



Obama's War on the BP Oil Spill

It has been widely reported that Rep. Joe Barton has embarrassed the Republican Party. That by itself might be considered a monumental achievement, given what it usually takes to embarrass politicians these days. But Barton's offense is most egregious. He apologized to BP (formerly British Petroleum) for what the Texas Republican characterized as a "shakedown" by President Obama in getting the company to agree to put \$20 billion into an escrow account for the compensation of victims of damage done by the explosion at BP's Deepwater Horizon rig and the massive and ongoing spillage of oil off the coast of Louisiana.



During a congressional hearing on June 17, Barton expressed his sympathy to BP CEO Tony Hayward for the creation of what he described as a political "slush fund." "I'm not speaking for anybody else," Barton said. "But I apologize."

Democrats were quick to pounce on and vehemently denounce Barton, and his fellow Republicans were not far behind. House GOP leaders John Boehner, Eric Cantor, and Mike Pence issued a statement that, whatever else may be said, did not beat around the bush.

"Congressman Barton's statements this morning were wrong," they said. "BP itself has acknowledged that responsibility for the economic damages lies with them and has offered an initial pledge of \$20 billion for that purpose." But BP's "offer" was likely as voluntary as Barton's subsequent apology for his apology, in a ritual required by the gatekeepers of acceptable thought. Barton retracted his apology to BP, and apologized for accusing the President of conducting a "shakedown." At this rate, Barton may need to expand his congressional staff just to cope with the volume of his apologies.

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But though he got the brunt of media attention, Barton was not alone in his characterization of the fund and its creation. The Republican Study Committee, a group of conservative House members, said the same thing in a statement written by the group's chairman, Tom Price of Georgia. "BP's reported willingness to go along with the White House's new fund suggests that the Obama administration is hard at work exerting its brand of Chicago-style shakedown," Price wrote. BP had already begun paying claims, Price said. "Any attempt to sidestep that responsibility should be met with the strongest legal resources available. However, in an administration that appears not to respect fundamental American principles, it is important to note that there is no legal authority for the President to compel a private company to set up or contribute to an escrow account."

Perhaps the Republican Study Committee now owes an apology to Chicago. Even a city with a hard and justly earned reputation for political corruption is entitled to take umbrage at seeing its penchant for shakedowns impugned by politicians in Washington, D.C. But the critics who ridiculed Barton's apology to BP appear to have ignored his point that there is in our Constitution and laws "a due process system"



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for assessing and awarding damages. And Obama's deal with BP takes an end run around it.

Now Barton's sympathy may have been obtained at a high price. The Associated Press reports that since 1990, "oil and gas industry political action committees have given more than \$1.4 million to Barton's campaigns, the most of any House member during that period, according to the nonpartisan Center for Responsive Politics." So let us suppose, for the sake of discussion, that Barton and other critics of the escrow fund are beholden to the big oil companies. Let us assume that they are as deeply covered in oil as those unfortunate birds on the coast of Louisiana that we see nightly on our TV screens.

Assume also that the President's motives in establishing the account are as pure as the driven snow — that he only wants to be sure that those whose property, lives, and livelihood have suffered from the spill are compensated as quickly as possible. Suppose that there is nothing about the escrow account that could remotely resemble a slush fund and that political connections and possible advantages to the President and his party will in no way influence how and to whom payments will be awarded. The question remains: What will be the President's role in what are essentially judicial decisions?

And where does he get the authority to declare a six-month moratorium on licenses for deepwater drilling? Surely there are procedures and regulations, established by law, for the granting or denial of the licenses. Should that whole process be tossed aside by a fiat from the White House? Are we that far along in accepting one-man rule in America?

There has been a lot of talk on the airwaves about how the President needs to act as "commander in chief" in this crisis. Republican Senator David Vitter of Louisiana has spoken of the need for a "military-style chain of command." But the President is not the nation's commander in chief. Under the Constitution, he is commander in chief of our armed forces only. And the oil eruption off the Louisiana coast, serious as it is, is not a military attack, however much Obama wishes to describe it that way.

The use of martial imagery throughout the President's June 15 Oval Office address was remarkable. He spoke of "the battle we are waging against an oil spill that is assaulting our shores and our citizens." He wished to inform us of "what our battle plan is going forward." To "the idea that this challenge is too big and difficult to meet" (whosever idea that might be), Obama had a ready response: "You know, the same thing was said about our ability to produce enough planes and tanks in World War II."

It seems safe to assume Obama does not plan to bomb the oil slicks from the air or run over them with amphibious assault vehicles. But why, we might ask, does last year's winner of the Nobel Peace Prize slip so easily and comfortably into rhetoric that suggests the Gulf of Mexico is now a war zone? Could it be because in war the President is always expected to assume greater powers and any opposing him appear lacking in either courage or patriotism? That, after all, is what happened to the few members of Congress who dared to oppose the passage of the Patriot Act or the establishment of the Department of Homeland Security early in the Bush administration's "war on terrorism."

By employing the language of war in the same speech in which he renewed his call for vast new federal powers to regulate energy consumption, Obama perpetuates a long-established, bipartisan tradition of portraying every problem as amenable to a military-style solution — not necessarily with guns and tanks or Predator drones, but always with more power centered in the federal government and a greater regimentation of our people.

Congress no longer bothers to declare war when authorizing the President to take military action abroad. But Washington loves to declare war on the home front. That's why we have had in recent



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decades declarations of a federal War on Poverty, a War on Crime and a War on Drugs. When Jimmy Carter was President we even had the Moral Equivalent of War as an energy policy, until the slogan was reduced to an acronym (MEOW) embarrassing to an administration not noted for its lion's roar.

Given the increasingly militarized mindset in Washington, perhaps it's time the President and Congress simply declare War On Everything. The government is good at creating an endless amount of WOE.



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