

November 24, 2013

Keeping up with the theme of last week's first day of posting and Jonah Goldberg's piece on [healthcare schadenfreude](#), we open with a short from [Glenn Reynolds](#) at Instapundit about healthcare sticker shock among congressional aides. Glenn calls it the "feel good story of the week."

Veteran House Democratic aides are sick over the insurance prices they'll pay under Obamacare, and they're scrambling to find a cure.

"In a shock to the system, the older staff in my office (folks over 59) have now found out their personal health insurance costs (even with the government contribution) have gone up 3-4 times what they were paying before," Minh Ta, chief of staff to Rep. Gwen Moore (D-Wis.), wrote to fellow Democratic chiefs of staff in an email message obtained by POLITICO. "Simply unacceptable."

Here's the [Politico](#) piece Glenn linked to.

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[PajamasMedia](#) portrays president's plunging poll problems.

For the White House, November has been the cruelest month, with increasing worry among Democrats that a year from now could mean another midterm electoral disaster, similar to the results in 2010 when Republicans picked up over 60 House seats to gain control and netted six Senate seats as well.

Each day produces a new poll with terrible numbers for the president and his policies. The Obama approval level has dipped below 40% in several surveys in recent days, and yesterday hit an all-time low of 37% in a [CBS poll](#) — a survey that in the past has often been better than average for President Obama. Disapproval of the president in the CBS poll reached 57% — a record 20% negative gap. In one month, the president's approval score has dropped by 9% in the CBS poll, a collapse mirrored in pretty much [every survey](#) where there is frequent polling. ...

[Mark Steyn](#) writes on the lack of self restraint; connecting the dots from the "Knockout game" to Harry Reid's nuke in the senate. First he starts with C. S. Lewis who happened to die 50 years ago too. So, actually, Steyn started with JFK and found his way to a government we should not respect.

... In his book [The Abolition of Man](#), he writes of "men without chests" — the chest being "the indispensable liaison" between the head and the gut, between "cerebral man" and "visceral

man.” In the chest beat what Lewis calls “the trained emotions.” Without them there is no honor or virtue, but only “intellect” and/or “appetite.”

Speaking of appetite, have you played the “Knockout” game yet? Groups of black youths roam the streets looking for a solitary pedestrian, preferably white (hence the alternate name “polar-bearing”) but Asian or Hispanic will do. The trick is to knock him to the ground with a single punch. There’s a virtually limitless supply of targets: In New York, a 78-year-old woman was selected, and went down nice and easy, as near-octogenarian biddies tend to when sucker-punched. But, when you’re really rockin’, you can not only floor the unsuspecting sucker but kill him: That’s what happened to 46-year-old Ralph Santiago of Hoboken, N.J., whose head was slammed into an iron fence, whereupon he slumped to the sidewalk with his neck broken. And anyway the one-punch rule is flexible: In upstate New York, a 13-year-old boy socked 51-year-old Michael Daniels but with insufficient juice to down him. So his buddy threw a bonus punch, and the guy died from cerebral bleeding. Widely available video exists of almost all Knockout incidents, since the really cool thing is to have your buddies film it and upload it to YouTube. And it’s so simple to do in an age when every moronic savage has his own “smart phone.” ...

... As a “continuing body” the Senate’s procedures are supposed to remain in force unless a two-thirds supermajority votes to change them. In this case, a 52–48 all-Democrat majority voted to change the rules, and so the rules have been changed. After all, who’s gonna stop Harry Reid? The Senate pageboys? Legislative majorities are here today and gone tomorrow, but legislative mechanisms are supposed to be here today and here tomorrow and here next year. If a transient party majority can change the rules on a single, sudden, party-line vote, then there are no rules. The rules are simply what today’s rulers say they are. After all, banana republics and dictatorships pass their own rules, too — to deny opposition politicians access to airtime, or extend their terms by another two or three years, or whatever takes their fancy.

As noted last week, the president knows no restraints either. He has always indicated a certain impatience with the “checks and balances” — “I’m not going to wait for Congress” has long been a routine applause line on the Obama ’prompter. From unilaterally suspending the laws of others (such as immigration), he has advanced to unilaterally suspending his own. So, for passing political convenience, he issued his proclamation of temporary amnesty for the millions of health plans he himself rendered illegal. The law is applied according to whim, which means there is no law. Four years ago, polls showed no popular support for anything as transformative as Obamacare. But, through procedural flimflam, lameduck-session legerdemain, threats to “deem” it to have already passed, and votes for a law whose final version was not only unread by legislators but was literally unreadable (in the sense that it had not yet rolled off the photocopier), through all that and more, the Democrats rammed it down the throats of the American people anyway: Yes, we can! Brazen and unrestrained, Obama and Reid are also, in Lewis’s phrase, “men without chests.” Cleverness, unmoored from Lewis’s chestly virtue of honor, has reduced them to mere tricksters and deceivers. So the president lied about his law for four years, and now lies about his lies.

A government that lies to its own citizens should command no respect. To accord them any is to make oneself complicit in their lies, which is unbecoming to a free people. ...

So what does a left/media type think of Harry Reid's actions? Here's [Dana Milbank](#) quoting Carl Levin.

... Sen. Carl Levin (Mich.), one of just three Democrats who opposed his colleagues' naked power grab, read those words on the Senate floor Thursday after Reid invoked the nuclear option. The ruffled Levin is not known for his oratory. But he is retiring next year and free to speak his mind — and his words were potent.

“We need to change the rules, but to change it in the way we changed it today means there are no rules except as the majority wants them,” Levin said. “This precedent is going to be used, I fear, to change the rules on consideration of legislation, and down the road — we don’t know how far down the road; we never know that in a democracy — but, down the road, the hard-won protections and benefits for our people’s health and welfare will be lost.”

The word “historic” is often tossed around in Washington, but this change ends a tradition dating to the earliest days of the republic. ...

... “If a Senate majority demonstrates it can make such a change once, there are no rules which binds a majority, and all future majorities will feel free to exercise the same power, not just on judges and executive appointments but on legislation,” Levin said Thursday. Quoting one of the Senate’s giants, Arthur Vandenberg, Levin said his fellow Democrats had sacrificed “vital principle for the sake of momentary convenience.”

If it was possible to make things even worse in Washington, Reid just did it.

John Fund on the significance of move in the senate. Reid's hypocrisy is on display here.

... This year marks the 100th anniversary of the Senate’s changing from a body selected by state legislatures to one elected directly by popular vote. But that change came through passage of a constitutional amendment and its subsequent ratification by four-fifths of the states. Reid’s move abandoning the Senate’s longtime protection of the minority was done by the will of one man acting with a bare 52 to 48 majority of his colleagues. Three Democrats (Mark Pryor of Arkansas, Joe Manchin of West Virginia, and Carl Levin of Michigan) opposed his power play because it will inflame partisan tensions in the body and limit the role George Washington said the Founders envisioned for the Senate: “We pour legislation into the Senatorial saucer to cool it” from the passions of the House. Many now fear the Senate will almost inevitably come to resemble the House rather than a consensus-driven body consistent with the design of the Founders.

Democrats claim their move was necessary because Republicans have recently blocked three nominees to the U.S. Court of Appeals for the District of Columbia Circuit and an executive-branch nominee, Representative Mel Watt (D., N.C.), who was nominated to be the regulator of Fannie Mae and Freddie Mac. The GOP claimed that adding three new judges to the influential D.C. Circuit — which hears most major regulatory cases — was a purely ideological move, since the workload of the court was provably so light. In 2006, when Democrats were in the Senate minority, they used that very argument to urge the late Judiciary Committee chairman

Arlen Specter not to confirm any additional Bush nominees to the D.C. Circuit — and none were confirmed.

It's certainly true that many Republicans were once tempted to trigger the nuclear option. In 2005, GOP Majority Leader Bill Frist (R., Tenn.) proposed invoking it to clear a filibustered logjam of judicial nominees. But an eloquent critic of the practice stepped forward and convinced enough Republicans to back down and keep the filibuster. His name was Harry Reid, and he was then the minority leader. As he said on the Senate floor at the time: "For 200 years, we've had the right to extended debate. It's not some 'procedural gimmick.' It's within the vision of the Founding Fathers of our country. They established a government so that no one person — and no single party — could have total control."

Reid used to boast about his role in "saving" the filibuster. In 2008, he claimed: "In all my years in government, that was the most important thing I ever worked on." He swore that as long as he was leader he would never use the nuclear option, saying it would be a "black chapter in the history of the Senate." ...

More from [Jonathan Tobin](#).

... There's no denying that partisanship is nastier in Congress than it once was. But if President Obama and Reid think it can't get worse, they're kidding themselves. For all of the bitter combat that has been carried on in just the last year over the budget, ObamaCare, the shutdown, and the various administration scandals, the business of government has largely proceeded unhindered. Many nominations have been approved, bipartisan legislation passed, and the unanimous consent to keep the upper body functioning has almost always been there. But now that Reid has pushed the plunger on the so-called nuclear option, all bets are off. The 45 Senate Republicans may no longer have the power to block the president's appointments on their own, but Senate procedures still give them plenty of latitude to put holds on legislation. Not only will Reid find it even harder to do his job now that he has broken faith with his opponents and sought to squelch dissent, he and the president may also discover that the benefits of their decision will not be as great as they think. ...

Instapundit

[FEEL-GOOD STORY OF THE WEEK:](#)

[Older hill aides shocked by Obamacare prices.](#)

Veteran House Democratic aides are sick over the insurance prices they'll pay under Obamacare, and they're scrambling to find a cure.

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Sauce for the goose.

Politico

Older Hill aides shocked by Obamacare prices

by Jonathan Allen and Jennifer Haverkorn

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“In a shock to the system, the older staff in my office (folks over 59) have now found out their personal health insurance costs (even with the government contribution) have gone up 3-4 times what they were paying before,” Minh Ta, chief of staff to Rep. Gwen Moore (D-Wis.), wrote to fellow Democratic chiefs of staff in an email message obtained by POLITICO. “Simply unacceptable.”

In the email, Ta noted that older congressional staffs may leave their jobs because of the change to their health insurance.

Under the Affordable Care Act, and federal regulations, many congressional staffers — designated as “official” aides — were forced to move out of the old heavily subsidized Federal Employees Health Benefits program and into the District of Columbia’s health insurance marketplace exchange. Others designated as “unofficial” were allowed to stay in the FEHB program. Managers had to choose whether aides were “official” or “unofficial” by Oct. 31, and Ta said that wasn’t enough time to make an informed decision about who would benefit and who would lose out by going into the new system.

Moore’s office was one of those in which all staff were designated as “official” and pushed into the exchanges. That ended up being a problem for older staff, who weren’t accustomed to paying higher premiums because of their age.

But age is one of the few factors insurers can use to adjust prices under Obamacare — and older people will often pay much more than younger people.

For instance, the [premiums](#) for gold-level Aetna HMO plans in D.C. cost an average of \$684.40 per month for a 55-year-old. A similar plan would cost an average of \$287.11 for a 27-year-old. The gold-level CareFirst HMO plans have an average premium of \$573.07 for a 55-year-old — more than double the \$240.41 average for 27-year-olds. That’s before the federal employee contribution toward the premium.

In an interview with POLITICO, Ta emphasized that “employees are not dissatisfied with the Affordable Care Act” and that some younger staffers have seen their premiums fall. But, he noted, congressional aides are treated differently now than other federal employees, and he would like to be able to offer the best health insurance option available to his employees — even if that means some of them are covered under the old system and others jump into the exchanges.

He wrote in his email that he had asked Democratic staff on the House Administration Committee whether she could redesignate some of the aides on Moore's payroll as nonofficial office staff so that they could avoid the exchange and keep their FEHB plans.

"So far the answer is no, and that we have the opportunity next year to redesignate staff," Ta wrote. "I am asking for a solution now though because I will lose staff in my office because of this snafu and I mentioned to payroll and House Admin[istration Committee] that it was unfair for our offices to make this designation without allowing our staff the ability [to] actually go on the DCshop to compare rates. I would have made a different decision on the designation of my older staff."

Ta concluded by asking other chiefs of staff to join him in petitioning the Administration Committee for an immediate fix. Glenn Rushing, chief of staff to Rep. Sheila Jackson Lee, quickly replied to the group that he would join the fight.

Pajamas Media **Obama's Poll Panic**

The president's numbers are in free fall with no glimpse of the bottom yet.
by Rich Baehr

For the White House, November has been the cruelest month, with increasing worry among Democrats that a year from now could mean another midterm electoral disaster, similar to the results in 2010 when Republicans picked up over 60 House seats to gain control and netted six Senate seats as well.

Each day produces a new poll with terrible numbers for the president and his policies. The Obama approval level has dipped below 40% in several surveys in recent days, and yesterday hit an all-time low of 37% in a [CBS poll](#) — a survey that in the past has often been better than average for President Obama. Disapproval of the president in the CBS poll reached 57% — a record 20% negative gap. In one month, the president's approval score has dropped by 9% in the CBS poll, a collapse mirrored in pretty much [every survey](#) where there is frequent polling.

In mid-October, the Republicans in Congress appeared to have damaged their chances in 2014 and muddied the party brand, with self-inflicted wounds created by very negative public reaction to the government shutdown and debt ceiling fight. President Obama's approval numbers also suffered a bit from the bitter fight, but between the two parties, the Republicans in Congress were assigned far more blame than congressional Democrats. The generic ballot for the U.S. House of Representatives shifted from a small Democratic lead to a high single-digit margin for the Democrats in that two-week period in October, suggesting that GOP control of the House was [in jeopardy](#). The leads of seven, eight, and nine points for the Democrats in October have now been eliminated, and for the first time since August, the Republicans are leading in the latest generic ballot tests.

The poll shifts are not happenstance, of course. The rollout of the president's signature first-term "achievement," the Affordable Care Act (Obamacare to pretty much everyone these days), has been a disaster. The Department of Health and Human Services produced a non-functioning website, failing after three and a half years of work to get one ready. The professionals who have been brought in to oversee a "fix" are now publicly stating that large parts of the site need

to be redone or created. The designation of “incompetence” now hangs heavy over the White House, supposedly a hangout for the best and brightest. Worse, President Obama seems to have been disengaged and unaware of the calamity headed his way, publicly bragging in the days prior to the rollout about how easy the healthcare.gov website would be to navigate once the signup process went live on October 1.

Columnist [Mark Steyn](#) described the president’s AWOL behavior this way:

So, if I follow correctly, the smartest president ever is not smart enough to ensure that his website works; he’s not smart enough to inquire of others as to whether his website works; he’s not smart enough to check that his website works before he goes out and tells people what a great website experience they’re in for. But he is smart enough to know that he’s not stupid enough to go around bragging about how well it works if he’d already been informed that it doesn’t work. So he’s smart enough to know that if he’d known what he didn’t know he’d know enough not to let it be known that he knew nothing. The country’s in the very best of hands.

The president’s credibility suffered an even more severe blow when millions of Americans who already had health insurance policies in the individual market received cancellation notices from their insurer in October and November. That number now exceeds 5 million, and may be double that fairly soon if the administration’s own estimates from 2010 of the number who would be dropped prove to be accurate. President Obama, of course, is on the record dozens of times stating that no one who liked their insurance policy or their doctor would need to change either due to Obamacare. That was a bald-faced lie, regardless of what the *New York Times* calls it.

After several mealy-mouthed attempts at damage control, the president has now admitted there is a problem. He threw out a bone at his press conference last week, offering to relax the enforcement of the Affordable Care Act so that the plans he labeled “substandard” and “bad” could continue for another year, if insurance commissioners in the states went along and agreed to reissue what they had cancelled. In essence, the president was setting up a blame-shifting process, where insurance companies would become the bad guys, rather than the president and his dutiful servants in Congress who backed Obamacare legislation in 2010 and have defended it ever since.

Though a few open Republican seats in hotly contested districts could fall to Democrats, the Republican are once again favored to keep control of the House in 2014. Instead of playing defense over the government shutdown and threat of a debt default, Republicans will now use Obamacare as a cudgel in the political fights ahead. The CBS poll showed how strong this weapon might be, since [support for the law](#) registered at 31%, with 61% disapproval and new lows in approval of the law appearing in every new survey that is released.

A new ad from Americans for Prosperity is now targeting three vulnerable Democratic senators up for re-election in 2014, and three vulnerable Democratic House members. It is virtually certain that this ad campaign will expand beyond the current Senate races in Alaska (Begich), Louisiana (Landrieu) and North Carolina (Hagan) — all states Obama lost in 2012. [The ads](#) are short and effective. Since every one of the 60 Democratic senators’ votes was needed to obtain passage of the law, the senators are more associated with the legislation than if it had passed on a bipartisan basis, or with votes to spare.

Until the last few weeks, most political analysts thought the chance that Republicans could pick up six seats in the 2014 midterms to take control of the Senate was unlikely, if not near impossible. While there were vulnerable incumbents and several open seats in red states, the GOP had shown a remarkable ability to blow winnable Senate races in 2010 and 2012. They nominated hopeless candidates in primaries (e.g., Christine O'Donnell in Delaware) over candidates who had a far better shot at winning (Mike Castle). They picked extreme social conservatives (Todd Akin, Richard Mourdock) who self-destructed during the general-election campaign with comments on abortion and rape that appealed to a small minority even among the pro-life community. And they blew races that should have been laydowns (North Dakota in a year Romney won the state by almost 20%).

But today the landscape has visibly improved. The GOP is targeting seven seats in states Republicans won in the presidential race in 2012 — West Virginia, South Dakota, Montana, Arkansas (Pryor), Alaska, Louisiana, and North Carolina. Romney won by big margins in all but North Carolina, and the first three states on the list are open seats. The GOP would probably win a clear majority of these seven seats if elections were held today. It is now at least possible that the GOP could also spring an upset among Iowa, Michigan, and New Hampshire (Shaheen). The first two of these are also open-seat races, and there is lobbying going on to get Scott Brown to run in New Hampshire, where he has a home.

The GOP is not home free in defending its seats in 2014. Mitch McConnell will face a real challenge from a much younger Democratic opponent, Alison Lundergan Grimes, who is certain to replay the “GOP’s war on women” attack line that both President Obama and Terry McAuliffe employed so successfully in 2012 and 2013. A foolish NRSC staffer seemed to be busy at work this week making McConnell’s job [much more difficult](#). McConnell will also have a conservative challenger in a primary.

In the open-seat race in Georgia, a few GOP congressmen in the Todd Akin mold are leading contenders to face off against Michelle Nunn, running as a moderate, in the image of her father, former Senator Sam Nunn. If the Republicans lose one of these two seats (they could lose both), they would need to win seven of the 10 races identified above.

If the Obamacare website remains a problem for months, rather than weeks, many potential enrollees, especially younger people, will likely not give it another chance. This could cause a major adverse-selection problem for insurance companies (sicker, older people will be most of those who sign up this year) and will be reflected in much higher premium rates proposed for 2015, numbers that will be revealed right before the 2014 midterms. As it is, in most cases even the lower premiums advertised on the exchanges for 2014 come with high deductibles. Next year will likely see high premiums and high deductibles. Dissatisfaction among those who lost their policies will continue, since there is no quick fix to this problem, and only blame-shifting going on. If the website fails to function soon, millions of those who had insurance may be without it for [some period of time](#).

The Republicans have been smart to get out of the way the last month and let the Obamacare overreach, deceptions, and double talk play out on the public stage. This has worked far better than when their perceived obstructionism was the big political story in October. Whether Republicans can be smart politically on this and other matters will determine whether they can take advantage of a real opportunity in 2014.

Knockouts High and Low

Without self-restraint, we slip toward barbarism.

by Mark Steyn

On November 22, 1963, two other notable men died, and got relegated to the foot of page 37 — the British authors C. S. Lewis and Aldous Huxley. Lewis endures because of the Narnia books (and films), but there's a lot more in the back of his wardrobe. In his book *The Abolition of Man*, he writes of “men without chests” — the chest being “the indispensable liaison” between the head and the gut, between “cerebral man” and “visceral man.” In the chest beat what Lewis calls “the trained emotions.” Without them there is no honor or virtue, but only “intellect” and/or “appetite.”

Speaking of appetite, have you played the “Knockout” game yet? Groups of black youths roam the streets looking for a solitary pedestrian, preferably white (hence the alternate name “polar-bearing”) but Asian or Hispanic will do. The trick is to knock him to the ground with a single punch. There's a virtually limitless supply of targets: In New York, a 78-year-old woman was selected, and went down nice and easy, as near-octogenarian biddies tend to when sucker-punched. But, when you're really rockin', you can not only floor the unsuspecting sucker but kill him: That's what happened to 46-year-old Ralph Santiago of Hoboken, N.J., whose head was slammed into an iron fence, whereupon he slumped to the sidewalk with his neck broken. And anyway the one-punch rule is flexible: In upstate New York, a 13-year-old boy socked 51-year-old Michael Daniels but with insufficient juice to down him. So his buddy threw a bonus punch, and the guy died from cerebral bleeding. Widely available video exists of almost all Knockout incidents, since the really cool thing is to have your buddies film it and upload it to YouTube. And it's so simple to do in an age when every moronic savage has his own “smart phone.”

There's no economic motive. The 78-year-old in New York was laden with bags from department stores, but none were touched. You slug an elderly widow not for the 50 bucks in her purse but for the satisfaction of seeing her hit the pavement. In response, some commentators are calling for these attacks to be recategorized: As things stand, if white youths target a black guy it's a hate crime, but vice versa is merely common assault. I doubt this would make very much difference. “No justification of virtue will enable a man to be virtuous,” wrote Lewis — and, likewise, no law can prevent a thug punching an old lady to the ground if the thug is minded to. “A society's first line of defense is not the law but customs, traditions, and moral values,” wrote Professor Walter Williams a few years ago. “They include important thou-shalt-nots such as shalt not murder, shalt not steal, shalt not lie and cheat, but they also include all those courtesies one might call ladylike and gentlemanly conduct. Policemen and laws can never replace these restraints on personal conduct.”

Restraint is an unfashionable concept these day, but it is the indispensable feature of civilized society. To paraphrase my compatriot George Jonas, punching a spinster's lights out isn't wrong because it's illegal, it's illegal because it's wrong. But, in a world without restraints, what's to stop you? If a certain percentage of your population feels no moral revulsion at randomly pulverizing fellow citizens for sport, a million laws will avail you naught: The societal safety lock is off.

That's “visceral man.” What about Lewis's “cerebral man”? In free nations, self-restraint is required not only of the underclass but of the rulers, too. Harry Reid is an unlikely gang leader, but, for a furtive little rodent, he landed a knockout punch on America's governing norms. Like

the lil' old lady, Mitch McConnell never saw it coming. One minute, the time-honored practice that judicial appointments required supermajorities was there; the next, it was lying on the ground dead. Yes, yes, I know Senate procedural rules aren't quite as gripping as "polar-bearing." But, as I said, a free society requires self-restraint at all levels. Forget the merits of Reid's move to simple majority rule, and simply consider how he did it.

As a "continuing body" the Senate's procedures are supposed to remain in force unless a two-thirds supermajority votes to change them. In this case, a 52–48 all-Democrat majority voted to change the rules, and so the rules have been changed. After all, who's gonna stop Harry Reid? The Senate pageboys? Legislative majorities are here today and gone tomorrow, but legislative mechanisms are supposed to be here today and here tomorrow and here next year. If a transient party majority can change the rules on a single, sudden, party-line vote, then there are no rules. The rules are simply what today's rulers say they are. After all, banana republics and dictatorships pass their own rules, too — to deny opposition politicians access to airtime, or extend their terms by another two or three years, or whatever takes their fancy.

As noted last week, the president knows no restraints either. He has always indicated a certain impatience with the "checks and balances" — "I'm not going to wait for Congress" has long been a routine applause line on the Obama 'prompter. From unilaterally suspending the laws of others (such as immigration), he has advanced to unilaterally suspending his own. So, for passing political convenience, he issued his proclamation of temporary amnesty for the millions of health plans he himself rendered illegal. The law is applied according to whim, which means there is no law. Four years ago, polls showed no popular support for anything as transformative as Obamacare. But, through procedural flimflam, lameduck-session legerdemain, threats to "deem" it to have already passed, and votes for a law whose final version was not only unread by legislators but was literally unreadable (in the sense that it had not yet rolled off the photocopier), through all that and more, the Democrats rammed it down the throats of the American people anyway: Yes, we can! Brazen and unrestrained, Obama and Reid are also, in Lewis's phrase, "men without chests." Cleverness, unmoored from Lewis's chestly virtue of honor, has reduced them to mere tricksters and deceivers. So the president lied about his law for four years, and now lies about his lies.

A government that lies to its own citizens should command no respect. To accord them any is to make oneself complicit in their lies, which is unbecoming to a free people.

Which brings us to that other death of November 22: Aldous Huxley. "Don't you want to be free and men?" rages a dissenting voice. "Don't you even understand what manhood and freedom are?" Gee, he sounds like a talk-radio guy demanding to know where the outrage is. Written in 1931, *Brave New World* isn't as famous a dystopia as Orwell's *1984* — because it posits tyranny not as "a boot stamping on a human face" but as a soft, beguiling caress of a human face, a land in which enslavement takes the form of round-the-clock sensory gratification: drugs, sex without love, consumer trinkets, sensory distractions . . . Crazy, huh? Like that'd ever happen.

One final anniversary thought: In his novel *That Hideous Strength*, C. S. Lewis gives his fictional bureaucracy the acronym NICE — the National Institute for Coordinated Experiments. A few years ago, the British government dusted it off for real — the National Institute for Clinical Excellence. It performs cost-benefit analyses of medical treatment and patient care — i.e., NICE is a euphemism for "death panel." After January 1, when his victims start getting turned away from pharmacies and doctors, maybe Obama could relaunch the website as Nice.gov.

Washington Post

[The Democrats' naked power grab](#)

by Dana Milbank

“Congress is broken,” Senate Majority Leader Harry Reid said Thursday before holding a [party-line vote that disposed of rules](#) that have guided and protected the chamber since 1789.

If Congress wasn't broken before, it certainly is now. What Reid (Nev.) and his fellow Democrats effectively did was take the chamber of Congress that still functioned at a modest level and turn it into a clone of the other chamber, which functions not at all. They turned the Senate into the House.

Democrats were fully justified in stripping Republicans of their right to filibuster President Obama's nominees — yet they will come to deeply regret what they have done.

Certainly, Republicans have abused the dilatory tactics that Senate minorities have, for centuries, used with greater responsibility; they seem intent on bringing government to a halt. And the Senate in 2013 is hardly a healthy institution. Yet it has achieved far more than the House — [passing bipartisan immigration legislation](#) and a [farm bill](#) and working out [deals to avoid default](#) and to [end the federal government shutdown](#) — largely because, until Thursday, Senate rules required the majority party to win votes from the minority.

[Here's what then-Sen. Joe Biden said in 2005](#) when a Republican Senate majority threatened to use a similar “nuclear option” to allow a simple majority to carry the day:

“The nuclear option abandons America's sense of fair play . . . tilting the playing field on the side of those who control and own the field. I say to my friends on the Republican side: You may own the field right now, but you won't own it forever. I pray God when the Democrats take back control, we don't make the kind of naked power grab you are doing.”

Sen. Carl Levin (Mich.), one of just three Democrats who opposed his colleagues' naked power grab, read those words on the Senate floor Thursday after Reid invoked the nuclear option. The ruffled Levin is not known for his oratory. But he is retiring next year and free to speak his mind — and his words were potent.

“We need to change the rules, but to change it in the way we changed it today means there are no rules except as the majority wants them,” Levin said. “This precedent is going to be used, I fear, to change the rules on consideration of legislation, and down the road — we don't know how far down the road; we never know that in a democracy — but, down the road, the hard-won protections and benefits for our people's health and welfare will be lost.”

The word “historic” is often tossed around in Washington, but this change ends a tradition dating to the earliest days of the republic. For the nation's first 118 years, there were no limits on debate in the Senate. After 1917, cutting off debate, or reaching “cloture,” required a two-thirds majority. In 1975, that threshold was reduced to 60 of 100 votes. Even that lower minimum required lawmakers to cooperate with each other.

“Cloture has fostered more bipartisanship in the Senate,” Donald Ritchie, the Senate historian, told me Thursday after Reid detonated his nuclear device. “The majority leader of the Senate is expected to try to work out some kind of a bipartisan deal to get enough votes to get cloture. Because the House is run by majority rule, it is seen as a sign of weakness if the majority leadership of the House has to get votes from the minority side.”

Now the Senate will be just as dysfunctional.

Reid was right that Republican obstruction has been intolerable; half of the 168 filibusters of executive and judicial nominations in the nation’s history, he noted, have come during the Obama presidency.

But Reid’s remedy — calling a simple- majority vote to undo more than two centuries of custom — has created a situation in which the minority leader, Mitch McConnell (Ky.), is expected to use the minority’s remaining powers to gum up the works, and to get revenge when Republicans regain the majority.

“If a Senate majority demonstrates it can make such a change once, there are no rules which binds a majority, and all future majorities will feel free to exercise the same power, not just on judges and executive appointments but on legislation,” Levin said Thursday. Quoting one of the Senate’s giants, Arthur Vandenberg, Levin said his fellow Democrats had sacrificed “vital principle for the sake of momentary convenience.”

If it was possible to make things even worse in Washington, Reid just did it.

National Review

Reid’s Law

Killing the filibuster won’t make government more efficient — just more unstable.

by John Fund

It may sound like congressional “inside baseball,” but yesterday’s decision by Senate Majority Leader Harry Reid to limit the power of the minority to block nominees for Executive Branch and most judicial vacancies is momentous. Ezra Klein, a liberal *Washington Post* columnist, says Reid’s move gutting the filibuster rule that required 60 Senate votes in order to move nominees whom a determined minority opposed “has changed how all Congresses to come will work.” The “nuclear option” on Senate rules has been invoked.

This year marks the 100th anniversary of the Senate’s changing from a body selected by state legislatures to one elected directly by popular vote. But that change came through passage of a constitutional amendment and its subsequent ratification by four-fifths of the states. Reid’s move abandoning the Senate’s longtime protection of the minority was done by the will of one man acting with a bare 52 to 48 majority of his colleagues. Three Democrats (Mark Pryor of Arkansas, Joe Manchin of West Virginia, and Carl Levin of Michigan) opposed his power play because it will inflame partisan tensions in the body and limit the role George Washington said the Founders envisioned for the Senate: “We pour legislation into the Senatorial saucer to cool it” from the passions of the House. Many now fear the Senate will almost inevitably come to

resemble the House rather than a consensus-driven body consistent with the design of the Founders.

Democrats claim their move was necessary because Republicans have recently blocked three nominees to the U.S. Court of Appeals for the District of Columbia Circuit and an executive-branch nominee, Representative Mel Watt (D., N.C.), who was nominated to be the regulator of Fannie Mae and Freddie Mac. The GOP claimed that adding three new judges to the influential D.C. Circuit — which hears most major regulatory cases — was a purely ideological move, since the workload of the court was provably so light. In 2006, when Democrats were in the Senate minority, they used that very argument to urge the late Judiciary Committee chairman Arlen Specter not to confirm any additional Bush nominees to the D.C. Circuit — and none were confirmed.

It's certainly true that many Republicans were once tempted to trigger the nuclear option. In 2005, GOP Majority Leader Bill Frist (R., Tenn.) proposed invoking it to clear a filibustered logjam of judicial nominees. But an eloquent critic of the practice stepped forward and convinced enough Republicans to back down and keep the filibuster. His name was Harry Reid, and he was then the minority leader. As he said on the Senate floor at the time: "For 200 years, we've had the right to extended debate. It's not some 'procedural gimmick.' It's within the vision of the Founding Fathers of our country. They established a government so that no one person — and no single party — could have total control."

Reid used to boast about his role in "saving" the filibuster. In 2008, he claimed: "In all my years in government, that was the most important thing I ever worked on." He swore that as long as he was leader he would never use the nuclear option, saying it would be a "black chapter in the history of the Senate."

Reid began seeing virtue in shades of gray in July of this year, when he proposed going nuclear by changing the filibuster rule when it came to executive-branch nominees. But he assured everyone that any change would stop there: "We're not talking about changing the filibuster rules that relate to nominations for judges."

Republicans retreated on their objections to key Obama executive-branch nominees and allowed them to be confirmed. But only four months later, Reid was back, and this time limiting filibusters on judges was added to his demands. He himself wrote the "black chapter" in the Senate's history he had previously warned about.

Reid insisted that the rules changes he forced through yesterday don't apply to Supreme Court nominations, but few believe he will hesitate to further erode the filibuster if it is convenient to his party.

Also Iowa Senator Chuck Grassley, the ranking Republican on the Senate Judiciary Committee, says, Democrats cannot expect to change the rules for lower-court nominees and still preserve the right to filibuster a GOP Supreme Court nominee if Republicans control both the Senate and the White House after 2016.

Democrats say the crippling of the filibuster will make government more efficient and allow legislation to pass more easily. But there is a downside to majoritarianism and the "efficiency" it brings. As Phil Kerpen, author of the 2011 book *Denying Democracy*, told me: "The filibuster

change will make it far more likely that major legislative accomplishments can be swept away in the next swing of the political pendulum. Public policy will be less stable and long-term business planning will be confounded.”

In short, it will make government more unstable. Temporary majorities could pass sweeping legislation on immigration policy, tax law, and regulatory procedures with no bipartisan input — as was done in 2010 with the passage of the now unraveling Obamacare law.

Many people have decried the extent to which the Senate has become a bitter, partisan place with fewer examples of bipartisan consensus building. But giving whichever party has a narrow majority free rein to approve presidential nominees isn't the solution. Over time, it will become clear that this “cure” is far worse than the disease the snake-oil salesmen behind it claim it is treating.

Contentions

[Can Washington Get Worse? You Bet it Will.](#)

by Jonathan S. Tobin

The main justification put forward by Democrats defending their decision to blow up the Senate rules and end filibusters on Cabinet and judicial nominations is that things are so bad now, they can't get worse. That's the spin President Obama put on the situation yesterday as he took a rare turn in the White House press room to spike the football after Majority Leader Harry Reid pushed through the measure he hopes will allow him to pack the federal courts with liberals. This idea is integral to the president's argument that Republican obstructionism has made it impossible for him to govern. Even on topics where Republican input has been nil such as the ObamaCare rollout, Democrats have stuck to this theme blaming Republicans for stirring up dissent against their unpopular dysfunctional legislation even as most Americans have focused on the president's broken promises and a dysfunctional website.

There's no denying that partisanship is nastier in Congress than it once was. But if President Obama and Reid think it can't get worse, they're kidding themselves. For all of the bitter combat that has been carried on in just the last year over the budget, ObamaCare, the shutdown, and the various administration scandals, the business of government has largely proceeded unhindered. Many nominations have been approved, bipartisan legislation passed, and the unanimous consent to keep the upper body functioning has almost always been there. But now that Reid has pushed the plunger on the so-called nuclear option, all bets are off. The 45 Senate Republicans may no longer have the power to block the president's appointments on their own, but Senate procedures still give them plenty of latitude to put holds on legislation. Not only will Reed find it even harder to do his job now that he has broken faith with his opponents and sought to squelch dissent, he and the president may also discover that the benefits of their decision will not be as great as they think.

On the surface, it would seem that the president now has carte blanche to do what he has longed to accomplish since moving into the White House: fundamentally alter the balance of the federal courts by packing federal district and appeals courts with the kind of hard-core ideological liberals that were being blocked by filibusters. He may well attempt to do that in the coming 12 months before the midterm elections give the GOP an opportunity to win back the

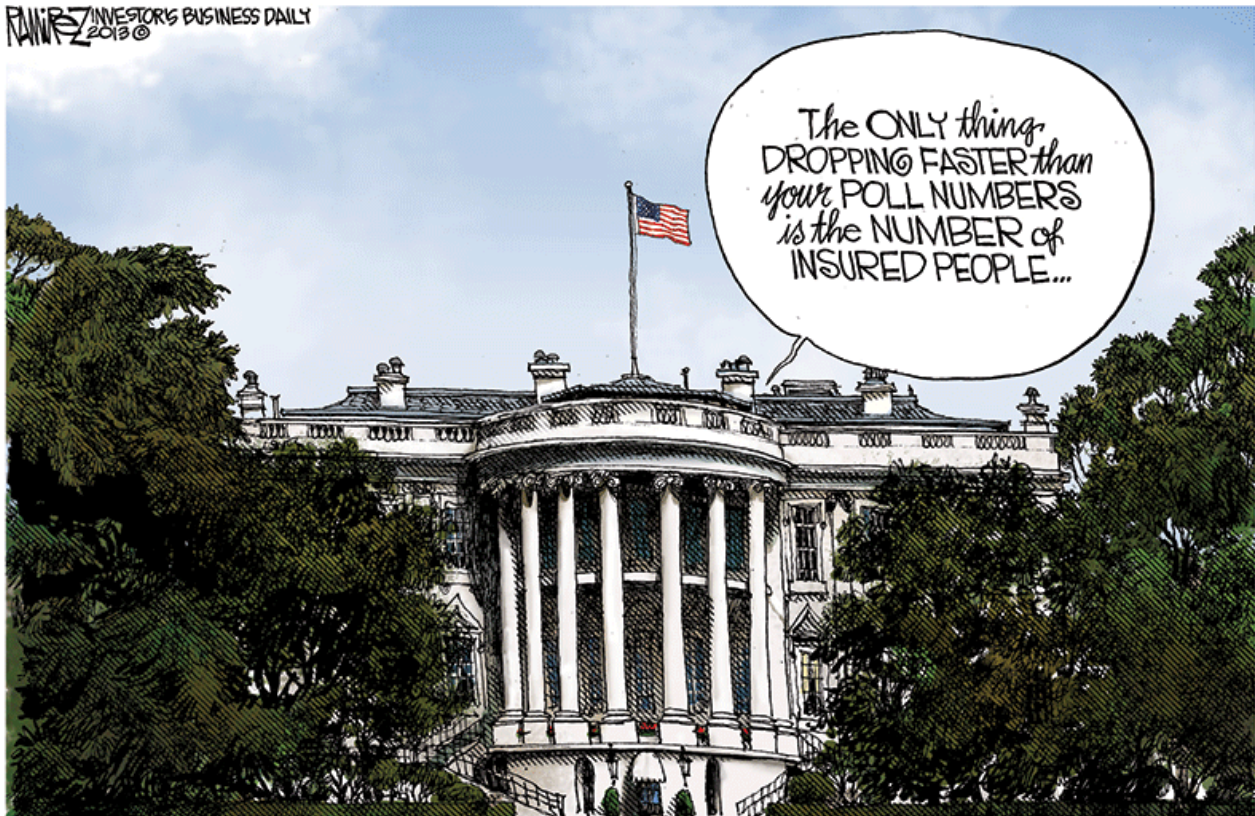
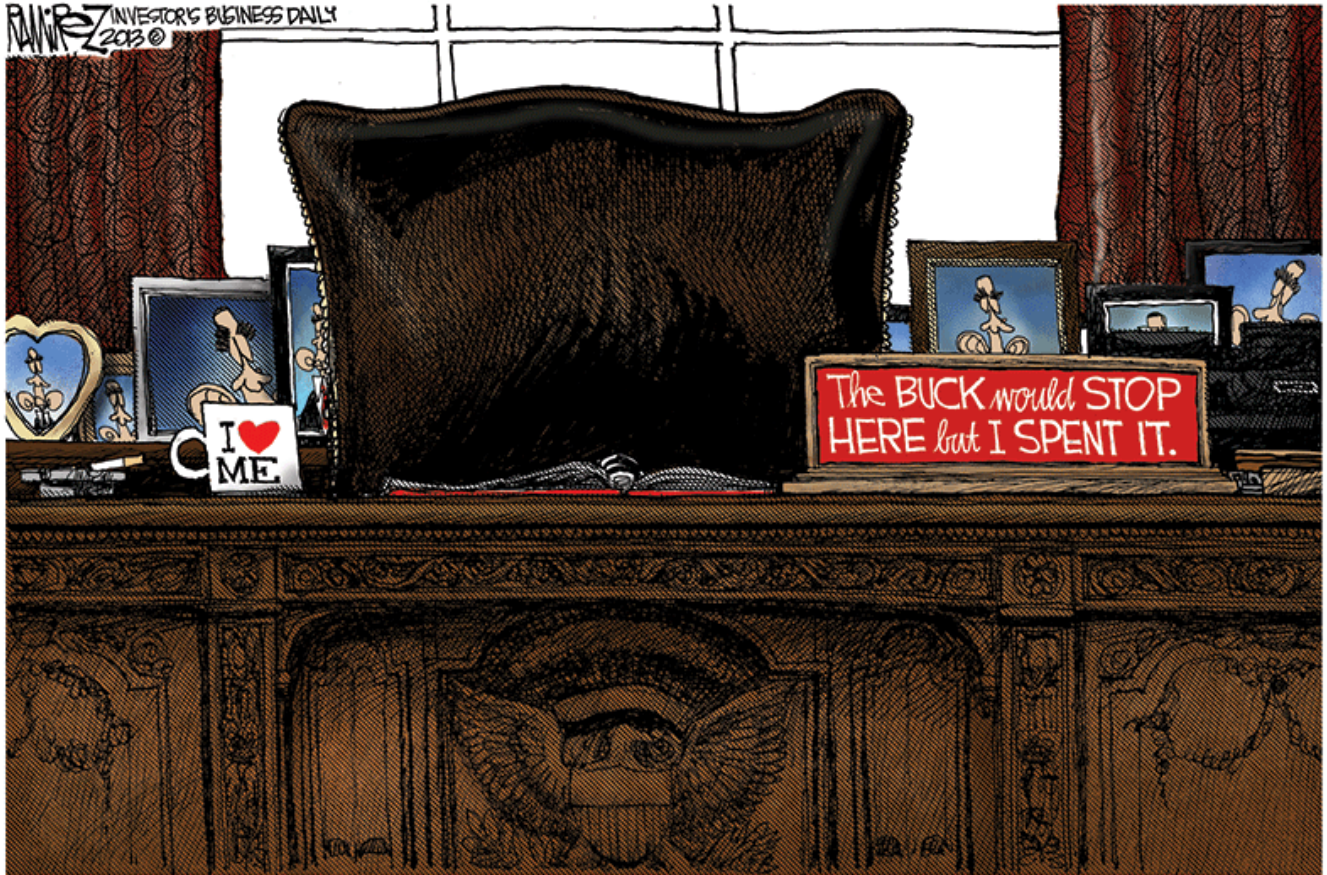
Senate. But those who assume this will now become as easy as pie have forgotten about what will be uppermost on the minds of the several red-state Democrats who face uphill reelection fights next year.

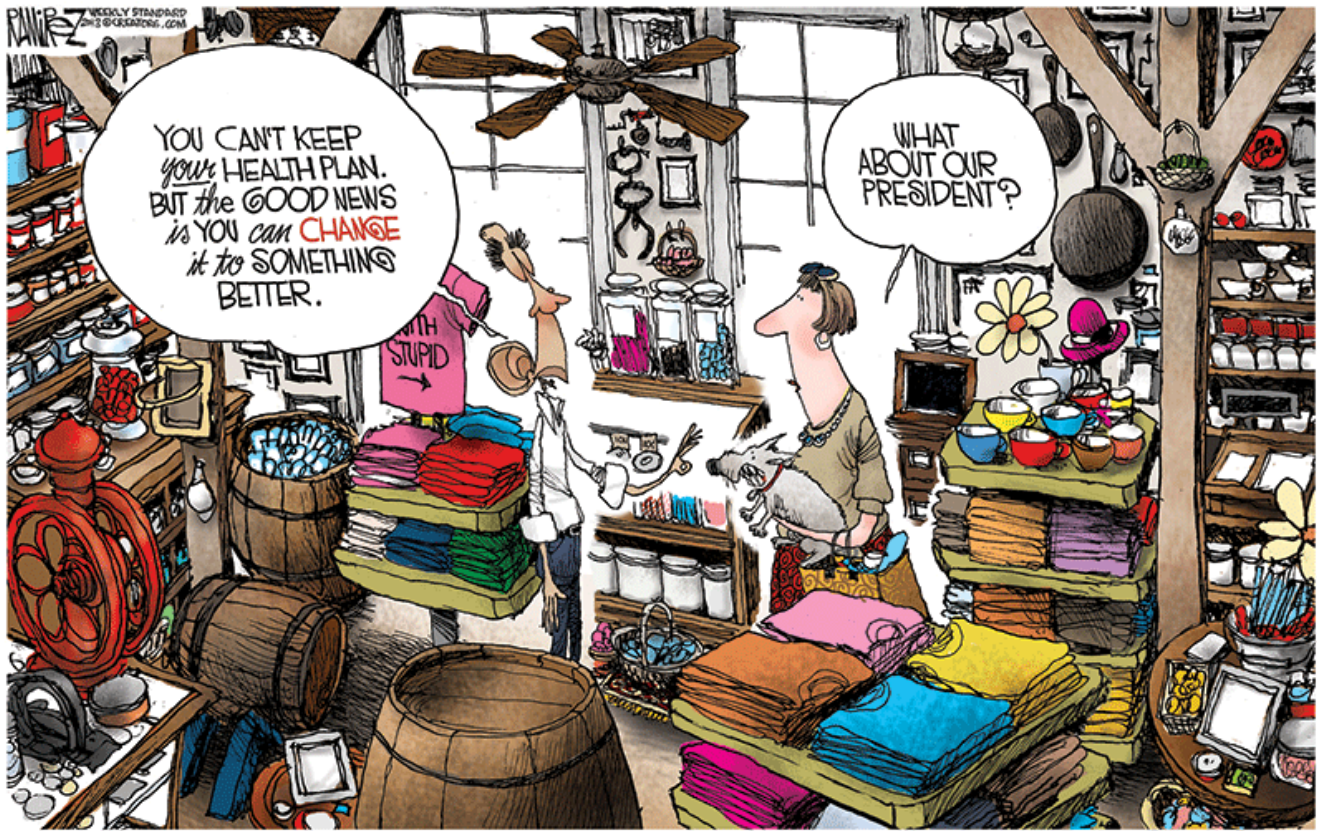
As Josh Gerstein [points out in Politico](#), the roster of potential liberal judges is filled by the ranks of left-wing jurists and lawyers that had little chance of getting the 60 votes they needed under the old rules. But getting to 51 votes may not be so easy for these liberals when you consider that many of the Democrats the president is counting on won't want to hand their Republican opponents new talking points by rubber-stamping ideological judges. While some may get through, any controversial nominee will find themselves being thrown under the bus by moderate Democrats who can no longer count on the GOP or the filibuster rules to save them from a vote they'd rather not take.

But that's just the most obvious fallout from Reed's move. Just as important is the way the rules change will now make it impossible for bipartisan coalitions to be assembled. The Senate has become more like the House in recent years as firebrand newcomers on both sides of the aisle have replaced old warhorses. But as we saw with immigration reform this year, for all the bitterness in D.C., enough conservatives and liberals were still able to work together to get a bill passed in the Senate. But after the president's scorched-earth approach to the shutdown and the nuclear option being employed, you can forget about anything like that happening again in the foreseeable future. This will alter the nature of the Senate far more than anything we have seen before. The Tea Party had made it tough for Republicans to work with Democrats in the last three years. But the president has now ensured that even those inclined to ignore them will also refuse to play ball.

The Democrats' mindset is based on an assumption that when the Republicans got control of the Senate again, whether in 2015 or at some later date, they would have employed the nuclear option as they threatened to do first in 2005 when Democrats were defending the filibuster. At this point, there's no longer any way of knowing whether that would have happened even if the Democrats hadn't struck first. Up until this point, it's doubtful that we've ever had a Senate majority leader so incapable of working with the minority as Reid has shown himself to be. Perhaps Mitch McConnell or his successor would have wound up doing the same, but since the Republicans always backed away from pushing the button on the filibuster that question is now in the realm of counter-factual fiction, not serious analysis. But what we do know now is that it is highly unlikely that the GOP will refrain from playing just as rough in the future when it is their turn to control the Senate.

That's why Democrats do well to avoid celebrations of their move. The benefits from it to President Obama will be minimal. But the costs in terms of dysfunction and the certainty of even worse political warfare to come are considerable.





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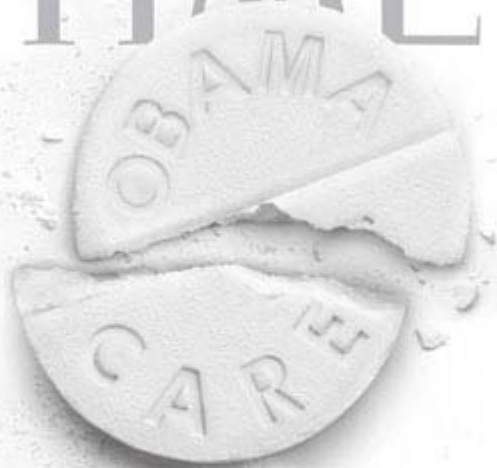
Simplicity in business: it's complicated

The man who used to walk on water



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