

Of Bureaucrats and Matrimony

Federal marriage law is a muddle of “more than 1,100 rights, responsibilities, prerogatives, duties, entitlements, tax breaks, and tax obligations for married couples,” writes Cato research fellow Jason Kuznicki in “**Marriage against the State: Toward a New View of Civil Marriage**” (Policy Analysis no. 671). This is because, “in one largely unrelated policy area



after another, legislators have added provisions that address marriage in the context at hand, but in no others.” To establish a coherent federal marriage policy, one consistent with the Supreme Court’s opinions supporting marriage as a fundamental right, “the government should recognize marriages only so it can more effectively leave them alone.” The federal government’s role, in other words, should be to assure that marriage remains an individual right—and protect it as such. Kuznicki looks

at existing marriage policy to show where it is and is not consistent with this principle, then goes on to apply the principle to such contentious debates as taxation, same-sex marriage, and immigration. Much confusion can be dispelled, Kuznicki writes, “by separating welfare rights from marriage, separating civil marriage from religious marriage, and preserving only those aspects of federal-level civil marriage that act as safeguards of individual rights.”

A Gridlocked Government Is a Good Government

Divided government is a recipe for gridlock. Libertarians applaud this, recognizing that gridlock limits the state’s ability to enact more, usually unsound, policies. But Progressives think otherwise, and so attempt to route around gridlock by moving lawmaking out of Congress and into administrative agencies, a move they contend will lead to more efficient and informed policymaking. In “**The Case for Gridlock**” (Policy Analysis no. 672), Marcus E. Ethridge, professor of political science at the University of

Wisconsin–Milwaukee and author of *The Case for Gridlock: Democracy, Organized Power, and the Legal Foundations of American Government* (Lexington Books, 2010), shows how the Progressive critique is wrong. “Decades of experience and research on interest groups and the workings of administrative policymaking clearly demonstrate that the more efficiently responsive the government is, the greater the influence of interests that enjoy the political advantages of superior organization,” he writes. “A return to the frustrating, sluggish, gridlock-prone system of legislation set forth in the Constitution will actually enhance representation of broad, unorganized, public interests.” Ethridge traces the history of Progressive attempts to thwart the Constitution’s checks and balances and demonstrates how an inefficient government is often a better one.

Protectionism by Any Other Name

“The antidumping remedy is a much larger problem than the dumping it is presumed to address,” argues Daniel Ikenson, associ-

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ate director of the Center for Trade Policy Studies at the Cato Institute, in **“Protection Made to Order: Domestic Industry’s Capture and Reconfiguration of U.S. Antidumping Policy”** (Trade Policy Analysis no. 44). As the Obama administration proposes to amend certain aspects of the Commerce Department’s oversight of the U.S. antidumping law, Ikenson reflects on the history of antidumping and shows how it changed from a program designed to help



consumers to one that is indistinguishable from protectionism. “No longer are anti-competitive or predatory pricing practices the target of the antidumping law,” Ikenson writes. “Rather, its target is price discrimination—specifically, the act of a foreign firm charging lower prices in the United States than it charges in its home market for the same product.” The paper outlines the history of antidumping and its

evolution “from an obscure offshoot of competition law into the predominant instrument of contingent protection that it is today.” He shows how the recent increase in antidumping activity has nothing to do with nefarious action by foreign firms but, rather is a “progressive expansion of the definition of dumping, relaxation of evidentiary standards, and a pro-domestic-industry bias in the law’s administration at the U.S. Department of Commerce.” Given these facts, new attempts to expand the reach of these laws are misguided.

The Root of Africa’s Troubles

“The contemporary era of globalization has afforded unprecedented opportunities to billions of people in emerging markets,” writes Greg Mills in **“Why Is Africa Poor?”** (Development Policy Briefing Paper no. 6). Yet the growth arising from those opportunities appears to have passed Africa by. Mills, director of the Brenthurst Foundation in Johannesburg, South Africa, and author of *Why Africa Is Poor—and What Africans Can Do about It*, first examines the reasons often

given for African poverty, including lack of access to international trade, too much foreign aid, little technical and development expertise, and scant natural resources. Each of these is either inadequate to explain Africa’s state or simply a myth. Rather, Mills writes, “The main reason for African poverty is the bad choices made by African rulers.” He notes that “it is important to recognize that those leaders have often taken decisions under difficult circumstances” but that “in other parts of the world, those challenges are usually regarded as obstacles to be overcome, not as permanent excuses for failure.” Mills offers explanations for the sorry state of African governments, including the fact that “African societies . . . have overwhelmingly been run along the lines of the ‘politics of the belly’—a primordial lust for wealth and power along crude racial, tribal, party, and familial lines.” He says the key to promoting economic growth is not more aid from rich countries but liberalization, even if this means an uphill battle against African political elites who “must be willing to prioritize economic growth over political power.” ■

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one kind of disaster by inviting another.”

Such sentiments may strike many of you today as timeless principles that need not be dusted off during momentous anniversaries. And yet, we must not forget that 50 years ago, liberal Democrats, men like Henry M. “Scoop” Jackson, Missouri’s Stuart Symington, Senate Majority Leader Lyndon Johnson, and a young senator from Massachusetts, John F. Kennedy, knocked Eisenhower for constraining the military’s budget and allowing fiscal considerations to shape the nation’s strategic objectives. They charged that Eisenhower was forcing the nation to fight the Cold War with one arm tied behind its back and that his decision to shift resources out of the Army, especially, limited the nation’s flexibility to engage in land wars in Asia.

Today’s neoconservatives, the intellectual descendants of the liberal hawks of the late 1950s, are equally dismissive of deterrence, but I would also say of basic geography. They say that we Americans can only be safe if the

whole world is safe; that democracy in North America depends upon democracy in Southwest and Central Asia. They call for the U.S. military to drain the swamp wherever terrorists might poke up their heads, or for Washington to embark on open-ended nation-building missions whenever a petty despot with a megaphone seems poised to seize control of any plot of land on the planet.

I’m not naive; neither was Eisenhower. He correctly anticipated that the military-industrial complex’s influence over politics would be difficult to break. He hoped that an engaged and knowledgeable citizenry would serve as the necessary corrective, but as I’ve noted, most Americans are simply too busy with their daily lives to pay much attention. And a few do benefit handsomely.

But that might be changing. The depths of the nation’s fiscal crisis have evoked warnings that our insolvency threatens our national security. The Pentagon’s budget has doubled in inflation-adjusted dollars since 1998, and remains one of the few government agencies for which the Obama admin-

istration has programmed real growth for the foreseeable future. But as more Americans come to understand the high costs and dubious benefits, a backlash is all but inevitable.

At this point in time, we wish we had another Eisenhower, or someone like him: articulate, knowledgeable, whose credentials on national security are unassailable, who can communicate an alternative vision for U.S. national security that does not depend upon a massive military scattered in a vast archipelago of hundreds of bases around the world.

As it struggles to bring the costs of our enormous military under control, Washington, the city of Washington, should embrace strategic restraint—an approach to global affairs characterized by the minimal use of force combined with extensive economic and cultural engagement around the world. That is a foreign policy befitting of a constitutional republic, a foreign policy in close harmony with the vision of the Founders, and one that is consistent with the vision set forth 50 years ago by Dwight Eisenhower. ■