

White House's Contemptible Drilling Ban

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Energy Policy: An administration that has no respect for Congress, the courts or the Constitution has been found in contempt for reissuing a drilling moratorium that a U.S. district judge found overly broad.

The Obama administration's trouble with the courts has continued with a judge's ruling last week that the Interior Department's reinstating of a drilling moratorium followed by a de facto moratorium via an overly restrictive permitting process constituted contempt.

The administration had issued a drilling moratorium in May in waters deeper than 500 feet after the explosion and sinking of the Deepwater Horizon drilling rig off Louisiana that resulted in the spill of more than 4.1 million barrels of oil into the Gulf of Mexico.

In June, Martin Feldman of the Eastern District Court of Louisiana struck down Interior Secretary Ken Salazar's original moratorium, saying it was overkill based on flawed reasoning. "If some drilling equipment parts are flawed, is it rational to say all are?" Feldman asked in his ruling. "That sort of thinking seems heavy-handed and rather overbearing."

Feldman further asked: "Are all airplanes a danger because one was? All oil tankers like Exxon Valdez? All trains? All mines?" The administration's answer still seems to be yes, as offshore oil rigs find their way to other shores, and communities dry up along with the oil business that sustained them.

So the administration went back, rearranged a few words and a few deck chairs, and reissued its moratorium. That one was officially lifted in October, although the permitting process, which mysteriously includes shallow-water wells, has had the effect of continuing the moratorium.

Feldman was not amused. "Each step the government took following the court's imposition of a preliminary injunction showcases its defiance," the judge said in his ruling. "Such dismissive conduct, viewed in tandem with the reimposition of a second moratorium . . . provides this court with clear and convincing evidence of its contempt."

Feldman even accused the administration of outright lying, pointing out that "at the hearing on the first moratorium, in response to a question by the court, the

government's answer then was wholly at odds with the story of the misleading text change by a White House official, a story the government does not now dispute."

As we have noted, now-departing climate czar Carol Browner's office edited a May 27, 2010, report to President Obama by a panel of experts brought together by the administration to review offshore drilling safety. The report was altered to make it seem like the panelists supported the administration's six-month drilling moratorium in the Gulf of Mexico when they did not.

It is not so much that the Obama administration differs with the law, but that it considers itself above it — even above the Constitution. Successive smack-downs by the courts on ObamaCare's health insurance mandate as unconstitutional are a result of its overreach. It's also being challenged in its use of EPA regulations to go around the will of Congress and the sovereignty of the states.

We remember last year's State of the Union address in which Obama lectured the justices of the Supreme Court sitting in front of him that they had "reversed a century of law" by lifting restrictions on corporate and union spending in federal elections. Justice Samuel Alito visibly shook his head and mouthed the words, "Not true."

As Feldman noted in his original ruling, the drilling moratorium was groundless on both the law and the facts.

The moratorium is driven by ideology and not safety. Its purpose was to further the administration's war on domestic energy production, including a seven-year ban on offshore drilling off both coasts and the eastern Gulf.

It includes putting the Arctic National Wildlife Refuge off-limits and designating oil- and gas-rich Alaskan waters as critical polar bear habitat in the face of an exploding bear population.

It continues to place energy-rich lands in the West off-limits in a nation starved for energy and jobs.

In 2012 the American people should also hold the Obama administration in contempt.