

3 March 2010

Today's Tabbloid

PERSONAL NEWS FOR Ign@limitedgovernmentnetwork.com

FISCALLY CONSERVATIVE BLOG FEEDS

Tuesday Links [Cato at Liberty]

MAR 02, 2010 03:51P.M.

By Chris Moody

- Kids these days...New study shows that most Millennials think “the government should do more to solve problems.” But if you take a closer look at the data there’s also some good news.
- Al Gore’s latest global warming whopper.
- David Rittgers: Why both the Left and Right are wrong about using drones to counter terrorism worldwide.
- The case for reviving the “Privileges or Immunities” clause.
- Podcast: “Why *McDonald* Matters” featuring Timothy Sandefur.


UPDATE:

Cato Vice President for Legal Affairs Roger Pilon can scarcely believe it himself: *The New York Times* got it (mostly) right on the gun case argued today before the Supreme Court, while *The Wall Street Journal* missed the main point.

In a piece for National Review Online, Pilon discusses a subtle but critical point: Conservatives—including the ones on the Supreme Court—are right on guns, but they’re wrong on rights.

Cato VP for Legal Affairs Roger Pilon can scarcely believe it himself: the *New York Times* got it (mostly) right on the gun case argued today before the Supreme Court, while the *Wall Street Journal* missed it.

Roger explains why in a terrific post over at National Review Online [hyperlink—you’re right, NRO is down!].

Roger’s post is the best discussion we’ve seen yet of a subtle but critical point: conservatives—including the ones on the Supreme Court—are right on guns, but they’re wrong on rights. 

FISCALLY CONSERVATIVE BLOG FEEDS

Gift Horse Looked in Mouth, Teeth not so Good [Cato at Liberty]

MAR 02, 2010 03:21P.M.

By Andrew J. Coulson

Jay Greene heads up the Department of Education Reform at the University of Arkansas, which has gotten federal research grants in the past. Here’s why he’s now telling the feds to get out of the education research business entirely. 

FISCALLY CONSERVATIVE BLOG FEEDS

Earthquakes and Freedom: Chile vs. Haiti [Cato at Liberty]

MAR 02, 2010 03:17P.M.


By Ian Vasquez

Although some comparisons between Haiti’s 7.0 earthquake in January and Chile’s 8.8 quake this weekend have attributed the massive differences in devastation and lives lost (230,000 vs. some 700 respectively) to different enforcement of building codes and planning, the real reason for Chile’s superior ability to endure the disaster has everything to do with its vastly higher level of economic freedom, reliable rule of law, and the much higher level of prosperity that results. Here are three good articles that make those points:

Bret Stephens on “How Milton Friedman Saved Chile”

John Stossel on “A Tale of Two Quakes”

Anne Applebaum, “Chile and Haiti: A Look at Earthquakes and Politics”

And here’s a piece I wrote on Haiti explaining how economic freedom could have dramatically reduced death and destruction there. 

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Global Internet Freedom via Government Regulation? [Cato at Liberty]

MAR 02, 2010 02:55P.M.

By Julian Sanchez

This morning's Senate Judiciary Committee hearing on global Internet freedom opened with Sen. Dick Durbin (D-IL) announcing that he would "introduce legislation that would require Internet companies to take reasonable steps to protect human rights or face civil or criminal liability." Durbin's staff tell me they're in the early phases of hammering out a draft, so exactly what that amounts to isn't clear yet, but my first-pass gut reaction is that this has the potential to do as much harm as good.

The argument for establishing some such set of rules is pretty straightforward: You don't want the perverse scenario where corporations worry they're shirking their fiduciary responsibility to their shareholders if they fail to compete in the market to provide sophisticated technologies of control and repression to the world's most authoritarian regimes. You don't want despots exploiting the innovation that springs from the very freedom they deny their own people as a means to cement their own control. It's possible to frame this as a collective action problem, with tech companies happy to "do the right thing" provided all their competitors do—but with each ultimately deciding to play ball for fear that if they don't, someone else will. If that accurately captures the dynamic—and, crucially, if the field of competitors is heavily concentrated in the United States—the binding power of legislation *could* increase the pressure on foreign governments to abandon repressive Internet policies. In theory, anyway.


But which steps are "reasonable," and who decides? Google's recent announcement that it would—eventually—cease its complicity in China's regime of Internet censorship was greeted with general approbation, to the point where it's easy to forget that, even if you're exclusively concerned with what's in the interest of the Chinese people, it's a hard call whether and when a principled refusal to deal is really better than distasteful engagement. As Google's Nicole Wong put it at the hearing, the company's decision to launch Google.cn in 2006 was premised on "the belief that the benefits of increased access to information for people in China and a more open Internet outweighed our discomfort in agreeing to censor some results." They've now apparently decided that the balance of considerations cuts the other way, but it needs to be stressed that it's still a question of balance, and there will be real costs to withdrawal.

The tools Google provides can be useful to scholars and activists despite the constraints imposed by the Chinese government—and even when Google does censor search results, it endeavors to make that censorship at least somewhat transparent, announcing to users that some content

has been removed. Few expect China to blink in the face of Google's ultimatum, but it's also worth noting that whatever leverage companies like Google *do* have over foreign regimes depends in significant part on their having been there in the first place to develop a user base. One can imagine the government facing a political backlash if China's second most popular search engine disappears; it's hard to imagine much outcry over the decision not to enter the market in the first place. Then again, maybe the upshot of all this will just be that the 30 percent of Chinese Internet users who'd gotten censored results on Google will shrug and get their censored results from Baidu instead.

None of this is to say that Google's new course is wrong, just that the questions are complex enough that I'd be chary of imposing criminal penalties on a company that made a different call about the balance of interests. Our own government, after all, routinely decides that some Greater Good is served by cooperation with frankly loathsome regimes, and the track record to date does not inspire vastly more confidence in their judgment than in Google's.

Speakers at the hearing also broached the possibility of government support for various encryption and circumvention technologies that would be useful to foreign dissidents. I'm all for loosening export controls, but as Durbin himself noted, there's a tricky line to walk here: Without a clear separation of Tech and State, repressive regimes will eagerly seek to reframe their arguments with tech firms over the degree of freedom their people should enjoy as an argument with the United States, which will be portrayed as seeking to "force" our particular conception of democracy on sovereign nations. It will be a spurious argument, but that doesn't mean it won't work.

I'll wait to see the actual bill before rendering any firm judgment, but it seems like it would be awfully easy to pass legislation that lets us pat ourselves on the back for our noble ideals without actually doing a whole lot to advance online freedom in practice. 

FISCALLY CONSERVATIVE BLOG FEEDS

Club for Growth Launches StopBobBennett.Com [The Club for Growth]

MAR 02, 2010 01:45P.M.

WASHINGTON S COMMITTEE. 202-955-5500. 

FISCALLY CONSERVATIVE BLOG FEEDS

The Fiscal Equivalent of Defining Deviancy Down [Cato at Liberty]

MAR 02, 2010 01:35P.M.

By Daniel J. Mitchell


Senator Jim Bunning of Kentucky may be the most unpopular man in Washington right now. And, as you may surmise, this means he is doing something admirable (envision Jimmy Stewart in *Mr. Smith Goes to Washington* and you'll have the right context).

Republicans and Democrats want to rush through a bill to spend more money on everything from highways to healthcare to joblessness. Senator Bunning is simply saying that the new spending should be financed by reallocating some of the unspent money from the so-called stimulus. For this modest proposal, Bunning is being treated like a porcupine at a nudist camp, with both Republicans and Democrats expressing irritation that he is making it harder for them to buy votes with other people's money.

I am delighted that Senator Bunning is putting some roadblocks in the path of bigger government, but this episode also illustrates how our hopes and expectations have been eroded. For all intents and purposes, Sen. Bunning is saying that if we want to waste money on A, B, and C, then we should not waste as much money on X, Y, and Z.

Even in the unlikely event that he succeeds, all Bunning will have accomplished to keep a bloated federal government at its current size, which is about twice as big as it was when Bill Clinton left office about nine years ago.

Whatever happened to getting rid of the Department of Education and Department of Energy? Who has a proposal to get rid of the Department of Housing and Urban Development? Are any politicians even talking about getting rid of the Department of Transportation? Or Department of Commerce? I could go on, but I'm already getting suicidally depressed.

Three cheers for Senator Bunning, but it says a lot about the era of Bush-Obama profligacy that his very modest proposal is seen as a radical idea. 

FISCALLY CONSERVATIVE BLOG FEEDS

Gun Rights Secure, Liberty Less So [Cato at Liberty]


MAR 02, 2010 01:21P.M.

By Ilya Shapiro

This morning the Court heard argument in *McDonald v. Chicago*, the case asking whether the right to keep and bear arms extends to protecting against actions by state and local governments. Just as importantly, it asked whether the best way to extend that right would be through the Due Process Clause of Privileges or Immunities Clause of the Fourteenth Amendment (because the Second Amendment doesn't apply directly to the states).

From the initial questioning through the end, it was quite clear that those living in Chicago — and, by extension, New York, San Francisco, and other places with extreme gun restrictions — will soon be able to rest easy, knowing that they will be able to have guns with which to protect themselves. Unfortunately, the Court did not seem inclined to adopt the arguments propounded by petitioners' counsel Alan Gura (and supported by Cato) that the Privileges or Immunities Clause was the way to go. Chief Justice Roberts expressed reluctance at having to overturn the 1873 *Slaughterhouse Cases* and other justices joined in concerns over how activist judges would use the Clause if the Court revived it — *even if that were the path that hewed more closely to the constitution's true meaning*.

This turn of events is unfortunate because reviving the Privileges or Immunities Clause, far from giving judges free reign to impose their policy views, would actually tie them closer to the text, structure, and history of the Constitution. As it stands now — and as it seems will be the case after *McDonald* is decided — many of our most cherished rights are protected only to the extent that judges are willing to label them as sufficiently "fundamental" to warrant such protection. That is an unprincipled jurisprudence and one that hurts the rule of law.

In short, it is a shame that the Supreme Court seems to be wasting a perfect opportunity to bring constitutional law closer to the Constitution. It is an even greater shame that it is wasting this chance to use guns to protect liberty. 

FISCALLY CONSERVATIVE BLOG FEEDS

On CNBC's Kudlow Report Tonight [Larry Kudlow's Money Politic\$]

MAR 02, 2010 12:38P.M.



This evening at 7pm ET:

THE NEW OBAMA FED

- David Goldman, Senior Editor First Things Magazine
- Vincent Reinhart, AEI resident scholar; fmr. dir. of Monetary Affairs at the FOMC; fmr. dir. of the federal reserve board's division of monetary affairs

HEALTHCARE PLAN: OBAMA & THE GOP // FINANCIAL REGULATION

- Sen. Judd Gregg (R-NH)

THE BUNNING BENEFITS BLOCKADE

- Cato Institute senior fellow Dan Mitchell

FINANCIAL REGULATION REVAMP: CONSUMER PROTECTION AGENCY; TOO BIG TO FAIL; WHO WINS: TREASURY? FED?

CNBC chief Washington correspondent John Harwood reports.

- Mark Callabria, CATO Director of Financial Regulation Studies
- Peter Morici, University of Maryland Robert H. Smith School of Business Prof; U.S. International Trade Commission Fmr. Chief Economist

IS OBAMA A "FIERCE ADVOCATE FOR A THRIVING, DYNAMIC FREE MARKET?"


- Mark Skousen, Forecasts & Strategies Editor

Please join us. *The Kudlow Report*. 7pm ET. CNBC. 

FISCALLY CONSERVATIVE BLOG FEEDS

Tuesday's Daily News [The Club for Growth]

MAR 02, 2010 10:58A.M.

RedState's Dan Mitchell writes about the Butterfield Effect and how it relates to the Laffer Curve. Here are some of the best and worst ideas for health care reform. 

FISCALLY CONSERVATIVE BLOG FEEDS


Civil Liberties Advocates, Not 'Gun Advocates' [Cato at Liberty 'Gun Advocates']

MAR 02, 2010 10:54A.M.

By David Boaz

In this NPR story Nina Totenberg gives both sides their say. But twice she refers to the people advocating Second Amendment rights as "gun advocates" (and once as "gun rights advocates"). That's not the language NPR uses in other such cases. In 415 NPR stories on abortion, I found only one reference to "abortion advocates," in 2005. There are far more references, hundreds more, to "abortion rights," "reproductive rights," and "women's rights." And certainly abortion-rights advocates would insist that they are not "abortion advocates," they are advocates for the right of women to choose whether or not to have an abortion. NPR grants them the respect of characterizing them the way they prefer.

Similarly, NPR has never used the phrase "pornography advocates," though it has run a number of stories on the First Amendment and how it applies to pornography. The lawyers who fight restrictions on pornography are First Amendment advocates, not pornography advocates.

And the lawyers who seek to guarantee our rights under the Second Amendment to the U.S. Constitution should be called Second Amendment advocates, or advocates of the right to self-defense, or civil liberties advocates. Or even "gun rights advocates," as they do advocate the *right* of individuals to choose whether or not to own a gun. But not "gun advocates." 

FISCALLY CONSERVATIVE BLOG FEEDS

Postal Service Continues to Implode [Cato at Liberty]

MAR 02, 2010 10:39A.M.

By Tad DeHaven

Today, the U.S. Postal Service warned that it could lose \$238 billion over the next ten years if it doesn't receive greater managerial flexibility from Congress.

The European Union and other countries around the world have long been moving toward competition and privatization for mail delivery services. Yet the United States remains way behind the global trend. The rise of the internet and other advances in telecommunications have fostered an irreversible decline in the USPS's mail volume. At the same time, it's being weighed down by a predominantly unionized workforce whose compensation and benefits constitute 80 percent of USPS costs.

As President Obama himself said last August, "UPS and FedEx are doing just fine...It's the Post Office that's always having problems."

In the short term, Congress should remove the USPS's monopoly on the mail, and in the long term lay the foundation for its breakup and privatization. That is unlikely to happen, of course, because the politics of any issue will trump a sound business decision any day of the week.

One of the USPS's requests is to eliminate Saturday service to cut back on costs. In a world where the government's mail monopoly no longer existed, private mail delivery firms could compete to deliver mail on Saturday, or even Sunday. But no such competition exists because the government will not allow it. The federal government has wasted untold taxpayer dollars on anti-trust witch hunts against private companies like Microsoft, but apparently what's good for the goose isn't good for the gander. 🇺🇸

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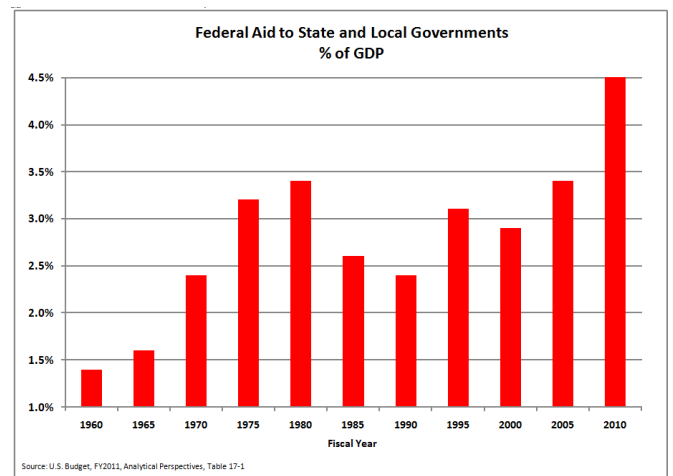
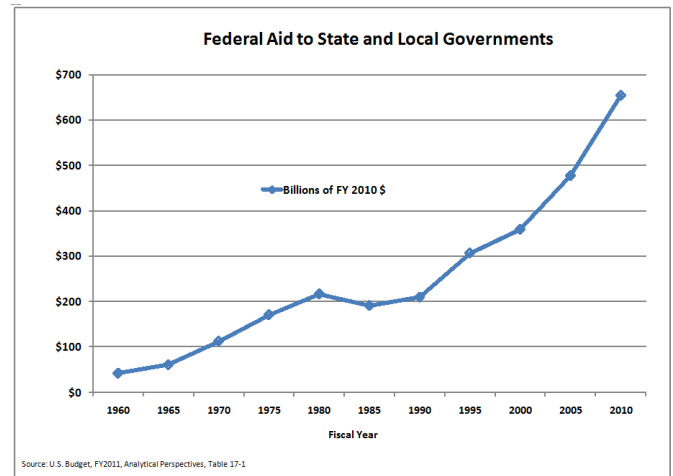
Federal Aid to States Is Too Popular [Cato at Liberty]

MAR 02, 2010 08:34A.M.

By Tad DeHaven

The Economist's Free Exchange blog asks: "[W]hy isn't federal aid to states more popular, and popular enough to get through Congress, given that nearly every American lives in one?"

I would ask the blog's author: How much more popular would he like it to be? As the following charts show, federal aid to state and local governments has catapulted to record levels.



As I've discussed elsewhere, Medicaid has been driving the growth in federal subsidies to state and local governments. But other areas, such as education, income security, and transportation, have also seen substantial increases.

Subsidizing state and local government is quite popular with federal,

state, and local policymakers and associated special interests. It's doubtful the average citizen is aware that so much of their state's spending is derived from their federal tax dollars. However, I suspect that most folks (who aren't on the take) would frown upon the concept of sending money to Washington only to have politicians send it back to the states via the federal bureaucracy. While there may be popular support for many of the state programs funded with federal dollars, citizens need to understand that federal subsidization of state and local government has fueled unhealthy government growth at all levels. 🇺🇸
