



Written by [Steve Byas](#) on February 27, 2016

Is Getting More Laws Enacted the Job of a Legislator?

"It is better to kill a bad bill than to pass a good one," President Calvin Coolidge once observed. His predecessor, President Warren Harding, similarly commented in rejecting the progressive political philosophy, "All human ills are not curable by legislation."

Despite these sage words by two of the more conservative presidents of the last century, it is typical for a candidate for higher office, who presently occupies a legislative office, to be judged by the number of additional laws he or she has managed to have enacted.



This was the tactic employed by liberal MSNBC commentator Chris Matthews in challenging the presidential candidacy of Senator Ted Cruz (R-Texas). In an interview after Thursday's presidential debate, Matthews asked Texas Governor Greg Abbott, who supports his fellow Texan's presidential bid, what bill of Cruz's had gotten 60 votes in the Senate. (Matthews said 60, because he is presuming that any Supreme Court justice appointed by Cruz would need 60 votes to break a Democrat-led filibuster).

Abbott endorsed Cruz Wednesday, a few days before the critical Texas presidential primary, where Cruz is thought to have a good chance to defeat New York businessman Donald Trump. Abbott said Cruz was "a leader we can trust to restore our values and move this country forward."

An argument that Cruz made during Thursday's debate in Houston for his candidacy was that he is the lone primary candidate who can be counted on to appoint a "principled constitutionalist" justice to the Supreme Court. Following the debate, Abbott told Matthews, "He's proven he can do it in the past. He'll do it again as president."

So Matthews asked Abbott for an example of Cruz's ability to get a bill passed in the Senate. Abbott's response was that Cruz had put together "a nationwide coalition to support the *Heller* decision" — a 2008 Supreme Court case in which a majority of the justices affirmed that the Second Amendment recognized that the right to keep and bear arms was an individual right. At the time, Cruz, as solicitor general of Texas, was a leader in the legal effort that won in the Supreme Court.

Matthews dismissed that achievement as irrelevant to whether Cruz could get enough votes to win confirmation for a nominee to the Supreme Court. Abbott could not offer an example of a bill Cruz had won passage of, but insisted that Cruz as president would be able to get a conservative nominee confirmed.

"We do not want someone as president who will not appoint true conservatives to the United States Supreme Court," Abbott declared.

Regardless of what one thinks of Cruz as a presidential hopeful, this is an excellent illustration of the dangerous mindset held by far too many voters: that the purpose of a legislator — either at the state level or in Congress — is to pass more laws. And if you haven't padded the statutes books with even



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more laws, you do not deserve a promotion. On the contrary, it could be reasonably argued that the country would be better off if many of the present laws were repealed. Furthermore, members of Congress who are able to have many laws passed are usually those who have had to cut deals that include supporting other members' bills that usually grow the size of government and lessen the liberties of the people.

It is also a stretch to compare the ability of a president to win confirmation of a constitutionalist Supreme Court judge to a member of Congress "bringing home the bacon" for his district. Senator Lyndon Johnson, another Texan from a previous generation, was a master at pushing through bills to expand the size, power, and scope of the federal government, and winning all sorts of pork for his state; however, he is hardly a model of a president we'd want naming life-time appointments to the federal bench.

Steve Byas is a professor of history at Hillsdale Free Will Baptist College in Moore, Oklahoma. His book History's Greatest Libels challenges many of the falsehoods often told about such famous historical personalities as Thomas Jefferson, James K. Polk, Warren Harding, and Joseph McCarthy.



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