September 1, 2015

Roger Simon on who shot the sheriff and perhaps why.

"Investigators were trying to determine Sunday what may have motivated a 30-year-old man [Shannon Miles, black] accused of ambushing a uniformed suburban Houston sheriff's deputy [Darren Goforth, white] filling his patrol car with gas in what authorities believe was a targeted killing," saith the AP in the newspeak of our time.

Well, I can help them with that. Let's start with the obvious. Shannon Miles (a black man) is a crazy guy, just as Dylann Roof (the white man from the Charleston church shootings) is a crazy guy and Vester Lee Flanagan (the black man who killed his white co-workers at a Virginia TV station the other day) was a crazy guy. The latter two claimed they wanted to start a race war. No word yet on Miles, but if we believe in what our grandmothers told us — that actions speak louder than words — he's already more than half way there.

(You will note that I am not using the neologism African-American, which I think is part of the problem, not part of the solution.)

Also obvious, Barack Obama and Eric Holder (and now Loretta Lynch) are to blame for encouraging an atmosphere of racial divisiveness and, yes, hatred in our society. Anyone honest can see — and the polls have reported — a serious increase in racial tension and violence (Baltimore, Ferguson, etc.) since the beginning of the Obama administration. The racist-to-the-core "Black Lives Matter" movement is quite simply their evil spawn. ...

... But all is not ill. Maybe we don't deserve it, maybe it's a sign of divine intervention (who knows?), but America is getting a second chance. A man is running for president who is a true healer like we haven't seen since Dr. King. And he's resonating with the public because I suspect many of us realize he is just what our country needs at this moment (with or without Donald Trump by his side). You know who I mean — Dr. Ben Carson.

Streetwise Professor has found someone dumber than Trump and O'Reilly when it comes to economics.

Yesterday I said Trump and O'Reilly were in a cage match to determine the world champion of economic ignorance. There is another contender of course, the current occupant of the office to which Trump aspires. Actually, I would say that Obama is the undefeated reigning world champ, and that the O'Reilly-Trump set-to was merely to see who might contend for the title in the future.

Obama's gobsmacking ignorance-served up with a heaping side of superciliousness-was on full display at the "Clean Energy Summit" in Las Vegas on Monday. Time is finite, and my energy is only intermittently renewable, so I can't possibly deconstruct these vaporings in detail. So I will limit myself to a few high-level comments:

1. *Obama's claims that his policies on renewable energy and carbon will make a meaningful impact on climate is a massive fraud that would land you or me in jail. Obama's own EPA acknowledges that the policy will reduce global mean temperatures by an imperceptible and irrelevant .02 degrees by 2100. Farenheit? Celsius? Who cares? It matters not. It is rounding error on any scale.*

2. *Obama's ignorance is on full display when he claims that conventional electricity generation was not characterized by "a lot of innovation." This is just a crock. Compare heat rates of plants 20 years ago to those of today: in California, for instance, thermal efficiency has improved by 17 percent over the last 13 years. Heard of combined cycle, Barry? There has been considerable innovation in electricity generation. Well, not at the light switch plate, which is probably the extent of Barry's familiarity with the electricity value chain.*
3. *Obama mistakes opposing subsidies with being anti-free market. Welcome to bizarro world. And, as is his wont, he did so in an Alinskyite fashion, demonizing his opponents (the always handy Koch Brothers) in a very personal way. ...*

Richard Epstein writes on a new NLRB decision that will hamper labor markets. Yet another example of the problems caused by the current occupant that we will have to deal with for a long time.

... the new joint employer rules will likely batter today's already grim labor market, as they will not only disrupt the traditional workplace but will completely wreck the well established franchise model for restaurants and hotels. As the majority conceded, the so-called joint employer does not even know so much as the social security number of its ostensible employees. It has no direct control over the way in which the current employer treats its workers, and yet could be hauled into court for its alleged unfair labor practices. That second firm knows little or nothing about the conditions on the ground in the many businesses with which it has forged these alliances, which eases the operations for both. Those advantages will be lost if the joint employer rule holds up in court. At the very least, the majority's decision would require each and every one of these contracts and business relationships to be reworked to handle the huge new burden that will come as a matter of course, leaving everyone but the union worse off than before.

It would be one thing, perhaps, if the majority saw the light at the end of the tunnel. But over and over again it disclaims any grand pronouncements, making the legal question of who counts as an employer a work in progress that will be finished no time soon. Against this background it is irresponsible to undo the current relationships by a party-line vote. That point should also be clear to the courts and to Congress. The quicker this unfortunate decision is scrubbed from the law books, the better.

Financial Times editors call for Hillary to come clean.

... What, at this point, can she do about it? The answer is very little. Several probes are under way. Yet even at this stage, with months of potentially embarrassing revelations in front of her, Mrs Clinton has yet to acknowledge her mistakes. Last week she downplayed the gravity of the situation by making a joke about having opened an account at Snapchat, where messages disappear "all by themselves". This will not do. Unless Mrs Clinton comes clean and makes amends, voters will rightly doubt her suitability to be commander-in-chief.

Glenn Reynolds writes on Katrina lessons.
It's been a decade since Hurricane Katrina struck New Orleans. What were the lessons? Here are a few:

1. The press did a lousy job. *Forget Brian Williams' "huge lies." Though the press patted itself on the back afterwards, in fact, as American University Journalism Professor W. Joseph Campbell writes, "it's instructive to recall how extreme and over the top the reporting was from New Orleans in Katrina's aftermath." Reports of wandering bands of rapists, a 10-year-old girl raped in the New Orleans Convention Center, claims that people were shooting at rescue helicopters, sharks haunting the floodwaters, bodies stacked like cordwood — all were false.*

Though the extremism generated ratings, and satisfied the anti-American urges of the foreign press, it did real harm. New Orleans, a city battered by disaster, was portrayed as, in Maureen Dowd's words, "a snake pit of anarchy, death, looting, raping, marauding thugs, suffering innocents, a shattered infrastructure, a gutted police force, insufficient troop levels and criminally negligent government planning." Dowd used this portrayal to take shots at then-President George W. Bush, and I suspect a lot of the media pile-on was similarly motivated, but it had the effect of stigmatizing victims and, by playing up anarchy and danger, may even have delayed the arrival of aid, as rescuers feared to go in without armed escort. Overall, a horrible media performance. ...

Paul Mirengoff posts on the type of reporter hired by the Washington Post.
Yesterday, Jimmy Carter taught Sunday school in Plains, Georgia. It was Carter's second lesson since he announced that he has brain cancer.

The Washington Post sent Dave Weigel to cover the event. He reports that (in the words of the Post's sub-headline, print edition) "pilgrims pour[ed] into Plains Ga." for the event with "an outpouring of good wishes." When it rains, it pours.

It's to Carter's credit that he teaches Sunday school and that he perseveres in his present condition. But the Post uses the occasion to lionize the former president and attack Republicans who dare criticize his presidency.

In Dave Weigel, the Post has identified the perfect man for the job. I can think of no reporter more capable of unctuousness and viciousness, depending on what the politics of the occasion and his personal interests require. ...

Roger L. Simon
Who Shot the Sheriff?

"Investigators were trying to determine Sunday what may have motivated a 30-year-old man [Shannon Miles, black] accused of ambushing a uniformed suburban Houston sheriff's deputy [Darren Goforth, white] filling his patrol car with gas in what authorities believe was a targeted killing," saith the AP in the newspeak of our time.

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Also obvious, Barack Obama and Eric Holder (and now Loretta Lynch) are to blame for encouraging an atmosphere of racial divisiveness and, yes, hatred in our society. Anyone honest can see — and the polls have reported — a serious increase in racial tension and violence (Baltimore, Ferguson, etc.) since the beginning of the Obama administration. The racist-to-the-core "Black Lives Matter" movement is quite simply their evil spawn.

But those are the easy targets. We have to go back further to determine "Who Shot the Sheriff?" … way back to the dear old 1960s when the civil rights movement stood at a fork in the road. I was there at the time and, sadly, perhaps meekly, I took the wrong fork.

A young man of 22, I was in the Atlanta offices of SNCC (Student Non-Violent Coordinating Committee) when I met another young man, very handsome, black, a few years older than I. He was running for the state assembly and about to go precinct walking. I asked if I could go with him. For a second he hesitated, then shook his head. He wasn't hostile, but it was obvious he didn't want to go with a white guy. Almost by way of explanation, he showed me the leaflets he would be distributing. They were for the Black Panther Party of Lowndes County, Alabama. It was the first time I had seen such a thing. The young man was Julian Bond, who died just a couple of weeks ago.

Five years later, as a still young screenwriter in Los Angeles, I was donating money to the Black Panthers for their breakfast program. I wanted to be cool My bad. My big bad. I had taken the wrong fork.

It was the wrong fork that a lot of others took in different ways — Barack Obama, for one, when he sat for twenty years in the pews of the Reverend Jeremiah Wright. Dr. Martin Luther King sought integration. These others were black separatists — whether they knew it or not, whether they were ambivalent or not, whether they were exploiting it or not, whether they thought it was a phase or not — and, with their many white supporters in and out of the media, have brought us to the pass we are in today.

Yes, in my own way, I shot the sheriff. Those many of you familiar with the Bob Marley lyrics were probably ahead of me on this "*I shot the sheriff /But I didn't shoot no deputy, oh no! / Oh! I shot the sheriff*." (Well, I guess it was a deputy in this case, but you get the idea.)

But all is not ill. Maybe we don't deserve it, maybe it's a sign of divine intervention (who knows?), but America is getting a second chance. A man is running for president who is a true healer like we haven't seen since Dr. King. And he's resonating with the public because I suspect many of us realize he is just what our country needs at this moment (with or without Donald Trump by his side). You know who I mean — Dr. Ben Carson.

Streetwise Professor

Donald Trump Can Only Aspire to Match Obama's Economic Ignorance

by Craig Pirrong

Yesterday I said Trump and O'Reilly were in a cage match to determine the world champion of economic ignorance. There is another contender of course, the current occupant of the office to which Trump aspires. Actually, I would say that Obama is the undefeated reigning world champ, and that the O'Reilly-Trump set-to was merely to see who might contend for the title in the future.

Obama's gobsmacking ignorance-served up with a heaping side of superciliousness-was on full display at the "Clean Energy Summit" in Las Vegas on Monday. Time is finite, and my energy is only intermittently renewable, so I can't possibly deconstruct these vaporings in detail. So I will limit myself to a few high-level comments:

1. Obama's claims that his policies on renewable energy and carbon will make a meaningful impact on climate is a massive fraud that would land you or me in jail. Obama's own EPA acknowledges that the policy will reduce global mean temperatures by an imperceptible and irrelevant .02 degrees by 2100. Farenheit? Celsius? Who cares? It matters not. It is rounding error on any scale.
2. Obama's mantra is all about the jobs that his renewables policies are creating and will create. Jobs are costs, not benefits.
3. Further, Obama is clueless about the seen vs. unseen. To the extent that these policies raise the cost of electricity, they will have adverse consequences on wealth and income in consuming sectors, and in sectors that could produce electricity more efficiently, but for the subsidized competition from renewables.
4. And yes, these policies will increase costs. Renewables are intermittent and diffuse and therefore require backup resources to ensure reliability; there is often a long distance between renewable sources and demand, meaning that new investments in icky transmission are required; and there is often a negative correlation between renewable production and electricity demand (e.g., the wind usually stops blowing when it's really hot). Just look to Germany, with its *Energiewende* fiasco if you have any doubts. There is a strong correlation between electricity costs and fraction of electricity from renewables, and although this could be due in part to an endogeneity issue (those with more costly electricity sources utilize more renewables), this does not explain the entire effect.
5. Obama and other boosters of renewables boast about falling costs of solar. Wind is conspicuously absent from this discussion, even though it represents the bulk of renewables generation. Further. Fine! When these inexorable efficiency gains make solar economical as a large-scale source of electricity, it will be able to compete without subsidy. This is no reason to subsidize now. This technical progress in solar argument is a non sequitur of the first magnitude.
6. Obama and other boosters rave about capacity additions attributable to renewables. Well, due to the intermittence issue, capacity utilization is very low. It takes a lot more than 1MW of renewable capacity to replace 1MW of thermal or nuclear capacity. Indeed, if the wind ain't blowing, all the windmills in the world can't replace one conventional plant.
7. Obama's ignorance is on full display when he claims that conventional electricity generation was not characterized by "a lot of innovation." This is just a crock. Compare heat rates of plants 20 years ago to those of today: in California, for instance, thermal efficiency has improved by 17 percent over the last 13 years. Heard of combined cycle,

Barry? There has been considerable innovation in electricity generation. Well, not at the light switch plate, which is probably the extent of Barry's familiarity with the electricity value chain.

8. Obama mistakes opposing subsidies with being anti-free market. Welcome to bizarro world. And, as is his wont, he did so in an Alinskyite fashion, demonizing his opponents (the always handy Koch Brothers) in a very personal way.

I could go on, but that would be an S&M exhibition, and this is (usually!) a SFW site.

Suffice it to say that in Las Vegas Obama gave a demonstration that proves that when it comes to economic illiteracy, Trump can only aspire to fill Obama's shows.

And yeah. Take a moment to absorb just what that means.

Hoover Institution

How Democrats Stifle Labor Markets

by Richard A. Epstein

The National Labor Relations Act of 1935 (NLRA) introduced a major revolution in labor law in the United States. Its reverberations are still acutely felt today, especially after the recent, ill-thought-out decision in the matter of *Browning Ferris*. There, the three Democratic Members of the National Labor Relations Board overturned well-established law over the fierce dissent of its two Republican members. If allowed to stand, this decision could reshape the face of American labor law for the worse by the simple expedient of giving a broad definition to the statutory term "employer."

Right now, that term covers firms that hire their own workers, and the NLRB subjects those firms to the collective bargaining obligations under the NLRA. Under its new definition of employer, the NLRB majority expands that term to cover any firm that outsources the hiring and management of employees to a second firm, over which it retains some oversight function. In its decision, the NLRB refers to such firms and those to whom they outsource the hiring as "joint employers."

Just that happened when a Browning Ferris subsidiary contracted out some of its recycling work to an independent business, Leadpoint. Under traditional labor law, Browning Ferris would not be considered the "employer" of Leadpoint's employees—but the Board's decision overturns that traditional definition. No longer, its majority says, must the employer's control be exercised "directly and immediately." Now "control exercised indirectly—such as through an intermediary—may establish joint-employer status."

By this one move, the Board ensures that unions will now have multiple targets for their organizing efforts. A union can sue the usual employer who hires and fires, and it may well be able to sue one or more independent firms who have outsourced some of their work to that firm. The exact standards by which this is done are not easy to determine in the abstract. Instead, the new rules depend on some case-by-base assessment of the role that the second firm has in setting the parameters for hiring workers, determining their compensation, and supervising their work.

There is a quiet irony in this ill-considered transformation. The Democratic majority protests that it is only applying "common law," i.e. judge made definitions of employers and employees to shape out the structure of the NLRA, which explicitly repudiates every key move in the common law of labor relations.

The analysis of the term "joint employer" starts with the NLRA's definition of an employer, which reads: "The term 'employer' includes any person acting as an agent of an employer, directly or indirectly," and then tacks on a list of exclusions including the United States and various state governments. The complementary definition of an "employee" under NLRA section 2(3), which, with largely irrelevant qualifications, states none too helpfully: "The term 'employee' shall include any employee. . . ."

The NLRA makes no effort to define joint employers of a single employee. Nor does it contain any indication that this category should occupy a large space in the overall analysis, even though *Browning Ferris* opens up the possibility that a very large fraction of the labor force has multiple employers.

To reach this conclusion the Democratic majority notes that the common law definition of an employee is the benchmark for its statutory choice. Yet the common law approach to labor relations was historically the antithesis of the creaky administrative machinery mandated by the NLRA. Under the common law rules, there were no limitations as to the bargain that could be struck between the employer and the worker. All contractual provisions relating to wages and the conditions of work were left for the parties to decide, as was the case with respect to the duration of the arrangement. In general, most employment contracts were at will, which meant that the employer could fire the employee for a good reason, a bad reason, or no reason at all, just as all employees could quit for a good reason, a bad reason, or no reason at all.

To the naïve, this system of contractual freedom often looks as though it is an open invitation for labor market instability, but in fact it has proved exactly the opposite. The flexibility over contractual duration and terms keeps both sides in line, and thus adds immeasurably to the overall productivity of human capital.

The NLRA, passed 80 years ago, has posed a serious threat to the productivity of labor markets from day one. Its basic structure imposes a duty on each employer to bargain collectively with a union that has been selected by a majority of workers within a statutorily defined bargaining unit. That bargaining system blocks the constant short-term adjustments always needed in response to changing conditions in either labor or product markets by imposing a rigid set of restrictions on any unilateral contract changes offered to workers on a take-it-or-leave-it basis. These proposed contract changes are deemed unfair labor practices and prohibited.

The NLRA's top-heavy labor agreements impose onerous work rules on once free businesses that hurt workers as well as employers in an actively moving marketplace, and these agreements leave unionized firms at a serious competitive disadvantage with their more nimble competitors. Over the last 60 years, even with little or no change in the substantive law, the level of unionization in the private sector has declined rapidly, from a peak of about 35 percent in 1954, to under 7 percent today. Time has only exposed the defects of a statute flawed from its creation at the height of the New Deal.

The efforts of the NLRB majority to cover "joint employers" is clearly an effort to breathe life into a moribund labor movement, by making hash out of the common law rules on which it purports to rely. From the beginning, the labor law had to ask which individual workers were employees of the firm, subject to unionization, and which were independent contractors who were not.

In the 1944 case of *NLRB v. Hearst*, the Supreme Court held that individual "newsboys" who sold Hearst papers were to be treated as employees for the purposes of the labor statute, even though their contracts with Hearst had designated them as independent contractors. The majority of the current Board relies on *Hearst* for its willingness to apply the statutory definitions "broadly . . . by underlying economic facts." But that majority conspicuously neglects to mention that *Hearst* was in fact repudiated in the Taft-Hartley Act of 1947, which excluded (most imperfectly) "any individual having the status of an independent contractor," without giving a workable definition of who those individuals are.

Nonetheless, the *Hearst* case did have one critical feature that the NLRB's majority ignored. In *Hearst*, the only question was whether ordinary workers should be treated as an employee or an independent contractor. There was, however, no third party involved, and hence no issue of whether two or more firms should be treated as joint employers of any individual worker. Exactly the same point holds in the 1968 decision in *NLRB v. United Insurance Co. of America*, relied on by the majority, where the Supreme Court held that individual "debit agents" of the defendant insurance company were in fact its employees.

It should be evident why *United Insurance Co. of America* might well be correct. The whole point of the NLRA is to protect the right of employees to unionize. If an employer could redescribe individual employees as independent contractors, the basic protections of the NLRA (however ill-advised in principle) could be circumvented by a simple labeling exercise, without making a difference in the day-to-day operation of the overall business.

The Democratic majority also relied heavily on Section 220 of the Restatement of Agency that deals with the classification of certain independent workers as independent contractors or employees. In dealing with this issue, the NLRB majority discusses the ten factors that the Restatement invokes to answer this question, without noting two gaps in its argument. The first is that each factor is directed toward individual workers and a single employer, without reference to any joint employee situation. How else to explain the one factor that observes "(e) whether the employer or the workman supplies the instrumentalities, tools, and the place of work for the person doing the work; . . .?" The Restatement also asks about the distinct nature of the worker's occupation, the duration of the relationship, and the kind of day to day supervision, none of which are relevant to the joint employer question.

Second, this lengthy inquiry arose when the at-will rule at common law let the parties cut whatever deal they saw fit. What the NLRB majority forgot to do was to look at the material that immediately preceded section 220 in Chapter 7 that begins: LIABILITY OF PRINCIPAL TO THIRD PERSONS TORTS. Section 219 is then headed; When Master Is Liable for Torts of His Servants." At this point, the punch line should be clear. The independent contractor question did not govern their relationship, but arose to make sure that the common law employer did not escape liability for the torts committed by his servants against *strangers* by labeling them as independent contractors. But as between the parties, the question of categories doesn't matter—at least in the absence of regulation.

Today of course, the argument is that the law has to look over this arrangement to see that other statutory obligations imposed on employers are not breached. It was for that reason that the California Commission in *Berwick v. Uber Technologies* reverted to the common law definition of an independent contractor to tackle the question in the most inappropriate way possible while determining case-by-case which Uber drivers were employees and which were independent contractors. The same issue arises when employers try to classify part-time individual workers as independent contractors to avoid various statutory obligations on family leave, sick pay, overtime, and the like.

None of those issues is relevant here, where the correct inquiry asks whether the joint employer rules will disrupt the settled historical pattern of collective bargaining. The NLRB majority made a passing effort to justify its decision by quoting some government statistic that indicated an increase in the number of “contingent” and “temporary” employees as of 2005 to about 4.1 percent of employment, or 5 million workers. But that factoid reveals nothing about the efficiency of the proposed modifications to the collective bargaining system.

On that question, the new joint employer rules will likely batter today’s already grim labor market, as they will not only disrupt the traditional workplace but will completely wreck the well established franchise model for restaurants and hotels. As the majority conceded, the so-called joint employer does not even know so much as the social security number of its ostensible employees. It has no direct control over the way in which the current employer treats its workers, and yet could be hauled into court for its alleged unfair labor practices. That second firm knows little or nothing about the conditions on the ground in the many businesses with which it has forged these alliances, which eases the operations for both. Those advantages will be lost if the joint employer rule holds up in court. At the very least, the majority’s decision would require each and every one of these contracts and business relationships to be reworked to handle the huge new burden that will come as a matter of course, leaving everyone but the union worse off than before.

It would be one thing, perhaps, if the majority saw the light at the end of the tunnel. But over and over again it disclaims any grand pronouncements, making the legal question of who counts as an employer a work in progress that will be finished no time soon. Against this background it is irresponsible to undo the current relationships by a party-line vote. That point should also be clear to the courts and to Congress. The quicker this unfortunate decision is scrubbed from the law books, the better.

Financial Times

Hillary Clinton needs to come clean over email fiasco

Denying the gravity of her mistakes is only making matters worse

The 2016 presidential race started off with the equivalent of an open goal for Hillary Clinton. No credible rival entered the Democratic contest and Donald Trump has since thrown the Republican field into disarray. Yet Mrs Clinton has been doing her best to prove the quip that she is her own worst enemy.

The manner in which she has handled inquiries into her use of a private server when she was secretary of state is a case study in damage maximisation. Rather than admit her errors and make amends, Mrs Clinton has ducked, weaved, belittled and evaded — anything rather than face the issue. As a result, the probes are multiplying and now include the Federal Bureau of Investigation. More worrying, Mrs Clinton's trust ratings have fallen into negative territory. No nominee has made it to the White House with the mistrust of a majority of US voters. Joe Biden, the vice-president, is dropping hints that he is ready to run if Mrs Clinton continues to falter.

It will not be easy for her to turn things around. To recap, Mrs Clinton routed all her electronic communications as secretary of state through a private, unencrypted server that was installed in her family home in New York. She also conducted all email correspondence on her private address. No other cabinet official, or federal employee, in the Obama administration did likewise. Although it was technically permissible at the time for her to do so, all official communications are federal property. Yet Mrs Clinton treated hers as private. Moreover, it is against the law to send classified material over unencrypted systems. Mrs Clinton only reluctantly last year handed over about 30,000 emails of official correspondence to government lawyers. But she took it upon herself to delete about another 30,000 emails, which she said were private. The FBI is now trying to retrieve those from her impounded server.

Worse, it turns out that many of the emails she handed over did contain classified material, and only a fraction have been released. There are likely to be many more. The best gloss that can be put on her actions is that she behaved as if there were one law for her and another for everyone else — a familiar Clinton trait. That, in itself, provides fodder for her critics. But this is potentially far more grave.

In her quest to insulate herself from political enemies, she may have compromised US national security. Mrs Clinton went to great lengths to keep her communications out of US government hands with methods that all but ensured they would fall into foreign ones, such as China and Russia. As Edward Snowden has shown, it is a relatively simple matter to tap into unencrypted servers. That may well prove to be the case. Should it turn out her email traffic contained highly classified material that jeopardised US intelligence's "sources and methods", Mrs Clinton could find herself in very deep trouble indeed. The Department of Justice will have to make a decision whether to prosecute. Her campaign could even be derailed.

What, at this point, can she do about it? The answer is very little. Several probes are under way. Yet even at this stage, with months of potentially embarrassing revelations in front of her, Mrs Clinton has yet to acknowledge her mistakes. Last week she downplayed the gravity of the situation by making a joke about having opened an account at Snapchat, where messages disappear "all by themselves". This will not do. Unless Mrs Clinton comes clean and makes amends, voters will rightly doubt her suitability to be commander-in-chief.

USA Today

Lessons in disaster for the next Katrina

Who can you trust when disaster strikes? Not the media. And definitely not the government.

by Glenn Reynolds

It's been a decade since Hurricane Katrina struck New Orleans. What were the lessons? Here are a few:

1. The press did a lousy job. Forget Brian Williams' "huge lies." Though the press patted itself on the back afterwards, in fact, as American University Journalism Professor W. Joseph Campbell writes, "it's instructive to recall how extreme and over the top the reporting was from New Orleans in Katrina's aftermath." Reports of wandering bands of rapists, a 10-year-old girl raped in the New Orleans Convention Center, claims that people were shooting at rescue helicopters, sharks haunting the floodwaters, bodies stacked like cordwood — all were false.

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As Campbell notes, a bipartisan Congressional report in 2006 observed, "If anyone rioted, it was the media." Sad.

2. Crying wolf is dangerous. There are a lot of reasons why New Orleans didn't evacuate in time. According to George W. Bush's memoir, *Decision Points*, Louisiana Gov. Kathleen Blanco froze. New Orleans Mayor Ray Nagin (now in jail for corruption) was late in ordering evacuation of the city, despite warnings from "weather nerd" Brendan Loy. And the Bush White House and FEMA were notoriously late, Bush in particular being unwilling to federalize the issue and override Blanco's inactive state government. But another reason why people didn't evacuate in time is because the media engage in hurricane hype. When every story is treated as the storm of the century, people tune out. Some perspective, please? Oh, and reporters: We've all seen someone stand out on the beach as huge waves roll in, while telling everyone else to evacuate. It's old news, and it sends mixed messages. A little common sense self-control in the media would go a long way toward making sure that serious warnings get the attention they deserve.

3. Be prepared, because basically you're on your own. After Katrina hit — not only in New Orleans, but up and down the Gulf Coast — it took a lot longer than people expected for aid to arrive. Years later, when Superstorm Sandy hit New York and New Jersey, it once again took a lot longer than people expected for aid to arrive, to the point that I was prompted to call Sandy "Katrina-on-the-Hudson." ("Weather nerd" Brendan Loy even warned again that authorities, in this case, New York Mayor Mike Bloomberg, weren't taking the storm seriously enough before it struck. And as recently as this summer, the news was still running "horror stories" about the Sandy recovery, almost three years later.) Part of the problem is with people's expectations. When roads are flooded, washed out, blocked by trees and power lines, etc., it takes a while to get them back in order. That means you need to be prepared to get by for at least a few days —

and, much better, at least a couple of weeks — on your own. That means having extra food, water, medications, fuel, batteries, etc. on hand. It also means getting along with your neighbors. For a few days at least, and maybe longer, they'll be all the help you have.

4. Really, when they tell you to evacuate, listen. And if you're particularly vulnerable, or just disinclined to be a victim, pay attention to the news. You're free to leave before orders are given, and if you do, there won't be as much traffic, and conditions elsewhere won't be as crowded.

5. This will all happen again. It was over seven years after Katrina that Sandy hit, but New York made many of the same mistakes. We've been fortunate not to have any really severe hurricanes since, despite post-Katrina predictions that heavy hurricane seasons would be the new normal. But sooner or later, a hurricane strikes, or a tornado, or a blizzard, and things break down. We think of them as unusual, but on any reasonable time scale they're regular events. At both the governmental and the personal level, we need to think of preparedness for disaster as part of normal life. Because it is.

Power Line

Washington Post reporter among the "pilgrims" paying homage to Jimmy Carter

by Paul Mirengoff

Yesterday, Jimmy Carter taught Sunday school in Plains, Georgia. It was Carter's second lesson since he announced that he has brain cancer.

The Washington Post sent Dave Weigel to cover the event. He reports that (in the words of the Post's sub-headline, print edition) "pilgrims pour[ed] into Plains Ga." for the event with "an outpouring of good wishes." When it rains, it pours.

It's to Carter's credit that he teaches Sunday school and that he perseveres in his present condition. But the Post uses the occasion to lionize the former president and attack Republicans who dare criticize his presidency.

In Dave Weigel, the Post has identified the perfect man for the job. I can think of no reporter more capable of unctuousness and viciousness, depending on what the politics of the occasion and his personal interests require.

Weigel's natural mode, though, is attack. Thus, he notes that "among Republicans, Carter's name is still muck-stained." "Muck" is a word normally associated with vicious personal attacks like the ones that made Weigel notorious. Republican criticism of Carter focuses on his disastrous presidency and subsequent negotiation of a terrible nuclear agreement with North Korea, not his personal life which appears to have been exemplary.

This is certainly true of the criticism of Carter that Weigel cites:

Texas Sen. Ted Cruz and New Jersey Gov. Chris Christie recently invoked Carter to mock President Obama's "feckless" and "weak" foreign policy, as if discovering a worse president than Carter was like discovering a mineral harder than diamond.

With this over-the-top analogy, Weigel makes clear that, like all partisan leftists, he believes it's fairly easy to find worse presidents than Carter. Give the man credit, Weigel knows how to worm his personal opinions into news stories.

Weigel continues:

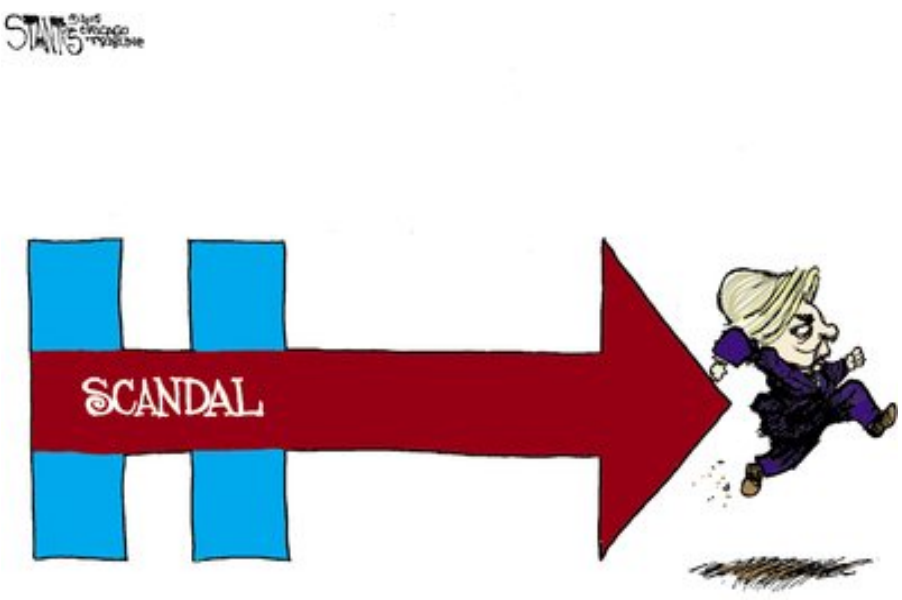
But this time, Cruz and Christie were quickly chastised. Decades of charity and humanitarian work had made Carter a respected political figure. The cancer diagnosis, however, had catapulted him beyond politics.

Weigel doesn't say who "quickly chastised" Cruz and Christie. My quick search revealed that they have been attacked by the usual suspects: The Daily Kos, Wonkette, The Huffington Post, Talking Points Memo, etc.

As for whether Carter's cancer diagnosis takes his presidency off the table for purposes of discussing vital foreign policy issues in an election year, I suppose reasonable minds can differ. It seems to me that the foreign policy of President Obama (and Hillary Clinton) is sufficiently Carteresque to justify references to Carter's pursuit of a similar, though arguably less weak and feckless, approach to the world.

Apparently, it is the intention of the Washington Post to protect Democrats from reminders of the Carter era, no matter how pertinent the reminders may be. The Post should lighten up. It's not as if anyone is wishing, as Weigel once did, that an adversary "set himself on fire."

What would Jimmy Carter say about that at Sunday school?



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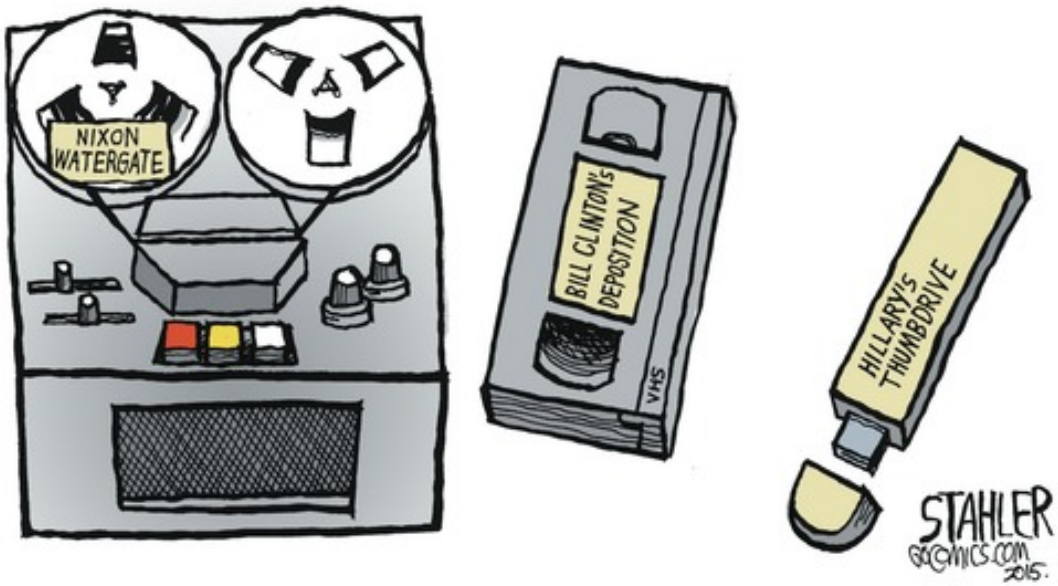

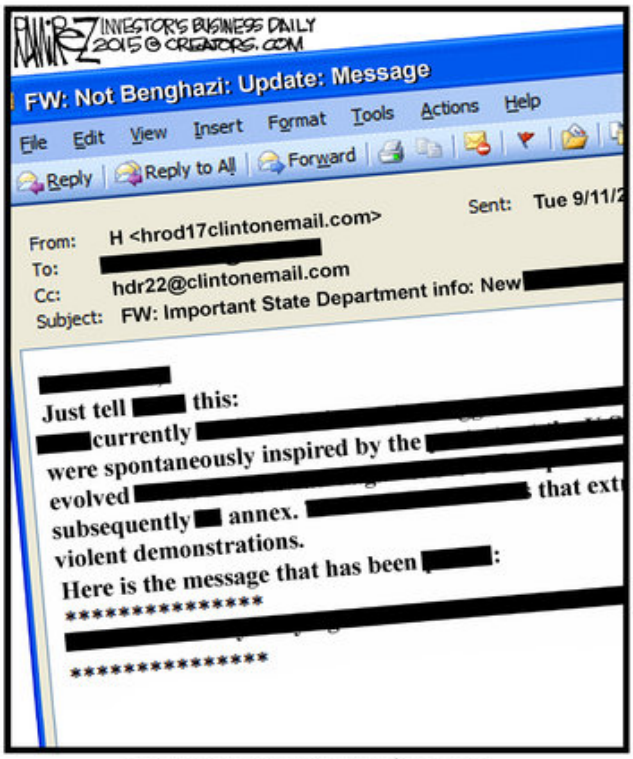

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