



The

Phyllis Schlafly Report



VOL. 47, NO. 3

P.O. BOX 618, ALTON, ILLINOIS 62002

OCTOBER 2013

Who Disobeys the Law of the Land?

The Democrats are chanting that Republicans must fully fund Obamacare because it is **the law of the land**, passed by Congress, signed by the President, and upheld by the U.S. Supreme Court. Therefore, they say, it must be obeyed and can't be altered by Republicans who want to defund it.

That argument is both wrong and hypocritical. Any federal law can be changed, repealed, amended or defunded by our legislative branch of government, Congress.

The Republican House wants to deal with the controversial huge "continuing resolution" bill in separate pieces, giving the OK to worthwhile federal spending purposes while leaving others (like Obamacare) without funds. Obama refuses to negotiate and demands a "clean" (blank-check) bill.

Actually, the Supreme Court decision did not give a "clean" upholding of Obamacare. The Court effectively rewrote the law by calling it a tax, which Obama promised us it is not, and by allowing states to opt out of Medicaid expansion, which many states are doing. Other pieces of Obamacare are still being litigated in federal courts, such as the mandate that employer-required insurance must include objectionable abortifacient drugs.

Obama's hypocrisy about the issue of considering Obamacare in pieces is obvious from the many times he has unilaterally messed with other matters that are clearly the law of the land. He has frequently refused to enforce other laws of the land he doesn't like, and he pretends to legislate laws that Congress declined to pass.

Welfare reform is truly the law of the land; it was passed by Congress in 1996 and signed by President Clinton to "end welfare as we know it." But in violation of the law's explicit language, Obama unilaterally carved out (in effect, repealed) the "work" (or training for work) requirement for persons receiving Temporary Assistance for Needy Families (TANF).

Obama's use of waivers from various laws of the land is notorious. He has given waivers from the No Child Left Behind law of the land to more than half of the states.

Obama has even picked pieces out of Obamacare. He gave a one-year deferral of its insurance employer mandate to more than 1,000 large employers, and he exempted Congress and government staff from the requirement on individuals to buy compulsory insurance or pay a significant penalty.

Obama's Secretary of Education, Arne Duncan, admits that a federal law of the land prohibits the federal government from interfering with or dictating public school curriculum. But Obama used carrot-and-stick tactics to bribe or threaten a majority of states to adopt Common Core, and Duncan pretends it is OK for the feds to require states to be aligned with federally approved Common Core standards and Common Core tests, which will effectively dictate school curriculum.

Obama has repeatedly taken away from other branches of government powers that are specifically granted in the U.S. Constitution.

The Constitution makes an undiluted grant of power to Congress "to regulate commerce with foreign nations." Obama is trying to coopt that power for himself by demanding that Congress pass "Fast Track," an enormous unconstitutional shift that would give Obama the authority to write our trade treaties in secret and then let Congress vote on them under rules that limit Congress's power to debate or amend them, all within in a short preset time period.

The Constitution gives the House of Representatives the power of the purse in the Origination Clause in Article I. But Obamacare's taxing and spending sections actually originated in the Senate, a maneuver not ruled on by the Supreme Court.

The Constitution starts with the powerful words, "All legislative powers" are vested in Congress, consisting of a Senate and House. Paying no attention to the Constitution, Obama has done his own legislating.

Congress repeatedly declined to pass the Dream Act, but Obama is legislating it anyway through Department of Homeland Security regulations that allow millions of aliens

to stay and work illegally in the United States. Congress declined to pass Cap and Trade, but Obama is “legislating” it anyway through regulations that will bankrupt coal plants and skyrocket our electricity costs.

In April 2012, nine state Attorneys General issued a Memo listing 21 violations of law by the Obama Administration. These include violations of the laws regarding the Environmental Protection Agency and the Arizona law passed by a referendum to require individuals registering to vote to show a driver’s license or other government-issued document as evidence they are citizens. Two federal courts have ruled against Obama for making recess appointments to the National Labor Relations Board while the Senate was *not* in recess.

Now we have so many more examples. Obama is the one who doesn’t obey the law of the land.

Make Electricity Prices Skyrocket

Campaigning for the 2008 Democratic nomination for President in Oregon (a must-win state in the Democratic primaries), Barack Obama told the *San Francisco Chronicle* on January 17, 2008, that he would put an aggressive cap-and-trade system in place, “more aggressive than anybody else’s out there,” and that he is willing to let the coal industry go bankrupt. Obama said: “So if somebody wants to build a coal-powered plant, they can; it’s just that it will bankrupt them because they’re going to be charged a huge sum for all that greenhouse gas that’s being emitted. That will also generate billions of dollars that we can invest in solar, wind, biodiesel and other alternative energy approaches.”

Then on May 17, 2008 Obama added, “We can’t drive our SUVs and eat as much as we want and keep our homes on 72 degrees at all times — and then just expect that other countries are going to say OK.”

Obama made clear his animosity against America’s high standard of living based on low-cost electricity. Continuing his revealing interview with the *San Francisco Chronicle*, he said, “under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket . . . because I’m capping greenhouse gases, coal power plants, natural gas. . . . Whatever the plants were, whatever the industry was, they would have to retro-fit their operations. That will cost money.”

We did, indeed, pay more. *USA Today* reported in December 2011 that “Electric bills have skyrocketed in the last five years, a sharp reversal from a quarter-century when Americans enjoyed stable power bills even as they used more electricity.” And electricity rates have continued to rise steadily since then.

Obama has escalated his war on coal. His new

Environmental Protection Agency (EPA) administrator, Gina McCarthy, announced Obama’s plan to use executive power to bypass Congress and limit new coal plants to 1,100 pounds of carbon dioxide (an unattainable reduction from current emissions of about 1,800 pounds) per megawatt-hour.

Ms. McCarthy also announced a schedule to establish emissions limits on existing power plants to become effective within three years. She based the new rules on her assertion that “climate change — caused by carbon pollution — is one of the most significant public health threats of our time.”

Obama’s standards are not achievable. Emerging technology is too costly to capture all the carbon emissions, and the technology isn’t adequate to meet the Clean Air Act rules. Obama’s war on coal is only the start of his radical plan to reduce the U.S. standard of living by raising electricity costs, and a war on oil will probably be next.

Senator Joe Manchin (D-WV) summed up the cost of Ms. McCarthy’s announcement: “If these regulations go into effect, American jobs will be lost, electricity prices will soar and economic uncertainty will grow.”

Create Jobs for Foreigners, Not Americans

President Barack Obama is now demanding a tremendous power, not authorized in the Constitution, called Fast Track even though the Constitution gives Congress exclusive authority “to regulate commerce with foreign nations.”

A device called Fast Track would give the President power to negotiate trade agreements in secret and sign them before Congress has an opportunity to vote on them, and then unilaterally write legislation making those agreements U.S. federal law. Fast Track allows the President to send these executive-written bills directly to the House under rules that limit debate, forbid all amendments, and require a vote within a limited time period. In other words, Congress would cede to the President its constitutional power to write legislation that regulates commerce with foreign nations.

We know how Fast Track works because we had it when we joined NAFTA. Among its obnoxious provisions is allowing the president to appoint for the trade negotiations 700 industry advisers who are given access to confidential negotiating documents that are denied to Congress and the U.S. public.

Obama is pressing hard for the immediate passage of Fast Track so he will have a free hand in making deals with other countries. Already in the fast lane is a new trade treaty called the Trans-Pacific Partnership (TPP) with eleven countries: Mexico, Canada, Japan, Vietnam, Singapore, Malaysia, Brunei, Australia, New Zealand, Peru and Chile.

All trade treaties come wrapped in glowing predictions of creating new jobs for Americans, and those promises always turn out to be lies. Like the old saying, Fool me once, shame on you, fool me twice, shame on me. It will be shame on Congress if our elected Representatives pass another trade treaty that creates jobs only in other countries.

Obama promised that our 2010 free-trade deal with Korea (called KORUS FTA) would be a major U.S.-job creator. That was false: every single month since Congress accepted the Korea trade agreement in March 2012, our exports to Korea have declined, and the agreement has already cost us 40,000 U.S. jobs. KORUS was a job-creator for Koreans, not Americans.

Obama is now trying to get and use Fast Track to lock in a new so-called free-trade treaty with eleven countries, three of which are notorious for their persecution of Christians (Brunei, Malaysia and Vietnam). Brunei, for example, where current negotiations were conducted in secret, has a constitution that states: "The religion of Brunei Darussalam shall be the Muslim religion," which means Islamic Sharia law supersedes all other law and regulates all aspects of life. Christians and their clergy are harassed at every turn in Brunei, Malaysia, and Vietnam. Spies attend nearly every Christian gathering.

Brunei ranks 28 on the Open Doors annual World Watch List of 50 nations where Christians suffer the most persecution for their faith by Muslim governments. Brunei forbids the importation of Bibles and all non-Islamic texts or symbols.

According to Public Citizen's Global Trade Watch, 24 of the 29 chapters of this so-called "free-trade" treaty are not really about trade, but rewrite some of our domestic policies about the environment, health, food safety, and internet freedom protections.

Lost Generation Betrayed by Obama

The government reports that the unemployment rate for Americans under age 25 was 15.6% in August, which is more than 2-1/2 times the rate for those over age 25. The real figure is over 20% if we count the thousands of jobless who are not in official figures because they conceal their unemployment by taking more useless college courses or just not looking for a job. The failure to get a job that justifies their college debt means their lives are on hold; it discourages marriage and having children. Job prospects are just as gloomy for STEM (science, technology, engineering, math) graduates as those in the less rigorous subjects. Obama's particular betrayal of STEM graduates is even buried in (surprise, surprise) Obamacare, where the good jobs are given to foreigners on H-1B visas instead of to Americans.

While most media coverage about Obamacare has been about the exchanges, billions of dollars of contracts concern the implementation of Obamacare. Federal tax dollars pay up to 90% of the cost to upgrade state Medicaid Management Information Systems (MMIS), and health care has become a very important market for outsourcing.

The District of Columbia awarded Infosys a \$49.5 million contract to develop a health benefit exchange and replace its Medicaid and eligibility systems, paying foreign technology analysts \$63,631 per year, project managers \$107,738, and technology architects \$130,147.

Illinois Governor Patrick Quinn granted one of the largest contracts to Cognizant Technology Solutions, one of the top seven corporations using H-1B visas, to outsource jobs to H-1B contractors from India. This contract awards a \$71.4 million contract that will pay up to \$256,160 per year per position, plus a \$200,000 taxpayer financed slush fund for travel.

This \$71.1million contract is to upgrade Illinois' Medicaid systems to meet the requirements of Obamacare. Cognizant filed paperwork with the U.S. Department of Labor to hire 60 senior analysts on H-1B visas at the pay rate of \$76,814 to work on this project. Based in Teaneck, NJ, Cognizant is one of the biggest users of H-1B visas. It got 9,999 approved last year for foreigners to work in the United States, even though the major part of Cognizant's work is done overseas.

Cognizant is busily recruiting consultants, coders, architects, MBAs, and computer programmers. Job openings are listed for medical billing specialists and system programmers with knowledge of Medicaid and HIPPA laws. Cognizant's consulting fees of up to \$256,160 per person per year will replace senior state managers making \$150,000 per year.

As soon as the ink was dry on the Illinois contract, Cognizant applied for more than 100 H-1B visas from India for the work. The agreement lets Cognizant charge an additional \$200,000 for first-year travel costs. After all, it's expensive for the new hires to travel from India to Springfield, Illinois.

Cognizant's outsourcing business model isn't any secret. The company's SEC filings state: "The vast majority of our technical professionals in the United States and Europe are Indian nationals."

There are many good reasons for Congress to defund Obamacare, but one surely is the sneaky, secret, underhanded plan to give Obamacare jobs to foreigners instead of to our own citizens who need them. Rank this with one of Obama's gross betrayals of the young people who voted for him.

Coming: Obamacare Train Wreck

The problem with Obamacare isn't only that it's careening toward a financial train wreck. It's also a slush fund to pay off Obama's political activists to carry out a massive invasion of privacy that dwarfs the NSA's collection of personal data on American citizens.

We first learned about this payoff to Obama's special friends when the Administration admitted it will give \$655,000 in federal funds to three Planned Parenthood affiliates in Iowa, Montana and New Hampshire, plus \$375,000 to Planned Parenthood of Metropolitan Washington, D.C., to hire Navigators whose job is to assist citizens to report all their personal medical and financial information to the government. The Navigators' project is so intrusive that we wonder why we ever worried about data collection by the NSA as exposed by Edward Snowden.

The navigators are also expected to be hired from other pro-Obama organizations such as Organizing for America and the Service Employees International Union (SEIU), and that will surely sweeten the budgets of those and other Democratic advocacy groups.

Investor's Business Daily broke this news on Oct. 2, 2013: "Somehow it does not surprise us that among the conductors on the train wreck known as Obamacare will be leftist agitators from President Obama's beloved ACORN, the Association of Community Organizations for Reform Now. They'll get up to \$48 an hour as 'Navigators' to lead us through the dead-end Obamacare maze."

The program is "less about health care and more about building a new progressive infrastructure," says longtime ACORN-watcher Mike Flynn of Breitbart.com. As one health expert with close ties to HHS told Breitbart News, the navigator program "will be a jobs program for unemployable Obama For America campaign volunteers and ACORN remnants."

To back up the collection of data from individuals, the Obama administration is creating a giant "data hub" to gather personal records from seven government

agencies: Internal Revenue Service, Social Security Administration, Department of Homeland Security, Veterans Health Administration, Defense Department, Personnel Management Office, and even the Peace Corps.

The job of the navigators is to help seven million participants select their Obamacare options and apply for benefits. Navigator applicants, who don't have to have a high-school diploma, will be given 20 hours of training during the one month between the time when the money becomes available and October 1 when they report to their jobs.

Florida Attorney General Pam Bondi dared to say what many are worried about. These navigators will have

access to thousands of Americans' most personal and private information: financial, employment, medical history, prescription-drug use, their tax returns, Social Security number, date of birth, bank account number, and place of employment.

The Federal Trade Commission is already worrying that this creates a massive opportunity for

consumer fraud. Scam artists can pose as navigators to take advantage of people trying to sign up for Obamacare benefits. Potential for identity theft is great and obvious. This vast collection of personal data surely makes an inviting target for hackers and cyber criminals.



The Phyllis Schlafly Report

PO Box 618, Alton, Illinois 62002

ISSN0556-0152

Published monthly by the Eagle Trust Fund, PO Box 618, Alton, Illinois 62002. Periodicals Postage Paid at Alton, Illinois. Postmaster: Address Corrections should be sent to the Phyllis Schlafly Report, PO Box 618, Alton, Illinois 62002. Phone: (618) 462-5415.

Subscription Price: \$20 per year. Extra copies available: 50¢ each; 10 copies \$4; 30 copies \$8; 100 copies \$15; 1,000 copies \$100.

<http://www.eagleforum.org>

eagle@eagleforum.org