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VOICE OF ESSENTIAL LIBERTY

DIGEST

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THE FOUNDATION

“One hundred and seventy-three despots would surely be as oppressive as one.” --James Madison

GOVERNMENT & POLITICS

‘Don’t Ask’ to START DREAMing of a Tax and Spend Christmas

November’s election sent a loud and clear message to Washington about overspending and overzealous government interference in the private sector. Although we don’t often report polling because the Leftmedia use it to drive -- rather than reflect -- public opinion, the results of the most recent Gallup poll show that the 111th Congress has achieved the lowest approval rating (13 percent) in history. Yet it’s clear that congressional Democrats didn’t get the message as they seek to ram through their highly unpopular major initiatives before Christmas. These include a repeal of “Don’t Ask, Don’t Tell,” ratification of New START, approval of the DREAM Act, as well as appropriations and tax bills.

The Democrat-controlled Congress didn’t bother passing a budget outline this year, and the federal government will run out of cash and delay payments when the current continuing resolution expires this Saturday. Though Democrats had all year to address appropriations legislation, they waited until after 63 of their House brethren were sent packing in November to consider a \$1.27 trillion omnibus spending bill to fund the government through the remainder of fiscal year 2011. Fortunately, after losing Republican support, Senate Majority Leader Harry Reid (D-NV) dropped the bill late Thursday -- ironically, the anniversary of the Boston Tea Party -- in favor of another continuing resolution.

The now defunct 2,000-page bill combined the 12 major appropriations bills for the year. It included \$8 billion for 6,600 earmarks, as well as \$1.1 billion for ObamaCare, which would have made it that much harder for Republicans to accomplish repeal.

By large margins in both Houses, Congress did manage to approve the extension of current income tax rates for the next two years, but not without significant spending items attached. (Of course, Democrats consider preventing a tax

hike to be a spending item.) Far from adding certainty in a down economy, the tax bill raises the number of temporary tax provisions in the tax code to 141. Barack Obama will sign the legislation today.

The bill adds \$60 billion to extend unemployment benefits for yet another year -- benefits, however, that won’t help people who have been unemployed for more than 99 weeks. On top of that, the grave robbers of the Democrat Party insisted on restoring the death tax at 55 percent on estates of \$1 million or more, but settled for 35 percent on \$5 million beginning next year. There is no death tax in 2010. Sen. Jim DeMint (R-SC) proposed an amendment making the Bush tax rates permanent and also repealing the estate tax, but it was defeated, as was an amendment by Sen. Tom Coburn (R-OK) to pay for unemployment benefits with other spending cuts. The two GOP senators, along with three others, voted against the bill. In the House, 36 Republicans voted no, almost all because of the added spending.

In other news, the House passed an ill-advised repeal of “Don’t Ask, Don’t Tell” on a vote of 250-175. The House passed a repeal earlier this year that went nowhere in the Senate, but this weekend, it’s likely to pass there as well.

The Senate will likely ratify the new Strategic Arms Reduction Treaty, or START, this weekend, though we’re puzzled at the urgency. It would be the first treaty in history ratified by a lame-duck Senate.

The treaty is a renewal of the United States’ bilateral agreement with Russia on nuclear arms. The original START expired last December, preventing teams from both nations from inspecting each other’s nuclear weapon sites. Since the Senate must ratify any treaty, the administration is pushing for ratification before freshman Republicans are seated in January. The treaty would limit each nation to 1,550 warheads -- a third less than the old treaty. Our main concern, however, is that it is woefully inadequate in the “trust but verify” department, and it could critically hobble our missile defense if the Senate doesn’t clarify U.S. interpretation.

Another bill inexplicably stamped “urgent” is the Development, Relief and Education for Alien Minors (DREAM) Act, which would allow the children of illegal aliens to earn citizenship through military service or

college education. Sadly, the DREAM Act wouldn't be needed if the border were secured (the murder of a Border Patrol Agent this week underscores that it's not) and legal channels for entering the country were expanded.

In summary, Democrats are determined to stuff as many things as possible under the Christmas tree, whether or not they're on the wish lists of American voters. For our part, we'd settle for a stocking full of Liberty.

SUPPORT LIBERTY

We have all enjoyed the fruits of prosperity that our forefathers purchased at great sacrifice, many with their lives. With the current unprecedented assault from within upon Liberty, each and every one of us is called to make our own great sacrifices, now and throughout 2010. Our posterity deserves no less.

Before the year is out, we must raise **\$117,994** to continue providing the news and analysis you expect each week. Help us honor our forefathers' sacrifices and restore Liberty for our posterity by making a secure online donation to *The Patriot Post's* [2010 Year-End Campaign](#). If you prefer to support us by mail, please use our [printable donor form](#).

Thank you and God bless!

Nate Jackson
Managing Editor

Hope 'n' Change: ObamaCare Mandate Ruled Unconstitutional

On Monday, U.S. District Judge Henry E. Hudson, appointed by George W. Bush, ruled that one of the core provisions of ObamaCare -- the one mandating that individuals buy health insurance -- is unconstitutional. "The unchecked expansion of congressional power to the limits suggested by the Minimum Essential Coverage Provision [the individual mandate] would invite unbridled exercise of federal police powers," wrote Hudson. "At its core, this dispute is not simply about regulating the business of insurance -- or crafting a scheme of universal health insurance coverage -- it's about an individual's right to choose to participate."

The Left was so certain of their justification that when asked last year if the individual mandate violated the Constitution, House Speaker Nancy Pelosi (D-CA) responded incredulously, "Are you serious? Are you serious?" Sen. Pat Leahy (D-VT) echoed that, scoffing, "[T]here's no question there's authority, nobody questions that." Vir-

ginia Republican Attorney General Kenneth Cuccinelli did when he filed the suit, and Hudson found plenty of merit to the question.

[Read more and comment here.](#)

News From the Swamp: Committee Chairmanships Decided

As Republicans determine their roster for the 112th Congress, Rep. Hal Rogers (R-KY) has been chosen to lead the House Appropriations Committee next session. Rogers has been considered a reliable conservative for consistently supporting tax cuts, defense spending and gun rights. He has also stood fast against abortion funding and for traditional marriage. Unfortunately, Rogers is also known as the "Prince of Pork" for his love of earmarks. He once secured \$17 million for an airport in his district that doesn't serve any major airlines. There's also the Hal Rogers Parkway and the National Institute for Hometown Security, paid for with Rogers' pork. He now claims to have found religion on the issue and that as chairman of Appropriations he will work to end the use of earmarks. We'll believe it when we see it.

In an ironic move, Rep. Ron Paul (R-TX) has been appointed chairman of the House subcommittee on domestic monetary policy, the panel that monitors the Federal Reserve and currency valuation. Paul's unswerving stance against what he has viewed as unconstitutional actions by Congress is noteworthy, but particularly so is his criticism of the Fed, which he will now oversee. He has drawn a following for his economic views, which call for completely removing government from markets -- no regulatory bodies, no monetary policy and no central bank. His first planned action is an audit of the Fed.

Steele to Run for Re-Election as RNC Chief

Republican National Committee Chairman Michael Steele is running for re-election despite the fact that many senior party members and elected officials are fed up with his performance. While Steele presided over historic Republican gains in the 2010 midterms, his own record has been plagued by a series of embarrassing remarks that are out of step with the party, serious allegations of financial mismanagement, and a lack of effort across the nation to get out the Republican vote on Nov. 2 -- which should have led to much larger Republican gains, especially in the Senate. Many are concerned that he isn't prepared for the task of updating the party's technology and raising the money necessary for what's expected to be a tough 2012 campaign cycle. Steele faces several worthy opponents,

including Saul Anuzis, a former Michigan GOP chairman who ran against Steele in 2009; former Missouri GOP chair Ann Wagner; and former Wisconsin GOP chair Reince Priebus.

From the Left: Party Like It's 1999

When Barack Obama left the presidential podium at last Friday's press conference to attend an "urgent" holiday party with the First Lady, the assembled lefties enjoyed an unexpected time warp to the mid 1990s when our nation's "first black president," Bill Clinton, stood in the White House briefing room. Relishing the fact that he could still be referred to as "Mr. President," Clinton took questions from fawning reporters for nearly half an hour before Press Secretary Robert Gibbs finally shooed them out of the room.

Obama's unusual ceding of the presidential podium (remember, he's the one the voters most recently elected) may be a sign that The One we've been waiting for has already jumped the shark. By leaving to his predecessor the dirty work of answering questions about a deal Obama himself had struck, this president yet again displayed his utter detachment. While he loves to take credit for legislative items passed during his administration, such as health care "reform," Barack Obama's sole contribution generally seems to be his signature on the bottom line.

NATIONAL SECURITY

Faith and Family: Christian Persecution Continues

As Americans prepare to celebrate Christmas in the relative prosperity and security of this great and divinely blessed nation, we must not forget our Christian brothers and sisters around the world who continue to suffer for their faith, especially those who live in Communist China and Islamic nations.

China has reportedly launched another crackdown on local congregations known as house churches that don't belong to the official state-sanctioned "church." The China Aid Association, a U.S. group that supports Chinese Christians, says that Chinese authorities have labeled the house church movement a "cult." The Communist government used the term "cult" in 1999 when it outlawed the Falun Gong meditation movement. Soon after, a major crackdown was launched against the Falun Gong, and a similar move against house church Christians may be in the works.

In Iraq, the purging of Christians from the country is an unfortunate and unintended consequence of the war to remove Saddam Hussein from power. More than half of

Iraq's Christians have fled the country since 2003 due to Muslim persecution, and this exodus recently picked up steam. The Sunni terrorists who killed 51 worshipers and two priests when they bombed a Baghdad Catholic church earlier this year have vowed to kill Christians "wherever they can reach them." Other bombings and murders are sending a clear signal that Christians are not welcome in Iraq, whose Shiite government appears unable, or unwilling, to protect Iraq's dwindling Christian population. Religion of peace, indeed.

The human tragedy of these Islamist attacks is compounded by the historic one. Christians of the Middle East preserve the ways of the Apostolic era as no other Christians can. The followers of Jesus were first called Christians in Antioch, Syria, and it was there that the Gospels were first written down. For a millennium, the churches of Iraq and Syria were great centers of Christian thought and culture. Today, however, the Christian population in every Muslim country in the region is declining. Please keep our spiritual brethren in your prayers this Christmas season.

Venezuela Obtains 1,800 Russian Missiles

In news that should be troubling to all Americans, Russia handed over at least 1,800 anti-aircraft missiles to Hugo Chavez's Venezuela last year. According to The Washington Post, "A high-level Russian delegation told American officials in Washington in July ... that 100 of the missiles had been delivered in the first quarter of 2009. Then earlier this year, Russia reported to the U.N. Register of Conventional Arms ... that the deal totaled 1,800 missiles." The Post explains further, "The United States feared that the missiles could be funneled to Marxist guerrillas fighting Colombia's pro-American government or Mexican drug cartels, concerns expressed in U.S. diplomatic cables obtained by WikiLeaks and first reported in the Spanish newspaper El Pais."

Unfortunately, unless you read WikiLeaks, El Pais or the Post, this may be the first you're hearing any of this. As Newsbusters' Tom Blumer notes, major news outlets such as the Associated Press (AP) and The New York Times opted to ignore the story. "It's hard not to believe that the ... [AP] knows darn well how troubling the WaPo story would be to the average person if he or she were to see or hear it," Blumer writes. "If so, it's reasonable to contend that the AP seems not to want to create any more trouble for the U.S. president it generally adores than he has already brought on himself."

Let's see: reporting vital national security news vs.

protecting the president's image while he tries to convince Congress to ratify an ill-advised arms treaty with a duplicitous Russia. Nice to know the AP has its priorities straight.

Profiles of Valor: U.S. Army Sgt. Joseph Lollino

U.S. Army Sergeant Joseph Lollino was serving as a medic in the Paktika Province of Afghanistan in 2008. During one 14-hour journey near the Pakistani border that included a drive through "ambush alley," his unit and its 30 armored vehicles were ambushed by jihadis using rocket-propelled grenades. After one vehicle was disabled, Lollino drove his Humvee into the firefight to establish a casualty treatment area. He treated four wounded soldiers while using his own weapon to fire back at the enemy. "As the [casualty collection point] started taking fire, I returned fire," he said. "I used a couple of magazines until the truck got behind us, then the .50 cal and the Mark 19 took over."

Shrapnel hit Lollino as he covered the wounded, but he continued to aid other soldiers. "I just wanted to do my job, fix the guys, make sure no one died," he said. "Everybody has a family we all wanted to go back to." For his extreme gallantry, Lollino earned the military's second-highest award for valor, the Distinguished Service Cross.

BUSINESS & ECONOMY

TARP Turns a Profit

According to a Bloomberg analysis, Wall Street's five leading banks "are set to complete their best two years in investment banking and trading" after borrowing \$135 billion from the Trouble Asset Relief Program (TARP) as well as "billions more from the Federal Reserve's emergency-lending facilities." Additionally, "the firms have benefited from low interest rates and the Fed's purchases of fixed-income securities." Meanwhile, the Associated Press reports that income from TARP has grown to \$35 billion while projected loss estimates have dropped from \$109 billion in March to \$25 billion in November.

Undoubtedly, the Left will spin this as a success story. But not so fast. As Daniel Indiviglio of The Atlantic writes, "Nobody should be surprised by this result, but unfortunately for Wall Street the good times might not continue in 2011 and beyond." He explains, "Cheap funding means that investments that pay off can be more profitable to banks. But this is only part of the story."

The "fear and uncertainty" of the recession also caused asset values to fall. "In 2009, [these] values began to rise

when it appeared that the worst was over." However, according to Indiviglio, the "drastic recovery" of stocks, bonds and real estate values "is finished." Factor in the slew of new Dodd-Frank regulations that businesses are facing, and the potential for banks to repeat such banner years may also be finished.

Income Redistribution:

U.S. Corporate Tax Rate Now World's Highest

As businesses face growing regulation and cost burdens thanks to the Obama administration, there *is* one thing that they can be sure of -- the U.S. will soon be No. 1 when it comes to corporate taxes. Of course, in this case, being No. 1 is a bad thing. Japan is set to again lower the world's highest corporate tax rate of 39.5 percent by five percentage points. As Curtis Dubay of the Heritage Foundation puts it, Japan "has finally recognized what the rest of the industrialized world realized over a decade ago: A low corporate income tax rate is vital for economic growth in the global marketplace."

Unfortunately, Japan's move will leave the U.S. with the developed world's highest corporate tax rate at 39 percent. The average among developed nations is 25 percent, and many nations in Europe's former Eastern Bloc have tax rates below 20 percent. In 1990, the U.S. rate was below the world average, but since then, other nations have cut while the U.S. actually raised its rate by 0.6 percent, making us far less competitive in the global economy and sending jobs and businesses elsewhere. We hereby preemptively urge January's GOP-controlled House to give true stimulus to the economy by lowering the corporate tax rate.

Regulatory Commissars: Administration Sues BP

The Obama Justice Department announced Wednesday that it is suing energy giant BP over the Deepwater Horizon oil spill in the Gulf of Mexico in April. Apparently, the \$20 billion slush fund the administration forced BP to set up to cover damages wasn't enough, as the administration is seeking unlimited liability under the Oil Pollution Act. On top of that, the drilling moratorium continues in the Gulf.

BP isn't the only defendant, either. The Associated Press reports, "The other defendants in the case are Anadarko Exploration & Production LP and Anadarko Petroleum Corp.; MOEX Offshore 2007 LLC; Triton Asset Leasing GMBH; Transocean Holdings LLC and Transocean Offshore Deepwater Drilling Inc. and Transocean Deepwater Inc.; and BP's insurer, QBE Underwriting Ltd./Lloyd's Syndicate 1036. Anadarko and MOEX are minority own-

ers of the well that blew out. Transocean owned the rig that BP was leasing.”

CULTURE & POLICY

The Washington Post: Half-Cocked & Fully Loaded

Leave it to The Washington Post to get a Second Amendment story and its underlying moral exactly wrong. Case in point: the Post’s rambling front-page piece about U.S. guns in Mexico, titled, “As Mexico Drug Violence Runs Rampant, U.S. Guns Tied to Crime South of Border.” The title pretty much says it all. The ostensible story is that drug-trafficker gun crime in Mexico and along the U.S. border is bad-and-getting-worse, and U.S. gun dealers -- especially those in Texas -- are the source of that problem. Of course, the tightly tied moral is that guns are inherently “bad” and better gun control laws are a must.

The Post goes to great lengths to smear independent U.S. gun dealers -- especially those located in Texas -- fudging the numbers to support its implication that U.S. gun dealers are criminals. For example, the Post ties U.S. dealers, albeit through very twisted logic, to “more than 60,000 U.S. guns” recovered in Mexico over a four-year period. Incidentally, numbers published by the Government Accountability Office total roughly 17,000 -- a far cry from the Post’s exaggerated claim. The Post goes on to trumpet its “year-long investigation” that has “cracked the secrecy and uncovered the names” of the top 12 U.S. dealers of guns traced to Mexico over the past two years. Surprise: eight of the top 12 dealers are in Texas.

Fortunately, the Heritage Foundation managed to decouple the Post’s weird view of the world from the truth and to explain the real moral associated with that truth. As with most of the Post’s stories, this piece is agenda driven.

The backstory here is the Post’s efforts to rally support for CIFTA, the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, a proposed treaty that has far-reaching -- and very negative -- consequences for U.S. constitutional protections, especially Second Amendment liberties. Although (mercifully) the Post doesn’t cite CIFTA in this particular article, as Heritage Senior Research Fellow Ted Bromund notes, “[M]ake no mistake: these sorts of stories are part of an ongoing effort to secure CIFTA’s ratification by persuading the American public, and U.S. Senators, that CIFTA will cure Mexico’s ills.”

As to the story itself, however, the real story is twofold: first, a large part of the reason the battle against drug traf-

fickers has become more violent of late is that Mexico is finally attempting to crack down on narco and human-smuggling gangs, who, predictably, are fighting back. That doesn’t mean that the fighting should stop, only that the crackdown is having a noticeable impact, as evidenced by violent trafficker pushback. Second, the proverbial “elephant in the living room” as far as we’re concerned, is that neither the U.S. nor Mexico has control of its own borders. Notably, if U.S. and Mexican politicians lobbied as hard for border control as they do for gun control, stories like this mindless screed from the Post would likely be moot.

Finally, the true moral of this story is age-old: Gun bans and tighter gun laws -- either through treaties or domestic legislation -- won’t cure the problem of drug-related violence. Only rule-of-law justice and enforcement of those rules -- to include border protection -- will end that violence. That is, unless you’re The Washington Post. Because U.S. gun dealers cause Mexico’s problems. Especially its gun problems. Or something.

Judicial Benchmarks:

Fourth Amendment Protects Email

The Sixth Circuit Court of Appeals ruled this week that email messages are protected under the Fourth Amendment’s prohibition on search and seizure, despite the fact that emails are hosted on an Internet provider’s server. “The government may not compel a commercial ISP to turn over the contents of a subscriber’s emails without first obtaining a warrant based on probable cause,” the court ruled. Furthermore, the court declared unconstitutional parts of the Stored Communications Act of the Electronic Communications Privacy Act, which allowed the government to procure email messages without a warrant.

The case focused on the Ohio founder of an herbal-supplement company. As he was under investigation for fraud, his ISP gave the government access to thousands of his email messages without a warrant. However, the court ruled, “The Fourth Amendment must keep pace with the inexorable march of technological progress, or its guarantees will wither and perish.”

Climate Change This Week:

The Real Truth of Cancun

Now that the tan is beginning to fade from those who attended the United Nations’ global warming conference in Cancun, Mexico, various national governments around the globe are figuring how best to cope with what was discussed. For Kenyan Prime Minister Raila Odinga, the idea is to create a national climate-change panel. But the panel

won't be about creating new sources of alternative energy or adopting conservation measures; instead, this panel will be making sure wealthy nations stick to their promised wealth transfer to developing countries. At stake is their cut of \$30 billion in climate-related aid proposed by 2012 and a larger pot of \$100 billion annually after the year 2020.

Of course, what's good for Kenya may not be so good for hard-working taxpayers in America and other developed nations. Weather aid from our federal government, which totaled an already-staggering \$316 million just two years ago, is proposed to surge to \$1.9 billion in 2011. If the goal is revamping the local political climate around the world by lining the pockets of prime ministers and tin pot dictators, then we're indeed making measurable progress. But don't confuse that with creating a change in the weather.

Village Academic Curriculum: Harvard's No. 1

Shakespeare's *Much Ado About Nothing* is a comedy whose humor derives from the characters themselves and the behavior of the highly mannered society in which they live where characters uncritically took false sexual accusations at face value. Humor of a similarly Shakespearean vein took place at Harvard recently, where faculty and students discovered a heinous "hate crime" that was perpetrated within their sanctuary.

Sadly, the vaunted analytical powers of those at Harvard failed to discern hate, intent, or an identifiable victim when a librarian accidentally vandalized a few "gay and lesbian" themed books by spilling a bottle of urine on them. Bottles of urine aren't exactly commonplace at the libraries we frequent, but there it was at Harvard.

Rather than investigate, sanctimonious busybodies rushed to denounce unidentified yet sinister homophobes for causing the damage. Instead of urging calm, the college wasted law enforcement resources by treating the incident as a hideous new hate crime, while homosexual activist groups piously intoned that they're the guardians of Harvard's welcoming and diverse environment. Harvard faculty and students apparently don't have anything important to do.

From the 'Non Compos Mentis' File

The Center for Science in the Public Interest (CSPI), a nutrition watchdog, is threatening to sue McDonald's if the fast food giant doesn't stop offering toys in its Happy Meals. As we reported, earlier this fall, San Francisco

banned Happy Meal toys with an ordinance that restricts calorie counts for kids meals. The CSPI insists that McDonald's is instilling children with bad eating habits, putting them at risk for obesity, diabetes and other maladies. Of course, free enterprise doesn't force customers to buy anything. Yet CSPI's litigation director, Stephen Gardner, said, "McDonald's is the stranger in the playground handing out candy to children. It's a creepy and predatory practice that warrants an injunction." What's creepy and predatory is a busybody like Gardner trying to take toys from children.

And Last...

When Malcolm Alarmo King became a resident of the Theo Lacy jail in Orange County, California, in April, he soon found the prison's menu wasn't to his liking. King, who is suspected of coming to the country illegally from Liberia, didn't like salami and asked for kosher meals. He needed a religious reason, however, so he chose one -- "Festivus," the faux holiday made popular by the 1990s sitcom "Seinfeld." As *The Orange County Register* sums it up, "Seinfeld celebrated Festivus with an aluminum 'Festivus pole' instead of a tree and traditions such as the 'Airing of Grievances' and 'Feats of Strength.' Easily explainable events were 'Festivus miracles.'" Nevertheless, King was granted his request -- until he was turned over to Immigration and Customs Enforcement for deportation, anyway. We in our humble shop have no beef with salami, but if you're going to celebrate a ridiculous holiday, it may as well include everyone. Like our own Christmas-anakwamadan.

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.)