

September 26, 2013

**Thomas Sowell** on how things are going for the administration.

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*So have the lies told about what happened in Benghazi when four Americans were killed last year. Their killers remain at large, though they are known and are even giving media interviews in Libya. ...*

**Andrew Malcolm** notes this record of failure has brought about announcements of what the administration will not do.

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Then, in his weekly remarks, Obama announced that he wasn't going to take the word of Assad or Russia's Vladimir Putin about collecting Syria's vast stocks of chemical weapons for disposal. How's Obama's verification demand looking so far? ...

WSJ Editors point out another thing the administration won't do.

Pennsylvania Governor Tom Corbett has extended a lifeline to Philadelphia's hemorrhaging schools attached to a requirement for modest education and fiscal reforms. No thanks, says the teachers union. Herewith a parable of education decline.

Philadelphia's schools are a textbook case of chronic, systemic failure. Woeful finances and academics compelled the state in 2001 to install a five-member School Reform Commission. Test scores have improved but are still pitiful. Last year only about 40% of students scored proficient or above in reading on the state standardized test, but 99.5% of teachers are rated satisfactory. ...

... Meantime, union leaders will whipsaw the GOP Governor for increasing corporate tax credits for private school scholarships that benefit low-income students in failing schools and then for not caring about Philadelphia's poor, black kids. The tragedy is that Mr. Corbett's ideas will help those kids while the union is dooming most of them to lives of underachievement and poverty. Where are Education Secretary Arne Duncan and President Obama when they really could help?

Jay Sekulow, one of the attorneys in the Lois Lerner hunt writes on her future.

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Lerner has been on paid administrative leave, collecting a paycheck from taxpayers even as IRS officials kept signing her name to official correspondence. Now she's retired, and will still cash her checks from taxpayers.

This is intolerable. If Lerner worked in the private sector, she would have been fired long ago. But our federal bureaucracy protects its own, and few agencies are better at evading responsibility than the IRS.

According to an unnamed Democratic staffer, Lerner retired after the IRS found that Lerner was “neglectful of duty,” but the IRS still maintains there was “no evidence of political bias.”

The IRS needs to re-read the definition of “evidence.”

Lerner has retired, but her legal troubles are not over. The FBI is conducting a criminal investigation, Congress is continuing its own probes, and the ACLJ is pressing forward with its federal lawsuit -- brought on behalf of 41 conservative groups in 22 states -- to hold Lerner and other senior IRS officials accountable for their unconstitutional abuse of the First Amendment.

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*And their judgment could be harsh indeed.*

**Instapundit** spots craziness in VA Beach schools.

**Kid expelled for playing with airsoft gun in own yard.**

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*During a hearing Tuesday morning, Aidan Clark and Khalid Caraballo were expelled in a unanimous vote. Clark was offered the option of attending an alternative school, but his father, Tim, told WAVY News’ Andy Fox he will be homeschooled.*

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*The two seventh graders say they never went to the bus stop; they fired the airsoft guns while on Caraballo’s private property.*

*Aidan’s father, Tim Clark, told WAVY.com what happened next lacks commons sense. The children were suspended for possession, handling and use of a firearm.*

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**WSJ** with the story of yesterday's America's Cup victory.

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*The problem was that the yacht needed to be moving especially fast to elevate on its foils. And to get the extra speed, the boat would have to avoid headwinds by sailing on a less-direct zigzag course.*

*Oracle didn't like the test results and decided against the tactic. "They had it so wrong out of the blocks," said Ken Read, a former America's Cup skipper and current NBC Sports analyst. "It's shocking how much technology they had at their disposal and came out so wrong upwind."*

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## **Jewish World Review**

### **High Risk, Low Yield**

by Thomas Sowell

This has been the worst time, politically, for President Barack Obama since he took office. Recent polls reveal that public confidence in both his domestic and foreign policies has been falling, amid revelations about their defects and dangers. Even people who once supported and defended him have now turned against him.

There have even been rumblings against Barack Obama in the Congressional Black Caucus and among labor unions that were a major factor in helping him get elected and re-elected.

Two of President Obama's own former Secretaries of Defense have publicly criticized his gross mishandling of the Syria crisis, which has emboldened America's enemies and undermined our allies around the world.

As ObamaCare continues to go into effect, step by step, its high costs and dire consequences for jobs have become ever more visible — as have the lies that Obama blithely told about its costs and consequences when it was rushed into law too fast for anyone to see that it would become a "train wreck," as one of its initial Democratic supporters in the Senate has since called it.

As more and more revelations have come to light about the cynical and dangerous misuse of the Internal Revenue Service to harass and sabotage conservative political groups, the lies that the Obama administration initially told about this, as part of the coverup, have also been exposed.

So have the lies told about what happened in Benghazi when four Americans were killed last year. Their killers remain at large, though they are known and are even giving media interviews in Libya.

With Congressional investigations still going on, and turning up more and more revelations about multiple Obama administration scandals, the political problems of this administration seem to loom ahead as far out as the eye can see.

What could possibly rescue Barack Obama from all these political problems and create a distraction that takes all his scandals off the front page? Only one thing: the Republicans.

By making a futile and foredoomed attempt to defund ObamaCare, Congressional Republicans have created the distraction that Obama so much needs. Already media attention has shifted to the possibility of a government shutdown.

Politically, it doesn't matter that the Republicans are not really trying to shut down the government. What matters is that this distraction solves Barack Obama's political problems that he could not possibly have solved by himself.

Should ObamaCare be defunded? Absolutely. It is an economic disaster and will be a medical disaster, as well as destroying the Constitution's protections of American citizens from the unbridled power of the federal government.

For that matter, President Obama deserves to be impeached for arbitrarily waiving laws he doesn't like, in defiance of his oath of office and the Constitution's separation of powers.

Chief Justice John Roberts also deserves to be impeached for his decision upholding ObamaCare, by allowing the government's taxing power to override all the Constitution's other provisions protecting American citizens from the arbitrary powers of government.

But, for the same reason that it makes no sense to impeach either President Obama or Chief Justice Roberts, it makes no sense to attempt to defund ObamaCare. That reason is that it cannot be done. The world is full of things that ought to be done but cannot in fact be done.

The time, effort and credibility that Republicans are investing in trying to defund ObamaCare is a high risk, low yield investment.

Even if, by some miracle, the Republicans managed to get the Senate to go along with defunding ObamaCare, President Obama can simply veto the bill.

There is a United States of America today only because George Washington understood that his army was not able to fight the British troops everywhere, but had to choose carefully when and where to fight. Futile symbolic confrontations were a luxury that could not be afforded then and cannot be afforded now.

## IBD

### [Lacking new ideas, Obama takes to announcing what he's not going to do](#)

by Andrew Malcolm

At first it just seemed odd.

President Obama scheduled an address to the nation on Sept. 10. He was going to explain to the American people [why he'd decided to attack Syria](#), late and only symbolically, for its use of chemical weapons on its own people.

John Kerry had already said it *wasn't* going to be a large attack. In fact, the secretary of State vowed, the strike would be "unbelievably small."

Then, why bother? many Americans asked. [They had already shouted to pollsters](#) they didn't want POTUS to attack Syria, to get involved in its civil war. But Obama is a very confident speaker. After all, he convinced his countrymen to hand over about \$2 billion and elect him president twice with a vacuous resume and record, beyond record-spending.

The Democrat doesn't like speaking from the historic Oval Office desk. He prefers an audience and can't resist a podium. So, there he was standing in front of the cameras, saying those familiar presidential words uttered before so many important statements: "My fellow Americans,....."

"At this very moment military forces of the United States, on my orders, are attacking the Syrian regime of Bashir Assad....."

Except he didn't say that.

Instead, Obama announced to the waiting nation [what he wasn't going to do](#). He *wasn't* going to attack Syria. And he *wasn't* asking Congress anymore to grant him the authority to attack.

Which prompted Jay Leno to comment: "You can tell Fall is coming. The leaves are changing faster than Obama's positions on Syria."

On Friday in a rare gesture for this arrogant administration, Obama reached out by telephone to GOP House Speaker John Boehner on looming fiscal votes in Congress, especially raising the national debt ceiling so Obama could spend even more money than was coming in.

But in an unexpected and gratuitous twist, Obama announced that unlike his predecessors, he *wasn't* going to negotiate with Capitol Hill about matching spending cuts or raising the limit, which he used to oppose.

Then, [in his weekly remarks, Obama](#) announced that he *wasn't* going to take the word of Assad or Russia's Vladimir Putin about collecting Syria's vast stocks of chemical weapons for disposal. How's Obama's verification demand looking so far?

Now, comes the American president's annual shout-out to peace at the United Nations. [This year's 5,600-word tour d'horizon](#) was overshadowed by the possibility of Obama meeting briefly with Iran's more moderate-sounding president, Hassan Rouhani. Emphasis on the word "sounding."

These are meticulously-engineered encounters, staged more at neutral international gatherings as symbolic photo ops than genuine diplomacy. Ask Moammar Gadhafi and Hugo Chavez how much Obama hallway handshakes mattered in the end.

On Tuesday Obama aides held a short background briefing to inform reporters that a Rouhani-Obama meeting -- wait for it -- *wasn't* going to happen.

Obama's growing crowd of critics understandably hopes there are many more things the Democrat *won't* be doing in his 1,213 remaining days. If only Obama was on this defensive negative kick 13 months ago when White House reporters asked about Syria's bloody civil war and its well-known stores of chemical weapons.

Obama could have said then that he *wasn't* going to draw any red lines because Assad knew how serious using poison gas would appear in the eyes of the world.

Something like that could have avoided Obama looking stupid, naïve and feckless, and it could have saved a serious international loss of U.S. prestige -- and clout, a Chicago kind of word.

But, let's be honest, such a statement would have been worthy of a Nobel Peace Prize winner.

## **WSJ - Editorial**

### **Education Failure in Philadelphia**

***Only 40% of students can read to standard. Union says so what?***

Pennsylvania Governor Tom Corbett has extended a lifeline to Philadelphia's hemorrhaging schools attached to a requirement for modest education and fiscal reforms. No thanks, says the teachers union. Herewith a parable of education decline.

Philadelphia's schools are a textbook case of chronic, systemic failure. Woeful finances and academics compelled the state in 2001 to install a five-member School Reform Commission. Test scores have improved but are still pitiful. Last year only about 40% of students scored proficient or above in reading on the state standardized test, but 99.5% of teachers are rated satisfactory.

The commission's greatest contribution has been to provide an escape valve for students. Enrollment at charters has grown to about 56,000 from 12,000 in 2000. The number of students attending traditional schools has shrunk by 25%, but those schools haven't downsized as they've lost students.

Charters are paid roughly three-quarters as much on a per pupil basis as traditional schools. Yet savings from the charter expansion haven't offset the increasing overhead and labor costs at traditional schools where the average teacher earns \$110,000 in pay and benefits.

Teachers also don't pay a cent for health benefits and can retire with a pension equal to 80% of their final salary after 30 years. As a bonus, the district pays the union \$4,353 per member each year to administer dental, vision and retiree benefits. Its health and welfare fund had a \$71 million surplus, according to its latest available tax filing in 2011.

The district last year had to borrow \$300 million, and this summer two dozen schools were closed and 3,000 employees laid off (including about 600 teachers) to bridge another \$300 million deficit. While the union blames state budget cuts, pay and benefit increases resulting from its last collective-bargaining agreement accounted for half the budget hole.

Mr. Corbett is offering the district a one-time \$45 million grant and \$120 million in recurring funds from a one-percentage-point city sales tax increase on the condition that teachers accept lower pay and benefits as well as "work rule" changes. The district wants to cut base salaries by 5% to 13% to offset the rising cost of pensions and for teachers to contribute to their health benefits. Yet the major sticking points are Mr. Corbett's school reforms that would eliminate teacher seniority rights and base future pay increases on more rigorous evaluations that include student learning.

Teachers have little reason to budge since their previous contract remains in effect and they continue to earn raises based on longevity. Thus the union will likely drag out the negotiations until after next fall's election when they hope to elect a Democratic Governor and renegotiate a bailout without Mr. Corbett's preconditions.

Meantime, union leaders will whipsaw the GOP Governor for increasing corporate tax credits for private school scholarships that benefit low-income students in failing schools and then for not caring about Philadelphia's poor, black kids. The tragedy is that Mr. Corbett's ideas will help those kids while the union is dooming most of them to lives of underachievement and poverty. Where are Education Secretary Arne Duncan and President Obama when they really could help?



**Fox News**

**Lois Lerner retires---courtesy of the American taxpayer**

by Jay Sekulow



*May 22, 2013: IRS official Lois Lerner is sworn in on Capitol Hill in Washington.*

Top IRS official Lois Lerner has now "retired."

Lerner, under fire since she confessed on May 10, 2013, that the IRS had singled out Tea Party and other conservative groups for extra scrutiny, had been on paid leave while revelation after revelation demonstrated that she was not only instrumental in targeting Tea Party groups, but she also misled the American public when the agency "confessed" to IRS wrongdoing.

In fact, nothing about her original story has proven true. In May, she claimed that low-level officials applied extra scrutiny to conservative groups, that this scrutiny was "wrong," and that the IRS put a stop to it when it learned of the abuse.

All these assertions were wrong.

Leaked documents show that Lerner, former Director of IRS Exempt Organizations, saw the Tea Party applications as "extremely dangerous,"

The documents show she took the lead in yanking their applications for tax exempt status from Cincinnati to Washington, D.C. -- where they were ultimately scrutinized in the IRS Chief Counsel's office -- and she hoped that the Federal Election Commission would "save the day" from conservative electoral gains.

Yet no other federal agency had to "save the day," as the IRS conducted its systematic targeting of conservatives and then kept targeting them even after approving their applications for tax exemption, actions that had an undeniable impact on conservative advocacy.

In other words, rather than providing the solution, Lerner was a key part of the problem.

As the evidence of her wrongdoing quickly piled up, Lerner improperly pled the Fifth Amendment before a congressional panel, proclaiming her innocence before refusing to speak – a move that would never work in federal court.

Lerner has been on paid administrative leave, collecting a paycheck from taxpayers even as IRS officials kept signing her name to official correspondence. Now she's retired, and will still cash her checks from taxpayers.

This is intolerable. If Lerner worked in the private sector, she would have been fired long ago. But our federal bureaucracy protects its own, and few agencies are better at evading responsibility than the IRS.

According to an unnamed Democratic staffer, Lerner retired after the IRS found that Lerner was "neglectful of duty," but the IRS still maintains there was "no evidence of political bias."

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Lerner has retired, but her legal troubles are not over. The FBI is conducting a criminal investigation, Congress is continuing its own probes, and the ACLJ is pressing forward with its federal lawsuit -- brought on behalf of 41 conservative groups in 22 states -- to hold Lerner and other senior IRS officials accountable for their unconstitutional abuse of the First Amendment.

The IRS may have decided that Lerner was merely "neglectful," but the IRS doesn't have the last word. The FBI, Congress, and – ultimately – the federal courts will have their say.

And their judgment could be harsh indeed.

*Jay Sekulow is Chief Counsel of the American Center for Law and Justice ([ACLJ](#)).*

## **Instapundit**

### **K-12 IMPLOSION UPDATE:**

by Glenn Reynolds

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**WSJ**

## **How Oracle Saved the America's Cup**

by Stu Woo

*San Francisco*

Oracle Team USA, the resilient crew of sailors who capped an epic comeback Wednesday to win the America's Cup, had spent hundreds of hours at sea over the past three years preparing to win this 162-year-old yacht race.

But in the end, the victory came down to one of the oldest methods of rescue in team sports: calling a timeout to make adjustments.

The defending America's Cup champion Oracle team, which is financed by billionaire Oracle Corp. founder [Larry Ellison](#), struggled early in the final, falling behind Emirates Team New Zealand 8 races to 1. Then, something clicked. The Oracle boat began to dominate, erasing

deficits on San Francisco Bay with ease and accelerating to win by sometimes yawning margins. It finished the comeback Wednesday to take the first-to-nine-wins series, 9-8.



*Oracle Team USA celebrates defeating Emirates Team New Zealand in the 34th America's Cup in San Francisco.*

The Kiwis, who were funded by the New Zealand government and a mishmash of corporate sponsors, suddenly looked hapless. By any reasonable standard, the eight straight wins Oracle reeled off to win the Cup rank among the most impressive comebacks in the history of sports. "These guys just showed so much heart," said Oracle skipper Jimmy Spithill.

Given the extraordinary complexity of these seven-ton double-hulled, carbon-fiber catamarans, which were built expressly for this iteration of the race, it's hard for everyday sailors, let alone engineers, to know what really makes them tick. And given that the teams are free to tweak the boats between races, the puzzle is even more complex.

In the hours after the race, Oracle credited its resurgence to a combination of improvising on the fly, gambling on wind conditions and, as in any sports comeback, getting very lucky.

Six weeks before the Cup began on Sept. 7, Oracle examined a sailing technique called foiling. This involves lifting its boat's two hulls out of the water, by balancing on L-shaped boards called foils, to reduce drag and increase speed. The boats had already foiled downwind, so the team studied whether it could do so on the course's upwind leg, where boats must sail about 45 degrees to the wind and make a series of zigzag turns.

The problem was that the yacht needed to be moving especially fast to elevate on its foils. And to get the extra speed, the boat would have to avoid headwinds by sailing on a less-direct zigzag course.

Oracle didn't like the test results and decided against the tactic. "They had it so wrong out of the blocks," said Ken Read, a former America's Cup skipper and current NBC Sports analyst. "It's shocking how much technology they had at their disposal and came out so wrong upwind."

But when the regatta started, one team did foil upwind: New Zealand. The Kiwis trounced Oracle in six of the first seven races, building enormous leads on the upwind segment.

During that first week, a flustered Oracle team called a "timeout" to postpone a race and regroup. The team's 11 sailors spent the off days studying upwind foiling again. They realized the technique had two advantages: the speed boost offset the greater distance the boat had to travel. And they could better maintain speed on zigzag turns, which are called tacks, with the boat's hull above the water. "You cover more ground, but you're going into the tack at a faster speed," Oracle chief Russell Coutts said Sunday.

Oracle adopted the technique and immediately started equaling the Kiwis on the upwind leg. Then, in the last few races, breezed past them. "We just had to configure the boat properly," Ellison said Wednesday. "The guys on the engineering team finally...broke the code. Russell talked about driving the boat lower and faster, rather than higher and slower."

In Wednesday's clincher, Oracle turned a three-second deficit at the start of the segment into a 26-second advantage. It won by 44 seconds.

Oracle also started aggressively outfitting its boat for weather conditions. On the yacht's front is a spot for a giant pole, called a spine, for an auxiliary sail. In the first week of racing, Oracle had been keeping a spine there for a bigger sail designed for light winds. But the first week of racing featured only heavy wind, so the spine added unnecessary drag to the boat. It was like carrying an umbrella if the forecast called for a 40% chance of rain. After the first week, Oracle started removing the spine if the forecast called for heavy winds. "We were probably too conservative in those early races," Coutts said. "If you don't have it and you get that wind condition, game over. You're screwed with a capital F."

Then there's the matter of luck. Twice during this event, New Zealand had a commanding lead in a race—only for it to be called off. The first time was a result of high winds that exceeded the strict limits that were put in place after a fatal May accident involving the Swedish team.

The second occurred Friday, when New Zealand, needing just one more win to return the Cup to Auckland, had a nearly mile-long lead, but could not finish within the 40-minute time limit because the wind was too light.

Said Spithill after Friday's called-off race: "Sometimes things go your way."



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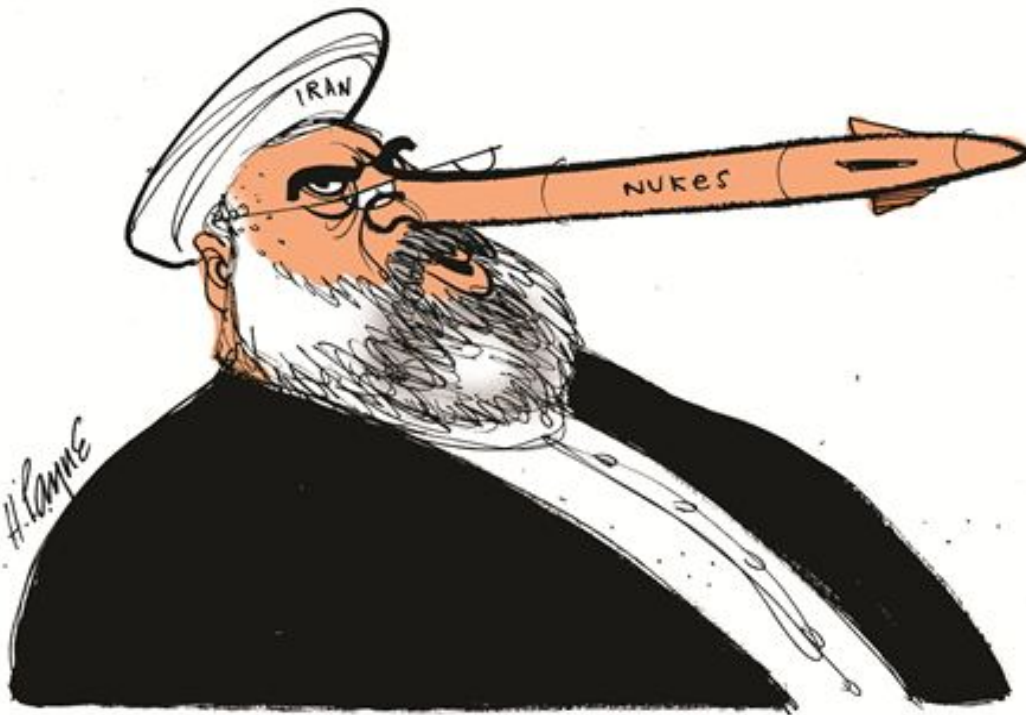
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FINALLY SOMEONE  
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...AT LAST WE  
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