

December 21, 2014 2:50PM

# Worst Congress Ever? You Must Be Kidding

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The Establishment media really love laws and government. NPR, the Washington Post, Huffington Post, Pew Research, NBC, Politico — [they're all lamenting](#) the “least productive Congress” ever. Or more precisely noting that the just-concluded 113th Congress was the *second* least productive Congress ever, second only to the 2011-12 112th Congress. But what’s the definition of a “productive Congress”? One that passes laws, of course, lots of laws. Congress passed only 286 laws in the past two years, exceeded in slackerdom only by the 283 passed in the previous two years of divided government.

Now journalists may well believe that passing laws is a good thing, and passing more laws is a better thing. But they would do well to mark that as an *opinion*. Many of us think that passing more laws — that is more mandates, bans, regulations, taxes, subsidies, boondoggles, transfer programs, and proclamations — is a bad thing. In fact, given that the American people pondered the “least productive Congress ever” twice, and twice kept the government divided between the two parties, it just might be that most Americans are fine with a Congress that passes fewer laws.

Is a judge “less productive” if he imprisons fewer people? Is a policeman less productive if he arrests fewer people? Government involves force, and I would argue that less force in human relationships is a good thing. Indeed I would argue that a society that uses less force is a more civilized society. So maybe we should call the 112th and 113th Congresses the most civilized Congresses since World War II (the period of time actually covered by the claim “least productive ever”).

Dana Milbank of the Washington Post ups the ante from “least productive” to “[by just about every measure, the worst Congress ever](#).” Seriously? Since I am confident that Mr. Milbank is not historically ignorant, I assume he’s just being rhetorically provocative. But just in case any of his readers might actually believe that claim, let me suggest a few other nominees for “worst Congress ever”:

The 31st Congress, which passed the Fugitive Slave Act in 1850

The 5th Congress, which passed the Alien and Sedition Acts in 1798

The 21st Congress, which passed the Indian Removal Act in 1830

The 77th Congress, which passed Public Law 503, codifying President Franklin D. Roosevelt's Executive Order 9066 authorizing the internment of Japanese, German, and Italian Americans, in 1942

The 65th Congress, which passed the Eighteenth Amendment (Prohibition), the Espionage Act, and the Selective Service Act, and entered World War I, all in 1917

Worst Congress ever? The 113th isn't even in the running.