Ending Bureaucratic Government

How Congress surrendered its constitutional responsibilities—and how to reclaim them



The Constitution created three branches of government.
It is time to restore their proper roles.

Americans often complain about government, but many are complaining about the wrong institution.

When citizens are frustrated by regulations, permit requirements, environmental rules, workplace mandates, healthcare directives, or thousands of other federal requirements, they usually blame the bureaucracy. Some call it the administrative state. Others call it the "deep state."

The truth is more complicated.

The bureaucracy did not create itself.

Congress created it.

Since World War II, Presidents of both parties have steadily accumulated powers that once belonged primarily to Congress. Some of those powers were openly delegated by Congress. Others were assumed by the executive branch and tolerated by Congress through decades of inaction.

The result is a system that would be largely unrecognizable to the Framers of the Constitution.

The Constitution established three branches of government. Congress was to make the laws. The President was to execute the laws. The courts were to interpret the laws.

Today, those lines have become badly blurred.

Congress increasingly passes broad and often vague legislation that establishes goals while leaving the difficult details to executive agencies. Those agencies then create thousands of pages of regulations to implement congressional intent. When disputes arise, the courts are left to determine what the regulations mean and whether they are lawful.

The clearest and most dangerous example of constitutional drift is war powers.

The Constitution grants Congress the authority to declare war, raise armies, provide funding for military operations, and regulate the armed forces. The President serves as Commander in Chief, responsible for directing military operations once authorized.

Yet since World War II, Presidents of both parties have increasingly initiated military actions without formal declarations of war and often without meaningful congressional authorization.

Congress bears part of the blame. Rather than defending its constitutional role, it has repeatedly delegated authority, tolerated executive expansion, or simply avoided difficult votes altogether.

The result is a system in which Presidents can often initiate military operations while Congress watches from the sidelines.

This is the exact opposite of what the Framers intended.

The Founders understood that no decision is more consequential than sending a nation to war. They deliberately divided war powers to prevent any single individual from possessing both the authority to decide upon war and the authority to conduct it.

Today, many military actions are justified through broad authorizations, emergency powers, executive interpretations, or precedents established by previous administrations. Each new precedent becomes the justification for the next.

The constitutional question is simple: if Congress must decide whether the nation goes to war, why has Congress allowed Presidents to make that decision?

A constitutional republic cannot function indefinitely if its most important decisions are made through executive discretion rather than legislative authorization.

The same pattern appears throughout the federal government.

In practice, all three branches now participate in creating public policy.

Congress writes broad aspirations.

The executive branch writes regulations.

The judiciary determines their ultimate meaning.

That is not the system the Constitution envisioned.

Consider a simple example.

Congress could pass a law stating that the Environmental Protection Agency should establish "appropriate air quality standards." That sounds reasonable, but who actually decides what those standards should be? Not Congress. The EPA must determine the limits, write the regulations, revise them over time, and defend them in court.

The most important policy decision has been delegated.

A constitutional government would operate differently.

Congress would determine the standards. It would establish the actual limits, requirements, and expectations through legislation. The EPA would then perform its proper role: measuring compliance, conducting inspections, issuing permits, and enforcing the law.

Experts should advise.

Congress should decide.

Agencies should administer.

Instead, Congress often avoids difficult policy decisions by passing broad legislation and allowing agencies to make the choices. When voters object, legislators can blame the bureaucracy. Agencies blame Congress. Courts blame the wording of the statute. Accountability disappears.

The result is a federal government governed increasingly through regulations rather than laws.

Millions of pages of regulations now affect the daily lives of Americans. Few citizens read them. Most members of Congress do not read them. Many businesses hire specialists simply to understand them. When disputes arise, years of litigation often follow.

This complexity is not a sign of good government.

It is evidence that Congress has stopped performing many of its core constitutional responsibilities.

The solution is not to eliminate expertise. Modern government requires scientists, engineers, economists, military planners, and technical experts. But experts should provide information, not make policy.

The responsibility for making policy belongs to elected representatives.

Congress should write simpler laws.

Congress should establish clear standards.

Congress should vote on major policy decisions.

Congress should reclaim the authority it has delegated away.

The goal is not to weaken government. The goal is to make government accountable. A constitutional republic requires expertise, but expertise must remain subordinate to democratic decision-making. Citizens should know who made the rules under which they live, and elected officials should bear responsibility for those decisions.

Restoring constitutional government requires more than better intentions. It requires structural safeguards that future Congresses and Presidents cannot easily ignore. For that reason, I would support the following constitutional amendment:

Proposed Constitutional Amendment

Section 1. No power assigned by this Constitution to any branch of the federal government may be transferred, delegated, reassigned, or exercised by another branch except through an amendment to this Constitution.

Section 2. Congress may authorize executive agencies to administer and enforce laws enacted by Congress, but all major national policies, standards, rights, obligations, taxes, tariffs, appropriations, and authorizations for the use of military force shall be established by statute enacted by Congress.

Section 3. Any federal law that delegates legislative authority beyond the administrative execution of law shall be void.

Section 4. Congress shall have power to enforce this article through appropriate legislation.

Congress must govern.

The President must execute.

The Court must interpret.

That was the original design.

It is time to restore it.

About the Author

G. Robert Jones is the author of *Restoring Constitutional Government*, *Beyond Gridlock*, and *Common-Sense Investing*. A retired logistics executive with more than three decades of management experience, he writes about constitutional reform, government accountability, and practical public policy solutions.

His most recent book, *Restoring Constitutional Government*, examines the growing concentration of power in the executive branch and proposes reforms designed to restore the balance envisioned by the Framers of the Constitution.

His books are available on Amazon.