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THE FOUNDATION

“Let each citizen remember at the moment he is offering his vote that he is not making a present or a compliment to please an individual -- or at least that he ought not so to do; but that he is executing one of the most solemn trusts in human society for which he is accountable to God and his country.” --Samuel Adams

GOVERNMENT & POLITICS

Tuesday's Primaries and the Core Debate

Tuesday's primaries in Arizona and Alaska pitted well funded and entrenched incumbent Republicans against upstart Tea Party-backed challengers. The Arizona incumbent survived, but the Alaska incumbent is left hoping to make up ground in absentee ballots.

First Arizona. Sen. John McCain, the GOP's 2008 presidential nominee, faced the fight of his political career against former congressman J.D. Hayworth. Unfortunately, Hayworth turned out to be a weak candidate and McCain's \$21 million media blitz was too much for him to overcome. In the end, the race wasn't even close, with McCain outspending Hayworth 7-1 and winning nearly 2-1.

Hayworth, now a radio talk-show host, staffed his campaign with Tea Party activists and tried to run to the right of McCain. While in Congress, however, Hayworth had a penchant for earmarks and, after losing re-election in 2006, he participated as a pitchman in a video offering advice on how to get “free money grants” from the federal government. One could argue that earmarks are just part of the game and congressman should fight to get their constituents' money directed to their own district, but after numerous silly projects have been highlighted over the years, voters are souring on the idea. And pitching “free money”? Not exactly the Tea Party's core message.

McCain successfully countered Hayworth by running to the right himself. He has been remarkably frugal on earmarks through the years, offsetting any advantage Hayworth might have had on fiscal issues. The senator also moved right on immigration, going so far as to do a commercial along the border in which he called on the federal government to “complete the danged fence.” Of course, McCain's lifetime American Conservative Union

(ACU) rating of 82 is nothing to write home about, and now he'll be in the Senate for another six years.

In Alaska, incumbent Sen. Lisa Murkowski trailed upstart Joe Miller by more than 1,600 votes as we went to press. Several thousand absentee ballots remain uncounted, but those are mostly military voters who may lean to Miller. The count may stretch into September.

The Murkowski family has dominated Alaska politics for decades. Lisa's father, Frank, held one of Alaska's Senate seats for three terms before winning the governor's mansion. He then appointed his daughter to fill his seat. Joe Miller, the heavily outspent challenger, is a West Point grad, decorated Gulf War vet and a federal magistrate backed by former Alaska Gov. Sarah Palin. If he pulls off the upset, it would count as the second major knockout of the Murkowski clan for Palin, who beat Frank Murkowski in the GOP primary for governor in 2006.

To put it in generous terms, Murkowski is a moderate. Her lifetime ACU rating is a paltry 70 and 2009 only brought that lower. She half-heartedly opposed ObamaCare but refused to rule out a government-run system. She declared in a debate with Miller that the nation could suffer if the government funded only those things enumerated in the Constitution.

That sums up the debate: Are we a nation under the Rule of Law, or the rule of men? Is government limited by the Constitution, or can it, in the words of Rep. Pete Stark, “do most anything in this country.” We know that the debate is over in the Democrat party -- to them, government can do anything a majority can pass. Republicans like Lisa Murkowski and John McCain all too often agree. This primary season and the upcoming election, however, provide an opportunity for constitutional conservatives to begin righting the ship.

From the Left: Tea Party Fake

The Tea Party has been so successful this election year that Democrats are resorting to political trickery. We're shocked -- *shocked!* A day before the primary in the Florida governor's race, GOP candidate Rick Scott touted the endorsement of the “TEA Party.” As it turns out, the “TEA Party” was a shell group set up by leftists and

funded in part by Rep. Alan Grayson (D-FL). The group ran its own candidates state-wide in an effort to siphon votes away from conservatives. "This is a new low for the fake political TEA party," said Tea Party activist Don Hensarling. But upon learning the real story, Scott rejected the endorsement -- and went on to win the primary against state Attorney General Bill McCollum. Similar Democrat political stunts have been uncovered in Nevada and Michigan, so be warned.

Income Redistribution: ObamaCare Just Getting Started

ObamaCare mandates, among *numerous* other things, that insurance companies allocate 80-85 percent of premium revenue to patient care, leaving 15-20 percent to cover administrative expenses and profit. This is known as the "medical loss ratio." Regulators are now working to come up with an even more narrow definition of what constitutes patient care. The law excludes from the definition of medical loss "Federal and State taxes and licensing or regulatory fees," but a proposed bureaucratic rewrite may mean state taxes end up being left in the "profit" category. In other words, insurance companies will be taxed on their taxes. As The Wall Street Journal sums up, "Taxes can't be sent to Washington and at the same time count as 'resources' that should be devoted to patient care, which is why most states exclude tax payments from their own current medical loss regulations."

With shenanigans like that, it's no wonder that Democrats are avoiding the legislation altogether on the campaign trail. In fact, Politico reports that Families USA, a key group in pushing for the legislation, has put out a slide presentation for Democrats to use for spin on the stump. "Straightforward 'policy' defenses fail to [move] voters' opinions about the law," says one slide. "Women in particular are concerned that health care law will mean less provider availability -- scarcity [is] an issue." Another slide concedes, "Many don't believe health care reform will help the economy." Finally, a list of "Don'ts" warns against touting ObamaCare's ability to "reduce costs and deficit." The focus, says Families USA, should be on improving the law. The best way to improve it would be to repeal it.

This Week's 'Alpha Jackass' Award

"It's not perfect, nothing's perfect, but I'm telling you, ma'am, it's a good start. ... Mark my words, several years from now you're going to look back and say, 'Eh, maybe it isn't so bad.'" --Sen. Max Baucus (D-MT) on ObamaCare, while also admitting he didn't read the legislation: "I don't think you want me to waste my time to read

every page of the health care bill. You know why? It's statutory language. We hire experts."

NATIONAL SECURITY

Warfront With Jihadistan: U.S. Role in Iraq Changes

U.S. forces in Iraq, their major combat duties "finished," have completed their draw-down to approximately 50,000 remaining troops. The U.S. 4th Stryker Brigade Combat Team, designated by the Pentagon as the last combat brigade in Iraq, completed the "symbolic convoy out of country" from a camp outside of Baghdad to the Kuwaiti border, bringing an "end" to one of the largest redeployments of military forces in recent history. Characterized by the Pentagon as "akin to moving a medium-sized city, people and equipment, without interrupting normal daily functions," mobilization took U.S. forces to a peak of more than 176,000 troops spread across 600 bases around Iraq. Demobilization reduced troop levels to slightly fewer than 50,000 in just 92 bases.

This week, the Pentagon reaffirmed that the remaining U.S. troops would stay in Iraq until December 2011 to train Iraqi forces and assist with counterterrorism operations as well as to support efforts to strengthen the Iraqi civilian government. In other words, they will continue performing many of the same duties they have been doing for some time. Whether this "new" mission, dubbed "Operation New Dawn," is successful will hinge on whether Iraq's political leaders can unify their government after the March elections failed to produce a clear winner. While they fiddle, other economic and societal problems continue to smolder.

While the level of insurgent hostilities is significantly lower than pre-surge levels, it's still uncomfortably high. A series of bombings over the past two weeks killed dozens, including a U.S. soldier. However, U.S. commander Gen. Ray Odierno said it would take "a complete failure" of Iraqi security forces for U.S. troops to resume (official) combat operations.

These moves and reclassifications, of course, are designed to set up a "major" speech by Barack Obama next week, in which he will no doubt attempt to take credit for a hard-won military victory, numerous political successes, and the status-of-forces agreements that were hammered out by the Bush administration. As Vice President Joe Biden shamelessly said earlier this year, "I am very optimistic about Iraq. I mean, this could be one of the great achievements of this administration."

If nothing else, it will be interesting to note the level to which Obama applies revisionist history (read: lies) in order to bask in the glory of what he called a “dumb war,” and whether he even mentions the gritty and tide-turning troop surge that he insisted would fail. He certainly didn’t want to talk about it while vacationing in Martha’s Vineyard. When reporters tried asking, the commander in chief deflected, “We’re buying shrimp, guys. Come on.”

Administration Hammers U.S. on Human Rights

The Obama administration continued its apology tour last Friday when it submitted a 29-page report to the UN’s High Commissioner for Human Rights, offering a critique of the state of human rights in the U.S. The report is part of the UN Human Rights Council’s “Universal Periodic Review” -- the part of the show where nations grade their own records on human rights. Of course, the fact that such virtuous champions of human rights as China, Russia, Saudi Arabia, Libya and Cuba occupy seats on the Council exposes this as a farce.

The administration laments, “We are not satisfied with a situation where the unemployment rate for African Americans is 15.8%, for Hispanics 12.4%, and for whites 8.8%.” Is *anyone* satisfied with that? On the other hand, the report lauds the election of our nation’s first black president; the passage of ObamaCare, which “makes great strides toward the goal that all Americans have access to quality, affordable health care”; and the financial overhaul, which addresses “predatory” and “discriminatory” lending. If he does say so himself!

The report also praises its author’s intentions of closing the prison at Guantanamo Bay and ending the military’s “Don’t Ask, Don’t Tell” policy. So the only things Obama finds worth lauding are the passage of leftist agenda items and the personality cult surrounding his own election. For the first time in his life, it seems, he’s actually proud to be an American. Sort of.

‘Non Compos Mentis’: When is a Pirate Really a Pirate?

Recently a federal judge threw out part of a civilian court case against six Somali nationals who fired upon a Navy vessel in the waters along the Somalian coast. His reasoning? Because the pirates did not succeed in their attack, they could not be charged with piracy.

Judge Raymond A. Jackson (a Clinton appointee -- surprise!) deemed that since Congress simply referred to the crime of piracy as one defined by “the law of nations”

and the only precedent case (United States v. Smith, from 1820) was one where the pirates succeeded, the federal case failed to prove piracy and could be summarily dismissed because the six men (along with a slain counterpart) were thwarted in their attempt to plunder the naval vessel. By that illogic, a would-be bank robber who departed without the cash couldn’t be charged with robbing the bank.

It’s obvious that the judge’s decision makes about as much sense as the original idea among the Somalis to take on the heavily armed U.S.S. Ashland in an unarmed skiff. However, the survivors still face lengthy prison terms on other counts related to the incident.

BUSINESS & ECONOMY

Regulatory Commissars:

They Knew Drilling Ban Would Kill Jobs

With unemployment hovering at 9.5 percent -- real total unemployment, called U6, is much higher -- what’s another 23,000 jobs lost? Apparently, not much to Barack Obama. Previously unreleased documents show that his administration issued the federal moratorium on deepwater drilling despite knowing the ban would kill thousands of jobs. According to The Wall Street Journal, the documents reveal that Michael Bromwich, the head regulator of offshore oil exploration, told Secretary of the Interior Ken Salazar that the temporary ban “would result in ‘lost direct employment’ affecting approximately 9,450 workers and ‘lost jobs from indirect and induced effects’ affecting about 13,797 more.”

Also, regardless of confirmation from the region of the moratorium’s devastating impact, the government says the ban will continue. That’s right -- the beatings will continue until morale improves. Reflecting its typical “we know best” disdain for the peasants, the administration has even claimed the impact wasn’t as bad as industry experts said. Try telling that to those 23,000 former workers.

In related news, House Republican Leader John Boehner has called on Obama to fire Treasury Secretary Tim “Tax Cheat” Geithner, National Economic Council Head Larry Summers, and the rest of the White House economic team. (Senior Economic Adviser Christina Romer and Budget Director Peter Orszag have already abandoned ship.) Pointing to “job-killing tax hike[s],” skyrocketing spending and a penchant for new regulations, Boehner said, “We’ve tried 19 months of government-as-community organizer. It hasn’t worked.” A political chess move to be sure, but we won’t argue that government-as-community organizer is getting rather expensive.

Talking Points Mix-Up

“We have managed to acquire \$13 trillion of debt on our balance sheet [and] in my view we have nothing to show for it.” --Sen. Michael Bennet (D-CO)

Vice President Joe Biden, meanwhile, was patting the administration on the back for its “stimulus” of the economy -- you know, the current economy, the one with the stagnant unemployment and record-low housing market: “No doubt we’re moving in the right direction.” Does that “right direction” include second-quarter GDP growth being revised downward today, from 2.4 percent to 1.6 percent? Biden’s message, of course, is becoming harder to sell than a house.

GM and AIG Repay Government Loans?

With fewer than 70 days until the mid-term elections, the Obama administration has something to cheer about in that GM and AIG seem to have turned the corner. Or have they? GM has announced the largest initial public offering of common stock (IPO) in U.S. history as it attempts to reduce the huge slice of GM equity held by the government. Meanwhile, AIG has completed the sale of some assets in order to reduce its debt to the New York Federal Reserve Bank from \$19 billion to \$15 billion.

Regarding AIG, there is a tenuous argument that the Federal Reserve Bank is the lender of last resort for regulated financial intermediaries (i.e., banks), and insurance companies are a variety of that business model. Of course, insurance companies are supposed to diversify risk via actuarial analysis and utilize their premium revenue to purchase long-term assets generating repeatable returns. Insurance giant AIG completely violated this business model. Allowing it to access the reserves of the New York Fed is but another example of the privatization of profits and the socialization of losses that is undermining our free enterprise economic system.

GM is an even more troubling case. After ignoring the concept of due process and turning the procedures of U.S. bankruptcy law on its head, the federal government is seeking to dilute its investment via an IPO. There must be many former bondholders whose debt instruments were a secured claim against the company who would love to have such an opportunity. Beyond this, how do we know that the financial reporting released for the company is accurate? The last 20 years have provided many examples of companies whose management decided to commit fraud rather than deliver bad news to their shareholders. Perhaps readers recall names such as Enron, Global

Crossing and MCI-WorldCom. Yet those firms can’t compare with the level of fraud that has been perpetrated by Congress and the Congressional Budget Office with regard to the recent health care bill.

Speaking of the auto industry and the government, the Cash for Clunkers program has had an entirely predictable result -- prices for used cars have jumped 10 percent over last year. When people traded in their used cars on new cars they likely would have bought anyway under the Clunkers program, the government ordered those assets destroyed rather than resold. That contraction of supply has caused price increases for those who can least afford it. As blogger Ed Morrissey put it, “In other words, the White House spent \$3 billion to make used cars more expensive for working-class families. Nice work.”

Around the Nation: Virginia Surplus

What do you do when faced with a \$4.2 billion two-year state budget deficit? If you’re former Virginia Governor Tim Kaine (D), you pitch a \$2 billion tax hike, as he did before leaving office. Fortunately for the people of Virginia, current Governor Robert McDonnell (R) is not Tim Kaine. Since taking office in January, McDonnell has eschewed the Democrat playbook of tax, tax and then tax some more by slashing funding for programs, freezing state hiring and reining in spending to levels not seen in several years. As The Wall Street Journal notes, “Total state spending has been reset more or less to 2007 levels. If Congress were to do that, the federal deficit could fall by more than \$900 billion, or two-thirds.”

Consistently rejecting any thought of a tax hike, McDonnell asserts that new taxes “will injure our economy, slow the recovery and cost us jobs.” Instead, his approach to fixing the state’s fiscal fiasco has been simple: Cut spending. The result? The state’s \$4.2 billion shortfall is now an \$87 million surplus. Hmm, so cutting spending and refusing to raise taxes leads to economic recovery. What a novel idea.

Philadelphia Seeks Benjamins From Bloggers

If you ask most bloggers, they’ll tell you they’re not looking to the Internet as a serious moneymaking exercise. But the city of Philadelphia sees it otherwise and is targeting bloggers who use Google AdSense or other revenue-producing vehicles on their websites to register with the city and pay for a \$50 per year “privilege license.” The City of Brotherly Love also gives bloggers the option of paying a \$300 “lifetime” toll. The fee applies whether they raise sufficient revenue to pay the fee or not, and most bloggers don’t.

There's no doubt that these small, Internet-based "businesses" are ensnared in a web of regulation that's intended to raise revenue from traditional brick-and-mortar operations. This racket boils down to government types not being content to see dollars changing hands without getting their take. Worse still, the idea is sure to spread to other cities and states. Look for something similar to be enacted in a blue state or city near you.

CULTURE & POLICY

Judicial Benchmarks:

No Fed. Funding of Embryonic Stem Cell Research

Federal District Judge Royce C. Lamberth ruled this week that the Obama administration's rules on embryonic stem cell research -- issued by executive order in 2009 -- are illegal. In 1996, Congress passed the Dickey-Wicker Amendment, which states that federal monies cannot be used to finance research resulting in the destruction of embryos. Under President George W. Bush, federal funds could be used only on the 21 cell lines already in existence in 2001. Any other research would have to be paid for with -- gasp -- private donations. One of Obama's first orders of business, however, was to lift the ban; his executive order allowed research on hundreds of additional cell lines and prompted a lawsuit by Nightlight Christian Adoptions, among others.

In court, the administration made the embarrassing, albeit creative, argument that it was funding work that utilized stem cells *created by* embryonic destruction, but not the work that *leads to* embryonic destruction. Judge Lamberth was unimpressed by the distinction. "If one step or 'piece of research' of an E.S.C. research project results in the destruction of an embryo," the judge wrote, "the entire project is precluded from receiving federal funding."

Unsurprisingly, the administration is preparing an appeal of the decision, because, as the Associated Press laments, "Promising medical research is in disarray." White House spokesman Bill Burton likewise stated, "We're reviewing it so we can keep this important, potentially life-saving research moving forward in the most ethical way possible." Of course, the AP and Burton have to use words like "promising" and "potential" because that's all embryonic stem cell research has been. To date, embryonic stem cells -- unlike adult stem cells -- have not saved any actual lives.

Ninth Circuit Rules on Government GPS Tracking

The U.S. Court of Appeals for the Ninth Circuit has ruled that, according to Time Magazine, "Government agents

can sneak onto your property in the middle of the night, put a GPS device on the bottom of your car and keep track of everywhere you go. This doesn't violate your Fourth Amendment rights, because you do not have any reasonable expectation of privacy in your own driveway -- and no reasonable expectation that the government isn't tracking your movements."

The case is that of Juan Pineda-Moreno, an Oregon man whom Drug Enforcement Administration (DEA) agents began tracking in 2007 on suspicion that he was growing marijuana. They snuck into his driveway in the middle of the night and placed a GPS tracking device on his Jeep. A three-judge panel on the Ninth Circuit ruled in January that such tracking was legal, and this month the whole court let the ruling stand.

Time also reports, "Chief Judge Alex Kozinski, who dissented from this month's decision refusing to reconsider the case, pointed out whose homes are not open to strangers: rich people's. The court's ruling, he said, means that people who protect their homes with electric gates, fences and security booths have a large protected zone of privacy around their homes. People who cannot afford such barriers have to put up with the government sneaking around at night."

The U.S. Court of Appeals for the District of Columbia Circuit has ruled opposite the Ninth Circuit that such tracking requires a warrant. Thus, the issue is likely to end up before the U.S. Supreme Court.

Village Academic Curriculum: Spending Binge

It's being called the "Taj Mahal." The Robert F. Kennedy Community Schools complex -- which has been built on the site of the former Ambassador Hotel, where its namesake was assassinated during the 1968 presidential campaign -- boasts (among other amenities) fine art murals, an RFK memorial, a public park, and talking benches that lecture on the historical significance of the site.

One might say this is excessive under any circumstances, but even more so in the Los Angeles Unified School District, which is the second largest in the nation and consistently near the bottom rung of educational performance. In fact, the district is always crying poverty; in the past two years, nearly 3,000 teachers have been laid off and programs have been dropped because of a lack of funding. But who needs a quality education when one has a state-of-the-art swimming pool?

“New buildings are nice, but when they’re run by the same people who’ve given us a 50 percent dropout rate, they’re a big waste of taxpayer money,” said Ben Austin, executive director of Parent Revolution and a member of the California Board of Education. “Parents aren’t fooled.” Well, they may not be fooled, but they’re certainly paying for it. The school carries a price tag of a whopping \$578 million, or roughly \$140,000 for each of its 4,200 students.

New York Stabbing of Muslim Cabbie

A Muslim cabbie in New York City was stabbed Wednesday in what leftists rushed to call a “hate crime.” Instantly, the archetypal crazed-right-winger-opposed-to-the-Ground Zero Victory Mosque was named as the culprit. But as with the guy who flew his plane into the IRS office building in Austin, Texas, the guy who shot several guards at the Smithsonian, and the guy who did likewise at the Pentagon, this “right-winger” was just another leftist perp.

Politico’s Ben Smith writes, “The alleged assailant, Michael Enright, is -- according to his Facebook profile and the website of the left-leaning media organization Intersections International -- a student at the School of Visual Arts and a volunteer for Intersections, which recently produced a statement of support for the Park51 project and is funded by the mainstream, liberal Collegiate Church of New York.” Oh, well then, nothing to see here; move along, folks.

This Week’s ‘Braying Jackass’ Awards

“We tend to forget, in the West, that the United States has more Muslim blood on its hands than al-Qa’ida has on its hands of innocent non-Muslims. You may remember that the U.S.-led sanctions against Iraq led to the death of over half a million Iraqi children. This has been documented by the United Nations.” --Imam Feisal Abdul Rauf, leader of the proposed Ground Zero mosque, in 2005

“We are deeply concerned, because this is like a metastasized anti-Semitism. It’s beyond Islamophobia. It’s hate of Muslims.” --Daisy Khan, wife of Imam Rauf

Shirley Sherrod Update

Former Agriculture Department official Shirley Sherrod was fired in July after a video clip emerged of her discussing her own racism in the case of helping a white farmer facing bankruptcy. Sherrod is black. As the video of her entire speech revealed, however, she was discussing how she learned from the incident and was fighting her own

racism, which is still racism. Whether she’s been entirely successful is still up for debate, as her comments after being fired made plain. And that doesn’t even touch the issue of 86,000 discrimination claims from 39,000 black farmers.

This week, she announced that she would not accept a new position at the USDA, saying she didn’t think she could say yes to a job “at this point, with all that has happened.” She added, “We do need to work on the issues of discrimination and race in this country.” After all, if we didn’t continue working on those issues, people like Jesse Jackson and Al Sharpton would be out of work, too. And wouldn’t *that* be a shame.

And Last...

Former Illinois Governor Rod Blagojevich, a Democrat, was recently found guilty of just one of 24 charges with regard to the attempted sale of the Senate seat formerly held by Barack Obama. We noted his sleazy behavior and the ensuing prosecutorial overzealousness last week. This week found the cartoonish Blagojevich hawking his autograph for \$50 and photos for \$80 each at the Wizard World Chicago Comic Con. Apparently, he’s looking for money to pay his legal bills. As the Chicago Sun-Times notes, “Despite the presence of some 500 actors, artists, writers, pro wrestlers and models, Blagojevich was touted atop the show’s website and enjoyed prime real estate on the convention floor with a booth near the entrance.” Actually, it’s no surprise that comic book villains compete with heroes for the love of their fans. And Blagojevich, for his part, was simply putting the “Con” in “Comic Con.”

Veritas vos Liberabit -- Semper Vigilo, Fortis, Paratus, et Fidelis! Mark Alexander, Publisher, for *The Patriot Post*’s editors and staff. Read online at <http://patriotpost.us>

(Please pray for our Armed Forces standing in harm’s way around the world, and for their families -- especially families of those fallen Soldiers, Sailors, Airmen, Marines and Coast Guardsmen, who granted their lives in defense of American liberty.)