

FreeSociety



**Blindfolded Juries,
Coerced Convictions**
Why Prosecutors Often Win
Before Trials Even Begin

“

**No government ought
to take away men's
natural rights,** the
business and design of
government itself being
to defend them.

”

Cato's Letter no. 90
1722

John Trenchard
and Thomas Gordon

Creating free, open, and civil societies founded on libertarian principles.

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Letter from the President, Peter Goettler

As the new administration settles in, Washington is awash in grand ambitions and sweeping plans. Some of these we welcome enthusiastically. Others are troubling. But in all cases, we see opportunity—opportunity to advance the principles of individual liberty, free markets, and limited government in a political climate that is ripe for new ideas.

Cato is seizing this moment. For decades, our experts have provided principled, research-backed solutions to the country's most pressing policy challenges. The Institute has always made a moral case for human liberty that must undergird all public policy. Now, we can play a decisive role in shaping what comes next.

Our people mobilized as an administration open to rolling back regulation and state power in key sectors began taking shape. We reconnected to its leadership only hours after the Department of Government Efficiency (DOGE) was announced. By the next day, we had outlined a road map for reform to eliminate unnecessary and harmful federal interventions in Americans' daily lives—one that prioritizes economic freedom, personal liberty, and the rule of law. The full plan was delivered to DOGE and released to the public in less than a month.

We'll keep making the strongest case for reining in reckless federal spending. There are some encouraging early signs—cutting waste, exposing absurd taxpayer-funded programs, and pushing the parameters of public debate toward downsizing government. But with a hesitant Congress and a president unwilling to touch entitlements, major reform looks unlikely. That won't stop Cato from pushing harder.

While some of the administration's rhetoric around foreign policy has been downright irresponsible, we remain hopeful that its action will be more in line with Cato's long-held views of realism and restraint. Keeping in mind the old saying "Personnel is policy," some of the administration's appointments in international affairs have been a mixed bag. But many—particularly those below the cabinet level—have been encouraging. Until recently, we've been a lone voice against interventionism, but it's increasingly clear our efforts are helping to change the DC consensus that has led to costly mistakes without making America safer.

But advancing liberty isn't just about moving forward in areas of agreement. It's also about holding the line where government overreach threatens core principles.

While there's growing support in Washington that we can increase economic dynamism by reducing regulation, we remain deeply concerned about growing protectionism. Tariffs, quotas, and industrial policy distort markets, harm consumers, and undermine global prosperity. The benefits of an open world for trade—wider choices, lower costs, and greater innovation—are not political talking points; they're economic realities. We'll continue making that case forcefully.

On immigration, we're fighting for an approach that embraces what immigrants have contributed to America today and throughout our history. A closed legal immigration system has fueled illegal immigration, border chaos, and partisan

rancor. And it threatens to deny us the prosperity fueled by America's long history of welcoming talent, ambition, and hard work from around the world.

Above all, we'll be most vigilant in defending the US Constitution and the rule of law. The modern presidency already wields far more authority than the Framers intended and more power than any libertarian would countenance. Congress after Congress—Republican and Democrat alike—continue to both delegate and cede more powers to the executive branch.

Since its founding, Cato has called out every president when he's overstepped his bounds or contravened the Constitution and the rule of law. With President Trump's willingness to do so already well established, the Institute's voice—which exists only through the generosity of our Partners—will remain credible and vital.

Throughout the year, you'll hear more about our ambitious efforts to keep amplifying this voice and expanding our impact. Now is the time to build on our momentum, engage new allies, and take bold steps toward a freer, more prosperous future.

The fight for liberty never stops, and with the support of the thousands who keep Cato's mission alive and vibrant, we are making real progress. Thank you to everyone who stands with us.



Peter Goettler
President and CEO

Cato in the News

Recent Op-Eds

The Atlantic

A Bogus New Rationale for Trump's Economic Agenda

—by Scott Lincicome



USAID Failed Because Foreign Aid Doesn't Work

—by Ian Vásquez



Ross Ulbricht Didn't Deserve to Die in Prison. Thanks to Trump He Won't.

—by Clark Neily



I'm a Black PhD and Here's Why I Left Academia

—by Erec Smith



How Trump Can Be a Middle East Peacemaker

—by Justin Logan and Jon Hoffman

TV Highlights



Jennifer Huddleston urges the Trump administration to diverge from Lina Khan's antitrust policies on Bloomberg TV's *Bloomberg Technology*.



Norbert Michel calls for shutting down the Consumer Financial Protection Bureau on CBS's *60 Minutes*.



Thomas A. Berry discusses the SCOTUS case *TikTok Inc. v. Garland* on CBS's *Evening News* with Norah O'Donnell.

News Notes

23 Trump Executive Orders Followed Cato's Blueprint

Before the election, Cato's *Handbook on Executive Orders and Presidential Directives* laid out a blueprint for restoring constitutionally limited government and protecting individual rights. Now, just two months into his second term, President Trump has issued 23 executive orders that reflect Cato's proposals. These include ending federal equity programs altering schools' policies, revoking affirmative action in federal hiring and contracting, lifting executive restrictions on energy production, and cutting wasteful subsidies for high-cost, low-quality health care programs.

200+ Congressional Staffers Have Joined Cato's Fellowship Programs

In Washington's hyper-polarized environment, opportunities for meaningful, cross-partisan discussions are rare. But Cato's Congressional Fellowship Programs provide just that—weekly, off-the-record policy discussions with leading experts and Hill staffers from both sides of the aisle. Demand is so high that many of these eight-week programs, which cover topics from health care and economics to legal studies and foreign policy, have waiting lists. One Democratic staffer summed up the impact: “*Certain speakers changed my perspective on issues. As a Democrat, I appreciated the balance of fellows.*”

Key Federal Nominees Took the Stage at Cato Events in 2024

Several of President Trump's top agency picks joined Cato events in 2024 to discuss urgent policy challenges. Martin Makary, nominee for FDA commissioner, discussed his book, *Blind Spots: When Medicine Gets It Wrong, and What It Means for Our Health*, with Cato's Jeffrey A. Singer. National Institutes of Health director nominee Jay Bhattacharya joined Singer and Ryan Bourne to examine the film *COVID Collateral: Where Do We Go for Truth?* And Energy Secretary Chris Wright teamed up with Cato's Marian Tupy and the Alliance for Responsible Citizenship to make the case for unleashing energy productivity.



Romina Boccia opposes a DOGE dividend to taxpayers and a sovereign wealth fund on CNBC's *Worldwide Exchange*.



Scott Lincicome debates the Trump administration's tariffs on PBS's *Firing Line with Margaret Hoover*.



Justin Logan discusses the Trump administration's stance on the Russia-Ukraine war on CNN's *Laura Coates Live*.

Blindfolded Juries, Coerced Convictions

Why Prosecutors Often Win
Before Trials Even Begin

By Clark Neily

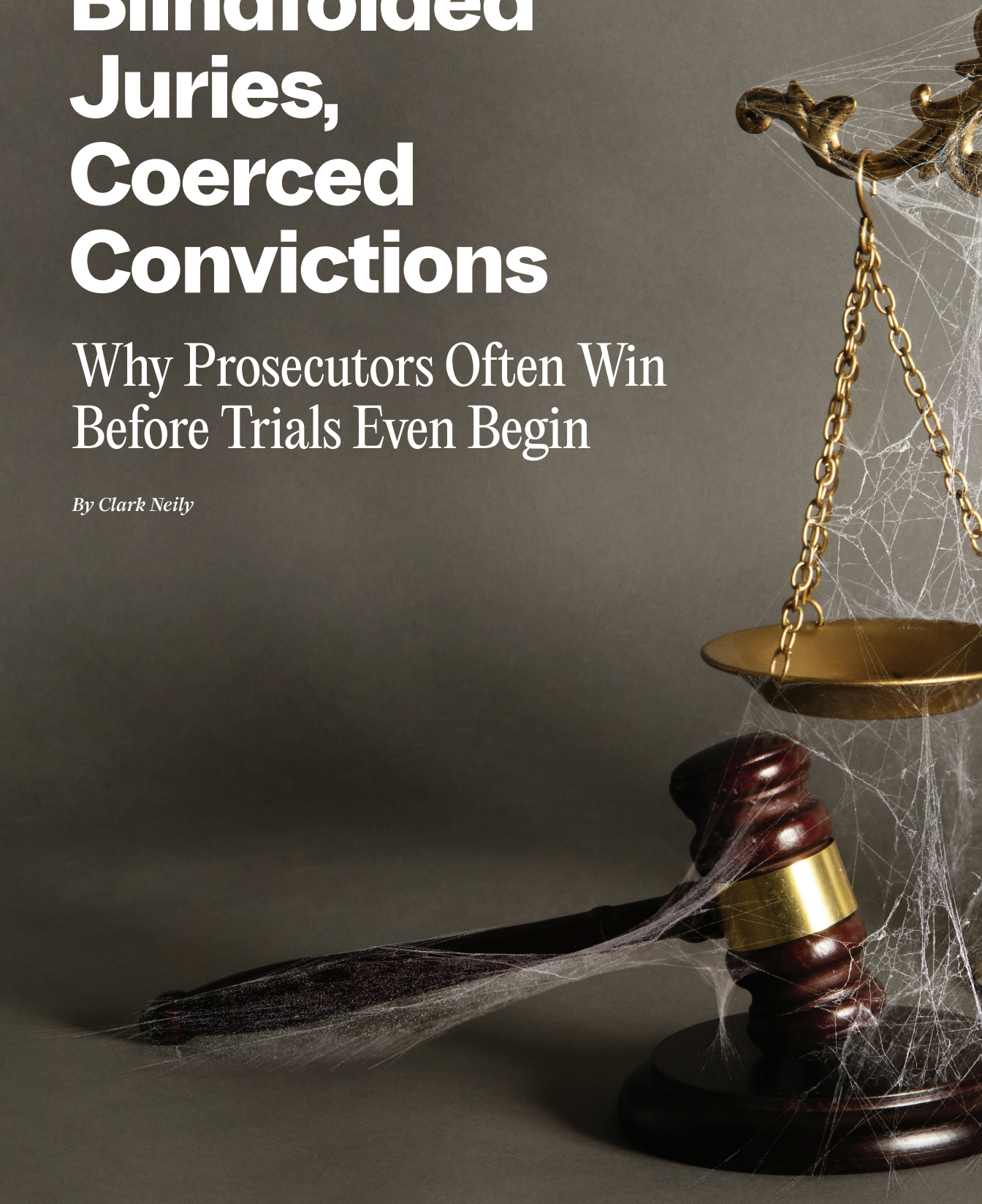




ILLUSTRATION BY TYLER COMRIE

The Bill of Rights dedicates more words to the resolution of criminal charges than any other subject, establishing a criminal justice system in which defendants are afforded rigorous protections such as the presumption of innocence, the right to counsel, and trial by jury.

But the Founders would hardly recognize today's adjudicative process, which is more akin to an industrial-scale assembly line that prioritizes expediency over fairness and churns out guilty pleas through ad hoc, extraconstitutional dealmaking that systematically excludes ordinary citizens from a process in which they were meant to be the key players. And the small handful of defendants who resist the often palpably coercive pressure to plead guilty will be tried by a jury that has been carefully curated and indoctrinated to ensure it is free of people who understand the historic powers of jurors in our system, including but not limited to conscientious acquittal.

US District Judge T. S. Ellis III sounded a regretful tone when he sentenced Frederick Turner to 40 years in prison on drug charges in 2018, explaining that he had “no discretion to change” the punishment due to a combination of mandatory minimums and stacked charges.

“The only thing I can do is express my displeasure,” Judge Ellis said. “I chafe a bit at that, but I follow the law.”

Prosecutors later indicated that they also had some buyer's remorse, reportedly offering after the trial to support a reduced sentence if Turner waived his right to appeal and gave them information on other drug dealers.

But perhaps no one was as shocked by the four-decade sentence as the jurors who had recently convicted Turner on two counts related to dealing methamphetamine

and two counts of possessing a firearm in furtherance of a drug-trafficking crime, wholly unaware of the draconian mandatory sentences that deprived the judge of any sentencing discretion.

“If anyone who sat in that trial said that person deserved 40 years, I'd question their judgment about everything in their life,” Paul St. Louis, a juror in the case, told *Free Society*. “The reality is: I didn't have all the information, and if I did, I'm not sending that man to prison for 40 years. Just no way.”

Frederick Turner's Descent

Turner, who spent much of his life grappling with addiction issues, was arrested in 2017 as part of Operation Tin Panda, a sweeping Justice Department crackdown on drug and gang activity in Northern Virginia. He had recently relocated to Virginia from his home state of Utah after a series of tragic deaths in



TOP: Mandy Richards holds a photo of her brother, Frederick Turner, whose 40-year prison sentence was questioned by one of the jurors who convicted him and even the judge who handed down the punishment.

RIGHT: Frederick Turner pictured in family photos before his trial and incarceration.

PHOTOGRAPHY BY GREG KAHN



“St. Louis’s reflections on Turner’s sentencing underscore the neutering of the modern American jury—groups of ordinary citizens who are kept in the dark about their true powers and duties so that they can act as unwitting rubber stamps for overzealous prosecutors.”

his family, including both of his parents and his 25-year-old nephew, Cody Brotherson, a Utah police officer who was struck by a stolen vehicle and killed in 2016.

The turmoil of Turner’s personal life exacerbated his substance abuse problems as he searched for a fresh start. His spiraling addiction led him to a methamphetamine dealer named Bassam Ramadan, whom he began assisting in drug deals. Turner was never accused of carrying or using a gun, but firearms were present in Ramadan’s house, and Turner helped package a gun and meth together for one transaction with an undercover police officer.

After Turner’s arrest, prosecutors stacked charges so that if he went to trial

and was convicted, he’d face a statutory minimum of 40 years in prison—five years for the first firearm offense, 25 years for the second firearm offense, and 10 years for the drug crimes, all to be served consecutively.

As is invariably the case in federal prosecutions, the severity of this potential punishment was hidden from the jurors deciding Turner’s fate. Assistant US Attorney Carina Cuellar argued at the beginning of the trial that it would be “very unfair” to “play on the emotions of the jury” by telling them about the 40-year sentence Turner could face, according to a *Washington Post* report.

About three dozen other people were arrested as part of Operation Tin Panda, all of whom entered into plea bargains. Prosecutors offered Turner a deal that would have given him a 10-year sentence, but he refused, believing that the charges and the government’s narrative far overstated his actual culpability.

“He really believed that he could explain that he was very small, he was the only one with a first-time offense in the whole big picture,” Turner’s sister, Mandy Richards, told *Free Society*. “He truly was a small fish under this humongous operation. He thought he could tell his truth and the jury would understand it.”

Nullifying the Power to Nullify

The jury convicted Turner at trial, but the resulting sentence floored St. Louis, the juror who said he would have opted for jury nullification had the court been more transparent about the punishment Turner would receive if convicted.

“I did read after the trial—the Department of Justice announced Operation Tin Panda,



Paul St. Louis, one of the jurors who convicted Frederick Turner, said he would have opted for jury nullification if he had known the severity of the punishment Turner was facing.

and the press release says, 'Look, we stopped this huge drug ring.' If I had just read that, my knee-jerk reaction is, 'Oh well, this is good, right?' We've got guns off the streets. We have drug dealers off the streets," St. Louis told *Free Society*. "But then you listen to the details in the trial, and what you find out is Rick Turner is a meth addict with mental illness, depression, and is selling drugs mostly to feed his own habit. And really what he needed was rehab—that was the solution to this."

Ramadan, the dealer whose house Turner had moved into, took a plea deal that landed him a 16-year sentence, less than half the time that Turner was ordered to spend behind bars.

Due to the length of his punishment,

Turner was sent to a maximum-security prison in Colorado, where any hope he had left was extinguished. He wrote letters to his sisters and other members of his family, telling them that he was fearful for his life and too terrified to sleep.

Turner died in prison in June 2019, with the official cause of death ruled a suicide, though his family still questions that determination. For Richards, her brother's four-decade sentence and transfer to a maximum-security facility were clearly a punishment for choosing to go to trial.

"I know he did drugs. I know he got involved with dealing drugs. I'm not naive to that, but he was broken, broken, broken, broken, and you put him in prison for 40 years because he didn't take your plea. How



John Moore Jr. (top) and Tanner Mansell (right) were convicted and branded as felons for violating a "statute that no reasonable person would understand to prohibit the conduct they engaged in," as it was put by one federal appeals judge.



wrong is that?” Richards said.

St. Louis’s reflections on Turner’s sentencing underscore the neutering of the modern American jury—groups of ordinary citizens who are kept in the dark about their true powers and duties so that they can act as unwitting rubber stamps for overzealous prosecutors. Turner’s four-decade sentence seems less like a punishment for a crime and more like a warning to other defendants: Either take the plea deal or experience the terror of the trial penalty.

Soon after Turner was sentenced, Congress passed the First Step Act, which reformed mandatory minimums and would have resulted in a 20-year sentence in his case. It’s a move in the right direction, but mandatory minimum sentences are just one way that prosecutors exert pressure on defendants like Turner to waive their right to a jury trial and condemn themselves instead. This power imbalance is partly responsible for our current system of plea-driven mass adjudication that sees more than 95 percent of criminal convictions come from guilty pleas, with innocent defendants sometimes pleading guilty just to avoid savage trial penalties. This assembly-line style of McJustice has helped boost America’s incarceration rate to a point that is orders of magnitude higher than other liberal democracies around the world. And even with nearly two million people behind bars, actual violent crimes increasingly go unsolved. Police clearance rates for homicide stood at just 52.3 percent in 2022, down from 64.1 percent in 2013, according to a Pew Research analysis of FBI data. The clearance rates for aggravated assault, rape, and robbery have also

declined at a similar pace and remain well below 50 percent.

Another aspect of our hypercarceral approach to criminal justice is prosecutors’ propensity to pursue convictions for trivial infractions that have nothing to do with public safety. A glaring example of this occurred in South Florida, where two members of a charter operation specializing in shark encounters were branded lifelong felons for an honest mistake.

Swimming with Sharks

John Moore Jr. and Tanner Mansell took a family out for a chartered snorkeling trip in the Jupiter Inlet near West Palm Beach in August 2020. After the first dive, they came across what they believed to be an illegal longline—a main fishing line with baited hooks weighed down to the seafloor by an anchor and connected to a buoy on the surface.

Believing the setup to be the work of poachers, Moore and Mansell took action, calling the Florida Fish and Wildlife Conservation Commission (FWC) to report what they had found and then retrieving the line and cutting at least 19 sharks loose—all while encouraging their guests, including a vacationing Midwestern police chief, to record videos of what they were doing.

“Every action we took was with that mentality of uncovering a crime, uncovering an injustice, recording it, calling it in, then at the very end, John handing the line over to law enforcement officials,” Mansell, an experienced diver and underwater photographer who has worked on the Shark Week series for the Discovery Channel, told *Free Society*.

“But there is another side to the plea-bargaining coin that receives less attention, and that is the government’s remarkable success in transforming criminal juries from injustice-preventing bodies into mere fact finders with no meaningful role in assessing the wisdom, fairness, or legitimacy of any given prosecution.”

Moore, a former commercial fisherman who grew up in a family with a charter boat business and who has spent his entire life on the water, was told by an FWC officer to leave the suspected poacher’s line at the dock.

“I never would have thought in a million years that we were doing something wrong,” Moore told *Free Society*. “We were out in this same area pretty much every day, five days a week, for years, and have never seen anything that resembled this.”

Their jubilation at freeing over a dozen sharks quickly soured the next morning, when commercial fishermen started

criticizing their actions on social media. FWC officials inspected the line and discovered that it belonged to a fisherman who had a special permit from the National Oceanic and Atmospheric Administration to conduct shark research.

Perhaps reflecting South Florida’s famous lack of actual crime, underworked federal prosecutors brought the case to a grand jury, which indicted Moore and Mansell on one felony count each of theft of property within the special maritime jurisdiction of the United States. The pair proceeded to trial in December 2022. Despite the looming specter of a felony conviction, they felt good about their chances of being found not guilty after all the evidence was presented.

“After the final words were said, we went back to the room, and we actually had a little celebration,” Mansell said. “All the information that we needed is out there. We gave each other hugs.”

But as jury deliberations extended from minutes to hours to days, the two divers felt more and more uneasy. Jurors sent out an incredible seven separate notes to the judge, asking for information about call logs, the defendants’ certifications and training, and the defense’s theory of the case.

On the second day of deliberations, a Friday, jurors sent a note informing the judge that the “jury [is] still very divided” and that “some people have to leave at 5.” The judge read them a so-called Allen charge to encourage them to break the deadlock. Just before leaving for the weekend—after two days of deliberations, longer than it took to present all of the evidence at trial—the jury returned a guilty verdict, branding Moore and Mansell lifelong felons.

They appealed their convictions to the 11th US Circuit Court of Appeals, arguing that the jury was given an inappropriately broad definition of the crucial word “steal” in the applicable statute. Moore and Mansell had asked the trial judge to advise the jury that “to ‘steal’” in this context meant “to wrongfully take good[s] or property belonging to someone else with intent to deprive the owner of the use or benefit permanently or temporarily and to convert [the property] to one’s own use or the use of another.” Prosecutors opposed the requested language about retaining the property for the defendants’ own use and the judge agreed, instructing the jury that it was irrelevant whether Moore and Mansell had taken the property for their own gain—which they plainly had not.

A three-judge panel of the 11th Circuit reluctantly affirmed the convictions, agreeing that there was no error in omitting the proposed language about self-benefit from the jury instructions—but not before taking the highly unusual step of chastising Assistant US Attorney Thomas Watts-FitzGerald by name for deciding to pursue felony charges in such a trivial case.

“John Moore, Jr., and Tanner Mansell are felons because they tried to save sharks from what they believed to be an illegal poaching operation. They are the only felons I have ever encountered, in eighteen years on the bench and three years as a federal prosecutor, who called law enforcement to report what they were seeing and what actions they were taking in real time,” Judge Barbara Lagoa wrote in a concurring opinion upholding the convictions.

“They are felons who derived no benefit, and in fact never sought to derive

any benefit, from the conduct that now stands between them and exercising the fundamental rights from which they are disenfranchised. What’s more, they are felons for having violated a statute that no reasonable person would understand to prohibit the conduct they engaged in.”

Though the trial judge sentenced Moore and Mansell to one year of probation, sparing them the prison time that prosecutors had asked for, they have still been branded lifelong felons—with all the disabilities and stigma that label carries with it—for a well-intentioned mistake.

“It’s still so strange to hear anything on the radio or TV, ‘This person was convicted,’ and the first thing that pops into my head every single time is, ‘I wonder if they were innocent,’” Moore said. “It skews your whole view of the criminal justice system.”

Recentering the Independent Jury

The Founders knew very well that the ability to prosecute and punish citizens is the power most frequently—and easily—abused by oppressive governments. So, it would likely come as no surprise to them that stories like the ones described above *could* happen. What would almost certainly shock and dismay them, however, is not just that those miscarriages of justice *did* happen, but *how* they happened.

Our system was painstakingly designed to avoid injustices like the ones inflicted upon Turner, Moore, and Mansell. But the system we have today bears scant resemblance to the one so carefully set forth in the Bill of Rights, which dedicates more words to the process for adjudicating criminal charges than any other. Bar none, the biggest difference between the

criminal justice system conceived by the Constitution and the actual one today that makes America the top incarcerator of human beings in the developed world is the role—or lack thereof—played by ordinary citizens in the process of criminal adjudication and punishment.

The system described and prescribed by the Constitution puts regular people at the very heart of the administration of criminal justice. Thus, before the government may brand someone a criminal and sentence them to prison, it must persuade 12 community members sitting as a jury that the defendant is guilty of the charged crime and deserves whatever punishment prosecutors seek. At least, that's how it works on paper.

The reality, unfortunately, is much different. In today's system, ordinary citizens have virtually no say in who gets convicted or how they get punished. That's because the vast majority of criminal cases end in guilty pleas, whereby defendants condemn themselves by waiving their right to a public and adversarial jury trial at which the government must prove a defendant's guilt beyond a reasonable doubt to the satisfaction of a unanimous jury. What on earth would persuade nearly everyone who gets prosecuted in our system to exchange the possibility of acquittal and freedom—especially in a system bristling with defendant-favoring procedural protections—for the certainty of conviction and punishment? The answer is pressure, and lots of it.

The Supreme Court has recognized that ours is no longer a system of trials as conceived by the Founders but a

system of ad hoc, extraconstitutional plea bargaining—and one, it should be added, that sacrifices the constitutional values of transparency, fairness, and due process on the altar of efficiency.

Cato scholars have thoroughly documented the many coercive levers available to prosecutors to induce guilty pleas, including threatening defendants with draconian mandatory minimum sentences (some of which prosecutors themselves lobbied for precisely to increase their own plea leverage) or even the death penalty; creatively stacking charges to increase sentencing exposure; gratuitous pretrial detention; and even threatening to indict a defendant's family members if he insists on going to trial.

But there is another side to the plea-bargaining coin that receives less attention, and that is the government's remarkable success in transforming criminal juries from the injustice-preventing bodies they were meant to be into mere fact finders with no meaningful role in assessing the wisdom, fairness, or legitimacy of any given prosecution. As the venerable constitutional scholar Akhil Amar has observed: "The present-day jury is only a shadow of its former self."

The government accomplished this radical transformation of the criminal jury by carefully indoctrinating potential jurors with a false narrative about their role in the process. Simply put, judges, prosecutors, and other system actors strongly suggest to jurors—and in some cases even falsely represent to them—that they lack the power to follow their own consciences when deciding whether to acquit or convict



Tanner Mansell and John Moore Jr. have decades of experience between them on the water but had never seen a legal longline fishing setup like the one they encountered in August 2020.

a given defendant. Jurors are often told during orientation that their only role is to determine the facts of the case and then mechanically apply the law, given to them by the judge, to those facts in order to arrive at a verdict. They may even be asked whether they are familiar with the concept of “jury nullification” and dismissed from the process of jury selection if they evince support for the concept.

Cato is working on two powerful reforms to disrupt plea-driven mass adjudication and return constitutionally prescribed

jury trials to their proper role as the default mechanism for resolving criminal charges in America. The first would require support from legislators, judges, and other policymakers; the second and perhaps more ambitious one would be imposed on the system against its will.

A cornerstone of the perceived legitimacy of plea bargaining, which is nowhere mentioned or approved in the Constitution and was unknown at the time of the Founding, is the perception among system actors that it is nearly infallible—in other words, that it is virtually impossible to induce an innocent person to confess to a crime they did not commit, and therefore we need not be particularly concerned about the lack of any judicially administrable standard for distinguishing between voluntary and coerced guilty pleas. And while there is abundant anecdotal evidence that this confidence is misplaced—for instance, some 15 percent of the nearly 4,000 people on the National Registry of Exonerations were convicted based on false guilty pleas—no one has managed to quantify precisely just how reliable plea bargaining really is. But there’s a remarkably straightforward way to do that: the trial lottery.

As suggested by professors Kiel Brennan-Marquez, Darryl Brown, and Stephen Henderson, one way to audit the plea process would be to take a random selection of cases in which a plea has been reached but not yet entered and send them to trial to see whether the government is able to secure a conviction. If so, the defendant (who had nothing to do with the case going to trial) receives

“A system that routinely cuts corners, flouts constitutional guarantees of due process, coerces guilty pleas, and systematically misleads citizen-jurors about their true role in the adjudicative process does not merit the trust, support, or confidence of the public.”

the benefit of the agreed-upon plea; if acquitted, the defendant walks; and if there is no unanimous verdict, the case may either be retried or resolved by plea. As with any revolutionary proposal, there remain details to work out and challenges to resolve, but given that there is not a constitutional right to plead guilty and all the proposal really entails is making greater use of the constitutionally prescribed mechanism for resolving criminal charges, there is no insoluble legal or practical obstacle to running this experiment—the results of which would reveal, with much greater precision, just how reliable or unreliable plea bargaining really is.

The second reform Cato is working on—the one that can be imposed upon the system without the support of judges, legislators, or other policymakers—is a juror-education campaign designed to familiarize people with the concept of jury independence (which includes but is not limited to so-called jury nullification) and make it impossible to empanel juries that are entirely free of people who understand the true historic, injustice-preventing role of criminal jurors in our system. The centerpiece of the campaign will be a vivid, emotionally engaging, and compelling video about how our painstakingly designed adjudicative process has been transformed into little more than a conviction machine to support a self-defeating and inhumane policy of mass incarceration. Unlike the indoctrination that jurors and potential jurors receive from the court system, Cato will encourage its audience to do their own research and form their own conclusions about the true

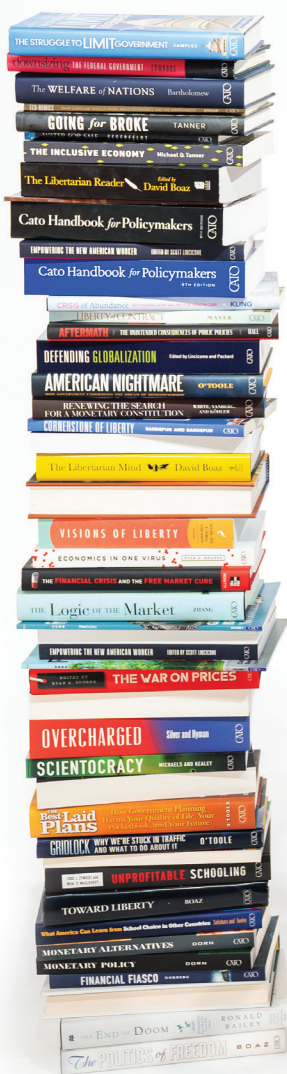
role of criminal juries in our systems of government and justice—and to be guided by their own convictions about their proper role as citizen-jurors instead of having that role dictated to them by representatives of the government.

The prospect of going to trial before such a “Founding-era-informed” jury would likely influence not only the decisions of some defendants about whether to accept a plea offer but also the substance of those offers by prosecutors and their decisions about which cases are worth pursuing. Just think how different Moore’s and Mansell’s lives might be today if they could have gone to trial before a jury that was given complete information about its true powers and prerogatives, including the ability to acquit against the evidence to prevent injustice.

Criminal law has a vital role to play in our society by deterring and punishing harmful conduct that threatens the very fabric of civil society. But a criminal justice system can function properly only when it earns and enjoys the confidence of the citizenry it serves. A system that routinely cuts corners, flouts constitutional guarantees of due process, coerces guilty pleas, and systematically misleads citizen-jurors about their true role in the adjudicative process does not merit the trust, support, or confidence of the public. Fortunately, we can change that—and we will. ♦

ABOUT THE AUTHOR

Clark Neily is the senior vice president for legal studies at the Cato Institute and author of *Terms of Engagement: How Our Courts Should Enforce the Constitution’s Promise of Limited Government*.



Drawing on decades of policy research, Alex Nowrasteh (pictured here) worked with Ryan Bourne to coordinate more than a dozen Cato scholars in crafting the Institute's recommendations for the Department of Government Efficiency.

PHOTOGRAPHY BY RICHIE DOWNS

Inside the Making of Cato's Report to the Department of Government Efficiency (DOGE)

A Libertarian Blueprint for Dismantling the Federal Leviathan

By Audrey Grayson

President-elect Donald Trump sent shock waves through Washington's sclerotic bureaucracy days after the election with the announcement of the creation of the Department of Government Efficiency (DOGE), a temporary commission tasked with dismantling government bureaucracy, slashing excess regulations, cutting wasteful expenditures, and restructuring bloated federal agencies.

On November 12, 2024, the day that DOGE was announced, a team of Cato scholars sprang into action, led by Alex Nowrasteh, vice president for economic and social policy studies, and Ryan Bourne, the R. Evan Scharf Chair for the Public Understanding of Economics. They mobilized 16 policy experts across Cato's research departments to transform years of policy research, untold numbers of policy papers, and innumerable op-eds, blog posts, and other pieces of Cato output into a 23-chapter blueprint for shrinking the federal government.

A mere 29 days later—through weekends and Thanksgiving—the *Cato Institute Report to the Department of Government Efficiency (DOGE): How to Downsize and Reform the Federal Government* was published.

 OGE gets its name from Dogecoin, a satirical cryptocurrency launched over a decade ago that has long been boosted by Elon Musk, who was tapped by Trump to lead the cost-cutting effort across the federal government. Vivek Ramaswamy was also originally appointed to spearhead the commission but has since departed to run for governor of Ohio.

Musk frequently infuses his businesses and projects with a tinge of irony. Tesla once sold a line of red satin “short shorts” to mock short sellers, for example, while the Boring Company renamed a blow torch “Not-a-Flamethrower” after a dispute with customs officials.

But beyond the insider jokes, DOGE still represents a rare opportunity to roll back the regulatory state and rein in federal bureaucracy.

Cato’s report was the first major think tank submission to DOGE, pushing a vision that combines Trump’s stated goals with libertarian principles and concrete policy reforms. While Washington is notorious for watering down bold ideas into empty talking points, Cato’s scholars aimed higher, crafting a plan with real, actionable steps for maximizing DOGE’s potential.

The Guiding Principles: Smaller Government, Real Efficiency

The report’s most fundamental insight is that only a smaller government can be more efficient. Attempts to squeeze efficiency out of a bloated state are futile.

“Many parts of government can’t be run more efficiently; they simply shouldn’t exist at all,” wrote Nowrasteh and Bourne. “DOGE must go beyond trimming fat—it should challenge the very necessity of government programs.” Without a radical reassessment of the state’s role, they warned, reform efforts would amount to making an overloaded freight train run faster in the wrong direction.

On release day, Nowrasteh and Bourne summarized the report’s vision in a blog post published on Cato’s website and then expanded on their findings in *The Dispatch* and *US News & World Report*, as well as on the *Cato Daily Podcast*. They noted that if DOGE is to be successful, it can’t simply look for “waste and fraud.” Rather, it must fundamentally reconsider the role of the federal government in Americans’ lives. “Amen,” wrote James Freeman in the *Wall Street Journal* after quoting a section of Cato’s DOGE report.

The DOGE report is classic Cato—a no-nonsense libertarian blueprint for reining in Washington’s overreach. It lays out clear policy prescriptions rooted in first principles:

- Restore constitutional limits: The federal government should stick to its constitutionally enumerated powers.
- Slash regulatory burdens: Out-of-control regulations foisted on us by our administrative state are a drag on economic growth, imposing costly rules with little benefit.

“Cato’s report was the first major think tank submission to DOGE, pushing a vision that combines Trump’s stated goals with libertarian principles and concrete policy reforms.”

- Dismantle bureaucracy: Washington’s bloated, duplicative bureaucracy needs a drastic overhaul, with hiring based on merit and with duplication eliminated.
- Limit executive orders: Executive orders are justified only to roll back intrusive government, consistent with the Framers’ vision.
- Curb runaway spending: Spending cuts are critical to reduce the burden on taxpayers, curb economic distortions, and avert a looming fiscal disaster.
- Simplify taxation: Taxes should be transparent, simple, and neutral—funding only the limited functions government is supposed to perform.

Pushing for meaningful libertarian policy change means balancing maximalist

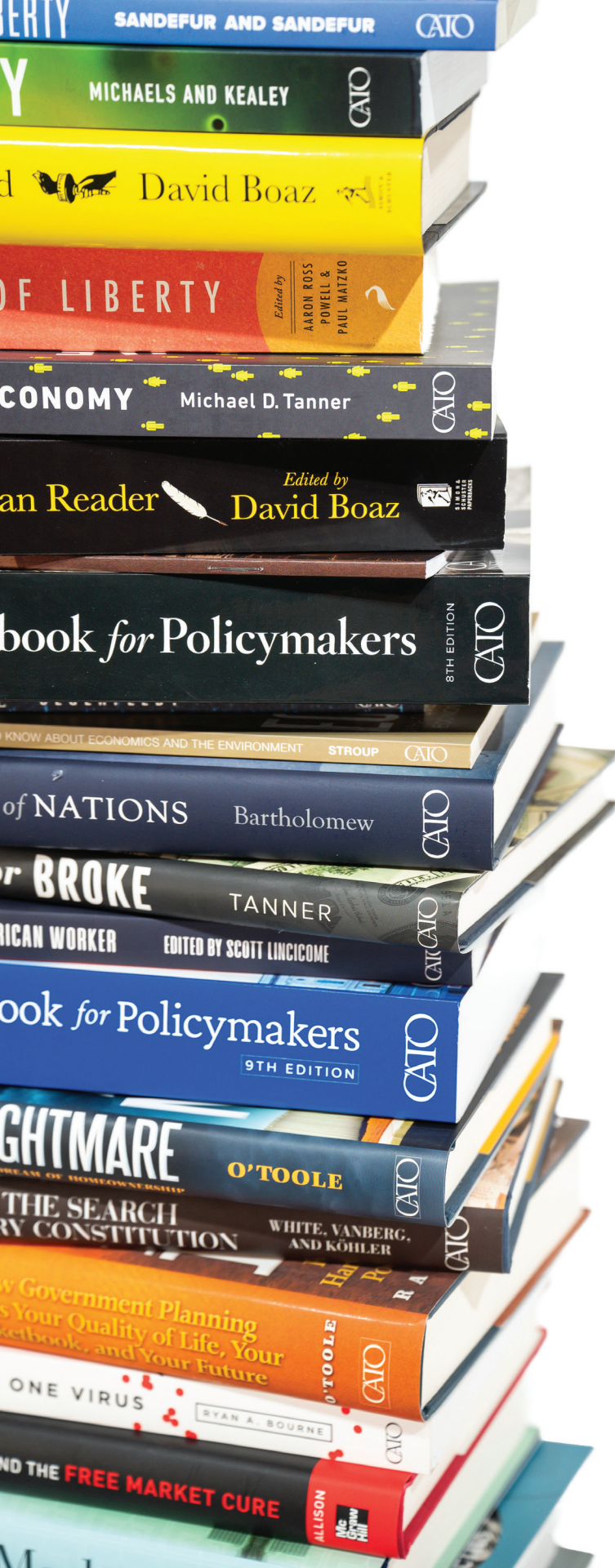
libertarian goals with what is feasible under DOGE. While outright abolishing large swaths of the federal government may not be on the table, Cato’s DOGE report focuses on eliminating federal power where possible, scaling it back where necessary, and devolving authority to states where appropriate.

The report is divided into three sections: “Bureaucracy and the Administrative State,” “Regulation,” and “Spending Cuts and Tax Reform.” While Cato’s broader policy agenda includes free trade and expanded legal immigration, the report’s editors excluded those areas given DOGE’s narrower mandate. The report instead zeroes in on executive orders, regulatory rollbacks, and legislative reforms that could slash \$2 trillion in the first year alone.

Taking on Bureaucracy, Regulations, and Spending

Recent developments have shown that reforming the federal bureaucracy is at the top of DOGE’s mind. Cato’s report calls for:

- reducing federal employee benefits;
- restricting federal unions;
- ending affirmative action in federal hiring and contracts;
- abolishing diversity, equity, and inclusion (DEI) policies;
- halting race-based data collection;
- privatizing government agencies;
- transferring federal lands to the states; and
- ending federal interference in online speech.



In the “Regulation” section, Cato scholars argue for repealing the Dodd–Frank Act and Community Reinvestment Act and for:

- blocking the creation of a central bank digital currency;
- requiring the Federal Reserve to focus solely on monetary policy and price stability;
- winding down Fannie Mae and Freddie Mac while eliminating the Federal Housing Finance Agency; and
- repealing energy subsidies and withdrawing from the Paris Agreement.

The Trump administration has already ended affirmative action, gutted DEI, withdrawn from the Paris Agreement, and liberalized energy production—largely but not entirely as Cato’s DOGE report recommended.

A Radical Overhaul of Health Care, Trade, and Taxation

The health care sector is one of the most regulated areas of the economy, so Cato scholars call for:

- abolishing the Food and Drug Administration; and
- fully repealing the Affordable Care Act.

Although the report doesn’t include trade as a separate section, Nowrasteh and Bourne were able to sneak in some reforms consistent with DOGE and Trumpism that would liberalize the international flow of goods and services, including:

- ending trade restrictions on agricultural products such as sugar; and
- repealing internal trade barriers such as the Jones Act.

On taxation and spending, Cato makes clear that meaningful reform requires deep cuts. Most federal departments operate beyond their constitutional scope and should be abolished, not merely restructured. Those that remain should have their powers sharply circumscribed. Cato's scholars argue the following:

- The federal government should exit health care and education entirely.
- Entitlement reform is crucial to prevent fiscal catastrophe.
- Military spending should be significantly reduced in line with a realist foreign policy.
- International tax cooperation, such as Organisation for Economic Co-operation and Development (OECD) agreements, should be rejected.

With provisions of the Tax Cuts and Jobs Act up for renewal, DOGE must embrace serious spending cuts to maintain pro-growth tax policies and avert an economic crisis.

Defense is a legitimate function of government, but US foreign policy tries to do too much, with predictable negative results for the safety of the country and its troops. Adopting a more appropriate, realist approach to America's role in the world would permit significant cuts in military spending consistent with DOGE and Cato's

research. Taxes are far too high, are far too complicated, and were on the verge of being made worse through cooperation with international tax treaties promoted by the OECD. Thankfully, the Trump administration appears to have followed Cato's advice to extricate the United States from that tax cartel. Yet with many of the Tax Cuts and Jobs Act provisions requiring renewal this year, it is crucial that DOGE and its surrogates in Congress heed Cato's advice to reduce government spending to allow the tax cuts and reforms to propel the US economy while avoiding fiscal calamity.

The Blueprint for Limited Government

Ultimately, Cato's report serves as a guide for policymakers serious about rolling back federal control over Americans' lives. Donald Trump made his name as a property developer—but selectively demolishing and rebuilding the federal government along libertarian lines is an even bigger challenge.

"We are fully aware that the new administration often talks a good game about downsizing government, only to continue its ratchet," said Nowrasteh and Bourne. Regardless, Cato's DOGE report supplies the blueprints. If this administration won't use them, they're ready for policymakers who will. ✦

ABOUT THE AUTHOR

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Deregulation in Argentina: Milei Takes “Deep Chainsaw” to Bureaucracy and Red Tape

By Ian Vásquez

Argentine President Javier Milei has lowered inflation, drastically reduced government spending, and dismantled large parts of the federal bureaucracy. But one of the most far-reaching efforts by his administration has been its deregulation push, with officials implementing about two deregulations per day on average since he took office.

ILLUSTRATION BY KEITH NEGLEY

At the heart of Argentina's chronically crisis-prone economy is a political system that encourages unconstrained public spending and overregulation in the extreme. It is the system set up by Juan Domingo Perón in the 1940s that strengthened in subsequent decades, and that President Javier Milei promised to cut down with a chainsaw and replace with classical-liberal policies of the kind that made his country one of the most prosperous in the world a century ago.

Since assuming power in December 2023, Milei has been slashing government to that end. His priorities have been to get spending under control and to deregulate. Milei cut the budget by about 30 percent and balanced it one month into his term. That facilitated more disciplined monetary policy and the reduction of inflation from 25 percent per

month when the president came to office to 2.2 percent in January 2025.

The success that Milei's economic stabilization has had so far is now widely acknowledged. The president took an economy from crisis to recovery much faster than most people expected: Growth returned in the second half of 2024, wages have increased, and the poverty rate, after having initially risen, has fallen below the 40 percent range that the previous government left as part of its legacy.

How much Milei has been deregulating, however, and the role that deregulation plays in Argentina's success, is less widely appreciated—yet it is every bit as important as cutting spending. To understand why, it helps to know something about what makes Argentina's politics different from that of most countries.

Argentina's Peronist System

For more than seven decades, Argentina has had a corporatist system that Perón set up using Mussolini's fascist Italy as a model. Under that system, the state organizes society into groups—trade unions, business guilds, public employees, and so on—with which it negotiates to set national policies and balance interests. It's a kind of collectivism that erases the individual, centralizes power in the state, and incentivizes interest groups to compete for government favoritism through public spending and regulation.

This system gave rise to a proliferation of rules intended to protect and promote particular sectors through price controls, licensing schemes, differential exchange rates depending on type of economic activity, capital controls, preferential borrowing rates, compulsory membership in (and support of) guilds, and other interventions.

The system that the Peronist party set up discouraged free exchange, competition, and

productivity but became deeply entrenched. Privileges accorded by regulation were politically difficult to lift. Legal scholar Jorge Bustamante, moreover, notes that regulation plays a more significant role in redistributing wealth in Argentina than fiscal policy does. He adds that “the waste of scarce resources caused by regulations is more serious than the direct activity of the state in the economy itself [fiscal policy], which is known to be in deficit.”

Unions in particular gained immense political power. Such was the case that Bustamante describes the Argentine system as one that “converts the unions into organs of the state when the party to which they belong [the Peronist party] is in power or converts the state into a prisoner of the unions when the party is in the opposition.”

Federico Sturzenegger, Argentina's minister of deregulation and state transformation, made a similar point at the Cato conference we held in Buenos Aires in June 2024 with President Milei and other

“Milei’s deregulations are cutting costs, increasing economic freedom, reducing opportunities for corruption, stimulating growth, and helping to overturn a failed and corrupt political system.”



Argentine President Javier Milei, pictured here wielding a chainsaw on the campaign trail in September 2023, was elected on the promise of slashing regulations and cutting government spending. (Photo by Tomas Cuesta/Getty Images)

leading classical liberals. “The Peronist party,” Sturzenegger said, “is the manager of the status quo. . . . It is the manager of the vested interests; it is the conservative party of Argentina.”

The Peronists may want to conserve the system, but Milei is right in cutting it down. According to the *Human Freedom Index*, the Argentina that the president inherited is one of the most regulated countries in the world. It ranks 146 out of 165 countries in terms of the regulatory burden.

Milei’s Cuts in One Year

Since coming to power, Milei has made wide-ranging cuts to Argentina’s bureaucracy. In his first year, he reduced the number of ministries from 18 to 8 (eliminating some and merging others), fired 37,000 public employees, and abolished about 100 secretariats and subsecretariats in addition to more than

200 lower-level bureaucratic departments.

The president has also aggressively pursued deregulation. Using a conservative methodology, my colleague Guillermina Sutter Schneider and I calculated that during Milei’s first year in office, he implemented about two deregulations per day. Roughly half of the measures eliminated regulations altogether, while the rest modified existing regulations in a generally market-oriented direction.

Milei has implemented these reforms legally and constitutionally, and they have resulted mainly from two broad measures. First, Milei began his administration by issuing an emergency “megadecree” that consisted of 366 articles. Emergency decrees are consistent with Argentine law if they meet certain conditions. They are also reviewable by Congress, which has the right to reject the orders within a specified period of time. Since the legislature did not



Federico Sturzenegger, who is now Argentina's minister of deregulation and state transformation, spoke at a conference hosted by the Cato Institute and Libertad y Progreso in Buenos Aires last year.

object, most of the deregulations in the megadecree went into effect.

Second, Congress approved a massive bill (“Ley Bases”) last June that allows the government to issue further deregulatory decrees for one year. Most of Argentina’s deregulations are taking place under that authority and have been led by the new Ministry of Deregulation that began operating the following month.

The ministry is literally in a race against time, and its sense of urgency is palpable. When I visited Minister Sturzenegger and his team in November, they showed me a countdown sign outside his office that read “237 days left,” indicating the time remaining for the government to continue issuing

deregulatory decrees. Sturzenegger’s team—made up of legal experts and accomplished economists—also has a clear sense of mission: to increase freedom rather than make the government more efficient. When reviewing a regulation, therefore, they first question whether the government should be involved in that area at all.

Following that approach, the government implemented deregulations in sectors of the economy ranging from agriculture and energy to transportation and housing. To help prioritize those reforms, the ministry looks at prices. If the cost of a good or service is significantly higher in Argentina than internationally, the regulatory burden often explains the price differential.

Sturzenegger reports that deregulation in Argentina has tended to make prices fall by about 30 percent. The ministry has also set up a web portal called Report the Bureaucracy that takes recommendations from businesses and the public, resulting in numerous reforms.

Some of the reforms have been procedural. For example, government inspections are now sometimes conducted after a firm begins engaging in business (on the assumption that it is following the law and may be subject to inspection), rather than before any business is allowed to even go forward. This “ex-post” inspection of the labeling of imported textiles, for instance, led the price of textiles to fall by 29 percent. The government has also instituted a “positive administrative silence” rule affecting several activities by which requested permission is considered approved if the government bureaucracy does not respond within a fixed period of time. In yet another example, Milei prohibited legally sanctioned hereditary positions that had become normal practice at numerous government agencies.

Much of the impact of the deregulations has not yet been measured, but the hard or anecdotal evidence that does exist suggests that the reforms are making a significant difference. The following are some accomplishments from Milei’s first year:

- The end of Argentina’s extensive rent controls has resulted in a tripling of the supply of rental apartments in Buenos Aires and a 30 percent drop in price.
- The new open-skies policy and the permission for small airplane

owners to provide transportation services within Argentina has led to an increase in the number of airline services and routes operating within (and to and from) the country.

- Permitting Starlink and other companies to provide satellite internet services has given connectivity to large swaths of Argentina that had no such connection previously. Anecdotal evidence from a town in the remote northwestern province of Jujuy implies a 90 percent drop in the price of connectivity.
- The government repealed the “Buy Argentina” law similar to “Buy American” laws, and it repealed laws that required stores to stock their shelves according to specific rules governing which products, by which companies and which nationalities, could be displayed in which order and in which proportions.
- Over-the-counter medicines can now be sold not just by pharmacies but by other businesses as well. This has resulted in online sales and price drops.
- The elimination of an import-licensing scheme has led to a 20 percent drop in the price of clothing items and a 35 percent drop in the price of home appliances.
- The government ended the requirement that public employees purchase flights on the more expensive state airline and that other airlines cannot park their airplanes overnight at one of the main airports in Buenos Aires.

Many more examples could be given, but there's no doubt that Argentines are beginning to feel the results of the reforms. Those results also help explain Milei's approval rating of 50 to 55 percent, according to recent polls.

Year Two of Milei: The "Deep Chainsaw" Begins

In his address to the nation on his one-year anniversary as president, Milei explained that the cuts he's made so far are only a beginning. "We will continue to eliminate agencies, secretariats, subsecretariats, public companies and any other State entity that should not exist," he promised, and then went further: "Every attribution or task that does not correspond to what the federal state is supposed to do will be eliminated. Because as the state gets smaller, liberty grows larger." Milei declared that he would now begin applying the "deep chainsaw."

Minister Sturzenegger is leading the charge. A decree in February instructed all ministers to review all laws and regulations under their purview and recommend comprehensive deregulations within 30 days. In a country with nearly 300,000 laws, decrees, or resolutions, that is no small task. But according to Sturzenegger, the government has cut or modified 20 percent of the country's laws; his goal is to reach 70 percent. He adds that the pace of firing public employees will increase.

Regulatory reforms have already picked up pace. In January, Sturzenegger announced a "revolutionary deregulation"

of the export and import of food. All food that has been certified by countries with high sanitary standards can now be imported without further approval from, or registration with, the Argentine state. Food exports must now comply only with the regulations of the destination country and are unencumbered by domestic regulations.

That innovative reform, which outsources regulation, is intended to generate "cheaper food for Argentines and more Argentine food for the world." But it is also an example of how the ministry takes input from Argentine citizens about the need to change nonsensical regulations. As Sturzenegger explained: "Countless companies have told us of the incredible hardships they had to go through to meet local requirements that were not required by the destination market. A producer who needed to certify a sample to see if he could enter the US market was asked to set up a factory first."

In another case, Argentina required a watermelon exporter to package his product in a way that was different from what the recipient country required. So, in practice, the exporter would load the ship in compliance with Argentine law and, once the cargo left port, the watermelons would immediately be repacked.

Other examples abound. A decree in February facilitated farmers' use of new seeds by eliminating the requirement to conduct extensive testing of those seeds. As Sturzenegger observed, in a country where agriculture plays a significant economic role, those restrictions were

“The system that the Peronist party set up discouraged free exchange, competition, and productivity but became deeply entrenched. Privileges accorded by regulation were politically difficult to lift.”

especially perverse: “Brazil has tripled its soybean production, largely with seeds made by Argentine researchers, working in Argentine companies but based in Brazil. The dramatic thing is that the increase in production in Brazil sinks the price of the grain while we are relatively stagnant because we cannot access our own technology!”

Another decree reduces the cost of warehousing imported containers awaiting customs inspections by an estimated 80 percent because it allows importers to keep their goods in competing locations during that time rather than solely in places run by the customs service. That cost reduction, like countless others that result from accelerated regulatory reforms, will be passed on to Argentine consumers. And to the extent that the chainsaw really does go deeper and faster in year two, the benefits will be even more pronounced.

An Example for the World

Milei’s task of turning Argentina once again into one of the freest and most prosperous countries in the world is herculean. But deregulation plays a key role in achieving that goal, and despite the reform agenda being far from complete, Milei has already exceeded most people’s expectations. His deregulations are cutting costs, increasing economic freedom, reducing opportunities for corruption, stimulating growth, and helping to overturn a failed and corrupt political system. Because of the scope, method, and extent of its deregulations, Argentina is setting an example for an overregulated world. ♦

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Beyond Medical Paternalism: Restoring Control to the Individual

By Jeffrey A. Singer

Heavy-handed government policies often undermine patient autonomy, restricting the medicines they can take, the doctors they can see, and the information they can access.

From the earliest days of their training, health professionals are taught the critical ethical principle of respecting their patients' autonomy. But in the broader realm of public policy, that principle often gets trampled under the weight of bureaucracy.

Government agencies frequently dictate which doctors a patient can see, restrict access to new medications, and even regulate the information pharmaceutical companies can share with consumers.

Autonomy in health care is not just an academic ideal. It's about empowering individuals to make decisions about their lives, their bodies, and their well-being. But

while doctors are bound by the principle of informed consent, government policies often assume that individuals are incapable of making informed choices about their own health.

A Shift in Medical Ethics: From Paternalism to Informed Consent

The doctrine of informed consent—the right to accept or refuse medical treatment even at personal risk—is a relatively modern concept. Barely a century ago, it was commonly accepted that doctors could do whatever they thought was in the best interests of their patients, regardless of a patient's wishes or priorities.



Dr. Jeffrey Singer, who has worked in private practice as a general surgeon for over 35 years, at his medical office in Phoenix. (Photo by Duane Furlong Studios)

“Today, informed consent is a cornerstone of the patient-doctor relationship. But outside the exam room, government policies often ignore this principle, restricting individual autonomy in profound ways.”

This model of care sometimes had tragic results. From 1932 to 1972, the Tuskegee Syphilis Study saw government health agencies withhold treatment from nearly 400 black men to observe the progression of the disease while intentionally not informing participants that a cure for the disease existed. Even as late as the 1970s, some doctors routinely withheld diagnoses from cancer patients, fearing the emotional impact would derail treatment.

Today, informed consent is a cornerstone of the patient-doctor relationship. But outside the exam room, government policies often ignore this principle, restricting individual autonomy in profound ways.

Barriers to Choice: Licensing Laws and Monopolies

State licensing laws, originally framed as a means of protecting public health, now often serve as barriers to patient choice. In the 19th century, the American Medical Association lobbied aggressively for laws that restricted entry into the medical profession. Over time, similar restrictions spread to other health professions, creating a complex web of regulations that limits competition and stifles innovation.

This dynamic is evident in the turf battles that play out in state legislatures, where professional groups vie to protect their monopoly over specific practices. Patients are left with fewer options, and the assumption persists that the government knows better than individuals who should provide their care.


But as economist Milton Friedman noted, licensing laws rarely ensure quality care. Instead, they raise costs and limit access. Private accrediting organizations could fill this role, providing certifications that help patients make informed choices while opening the door to greater competition and innovation.

“Without [medical licensing], they would have no power to do harm,” Friedman told a group of medical professionals at the Mayo Clinic in 1978. “Why is that the case? Because the key to the control of medicine starts with who is admitted to practice.”

The Freedom to Access Information

Health and Human Services Secretary Robert F. Kennedy Jr., who was nominated by President Trump with a mandate to “Make America Healthy Again,” has argued passionately against the “priesthood” of





“If the Trump administration is serious about ‘making America healthy again,’ its first priority should be to return control to the individual.”


the medical establishment, calling for greater transparency and personal responsibility in health care. Yet he supports banning direct-to-consumer advertising by pharmaceutical companies—a move that would restrict patients’ ability to access vital information about treatment options.

The US Supreme Court has repeatedly affirmed that the First Amendment protects the free exchange of scientific information. Prohibiting pharmaceutical ads would make clinicians the sole gatekeepers of knowledge, further disempowering patients. Policymakers should reject such bans and embrace policies that enhance transparency and trust.

Ending the Prescription Monopoly

Since 1938, the federal government has controlled which medications Americans can legally purchase. In 1951, Congress expanded that authority, requiring prescriptions for certain drugs—a decision previously made by pharmaceutical companies. While intended to protect public health, this policy has driven up costs, delayed access to life-saving treatments, and forced patients to navigate unnecessary bureaucratic hurdles.

Patients in other countries often access medications over the counter that require a prescription in the United States. Reforming this system—whether through small changes or sweeping overhauls—could help restore patient autonomy and reduce health care costs without compromising safety.





The Right to Choose Substances

Prohibition didn't work for alcohol, and it hasn't worked for drugs. Yet for over a century, government policies have criminalized substances for medical and recreational use, creating black markets and fueling violence.

In many cases, driving these drugs underground makes them far more dangerous and deadly. For example, opioids, when used responsibly, are less harmful to organ systems than alcohol or tobacco. But prohibition has pushed these drugs into the black market, where adulteration and unknown potency make them far more dangerous.

More recently, lawmakers have set their sights on food additives. Proposals like the Do or Dye Act and the Stop Spoonfuls of Fake Sugar Act aim to ban certain dyes and sweeteners. Instead of letting consumers make their own choices, these measures would increase costs and limit freedom—all while ignoring policies that drive the use of cheaper additives, such as agricultural subsidies and import tariffs on sugar that incentivize the use of high-fructose corn syrup.

Embracing Harm Reduction

Harm reduction is a pragmatic approach to health care that seeks to minimize the risks associated with certain behaviors without endorsing them. It's why doctors prescribe medications for smoking cessation or manage chronic conditions linked to lifestyle choices.

But federal and state laws often block harm-reduction strategies for drug users. In five states, distributing fentanyl test strips—tools that can detect lethal contaminants—is illegal. A federal law known as the “crack house statute” prohibits overdose prevention centers, where drug users are monitored and opioid antidotes and oxygen administered. Such centers have saved lives in 16 countries since 1986.

These policies not only infringe on personal autonomy but also exacerbate the problems they claim to address. By embracing harm reduction, policymakers could save lives and empower individuals to make safer choices.

Toward a Healthier, Freer Future

In my forthcoming book, *Your Body, Your Health Care* (Cato Institute, April 2025), I explore the many ways government paternalism has eroded personal autonomy, often with devastating consequences. Restoring this autonomy isn't just a matter of principle—it's a path to better health outcomes and a freer society.

If the Trump administration is serious about “making America healthy again,” its first priority should be to return control to the individual. ♦

ABOUT THE AUTHOR

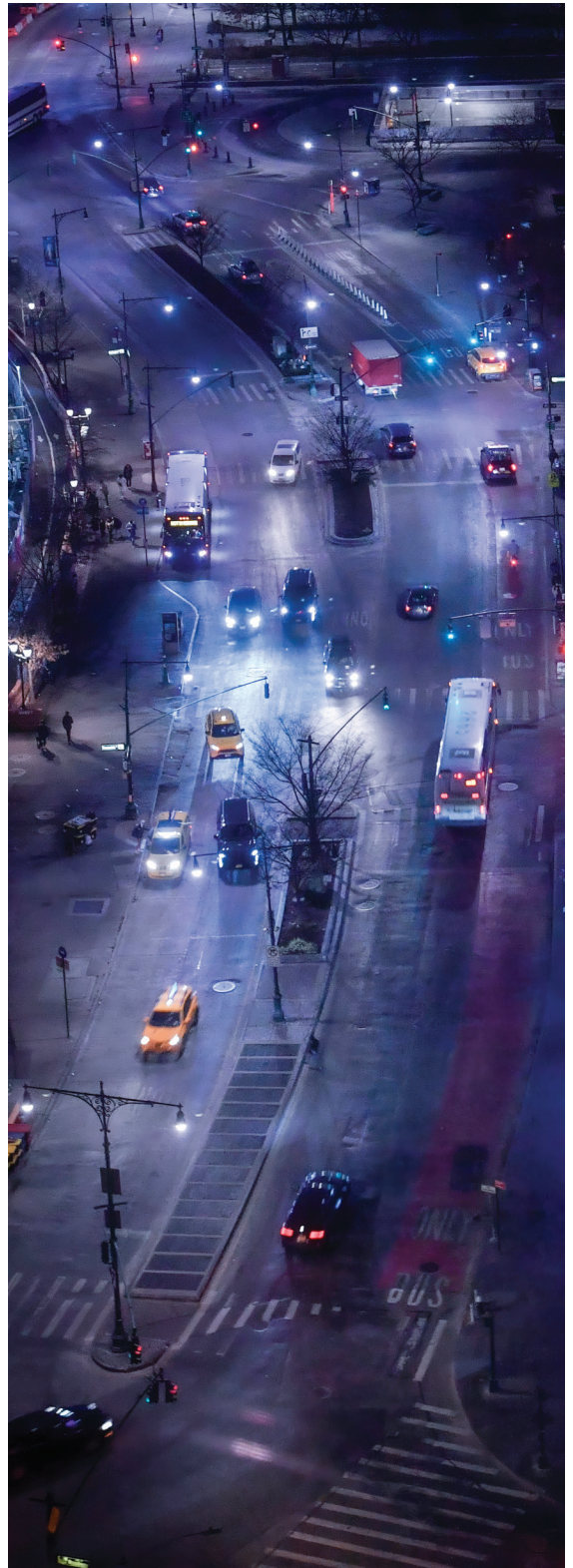
Jeffrey A. Singer practices general surgery in Phoenix. He is a senior fellow at the Cato Institute in the Department of Health Policy Studies and the author of *Your Body, Your Health Care*.

The “Marvel” of Prices on Display in New York City’s Streets

By Paul Best

Long rated one of the most congested cities in the world, officials tried for decades to speed up travel times for the millions of New Yorkers, commuters, and tourists who navigate the streets of the Big Apple every day. But years of wildly expensive subway expansions, bike lane deployments, and rideshare crackdowns only exposed the technocratic folly of city leaders while doing little to ease traffic.

Overconsumption is inevitable when consumers treat a scarce resource like road capacity as essentially “free.” This leads to largely hidden costs like time lost in traffic, pollution, wasted fuel, and the grating soundtrack of sirens and angry horns that vibrate through Manhattan. A simple solution to this seemingly intractable problem is the introduction of a price signal to steer the scarce resource of road capacity to higher value uses and trim the many unseen costs associated with congestion.



These side-by-side images of a street in New York City's Financial District during rush hour are just one example of how traffic has reduced in the city. The picture on the left was taken on October 26, 2023, at 5:49 p.m. The picture on the right was taken on January 27 of this year at 5:43 p.m., after congestion pricing went into effect. (Photos by Marc Hermann/Metropolitan Transportation Authority)

“Price controls feed us comforting lies about a product’s true scarcity—whether that product is rental housing or road space,’ explains Ryan Bourne. ‘By holding prices below their market levels, we trick tenants and drivers into believing these resources are cheaper or more abundant than they are.’”

When the president tried to squash New York City’s congestion pricing experiment last month, the White House put the move in characteristically Trumpian terms. “CONGESTION PRICING IS DEAD,” the administration declared on social media. “Manhattan, and all of New York, is SAVED. LONG LIVE THE KING!”

The rhetoric may be business as usual for Trump, but the president has no reason to fear his hometown’s adoption of congestion pricing—in fact, the new administration should embrace the power of prices to solve Manhattan’s notorious gridlock.

Under the congestion pricing program, which began on January 5, drivers of passenger vehicles must pay \$9 between 5:00 a.m. and 9:00 p.m. to enter the Congestion Relief Zone (CRZ), an area at or below 60th Street in Manhattan, while trucks and buses pay slightly higher fees.

Travel times on bridges and tunnels leading into Manhattan were 10 to 30 percent faster after congestion pricing was implemented than they were in January of last year, according to TRANSCOM data released by the Metropolitan Transit Authority (MTA). Part of this may be due to commuters ditching their cars for the bus or subway, as express bus ridership jumped 5.8 percent during the week and 21.2 percent on weekends in January compared to the same time last year, while subway ridership grew 7.3 percent during the week and 12 percent on weekends, according to the MTA.

There is also evidence that traffic flows are smoother throughout the day as some drivers adjust their schedules to avoid the toll. When broken down into 10-minute increments,



Pedestrians walk at the intersection of 61st Street and 2nd Avenue in Manhattan, the border of the Congestion Relief Zone that drivers must pay \$9 to enter. (Photo by Selcuk Acar/Anadolu via Getty Images)

entries into the CRZ spike just before the \$9 toll goes into effect, between 4:40 a.m. and 5:00 a.m.; fall once the clock hits 5:00 a.m.; and pick back up again around 5:20 a.m. A similar trend plays out around 9:00 p.m., when congestion pricing is no longer in effect.

“When faced with a price on their actions, people re-weigh their own priorities and get creative,” said Ryan Bourne, the R. Evan Scharf Chair for the Public Understanding of Economics at Cato and editor of *The War on Prices*. “Some businesses pivoted to nighttime deliveries or dropped goods at the edge of the zone. Hair salons ran midday ‘Toll-on-Us’ specials to keep customers flooding in.

Everyone, from commuter groups to scrappy bike couriers, adjusted in ways no central planner could predict, responding to their own needs. It was a vivid display of the raw adaptive power of a market economy and how prices harmonize our activity.”

Other sources not affiliated with the city government have shown similar effects. Two college-aged brothers, Brown University senior Benjamin Moshes and Northeastern University freshman Joshua Moshes, created a public data tracker by collecting Google Maps traffic data every 15 minutes for 13 routes leading into the CRZ and three routes within the CRZ.

Travel times on some tunnels and bridges leading into the city halved or even decreased threefold during rush hour following the implementation of congestion pricing, while routes within the CRZ fell by 5 to 10 percent, according to the brothers' data.

Benjamin, who studies applied mathematics and economics, provides a fairly simple explanation for the adjustments that millions of New Yorkers are making.

"When you put a price on congestion, so you say it's now more expensive to take a car, for some people for whom the value of going into the city is not \$9, they won't pay that price, and they'll go take public transportation, or they won't drive it at all," Benjamin told *Free Society*.

While New York City is the first American metro area to implement congestion pricing, other large cities around the world such as London and Stockholm have set up similar programs with great results.

Swedes were vociferously opposed to congestion pricing when Stockholm ran a trial in 2006, but traffic fell by 20 percent on average in the first year, with about half of the "disappearing" drivers opting for other forms of transportation and the rest changing their departure times or making other adjustments, according to a case study by Royal Institute of Technology professor Jonas Eliasson. Encouraged by the positive results, Sweden voted to make congestion pricing permanent the following year.

London, which has long been one of the most congested cities in the world, implemented congestion pricing in 2003

and saw congestion drop 30 percent in the first year. Transport for London noted that "drivers adjusted rapidly to the introduction of charging" by establishing "new patterns of travel"—half of the disappearing drivers opted for public transportation, while about a third diverted around the charging zone, and the rest made other adjustments, such as changing the timing of their trips. Despite the initial success, London has seen an increase in congestion in recent years, which some observers have attributed to a reduction in road space to make room for the installation of new bus and cycling lanes.

Congestion pricing in New York City, London, and Stockholm demonstrates how price signals can allocate resources much more efficiently than any central planner could imagine. But transportation is just one sector that can benefit from embracing prices—other industries, such as health care and housing, similarly suffer from misallocations of resources due to heavy-handed government interventions that often exacerbate the very problems they're intended to solve.

Nearly a million New York City apartments, roughly half of all units, are "stabilized" under the city's Rent Stabilization Law, artificially lowering supply as developers are discouraged from investing in new construction and incentivized to convert rentable housing to other uses. Housing quality also declines as market incentives to maintain and improve properties are distorted.

"Price controls feed us comforting lies about a product's true scarcity—whether that product is rental housing or road

“New York City’s experience with congestion pricing, even if imperfectly structured, is a testament to spontaneous order—a real-world experiment showing the ‘marvel’ of prices, as F. A. Hayek described it.”

space,” says Bourne. “By holding prices below their market levels, we trick tenants and drivers into believing these resources are cheaper or more abundant than they are. The inevitable result is the same—housing shortages or jam-packed roads.”

Transportation Secretary Sean Duffy explained in a letter to New York Gov. Kathy Hochul that the Trump administration withdrew congestion pricing’s authorization because drivers are “burdened with a price that is set to raise certain amounts of revenue for MTA capital projects rather than a price that is necessary to have an impact on congestion.” He later told CBS News that the Trump administration might be open

to a \$3 or \$5 fee specifically geared toward reducing congestion.

To be sure, the static \$9 fee *administered* by New York City officials is likely imperfect. Dynamic prices that vary with real-time feedback on congestion almost surely would lead to even more efficient outcomes. These *market* prices could rise and fall based on live traffic flows, surging when streets are particularly crowded and dropping when road space is plentiful, regardless of the time of day.

New York City’s experience with congestion pricing, even if imperfectly structured, is a testament to spontaneous order—a real-world experiment showing the “marvel” of prices, as F. A. Hayek described it.

“The marvel is that in a case like that of a scarcity of one raw material, without an order being issued, without more than perhaps a handful of people knowing the cause, tens of thousands of people whose identity could not be ascertained by months of investigation, are made to use the material or its products more sparingly,” Hayek wrote in *The Use of Knowledge in Society*.

The Trump administration, New York City officials, and other policymakers should let this truth temper their command-and-control impulses and embrace the power of prices to unleash efficiencies across the economy. ✨

ABOUT THE AUTHOR

Paul Best is a senior writer and managing editor for *Free Society*. Before joining the Cato Institute, he worked as a news reporter and television producer.

Travis Fisher on Why a Dynamic Electric Grid Is “Essential to Human Flourishing”

By Paul Best

The electric grid is the foundation of modern life, an often-overlooked engine for prosperity that enables the countless everyday conveniences of the 21st century. But the advent of artificial intelligence and growth of other energy-intensive industries will supercharge demand for power in the coming years. Can the grid evolve and adapt, or will regulatory roadblocks and bureaucratic red tape hold it back?

Travis Fisher, the director of energy and environmental policy studies at Cato, argued in a recent interview with *Free Society* that only a dynamic, market-driven approach to energy policy can deliver affordable and reliable electricity in the years ahead. What follows is a lightly edited transcript of that interview.



PHOTOGRAPHY BY RICHIE DOWNS

PAUL BEST: Travis, the electric grid and energy more generally is obviously a big topic of conversation right now, with the rise of artificial intelligence and the data centers that need to be built to support it. Is our electric grid prepared for the increase in demand we are bound to see?

TRAVIS FISHER: That's the question everybody's asking. Is it up to the task? I honestly don't know. I think one way to find out is, over the next few years, we're going to see increasing demand. Will utilities be able to meet it? I actually am personally skeptical about that. The industry is slow-moving, almost by design. It's very heavily regulated. It's not designed to move fast, and it's not moving fast, and we're seeing now the collision between a tech industry that is used to moving very quickly and a utility industry that doesn't move very quickly.

PAUL: Under the former administration, to deal with the sclerotic nature of the electric grid, we saw a new industrial policy to build up green energy resources—so, funneling subsidies and grants toward wind and solar and other renewables and discouraging further investment in traditional hydrocarbon fuel sources. What's your take on that approach to building out our energy infrastructure?

TRAVIS: The Biden era was about subsidizing ourselves into prosperity, and I think if that were possible, that would be amazing. But I think that's a wild misuse of resources. One project I'm working on right now is to try to estimate exactly how much the government is going to spend on the Inflation Reduction Act (IRA), which is a poor name for the policy. It's basically a

subset of the Green New Deal. These are just energy subsidies.

When that law was passed in 2022, the Congressional Budget Office gave it a score of about \$369 billion at the time. I thought, "Wow, that's a lot of money." But the score we have come up with at the Cato Institute is something like five times that on the 10-year window, so I think it was vastly underscored on the front end. As a policy, I disagree with that. I don't think subsidies are good, period, but we weren't even very honest with the American people about how much it was going to cost. So, I think reform is on the table. We'll see what Congress wants to do this year, but I suspect that as part of a broader tax reform policy, the IRA itself will be reformed.

PAUL: It seems like every time I open the *Wall Street Journal* or the *New York Times*, there's a new story about how a big project that was touted a couple years ago has now been delayed, that construction hasn't started due to some sort of regulatory hurdle or permitting delay. How much of a problem is the web of state and local and federal officials who have to sign off on every new energy project, either for renewables like wind and solar as well as for more traditional energy sources?

TRAVIS: The analogy I hear a lot is: We basically have our foot on the gas pedal with the subsidies, but we're also on the brake pedal with things like permitting that is way too difficult, way too complicated. If the Biden approach was basically foot on the gas without taking it off the brake, I would characterize the new Trump administration as taking the foot off the brake, and we'll see what they do with the gas pedal.

“There’s a really strong argument for permitting reform as long as it’s broad and technology-neutral. We have basically gotten in our own way. Things are really, really hard to build these days, and the delays are staggering.”

But I do think there’s a really strong argument for permitting reform as long as it’s broad and technology-neutral. We have basically gotten in our own way. Things are really, really hard to build these days, and the delays are staggering, so it’s not surprising to me that even under a very heavy subsidy regime, projects are still slow-moving. I think that indicates the need for broader and more fundamental reforms, not just throwing money at problems.

PAUL: It seems darkly ironic that we would spend hundreds of billions of dollars to subsidize renewable energy sources but then not do anything about the regulatory regime that is stopping those projects from happening in the first place.

TRAVIS: I think that’s where the politics of reform are changing. I think there are a lot more people who are interested in coming to the table to reform things like the National Environmental Policy Act. We’ve basically overregulated ourselves and everything takes a 1,000-page document to do anything, and then that 1,000-page document goes to court, and of course somebody is going to find something wrong, because it’s 1,000 pages.

So, we’ve basically created an impossible scenario—we’ve made it nearly impossible to build anything. And I think the politics are changing, because if you want to build new wind, new solar, it’s going to take transmission. Transmission lines are notoriously hard to build, so we actually need that fundamental reform to build the things that both the left and the right, in terms of their politics, want to build now. It really is a bipartisan issue, so I look forward to that debate. I think it’s going to be an interesting one in 2025, and I think we probably will actually get somewhere.

PAUL: Those are kind of strange bedfellows—both oil and gas companies and renewable energy companies calling for the same thing.

TRAVIS: Exactly. I think that’s where we do have an opportunity for technology-neutral reforms that would benefit all sides. And more fundamentally, the benefit I look forward to is if we’re able to build things, if we’re able to get out of our own way and actually get projects to market, that will help consumers. I care about investment certainty and the ability to build things from the point of view of what benefits consumers, what gets them the energy they need.

PAUL: We've seen a very abrupt shift, obviously, with President Trump starting his second term. One of the first things he did was declare a national energy emergency alongside signing a slew of executive orders that are meant to increase the reliability of our electric grid.

TRAVIS: Declaring an energy emergency is not exactly the libertarian answer. In fact, with anything being done on the executive branch level, the trouble with doing policy that way is that we're on a four-year executive branch cycle. You're trying to invest in something that's going to be a long-lived asset, like a power plant that can run for 40 years, but you're doing it knowing the political winds change every four years. I think executive action is the wrong way to go about it, period. Emergency executive authority is probably the worst of all worlds, but I am optimistic that Congress will see what's going on, act on it, and improve things through a statutory change that has durable, long-lasting, bipartisan support.

PAUL: You mentioned consumers—most people probably don't think about the electric grid unless there's an outage, but consumers are really the ones with the most to lose here. How would consumers benefit from an actual dynamic electric grid based on free-market principles?

TRAVIS: When you brought up artificial intelligence and new demand from data centers, I think that is really pushing the envelope in terms of the need for dynamism in the industry. For about 100 years, electricity has been based on the natural monopoly theory, that we need to heavily regulate the industry. The trouble is that if

we tie it down with that many regulations, it's not going to move quickly, and it's not going to satisfy new demands very well. So, I think the paradigm is bound to break either way.

What I'm concerned about is that it might break in the sense that consumers will have to pay, that prices will skyrocket because of the new demand. If we allow the supply side to be dynamic, too, I think that opens up all sorts of new avenues where it's not just that consumers are not hurt; it's that they will benefit in the long run by having a more dynamic industry.

The joke is, if you bring back Thomas Edison, he will probably recognize most of the components of the power grid we still have today. That should never be the case—that's not the case with cell phones, that's not the case with any technology that's fast-moving. The power grid is one of those things that, because it's been so heavily regulated for so long, we really have not seen the technological changes that I think could and should take place.

PAUL: What would a free market for energy actually look like, then?

TRAVIS: We've seen some degree of free markets already. There's what we call the mandatory open-access paradigm where we actually have market prices and more wholesale trading. That is a recent thing; that's the direction the market went about 25 years ago.

I think we could even go more dynamic than that, and one proposal I've been toying with is to see what the free market actually looks like in terms of removing regulatory structures for new assets. So, if you built a private grid, for example, there is really no reason for a state commission to come in.



Travis Fisher discusses energy policy on Capitol Hill with Talmage Tyler, a legislative assistant to Rep. Julie Fedorchak (R-ND).

Let's say it's a large utility company building the grid and a large customer, like a giant tech company—I don't believe there's a role there for a regulator to come in between. And that opens a window into what the market might look like in a more open-ended, free-market system. If we run that experiment, I think we would learn a lot from it.

PAUL: Trump recently announced the Stargate Project alongside Sam Altman and Larry Ellison—they project that a couple dozen data centers need to be built over the coming years to support the development of artificial intelligence. You've mentioned private grids and microgrids before. Do you foresee almost separate energy resources powering these data centers that are disconnected from the main electric grid?

TRAVIS: That's one option, and to be very clear, it was crazy to talk about this just two years ago, maybe just one year ago. It was a

crazy idea, wasn't feasible. The technology wasn't there; the demand wasn't there. We have a very different setup now with very large new customers. The sticker shock is real—\$500 billion was the price tag on the Stargate arrangement. When you're talking that level of money, and that willingness to pay is so high, I think that opens up a lot of avenues for the technology that might be needed. If you wanted to go low carbon, we're talking probably new nuclear reactors, things like that. I think things that had been completely off the table now are on the table.

PAUL: When it comes to traditional fuel sources like natural gas and oil, what challenges do they face right now?

TRAVIS: In the shale boom era, we have abundant oil and gas resources from shale rocks. These are rock formations that are a mile deep. We always knew they were there, we just didn't have a good way, an

“If you bring back Thomas Edison, he will probably recognize most of the components of the power grid we still have today. That should never be the case.”

economical way, of going and getting that resource. But between directional drilling and fracking, that's opened up a whole new world. So, we are now the biggest exporter of gas, and that, I think, is a policy that should continue, so we can liquefy it, put it on tankers, and ship it to Europe, Asia, anywhere in the world.

But I think one thing that's important to remember is, even though the resource itself is abundant, the transportation infrastructure, especially gas pipelines, is not quite as abundant as you would want or expect, so we have pockets of very high prices even in the United States. A famous example is that New England doesn't really have abundant gas supply into the region—in fact, there's an import terminal in Boston that imports liquefied natural gas (LNG) from Trinidad. If you wanted an encapsulation of how absurd energy policy in the United States is, that is sort of the poster child—it's something like 170 miles away from the most abundant shale play

[a geological formation containing oil or gas reserves] in the world, but still, the LNG is coming in by tanker from the Caribbean. That's in part because we can't ship to ourselves because of the Jones Act, which is another wrinkle, but specifically, we can't build pipelines from the abundant Utica shale play through the state of New York into New England. Barriers like that are real. We have abundant resources, but it's not really a resource if you can't get it and use it.

PAUL: We talked about the Biden administration's industrial policy toward energy, trying to subsidize renewable energy sources, which was clearly an effort to combat climate change. There are some libertarians out there, or at least some market-minded pundits, who are in favor of a carbon tax as an alternative to the Green New Deal-style meddling that was prevalent in the Biden administration. Do you think a carbon tax or pricing carbon is a realistic alternative?

TRAVIS: I don't see it as politically feasible, because the votes just aren't there. In fact, Congress has never really addressed the climate question directly. The Inflation Reduction Act was arguably a climate rule, but it was a budget reconciliation measure, meaning it required only 50 votes plus the tie break from the vice president. So, I think for Congress to address this, you would need 60 votes in the Senate, and I don't see any carbon tax meeting that threshold.

But it has textbook appeal. The textbook economics approach is a Pigouvian tax, where you find the marginal social cost of the thing, you internalize the externality by using a tax to basically bring prices in line. One reason I am skeptical of that approach

is that it's not straightforward to establish what that marginal social cost is in the case of CO₂. And I've struggled with this because I do buy into the textbook framework, but I don't necessarily trust a government, especially one that has a spending problem, to do a good job of establishing a tax at a level that is socially beneficial, given all the public choice elements that make it ripe for abuse. We already have a deficit issue, and it's unclear whether a carbon tax would actually be used to internalize an externality versus pay for a lot of government spending. That's an open question and perhaps we'll see, but that's not where the debate is now. Really the debate is about subsidies, so my focus right now is to trim those.

PAUL: What do your meetings on the Hill look like right now? Which policymakers are you engaged with the most?

TRAVIS: At the end of the last session, my focus was on preventing bad outcomes during the lame duck. Now it feels like, at least on energy issues, supporters of free markets can go on offense and start to unravel the red tape. There's bipartisan support for things like permitting reform and generally making it easier to site and build energy projects of all types. With the growing demand for energy for everything from data centers to domestic manufacturing, we have a great opportunity to get pro-growth, pro-energy policies from the 119th Congress. One committee I particularly enjoy meeting with is the Senate Committee on Energy and Natural Resources. With energy experts like Sen. Mike Lee at chair and Sen. Martin Heinrich at ranking member, I think that committee will be one to watch as we head into some serious policy debates.

PAUL: I mentioned earlier that most Americans probably never think about the electric grid unless there's a snowstorm and they suddenly don't have power. You are Cato's head energy policy wonk. Is this what you wanted to be when you were in middle school? How did you get here?

TRAVIS: I've always liked big problems, and as soon as I figured out how electricity policy works in the United States, I recognized it immediately as not only an existing problem that needs to be fixed, but as a big one, and it does impact everyone. In college [at North Carolina State University] during the 2003 blackouts, I was actually camping, and when I got back to society, all the lights were out. It dawned on me in that moment, as it probably did with others, that blackouts are the one moment when you do think about electricity because it's not there, and that sort of pulled me into it. I was studying economics at the time, and I recall thinking that this is a big problem and we really should avoid this going forward. That is a nightmare scenario that we never want to repeat.

There's a flip side of that too—it's not just about guaranteeing reliability at all costs. You don't want to break the bank either. And electricity prices are one of the most regressive costs in the US economy. Every policy decision that increases the rates in your electricity bill—that is a very regressive thing that hurts the poorest among us the most. So, I view it as both essential to modern life, avoiding blackouts, and essential to human flourishing, in the sense that we need low-cost energy, and if energy costs rise, that is among the most regressive impacts you can possibly imagine. ♦

Now's the Time to Clean America's Tax Code: Adam Michel on the Reforms Needed to Boost Prosperity

By Joshua Hardman

Adam Michel (pictured right) was a leading voice for two tax policy wins early in the second Trump administration. Now, with the Tax Cuts and Jobs Act about to expire, he's showing Congress how to enact a pro-growth, permanent overhaul of the tax code.





PHOTOGRAPHY BY RICHIE DOWNS

Seven years is like a lifetime in Congress. President Trump signed the 2017 Tax Cuts and Jobs Act (TCJA) into law late that year, and now that the tax cuts are set to expire in 2025, many of the members of Congress and their staffers who worked on the legislation are gone. But Adam Michel knows we can improve on that law and create a long-lasting, pro-growth tax reform package that will make America's future more prosperous for our children.

Michel, who will soon have a second young child, is the director of tax policy studies at the Cato Institute. He's prepared a host of comprehensive tax reform options for this year's debates to share with his connections in the halls of Congress.

Many policymakers know Michel was a persistent (and at times the only) expert calling for some of this year's most consequential and overlooked tax policy wins.

First, he was one of the loudest and most consistent voices arguing against America's participation in the Global Tax Deal, a new system of extraterritorial taxes coordinated by the Organisation for Economic Co-operation and Development (OECD) to target some of America's most profitable businesses. The OECD's end goal was to proliferate similar "tax harmonization" schemes for personal income and global carbon taxes.

Michel personally briefed dozens of congressional offices about this danger, testified before the House Ways and Means Committee, and helped spur a letter from nine senators to the Senate Appropriations Committee urging a halt to US funding of the OECD project. Then, in a notable departure from the first Trump administration's posture toward the OECD, Trump signed an executive order withdrawing the United States from the Global Tax Deal.



Adam Michel and Veronique de Rugy (right), an adjunct scholar at the Cato Institute and a senior research fellow at the Mercatus Center, spoke to nearly 100 congressional staffers, journalists, and experts at the Rayburn House Office Building in January.

Second, in *Cato's Handbook on Executive Orders and Presidential Directives* (2024), Michel reminded the incoming administration to restore critical oversights of regulations promulgated by the Internal Revenue Service—which ended up being an underappreciated component of President Trump's executive order “Unleashing Prosperity Through Deregulation” (February 6, 2025). The Biden administration had taken away the ability of the regulatory watchdog—the Office of Information and Regulatory Affairs (OIRA)—to send new IRS regulations back for revisions if they did not follow the law or use sound economic analysis. Cato's government affairs team distributed the *Handbook* throughout Washington.

Now, Michel and this team are working in tandem with Romina Boccia, director of budget and entitlement policy, and Chris Edwards, occupant of the Kilts Family Chair in Fiscal Studies, to curb profligate taxing and spending.

This is far from Michel's first congressional rodeo; he served as deputy

staff director for the US Congress's Joint Economic Committee from 2021 to 2023, and he advised policymakers before then as a policy analyst at the Heritage Foundation.

“Unfortunately, unlike in the years before 2017, no coalition of policymakers was doing the hard work of building public consensus around the next tax reform,” Michel tells *Free Society*. He worries that Congress will simply renew the 2017 changes because the political will to enact more reform is fragile, and the legislature's experts are stretched thin.

Knowing what is at stake, Michel has hosted well over 100 private or small-group meetings with staffers from both parties since he joined Cato two years ago. Nearly 500 staffers, policymakers, business leaders, and journalists attended at least one of over a dozen public briefings he's spoken at on Capitol Hill, including “Principles for Tax Reform in the 119th Congress” in January.

American tax policy is, of course, a mess of loopholes, tax credits, deductions, and arcane regulations. So, this year, Michel guided a bipartisan cohort of 26 staffers

from key committees and influential offices enrolled in Cato's Congressional Fellowship Program through the complexities of the tax code and how it should be reformed. He's set a new best practice in turning these in-depth sessions into blog posts he has fittingly dubbed the Cato Tax Boot Camp.

A nation's tax code can tell you what it values. Judging by America's 75,000 pages of tax laws and IRS regulations, it is difficult to see what this nation's goals are besides rewarding effective lobbying. We tax and subsidize private markets in contradictory ways, creating a tangle of incentives that businesses and individuals are hard-pressed to sort through.

Considering this, Michel has three overarching messages for staffers. One, permanent reforms are most important for growth. Two, the tax code needs to be simpler and fairer. Cut taxes broadly and don't create or expand carve-outs for special constituencies, such as by eliminating taxes on tips or increasing the child tax credit. Three, more pro-growth measures, such as reducing the corporate income tax (CIT) rate to 12 percent from 21 percent, are needed in this year's legislation.

To be sure, the ideal CIT is zero. But as is the case in other policy areas, political reality necessitates more gradual improvements so that we can improve people's lives today. A new CIT rate of 15 percent has been floated by members of Congress (and the president), but Michel is encouraging them to think bigger by going down to 12 percent, at least.

Getting these reforms right can seem daunting for congressional staff, given all the other pressures they face. That's where Michel comes in.

"Almost all the meetings Hill staff take are with special interest groups asking for an industry tax credit, an exemption, or a marginal tax reform that will slyly benefit their industry. They're getting pulled in all kinds of directions," he related, noting that he was in their shoes not so long ago. "So, it's refreshing for staffers when Cato comes in with an intellectually consistent, systematic set of recommendations."

There's plenty to worry about this year. New tariffs will undercut economic growth (just as they offset some of the TCJA's benefits in 2018 and 2019); tax cuts could be extended for an even shorter period than the TCJA's original duration; and the national debt will continue to grow if spending on entitlement and other programs isn't cut. And, if Congress fails to act and none of the TCJA's reforms are extended, annual taxes will go up by about half a trillion dollars.

In his study "Slashing Tax Rates and Cutting Loopholes," Michel shows Congress how they can permanently preserve and expand the TCJA by cutting tax rates to near-100-year lows and dramatically simplifying the system. Crucially, he shows how the budgetary effect of the tax rate cuts could be entirely offset by repealing more than \$1 trillion in annual individual and business tax loopholes. His plan also includes other recommendations for supercharging economic growth, such as full expensing for all investments and a repeal of the death tax.

You, too, can enroll in Michel's Tax Boot Camp, so to speak, by reading his Substack, *Liberty Taxed: A Blog on US Tax Policy*. His writing, testimonies, and media appearances can be found at cato.org. ♦

EVENTS



The Harm-Reduction Promise of GLP-1s

GLP-1 drugs like semaglutide (Ozempic) are known for fighting weight gain, but they may also reduce cravings for addictive drugs such as opioids or cocaine. The Food and Drug Administration inflates GLP-1 costs and causes gray markets. Dr. Jeffrey A. Singer (far left), senior fellow at the Cato Institute, surveyed the latest research with Nicholas Reville (middle left), cofounder of the Center for Addiction Science, Policy, and Research; Sally Satel, MD (middle right), medical director at MedMark Treatment Center; and Michael F. Cannon (far right), director of health policy studies at the Cato Institute.



Understanding AI and AI Policy in 2024 and Beyond

Artificial intelligence (AI) is already transforming fields like health care, disaster response, and logistics, but a heavy-handed regulatory approach could stifle innovation and hinder AI's development. Jennifer Huddleston (left), senior fellow at the Cato Institute, was joined by Rep. Jay Obernolte (R-CA, right), cochair of the House Task Force on Artificial Intelligence, for a discussion about the future of AI and how policymakers should approach regulation moving forward.



Executive Orders That the Trump Administration Should Revoke or Amend

Cato experts across five policy areas joined forces to highlight which executive orders the Trump administration should revoke or amend and to encourage Congress and the courts to rein in presidents' excessive use of this power. From left to right: Travis Fisher, director of energy and environmental policy studies; Michael F. Cannon, director of health policy studies; Alex Nowrasteh, vice president for economic and social policy studies and editor of the *Cato Handbook on Executive Orders and Presidential Directives*; Eric Gomez, former senior fellow in defense and foreign policy studies; and Chris Edwards, Kilts Family Chair in Fiscal Studies.



2025 College Free Speech Rankings

The Foundation for Individual Rights and Expression (FIRE) scores universities in its annual College Free Speech Rankings by assessing administrative policies, student activism, faculty perspectives on free speech, and more. Erec Smith (far left), research fellow at the Cato Institute and cofounder of the website Free Black Thought, hosted three experts from FIRE to explain their 2025 rankings. From left: Angela C. Erickson, vice president of research; Laura Beltz, director of policy reform; and Sean Stevens, chief research adviser.



The Role of Islam in Middle Eastern Statecraft

Jon Hoffman (center), a research fellow at the Cato Institute, offers fresh insight into the geopolitics of religion in the Middle East with his new book, *Islam and Statecraft: Religious Soft Power in the Arab Gulf States*. Along with Mustafa Akyol (right), Cato senior fellow, and Annelle Sheline (left), research fellow at the Quincy Institute for Responsible Statecraft, they explored how ruling elites in the region preserve their regimes and project power.



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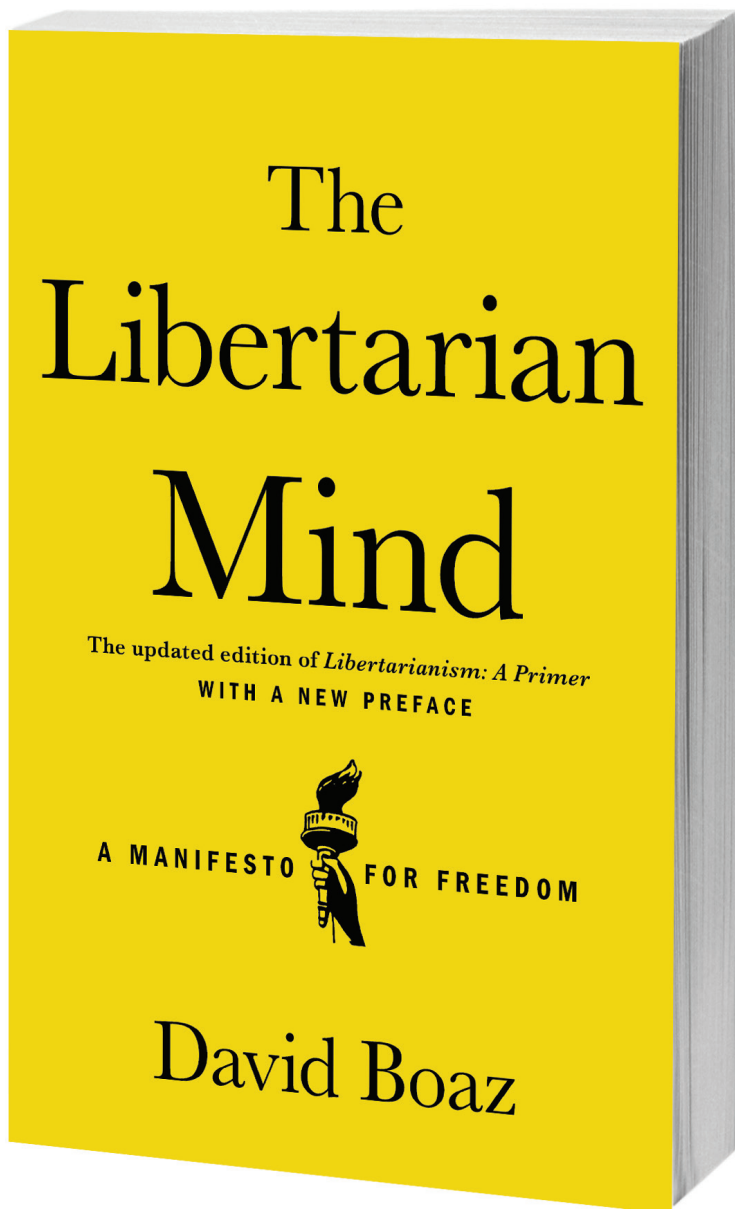
PUBLICATIONS

The Libertarian Mind

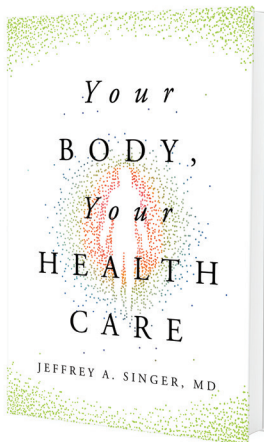
In his final interview with *Free Society*, David Boaz called *The Libertarian Mind* his “crowning accomplishment.” This revised edition encapsulates his commitment to civic life and to deliberation among free citizens of free countries. David finished the revisions to this book shortly before he passed away.

“I’m so pleased, as he would be, that this book is now available, with updated data and new and very relevant connections to the current setting. . . . *The Libertarian Mind* offers a clear vision of liberty when it is so desperately needed.”

—Tom G. Palmer, senior fellow at the Cato Institute and close friend of the late David Boaz



David Boaz,
former executive vice president and
distinguished senior fellow
of the Cato Institute



Your Body, Your Health Care

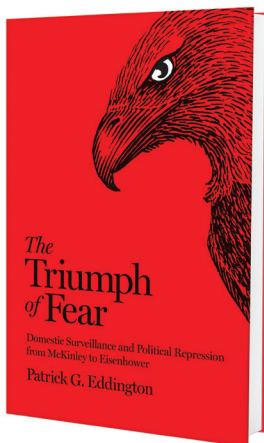
Through thoughtful analysis of issues such as prescription requirements, the right to self-medicate, access to harm-reduction techniques, and licensing laws, Dr. Jeffrey A. Singer proposes a road map for reforming health care policy that prioritizes individual rights.

“Ultimately, Dr. Singer’s book provides a stark reminder that patient autonomy is still a vital ethical principle worth keeping.”

—Jay Bhattacharya, MD, PhD, professor of health policy, Stanford University

“Whether or not the reader agrees with everything that Dr. Singer writes about the regulatory state, they will be challenged to think differently and/or to defend to themselves why they disagree. If the reader is a policymaker, they may be taking notes as to legislation to propose.”

—Sen. Bill Cassidy (R-LA), MD



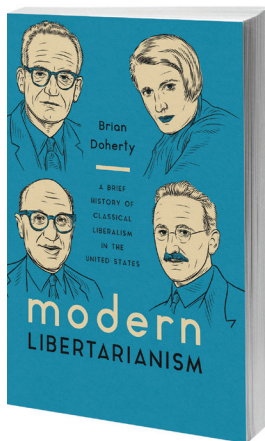
The Triumph of Fear: Domestic Surveillance and Political Repression from McKinley to Eisenhower

Drawing on declassified government documents (many obtained via Freedom of Information Act lawsuits and analyzed

for the first time), Patrick G. Eddington, Cato senior fellow in homeland security and civil liberties, offers surprising new revelations about how domestic spying helped fuel federal assaults on free speech and association.

“From prosecution of Americans making ‘disloyal utterances’ in the Wilson era . . . to the FBI’s early persecution of Martin Luther King Jr., Eddington explains how the surveillance state grew and why it lives on today.”

—Bob Goodlatte, former chairman of the House Judiciary Committee and senior policy adviser to the Project for Privacy and Surveillance Accountability



Modern Libertarianism: A Brief History of Classical Liberalism in the United States

Brian Doherty’s concise introduction is superb for the newcomer yet rich and varied enough for others interested in the tradition; it is a tribute to those who advocated the

cause of individual liberty in America in the 20th century.

“Idiosyncratic personalities and eccentric ideas come alive in this book. Both fans and critics of libertarianism will walk away from it entertained and edified.”

—Matt Zwolinski, coauthor of *The Individualists: Radicals, Reactionaries, and the Struggle for the Soul of Libertarianism*

FEATURED CATO STUDIES



A Fiscal Agenda for the 119th Congress

Romina Boccia, director of budget and entitlement policy, and Dominik Lett, research associate, lay out the following fiscal priorities in one of their latest studies: establish clear, enforceable fiscal targets; reform entitlement programs, possibly by establishing an independent fiscal commission; pursue pro-growth, deficit-neutral tax reform; reinstate and strengthen discretionary spending caps; and allow temporary health care subsidies to expire. The 2025 fiscal cliff is an opportunity to improve the nation's economic trajectory by tackling these issues together. Without proper action, the national debt is projected to exceed 106 percent of gross domestic product by 2027—its highest level ever, a risk we cannot take.



Human Freedom Index 2024

The United States jumped four spots to 17th in the global freedom rankings in this latest annual report, copublished by the Cato Institute and the Fraser Institute. According to 2022 data (the latest available) for 86 indicators of personal, civil, and economic freedoms, Switzerland, New Zealand, and Denmark were the three freest nations. Overall, human freedom increased slightly in 2022 but remains well below its pre-pandemic levels. The report finds a strong positive relationship between human freedom and per capita income, democracy, tolerance, charitable giving, life expectancy, and environmental health.

THE MILTON FRIEDMAN PRIZE FOR ADVANCING LIBERTY

Thursday, May 1, 2025

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Reviving the Constitution: Ken Simon Builds His Legacy, One Court Case at a Time

By Brian Mullis



Ken Simon lived the American dream—and fought to preserve it. A proud Marine, he served in World War II before returning home to Pittsburgh, where he built a small business from the ground up. His entrepreneurial success wasn't just about personal achievement; when the time came, he sold the business to his employees, ensuring that they shared in its prosperity. Ken believed in shaping his own future—and securing freedom for generations to come.

That belief in liberty led Ken to the Cato Institute. In his later years, he became close with Cato scholars like Roger Pilon, whose work on constitutional studies mirrored his own convictions.

Beginning in 1989, Cato advanced a unique philosophy: Judges should be neither active nor restrained but instead responsible to the Constitution they swear to uphold. This philosophy deeply resonated with Ken, inspiring him to champion the broader adoption of judicial engagement in protecting liberty.

Ken put his ideals into action. In 1998, he endowed the B. Kenneth Simon Chair in Constitutional Studies. As he explained at the time, “I have followed the work of Cato, and of Roger Pilon in particular, for some time. It is important work that needs to reach the broadest possible audience. What could be more important in this country than reviving the idea of limited, constitutional government?”

His legacy gift proved transformational. It enabled Pilon, the chair's inaugural holder, to build an amicus brief program and Center for Constitutional Studies to shape legal debates at the highest levels. Cato's arguments have been cited in both majority and dissenting opinions, advancing key principles of individual liberty and the rule of law.

More than 25 years later, Ken's



Nadine Strossen, former president of the American Civil Liberties Union, is frequently photographed holding a copy of the *Cato Pocket Constitution*.

partnership elevates the work of Ilya Somin to make the case for constitutional limits on government power. Somin tackles crucial issues like immigration restrictions, racial and ethnic discrimination by the state, and the erosion of property rights.

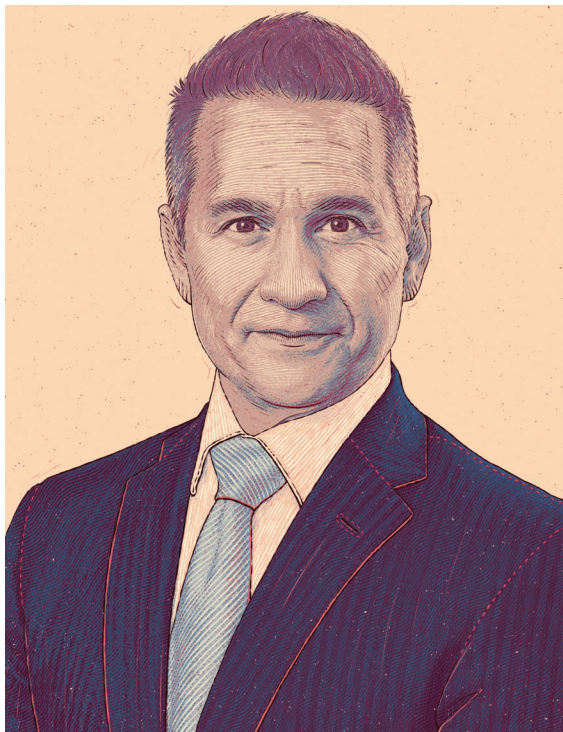
Cato's engagement in the courts remains one of the most effective ways to defend the Constitution. Our legal advocacy has helped secure landmark victories for gun rights, free speech, and equal protection under the law—while pushing back against government overreach in areas like racial preferences and administrative power.

Ken foresaw these opportunities for the Center for Constitutional Studies and created his legacy by partnering with Cato. We're grateful for his leadership. The fight for freedom carries on. ✨

For information on Cato's Legacy Society, please contact Brian Mullis at bmullis@cato.org. To learn more about planned giving, please visit Cato.org/plannedgiving.



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SCOTT LINCICOME

Last Word: Happy Days Are Here Again (for Trade Lawyers and Lobbyists)

By Scott Lincicome

ILLUSTRATION BY BARTOSZ KOSOWSKI

When news of Donald Trump's election victory first broke, one of my first thoughts was to go long on Washington, DC, steakhouses. That's where I, then an international trade lawyer, spent much of Trump's first term (and some of my clients' money) strategizing with lobbyists about tariffs—or, more accurately, how we could legally avoid them. With Trump back in the White House and already doubling down on tariffs this time around, I imagine the steakhouses will once again be busy—*very busy*.

The tight linkage between tariffs and “the swamp” is certainly nothing new or unique to the Trump era. As economic historian Phil Magness reminds us in a recent Cato essay, when Congress periodically set tariff rates in the 19th century, the “sheer extravagance of public corruption around tariff schedule revisions” pushed many to seek replacing what was then the nation's primary revenue source with a less corrupt income tax. That move, however, didn't just mean bigger government; it actually made America's tariff problem *worse*. No longer checked by a need to raise revenue (and thus keep imports flowing), US tariff bills became solely about protectionism—and the well-connected American businessmen trying to win it. Thus, Magness notes, the notorious Smoot–Hawley Tariff Act didn't just harm the economy; it “became a legislative free-for-all of corruption.”

After that debacle, and thanks in part to new US trade agreements, Congress spent much of the 20th century delegating its tariff powers to the executive branch and locking in low tariff rates by law. Constitutional questions aside, this new system worked reasonably well: For more than 70 years, the US economy grew,

global trade wars ceased, and—save the occasional free trade agreement or targeted presidential action—Washington tariff lobbying waned.

Then came Tariff Man.

“With Trump threatening bigger, broader tariffs in 2025, we should expect avoidance, compliance, and lobbying—which has its own economic costs, by the way—to increase accordingly.”

Trump imposed or threatened to impose big new tariffs during his first term, prompting a flurry of activity by governments and companies trying to avoid them, either by securing an upfront exemption or a temporary exclusion after the tariffs were imposed. In both cases, this meant armies of lawyers, lobbyists, accountants, and other consultants were needed to figure out the new system, how to game it, and which people in government could help you win the Trump tariff game. Hundreds of thousands of tariff exclusion requests have been filed, and trade lobbying expenditures have skyrocketed. It was a bona fide Beltway jobs program.

It was also sketchy as hell. Several government watchdogs characterized the tariff exclusion system as opaque, subjective, poorly administered, and giving

off the appearance of impropriety. One recent study went even further, finding that corporate exemptions from Trump-era tariffs were significantly more likely to be approved if the applicant had contributed to Republican candidates or hired a lobbyist who worked for the Trump administration. Contributors to Democrats had no such luck.

So much for draining the swamp.

With Trump threatening bigger, broader tariffs in 2025, we should expect avoidance, compliance, and lobbying—which has its own economic costs, by the way—to increase accordingly. Indeed, the games have already begun. The *Wall Street Journal* reported in January, for example, that the “American Petroleum Institute . . . has been in touch with Trump transition officials to ask that their industry gets an exemption if across-the-board tariffs are implemented.” Detroit automakers and other industry groups are also asking, as are foreign diplomats. No wonder, then, that one DC trade lawyer giddily told the *Financial Times* in December that, thanks to Trump’s many tariff threats, her firm is “getting a lot of new clients, a lot of new people approaching us,” and eyeing an international expansion. Other firms are staffing up as well. “I said to my colleagues,” the lawyer added, “we’re bringing sexy back to trade.” Cringe (as the kids say) aside, that means bigger fees for them and eventually bigger pains for the rest of us.

Unless we own stock in a steakhouse or two, I mean. ♦

ABOUT THE AUTHOR

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“

The ultimate resource is people—especially skilled, spirited, and hopeful young people endowed with liberty—who will exert their wills and imaginations for their own benefit and inevitably benefit the rest of us as well.

”

— Julian Simon, 1995

The State of Humanity

