

July 1, 2013

Mark Steyn reviews a day in the life of the Republic.

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First thing in the morning, Gregory Roseman, Deputy Director of Acquisitions (whatever that means), became the second IRS official to take the Fifth Amendment, after he was questioned about awarding the largest contract in IRS history, totaling some half a billion dollars, to his close friend Braulio Castillo, who qualified under a federal “set aside” program favoring disadvantaged groups — in this case, disabled veterans. For the purposes of federal contracting, Mr. Castillo is a “disabled veteran” because he twisted his ankle during a football game at the U.S. Military Academy prep school 27 years ago. How he overcame this crippling disability to win a half-billion-dollar IRS contract is the heartwarming stuff of an inspiring Lifetime TV movie.

Later in the day, Senator John Hoeven, Republican of North Dakota and alleged author of the Corker-Hoeven amendment to the immigration bill, went on Hugh Hewitt’s radio show and, in a remarkable interview, revealed to the world that he had absolutely no idea what was in the legislation he “wrote.” Rachel Jeantel, the endearingly disastrous star witness at the George Zimmerman trial, excused her inability to comprehend the letter she’d supposedly written to Trayvon Martin’s parents on the grounds that “I don’t read cursive.” Senator Hoeven doesn’t read legislative. ...

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... As I say, just another day in the life of the republic: a corrupt bureaucracy dispensing federal gravy to favored clients; a pseudo-legislature passing bills unread by the people’s representatives and uncomprehended by the men who claim to have written them; and a co-regency of jurists torturing an 18th-century document in order to justify what other countries are at least honest enough to recognize as an unprecedented novelty. Whether or not, per Scalia, we should “condemn” the United States Constitution, it might be time to put the poor wee thing out of its misery.

Speaking of corrupt, Jennifer Rubin says we have the worst of Washington in Holder and Comey.

If you think the federal government is populated by pols without principles and/or shame, then James Comey’s nomination for FBI will not surprise you. For those who harbor some faith in the morality of elected leaders, I hate to burst your bubble once again. Comey has made a career of feigning moral high-mindedness. But a brief reflection on his conduct over the years shows that, like an average pol, he operates in a world of back-scratching and disingenuous compliments.

In Dec. 2008, he authored a letter to the Senate Judiciary Committee on Attorney General Eric Holder's nomination to that post. On one hand, Comey advised the committee that he was the chief prosecutor in the Marc Rich and Pincus Green matter and the infamous pardons that were a key objection to Holder's confirmation as attorney general. He wrote: "I have come to believe that Mr. Holder's role in the Rich and Green pardons were a huge misjudgment, one for which he has, appropriately, paid dearly in reputation." But wait. There is a back to be scratched: "Yet I very much hope he is confirmed." Now mind you, he wasn't "suggesting errors of judgment are qualifications for high office," but he sure didn't think they were disqualifying. He gilded the lily to be sure, arguing that Holder "is a smart, humble, decent man."

Rather stomach-turning isn't it? ...

WSJ Editors agree.

President Obama on Friday nominated James Comey to run the FBI, and the former prosecutor and deputy attorney general is already garnering media effusions reserved for any Republican who fell out publicly with the Bush Administration. Forgive us if we don't join this Beltway beatification.

Any potential FBI director deserves scrutiny, since the position has so much power and is susceptible to ruinous misjudgments and abuse. That goes double with Mr. Comey, a nominee who seems to think the job of the federal bureaucracy is to oversee elected officials, not the other way around, and who had his own hand in some of the worst prosecutorial excesses of the last decade.

The list includes his overzealous pursuit, as U.S. Attorney for New York's Southern District, of banker Frank Quattrone amid the post-Enron political frenzy of 2003. Mr. Comey never did indict Mr. Quattrone on banking-related charges, but charged him instead with obstruction of justice and witness tampering based essentially on a single ambiguous email.

Mr. Comey's first trial against Mr. Quattrone ended in a hung jury; he won a conviction on a retrial but that conviction was overturned on appeal in 2006. This May, the Quattrone Center for the Fair Administration of Justice was launched at the University of Pennsylvania thanks to a \$15 million gift from the banker, perhaps with Mr. Comey partly in mind.

There is also Mr. Comey's 2004 role as deputy attorney general in the Aipac case, in which the FBI sought to use bogus "secret" information to entrap two lobbyists for the pro-Israel group and then prosecuted them under the 1917 Espionage Act. The Justice Department dropped that case in 2009 after it fell apart in court—but not before wrecking the lives of the two lobbyists, Steven Rosen and Keith Weissman.

Or the atrocious FBI investigation, harassment and trial-by-media of virologist Steven Jay Hatfill, falsely suspected of being behind the 2001 anthrax mail attacks. Mr. Comey continued to vouchsafe the strength of the case against Dr. Hatfill in internal Administration deliberations long after it had become clear that the FBI had fingered the wrong man. Dr. Hatfill ultimately won a \$5.8 million settlement from the Justice Department. ...

Power Line's [Scott Johnson](#) gives context to the Danny Werfel appointment at the IRS.

When the Bush administration had to contend with enormous public distrust of the Department of Justice in its last year, President Bush sought out and appointed a man of impeccable integrity as Attorney General. In his short time in office, Michael Mukasey added luster to an already distinguished career.

Contrast the Obama administration's approach to the crisis in which the IRS finds itself today. It is embroiled in genuine scandals. At the outset Obama acknowledged the gravity of the misdeeds revealed in the Inspector General report that kicked off the scandal, but his actions since then reflect nothing but spin and coverup. Consider, for example, [the case of Elijah Cummings](#), a faithful servant of the Obama administration. Cummings has done his best falsely to disparage and to obstruct the investigation of the IRS by the House committee on which he serves as ranking member.

Obama pretended to address the scandal in some meaningful fashion by relieving Stephen Miller of his duties of acting commissioner, although [Miller's time was up](#). In place of Miller Obama appointed one Danny Werfel as acting commissioner.

Who is Danny Werfel. By all appearances, he is an Obama loyalist. Like Cummings, he has done his best to obstruct the investigation with deflecting falsehoods. The latest example is the report Werfel released this week finding no wrongdoing by the IRS. Werfel's report, however, was ["incomplete."](#) He is peddling [rather obvious falsehoods](#), rather obviously designed to obscure the truth in the service of his political masters.

Werfel has a brief record of public service, all of it in the Obama administration. It may have been difficult to get a bead on him at the time of his entry onto the scene. In his short time at the IRS, however, Werfel has proved himself a weasel. That Obama has sent a factotum and fixer over to the agency is another sign of the gravity of the IRS scandals.

Remember when Pickerhead said public safety goobers are out of control? Charlottesville's [Daily Progress](#) tells us about the UVA student who bought some water and spent a night in jail.

When a half-dozen men and a woman in street clothes closed in on University of Virginia student Elizabeth Daly, 20, she and two roommates panicked.

That led to Daly spending a night and an afternoon in the Albemarle-Charlottesville Regional Jail. Her initial offense? Walking to her car with bottled water, cookie dough and ice cream just purchased from the Harris Teeter in the Barracks Road Shopping Center for a sorority benefit fundraiser.

A group of state Alcoholic Beverage Control agents clad in plainclothes approached her, suspecting the blue carton of LaCroix sparkling water to be a 12-pack of beer. Police say one of the agents jumped on the hood of her car. She says one drew a gun. Unsure of who they were, Daly tried to flee the darkened parking lot.

"They were showing unidentifiable badges after they approached us, but we became frightened, as they were not in anything close to a uniform," she recalled Thursday in a written account of the April 11 incident.

"I couldn't put my windows down unless I started my car, and when I started my car they began yelling to not move the car, not to start the car. They began trying to break the windows. My roommates and I were ... terrified," Daly stated.

Charlottesville Commonwealth's Attorney Dave Chapman read Daly's account and said it was factually consistent.

Prosecutors say she apologized profusely when she realized who the agents were. But that wasn't good enough for ABC agents, who charged her with three felonies. Prosecutors withdrew those charges Thursday in Charlottesville General District Court, but Daly still can't understand why she sat in jail. ...

Andrew Malcolm with late night humor.

Letterman: Remember Iran's Ahmadinejad, the 'Death to America' guy? His successor Hassan Rohani is supposed to be a moderate. So, he says 'Lingering Illness to America.'

Leno: Obama's approval rating dropped eight points in just one month. He vows to win those people back by tracking them down through their phone calls and emails.

Leno: The LA City Council has voted to ban plastic bags. You can have plastic boobs, plastic faces and plastic asses. You just can't have plastic bags anymore. ...

National Review

The Simulacrum of Self-Government

We might as well put the Constitution out of its misery.

by Mark Steyn

Wednesday, June 26, 2013 — just another day in a constitutional republic of limited government by citizen representatives:

First thing in the morning, Gregory Roseman, Deputy Director of Acquisitions (whatever that means), became the second IRS official to take the Fifth Amendment, after he was questioned about awarding the largest contract in IRS history, totaling some half a billion dollars, to his close friend Braulio Castillo, who qualified under a federal "set aside" program favoring disadvantaged groups — in this case, disabled veterans. For the purposes of federal contracting, Mr. Castillo is a "disabled veteran" because he twisted his ankle during a football

game at the U.S. Military Academy prep school 27 years ago. How he overcame this crippling disability to win a half-billion-dollar IRS contract is the heartwarming stuff of an inspiring Lifetime TV movie.

Later in the day, Senator John Hoeven, Republican of North Dakota and alleged author of the Corker-Hoeven amendment to the immigration bill, went on Hugh Hewitt's radio show and, in a remarkable interview, revealed to the world that he had absolutely no idea what was in the legislation he "wrote." Rachel Jeantel, the endearingly disastrous star witness at the George Zimmerman trial, excused her inability to comprehend the letter she'd supposedly written to Trayvon Martin's parents on the grounds that "I don't read cursive." Senator Hoeven doesn't read legislative. For example, Section 5(b)(1):

Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a strategy, to be known as the 'Southern Border Fencing Strategy' . . .

On the other hand, Section 5(b)(5):

Notwithstanding paragraph (1), nothing in this subsection shall require the Secretary to install fencing . . .

Asked to reconcile these two paragraphs, Senator Hoeven explained that, "when I read through that with my lawyer," the guy said relax, don't worry about it. (I paraphrase, but barely.) So Senator Hoeven and 67 other senators went ahead the following day and approved the usual bazillion-page we-have-to-pass-it-to-find-out-what's-in-it omnibus bill, cooked up in the backrooms, released late on a Friday afternoon and passed in nothing flat after Harry Reid decreed there's no need for further debate — not that anything recognizable to any genuine legislature as "debate" ever occurs in "the world's greatest deliberative body."

Say what you like about George III, but the Tea Act was about tea. The so-called comprehensive immigration reform is so comprehensive it includes special deals for Nevada casinos and the recategorization of the Alaskan fish-processing industry as a "cultural exchange" program, because the more leaping salmon we have the harder it is for Mexicans to get across the Bering Strait. While we're bringing millions of Undocumented-Americans "out of the shadows," why don't we try bringing Washington's decadent and diseased law-making out of the shadows?

Just when you thought the day couldn't get any more momentous, the Supreme Court weighed in on same-sex marriage. When less advanced societies wish to introduce gay marriage, the people's elected representatives assemble in parliament and pass a law. That's how they did it in the Netherlands, Belgium, Spain, Norway, Sweden, Portugal, etc. But one shudders to contemplate what would result were the legislative class to attempt "comprehensive marriage reform," complete with tax breaks for Maine lobstermen's au pairs and the hiring of 20,000 new IRS agents to verify business expenses for page boys from disparate-impact groups. So instead it fell to five out of nine judges, which means it fell to Anthony Kennedy, because he's the guy who swings both ways. Thus, Supreme Intergalactic Emperor Anthony gets to decide the issue for 300 million people.

As Spider-Man's Uncle Ben so famously says in every remake, with great power comes great responsibility. Having assumed the power to redefine a societal institution that predates the

United States by thousands of years, Emperor Tony the All-Wise had the responsibility at least to work up the semblance of a legal argument. Instead, he struck down the Defense of Marriage Act on the grounds that those responsible for it were motivated by an “improper animus” against a “politically unpopular group” they wished to “disparage,” “demean,” and “humiliate” as “unworthy.” What stump-toothed knuckle-dragging inbred swamp-dwellers from which hellish Bible Belt redoubt would do such a thing? Well, fortunately, we have their names on the record: The DOMA legislators who were driven by their need to “harm” gay people include notorious homophobe Democrats Chuck Schumer, Pat Leahy, Harry Reid, Joe Biden, and the virulent anti-gay hater who signed it into law, Bill Clinton.

It's good to have President Clinton's animus against gays finally exposed by Anthony Kennedy. There's a famous photograph of him taken round the time he signed DOMA, at a big fundraiser wearing that black-tie-and-wing-collar combo that always made him look like the maître d' at a 19th-century bordello. He's receiving greetings from celebrity couple Ellen DeGeneres and Anne Heche, who'd come out as gay the week before and, in the first flush of romance, can't keep their hands off each other even with President Happy Pants trying to get a piece of the action. For a man motivated only by a hateful need to harm gays, he's doing a grand job of covering it up, looking like the guy who decided to splash out for the two-girl special on the last night of the sales convention. Nevertheless, reacting to the Supreme Court's decision, President Clinton professed himself delighted to have been struck down as a homophobe.

In his dissent, Justice Scalia wrote that “to defend traditional marriage is not to condemn, demean, or humiliate those who would prefer other arrangements, any more than to defend the Constitution of the United States is to condemn, demean, or humiliate other constitutions.” Indeed. With this judgment, America's constitutional court demeans and humiliates only its own. Of all the local variations through which same-sex marriage has been legalized in the last decade, mostly legislative (France, Iceland) but occasionally judicial (Canada, South Africa), the United States is unique in its inability to jump on the Western world's bandwagon du jour without first declaring its current vice president, president pro tem of the Senate, majority leader, chairman of the Senate Rules Committee, and prospective first First Gentleman raging gay-bashers. As the Paula Deens of orientation, maybe they should all be canceled.

There is something deeply weird, not to say grubby and dishonest, about this. In its imputation of motive to those who disagree with it, this opinion is more disreputable than *Roe v. Wade* — and with potentially unbounded application. To return to the immigration bill, and all its assurances that those amnestied will “go to the end of the line” and have to wait longer for full-blown green cards and longer still for citizenship, do you seriously think any of that hooey will survive its first encounter with a federal judge? In much of the Southwest, you'd have jurisdictions with a majority of Hispanic residents living under an elderly, disproportionately white voting roll. You can cut-and-paste Kennedy's guff about “improper animus” toward “a group of people” straight into the first immigration appeal, and a thousand more. And that's supposing the administrative agencies pay any attention to the “safeguards” in the first place.

As I say, just another day in the life of the republic: a corrupt bureaucracy dispensing federal gravy to favored clients; a pseudo-legislature passing bills unread by the people's representatives and uncomprehended by the men who claim to have written them; and a co-regency of jurists torturing an 18th-century document in order to justify what other countries are at least honest enough to recognize as an unprecedented novelty. Whether or not, per Scalia, we should “condemn” the United States Constitution, it might be time to put the poor wee thing out of its misery.

Right Turn

The worst of Washington: Holder and Comey

by Jennifer Rubin



James Comey, left, and outgoing FBI Director Robert Mueller at a ceremony announcing Comey's nomination.

If you think the federal government is populated by pols without principles and/or shame, then [James Comey's nomination for FBI](#) will not surprise you. For those who harbor some faith in the morality of elected leaders, I hate to burst your bubble once again. Comey has made a career of feigning moral high-mindedness. But a brief reflection on his conduct over the years shows that, like an average pol, he operates in a world of back-scratching and disingenuous compliments.

In Dec. 2008, he authored [a letter to the Senate Judiciary Committee](#) on Attorney General Eric Holder's nomination to that post. On one hand, Comey advised the committee that he was the chief prosecutor in the [Marc Rich](#) and Pincus Green matter and the infamous pardons that were a key objection to Holder's confirmation as attorney general. He wrote: "I have come to believe that Mr. Holder's role in the Rich and Green pardons were a huge misjudgment, one for which he has, appropriately, paid dearly in reputation." But wait. There is a back to be scratched: "Yet I very much hope he is confirmed." Now mind you, he wasn't "suggesting errors of judgment are qualifications for high office," but he sure didn't think they were disqualifying. He gilded the lily to be sure, arguing that Holder "is a smart, humble, decent man."

Rather stomach-turning isn't it? Now even liberals recognize [Holder possesses](#) none of those qualities.

Then five years later the favor is returned. [Holder laid it on in a written statement:](#)

As an extraordinarily dedicated public servant, a talented national security and law enforcement executive, and a principled leader with extensive experience in government and the private sector, Jim Comey is uniquely qualified to serve as the next Director of the Federal Bureau of Investigation. . . . He is a seasoned prosecutor – and former United States Attorney – whose impeccable judgment has set him apart from his peers. He is a proven leader – and former Deputy Attorney General – whose formidable intellect, indisputable integrity, and unwavering dedication to the rule of law will undoubtedly serve him well as FBI Director.

Comey demonstrated the same disingenuous behavior in his posturing on anti-terrorism tactics. He [signed off on these during the George W. Bush presidency](#) but then staged a moment of "conscience" in [objecting to the extension of the programs](#). Again, he went from satisfying his

then boss for the moment, to, at the expense of that president, making himself out to be heroic and not one of those “bad” Republican officials the liberals detest.

There is something perversely appropriate in Holder (who misled Congress on his role in spying on reporters) vouching for the character of Comey. And Comey will get through most likely — because Dems and libertarians will ignore his past approval of enhanced interrogation and other tactics they considered to be an abomination, and Republicans will blot out memory of his grandstanding at John Ashcroft’s bedside.

In a principled world, Democrats and libertarians would object based on Comey’s role in facilitating Bush era-policies while Republicans would object because of his opportunistic backing of Holder and his grandstanding at the expense of the president he was serving. But we live in political universe in which both sides will approve the pick. You never know when one of those senators will need a favor, huh?

WSJ - Editorial

The Political Mr. Comey

Obama's FBI nominee has a record of prosecutorial excess and bad judgment.

President Obama on Friday nominated James Comey to run the FBI, and the former prosecutor and deputy attorney general is already garnering media effusions reserved for any Republican who fell out publicly with the Bush Administration. Forgive us if we don't join this Beltway beatification.

Any potential FBI director deserves scrutiny, since the position has so much power and is susceptible to ruinous misjudgments and abuse. That goes double with Mr. Comey, a nominee who seems to think the job of the federal bureaucracy is to oversee elected officials, not the other way around, and who had his own hand in some of the worst prosecutorial excesses of the last decade.

The list includes his overzealous pursuit, as U.S. Attorney for New York’s Southern District, of banker Frank Quattrone amid the post-Enron political frenzy of 2003. Mr. Comey never did indict Mr. Quattrone on banking-related charges, but charged him instead with obstruction of justice and witness tampering based essentially on a single ambiguous email.



FBI Director nominee James Comey (L) speaks as U.S. President Barack Obama

looks on during a ceremony announcing Comey's nomination in the Rose Garden of the White House June 21, 2013 in Washington, DC.

Mr. Comey's first trial against Mr. Quattrone ended in a hung jury; he won a conviction on a retrial but that conviction was overturned on appeal in 2006. This May, the Quattrone Center for the Fair Administration of Justice was launched at the University of Pennsylvania thanks to a \$15 million gift from the banker, perhaps with Mr. Comey partly in mind.

There is also Mr. Comey's 2004 role as deputy attorney general in the Aipac case, in which the FBI sought to use bogus "secret" information to entrap two lobbyists for the pro-Israel group and then prosecuted them under the 1917 Espionage Act. The Justice Department dropped that case in 2009 after it fell apart in court—but not before wrecking the lives of the two lobbyists, Steven Rosen and Keith Weissman.

Or the atrocious FBI investigation, harassment and trial-by-media of virologist Steven Jay Hatfill, falsely suspected of being behind the 2001 anthrax mail attacks. Mr. Comey continued to vouchsafe the strength of the case against Dr. Hatfill in internal Administration deliberations long after it had become clear that the FBI had fingered the wrong man. Dr. Hatfill ultimately won a \$5.8 million settlement from the Justice Department.

Yet the biggest of Mr. Comey's misjudgments are the ones for which he gets the highest accolades from his media admirers. In March 2004 Mr. Comey raced to the hospital bedside of then-Attorney General John Ashcroft to stop his boss from signing off on a periodic reauthorization of the "warrantless wiretap" surveillance program authorized by President Bush shortly after 9/11.

Mr. Comey later told Congress that he had squared off against then-White House Chief of Staff Andrew Card and Counsel Alberto Gonzales, who had come to the hospital to get Mr. Ashcroft's signature for the still-top secret program, and that Mr. Ashcroft had refused to sign. He also testified that both he and FBI Director [Robert Mueller](#) had threatened to resign if Mr. Bush reauthorized the program without making certain changes. Which is what Mr. Bush agreed to do a few days later.

Mr. Comey's hospital theatrics have since been spun—above all by Mr. Comey—as a case of a brave and honest civil servant standing up to an out-of-control White House seeking to take advantage of a sick man for morally dubious and even criminal ends.

Yet the reason the White House needed Mr. Ashcroft's signature in the first place was that President Bush had subjected the surveillance program to a stringent 45-day reauthorization schedule (with the knowledge and approval of senior members of Congress), and Mr. Ashcroft had signed off on the same program multiple times before having an apparent change of heart shortly before the March incident.

None of this kept Mr. Comey from abusing his role as Acting AG implicitly to threaten the White House with the likely exposure of the classified program—all because his interpretation of the law differed from that of Mr. Gonzales and other government lawyers. Mr. Comey, incidentally, later served as Mr. Gonzales's deputy at Justice before leaving government service to become general counsel to defense contractor [Lockheed Martin LMT +1.02%](#). Such was the "price" for defying the Bush White House.

Then there's Mr. Comey's role in the investigation of the leak of Valerie Plame's identity as a CIA employee. Mr. Comey first encouraged Mr. Ashcroft to recuse himself in naming a special counsel on grounds that the AG could run into a conflict of interest if the investigation implicated Karl Rove.

Whereupon Mr. Comey gave the job to Patrick Fitzgerald, a close personal friend. Unlike independent counsels under the now defunct statute, a special counsel is supposed to be under the Justice Department's supervision, and it would be interesting to hear Mr. Comey explain how appointing the godfather of one of his children to a high-profile job under his direction did *not* entail a conflict of interest.

Mr. Fitzgerald quickly found out that the leaker of Ms. Plame's identity was Deputy Secretary of State Richard Armitage, a fact Mr. Fitzgerald kept secret for years. Yet instead of closing the case down, Mr. Comey signed off within weeks on an expansion of Mr. Fitzgerald's mandate. After a three-year investigation that turned up almost nothing new, the prosecutor tried to salvage his tenure with a dubious indictment of Scooter Libby for perjury.

Mr. Fitzgerald's Javert imitation, supported by his superior Mr. Comey, also managed to land New York Times reporter Judith Miller in jail for 85 days for refusing to reveal her sources, and nearly did the same for Time magazine's Matthew Cooper. With another FBI violation of internal Justice guidelines regarding media freedoms in the news, someone might ask Mr. Comey why he was prepared to resign on principle over surveilling terrorists, while doing nothing to stop Mr. Fitzgerald's efforts to criminalize journalism?

None of this may stand in the way of Mr. Comey's confirmation in a Democratic Senate. But before Senators yawn their way to rubber-stamping President Obama's "bipartisan" pick, they should ask Mr. Comey some harder questions than the ones to which his media fan base have accustomed him.

America already had an FBI director who thought he was accountable to no political master and ruined many lives. There's a building named after him in Washington, D.C., but one such director is more than enough.

Power Line

What Danny Werfel signifies

by Scott Johnson

When the Bush administration had to contend with enormous public distrust of the Department of Justice in its last year, President Bush sought out and appointed a man of impeccable integrity as Attorney General. In his short time in office, Michael Mukasey added luster to an already distinguished career.

Contrast the Obama administration's approach to the crisis in which the IRS finds itself today. It is embroiled in genuine scandals. At the outset Obama acknowledged the gravity of the misdeeds revealed in the Inspector General report that kicked off the scandal, but his actions since then reflect nothing but spin and coverup. Consider, for example, [the case of Elijah Cummings](#), a faithful servant of the Obama administration. Cummings has done his best falsely

to disparage and to obstruct the investigation of the IRS by the House committee on which he serves as ranking member.

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Werfel has a brief record of public service, all of it in the Obama administration. It may have been difficult to get a bead on him at the time of his entry onto the scene. In his short time at the IRS, however, Werfel has proved himself a weasel. That Obama has sent a factotum and fixer over to the agency is another sign of the gravity of the IRS scandals.

Daily Progress (Charlottesville, VA)

[Bottled-water purchase leads to night in jail for UVa student](#)

by K Burnell Evans

When a half-dozen men and a woman in street clothes closed in on University of Virginia student Elizabeth Daly, 20, she and two roommates panicked.

That led to Daly spending a night and an afternoon in the Albemarle-Charlottesville Regional Jail. Her initial offense? Walking to her car with bottled water, cookie dough and ice cream just purchased from the Harris Teeter in the Barracks Road Shopping Center for a sorority benefit fundraiser.

A group of state Alcoholic Beverage Control agents clad in plainclothes approached her, suspecting the blue carton of LaCroix sparkling water to be a 12-pack of beer. Police say one of the agents jumped on the hood of her car. She says one drew a gun. Unsure of who they were, Daly tried to flee the darkened parking lot.

"They were showing unidentifiable badges after they approached us, but we became frightened, as they were not in anything close to a uniform," she recalled Thursday in a written account of the April 11 incident.

"I couldn't put my windows down unless I started my car, and when I started my car they began yelling to not move the car, not to start the car. They began trying to break the windows. My roommates and I were ... terrified," Daly stated.

Charlottesville Commonwealth's Attorney Dave Chapman read Daly's account and said it was factually consistent.

Prosecutors say she apologized profusely when she realized who the agents were. But that wasn't good enough for ABC agents, who charged her with three felonies. Prosecutors withdrew those charges Thursday in Charlottesville General District Court, but Daly still can't understand why she sat in jail.

"This has been an extremely trying experience," she wrote. "It is something to this day I cannot understand or believe has come to this point."

Agents at ABC's regional office in Staunton deferred to the agency's public affairs office in Richmond. Spokeswoman Carol Mawyer would not provide details of the arrest or ABC's investigative procedures, except to say that all agents wear plainclothes and carry metal badges.

Agents charged Daly with two counts of assaulting a law enforcement officer and one count of eluding police, all Class 6 felonies carrying a maximum penalty of five years in prison and \$2,500 in fines per offense.

Chapman said he'd never encountered a situation like this in his 34 years of experience.

"It wouldn't be the right thing to do to prosecute this," he said, noting that no one was hurt during the exchange, which took place around 10:15 p.m.

Daly incurred the assault charges when she "grazed" two agents with her SUV, according to court records. She drove the SUV past the agents after her front-seat passenger, in a panic, yelled at Daly to "go, go, go" and climbed into the rear of the vehicle to gain space from the men on her side of the car, the records state.

The woman was on edge after spending the night listening to stories from dozens of sexual assault survivors at an annual "Take Back the Night" vigil on Grounds, said Daly's defense attorney, Francis Lawrence.

The woman dialed 911 as they pulled out of the parking lot to report what was happening and ask whether the agents were police officers. Daly said she was planning to drive to a police station. She stopped the SUV nearby for an agent driving a vehicle with lights and sirens, Chapman said.

Chapman stood by the agents' decision to file charges, citing faith in a process that yielded an appropriate resolution.

"You don't know all the facts until you complete the investigation," he said.

Investor's Business Daily

Late Night

by Andrew Malcolm

Fallon: President Obama has just named an HBO executive as the new ambassador to Spain. You can tell he's an HBO exec because when asked how he would improve relations with Spain, he said, "Uh...sex and dragons?"

Leno: It's official. Arnold Schwarzenegger is doing another 'Terminator' movie. I don't want to say he's getting old, but Sarah Connor's role has gone to Angela Lansbury.

Leno: Congratulations to Kim Kardashian on her baby daughter. Kim was in labor for six hours, marking the first time the words "Kardashian" and "labor" have ever been used in the same sentence.

Leno: Congrats to Kim and Kanye West on their daughter's birth. Her name is Twitter.

Leno: They're moving very quickly. Kim has already picked out the baby's publicist and her baby's therapist.

Leno: Ralph Nader says there's never been a bigger con man in the White House than Barack Obama. Can you believe that? Ralph Nader is still alive.

Fallon: The new immigration bill is over 1,000 pages long and weighs 24 pounds. Way too long for the average American to read before the vote. Senators say that's the point.

Fallon: The new immigration bill is over 1,000 pages long. Doesn't sound like a bill. That sounds like a menu at the Cheesecake Factory.

Fallon: Dunkin' Donuts is redesigning its stores so customers want to sit down and relax. Because if there's one thing that goes through my mind when I see Dunkin' Donuts customers, it's, "These people need to move around LESS."

Fallon: Scientists are preparing to move a 15-ton electromagnet to an Illinois laboratory. Which raises the question "How many refrigerators do you have on your giant magnet?"

Fallon: A new study says volunteering can actually reduce heart problems. Which would be awesome news if it didn't also reduce the chance of having a fun Saturday.

Letterman: So this NSA leaker Edward Snowden, they can't find him. It's the biggest manhunt since Martha Stewart started online dating.

Letterman: Kim Kardashian had a baby girl. The only chance for her to have a normal life is to put her in a rocket, launch it to another planet and hope that kind farmers find her.

Letterman: So Dick Cheney says he thinks this NSA leaker Edward Snowden is working for the Chinese. And I said, Aren't we all now?

Letterman: Remember Iran's Ahmadinejad, the 'Death to America' guy? His successor Hassan Rohani is supposed to be a moderate. So, he says 'Lingering Illness to America.'

Letterman: Yeh, Iran's new leader Hassan Rohani has promised to boldly lead his country into the 14th century. So we're all eager for that.

Letterman: So now the Taliban has agreed to peace talks. Yup. Well, all I can say is 'Thank you, Superman!'

Letterman: This Russian president guy, Putin, is crazy. First, he stole a Super Bowl ring. Today he walked off with Cyndi Lauper's Tony Award.

Letterman: The FBI thinks it's found Jimmy Hoffa. Forty years dead. Nothing on the NSA whistleblower guy, but we think we know where Jimmy Hoffa is.

Fallon: A new survey says 70% of Americans admit to going through the motions at work. And the other 30% blah blah blah punchline, you get the gist.

Fallon: After 40 years Men's Wearhouse has fired its founder and spokesman George Zimmer. I don't know about you, but 'I do NOT like the way this looks.'

Fallon: Michigan researchers find a message in a bottle from 1915. Which is weird because it said, "Don't let Cher wear that wig."

Fallon: President Obama will meet with regular Americans to hear their concerns about the White House electronic surveillance program. Or more accurately, RE-hear them.

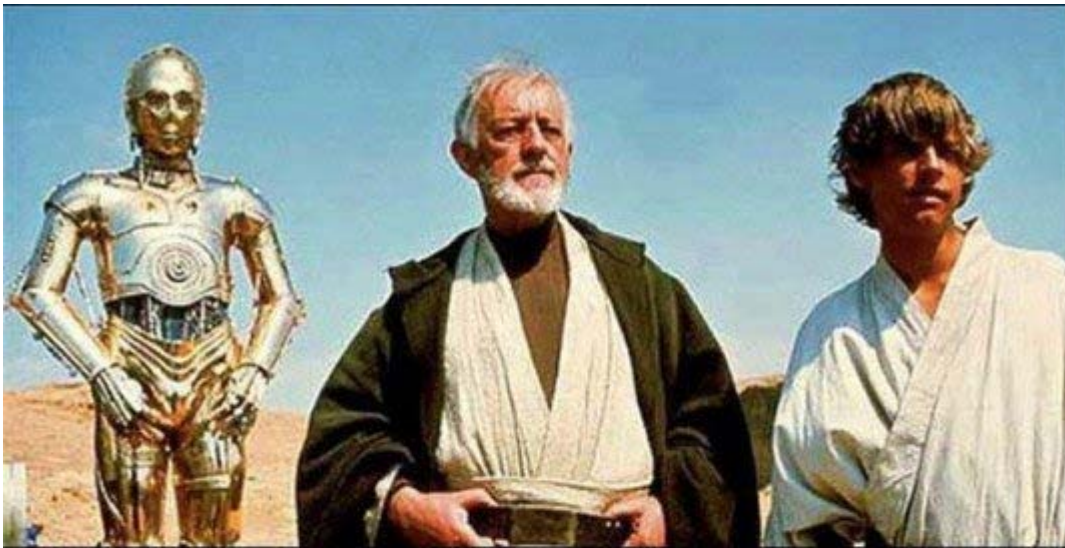
Leno: Doctors for new mom Kim Kardashian are urging her to recover fully and not rush back too quickly to doing nothing.

Leno: An Alaska man who fed BBQ meat to a wild bear is recovering after an attack. Officials say he's lucky to still be a moron.

Leno: Obama's approval rating dropped eight points in just one month. He vows to win those people back by tracking them down through their phone calls and emails.

Leno: The LA City Council has voted to ban plastic bags. You can have plastic boobs, plastic faces and plastic asses. You just can't have plastic bags anymore.

Fallon: A Japanese company has a new watch with a built-in breathalyzer to see if you're drunk. It would probably work better if the watch didn't always list the time as "Five o'clock somewhere."

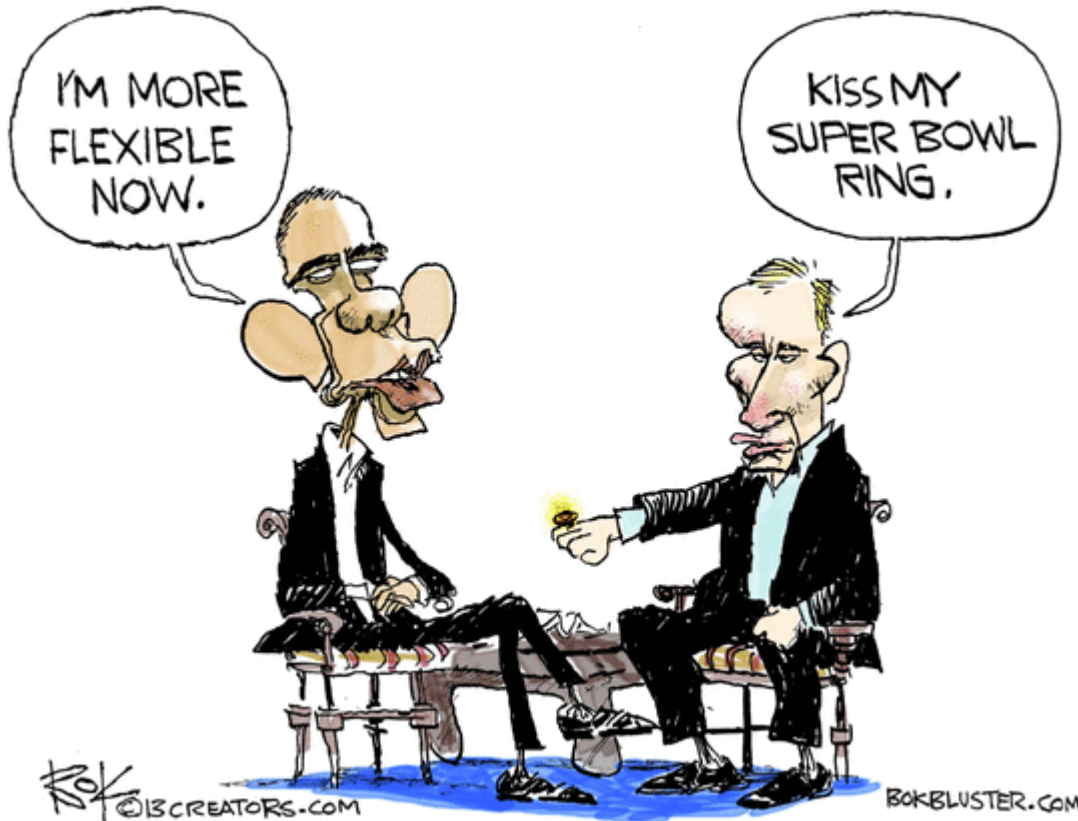
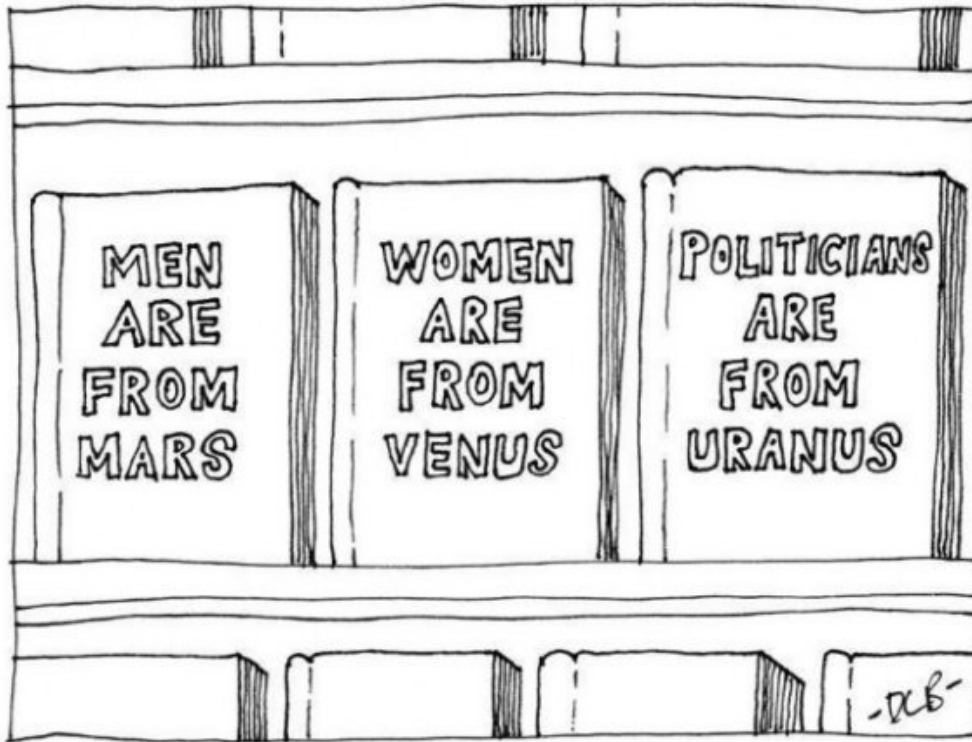


"You'll never find a more wretched hive of scum and villiany."



The Last Laugh

By Derek Brettle



WE ARE STILL LOOKING
FOR **CONCRETE PROOF**
THAT SYRIA IS USING
CHEMICAL WEAPONS



LIBTARDS

by Dixon Diaz

Republicans are racist, sexist, homophobic,
gun-toting religious fanatics.



But you support the Muslims, who are racist,
sexist, homophobic, gun-toting religious
fanatics.



That's their culture. You have
no right to judge them.



BACK THEN

TODAY



**KIDS PLAYING
COWBOYS AND
INDIANS**

**PIONEERS AND
NATIVE AMERICANS
IS A RACIALLY
INSENSITIVE GAME,
I'M UPPING YOUR
RITALIN!!!**

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