

is that I had been the subject of vicious attacks by Bill O'Reilly and Rush Limbaugh .... I was a punching bag for those guys. I'm still standing, and the people who run the paper collapsed," he has said.

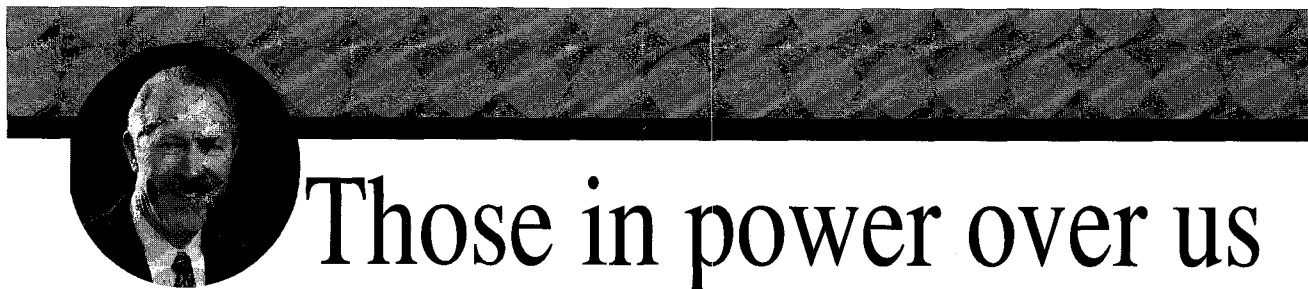
Scheer points to publisher Jeff Johnson as the biggest sellout: "The big issue here, I think, is that the publisher took over the editorial pages, a guy named Jeff Johnson. He's an accountant from Chicago, doesn't know anything about what newspapers are supposed to be about, and he made a decision to get rid of the column .... The publisher Jeff Johnson, who has offered not a word of explanation to me, has privately told people that he hated every word that I wrote. I assume that mostly refers to my exposing the lies used by President Bush to justify the invasion of Iraq."

Complicating this storyline is that at the time of Scheer's sacking the *Times* picked up two fierce lefties in Rosa Brooks, a law professor, and Erin Aubrey Ka-

***The Los Angeles Times has been buffeted this year from the right, middle (if Michael Kinsley's pique is indicative), and left. Not even Barbra Streisand reads the paper anymore.***

plan, who used to write for the *Los Angeles Weekly*. But that's not good enough, say progressives, who see horrible omens in the presence of three nonliberal columnists on the page, *National Review*'s Jonah Goldberg, *Weekly Standard* writer Max Boot, and The Hoover Institution's Niall Ferguson.

CPR



## Those in power over us

### Power tends to corrupt

*And absolute power corrupts absolutely, as The Coastal Commission continues to demonstrate.*

M. DAVID STIRLING

**M**Y FRIEND, Assemblyman Ray Haynes, a frequent contributor to *CPR Online* ([www.cppf.us](http://www.cppf.us) — *California Political Review*'s Internet publication), recently wrote a compelling piece on how the Legislative Analyst's rosy revenue predictions for the close of state budget year '05-'06 will lead the ultra-liberal legislative majority to return to the excessive, wasteful spending practices that caused historic budget deficits for the last five years. "Taxpayers," he writes in conclusion, "should fear surpluses, because that's when government grows, and deficits are created. Then again, they should fear deficits, because that is when

government demands tax increases. Maybe taxpayers should just fear government."\*

Ray's conclusion recalls a concern voiced by James Madison, the Constitution's leading champion and

*Mr. Stirling is vice president of Pacific Legal Foundation ([www.pacificlegal.org](http://www.pacificlegal.org)), the oldest and largest public interest legal organization in the country defending private property rights and challenging environmental extremism. Founded in 1973, Pacific Legal Foundation frequently goes to court to defend property owners from the persistent overreach of the California Coastal Commission. PLF is representing Dennis Schneider in his appeal of the unreasonable restrictions imposed by the CCC referenced in this article. Mr. Stirling, a former California legislator, judge, and chief deputy attorney general, can be reached at [mds@pacificlegal.org](mailto:mds@pacificlegal.org)*

\*"The rosy scenario," <http://www.cppf.us/OnlineOriginals/Columns/2005/11Nov05/112905RH.html>

major drafter of the Bill of Rights: “there are more instances of the abridgement of the freedom of the people,” Madison warned, “by gradual and silent encroachments of those in power than by violent and sudden usurpations.” Without question, California’s regulatory enforcement bureaucracy is the part of state government most inclined to abridge our individual and economic freedoms by “gradual, silent encroachments”; encroachments imposed individually over time and rarely noticed by our “watchdog” news media. An especially destructive part of that state enforcement bureaucracy is the California Coastal Commission.



**D**ENNIS SCHNEIDER owns 41 acres of land on the Harmony coast of San Luis Obispo County, on which he obtained the County’s approval to build a large single-family home and a barn. But the California Coastal Commission (CCC) overrode the county permit on grounds the proposed home and barn would be visible from the ocean, interfering with boaters’, kayak-


ers’, surfers’, and other recreational ocean users’ public right to view the coast without the blight of human development. (Read that last sentence again just to be sure you grasped its full meaning.) As long-time CCC Executive Director Peter Douglas said, “Undeveloped shoreline is a very unique and valuable resource. It really makes a difference when you don’t have clutter on the seaward slope of coastal hills.”

In pursuit of its policy of making new homes on the coastal hills invisible to boaters, the CCC reduced the overall size of Mr. Schneider’s proposed development by nearly 90 percent – cutting the home’s size by 50 percent, rejecting the barn altogether, and moving the house from a viewpoint high on the hill to a low and obscured point on the opposite end of the property. Schneider sued the CCC, contending that its harsh and unreasonable restrictions amounted to a denial of his project, and that its policy to insure boaters a pristine view of coastal hillsides exceeded its authority.

The trial judge was clearly sympathetic to Mr. Schneider’s proposal, describing it as a “beautifully designed residential project.” Nor was he enamored with the numerous and severe modifications the CCC was requiring of Mr. Schneider, referring to them as like “being nibbled to death by ducks.” Nevertheless, he ruled that the California Coastal Zone Conservation Act of 1972 did authorize the CCC to take such steps to protect boaters’ views of the coastal hillsides, stating: “It is clear to the court that the beauty of a sunrise from a vantage point offshore is afforded the same protection as a sunset seen from land.”

But the CCC’s position is much more invasive of private property rights than the judge suggests. Taking the position that boaters — even floaters in cheap rubber rafts — should be able to view pristine coastal hills, the CCC is creating a never-before-recognized right in persons momentarily and freely occupying public ocean waters that is greater than the right of private property owners to the reasonable use of their property. And to enforce that right, the Commission is requiring that coastal property owners situate their homes so that their invaluable views of the ocean are virtually eliminated.

The CCC’s Mr. Douglas attributes the Commission’s official recognition of the boaters’ right to a pristine view to “changing recreational use patterns and input from the boating community.” But in Coastal Commission speak, “changing recreational use patterns” and “boating community” are code words for the CCC’s favored type of boaters and recreational users – personal watercraft users of the envi-



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ronmentalist persuasion, such as the kayak instructor whose solicited testimony opposed Schneider's residential project at the hearing. "Most kayakers stay close to shore and are interested in exploring sea caves and watching marine wildlife, not seeing houses," she testified. "You go kayaking to get away from urban things. Your experience is changed by coastal development." Yet, if the truth be known, it is doubtful that the CCC received much, if any, unsolicited input from engine-driven boaters, weekend sailors, commercial fishermen, or cruise ship passengers, complaining about having to look at homes on the coastal hillsides.

**T**HE CALIFORNIA COASTAL COMMISSION wields enormous power, even by government standards. In addition to the extraordinary authority the body's enabling legislation provides for the performance of a broadly-stated and open-ended mission, the statute further mandates that the Act shall be "liberally construed" to accomplish its purposes and objectives.

At the heart of this authority is the largely unrestrained and unaccountable flexibility the CCC, and especially its staff, have to establish and enforce policy. The primary reason the Coastal Commission can jerk around applicants like Dennis Schneider so easily and endlessly — and Schneider is just one of many — is that the CCC operates under highly flexible regulatory powers. Where other regulatory bodies are required to promulgate, take public comment on, and adopt detailed and binding "regulations," the CCC's "planning and regulatory decisions relative to the protection of coastal scenic resources are made *on a case-by-case basis*." (author's emphasis.) As its executive director further acknowledges, "This approach allows the Commission and local governments carrying out local coastal programs [so much for San Luis Obispo County's approval of the Schneider project] to be adaptive as public needs, information, and circumstances change. This flexibility is a hallmark of California's coastal management program .... if the commission adopts a categorical or mandatory policy of general application on the subject it would need to go through the rule-making process and review by the Office of Administrative Laws resulting in the adoption of inflexible regulations."\* Mr. Douglas glibly

\*This passage appeared in a document designated: Memo re: "Protecting Views from the Ocean Under the Coastal Act," May 3, 2004, to Commissioners and Interested Persons, from Peter Douglas, executive director.

## The war against Christmas

posted November 29, 2005

The War Against Christmas seems to have picked up a couple of new recruits named George and Laura Bush.

I am one of X thousands of Americans who is on what used to be the president's Christmas Card list. As a result, a card from George and Laura arrived in my mail today. Needless to say I was pleased and honored. After opening it, I was — and am — also disappointed.

The card was not a Christmas card; it was a holiday card. It was lovely but it wasn't Christmas-y.

The front of the card is a replica of a painting by Jamie Wyeth. It is a scene of a snow-covered magnolia tree at the front of the White House with two small dogs and a cat in the foreground. Lovely!

Inside, there is no mention of Christmas. Instead it says, "With best wishes for a holiday season of hope and happiness. 2005" It is signed by George and Laura.

Above this, in small print is a quote from Psalm 28, verse 7.

Interestingly, the quote is from the Old Testament, with not even an allusion to Christ or Christmas or the reason Christians — which George and Laura are — celebrate the day.

One thing about that quote, however: it will offend hardly anyone except maybe a few atheists. At the very least it is acceptable to Christians, Jews, and maybe even Muslims. And isn't that what we want at this holiday season — not to offend anyone?

As for the First Couple's "best wishes for a holiday season of hope and happiness," that's nice, but where is Christmas? Maybe they'll send a Christmas card later, although I'm not betting on it.

What a shame that, apparently for political reasons, a president who professes to be a strong Christian turns his back on the celebration of his Savior's birth because he doesn't wish to offend anyone — except, maybe his fellow Christians.

Merry Christmas everyone.

— by Lyn Nofziger

Keep up with Lyn's "Musings" at:  
[www.lynnofziger.com/musings.htm](http://www.lynnofziger.com/musings.htm)