

Stop the Fundamental Transformation of America

Citizens' Mandate from November 2014 Election

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EXECUTIVE SUMMARY

The November 2014 election was a repudiation of the complicity of the United States Congress in President Obama's dramatic and unconstitutional expansion of government. America's voters demanded that the new Congress:

- *Stop the President's promised "Fundamental Transformation" of the country,*
- *End Executive branch overreach,*
- *Restore Constitutional balance of power among the three branches of government,*
- *Bring an end to the perennially unpopular Affordable Care Act,*
- *Stop the President's Executive Amnesty initiatives,*
- *Hold the Executive branch accountable for its myriad abuses of power and its national security failures both foreign and domestic, and*
- *Put the interests of the United States of America first among nations.*

The contentious vote for Speaker of the House the week of January 5, 2015 reflected the frustration of voters nationwide, who did not have confidence that last year's Republican House Leadership would have the courage to carry out the voters' mandate. A poll conducted in late December by Pat Caddell confirmed a growing rift between voters and Republican leaders in the House and Senate.

A more detailed examination of the mandate follows.

THE AMERICAN MANDATE

The November election was a repudiation of President Obama's dramatic expansion of government power both through legislative and executive actions. The voters demanded that Congress stop this President's fundamental transformation of America using every power at their disposal, restoring Constitutional balance of power, and ending the Executive Branch abuses against both the citizenry and the foundational concept that individual rights are derived from God, not government.

The Mandate is to: end Obamacare; stop executive amnesty; hold the executive branch accountable for its abuses of power and its national security failures both foreign and domestic; and put the interests of the United States of America and Americans first.

Yet, before the newly elected officials were even sworn in, Congress stuck a collective thumb in the eye of the voters by working with the White House to undercut that vote and become complicit in government's expansion.

THE CONGRESSIONAL LAME DUCK RESPONSE

- Gave away the “Power of the Purse” [belonging to the incoming Congress] of the new, incoming Congress
- Undercut the incoming majority's ability to govern
- Delivered to Obama and crony capitalists what they wanted
- Certified Obama's Executive Amnesty and paid for the continuation of Obamacare

President Obama understands that Congressional leaders, who had been trusted by voters to stop his fundamental transformation, had capitulated and in fact had enabled his agenda by funding his programs for a year. The newly confident President hailed the vote on December 19, 2014: “... *we really do have a new foundation that's been laid. We are better positioned than we have been in a very long time. A new future is ready to be written. We've set the stage for this American moment. And I'm going to spend every minute of my last two years making sure that we seize it. My presidency is entering the fourth quarter; interesting stuff happens in the fourth quarter. And I'm looking forward to it.*”

THE PATH FORWARD: Our Message to Congress

✓ Fight for our founding principles, smaller government and constitutional rights

Our Message to Congress: Now is the time to use every power at the disposal of the legislative branch to fight for basic Constitutional freedoms and stop the expansion of the federal government. It is this failure to match action in Washington, D.C., with high minded campaign rhetoric which is causing cynicism and alienation between the people and a Congress which seems more intent on catering to special interests to retain power and privilege than representing the people and defending liberty. Americans do not want you to play the enabler as this ideological President determinedly undermines American constitutional principles.

It was the President's agenda that was on the ballot, and the voters delivered a landslide mandate to fight and stop it. That's why Republicans won the election so overwhelmingly. Failure to fight Obama's transformation using each and every means at Congress' disposal is a betrayal of that mandate, and in a broader context, a betrayal of your oath of office to support and defend the U.S. Constitution.

Americans look to the 114th Congress to be their voice against an avaricious federal government where rich and powerful corporations fight with rich and powerful unions and government funded advocacy groups for scraps at the public trough, at the expense of those who don't have K Street offices.

Americans demand that Congress stand against and stop using the law to artificially create winners and losers – a process that corrupts everyone and thing it touches.

✓ **Shine the light of oversight on abuse of power**

This Congress has a historic opportunity to restore the faith of the people in their government by holding serious hearings on how the Administration executes, breaks, or ignores the laws. Hold officials responsible. Each Committee should produce a biennial report detailing how the agencies and departments for which it is responsible misuse taxpayer dollars by waste, fraud, abuse and repetitive programs. It should also detail any and all obstruction, refusal to implement laws, abuse of power and targeting of political adversaries.

✓ **Promote and fight for limited, accountable government**

- Increase free market alternatives to Obamacare
- Stop corporate welfare
- Provide concealed gun carry reciprocity nation-wide
- Reform/repeal the government takeover of the financial services sector known as Dodd-Frank
- Expose federal overreach in education and stop Common Core implementation
- Balance federal government data collection programs that are designed to protect our national security to protect privacy concerns
- Deny public funds for lawless initiatives, like the amnesty decree
- Aggressively go after the cozy network among Wall Street, K Street and government, including the Treasury and the Federal Reserve
- Provide the military the means and leeway necessary to accomplish their mission
- Determine the failings and decisions that led to the death of four Americans at the Libyan consulate in Benghazi, correct them, and hold those responsible who made the disastrous choices during that long seven hour siege
- Force the Executive Branch to come to Congress to fund foreign government bailouts by ending the International Monetary Fund's \$100 billion open line of credit from the U.S. Treasury
- Defund illegal executive amnesty and use the oversight and appropriations process to direct the Department of Homeland Security to enforce the existing immigration laws Congress has duly enacted
- Promote peace through strength and respect for American foreign policy

✓ **Return to Regular Order**

- Legislation starts with subcommittees. It involves holding hearings at which the public and experts participate. Legislation should not land, by manipulated press spin, on the floor after a White House meeting or leadership direction to Rules Committee.
- Members should always have adequate time to review, amend, and debate legislation.
- Budgeting, authorizations, and appropriations processes should proceed through committees in Regular Order empowering committees, Members, Senators and the public rather than concentrate power in leadership.

Issues that will come up right away and are of top line importance

1. The NLRB is changing the definition of an employer for franchises to make it easier for unions to organize fast food workplaces. It also refuses to release any information about how or why it is changing its definitions of employer and employee. It has secret and unknowable rules and procedures aimed at destroying individuals and firms. The NLRB must be stopped.

Congress must stop the NLRB's new raid on American business by passing a bill that states clearly what it means to be an employer and sending it to the president for his signature. If the president vetoes the bill, the Appropriations Committees can withdraw funding from the NLRB if it alters the definition of joint employer from what it was on January 1, 2014. They can also state that no funds shall be used to litigate any matter relating to the joint employer status. Third, they can specify that no funds should be used for any NLRB purpose until such time as the General Counsel's office publically releases all Advice Memoranda regarding joint employers.

However it is not enough to engage in stop-gap efforts to rein in rogue agencies like the NLRB, Congress has a responsibility to strip away the power granted to these agencies to be investigator, prosecutor, judge, jury and executioner in matters before them, returning the judicial authority to that appropriate branch of government. These actions will force fundamental transformation of these agencies by ending their potential abuse of power forever.

2. The Administration and some Members of Congress want to pass a vast free-trade zone pact among 12 nations, the Trans Pacific Partnership. Congress should move very carefully in considering whether to cede any additional power to an Executive Branch that has proven unwilling to be constrained by the Constitutional powers it rightfully holds. Granting this President what Senate Majority Leader Mitch McConnell called, "an enormous grant of power, obviously, from a Republican Congress to a Democratic president" in an environment where the Executive Branch has declared war on the separation of powers should only be done if the interests of the United States overwhelmingly demand it.
3. Focus upon stopping the President's politically motivated illegal immigration policies that harm the wage earning potential of America's workforce. The populist storm of the last election was the natural backlash to an abiding and correct sense that hard work pays less today than in the past. Andrew Cherlin of Johns Hopkins reports that in 1996, the average 30-year-old man with a high school degree earned 20% less than a comparable man in 1979. Every American's opportunity to achieve the dream of prosperity is being shattered as a sense that those who work are being played for fools by those who have found ways to manipulate the system to their benefit. The belief that the economic system is relatively fair underlies the American ethos that if you work hard enough, you can get ahead. The current failed government manipulated system, including allowing millions of illegal entrants into the country to compete for jobs and artificially lower wages, tears at the fabric of this principle and must be prevented. It is incumbent on this Congress to defund President Obama's illegal granting of amnesty.
4. The administration wants a new Authorization for the Use of Military Force. This is an opportunity to

have a serious debate about the nature of the enemy we are confronting – the Global Jihad Movement – and the sort of counter-ideological strategy we must adopt if we are to have any chance of defeating them.

5. The President is repopulating the Global Jihad's leadership by releasing more and more detainees from Guantanamo Bay. Whether these are actual commanders, like the five given back to the Taliban in exchange for an accused deserter, or simply hardened jihadists of great symbolic value to their team, no more should be turned loose.
6. Bipartisan Iran sanctions legislation is scheduled for early consideration by the Congress. Favorable action on this bill has taken on even greater urgency given the signals sent by the President over the holidays that he is not only determined to finish a deal with Tehran – one whose terms ensure that the mullahs will get the Bomb – but that, having done so, he would be willing to normalize relations with this regime sworn to our destruction.
7. The U.S. military is in extremis as a result of the combined effects of: thirteen years of combat operations; sustained and draconian budget cuts; a lack of investment in modernization, training and readiness; social engineering that has undermined its culture; and a crisis of leadership – with many of those at the top of the pyramid, starting with the Commander-in-Chief, failing to provide it and with many who once did now purged from the ranks. Hearings that make a record in support of corrective actions need to be a prominent feature of the new Congress, and then the corrective actions need to be forthcoming.

CONCLUSION

Congress has an historic opportunity to lay down a marker for freedom and stop the erosion of freedom emanating from the pen of President Obama. They were elected to do just that, to not only stop the fundamental transformation of America, but to create the alternative vision of a prosperous, free America where citizens know that hard work is the pathway to success. They were elected to protect and defend the Constitution from the tidal wave of encroachments that threaten the basic God-given freedom from government that individuals are guaranteed.

They were elected to stop and reverse the President's agenda and policies. They were not elected to relinquish more power, compromise and enable Obama to use their acquiescence to justify continued abuses.

Failure to fully engage in this historic political battle over the future of the nation is not statesmanship or governing, it is a base betrayal of both the principles Congress swore to defend and those who entrusted them to do just that. We expect to take stock of Congress' progress annually on the American Mandate to preserve America's greatness, as started by the 56 men who pledged their lives, their fortunes, and their sacred honor to establish self-government and liberty as opposed to being governed by a king. It is the least this Congress can do to push back for us and those daring founders who had a bold vision.

APPENDIX

Examples of Abuses of Power

- *The president's selective targeting of political opponents for harassment and abuse by the IRS and obstruction and corruption of the resulting investigations*
- *Fraudulent claim that the Benghazi massacre was caused by a film, willfully misleading Congress and the American people, providing false information to Congress, scapegoating an individual instead of taking responsibility for waging a war under false pretenses and inadequately protecting Americans overseas.*
- *Unlawfully granting amnesty to categories of illegal immigrants, pressuring states by expensive litigation and the withholding of federal resources to not enforce laws against illegal immigration*
- *Refusal to enforce border security laws passed by Congress*
- *Denial of equal protection under the law by the Department of Justice's (DOJ) racially discriminatory enforcement of federal civil rights law*
- *Systematic politicization of hiring at Department of Justice*
- *Systematic stonewalling by Department of Justice and other departments and agencies of Congress*
- *Investigation of journalists in violation of free speech and contravention of DOJ guidelines, Attorney General's (AG) misleading testimony regarding the investigation of journalists*
- *Fast and Furious operation intentionally arming criminals, covered up by the Attorney General's contemptuous obstruction of a congressional investigation and the President's specious invocation of executive privilege*
- *Repeated and continued attacks on the first amendment using DOJ to intimidate reporters, stonewalling access to information, prosecuting reporters who do their jobs, and stifling speech through FCC regulations*
- *The politicization of investigation and prosecution by DOJ in order to coerce compliance with administration policy, punish critics, appease political supporters, while funding political allies through sue and settle schemes*
- *Refusal to enforce laws such as DOMA*
- *Coercing state compliance with Obama administration policy by politicizing enforcement actions and encouraging state attorneys general to abdicate their duty to defend valid state law*
- *Unilateral changes to Obamacare*
- *Use of the EPA to regulate into effect legislation that was rejected by the Democratically controlled Congress*
- *Unilateral amendment and maladministration of other environmental policies like the Clean Air Act*
- *Contravention of Congressional and Judicial authority through "sue and settle" lawsuits where the government seeks out advocacy groups to sue on issues that dramatically expand regulatory and enforcement authority, allowing the Executive Branch to settle and increase its power. Unilateral amendment on the eve of 2012 election of law mandating notification of impending layoffs*
- *Unilateral amendment of federal law requiring welfare recipients to work*
- *Defiance of congressional law and court orders in obstruction Yucca Mountain nuclear waste project*
- *Unilateral and illegal release of 4 Gitmo prisoners in exchange for Bo Bergdahl*
- *Making 'recess appointments' when Senate was not in recess*
- *Usurpation of Congress's war powers in instigating an undeclared, unauthorized war in Libya*
- *Contempt for Congress's constitutional duty to conduct oversight of executive agencies*
- *Picking winners and losers based on politics*

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