

# The Volokh Conspiracy

## House GOP Carries Water for Big Media

Randy Barnett – 12/6/12

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The Examiner's Tim Carney had a nice column yesterday on how the House GOP is operating in the pocket of the entertainment industry when it comes to copyright entitled, [GOP sides with Mickey Mouse on copyright reform](#). The column was provoked by the decision of the Republican Study Committee to withdraw a report urging reform of copyright restrictions, and then dismissing the staffer, Derek Khanna, who authored the report. After describing the controversy over the paper Carney continues:

Republicans are surprisingly close to the entertainment industry. For instance, Mitch Glazier, as a Republican House Judiciary Committee staffer in the late 1990s, played a key role in drafting GOP bills expanding copyright before cashing out to the industry. He now runs the Recording Industry Association of America, a \$4 million-a-year lobby operation that fights for more government protection of record labels.

So Republican politicians, with their sensitivities to K Street and their general pro-big-business tendencies, are not eager to roll back the extraordinary government protection for Hollywood and Nashville. But free-market think tanks and writers are banging the drum.

Jerry Brito, a scholar at the Mercatus Center, has just published ["Copyright Unbalanced: From Incentive to Excess,"](#) an entire book of essays critiquing current copyright law from a free-market perspective, and the Cato Institute is hosting a panel on the book Thursday.

Brito's incisive book tells tale after tale of government kowtowing to copyright holders. An egregious example is Mickey Mouse. "Each time the copyright ... was about to expire, and the happy rodent was about to become a shared cultural icon like Santa Claus, Hamlet, and Uncle Sam, Congress has extended the copyright term," Brito explains.

This is not at all what the founders had in mind when they authorized Congress "To promote the Progress of Science and

useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries. ... ”

Retroactively extending the copyright on a work produced long ago cannot promote useful arts and sciences. It just enriches the copyright holder and denies access to everyone else — which is exactly the point, if you’re an industry lobbyist.

Once again, big business is aligned with big government and against open competition. So far, the party of free markets is on the wrong side.

I have worked with Khanna (profiled [here](#)), who is also an evening student at Georgetown Law, and found him to be a very bright, principled and committed individual who did not deserve this fate. Here’s hoping he lands at an outfit that can make full use of his considerable talents and initiative.