

A Review of Summer Events

The Editors

BERGDAHL

Following negotiations with the Taliban, President Obama authorized the release of five high-ranking Taliban members from Guantanamo in exchange for a U.S. soldier, Bowe Bergdahl, who was likely captured after deserting his post in Afghanistan. The U.S. has previously avoided negotiating with terror groups for fear that it would encourage further acts of terrorism. President Obama authorized the deal without notifying Congress in defiance of a stipulation that he himself signed into law last year. Apologists argued that the law would have prevented Obama from carrying out the swap. No one seems to see the problem with this attitude towards law, least of all Mr. Obama.

IMMIGRATION

Thousands of Central American children arrived at the U.S. border with Mexico expecting entry into the country as a result of President Obama's public statements supporting amnesty for illegal immigrants. Rather than turn them away, Obama and the Department of Homeland Security transported the children, many of whom had communicable diseases, all over the country in order to give each of them a trial before deportation. Democrats have pointed out that a child trafficking law signed in 2008 by President Bush contributed to slowing down the deportation process, though it cannot be said that the 2008 law was the sole cause of the immigration crisis. Obama meanwhile asked Congress for nearly \$4 billion to deal with the situation, and then threatened to unilaterally give amnesty to 5 million illegal immigrants. Commentators have speculated that Obama's amnesty threat was meant to invite further calls for impeachment in order to rally Democratic voters in the upcoming election. In the past year, Democrats have referred

to impeachment on the House or Senate floor 20 times more often than Republicans have.

ISLAMIC STATE

The Islamic State, characterized by Defense Secretary Chuck Hagel as far more threatening than Al-Qaeda and "tremendously well-funded [and] beyond anything that we've seen," has taken over massive swaths of land in both Iraq and Syria. The new face of radical Islam, IS wishes to create an Islamic caliphate stretching from western China through northern Africa, and bordering western Europe. IS's caliphate follows a strict interpretation of Sharia law that makes Nancy Thompson's new jitney rules seem like Hamilton College is a libertarian paradise. Some aspects of Sharia include the death penalty for adultery, the death penalty for practicing religions other than Sunni Islam, and the death penalty if IS troops need a new head for a soccer ball. The Obama Administration has begun launching new airstrikes on some IS positions in Iraq but has faced sharp criticism for its unclear strategy against the terrorist group.

UKRAINE

In a 2012 presidential debate, after Mitt Romney identified Russia as a geopolitical threat, President Obama chided his opponent by saying that the "1980s are now calling to ask for their foreign policy back." Unfortunately, Mitt Romney did not respond with a "your mom" joke and now the American people are stuck with an emboldened Putin and a deflated Obama. After annexing Crimea in mid April, Russian sympathizers in Eastern Ukraine have continuously launched attacks against the Ukrainian army. Many in the international community are calling Russia's latest military movements into Ukraine a full-scale invasion. Nearly 2600 soldiers and civilians have died in the conflict.

Upcoming Events

Wednesday, September 3

Enquiry Interest Meeting
8:00 p.m. | KJ 101

Sunday, September 7

AHI Open House
TBA | 21 W. Park Row, Clinton

ISRAEL

After the kidnapping and murder of three Israeli children by the Palestinian Islamist military group Hamas, war broke out in the Gaza Strip between Israel and various armed groups in the West Bank. Last week, the political leader of Hamas, Khaled Meshal, defended the group's barbarism by saying the kidnapping and execution of the three innocent Israelis could have been avoided if Hamas was equipped with better weapons. Aside from denouncing the high civilian death toll in the conflict, pro-Palestinian protestors in both the United States and Europe have been recorded using anti-Jewish slurs, fallaciously comparing the Israeli government to Nazi Germany, and sympathizing with other radical Islamic organizations like IS. Meanwhile, the cultural relativistic left has been patting themselves on the back for their brave stance against the belief that Israelis have the right to self-defense.

HALBIG V. BURWELL

In *Halbig v. Burwell* the Supreme Court cut back on another instance of the Obama administration's arbitrary rewriting of the Affordable Care Act. The bill stated in plain language that federal subsidies for insurance, a central part of the law, would be available only to states that set up their own insurance exchanges. The subsidies would serve as an incentive for states to set up exchanges because the national government doesn't have the constitutional authority to force them to do so. Thirty-six states declined to establish them, but the IRS ignored the law and provided subsidies anyway. After

the court ruled the IRS's action to be an inappropriate usurpation of legislative power, Democrats expressed shock and indignation at the idea that the executive branch should actually enforce the law as written.

IRS SCANDAL

The IRS, with the support of Congressional Democrats, continued to obstruct the

investigation into its year-long scandal over the targeting of Tea Party political groups. Congress has been attempting to investigate the agency after its ex-director, Lois Lerner, admitted the agency unfairly intimidated and harassed conservative groups in 2013. This past May the House voted to hold Lerner in criminal contempt and subpoenaed her emails. The agency revealed that, conveniently,

a hard drive crash had wiped them out. Insisting on an internal investigation, the IRS refuses to comply with Congressional orders. The Justice Department under Eric Holder, who was held in criminal contempt on an unrelated issue, has also refused to investigate the agency.

Getting Hobby Lobby Right

Mike Adamo | *Senior Editor*

The media's reporting on *Hobby Lobby* made it seem like the Supreme Court decision was nothing more than a conflict between religious liberty and women's rights. The reality is more complicated, though not so complicated that we can excuse the hysterical reactions.

The case involved a regulation created by Health and Human Services under new powers given by the Affordable Care Act. This bureaucratic decree, known as the contraceptive mandate, requires that employee health plans include all 20 forms of birth control approved by the FDA. Four of these take effect after conception, and certain religious groups see them as the moral equivalent to abortion.

The Christian owners of Hobby Lobby, a chain of craft stores, wanted no part in providing those four contraceptives, though they agreed to cover the other 16 kinds and never indicated that they would discriminate against employees for their reproductive choices. The case ended up in the Supreme Court with Hobby Lobby arguing that the contraceptive mandate put an unreasonable burden on its free exercise of religion.

The argument rested on the Religious Freedom Restoration Act (RFRA), passed in 1993 by a majority Democratic Congress under President Clinton. The RFRA holds that "Government shall not substantially burden a person's exercise of religion," unless doing so both "furthers a compelling governmental interest" and "is the least restrictive means of furthering that compelling governmental interest."

During the oral argument, Justice Sotomayor posed a question on many people's minds: Is a

corporation really a 'person' that can exercise religion? Contrary to what many believe, the doctrine of corporate personhood isn't an invention of the Court: The very beginning of the U.S. Code reads, "the words 'person' and 'whoever' include corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals." By the letter of the law, Hobby Lobby's religious exercise qualifies for RFRA protection. Whether that's a strange and unintended accident of lawmaking is a different story. The Court rules on the law as it's written.

The government then needed to prove that its interest—the provision of subsidized birth control—was compelling, and that its method of achieving it—requiring employers to include it in their health plans—minimized the burden on religious exercise.

The phrase 'compelling interest' is so vague that the Court tends to play it safe by assuming that any interest of the government must be compelling. "We find it unnecessary to adjudicate this issue," the Court opined, allowing it to move on to the RFRA's final question.

Is there a way for the government to achieve its goal while putting less of a burden on religious exercise? The answer is an emphatic yes. The health care law itself includes an accommodation that allows employees to receive government-subsidized contraceptives if their employers don't provide them. That part of the law was written with religiously affiliated non-profits in mind, but, as the Court opined, the Department of Health and Human Services "has provided no reason why the same system cannot be made available when the owners of for-profit corporations have similar religious objections. We therefore conclude that this system constitutes

an alternative that achieves all of the Government's aims while providing greater respect for religious liberty."

The explicit result of the ruling was the exemption of certain corporations from the birth control mandate. To be specific, it applied only to "closely-held" corporations, in which five or fewer people own at least half the company collectively. However, the Court made clear that women could still receive subsidized birth control from the government under the accommodation explained above, and that "The effect of the HHS-created accommodation on the women employed by Hobby Lobby and the other companies involved in these cases would be precisely zero." This point should be made exceedingly clear: No one is losing access to free birth control. The government is just taking the burden of conscience off the employer.

While the actual facts of the *Hobby Lobby* decision don't leave a whole lot of room for outrage, we should never underestimate the force of hip self-righteousness. "Not my boss's decision," the protest signs read. The supreme irony, lost on the protestors, is that bosses never wanted anything to do with it in the first place.

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