

# OPINION

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WEEKLY COLUMN | SEN. TOM O'MARA

## It's great to be back in the Top 3

New York Farm Bureau President Dean Norton had this to say about the recent announcement that New York's dairy industry, the state's largest agricultural sector, has reclaimed its spot as America's third-largest milk producer: "It is because of (our farmers') consistent quality and superb animal care that we have once again claimed the third spot among the largest dairy producing states. It bodes well for the state's agricultural economy."

Specifically the United States Department of Agriculture late last week released new data showing that for the first time since 2009, New York ranks third nationally in milk production (behind California and Wisconsin). That's a ranking New York's milk producers held for nearly four decades, from 1972 to 2009, and it's a source of great pride that they've earned the Top 3 distinction again.

Most importantly, it shows a critical state industry moving in the right direction. It's some good news at a time when positive economic reports remain hard to come by. And it's an opportunity to give some credit where it's due.

So my first reaction was that it's truly a testament to the perseverance and the toughness of our dairy farmers and farm families, who year after year, generation after generation have kept their farms going in the face of enormous economic, fiscal and regulatory burdens and challenges.

Perhaps the most critical point is this one: We cannot stop working on strengthening any and every commitment to keep our dairy sector — in fact, our agricultural industry across the board — from growing, prospering and continuing to support thousands upon thousands of decent livelihoods while anchoring so many upstate communities and regions.

That's why the bipartisan legislative efforts during the past several years of the Cuomo administration to create new economic opportunities for the dairy industry, including and especially the initiatives which have led to an absolute boom in yogurt production in New York, remain so vital. The governor's 2014-15 proposed state budget keeps us moving forward in key ways, including through increased support for the Dairy Acceleration Program, an increase in state estate tax exemption threshold, various energy efficiency initiatives and the accelerated elimination of the so-called 18-a utility surcharge that hits many farmers with high energy costs especially hard.

Many individual legislators, particularly those of us representing upstate regions, have long recognized that dairy and all of our diverse agricultural sectors constitute an industry that's constantly



SEN. TOM O'MARA

challenged from so many different competitive corners. As a member of the Senate

Agriculture Committee, as well as the Legislature's joint, bipartisan Commission on Rural Resources, in the past year I've joined in co-sponsoring a comprehensive agriculture development strategy called "Grown in New York." One important piece of the Grown in New York agenda finally made it through last year's legislative process (after years of trying) and was signed into law by the governor to deliver long-awaited property tax relief for state farmers by placing a 2% cap on annual agricultural land assessment increases. We're hopeful that this and other actions will make a difference for the future of family farmers to help them grow, prosper and stay competitive.

So I look forward in 2014 to renewing the call for the rest of our Grown in New York plan, which covers a lot of ground. Just visit my Senate website, [www.omara.nysenate.gov](http://www.omara.nysenate.gov), and click on the Grown in New York icon in the left-hand column of the home page to see what it's about.

And while our region is extremely proud of so many individual farms and farm families, we're equally grateful to Cornell University's College of Agriculture and Life Sciences for that institution's ongoing commitment, through countless programs and services, to educate, promote and secure a successful, long-term future for the dairy industry.

We can start by constantly recognizing New York government's fundamental responsibility to maintain agriculture as a foundation of this state's culture and economy. I've said it repeatedly, but it deserves to stand as a constant reminder: this state — and our very own Southern Tier and Finger Lakes regions — will only be as strong in the future as our farmers and the dynamic industries, like dairy, they sustain.

The success of New York's \$5.2 billion agriculture sector begins and ends with the success of New York's 36,000 farm families. But for these farm families and the industries they drive, like dairy, to succeed, government at all levels must stay on guard against taxing, regulating and pricing them out of business and off the land.

*State Sen. Tom O'Mara, R-Big Flats, represents New York's 58th Senate District, which includes Steuben, Chemung, Schuyler and Yates counties, and part of Tompkins County.*

## REDBLUE AMERICA

## Is Obama overreaching with executive orders?

President Obama says he plans to advance an ambitious policy agenda this year "with or without Congress." His latest decision: an executive order raising the minimum wage for federal contractors to \$10.10 an hour.

"I have got a pen and I have got a phone, and I can use that pen to sign executive orders," the president has said in recent weeks. He echoed the theme in his State of the Union address to Congress this week, saying if legislators refused to act, he would act alone.

Sen. Ted Cruz, R-Texas, denounced the president's approach, writing Wednesday in the Wall Street Journal, "When a president can pick and choose which laws to follow and which to ignore, he is no longer a president."

Do President Obama's executive orders exceed his constitutional power? Or is he using all of the tools at his disposal in the face of congressional opposition? Ben Boychuk and Joel Mathis, the RedBlueAmerica columnists, weigh in.

### Joel Mathis

Two words: "Unitary executive."

You might not remember those words — Republicans in Congress certainly don't seem to. They were the name of a theory, advocated by Dick Cheney in particular, under which the George W. Bush administration unilaterally chose to ignore Congress and its legal obligations, pretty much whenever it chose.

A law against warrantless wiretapping? Ignore it.

Treaties against torture? Ignore them.

Don't like the new law Congress passed? Don't



Joel Mathis and Ben Boychuk

veto it — sign it, but add a "signing statement" explaining why you won't actually obey it.

All of this happened with the near-total acquiescence of congressional Republicans throughout the Bush administration. (Ron Paul, as always, was the exception.) Much like their love of fiscal austerity and the filibuster, the GOP rediscovered its fidelity to the rule of law with alacrity in 2009, when President Obama took office.

It's clear what's going on here: Republicans don't believe in a constrained, limited presidency. They believe in constraining and limiting Democrats. It's not the same thing, and observers can be forgiven for rolling their eyes at the crocodile tears of self-styled defenders of the Constitution.

This isn't to let Democrats off the hook. They spent the Bush years complaining about abuses of power, and now beg the president to bypass Congress wherever possible. Cynical power-grabbing is a bipartisan exercise.

And yes, the president is among the cynical power-grabbers: "Any President takes an oath to, 'preserve, protect and defend the Constitution of the United States,'" he said when he first ran for president, suggesting he would rein in the excesses of the Bush administration. "The American people need to know where

we stand on these issues before they entrust us with this responsibility — particularly at a time when our laws, our traditions, and our Constitution have been repeatedly challenged by this administration."

So much for that. No matter: That ship has sailed. The cat is out of the bag, the worms out of the can. If Republicans want to limit the presidency, let them prove it when one of their own is in the White House.

### Ben Boychuk

Fact is, U.S. presidents do have vast powers under Article II of the Constitution, especially when it comes to waging war and protecting national security. But "vast" isn't the same as "unlimited." Too many presidents — Republican and Democrat — have stretched the interpretation of their powers to the limit, and sometimes beyond.

In that sense, President Obama is no different from past presidents. But in crucial ways, he has used and abused his powers in ways his predecessors could only fantasize about.

Unilaterally raising the federal minimum wage for government contractors may have Republicans in Congress pulling their hair out this week, but that's among the least of this president's usurpations of their lawmaking authority.

Committing American airpower in 2011 to help overthrow Libyan dictator Moammar Gadhafi without so much as consulting Congress was a milestone in presidential overreach. Obama called it "leading from behind." In the aftermath, four U.S. State Department employees were killed in Benghazi on

September 11, 2012, and Libya is splitting along old tribal lines and descending further into chaos.

Obama decided in 2012 that Congress wasn't doing enough to reform U.S. immigration laws. So he signed an executive order barring the Immigration and Customs Enforcement service from deporting minors and relatives of U.S. service members living in the United States illegally.

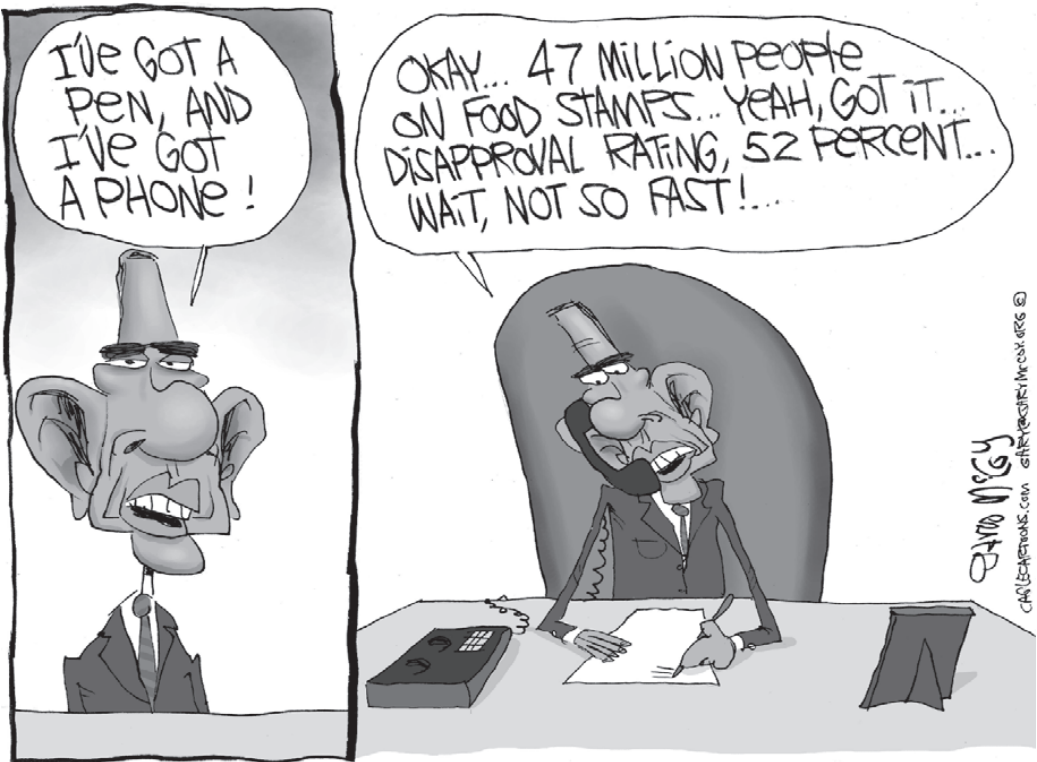
The president's justification was at least somewhat plausible: "prosecutorial discretion" gives him some leeway on enforcement. But immigration enforcement officers complain, with justice, that Obama's orders have effectively tied their hands.

But when the president decided to delay his health care law's "employer mandate," he engaged in nothing less than wholesale lawlessness. The reason for the delay boils down to cynical political calculation: forcing employers with more than 50 workers to provide health insurance ahead of the 2014 midterm elections would likely disrupt the economy and be bad for Democrats. Nothing more to it than that.

Congress has for too long delegated far too much of its power to the executive branch. It's past time the legislative branch used its authority to hold this president to account, starting with enforcing his ill-conceived health care reform law.

*Ben Boychuk is associate editor of the Manhattan Institute's City Journal. Joel Mathis is associate editor for Philadelphia Magazine. RedBlueAmerica is a regular feature by McClatchy-Tribune News Service.*

## ANOTHER VIEW



## LETTER TO THE EDITOR

### Taxpayers shouldn't have to bail out library

TO THE EDITOR | The propaganda for library funding last December was for people to vote yes or the library would have to close. It was a typical scare tactic by those who wield the power. It is almost February and, interestingly, the library remains open. According to a newspaper article on Dec. 20, 2013, the director and board are sitting down to try to figure out how to live within their budget, which they should have done in the first place. The primary concern was the "low voter turnout." Instead of worrying about low voter turnout, they should focus on how

revenue can be brought in without strangling the tax payer.

The whiney article also invites people who do not like the library to visit and see what the library has to offer. I like libraries and have used/visited many in the states and overseas. I know the resources available at Southeast Steuben County Library. I voted no because of the lack of financial responsibility and because porn is so freely and easily accessible at a public place. The jibber-jabber about porno watchers rights is ridiculous. A public place that is visited by children under 18 should not have any access to porn. There are blocks that can be put on the computers. Those

who want to watch porn should not be so cheap and go to the appropriate place which keeps a small business alive and on the tax rolls. Steuben county is ranked twenty first in the nation for high taxes. Organizations which receive tax money, like Steuben library, think it is free and easy money and can be wasted and mismanaged because the tax payer will always be around to bail them out. I know I am not the only one in Steuben County who lives under the constant threat of losing my home because of out of control taxes. I need a home more than a library. The vote no was not because of the dislike of the library but because the library is inconsiderate of

the tax payers. The library needs to learn how to survive on the money they receive from the county tax.

There is a way to bring revenue into the library. Charge for computer use.

Theocratically, in this country the majority rules and they have spoken each three times the library issue has come to the ballot. But you can bet your last dollar that the tax master has yet extorted, that the powers will try again, with more whiney propaganda, no initiative or incentive to earn their own revenue, that the library will have to be saved again through another vote.

**Colleen M. Scott**  
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