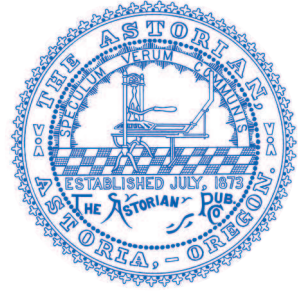


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OUR VIEW

Costly federal regulations in need of review

President-elect Donald Trump in his deluge of campaign promises said he would work to reduce costly regulations. The Heritage Foundation, a conservative think tank, earlier this month provided a review of federal regulations that carry criminal penalties. The list would be a good place to start, and its point is well taken.

In civics class we learned that the legislative branch makes law, both civil and criminal, and the executive branch enforces those laws. Congress, for example, passes a law making bank robbery a federal crime, defines the elements of the crime and establishes a penalty.

Simple. But, as is often the case in Washington, things are rarely ever simple.

In 1911, the Supreme Court held in *United States v. Grimaud* that Congress had the power to pass the broad strokes of law and delegate to the executive the details of the rules and regulations to implement the law. The case revolved around the secretary of agriculture's authority to make regulations concerning the use of Forest Service lands for grazing and other purposes, and to attach criminal and civil penalties provided by Congress for violations of those regulations.

The ruling was a boon to Congress, a busy institution without time, expertise or often particular interest in the arcane details. More time on details means less time for lawmaking. How might that look to the voters back home?

So, to pack in more lawmaking Congress has left it to federal agencies to make the rules, and to decide which violations will carry civil penalties and which will be federal crimes that carry jail time.

Bank robbery is a pretty straightforward crime, and one needs no more than an understanding of the commandment "Thou shalt not steal" to know it's wrong. But the violation of many regulations that carry criminal penalties is nowhere near as obvious. Without any criminal intent, an unsuspecting violator can face jail time and criminal fines for even the most innocuous action.

Equally alarming is that the number of potential criminal violations grows annually as agencies make more regulations. No one really knows, but critics say violations of as many as 300,000 regulations carry criminal penalties.

"With little to no input from or accountability to voters, bureaucrats have run amok with the power to create new crimes," the foundation says.

If regulations are to be enforced, there must be penalties. However, for all but the most egregious violations, the threat of civil fines should be adequate to force compliance. Congress should reserve for itself the power to define federal crimes. Citizens should demand that accountability.

In the meantime, we agree that the next president should curtail the creation of new federal crimes by bureaucratic fiat.

LETTERS WELCOME

Letters should be exclusive to The Daily Astorian.

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All letters are subject to editing for space, grammar and, on occasion, factual accuracy. Only two letters per writer are printed each month.

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mentioning the writer by name, should refer to the headline and date the letter was published. Discourse should be civil and people should be referred to in a respectful manner.

Submissions may be sent in any of these ways:

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And the trade war came



AP Photo/Ng Han Guan

Workers dressed as Santa Claus promote the popular bike rental service known as Mobike in Beijing Saturday. Although Christmas is not traditionally celebrated in China, retailers take opportunity of the gift giving spirit of the festival to boost year end sales.

By PAUL KRUGMAN
New York Times News Service

Donald Trump got within striking distance of the White House — or, more precisely, Comey-and-Putin

range — thanks to overwhelming support from white working-class voters. These voters trusted his promise to bring back good manufacturing jobs while disbelieving his much more credible promise to take away their health care. They have a rude shock coming.

But white workers are not alone in their gullibility: Corporate America is still in denial about the prospects for a global trade war, even though protectionism was a central theme of the Trump campaign. In fact, the only two causes about which Trump seems truly passionate are supposedly unfair trade deals and admiration for authoritarian regimes. It's naive to assume that he will let his signature policy issue slide.

Let's talk means, motive and consequences.

You might imagine that a drastic change in U.S. trade policy would require congressional approval, and that Republicans — who claim to believe in free markets — would put on the brakes. But given GOP spinelessness, that is unlikely.

In any case, the relevant legislation gives the occupant of the White House remarkable leeway should he choose to go protectionist. He can restrict imports if such imports "threaten to impair the national security"; he can impose tariffs "to deal with large and serious United States balance-of-payments deficits"; he can modify tariff rates when foreign governments engage in "unjustifiable" policies. Who determines whether such conditions apply? The executive himself.

Now, these provisions were not intended to empower a trade to reverse decades of U.S. policy, or engage in personal vendettas. You can guess, however, how much such niceties are likely to bother the incoming administration, which is already talking about using its powers. Which brings us to the question of motive.

Why would a Trump administration impose restrictions on imports? One answer is those working-class voters, whose supposed champion is set to pursue a radically anti-worker domestic agenda. There is an obvious incentive for Trump to make a big show of doing something to fulfill campaign promises. And if this creates international conflict, that is actually a plus when it comes to diverting attention from collapsing health care and so on.

An old joke tells of a motorist who runs over a pedestrian, then tries to fix the damage by backing up — and runs over the victim a second time. Well, the effects of the Trumpist trade war on U.S. workers will be a lot like that.

Beyond this, it is clear that the incoming commander-in-chief really believes that international trade is a game in which nice guys finish last, and that America has been taken advantage of. Furthermore, he is picking advisers who will confirm him in these beliefs.

Oh, and do not expect attempts by experts to point out the holes in this view — to point out, in particular, that the image of a predatory China, running huge surpluses by keeping its currency undervalued, is years out of date — to make any impression. Members of the Trump

team believe that all criticism of their economic ideas reflects a conspiracy among think tanks that are out to undermine them. Because of course they do.

So what will happen when the Trump tariffs come?

There will be retaliation, big time. When it comes to trade, America is not that much of a superpower — China is also a huge player, and the European Union is bigger still. They will respond in kind, targeting vulnerable U.S. sectors like aircraft and agriculture.

And retaliation is not the whole story; there is also emulation. Once America decides that the rules do not apply, world trade will become a free-for-all.

Will this cause a global recession? Probably not — those risks are, I think, exaggerated. No, protectionism didn't cause the Great Depression.

What the coming trade war will do, however, is cause a lot of disruption. Today's world economy is built around "value chains" that spread across borders: your car or your smartphone contain components manufactured in many countries, then assembled or modified in many more. A trade war would force a drastic shortening of those chains, and quite a few U.S. manufacturing operations would end up being big losers, just as happened when global trade surged in the past.

An old joke tells of a motorist who runs over a pedestrian, then tries to fix the damage by backing up — and runs over the victim a second time. Well, the effects of the Trumpist trade war on U.S. workers will be a lot like that.

Given these prospects, you might think that someone will persuade the incoming administration to rethink its commercial belligerence. That is, you might think that if you have paid no attention to the record and character of the protectionist in chief. Someone who will not take briefings on national security because he is "like, a smart person" and does not need them is not likely to sit still for lessons on international economics.

No, the best bet is that the trade war is coming. Buckle your seat belts.