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'Jaw-Dropping Judicial Supremacy'

In the landmark marriage decision in June 2013, the Supreme Court didn't make same-sex marriage a constitutional right as the liberal media had hoped. But the Court did give the homosexuals what many believe is their number-one goal: ugly language to silence their critics.

Justice Anthony Kennedy, writing for the majority in *U.S. v. Windsor*, which declared the Defense of Marriage Act (DOMA) unconstitutional, based the decision on what he claimed was in the minds of those who oppose same-sex marriage: their bigotry, their "animus" against gays. Kennedy tried to brand those who oppose same-sex marriage as a hate group, putting them in a category similar to those who irrationally discriminate against various minorities.

Justice Antonin Scalia, joined in his dissent by Justice Clarence Thomas, made clear that the Supreme Court had "no power to decide this case," that "this case is about the power of our people to govern themselves," and that the Court's errors come from "the same diseased root: an exalted conception of the role of this institution in America."

Scalia wrote that Kennedy's marriage decision was a "jaw-dropping . . . assertion of judicial supremacy over the people's Representatives in Congress and the Executive. It envisions a Supreme Court standing (or rather enthroned) at the apex of government, empowered to decide all constitutional questions, always and everywhere 'primary' in its role."

Since Kennedy couldn't show any authority for deciding this case, Justice Scalia wrote that Justice Kennedy resorted to "nonspecific hand-waving" and the accusations that the congressional authors of DOMA were motivated by a "bare . . . desire to harm a politically unpopular group," and that "only those with hateful hearts could have voted 'aye' on this Act." Kennedy launched a torrent of accusations: the supporters of DOMA acted with malice — with the "purpose to disparage and to injure" same-sex couples, to "demean," to "impose inequality," "to impose . . . a stigma," to deny people "equal dignity," to brand gay people as "unworthy," and even to "humiliate" their children.

Scalia said this marriage decision would have been unrecognizable to those who wrote our Constitution. They knew the dangers of "primary" power and that's why they divided power into three branches of government.

The *New York Times* headlined its report with the bald-faced lie that the Court "Follows the Nation's Lead." *Au contraire*: the Court ignored the Nation's lead. The Court rejected the majority vote of the people of 31 states, including our nation's bluest state, California, and ignored the fact that the traditional definition of marriage is enshrined, either by statute or state constitution, in 38 states.

Scalia and Thomas concluded in their dissent: "We might have let the People decide." But the supremacist justices didn't. "By formally declaring anyone opposed to same-sex marriage an enemy of human decency, the majority arms well every challenger to a state law restricting marriage to its traditional definition." This decision has greased the path for the gays to challenge every state constitutional provision and statute upholding traditional marriage.

It is wrong, unprecedented, and insulting to the American people for Supreme Court Justices to accuse those who defend traditional marriage as being motivated by such hate.

Let's recall how Abe Lincoln responded in his First Inaugural Address to the Supreme Court's historic mistake, the Dred Scott decision. The Court had upheld the right to own a slave, Dred Scott, as a constitutional property right, even when they traveled to Illinois, a free state. Lincoln said that the Court's erroneous decision should be limited to that particular case and never allowed to become a precedent for other cases, with the hope that it may one day be overruled.

Then Lincoln warned that if we allow policy on vital questions to be irrevocably fixed by the Supreme Court, we will no longer be a self-governing people but merely subject to "that eminent tribunal." Americans certainly do not want to be ruled by that eminent tribunal.

House Amnesty As Bad as Senate Amnesty

The Gang of Eight pro-amnesty Senators are trying to con the House of Representatives into passing parts of an anti-American amnesty bill so they can get a Chuck Schumer-dominated conference committee and bamboozle Representatives into going along with their sellout plans. The few pro-amnesty Republican Senators had Marco Rubio as the salesman for the unpopular amnesty bill, and the few pro-amnesty Republicans in the House have Paul Ryan to play the same un-Republican role.

The Gang of Eight patted themselves on the back for successfully passing their bill in the Senate but, funny thing, the bill was never forwarded to the House for action. The explanation for this irregular omission was fear that the House would “blue slip” the bill.

Article 1, Section 7 of the U.S. Constitution gives the sole power to the House to originate all bills for raising revenue, known as the Origination Clause. If the Senate oversteps and includes a provision to raise some revenue (which it did in the Gang’s amnesty bill), the House can reject the bill and send it back to the Senate for correction, in what is known as a “blue slip” procedure.

The devious Ryan plan to circumvent this rule is for the House to pass five or six bills on various aspects of amnesty, and then use that bunch of bills to call for a conference committee with the Senate. Ryan let the cat out of the bag when he told a constituent audience in Racine, Wisconsin on July 26 that his revised plan now calls for a House vote, not before the August recess as originally expected, but in October.

There is no indication that the Ryan amnesty is any better for Americans than the Rubio amnesty. Amnesty is still a bad deal for all, whether it comes in one package or in six.

The former New York Lt. Gov., Dr. Betsy McCaughey, the only one known to have actually read the 1,200-page Senate bill, says that the bill’s text is loaded with “slippery” words (such as “emergency,” “comprehensive,” “plan,” and “reform”) that create loopholes giving Barack Obama the opportunity to refuse to enforce any provisions he doesn’t like, including border security that the public is demanding.

That’s what Obama notoriously did to cancel provisions of other laws, notably ObamaCare’s date of enforcement and the effective Work requirement in Welfare Reform. Obama also seems to think he can invent his own new laws never passed by Congress, such as the Dream Act and anti-coal regulations.

There are so many dangerous and costly provisions in Congress’ amnesty plans that they are difficult even to itemize, but for starters take the foolishness that amnesty loosens the rules for asylum seekers. We should have learned some deadly lessons from the asylum seekers we have already welcomed who turned out to be terrorists, such as the first World Trade

bombers in 1993 and the Boston Marathon bombers this year.

The new amnesty bill reduces the application to be an asylum seeker from the current one-year deadline to as many years as the immigrant wants and, incredibly, allows the U.S. Attorney General to pay the asylum seekers’ legal fees.

This asylum provision has suddenly become a hot item. Our southern border is currently flooded with hundreds of non-English-speaking people who speak two English words as their ticket to U.S. admission: “credible fear.” They claim they fear the drug cartels and our border officials are admitting them as asylum seekers.

Another highly dangerous and costly provision that should be decisively rejected is the politically motivated plan to outsource duties to community organizers and activists who will be paid by our taxpayers to help immigrants transition to American life and apply for government benefits. That’s like pouring tax dollars into the Democratic voting machine to do phone banking and outreach to load new entrants permanently into the Democratic Party.

The amnesty bill even assigns some of these so-called non-profit leftwing community groups the task of rewriting provisions for U.S. citizenship. This indicates how far the leftwing’s “religion” of diversity is taking us: that duty certainly should be performed by Americans, not foreigners.

MICHELE BACHMANN: *This is President Obama’s number-one political agenda item because he knows we will never again have a Republican president, ever; if amnesty goes into effect. We will perpetually have a progressive, liberal president, probably a Democrat, and we will probably see the House of Representatives go into Democrat hands and the Senate will stay in Democrat hands.*

GLENN BECK: *The bill is worse than universal healthcare. . . . It is the death knell of the country, there is no recovery from this one. None. No recovery.*

RUSH LIMBAUGH: . . . *This is the ball game. . . . it effectively wipes out the Republican Party.*

ANN COULTER: . . . *If Rubio’s amnesty goes through, the Republican Party is finished. It will be the “Nancy Pelosi Democratic Party” versus the “Chuck Schumer Republican Party.”*

TED CRUZ: *It doesn’t stop illegal immigration. If anything it makes the problem worse by not securing the border and by incentivizing future illegal immigration.*

JEFF SESSIONS: . . . *this legislation fails to deliver on its core promises. It delivers only for the special interest groups who helped write it. Should it pass, it would represent the ultimate triumph of the Washington elite over the everyday citizen to whom Congress properly owes its loyalty.*

Lies about Trade Agreements

When will Republicans wake up to the way U.S. jobs are betrayed by Barack Obama and the corporate interests that hide under the moniker “free trade”? It’s an embarrassment that Republican powers-that-be have joined with the Obama Democrats to push the new Trans Pacific Partnership (TPP) agreement.

We should have recognized free trade as bad news when Obama hammered on it in his State of the Union message. He probably looks upon it as another strategy to redistribute the wealth of our country, which is a major goal of his administration.

When Congress was passing the Korea-U.S. Trade Agreement (KORUS) in 2012, Obama predicted that it would create 70,000 U.S. jobs for Americans who would then pay taxes and not need food stamps. He even predicted that “soon, there will be new cars on the streets of Seoul imported from Detroit.”

The bad effect was immediate. In the first year after KORUS took effect, the U.S. trade deficit with South Korea increased by \$5.8 billion, costing 40,000 jobs, mostly in manufacturing, according to the Economic Policy Institute.

KORUS was really good at creating jobs in Korea but caused a big loss of American jobs. While the U.S. trade deficit with the world increased 21 percent, our trade deficit with Korea jumped 81 percent.

We’re still waiting to see Detroit-made cars on the streets of Seoul. With that experience, it makes no sense for our trade negotiators to expand and imitate the KORUS model.

Remember NAFTA? The year before NAFTA, the U.S. ran a \$1.6 billion trade surplus with Mexico. Last year, the U.S. ran a \$64 billion deficit.

NAFTA was predicted to create 20,000 new U.S. jobs by increasing our exports to Mexico. That turned out to be another pipe dream; by 2010 NAFTA had eliminated 682,900 U.S. jobs, some in every state.

Business news sources have recently been predicting that U.S. manufacturing is on the verge of a large, permanent comeback because labor costs in China are rising and U.S. energy costs are dropping. Some writers became so excited that they dubbed the change “the insourcing boom.”

Dream on. It isn’t happening. Even after labor costs

increase in China, there is no way they will rise enough to send U.S. plants back to the U.S. Many will move to Vietnam.

Trade agreements are supposed to be about increasing job-creating exports. They are not. They are about creating imports from low-wage countries, who often cheat us coming and going.

Even our friend South Korea is into the cheating racket. In order to sell us some products even cheaper than those produced by their own low wages, South Korea arranged for some products to be manufactured over the border in North Korea, which means we are helping to finance North Korea to build its nuclear weapons to threaten us.

These trade agreements are supposed to be about promoting U.S. exports. Since we started going along with these free trade agreements, imports have increased much faster than exports, creating jobs in other countries.

The U.S. has consistently run trade deficits with South Korea (\$13 billion last year) according to the U.S. Census Bureau. The deficit soared after the agreement took effect. Since 2000, the United States has lost almost a third (5.5 million) of its manufacturing jobs, according to the Congressional Research Service.

The evidence is so overwhelming that one wonders about the honesty of those who advocate more such trade deals. Do they really want American workers to be in competition with low-wage countries that don’t respect any of our hard-fought employment rights and benefits, and work in conditions where the building can collapse at any time (as happened a few months ago, killing more than a thousand employees)?

The trade agreements are a violation of U.S. sovereignty and our Constitution. The sponsors of these trade agreements realize they are unwelcome to the American people.

Since they are treaties with foreign governments, they should be handled only in a procedure that requires a two-thirds vote in the Senate. Instead, their handlers are putting them through both Houses of Congress by a simple majority vote.

Fifty thousand Americans gave their lives in the 1950s to keep South Korea free, and we’ve maintained an expensive border patrol ever since to protect the South Koreans against Communist North Korea, so South Korea doesn’t have to pay for its own defense. We shouldn’t give South Korea American jobs, too.



Obama Is Embarrassed by ObamaCare

Barack Obama assured us that, after his signature legislation ObamaCare went into effect, we would surely like it. Now Obama has decided he doesn't want us to find out how it affects us until after the 2014 elections.

ObamaCare is designed to force employers of 50 or more fulltime employees to provide comprehensive health insurance that includes a mandate to pay for abortion-inducing drugs. The penalty for non-compliance is a tax of \$2,000 per fulltime employee per year (beyond the first 30), and the Internal Revenue Service was supposed to start collecting the penalties on January 1.

Obama apparently thinks he can conceal the mess he created, which even the Democrats who voted for it now call a "train wreck," by simply postponing the effective date of the employer mandate one year. But the ObamaCare law, as upheld by the U.S. Supreme Court, unambiguously states: "EFFECTIVE DATE . . . The amendments made by this section shall apply to months beginning after December 31, 2013."

Obama has no authority to alter the timetable of the law's implementation. Maybe he should actually read the 2,700 pages of text in the ObamaCare law and its 20,000 pages of regulations.

Obama doesn't seem to care whether his order to delay ObamaCare is lawful or not. He wants to avoid the trouble the destructive employer mandate would cause for Democratic candidates before the next election of the House of Representatives, an election he deems critical to his plan to "fundamentally transform the United States."

The postponement of the employer mandate is not the first setback to the ObamaCare timeline. A few months ago, the Obama administration quietly announced that the federally run state-level exchanges will not offer a choice of plans to employees of small businesses until after the 2014 elections.

The one-year extension for employers will create havoc in the exchanges where individuals are supposed to buy next year's health insurance. The government admitted July 5 that it won't be able to verify whether applicants qualify for the subsidies that are supposed to make the required coverage "affordable," but plans to give out the subsidies anyway.

Meanwhile, ObamaCare's expansion of Medicaid is being rejected by the states. After the Supreme Court's June 2012 decision in *NFIB v. Sebelius* gave states the okay to reject this expansion, 27 of 50 states did not implement ObamaCare's Medicaid plan.

States were wise to reject this very expensive Medicaid expansion. ObamaCare required that anyone with income below 133 percent of the poverty level would be eligible for Medicaid, and sought to expand eligibility to able-bodied, non-elderly, childless adults, that is, to people without dependents

who were able but perhaps unwilling to support themselves.

In addition to having sections of ObamaCare postponed and rejected outright, ObamaCare is also failing to fulfill Obama's promise that it would decrease the deficit. The funds that were supposed to pay down the deficit included the money anticipated to flow from the penalty payments made by employers who refused to obey the mandate to provide comprehensive healthcare to their employees.

Now that employers will not be required to pay those fines in 2014 for violating the mandate, and indeed will not even be required to report whether they are complying for quite a while, it is obvious that ObamaCare will not produce the promised deficit reduction.

This isn't the first time Obama has taken actions that are clearly in violation of our laws. For example, two federal courts have ruled against him for making recess appointments to the National Labor Relations Board while the Senate was not in recess.

Obama unlawfully removed the work requirement from the 1996 welfare reform law signed by President Bill Clinton, even though the law explicitly prohibits waivers to the work requirement. That reform required most welfare recipients to actually work or be in job training in order to receive welfare.

Obama simply used executive orders to pretend to legislate the DREAM Act which Congress has repeatedly refused to pass. His bypassing of the law was so out of line that even his former economic adviser remarked, "I don't totally get how the president can do this through executive order."

Obama had the Department of Homeland Security implement key measures of the DREAM Act in order to essentially grant amnesty to many illegal aliens. Because of the large number of applications for amnesty, background checks were given up in favor of so-called "lean and lite" procedures.

By the way, that is exactly what will happen to background checks for the 11 million illegal aliens who hope to be granted U.S. residency by the amnesty bill now awaiting action in the House. If the background check of the Boston Marathon bomber Tamerlan Tsarnaev couldn't discover his obvious terrorist plans, what hope do we have for background checks of the 11 million?

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