

A Rush to Judgement



Our political system is in serious danger of a rush to judgement on three important issues: the expansion of NATO, global warming, and the tobacco settlement. The Clinton administration and most of the media describe these issues as settled, as if to preempt any serious public or congressional debate. In such cases, the Cato Institute is often in a contrarian position, not because we prefer that role but because of our shared conviction that the awesome powers of government

should not be exercised without broad understanding and consent.

These three issues will be a special focus of Cato attention over the next six months, in part because they reflect a too common pattern. The outstanding proposals specific to each issue would substantially increase the commitments and interventions of the federal government. Contrary to the party line of the political establishment, however, these proposals are not yet a "done deal"; there is still time to stop or substantially amend them. And the case for each of the proposals is shockingly weak.

President Clinton's tactic for gaining Senate approval for NATO expansion and a global warming treaty is reminiscent of that used by prior presidents of both parties on foreign affairs issues.

Clinton and other senior administration officials have gone around the world making highly visible commitments to other governments. We should soon expect Clinton to claim that Senate approval of those commitments is necessary for the United States to maintain world leadership and to reaffirm the authority of the presidency in foreign affairs. Those who were not born yesterday have probably heard that line before.

Each of these issues is complex, but it is important to understand the main features of the outstanding proposals and the major questions that should be asked:

First, Clinton has proposed expanding NATO to include the Czech Republic, Hungary, and Poland, with a promise to consider other countries later. The approval of each NATO government is required, including approval by two-thirds of the U.S. Senate. The administration should be asked to identify the threat this measure is to address, the probable reaction of the Russian government, how much this measure will cost, what criteria will be used in considering other countries for NATO membership, and how this measure serves the vital national security interests of the United States.

Second, Clinton has proposed a global warming treaty, initially including only the industrial countries, to reduce the emissions of greenhouse gases. The administration has yet to announce the details of its proposal, but the terms of this treaty are expected to be resolved by a December summit in Kyoto. This treaty would have to be approved by two-thirds of the Senate, which is already on record as opposing any such treaty that exempts the developing countries. In this case, the administration should be asked to explain the scientific evidence, whether some moderate warming would have net benefits or costs, whether emissions reduction is the most efficient way to reduce global warming, the relative effects of early versus deferred action, the level and distribution of the costs of emission reduction, and the effects of excluding the developing countries from the initial commitment to reduce emissions.

More recently, the attorneys general of 39 states forced a settlement on the tobacco firms in what is best described as a shakedown deal. In exchange for a partial immunity from liability, the tobacco firms agreed to restrictions on advertising and marketing; disclosure of chemical additives; regulation by the Food and Drug Administration; and a \$368 billion fund to compensate public treasuries,

individual smokers, and the trial lawyers who orchestrated this deal. This settlement, which violates numerous common law and constitutional principles, requires federal statutory approval. For those with no special brief for the tobacco firms, this settlement represents a serious threat to the rule of law. President Clinton has given general endorsement to this settlement. So far,

however, the only vocal critics of this settlement, other than Cato, are those who want stronger penalties on the tobacco firms. The major question that Congress should ask is what legal principle distinguishes tobacco from many other products and activities that are both pleasurable and somewhat risky; in other words, what's next?

For some time, with your support, Cato will be trying to promote understanding and a responsible resolution of these issues. Watch this space.

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—William A. Niskanen