



# THE PATRIOT POST®

## VOICE OF ESSENTIAL LIBERTY

DIGEST

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## THE FOUNDATION

“To take from one, because it is thought his own industry and that of his fathers has acquired too much, in order to spare to others, who, or whose fathers, have not exercised equal industry and skill, is to violate arbitrarily the first principle of association, the guarantee to everyone the free exercise of his industry and the fruits acquired by it.”

--Thomas Jefferson

## GOVERNMENT & POLITICS

### Class Warfare Dominates Tax Debate

As the week wore on, we couldn't help noticing a common theme: Mitt Romney's taxes, Warren Buffett's taxes, Warren Buffett's secretary's taxes. In fact, Barack Obama built his entire State of the Union address around envy, virtually declaring it the long-lost, ultimate American value and pointing to the aforementioned supposed tax disparity as proof. The tax code is indeed a glaringly obvious problem. It pits every constituency against the rest, and Leftists are especially adept at exploiting that to wage class warfare.

Obama's tired refrain is that the rich don't pay their "fair share" -- not even as much as their secretaries. The president trotted out the secretary of billionaire Warren Buffett to "prove" his point. He claimed that she pays a rate higher than her boss, despite the obvious income disparity (Buffett says she earns about \$60,000 a year). Facts, as usual, are the first casualties. For starters, he compared apples and oranges by contrasting her *total* tax burden with Buffett's rate on federal income taxes.

Furthermore, the top 1 percent pays their "fair share" of 36 percent of income taxes while the bottom 50 percent pays next to nothing. That disparity only increased with the Bush tax cuts, contrary to Democrat rhetoric. Obama used his ruse to demand that those earning more than \$1 million per year pay *at least* 30 percent in taxes. "You can call this class warfare all you want," he challenged. "But asking a billionaire to pay at least as much as his secretary in taxes? Most Americans would call that common sense." According to the Congressional Budget Office, however, the top 1 percent already pays 29.5 percent when all federal taxes are accounted for, while the middle class pays 15.1 percent. If Obama were referring to the capital gains rate, 30 percent would be the highest since 1978.

Leftists also found a bludgeon in Mitt Romney's taxes. By any measure Romney is wealthy, with income of more than \$20 million in each of the last two years (the only years for which he released returns). Yet because his income is almost entirely capital gains and the like, his tax rate was around 15 percent. Unnoticed, however, is that most of that money was taxed already at the corporate rate of 35 percent before it was ever paid to him. Democrats decried Romney's unfairly low burden, although when John Kerry paid only 13 percent in 2004, their silence on the issue was deafening.

Back to the SOTU, the president also called for "reforming" the tax code -- by making it more complicated. He wants to remove tax breaks for companies that move jobs overseas. The only problem is that no such breaks currently exist -- unless he means that other nations have tax rates roughly half that of the U.S. thus causing companies to leave for other shores. Obama also wants to offer special breaks to alternative energy companies and manufacturing (read: unions), while sticking it to "Big Oil."

Real reform would lower the corporate rate to, say, 15 percent for all industries and simplify deductions. It would also lower rates for individuals, rather than raising them as if the natural order of things is a top rate of 43 percent. Furthermore, it would keep capital gains rates low. History proves that lower rates increase economic activity, and with last quarter's underwhelming 2.8 percent growth, most of which was inventory expansion, we need it. Besides, even if Obama confiscated *all* the wealth of the "rich," he couldn't fully pay for his agenda.

Charitable giving sheds some light on the rationale behind the Left's demands. Mitt Romney gave more than 19 percent of his income to various charities, including the Mormon Church, in 2011 -- that's more charitable giving than taxes paid. The Obamas, on the other hand, gave just 1 percent of their income to charity between 2000 and 2004, increasing that to 5 percent by 2007. Joe Biden gave \$369 -- three hundred sixty-nine dollars -- the year before becoming VP, and just \$5,350 in 2010. A reasonable conclusion is that because "liberals" are so miserly with their money, they think the only way to "spread the wealth" around is through forced taxation.

Not only are these hypocrites stingy, but they don't even pay what they owe. The IRS reports that 36 of Obama's executive office staff owe some \$833,970 in back taxes, and thousands of federal employees owe back taxes totaling \$3.4 billion. Obama declared in his speech, "We need to change our tax code so that people like me, and an awful lot of members of Congress, pay our fair share of taxes." Good thing his staff doesn't have to worry about *that*.

### Quote of the Week

"I make a mistake, you know, every hour, every day."  
--Barack Obama

### The BIG Lie

"We don't begrudge financial success; we admire it."  
--Obama, class warrior

### News From the Swamp: The Senate Budget Abdication

Tuesday, Jan. 24, was not only the day of Barack Obama's State of the Union address, but it also marked the 1,000th day that the Democrat-controlled Senate has not passed a budget. Whenever the president or the media rails against the unproductive and unpopular Congress, they always take pains to place blame on the Republicans. In fact, Obama is making this the cornerstone of his re-election bid. The truth, however, isn't nearly so convenient. This gross dereliction of duty falls squarely on Majority Leader Harry Reid (D-NV), and it goes to the heart of Washington's fiscal problems.

Reid actually has called passing a budget "foolish," relying instead on continuing resolutions to address one spending problem at a time, and not very well at that. Democrats can have it both ways -- federal spending has skyrocketed while they are saddled with an overarching budget to set long-term goals and priorities. Since April 29, 2009, the last date the Senate passed a budget, the federal government spent more than \$9 trillion, nearly half of which was deficit spending. The current debt total is more than \$15 trillion, with interest payments on that bill running \$200 billion per year. The long-term damage created by this continued intransigence will be nothing short of catastrophic. By 2050, entitlement spending will more than triple, and the debt will hit 344 percent of GDP. These are all important points to keep in mind when going to the polls this November.

### New & Notable Legislation

We recently reported on the growing opposition to legislation that would give the federal government virtually unchecked power to regulate the Internet in the name of

combating online piracy. The House and Senate bills, SOPA and PIPA, respectively, have been shelved -- but not killed -- after a major backlash by the public and protests from several major Internet sites. Now, with the arrest and indictment of the people behind the website Megaupload, the big question is whether SOPA and PIPA were ever needed in the first place.

Megaupload possessed vast quantities of music and video files that were in many cases pirated from the legitimate owners. Last week, the FBI led a coordinated effort with law enforcement agencies in New Zealand, Hong Kong, Germany, the UK, Canada and the Philippines to arrest Megaupload's senior staff and seize their servers and assets. The company had been a thorn in the side of copyright holders for years, but after building a case, the government was able to act decisively by applying laws already on the books. The successful takedown of Megaupload, using the proper tools that law enforcement already has at its disposal, exposes SOPA and PIPA for what they are: overkill and another unwarranted power grab by the federal government.

### Giffords Steps Down

Rep. Gabrielle Giffords (D-AZ) announced this week that she is stepping down from Congress to focus on her recovery. Giffords was among 19 people shot on Jan. 8, 2011 at a constituent rally in Tucson when a deranged gunman opened fire. Giffords was hit in the head, and six of the 19 were killed, including Judge John Roll and Giffords' chief of staff Gabriel Zimmerman. Miraculously, Giffords survived and spent the past year learning again to walk and talk. Considering the extent of her injuries, her progress is remarkable. Her district is expected to be competitive this year, and although she expressed interest in returning to public service, doing so in the midst of a tough election campaign was not considered to be in her best interests. The shooter, Jared Loughner, remains in custody awaiting trial.

### This Week's 'Alpha Jackass' Award

"[I]t would be a disservice to [Rep. Gabrielle Gifford's] life and that of the others directly affected by [the Tucson tragedy], and tragedies like it, to ignore the factors that precipitated the violence: the easy access to guns; the availability of accessories such as extended clips [sic] that make deadly weapons all the more lethal; and a porous and shoddy regulatory system that too often fails to keep these weapons out of the hands of dangerous or dangerously unstable individuals." --Washington Post editorial

## **Second Amendment: Feds Go Silent While States Take Lead**

The federal government is certainly taking its time getting to the bottom of what went wrong during Operation Fast and Furious. Part of the problem stems from people in the know at the federal level clamming up about their role in the operation. Patrick Cunningham, who heads up the Criminal Division of the U.S. Attorney's office in Arizona, isn't talking before Congress about his role. According to his attorney, Cunningham will invoke his Fifth Amendment rights rather than testify, because he's worried about a future indictment. Rep. Darrell Issa (R-CA), the head of the House Oversight Committee, rightly worried "that the Justice Department's motivation for refusing to hand over subpoenaed materials is a desire to shield responsible officials from criminal charges."

Meanwhile, Arizona, a target of the White House for its stance on immigration law, is opening its own investigation to ascertain the facts of Operation Fast and Furious and determine whether federal agents violated any state laws in conducting the botched sting operation.

Other states are also making their own way and daring the federal government to stop them. In Kansas, two legislators are trying to make that state the latest to pass a Firearms Freedom Act, which would make it a criminal offense for federal authorities to enforce federal regulations on covered weapons and ammunition, defined as items manufactured and used within the state. Similar laws are already in effect in eight other states, mostly in the West, but also in our native Tennessee.

## **Judicial Benchmarks: Court Rules GPS Tracking Must Have Warrant**

It's unanimous. The Supreme Court ruled 9-0 that police violated the Constitution when they attached a Global Positioning System (GPS) tracker to a suspect's vehicle without a valid search warrant. How the Supremes got there is a different story. They split 5-4 over the scope of the Fourth Amendment's prohibition of unreasonable searches. Justice Antonin Scalia, writing for the majority, said that as conceived in the 18th century, the Fourth Amendment's protection of "persons, houses, papers, and effects, against unreasonable searches and seizures" would extend to private property such as an automobile. Scalia was joined by Chief Justice John Roberts and Justices Anthony Kennedy, Clarence Thomas and Sonia Sotomayor.

The concurring minority opinion was written by Justice Samuel Alito, a former prosecutor usually known for

his law-and-order views, who would have gone further than his conservative brethren. He argued that limiting Fourth Amendment protections to forbidding trespassing property as understood in 1791 "is unwise" and "highly artificial" and that the search violated an individual's "reasonable expectation of privacy." To Alito, with rapidly advancing technology such as GPS, the majority's approach left open "particularly vexing problems." Joining Alito were Justices Ruth Bader Ginsburg, Stephen Breyer and Elena Kagan -- a rather strange split.

The Scalia side looks at the issue as a question of invasion of property, while the Alito camp considers it one of privacy. No matter what the rationale, the result is the same -- the police acted unconstitutionally. Do they still teach law enforcement trainees about their oath to support and defend the Constitution?

## **ECONOMY**

### **Regulatory Commissars: Oil Production and 'Reasonable Profits'**

Despite fervent attempts by the Obama administration to stall, stunt and stop domestic oil exploration, U.S. oil production is actually on the increase. While the U.S. Energy Information Administration says that projected daily oil production will top six million barrels by 2020, according to research firm IHS-CERA, total U.S. production for oil and related liquids could hit 10.2 million barrels a day by 2020, far above the low point of just 7.6 million barrels daily in 2008. Lest this increase be construed as a giant step toward energy independence, however, consider that even the forecasted supply falls far short of demand, which is projected to be more than 19 million barrels daily by 2020. One big way to help would be to build the Keystone XL pipeline -- but Obama just rejected that.

He *did* announce the sale of drilling leases in the Gulf of Mexico this week, and his campaign arm, the Associated Press, says that was "a response to critics who say his policies have stifled domestic energy production." Only later in the story do we discover that the sale merely fulfills part of an offshore drilling plan put in place by President George W. Bush. Don't expect Obama to share any credit, though. In reality, Obama's dishonest "response to critics" is finally getting around to selling leases he should have sold long ago.

Meanwhile, Democrats continue to confirm that for them the phrase "energy independence" really means independence from oil production. Just last week, six House Democrats actually proposed legislation to establish a

“Reasonable Profits Board” that would hit oil and gas companies with a windfall tax of up to 100 percent of all surplus earnings that exceed “a reasonable profit.” Even more outrageous (if that’s possible), the bill leaves the standard for what constitutes such a profit to the arbitrary will of three presidentially nominated board members. It’s “Atlas Shrugged” come to life. Who is John Galt?

### **This Week’s ‘Braying Jenny’ Award**

“Twenty thousand jobs [created by the Keystone XL pipeline] is really not that many jobs and investing in green technologies will produce that and more.” --Rep. Jan Schakowsky (D-IL)

### **Income Redistribution: No Bailouts ... Except This One**

Another retread idea Barack Obama offered in his State of the Union address was more help for refinancing mortgages. He claims that a federal program to help people do so would save them an average of \$3,000 a year. The problem is that it will take major tax dollars to make it happen because home values are down 32 percent from 2006. Interestingly, in spite of historic low rates -- averaging below 4 percent -- and low prices to boot, new home sales in 2011 were lower than at any time since 1963. We don’t think a costly federal subsidy is going to suddenly turn around the market.

It’s ironic too that Obama railed against bailouts in his speech -- “no more bailouts, no more handouts,” and “it’s time to apply the same rules from top to bottom” -- only to proceed to offer program after program of bailouts and handouts. Did anyone proofread the speech?

Speaking of handouts, yet another federally subsidized alternative energy company, Ener1, announced that it is filing Chapter 11 bankruptcy. Its subsidiary, EnerDel, received a \$118 million grant from the Department of Energy in 2010 to make lithium-ion batteries for electric cars. Vice President Joe Biden even singled out Ener1 as a stimulus success. Such companies were, he said, “not just creating jobs, but sparking whole new industries that will ensure our competitiveness for decades to come.” Obama likewise touted his “investment” in alternative energy in the SOTU. Uh, oops.

## **SECURITY**

### **EU Sanctions on Iran**

The more things change, the more they stay the same. Iran’s lunatic President Mahmoud Ahmadinejad said Thursday that Iran is ready to resume nuclear talks with

the UN. But Iran is simply employing a tried and true stall tactic, one it has used successfully since 2004: pretend to want to talk; agree only that further talks are needed; agree on a framework for still more talks; and eventually walk away having given up nothing, while running another 12 or 15 months off the clock. The reason for Iran’s latest use of the stall? The European Union, which includes UN Security Council permanent members France and the UK, passed sanctions against Iran’s oil industry on Monday although they will not go into effect for six months. With nations around the world talking seriously about alternate sources of oil, Iran’s leaders undoubtedly want to dissuade the UN from passing similar sanctions.

Iran is also employing over-the-top rhetoric intended to remind the world of the economic importance of the Strait of Hormuz. A senior member of the Iranian Majles (the rough equivalent of Congress) warned that Iran “would definitely close the Strait if an EU embargo disrupts Iran’s oil exports.” Not mentioned in news coverage of this statement is the March 2 general election for Majles seats and the need for hard-liners to prove their bona fides with such statements. To wit, Iran plans to conduct a large, showy naval exercise meant to demonstrate its military ability to close the Strait. Look for Iran’s Guard Corps Navy to do so in the coming days, using real and staged footage of ships, boats and weapons and an all-out media campaign to maximize the propaganda value of the exercise. We also expect China and Russia to drag their feet at every opportunity and generally to protect Iran from additional UN sanctions.

### **Sen. Paul Meets the TSA**

The Transportation Security Administration’s theater of the absurd continues. On Monday, Sen. Rand Paul (R-KY), son of presidential candidate Ron Paul, set off a scanner at the Nashville airport, supposedly because of an anomaly around his knee. Paul offered to go back through the scanner or show agents his knee, but being the good brown shirts they are, the TSA agents told the senator that he would now have to go through the TSA’s full-body pat down. Paul refused, whereupon the TSA detained him long enough to cause him to miss his flight. He was allowed to board another flight eventually, and the second time through the scanner was clean. Paul believes that the first scanner never detected an “anomaly” at all but was set to go off and pick random passengers for that extra-personal government inspection. The next senatorial TSA budget hearings should be fun.

The incident raises several issues, not least of which is the

seeming utter lack of common sense among TSA agents. "It's in the manual" is the standard defense. No, senators should not be treated differently from normal citizens, but for crying out loud, just let him walk through the scanner again. And of all senators, it's ironic that it was the libertarian. Additionally, as a sitting senator on his way to Washington, Paul is exempt under the U.S. Constitution from law enforcement detention and arrest, but again, when has the Constitution stopped this outlaw government?

Naturally, the Obama regime came to the defense of their TSA, with regime propaganda minister Jay Carney refusing to even call Paul by his name, instead referring to him only as that nameless automaton, "the passenger." That's a perfect reflection of this regime's philosophy -- that we nameless citizens can all be treated badly as long as we're all treated equally.

### **Warfront With Jihadistan: Haditha Saga Comes to a Close**

Accused of having "killed in cold blood" by the late Rep. John Murtha and convicted in the court of public opinion, the last of the eight Marines originally implicated in the 2005 deaths of 24 civilians in Haditha, Iraq, reached a plea agreement to finalize his case. While they were tried and convicted in the media, the final count for the Marines in the legal venues that mattered: six had charges dismissed, one was acquitted, and SSgt. Frank Wuterich pleaded guilty to one misdemeanor count last week.

For this single count of negligent dereliction of duty, Wuterich was sentenced to 90 days confinement and demotion to private, the Marine Corps' lowest rank. The news of the plea deal outraged Haditha residents who expected the squad leader to be convicted of the nine counts of manslaughter he faced. He took the deal, however, because not only did witnesses for the prosecution contradict the accounts given to investigators, but also because, in the words of his lawyer, he "believed this was the right and honorable thing to do." A contrite Wuterich also apologized in court to the citizens of Haditha for his squad's actions, saying that "even with the best intentions, sometimes combat actions can cause tragic results."

## **CULTURE**

### **Hope 'n' Change:**

#### **ObamaCare's Assault on Religious Liberty**

The Obama administration's disregard for religious freedom is well documented, so it should come as no surprise that Health and Human Services Secretary Kathleen Sebelius is, via ObamaCare, ramming abortion down the

throats of religious people. Last August, Sebelius offered for public comment an "interim final rule" that would require private health care companies to provide certain "preventive services" without a deductible or co-pay. These services include sterilization and contraceptive drugs, such as Plan B and Ella. This may not seem a big deal to some companies, but to religious entities, it is a major affront.

Proponents of the rule claim that these entities would be exempt. However, while this may be technically true, the term defines "religious institution" so narrowly that it would not apply to most faith-based schools, hospitals or charities. These institutions now face the prospect of forced provision for services that contradict their beliefs. To add insult to injury, those that do fit into the religious institution exemption must refer their insureds to other places (e.g., Planned Parenthood) for contraceptive and sterilization services.

Although several religious leaders are bringing suit, Sebelius has refused to broaden the definition. Instead, she gave them an extra year -- until August 2013 -- to "adapt." This is a slap in the face, but again, it's nothing new. All we can do is hope that by that time we will have a new administration, one that seeks to rebuild and maintain this country's institutions instead of tearing them down.

### **Faith and Family: March for Life Draws Little Media Coverage**

This past Sunday was Sanctity of Life Day, and pro-life advocates, as is their custom, took to the streets of Washington, DC, and other cities to affirm life and protest the slaughter of more than one million innocents each year. The march drew at least 100,000, but the Leftmedia once again ignored it. Newbusters reports, "For the fifth year in a row, there was no story in the [New York] Times print edition on the annual March for Life. ... The Times is far more eager to publicize protests in support of liberal causes, no matter how puny. When four protesters marched in support of the doomed Dream Act to grant amnesty to illegal immigrant students, the Times marked the occasion with a 780-word story."

As Hot Air's Tina Korbe points out, "Believe it or not, it gets worse. The NYT has a special standing feature on its blog, The Caucus, to document 'Happenings in Washington' and not even *that* included a reference to the March." We have news for the news media: Ignoring life issues won't make advocates go away.

### **Village Academic Curriculum: Eat Your Veggies**

The official federal nanny, Michelle Obama, is once again giving instruction to *hoi polloi*. This time, it's school meal nutrition standards. The new regulations, required by a 2010 bill increasing funding for school meals and now finalized by the Department of Agriculture, were announced by the First Lady this week. Schools now must provide fruits and vegetables every day, increase offerings of whole grains, limit milk choices to only fat-free or low-fat, restrict calories based on the child's age and reduce saturated fat, trans fats and sodium in food. The Agriculture Department wanted more but Congress weakened the proposed regulations in last month's spending bills. The standards bear a price tag of \$3.2 billion over five years.

Obviously, healthy eating is key to healthy living, and we don't object at all to having children eat better food. What we do object to is the constant go-to play of this administration -- top-down federal interference in the daily lives of citizens. As the government takes over more of our health care, this sort of thing will spread beyond schools.

### **Boston Tea Partier Skips Date With Obama**

It's become an American sports tradition: The team that wins a major sports championship also gets a date with the president after the season. A week after the St. Louis Cardinals enjoyed the privilege for having won the World Series, the Stanley Cup champion Boston Bruins got an insider's look at the White House. But one key player, who was one of just two Americans on the Cup-winning team, took a pass.

Tim Thomas, the team's goaltender and MVP of the Stanley Cup series, said in a statement that he was "exercis(ing) his right as a Free Citizen" in not visiting the White House. Thomas also noted, "I believe the Federal government has grown out of control, threatening the Rights, Liberties, and Property of the people. ... This was not about politics or party, as in my opinion both parties are responsible for the situation we are in as a country."

Needless to say, Thomas's absence drew the ire of sports-writers and others who believed he was selfish by putting his political leanings over a team event, overshadowing

the experience. Yet the goalie, who played for Team USA in the 2010 Olympics, stands firmly by his political beliefs -- a Tea Party supporter, his goalie mask features a Gadsden flag logo. It's rather appropriate that he plays in Boston. Mr. Obama: Don't tread on Tim Thomas.

### **And Last...**

From the "Endorsements You Don't Want" files comes a rather inconvenient statement from erstwhile presidential also-ran Bob Dole. A former Senate majority leader, Dole secured the GOP nomination for president in 1996 only to lose badly to Bill Clinton. Yesterday, Dole announced, "[Bob Dole has] not been critical of Newt Gingrich but it is now time to take a stand before it is too late. If Gingrich is the nominee it will have an adverse impact on Republican candidates running for county, state and federal offices. Hardly anyone who served with Newt in Congress has endorsed him and that fact speaks for itself. He was a one-man-band who rarely took advice. It was his way or the highway."

There are two rather humorous aspects of this that can't be missed. First, the Romney campaign released the statement as part of an endorsement from Dole. Maybe we're missing something, but a perceived establishment guy who touts the endorsement of another establishment guy isn't likely to broaden his base of support. Second, the statement might actually *help* Gingrich. If a onetime presidential also-ran gives Newt the shaft, perhaps today's Republican voters won't be so hard on him. Indeed, they might ultimately rise up on Newt's behalf. In any case, Dole might want to stick to doing those, uh, Pepsi endorsements.

Semper Vigilo, Fortis, Paratus et Fidelis! Nate Jackson for *The Patriot Post* Editorial Team. 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.)