



The Dangers Lurking in the Upcoming Lame Duck Congress

In anticipation of the Republican sweep in the elections on Tuesday, Senators Mike Lee (R-Utah) and Ted Cruz (R-Texas) [wrote](#) to Senate Majority Leader Harry Reid (D-Nev.) in September warning him not to offer any significant legislation during the lame duck session following the elections. Knowing Reid, they presumed the worst from him:



Presumably, a lame duck session would be used [by you] to try to pass partisan, unpopular bills in November or December that might be indefensible before the ... election....

Deliberately planning to reconvene the Senate in a lame-duck session to address major new legislation would subvert the will of the American people, lessen accountability and do lasting damage to the dignity and integrity of this body's proceedings.

Libertarian economist Donald Boudreaux no doubt thinks Lee and Cruz have understated the danger:

It is the rare politician, of whatever party, who reliably puts principle above personal interest. As a rule, politicians are untrustworthy, duplicitous and cowardly; they are people who have the unusually powerful craving for power and fame; and the successful among them typically possess an unusual talent for camouflaging their craving for power and fame as a saintly calling to "serve the people."

Putting party above principle (or in the absence of principle altogether), the potential for politicians such as Reid to cause serious mischief during the upcoming lame duck session has rarely been greater. There are the slew of administration appointments that have sat on Reid's desk just waiting for the election to be over before submitting them to a Senate now filled with lame ducks, or "zombies" (as Jim DeMint, head of the Heritage Foundation, called them): unaccountable, uncaring, and thus feeling free to exact punishment on the American people for so indecorously sending them back home.

There are the "tax extenders" which automatically expire at the end of the year. There is the continuing resolution to keep the government's bills paid after the first of the year. There is the possibility of considering Attorney General Eric Holder's replacement, and the ISIS crisis, and the Ebola scare, and the Internet tax.

There's the very real threat by President Obama that he will unilaterally act on immigration either through an executive order or a "policy directive" to accomplish his agenda. As he noted the day after the election:

Before the end of the year, we're going to take whatever lawful actions that I can take, that I believe will improve the functioning of our immigration system....

What I'm not going to do is just wait.



Written by [Bob Adelman](#) on November 6, 2014

The 114th Congress, to be inaugurated in January, isn't likely to take kindly to such a bald-faced threat to override and ignore the responsibility of Congress under the Constitution to draft, debate, and pass such legislation. They just might invoke the 15-day rule, whereby that body can revoke such an executive order just as it did when then-President George H. W. Bush issued EO #12806 concerning fetal tissue research. In that case, the Senate simply directed that "the provisions of [the EO] shall not have any legal effect." Period.

But the remnants of the 113th would likely welcome such an abrogation.

Lame duck congresses in the past have taken advantage of the lull between election and inauguration to pass bailouts, increase debt limits, and extend and expand special-interest corporate tax breaks with impunity.

Mark Twain was right when he said, "No man's life, liberty or property are safe while the legislature is in session." This was never truer than about lame duck sessions — especially the one about to be called by the head lame duck himself, soon-to-be former Senate Majority Leader Harry Reid.

Photo of Senate Majority Leader Harry Reid (D-Nev.): AP Images

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