with projects there. And so I've seen -- I've seen the passion and the -- and really the desire that exists among young people. And I know it can work.

I also think that it's -- that many students could really benefit from taking a year or two off before going to college. Some of our best students are returning students. They're people who appreciate the opportunities to be in -- in a college environment. They've had the opportunity to, you know, see what the real world is like, see what it's like to get up every morning -- not to complain about going to a nine o'clock class but because they have to go to a job.

MR. SCHIEFFER: Would it require a constitutional amendment?

MR. FREEDMAN: Certainly not. Certainly not. But, you know, these are proposals that I think we can debate on several levels. I mean, is this a constitutional convention that we want to hold? Are these worthy of actually amending the Constitution -- the Constitution? Or is this something that is worth discussing and debating as a proposal that we can approach in more conventional, less dramatic ways?

MR. SCHIEFFER: Fred.

MR. GRANDY: Well, as somebody who's actually run a large volunteer organization which combines volunteer services with professional services and somebody who's served in Congress when the Corporation for National Service began -- and let's remember that it began as a response to a lot of voluntary organizations like City Year that were already doing the kinds of things that the federal government wanted to enfranchise -- I'm a very strong believer that voluntary service should remain voluntary. That's the kind of spirit, I think, that makes us very unique in the Western world. And the fact that we do have the Peace Corps and Teach America and now AmeriCorps which provide opportunities and venues for the kinds of things that Professor Freedman just talked about, I think are great and should be rewarded and proliferate.



Making it mandatory, I think, puts to some degree a chill on the whole concept of voluntary service. And I would also emphasize that a lot of people choose to make their voluntary service later in life, not necessarily at the beginning of their college years. And I -- I just have a somewhat visceral reaction to a program that would somehow institutionalize, federalize, and I'm afraid bureaucratize a system that has worked despite government hurdles that have gotten in the way of it, attempts to enfranchise it, attempts to slow it down. And it's still working brilliantly, and particularly among young people. I think this is a system that is not broken, and we should watch it rather than try to fix it.

MR. SCHIEFFER: Joe.

MR. LOCKHART: Yeah, I think we should be uncomfortable with anything that is mandated from Washington and is universal and has to fit everyone. So there may be a way to do this where you provide incentives, like a real expansion of AmeriCorps. And there are a number of programs.

But I think what we are trying to get at is a fundamental problem, though. And I'll reflect a little bit on what Bob was saying and agree, which is we have -- our biggest problems here, and it goes through all of them. I mean, we wouldn't need a line-item veto if voters were more interested in what their members of Congress were doing and were holding them more accountable. They're not. People get by with -- without being held accountable. And I think we do have to -- and if it means going to universal, it's something that we'll look at. But we do have to find a way to connect people to their government so that they understand everything they're getting.

You know, the gift of living in this country and being born in and being -- is completely lost, I think, on most people. And I'm not picking on young here. It's young, middle-aged, old. And, you know, we've gone through -- as Bob was saying, this is just one example -- we've gone through a war over the last four or five years, except for a small number of people and their families, hasn't impacted.

MR. SCHIEFFER: Do you think we'd be involved in that war today if we had mandatory military service, a draft?

MR. LOCKHART: You know, I don't know whether we'd be in the war. But I'll tell you, the debate leading up to the war would have been very different. It would have been less about the sort of headline-grabbing cable news politics and fear and more about the kind of debate we'd have. And I think it -- anything we can do to connect people to their government and make them understand that they have a stake in it I think is positive.



You know, requiring national service, I think it is -- it's a great idea if it pushes us to doing more, you know on the incentive side.

MR. SCHIEFFER: Rich, what are your thoughts?

MR. LOWRY: Well, first of all, Bob, I want to associate myself entirely with the sentiment of earmarks and introducing this question because I was just in Iraq two weeks ago. And I found myself, when I came back, being very depressed because you just -- you know, you know it intellectually, but when you're actually there, you just get such a vivid sense of the risks and sacrifices those people are making for the rest of us -- just when you see them, you know, in these claustrophobic, ratty Humvees, not knowing when in any moment they'll be randomly hit with one of these awful roadside bombs -- and then I came home and took a cab back from JFK into my neighborhood; and it was a beautiful day; and everyone was walking around and, you know, most of them seemingly totally unaware we were even at war, given -- let alone having a sense of the kind of sacrifices that were being made.

But on the proposal itself, I agree with Fred. I think enforced volunteerism makes no sense. I think it's an oxymoron. I think it would drain a lot of the meaning out of volunteerism. A lot of people would get something out of it. For a lot of people it would be, you know, just make-works job. And I have a more fundamental objection to it, which I don't want to sound like Ron Paul up here. But we don't exist to serve the State. You know, it's a free country. And if you want to be selfish -- you know, live a lifestyle that appears selfish or idiosyncratic, that's your right. And it may also be that you're -- when you're doing things that other people consider selfish or idiosyncratic -- like say you're a college dropout who spends all his time in his garage fiddling around with computer circuit boards and, you know, you might look at that person and say, "Oh, gosh, why don't you go teach kids in the inner city?" Well, it might be that that person is inventing, you know, a hugely important company and making innovative technological breakthroughs that are going to change all our lives for the better.

And I think a lot of these mandatory service proposals, they go back to trying to recapture the age of the draft. And it's true that the draft had a lot of good effects in terms of the character of individuals and the character of our polity, but we didn't do it for those reasons. We had a draft at bottom because it served a military purpose. And I don't think that military purpose exists today. I'm not a military expert, but everyone I talk to in the military says that the very strength of our force at the moment is that it's a volunteer -- volunteer one.

MR. SCHIEFFER: Sarah.



MS. WEDDINGTON: Bob, I'll be the shortest. I explained we did try to look at that as an option during the Carter years. And there were a lot of reasons we did not go with it. I think Fred's comment that voluntary service should remain voluntary is the one I would most heartily underscore.

MR. SCHIEFFER: All right. Well, let's move on to some other things that have been talked about here today. There's been much discussion of establishing greater limits on presidential war powers. Should the Constitution be amended to expand Congress's oversight of war-making? At the present time, and as we all know, the Vice President feels that the Executive doesn't have enough power, that it needs to have more. The Congress is trying to find ways to exert more of its power and about half the time is not having very much luck at that these days.

So let's just go down the line. Why don't we start at your end this time, Sarah. What about war powers? Should the Congress be exerting more power over the President?

MS. WEDDINGTON: Absolutely. I hosted four people who are essentially lieutenant governors in important segments of the country from Iraq last week with their two interpreters. And one of the comments one of them made was -- they were being very gentle. They didn't want to criticize. They were here as guests of our nation.

But he said he really wished that before a decision had been made to invest, someone had learned more about the religious difficulties in the country, its past, the problems that were likely to be faced.

And it was interesting. I wanted our university newspaper to be able to interview these individuals. And the State Department said no, it would be too dangerous for people back in Iraq to even know that they were here.

I think we look at it from the, Should we go to war, should we not go to war. But we seldom look at it from, "What has it done to the people who live and who are trying to make workable that country?" I really believe if Congress had been more involved in that situation, first, there would have been more certainty about the facts involved, which there clearly weren't. And, second, there would have been a wider scope of -- of investigation about various aspects. I would say yes, given what we've learned from the current situation, we definitely need to expand the involvement of Congress in a decision to go to war.

MR. SCHIEFFER: Rich.

MR. LOWRY: I strenuously oppose that proposal because I think it runs fundamentally counter to the Founders' -- the Framers' intent. And the Framers gave the President of the United States the power to make and wage wars for a very good



reason; and that is, they had seen the experience of the legislative body in the form of the Continental Congress waging a war. And those were very impressive people in that body, and it was a disaster.

And it didn't have to do with the quality of the people. It had to do with the very nature of the legislature having to manage a war. Legislatures are open and deliberative bodies. They're not Executives. It's not what they're good at. It not what they're meant for.

And people say, Well, Congress has the power to declare war. And it does. But a declaration of war is a very specific thing meant to, you know, declare a state of total enmity between two nations. And the Founders realized there would be many military conflicts short of that.

So I think the system has served us well throughout our history. I think it continues to serve us well. And the fact is, Congress does have very important powers in this regard. Authorizations of war have sort of taken the place of declarations of war. If you oppose a major military conflict that is put before the Congress, you vote against authorizing it.

If that war happens anyway and it goes badly and you think it should stop, Congress has the power to cut off the funding for the war, and the President of the United States can do nothing about it. And this -- these are very important powers. And it's just not a matter of theory. We saw in the Vietnam War Congress actually used those powers to bring -- help bring an end to a conflict.

MR. SCHIEFFER: Joe.

MR. LOCKHART: It's an unusual time in our politics where I'm going to agree with Rich. I actually think Congress has sufficient power. I think both Congress and the Executive Branch need to start taking those powers a little more seriously and a little less politically.

Let's remember, when the resolution went in to authorize the Iraq War, it was done specifically and purposely just before the midterm elections. And it was, among other things, a political act by the President daring the Democrats to oppose him just before they went and saw the voters. It was not, I think, what the Framers had in mind when they looked at checks and balances and the power to go to war.

Congress needs to take those powers and use them, I think, more seriously and more wisely. I think if you look back at 2002, the Republican leadership saw this as, Let's push through the President's program, much like his tax program and his education program. Democrats saw it as a political minefield and a trap. So I



don't think we need to expand Congress's powers. We just need to get them to take their role much more seriously and start making decisions based on what they think the national interest is rather than their own political interest.

MR. SCHIEFFER: Fred.

(Applause.)

MR. GRANDY: Well, I -- I was pleased that Rich mentioned, you know, the historical antecedents of this, and particularly the founding of this Republic because one of the great fights over military power in the early days of George Washington, John Adams, and Thomas Jefferson was whether or not we should have a standing Navy. Adams was for it. A lot of members of Congress were not. They thought it was a gross usurpation of power. And, fortunately, in that matter, the Executive prevailed. And I think that argues for Executive decisions when it comes to waging war.

And I have to agree, also, with Joe. I think the powers are there for Congress to exercise. But, unfortunately, we live in such an incredibly delicate political sensitive world that even though there is a majority in Congress that ostensibly opposes this war, they have not seen fit to cut off the funding for reasons that in many cases are legitimate. They don't want to hamstring the troops. They're afraid about the message it sends. But those deliberations are all important.

Having said that, I would -- I would just add that I was a member of Congress when we voted on the first Gulf War. And I want to emphasize that we voted. We had something like 10 or 12 hours' of unending debate, where just about every member got a chance to weigh in on this.

And it was the finest 10 hours I spent as a member of Congress. There was no subject that was not touched. And at the end of the day, George H.W. Bush was given congressional authority.

I yearn for that kind of discussion again. The same rules prevail now that prevailed then. But the political climate seems to chill that kind of debate. How we get that back, I think, is a subject far beyond the War Powers Act.

MR. SCHIEFFER: You know, let me just interject. I've been in Washington more than 30 years. And I would certainly agree with you on that. I thought it was Congress's finest hour. And it was the way that when you come to Washington and tourists come here and they go to see the House and the Senate in session, you just wish that every time a visitor came into the gallery, they would hear the kind of debate that we heard during those hours.



MR. GRANDY: Yeah, I agree.

MR. SCHIEFFER: It really was something that I think made every American proud, no matter how you felt on the issue.

MR. GRANDY: Had we only known to make a CD, we could watch it now.

(CD ends.)

MR. FREEDMAN: Well, I think there are two issues. One issue has to do precisely with the balance of power between the Congress and the President on this issue. But then there's a question of how clear that balance is defined and what the division of power actually looks like. There's been a 30-year struggle over the meaning, the interpretation of the War Powers Act and how it -- how these powers should be allocated among the two branches. And that should be unacceptable.

Larry Sabato writes that the division of war-making powers between the two branches remains murky at best. And I think that's extremely dangerous. And we really -- we want to see a clarification and an articulation of exactly where this balance is.

MS. CRIER: I think certainly that's the case. But there has been a tendency toward this unitary presidency that's occurred in the last several years that should give certainly the Courts at some point time to deliberate on expansion of certain powers in what appears to be war-time circumstances.

But I think, as basically Joe and Rich said, the powers are there. And the debate comes down to a political one. Will one body or the other assert for the right reasons or will they simply assert for political reasons or fail to assert the position already given to them by the Constitution? So we need nothing further.

MR. SCHIEFFER: I thought one of the most interesting proposals that we've seen in this list is that one way to check power, I suppose, is to dilute it. And one of the proposals is, Should the size of the House of Representatives be expanded so members are more closely connected to their constituents?

Who'd like to lead off on that?

MR. GRANDY: I don't mind, having been a member of the House. This is the singularly-most, I think, terrifying issue that is before us.

(Laughter.)



MR. GRANDY: And I'll just tell you why. I mean, obviously, on its face it looks good - more representatives, smaller, obviously, groups of people to be represented. In the paper that we have, as you recall, when the first Congress sat in 1787, there was one member per 65 citizens. There's now something like one member of Congress to about 700,000 citizens. But I would also say that in the kind of media-intense, highly-charged professional political climate we are in, what we have already in terms of the 435 members of the House -- and I specify the House because Senate seats are not re-apportioned; they are obviously statewide.

I look at a thousand-member or an increased size of the House as a license to gerrymander that would far exceed anything that my former colleague Tom DeLay dreamed up in Texas, which was ultimately struck down.

We already have, I'm afraid, an increasingly galvanized Congress where seats are re-apportioned to assure their longevity and force members into constituencies that perhaps are more comfortable because they represent their views but in so doing deny members the -- I think the responsibility to hear different points of view.

Fortunately, I represented Iowa, which has a completely antithetical view to this. All redistricting is done by computer. They throw out a map every 10 years, and the legislature has to vote up or down on the map. They cannot revise it. They can only approve it or reject it.

What this has created is large districts where Republicans and Democrats and people with a lot of different ethnic and nationality [sic] have to get together and petition their member of Congress. And what that has created, I think, is a balance in a delegation that is perhaps now the exception rather than the rule.

I'm afraid that if you increased the size of the House, you would proportionally increase the mischief that I'm afraid apportioning or by another term, apartheid, could bring.

MR. SCHIEFFER: Let me just ask this: Is there anyone on the panel who thinks it would be a good idea to increase the size of the Congress by a substantial margin?

MR. LOWRY: Well, Larry talks about also increasing the Senate and especially the big states. And I really do not think New York and California need more Senators. I would be open to the idea of subtracting one from Vermont perhaps. But I think Fred is absolutely -- absolutely right.

The real scandal here is not that we don't have enough representatives. It's that you don't have enough competitive elections. You know, and California is the poster child for this. And the state legislative races and the congressional races --



I think -- in 2004 I think no one lost. And maybe in the election before that, one person lost. I mean, that's just an outrage, and that's what we should be looking at fixing.

MS. WEDDINGTON: Could I add one quick comment, Bob?

MR. SCHIEFFER: Yes.

MS. WEDDINGTON: The other thing, just to tie on to Fred's, is when I think of the -- what a member of Congress, especially the House, is valuable for, much of it is the constituent service their offices do. And so in the book, Sabato is talking about currently each has an average of about 19 staff members. And so you would reduce by half the staff in each member of Congress's office to spread them around.

I don't think there ought to be more House members. Maybe they ought to have a few more staff members. But it is because of the importance of the role of the staff in being constituent. When I hear people talking about their member of Congress, they're usually not talking about something the member per se did but rather something the staff did to help them go through the labyrinth of the federal government.

MR. LOCKHART: Well, I would just add, I think the estimates in this next election, 2008, is we'll spend \$3 billion electing a President and 535 members of Congress. I don't think we need to add more money to the system. And we should try to find a way to lessen the value of the people who are able to support these campaigns. And by -- if you double the members of the House -- of the House and increase the Senators, you would just increase the importance of the special interests on both sides.

MS. CRIER: Given the cost of the embassy in Baghdad, can you imagine what it would take to rebuild Congress? Just the building?

MR. SCHIEFFER: Well, I mean, I -- when I came to Washington, most members of Congress or many members of Congress didn't even have press secretaries. And they just handled their own -- their own business with -- with the press. And now when I see this proliferation of staff -- and I know, Sarah, that they do perform a lot of constituent services and all that and that's important. But when you think now, you know, the Chairman of the Subcommittee on House and Skins (ph) has this full staff and all these various committees, I just wonder about, you know, all these -- all these staff members. And I'm sure they perform valuable services back home. But I just wonder what the impact of that would be.



We're about ready to start taking questions from out in the office -- out in the audience. So if you want to all step up to the microphones -- Catherine, you want to say one other thing?

MS. CRIER: No. I'll just say before we leave that, I hope we don't -- we don't pass over the Senate question because, to me, that's the much more intriguing question than modifying the House.

MR. SCHIEFFER: Well, say what you'd like to say about that point.

MS. CRIER: Well, I do find it intriguing that 17 percent of the country, based upon the division in the Senate, can basically shut down activity in the Senate. And as we heard on the previous panel, where now the 60-vote margin seems to be the norm, we find a Senate that is ineffective at best and dominated by 17 percent of the population of the United States of America. And I don't think that's what the Founders intended.

The resolution on the -- the decision on the Senate was a compromise position during the constitutional convention, and I think that is worthy of re-examining.

MR. SCHIEFFER: Well, that was a question I was going to propose or talk about while people were lining up. So let's just finish up the discussion of that. Should something be worked out that would change the idea of the filibuster in the Senate, which can, of course, bring things to a halt?

MR. FREEDMAN: I just -- I want to say one last thing on behalf of this poor proposal to expand the size of the House of Representatives because while I appreciate what my colleagues have -- the concerns that have been raised -- Rich Lowry likes competitive elections. I do, too. I think they're important for a healthy democracy. And I see expanding the number of representatives as a way to erode -- really break up some of the incumbency advantage that has, I think, led to a good deal of mischief in the House of Representatives now. So I think that that would be one advantage of it.

I like representation. Geraldine Ferraro quoted New York State Governor Al Smith who said, All the ills of democracy can be cured by more democracy. I think that's a good operating principle for us as we think about evaluating many of these proposals. The criterion of greater and more equal voice for citizens is one that I think might guide us as we evaluate these. And from that perspective I think providing people more voice, more contact with a representative, and greater representation in the aggregate, I think, is a good thing. So I'm going to simply say that by way of being the advocate for that -- for that poor --



MR. SCHIEFFER: Let's talk a little bit about the filibuster because, as we all know, when the Founders devised the House and the Senate, the idea was that the House would be the body closest to the people, and then the Senate would be the place where things sort of cooled off. It was designed by -- by design it was supposed to operate slowly, not operate quickly.

Is the filibuster something that's outlived its time, do you think, Fred?

MR. GRANDY: Never having served in the Senate, I never got the opportunity to abuse the filibuster so it's hard for me to say. I do find it interesting that when the Republicans still held the majority in the Senate, they were totally opposed to it. We haven't heard a peep out of them since they lost the majority. So it seems to be a tool that the minority can use to at least gain an equal footing.

Is that a good thing or a bad thing? If you're arguing that -- that, you know, you should have a majority rule, then it should be 50 plus one that wins most votes. Having said that, I wasn't in favor of getting ready to filibuster when Bill Frisk was the majority leader. And I wouldn't be in favor of it now that Harry Reid is because I think that it's a tool -- once again, perhaps as line-item veto is or the balanced budget amendment is -- to the President and Congress. It's a tool that has been abused, but I'm not necessarily sure it rises to the level of constitutional correction.

MR. LOCKHART: Well, I -- I think the system is working with rare exceptions -- and I think the filibuster is one of them -- exactly the way the Framers wanted it. They wanted a cautious, slow-moving government.

MR. SCHIEFFER: All right.

MR. LOCKHART: And the question now is: Is that outdated? So I do think it reflects -- the filibuster itself is like anything. It's a rule the Senate put in. And it, like any rule, gets abused. And I do think that there is value to slowing down the process, particularly at a time when the media can create a wave that politicians get on, and they work themselves up into a place and do things before they've considered all the consequences of an act.

I think as a simple way to make things a little bit better right away is to go back to the real rule of the filibuster, which is not you sit in your office and you put a cloture vote off two weeks. You force someone to go to the floor and talk and do what they used to do when they -- when they came up with this rule because I think you'd find a lot -- a lot less Senators -- I think you'd find Senators more willing to compromise and more willing to go home on the weekend and not stay up all night talking and reading the phone book.



MR. SCHIEFFER: All right. Rich.

MR. LOWRY: I agree entirely with Joe. So maybe this is --

MR. LOCKHART: Are we in the right room here?

MR. LOWRY: -- really getting scary, yeah. But I'm probably more favorable to filibuster than Joe is. But the fundamental point is it's supposed to be hard to get things done in our government. It's supposed to take time. And this SCHIP debate -- the filibuster hasn't been in play, but it's a good example of it. Whatever you think of the substance of the issue -- some people think it's, you know, absolutely necessary to our children's health; other people think it's, you know, a terrible step towards socialized medicine. But what we have is, you know -- the President has the veto power. And it takes a lot in Congress to override that veto. And we have something of a stalemate. And there will either be a compromise, which in the scheme of things, even if it doesn't satisfy either side is a good thing and is one of the great strengths of our system is the extent to which it promotes compromise, or we'll have a continuous stalemate. And then it gets decided in an election in 2008, another good way to -- to resolve such a dispute.

So I think the system is working, and it's working in the way, essentially, that the Founders intended it.

MR. SCHIEFFER: All right. Sarah.

MS. WEDDINGTON: I think this is an excellent example of the kind of thing the Texas constitutional convention spent a lot of time on that not one citizen cared very much about. And so I'm -- I'm going to have to look at it more. It's not something I feel strongly about. I haven't looked at what the League of Women Voters has said. I feel sure they've studied it.

But what I do know is that this is something that is an illustration of the kinds of things that don't arouse the passion of people to vote and wouldn't get them involved in something like this.

MR. SCHIEFFER: All right.

MS. WEDDINGTON: So I think we really have to look at what are the key things, what are the most important things to try to present and work with. And that would not come up to that standard.

MR. SCHIEFFER: All right. Well, let's go to the questions out there. We'll start here on the right.



FROM THE AUDIENCE: Hi. I don't want to speak for all college students. I do just want to touch on something before I ask my question. I do know that the majority of college students actually either do volunteer or work or do both, especially with the high rate of college costs now. Most students actually work to put themselves through school. And I know I work two jobs in the summer, and I also volunteer during the school year. So I just did want to say there are a large majority of college students that do work or volunteer.

I think the bigger issue is getting our generation registered and getting them to vote. The 18-to-24 demographic is known -- very well known as not voting, not participating. And I want to know what your thoughts -- you briefly touched on it, but I want to know what the thoughts of the panel were on the automatic voter registration idea because I think that's a bigger issue for our generation.

MR. SCHIEFFER: Who'd like to take that question?

MS. CRIER: Who doesn't support it?

MR. LOCKHART: Listen, I think if -- at various times in our history -- we've made people be eligible at 18 for the draft, and we -- and when you earn money in this country, you are absolutely obligated to pay taxes. You don't have to go and prove that you earned the money. You don't have to prove that you're a resident of a certain place. Voting should be seen as an inalienable right. And the government ought to make it as easy as possible. And it ought to be done as part of a, you know, right of passage at a certain age.

It's -- you know, this is a very politicized issue by people who want some people to vote and don't want other people to vote. And that has shifted over time so it's not one party or the other. But we need to -- it seems to me we need to take politics out of it and let the technology take over and let people who are of age be eligible to vote and remove the barrier rather than creating one.

MR. SCHIEFFER: Does anybody on the panel disagree with that?

MR. LOWRY: Yeah, I do.

MR. LOCKHART: Thank God.

MR. LOWRY: I do.

MR. LOCKHART: Okay. I'm really uncomfortable.

MR. LOWRY: I really don't think there's problems in having to show some initiative to register and to vote. And my guess would be -- I can't prove it -- that if you have



automatic registration, all those people that you're automatically registering aren't going to bother to show up at the polls anyway. So I entirely agree with the questioner about how important it is for young people to vote. I think Washington -- you see the effects in Washington almost every day of young people not voting because a huge part of what happens here in Washington is based around funneling money and entitlements to the elderly and I believe giving young people a very raw deal. And that is done for a lot of reasons. But one of them is because the elderly actually get out to vote and young people don't.

MR. GRANDY: Bob, can I just --

MR. SCHIEFFER: Sure.

MR. GRANDY: -- ask a question? And maybe I'm roiling the waters a little bit. But if you have automatic voter registration, do you need to precede that with some kind of national identity for citizenship so that we know that people that are automatically registered to vote are indeed citizens of the United States? This obviously throws the whole question of illegal immigration and citizenship and amnesty and all the things that Congress has torn itself up over the last year. But since this is a subject that is of quite significant importance in this immediate area, I'm just -- I'm just asking that question whether or not you would need certification of citizenship prior to the institution of automatic voter registration? Does one have to precede --

MS. CRIER: Well, I may be wrong, but I think Larry's proposals all tie the various forms of identification when you are ultimately getting your -- your registration. But so much of the objection comes down to voter fraud. And yet study after study after study demonstrates that problem is minuscule if not virtually non-existent. And the whole issue of voter fraud to counter the notion of some sort of universal registration seems to me a fallacy on its face.

MR. SCHIEFFER: Okay. The next question on this side.

FROM THE AUDIENCE: Yes. If a state legislature, on its own, proposes, ratifies, and then follows the process and obtains the necessary three-quarters majority of the state legislatures to ratify the same amendment, constitutional amendment, would that amendment be constitutional and effective in our Constitution? Or is there any specific language in the Constitution that would forbid or prohibit such an attempt by state legislature or any entity, in fact?

MR. SCHIEFFER: Who would feel legally qualified to answer that?

MR. LOWRY: We have a lawyer among lawyers.



MS. CRIER: I'm not sure I got that. But if you've got -- if you've gone through the ratification process as established by the Constitution, the States, then it is a ratified amendment to the Constitution, which has occurred numerous times in our past. So I think the question is -- is a little bit self-explanatory.

(Video missing.)

MS. WEDDINGTON: -- the states to legislate. And since then the Supreme Court has expanded that opportunity to legislate. But I very much believe that part of the reason we value being citizens in this country -- why we argue about it, why we have all the participation we do is because we do believe that we have rights of privacy as citizens. And exactly how far that goes, we are still working it out. But, again, I do believe that there is inherent in the Constitution and the Fourteenth Amendment -- some argue the Ninth Amendment -- in fact, at one point in the hearing, the Supreme Court -- one of the Justices, Justice White, said to me, Where in the Constitution do you find this right, Ms. Weddington?

And I said, Your Honor, in our brief we have argued the First, the Fourth, the Fifth, the Eight, the Ninth, the Fourteenth. And he said, In other words, anywhere we'll find it is okay with you? And I said "Yes," but I think the chances are best on the Fourteenth and the Ninth. And that's still what I would say.

MR. SCHIEFFER: Anyone else?

MR. LOWRY: I do not believe there is a generalized right to privacy in the Constitution. I think that the reason why so many amendments are -- are pointed to as possibilities where it might be is because it's not there. But there are many rights that do protect your privacy. But there's not a generalized right to privacy. And I think one of the deformations that we have in our system from what the Founders intended -- one of the biggest is how Judge -- the Judicial Branch has overstepped its bounds and become, in certain circumstances, effectively a legislature, which is absolutely the opposite of what the Founders intended. And, unfortunately, I don't think any of Larry's proposals would address that very serious issue.

MS. CRIER: The right to privacy is something that inerts to the people, not to the legislature. And the right to privacy has been discovered in the Constitution and legal arguments long before *Roe vs. Wade* began to define that term, long before it was one issue of reproductive rights. And I thought, most interestingly, not too long ago it was those to the right of center that came before the Courts and argued that when their children were being taught sex education at a relatively young age in the school system that they as parents had the right to dictate the terms under which their children were instructed and what was taught and what was not. And the fundamental arguments I made to the Court was one of the right to privacy.



So it all comes down to the old, Whose ox is getting gored as to whether that exists.

MR. SCHIEFFER: Okay. Over here? Over here, yes.

FROM THE AUDIENCE: Yes. In discussing the line-item veto, the notion of pork barrel spending came up. And I'm wondering some suggestions the panel might have as to how to cut down on pork barrel spending. We each owe about \$35,000 as part of our share of the national debt. And I'm wondering what you'd suggest to cut that down.

MS. CRIER: I've been waiting for this one. This is a real bugaboo of mine. And I don't know why there aren't more people -- maybe it's just insane, more people not making this argument. But when the general welfare clause was designed in our Constitution, Thomas Jefferson was questioned about the meaning of that welfare clause such that Congress can act for the general welfare of the people of this country and not for specified constituents.

And, in fact, there were some of our Founders who were then acting as members of Congress who would try to get legislation passed to help the little widows and orphans or to help the people whose families had been put out by the fire, these sorts of circumstances. And time and again they were told there is no place in the Constitution that allows for the benefactors select groups here and there but only those acts that provided for the general welfare.

Thomas Jefferson was challenged that it wasn't specified enough. And he wrote and made it very clear in his letters in response as to what the general welfare clause meant in this country. It, in fact, was the Supreme Court that in 1936, I believe it was, decided for the first time that Congress could pass whatever legislation it deemed to help anybody they thought it was appropriate to help. Up until that time, it was antithetical to contemplate Congress patching -- passing legislation that would help select groups, special interests, and not only act for the general welfare of the members of the United States of America.

So I think that if we would reverse that Supreme Court decision in '36, go back to the intent of Congress, let the state legislatures take care of individuals and their problems, we could easily get rid of pork barrel politics.

(Applause.)

MR. SCHIEFFER: Go ahead, Fred.

MR. GRANDY: I would also have to reiterate that if you look at any budget in any given year submitted by the administration and approved and voted on by



Congress, the lion's share, of course, is non-discretionary spending, the advancement of automatic entitlements, of Social Security, Medicare, Medicaid. Those are things that really, I think, drive up most of the spending.

Now, having said that, the discretionary piece is very heavily earmarked. And just kind of following on Catherine's comments, I would have to say perhaps one of the most pernicious laws we ever passed then was the Interstate Highway Act in the '50s, which created a public works license where most of this discretionary -- i.e., pork barrel, depending on what district you're from -- was created.

There are provisions that are now becoming perhaps a little bit more evident to people that pay attention to this; for example, the kinds of secrete earmarks that are put into congressional bills that you don't know about until they become law. There's been some discussion, particularly by this particular Democratic Congress, to do more about that, not enough in my view.

There are now, supposedly, violations of rules in Congress. And, again, I apologize for inside baseball, but the rules of Congress, as I understood, is if the Senate passes something and the House passes something, once they go to Congress and deliberate, you cannot add something to that. You can only take things out. That rule is being violated, too.

So even if you have the line item veto as a provision to perhaps curtail discretionary spending, there are all kinds of bells and whistles and games that can be played because -- trust me on this -- members of Congress are better at this than you.

MR. LOCKHART: I've got a much easier solution, I think, than overturning a Supreme Court case, which is voters changing their attitudes. Congress -- members of Congress are fairly easy to predict. They're not complicated people, with all due respect. They react to -- they react to what their constituents, the ones who are engaged, the ones who are going to vote, what they want. And there's a game that's played, which is, you know, Can I get more for my district than what the national average is? Which means, can we pay less and get more where we live?

Well, if people are going to think that way and they're going to vote that way and they're going to reward the people who bring home the most pork, which they do in every election, I don't -- it doesn't matter to me how many laws you pass because, as Fred just said, Congress will figure out a way around. It's like campaign finance laws. The ink isn't even dry before there's a bunch of people sitting here in Washington saying, Oh, I've got a way around this.



So it goes to some of the other things that we're talking about here. If people don't take a larger national interest view and they don't vote, well, then they can complain, but it doesn't really mean anything.

Members of Congress -- I confidently predict, if there was a seat changed in this country and people started saying, Stop worrying about these pet projects; start worrying about the national interest, 435 in the House, a hundred in the Senate would get right on board. But until that happens, they're going to do first what helps them get re-elected and then, second, what maybe will help the country as a whole and what goes towards their ideology. But it's just the way the system is. And, you know, frankly, it's not going to change here in Washington. It's going to change by people deciding to get engaged and sending a different message to their members.

MR. SCHIEFFER: Okay. Over here.

FROM THE AUDIENCE: Hi. I'm a student at the University of Virginia. And the panel was earlier discussing their concern that Americans aren't taking a greater share in the war. And I think that is -- I agree with you. And I think it's something that we can take a part in. We can't take an equal share as the soldiers, obviously. But one thing we can do is support organizations like USA Cares that help military families in need. And so I really challenge everyone in the auditorium and the whole country to do so because in a lot of situations, there's reservists who are making, say, 80,000 right now -- before they go -- I mean, earlier. And they go into war, and they're making a lot less. And then right now a lot of people are getting evicted from their homes, can't make their payments because of this change in income that they weren't foreseeing. And so I think as a nation we must help them out. And you can do so through USA Cares and other organizations. So I want to see what the panel would think about that.

MR. SCHIEFFER: Well, I think that's -- I think that's a very good suggestion.

Over here.

FROM THE AUDIENCE: Yes. There's a certain irony with us having this symposium today because it was in 1939 that Mr. Smith Goes To Washington came out so I'm sure that would have fit in well.

I was struck by something on the back of the program, a quote by Jefferson which I think most of us would agree was one of our more enlightened Presidents. And he was saying, No society can make a perpetual Constitution or even a perpetual law. The earth belongs always to the living generation. Every Constitution then and every law actually expires at the end of 19 years, if it be enforced longer is an act of force and not of right.



19 years I found curious. I also found curious that in the Constitution they specify that no member of Congress should have more than 30,000 constituents, which means we wouldn't have a thousand but 10,000 members of Congress.

So the numbers in here are somewhat arbitrary. But my question is: Because technology has become so ubiquitous in our society, the Framers could have never predicted the world that we live in today. And doesn't some of what Jefferson is saying here need to be taken into context with respect to what technology has done affecting our society, our cultural values?

MR. SCHIEFFER: Paul, do you want to talk about that?

MR. FREEDMAN: Well, I think the tradition includes a spirit of re-assessing and re-evaluating what we have and what we're doing and how we go about structuring our government and our politics. I think you're absolutely right that part of that today means thinking carefully about the implications of really massive technological changes that have the potential to transform how we deal with one another as citizens, how we deal with our elected and unelected representatives and public officials, and how we communicate with one another in a political democracy. And so some of the most exciting -- some of the most interesting developments and those most worthy of study and really careful scrutiny involve, for example, the role of the Internet in transforming the media landscape and -- as well as the role of new technologies in helping us to actually express our will as a people and as electors and facilitating voting.

And so I think you're absolutely right to point to that as something that really goes to the heart of many of the issues we're discussing today.

MR. LOWRY: This is heresy for a UVA guy. But I just have to say, Jefferson was wrong. You know, I think the Framers -- they were smart enough and wise enough to realize they couldn't predict all of the changes that were going to happen in this country. And they didn't want to. What they did is set up a framework of government, very basic, that they thought was sound, which they succeeded at, and to protect very basic rights, which they did and succeeded at, and then leave a lot, you know, up to the political process. And this is the key point about the -- the war powers we were talking about earlier. Paul, you were talking about how fuzzy they are. Well, I think they were deliberately left fuzzy to some extent for the political process to work out and to leave that flexibility for changed circumstances that couldn't have been foreseen 200 years ago.

MR. SCHIEFFER: Go ahead.



MS. WEDDINGTON: The other thing is, I think, at the time the country was formed, the Constitution fit. It's like clothes we had when we were much younger than we are today. They fit at that time. But as we have grown, as we have learned, as we've experienced different things, you have to change it to make it fit.

And so I certainly do think it's always good to be going back and looking and seeing what fits, what works. What bothers me is still the language of a new Constitution. For example, on page 54 in Sabato's book, he talks about the new Constitution.

See, I think if we left here and said, We're going to have a new Constitution, the whole country would throw up all these compromises. And we don't want to start all over, although there are things that could be changed.

So whether we talk about the new provisions or whether we talk about ways to change how government operates or -- there needs to be some other language that we use. But I don't think a new -- I think a new Constitution is not something, whatever side we're on, that we would really be in favor of.

MR. SCHIEFFER: Let's see. Who's -- this side or that side? Over here.

FROM THE AUDIENCE: In the past as well as this year, the emphasis has been on integrating and encouraging the youth to participate in the political culture. National service question: Would the panel or -- I'd like to see what -- the panel's reaction on that, some national service requirement for the youth. It could be military or non-military -- not to get into whether we need to reconstitute the draft, et cetera, but a military or non-military option for the nation's youth, 18 through 25, to invest them in a forced way, not in a mandatory [sic] or voluntary way, but in a forced way that they do, indeed, have two years' at stake in the system; and, therefore, they are invested.

And does the panel think that something -- an effort such as that, aimed at that audience -- and we can still volunteer when we're old. Some of us do. But would -- does the panel think that -- directed at the youth, a national service requirement, civilian or military, would be a good idea to encourage more participation by the youth?

MR. SCHIEFFER: All right. We're right at the very end so I'm just going to go down the line. And maybe we can all just give our answer to that in a sentence.

I favor national military service and national service.

MS. CRIER: National service but not at all exclusively military.



MR. FREEDMAN: Yeah, I like the idea.

MR. GRANDY: National service but voluntary, always voluntary, and from the bottom up not the top down.

MR. LOCKHART: I think national service is a great idea and probably the best way to invest people, as you said, in the system, which is the big missing link right now.

MR. LOWRY: I oppose mandatory national service.

MS. WEDDINGTON: I also oppose national mandatory service, but it's more -- two things. The Carter -- the Carter Administration really looked at it because it's so attractive as an idea. All youth should invest in the country. Look at all the problems we have that -- young people have such energy. So many of them have such a wonderful skill base that we could really use. But when we started trying to look at, well, how much would it cost? Where would you place all these young -- all the things that you have to think about -- and not just the idea of it but the practicalities -- it just seemed overwhelming in terms of what you'd get out of it versus what it would cost.

Now, I certainly would favor something that would help -- either through funding or through organization or whatever to make more and varied opportunities available. I'd guess a third of my students now go in to Teach for America for a year or two years, most of them two, before they go to law school or graduate school of any kind. So trying to expand the number of voluntary service opportunities I would really favor. I do not favor mandatory.

MR. SCHIEFFER: All right. Thank you all very much.

(Applause.)

MR. STROUPE: Thank you, Mr. Schieffer, and thank you again to all of our panelists. Would you join me once again in a round of applause for our guests who have joined us today.

(Applause.)