

EDITORIAL

What Bill of Rights?

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The Obama administration was back in court Wednesday, trying to convince a judge that tobacco companies should be required to put large, gruesome, graphic photos on cigarette packs to show that the habit kills smokers and their babies.

Cigarette makers told U.S. District Judge Richard Leon they can't be forced to spread the government's anti-smoking advocacy on products they legally sell. Attorneys for the Obama administration countered that the photos it wants on all cigarette packs are "factually uncontroverted."

It's also uncontroverted that a certain percentage of car buyers can look pretty gruesome after they're maimed or killed in car wrecks. Could the government mandate color photos of those crash victims pasted to the window of every new car in every showroom?

Judge Leon already has ruled that cigarette makers are likely to succeed in their lawsuit to stop the requirement, on First Amendment grounds. That's why the judge blocked the rule from taking effect until after the lawsuit is resolved.

Make no mistake, smoking is bad for your health. But tobacco lawyer Noel Francisco was correct when he said the industry should not "serve as the government's unwilling spokesman in that paternalistic endeavor."

In fact, the administration's pursuit of this matter is part of a dangerous pattern when it comes to the Bill of Rights.

Take the Second Amendment. When the Cato Institute launched the gun rights case that became *District of Columbia v. Heller*, the Obama administration argued -- unsuccessfully, thank heavens -- that there was no Second Amendment right for residents of the District of Columbia to own handguns to defend their homes.

The Tenth Amendment? The Obama administration continues to prosecute those who dispense marijuana to medical patients in California, ignoring that state's Compassionate Use Act. Federal juries aren't even allowed to hear that defendants were complying with state law when arrested.

The Fourth, Fifth and Sixth Amendments? Mr. Obama's Justice Department recently argued before the high court -- unsuccessfully, again -- that police don't need a warrant to plant a GPS tracking device on a suspect's car. And 95 county sheriffs from around the country gathered Monday in Las Vegas to applaud speakers who warned that the new National

Defense Authorization Act, signed into law by President Obama mere weeks ago, does away with a huge chunk of the Bill of Rights, allowing U.S. citizens to be detained indefinitely without trial by military authorities on the mere say-so of anonymous government agents who identify them as "enemy combatants."

Mr. Obama once taught constitutional law. But apparently the government he leads can't be bothered by the faded words of dead 18th-century males like Benjamin Franklin and Thomas Jefferson, who sought to protect Americans from the incursions of a tyrannical state.