



## Is the Right Still Afraid of Cass Sunstein?

May 26th, 2011 at 8:48 am  [David Frum](#) | [4 Comments](#) |

Cass Sunstein will speak today at AEI about the Obama administration's deregulation agenda. NBC's Chuck Todd [tweeted](#) this morning, "Who would have predicted this a year ago?"

Well, actually, [FrumForum](#) did, repeatedly and emphatically, back in September 2009. For [example](#):

Sunstein's willingness to work with those who might not agree with him has led to a remarkable amount of respect from his colleagues: "Cass Sunstein is one of the most respected and most cited legal scholars in the country – a brilliant, creative, and thoughtful man... I'm a moderate conservative... and of all the people [Obama] could appoint for the job, Sunstein is one of the very best," remarked Eugene Volokh, UCLA Law Professor and founder of the popular law blog, [The Volokh Conspiracy](#).

Deregulators have generally favored the Sunstein nomination. "His views on regulation consist of a hard-headed microeconomic cost-benefit analysis that would be considered very conservative," explains Peter Van Doren, editor of the Cato Institute's *Regulation* magazine, "he would strike non-academics as a very conservative, University of Chicago-type economist."

Walter Olson, a senior fellow at the Manhattan Institute and founder of the [Overlawyered](#) blog agrees: "Cass Sunstein, of all the people who have joined the Obama administration, is the one with the most goodwill amongst Federalist Society-types."

Which may explain why Sunstein's nomination has also been endorsed by conservative legal eminences like C. Boyden Gray, Eugene Scalia, and Ken Starr, as well as by the National Association of Manufacturers and the U.S. Chamber of Commerce. Ted Olson, the former Bush Solicitor General, spoke highly of Cass Sunstein when reached for comment: "Cass is one of the most brilliant, creative and productive lawyers I have ever known, and a true gentleman. I respect him enormously."

Further, in an editorial in February, the *Wall Street Journal* editorial page [hailed](#) the choice of Sunstein as a "promising sign" for the new Obama administration.

Cato's van Doren told [FrumForum]: "Conservatives ought to applaud his appointment. It is the job of OIRA and the OMB to say no to stupid things, [and in this regard] they're not likely to get a better appointment.

The Manhattan Institute's Walter Olson seconds this pragmatic assessment. "If he were to have withdrawn his nomination the person who replaced him would be much more liberal," he added.

One of the conservative experts on regulation who knows Sunstein best is past American Enterprise Institute President Christopher Demuth. In an email ... DeMuth wrote in praise of the Sunstein selection: “[Sunstein] has publicly and privately supported the most high-profile conservative judicial nominees in recent years, and it is a shame that his appointment as President Obama’s regulatory chief has been delayed for so long.”

3

Topics:[AEI](#), [Cass Sunstein](#), [deregulation](#), [think tanks](#)