

August 18, 2013

Andrew Malcolm thinks hedging and waffling helped make Egypt worse.

Major powers like the United States have many ways to attempt to influence the actions of other countries -- money, of course, humanitarian and military aid, personal and official contacts, sanctions, the media. None guarantee success.

But one thing guarantees failure: Hedging, Waffling, Whatever you want to call a [foggy policy](#). And that is exactly what President Obama and his team have followed regarding Egypt and beyond. And now -- and for perhaps years to come -- the United States is paying the price for his Amateur Hour.

It's yet another facet of the Obama Doctrine of Failure in the Middle East.

Iran--Levy international sanctions to cripple the economy to force abandonment of its nuclear weapons development. That didn't work, so maybe more will.

Libya--Bomb the bejesus out of the dictator's army to help the rebels topple him, which worked great. A mob murdered him, saved a trial. But what filled the vacuum? Chaos as militias war, generating another potential lawless homeland, a mini-Afghanistan, for al Qaeda & Co. to flourish.

Syria--This time international sanctions will surely work to oust Bashir al-Assad. Except not. He has Russian help. Should we help the rebels? Which ones? OK, we'll send weapons, even though it's too late.

Then comes Egypt--The crown jewel of American diplomatic ineptitude, the site of Obama's grandiose 2009 address to the Muslim world promising a new beginning. ...

However, Peter Wehner thinks the situation was hopeless anyway.

As readers of this site know, I'm more than willing to criticize President Obama when I think that facts warrant it. And for the record, I believe that his policies toward the Middle East have often been inept and demonstrably unsuccessful, and they've certainly fallen short of the "new beginning" he promised in Cairo in 2009.

That said, it's also important to recognize that even if Barack Obama had done everything right, things in Egypt might be roughly where they are today. It may be the case that the capacity of the United States to influence events in Egypt was intrinsically limited. The popular movement to overthrow Hosni Mubarak, after all, was organic; it was not driven by American policy. There's nothing we could have done to save Mubarak's rule. And in fact the Obama administration itself stuck with Mubarak until very nearly the end of his rule.

Once the Muslim Brotherhood took over, our ability to dictate how Morsi governed was limited as well, despite the huge aid we give to Egypt. Several administrations attempted to pressure Mubarak, after all, to ease up on his authoritarian ways, with little to show for it. Mr. Morsi was an even tougher nut to crack.

As for what to do now, the issues seem to me to be complex and difficult to sort through. Would it be wise to cut off aid to the Egyptian military after yesterday's massacres? If we do, won't that diminish our leverage in the future and alienate the current leadership? As LBJ is purported to have said, they may be bastards—but at least they're our bastards (at least in comparison to the Muslim Brotherhood).

On the flip side, if we don't cut off aid, doesn't that undermine our professed commitment to human rights, free elections and the rule of law? And as Max Boot asks, hasn't the crackdown demonstrated that we have very little leverage to lose? If we can't influence the Egyptian military, shouldn't we at least stand for American principles? ...

Jonathan Tobin is not as kind to the administration.

President Obama resorted to one of his favorite rhetorical memes yesterday when he complained that both supporters of the Muslim Brotherhood and the military government in Egypt that toppled the Islamists from power last month are criticizing him. As he likes to do on domestic issues when criticizing his opponents and pretends to be the only adult in the room, the president is trying to carve out room in the center of the Egypt controversy by condemning the government's actions against Brotherhood demonstrators and suspending joint military exercises but not cutting off U.S. aid.

Yet unlike those domestic disputes, in which most of the mainstream media buys into Obama's conceit, it isn't working this time. Indeed, not only is the president viewed with contempt and anger by both sides in what is rapidly assuming the look of a civil war inside Egypt, but he's also getting backtalk from liberal outlets that normally echo administration talking points. Hence, the editorial page of the New York Times is pressuring the president to cut off aid and even publishing a screed from a Brotherhood supporter this morning. Even stronger was a piece in Politico that said bluntly that he had "chosen America's interests over its values — and the pragmatists in his administration over the human-rights idealists."

But the problem with U.S. policy toward Egypt isn't that he has made such a choice. It's that he's never made a choice at all. In fact, by raising the heat on the military government and abusing it publicly at a time when it is locked in a death struggle with a totalitarian movement bent on power, he's not defending U.S. interests or the country's values. ...

Charles Krauthammer asks if the administration can write its own laws.

As a reaction to the crack epidemic of the 1980s, many federal drug laws carry strict mandatory sentences. This has stirred unease in Congress and sparked a bipartisan effort to revise and relax some of the more draconian laws.

Traditionally — meaning before Barack Obama — that's how laws were changed: We have a problem, we hold hearings, we find some new arrangement ratified by Congress and signed by the president.

That was then. On Monday, Attorney General Eric Holder, a liberal in a hurry, ordered all U.S. attorneys to simply stop charging nonviolent, non-gang-related drug defendants with crimes that, while fitting the offense, carry mandatory sentences. Find some lesser, non-triggering charge. How might you do that? Withhold evidence — for example, the amount of dope involved.

In other words, evade the law, by deceiving the court if necessary. “If the companies that I represent in federal criminal cases” did that, said former deputy attorney general George Terwilliger, “they could be charged with a felony.”

But such niceties must not stand in the way of an administration’s agenda. Indeed, the very next day, it was revealed that the administration had unilaterally waived Obamacare’s cap on a patient’s annual out-of-pocket expenses — a one-year exemption for selected health insurers that is nowhere permitted in the law. It was simply decreed by an obscure Labor Department regulation.

Which followed a presidentially directed 70-plus percent subsidy for the insurance premiums paid by congressmen and their personal staffs — under a law that denies subsidies for anyone that well-off.

Which came just a month after the administration’s equally lawless suspension of one of the cornerstones of Obamacare: the employer mandate. ...

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George Will served his apprenticeship in journalism as the Washington editor of National Review from 1972-1978. For his first two years on the job he drove NR readers nuts with his biweekly columns mercilessly exposing the crimes and deceit of the friends of Richard Nixon in the Watergate escapades. In his history of National Review, former NR senior editor Jeffrey Hart describes Will in mid-1973: “National Review’s new Washington columnist George Will began to perfect the style of political comment that combined relentless logic with understated scorn for felons and fools and would make him famous.”

Hart mentions Will’s treatment of Spiro Agnew in particular: “His handling of the upcoming Spiro Agnew scandal would alienate some at National Review as too severe a way to treat a friend, but it was also just, and it impressed a national audience with his integrity.”

Today Will addresses the case of Barack Obama. He compares and contrasts Obama with Nixon, adjudging Obama as in some respects worse than Nixon. That’s a powerful judgment powerfully rendered, and I think the context of Will’s career adds to its heft.

Here's the **Will column**.

President Obama’s increasingly grandiose claims for presidential power are inversely proportional to his shriveling presidency. Desperation fuels arrogance as, barely 200 days into the 1,462 days of his second term, his pantry of excuses for failure is bare, his domestic agenda

is nonexistent and his foreign policy of empty rhetorical deadlines and red lines is floundering. And at last week's news conference he offered inconvenience as a justification for illegality.

Explaining his decision to unilaterally rewrite the Affordable Care Act (ACA), he said: "I didn't simply choose to" ignore the statutory requirement for beginning in 2014 the employer mandate to provide employees with health care. No, "this was in consultation with businesses."

He continued: "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 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."

Serving as props in the scripted charade of White House news conferences, journalists did not ask the pertinent question: "Where does the Constitution confer upon presidents the 'executive authority' to ignore the separation of powers by revising laws?" The question could have elicited an Obama rarity: brevity. Because there is no such authority. ...

Tim Stanley of the Telegraph, UK notes the NY Times take down of the Clinton Foundation.

Is the New York Times being guest edited by Rush Limbaugh? Today it runs with a fascinating takedown of the Clinton Foundation – that vast vanity project that conservatives are wary of criticising for being seen to attack a body that tries to do good. But the liberal NYT has no such scruples. The killer quote is this:

"For all of its successes, the Clinton Foundation had become a sprawling concern, supervised by a rotating board of old Clinton hands, vulnerable to distraction and threatened by conflicts of interest. It ran multimillion-dollar deficits for several years, despite vast amounts of money flowing in."

Over a year ago Bill Clinton met with some aides and lawyers to review the Foundation's progress and concluded that it was a mess. Well, many political start-ups can be, especially when their sole selling point is the big name of their founder (the queues are short at the Dan Quayle Vice Presidential Learning Center). But what complicated this review – what made its findings more politically devastating – is that the Clinton Foundation has become about more than just Bill. Now both daughter Chelsea and wife, and likely presidential candidate, Hillary Clinton have taken on major roles and, in the words of the NYT "efforts to insulate the foundation from potential conflicts have highlighted just how difficult it can be to disentangle the Clintons' charity work from Mr Clinton's moneymaking ventures and Mrs Clinton's political future." Oh, they're entangled alright.

The NYT runs the scoop in its usual balanced, inoffensive way – but the problem jumps right off the page. The Clintons have never been able to separate the impulses to help others and to help themselves, turning noble philanthropic ventures into glitzy, costly promos for some future campaign (can you remember a time in human history when a Clinton wasn't running for office?). And their "Ain't I Great?!" ethos attracts the rich and powerful with such naked abandon

that it ends up compromising whatever moral crusade they happen to have endorsed that month. ...

More on the abuse of civil-forfeiture laws from [Human Events](#).

SACRAMENTO — The federal agents who cracked down on the illegal distribution of alcoholic beverages traditionally were called “revenueurs.” I always liked the simple honesty of the term, given that the main goal of the revenueurs was, as the name implied, to track down moonshining scofflaws who didn’t pay their taxes.

Federal agents long-ago shed that title, but sometimes it seems as if federal law is more about collecting revenues than anything more ennobling.

At issue are civil-forfeiture laws, which allow officials to seize property that may have been used in a crime even if the owner has not been convicted or even charged with anything. The lure of revenues, some say, has distorted police priorities as money-hungry agencies think more about grabbing property than they do about fairly applying the law. An ongoing case in Southern California illustrates the problem.

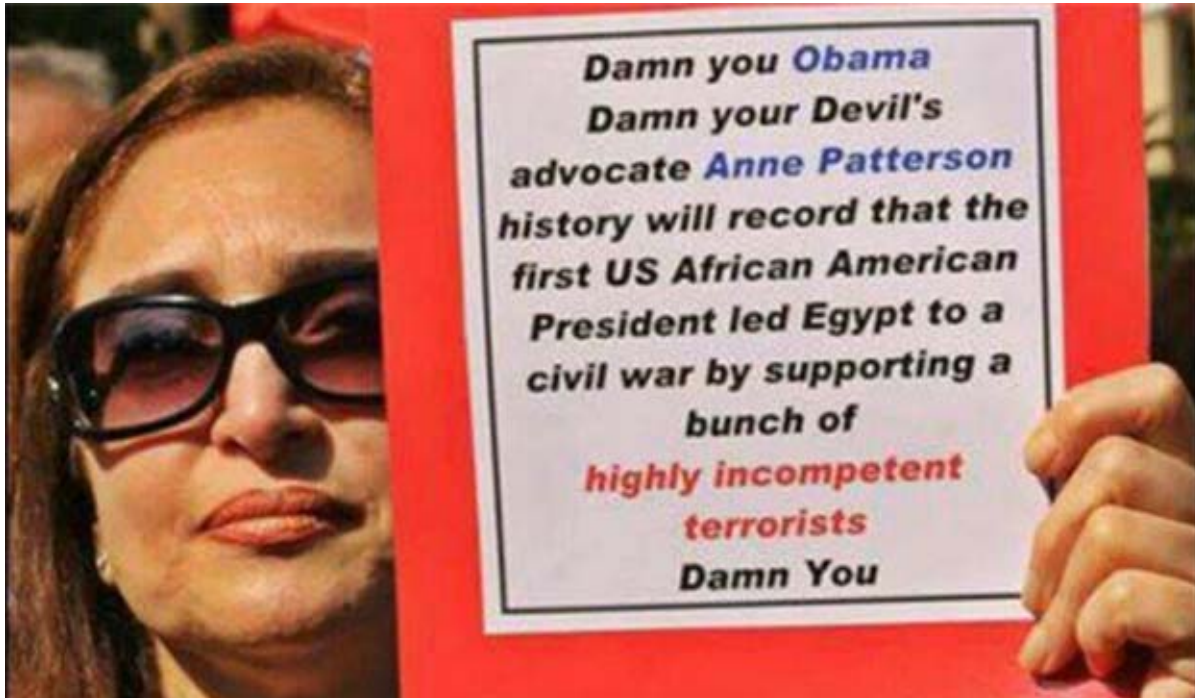
In 2003, Tony Jalali and his wife, Morgan, purchased a small office building in Anaheim. They paid it off and have managed it as an income property that would fund their retirement. The couple rented offices to an insurance agent, a dental practice, an auto wholesaler and, to the chagrin of Anaheim officials, to two clinics that dispensed medical marijuana.

Upset at the proliferation of such clinics in their city, Anaheim officials called in the feds for help in stamping them out. Instead of accusing the couple of breaking the law, the federal government filed a forfeiture case against the couple’s property (United States of America vs. Real Property Located at 2601 W. Ball Road) claiming that a building valued around \$1.5 million is now rightly the government’s because illegal activity allegedly took place on its premises after an undercover officer purchased \$37 in marijuana from one of the dispensaries. The Jalalis say they were never given any other notice that having such tenants was inappropriate. ...

Investor's Business Daily

Out of ideas, Obama's team throws more words at Egypt's deadly violence

by Andrew Malcolm



A disappointed Egyptian

Major powers like the United States have many ways to attempt to influence the actions of other countries -- money, of course, humanitarian and military aid, personal and official contacts, sanctions, the media. None guarantee success.

But one thing guarantees failure: Hedging, Waffling, Whatever you want to call a [foggy policy](#). And that is exactly what President Obama and his team have followed regarding Egypt and beyond. And now -- and for perhaps years to come -- the United States is paying the price for his Amateur Hour.

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Syria--This time international sanctions will surely work to oust Bashir al-Assad. Except not. He has Russian help. Should we help the rebels? Which ones? OK, we'll send weapons, even though it's too late.

Then comes Egypt--The crown jewel of American diplomatic ineptitude, the site of Obama's grandiose 2009 address to the Muslim world promising a new beginning.

Late to sense the Arab Spring, Obama stuck with dictator President Hosni Mubarak until he was clearly a goner, alienating the rising freedom forces. Late to support the new revolution, he's all for the new constitution and elections. Which put in place the Muslim Brotherhood.

Late to spot its governing ineptitude and anti-democratic moves, for whatever ignorant or sinister reason Obama is silent about the Brotherhood's obvious moves to smother democracy now that it's in power. Remember, folks, this is the group that assassinated President Anwar Sadat in 1981 for signing the Camp David peace accord with Israel.

On his African trip last month and late to grasp the army's ultimatum to the government to be more inclusive, Obama publicly telephones to support the embattled Brotherhood president hours before he's ousted by the army, again alienating scores of millions of Egyptian democrats demonstrating for the military to rescue the country.

Meanwhile, thousands of Brotherhood supporters had cordoned off parts of Cairo and elsewhere in recent weeks. The army decided the government could not govern only parts of the country and the Brotherhood wasn't sincere about negotiating.

So, it moved in Wednesday in force to take over Brotherhood areas. Conflicting reports said at least 500 died, police and protesters. "It was necessary to take a firm stand," said Prime Minister Hazem El-Beblawi.

Both Obama and Biden are taking this week off. And Kerry's leaving on his yacht too. So, it was left to a deputy press secretary to explain the U.S. attitude: "The United States strongly condemns the use of violence against protesters in Egypt."

Strangely, no mention of Brotherhood violence, including the sacking and burning of government buildings and numerous Coptic Christian churches.

Secy. of State John Kerry, in a hastily-arranged media appearance just as his boss was playing another round of golf on Martha's Vineyard, added his voice. He deplored the violence, of course, and warned that more of it will only lead to more instability and a longer path to reconciliation.

But while reciting the usual diplomatic yada-yada about both sides respecting the rights of others, Kerry announced no changes in U.S. policy. The administration has refrained from calling the military's ouster of the Brotherhood a "coup" because that would, by law, trigger an automatic suspension of this country's \$1.3 billion in aid per year.

Truth is, outside of canceling upcoming military exercises with Egypt, that's about the only U.S. leverage left. and it's dwindling, as billions more in aid flood into Egypt from conservative Gulf regimes eager to stem the tide of radical Islamists.

Kerry gave an inadvertent admission of the limits of U.S. influence Wednesday. Instead of substantive actions, he was reduced to describing the many telephone calls he had made to Egypt and elsewhere. To no effect obviously, as the fighting raged all day.

Two years ago when Libyan rebels seized the capital of Tripoli, Obama interrupted his island vacation to make a TV statement, which gave him a large share of ownership of what became this Libyan mess including the Benghazi attack.

His absence was notable Wednesday. Maybe he'll change his mind today. The White House only released a photo of Obama talking with security adviser Susan Rice over a lovely floral arrangement, presumably not about quarterback Tom Brady's knee injury.

UPDATE 7:38 a.m.: *Thursday morning President Obama made a brief statement condemning the violence in Egypt, offering condolences to victims' families and canceling next month's scheduled joint military exercises with Egypt's military. He also claimed the U.S. does not take sides and Egypt's future depends on Egyptians.*

Despite that claim, Obama's remarks only briefly mentioned the Muslim Brotherhood's provocative role in the violence and its attacks on Christian churches and appeared aimed mostly at the military and interim government, which could embolden the Muslim rebels.

Contentions

[“The Problems Are More Difficult Than I Imagined Them to Be”](#)

by Peter Wehner

As readers of this site know, I'm more than willing to criticize President Obama when I think that facts warrant it. And for the record, I believe that his policies toward the Middle East have often been inept and demonstrably unsuccessful, and they've certainly fallen short of the [“new beginning”](#) he promised in Cairo in 2009.

That said, it's also important to recognize that even if Barack Obama had done everything right, things in Egypt might be roughly where they are today. It may be the case that the capacity of the United States to influence events in Egypt was intrinsically limited. The popular movement to overthrow Hosni Mubarak, after all, was organic; it was not driven by American policy. There's nothing we could have done to save Mubarak's rule. And in fact the Obama administration itself stuck with Mubarak until very nearly the end of his rule.

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As for what to do now, the issues seem to me to be complex and difficult to sort through. Would it be wise to cut off aid to the Egyptian military after yesterday's massacres? If we do, won't that diminish our leverage in the future and alienate the current leadership? As LBJ is purported to have said, they may be bastards—but at least they're our bastards (at least in comparison to the Muslim Brotherhood).

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demonstrated that we have very little leverage to lose? If we can't influence the Egyptian military, shouldn't we at least stand for American principles?

And what about the Muslim Brotherhood? Should we press for it to be part of a post-military rule coalition? Or would that be unwise and impractical? If not, what should happen to the Brotherhood? Should we view events in Egypt as tragic and unfortunate—but also recognize that the Egyptian military, for all its faults, is vastly superior to the Brotherhood? Shouldn't we understand that to undermine the military at this moment would be to encourage the Brotherhood to continue to fight to regain power?

I have my own thoughts on these matters, but they are tentative. And they should be. After all, I was among those who was moved by the protests in Tahrir Square in 2011 and hopeful of what a post-Mubarak Egypt would look like. Things turned out a good deal worse than I expected. So modesty in predicting the outcome of events is warranted, at least in my case.

Beyond that I'm reminded, in part because I've served in three administrations, that the world is untidy, that events are contingent, and that arguments that sound reasonable and logical when discussing them in the Situation Room often don't work out in the real world. The difference between being a commentator and working in the White House is that in the case of the latter the consequences of being wrong can be far more durable and damaging.

That doesn't mean that President Obama, or for that matter any other president, shouldn't be criticized for his policies and his failures. Nor does it mean Mr. Obama shouldn't be held accountable for the promises he made before and shortly after he took office, when he seemed to be under the impression that he could shape world events like hot wax. But I for one can't help having some sympathy for those in the Obama administration who right now are being forced to make decisions about rapidly unfolding events, based on incomplete knowledge, with an imperfect ability to predict the consequences of each course of action. I recall during my years in government being struck by the fact that making the right decision seemed a good deal more obvious when I was on the outside looking in rather than on the inside looking out.

In an [interview](#) in 1962, President Kennedy was asked whether his experience in office matched his expectation and whether things had worked out as he saw in advance. President Kennedy responded this way:

So that I would say that the problems are more difficult than I had imagined them to be. The responsibilities placed on the United States are greater than I imagined them to be, and there are greater limitations upon our ability to bring about a favorable result than I had imagined them to be. And I think that is probably true of anyone who becomes President, because there is such a difference between those who advise or speak or legislate, and between the man who must select from the various alternatives proposed and say that this shall be the policy of the United States. It is much easier to make the speeches than it is to finally make the judgments, because unfortunately your advisers are frequently divided. If you take the wrong course, and on occasion I have, the President bears the burden of the responsibility quite rightly. The advisers may move on to new advice.

So will the commentators.

Contentions

Obama on Egypt: No Defense of American Interests or Values

by Jonathan S. Tobin

President Obama resorted to one of his favorite rhetorical memes yesterday when [he complained](#) that both supporters of the Muslim Brotherhood and the military government in Egypt that toppled the Islamists from power last month are criticizing him. As he likes to do on domestic issues when criticizing his opponents and pretends to be the only adult in the room, the president is trying to carve out room in the center of the Egypt controversy by condemning the government's actions against Brotherhood demonstrators and suspending joint military exercises but not cutting off U.S. aid.

Yet unlike those domestic disputes, in which most of the mainstream media buys into Obama's conceit, it isn't working this time. Indeed, not only is the president viewed with contempt and anger by both sides in what is rapidly assuming the look of a civil war inside Egypt, but he's also getting backtalk from liberal outlets that normally echo administration talking points. Hence, [the editorial page](#) of the *New York Times* is pressuring the president to cut off aid and even [publishing a screed](#) from a Brotherhood supporter this morning. Even stronger was [a piece in Politico](#) that said bluntly that he had "chosen America's interests over its values — and the pragmatists in his administration over the human-rights idealists."

But the problem with U.S. policy toward Egypt isn't that he has made such a choice. It's that he's never made a choice at all. In fact, by raising the heat on the military government and abusing it publicly at a time when it is locked in a death struggle with a totalitarian movement bent on power, he's not defending U.S. interests or the country's values.

The pictures coming out of Cairo this week are shocking. With hundreds dead and more violence today as the Brotherhood took to the streets again for a "Day of Rage," it's difficult for a U.S. administration that spent a year embracing the Islamist party after it took power to remain silent about the casualties. Yet by adopting a tone of outrage about the attack on the Brotherhood camps in Egypt's capital, he is squandering what little is left of America's leverage over the situation.

It is true that the president doesn't have any really good options. It would have been better had there been a genuine third force in Egyptian politics that would have promoted a liberal democratic alternative to the Islamists of the Brotherhood. Such a faction never had much of a chance to compete with the Brotherhood in elections, and it should be noted that unlike George W. Bush who actively sought to promote a democratic alternative in Egypt, Obama gave short shrift to that cause. But in the absence of genuine democrats in the fray, we are left with only two choices: the military or the Brotherhood.

As even the *New York Times* [reports today](#), most Egyptians have little trouble picking sides in such a tangle: they believe the military was right to act to clear the capital of armed encampments of supporters of deposed president Mohamed Morsi. They understand that the Brotherhood is not without blame for this confrontation or the violence and even point out, as we did on Wednesday, that Islamists are retaliating for the coup by burning churches.

While the attacks on the president for his failure to cut off aid from both liberal outlets and Republicans like Senators John McCain and Rand Paul (Egypt appears to be the one issue

these two antagonists agree on at the moment) are rooted in a belief that he is trashing American values by not distancing Washington further from the Egyptian military, this is based on a profound misunderstanding of how we should define both U.S. interests and moral values in this case.

If there was any period during which American values were being put on hold in Egypt it was the year during which the president and former Secretary of State Hillary Clinton appeared to endorse Morsi and his Brotherhood government. This was interpreted by many Egyptians, who rightly feared the consequences of Morsi's drive for total power, as abandoning them to the clutches of an Islamist movement that would never peacefully relinquish power. They also knew that the administration had pressured the military to allow the Brotherhood to take power after it won elections by threatening an aid cutoff.

Once we understand that democracy isn't an option in an Egypt divided between Brotherhood and those who understand the military is their only shield against the threat of an Islamist state, it's clear that America's interests lie in supporting the military and hoping they will eventually construct a new government that can avoid the excesses of the Mubarak era, rebuild the economy, and keep the peace with Israel.

But our values are also at stake in such a policy. If the U.S. went on backing Morsi or were to use our aid as a lever by which we would seek to get the Brotherhood back in power, we would be trashing any hope for any sort of freedom in Egypt. As [Michael Rubin wrote earlier today](#), democracy, if it is ever to triumph in Egypt, can only be established once the Brotherhood is conclusively defeated. As much as Americans may be shocked by the violence in Cairo, our interests and our values will be advanced once that happens. But so long as President Obama continues in a futile attempt to play both ends against the middle in Egypt, that transition will be impeded.

Washington Post

[Can Obama write his own laws?](#)

by Charles Krauthammer

As a reaction to the crack epidemic of the 1980s, many federal drug laws carry strict mandatory sentences. This has stirred unease in Congress and sparked a [bipartisan effort to revise and relax](#) some of the more draconian laws.

Traditionally — meaning before Barack Obama — that's how laws were changed: We have a problem, we hold hearings, we find some new arrangement ratified by Congress and signed by the president.

That was then. On Monday, [Attorney General Eric Holder](#), a liberal in a hurry, ordered all U.S. attorneys to simply stop charging nonviolent, non-gang-related drug defendants with crimes that, while fitting the offense, carry mandatory sentences. Find some lesser, non-triggering charge. How might you do that? [Withhold evidence](#) — for example, the amount of dope involved.

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Which came just a month after the administration’s equally lawless suspension of one of the cornerstones of Obamacare: [the employer mandate](#).

Which followed [hundreds of Obamacare waivers](#) granted by Health and Human Services Secretary Kathleen Sebelius to selected businesses, unions and other well-lobbied, very special interests.

Nor is this kind of rule-by-decree restricted to health care. In 2012, [the immigration service was ordered to cease proceedings](#) against young illegal immigrants brought here as children. Congress had refused to pass such a law ([the DREAM Act](#)) just 18 months earlier. [Obama himself had repeatedly said](#) that the Constitution forbade him from enacting it without Congress. But with the fast approach of an election that could hinge on the Hispanic vote, Obama did exactly that. Unilaterally.

The point is not what you think about the merits of the DREAM Act. Or of mandatory drug sentences. Or of subsidizing health care premiums for \$175,000-a-year members of Congress. Or even whether you think [governors should be allowed to weaken the work requirements](#) for welfare recipients — an authority the administration granted last year in clear violation of section 407 of the landmark [Clinton-Gingrich welfare reform of 1996](#).

The point is whether a president, charged with faithfully executing the laws that Congress enacts, may create, ignore, suspend and/or amend the law at will. Presidents are arguably permitted to refuse to enforce laws they consider unconstitutional (the basis for so many of George W. Bush’s so-called signing statements). But presidents are forbidden from doing so for reasons of mere policy — the reason for every Obama violation listed above.

Such gross executive usurpation disdains the Constitution. It mocks the separation of powers. And most consequentially, it introduces a fatal instability into law itself. If the law is not what is plainly written, but is whatever the president and his agents decide, what’s left of the law?

The problem is not just uncertain enforcement but the undermining of the very creation of new law. What’s the point of the whole legislative process — of crafting various provisions through give-and-take negotiation — if you cannot rely on the fixity of the final product, on the assurance that the provisions bargained for by both sides will be carried out?

Consider [immigration reform](#), now in gestation. The essence of any deal would be legalization in return for strict border enforcement. If some such legislative compromise is struck, what confidence can anyone have in it — if the president can unilaterally alter whatever (enforcement) provisions he never liked in the first place?

Yet this president is not only untroubled by what he's doing, but open and rather proud. As he tells cheering crowds on his never-ending campaign-style tours: I am going to do X — and [I'm not going to wait for Congress](#).

That's caudillo talk. That's banana republic stuff. In this country, the president is required to win the consent of Congress first.

At stake is not some constitutional curlicue. At stake is whether the laws are the law. And whether presidents get to write their own.

Power Line

[George Will: Obama versus Nixon](#)

by Scott Johnson

George Will served his apprenticeship in journalism as the Washington editor of *National Review* from 1972-1978. For his first two years on the job he drove NR readers nuts with his biweekly columns mercilessly exposing the crimes and deceit of the friends of Richard Nixon in the Watergate escapades. In his [history of National Review](#), former NR senior editor Jeffrey Hart describes Will in mid-1973: "*National Review's* new Washington columnist George Will began to perfect the style of political comment that combined relentless logic with understated scorn for felons and fools and would make him famous."

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President Obama's increasingly grandiose claims for presidential power are inversely proportional to his shriveling presidency. Desperation fuels arrogance as, barely 200 days into the 1,462 days of his second term, his [pantry of excuses for failure](#) is bare, his [domestic agenda](#) is nonexistent and his [foreign policy](#) of empty rhetorical deadlines and red lines is floundering. And at [last week's news conference](#) he offered inconvenience as a justification for illegality.

Explaining his decision to [unilaterally rewrite the Affordable Care Act](#) (ACA), he said: “I didn’t simply choose to” ignore the statutory requirement for beginning in 2014 the employer mandate to provide employees with health care. No, “this was in consultation with businesses.”

He continued: “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 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.”

Serving as props in the scripted charade of White House news conferences, journalists did not ask the pertinent question: “*Where* does the Constitution confer upon presidents the ‘executive authority’ to ignore the separation of powers by revising laws?” The question could have elicited an Obama rarity: brevity. Because there is no such authority.

Obama’s explanation began with an irrelevancy. He consulted with businesses before disregarding his [constitutional duty](#) to “take care that the laws be faithfully executed.” That duty does not lapse when a president decides Washington’s “political environment” is not “normal.”

When was it “normal”? The 1850s? The 1950s? Washington has been the nation’s capital for 213 years; Obama has been here less than nine. Even if he understood “normal” political environments here, the Constitution is not suspended when a president decides the “environment” is abnormal.

Neither does the Constitution confer on presidents the power to rewrite laws if they decide the change is a “tweak” not involving the law’s “essence.” Anyway, the employer mandate *is* essential to the ACA.

Twenty-three days before his news conference, [the House voted](#) 264 to 161, with 35 Democrats in the majority, for the rule of law — for, that is, the Authority for Mandate Delay Act. It would have done lawfully what Obama did by ukase. He [threatened to veto](#) this use of legislation to alter a law. The White House called it “[unnecessary](#),” presumably because he has an uncircumscribed “executive authority” to alter laws.

In a 1977 interview with Richard Nixon, David Frost asked: “Would you say that there are certain situations .□.□. where the president can decide that it’s in the best interests of the nation .□.□. and do something illegal?”

Nixon: “Well, when the president does it, that means it is not illegal.”

Frost: “By definition.”

Nixon: “Exactly, exactly.”

Nixon’s claim, although constitutionally grotesque, was less so than the claim implicit in Obama’s actions regarding the ACA. Nixon’s claim was confined to matters of national security or (he said to Frost) “a threat to internal peace and order of significant magnitude.” Obama’s

audacity is more spacious; it encompasses a right to disregard any portion of any law pertaining to any subject at any time when the political “environment” is difficult.

Obama should be embarrassed that, by ignoring the legal requirement concerning the employer mandate, he has validated critics who say the ACA cannot be implemented as written. What does *not* embarrass him is his complicity in effectively rewriting the ACA for the financial advantage of self-dealing members of Congress and their staffs.

The ACA says members of Congress (annual salaries: \$174,000) and their staffs (thousands making more than \$100,000) must participate in the law’s insurance exchanges. It does not say that when this change goes into effect, the current federal subsidy for this affluent cohort — up to 75 percent of the premium’s cost, perhaps \$10,000 for families — should be unchanged.

When Congress awakened to what it enacted, it panicked: This could cause a flight of talent, making Congress less wonderful. So Obama directed the Office of Personnel Management, which has *no* power to do this, to [authorize for the political class special subsidies](#) unavailable for less privileged and less affluent citizens.

If the president does it, it’s legal? “Exactly, exactly.”

Telegraph, UK

[The New York Times takes down the Clinton Foundation.](#)

This could be devastating for Bill and Hillary

by Tim Stanley

Is the New York Times being guest edited by Rush Limbaugh? [Today it runs with a fascinating takedown of the Clinton Foundation](#) – that vast vanity project that conservatives are wary of criticising for being seen to attack a body that tries to do good. But the liberal NYT has no such scruples. The killer quote is this:

"For all of its successes, the Clinton Foundation had become a sprawling concern, supervised by a rotating board of old Clinton hands, vulnerable to distraction and threatened by conflicts of interest. It ran multimillion-dollar deficits for several years, despite vast amounts of money flowing in."

Over a year ago Bill Clinton met with some aides and lawyers to review the Foundation's progress and concluded that it was a mess. Well, many political start-ups can be, especially when their sole selling point is the big name of their founder (the queues are short at the Dan Quayle Vice Presidential Learning Center). But what complicated this review – what made its findings more politically devastating – is that the Clinton Foundation has become about more than just Bill. Now both daughter Chelsea and wife, and likely presidential candidate, Hillary Clinton have taken on major roles and, in the words of the NYT "efforts to insulate the foundation from potential conflicts have highlighted just how difficult it can be to disentangle the Clintons' charity work from Mr Clinton's moneymaking ventures and Mrs Clinton's political future." Oh, they're entangled alright.

The NYT runs the scoop in its usual balanced, inoffensive way – but the problem jumps right off the page. The Clintons have never been able to separate the impulses to help others and to help themselves, turning noble philanthropic ventures into glitzy, costly promos for some future campaign (can you remember a time in human history when a Clinton wasn't running for office?). And their "Ain't I Great?!" ethos attracts the rich and powerful with such naked abandon that it ends up compromising whatever moral crusade they happen to have endorsed that month. That the Clinton Global Initiative is alleged to have bought Natalie Portman a first-class ticket for her and her dog to attend an event in 2009 is the tip of the iceberg. More troubling is that businessmen have been able to expand the profile of their companies by working generously alongside the Clinton Foundation. From the NYT:

Last year, Coca-Cola's chief executive, Muhtar Kent, won a coveted spot on the dais with Mr. Clinton, discussing the company's partnership with another nonprofit to use its distributors to deliver medical goods to patients in Africa. (A Coca-Cola spokesman said that the company's sponsorship of foundation initiatives long predated Teneo and that the firm plays no role in Coca-Cola's foundation work.)

In March 2012, David Crane, the chief executive of NRG, an energy company, led a widely publicized trip with Mr. Clinton to Haiti, where they toured green energy and solar power projects that NRG finances through a \$1 million commitment to the Clinton Global Initiative.

This is typical Clinton stuff. The second thing I ever wrote for this website was about [how corporations invest in politicians as a way of building their brand and raising their stock price](#). It can lead to some funny partnerships. This, from 2011:

Just this month, bedding manufacturer Serta announced that it will be sponsoring Bill Clinton's keynote address to an industry conference in August. "To us," said the head of the company, "Clinton represents leadership. This appearance shows Serta is a leader and is taking a leadership position. This singles us out." Some might say that it is beneath a former president to basically endorse Serta's new "Perfect Sleeper" line, even with its "revolutionary gel foam mattress".

The cynical might infer from the NYT piece that the Clintons are willing to sell themselves, their image, and even their Foundation's reputation in exchange for money to finance their personal projects. In Bill's case, saving the world. In Hillary's case, maybe, running for president.

It's nothing new to report that there's an unhealthy relationship in America between money and politics, but it's there all the same. While the little people are getting hit with Obamacare, high taxes and joblessness, a class of businessmen enjoys ready access to politicians of both Left and Right that poses troubling questions for how the republic can continue to call itself a democracy so long as it functions as an aristocracy of the monied. Part of the reason why America's elites get away with it is because they employ such fantastic salesmen. For too long now, Bill Clinton has pitched himself, almost without question, as a homespun populist: the Boy from Hope. The reality is that this is a man who – in May 1993 – prevented other planes from landing at LAX for 90 minutes while he got a haircut from a Beverly Hills hairdresser aboard Air Force One. The Clintons are populists in the same way that Barack Obama is a Nobel prize winner. Oh, wait...

Human Events

Forfeiture laws turn public officials into profiteers

by: Steven Greenhut

SACRAMENTO — The federal agents who cracked down on the illegal distribution of alcoholic beverages traditionally were called “revenueurs.” I always liked the simple honesty of the term, given that the main goal of the revenueurs was, as the name implied, to track down moonshining scofflaws who didn’t pay their taxes.

Federal agents long-ago shed that title, but sometimes it seems as if federal law is more about collecting revenues than anything more ennobling.

At issue are civil-forfeiture laws, which allow officials to seize property that may have been used in a crime even if the owner has not been convicted or even charged with anything. The lure of revenues, some say, has distorted police priorities as money-hungry agencies think more about grabbing property than they do about fairly applying the law. An ongoing case in Southern California illustrates the problem.

In 2003, Tony Jalali and his wife, Morgan, purchased a small office building in Anaheim. They paid it off and have managed it as an income property that would fund their retirement. The couple rented offices to an insurance agent, a dental practice, an auto wholesaler and, to the chagrin of Anaheim officials, to two clinics that dispensed medical marijuana.

Upset at the proliferation of such clinics in their city, Anaheim officials called in the feds for help in stamping them out. Instead of accusing the couple of breaking the law, the federal government filed a forfeiture case against the couple’s property (United States of America vs. Real Property Located at 2601 W. Ball Road) claiming that a building valued around \$1.5 million is now rightly the government’s because illegal activity allegedly took place on its premises after an undercover officer purchased \$37 in marijuana from one of the dispensaries. The Jalalis say they were never given any other notice that having such tenants was inappropriate.

After receiving the notice last year, the couple evicted the one remaining dispensary. The Jalalis were the landlords. They had no role in operating the dispensaries.

And they had no reason to think that they were renting to anyone doing anything illegal, even though they knew the kind of business their tenants were operating.

A 1996 statewide initiative, Proposition 215, decriminalized the use of marijuana for those with a doctor’s prescription, and such clinics were common. Mr. Jalali “read in popular news accounts statements by the federal government to the effect that federal authorities would not prosecute cases concerning medical marijuana where state law had made the use and sale of medical marijuana legal,” according to his court filing. Unfortunately for the couple, the Obama administration started to take a much harder line on dispensaries soon after they started renting to them.

Ironically, the city-operated Anaheim Convention Center has for years been host to the world’s largest marijuana show, the Kush Expo, the couple explained, so city officials had no problem with profiting from the marijuana industry. Despite the hypocrisy, officials are still trying to take the property.

The case highlights the dangers of marrying policing and profit. “The profit incentive is so incredibly dangerous,” said Scott Bullock, legal counsel for the libertarian-oriented Institute for Justice, which is representing the Jalalis. He told me that officials “set aside policy goals and go after the money,” especially in tough budgetary times.

The case also illustrates the inherent problems when a nation’s laws are so contradictory and confusing that well-meaning people can’t easily follow them.

One can debate medical-marijuana law. It’s an unsettled matter that is winding its way through the courts. Even the federal prosecutor handling the case admitted as much in a December hearing explaining how his office got involved: “Our cities are being overrun with this issue. They [Anaheim officials] can’t really decide what the state law is and how it’s going to apply. So, U.S. government, can you step in and help us out?”

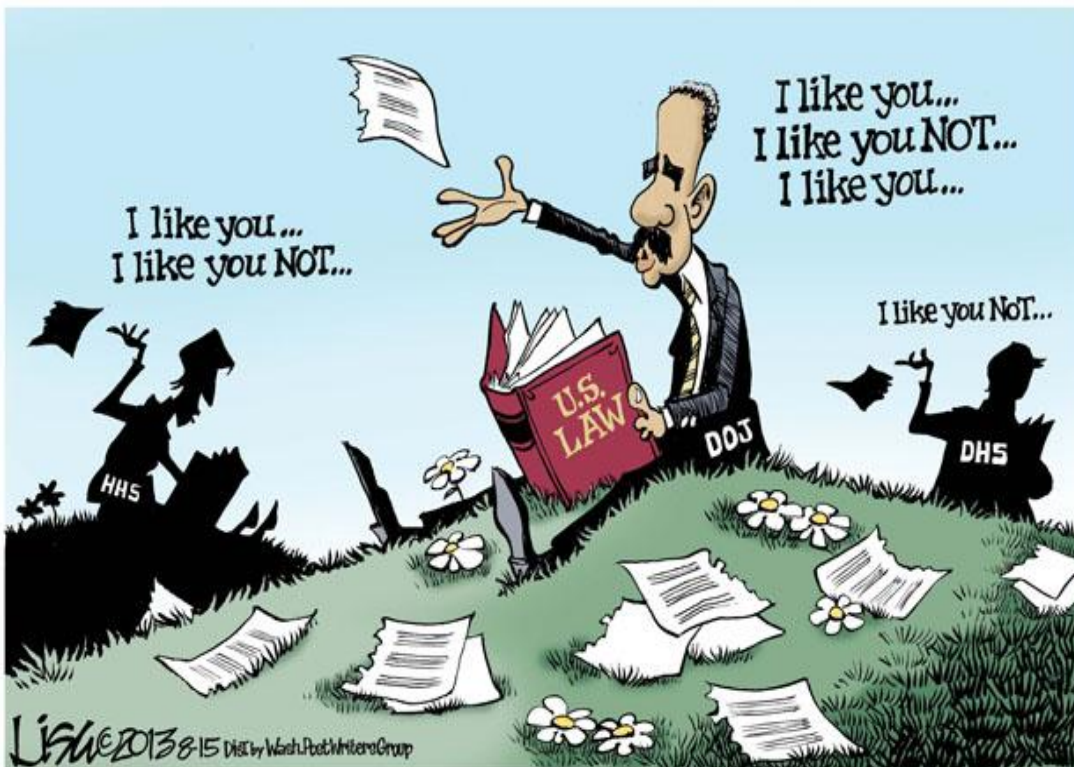
But in going to the feds, city officials ignored California’s crystal-clear civil-forfeiture law, which only allows cities to seek the forfeiture of property if it is tied to a criminal conviction. Anaheim didn’t seek clarity from the federal government. It sought a federal end-run that applies a looser standard and allows the city to keep 80 percent of the proceeds. This was about profits, not legal clarity.

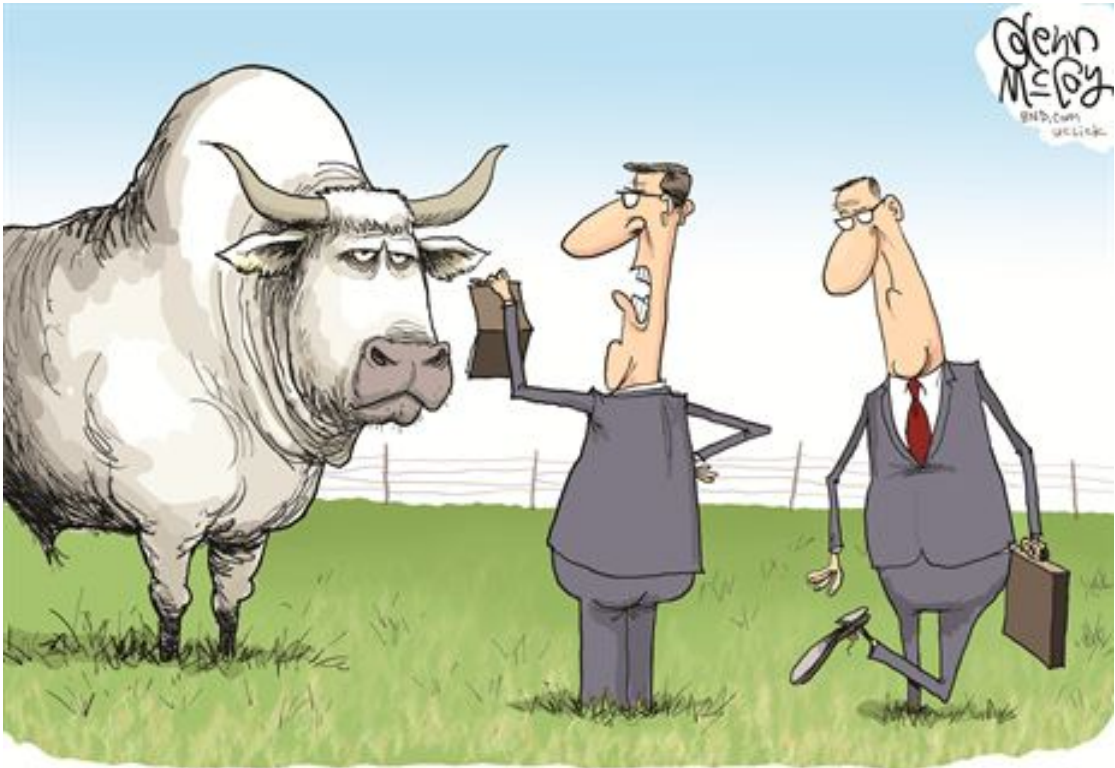
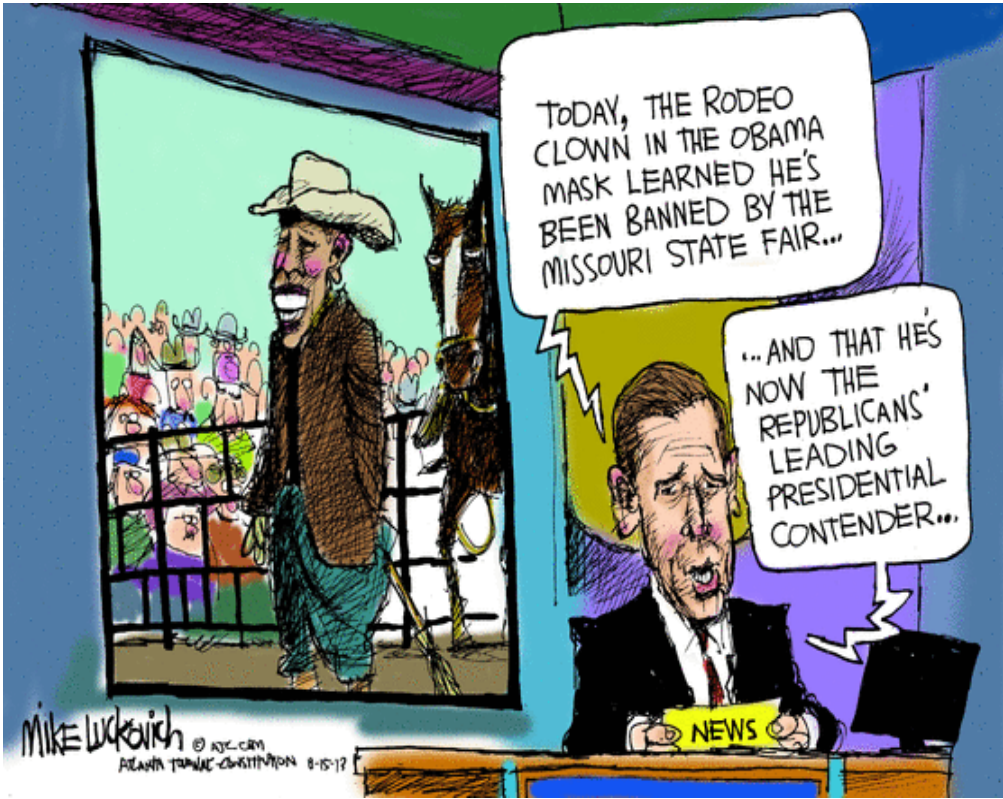
Fair-minded officials would try to sort through the law and give its citizens a reasonable chance to comply with it. Instead city and federal officials saw the confusion as a chance to backfill their budgets. Perhaps the word “revenueurs” isn’t strong enough to apply to those who would use government power to take away the property of law-abiding citizens.

Steven Greenhut is the California columnist for U-T San Diego. Write to him at steven.greenhut@utsandiego.com



THE SAND TRAP.





WE'RE FROM THE DOJ, HATE CRIME DIVISION, AND WE HEAR YOU WERE RECENTLY AT A MISSOURI RODEO CHASING SOMEONE WHO LOOKED LIKE THE PRESIDENT.

YOU HAVE NOW ENTERED
TWILIGHT ZONE
OF LIBERAL
HYPOCRISY
WHERE THESE ARE **BRILLIANT!!!**



BUT THIS IS
"DISRESPECTFUL"
AND IT MAKES THEM
CRY!



The
LOOKING
SPOON