

August 13,2013

John Steele Gordon explains one of the reasons the health care bill was so poorly written. We also learn one of the reasons compromise is so difficult.

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political slander by the president of the United States against the party that controls one house of Congress. It is also political stupidity of a very high order.

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History will not treat this man kindly.

John Hayward says a new "consult with business leaders clause" has been found in the Constitution.

President Obama's bizarre press conference on Friday produced a number of memorably loopy moments, but none surpassed this alleged Constitutional scholar's discovery of the "consultation with business leaders" clause in the Constitution, which gives Presidents limitless power to break the law, provided some unspecified number of business leaders approves.

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Nevertheless, the stuff about the Business Leader Clause was more significant. It's a real window into the way this lawless President views his limitless executive power, and the servile relationship of the American people to their wise ruling class. The old chestnut about conservatism versus liberalism asks if we are a people with a government, or a government with a people. But to Barack Obama, America is an almighty White House with a vestigial legislature, hot-wired to a few big cities, isolated in a dark sea of ignorant flyover-country child-citizens who must occasionally be told fanciful things to keep them under control.

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National Review piece on more lawless behavior from the president.

America has a two-party system. But it's not Republicans versus Democrats. It's the ruling class — Republicans and Democrats — against everyone else. Consider how President Obama just gave Congress its very own Obamacare waiver.

Obamacare includes a provision that should cost each member of Congress and each staffer \$5,000 to \$11,000 per year. Needless to say, the ruling class was not pleased.

Congress wasn't about to try to exempt itself from this provision explicitly, though. If John Q. Congressman voted to give himself an Obamacare waiver that his constituents don't get, he wouldn't be John Q. Congressman much longer. What's an aristocrat to do?

On July 30, I predicted that, even though he had no authority to do so, President Obama would waive that provision at taxpayers' expense. On August 1, he ignobly obliged the aristocracy by decreeing we peasants give each member and staffer \$5,000 or \$11,000, depending on whether they want self-only or family coverage. It's good to be king.

The president's supporters, like courtesans of old, are trying to quell a peasant uprising by denying there were any special favors. The denials ring hollow. ...

John Hinderaker wonders if insulting Putin is "smart" diplomacy.

Remember the good old days when the Obama administration promised "smart diplomacy?" Hillary Clinton mocked the Bush administration for not cozying up sufficiently to Vladimir Putin's Russia, and presented the Russians with a "reset" button to demonstrate that from now on, things would be better. Right.

Now the administration is feuding with Putin over Edward Snowden. It is a bad sort of feud, because the Russians hold all the cards, in the person of Snowden. Whatever Snowden knows they can easily learn, and at this point there is nothing we can do about it. So in his press conference today, Obama lashed out against Putin:

"I don't have a bad personal relationship with Putin. When we have conversations, they're candid, they're blunt; oftentimes, they're constructive. I know the press likes to focus on body language and he's got that kind of slouch, looking like the bored kid in the back of the classroom."

Maybe directing gratuitous insults toward rival world leaders is a good strategy, when you are dealing from a position of weakness. Maybe, but I doubt it. Although I can see how it could be tempting. But we certainly have come a long way from the early days of the "Hope and Change" administration.

Prosecutorial overreach in Tennessee becomes columnist overreach by **Nicholas Kristoff**.

IF you want to understand all that is wrong with America's criminal justice system, take a look at the nightmare experienced by Edward Young.

Young, now 43, was convicted of several burglaries as a young man but then resolved that he would turn his life around. Released from prison in 1996, he married, worked six days a week, and raised four children in Hixson, Tenn.

Then a neighbor died, and his widow, Neva Mumpower, asked Young to help sell her husband's belongings. He later found, mixed in among them, seven shotgun shells, and he put them aside so that his children wouldn't find them.

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Contentions

Obama's Political Incompetence

John Steele Gordon

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House didn't pass the exact same bill the Senate had passed, the two bills would have to be reconciled and the final bill sent back to the Senate, where the Republicans now could—and certainly would—filibuster it.

There were only two choices: have the House—where the majority has total control—pass the Senate bill with all its sloppiness, or cut the Republicans in on the deal sufficiently to pick up a couple of Senate Republicans. This being Obama's Washington, of course, they opted to pass a crudely drafted, legislative horror show into law.

Now these political chickens are coming home to roost. Some provisions have had to be dropped because they were manifestly unworkable and others have been suspended by executive fiat. The language was so sloppy and ill-considered that one provision actually cut Congress members and their staffs off from their very cushy health-care subsidies. Obama waved his hand and said that a provision of the law that clearly says X actually says Y, and subsidies will continue to flow to Capitol Hill, if not to anyone else making \$175,000 a year.

None of this, of course, is Obama's fault. It's the fault of the Republicans who were told, almost in so many words, to drop dead while the legislation was being drafted.

At his [news conference](#), when he was asked about his unilateral suspension of a provision of the law, the president said that:

Now, what's true, Ed [Henry, of Fox News], is, is that in a normal political environment, it would have been easier for me to simply call up the Speaker and say, you know what, this is a tweak that doesn't go to the essence of the law — it has to do with, for example, are we able to simplify the attestation of employers as to whether they're already providing health insurance or not — it looks like there may be some better ways to do this; let's make a technical change to the law. That would be the normal thing that I would prefer to do.

But we're not in a normal atmosphere around here when it comes to "Obamacare." We did have the executive authority to do so, and we did so.

As the *Wall Street Journal* [pointed out](#) on Saturday, that is nonsense. No president is going to ask for legislation, always fraught with politics, when he already has the executive authority to act on his own.

But why is there not a normal, let's-get-the-country's-business-done political atmosphere in Washington these days? Could it have something to do with a president who says, in a scheduled press conference, such things as:

Now, I think the really interesting question is why it is that my friends in the other party have made the idea of preventing these people from getting health care their holy grail, their number-one priority. The one unifying principle in the Republican Party at the moment is making sure that 30 million people don't have health care and, presumably, repealing all those benefits I just mentioned — kids staying on their parents' plan; seniors getting discounts on their prescription drugs; I guess a return to lifetime limits on insurance; people with preexisting conditions continuing to be blocked from being able to get health insurance.

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Human Events

Obama's "consultation with business leaders" amendment to the Constitution

by John Hayward

President Obama's bizarre press conference on Friday produced a number of memorably loopy moments, but none surpassed this alleged Constitutional scholar's discovery of the "consultation with business leaders" clause in the Constitution, which gives Presidents limitless power to break the law, provided some unspecified number of business leaders approves.

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With respect to health care, I didn't simply choose to delay this on my own. This was in consultation with businesses all across the country, many of whom are supportive of the Affordable Care Act, but — and who — many of whom, by the way, are already providing health insurance to their employees but were concerned about the operational details of changing their HR operations if they've got a lot of employees, which could be costly for them, and them suggesting that there may be easier ways to do this.

Now what's true, Ed, is that in a normal political environment, it would have been easier for me to simply call up the speaker and say, you know what? This is a tweak that doesn't go to the essence of the law. It has to do with, for example, are we able to simplify the attestation of employers as to whether they're already providing health insurance or not. It looks like there may be some better ways to do this. Let's make a technical change of the law.

That would be the normal thing that I would prefer to do, but we're not in a normal atmosphere around here when it comes to, quote- unquote, "Obamacare."

We did have the executive authority to do so, and we did so. But this doesn't go to the core of implementation.

No, he does *not* have the executive power to rewrite laws on the fly. Absolutely nothing in the Affordable Care Act gave the Administration the power to move the mandates, or grant special ruling-class benefits to the high-paid members of Congress and their staffs, who whined that they can't possibly survive under the rules that will be applied to private-sector America. But it's okay, don't worry about it, because Obama consulted with "businesses all across the country, many of whom are supportive of the Affordable Care Act."

In other words, he talked to his big-bucks donors – the same sort of people he looted the Treasury to subsidize during his green energy debacle – and they said they wanted some breathing room, so he rewrote the law on the fly. It's not as if he could have gone through the regular legislative process, because the gigantic majority of Americans who do *not* like ObamaCare one little bit – currently polling well above 60 percent – have representation there. Uncomfortable questions might have been asked. Those who remembered Obama's shrieking "sequestration" theatrics might have asked if dumping another \$12 billion in debt on the taxpayers by delaying the mandate was something American can "afford." You can bet your bottom dollar that if Republicans proposed a \$12 billion pro-growth tax cut, Obama would howl at the top of his lungs that we can't possibly afford it.

If Obama was actually serious about the new Consultation With Business Leaders clause to the Constitution, it would be incredibly convenient to the next Republican president, who could erase ObamaCare, lower taxes, and do many other vitally necessary things for America by convening a meeting of business leaders and securing their approval. But of course, everyone knows this amazing new executive power will disappear, along with all of Obama's other new powers, as soon as the Oval Office is occupied by a Republican.

The support or opposition of select top-shelf members of the business community is not enough to create or alter legislation under the American system of government. They have to work through their representatives in Congress, just like everyone else. There *is* a system of government in which powerful, politically-connected business leaders have a direct hand in legislation, as the normal boundaries between State and industry are dissolved in both directions, and the ruling Party controls all. That system is called "fascism." It is profoundly disturbing to hear an American president flirting with it, even if he's just a desperate politician looking for a way to paper over his failures.

That wasn't the only time Obama blurred the distinction between State and industry in his remarks on Friday. Like all socialists, he's very fond of appropriating the language of capitalism to push his ideas. In this case, he compared the disastrous ObamaCare launch to a few

glitches that a company like Apple might encounter when rolling out a new iPod. But to complete that analogy, your new iPod would have required a second mortgage on your house to purchase, and it would electrocute you while you were doing the dishes.

Most importantly, the purchase of an iPod is not *mandated by law*. You don't have to pay a special tax/penalty if you refuse to buy one. And if iPods were mandatory, designed by the same geniuses who inflicted ObamaCare on us, just imagine how expensive they would be, and how poorly they would perform. This is not *at all* an analogy defenders of the Affordable Care Act, or any other socialist disaster, should make. It reflects worse on their schemes, the more you think about it. If ObamaCare was a private sector product, released by a company of which Barack Obama was the CEO, he'd be facing massive lawsuits for fraud, if not jail time.

The legitimacy of our government rests upon the rule of law. The President doesn't get to ignore laws he doesn't like, not even when they're named after him. If the government is not bound by law, we aren't a representative republic any more, or even a constitutional democracy. We're a dictatorship, in which the dictator occasionally holds ludicrous press conferences to keep his poll numbers from tanking. Why should any citizen of the United States obey a law the President will not obey?

National Review

[Congress's Obamacare Waiver](#)

President Obama is buying votes from members of Congress — with stolen money.

by Michael F. Cannon

America has a two-party system. But it's not Republicans versus Democrats. It's the ruling class — Republicans *and* Democrats — against everyone else. Consider how President Obama just gave Congress its very own Obamacare waiver.

Obamacare includes a provision that should cost each member of Congress and each staffer \$5,000 to \$11,000 per year. Needless to say, the ruling class was not pleased.

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The president's supporters, like courtesans of old, are trying to quell a peasant uprising by denying there were any special favors. The denials ring hollow.

Obamacare imposes two costs on members of Congress and their staff. First, it kicks them out of their current health plans, leaving them to buy coverage on Obamacare's health-insurance "exchanges." Second, it makes no provision for the federal government to keep paying \$5,000 or \$11,000 toward the cost of their insurance as the Treasury does today.

The second cost is by far the larger one; it amounts to a pay cut of \$5,000 or \$11,000. Many staffers were threatening to quit or retire early.

When the president's supporters claim that Congress isn't being exempted, they mean that Obama didn't exempt them from Cost No. 1. Which is true. But he did exempt them from Cost No. 2.

Rescinding that pay cut may or may not have been the right thing to do. But it's still a break that ordinary Americans like Kevin Pace don't get. Pace is an adjunct music professor at Northern Virginia Community College. To avoid penalties under Obamacare, his employer cut his hours — sticking Pace with an \$8,000 pay cut.

Supporters say President Obama merely held Congress harmless. Exactly. Kevin Pace and countless others like him aren't being held harmless, because they're not members of Congress. As Kevin Pace put it, "This isn't right on any level."

Things would be unseemly enough if Congress's Obamacare waiver were legal. But experts say the president had no authority to grant it.

That didn't stop even Republicans from praising him, however. Tin-eared Representative Chris Stewart (R., Utah) gushed: "There's no question it was the right thing to do. Not just for me, but for my staff. Heavens, I have staff who don't make much money. This would be a really big bite for them."

Congressman, you also have constituents who don't make much money, and who can't make it appear out of thin air. Enjoy your waiver.

How was I able to predict the president would grant illegal subsidies to members of Congress? He's a repeat offender.

Obamacare actually kicked members of Congress out of their current health plans and imposed that \$5,000 to \$11,000 pay cut immediately upon enactment in 2010. But President Obama just ignored that part of the law. He let members and staff stay in their current health plans and kept the taxpayer money flowing in their direction.

I predicted President Obama would give illegal health-insurance subsidies to members of Congress because he is already in his *fourth year* of doing it.

Pretty much all Americans can point to some part of Obamacare that they hate. Seniors hate the Independent Payment Advisory Board, which even Howard Dean calls "a health-care rationing body."

Unions, teacher assistants, bus drivers, cafeteria workers, and other school employees hate how the law is cutting their pay. Private-sector unions despise the "Cadillac tax" that forces them to fund subsidies their members don't receive. Young adults hate the penalties for not buying health insurance. Okay, everybody hates those. In fact, a majority of Americans oppose the entire law.

But only Congress gets relief. Why?

Simple. President Obama doesn't want Congress to reopen Obamacare. A significant share of congressional Democrats just voted to delay the individual mandate. With once-loyal Democrats now upset over how the law hurts them personally, who knows what else Congress would discard?

President Obama circumvented a potential legislative defeat by giving each member and staffer thousands of taxpayer dollars he had no authority to touch. He's buying votes from members of Congress — with stolen money, no less.

Power Line

Obama "Resets" Russian Relationship by Insulting Putin

by John Hinderaker

Remember the good old days when the Obama administration promised "smart diplomacy?" Hillary Clinton mocked the Bush administration for not cozying up sufficiently to Vladimir Putin's Russia, and presented the Russians with a "reset" button to demonstrate that from now on, things would be better. Right.

Now the administration is feuding with Putin over Edward Snowden. It is a bad sort of feud, because the Russians hold all the cards, in the person of Snowden. Whatever Snowden knows they can easily learn, and at this point there is nothing we can do about it. So in his press conference today, Obama lashed out against Putin:

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NY Times

Help Thy Neighbor and Go Straight to Prison

by Nicholas D. Kristof

IF you want to understand all that is wrong with America's criminal justice system, take a look at the nightmare experienced by Edward Young.

Young, now 43, was convicted of several burglaries as a young man but then resolved that he would turn his life around. Released from prison in 1996, he married, worked six days a week, and raised four children in Hixson, Tenn.

Then a neighbor died, and his widow, Neva Mumpower, asked Young to help sell her husband's belongings. He later found, mixed in among them, seven shotgun shells, and he put them aside so that his children wouldn't find them.

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The United States attorney, [William Killian](#), went after Young — even though none of Young’s past crimes involved a gun, even though Young had no shotgun or other weapon to go with the seven shells, and even though, by all accounts, he had no idea that he was violating the law when he helped Mrs. Mumpower sell her husband’s belongings.

In May, a federal judge, acknowledging that the case was Dickensian but saying that he had no leeway under the law, sentenced Young to serve a minimum of 15 years in federal prison. It didn’t matter that [the local authorities eventually dismissed the burglary charges](#).

So the federal government, at a time when it is cutting education spending, [is preparing to spend \\$415,000 over the next 15 years](#) to imprison a man for innocently possessing seven shotgun shells while trying to help a widow in the neighborhood. And, under the law, there is no early release: Young will spend the full 15 years in prison.

This case captures what is wrong with our “justice” system: We have invested in mass incarceration in ways that are crushingly expensive, break up families and are often simply cruel. With less than 5 percent of the world’s population, the United States has almost one-quarter of the world’s prisoners.

This hasn’t always been the case, but it is the result of policies [such as mandatory minimum sentences](#) since the 1970s.

In 1978, the United States had 307,000 inmates in state and federal prisons. That soared to a peak of more than 1.6 million in 2009. Since then, [the number of inmates has declined for three consecutive years](#) to 1.57 million in 2012. The number of juveniles detained has also begun to drop since peaking in 2000, although the U.S. still detains children at a rate five times that of the next highest country.

In short, there’s some hope that this American experiment in mass incarceration has been recognized as a failure and will be gradually unwound. Among the leaders in moving away from the old policies are blue states and red states alike, including New York and Texas. But America still has twice as many prisoners today as under President Ronald Reagan.

Almost everyone seems to acknowledge that locking up vast numbers of nonviolent offenders is a waste of money. [California devotes \\$179,400 to keep a juvenile in detention](#) for a year, and [spends less than \\$10,000 per student](#) in its schools.

Granted, mass incarceration may have been one factor in reduced crime in the last couple of decades; there’s mixed evidence. But, if so, the economic and social cost has been enormous

— including the breakup of families and the increased risk that children of those families will become criminals a generation later.

There's also contrary evidence that incarceration, especially of young people, doesn't work well in preventing crime, especially for young people. [One careful study of 35,000 young offenders by Anna Aizer and Joseph J. Doyle Jr.](#) reached the startling conclusion that jailing juveniles leads them to be more likely to commit crimes as adults. Milder sentences, such as electronic monitoring and home detention, were actually more effective at preventing adult crime.

Alternatives to incarceration are both cheaper and more efficient. [Youth Villages](#) has an excellent record of working with troubled youngsters and their families, and of keeping them from committing crimes. So do some job-training and education programs. Mass incarceration has been particularly devastating for blacks and members of other minority groups, as well as for the poor generally. In this case, Edward Young is white.

Conservatives often argue that there is a link between family breakdown and cycles of poverty. They're right: Boys are more likely to get into trouble without a dad at home, and we have a major problem with the irresponsibility of young men who conceive babies but don't raise them.

We also have a serious problem with the irresponsibility of mass incarceration. When almost 1 percent of Americans are imprisoned (and a far higher percentage of men of color in low-income neighborhoods), our criminal justice system becomes a cause of family breakdown and contributes to the delinquency of a generation of children. And mass incarceration interacts with other government policies, such as the way the drug war is implemented, to have a disproportionate effect on African-Americans. Black men use marijuana at roughly the same rate as white men but are more than three times as likely to be arrested over it.

Young is particularly close to his children, ages 6 to 16. After back problems and rheumatoid arthritis left him disabled, he was a stay-at-home dad while his wife worked in a doctor's office. When the judge announced the sentence, the children all burst into tears.

"I can't believe my kids lose their daddy for the next 15 years," his wife, Stacy, told me. "He never tried to get a firearm in the 16 years I was with him. It's crazy. He's getting a longer sentence than people who've killed or raped."

Young's lawyer, Christopher Varner, of Chattanooga, is appealing the sentence and says he is shaken by the outcome. "It's shocking," he says. "That's not what we do in this country."

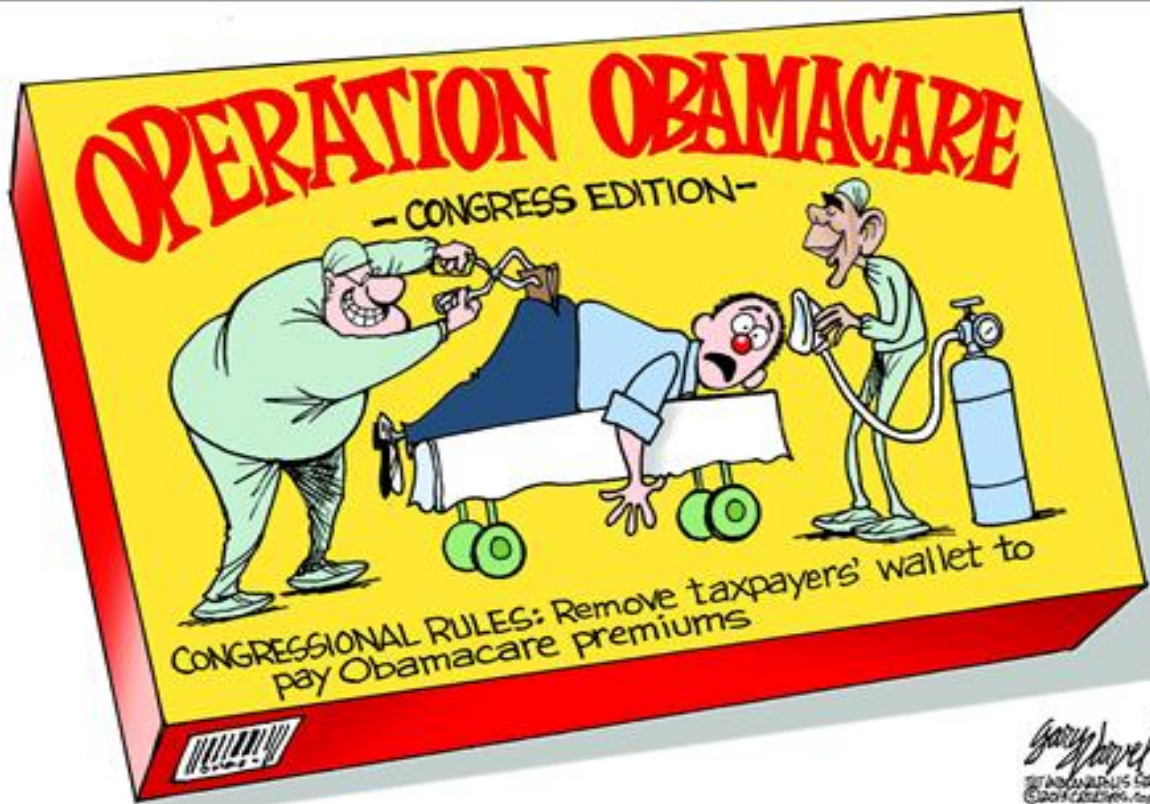
I asked Killian, the United States attorney, why on earth he would want to send a man to prison for 15 years for innocently possessing seven shotgun shells. "The case raised serious public safety concerns," Killian said.

Oh.

The classic caricature of justice run amok is Inspector Javert in Victor Hugo's novel "Les Misérables," pursuing Jean Valjean for stealing bread for hungry children. In that case, Valjean knew that he was breaking the law; Edward Young had no idea.

Some day, Americans will look back and wonder at how we as a society could be much more willing to invest in prisons than in schools. They will be astonished that we sent a man to federal prison for 15 years for trying to help a widow.





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**YOU BUILD HOUSES IN MY WOODS:
I SWIM IN YOUR TINY LAKE.**

P.S. Where are the fish?

reshared by: [FARMER'S PAL](#)