

May 28, 2013

Charles Krauthammer gets to the creator and cheerleader.

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But when some bureaucrat is looking for cues from above, it matters when the president of the United States denounces the Supreme Court decision that allowed the proliferation of 501(c)(4)s and specifically calls the resulting "special interest groups" running ads to help Republicans "not just a threat to Democrats — that's a threat to our democracy." It's especially telling when it comes amid letters from Democratic senators to the IRS urging aggressive scrutiny of 501(c)(4) applications.

A White House can powerfully shape other perceptions as well. For years the administration has conducted a concerted campaign to demonize Fox News (disclosure: for which I am a commentator), delegitimizing it as a news organization, even urging its ostracism. Then (surprise!) its own Justice Department takes the unprecedented step of naming a Fox reporter as a co-conspirator in a leak case — when no reporter has ever been prosecuted for merely soliciting information — in order to invade his and Fox's private and journalistic communications.

No one goes to jail for creating such a climate of intolerance. Nor is it a crime to incessantly claim that those who offer this president opposition and push-back — Republicans, tea partyers, Fox News, whoever dares resist the sycophantic thrill-up-my-leg media adulation — do so only for "politics," power and pure partisanship, while the Dear Leader devotes himself exclusively to the nation, the middle class, the good and just.

It's not unlawful to run an ad hominem presidency. It's merely shameful. The great rhetorical specialty of this president has been his unrelenting attribution of bad faith to those who disagree with him. He acts on principle; they from the basest of instincts.

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Jennifer Rubin knows the core problem.

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It is frightful to imagine that Obama has set up a system in which non-elected lawyers run the government. If that is what he's done, it is both unprecedented and entirely unacceptable.

Kimberley Strassel says all this started right at the get-go with these creeps. These lawyers will be the end of our freedoms. Instead of a respect for the law, they abuse the law.

The White House insists President Obama is "outraged" by the "inappropriate" targeting and harassment of conservative groups. If true, it's a remarkable turnaround for a man who helped pioneer those tactics.

On Aug. 21, 2008, the conservative American Issues Project ran an ad highlighting ties between candidate Obama and Bill Ayers, formerly of the Weather Underground. The Obama campaign and supporters were furious, and they pressured TV stations to pull the ad—a common-enough tactic in such ad spats.

What came next was not common. Bob Bauer, general counsel for the campaign (and later general counsel for the White House), on the same day wrote to the criminal division of the Justice Department, demanding an investigation into AIP, "its officers and directors," and its "anonymous donors." Mr. Bauer claimed that the nonprofit, as a 501(c)(4), was committing a "knowing and willful violation" of election law, and wanted "action to enforce against criminal violations."

AIP gave Justice a full explanation as to why it was not in violation. It said that it operated exactly as liberal groups like Nara Pro-Choice did. It noted that it had disclosed its donor, Texas businessman Harold Simmons. Mr. Bauer's response was a second letter to Justice calling for the prosecution of Mr. Simmons. He sent a third letter on Sept. 8, again smearing the "sham" AIP's "illegal electoral purpose."

Also on Sept. 8, Mr. Bauer complained to the Federal Election Commission about AIP and Mr. Simmons. He demanded that AIP turn over certain tax documents to his campaign (his right under IRS law), then sent a letter to AIP further hounding it for confidential information (to which he had no legal right).

The Bauer onslaught was a big part of a new liberal strategy to thwart the rise of conservative groups. ...

Andrew Malcolm notices the attempt to make us look at the next "shiny thing."

Nice try by President Obama to change the national subject of intense public discussion from his serial scandals to his war -- no, wait -- he prefers "fight" against terrorism.

In an hour-long speech of nearly 7,000 words, interrupted by a persistent heckler, the former Real Good Talker reminded his audience at the National Defense University, whose mission is to study war, that the United States has "constitutional principles" that have survived many wars during more than two centuries. No kidding.

And that "having fought for our independence, we know a price must be paid for freedom."

Strange words indeed coming out of the mouth of an alleged constitutional law lecturer and president whose Internal Revenue Service has been illegally targeting and intimidating Americans of a certain contrary political persuasion.

Or whose F.B.I. has been checking the communications of professional journalists despite the First Amendment and labeling one of them a criminal co-conspirator in order to access his private communications and his parents' home phone.

None of which this chief executive admits to knowing anything about because he's apparently out of the loop on everything except the successes of SEAL Team 6. ...

Peter Wehner sees the irony.

What a perfect Barack Obama moment.

Yesterday in a major address the president said, "I am troubled by the possibility that leak investigations may chill the investigative journalism that holds government accountable. Journalists should not be at legal risk for doing their jobs." He went on to say he was calling on Congress to pass a media shield law and had raised the issue with Attorney General Eric Holder, "who shares my concern."

The very same day we learned, courtesy of NBC News, that the very same Attorney General Eric Holder signed off on a search warrant that identified Fox News reporter James Rosen as a "possible co-conspirator" in violations of the Espionage Act and authorized seizure of his private emails. Just a week ago the president expressed "complete confidence" in Mr. Holder.

So we have the president of the United States complaining about leak investigations that may chill investigative journalism at virtually the same moment we learned his attorney general decided to treat routine newsgathering efforts by a Fox News reporter as evidence of criminality. (For the record, the president has shown no concern over past leaks of far more sensitive intelligence information—but information that portrayed him in a flattering light.)

The president speaks as if he's living in an alternate reality, expressing solidarity with the press even as his administration is engaging in Nixon-like actions against it.

You can't make this stuff up.

And, **Andy Borowitz** at the New Yorker spotted this:

In a dramatic departure from existing White House procedures, President Obama requested today that his staff start cc'ing him on stuff.

"Look, I know a lot of you think I'm really busy and you don't want to bother me," the President reportedly told his staff in an Oval Office meeting. "But cc me anyway. It's good for me to keep up on what's going on around here."

“It’s not good when I turn on the news and they’re talking about something at the White House and I’m like, whoa, when did that happen?” Mr. Obama added. “I think cc’ing me would go a long way toward fixing that.”

“Maybe put a Post-It note on your computer saying, ‘CC POTUS,’ so you don’t forget,” he said as the meeting broke up.

Afterward, the President told aides that he “felt really good” about the meeting and was “really looking forward to people looping me in on stuff.”

But Mr. Obama’s mood soured later in the day, sources say, when his e-mail address was left off a message bearing the subject line, “Things the Treasury Dept. Is Planning to Do.”

Mr. Obama hastily reconvened his staff, telling them, “Look, maybe I didn’t make myself clear. That’s just the kind of thing I should have been cc’d on. Even Biden got that one. Could one of you please forward it to me?”

As of press time, Mr. Obama had not yet received the e-mail.

Steve Hayward praises a slow learner.

There’s this much to be said in praise of Jonathan Turley, professor of “public interest law” at George Washington University Law School, and frequent bobblehead on cable TV shows: at least he isn’t a supercilious smug-mugger like Jeffrey Toobin. In addition, unlike Toobin, Turley often gets things right.

But come on man, you’re only just discovering now that the federal administrative bureaucracy—the “fourth branch of government”—has become problematic? From Turley’s article today in the Washington Post: ...

Washington Post

[There’s a fly in my soup](#)

by Charles Krauthammer

“Horrible customer service.” [That’s what](#) the [newly fired IRS commissioner](#) averred was the agency’s only sin in singling out conservative political groups for discriminatory treatment.

In such grim proceedings one should be grateful for unintended humor. Horrible customer service is when every patron in a restaurant finds a fly in his soup. But when the maitre d’ screens patrons for their politics and only conservatives find flies paddlewheeling through their consomme, the problem is not poor service. It is harassment and invidious discrimination.

And yet two IRS chiefs (Steven Miller and Douglas Shulman) insisted that the singling-out of groups according to politics was in no way politically motivated. More hilarity. It's definitional: If you discriminate according to politics, your discrimination is political. It's a tautology, for God's sake.

[The IRS responds](#) that this classification was for efficiency, to cut down on overwork. Ridiculous. How does demanding answers to [endless intrusive and irrelevant questions](#), creating mountains of unnecessary paperwork for both applicant and IRS, *reduce* workload?

We are further asked to believe that a cadre of Cincinnati GS-11s is a hotbed of radical-left activism in America. Is anyone stupid enough to believe that?

That's why the IRS scandal has legs. And because pulling the myriad loose ends of this improbable tale will be the Senate Finance Committee, chaired by Democrat Max Baucus. So much for any reflexive administration charge of a partisan witch hunt.

On Wednesday, however, the issue was in the hands of the House Oversight and Government Reform Committee. It allowed [Lois Lerner, the IRS official](#) who had already apologized for targeting tea party groups, to [read an opening statement](#) claiming total innocence: "I have not done anything wrong. I have not broken any laws. I have not violated any IRS rules or regulations, and I have not provided false information to this or any other congressional committee." She then refused, on grounds of self-incrimination, to answer any questions.

Perhaps not wanting to appear overbearing, [Chairman Darrell Issa gave her a pass](#), pending legal advice on whether she had forfeited her Fifth Amendment shield by making a statement. Then again, Lerner's performance may not have endeared her to the average viewer. Her arrogance reminded anyone who needed reminding why the IRS is so unloved. Try saying what she said — I deny, I deny, I deny, and I refuse to answer any of your questions — when you're next called in for an IRS audit.

Does the IRS scandal go all the way up to the top? As of now, doubtful. It's nearly inconceivable that anyone would be stupid enough to have given such a politically fatal directive from the White House (although admittedly the bar is rapidly falling).

But when some bureaucrat is looking for cues from above, it matters when [the president of the United States denounces the Supreme Court](#) decision that allowed the proliferation of 501(c)(4)s and specifically calls the resulting "special interest groups" running ads to help Republicans "not just a threat to Democrats — that's a threat to our democracy." It's especially telling when it comes amid [letters from Democratic senators to the IRS](#) urging aggressive scrutiny of 501(c)(4) applications.

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Waiter! There's a fly .□.□.

Right Turn

[Rogue government, profiting from wrongdoing](#)

by Jennifer Rubin

The White House is perpetrating the notion that it had no knowledge of the [Internal Revenue Service scandal](#) or the investigation thereof nor did it know its [Justice Department was citing James Rosen](#) as a criminal to grab his phone records. As to the IRS scandal, I find it hard to believe that the White House wasn't aware of ongoing letters of complaint to conservatives and the news coverage thereof. We would have to believe no one in the White House until the last few months was reading or watching coverage, monitoring Congress, or talking to Treasury or the IRS itself. That is the job of the chief executive — *to run the government and enforce the laws*.

But let's take the White House at its word (something virtually no one does anymore). In that case the IRS is a rogue agency that conducted an internal investigation a year ago, found wrongdoing, sat on it and conducted another investigation, all the while representing to Congress that there was no wrongdoing. The failure to supervise a large and powerful agency is not an excuse; it is an indictment of a president willing to turn a blind eye toward claims of abuse by his political opponents.

Moreover, by failing to instruct every employee to cooperate, he is as responsible as anyone for the [pathetic performance of Lois Lerner yesterday](#). When employees understand that they cannot simultaneously take the Fifth for fear of being criminally prosecuted and continue working in the executive branch to enforce the law, Congress tends to get more cooperation, as it did in the [Valerie Plame incident](#) and other previous executive branch investigations.

Then we move to the Justice Department. Again, the president cannot excuse lawlessness in a major department by saying he doesn't supervise it. He appointed Eric Holder attorney general, he sets policy, and he presides over [unprecedented prosecutions against leakers](#). It doesn't get him off the hook to say that he was not the one to dream up the idea of labeling Rosen a criminal to get his phone records; his reckless neglect to ensure the Justice Department follows the law and its own internal guidelines goes to his abject failure to perform his job.

And as for that affidavit, who is going to look at whether the ginned-up accusations of law-breaking (and fear of flight!) fit the definition of perjury (intentional, material misrepresentation)? Who is going to investigate whether [Holder recused himself, as he claimed under oath](#)? The Justice Department sure can't. For that part of the scandal fest, at least, I am persuaded that an independent prosecutor is needed.

It is alarming to think that the government lawyers are apparently running the government, making new law (e.g. journalism is criminal) and shielding the president from knowledge of important matters so he later can't be accused of wrongdoing. The notion expressed on behalf of the [White House counsel that the president should be walled off from controversy](#) sounds like the advice of a *personal* lawyer worried about his own liability, not a lawyer employed by the American people to ensure, among other things, that the laws are faithfully executed. (It also defies the first rule of any executive: **No surprises**. One can't imagine a chief executive, the secretary of Treasury or any other boss saying, "*Please let me be surprised about a huge controversy by the reading about it in the newspapers!*")

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WSJ

Conservatives Became Targets in 2008

The Obama campaign played a big role in a liberal onslaught that far pre-dated Citizens United.

by Kimberley A. Strasse;

The White House insists President Obama is "outraged" by the "inappropriate" targeting and harassment of conservative groups. If true, it's a remarkable turnaround for a man who helped pioneer those tactics.

On Aug. 21, 2008, the conservative American Issues Project ran an ad highlighting ties between candidate Obama and Bill Ayers, formerly of the Weather Underground. The Obama campaign and supporters were furious, and they pressured TV stations to pull the ad—a common-enough tactic in such ad spats.

What came next was not common. Bob Bauer, general counsel for the campaign (and later general counsel for the White House), on the same day wrote to the criminal division of the Justice Department, demanding an investigation into AIP, "its officers and directors," and its "anonymous donors." Mr. Bauer claimed that the nonprofit, as a 501(c)(4), was committing a "knowing and willful violation" of election law, and wanted "action to enforce against criminal violations."

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The Bauer onslaught was a big part of a new liberal strategy to thwart the rise of conservative groups. In early August 2008, the New York Times trumpeted the creation of a left-wing group (a 501(c)4) called Accountable America. Founded by Obama supporter and liberal activist Tom Mattzie, the group—as the story explained—would start by sending "warning" letters to 10,000 GOP donors, "hoping to create a chilling effect that will dry up contributions." The letters would alert "right-wing groups to a variety of potential dangers, including legal trouble, public exposure and watchdog groups digging through their lives." As Mr. Mattzie told Mother Jones: "We're going to put them at risk."



President Obama with Deputy Chief of Staff for Policy Mona Sutphen and White House Counsel Bob Bauer.

The Bauer letters were the Obama campaign's high-profile contribution to this effort—though earlier, in the spring of 2008, Mr. Bauer filed a complaint with the FEC against the American Leadership Project, a group backing Hillary Clinton in the primary. "There's going to be a reckoning here," he had warned publicly. "It's going to be rough—it's going to be rough on the officers, it's going to be rough on the employees, it's going to be rough on the donors. . . . Whether it's at the FEC or in a broader criminal inquiry, those donors will be asked questions." The campaign similarly attacked a group supporting John Edwards.

American Leadership head (and Democrat) Jason Kinney would rail that Mr. Bauer had gone from "credible legal authority" to "political hatchet man"—but the damage was done. As Politico reported in August 2008, Mr. Bauer's words had "the effect of scaring [Clinton and Edwards] donors and consultants," even if they hadn't yet "result[ed] in any prosecution."

As general counsel to the Obama re-election campaign, Mr. Bauer used the same tactics on pro-Romney groups. The Obama campaign targeted private citizens who had donated to Romney groups. Democratic senators demanded that the IRS investigate these organizations.

None of this proves that Mr. Obama was involved in the IRS targeting of conservative nonprofits. But it does help explain how we got an environment in which the IRS thought this was acceptable.

The rise of conservative organizations (to match liberal groups that had long played in politics), and their effectiveness in the 2004 election (derided broadly by liberals as "swift boating"), led to a new and organized campaign in 2008 to chill conservative donors and groups via the threat of government investigation and prosecution. The tone in any organization—a charity, a corporation, the U.S. government—is set at the top.

This history also casts light on White House claims that it was clueless about the IRS's targeting. As Huffington Post's Howard Fineman wrote this week: "With two winning presidential campaigns built on successful grassroots fundraising, with a former White House counsel (in 2010-11) who is one of the Democrats' leading experts on campaign law (Bob Bauer), with former top campaign officials having been ensconced as staffers in the White House . . . it's hard to imagine that the Obama inner circle was oblivious to the issue of what the IRS was doing in Cincinnati." More like inconceivable.

And this history exposes the left's hollow claim that the IRS mess rests on *Citizens United*. The left was targeting conservative groups and donors well before the Supreme Court's 2010 ruling on independent political expenditures by corporations.

If the country wants to get to the bottom of the IRS scandal, it must first remember the context for this abuse. That context leads to this White House.

Investors.com

[What scandals? Obama tries tacking to terror, drones and Gitmo](#)

by Andrew Malcolm

Nice try by President Obama to change the national subject of intense public discussion from his serial scandals to his war -- *no, wait* -- he prefers "fight" against terrorism.

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This assertion from a president who went AWOL the entire night of the so-far unrevengeed murders of four Americans in Benghazi in an attack that surprised his administration *on the tenth anniversary of 9/11*.

Most Americans outside this Democrat White House would have been surprised had there *not* been a terrorist attack of some kind on the tenth anniversary of 9/11. Those were the campaign days when Obama bragged that al Qaeda's leadership was "on the run."

To the next raid, we now know.

So, while an inadequate and unreinforced consulate security force fought for its life and lost some in the country where Obama's undeclared war against a petty dictator ignited the violence, Obama was doing something whose undetailed details an unforthcoming senior aide now calls "irrelevant."

This from "the most transparent administration in history," wasn't that the phrase?

The good news is that Obama's secret nighttime doingzzzz 9/11 did not make him tardy the next afternoon for his flight to Vegas for another round of political fundraisers.

Now, for his hastily-scheduled rhetorical distraction to work on Thursday Obama would have to convince the dangerously crabby D.C. press corps that he was making new news.

So, the president announced some tweaks to his Dr. Death Drone Policy, and -- *wait for it!* -- promised again to close the Guantanamo Bay Detention Facility.

No, really.

You may remember Obama ordered the facility shuttered in a grandiose photo op on his very first day in the Oval Office, even before removing the bust of that colonial cretin Winston Churchill. A symbol of his fake follow-throughs to come.

This time, though, Obama *really* means it. And if you're still falling for his Burger King Whoppers, the Chicagoan's got a nice bridge to sell you spanning Lake Michigan.

As usual, we publish below the complete text of Obama's remarks.

Scroll down farther for the full C-SPAN video of his speech, which you can jump through according to your tastes and time. ...

Contentions

Another Priceless Obama Moment

by Peter Wehner

What a perfect Barack Obama moment.

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The very same day we learned, courtesy of [NBC News](#), that the very same Attorney General Eric Holder signed off on a search warrant that identified Fox News reporter James Rosen as a “possible co-conspirator” in violations of the Espionage Act and authorized seizure of his private emails. Just a week ago the president expressed “complete confidence” in Mr. Holder.

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You can’t make this stuff up.

New Yorker

Obama Asks Staff to Start Cc’ing Him on Stuff

by Andy Borowitz

WASHINGTON ([The Borowitz Report](#))—In a dramatic departure from existing White House procedures, President Obama requested today that his staff start cc’ing him on stuff.

“Look, I know a lot of you think I’m really busy and you don’t want to bother me,” the President reportedly told his staff in an Oval Office meeting. “But cc me anyway. It’s good for me to keep up on what’s going on around here.”

“It’s not good when I turn on the news and they’re talking about something at the White House and I’m like, whoa, when did that happen?” Mr. Obama added. “I think cc’ing me would go a long way toward fixing that.”

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As of press time, Mr. Obama had not yet received the e-mail.

Power Line

In Praise of Slow Learners

by Steve Hayward

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But *come on man*, you’re only [just discovering now](#) that the federal administrative bureaucracy—the “fourth branch of government”—has become problematic? From Turley’s article today in the *Washington Post*.

The growing dominance of the federal government over the states has obscured more fundamental changes within the federal government itself: It is not just bigger, it is dangerously off kilter. Our carefully constructed system of checks and balances is being negated by the rise of a fourth branch, an administrative state of sprawling departments and agencies that govern with increasing autonomy and decreasing transparency. . .

This exponential growth has led to increasing power and independence for agencies. The shift of authority has been staggering. The fourth branch now has a larger practical impact on the lives of citizens than all the other branches combined.

The rise of the fourth branch has been at the expense of Congress’s lawmaking authority. In fact, the vast majority of “laws” governing the United States are not passed by Congress but are issued as regulations, crafted largely by thousands of unnamed, unreachable bureaucrats. One study found that in 2007, Congress enacted 138 public laws, while federal agencies finalized 2,926 rules, including 61 major regulations.

This rulemaking comes with little accountability. It’s often impossible to know, absent a major scandal, whom to blame for rules that are abusive or nonsensical. Of course, agencies owe their creation and underlying legal authority to Congress, and Congress holds the purse strings. But Capitol Hill’s relatively small staff is incapable of exerting oversight on more than a small percentage of agency actions. And the threat of cutting funds is a blunt instrument to control a massive administrative state — like running a locomotive with an on/off switch.

From here Turley goes off the rails a bit, but failing to understand that Congress actually *wants* it this way.

But more to the point, it never ceases to amaze me when “mainstream” potentates like Turley come to understand what conservatives have been saying loudly for thirty or forty years, but somehow pose as though they’ve discovered something new or are offering brilliant new insights.



FROM THE PRODUCER OF "PIRATES OF THE CONSTITUTION"

THE DRONE RANGER



NOW BOMBING
EVERYWHERE

MAD
madmagazine.com



Tomorrow IRS division head
Lois Lerner will plead the 5th.



**Now they believe in
the Constitution?**