

Lame Duck 2010 II. Regulations; the Real Threat to Freedom

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Many conservatives holding their breath during the 2010 lame duck session were relieved that the progressives didn't pass as much damaging legislation as feared. Unfortunately, they celebrated too quickly. Just as everyone was settling down for Christmas, all those unaccountable Obama Czars were finally able to do what they were hired to do; implement regulations that Congress could never pass as legislation. These regulations are no longer just strangling our economy. They are destroying it.

Excessive regulations have far greater impact than is generally thought. The Competitive Enterprise Institute (CEI) reported that 80,000 pages of proposed and new regulations were printed in the Federal Register in 2008. Over 26,000 pages out of the 80,000 were *new* regulations to which businesses must conform. CEI estimated that the compliance cost in 2008 was a staggering \$1.2 *trillion* dollars. That is 8 percent of the U.S. Gross Domestic Product! That cost is added on to the price of everything we buy.¹ The man hours needed by businesses to read these new rules are in the millions of hours. Is it any wonder that U.S. businesses and industry are fleeing to other nations?

On Tuesday before Christmas 2010, the Obama administration issued thousands of pages of new regulations to the 60,000 already issued during the year. Some of these merely burden the economy. Others however, put the very foundations of the nation at risk.

It started on the Tuesday, December 21, when Health and Human Services, at the direction of Secretary Kathleen Sebelius and Czar Nancy-Ann DeParle announced that health insurance companies must receive permission from the Obama Administration before they can raise rates by more than 10 percent. This followed major increases in health insurance by companies adjusting to Obamacare, and the subsequent blizzard of requests from businesses for exemptions to allow them to continue their employees' health insurance benefits.

The linear thinking of progressives results in the belief that capping premiums will help keep rising insurance costs in check. Unfortunately for them, historical evidence shows that capping prices never worked when it was tried in the past. However, contrary evidence has never stopped this agenda before. Many of those promoting the agenda "know" what is right regardless of the evidence to the contrary. Their arrogance can be astounding.

All price controls will do is force the companies to drop unprofitable insurance coverage. Price controls attack symptoms, not the cause. Economics 101 teaches that price controls create shortages, not a better product. Some supporters of this agenda are just blinded by their ideology, while others actually know that they are harming the economy, but it is necessary to implement their agenda – to destroy the free market in order to implement a world government and single currency.

Later that same Tuesday, the Federal Communications Commission announced its "net neutrality rules" to begin regulating the Internet use of bandwidth. Bandwidth controls the amount of traffic that can be carried. The ability of conservatives and Tea Party activists to use the Internet to expose the deceit of the progressives and to organize opposition has driven the progressives wild. Conservative news outlets and blogs are becoming the primary source of news for a growing number of Americans. Since this requires more bandwidth, one means of ultimately silencing the conservative voice is by controlling bandwidth. It is the fairness doctrine for the internet.

At one time or another, progressives have attacked all conservative ideas as dangerous hate mongering vitriol that must be silenced. Mark Lloyd is a radical leftist Czar who has vowed since before he was hired to reinstate the “fairness doctrine” in radio and TV, and to control the content of the Internet.² Cass Sunstein, another of Obama’s Czars to head the White House Office of Information and Regulatory Affairs has written numerous articles proclaiming the Internet to be anti-democratic. He claims that the Internet filters out important news sources which provides more balanced news. In other words, both Lloyd and Sunstein believe progressive ideology must be force-fed to the populace.

Sunstein is correct. The Internet has been an enormously successful tool of the free market in bringing conservative news and information to the user. Robert McDowell, an FCC Commissioner who opposed the unprecedented power grab decried the move, writing in the Wall Street Journal that “Nothing is broken that needs fixing... Its nature as a diffuse and dynamic global network of networks defies top-down authority. Ample laws to protect consumers already exist.”³ A federal appeals court even ruled on April 6, 2010 that the FCC had virtually no power over Internet traffic under current law.⁴ Court decisions apparently mean nothing to Lloyd and Sunstein when a higher purpose – their purpose – exists.

The Net Neutrality Regulations, while only having somewhat limited government intrusion, represents the proverbial “camel’s nose under the tent.” Perhaps the worst aspect of these rules is that small operators must meet the same reporting requirements as the big boys; something that may be economically impossible for them to do. Already over 1900 pages long, look for the net neutrality rulemaking to rapidly expand as progressives tighten the noose around the throat of freedom.

The next axe to drop was the EPA’s long awaited regulations on power plants and oil refineries in a pointless attempt to stop global warming. The new regulations were announced by EPA Administrator Lisa Jackson later that same Tuesday.⁵ Jackson works closely with Obama’s climate Czar, Carol Browner in developing the new regulations.

Carol Browner is one of the most radical environmentalists in the administration, having ghost written Al Gore’s, *Earth in the Balance* in the early 1990s, and serving as Administrator of the EPA under President Clinton. Until she was announced as Obama’s Climate Czar, she was listed as one of 14 leaders of the socialist Sustainable World Society (SWS). The SWS calls for global governance and demands “rich” countries shrink their economies to save the earth from global warming.⁶

After repeatedly failing to pass cap and trade legislation in Congress, Browner and the EPA have given Obama what he wants; his coveted control over energy production. Never mind that there is zero empirical scientific evidence (that’s right, zero) that man caused the global warming in the 1980s and 90s, and overwhelming scientific evidence that the warming was natural (the warming stopped in 2000 and the claim 2010 is the warmest on record is a meaningless phenomenon of statistics).

The new regulations are authorized under the Clean Air Act of 1992. Section 165 of the Act defines a “major” source of pollution as a facility that has the potential to emit 250 tons of a regulated pollutant. A study by the U.S. Chamber of Commerce found that the 250-ton threshold include nearly 200,000 manufacturing facilities, roughly 20,000 farms, and at least 1 million commercial buildings. This includes a substantial percentage of hospitals, hotels, large restaurants, and even some churches. The study reported that “a building with over 40,000 square feet uses enough hydrocarbons to become a regulated source.” And since the act applies to all facilities with the mere *potential* to emit 250 tons in a year, the regulatory net could be spread even wider.

A single EPA permit can cost hundreds of thousands of dollars for the applicant and about 300 hours for the regulatory agency. It doesn't require a rocket scientist to realize that this would be the death knell for almost all small businesses. Additionally, this would require hundreds of thousands of new permits for the EPA to process and administer. In the spirit of benevolence, the EPA unilaterally increased the threshold from 250 tons a year to 25,000 tons, reducing its regulatory reach from hundreds of thousands of businesses and facilities to about 15,000. This logic is only "common sense, ...carefully tailored to apply to only the largest sources," EPA Administrator Jackson proudly announced.

You would think that every American should be rejoicing at the benevolence of the EPA. Think of how much worse it could be! Of course, it is the classic Hegelian Dialectic in action. It's used over and over by progressives. It goes like this: find a real or made up crisis, suggest an outrageous solution, and then reluctantly agree to a seemingly less harmful solution – but one that they wanted all along. In the case of greenhouse gas emissions, the goal was to control all energy production and use.

While electric utilities and oil refineries together account for only 40 percent of U.S. greenhouse gas emissions, they account for nearly *all* of the energy used by business and industry. This essentially gives the federal government control over the *entire* U.S. economy since there is a one to one relationship between energy and the economy.

In what could be described as "Tyranny Tuesday," the regulatory assault on America continued. Ken Salazar followed on the heels of EPA's Jackson by announcing that the Bureau of Land Management (BLM) was launching a review of all its 200 plus million acres of land to create "wild lands," a category that does not have to have Congressional approval, as does wilderness designations. The BLM decision also breaks an out-of-court settlement made by the Bush administration with Utah in 2003. This agreement requires the BLM, state, local governments and NGOs to work together to define future wilderness areas.⁷

Senator Orrin Hatch (R-UT) called the action "a brazen attempt to kowtow to radical environmental groups by locking up more public lands in Utah and other states."⁸ Hatch should not have been surprised. Although Salazar comes from a long line of Colorado ranchers, he tended to vote in support of environmental issues as Colorado's Senator, except in some issues that hurt Colorado. The exception was voting against multiple use of any federal land in Colorado, even if it did hurt Colorado citizens.

Salazar has long advocated cap and trade and was the driving force behind the efforts to institute off-shore drilling moratoriums during and after the BP oil disaster in the Gulf. These moratoriums included shallow as well as deep water drilling. His actions made no sense to analysts. Over 50,000 shallow wells have been drilled and operated in the past with little or no problem. So why include shallow water drilling? The action is seriously hurting oil production at a time when the U.S. is trying to become oil independent. Salazar's action has also destroyed the lives of tens of thousands of Gulf State citizens and probably ensured escalating oil prices.

To progressive ideology, there is a logical reason for Salazar's action. Like the Gulf States, Salazar's actions will severely harm or even destroy the livelihoods of tens of thousands of residents and companies who depend on BLM land to earn a living. That apparently means nothing to progressive ideology. As bad as that is, however, it offers the opportunity to lock up forever any chance at developing the shale oil deposits of Colorado, Utah and Wyoming by declaring them to be wild lands.

As I discuss in my book *Rescuing a Broken America*, there exists enough oil and gas in shale oil formations in Colorado, Utah and Wyoming to completely supply *all* U.S. needs for several hundred years with current technology and oil prices.⁹ The BLM estimates that "1.2–1.8 *trillion*

barrels of oil is available in Wyoming's Green River Formation alone. A moderate estimate of 800 billion barrels of oil that would be recoverable from oil shale in the Green River Formation is *three* times greater than the proven oil reserves of Saudi Arabia"¹⁰ That is about a 100 year supply of oil at present U.S. consumption rates – just from Wyoming.

In spite of the fact that analysts unanimously celebrate this potential bonanza to America using environmentally sensitive technology, progressives in Congress have systematically stalled on allowing its development. The Omnibus Public Land Management Act of 2009 forever locked up much of this shale oil from being developed. The Heritage Foundation found that “331 million barrels of recoverable oil and 8.8 trillion cubic feet of natural gas were taken out of exploration in Wyoming. The total amount of energy that would be restricted is equivalent to the amount of natural gas the entire U.S. produces in 15 years.... The law could not only restrict conventional energy resources, but it could also restrict access to oil shale in parts of Colorado and Utah as well.”¹¹ The “Wild Lands” decree by Salazar could lock up even more, if not all of this priceless resource.

The danger of Salazar's pre-Christmas decree is that there is evidence the Obama administration is trying to lock up all U.S. oil/gas sources to force us to use the extremely expensive and unreliable wind and solar energy. That enormous concern will be proved or disproved when the BLM issues its recommendations for wild land designations. If they are concentrated on BLM lands having shale oil deposits, it will be clear that Obama deliberately intends to force energy prices to skyrocket (his words) by controlling greenhouse gas emissions and curtailing off-shore and shale oil production. It can only be described as diabolically evil.

As bad as all this is, it is not the worst of what can happen from Salazar's decree. In 1994 three concerned colleagues, along with me, were able to stop the ratification of the United Nations Convention on Biological Diversity an hour before the cloture vote was scheduled in the U.S. Senate. The upshot of this amazing story is that the United Nations treaty was designed by extremist environmental progressives to create “Wildlands” out half of the world's landscape, including that of the U.S. The story behind this effort is detailed in my book *Rescuing a Broken America*.¹²

Needless to say, the implications to the American people would be horrendous if half of our land area was divided up into wilderness reserves and corridors. The treaty initially called for ripping out towns, cities and highways and surrounding most human habitation zones by wilderness.

The similarity of names between the United Nations “Wildlands” and Salazar's wild lands, cannot be ignored. The heart of the treaty's plan for the U.S. would be to put vast areas of federal lands into wilderness and interconnecting corridors. This may be exactly what Salazar and Obama are going to do. All of these new regulations are the result of the progressive goal of creating a utopian society living in harmony with Mother Nature.

Regulations of any kind are serious. We must have some regulations, but after nearly a hundred years of increasing strangling regulations by progressives, we are nearing the tipping point of economic collapse. Many believe that is exactly what the globalist progressives want – to create a world government they call global governance that will rise out of the ashes of a world-wide economic collapse. If this is hard to believe, read *Global Governance 2025* written by the United States National Intelligence Council for our intelligence agencies and President Obama.¹³ You will never be the same again.

The only hope is that the Republican controlled House of Representatives will defund and actually negate some of these regulations under the Administrative Review Act. They have vowed to do so, but most Republicans are neocons, which are more progressive than

conservative. The question is, will they bite the bullet and make the hard decisions that are necessary to save America? History would suggest no. It is up to us to put enormous pressure on these Republicans (and some Democrats) to make the hard decisions needed to return freedom and prosperity.

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¹ Clyde Wayne Crews Jr. 2009 Ten Thousand Commandments: An Annual Snapshot of the Federal Regulatory State. Competitive Enterprise Institute. 2010. 51 pp. http://cei.org/cei_files/fm/active/0/Wayne%20Crews%20-%202010,000%20Commandments%202009.pdf

² Michelle Malkin. Meet the FCC Diversity Czar. Michelle Malkin. August 7, 2010. <http://michellemalkin.com/2009/08/07/meet-the-fcc-diversity-czar/>

³ Robert McDowell. The FCC's Threat to Internet Freedom. Wall Street Journal, December 19, 2010. <http://online.wsj.com/article/SB10001424052748703395204576023452250748540.html>

⁴ Edward Wyatt. U.S. Court Curbs F.C.C. Authority on Web Traffic. The New York Times, April 6, 2010. http://www.nytimes.com/2010/04/07/technology/07net.html?_r=1

⁵ Juliet Eilperin. White House Presses for New Climate, Wilderness Protections. Washington Post, December 24, 2010. <http://www.washingtonpost.com/wp-dyn/content/article/2010/12/23/AR2010122305643.html>

⁶ Stephen Dinan. Obama Climate Czar has Socialist Ties. Washington Times, January 12, 2009. <http://www.washingtontimes.com/news/2009/jan/12/obama-climate-czar-has-socialist-ties/>

⁷ Amy Joi O'Donoghue. Salazar Directs BLM to Designate 'Wild' Lands. Deseret News, December, 24, 2010. <http://www.deseretnews.com/article/705363430/Salazar-directs-BLM-to-designate-wild-lands.html?pg=1>

⁸ Ibid

⁹ Michael Coffman, *Rescuing a Broken America, Why America is Deeply Divided and How to Heal it Constitutionally*. (NY: Morgan Press) 2010. Pp 144.

¹⁰ About Oil Shale. *Oil Shale Y Tar Sands Programmatic EIS*. No date. <http://ostseis.anl.gov/guide/oilshale/>

¹¹ Nicolas Loris. Omnibus Lands Bill Restricts Energy Exploration. *The Heritage Foundation*. WebMemo #2130, November 14, 2005.

¹² Michael Coffman, *Rescuing a Broken America, Why America is Deeply Divided and How to Heal it Constitutionally*. (NY: Morgan Press) 2010. Pp. 128-130

¹³ *Global Governance 2025*. U.S. National Intelligence Agency and EU Institute for Security Studies. 2010. 82 pp. http://www.dni.gov/nic/PDF_2025/2025_Global_Governance.pdf

Also read; Michael Coffman. Global Governance 2025. Range Magazine. Spring, 2011, pp 36-38 (In Press)