



ALTERING THE DEAL

"They define a republic to be a government of laws, and not of men." --John Adams

Another week, another behind-the-scenes bureaucratic change to ObamaCare. Barack Obama continues to use power he doesn't have to alter the deal, making changes to his signature health care law to suit his political ends. To quote Lando Calrissian in "The Empire Strikes Back" after Darth Vader changed the terms of an agreement, "This deal is getting worse all the time."



Shortly after last week's announced one-year [delay of the employer mandate](#), the White House embellished the typical Friday afternoon news dump with an extra special one on the day after Independence Day. The new announcement: The Obama Department of Health and Human Services (HHS) will no longer attempt to verify eligibility for individual insurance subsidies, opting instead to go with the honor system - at least until 2015. Talk about opening the doors to fraud, and, therefore, even more skyrocketing costs. Wasn't this called the "Affordable Care Act"?

Individuals are supposed to be eligible for insurance subsidies only if their employer doesn't provide government-approved coverage. Now that employers don't have to report that information, individuals merely have to let HHS know that they need a subsidy and, voila! handouts. True, if liars are caught, they should be fined \$25,000. But it will be very hard and rare to catch offenders, *if* the government even tries to do so.

It turns out that Obama and his NeoCom cronies have known for months that this was coming. Back in March, the people designing the online insurance marketplaces at HHS warned that not only were they not going to be delivering world-class service, they were just hoping it wasn't going to be "a Third-World experience."

Not to worry, though. Obama tells us that if we just stop being so cynical, his plan will work perfectly: "[I]n this democracy, we the people recognize that this government belongs to us, and it's up to each of us and every one of us to make it work better. We can't just stand on the sidelines. We can't take comfort in just being cynical. We all have a stake in government's success, because the government is us, and we're doing things right."

To continue the Star Wars reference, he finds our lack of faith disturbing.

But Obama has done nothing to earn our faith. To the contrary, he's running a cynical and crisis-exploiting government. We suspect he's planning to exploit this ObamaCare train wreck to, first of all, ensure that millions of Americans are so dependent on it as to make repeal impossible, and, second, to move us down the tracks to single-payer government health care.

Far from incompetence on the part of the administration, this is a remarkable ploy to foist ever-more dependence and tyranny on our great nation. Candidate Obama once told us his goal was "fundamentally transforming the United States of America." He's succeeding.

This Week's 'Alpha Jackass' Award

"[Congress has passed] a lot of legislation that has poorly designed some of our agencies and forces some of our folks to engage in bureaucratic hoop-jumping, instead of just going ahead and focusing on

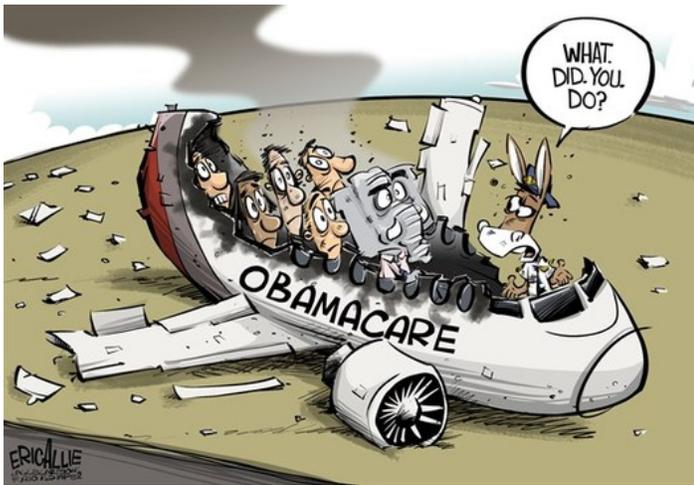
mission and delivering good service to our citizens." -
-Barack Obama

It takes some unbelievable chutzpah for him to make such a statement.

The BIG Lie

"In fact, the point is, is that the [employer] mandate was not delayed." --Nancy Pelosi

Yes, it was.



Government and Politics

News From the Swamp: 'Cutting' the Deficit

After four years of trillion-dollar federal budget deficits, this year's deficit is estimated to be *only* \$759 billion. Of course, this drop is due in large part to the increase in wealth confiscation brought about by the January tax increase -- collections are up 14 percent year-over-year. But that will level out. The numbers, courtesy of the Office of Management and Budget, are disingenuously portrayed by the Obama White House as good news, but there really is no cause for celebration. For starters, Barack Obama wants deficits to be as large as possible to justify his ideological ends. A shrinking deficit doesn't exactly make him happy. But then again, he can tell voters he cut the deficit in half! In 2009, it was \$1.5 trillion. The master manipulator wins either way.

Before Obama took office, budget deficits of \$500 billion were considered cause enough for alarm. When the deficit hit \$413 billion in 2004, Congress

and President George W. Bush took a beating in the press and the polls for their spendthrift ways, and rightly so. Now, Obama's best year is nearly 100 percent higher than the worst of previous years -- and we're supposed to be happy about it.

Fast and Furious Blamed for More Deaths

There are so many scandals in the Obama White House these days it's hard to keep up with them all. But even a classic from the first term like Fast and Furious continues to unfold. Department of Justice records reveal that yet another gun handed to Mexican thugs through the ATF's appalling Fast and Furious gun-running program was used to kill a Mexican police chief earlier this year. Guns traced back to Fast and Furious were, as we've noted, also used in the murder of U.S. Border Patrol agent Brian Terry in 2010 and in multiple shootings in Mexico over the last several years. Attorney General Eric Holder was held in contempt of Congress in 2012 for stonewalling an investigation into the scandal, but he managed to keep his job while a few lower-level Justice employees lost theirs.

Second Amendment: Illinois and Missouri and Guns

The Illinois House and Senate voted to override Democrat Gov. Pat Quinn's veto of the state's "shall issue" concealed carry law. Up until now, Illinois was the only state in the country that did not allow citizens to carry a concealed firearm. A federal court gave the state until July 9 to pass a law permitting concealed carry.

Quinn, who is seeking a second term next year, complained, "I campaigned in the primary and the general election against allowing private citizens to carry loaded, concealed handguns in public places. I don't think that's healthy if you're going and you bump into somebody accidentally -- well they can pull out a loaded, concealed handgun to assuage their anger, so I think it's important that we defeat this bill." Quinn ignored evidence from the other 49 states showing that this doesn't happen. He also ignored that in "gun-free" Chicago, gangbangers pull out loaded, concealed handguns to assuage their anger all the time.

Illinois residents must still wait until at least 2014 to start packing, as the state now has to set up a bureaucracy to handle permit applications.

In neighboring Missouri, Democrat Gov. Jay Nixon vetoed a bill from the Republican-led legislature that would have made it a crime for federal agents to enforce within Missouri boundaries those federal gun laws at odds with Missouri laws. It would have also made it a crime for journalists to publish the names of law-abiding gun owners. Nixon argued that the enforcement provision violates the Supremacy Clause of the Constitution, but we would argue that the federal government has no power where the Constitution gives none -- per the Tenth Amendment, those powers are left to the states. As for the publishing of gun owners' names, Nixon said that the law was too vague and could lead to unintended consequences like the jailing of journalists who cover hunting season activities around the state.

From the 'Non Compos Mentis' File

Rep. Jackie Speier (D-San Francisco) introduced the Child Handgun Safety Act this week. In a press release, she explained, "[T]he Child Handgun Safety Act would require that all handguns manufactured, sold in, or imported into the United States to [sic] incorporate technology that precludes the average 5-year-old child from operating a handgun when it is ready to fire. The Act would also require any handgun sold, offered for sale, traded, transferred, shipped, leased, or distributed in the U.S. two years after enactment to be child-resistant or retrofitted with a child-resistant mechanism."

That pretty much includes every gun ever manufactured. When a gun is "ready to fire," that means it's, well, ready to fire. But then again, banning guns is the point, right?

New and Notable Legislation

House Republicans did the unthinkable this week: They introduced and passed a multi-year farm bill that doesn't include money for food stamps. The two have been combined since 1977. Not that House leadership allowed any real reform to the farm side of the bill --

it's still a [bloated piece of bad policy](#). Last month a "farm" bill costing nearly \$1 trillion failed in the House, and the Supplemental Nutrition Assistance Program, or SNAP, accounted for more than 75 percent of it. Naturally, the White House threatened to veto any bill that doesn't buy food for Obama voters.

In other legislative news, the last Congress -- the 112th -- was the least "productive" in terms of bills passed since records were first tallied in 1940. That Congress passed "only" 283 laws in two years. The current Congress -- the 113th -- is on pace to break that record, having passed just 15 laws at the quarter mark. So it's not *all* bad news from Capitol Hill.

Economy

Income Redistribution: It's the Economy, Stupid

After a spring and summer filled with lavishly expensive rest and relaxation for Barack Obama, his minions finally convinced him to look at the economy. "[W]e expect to have the ability to focus on core middle-class economic issues in the second half of this year," White House communications director Jennifer Palmieri said.

But is there a middle class remaining in this country? A couple of economic indicators suggest it's in trouble. For instance, in the wealthiest and fattest nation on earth, 101 million Americans receive some sort of food assistance from the federal government, according to the Department of Agriculture. That number now exceeds the 97 million full-time private-sector workers in our country. Meanwhile, temporary work agency Kelly Services has become America's second-largest private employer. (Number one is Walmart, which for some is also a temporary work agency as they aggressively hire seasonal workers.) A record 2.7 million Americans now hold temporary positions, and 28 million work only part-time. Last month's increased employment came from the gain in part-time work exceeding a loss of full-timers.

Even the Obama administration is conceding that economic growth is slowing. The Office of Management and Budget revised its GDP projection down to 2 percent growth, though this spring they

projected a 2.3 percent increase. They blame the revision on external factors, citing recession in Europe and slowing Chinese growth as headwinds, along with the always-handy whipping boy of the Obama sequester. Of course, the onset of ObamaCare and regressive economic policies have *nothing* to do with the slowdown.

In truth, Obama's "solutions" promise to make matters worse: A vast increase in unskilled workers attracted by amnesty will soon flood the labor market, and BO promises more spending on infrastructure, which didn't help much four years ago via the "stimulus." Recovery Summer 4 looks like another awful movie sequel.

Regulatory Commissars: The EPA's Agenda

By law, each April and October, federal agencies are supposed to provide a guide indicating regulations that may be revised, deleted, updated or installed. After skipping the spring edition last year and not releasing the fall edition until December -- conveniently beyond the election -- the Obama administration modified their usual Friday afternoon document dump and released the April 2013 edition of this Unified Agenda on July 3 -- the day before Independence Day. It promises to be a doozy for America's job creators.

Perhaps most ominous among the proposals is the long-awaited EPA mandate coming this September affecting emissions from new power plants, and the one slated for publishing in June 2014 affecting existing plants. Ozone standards of 60 parts per billion, if adopted, could cost \$90 billion a year and put some states, particularly in the West, practically at the point of non-compliance based on their naturally occurring background ozone levels. Stricter standards that don't account for this background ozone "will guarantee failure for Utah," testified Utah Department of Environmental Quality executive director Amanda Smith to Congress. Meanwhile, Coal plants in Ohio and Pennsylvania are already closing as a result.

But the EPA projects "benefits" of \$100 billion from these standards, based on more intangible and

impossible-to-measure factors such as fewer emergency room visits, respiratory ailments and loss of productivity. Never mind the loss of productivity a layoff brings.

Other items on the EPA wish list this time around include regulating discharges from military ships, addressing new refrigerants for automotive air conditioners and updating regulations on grain elevators. They also plan to release long-overdue guidance on landfill emissions and formaldehyde in wood products, both of which were required by law some years back.

It may seem obvious, but the key to addressing the EPA's notorious tardiness on adopting regulations is to simply create fewer of them.

INVESTOR'S BUSINESS DAILY
2013 @IGKARTCOM



www.investors.com/cartoon

Around the Nation: DC Persecutes Walmart

Common sense says that the prospect of more job openings is welcome news, given our less-than-flourishing economy. That's not the case in Washington, DC, however, where lawmakers quashed the creation of roughly 1,800 retail positions. Walmart appeared close to garnering approval for the construction and opening of six stores inside the District following several frustrating years battling regulatory hurdles, unions and labor activists. City council members this week approved the Large Retailer Accountability Act, which requires that retailers earning more than \$1 billion in annual revenue in addition to having stores larger than 75,000

square feet pay employees at least \$12.50 per hour. DC's current minimum wage is \$8.25. Corporations such as Apple and Starbucks are conveniently exempt, leaving Walmart at a unique disadvantage.

Walmart responded by retracting their six-store proposal, and rightly so. Commentator Charles Krauthammer [observed](#), "It clearly is a bill written entirely to penalize Walmart, because it allows the previous big box stores to go along with their practices. Here is an employer who does due diligence, offers community support, and is essentially being driven out by reactionary liberals on this city council." No council member revealed that better than Vincent B. Orange (D-At Large): "We're at a point where we don't need retailers. Retailers need us." In other words, for the redistributive Left, it's about paying your "fair share."

Walmart is certainly no longer the same company Sam Walton built, but as economist Stephen Moore points out, "[T]here's probably been no greater poverty abatement program in the history of this country than Walmart, because Walmart has raised living standards of poor people by making everything from toothpaste to diapers to cell phones much more affordable to them. ... [I]t's not whether these workers have \$12.50 an hour; these workers are going to get nothing because the store will not be there." But for politicians stuck in fantasyland, that reality doesn't compute.

Security

FISA Court: The *Other* "Special Needs" Child
Did the Founders ever contemplate the extent to which technology would enable intelligence collection? Of course not. However, they *did* fully contemplate the foundation of individual freedom, the basis upon which they built a nation, and they codified protection of the people's "persons, houses, papers, and effects." They also clearly understood Lord Acton's axiom concerning the corrupting influence of power, the need to diffuse that power -- but not so fully so as to be ineffective -- and the overarching need for a stable, rule-of-law system to enable society to flourish.

Fast-forward to today, when it's true that the threats to national security have changed over time. But the requirement to maximize individual freedom within the context of a fully-functioning society -- the stated, basic goal of the Founders -- remains unchanged in the 237 years since America declared itself independent from England.

Enter the Patriot Act, including a super-secret court outside the scope of normal Article I, federal-court operation; hyper-sophisticated intelligence capability; and a government that has conclusively proved it cannot be trusted and thus proves Lord Acton's axiom. No matter on which side one falls regarding the [motives and status of Edward Snowden](#), the mere fact of a heated controversy over whether he's a traitor or a Patriot (or somewhere in between) speaks volumes to public uneasiness concerning government's span of power and where its limits should lie.

That uneasiness is warranted. The 11-member Foreign Intelligence Surveillance Court -- a.k.a. "FISA Court," established in the wake of Watergate to prevent, ironically, wiretapping abuses by government -- has morphed into a rubber-stamping office that confers "legitimacy" to otherwise questionable intelligence practices. Witness, for example, its latest effort to circumvent the Fourth Amendment's requirement of a warrant for searches and seizures. Judicially gerrymandering FISA's "Special Needs" exception to the Fourth Amendment -- itself, a questionable exception, originally crafted to permit drug-testing of railway workers under the theory that the "minor" intrusion on rail-worker privacy was outweighed by the government's need to prevent a public danger -- FISA judges have misused the doctrine to completely bypass the Fourth Amendment, allowing unfettered access to, and storage and retrieval of, virtually all of America's communication data. That capability, in political terms, is what Lord Acton would call "absolute power."

Nor is this the worst of the matter. By design the FISA Court hears only one side of the argument -- the government's -- and is thus predisposed to come down on that side. In fact -- according to confidential

sources -- of the roughly 1,800 surveillance order requests last year alone, not a single one was denied by the FISA Court. Because of the classified nature of the subject matter, the Court's rulings are in essence final and non-reviewable, notwithstanding an ostensible "Court of Review" that could be empaneled to review the FISA Court's decisions. Very few appeals have seen the light of day in that court, and none have survived all the way to the Supreme Court.

Moreover, many questions remain unanswered: What is the true extent of the data -- including the so-called "metadata," the broad sea of information from which specific details are drawn -- that is being combed and archived? Is the data stored ever purged, or does sensitive, personal information on every man, woman and child in the U.S. reside in that huge data-mine in Utah forever, to be used for ... what? Is *every* American effectively subject to data collection? What are the limits to which the data can be used? What assurance does the average American have that the government is operating within constitutional lanes -- the "promise" to do so by the FISA Court and intelligence-gathering agencies? What *other* programs exist that we don't know about?

The most significant question must be answered not in secret, not by a one-sided debate, not by people unanswerable to the American public but only by the American people and their elected representatives in Congress. And it is this: To what extent are we willing to give up our freedoms to prevent another 9/11? We acknowledge that there is a reason there hasn't been another "9/11" since 9/11, but the question remains: Are we reconciled with the reason behind why that is so? From a Founder's standpoint, we believe the answer is obvious.

Breaking News: Homeland Security Secretary Janet Napolitano will resign today to take the helm of the University of California system.

Egypt Unravels, U.S. Supports

The Obama administration determined this week that it would avoid calling the coup in Egypt a coup in

order to legally keep \$1.5 billion in U.S. aid flowing. In fact, despite the unrest, the U.S. will continue its planned delivery of four F-16s to Egypt (part of an order of 20). Barack Obama's Middle East policy has been a muddle from the beginning. With Egypt, in particular, he supported former president Hosni Mubarak until that became politically inconvenient, and he then backed the Muslim Brotherhood that installed Mohammed Morsi last year. Brotherhood protesters recently chanted, "Yes, we can!" and they aren't going quietly after Morsi's ouster by the military last week. And as the coup, er, change of administration occurred, Secretary of State John Kerry was seen boarding his yacht in Nantucket. Leadership.

As for aid, James Phillips, Heritage Foundation's senior research fellow for Middle Eastern affairs, [writes](#), "Foreign aid is a tool for advancing U.S. national interests. In return for aid, Egypt has offered military, counterterrorism, and intelligence cooperation; occasional access to Egyptian air space and military facilities; and expedited passage through the Suez Canal for U.S. Navy vessels. It should be continued only if Egypt maintains peace with Israel, fights al-Qaeda and other terrorist groups, and respects the human rights and liberties of its citizens." He further argues that we should cut off aid until Congress can reauthorize it with new conditions.



"REPORTING LIVE FROM TAHRIR SQUARE, WE HAVE the LATEST ON THE ZIMMERMAN TRIAL..."

Warfront With Jihadistan: 'Zero Option'

Barack Obama once called the war in Afghanistan "a war that we have to win." Of course, that's when he was campaigning to *lose* the war in Iraq. He did, after all, fail to negotiate a status of forces agreement in Iraq, and, in May, there were more violent deaths there than in any month since the U.S. surge.

Now, he's following the same course in Afghanistan. Because Obama can't seem to get along with Afghan President Hamid Karzai, he is considering quicker troop withdrawal. Rather than leave a measure of U.S. troops there, he is leaning toward the "zero option" -- as in zero U.S. troops in Afghanistan after 2014. As a monument to Obama's mismanagement, that option would leave a just-completed \$34 million, 64,000-square-foot headquarters building in southwestern Afghanistan completely vacant -- at least until the Taliban finds a use for it. In fact, commanders in the area argued against building it and will never move in. More important, our soldiers are still fighting and dying there. What of *their* sacrifice? And why leave them there for a few more months of futile effort?

The bottom line is that if we vacate Afghanistan, the Taliban will come roaring back -- and Taliban, like al-Qa'ida, is just another brand name for Islamofascist jihadis.

Culture

Zimmerman Case Heads to Jury Deliberation

As Mark Alexander [wrote yesterday](#), the trial of George Zimmerman goes to the jury this afternoon. No doubt the members of that jury fear for their safety and lives, and don't want to be labeled as the people whose decision led to race riots in Florida's urban centers. (Shades of Rodney King...) That fear is precisely why the



How about Justice for George?

prosecutor, who believes he has lost any chance at a second-degree murder conviction, put manslaughter and "child abuse" on the table. He is gambling that the jury will convict on a lesser charge hoping to protect themselves.

It's all elementary, of course, because this entire charade is being driven by Barack Obama's political agenda. If the jury fails to convict, Obama will let the pot simmer to a boil, and then send in the "Justice Department" to save the day with new charges that Zimmerman violated Martin's civil rights -- followed by another year of rallying black constituents around this case. He might even stretch this out to the midterm elections.

Should the jury declare Zimmerman not guilty, federal, state and local law enforcement officials are bracing for urban center protests and potentially riots in Duval, Orange, Hillsborough, Broward and Dade counties -- an unfortunate indication that Obama and his DoJ "peace keepers" have succeeded in their political objectives.

Judicial Benchmarks: A Third Amendment Case?

In the indictment section of the Declaration of Independence, Thomas Jefferson charged King George III with "repeated injuries and usurpations," including "Quartering large bodies of armed troops among us." This is a reference to billeting -- forcing private residences to provide board and lodging to military troops. This was such a frequent and heinous offense to Americans that it became the basis of the Third Amendment: "No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law."

In the 225-year history of the Constitution, there have been very few Third Amendment cases, with none reaching the Supreme Court. A new case, [Mitchell v. City of Henderson](#), arose when the Henderson, Nevada, police arrested a family for refusing to let officers use their home as a lookout for a domestic violence investigation of their neighbors. To gain use of the plaintiffs' property, police broke down the door

of the Mitchells' house after owner Anthony Mitchell refused to let them occupy it. Mitchell alleges that while he was lying motionless on the ground and posed no threat, officers fired multiple "pepperball" rounds at him. Officers then arrested him for obstruction, searched the house, moved furniture without his permission and set up a place in his home for a lookout.

There are two obstacles to Mitchell's claim. The first is whether the Third Amendment is applicable to the states through "incorporation" via the Fourteenth Amendment. If it is, there is a more significant issue. Attorney Ilya Somin, writing in The Volokh Conspiracy legal blog, [explains](#): "The most obvious obstacle to winning a Third Amendment claim here is that police arguably do not qualify as 'soldiers.' On the other hand, as Radley Balko describes in his excellent new book *The Rise of the Warrior Cop*, many police departments are increasingly using military-style tactics and equipment, often including the aggressive use of force against innocent people who get in the way of their plans. If the plaintiffs' complaint is accurate, this appears to be an example of that trend. In jurisdictions where the police have become increasingly militarized, perhaps the courts should treat them as 'soldiers' for Third Amendment purposes."

Faith and Family: The Politics of Abortion

One would think "women's rights" advocates would care about the health of women. One would be wrong. Last week, Wisconsin Republican Gov. Scott Walker signed into law a bill requiring, among other things, that doctors performing abortions have admitting privileges at a hospital within 30 miles of the abortion clinic in case of an emergency. Planned Parenthood cried foul, and this week a federal judge blocked the law, claiming, "[T]here is a troubling lack of justification for the hospital admitting privileges requirement." Interestingly, even the federal Centers for Medicare & Medicaid Services counts similar admitting privileges a [basic requirement](#) for ambulatory surgical centers to receive Medicare/Medicaid payments. Planned Parenthood pro-women? The facts say otherwise.

It's important to note that there are an estimated 11,000 late-term abortions every year in the U.S. A Maryland abortion doctor recently described carrying a dead 26-week-old baby in the womb for a few days: "It's like putting meat in a Crock-Pot, okay?" There are no words for such a grotesque disregard for life.

Meanwhile, three major media outlets -- the Chicago Tribune, LA Times and USA Today -- recently confirmed their NeoCom bias by refusing to run a pro-life advertisement on grounds that it's "too controversial." Graphic images? Hardly. The [ad simply shows](#) a 20- to 24-week-old baby along with the quote, "This child has no voice, which is why it depends on yours. Speak Up." Apparently, it's ok to use babies -- or the activity that *creates* babies -- to sell anything and everything, but picturing a baby to advocate human life is somehow "too controversial." No, what's "too controversial" is being confronted with an effective presentation of the facts. Leftists can't handle that.

And Last...

Having solved all of earth's problems, Democrats are now turning their attention to lunar ones. To commemorate the moon landings of the Apollo missions from 1969 to 1972, Reps. Donna Edwards (D-MD) and Eddie Bernice Johnson (D-TX) introduced legislation to create the Apollo Lunar Landing Sites National Historical Park at the site of the Apollo 11 landing. The park would feature artifacts left by the Apollo 11 through 17 missions. The text of the Apollo Lunar Landing Legacy Act, H.R. 2617, reads in part, "As commercial enterprises and foreign nations acquire the ability to land on the Moon, it is necessary to protect the Apollo lunar landing sites for posterity." Unfortunately, it's a sign of the times that anyone wishing to visit the park will need to hitch a ride with the Russians or the Chinese. Perhaps these space cadets could save some money -- and actually enable visits -- by setting up a park at the Hollywood sound stage where their fellow moonbats think Stanley Kubrick filmed the "moon landing."

Semper Vigilo, Fortis, Paratus et Fidelis!

Nate Jackson for *The Patriot Post* Editorial Team