Taxpayers’ Data at Risk in IRS’s Hands, New GAO Report Says

By Ben Johnson

Ignoring past audits and warnings, the Internal Revenue Service (IRS) continues to implement too few safeguards against computer and physical intrusions into taxpayers’ private data records, a government watchdog agency reports.

The U.S. Government Accountability Office (GAO), a nonpartisan government agency providing auditing, evaluation, and investigative services for Congress, released a new report in April detailing IRS’s shortage of information-technology and physical-security measures protecting taxpayers’ personal data.

DATA, p. 16

Kansas Entitlement Reform
During this year’s legislative session, Kansas lawmakers added to entitlement reforms passed into law in 2015, making the system work for the people who truly need government assistance. Page 6

Rust Belt Right to Work
Pennsylvania lawmakers are rolling out a package of pro-worker reforms. Will right to work come to the Keystone State? Page 6

West Virginia Convention Call
West Virginia lawmakers are calling for a convention of the states to help rein in the federal government. Page 8

IRS Data Insecurity
In a new report, the federal government’s watchdog says the Internal Revenue Service is failing to protect taxpayers’ personal data from computer hackers and other security threats. Page 16

History of a Horrible Idea
A new book details the real history of fascism and explains why using words correctly is key to understanding the world we live in today. Page 18

Va. House OKs Resolution Calling for Article V Convention

By Ben Johnson

Virginia lawmakers are considering a resolution calling for Congress to convene a national convention for the purpose of drafting an amendment to the U.S. Constitution and authorizing the commonwealth to participate.

In February, the Virginia House of Delegates approved House Joint Resolution 3, which calls for Congress to convene a convention of the states to propose a constitutional amendment to “impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office.”

The resolution was assigned to the Virginia Senate’s Rules Committee in March for consideration during the 2017 legislative session.

VIRGINIA, p. 8
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ME Entitlement Reforms, Audits Cut ‘SNAP’ Fraud

By Kimberly Morin

Entitlement reforms in Maine have led to a decline in the amount of fraud occurring in the state’s Supplemental Nutrition Assistance Program (SNAP), state officials report. In February, state Department of Health and Human Services (DHHS) Commissioner Mary Mayhew said the value of Maine Food Supplement Program transactions occurring in other states significantly declined between 2011 and 2015.

In 2011, individuals receiving SNAP funds, distributed to electronic benefit transaction (EBT) cards issued through the state’s Food Supplement Program, improperly spent $15.9 million in other states. In 2015, entitlement spending outside the state had declined by more than 44 percent, to $8.9 million.

‘Quite a Shocker’

Liam Sigaud, a policy analyst with the Maine Heritage Policy Center, says out-of-state SNAP transactions are a red flag indicating potential entitlement fraud.

“One of the big issues in the past has been the use of EBT cards out of state, in exchange for drugs,” Sigaud said. “The drug trade in Massachusetts and New York had several investigations into drug dealers. They have revealed in the past that EBT cards are frequently used as a currency. That was quite a shocker.”

‘Acute’ Connection to Drug Trade

Sigaud says investigating entitlement fraud has caused fraud rates to decline.

“What Gov. [Paul] LePage has done is significantly increase the number of investigators at DHHS to try to uncover these fraudulent activities,” Sigaud said. “The drug issue in Maine is quite acute. There’s been a heroin epidemic sweeping across the Northeast. I think that sees people resorting to whatever currency they have. In the last five years, nearly $1 million have been ordered in restitution for fraud.”

Getting People Back to Work

Sigaud says tying entitlements to work requirements, another reform enacted by LePage, has helped people become independent, reducing their reliance on government.

“In late 2014, LePage required childless, able-bodied adults, of which there were about 13,000, to either participate in community service as a volunteer or work at least 20 hours a week or participate in a job training program in order to continue to receive those food stamp benefits,” Sigaud said. “The rolls decreased significantly, from about 13,000 to fewer than 3,000, in just a couple months. It’s been a spectacular success.”

Work Reforms Are Working

Rachel Sheffield, a policy analyst with the DeVos Center for Religion and Civil Society at The Heritage Foundation, says work requirements are important for fiscal responsibility.

“Maine has done a great job with work requirements for able-bodied adults without dependents,” Sheffield said. “Having a work requirement in itself can really address fraud as well. Sometimes, individuals have a job they aren’t reporting to the state, whether that’s working under the table or whatnot. So, having that work requirement would insure they aren’t receiving the benefit when they don’t actually qualify for it.”

IN OTHER WORDS . . .

“Job openings for lower-skill workers are abundant in Maine. If an individual cannot find work, the state provides training and community service options. Main’s Department of Health and Human Services reached out to able-bodied adult recipients to let them know about community service opportunities that would fulfill the work requirement. However, most chose to forgo their food stamp benefits rather than fulfill the requirement.

“A similar pattern of caseload decline happened after the 1996 welfare reform, which transformed the largest cash assistance welfare program by inserting work requirements. Within about five years, the caseload had declined by half.

“Work requirements serve as a gatekeeper to ensure that those truly in need receive welfare assistance. Benefits are available to those who need them, but individuals who could otherwise find a job are directed toward work. This policy benefits not only taxpayers but also the individuals who are steered toward the job market, where they can build their resumes, skills and connections.”

By Jenni White

Lawyers representing the federal government withdrew their request for a court order compelling Apple, a popular consumer electronics company, to provide a method of unlocking an iPhone involved in a national law enforcement investigation.

In February, the U.S. District Court for the Central District of California ordered Apple to assist the Federal Bureau of Investigation (FBI) with its investigation into the December 2015 San Bernardino terrorist attack, by devising a way to unlock one of the deceased terrorist’s iPhone without a password.

Lawyers representing Apple argued against the court order, claiming the demand improperly expanded government power granted by the Judiciary Act of 1789, now called the All Writs Act (AWA), a law authorizing federal judges to “issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.”

‘Security and Personal Safety’

Sophia Cope, a staff attorney with the Electronic Frontier Foundation, says consumers’ information would have been less safe if FBI had gotten its way.

“Compelling Apple to build a back door for its own technology itself,” Cope said.

Cope says the right to privacy in the digital age protects people from numerous potential problems. “A thief who steals a phone on the train could reveal financial information, a black hat hacker could access intimate photos and put them online, or a foreign intelligence agency could suppress dissent or journalism,” Cope said.

‘A Balance on Safety’

Daniel Gerstein, a senior policy researcher at the RAND Corporation, a nonprofit policy think tank focusing on defense and foreign policy issues, says privacy concerns over FBI’s demands are misleading. Gerstein is also a former deputy undersecretary at the U.S. Department of Homeland Security Science and Technology Directorate.

“There’s a balance on safety,” Gerstein said. “The people who are claiming that you should have absolute security on your phone are not being fair in thinking about the issue. I mean, the issue is that law enforcement, under very narrowly defined sets of circumstances, [does] have the ability to do interrogations and to search. We allow that as part of living in a civil society.”

Gerstein says concerns about privacy should be balanced with concerns about making it easier to investigate crimes.

“We have several hundred years of legal documentation that are based on [the] Constitution and [the] Bill of Rights,” Gerstein said. “The cyber domain should not mean that we throw out all of what we have as our founding documents and legal frameworks. In the same way that one thinks about searches and seizure of property and in houses and those kinds of investigatory issues, you have to think about the iPhone, or you have to think about phones and the cyber domain.”

No ‘Absolute Security’

Gerstein says the idea individuals’ property should be secure from government searches under all conditions is “specious.”

“This idea that we’re going to have absolute security and that we should allow absolute security is really specious,” Gerstein said.

Gerstein says the fight over iPhone encryption is part of a larger plan for government law enforcement agencies.

“This is not something that happened just because of this iPhone,” Gerstein said. “The FBI understood what it was doing, I think. There are other phones out there that are in lockers … that have not been able to be interrogated because of the same issue. What the FBI did in this particular case was [use it as] an opportunity to raise this up as a major issue.”

Jenni White (jlwplusdmw@gmail.com) writes from Oklahoma City, Oklahoma.

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IN OTHER WORDS . . .

“A feud has been brewing between tech and the government in the nearly three years since the first surveillance revelations from Edward Snowden—in court documents, academic papers and congressional hearings that generally go unnoticed by those outside Washington[, DC] or Silicon Valley. And for the most part, both sides of the dispute preferred to keep things civil.

“But this case, which mixes the threat of spies and hackers with that of international terrorism, has sparked a firestorm of public interest and concern. The government wants Apple to build a piece of software that would circumvent security features on an iPhone 5C used by San Bernardino massacre shooter Syed Farook, allowing agents to try passcodes and access the phone.”

Florida Lawmakers Reject Bill to Reform Public Worker Entitlements

By Leo Pusateri

A Florida Senate committee rejected a bill to reform the state’s public pension system by changing the default option for how new government employees’ entitlement benefits are saved for future payments.

In March, the Florida Senate’s Governmental Oversight and Accountability Committee rejected a bill sponsored by state Rep. Matt Caldwell (R-Lehigh Acres), House Bill 7107. The bill had been approved by the Florida House of Representatives in February.

If it had been approved by the Senate and signed into law, HB 7107 would have placed all new government employees in the Florida Retirement System’s (FRS) 401(k)-style defined-contribution pension program unless they opted into the standard defined-benefit program. The changes would not have applied to current employees, who would remain in the defined-benefit program unless they opted into the defined-contribution program.

Jonathan Williams, vice president of the Center for State Fiscal Reform at the American Legislative Exchange Council (ALEC), says Florida government pension programs may not be in straits as dire as other states’ programs, but reforms are still needed.

“While Florida’s unfunded pension liabilities are smaller than Illinois’ and New Jersey’s, by no means is that a sign that Florida’s defined-benefit system is sustainable for the long term,” Williams said. “Using a fair market valuation of Florida’s pension liabilities shows an alarming situation for the state’s hardworking taxpayers.

“An analysis from State Budget Solutions, a project of the ALEC Center for State Fiscal Reform, reports Florida’s unfunded liabilities at a staggering $183.4 billion, with the pension system only 42 percent funded,” Williams said.

Attracting ‘the Very Best’

Williams says defined-contribution plans are inherently pro-worker.

“State and local governments looking to attract the very best workers with the most dynamic skill sets can ensure that employees see retirement benefits as actual compensation, rather than benefits they may well never earn, by embracing defined-contribution plans,” Williams said.

A ‘Vesting’ Problem

Caldwell says his legislation also would have helped government employees receive the entitlements promised to them.

“Sixty percent of FRS members leave before they actually serve eight years,” said Caldwell. “And eight years is the vesting period for the defined-benefit program, so 60 percent of our employees leave before they would reach that vesting. They would have been better off to be in the defined-contribution plan, because then they would have an actual asset of their money and the money that their employer would be contributing would belong to them, because the vesting period for defined-contribution plans is only one year.”

Caldwell says his plan would have benefitted all Florida taxpayers and enhanced the entitlement program’s long-term fiscal sustainability.

“Defined-contribution plans reduce, potentially, our long-term obligations,” said Caldwell. “I would absolutely always prefer that we have a cash-basis system than a long-term accrual.”

Leo Pusateri (psycheistr@fastmail.fm) writes from St. Cloud, Minnesota.


Welfare’s Worst Failure

A new investigation of means-tested federal welfare programs shows that they don’t encourage people to support themselves. Instead, they keep people from working, with crippling consequences for those people, their families, and our economy. And current welfare programs do that while costing us nearly $700 billion a year—substantially more than the entire defense budget.

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— Gary Johnson, former Governor of New Mexico, 2016 Presidential candidate.
Kansas Lawmakers OK Welfare-to-Work Reforms

By Michael Bates

The Kansas Senate has approved a bill to make reforms to the state’s welfare entitlement program.

If approved by the House and signed into law by Gov. Sam Brownback (R), Senate Bill 372 will enact reforms discouraging long-term dependence and welfare fraud and will encourage welfare recipients to seek employment.

Lawmakers in the state Senate approved the bill in February, but the House of Representatives’ Committee on Health and Human Services has not yet taken up the bill.

Safety Nets, Not Hammocks

Rodger Woods, deputy state director for the Kansas chapter of Americans for Prosperity, says time limits on entitlement benefits help taxpayers and entitlement recipients.

“First, they provide a level of certainty for families in need of help, while providing a strong incentive to improve their future situation through work or work training,” Woods said. “Secondly, the time limits ensure resources are available for other families that need assistance.”

Woods says the new reforms are not exceptionally strict in comparison with other states’ entitlement rules.

“The bill that passed this year would reduce the time limit to 24 months, with a possible extension to 36 months for extraordinary circumstances,” Woods said. “Six states have reduced their time limit below 60 months, and 14 other states have limits between 36 and 60 months. The shortest limit in any state is 12 months.”

 Lottery Winners Receiving Welfare

Woods says the bill also requires the state government’s lottery program to ensure lucky winners are not receiving taxpayers’ money, too.

“Many states have restrictions on using benefit cards for the purchase of lottery tickets or at casinos,” Woods said. “I am not aware of any other states that review the benefits of state lottery winners. In light of several high-profile instances of lottery winners receiving benefits, I expect other states to adopt this approach.”

**Serves as a Gatekeeper**

Rachel Sheffield, a policy analyst for The Heritage Foundation, says work requirements for welfare assistance programs encourage people to work to improve their own situations, instead of expecting taxpayers to support them.

“A work requirement serves as a gatekeeper,” Sheffield said. “Welfare assistance is available to those who need it. For those who could be working, it encourages them first towards work. Thus, resources are directed towards those who are most in need.”

Sheffield says the work requirements benefit recipients in the long term. “Reducing unnecessary enrollment in welfare is beneficial,” Sheffield said.

INTERNET INFO


Pennsylvania Lawmakers Propose Workplace Freedom Bills

By Andrea Dillon

As part of a larger package of legislation, a Pennsylvania state lawmaker is sponsoring a bill that proposes right-to-work reforms.

The bill would forbid private-sector employers from mandating union membership or requiring workers to pay union dues as a condition of employment.

Ending ‘Unionism by Default’

State Rep. Daryl Metcalfe (R-Butler), sponsor of House Bill 1750—the first of five bills in what proponents call the Open Workforce Initiative package—says he and other sponsoring lawmakers want to give workers more fairness and liberty.

“Our objective, of course, is to make Pennsylvania a right-to-work state, to end the compulsory unionism by default that occurs now with the current law,” Metcalfe said. “[Current law] requires workers that are working for a company where it is unionized ... to still pay dues to the union, or a portion of the dues to the union, even though they might not want the union representation and don’t appreciate the union’s political stands.”

Other bills in the Open Workforce Initiative package would prevent labor unions from collecting involuntary dues from nonunion employees working in government schools and government agencies.

Allowing Workers to Decide

Pennsylvania local and state government employees are currently allowed to opt out of union representation, but they are still being forced to pay union dues during a 15-day period immediately before their contracts expire.

Bob Dick, a policy analyst with the Commonwealth Foundation, says government employees should be allowed to join or leave unions as they wish.

“What happens in a lot of cases, if any public worker has to wait to near the end of this 15-day time period before departing the group, during that entire time before that ... they are subsidizing the political operations of government unions, because union dues can be used for a variety of political activities,” Dick said. “That’s just inherently unfair, which is one of the reasons why this maintenance of membership provision should be eliminated from union contracts.”

Dick says one of the bills in the package, House Bill 1755, would allow government employees to end their relationship with a government union at any time, instead of at set periods.

“Overall, I think the best way to move forward with this would be to have a complete ban on compulsory dues for any members and allow workers to decide whether or not they want to join a union,” Dick said. “That is ultimately a decision that should be left up to the worker and not union executives or politicians.”

Andrea Dillon (thell1885@gmail.com) writes from Holly Springs, North Carolina.
W. Va. Cigarette Tax Hike Bill Goes Up in Smoke

By Andrea Dillon

Lawmakers in West Virginia rejected a proposal to increase the state’s excise taxes on cigarettes and e-cigarettes. Senate Bill 420 would have increased excise taxes on cigarettes and other tobacco products to $1.55 per pack, an increase of 55 cents per pack. The bill also would have added a tax to non-tobacco products, such as e-cigarettes, adding 7 cents per milliliter to the price of e-cigarette liquid.

Of the 24 lawmakers seated on the West Virginia House of Representatives Finance Committee, only three voted in favor of the bill.

Putting Businesses Out of Business

State Del. Marty Gearheart (R-Mercer), a member of the Finance Committee, says the legislation would have been bad for communities across the state, including his hometown.

“I live in a border town,” Gearheart said. “I live within a stone’s throw of Virginia, and their tax is already 16 cents lower than ours. Any convenience-type operations, grocery service-type operations, if the bill went through, they just might not survive.”

Disparate Impact

Michael LaFaive, director of the Morey Fiscal Policy Initiative at the Mackinac Center for Public Policy, says cigarette excise taxes disproportionately harm low-income households.

“Published reports indicated concerns with taxing low-income folks and for what would happen in border counties,” LaFaive said. “That suggests to me that lawmakers understand the unintended consequences of this tax proposal. Hiking the excise tax would hurt low-income people, who are more likely to smoke, and create an incentive for those living in border counties to shop across state lines.”

Delaware Lawmakers Talk ‘Temporary’ Gas Tax Hike

By Andy Torbett

Delaware legislators are preparing to unveil a bill that would temporarily increase the state’s excise tax on gasoline by 10 cents a gallon, to 33 cents, a 47 percent increase.

Including state and federal gasoline taxes, Delaware residents currently pay more than 40 cents in taxes for each gallon of gasoline they purchase.

Lawmakers in the state’s House of Representatives debated the issue in February, circulating a draft bill, but no public bill has yet to emerge. The draft bill, if approved by the legislature and signed into law, would increase the gas tax for only one year, unless lawmakers vote to extend the tax hike.

Revenues Have Been Increasing

State Rep. Mike Ramone (R-Middle Run Valley) says he is opposed to the proposal. Ramone says the government already gets enough money from people filling up at the pump.

“If you research the history of gas tax income in the state, you will see we have incurred an increase in gas tax income more often than we have not,” Ramone said. “This increase in income is a direct result of the volume of the State of Delaware’s gas sales each year. If we sell more gas, we make more money, more cars drive on the roads, and we have more income for maintenance and repairs.”

Gas Tax Competition

Ramone says Delaware’s gas tax rates, which are lower than those of its neighbors, are encouraging people to fill up in Delaware instead of in nearby states.

“More people are buying gas in Delaware than ever before,” Ramone said. “We have raised millions of dollars more in gas-tax income this year over last year, simply because we have been selling so much more gas. Much of those sales are the result of people who reside in our neighboring states and those who pass through Delaware by way of I-95 filling up in Delaware.”

Poor Spending Priorities

Randal O’Toole, a senior fellow with the Cato Institute, says Delaware lawmakers spend existing gas tax revenues irresponsibly.

“Delaware collected $114 million in gas taxes, of which $62 million went to highways and $52 million went to transit,” O’Toole said. “If I were a Delaware auto driver, I would probably resent the fact that nearly half of my gas taxes, and a similar share of motor vehicle registration fees, went to transit.”

Temporary Taxes Are Not Temporary

O’Toole says gas taxes almost always go up and are rarely reduced.

“Once increased, gas taxes are rarely decreased,” O’Toole said. “In the long run, it costs as much to maintain roads as it does to build them, so decreasing them would soon lead to crumbling infrastructure if some other tax or fee weren’t increased to replace them.”

LaFaive says the bill was a cash grab intended to help the state’s financial health, not the public’s health.

“It was an explicit attempt to fill a budget shortfall,” LaFaive said. “While this is not usually the primary reason cited to raise excise taxes on cigarettes, it is not uncommon.”

INTERNET INFO

West Virginia Lawmakers Call for a National Article V Convention

By Dustin Siggins

Lawmakers in West Virginia approved a joint resolution calling for a national Article V convention to draft and enact a federal balanced budget amendment sponsored by the Balanced Budget Amendment Task Force, a nonprofit organization dedicated to facilitating the proposal and ratification of a balanced budget amendment to the U.S. Constitution.

In March, West Virginia joined 27 other states in approving an application for an Article V convention of the states, passing House Concurrent Resolution 36. After 34 state legislatures submit applications to Congress on the same topic, Article V of the U.S. Constitution requires Congress to begin the state convention amendment process.

Growing Momentum

State Del. John Overington (R-Berkeley), the resolution’s primary sponsor in West Virginia, says lawmakers across the nation are joining the movement to propose and ratify a balanced budget amendment (BBA).

“There are aggressive efforts in a number of states and a well-organized and motivated team of volunteers to assist states working on the effort,” Overington said. “As the national debt continues to grow and the nation heads toward bankruptcy, the momentum will grow for a BBA.”

Overington says it’s time for state lawmakers to step up and do what Congress is unable or unwilling to do.

“The federal government has grown in scope and size, way beyond what our Founding Fathers had even imagined or planned,” Overington said. “Outside of national defense, they had envisioned the control and decision-making being done on the state and local level, much closer and responsive to its citizens. The waste involved with spending at the federal level, and its one-size-fits-all approach, is being more recognized as not in the best interest of the taxpayers or country.”

‘Running Out of Time’

David Guldenschuh, special counsel for the Balanced Budget Amendment Task Force, says more people are waking up to the need for a constitutional provision requiring the federal government to live within its means.

“Any politician, voter, or other citizen who objectively examines our fiscal status as a country can only conclude that we are fast running out of time and gimmicks to sustain our soon-to-be $20 trillion debt,” Guldenschuh said. “To ignore the deficits and our debt is to ignore the timer on a bomb ticking away beneath our home.”

Guldenschuh says the BBA movement is growing rapidly.

“Ideally, we can get the BBA passed in an additional six to eight states, including Arizona, Idaho, Kentucky, Montana, Oklahoma, South Carolina, Virginia, and Wyoming,” Guldenschuh said. “At least one chamber in seven of these states has already passed a BBA resolution. I am optimistic that the BBA resolution will pass in at least two more states in the next couple of months, bringing the total having passed to 30. That will be a magic number that should bring a higher level of media attention to the movement, which will have an overall positive impact.”

Dustin Siggins (dustinsiggins@gmail.com) writes from Washington, DC.
A plan by Clean Line Energy Partners to build electricity transmission lines across Illinois is being challenged by state Sen. Kyle McCarter (R-Lebanon).

McCarter is calling on the courts, both state and federal, to deny any eminent domain requests for private property acquisition for the wind energy project. Eminent domain is a constitutional power of the government allowing the compulsory purchase of private property.

In late January, McCarter began fighting the Grain Belt Express Clean Line, a series of transmission lines stretching from green energy production fields in Kansas to Illinois. McCarter opposed the project, citing the pressure that has been applied on Illinois landowners by the Illinois Commerce Commission, a government board tasked with “[balancing] the interests of consumers and utilities” and the federal government.

David From, state director for the Illinois chapter of Americans for Prosperity, says using eminent domain to benefit private companies is a relatively recent development in U.S. history.

In a 2005 case, Kelo v. City of New London, the U.S. Supreme Court decided governments could take private property for “private benefit” in addition to “public use,” which is allowed in return for fair compensation in the Fifth Amendment to the U.S. Constitution.

‘One of the Biggest Problems’

From says cronyism is becoming an increasingly powerful barrier to freedom in the United States.

“One of the biggest problems facing our country, and this is really under-reported, is the idea of cronyism,” From said. “There’s an alliance between big business and government … to use the power of government, selective regulation, or the tax code so that the powerful can get a better deal than the average taxpayer [can] get.”

David From, State Director, Americans for Prosperity-Illinois

Hilary Gowins, managing editor at the Illinois Policy Center, says the game is often rigged against property owners in favor of big government and big business.

“When a government entity wants to take someone’s property, officials are obligated to offer a ‘fair market value’ price to compensate the landowner,” said Gowins. “But if the owner doesn’t want to sell, the only way to fight back is through the courts. If a person does choose to stand and fight and loses, he’s likely to get a much smaller payout for his property than what it’s really worth. It’s a rigged, unfair system.”

Government ‘With a Bulldozer’

Gowins says using government power to benefit well-connected businessmen does not increase general prosperity.

“Eminent domain doesn’t spur the economy,” Gowins said. “What really grows the economy and drives innovation and progress is entrepreneurial activity. This can only happen when government gets out of the way, … the exact opposite of the government’s moving in on private property with a bulldozer.”

Andy Torbett (meconservative voice@gmail.com) writes from Atkinson, Maine.
Dearborn, Mich. Council OKs Restrictions on Public E-Cigarette Use

By Danedri Herbert

Lawmakers in Dearborn, Michigan have passed new restrictions on e-cigarette use in the city’s government-owned parks and “mini-parks.”

“The ordinance, approved by the Dearborn City Council in April, defines tobacco cigarettes and e-cigarettes as the same product and prohibits residents from using any tobacco or e-cigarette product within 15 feet of any “play structure” in government parks.

Violators of the new ordinance may be fined $50 or sentenced to mandatory community service.

Science, Not Scares

Michael LaFaive, director of the Morey Fiscal Policy Initiative at the Mackinac Center for Public Policy, says lawmakers should have to prove new regulations are based on science and not on unproven health scares.

“If the leadership in Dearborn wants to outlaw this product for public safety, it should be incumbent on them to prove there is a public health issue,” LaFaive said. “Linking e-cigarettes with combustible tobacco is wrong.”

Better Ways to Improve Safety

LaFaive says there are proven ways to increase the safety of Dearborn’s residents, and banning e-cigarettes in government parks is not one of them.

“I would be willing to bet Dearborn officials could invest more in policing, for instance, and save more lives than they would by mandating e-cigarettes not be consumed in public or in a public space,” LaFaive said. “There are countless alternatives to direct their energies that would be more life-enhancing and life-improving than eliminating or outlawing a product that should be part of a public health strategy.”

Fewer Smokers in Britain

Robert West, a professor of health psychology at University College–London’s Health Behavior Research Centre, says American lawmakers should use Great Britain’s policies toward e-cigarettes as a guide in efforts to improve public health.

“England has treated e-cigarettes as harm-reduction devices, and the effect appears to have been a decrease of around 20,000 cigarette smokers per year in the last couple of years, over and above what would have been expected otherwise,” West said.

West says lawmakers’ insistence on treating e-cigarettes and tobacco as if they were the same product can undermine public health efforts.

“Treating e-cigarettes like conventional cigarettes, when they are so different, runs the risk of making public health bodies look as though they are basing policies on puritanical zeal against nicotine, rather than a genuine desire to reduce human suffering,” West said.

Danedri Herbert (danedri.herbert@gmail.com) writes from Kansas City, Kansas.

New Zoning Regs in Austin, Texas Target Airbnb, Property Rights

By Luke Karnick

Austin city lawmakers approved new zoning regulations targeting companies such as Airbnb, which connects tourists seeking short-term housing and hosts who provide places to stay.

The Austin City Council voted in February to enact new regulations on short-term rental (STR) housing in the city, phasing in the new restrictions over the next six years.

The new ordinance targets peer-to-peer economy businesses such as Airbnb and HomeAway, a similar company headquartered in Austin. The law, which took effect in March, bans “type-2 rentals,” short-term rentals in which a homeowner is not present, by restricting the number of adults allowed to reside in a given property.

Small Problem, Big Regulations

Austin City Councilwoman Ellen Troxclair says the ordinance was driven by economic ignorance.

“There was a perception among STR opponents that houses used as short-term rentals were taking away housing options for Austin residents, when in reality short-term rentals represent a tiny fraction of available housing,” Troxclair said.

Troxclair says fears of abusive tourists invading neighborhoods do not reflect actual experiences with peer-to-peer economy lodging businesses.

“Our neighbors who own and operate STRs here in Austin are largely lawful, considerate, and responsive citizens who use their short-term rental income to afford to continue living in Austin,” Troxclair said. “A blanket ban on short-term rentals punishes the vast majority of responsible owners by destroying their ability to earn this income and infringes upon their property rights.”

Existing Problems ‘Magnified’

Troxclair says the new ordinance will make things worse for Austin residents, instead of improving quality of life in the city.

“The existing issues will be magnified, and more time and money will have to be spent on enforcement of an unrealistic and potentially unlawful ban,” Troxclair said.

‘Carpet-Bombing the Problem’

Allegra Hill, an analyst at the Texas Public Policy Foundation’s Center for Local Governance, says the new ordinance piles new regulations on top of existing ones.

“The new ordinance is just carpet-bombing the problem instead of actually fixing it,” Hill said. “There is a lot of different occupancy restrictions that are overlapping. You cannot have an outdoor assembly of more than six people between the hours of 7 am and 10 pm, even if there are more than six people legally using the house, because you can have [only] six unrelated people or 10 related people or two per bedroom plus two adults, whatever is less.”

Legal Ambiguity, Overreach

Hill says the new ordinance, which also bans homeowners from holding an “assembly” of any number of people between 10 pm and 6 am, is ambiguous and could have unintended consequences for Austin residents and visitors alike.

“When two adults speaking with one another [or] having their own ‘party’ would be considered an ‘assembly’ under this definition, and you’re not allowed to have those at all starting at 10 pm,” said Hill. “Even if you wanted to stay up late and watch a movie or wake up early on Christmas morning to open gifts with your family, it seems like [those activities] would be excluded under this definition, and this applies to all short-term rentals.”

Luke Karnick (lkarnick@yahoo.com) writes from Indianapolis, Indiana.
Atlanta, Ohio Lawmakers, Residents Debate Greater Airbnb Regulations

By Matt Hurley

Lawmakers in Athens, Ohio are considering increasing regulations on Airbnb and other short-term rental services in the city.

In November 2015, the city began cracking down on peer-to-peer economy businesses, well before lawmakers proposed any new regulations. Days after speaking at a November 16 city council meeting, a resident received a warning he could be charged with a misdemeanor crime and fined $500 for every day he fails to receive government permission to receive money in exchange for guests’ use of his property.

Athens zoning rules prevent individuals from registering as owner-occupied guest accommodations unless they live in designated tourist areas of the city. City lawmakers say restricting Airbnb is necessary to protect the safety of residents and individuals visiting Athens.

In February, Athens lawmakers tabled the proposed regulations to allow for additional debate and public input.

Challenging the Establishment

Alex Goodman, state director for the Ohio chapter of Generation Opportunity, a national nonprofit organization promoting economic opportunity and prosperity, says Athens lawmakers are working to protect existing business owners, such as hotel owners, at the expense of residents’ economic freedom and property rights.

“Like any technology, sharing-economy applications challenge the established economy and create new opportunities,” Goodman said. “Reacting with excessive and unfair regulation makes the ability to start and run your own business even harder, increasing costs of what we buy, limiting choices, and stifling job prospects. Excessive regulations make it more difficult for new competitors to enter the market and get in the way of entrepreneurs bringing new products to consumers.”

Local Overregulation

Greg Lawson, a policy analyst for the Buckeye Institute for Public Policy Solutions, says Ohio lawmakers should set statewide rules for Airbnb and similar peer-to-peer businesses, instead of allowing the creation of a patchwork of uneven playing fields.

“Local regulation will significantly harm Airbnb,” Lawson said. “If every city in Ohio comes up with their own red tape, it will make it very difficult for Airbnb and potential Airbnb users to operate.”

Local Protectionism

Lawson says restrictions on peer-to-peer businesses are promoted heavily by entrenched market players concerned about the loss of their monopolies or large market shares.

“There are probably some local officials concerned about safety out of a paternalistic instinct, much of what local governments are doing are merely helping protect already existing businesses,” Lawson said. “Obviously, taxi companies are very worried about Uber and Lyft. The hotel industry shares similar worries about Airbnb. They don’t want the competition and often try to use local government powers to make life more difficult for startups, thus preserving their present market position.”

Matt Hurley (wmdtvmat@yahoo.com) writes from Cincinnati, Ohio.

INTERNET INFO


Alaska Lawmaker Offers Legislation to Reform Civil Asset Forfeiture

By Andy Torbett

An Alaska state lawmaker is proposing new legal protections for the state’s residents by requiring local and state law enforcement agencies to obtain a criminal conviction before the government can confiscate an individual’s cash or property.

Currently, Alaska law enforcement agencies can use a legal process called civil asset forfeiture to seize private assets and property they believe have been used in the commission of a crime without first obtaining a criminal conviction.

The bill was approved by the state House in April and was sent to the Senate for consideration.

Fighting the System

State Rep. Tammie Wilson (R-North Pole), the bill’s sponsor, says complaints from taxpayers prompted her to investigate the issue.

“When we started digging into it and found out how many things were confiscated before they even went through the court proceedings, it was very concerning,” Wilson said. “The struggle for Alaskans comes when they try and fight to repossess their property that has been seized. Civil forfeiture is so low of a threshold. You don’t get a trial; you sometimes don’t even get an actual court appearance.”

Wilson says civil asset forfeiture operates on a presumption of guilt. “You’re treated like it’s just more likely that you did it than you didn’t,” Wilson said. “That is really hard to fight and costly. If you have to get an attorney, it could eat up a lot of funds. I think a lot of people may just walk away instead of fighting, which makes it happen even more.”

‘That’s Wrong’

Wilson says civil asset forfeiture puts the wants of government agents before the needs of taxpayers.

“We have processes and procedures,” Wilson said. “They’re supposed to work for our constituents, but [this] law says you’re guilty, and now you have to prove yourself innocent. Even after that, you don’t automatically get your items back. That’s wrong.”

Repeal and Replace

Lee McGrath, legislative counsel with the Institute for Justice, says lawmakers should replace civil asset forfeiture laws with criminal asset forfeiture laws.

“States should end civil forfeiture,” McGrath said. “They can replace it with criminal forfeiture. Criminal forfeiture requires a conviction of a crime as the first step. If convicted, the suspect then faces litigation in the same courtroom to determine if his cash and other property are linked to the crime.”

McGrath says civil asset forfeiture laws cost taxpayers money and their civil liberties.

“Forfeiture reform is rooted in property rights, the same fundamental idea that is at the core of market economies,” McGrath said. “Law enforcement, seizing property from people, causes them to hire lawyers and litigate the forfeiture issues in court. This is costly in real dollars and time.”

Andy Torbett (meconservativevoice@gmail.com) writes from Atkinson, Maine.
In a tie 4–4 decision, the nation’s top court effectively ruled in favor of government unions and denied a group of California government school teachers the right to decide whether to contribute to teachers unions.

Deciding the case Friedrichs v. California Teachers Association after the February 2015 death of Justice Antonin Scalia, a temporarily short-staffed U.S. Supreme Court failed to reach a majority decision. When the Court fails to reach a majority decision, the lower court’s decision is allowed to stand. In November 2014, the U.S. Court of Appeals for the Ninth Circuit ruled against the plaintiffs and in favor of the teachers union.

Currently, many public school teachers, such as plaintiff Rebecca Friedrichs, are required to contribute funds to a teachers union in order to teach, even if they choose not to be full members of the union.

Larry Sand, president of the California Teacher Empowerment Network, a nonprofit organization providing information and resources for professional teachers, says teachers are trapped by an alliance between government unions and lawmakers.

“You’re forced to pay money to the unions because they say they have to represent you, because they wrote the laws which say, ‘We have to represent you.’ They don’t have to do anything for you, because you have to pay them.”

Except for a few rare instances, teachers are prevented from leaving the unions, Sand says.

“The only way to get completely out of it is to become a religious objector, which is a hard status to obtain,” Sand said. “You usually have to go to court. You don’t pay the union anything, but you have to pay the full amount to a mutually agreed-upon charity or you can quit your job.”

Terry Pell, president of the Center for Individual Rights and an attorney representing Friedrichs, says union activity is political, not just some.

“When negotiating a higher salary, unions are negotiating with local officials over the best use of tax dollars,” Pell said. “Unions are saying these tax dollars should be diverted from libraries and parks to education. People should decide for themselves whether they support the union’s diverting tax dollars away from other priorities.”

Pell says teachers do not benefit from union contract negotiations with government school officials if they do not agree with the union’s positions.

 “[Union membership] is only a benefit if the individual teacher happens to agree with what’s being bargained for,” Pell said. “If he or she is opposed, it’s not a benefit for them, and they shouldn’t be forced to pay for it.”

Mary Tillotson (mary.c.tillotson@gmail.com) writes from Ann Arbor, Michigan.
Washington State Lawmakers Revive Effort to Hike Tobacco Minimum Purchasing Age

By Andrea Dillon

Lawmakers in Washington State are debating a bill that would increase the legal age for tobacco purchases from 18 to 21.

House Bill 2313 was introduced in January by state Rep. Tina Orwell (D-Des Moines) and approved by the state House Appropriations Committee. It has since been referred to the House Appropriations Committee.

In March, HB 2313 was reintroduced for consideration during a special session of the assembly.

Nanny State Policy

State Rep. Joe Schmick (R-Colfax), ranking minority member of the House Health Care and Wellness Committee, says adult Washington citizens do not need the government to manage their lives.

“I did not support it out of committee,” Schmick said. “In my mind, an 18-year-old can fight for his country, he can obviously be married, be divorced, be a parent, and enter into contracts. He or she is an adult at age 18. You should be able to make your own decisions at age 18.”

Staying Under the Radar

Paul Guppy, vice president of research for the Washington Policy Center, says lawmakers are trying to pass the bill without scrutiny from voters.

“If they brought this up in public debate or tried to pass it on as a ballot measure, they would have a lot of work to do,” Guppy said. “There has been no public debate, no news coverage that we’ve seen. Just in general, we have not perceived any buzz about this happening.”

Guppy says the bill will not have much of an impact, other than making lawmakers feel good about themselves.

“It’s just a theoretical control that only exists on paper,” Guppy said. “Maybe it will make some politicians feel good if they vote for it, but I don’t think it will make much difference in the real world.

“Just don’t think it would have much practical effect,” Guppy said. “If the purpose of it is to discourage smoking, as a public health issue, I understand that reasoning behind it. As a practical policy, I don’t think it will achieve that goal. I don’t think it would keep anyone under 21 from smoking or getting access to tobacco products.”

Andrea Dillon (thell1885@gmail.com) writes from Holly Springs, North Carolina.

Federal Court Dismisses Suit Against Drone Regs

By Matt Hurley

A Maryland man’s legal battle with the federal government over regulations requiring all owners of unmanned aircraft systems and other flying toys to file paperwork was dismissed by a federal court.

In December 2015, the Federal Aviation Administration (FAA) enacted regulations requiring all unmanned aircraft systems, commonly referred to as drones, to be registered with the government. Drone owners are also required to mark their flying craft with a unique identification number assigned to them by FAA.

TechFreedom, a nonpartisan public policy think tank focusing on technological issues, filed a brief defending the Maryland man who brought suit, John Taylor. In April, FAA lawyers convinced the U.S. Court of Appeals for the District of Columbia Circuit to dismiss the case, arguing TechFreedom and Taylor had missed the deadline to request a judicial review of the regulation. As a result of the court’s decision, Taylor and all other U.S. drone owners will continue to be required to obey the FAA regulations.

No ‘Cost-Benefit Analysis’

Ryan Hagemann, a policy analyst on transportation and technology at the Mercatus Center at George Mason University and director of the Technology Policy Program, says the regulations are unnecessarily restrictive.

“The FAA has responsibility for keeping air transportation safe, and there are some minimal, light-touch regulations that could do that without imposing innovation,” Dourado said. “For example, it is good that the FAA prohibits drones from flying near airports, where they might collide with passenger jets during takeoff and landing, but the agency goes too far when it restricts flight within a full five miles of airports, as it currently does. Flying a drone at low altitude a couple miles away from an airport seems perfectly safe.”

Dourado says FAA should focus on making rules that actually protect people.

“The focus should be on narrowly tailored rules that do the most to keep us safe while otherwise promoting maximum innovation,” Dourado said.

Matt Hurley (wmdtvmat@yahoo.com) writes from Cincinnati, Ohio.
Oklahoma lawmakers are proposing to collect taxes on online purchases.

House Bill 2531 would expand the state government’s authority to collect sales taxes to include businesses located outside the state, including online retail companies such as Amazon.com.

Currently, online e-commerce businesses without physical locations in the state are not required to collect sales taxes from Oklahoma consumers. The decision handed down in a 1991 U.S. Supreme Court case, Quill v. North Dakota, prohibits states from requiring businesses to collect and remit sales taxes from purchases made by consumers not located in the state in which the business maintains a physical presence.

Making ‘Mincemeat’ of Common Sense
Andrew Moylan, executive director and senior fellow of the R Street Institute, said, “Oklahoma’s Internet sales tax bill makes mincemeat of the ‘physical presence’ standard, a common-sense principle that says the state can only impose tax obligations on businesses that are located in the state. This bedrock principle protects businesses and taxpayers from aggressive tax collection by states where they have no significant connection.

“The supposed upside is a small amount of additional revenue, but in a classic case of the cure being worse than the disease, the downside is a future where state tax powers have no geographical limits and any tax collector can target any business nationwide,” Moylan said.

Big Government, Big Business, Big Problems
Trent England, vice president for strategic initiatives at the Oklahoma Council of Public Affairs, says lawmakers and owners of established physical businesses may be fans of the idea, but consumers will be the ones footing the bill.

“From a legislator’s point of view, it’s more revenue for the state,” England said. “The point of view from brick-and-mortar companies is it would level the playing field, because their competition would be paying the same sales tax they are paying. Unfortunately, the downside is it would very likely lead to litigation, ... probably litigation at the state level challenging whether they can actually do this without it being considered a tax increase and federal litigation challenging this as invading Congress’ commerce powers.”

England says state governments should encourage interstate commerce and not treat it like an untapped piggy bank.

“States can’t impose their will on purely out-of-state businesses, which includes imposing a tax on out-of-state businesses simply because somebody in that state happens to order something from a business in another state,” England said.

Andrea Dillon (thell1885@gmail.com) writes from Holly Springs, North Carolina.
By Dustin Siggins

West Virginia Gov. Earl Ray Tomblin (D) signed a bill legalizing the consumption of raw milk, opening up a way for consumers to avoid the state's economic restrictions on sales between farmers and foodies.

Lawmakers passed Senate Bill 387 in February, and Tomblin signed it into law in March. State agriculture laws still prevent consumers from purchasing raw milk directly from farmers, but consumers are now allowed to purchase “cow shares,” ownership shares in a cow or herd of cows.

Black Market in Milk
Baylen Linnekin, an adjunct professor of law at George Mason University, says the new law is a refreshing win for consumers and will make milk safer in the state.

“I’m troubled by the law’s requirement that farmers who choose to operate a herd-share must provide their name and the names of herd-share consumers to the state. This amounts to a compulsory registry of West Virginia raw milk drinkers. That is needlessly intrusive and makes no more sense than does a compulsory registry of West Virginia medium- and rare-cooked hamburger eaters.”

Baylen Linnekin, George Mason University

‘A Question of Freedom’
To Karnes, this law is about more than just milk.

“The question is, really, do we want a nanny state that removes the ability for people to make risk-reward assessments for themselves, or do we want freedom?” Karnes said. “That argument goes far beyond the raw milk question.”

West Virginia Governor Moves on Raw Milk Bill

“Drinking raw milk will soon be legal in the Mountain State, after Gov. Earl Ray Tomblin signed a bill Thursday allowing for herd sharing.

“Direct sale of raw milk will still remain illegal, but residents may buy shares in an animal to receive milk from it.

“A document must be signed by those purchasing an animal acknowledging the risks of drinking raw milk.

“Tomblin vetoed a similar bill last year, but his office said that this year’s bill had provisions that eased his concerns about public health.

“Local health officials had been critical of the bill, pointing out the bacteria risks of drinking raw milk as opposed to pasteurized milk.”


“The question is, really, do we want a nanny state that removes the ability for people to make risk-reward assessments for themselves, or do we want freedom?” Karnes said. “That argument goes far beyond the raw milk question.”

“Do We Want Freedom?”

West Virginia has the largest percentage of family farms of any state in the United States,” Karnes said. “About 90 percent of the farms in West Virginia are family farms, owned and operated by families. Few of these family farms are economically viable. Most require the owners to work a full-time job while farming on the side. Herd-sharing provides another way for these small farmers to add to the bottom line.”
Taxpayers’ Data at Risk in IRS’s Hands, New Report from GAO Says

Continued from page 1

Despite prior documentation and national news stories exposing IRS practices opening taxpayers up to data breaches and other fraudulent activities from both external and internal threats, the audit found “significant control deficiencies” remain and are preventing the agency from ensuring the “confidentiality, integrity, and availability of financial and sensitive taxpayer information.”

GAO says IRS failed to consistently implement physical security measures in its data centers, allowing unauthorized employees and visitors access to restricted areas.

Other failures cited include using weak or outdated passwords on servers containing sensitive data and allowing multiple employees to share security credentials.

Information Overload

Alexander Hendrie, a federal affairs manager at Americans for Tax Reform, says IRS has in its possession too much information about taxpayers.

“Look at the kind of information that a taxpayer needs to give the IRS each year: Just for Obamacare, they’re supposed to verify things like Social Security number, citizenship, income, address, [and] then you need to list your spouse and dependents,” Hendrie said.

IRS, like the rest of the federal government, has a history of failing to serve taxpayers well, Hendrie says.

“I think there’s definitely a pattern of failure here when it comes to the federal government,” Hendrie said. “When you look at Healthcare.gov and also a lot of the state portals, some of these systems’ infrastructure was so poor that they just collapsed or they’re still struggling today.”

Hendrie says reforming the tax code would reduce the amount of taxpayers’ data that’s vulnerable to digital intruders.

“The compliance cost is so high that you have an entire industry that has naturally developed as a result of the complex tax code,” Hendrie said. “If you made it a little bit simpler, clearly you wouldn’t need as much information.”

‘Lack of Credibility’

Michi Iljazi, a policy manager with the Taxpayers Protection Alliance, says IRS’s ongoing failure to secure taxpayer data exemplifies a larger problem with the agency.

“I think it speaks to a lack of credibility that the IRS continues to suffer from, as we see scandal after scandal showing a real disconnect between the agency and the taxpayer … whether it is political targeting, mishandling of private information of taxpayers and businesses, or a lack of protection over data and records the agency should be preserving,” Iljazi said.

Tax Reform Needed

Iljazi says federal tax reform should require IRS to collect less private information from taxpayers, making it easier to safeguard against data breaches.

“Comprehensive tax reform is important on a number of levels, and limiting the amount of information that needs to be collected is a very real benefit that could be achieved,” Iljazi said. “A simpler code would likely lead to a smoother process for compliance, and that is likely to include a more streamlined approach for submitting and collecting information when an individual [or] businesses file their tax returns.”

Ben Johnson (therightswriter@gmail.com) writes from Stockport, Ohio.

IN OTHER WORDS . . .

“Just in time for tax season, the Government Accountability Office is warning that weak financial controls at the Internal Revenue Service leave taxpayer information at risk.

“In a report released Monday to IRS Commissioner John Koskinen, the GAO noted the agency’s progress in information security but said ‘weaknesses in the controls limited their effectiveness in protecting the confidentiality, integrity, and availability of financial and sensitive taxpayer data.’

“The GAO chided the IRS, saying it ‘has not effectively implemented elements of its information security program.’

“Unless the IRS takes additional steps, including updating test and evaluation procedures, the GAO said, ‘financial and taxpayer data will remain unnecessarily vulnerable to inappropriate and undetected use, modification, or disclosure.’

“The GAO determined that the IRS ‘had a significant deficiency in internal control over financial reporting in its information security in fiscal year 2015.’ …

“In response, Koskinen said, ‘IRS is committed to improving its financial management, internal controls, information technology security posture, and the overall effectiveness of information system controls.’

“He closed a letter to the GAO by saying that ‘the security and privacy of all taxpayer information is of utmost importance to us, and the integrity of our financial systems continues to be sound.’

“Taxpayers hope he’s right, because as the GAO said, maintaining the public’s trust is ‘especially important for government agencies such as IRS.’”


“I think there’s definitely a pattern of failure here when it comes to the federal government. When you look at Healthcare.gov and also a lot of the state portals, some of these systems’ infrastructure was so poor that they just collapsed or they’re still struggling today.”

ALEXANDER HENDRIE
FEDERAL AFFAIRS MANAGER
AMERICANS FOR TAX REFORM

INTERNET INFO


Iljazi says IRS’s ongoing failure to secure taxpayer data exemplifies a larger problem with the agency.
Proposal Would Make Tax Reform as Easy as ‘ABC’

By Matt Hurley and D. Brady Nelson

The U.S. fiscal imbalance—the excess of what we expect to spend, including repayment of our debt, over what government expects to receive in revenue—is large and growing due to record-high government spending. Committed to bringing attention to this increasing threat, the Cato Institute inaugurated a significant project to investigate and document the federal government’s current financial position.

The project’s major report—U.S. Fiscal Imbalance—detailing the true state of the government’s financial health, and how the fiscal situation has been continuously deteriorating, is available free online at www.cato.org/fiscalimbalance.
New Book Examines the Relationship of Words, Meanings, History in Political Discourse

By Jay Lehr

Words have power, and learning and understanding the true meaning of words a culture uses gives one insight into the culture’s evolution as well.

_Fascism: The Career of a Concept_ is authored by Paul Gottfried, a humanities professor emeritus at Elizabethtown College. _Fascism_ tracks the evolution of the word “fascism,” how use of the term has changed compared to its twentieth century roots, and how the word’s evolution reflects changes in American society and Western civilization.

‘What Evil Lurks’

_Fascism_ may be challenging for readers not normally interested in political philosophy, but Gottfried’s extensive research, which covers more than 50 studies and books on the topic, makes the read well worth the effort, especially for those seeking a fascinating and unique peek into the philosophy of what Orson Welles’ radio character, The Shadow, famously intoned as “what evil lurks in the minds of men.”

Just as the meanings of words such as “conservatism” and “liberalism” have changed over time, Gottfried says the term “fascism” is too often used arbitrarily and is now regularly employed to characterize policies opposed by modern liberalism. In contrast to this use of the term, as one of condemnation against those who oppose expansion of government, Gottfried notes modern “fascism” is a word coined by Benito Mussolini and other partisan leaders. They used it to express their idea of an active and populist government’s responsibility to restrict economic behavior and promote nationalism.

“Those who stand in the way of social change and whose ‘bigotry’ must be addressed are conveniently dismissed in Western Europe as ‘fascist,’ an epithet that has an added value because it is no longer associated with state corporatism and other now widely ignored but once-essential features of fascism,” Gottfried writes. “Calling someone a fascist today means that he or she is a Nazi.”

Words and Meanings

In reading the book, one will learn fascism and Nazism, another theory of government closely associated with World War II-era Europe, are commonly and incorrectly conflated. Mussolini was, by definition, a fascist, but Nazi Germany operated under a more eclectic totalitarian philosophy, borrowing from fellow dictator Joseph Stalin’s operational theories and common corporatism.

Unlike Nazism’s völkisch (populist) quest to reclaim the glory of esoteric ancestor races, such as the Hyperboreans, fascism is a rejection of religiosity in favor of scientism, Gottfried writes.

“When Italian fascists spoke of building a new age of the world, commencing with Mussolini’s March on Rome in 1922, they were not simply expressing nostalgia for past Latin glory; they believed themselves to be living in a modern society that looked forward to a new political order that was not parasitic on Roman symbols and Roman notions of authority,” Gottfried wrote. “Fascists considered themselves the beneficiaries of the Italian democratic revolutions of the nineteenth century, and it was their destiny to erect a state-of-the-art regime that differed equally from old-fashioned Italian principalities and corrupt liberal parliamentary administrations. They also incorporated the secularizing tendencies that had become decisive in the West starting with the Enlightenment, and fascists proposed, however tentatively, a post-Christian vision heavily shaped by science and religious skepticism.”

Mirror Ideological Image

Gottfried says fascism is essentially a twisted, funhouse-mirror image of twentieth century liberal theories of humanity’s perfectibility. Despite fascists’ strong opposition to the revolutionary left and the common characterization of fascism as “right-wing,” fascism was radically different from modern-day conservatism.

“Although fascists could claim a multifarious genealogy going back to nineteenth century counterrevolutionaries, critics of rationalism, and even Italian futurists, its ideology was contrived to lend credibility to a movement of resistance,” Gottfried wrote. “Unlike Marxism and Christianity, fascism was an essentially reactive movement, and its oppositional nature could be grasped most clearly by looking at its ‘escape from transcendence.’ Fascists rejected a leitmotif that appeared in Christian theology and throughout the revolutionary Left, namely that human beings could be morally transformed and raised above their natural conditions to become more fully human or less beastlike.

“The fascists exalted what was primordially collectivist, or biologically rooted, and in the end pieced together a counter-vision to the teachings of their enemies,” Gottfried wrote.

Warning from the Past

Gottfried says although fascism was once a revolutionary movement, it is now exceedingly rare, existing “in the West as an isolated or only remotely approximated curiosity.”

In the United States and other Western cultures, there are no mainstream political parties or movements resembling anything accurately described as “fascist.” Instead of a present danger to nations’ character, this flavor of tyranny casts its long shadow across the world as a reminder of the abuses and mistakes of the past.

Although the book may be challenging to some readers, _Fascism: The Career of a Concept_ is a meticulously researched primer on the true history of one of the world’s worst ideologies. Upon finishing the book, readers will emerge with a firmer understanding of history, philosophy, and the ways in which words shape culture and reality.

Jay Lehr, Ph.D. (jlehr@heartland.org) is science director of The Heartland Institute.

_Fascism: The Career of a Concept_, Paul E. Gottfried
Northern Illinois University Press 2016, 256 pages

“In the United States and other Western cultures, there are no mainstream political parties or movements resembling anything accurately described as ‘fascist.’ Instead of a present danger to nations’ character, this flavor of tyranny casts its long shadow across the world as a reminder of the abuses and mistakes of the past.”
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Tickets for others to attend are $100. Sponsorship opportunities are also available.

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