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The Zambrano Report

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THE ZAMBRANO REPORT

1st Edition

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aka 'Jzyehoshua'

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THE ECONOMY

THE PROBLEMS WE FACE

At a time when politicians like Ron Paul are advocating for the elimination of all government bureaus and agencies not expressly specified under the U.S. Constitution, it is important to recognize that there are only five areas of the U.S. budget which are truly problematic. In 2010 the U.S. government according to its budget is spending about \$3.96 Trillion¹, yet over 84% is accounted for in just 5 main costs:

Expense	Budget Section	2010 Cost	% of Total
Military	050	\$701.8 Billion	17.7%
Health	550,570	\$855.9 Billion	21.6%
Income Security	600	\$559.6 Billion	14.1%
Social Security	650	\$737.5 Billion	18.6%
Interest on Debt	900	\$495.7 Billion	12.5%
TOTAL		\$3.35 Trillion	84.64%

Comparatively, all other expenses in the budget are relatively inconsequential.

Expense	Budget Section	2010 Cost	% of Total
International Affairs	150	\$57.9 Billion	1.5%
Science, Space, & Technology	250	\$31.5 Billion	.8%
Energy	270	\$10.0 Billion	.3%
Nat. Resources & Environment	300	\$40.2 Billion	1.0%
Agriculture	350	\$25.2 Billion	.6%
Transportation	400	\$94.8 Billion	2.4%
Community & Regional Dev.	450	\$16.3 Billion	.4%
Edu., Train., Empl., & Soc. Svcs.	500	\$118.6 Billion	3.0%
Veterans Benefits & Services	700	\$121.6 Billion	3.1%
Administration of Justice	750	\$60.3 Billion	1.5%
General Government	800	\$26.7 Billion	.7%
Allowances	920	\$0.5 Billion	.1%
TOTAL		\$608.2 Billion	15.36%

In other words, even if we were to remove all of the expenses in the second table, it would still leave nearly 85% of the budget, and barely make a dent in government spending. To truly confront our government's spending, it is the first five expenses that we must focus on – as well as the primary causes of lost jobs – outsourcing due to free trade agreements, executive compensation, monopolization, and changes in manufacturing efficiency.

The following is an in-depth examination of these and other issues facing our economy:

1. OUTSOURCING / FREE TRADE

Free Trade is often espoused as a universal cure-all, which will prove necessarily good for our economy. However, is more trade always a good thing? To understand this, all that is needed is a simple analogy: If I have \$50, and I trade you 20 of my dollars for 10 of your dollars, was that trade just good for me?

Of course not. Trade must be fair to be worthwhile.² If one side or the other is vastly benefiting, it might be better not to have that trade relationship at all, and in which case one must seek to understand why the imbalance is happening. In other words, if we are buying far more

from a country than we are selling, particularly if on a vast scale, that suggests then a discrepancy in the fairness of trade between the two countries.

“Recent Census Bureau reports show that the U.S. trade deficit with China through July 2010 has increased 18% over the same period last year. Growing China trade deficits will displace between 512,000 and 566,000 U.S. jobs in 2010.”

Robert E. Scott, Economic Policy Institute³

That is what right now is happening with China, one of our two primary trading partners, the other being Canada.⁴ According to the U.S. Census Bureau’s Foreign Trade Statistics⁵, the USA’s trade with China over the past decade has been as follows (all figures in billions of dollars):

	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
China to U.S. (Imports)	193.9	296.4	337.8	321.4	287.8	243.5	196.7	152.4	125.2	102.3
U.S. to China (Exports)	48.6	69.5	69.7	62.9	53.7	41.2	34.4	28.4	22.1	19.2
Trade Balance	-145.4	-226.9	-268	-258.5	-234.1	-202.3	-162.3	-124.1	-103.1	-83.1
Imports:Exports	3.99	4.26	4.85	5.11	5.36	5.91	5.72	5.37	5.67	5.33

Now, it is one thing to state theory that a free market will always result in more trade opportunities and business. But view America like a company for a second. If you are buying 4, 5, or 6 times as much as you are selling, as per the case above, is that really a good business relationship?

According to the statistics, we have only sold \$48.6 billion worth of goods to China this year – yet we have bought \$193.9 billion worth from them. That means that so far in 2010 we are buying almost exactly four times as much from China as we are selling to them, as shown by the final row’s Imports to Exports Ratio.

Is that really sustainable?

Furthermore, why is it happening? It is one thing if we needed goods that only China could provide, since oil and certain natural resources are more specific to certain countries. But much of

“In the 1950s the Detroit area had the highest median income, and highest rate of home ownership, of any major US city. But times are very different now... Four out of every five cars in the world were made in the US, half of them by GM.”

Steve Schifferes, BBC News
*“The Decline of Detroit”*⁶

China's growth has come at the consequent downfall of the U.S manufacturing sector as whole industries move overseas, implying China is rather taking advantage of us in some way, rather than providing a product we would not otherwise produce.

The steel industry was perhaps the earliest to go⁷, yet the Chinese steel industry has blossomed⁸ – the once powerful Detroit, home of American auto manufacturing, has gone in 50 years from populous to a city struggling to survive.^{Error! Bookmark not defined.} The term 'Rust Belt' has since been coined to describe how the Northeast region of the U.S. which once achieved dominance as the nation's core manufacturing area had businesses shutter en masse by the 1970s.⁹

Those numbers represent more than just money. They represent jobs. The money we are using to buy "Made in China" manufactured goods would've been once spent on goods "Made in the USA" but no longer. We are buying \$200-\$350 billion of goods from China each year that we could instead be making here in the U.S.

What is more, as we grow poorer from the lost jobs, Americans are increasingly likely to buy the cheaper products China provides, even once they know what is being done to them. In poverty, they will have little choice, unless the government steps in to provide protections to American industries, businesses, and workers.

"Emerging economies, such as China, are acquiring manufacturing capability through modest R&D intensities, tax and other incentives for foreign direct investment, and intellectual property theft. This second group then competes through low-cost labor and the use of exchange rate manipulation along with tariff and non-tariff barriers."

Gregory Tasse

National Institute for Standards & Technology¹⁰

Ultimately, which should we consider the real culprit behind job loss? The millions of illegal immigrants, or the billions of low-paid workers overseas? And furthermore, why do jobs go overseas in the first place?

It is because foreign workers can be paid less than American workers. The process is as follows:

- A. Countries like China, North Korea, and Russia use low minimum wages to attract international business looking for cheap labor.¹¹ Lacking the regard for their people of democratic countries, they seek power.
- B. This harms the working poor but is irrelevant to such countries since they grow in power and prosperity, while reaping more taxes from business. As a result, these non-western countries increasingly grow in power and influence at the cost of democracies like the U.S.
- C. The system preserves itself. Companies who morally want to employ workers with fair wages in democratic countries like America will be forced out of business. If they don't outsource, their competitors will have so great an advantage they will not be able to compete, since a large portion of a company's costs consist of payroll. Thus, free trade will result in workers worldwide being paid the absolute bare minimum.

- D. A growing global income disparity arises. Now that goods are being turned out en masse by low-paid workers, companies need pay only a small amount of money, perhaps 25 cents an hour as in China, to their impoverished workforce. With all that money saved from average workers, where does all the money saved go? Where else? The pockets of CEOs.
- E. Workers as they grow poorer lose negotiating rights and the ability to fight their conditions. As more companies are forced to outsource to stay in business, devaluing the rights of workers to negotiate or form unions. After all, if you won't work cheap, we'll just outsource to people who will. And everybody's got to eat - without regulation (minimum wages) protecting the workers, they can't do anything to stop it.
- F. As a result, monopolies become more prevalent, since they have an endless supply of dirt-cheap labor providing advantage over smaller competitors. Those companies too small to outsource will be knocked out of the market.
- G. The increasing profits of corporations will then go to hiring lobbyists, seeking to stifle criticisms of free trade so the big business interests behind free trade can go unchecked.

What is more, with a large supply of cheap labor, what will be the tendency of corporations? To churn out as much cheap product as possible, to compete with their other large competitors also churning out cheap product. However, in the process the corporations actually sabotage themselves, for their intense competition to provide cheap products actually will devalue prices across the market, forcing them to churn out even more product to make ends meet.

For example, to compete with Wal-Mart providing dirt-cheap prices, Toys R' Us will also use Chinese labor to drop its prices. Such price wars produce tons of cheap toys on the market, devaluing prices all the more.¹² And this excess product will actually drop global manufacturing demand until the supply of said product is exhausted – supply and demand.¹³ The end result of outsourcing is not only that a lower proportion of global wages goes to the average worker, with the poor getting poorer and the rich richer as democracies are weakened while dictatorships strengthened, but that the global economy is put at risk of a recession due to excess competition dropping prices through surplus product on the market.

Additionally, when your competitors are using cheap labor, you must do the same as well, either outsourcing, or using illegal immigrants who you can pay the minimum, and without benefits or overtime – after all, if they complain, they will be deported. Illegal immigrants are merely a symptom of the broader problems of outsourcing, and which make a convenient scapegoat. Even if you punish the employers more for hiring illegal immigrants, it won't remove the reason they try to hire them, the rampant outsourcing of jobs to other countries that forces them to use such tactics.

CURRENCY MANIPULATION

Robert E. Scott states in 'Rising China Trade Deficit Will Cost One-Half Million U.S. Jobs in 2010',³

“China’s growing trade surplus with the United States and the rest of the world has been fueled by massive, illegal currency manipulation, subsidies, and other unfair trade practices (Scott 2010). The best estimates show that the Chinese Renminbi (RMB) is undervalued by at least 35% to 40%, which makes U.S. goods at least 35% more expensive for Chinese purchasers and makes Chinese goods artificially cheap in the United States and around the world. As a result, U.S. imports from China have soared and U.S. exports to China and the rest of the world have been suppressed.”

However, why is the currency undervalued? And why are Chinese goods artificially cheap worldwide, while U.S. goods are not? Is not a likely explanation that this is merely another side effect of a difference in minimum wages? As has been stated, labor will go to countries which use low minimum wages and few business regulations, and away from countries which apply high minimum wages and more stringent business regulations.

Scott recognizes that the end result is “U.S. goods at least 35% more expensive for Chinese purchasers” and “Chinese goods artificially cheap in the United States and around the world”. Logically, the unfair trade practice in question is the use of minimum wages that give business an unending supply of unbelievably cheap labor and which is driving down the cost of Chinese-made goods.

The real reason Americans are losing jobs is our use of unchecked free trade. For much of America’s history, protectionism and tariffs were actually the norm – though tariffs and protectionism also have their drawbacks, as will be shown.

LIST OF U.S. TARIFFS

- Tariff Act of 1789, 'Hamilton Tariff'
- Tariff of 1790
- Tariff of 1792
- Tariff of 1816, 'Dallas Tariff'
- Tariff of 1824, 'Sectional Tariff'
- Tariff of 1828, 'Tariff of Abominations'
- Tariff of 1832
- Compromise Tariff of 1833
- Tariff of 1842, 'Black Tariff'
- Tariff of 1846, 'Walker Tariff'
- Tariff of 1857
- Morrill Tariff of 1861
- Tariff of 1872
- Tariff of 1875
- Mongrel Tariff Act of 1883
- McKinley Tariff of 1890
- Wilson-Gorman Tariff of 1894
- Dingley Act of 1897
- Payne Aldrich Tariff Act of 1909
- Underwood Tariff Act of 1913
- Emergency Tariff of 1921
- Fordney McCumber Tariff of 1922
- Smoot-Hawley Tariff Act of 1930

In 1947, we formally began what would become the start of global free trade with GATT (Global Agreement on Trade and Tariffs). GATT was replaced in 1995 with the current WTO (World Trade Organization). Our major free trade

agreements, NAFTA (North American Free Trade Agreement), MEFTA (Middle East Free Trade Area) and CAFTA (Central American Free Trade Agreement) did not come into effect until 1994, 2003, and 2005 respectively.

Free Trade, as a policy phenomenon, is thus a relatively recent anomaly in our nation’s history. It began after we raised tariffs to record highs in the 1920s under the Republicans, after a period of lows under the Democrats.¹⁴ This then sparked a trade war during the Great Depression, and arguably scared off Republicans from the use of tariffs ever since.

Economists simply concluded, it seems, that all tariffs are bad, and threw their lot in with global free trade unreservedly. However, we had used tariffs for much of our nation’s history, and it is likely the trouble arose from excessive use of tariffs. After all, many otherwise good things, if not taken in moderation, can prove detrimental – too much water, for example, will make one drown. While one extreme may result in trade wars and barriers to commerce, the other extreme, unchecked free trade will, as has been shown, result in countries taking advantage of other ones through low minimum wages. The key, as with much else in economics, unlike with social policy and moral absolutes, is to find a middle ground.

Unfortunately, data comparisons between countries based on labor rates will soon no longer be available. Barack Obama has requested the International Labor Comparison Program run by the Bureau of Labor Statistics, costing just \$2 million, be cut to save money.¹⁵ To give you an idea of what it costs, of the total \$3.35 trillion spent on the budget in 2011, that is .00006 (6/100,000) of 1%.

2. DEFENSE SPENDING

Like domestic spending, military spending can single-handedly burden the budget. Beginning in 2002, the rate of growth for the total public debt skyrocketed¹⁶, suggesting our Middle East activity had a drastically negative effect on the budget and cumulative public debt.

Aside from the questionable justification for entering Iraq, Weapons of Mass Destruction that probably didn’t exist (Saddam Hussein admitted he pretended to have WOMD only to intimidate Iran, who he viewed as a bigger threat than the U.S.¹⁷) –

Year	Public Debt Growth (Billions)
1997 – 1998	\$186
1998 – 1999	\$128
1999 – 2000	\$82
2000 – 2001	\$22
2001 – 2002	\$192
2002 – 2003	\$466
2003 – 2004	\$619
2004 – 2005	\$606
2005 – 2006	\$562
2006 – 2007	\$499
2007 – 2008	\$514
2008 - 2009	\$1,438

Aside from the fact that the people of Iraq want us out¹⁸, and possibly Afghanistan as well¹⁹ –

Aside from the fact that the American people want us out of Iraq²⁰ and

Afghanistan²¹ –

There is still the question of whether, during a recession, we should be propping up two other economies, separate from our own, while quartering troops halfway around the world with top-notch (and highly expensive) military technology.

A 2007 study by researchers at the University of Massachusetts, ‘The U.S. Employment Effects of Military and Domestic Spending Priorities’, revealed that spending on defense creates fewer jobs per \$1 billion spent than any of the other 5 sectors examined (Health Care, Education, Mass Transit, Construction, and Tax Cuts for Personal Consumption). Spending on defense was also found to result in fewer total wages and benefits than any sector save Tax Cuts for Personal Consumption.²²

The concept that wars create jobs is a remnant of World War II, when our country’s economy bounced back during the war effort. However, we no longer live in a World War II economy. At that time, it took a whole nation to be involved in the war effort – wives who had to go out into the factories to help manually make the millions of bullets and equipment needed.

That is no longer the case. Now, thanks to advances in technology, the bullets and equipment that would’ve once taken an entire nation to produce are produced instead by a few companies with grants. What is more, much of the spending does not even go to such low-cost, high-volume projects, but to high-expense, technological wonders like the F-35 Lightning II Jet. Congress has been planning to spend \$323 billion on 2,400 of the jets, each costing \$112 million.²³ Still, they are cheaper than the B-2 Bomber, which has cost \$2.1 billion per.²⁴ There are ultimately 2 points to be made in differentiating between World War II and the present day:

- A) **Efficiency** – Today, technology that a half century ago would have provided millions of jobs is now the domain of thousands thanks to advances in machinery. The work once done by hand is now almost exclusively automated and done at a much faster pace as well. Therefore, you will get far fewer jobs in the process.
- B) **Volume** – The increasing reliance on a few super-powered weapons as fighter jets²⁶ creates greater dependence upon a few technological marvels rather than old-fashioned guns and bullets.²⁷ As such, our emphasis has become on robotics, GPS, and specialized equipment created by a few well-paid employees rather than the bulk production of more numerous and less costly equipment.

“Workers today produce twice as much manufacturing output as their counterparts did in the early 1990s, and three times as much as in the early 1980s, thanks to innovation and advances in technology that have made today’s factory workers the most productive in history. Simply put, we’re producing more and more manufacturing output with fewer and fewer workers, and the increase in worker productivity is one of the main reasons that 8 million manufacturing jobs in the U.S. have been eliminated since the late 1970s.”

Mark J. Perry, *The American*²⁵

According to the U.S. Budget, spending on National Defense in 2010 is

projected at \$689 billion and \$701 billion in 2011.²⁸ What is more, as seen from the table below, only \$150 billion in 2010 will go to military personnel, and \$80 billion to research and development. The other \$450 billion is primarily going to the expenses “Operation and Maintenance” (\$272 billion) and “Procurement” (\$130 billion). Comparatively little is being spent on paying troops themselves or research, much is direct war costs.

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
050 National defense, Dept. of Defense - Military											
Military personnel	76.9	86.9	109	116.1	119.7	126.1	129.3	136.3	145.5	150	153.9
Operation & maintenance	113.9	132.7	177.7	189.1	178.6	212.5	239.2	255.1	270.7	272.2	277.4
Procurement	61.7	62.7	78.5	83.1	96.6	105.4	133.6	165	135.4	130	131.1
Research, development, test and evaluation	41.7	48.7	58.1	64.6	68.8	72.9	77.4	80	80	80.4	81.5
Military construction	5.5	6.6	6.7	6.1	7.3	9.5	14	22.1	26.8	22.4	22.7
Family housing	3.7	4	4.2	3.8	4.1	4.4	4	2.9	3.9	2.3	2.3
Revolving, management, trust funds and other	2.2	2.6	3.3	4.7	3.8	3.7	3.4	5.1	4	3.5	3.6
Total, Department of Defense—Military	305.6	344.4	437.5	467.6	478.9	534.5	600.9	666	660.4	660.4	672.5
Total, National defense	329	362.1	456.2	490.6	505.8	617.2	625.9	696.3	697.8	689.1	701.8

3. EXECUTIVE COMPENSATION

As I previously stated (pg. 3) companies are outsourcing jobs overseas or to illegal immigrants to reduce their payroll expense. Furthermore, changes in technology result in greater manufacturing output even as fewer workers are hired (pg. 8). In either case, you get extra money saved by a large corporation, whether through cheaper workers or increased automation that would have once been spent on workers. Where does all of that money go? Where else but to corporate executives?

What is most maddening, however, is that executives who are firing the most workers are doing so even as their companies are profiting, and even as they take home above average pay in the form of bonuses. Furthermore, as of January 2009, 9 of every 10 CEOs at banks receiving federal bailout funds were still employed there.²⁹

“CEOs of the 50 firms that have laid off the most workers since the onset of the economic crisis took home nearly \$12 million on average in 2009, 42 percent more than the CEO pay average at S&P 500 firms as a whole.”

The Institute for Policy Studies
‘CEO Pay and the Great Recession’,³⁰

According to a report by the Institute for Policy Studies the salaries/bonuses earned by the 50 CEOs who laid off the most workers in 2009 (accounting for ¾ of all layoffs in 2009) amounted to 42% more pay than CEO pay at S&P firms overall. 72% of the firms employing these CEOs laying off the most workers had positive earning reports at the time. 2009 CEO pay has more than doubled since

the 1990s, more than quadrupled since the 1980s, and is 8 times the average for the 20th century according to the report, even after adjusting for inflation.

In its 2009 report, the Institute for Policy Studies reported that the 20 U.S. firms which received the most bailout money from 2006-2008 awarded their top 5 executives a combined total of \$3.2 billion, an average of \$32 million each. However, these same 20 firms at the same time fired a combined 160,000 U.S. workers from Jan. 2008 to Sept. 2009.³¹ Even as they were driving the economy into the ground corporate executives were paying themselves huge bonuses with the money saved by firing workers, and gained by taxpayer-funded bailouts.³²

When CEOs whose firms are profiting are still firing workers so they can give the money to themselves, and using taxpayer money from the bailouts to do so, there clearly is not enough done to limit CEO compensation.

4. MONOPOLIZATION

The concept behind the free market is to lower prices by having more sellers in the market, since their competition should lead to them fighting to provide the best prices, products, and services. Likewise, the concept is also to provide more cumulative economic wealth by having more businesses competing, since many firms competing will result in a greater number of companies employing, than if just a few large companies are providing all of the employment. More companies means more total employment than from a single large firm.

However, monopolization is contrary to both these intentions, since it replaces the many with dominance by a few. Rather than many companies competing, the market share is primarily owned by 1 or a few large corporations.³³ While in not every case they will have tried to make this the case, they can do so by “Predatory Pricing”, dropping prices below normal in an attempt to destroy smaller businesses unable to absorb the cost of paying below what is sustainable.

As an example, Wal-Mart recently unleashed its ‘Project Impact’ to focus on categories that can harm its competition, according to Time Magazine’s Sean Gregory. The adverse impact of Wal-Mart on small business has long been noted³⁴, with the company accused of predatory pricing, intentionally dropping its prices lower than wholesale costs either to create price wars with smaller ma and pa stores which can’t sustain the low prices³⁶ or by seeking to corner the market in a sector by using unprofitably low prices on a few items.³⁷

“They’ve got Kmart ready to take a standing eight-count next year. Same with Rite Aid. They’ve knocked out four of the top five toy retailers, and are now going after the last one standing, Toys ‘R’ Us. Project Impact will be the catalyst to wipe out a second round of national and regional retailers.”

Burt Flickinger III, retail consultant
quoted in Time Magazine³⁵

As Barry C. Lynn makes an excellent case for in ‘Breaking the chain: The antitrust case against Wal-Mart’, such anti-competitive measures are contrary to

the concept of a free market.³⁸ As Lynn puts it succinctly, “*From Adam Smith onward, almost all the great preachers of laissez-faire were tempered by a strain of deep realism... The invisible hand of the marketplace, and all that derives from it, had to be protected by the visible hand of government.*”

The concept of a free market revolves around competition. By having many buyers and sellers in a market it will force them to offer the best services and prices they can to contend with their competitors.

However, what Lynn is referring to are anti-competitive practices that can be used by business to harm competitors, the market, and ultimately the same competition that lowers prices and makes capitalism work via increased buyers and sellers. You see, if a large business stamps out small ones, what you get is a monopoly. By destroying smaller competitors they reduce the competitors to one or a few major companies in the industry from many. In the process of destroying their competition, they will not only gain vast profits and control over the industry (including suppliers), but also the ability to charge whatever they want once all of their major competitors are extinguished.

WHAT DID ADAM SMITH BELIEVE

Lynn is correct in his assessment that the stance held by Adam Smith was not the same as his adherents of today.³⁹

Smith in “The Wealth of Nations” favors the following regulations* :

- A tariff either to protect the country’s defense or protect domestic industry by equating foreign and domestic competition equally.⁴⁰
- A minimum wage.⁴¹
- A cap on the interest rate.⁴²
- A social welfare system.⁴³
- A stamp of workmanship to prevent fraud.⁴⁵
- A public education system.⁴⁶
- A progressive property tax in which “the rich should contribute to the public expense, not only in proportion to their general revenue, but something more than in that proportion.”⁴⁷
- A system of “public works” funded by society for “maintaining good roads and communications” and “institutions for education and religious instruction”.⁴⁸
- A system of tolls and transportation taxes to pay for commerce.⁴⁹
- A publicly-funded military⁵⁰ with a standing army ruled by the nation’s leader.⁵¹
- A publicly-funded system of courts for administration of justice.⁵²
- Separation of executive and judicial powers.⁵³

“Among other things, Smith warned against chartering joint stock companies and corporations because they blurred the lines of accountability. He specifically urged government to take ownership control of banks, and of other industries that he considered to be parts of a country’s infrastructure... In other words, Smith understood that the imperatives of ‘self-interest’ that worked to make individuals wealthy did NOT always work to contribute to the nation’s general wealth or welfare.”

Professor Richard Abrams
Berkeley University⁴⁴

* Additionally, I found the following resource useful for searching ‘The Wealth of Nations’:
<http://www.econlib.org/library/Smith/smWN.html>

- Higher taxation of predatory renting methods.⁵⁴
- Taxes on luxury items rather than those necessary for survival.⁵⁵

Now it can be recognized that Smith's beliefs in the free market did not lead to him opposing government regulation – he frequently railed against monopolies, in fact, but why? At Capitalism.org, Ayn Rand advocates make the case that rights to liberty, property, free speech, and pursuit of happiness guarantee an absolute right to pursue economic gain for “one's own self-interest”.⁵⁶ However, what this argument boils down to is ultimately the same argument used by advocates for abortion, 2nd hand smoke, and drunk driving – that one should have the right to do as they please regardless of whom that ‘right’ harms. In the case *Schenk v. United States*, Justice Oliver Wendell Holmes, Jr. famously declared that the right to free speech does not include the right to yell ‘Fire!’ in a crowded theatre and cause a panic.⁵⁷

It could furthermore be paraphrased, “Your right to throw a punch stops where another's nose begins.” Rights and privileges exceed only so far as the boundary of another person's inalienable rights, or they are unjust and should thusly be revoked. If a right permits the right to harm others, at best it should be reconsidered whether or not it should be a right at all. We have freedom of speech, but not to slander or yell fire in a crowded theater. We have a right to our own bodies but not to rape or murder. We have a right to property and to privacy but not to steal the property of others or to kill others in the privacy of our own homes. We have a right to bear arms, but only in self-defense, not the unjustified killing of others. This ultimately comes down to whether the freedoms of a free market are being used to harm. If they are harming small businesses then anti-monopolization regulations are needed. If they are harming consumers then consumer protection regulations are needed. If they are harming the market and investors then once again government must intervene.

Regulations are simply rules intended to protect a given group from potential infringement of their rights. The government is like a classroom. If you have too many rules, students (i.e. companies) will grow frustrated at trying to meet unnecessary or burdensome rules and drop out, grow less involved or produce worse work. But if you have too few rules it will be anarchy, with students harming one another, causing disruption, and nothing educationally productive getting done. Regulation is in itself neither good nor bad, though it can be both. Which it becomes will depend on who the rule is intended to protect, and whether the method of protection is indeed just. Adam Smith for example points to unjust regulations mandating apprenticeships to prevent fewer workmen from entering the industry, or raising the wages of executives to harm the lower class.⁵⁸ However, he notes that a different regulation, a stamp of workmanship, has the effect intended of preventing fraudulent goods.⁵⁹

The goal is to avoid BOTH extremes, and to find a MIDDLE GROUND. You need to be in the process of simplifying existing regulations and eliminating unnecessary ones to ease the burden on businesses who have to meet them so they have less paperwork, and can focus more on business. But regulations are necessary to protect consumers, small business, investors, and the economy, though we should always seek to provide these protections as simplistically, straightforwardly, and effectively as possible.

In the well-known documentary, ‘Wal-Mart: The High Cost of Low Price’⁶⁰, a number of key facts are noteworthy:

- Wal-Mart in 2004 imported \$18 billion of goods from China.⁶¹ Wal-Mart sells

denim shirts for \$11.67, but the total cost of the materials (fabric from China) was \$3.30, with total labor paid just 20 cents and industrial laundry paid 22 cents. Workers are paid 13 to 17 cents an hour to sew the shirts. In the U.S. that same shirt would cost \$13.22 to manufacture, not \$3.72.⁶² Wal-Mart has further been lobbying in 2010 to stop Bangladesh factory workers from getting a new minimum wage of 35 cents an hour to keep 3.5 million workers in poverty.⁶³

- Wal-Mart by itself reduces take-home pay of American workers by \$4.7 billion each year, according to a 2007 study by University of California Berkeley's Labor Center. The study finds a wage gap between Wal-Mart workers and other general merchandising employers of 17.4%.⁶⁴
- As of 2004, Wal-Mart had received approximately \$1 billion in government subsidies. The government paid it to set its stores up, in other words.⁶⁵

"Wal-Mart has been so instrumental in changing the US labour market that between 1997 and 2004, 70% of new retailing jobs created were Wal-Mart jobs. US manufacturing jobs fell by 3.1 million during the same period meanwhile Wal-Mart imports increased by 200%, most of them from China."

Christopher Kyambadde, MoneyWeb
'Book Review: The Wal-Mart Effect'⁶⁶

While Wal-Mart is but one example, it is a good one in illustrating how relaxed anti-trust laws can negatively harm our economy. Not only is Wal-Mart front and center in sending jobs overseas to produce products which it actually gets for only half or even a third of what it sells them for, but these are produced by workers who are kept in slave-like conditions in intense poverty. Even here in the U.S., Wal-Mart store employees are paid as cheaply as possible, with Wal-Mart doing all it can to pay them even more cheaply:

- Wal-Mart in 2000 paid \$50 million to settle a Colorado class-action lawsuit for 69,000 employees who were cheated out of wages. In 2002 it faced another from 200,000 workers cheated out of \$150 million worth of wages.⁶⁷ Wal-Mart as of the 2005 documentary ultimately faced lawsuits in 31 different states for wage and hour abuses.⁶⁸ More recently, Wal-Mart in 2008 paid \$35 million in a Washington case representing 80,000 workers for forcing them to skip lunch breaks, Wal-Mart is still fighting the Dukes v. Wal-Mart case, ongoing since 2001 – the largest sex discrimination lawsuit in history representing 1.6 million female employees, and has just agreed in 2010 to pay \$46-86 million to settle a California case representing thousands of workers bilked out of wages.⁶⁸
- According to CNN, Wal-Mart in 2005 paid \$11 million to settle claims that it hired illegal workers in Pennsylvania – there were 245 arrests.⁷⁰
- A follow-up by the UC Berkeley's Labor Center discovered that by using Wal-Mart's own internal memo, Wal-Mart in 2005 cost taxpayers \$455.5 million from workers and their children (not including adult dependents) that are enrolled in Medicare/SCHIP, and an additional \$202.2 million for Wal-Mart workers which lack health care insurance altogether.⁷¹

"In the 1980s Congress passed several laws that relaxed the antitrust prohibition among U.S. firms, including the National Cooperative Research Act of 1984 (NCRA) and the Omnibus Trade and Competitiveness Act (OTCA)."

Timothy Tregarthen, 'Economics'⁶⁹

- A 2004 study by the Democratic Staff of the Committee on Education and the Workforce concluded, among other things, that a single 200-employee Wal-Mart store costs taxpayers \$420,750 a year, a total cost of \$1.56 billion in 2004.⁷²
- While the average Wal-Mart worker in 2001 made \$8.23 an hour, and \$13,861 a year, five Walton Wal-Mart owners had by 2004 accumulated over \$18 billion.⁷³

As such, a lack of regulations not only allow these mega-corporations to arise by forming mergers that would have once been broken up due to their impact on competition⁷⁴, but to then harm American jobs by outsourcing to other countries, to harm foreign workers by vastly underpaying them, to harm American workers by underpaying them, to hire illegal immigrants rather than American workers, to take government subsidies to pay for themselves, to cheat taxpayers by not providing medical care or sufficient wages, to destroy small businesses with predatory pricing and other unfair competitive practices, and ultimately to give the billions upon billions of dollars saved through such immoral dealings to their CEOs.

5. PREDATORY LENDING

It has recently come out in a study by the American Sociological Review that not only did predatory lending contribute to the recent financial crisis, but that it was more extensively targeted at Hispanics and African Americans.⁷⁵ This is logical, since Hispanic and African-American families in 2007 had median incomes of \$40,556 and \$40,143, respectively, compared to \$64,427 for Caucasians, a disparity that has persisted since 1990.⁷⁶

However, the ASA study revealed that even when comparing Latinos and African Americans to Caucasians who had comparable credit profiles, Latinos and African Americans were more likely to receive subprime loans with unfavorable terms like prepayment penalties, higher cost ratios, and higher rate spreads.⁷⁷ As such, there is a troublingly recognizable discriminatory aspect of predatory lending that is now emerging.

Rush Limbaugh has questioned whether predatory lending exists, stating

“The banks were forced by law to loan to people who were not qualified in order to make housing ‘affordable,’ in order to reach quotas... The lenders did not want to make these loans. I mean, ask yourself: Who in their right mind would lend money to somebody who can’t pay it back unless somebody is promising you on the back end that they’re going to take care of it somehow?”⁷⁸

Limbaugh may be correct with his first point that banks were originally forced by the 1976 Community Reinvestment Act to make risky loans in the interest of helping the poor.⁷⁹ As John Carney points out in “Here’s How The Community Reinvestment Act Led to the Housing Bubble’s Lax Lending”,⁸⁰ the regulations of the Act were but a contributing factor that aided in starting a chain of events.

While bankers may have initially been reluctant to partake in the process, once it became evident their high-risk borrowers were profitable, and making their payments anyway, they began taking advantage of the process. Furthermore, with an increasingly risky (i.e. poor) segment of lenders came relaxed lending standards to make up for the risk. Bankers took advantage of that with clauses they would activate decades later to take over homes after buyers had paid off years of interest.

Nevertheless, Limbaugh's later points neglect key factors in mortgage lending:

A. COLLATERAL. When making loans to lenders banks don't think will pay them back, collateral can be used. Collateral is an asset the lender has, such as a car, that can be seized if they fail to pay the loan.

"ACORN drafted language to loosen underwriting standards and decrease down payments in the housing industry, paying the way for the high rate of subprime loans millions of Americans eventually defaulted on... ACORN reaped profits from over a billion dollars in loans to low-income neighborhoods."

U.S. Rep. Darrell Issa, Committee on Government Oversight and Reform⁸¹

B. FORECLOSURE. If the poor lender fails to pay off the loan, the bank can simply seize the home they were paying for, a high-priced asset. A recent case of this is the Bank of America self-imposed block on foreclosures, just recently lifted, after public outrage arose when news escaped that lenders hadn't provided proper documentation to borrowers.⁸²

C. INTEREST. As can be seen by using the default settings (30 years, 6.5% interest) for the Total Mortgage Payment Calculator at womens-finance.com, a \$200,000 loan will result in a monthly payment of \$1530.80, or over 30 years, \$551,088.⁸³ As such, over a long-term loan it is not uncommon for the borrower to end up paying two or three times the amount of the original loan due to interest.⁸⁴ Therefore, a borrower may well have paid twice the home's original value and still have years remaining (particularly if subjected to penalties or forced to refinance) when the lender forecloses on their home. The lender may have already paid twice the home's original value, losing the money paid, as well as their home; providing strong incentive for bank CEOs to take what isn't theirs by raising rates with previously hidden penalties late in a mortgage contract's last years.

Therefore, there is most definitely motivation for CEOs or even lower-level bank employees to act of greed, in swindling homeowners. Rachel Dollar has over the last decade catalogued hundreds upon hundreds of separate cases of mortgage fraud.⁸⁵

Nevertheless, either due to the large number of foreclosures, or homeowners refusing to use them when refinancing/purchasing homes, the number of adjustable rate mortgages has declined drastically. According to the U.S. Census Bureau, the percentage of loans with adjustable rates dropped for new homes from 42% to 4%, and for previously occupied homes from 33% to 8% from 2004

to 2008.⁸⁶

As such, Limbaugh has provided part of the story – regulations which originally forced banks to lend to the poor did not properly protect those same poor from the adjustable rate mortgages which have wreaked havoc, not only our nation’s most helpless, but also upon the housing industry. However, the fact that the Community Reinvestment Act played a role does by no means absolve the bankers of their responsibility. They deliberately sought to use relaxed lending standards to string homeowners along for years, forcing them to refinance as necessary to prevent them from receiving the long-awaited homes, only to hike rates at the end to take the homes which had been rightfully paid for.

What we need are improved regulations to prevent this kind of abuse. Shahien Nasiripour has dismissed the current administration’s foreclosure-prevention attempts as “lackluster”⁸⁷, and I am inclined to agree. While we do need bills dealing with housing reform, health care reform, and other subjects crucial to our economy, we need good bills that spend effectively for their cost, not more massive bailouts and useless spending.

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ECONOMIC SOLUTIONS

“Everything should be made as simple as possible, but not simpler.”

Albert Einstein

The following are my proposals to fix the aforementioned problems:

1. REPLACE FREE TRADE AGREEMENTS WITH MINIMUM WAGE BASED TARIFF

The problem to be confronted is not the freeness of trade, but the fairness of it. And minimum wages, if drastically different between two countries, will result in an inherently unfair trade environment. Therefore, the key is not to try and restrict trade, or give one country the advantage over another, but merely to fairly equate the minimum wages between countries at a basic level to ensure a level playing field between both sides. This is something the U.N. or World Trade Organization should have already achieved, and should at some point accomplish if fair international trade is to be achieved.

To do so, free trade agreements must be replaced or amended to require taxation of countries below a set minimum benchmark, perhaps \$5.00 an hour. The tariff would of course not affect countries above that level, such as* :

Country	Hourly Min. Wage ¹	Trade Rank	Exports Rank	Imports Rank
Canada	\$8.05	1	1	2
Japan	\$5.42	4	4	4
United Kingdom	\$10.68	6	5	6
South Korea	\$5.27	7	8	7
France	\$8.47	8	8	9
Netherlands	\$9.31	9	21	7
Taiwan	\$5.86	10	9	15
Ireland	\$9.03	16	27	10
Belgium	\$9.08	17	12	24
Switzerland	\$7.43	19	16	22
Israel	\$5.99	21	19	22
Australia	\$9.62	22	32	14
Spain	\$5.51	29	26	33
Austria	\$6.79	44	48	35
Denmark	\$11.34	47	53	40

* Data for rankings is from the U.S. Census Bureau: www.census.gov/foreign-trade/balance/country.zip. Rankings represent 2009 total trade with the U.S., exports from the U.S., and imports to the U.S.

Kuwait	\$5.30	52	44	51
New Zealand	\$7.92	55	52	55
Greece	\$6.43	62	50	75
Luxembourg	\$9.47	81	67	90
Malta	\$6.54	115	118	105
Cyprus	\$5.75	133	127	135
San Marino	\$7.55	199	196	205
Kiribati	\$5.31	220	226	195

To avoid excessive bureaucracy, the tariff could furthermore affect only countries from which we received at least \$10 billion in imports the previous year. As of 2009, only 28 countries would have met that requirement, 11 of who are listed above, and would not have been affected due to minimum wages above the \$5 an hour mark.

The concept of such a tariff is simple – tax countries from whom we receive a significant amount of imports by how much lower their minimum wage is than a set benchmark (again, perhaps \$5 an hour). For example, were we to set the standard minimum wage at \$5 an hour, in the case of a country from whom we received at least \$10 billion in imports the previous year and that has a minimum wage of \$2.50/hour, we would tax them the additional amount, or $(\$5.00 - \$2.50) / \$2.50 = 100\%$. In the example, they were paying half what they should have, and are taxed double to make up for it. The tariff simply taxes the additional amount below the \$5 / hour benchmark. Those countries that would have been affected based on 2009 imports are as follows[†]:

Country	Imports (Billions)	Hourly Min. Wage ¹	Tariff
China	\$296.37	\$0.00	1000 %
Mexico	\$176.65	\$0.84	495 %
Germany	\$71.50	\$0.00	1000 %
Venezuela	\$28.06	\$3.40	47 %
Italy	\$26.43	\$0.00	1000 %
Malaysia	\$23.28	\$2.29	118 %
Saudi Arabia	\$22.05	\$3.70	35 %
India	\$22.17	\$0.00	1000 %
Brazil	\$20.07	\$1.89	165 %
Nigeria	\$19.13	\$0.72	595 %
Thailand	\$19.08	\$1.10	355 %
Russia	\$18.20	\$1.35	270 %
Singapore	\$15.70	\$0.00	1000 %
Indonesia	\$12.94	\$0.49	920 %
Vietnam	\$12.29	\$0.49	920 %
Colombia	\$11.32	\$2.42	107 %
Algeria	\$10.72	\$1.63	207 %

[†] Data for imports is from the U.S. Census Bureau: www.census.gov/foreign-trade/balance/country.zip.

Under the proposed tariff, only the above countries would be affected. Furthermore, all any country including the above ones would need to do to NOT be affected by the tariff, would be:

- Import fewer than \$10 billion of goods to the U.S. a year, or
- Utilize a national minimum wage of at least \$5.00/hour.

As such, the tariff would not be protectionist, since it does not seek to prevent trade or give advantage to the U.S., merely to equate countries in terms of minimum wages, so that other countries do not gain unfair advantage. Furthermore, the tariff is adjustable, based on how other countries set their minimum wages, and thus fair and justifiable in its workings.

Since we already track the value of imports via the U.S. Census Bureau, and information on national minimum wages is generally well-recorded, it would not be far-fetched to envision the creation of a bureau to track the national minimum wages of the 30 or so countries whose imports exceed \$10 billion a year, and tax their goods accordingly.

2. RETURN TROOPS TO GUARD BORDERS

For all that returning troops would help our budget, and the \$700 billion we are spending each year on National Defense, it would create a new problem. If we merely return troops, we will return them to a slumping economy with no jobs to return to. You will have many unemployed soldiers now part of the unemployment rate.²

As I previously stated, only \$150 billion is being spent on soldier salaries themselves, and \$80 billion on military research, a combined \$230 billion of that \$700 billion total.³ We could continue research of military technologies, avoid demilitarization – possibly putting current weaponry and equipment into storage, and keep our troops employed, all while cutting as much as \$400 billion from the budget every single year.

And what better way than a voluntary reemployment program to have troops guard our southern border? It would make our borders safer from drug smuggling, weapon smuggling, and terrorist infiltration. It would be safer than fighting in a hostile Middle Eastern environment. And it would be relatively cost effective, since it would be labor intensive, just paying troops to prevent crossing of the border, apart from high-expense equipment like jets and tanks.

It could even extend along the coastline near Florida to prevent crossings from Cuba, or anywhere else along the border where security is a concern. Furthermore, the money troops have been getting paid would all be inside the U.S. to funnel into our economy, rather than getting saved while they fight overseas, or spent at another economy.

3. CAP CEO SALARIES

Given that top-earning CEOs are firing workers even as their companies are profiting, there is a huge concern over executive compensation. While particularly egregious when occurring with taxpayer funds from government bailouts, such huge salaries are also inexcusable at publicly traded companies in general, since not only does it harm stockholders – whose money is being given by a CEO controlling it to himself, but workers at the company as well.

If a privately-owned company, then CEOs should be able to pay themselves what they wish, they own the company and it is their money. But what has been occurring is their use of taxpayer funds from bailouts, stockholder funds from investing, and ultimately betrayal of the same public who buys from the company to fire workers so they can give themselves the money. They are harming the taxpayers, their investors, and their workers through greedily giving themselves money even after driving the economy into the ground with poor management – the same CEOs responsible are using the money the government gives them to reward themselves with billions of dollars in bonuses.

As illustrated by the Economic Policy Institute in ‘The State of Working America 2008/2009’, the ratio of average CEO compensation (in America) to average worker pay was 24 in 1965, rose to 35 in 1978, and to 71 in 1989. By the year 2000, CEOs in America were making 298 times the rate of the average worker and in 2007, 275 times the pay of the average worker. The EPI report also reveals that CEOs outside the United States make on average just 44% that of their American counterparts.⁴

It is time for a cap on CEO salaries at all publicly traded companies. What this cap should consist of is debatable, but here are a few possibilities:

- Cap CEO salaries in relation to pay of the average worker, whether at the company, in the industry, or in general. Even at 100 times the pay of the average worker, that is still roughly \$4 million a year that a CEO can make.
- Cap CEO salaries at the president’s pay level of \$400,000 a year. A bill was actually proposed by Senator Claire McCaskill to this very effect for CEOs of bailed out companies.⁵ The bill was read twice, referred to the Committee on Banking, Housing, and Urban Affairs, and there has been no further action on it since.⁶
- Cap CEO salaries in relation to a measure of company earnings or profits. This might be the most justifiable since it allows CEOs to be paid up to a set level based on their performance.

However, expect such standards to be potentially imposed elsewhere, including sports athletes, movie stars, and talk show hosts. Ultimately, how much does a CEO need to make to feel properly rewarded for their hard work? How many millions of dollars are needed to properly incentivize a CEO?

DO REWARDS PUNISH?

Alphie Kohn in his groundbreaking work, which I highly recommend, makes a number of fascinating points about the use of rewards to motivate:

- “The more rewards are used, the more they seem to be needed.”⁷ Kohn makes the example of a child rewarded with sweets who then becomes satiated with them, requiring more of the reward to achieve the same result afterward.⁸ The book of Ecclesiastes says similarly that “he that loves silver will not be satisfied by silver, nor he that loves abundance with increase, this is also futility.”⁹ Paradoxically, the more CEOs are paid, the more they’ll want to be paid.
- Rewards improve quantity, not quality, and harm creativity.¹⁰ This is because, as Kohn points out, rewards are aimed only at generating a set behavior, while distracting and detracting from addressing the attitudes and underlying thinking behind the behavior in question (e.g. if you offer a kid a reward to stop staying up late, you haven’t really addressed the reason they were doing so in the first place)¹¹ and result in doing the task not for enjoyment of the task itself but for the reward proffered with the underlying implication that the task is so uninteresting it requires bribery.¹²
- Rewards work to motivate only up to a basic level.¹³ Greater levels of motivation must be intrinsic (internal) – yet the use of extrinsic (external) rewards to motivate harms intrinsic motivation.¹⁴ Furthermore, rewards by their nature exclude and distract from the underlying issues by seeking to manipulate a set response, rather than examining what causes the undesired behavior.¹⁵ While everyone, CEOs included, want to be paid fairly at the market rate, more money will not motivate more – such motivation comes intrinsically. As Kohn points out, if you look at a company’s hardest workers they are motivated by more than just money. If you are underpaid to the point of starvation or the compensation is not equitable in regards to your peers it will prove demotivating, but few would argue this a likely danger with CEOs. It is the concept of ‘utility’ where giving beyond a certain point has minimal effect – the goal here is to determine where that level of utility lies, and how to link it to performance so underperforming CEOs are not rewarded regardless – primarily because to do so has detrimental effects on taxpayers, investors, and the economy.

Kohn does not make the point that the thing rewarded with is necessarily wrong, but that the process of using it, as he puts it, “do this and you’ll get that” is what is so inherently objectionable and manipulative that it has the same effects that punishment does, in seeking to control behavior through external means.¹⁶

“Surely oppression makes a wise man insane, and a bribe destroys the heart.” - Ecclesiastes 7:7

Ultimately, what I am NOT saying is that it is wrong for CEOs to be justly rewarded or that making money is wrong. I believe that our economy should allow those who perform to receive the fruits of their labors. What I am, however, arguing against is for CEOs to be able to give themselves unchecked salaries far higher than foreign counterparts, at far higher levels than CEOs once gave themselves, out of stockholder/taxpayer money when they do not themselves own the company.

I am not against paying CEOs who are earning their paychecks. But I do think there is such a thing as being paid too much, and we are not doing enough to determine what that limit should be, and to set it accordingly, since it is taxpayers who are suffering (through bailout money given to CEOs as bonuses), American workers who are suffering (when laid off and their jobs outsourced to free up money for said bonuses), and investors (who suffer the consequences of CEOs more concerned with paying themselves than managing the company well, and who further suffer when the economy is imperiled through such greed harming the market consequently).

What that limit should be and how it should be set is up for debate, but it is high time that that debate now occurred.

4. CORPORATE TAX BREAKS FOR HIRING MORE WORKERS

Even confronting the issue of outsourcing and free trade and capping CEO salaries does not necessarily mean companies will hire as many workers as possible. As was addressed on page 8, our own increasing technological efficiency means less workers are required, so companies could still opt to use that saved money on other things like equipment, buildings, or investment once they can no longer give it to their CEOs – or they might just pay all lesser-ranking executives more.

While we can't very well tell companies "don't use as much machinery, it's reducing the need for workers", what we could do is provide tax breaks for companies who hire more American workers (mostly because it will get too messy to track them outside the country than any attempt to focus on American jobs, but also because if an American tax break it should involve American workers who pay taxes) in relation to a measure of company success, like company earnings, or net profit. It should account for company size too, so small businesses are not excluded. By providing tax breaks for companies who hire more workers it will serve to provide growth opportunities to companies which hire more, so the good companies will rise to the top.

There needs to be a reason for companies to hire more workers when technology is reducing need to hire them, and a tax break for companies who have more workers in relation to earnings will allow them to hire workers without harming the bottom line. It also reduces corporate taxation in an equitable manner and should quickly boost U.S. employment and consequently, the economy.

5. TRUST-BUSTING

Whether monopolies or government control through socialism, the effect is the same. Competition is reduced by giving control to a single entity, with fewer workers employed, due to fewer competitors (companies). The one in control has control over the market, and can exert their will over suppliers, since suppliers

must go to them to achieve success in the industry. The end result is that consumers are harmed by an entity whose leadership and workers lacks incentive to remain accountable to consumers in providing the best prices and services possible. After all, with control of the market, consumers have little choice.

As prominent Austrian economist Murray N. Rothbard recognized, free market enterprise does not equate to unchecked jungle law without boundaries.¹⁷ Rather, as Adam Smith acknowledged, the existence of a fair and truly free Free Market is dependent upon rules and restrictions from government, that, rather than taking control of companies, merely ensure they do not cross harmful boundaries with respect to consumers, investors, small businesses, and ultimately the market itself.¹⁸

“For most of this century both political parties pretty much agreed government should keep corporations from becoming too big and powerful... A new breed of economists taught that big was not necessarily bad, and trustbusting waned. Mergers were allowed to flourish almost unchecked.

Today mergers are still multiplying, more than doubling since 1991 to 3,700 last year and heading to more than 6,000 this year. Included in the group are some big names, Citibank and Travelers, Lockheed and Northrup Grumond, Ameritech and SBC.”

Brooks Jackson, CNN (1998)¹⁹

The solution of course is neither monopolies nor socialism, but seeking to maintain competition by ensuring companies don't overtake an industry. Yet the goal is also to ensure the government controls which prevent this do not themselves become a monopoly, i.e. socialism. After all, some government regulations, i.e. rules, are needed to ensure fair competition; that consumers, investors, and small businesses aren't defrauded and the market imperiled. Yet too many regulations will prove hampering to a free market, so there is a danger at both ends, and a proper moderation must be achieved between both sides. This is addressed more in depth on pages [36-37](#).

An examination of Teddy Roosevelt's administration will reveal the term 'trustbusting', meaning to break apart or prevent the joinings of multiple companies to attempt monopolies.²⁰ He enforced the Sherman Antitrust Act (passed in 1890) to break up companies which tried to merge and take over markets. We have since passed other anti-trust acts as well, including the Clayton Antitrust Act (1914) and Robinson-Patman Act (1936).²¹

“The Sherman Act remained the cornerstone of U.S. antitrust law ensuring a competitive free market. Suits were brought under the act against offending corporations throughout the twentieth century.”

JRank.org, Law Library²²

However, relaxed enforcement of those antitrust laws has allowed an increase in mergers in recent years.¹⁹ By seeking to break up and prevent companies trying to become too big, we would increase employment through greater competition (more companies competing = more employment), prevent anti-competitive practices by large companies such as Wal-Mart, and foster a truly free market.

6. CAP INTEREST RATES

What is the simplest, most effective way to reduce predatory lending, and stop its negative effects? Logically, to cap the interest rate at a level it has no need to go beyond. Why would a bank need to charge 15%, 20%, 25% on a loan unless trying to make the buyer default and lose their loan? Logically, such loans are illogical, and possibly immoral. They expand on the age-old idea of ‘usury’ and run with it.

Adam Smith in “*The Wealth of Nations*” makes this point, for example, in recommending a capped interest rate of 5%, and even stated 230 years ago that to allow a higher rate (8-10%) would be to loan it to those likely to waste it, and that dangers exist from too high or too low a rate:

“In countries where interest is permitted, the law, in order to prevent the extortion of usury, generally fixes the highest rate which can be taken without incurring a penalty. This rate ought always to be somewhat above the lowest market price, or the price which is commonly paid for the use of money by those who can give the most undoubted security. If this legal rate should be fixed below the lowest market rate, the effects of this fixation must be nearly the same as those of a total prohibition of interest. The creditor will not lend his money for less than the use of it is worth, and the debtor must pay him for the risk which he runs by accepting the full value of that use. If it is fixed precisely at the lowest market price, it ruins with honest people, who respect the laws of their country, the credit of all those who cannot give the very best security, and obliges them to have recourse to exorbitant users. In a country, such as Great Britain, where money is lent to government at three per cent, and to private people upon good security at four, and four and a half, the present legal rate, five per cent., is, perhaps, as proper as any.

The legal rate, it is to be observed, though it ought to be somewhat above, ought not to be much above the lowest market rate. If the legal rate of interest in Great Britain, for example, was fixed so high as eight or ten per cent., the greater part of the money which was to be lent, would be lent to prodigals and projectors, who alone would be willing to give this high interest. Sober people, who will give for the use of money no more than a part of what they are likely to make by the use of it, would not venture into the competition. A great part of the capital of the country would thus be kept out of the hands which were most likely to make a profitable and advantageous use of it, and thrown into those which were most likely to waste and destroy it. Where the legal rate of interest, on the contrary, is fixed but a very little above the lowest market rate, sober people are universally preferred, as borrowers, to prodigals and projectors. The person who lends money gets nearly as much interest from the former as he dares to take from the latter; and his money is much safer in the hands of the one set of people, than in those of the other. A great part of the capital of the country is thus thrown into the hands in which it is most likely to be employed with advantage

When interest was at ten per cent., land was commonly sold for ten and twelve years purchase. As interest sunk to six, five, and four per cent., the price of land rose to twenty, five and twenty, and thirty years purchase. The market rate of interest is higher in France than in England; and the common price of land is lower. In England it commonly sells at thirty; in France at twenty years purchase.”²³

In today's terms, such a rate, defined by Smith as "*the price which is commonly paid for the use of money by those who can give the most undoubted security*" might be more like 7% or 8%, but whatever the rate it should be determined and set to prevent not only borrower abuse but the harm caused to the economy by just such risk as Smith predicted more than two centuries ago.

We did not always have Adjustable Rate Mortgages (ARMs). The concept was first proposed in the 1960s by a politician in the Wisconsin state legislature named William Double. In the 1970s it was also picked up by lenders in California, and in the 1980s began getting increasingly adopted by other states. Independent surveys by Loantech have shown calculation errors occur in 1/3 of all ARMs.²⁴

Given the recent housing crisis it is only logical we should seek to place limits on this practice which has such potential for abuse. This leaves a number of options:

- Cap interest rates at a ceiling of 15%, or perhaps even 10%. Whatever the setting, it should prevent rates from charging beyond an acceptable rate of interest to prevent abuse.
- Eliminate interest completely, perhaps apart from that needed for inflation. If you think about it, interest is actually like double charging, since the lender determines a price necessary to make a profit, and then charges additionally for the time spent paying off the house. Adam Smith considers this but rejects it since he thinks the borrower then indebted to pay more to insure the lender's risk.²⁵
- Eliminate adjustable rates altogether, mandating fixed mortgages once more. However, banks who must then bear the cost of risk for problematic lenders could then stop lending so freely to high-risk homeowners, or use much higher initial rates to compensate for their inability to change the rate if payments are missed. Therefore, this will come with drawbacks. Nevertheless, it is already occurring (pg. 17).
- Cap interest rates in relation to the original rate. This would prevent rates from moving a set limit away from the original rate, perhaps 5 or 10%. To prevent hidden clauses from allowing rates to jump exorbitantly, this is an alternative to the first, or could even be used in conjunction with a ceiling requirement.

Unfortunately, there are just too many predatory lending practices that lenders can use. Lenders will simply devise new ways to cheat homeowners with rate changes to gain control of their homes. When this occurs en masse, as we've seen, it can imperil an entire industry and ultimately, an economy.

Therefore, capping the rate itself is the best way to prevent against the worst abuses. While lenders will always seek to skirt the rules against specific lending practices, or skirt transparency efforts designed to give householders a look into the ever increasingly complex contract process, we can get to the root of the problem by stopping their potential to do damage beyond a set amount.

As such, a simple rate cap will accomplish what hundreds of pages of law restrictions against specific types of predatory lending and rate changes seek to accomplish, in a simpler, more effective, and ultimately less destructive way.

Some other possible regulations to help limit predatory lending include:

- Outlawing prepayment penalties altogether. While the Home Ownership and Economic Protection Act of 2008 placed some restrictions on prepayment penalties²⁶, it makes no sense to penalize borrowers who try to pay off their home earlier. Perhaps it could come with a frequency restriction, limiting a prepayment to once per year, so it doesn't cause problems for banks trying to keep tracking of extra payments, but still, this is a penalty that should be eliminated entirely altogether.
- Stop excessive refinancing changes in term length. Someone who has paid off 20 years of a 30 year loan should not, when refinancing, be put back on a 30-year loan. Such a loophole is used by banks to drag homeowners along interminably on the debt-payment process. Perhaps there should be a calculation to determine how many more years for X decrease in interest rate should be allowed.
- Cap CEO salaries. Though mentioned already (pg. [26](#)) this would have far-reaching implications in the housing industry as well. Banks will always seek to overcharge homeowners so long as there is endless earning potential for them. Capping their salaries at a reasonable rate will eliminate their incentive to defraud borrowers, since their personal profit is no longer unlimited in the process. This perhaps more than any of the aforementioned measures could prove most effect in stopping predatory lending.

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PLANS THAT WON'T WORK AND WHY

Not all economic fixes are created equal. Here are some to be advised against:

- **FLAT TAX** – While it sounds good in theory, have everyone pay the same tax rate, it omits some very crucial information – it would mean drastically decreasing taxation on the rich to tax far, far more heavily the poor and middle class. In all probability it is the wealthy that are pushing for this.

You see, as of 2007, the wealthiest 10% of the country paid 71.2% of the taxes, and for good reason. That wealthiest 10% accounted for 48.1% of the total gross income.¹ However, income is not the same as total net worth.

According to the research by Edward Wolff (in turn based on the Survey of Computer Finances put out by the Federal Reserve Board²), the wealthiest 1% in America holds 34.6% of the nation's net worth, while the poorest 80% combined holds just 15% of the net worth – meaning the richest 20% in the country combine for the other 85%. The richest 5% controls 61.9% of the nation's net worth.³

“The top 10% have 80% to 90% of stocks, bonds, trust funds, and business equity, and over 75% of non-home real estate. Since financial wealth is what counts as far as the control of income-producing assets, we can say that just 10% of the people own the United States of America.”

Prof. G. William Domhoff, University of CA
‘Wealth Income and Power’⁴

In other words, since the wealthiest 10% of the nation controls 73% of the nation's wealth and pays 71.2% of the nation's taxes, if you made a ‘Flat Tax’ where everyone pays the same rate (even though the wealthy disproportionately hold most of the wealth), it would mean not only would the wealthy have to pay far, far less than they do now but everyone else would have to be taxed a LOT to make up for all the money the rich are not paying.

According to Table 1 of the Tax Foundation's data (in turn based on data from the IRS)⁵, the Income Tax accounts for \$1.1 trillion of the government's income with an average tax rate for all taxpayers of 12.68%.¹

Under the current income tax, taxpayers pay as follows:

	Tax Payers	Adjusted Gross Income	Income Tax (Millions)	Tax Rate	Share of Taxes
All Taxpayers	141,070,971	\$8,798,500	\$1,115,760	12.68%	100.00%
Top 1%	1,410,710	\$2,008,259	\$451,181	22.47%	40.44%
2-5%	5,642,839	\$1,286,283	\$225,367	17.52%	20.20%
6-10%	7,053,548	\$933,297	\$118,139	12.66%	10.59%
11-25%	21,160,646	\$1,817,515	\$171,443	9.43%	15.37%
26-50%	35,267,742	\$1,674,859	\$117,369	7.01%	10.52%
Bottom 50%	70,535,486	\$1,078,287	\$32,261	2.99%	2.89%

But under a Flat Tax, that would change to* :

	Income Tax (Millions)	Tax Rate	Share of Taxes	Change in Tax	Change in Rate
All Taxpayers	\$1,115,650	12.68%	100.00%		
Top 1%	\$254,647	12.68%	22.83%	-\$196,534	-9.79%
2-5%	\$163,101	12.68%	14.62%	-\$62,266	-4.84%
6-10%	\$118,342	12.68%	10.61%	\$203	0.02%
11-25%	\$230,461	12.68%	20.66%	\$59,018	3.25%
26-50%	\$212,372	12.68%	19.04%	\$95,003	5.67%
Bottom 50%	\$136,727	12.68%	12.26%	\$104,466	9.69%

So basically, the Flat Tax has the effect of making the wealthiest 1% (1.5 million Americans) pay \$200,000 less in taxes with about a 10% tax rate decrease, and the wealthiest 2-5% (5.6 million Americans) pay \$60,000 less in taxes with about a 5% tax rate decrease. Meanwhile, the poorest 50% of Americans see a 10% tax rate increase and pay over \$100,000 more in taxes, and the slightly upper-class, the richest 26-50%, see a 6% tax rate increase and pay about \$100,000 more as well.

Now, even aside from the whole morality issue of effectively taking from the poor to give to the already sickeningly wealthy, who by the way control almost all the nation’s wealth already, there is the question of whether this is truly best for the economy and small business. After all, what are those wealthy 5% of Americans likely to do with the money?

Yes they will invest it – but quite likely in the large companies outsourcing. What you’re doing with such a tax is putting as much of the money as possible in the hands of about 7 million people, and trusting them to do all the business investing and buying in the economy. That means less money in the hands of the bottom 75% of the economy with which to buy your cheaper, everyday goods, create small businesses, or donate politically.

The basic concept behind the free market is competition, correct? But such a tax is anti-competitive. It means fewer companies overall, directed by fewer people, and less opportunity for a full 75% of the nation to create small businesses. And with fewer small businesses, just a few large ones left run by the ultra-rich, you will get less competition in the market, fewer jobs, monopolism, and quite possibly higher prices and price-fixing as a result.

Another problem with the ultra-rich having all the money to invest is that they will have more ability to invest internationally, rather than locally, with the

* I did not copy Tax Foundation’s charts, though I mimicked the format somewhat and used their Table 1 to verify my own results. I recalculated the data entirely via the IRS Source they provided using Table 6: Individual Income Tax Rates and Tax Shares: <http://www.irs.gov/pub/irs-soi/07in06tr.xls>

resources to consider global alternatives rather than the immediate, and thus their use of the money may benefit the global economy, but not necessarily America, and certainly not Americans in general. Furthermore, large companies are more likely to outsource than smaller ones since they have the power to move overseas, that a cash-strapped small business will not.

- **ELIMINATE THE MINIMUM WAGE** – Like a Flat Tax, this sounds good on the surface – no minimum wage means that companies can hire more workers.⁶ However, that is because companies can pay workers less. Already we are seeing people who once worked one single, good-paying job, having to work multiple part-time jobs to make ends meet.

“The number of persons employed part time for economic reasons (sometimes referred to as involuntary part-time workers) increased by 331,000 over the month to 8.9 million. These individuals were working part time because their hours had been cut back or because they were unable to find a full-time job.”

Bureau of Labor Statistics, Sept. 2010⁷

A fallacy committed with such reasoning is False Dilemma, which assumes just two solutions to the problem in question, when there are in fact more. After all, just because raising the minimum wage too high causes problems, does not mean the minimum wage is bad, or should be eliminated altogether.

Problems are caused by having the minimum wage either too high or too low:

TOO HIGH	TOO LOW
<ul style="list-style-type: none"> • Fewer workers can be hired, resulting in less employment. • Small business is hampered, unable to handle the higher costs. • Business goes to other countries for cheaper labor. 	<ul style="list-style-type: none"> • Workers have to work more part-time jobs to make ends meet. • CEOs just give themselves the money in the form of bonuses rather than hiring more workers. • Workers can be paid dirt-cheap, poor get poorer, rich richer.

The solution of course is not one extreme or the other. You have to find a proper balance that allows small businesses to compete, does not burden business unduly, and yet requires a fair living wage for workers. It should also be pointed out that higher minimum wages are likely to be detrimental right now because of the impacts of outsourcing.

Without a tariff like the one I’ve proposed, goods imported to the U.S. are cheaper because they are made with cheaper labor overseas, where there are no decent minimum wages. Therefore, a higher minimum wage in the U.S. won’t matter until we tax goods from other countries with low minimum wages, or business

will just go to those countries rather than hiring workers here. It's not that minimum wages are bad, but that without confronting the issue of low minimum wages in other countries through use of a trade protection, they will drive business to countries where there are no minimum wages, and workers can be paid and treated like dirt.

The solution is not living in the Sahara or Antarctica. One should avoid both harmful extremes, and strike the balance which will avoid both sets of negative outcomes as best possible.

Furthermore, companies like to hire the bare minimum so they can make the maximum profit. They are still not likely to hire workers to do nothing.

It should also be pointed out that just because layoffs are currently occurring, does not mean the company can't afford to hire more workers, or that CEOs are having their pay cut. In fact, CEO pay actually rose in 2009, particularly among companies that laid off the most workers, according to a report by the Institute for Policy Studies.⁸

On pages 10 and 11 I addressed this subject of CEOs who are firing workers even as their companies are profiting, and they themselves are receiving huge bonuses, not only from those firings, but directly from taxpayers via government bailouts.

"The CEOs of the 50 U.S. companies that laid off the most workers between November 2008 and April 2010 were paid \$12 million on average in 2009, or 42 percent more than the average across the Standard & Poor's 500, according to a study by the Institute for Policy Studies, a Washington think tank."

Reuters⁹

- **NATIONAL SALES TAX** – Much as I personally would love for a national sales tax to be a simple alternative to our current income tax, I just see several irresolvable problems plaguing it as things stand.
 1. **OVERSEAS BUYING:** This is the primary concern for me. Even if you design a sales tax that fairly taxes the rich according to their wealth and avoids taxing basic goods, the rich have the resources to simply buy their luxury goods overseas and then bring them with them into the U.S. Reasonably, how do you prevent that? How do you tax the goods to make up for their buying of goods elsewhere? Even if you were to somehow devise a system for taxing the goods when they are brought in, that does not stop them from buying goods out of country and keeping them out of country, with money made here in the U.S. As such, it would be too easy to dodge such a tax system for the rich and for tax revenues to decline drastically as a result.
 2. **WEALTH DIFFERENTIAL:** As shown for the Flat Tax previously, the rich disproportionately control the country's wealth. If you use any other system but an income tax, the rich are likely to dodge it by buying elsewhere, and become even richer. For a sales tax to therefore be fair in regards to wealth it would need to tax goods differently

based on their status as a luxury good vs. a good necessary to survival – you would need to tax basic foods and toiletries at a low or zero rate, and tax luxury goods generally at higher rates for their cost. However, even designing such a system – which I'd love to see if I thought it could work – you still have to overcome the first point, per above, and prevent dodging of the system by overseas purchases. And I have yet to come up with a solution to address that particular loophole.

As such, it appears we are stuck with our current Income Tax system, though perhaps elimination of payroll taxes like FICA might prove viable. The best solution at present appears to be simplifying the system to try and achieve the same effect with far less paperwork. Figure out what information accounts for the largest percentage of accuracy in determining wealth and try to trim out everything else. One would think that with perhaps 20 questions answered a reasonably good estimate of wealth status could be achieved for taxation, and that beyond that, more questions might prove more trouble than they are worth.

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OTHER ISSUES

The following issues were not previously addressed because I am not convinced they are major problems or else problems which can, or should be necessarily confronted

-Social Security:

While I originally was going to recommend adjusting the retirement age for Social Security to account for changes in life expectancy, I am no longer sure Social Security needs to be thusly confronted. After a discussion with Bill (see [Special Thanks](#) section), I came to agree that:

- A) Social Security is self-contained, and if not for the borrowing from the two funds, OASI (Old Age Survivor's Insurance Trust Fund) and DI (Disability Insurance Trust Fund) by our government¹, would have built up a surplus of \$2.6 Trillion. As Craig Steiner has pointed out², not only Clinton, but all recent presidents have been borrowing from the Social Security trust fund to make their deficits look smaller.³

“Social Security is far from bankrupt, with a \$2.6 trillion dollar surplus. The federal government has borrowed most of that surplus to pay for the wars in Iraq and Afghanistan, the Wall Street bank bailouts, and the Bush-era tax cuts. The government is now wondering how to pay back the loan – it's not their money – it belongs to Social Security.”

Kate White, Elder Law of Michigan, Inc.⁴
- B) That surplus would have sustained the Social Security trust fund during temporary events, like aging Baby Boomers and our current economic downturn. In 2010 it was reported that a milestone not expected to be seen until 2016 was reached, for the first time since the 1980s, Social Security paid out more in benefits than it brought in.⁵ This occurred because of the recession, with unemployment resulting in the Social Security trust fund receiving less than expected from payroll taxes, not only because of less taxes but older workers retiring earlier than they might have liked due to the jobs situation.⁶ However, if not for the government's borrowing, Social Security's surplus would have sustained it for years through the aging Baby Boomer era, and through our current economic crisis, both of which hopefully should prove temporary.⁷
- C) The Social Security fund would not have been expected to exhaust that built-up surplus of \$2.6 Trillion until 2037, though that's actually been adjusted from its previous date of 2041.⁸ It would have been taking care of itself just fine, despite its first deficit, due to a long-accrued surplus. Al Gore in 2000 proposed a “lockbox” concept to Social Security, where it is self-contained with no borrowing from it allowed.⁹ If not for the borrowing, Social Security would still be sustainable for years to come.

Therefore, I am no longer sure a drastic change in Social Security is needed. If adjusting for changes in life expectancy, perhaps only a small adjustment would

be required. While Craig Steiner¹⁰ and others have recommended privatization as a solution, I do not expect this to be a possibility any time soon.

While it is questionable whether the government even should be in the business of providing retirement for its citizens, and whether that's truly equatable to welfare, even if we were to privatize Social Security, you can't just eliminate the retirement benefits for millions of Americans who've already paid into it, not without getting a very angry public. To end Social Security, whether privatizing it, or ending it altogether, you would either need to pay back those who've paid into it, or set up private insurance funds for them, which would also come with a cost. That would require a lot of extra money on hand for the government which right now, we just don't have.

At any rate, the New York Times in 2000 reported that Social Security would be able to provide over 70% of promised benefits indefinitely.¹¹ Slight adjustments to the system may be all that is required to keep it operating effectively.

-Income Security:

Included among the costs of Section 600: Income Security are the following¹²:

	2011 Budget Cost	% of Total Budget
Unemployment Insurance	\$83.2 Billion	2.1%
Food Stamps	\$80.0 Billion	2.0%
Federal civilian employee retirement	\$73.4 Billion	1.9%
Military retirement	\$51.7 Billion	1.3%
Earned Income Tax Credit (EITC)	\$47.3 Billion	1.2%
Section 8 rental assistance	\$27.2 Billion	0.7%
Child tax credit	\$23.3 Billion	0.6%
Making Work Pay Tax Credit	\$20.7 Billion	0.5%
Temporary Assistance for Needy Families (TANF)	\$18.6 Billion	0.5%
Supplemental food program for women, children, & infants	\$7.3 Billion	0.2%
Foster care and adoption assistance	\$7.2 Billion	0.2%
Railroad retirement	\$6.5 Billion	0.2%
Low income home energy assistance	\$5.2 Billion	0.1%
Public housing operating fund	\$4.8 Billion	0.1%
ALL OTHER PROGRAMS:	\$31.6 Billion	0.8%
TOTAL:	\$559.6 Billion	14.14%

Now, does that count for a large chunk of the budget? Yes. But would a moral country allow its people to starve on the streets just to remove less than 15% of the budget? Probably not.

Because right now, with the way our economy is, our welfare system is about the only thing stopping that from occurring, the last line of defense. Those who want

us to blindly cut government programs, including welfare, have not thought the consequences through well enough, in my opinion.

Besides, if we confront other problems which are hindering job growth (outsourcing, executive compensation, monopolization, manufacturing efficiency), per the points I made in the previous chapters, then you will put people back to work and remove the strain on our welfare system.

The best solution for reducing the costs in this welfare section are to confront other issues behind job loss, so we can put people back to work so they don't need welfare, our last line of defense.

There are those who say people are lazy and just taking welfare because they don't want to work. Which of course, considering the ratio of job seekers to jobs available has been hovering around 5:1 or even 6:1, is ridiculous.¹³ As Alphonse Kohn in "Punished by Rewards" uses numerous studies to prove, people have an innate desire to work and to do well.

To Republicans who suggest people aren't trying hard enough, I offer a compromise I think we would both agree upon. Why not make government welfare programs work-contingent, apart from those disabled, elderly, or pregnant of course?

In other words, why not offer welfare in exchange for work done? If I am right, not only will it give them the welfare they need while aiding our government, but will give them back their pride in working for what they receive. Combining government work programs with welfare, so long as there are exceptions for those incapable of doing the work, should prove an ethical and justifiable measure both conservatives and liberals can agree upon.

Some simple examples would include community service, repairing bridges, schools, or simply cleaning up parks and local areas. Not only would it help our community in a straightforward manner, but give citizens a pride in helping the local communities they live at, as well as be useful for work experience in finding jobs afterwards. Franklin Delano Roosevelt with his New Deal used government work programs to put Americans back to work, in inexpensive and basic ways.¹⁴ We ought to do the same.*

* While I'd like to see a Stimulus bill, it must spend money wisely for the cost, which the bills coming out of Congress have not been doing. They have simply thrown money around, without care. We need a Stimulus bill, but it must be a good bill. We also need a health care reform bill, but not just any bill.

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BARACK OBAMA CONTROVERSIES

First let me say that I do NOT support demonizing Barack Obama or anyone else, or using attacks just for the sake of using attacks. Nevertheless, as shall be shown there are in actuality some very valid concerns about him which I believe should be brought to everyone's attention, as I believe that people should know what sort of leaders are representing them, and in what ways.

For that purpose, I will focus solely on controversies surrounding Obama which have not yet been fully presented and examined as I believe they ought to be, dealing with his political history and voting record. I will also seek to de-emphasize those which in my opinion are unduly questionable and lacking in credible sourcing/reasoning.

It is my hope this chapter will reveal that while false attacks have been levied at Barack Obama, that there are substantially credible concerns about his political history and voting record, both while in the Illinois state legislature and in Congress.

-Joshua

POLITICAL HISTORY

“Why say you’re for a new tomorrow, then do old-style Chicago politics to remove legitimate candidates? He talks about honor and democracy, but what honor is there in getting rid of every other candidate so you can run scot-free? Why not let the people decide?”¹

Gha-is Askia, 1996 IL Senate Candidate

On Obama’s use of petition challenges to disqualify all 4 candidates in the 1996 election.

"After I was elected president, in 2003, he came to see me, a couple months later. And he said to me, he said, ‘You’re the senate president now, and with that, you have a lot of pow-er.’ And I told Barack, ‘You think I got a lot of pow-er now?’ and he said, ‘Yeah, you got a lot of pow-er.’ And I said, ‘What kind of pow-er do I have?’ He said, ‘You have the pow-er to make a United States sen-a-tor!’

I said to Barack, I said, ‘That sounds good!’ I said, ‘I haven’t even thought of that.’ I said, ‘Do you have someone in mind you think I could make?’ and he said, ‘Yeah. Me.’”

...

“Barack knew if he had me it would checkmate the governor, ’cause the governor couldn’t come out and go with Blair Hull, ’cause the governor needs me. Same with the mayor. So he had analyzed and figured all of that out. He knew I could help him with labor support. And I could put a checkmate on some of the local politicians that didn’t know him, but they couldn’t really go against me.”²

Emil Jones, President of the Illinois Senate 2003-2009

"I took all the beatings and insults and endured all the racist comments over the years from nasty Republican committee chairmen, Barack didn't have to endure any of it, yet, in the end, he got all the credit. I don't consider it bill jacking, but no one wants to carry the ball 99 yards all the way to the one-yard line, and then give it to the halfback who gets all the credit and the stats in the record book.”³

Rickey Hendon, Illinois Senator, 5th district 1992-2010

"Mama didn't raise no fool... President Jones has considerable influence and a lot of power. I knew the President would like me a whole lot more if I went along with his wishes.”⁴

1996 ELECTION – HOW TO DISQUALIFY 4 OPPONENTS

Obama won his first political election in 1996 not by the voter's choice, but rather by eliminating that choice, challenging the petition signatures of all 4 of his opponents on frivolous grounds.

It began when the incumbent, Alice Palmer, lost her congressional election and made a late choice to run for her original seat in the Illinois Senate.⁵ Asking fellow Democrat Obama whom

she'd earlier supported, to step down, he not only refused, but then used a trick of the Chicago political process to disqualify her hastily gathered petition signatures, along with those of the other three candidates in the race, Gha-is Askia, Mark Ewell, and Ulmer Lynch, Jr⁶

"A close examination of Obama's first campaign clouds the image he has cultivated throughout his political career: The man now running for president on a message of giving a voice to the voiceless first entered public office not by leveling the playing field, but by clearing it."

David Jackson & Ray Long, Chicago Tribune
*'Barack Obama Knows His Way Around a Ballot'*¹

With his team of lawyers, including fellow Harvard Law School graduate Tom Johnson, Obama managed to create enough objections to reduce the petition signatures for each candidate below filing requirements. Although candidate Mark Ewell filed a federal lawsuit challenging the decision, it was quickly dismissed when Johnson intervened.

If signatures were printed and not signed they were disqualified.⁷ If signatures were otherwise valid but collected by someone unregistered (e.g. under-age), they were disqualified. If using signatures from the early 1995 polling sheets but not the most recent 1996 sheet version – the technicality which Mark Ewell fell prey to, the otherwise valid signatures and voices of American citizens were extinguished. Using his team of lawyers, including a high-profile contact from his days at Harvard Law School, Obama eliminated the people's choices.⁸

2004 ELECTION – OBAMA'S "BILL JACKING" DEAL

Obama won the 2004 political election as a combination of political maneuvering and media activism on his behalf. Political maneuvering, because Barack Obama in 2004 had a well-

recorded conversation with State Senator Emil Jones, head of the Illinois Senate, in which he asked Jones to make him a U.S. Senator.⁹

Following that conversation, Jones, the state Senate leader, then directed the legislation of other IL Senators to Barack Obama to raise his reputation and public visibility, including the landmark bill on racial profiling and videotaped confessions originally worked on by Senator Rickey Hendon.³ At one point,

"Republicans controlled the Illinois General Assembly for six years of Obama's seven-year tenure. Each session, Obama backed legislation that went nowhere; bill after bill died in committee. During those six years, Obama, too, would have had difficulty naming any legislative achievements... During his seventh and final year in the state Senate, Obama's stats soared. He sponsored a whopping 26 bills passed into law — including many he now cites in his presidential campaign when attacked as inexperienced."

Todd Spivak, Houston Press
*"Barack Obama and Me"*³

Obama and Hendon had a prolonged shouting match on the senate floor in which Obama had to be physically restrained after Hendon accused him of dishonesty.¹⁰ Jones also helped Obama craft legislation to address tragedies in the news. Many of Obama's legislative achievements occurred in 2003, his last and final year in the Illinois Senate. When releasing his list of earmarks, it emerged that Obama directed millions of dollars in earmarks to Emil Jones' senate district for a project at Chicago State University, a university Jones has championed.¹¹

Jones would later use his influence to silence the criticism of Hendon and Trotter, Obama's foremost critics. When Obama asked him how he'd done it, Jones told him "I made them an offer, and you don't want to know."¹² Lon Monk in the Blagojevich corruption trial testified that Governor Blagojevich had a deal in place with Emil Jones to name him to Obama's senate seat, but that Obama contacted Jones to call off the deal so it wouldn't affect his 2008 campaign.¹³ Emil Jones is now commonly referred to as Obama's political 'godfather', a moniker originally labeled by Barack Obama himself.¹⁴

2004 ELECTION – THE MEDIA'S POWER

When the 2004 election that Emil Jones had prepared his young protégé for finally arrived, a series of tough challengers conveniently imploded thanks to the Illinois media. The three toughest challengers Obama would face fell prey not just to unusual levels of scrutiny from the Illinois media, but on two separate occasions, efforts to unseal their private divorce records, including a major lawsuit:

1. During the 2004 Primary Election, opponent Blair Hull was a key contender for the Democratic nomination.¹⁵ However, as the Chicago Tribune would put it concerning Obama, "He also was the beneficiary of the most inglorious campaign implosion in Illinois political history, when multimillionaire Blair Hull plummeted from front-runner status amid revelations that an ex-wife had alleged in divorce papers that he had physically and verbally abused her."¹⁶ It was, as the Claremont Institute would conclude, pressure from journalists and opposing candidates that would compel Hull to release the records.¹⁷

Hull would resurface, along with Emil Jones, in the 2008 Blagojevich corruption scandal, Hull as 'Senate Candidate C'¹⁸.

"And what was totally unprecedented in U.S. politics is a paper suing to get access to sealed custody documents, sealed divorce records. No real precedent for that happening. Senator Kerry, for instance, has sealed divorce records and they're not asking him to turn them over. After I dropped out of the race, people would say, 'Hey, since Senator Kerry has sealed divorce records and they sued to have yours opened, in fairness, shouldn't they sue to have Senator Kerry's records opened?' And I said absolutely not. That's the exact wrong thing to do. Just because it happened to me, it doesn't mean that it should be the new standard. This is the new low for politics in America.

We're not going to ask everyone who is divorced to turn over what was said between spouses in the divorce hearing to the press. It's hard enough to get people to run for office as it is. If we now expect people to turn over their marriage counseling records, you know if a husband and wife go to marriage counseling because things aren't going well, or turn over divorce records, we'll get nobody to run for office. This is just a horrible precedent. So, I was saying that we should stop here, let me be the only person this has happened to. Don't ask for Ted Kennedy's. Don't ask for John McCain's. Don't ask for Joe Lieberman's. Just stop. This is not a good precedent for American society if you really want the best and brightest to run."

Jack Ryan, 2004 IL Senate candidate¹⁹

2. In the General Election, Jack Ryan faced off against Obama after cruising to victory for the Republican nomination with a 13% margin of victory, 36% to Jim Oberweis' 23%.²⁰ However, in an unusual step, the Chicago Tribune, who, like its fellow newspaper the Chicago Sun-Times had earlier endorsed Barack Obama, sued to have Ryan's divorce files unsealed along with Chicago TV station WLS – despite opposition from both Ryan and his ex-wife. Although Ryan advisers concluded he could still win if using a negative response, Ryan refused to counter, due to his distaste for dirty politics, and simply dropped out.²¹
3. After Ryan's departure, the GOP spent over a month trying to find a replacement, finally settling on former Ambassador to the United Nation's Economic and Social Counsel, Alan Keyes. Keyes incurred criticism from the press for being a 'carpetbagger' since he'd come from Maryland for the election.²² Keyes in 2000 had criticized Hillary Clinton of being a carpetbagger, and when questioned on the Tavis Smiley show, differentiated by saying his coming to Illinois was the result of being asked to by Illinoisans, and consequently looking at Obama's voting record, not opportunistically seeking out an easy race.²³

"I'll tell you by the time I got through the records, I was convinced that somebody had to run against Barack Obama! But if [his liberal voting record] had been the only point of difference between us, it would not have been me!

What finally caught my eye, is when I learned that he had, in April 2002, apparently cast a vote that would continue to allow live birth abortions in the state of Illinois."

Keyes from day one criticized Obama relentlessly over the issue he claimed was his motivation for traveling so far, Obama's voting record on live birth abortion or, as Keyes would call it, 'infanticide.'²⁴

Alan Keyes, August 8, 2004²⁵
Senate Announcement Speech

By the time Keyes entered the race there were less than 3 months remaining in the election, and a seemingly insurmountable challenge. Not only was the period between the primary and general election over 60% complete, but Keyes was facing a candidate who'd built up both funds and public support for months, with no established campaign structure himself, and to add to it all he had no name recognition in the state whatsoever.

Though controversial, Keyes quickly established himself as an excellent debater against Barack Obama²⁶. Keyes would lose to Obama, 27% to 70%.²⁷

2005 - REZKO LAND SCANDAL

Obama and Tony Rezko have been friends since 1990.²⁸ A notable fundraiser for both Obama and Governor Blagojevich, Rezko was convicted on 16 of 24 charges by the federal government for money laundering, mail/wire fraud, and corrupt solicitation, though he was acquitted for attempted extortion.²⁹ Rezko, a real estate developer, stacked state boards with members loyal to him, and used this power to negotiate \$7 million in kickbacks for himself.³⁰

In 2005, the longtime friends Obama and Rezko purchased adjoining lots next to one another, with Obama buying the house at \$1,650,000, \$300,000 below the asking

price. Obama was also questioned by the Chicago Sun-Times on the fundraisers done by Rezko, with Obama stating Rezko had raised \$50,000-\$60,000 for him.³¹

Some unusual details of the case:

- Both Tony Rezko and Barack Obama bought their houses on the same day.³²
- After Rezko got indicted, Obama from 2006-2008 contributed to charity at least \$150,000 worth of Rezko campaign contributions to deflect potential criticism.³⁰
- Obama in 2008 revised earlier statements about what Rezko donated up to \$250,000.³²

While there is no clear corruption in the case on Obama's part, and he has proclaimed his innocence in the matter, it was, at best, a poor choice of judgment.

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INFANTICIDE

“They have not been telling the truth, and you know, I hate to say that people are lying, but here’s a situation where folks are lying... I have said repeatedly that I would have been completely and fully in support of the federal bill that everybody supported - Which was to say that you should provide assistance to any infant that was born, even if it was born as the result of an induced abortion. That was not the bill that was presented at the state level.”¹

-Barack Obama

2008 interview with CBN/CNN correspondent David Brody

“Senator O'Malley, the testimony during the committee indicated that one of the key concerns was - is that there was a method of abortion, an induced abortion, where the -- the fetus or child, as - as some might describe it, is still temporarily alive outside the womb. And one of the concerns that came out in the testimony was the fact that they were not being properly cared for during that brief period of time that they were still living. Is that correct?

... Number one, whenever we define a previable fetus as a person that is protected by the equal protection clause or the other elements in the Constitution, what we're really saying is, in fact, that they are persons that are entitled to the kinds of protections that would be provided to a - a child, a nine-month-old -- child that was delivered to term. That determination then, essentially, if it was accepted by a court, would forbid abortions to take place. I mean, it - it would essentially bar abortions, because the equal protection clause does not allow somebody to kill a child, then this would be an antiabortion statute. For that purpose, I think it would probably be found unconstitutional.

The second reason that it would probably be found unconstitutional is that this essentially says that a doctor is required to provide treatment to a previable child, or fetus, however way you want to describe it. Viability is the line that has been drawn by the Supreme Court to determine whether or not an abortion can or cannot take place. And if we're placing a burden on the doctor that says you have to keep alive even a previable child as long as possible and give them as much medical attention as - as is necessary to try to keep that child alive, then we're probably crossing the line in terms of unconstitutionality.”²

-Barack Obama on the Born Alive Infants Protection Act

March 30, 2001. Senate Transcript, State of Illinois, pp. 84-90

"We at Planned Parenthood view those as leadership votes. We worked with him specifically on his strategy. The Republicans were in control of the Illinois Senate at the time. They loved to hold votes on 'partial birth' and 'born alive'. They put these bills out all the time . . . because they wanted to pigeonhole Democrats... He came to me and said: 'My members are being attacked. We need to figure out a way to protect members and to protect women, a 'present' vote was hard to pigeonhole which is exactly what Obama wanted. What it did was give cover to moderate Democrats who wanted to vote with us but were afraid to do so... A 'present' vote would protect them. Your senator voted 'present.' Most of the electorate is not going to know what that means." ³

-Pam Sutherland, CEO & President of the Illinois Planned Parenthood Council, 1980-2010

A common misconception is that this term, 'Infanticide', refers to abortion in general. In actuality, it is the term used in Congress' findings for a specific, now-illegal form of abortion known as 'Intact Dilation and Extraction' or Partial Birth Abortion.⁴ Partial Birth Abortion medicinally induces premature labor so that all but the head of the child is outside the body, and then kills the infant via use of a forceps and vacuum.

However, this abortion procedure has a high rate of children who survive abortions, and was controversial because children who survived were then left unattended by abortion physicians to die in back rooms, wastebaskets, etc. This was federally testified to in Congress by nurses Jill Stanek and Allison Baker.⁵ 'Infanticide' actually refers to children being left to die after botched late-term abortions without being given proper medical care.

The Partial Birth Abortion Ban Act of 2003 made partial birth abortion illegal, in large part because of its likelihood of live births, and their subsequent death by abandonment with lack of medical care provided.⁶ That had led earlier to another federal law, the Born Alive Infants Protection Act that in 2002 provided protection to children who survive abortions so they couldn't be left to die.⁷

Furthermore, support for the banning of partial birth abortion enjoyed far more support from the public than for banning Roe v. Wade. From 1996 to 2003, Gallup found support for banning partial birth abortion rose from 57% to 70% by the time the ban passed. Another set of polls by Gallup found 68% approval for the ban on partial birth abortion in 2003, and by 2007 that approval had risen to 72%.⁸ This high level of support would prove influential, as elected officials sought to conceal their votes in support of partial birth abortion, and particularly votes opposing the even more popular Born Alive bills.

Barack Obama's voting record is controversial not because he supported abortion in general, but because he voted against 7 Illinois bills to stop this practice, including the Illinois version of the federal Born Alive Infants Protection Act, and led a Planned Parenthood Congressional movement to vote 'Present' on the controversial bills instead of 'No', since 'Present' votes have the same effect as 'No' votes yet could deflect public scrutiny, since many voters aren't aware they are the same as a 'No' vote.⁹

Alan Keyes during the 2004 elections made Obama's voting record on live birth abortion his central talking point, and despite persistent focus from pro-life activist Jill Stanek,¹⁰ the issue seemed likely to disappear until Hillary Clinton during the 2008 Democratic Primary Election accused Obama of voting 'Present' on the bills, and not taking a stand for "women's rights" with clear 'No' votes.¹¹ Fortunately, or perhaps unfortunately, for Obama, longtime CEO and President of the Illinois Planned Parenthood Council, Pam Sutherland, came to his aid, with numerous statements revealing it was a concerted strategy by her pro-choice movement to provide 'cover' for Illinois politicians to vote against protecting children who survive abortions without appearing to do so.¹³

"If you are worried about your next election, the present vote gives you political cover. This is an option that does not exist in every state and reflects Illinois political culture."

Kent Redfield, Professor of political studies, University of Illinois, Quoted from 'Obama's vote in Ill. was often present', New York Times¹²

PAM SUTHERLAND
President and CEO
Illinois Planned Parenthood Council

"We at Planned Parenthood view those as leadership votes. We worked with him specifically on his strategy. The Republicans were in control of the Illinois Senate at the time. They loved to hold votes on 'partial birth' and 'born alive'. They put these bills out all the time . . . because they wanted to pigeonhole Democrats... He came to me and said: 'My members are being attacked. We need to figure out a way to protect members and to protect women, a 'present' vote was hard to pigeonhole which is exactly what Obama wanted. What it did was give cover to moderate Democrats who wanted to vote with us but were afraid to do so... A 'present' vote would protect them. Your senator voted 'present.' Most of the electorate is not going to know what that means."¹³

"It was our strategy from Planned Parenthood. He was always going to be no votes on all of these bills. But we specifically asked him to vote present because he was so respected among his fellow Democrats that, if he did the present vote, they would follow suit. And that ended up being the case. They did follow suit. And not only did many of the Democrats follow suit. So did a couple of Republicans follow suit. What's good about this strategy is it actually worked because the then-Senate President was no longer able to use these votes against candidates in their races."¹⁴

"We worked on the 'present' vote strategy with Obama. He was willing to vote 'no', and was always going to be a 'no' vote for us... They were worried about direct mail pieces against them. The more senators voted present, the harder it was to mount an issues campaign against the senator."¹⁵

"Anyone who says that a 'present' vote necessarily reflects that someone is ducking an issue doesn't understand the first thing about legislative strategy. People who work down here and know how things get done are hearing these accusations and saying, 'huh?... To provide cover for other Democrats who were shaky on the issue in an effort to convince them not to vote 'yes'. The idea is to recruit a group to vote 'present' that includes legislators who are clearly right with the issue... We also had Emil Jones, Lisa Madigan, Miguel del Valle, Rickey Hendon and other very strong pro-choice legislators voting 'present' on that one. It was all done to pull 'present' votes off the fence."¹⁶

"He said, 'You know, I am a no vote on these bills,' and I said, 'You know they respect you and if you vote present, it will be easier for them to vote present. Because people were consistently voting present, the Senate president stopped putting (attack) mailers out to those districts."¹⁷

"We had a very astute and devious Republican leader that we knew was using abortion votes as wedge issues, putting those votes into mailers to help defeat pro-choice Democrats. It was our strategy, Planned Parenthood's, to decide that a 'present' vote was the same thing as a 'no' vote... Then-State Senator Obama 'was always ready to vote 'no' on these bills but he understood how important it was to help his fellow colleagues. He was key to the strategy... not only did Democrats follow suit, so did many Republicans. The strategy actually worked... very few of those bills actually made it into law."¹⁸

"The poor guy is getting all this heat for a strategy we, the pro-choice community, did."¹⁹

Obama attempted various distortions to deny he had voted the way he did, following a CBN/CNN conclusion¹ that he was distorting his record on the 'Born Alive' bills:

*"I have said repeatedly that I would have been completely and fully in support of the federal bill that everyone supported, which was to say that you should provide assistance to any infant, uh, that was born, even if it was the consequence of an induced abortion. That was not the bill that was presented at the state level."*¹

This same distortion is still repeated on the Obama 'factcheck' website, with the campaign claiming he would have voted for the Illinois bills had they included the 'Neutrality Clause' of the federal bill²⁰. However, the 2003 bill had been amended to make it word for word identical to the federal bill.²¹

After the NRLC published a statement in August 2008,²² revealing that Obama, in the Health and Human Services Committee he chaired, voted against the Illinois version of the federal bill following an amendment by Sen. Richard Winkel to make the bill virtually identical to the federal version, Obama's campaign released a statement through spokesman Hari Sevugan admitting he had voted against a bill identical to the federal one, but suggesting the Illinois bill would've undermined current Illinois abortion law.²³ This admission was widely covered by the media.²⁴

"We find that, as the NRLC said in a recent statement, Obama voted in committee against the 2003 state bill that was nearly identical to the federal act he says he would have supported. Both contained identical clauses saying that nothing in the bills could be construed to affect legal rights of an unborn fetus, according to an undisputed summary written immediately after the committee's 2003 mark-up session."

Jess Henig, FactCheck.org
"Obama and 'Infanticide'"²¹

"Eric, that is not a response from the Obama campaign that you promised your readers. That is an old cut and paste from the Obama website. It doesn't take into account the new information I sent you proving that Obama voted against the identically worded Born Alive bill on the state level as was passed on the federal level. You didn't read the links to documentation I sent you or you're trying to ignore them. Read the amended version of SB1082. Read the vote on that."

Jill Stanek to a vacationing Eric Zorn of the Chicago Tribune, August 14th 2008²⁵

*"What that bill also was doing was trying to undermine Roe v. Wade. By the way we also had a bill on the law already in place in Illinois that insured life-saving treatment was given to infants, so for people to suggest that I and the Illinois Medical Society, so Illinois' doctors, were somehow in favor of withholding life-saving support from the infant born alive, is ridiculous."*¹

After the previous claim was debunked, this was the explanation the Obama campaign reverted to. However, this was false on multiple levels:

(A) The federal Born Alive Infant Protection Act dealt specifically with Illinois events and witnesses. Jill Stanek and Allison Baker, key witnesses for the federal bill, testified about children born alive and left to die in Illinois hospitals specifically. As such, the

Illinois laws on the books were clearly insufficient to protect children that survived abortions, and the federal case recognized this fact.

(B) Obama's own words on the Senate floor, as seen below in the Senate transcripts, acknowledged that the Illinois bill sought to protect, in his own words, "*the fetus or child... still temporarily outside the womb... not being properly cared for during that brief period of time that they were still living.*" As such, he did not argue at the time that the law was failing to protect children who survived abortions. He recognized Illinois law was insufficient to protect them, but argued they were not human because they had not been delivered to a full 9-month term though outside the mother's body and capable of survival if attended to, and that the doctor should not be "burdened" in providing treatment.

(C) Michelle Obama used Obama's campaign in 2004 to send out an email letter defending partial birth abortion, the practice now federally outlawed, as a "legitimate medical procedure". When Mrs. Obama was criticized on this basis, Obama issued a warning to "*lay off my wife*".²⁶ One of the first actions of Obama's presidency was to overturn the Mexico-City Policy, which banned overseas abortion funding save in the cases of rape, incest, and life of the mother.²⁷ Both Obamas appear supportive of the practice of partial birth abortion, regardless of Obama's official statements that he would have supported the laws banning the practice.

(D) Barack Obama now supports the Freedom of Choice Act even though it would prohibit the protection of "preivable fetuses" instituted by the same "Born Alive" legislation Obama has claimed he would have supported.²⁸

"Rick Winkel, a Republican former state senator who sponsored the 'Born Alive' bill, wrote in a Letter to the Editor, 'None of those who voted against SB-1082 favored infanticide.'"

This is a relatively new claim, made on Obama's 'Fight the Smears' website.²⁹ However, the link given to that Letter to the Editor merely goes to the Chicago Tribune's website, not to the actual letter written on September 5, 2008 by Rick Winkel... for good reason. The actual Letter to the Editor is as follows³⁰:

"A storm of controversy has risen in the presidential race concerning Barack Obama and legislation I sponsored in 2003 ("Obama's '03 abortion vote on forefront," Eric Zorn, Metro, Aug. 21). I introduced Senate Bill 1082 because of a nurse's claims that abortions at Christ Hospital in Oak Lawn resulted in living infants whom hospital personnel then allowed to die without medical or comfort care.

SB-1082 defined born-alive infants and required that courts recognize them fully as persons and accord them immediate protection under the law—including statutes outlawing infanticide. Opponents of the bill believed it was an attack on Roe vs. Wade, so I added neutrality language identical to the 2001 federal Born Alive Infant Protection Act that the United States Senate approved 98 to 0.

On March 12, 2003, I presented the neutrality amendment before the state Health and Human Services Committee chaired by then state Sen. Obama. All 10 committee members voted to add the amendment. Nevertheless, during the same hearing, the committee rejected the bill as amended on a vote of 4-6-0. Obama voted no.

I was stunned because the neutrality amendment addressed the concerns of opponents. It was the same neutrality language approved by U.S. Sens. Barbara Boxer, Ted Kennedy, Hillary Clinton and John Kerry in the federal bill.

None of those who voted against SB-1082 favored infanticide. Rather their zeal for pro-choice dogma was clearly the overriding force behind their negative votes rather than concern that my bill would protect babies who are born alive.

In 2005, I joined 116 state representatives and 54 senators in voting for HB-984, which contained the same born-alive definition and neutrality language as Senate Bill 1082, plus some extra language to satisfy the most zealous pro-choice legislators, yet harmless to the bill's purpose. No one voted against it. We had finally accomplished what we had set out to do - protect a newborn baby's life.

*- Rick Winkel
Former state senator
Urbana"*

As seen in the 2nd to last paragraph, Winkel says that while he doesn't believe those who voted against SB-1082 were in favor of infanticide, "their zeal for pro-choice dogma was clearly the overriding force behind their negative votes rather than concern that my bill would protect babies who are born alive."

In other words, Senator Winkel may not be accusing Obama of supporting infanticide, but is still saying Obama's pro-choice zeal blinded him to vote against protecting children as though he did anyway!

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The following are Obama's exact words on the Senate floor pertaining to some of these bills, as recorded in Illinois government transcripts of the proceedings.

TRANSCRIPT, BORN ALIVE INFANTS PROTECTION ACT²

"Senator O'Malley, the testimony during the committee indicated that one of the key concerns was - is that there was a method of abortion, an induced abortion, where the -- **the fetus or child, as - as some might describe it, is still temporarily alive outside the womb. And one of the concerns that came out in the testimony was the fact that they were not being properly cared for during that brief period of time that they were still living.** Is that correct?"

"Well, it turned out - that **during the testimony a number of members who are typically in favor of a woman's right to choose an abortion were actually sympathetic** to some of the concerns that your - you raised and that were raised by witnesses in the testimony. And there was some suggestion that we might be able to craft something that might meet constitutional muster with respect to caring for fetuses or children who were delivered in this fashion. Unfortunately, this bill goes a little bit further, and so I just want to suggest, not that I think it'll make too much difference with respect to how we vote, that this is probably not going to survive constitutional scrutiny."

"Number one, **whenever we define a previable fetus as a person that is protected by the equal protection clause or the other elements in the Constitution, what we're really saying is, in fact, that they are persons that are entitled to the kinds of protections that would be provided to a - a child, a nine-month-old -- child that was delivered to term.** That determination then, essentially, if it was accepted by a court, would forbid abortions to take place. I mean, it - it would essentially bar abortions, because the equal protection clause does not allow somebody to kill a child, then this would be an antiabortion statute. For that purpose, I think it would probably be found unconstitutional. The second reason that it would probably be found unconstitutional is that this essentially says that a doctor is required to provide treatment to a previable child, or fetus, however way you want to describe it. Viability is the line that has been drawn by the Supreme Court to determine whether or not an abortion can or cannot take place. **And if we're placing a burden on the doctor that says you have to keep alive even a previable child as long as possible and give them as much medical attention as - as is necessary to try to keep that child alive, then we're probably crossing the line in terms of unconstitutionality.** Now, as I said before, this probably won't make any difference. I recall the last time we had a debate about abortion, we passed a bill out of here. I suggested to Members of the Judiciary Committee that it was unconstitutional and it would be struck down by the Seventh Circuit. It was. I recognize this is a passionate issue, and so I - I won't, as I said, belabor the point. I think it's important to recognize though that this is an area where potentially we might have compromised and - and arrived at a bill that dealt with the narrow concerns about how a - a previable fetus or child was treated by a hospital. We decided not to do that. We're going much further than that in this bill. As a consequence, I think that we will probably end up in court once again, as we often do, on this issue. And as a consequence, I'll be voting Present."

TRANSCRIPT, INDUCED BIRTH INFANTS LIABILITY ACT³¹

"Thank you Mr. President. Will the sponsor yield for a question?"

"Yes, just along the same lines. Obviously this is an issue that we've debated extensively both in committee and on the Floor, so I -- you know, I don't want to belabor it. But I did want to point out, as I understood it, during the course of the discussion in committee, one of the things that we were concerned about, or at least I expressed some concern about, was what impact this would have with respect to the relationship between the doctor and the patient and what liabilities the doctor might have in this situation. So, can you just describe for me, under this legislation, what's going to be required for a doctor to meet the requirements that you've set forth?"

"So -- and again, I'm -- I'm not going to prolong this, but I just want to be clear because I think this was the source of the objections of the Medical Society. **As I understand it, this puts the burden on the attending physician who has determined, since they were performing this procedure, that, in fact, this is a nonviable fetus; that if that fetus, or child - however way you want to describe it - is now outside the mother's womb and the doctor continues to think that it's nonviable but there's, let's say, movement or some indication that, in fact, they're not just out limp and dead, they would then have to call a second physician to monitor and check off and make sure that this is not a live child that could be saved.** Is that correct?"

"Let me just go to the bill, very quickly. Essentially, I think, as -- as this emerged during debate and during committee, the only plausible rationale, to my mind, for this legislation would be if you had a suspicion that a doctor, the attending physician, who has made an assessment that this is a nonviable fetus and that, let's say for the purposes of the mother's health, is being -- that -- that labor is being induced, that that physician (a) is going to make the wrong assessment and (b) if the physician discovered, after the labor had been induced, that, in fact, he made an error, or she made an error, and, in fact, that that physician, of his own accord or her own accord, would not try to exercise the sort of medical measures and practices that would be involved in saving that child. Now, if -- if you think that there are possibilities that doctors would not do that, then maybe this bill makes sense, but I -- **I suspect and my impression is, is that the Medical Society suspects as well that doctors feel that they would be under that obligation, that they would already be making these determinations and that, essentially, adding a -- an additional doctor who then has to be called in an emergency situation to come in and make these assessments is really designed simply to burden the original decision of the woman and the physician to induce labor and perform an abortion.** Now, if that's the case - and -- and I know that some of us feel very strongly one way or another on that issue - that's fine, but I think it's important to understand that this issue ultimately is about abortion and not live births. Because **if these children are being born alive, I, at least, have confidence that a doctor who is in that room is going to make sure that they're looked after.** Thank you, Mr. President."

As such, the primary arguments made by Obama in fighting what he himself acknowledged were bills whose intent was to stop "a method of abortion, an induced abortion, where the -- the fetus or child, as - as some might describe it, is still temporarily alive outside the womb... not being properly cared for during that brief period of time that they were still living", were as follows:

-Not a full term.

As Obama stated,

"whenever we define a previable fetus as a person that is protected by the equal protection clause or the other elements in the Constitution, what we're really saying is, in fact, that they are persons that are entitled to the kinds of protections that would be provided to a - a child, a nine-month-old -- child that was delivered to term."

Logically then, he would consider children born prematurely, and who had not been born a "nine-month old... delivered to term" nothing more than a "previable fetus". Such logic cold-bloodedly places a new requirement beyond delivery outside the womb and capability of surviving as such, that you must have undergone a full 9-month term. I am sure that most can agree this is reprehensible.

-Don't burden doctors.

As Obama stated,

"As I understand it, this puts the burden on the attending physician who has determined, since they were performing this procedure, that, in fact, this is a nonviable fetus; that if that fetus, or child - however way you want to describe it - is now outside the mother's womb and the doctor continues to think that it's nonviable but there's, let's say, movement or some indication that, in fact, they're not just out limp and dead, they would then have to call a second physician to monitor and check off and make sure that this is not a live child that could be saved... Because if these children are being born alive, I, at least, have confidence that a doctor who is in that room is going to make sure that they're looked after."

Ironically, Obama is asking Americans to place their trust in the abortion doctors making hundreds of thousands of dollars each year in potentially harming other human beings, when it is not in their best interests to even reveal that children are surviving their abortions, let alone care for those children, as it could endanger their industry and cause unnecessary expense. The bill's purpose was reasonable, to ensure at least 2 physicians were accountable for verifying live-born children were not in fact surviving the abortions, to prevent the same "infanticide" that led Congress to declare partial birth abortion illegal. This double-physician standard leads to further physician accountability and better assurance that children who survive abortions are not left to die unattended.

-Bill Unconstitutional.

Obama declared that protecting children outside the womb who've survived abortions, or as he called them, "previable fetuses" would be unconstitutional simply because it would be an anti-abortion statute. According to his own rather muddled statements,

"That determination then, essentially, if it was accepted by a court, would forbid abortions to take place. I mean, it - it would essentially bar abortions, because the equal protection clause does not allow somebody to kill a child, then this would be an antiabortion statute. For that purpose, I think it would probably be found unconstitutional."

In other words, we shouldn't be concerned with whether or not it's killing a child, but whether it's placing restrictions on abortion.

Now, with all of that said, let me say that the reason I oppose Obama to such an extent is not merely that his logical and moral reasoning is flawed to the extent that he believed newborn children are not human. The final straw for me has been his repeated dishonesty on the issue, using a number of distortions and outright lies to defend himself from public scrutiny and deter an honest examination of the issue. The use of present votes to avoid public recognition of his voting I particularly disliked. Had he simply been truthful about his reasoning and not tried to hide it, I could have at least held him in respect.

Along with the aforementioned Hillary Clinton, the controversy surrounding Obama's "Born Alive" votes has also been brought up by Sarah Palin³², Mike Huckabee³³, John McCain³⁴, Rush Limbaugh³⁵, Fred Thompson³⁶, Nat Hentoff³⁷, James Dobson³⁸, Jill Staneck¹⁰, Gianna Jessen³⁹, Jerome Corsi⁴⁰, David Freddoso⁴¹, Alan Keyes⁴², Phyllis Schlafly⁴³, and Deal Hudson⁴⁴.

BILLS OBAMA OPPOSED

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- 2002 SB 1662.⁴⁷
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- 2001 Induced Birth Infant Liability Act, SB 1094.⁴⁸
- 2001 Partial Birth Abortion Ban Act, SB 1095.⁴⁹
- 1997 Partial-birth Abortion Ban Act, SB 230.⁵⁰

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GEORGE BUSH SIMILARITIES

Ironically, Barack Obama continuously cites in his defense, when criticized for his inadequate follow-through on promises of economic recovery, that he inherited a poor situation from past president George W. Bush.

However, this ignores three noteworthy facts:

1. The fact that Obama himself ran on a platform of being able to fix the messes of the past administration. I doubt many who voted for Obama expected him to, after passing the sweeping programs he'd been pressuring Americans and Congress to support, complain about it being the past administration's fault after the programs floundered horribly. He won election on making promises he couldn't keep, on fixing the problems of a past administration, and for him to resort to such an excuse afterwards shows a lack of the responsibility, accountability, and quite simply the maturity we the American people expect from a president.
2. According to TreasuryDirect.gov's Debt to the Penny calculator¹, debt grew at the following rates for each president's term.*

President	Begin ²	End	Start Debt	End Debt
Bill Clinton	1/20/1993	1/20/2001	\$4,188,092,107,184	\$5,727,776,738,305
George W. Bush	1/20/2001	1/20/2009	\$5,728,195,796,182	\$10,626,877,048,913
Barack Obama	1/20/2009		\$10,625,053,544,310	\$13,441,762,397,157

President	Debt Difference	Debt / Year	Debt / Day
Bill Clinton	\$1,539,684,631,121	\$210,560,093,802.62	\$526,928,347.41
George W. Bush	\$4,898,681,252,732	\$611,916,036,018.83	\$1,676,482,290.46
Barack Obama	\$2,801,749,829,102	\$1,710,098,139,836.65	\$4,685,200,383.11

As seen from the tables, the total public debt outstanding during George W. Bush's term grew 2.91 times the rate it did under Bill Clinton, likely due to the expensive wars in Iraq and Afghanistan, and subsequent funds required to support and manage both economies.

However, under Obama, that same total public debt outstanding (which by the way measures Social Security debt as well³), has grown by 2.79 times the rate it did under Bush, and 8.12 times the rate it did under Bill Clinton!

So yes, Bush was certainly not fiscally responsible in comparison to Clinton... but Obama has been so fiscally irresponsible he makes Bush look good! Those questioning whether anybody could possibly be worse than Bush have just found their answer.

* Obama's rate is calculated based on the 598 days he's been in office, current as of September 10, 2001. A calculator for determining days between two dates can be found at www.easysurf.cc/ndate2.htm.

3. A President alone does not determine a country's course, at least in the case of our United States. Without a Congress to legislate his agenda, a President is powerless.

Therefore, it should not be overlooked that Obama is potentially trying to distract from the fact that, as a part of that Congress – which by the way has been run by the Democrats since 2006⁴, he was a part of the problem, not merely because he was in Congress, but because he played an active role in helping pass President George W. Bush's key agendas.

The following is a point-by-point examination of Obama's potential hypocrisy on matters pertaining to the former President, George W. Bush, whom he now criticizes:

1. THE PATRIOT ACT AND FISA

Hillary Clinton in the 2008 Primary election pointed out a seeming disconnect between Obama's promises to change the Bush-era policies on surveillance, and his actual voting record:

*"You've changed positions within three years on, you know, a range of issues that you put forth when you ran for the Senate and now you have changed. You know, you said you would vote against the Patriot Act; you came to the Senate, you voted for it. You said that you would vote against funding for the Iraq war; you came to the Senate and you voted for \$300 billion of it."*⁵

FactCheck.org, in covering this story, pointed out that Obama earlier opposed the Patriot Act during his run for the U.S. Senate, and that in 2005 he originally opposed the act, but would end up voting to support it. However, Hillary Clinton likewise went from speaking in opposition to voting for it.⁶

"President Barack Obama's promise to increase oversight of wiretapping practices has been put on hold after Congress passed a one-year extension of the Patriot Act that made no changes to the law."

PolitiFact⁷

Obama more recently said in 'Barack Obama: The War We Need to Win':

*"As president, Barack Obama would revisit the PATRIOT Act to ensure that there is real and robust oversight of tools like National Security Letters, sneak-and-peek searches, and the use of the material witness provision... Barack Obama opposed the Bush Administration's initial policy on warrantless wiretaps because it crossed the line between protecting our national security and eroding the civil liberties of American citizens. As president, Obama would update the Foreign Intelligence Surveillance Act to provide greater oversight and accountability to the congressional intelligence committees to prevent future threats to the rule of law."*⁸

And yet, despite this, Obama recently urged Congress to extend the Patriot Act another year – unchanged.

Obama had previously railed against Bush's use of the Patriot Act, stating in a questionnaire from the Boston Globe on Executive Power in 2007,

*"The Supreme Court has never held that the president has such powers. As president, I will follow existing law, and when it comes to U.S. citizens and residents, I will only authorize surveillance for national security purposes consistent with FISA and other federal statutes... Warrantless surveillance of American citizens, in defiance of FISA, is unlawful and unconstitutional."*⁹

As such, Barack Obama has actually thrice over shown his support for the Patriot Act and warrantless wiretapping he once condemned, first by voting in Congress to reauthorize the Patriot Act in 2006 (HR 3199)¹⁰, secondly by breaking his earlier promise to filibuster an update of FISA since it gave immunity to telecommunications companies engaging in warrantless wiretapping per the Patriot Act¹¹ (HR 6304)¹², and thirdly by extending an unaltered Patriot Act another year as President.

The Obama campaign in January 2008 released a 'Fact Check' claiming Obama's voting on the Patriot Act was consistent¹³, but failed to address why his previous statements to the public had suggested he would vote differently. The outcry from his liberal/moderate base following the FISA vote in mid-2008 was so pronounced that Barack Obama released an additional personal response.¹⁴

2. IRAQ

Barack Obama has repeatedly made opposition to the Iraq War a talking point.¹⁵ August 31st, 2010, marked the official end of our combat in Iraq.¹⁶ The question though remains, why did he wait so long? Why have so many other agendas been pushed in Congress and only now, nearly two years into his term, we are finally seeing troops withdrawn – and even still, this is accompanied by merely moving them into Afghanistan.

As mentioned previously, Hillary Clinton targeted Obama for his prior voting for Iraq War funding.⁵ Obama while in Congress voted for HR 2642, the Supplemental Appropriations Act of 2008, to help fund the War in Iraq.¹⁷

To be fair, Obama did vote 'Present' on the original bill¹⁸, and only voted 'Yes' for it after it was amended with some desired reforms. Furthermore, the bill had tremendous support in Congress. For the original bill, 92 Senators voted Yes, 1 voted No, and 7 (including Obama) voted Present. For the amended bill, 92 Senators voted Yes (including Obama), 6 voted No, and 2 voted Present.

"Obama started moving toward setting a timetable in the weeks leading up to his announcement of his 2008 Democratic presidential exploratory campaign... The gradual switch in approach seems to be tied to the reality of the Democratic presidential primary."

Lynn Sweet, Chicago Sun-Times¹⁹

While Obama did vote in June 2006 for an amendment urging George Bush to set a timeline for troop withdrawal²⁰, he opposed an amendment by John Kerry to immediately

begin withdrawing troops²¹. He later began working in 2007 on his own amendment to withdraw troops, seemingly similar to the same one proposed by John Kerry had voted against.²²

In 2008, Justin Bank of FactCheck.org noted that the Associated Press article Obama ads were quoting from did indeed say Obama had opposed the war from the start, but the AP article also said,²³

“But nobody should accept at face value the Illinois senator's claim that he was a ‘courageous leader’ who opposed the war at a great political risk. ... And once elected to the U.S. Senate two years later, Obama waited months to show national leadership on Iraq.”²⁴

In short, Obama may well have ‘opposed’ the Iraq War from the start, but did not appear to show ‘courageous’ leadership in leading the charge against it until 2007, when he began exploring a presidential run. His amendment appeared to be created primarily to make him look good for opposing Iraq, for indeed he had opposed a similar amendment just over half a year before.

He voted for Iraq War funding, and waited over a year and a half to make withdrawing U.S. troops from Iraq a priority, in lieu of other agendas like health care, abortion (Mexico City Policy), and global warming (Cap & Trade).

3. EXECUTIVE ORDERS

Obama on the campaign trail promised “to not use signing statements as a way of doing an end run around Congress”.²⁵

However, as the New York Times noted:

“Already, Mr. Obama has had to reconcile his campaign-trail criticism of Mr. Bush for excessive use of so-called signing statements to bypass parts of legislation with his own use of such tactics. After a bipartisan furor in Congress last year, Mr. Obama stopped issuing such signing statements, but aides said last month that he still reserves the right to ignore sections of bills he considers unconstitutional if objections have been lodged previously by the executive branch.”

Peter Baker, New York Times²⁶

Most recently, Obama used one an Executive Order as part of a deal with pro-life Democrats to pass the health care bill. However, these same signing statements are the same ones he criticized George Bush for using, and promised not to use.²⁷

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DUBIOUS CRITICISMS

As previously stated, the questionable attacks on Barack Obama are endangering the appearance of truly valid question marks about this dangerous politician. Therefore, it is in the best interests of the American people that an objective examination be done of these claims as well; and what is, and what is not, established.

Birth Certificate:

The claim that Barack Obama was not born in the U.S. continues to be a rallying cry for opponents across America. Nevertheless, as will be shown, it appears based not so much on actual, substantial evidence that he was NOT born in the U.S., so much as on as whether the evidence that he WAS is suitable. In short, it is trying to prove a negative.

Here are the facts:

- In June 2008 the Obama campaign allowed FactCheck.org to look at his “Certificate of Live Birth” and take photos.¹
- In July 2008 a blogger discovered a birth announcement from the Honolulu Advertiser from August 13, 1961 for Barack Obama. It has since been discovered another newspaper, the Star Bulletin, also documented the birth.²
- PolitiFact went to extreme lengths to verify Obama’s citizenship, attaining scanned copies of his 1992 marriage certificate from Cook County, IL, his driver’s license record, and his registration and disciplinary record.³ PolitiFact also addressed a number of concerns about the documentation.
- In October 2008 Hawaii’s Department of Health released a statement by Dr. Chiyome Fukino verifying that Obama’s birth certificate was on record.⁴
- In August 2009 it was revealed that an alleged Kenyan birth certificate for Obama was a hoax.⁵ Another website allows you to create your own imitation Kenyan birth certificates online.⁶

While critics are free to speculate on whether a Certificate of Live Birth is the same as a Birth Certificate, and whether the documentation is suitable, there appears little reasonable basis for doubt at this point. This controversy appears to have substantial documentation opposing it, and should not be compared to the very real concerns surrounding Obama’s political history and voting record – particularly concerning live birth abortions.

Islamic Heritage:

One wonders why this issue has even reached the level of notoriety that it has, as it suggests a growing anti-Islamic bias in the U.S. – not particularly unexpected given the events of 9/11 and resulting Middle East wars, which have seen cowardly radicals bombing civilians and hiding in women's clothes to carry out their nefarious deeds. It has proven little secret that the violence associated with

Islam is quite pernicious in that region, though whether Islam as a religion is directly to blame for such violence will of course be debatable.

At any rate, whether Obama is a Muslim or not is of relevance only to the extent that (A) one considers membership in Islam itself a criticism, based on objections to the religion, (B) one could be considered worthy of guilt for lying about their religion, possibly to attract votes via demographics, or (C) if it was part of a grander, yet unproven (and likely improbable) scheme, per the conspiracy theorists, involving foreign influence to infiltrate American government or some such thing. If (A) then one is committed to an in-depth examination of Islam on its merits when making such a dubious criticism. If (B) then there is little reason to focus solely, or even somewhat, on this issue, since there are far easier points to make if merely trying to prove Obama lied on something. And if (C) then one is building a deck of cards, in trying to prove a shaky premise and then focusing on yet another conspiracy as a result which will be even harder to prove, and probably impossible – most likely based on pure conjecture.

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2010 HEROES: PRO-LIFE DEMOCRATS

Many pro-life supporters were surely disappointed as I was that Bart Stupak gave up on seeking to add the Stupak Amendment to the final health care bill. We did not understand how this Executive Order, which could be rescinded at any time, could possibly be sufficient, and it seemed at the time the ultimate betrayal. We had been conditioned to believe the Stupak amendment the perfect and only solution, and those who knew just how pro-choice Obama was were surely disappointed all the more.

Therefore, let me say that I understand all too well the outrage, hurt, and disappointment of those who, like me, immediately saw it as a forfeiture of principles, or at best, blind ignorance. Nevertheless, as will be shown, there are a number of factors at work here, including 34 Democrats, 19 of them pro-life Democrats, who voted against the final bill.¹

As will be shown, there were more complex issues underlying the reasoning of Bart Stupak and the other 19 pro-life Democrats who did vote for the final health care bill, including the fact that the bill could not go back to the Senate for changes without potentially getting destroyed by Republicans, who had gained the extra seat necessary after the bill had passed (meaning no amendments), a confidence in Barack Obama, and even the possible motive of merely using the Executive Order to stall the abortion agenda until Republicans gained power to remove it.

“To say there is ‘no such thing as a pro-life Democrat’ is to create a myth of our own. And we should leave myth creating to those who are not comfortable with or must avoid reality.

After all, at least eight pro-life Democrats bucked the enormous forces brought to bear on them and voted against the health care bill this weekend: Gene Taylor (MS), Ike Skelton (MO), Bobby Bright (AL), Dan Lipinisky (IL), Travis Childers (MS), Lincoln Davis (TN), Chet Edwards (TX), and Heath Schuler (NC).

What do you think it does to these few pro-life Democrats to hear from us that they cannot, by definition, be or vote pro-life? Especially after they have made one of the hardest votes of their political career?”

Thomas Peters, American Principles Project²

Ultimately, were it not for Congressman Bart Stupak's efforts, the bill would never have been delayed long enough for Americans to read it, and the necessity for drastic tactics like the reconciliation process never needed.³ Though I still disagree with Bart Stupak's choice to trust Barack Obama on an executive order which can be rescinded at any time, he is a hero whose efforts to protect children will go down as historic, and it will be shown they only did what they believed was right.

It is a travesty that FOX News and the Republicans are criticizing all Democrats for the result of the health care bill and the stimulus bills, and calling for Republicans to get blanket success in November.⁴ The misguided statement which Phyllis Schlafly authored in March 2010,⁵ that the pro-life Democrat is a “myth”, keeps getting repeated.⁶ Has everyone forgotten that pro-life Democrats were responsible for prolonging what would have otherwise been a quickly passed health care bill? It was not a lack of coordination among Democrats as some have dishonestly implied that blocked passage of the health care bill.

VOTING RECORD FOR PRO-LIFE DEMOCRATS AFFILIATED WITH DFLA

Name	Location		Health Care				Stimulus		Cap & Trade	Bailouts
	ST	D	Stupak Am #1	Final Vote	Stupak Am #2	Repeal Mandate	Bill I	Bill II		
Altmire, Jason	PA	4	YES	NO	YES	YES	YES	YES	NO	NO
Barrow, John	GA	12	YES	NO	YES	NO	YES	YES	NO	NO
Berry, Robert Marion	AR	1	YES	NO	YES	NO	YES	NO	NO	YES
Boren, Dan	OK	2	YES	NO	YES	YES	YES	YES	NO	YES
Bright, Bobby	AL	2	YES	NO	YES	YES	NO	NO	NO	?
Chandler, Ben	KY	6	YES	NO	YES	YES	YES	YES	YES	NO
Childers, Travis	MS	1	YES	NO	YES	YES	YES	YES	NO	NO
Costello, Jerry	IL	12	YES	YES	YES	NO	YES	YES	NO	NO
Cuellar, Henry	TX	28	YES	YES	NO	NO	YES	YES	YES	YES
Dahlkemper, Kathleen	PA	3	YES	YES	NO	NO	YES	YES	NO	?
Davis, Lincoln	TN	4	YES	NO	YES	YES	NO	NO	NO	NO
Donnelly, Joe	IN	2	YES	YES	YES	NO	YES	YES	NO	YES
Doyle, Michael	PA	14	YES	YES	NO	NO	YES	YES	YES	YES
Driehaus, Steve	OH	1	YES	YES	NO	NO	YES	YES	YES	?
Ellsworth, Brad	IN	8	YES	YES	NO	NO	NO	YES	NO	YES
Griffith, Parker*	AL	5	YES	NO	YES	YES	NO	NO	NO	?
Hill, Baron	IN	9	YES	YES	NO	NO	YES	YES	YES	NO
Holden, Tim	PA	17	YES	NO	YES	YES	YES	YES	NO	NO
Kanjorski, Paul	PA	11	YES	YES	NO	NO	NO	YES	YES	YES
Kaptur, Marcy	OH	9	YES	YES	NO	NO	YES	YES	YES	NO
Kildee, Dale	MI	5	YES	YES	NO	NO	YES	YES	YES	YES
Langevin, James	RI	2	YES	YES	NO	NO	YES	YES	YES	YES
Lipinski, Daniel	IL	3	YES	NO	YES	NO	YES	YES	YES	NO
Marshall, James	GA	8	YES	NO	YES	YES	YES	YES	NO	YES
Matheson, Jim	UT	2	YES	NO	YES	NO	YES	YES	NO	NO
McIntyre, Mike	NC	7	YES	NO	YES	YES	YES	NO	NO	NO
Melancon, Charles	LA	3	YES	NO	YES	NO	YES	YES	NO	YES
Mollohan, Allan	WV	1	YES	YES	NO	NO	YES	YES	NO	YES
Oberstar, James	MN	8	YES	YES	NO	NO	YES	YES	YES	YES
Ortiz, Solomon	TX	27	YES	YES	NO	NO	YES	PRS	NO	YES
Peterson, Collin	MN	7	YES	NO	YES	YES	NO	YES	YES	NO
Pomeroy, Earl	ND		YES	YES	NO	NO	YES	YES	NO	YES
Rahall, Nick	WV	3	YES	YES	NO	NO	YES	YES	NO	YES
Ross, Mike	AR	4	YES	NO	YES	YES	YES	YES	NO	YES
Salazar, John	CO	3	YES	YES	NO	NO	YES	YES	NO	NO

* Parker Griffith switched to the GOP on December 22, 2009 and would have been counted a Republican for votes afterward. Madeleine Bordallo, another pro-life Democrat, is not shown because she is a non-voting delegate from Guam. Some votes were for the House only (defeated before reaching the Senate).

Shuler, Heath	NC	11	YES	NO	YES	YES	NO	NO	YES	NO
Skelton, Ike	MO	4	YES	NO	YES	YES	YES	YES	YES	YES
Stupak, Bart	MI	1	YES	YES	NO	NO	YES	YES	YES	NO
Taylor, Gene	MS	4	YES	NO	YES	YES	NO	NO	NO	NO
Wilson, Charles	OH	6	YES	YES	NO	NO	YES	YES	NO	YES
SENATE										
	ST		Nelson Am	Final Vote			Bill I	Bill II		Bailouts
Byrd, Robert	WV		PRS	YES			YES	PRS		YES
Casey, Robert	PA		NO	YES			YES	YES		YES
Landrieu, Mary	LA		YES ⁷	YES			YES	YES		NO
Nelson, Ben	NE		NO	YES			YES	NO		NO
Pryor, Mark	AR		NO	YES			YES	YES		YES

SOURCES:	KEY:
<ul style="list-style-type: none"> • Stupak Amendment Vote, House.⁸ • Nelson Amendment, Senate.⁹ (Senate voted to ‘table’ the amendment, i.e. burying it to get rid of it¹⁰, so a No vote was preferable.) • Final Health Care Vote, House¹¹, Senate.¹² • Stupak Amendment #2, House.¹³ (David Camp proposed an amendment to the health care bill after its passage, similar to the Stupak amendment.¹⁴) • Individual Mandate Repeal, House.¹⁵ (David Camp proposed an amendment to the Small Business Jobs Tax Relief Act of 2010 to repeal the Individual Mandate.¹⁶) • Stimulus I, House¹⁷, Senate.¹⁸ • Stimulus II, House¹⁹, Senate.²⁰ • Cap and Trade, House²¹. • Bailout Bill (TARP), House²², Senate²³. 	<p>ST = State</p> <p>D = District</p> <p>PRS = Present Vote (same as NO vote)</p> <p>? = Not yet elected</p>

After the final vote on health care, another vote was held to “recommit” the bill²⁴, to add in a pro-life amendment similar to the Stupak amendment, to prevent the bill from funding abortions. Even though 34 Democrats had opposed the final health care bill, only 21 voted to add in the pro-life amendment (proposed by David Camp) by recommitting. Though there were 212 votes against the final health care bill¹¹, there were only 199 total votes to add the pro-life Amendment.¹³

As seen from the table above, all 19 pro-life Democrats who opposed the final bill also supported the pro-life amendment proposed by David Camp, while two more of their colleagues, Joe Donnelly and Jerry Costello joined them in supporting the amendment. Even though Costello and Donnelly had voted for the final bill, they showed their desire to change the bill to ensure abortion would not be a part of it, even with a vote they knew would probably receive little attention.

There were 15 Democrats who voted against the final bill, but who would not stand by the pro-life Democrats in supporting the pro-life amendment to the final bill after passage. Eight of them were Blue Dog Democrats not affiliated with DFLA (Arcuri, Artur Davis, Herseth Sandlin, Kratovil, Minnick, Nye, Space, and Tanner) with seven others affiliated with neither the Blue Dogs nor DFLA (Adler, Boucher, Chet Edwards, Kissell, Lynch, McMahon, and Teague). It is likely these 15 Democrats opposed the final bill for reasons other than abortion, such as its cost, corruption, or lack of suitable inclusions (e.g. public option, tort reform).

Nevertheless, a total of 21 pro-life Democrats (22 if counting Griffith, who had switched to the GOP) stood united in seeking to remove the abortion agenda even to the last. So in short, of the 41 pro-life Democrats listed in the 1st table, 21 voted to create a new health care bill, including 11 of the original 20 signers of Bart Stupak's letter.²⁵ Over half of the known pro-life Democrats stood to support life until the end of the health care process, even despite Bart Stupak's decision.

HEALTH CARE TIMELINE

As seen from a timeline of the health care process, Obama had promised Planned Parenthood abortion would be part of the final bill, and broke several key promises to make the bill creation process transparent. Pro-life Democrats standing against him prolonged the process for months so we the people could see what was in the bills.

- 2007, July 17: Obama promises Planned Parenthood at one of their meetings that “reproductive care” will be “at the center and at the heart of the plan that I propose.” He also stated, “so we’ll subsidize those who prefer to remain in the private insurance market, except, the insurers are going to have to abide by the same rules in terms of providing comprehensive care, including reproductive care... I believe that it is important for organizations like Planned Parenthood to be part of that system”.²⁶
- 2007-2008: Obama campaigns, repeatedly, on how his health care process will be broadcast publicly on C-Span rather than “behind closed doors”.²⁷
- 2009, April 28: The defection of Arlen Specter from the Republican Party gives the Democratic Party what is known as a ‘Supermajority’.²⁸ A Supermajority allows a party to pass any bill they want and the other party will not be able to stop them in either the House or Senate.²⁹ So long as Democrats unite, Republicans will not be able to stop anything from passing.
- 2009, June 25: Bart Stupak, with 19 other Democrats, sends a letter to House leader Nancy Pelosi stating they will oppose the health care bill if the abortion agenda is not removed.²⁵
- 2009, July 8: The White House strikes a deal with Hospital lobbyists to eliminate the public option in exchange for industry support.³⁰ Later in November, Pelosi is already seeking to discourage the concept of a public option despite opposition from progressives.³¹ Dennis Kucinich states, “They took single-payer off the table right at the beginning, because the table was set by insurance companies.”³²
- 2009, October 20: Liberal Democrats change the locks on the doors to the House Ways and Means Committee room to prevent Republicans from attending a hearing in which Democrats Chris Dodd and Kent Conrad were suspected of corruption in taking special VIP loans.³³

- 2009, October 26: Information emerges that medical device makers will be punished in the coming health care bill with a tax for not readily negotiating with the White House, like other medical industries did.³⁴ As the Wall Street Journal reported, it made little sense to impose such a tax to bring in just \$40 million to fund a bill costing \$900 billion, and appeared to be motivated from retaliation.³⁵ The device makers have since been hit with a 2.3% excise tax.³⁶
- 2009, November 7: The pro-life Stupak amendment passes for the House health care bill, HR 3962. Stupak's amendment prohibits the bill's funds from going towards abortion unless for rape, incest, or life of the mother.³⁷ It creates 2 federal insurance funds, one for abortion coverage and one for non-abortion coverage, to insure those who don't want to pay for other's abortions with their tax dollars don't have to. Stupak's amendment remains consistent with the Hyde amendment, which always prohibits federal tax dollars from funding abortions save in the case of rape/incest or life of the mother, and is the same as standing rules for federal workers.³⁸
- 2009, November 9: 41 pro-choice House Democrats sign a letter to Nancy Pelosi saying they will not vote for the bill if, when it comes back from the Senate, it has the Stupak amendment. Debbie Wasserman Schultz states, "I am confident that when it comes back from the conference committee that that language won't be there".³⁹ Pelosi it seems was persuading her base to let the Stupak amendment and the House bill pass, with the understanding it would be replaced in the Senate with a new bill removing the Stupak amendment.⁴⁰
- 2009, November 10-16: The House health care bill is received in the Senate. It appears Senate leader Harry Reid placed it on Senate Calendar No. 210, never read it, and created a whole new health care bill to reinsert the abortion agenda.⁴¹ Because the Senate chose to not just pass the House bill back in November⁴², health care reform is prolonged for another 5-8 months, and the entire process endangered.
- 2009, November 20: Senators Enzi and Barasso note in Congress that Senate Leader Harry Reid took 2 bills from separate committees, destroyed the amendments the committees had agreed upon, and came up with a whole new bill in the process.⁴³
- 2009, December 8: Democrats reject the pro-life Nelson Amendment to remove the Senate health care bill's abortion agenda.⁴⁴ Furthermore, by creating a gulf on the abortion issue between the House and Senate health care bills, it prolongs the health care reform process, risking it altogether.⁴⁵
- 2009, December 16: Chris Weigant of the Huffington Post notes that if Harry Reid uses the budget reconciliation process, not only could he remove the Stupak amendment with a replacement bill, but it would require at least 11 Democrats in the Senate to stop it (and there are only 5 pro-life Democrats there). In short, the Senate's pro-life Democrats would have no bargaining power whatsoever.⁴⁶
- 2009, December 17: With no way to stop the Senate bill, pro-life Democrat Senator Ben Nelson trades his vote for the only anti-abortion language to ultimately make it into the final health care bill, doing what he can to limit the damage of the abortion agenda. However, Republicans use it to attack the bill, calling it a '**Cornhusker Kickback**' and claimed Nelson negotiated special Medicare advantages for his state. Nelson has claimed he never even asked for the advantages, that the White House threw them in there as 'spice', he didn't even ask for it just for Nebraska but for all states, and that Republicans knew all

- of this and falsely accused him just to kill the bill and discredit the health care process.⁴⁷ Greta Van Susteren interviewed Nelson in April, and not only did he repeat everything he'd said without changing his story, but Greta discovered he had written to his governor before the deal happened saying he wanted it for all states, and had even said on the senate floor just before the deal passed that it was to be for all states. Senator Max Baucus however, when Nelson was not on the floor, refused to extend it to all states, and stopped Republicans from applying it to multiple states. As Greta would put it, given all the facts, it appears that Baucus must have set it up to hurt him and “throw him under the bus” if Nelson is right, though Nelson hesitated to blame them.⁴⁸ Another possibility is that the Democrat Party did not want to pay more for the bill, and give Medicare to all states, and used that simultaneously to frame Nelson. While still uncertain what exactly happened, it is clear Nelson twice before the deal specifically said in documentation he wanted it to apply to all states, and that if Baucus understood this, he changed Nelson’s wishes and then played a role in framing him. An interview with Senator Harry Reid also appears to show the intent was to apply the bill to all states.⁴⁹ Nelson has claimed ever since December 22 that he wanted it to apply to all states.⁵⁰ Nelson less than 2 weeks earlier had tried to pass a pro-life similar to the Stupak amendment only to have it fail.⁵¹
- 2009, December 23: The Senate passes its own separate health care bill, H.R. 3590.⁵² Republicans decries the passing of a deal-laden amendment introduced just 36 hours before, and voted on at 1 am.⁵³
 - 2010, January 5: CSPAN founder Brian Lamb pleads with Obama and Congress to broadcast health care deliberations publicly on CSPAN as promised, and lays out how his network can do it. Pelosi rejects, saying, “There has never been a more open process for any legislation in anyone who’s served here’s experience”.⁵⁴
 - 2010, January 12: A special deal is cut for unions, the primary funding base for Democrats (see page), in exchange for their support of the bill. Union workers get protected from the 40% tax on high-value ‘Cadillac’ insurance plans, as well as other perks.⁵⁵ However, non-union workers are not exempted, forcing workers to join unions, who give over 90% of their political donations to Democrats.
 - 2010, January 20: The election of Senator Scott Brown breaks the 8-month Democrat Supermajority that had previously allowed them to pass any bill they desired through the House or Senate.⁵⁶ Because the health care bill has just been passed by the Senate, if the House changes it at all to send it back to the Senate, it could be destroyed by new GOP opposition there. Democrats afterward begin attempting to pass filibuster ‘reform’ bills.⁵⁷
 - 2010, February 25: After McCain reminds Obama of his broken campaign promise to put health care negotiations on CSPAN, Obama retorts that “We're not campaigning anymore. The election is over.”⁵⁸ The implication being that campaign promises were just told to get votes, not be kept afterward.

“Basically, without 60 votes, under Senate rules, debate could go on forever and ever. This is called the filibuster. So basically, if Brown wins in Massachusetts tomorrow, the Republicans, with 41 votes, would have enough votes as the minority to prevent the Democrats, the majority with 59 votes, from ever bringing a final vote on health care reform or any other legislative priority to the floor. The minority would basically control the Senate.”

Robert Hendin, CBS News⁵⁹

- 2010, March 12: Bart Stupak reiterates he won't cave under the pressure but indicates the left is using incredible pressure on him and all his members to force them into voting for the bill. Stupak says the left's argument is that children will cost more.⁶⁰ Nancy Pelosi begins placing blame on Republicans in saying Democrats don't have the votes to amend the bill with a public option since there are no longer enough votes in the Senate.⁶¹
- 2010, March 21: The House votes 219-212 to pass the health care bill.⁶² Bart Stupak agrees to vote if Barack Obama signs an Executive Order guaranteeing the bill will not fund abortions.⁶³
- 2010, March 23-24: Obama, speaking to an audience of almost 300, signs the health care bill into law in an elaborate ceremony using 22 pens.⁶⁴ The next day, the normally talkative Obama signs the Executive Order privately, out of the public eye with only a few people invited.⁶⁵
- 2010, March 26: The Sunlight Foundation reports on the requests by the 'Stupak 11' for earmarks compared to the previous year, stating they asked for billions in earmarks, and that 5 members requested more in earmarks than in the previous year.⁶⁶ This gains prominent notice from conservatives, while also getting reported on FOX News.⁶⁷
- 2010, April 1: The Sunlight Foundation tries to make amends for one of the most embarrassing gaffes in the nonpartisan transparency foundation's history, stating that an error in its spreadsheet led to it overstating actual amounts for 2 members by 10 times the real values (thus calling millions billions), not mentioning that all members of Congress were releasing earmark requests at the time, and erroneously stating Kathy Dahlkemper requested more earmarks than the previous year, when she actually requested less.⁶⁸ Judging by the FOX News article, the reporting by either FOX or the Sunlight Foundation's original article also failed to mention that Jerry Costello only asked for so much in earmarks because it was a joint request by him and 44 other lawmakers for an education program.
- 2010, July 15: Nancy Pelosi is given an award by Planned Parenthood for keeping the Stupak amendment from passing.⁶⁹

LIKELY FACTORS INFLUENCING BART STUPAK'S DECISION

1. BELIEF IN OBAMA.

As seen by statements made by pro-life Democrats during the final passage of the health care bill, Stupak and the 19 other pro-life Democrats appeared convinced that Obama was telling the truth in ensuring the bill would not cover abortion through use of an Executive Order.

They chose mistakenly to believe the leader of their party, to all accounts unaware (as most were) that Obama had promised Planned Parenthood in 2007 that abortion would be central to the bill, and that Obama had spearheaded a Planned Parenthood movement not only to prevent children who survive late-term abortions from being given medical care, but to also use Present votes to cover up that Illinois politicians were doing this (pg. [53](#)). This may well reflect a desire to trust their party leader, given the many questionable attacks being waged by Republicans (pg. [72](#)), and a lack of awareness of Obama's political history or voting record.

Statements by Pro-Life Democrats

Jerry Costello⁷⁰:

“This has been the hardest decision regarding a vote I have had to make during my service in the House of Representatives. During that time, I have strived to serve the people I represent with diligence and integrity, while remaining true to my core individual beliefs. One of those core beliefs is my support of protecting the unborn. I along with Congressman Bart Stupak (D-MI) and other pro-life Democrats have worked hard through the passage of the House bill and since the passage of the Senate bill to ensure that current law Hyde amendment abortion restrictions are applied to the final legislation. However, we were successful in convincing President Obama--a pro-choice President--to issue an executive order that clearly states that the Hyde amendment will apply to the bill. This is a highly significant act. In addition, a colloquy on the House floor clearly stated that this is the intent of Congress. With these changes, I believe we have accomplished our goal. This belief is shared by the Catholic Health Association, NETWORK--a national Catholic social justice lobby, the Catholic Sisters--60 Catholic women religious leaders representing 59,000 Catholic Nuns, and Democrats for Life. I stated that I would not vote for the Senate-passed bill in its current form. With the presidential executive order approving the Hyde abortion language and the fact that H.R. 4872 eliminates the ``Cornhusker Kickback" and other state-specific promises, combined with assurances from the Senate that H.R. 4872 will pass that body, I feel I can now support the Senate bill as amended.”

Jim Oberstar⁷¹:

“Just as the Hippocratic oath requires that medical providers adhere to the admonition of ‘First, do no harm,’ the same is true for legislators, and this legislation, while not perfect, will implement significant and positive changes in the delivery of health care. This is especially true with regard to vulnerable women and unborn children. I am confident that abortion will not be funded in this legislation. Current law dating back to October 12, 1979 (Public Law 96-86), has contained a federal prohibition on the use of federal funds for abortion in community health centers. Conscience clause protections that have existed in the past, that are in effect today, will remain in effect in the future. The legislation also prohibits the use of federal tax credits and cost-sharing assistance to pay for abortion. I am very pleased that President Obama has prepared and will issue an Executive Order upon enactment to reaffirm the enforcement of current law that prevents the use of federal funds for abortion.”

Paul Kanjorski⁷²:

“Many of my friends who oppose abortion have expressed concern that their tax dollars could be used to pay for abortions. I have been assured that this is not the case, and I am pleased that President Obama intends to issue an executive order to clarify that no funds in the bill will be used for abortion. Moreover, I will continue to remain vigilant to ensure that the Hyde Amendment, which prevents federal funding of abortion, remains the law of the land.”

Nick Rahall⁷³:

“At the same time, I have consistently stood against the use of federal funds to pay for abortions--a stand I took again when I worked to have anti-abortion language included in the original House-passed health care bill. That was, in fact, one of many issues that I heard a lot about from West Virginians in recent months and that I successfully pressed to have addressed in the House bill. With the Executive Order strengthening the life protections in this bill, we have achieved a firm anchor for the protection of life in this country, reflecting the principles of the Hyde Amendment, no federal funding for abortions. Administrative chipping away and mischief will be held at bay with this order throughout this administration. Future administrations should be held to this standard.”

Marcy Kaptur⁷⁴:

“Mr. Speaker, the best anti-abortion bill we can pass is one that gives women and children a real chance through health insurance coverage that allows fragile life to come to term. This bill does that. It gives hope, to every family, to every woman to every child yet to be born. It says you have a right to be born. It provides for prenatal care during a woman's pregnancy, preventive care for newborns, funding to help pregnant and parenting teens and college students with assistance for basic necessities, as well as adoption tax credits. No family, no mother, no father will ever have to question again whether they can afford to bring a conceived child to term.”

Gene Taylor⁷⁵:

“Mr. Speaker, I voted against H.R. 3962, the Affordable Health Care for America Act, on November 7, 2009 and I will continue to oppose this legislation in the House. The House passed the bill by a vote of 220-215. During House consideration, I voted for the Stupak amendment, which prohibits federal funds from paying for abortions or from subsidizing health insurance plans that would cover abortions. The House passed the Stupak amendment by a vote of 240-194.”

Bart Stupak⁷⁶:

“The motion to recommit purports to be a right-to-life motion, in the spirit of the Stupak amendment. But as the author of the Stupak amendment, this motion is nothing more than an opportunity to continue to deny 32 million Americans health care. The motion is really a last-ditch effort of 98 years of denying Americans health care.

The motion to recommit does not promote life. It is the Democrats who have stood up for the principle of no public funding for abortions. It is Democrats, through the President's executive order, that ensure the sanctity of life is protected, because all life is precious and all life should be honored. Democrats guarantee all life from the unborn to the last breath of a senior citizen is honored and respected. For the unborn child, his or her mother will finally have pre-and postnatal care under our bill. If the child is born with mental problems, we provide medical care without bankrupting the family.

For the Republicans to now claim that we send the bill back to committee under the guise of protecting life is disingenuous. This motion is really to politicize life, not prioritize life. We stand for the American people. We stand up for life. Vote ‘no’ on this motion to recommit.”

2. DESIRE FOR HEALTH CARE REFORM.

Bart Stupak has made no pretense about his desire for health care reform.⁷⁷ Unlike Republicans, many pro-life Democrats, if not all, have always wanted health care reform with a public option covering all Americans. It is necessary to understand that Bart Stupak and the pro-life Democrats earnestly wanted the health care reform bill to pass, they just did not want it to come with an abortion agenda.

“He [Stupak] is trying to pass the health care overhaul, he insists, not sabotage it, and predicts that the legislation will ultimately collapse for reasons apart from abortion. But he will be blamed anyway, he is sure.”

Jodi Kantor, New York Times.⁷⁷

As such, the goal was never to stop the health care reform bill, but to find a compromise that would protect children and achieve health care reform. Bart Stupak, once he believed he could do both, jumped at the opportunity, hoping to still achieve his dream of health care for all. As reported on by Mother Jones, Stupak’s bloc expected the pro-life movement to stand behind him once he got the best possible deal, and were stunned the pro-life movement still thought the bill would fund abortions. They concluded the pro-life movement had never intended to back health care reform at all, even if stopping the abortion agenda.⁷⁸

“I really wonder where these pro-life groups were. Because was their issue really pro-life, or was it really to stop health care? And I’m convinced, after going through the battle I’ve been through for the last year, that most of these groups, most of these groups, their purpose wasn’t pro-life, their purpose was to defeat health care. And they used pro-life as the issue to defeat it. I became the face, not of the pro-life community, but of the opposition to health care. And they know I was wrong enough to stand up on that issue, but I don’t think they really understand the depth of my commitment to health care. So I had my two major principles colliding, and I was able to work it through where they both won. And the American people won on this whole deal. That’s who really won on this thing. Bishops are mad because I, I pointed to what I called – that opposition to the executive order is gripping with hypocrisy. When you see these same groups in 2007, when George Bush signed the Executive Order saying there would be no funding in certain parts of embryonic stem cell research – they welcomed it, they applauded it. Why is it now because president Obama does one, suddenly it’s not worth anything?”

Bart Stupak, Sally Quinn Interview⁷⁹

Stupak’s statements show he saw it as holding out to get the best deal he could to protect unborn children, and that once he saw, even for a moment, something he thought would resolve that crisis, he jumped at it, eager to pass what he viewed as extremely necessary reform.’

CONSERVATIVE HOW?

A key distinction to be made when discussing conservative Democrats is ‘what kind of conservative’? Blue Dog Democrats are fiscally conservative and Pro-Life Democrats socially conservative (though they view this as including opposition to the Death Penalty and supporting welfare for the poor as well, among other things).⁸⁰

Bart Stupak, however, is a pro-life Democrat, and unlike many other pro-life Democrats, not affiliated with the Blue Dog Democrats. He may be socially conservative, but has always acknowledged he is in most other ways fiscally liberal.

While pro-life, he is as earnest in his desire for health care reform, welfare, anti-business regulations, and other progressive reforms as liberal Democrats. He just refused to compromise his pro-life principles, but always was longing for a way to pass health care reform while also ensuring children would be protected.

By bringing the vote down to the wire, it made him desperate for a way to achieve both, hoping against hope to achieve his dream of healthcare reform without risking the lives of unborn children. Pelosi used the same tactic as before, but rather than revealing a bill at the last minute and pressuring for its passage before it could be examined, mentioned the Executive Order to him last-minute and gave him little time to consider it and think it through. This same tactic was the same Pelosi, Obama, Reid, et. al. have been using, and Stupak was its latest target.

3. UNABLE TO PASS AMENDMENT WITHOUT KILLING HEALTH CARE REFORM.

As Bart Stupak stated On the Record with Greta Van Susteren, “*Would we like statutory language, yes, but you can’t get it through the Senate.*”⁸³

You see, the election of Senator Scott Brown in January made it impossible to pass anything health care related through the Senate, as mentioned in the Health Care Timeline.⁵⁶ If Democrats tried, Republicans, now having the 41 votes needed, could unite to stall the bill for months and eventually defeat health care reform.⁵⁹ This was why the insistence on no more attempts to pass amendments, whether the public option or the Stupak amendment.⁶¹

Nevertheless, the Democratic Party under Obama, Reid, and Pelosi had deliberately corralled Stupak and his pro-life Democrats into this position. They were willing to risk health care reform just to avoid passing it with a pro-life Stupak amendment.

They could have passed the House bill with the Stupak amendment and a public option back in November when it passed the House and went to the Senate. Instead, they chose to create an entirely new bill in the Senate, and force the bills to be reconciled. Granted, the 41 pro-choice Democrats and their petition³⁹ may have played a part, in pressuring Democrat leadership to use these tactics to make health care pass, but the sneakiness certainly didn’t seem to be a problem for them.⁸¹ And as mentioned, the Democratic

leadership was intent on passing health care reform at all costs – even when that meant cutting deals to have the public option and the ‘reform’ part of health care reform eliminated.³⁰

Not only this, but the fact that abortion agendas were put in both bills, as well as Barack Obama’s promise in 2007,²⁶ show how committed Democratic leadership was to maintaining the abortion agenda themselves. They chose not to pass the House bill when they had the chance so they could try to remove the Stupak amendment, and then once more forced Stupak’s hand by forcing him to accept a weak Executive Order on Obama’s word, or else throw away his hope for health care reform for all Americans.

A desperate Stupak took a chance on leadership being honest, perhaps hoping against his better judgment that he could stay true to both principles. It surely was no easy decision for him.

“In the end, like the bishops, I wish that we could have had statutory language. But we only have 44 votes in the Senate and I recognize that we just couldn't get something through. The Executive Order is better than nothing and I have every assurance it will stand.”

Bart Stupak⁸²

After hoping for statutory language initially, Stupak came to realize that it could not be gotten through the Senate without opposition from Republicans. Furthermore, if he gave his vote first, agreeing to pass the bill, and then tried getting the reform afterwards, could get double-crossed.⁵⁹ He recognized the Executive Order as his only chance, and took a shot on Obama being honest.

4. CONFIDENCE REPUBLICANS WOULD FIX THE ABORTION AGENDA.

Stupak also stated the insurance exchange would not occur until 2014 so by then Republicans could change it.

“Most of the provisions in this legislation really do not take effect until 2014. The consumer protections start immediately, but when you start getting about the Health Insurance Exchange, that’s 2014. There will be some fixes along the way but you know we had to get health care for the American people, those 31 million, 32 million people, without it, this is a good piece of legislation, lets get it started. Much like Medicare, Social Security, there will be fixes along the way, Greta.”⁸³

“I won’t leave the party. I’m more comfortable here and still believe in a role within it for the right-to-life cause, but this bill will make being a pro-life Democrat much more difficult. They don’t even want to debate this issue. We’ll probably have to wait until the Republicans take back the majority to fix this.”⁶⁰

It is possible Stupak, who one would think was at least suspecting the untrustworthiness of Democrat leadership, only intended the Executive Order as a temporary measure

intended to prevent abortion clauses from being activated long enough for Republicans to gain a majority and fix the bill properly. He clearly expressed hope for fixes, but wouldn't have been able to come out and say this without angering Democratic leadership, and possibly pushing them to trigger their abortion agenda earlier.

What we do know is he wanted a Republican majority so that 'fixes' could be made, and that he made multiple allusions in his FOX News interview to bill effects not occurring until 2014 – so he may have been suggesting he thought the bill's dangerous abortion clauses would be stalled for the short term at least, even if the Executive Order didn't hold up.

It is possible Stupak realized much of the bill would not kick in until 2014, leaving time for Republicans to fix the bill, now that he had bought them time. To what extent this was indeed part of Stupak's reasoning process is difficult to tell, but certainly seems altogether feasible.

5. BILL MIGHT PASS ANYWAY.

Stupak recognized the bill was close to having the votes needed that it might pass without him. If so, there would be no protection in the bill for unborn children, and no reason for Democrats angry at his opposition to the final vote to aid him in passing protections.

Were he to forego his chance at an Executive Order, he would pass up what he viewed as a possibly workable solution for protecting the unborn, only to see a bill pass with an unstopped abortion agenda, when he might have done something to prevent it. As he put it, it was *"better than nothing and I have every assurance it will stand."*⁸²

"Stupak, though, said that the leaders were close to reaching 216 without him and he felt this was the best deal his group could get. 'I will continue in the future to push for statutory language,' he said, adding that he has been assured by the White House and Democratic leaders that they will not challenge the order."

Jay Newton-Small, Time Magazine⁸²

6. ISOLATION.

Unfortunately, the pro-life movement was not fully standing behind Bart Stupak, and Republicans chose the tactic of threatening pro-life Democrats not to vote against GOP wishes, or attacking those they disliked, rather than standing beside them and supporting them. Bart Stupak, it turns out, appeared entirely unaware of Barack Obama's statements to Planned Parenthood, or his voting record on live birth abortion.

"We're members without a party. Democrats are mad at you, and Republicans don't trust you."

Bart Stupak, January 6, 2010⁷⁷

Had he been told about this, or shown the bill definitively covered abortions, he surely would have not accepted the Executive Order, but wrote off Republican opposition as merely opposition to health care reform, and fear mongering about an abortion agenda to stop the health care process itself.

Stupak spoke of phones unplugged from his house due to all the profane phone calls and threats, as well as over 1,500 faxes and countless emails; people who wanted to spit on him. He referred to it as “a living hell”.⁸⁴

While pro-life Democrats have always had it difficult, at least before they were just ignored, not the sole target of a hateful liberal movement. Stupak even in 2004 spoke of the discrimination leveled against them.

“Stupak said it's bad enough that so much money is available to candidates who support abortion. But he said he and other pro-life Democrats often can't even get financial support from groups that agree with them. "Right-to-life groups won't fund us because we're Democrats," he said.”

Bart Stupak, 2004, Quoted from ‘*Pro-life Democrats describe lonely role, but see improvements*’⁸⁵

Had Republicans helped them, supported them, and conservatives like those at FOX News not actively attacked them, perhaps they could have worked with Republicans more. Yet they were alienated all the more by the GOP and conservatives at FOX News.⁴ Targeted from all sides, Stupak let the pressure get to him. He made a desperate choice to trust the leader of his party, Barack Obama, unaware of Barack Obama's radical history on abortion.

7. SUPPORT FOR EXECUTIVE ORDER.

Bart seemed sincere in his confidence the Executive Order would work.

DFLA has likewise defended it, saying in a release,⁴

“The truth is that President Obama’s Executive Order will in fact prohibit any abortion funding because executive orders receive great deference in interpreting statutes. While orders can’t contradict a statute, when reasonable in nature orders are routinely used to supplement statutes especially when they are consistent with established law.

Since the healthcare bill does not explicitly call for abortion funding, the President’s Executive Order does not contradict any statute, and applying the Hyde Amendment is clearly a reasonable interpretation of the healthcare bill since Hyde has been the law since 1978.”

DFLA is confident enough the Executive Order will prove sufficient and the bill worthwhile it has created a website defending the Executive Order, the bill, and it’s member’s actions at www.WholeLifeHeroes.org.

Republicans have disagreed, pointing out the Executive Order can at any time be reversed:

“As the gentleman from Mississippi, a Democrat, warned earlier today,

anything the President does by Executive order, he can undo by Executive order. There is no bargaining or dealmaking when it comes to the life of the unborn. A life is a life. And it is the responsibility of this House to defend these children.’

Senator David Camp⁸⁶

Ultimately, it comes down to whether one trusts Obama to keep that Executive Order, and whether one buys the bill lacked an abortion agenda, despite the intense battle abortion rights groups waged merely to stop amendments with Hyde language from reaching the bill.

CONTRAST WITH BLUE DOG DEMOCRATS

As seen below, there are differences between the voting records of Blue Dog Democrats and members of DFLA. It is possible, however, that the 10 members to vote for the 1st Stupak Amendment are DFLA members, or at least have pro-life leanings.

**VOTING RECORD FOR BLUE DOG DEMOCRATS
NOT AFFILIATED WITH DFLA**

Name	Location		Health Care				Stimulus		Cap & Trade	Bailouts (TARP)
	ST	D	Stupak Am # 1	Final Vote	Stupak Am # 2	Repeal Mandate	Bill I	Bill II		
Arcuri, Mike	NY	24	NO	NO	NO	NO	YES	YES	NO	YES
Baca, Joe	CA	43	YES	YES	NO	NO	YES	YES	YES	YES
Bishop, Sanford	GA	2	NO	YES	NO	NO	YES	YES	YES	YES
Boswell, Leonard	IA	3	NO	YES	NO	NO	YES	YES	YES	YES
Boyd, Allen	FL	2	NO	YES	NO	NO	NO	YES	YES	YES
Cardoza, Dennis	CA	18	YES	YES	NO	NO	YES	YES	YES	YES
Carney, Christopher	PA	10	YES	YES	NO	NO	YES	YES	NO	NO
Cooper, Jim	TN	5	YES	YES	NO	NO	NO	YES	YES	YES
Costa, Jim	CA	20	YES	YES	NO	NO	YES	YES	NO	YES
Davis, Artur	AL	7	YES	NO	NO	NO	YES	YES	NO	YES
Giffords, Gabrielle	AZ	8	NO	YES	NO	NO	YES	YES	YES	YES
Gordon, Bart	TN	6	YES	YES	NO	NO	YES	YES	YES	YES
Harman, Jane	CA	36	NO	YES	NO	NO	YES	YES	YES	YES
Herseth Sandlin, Stephanie	SD		NO	NO	NO	NO	YES	YES	NO	NO
Kratovil, Jr., Frank	MD	1	NO	NO	NO	NO	NO	YES	YES	?
Markey, Betsey	CO	4	NO	YES	NO	NO	YES	YES	YES	YES
Michaud, Mike	ME	2	YES	YES	NO	NO	YES	YES	YES	NO
Minnick, Walt	ID	1	NO	NO	NO	YES	NO	YES	NO	?
Mitchell, Harry	AZ	5	NO	YES	NO	NO	YES	NO	NO	YES
Moore, Dennis	KS	3	NO	YES	NO	NO	YES	YES	YES	YES
Murphy, Scott	NY	20	NO	YES	NO	NO	YES	YES	YES	?
Nye, Glenn	VA	2	NO	NO	NO	YES	YES	YES	NO	?

Sanchez, Loretta	CA	47	NO	YES	NO	NO	YES	PRS	YES	NO
Schiff, Adam	CA	29	NO	YES	NO	NO	YES	YES	YES	YES
Schrader, Kurt	OR	5	NO	YES	NO	NO	YES	NO	YES	?
Scott, David	GA	13	NO	YES	NO	NO	YES	YES	YES	YES
Space, Zack	OH	18	YES	NO	NO	NO	YES	YES	YES	YES
Tanner, John	TN	8	YES	NO	NO	YES	YES	YES	NO	YES
Thompson, Mike	CA	1	NO	YES	NO	NO	YES	YES	YES	YES

When one says ‘conservative democrat’, what are they referring to? Socially conservative? Fiscally conservative? Because they aren’t the same thing. Pro-Life Democrats comprise Democrats For Life of America, who opposed the health care bill’s abortion agenda. Fiscally conservative Democrats are involved with the Blue Dog Democrats, who did not like the Stimulus.

Only the following members are both Blue Dog Democrats and members of DFLA:

Jason Altmire	John Barrow	Robert Berry	Dan Boren
Bobby Bright	Ben Chandler	Travis Childers	Henry Cueller
Kathy Dahlkemper	Lincoln Davis	Joe Donnelly	Brad Ellsworth
Baron Hill	Tim Holden	Jim Marshall	Jim Matheson
Mike McIntyre	Charlie Melancon	Collin Peterson	Earl Pomeroy
Mike Ross	John Salazar	Heath Shuler	Gene Taylor
Charles Wilson			

The following members of DFLA are not Blue Dog Democrats[†]:

Jerry Costello	Michael Doyle	Steve Driehaus	Paul Kanjorski
Marcy Kaptur	Dale Kildee	James Langevin	Daniel Lipinski
James Oberstar	Solomon Ortiz	Nick Rahall	Ike Skelton
Bart Stupak			

Additionally, of the 54 Blue Dog Democrats, I am only aware of 25 who are also members of DFLA, so there are as many as 29 who may call themselves fiscally conservative but not socially conservative. There are 13 DFLA members that aren’t Blue Dog Democrats, among them Bart Stupak, so he is among the roughly 1/3 of members to consider themselves socially conservative but not fiscally conservative, as it were.

[†] Griffith is now a Republican and Mollohan lost his primary, so neither is mentioned. Bordallo is a non-voting delegate from Guam and not counted.

SUMMARY

Ultimately it would be hypocritical to attack Democrats for voting for the health care bills and stimulus bills, and not give recognition and praise to those who did what they could to stop them. In the case of the health care bill, resistance from Pro-Life Democrats dragged the process on for fully half a year, and forced the liberal Democrats to use a 'Reconciliation' trick requiring fewer votes, and even then just barely passed the bill.

In the end, 34 Democrats, 19 of them members of DFLA, would vote against the final health care bill. Two more would vote for the addition of the Stupak amendment along with the other 19, after the final health care bill had passed.

Whatever one may think of Bart Stupak's final decision to trust Barack Obama on an Executive Order, it was made under duress, in a very difficult situation, after months of all the pressure and tricks the liberal movement could use. With little time to make a choice, he made what he believed was the right decision.

Much as I disagree with that choice, I still respect the man, and I still believe those who made it did so in good faith, believing it compatible with their values. Had they had more information about Barack Obama, or his relationship with Planned Parenthood, perhaps that choice does not get made, but I for one will give Bart Stupak and those who voted with him a 2nd chance.

There is no denying their efforts, against all odds, to stand up for the unborn in defiance of their own party. Now they are being targeted not only by the Republican Party for their seats and Susan B. Anthony's List⁸⁷, but the liberal pro-abortion movement as well.⁸⁸

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WHERE POLITICAL MONEY GOES

Both political parties have their funding bases, and will denigrate the industries which give to the other side. OpenSecrets.org provides a very useful Industries section¹ showing just how much each industry donates to each party.

The following are the percentages of funds given to each party by an industry, as well as the rankings in terms of total contributions out of all industries during that period:*

DEMOCRAT SUPPORTIVE:

Industry	Historical		2010		2008	
	%	Rank	%	Rank	%	Rank
Lawyers/Law Firms ²	73% D, 26% R	1	76% D, 22% R	2	76% D, 23% R	2
TV/Movies/Music ³	70% D, 29% R	8	72% D, 27% R	12	78% D, 22% R	10
Public Sector Unions ⁴	91% D, 9% R	15	91% D, 9% R	22	89% D, 11% R	29
Education ⁵	73% D, 26% R	17	76% D, 23% R	20	82% D, 18% R	8
Democrat/Liberal ⁶	99% D, 0% R	20	100% D, 0% R	11	99% D, 0% R	9
Industrial Unions ⁷	98% D, 1% R	21	98% D, 1% R	30	98% D, 2% R	41
Building Trade Unions ⁸	92% D, 8% R	25	94% D, 6% R	24	91% D, 9% R	32
Transportation Unions ⁹	85% D, 14% R	26	88% D, 11% R	28	87% D, 12% R	36
Casinos/Gambling ¹⁰	56% D, 43% R	39	68% D, 31% R	31	64% D, 36% R	34
Pro-Israel ¹¹	66% D, 32% R	40	65% D, 34% R	38	63% D, 37% R	40
Miscellaneous Unions ¹²	96% D, 3% R	42	98% D, 1% R	50	96% D, 3% R	55
Hedge Funds ¹³	64% D, 35% R	-	54% D, 45% R	-	65% D, 34% R	-

REPUBLICAN SUPPORTIVE:

Industry	Historical		2010		2008	
	%	Rank	%	Rank	%	Rank
Retired ¹⁴	58% R, 41% D	2	54% R, 45% D	1	52% R, 48% D	1
Health Professionals ¹⁵	56% R, 43% D	5	49% R, 49% D	5	47% R, 52% D	6
Insurance ¹⁶	62% R, 37% D	7	51% R, 48% D	8	55% R, 45% D	11
Oil & Gas ¹⁷	75% R, 24% D	10	72% R, 26% D	14	77% R, 23% D	16
Leadership PACs ¹⁸	60% R, 40% D	11	49% R, 50% D	7	49% R, 50% D	12
Commercial Banks ¹⁹	59% R, 41% D	12	58% R, 41% D	19	52% R, 48% D	14
Misc Manufacturing & Dist ²⁰	66% R, 33% D	13	56% R, 43% D	15	58% R, 42% D	17
Pharmaceuticals ²¹	62% R, 38% D	16	46% R, 54% D	13	49% R, 50% D	20
General Contractors		19				
Electric Utilities ²²	59% R, 40% D	22	41% R, 56% D	17	51% R, 49% D	26
Retail Sales		24				
Air Transport	59% R, 41% D	27	49% R, 50% D	32	55% R, 45% D	37
Republican/Conservative ²³	99% R, 1% D	29	97% R, 0% D	23	98% R, 2% D	18
Accountants		30				
Crop Production ²⁴	59% R, 41% D	32	52% R, 47% D	25	55% R, 45% D	31
Tobacco ²⁵	73% R, 26% D	51	61% R, 37% D	67	62% R, 38% D	67

* Industries sorted by historical rank. No ranks provided for Hedge Funds page at OpenSecrets.org. Completed top 26 listed here: <http://www.opensecrets.org/industries/mems.php>

BORDERLINE (55% or less):

Industry	Historical		2010		2008	
	%	Rank	%	Rank	%	Rank
Securities & Investment ²⁶	51% D, 49% R	3	54% D, 45% R	3	57% D, 43% R	3
Real Estate ²⁷	53% R, 47% D	4	46% R, 52% D	4	51% R, 49% D	4
Business Services ²⁸	55% D, 44% R	9	62% D, 37% R	9	64% D, 36% R	7
Computers/Internet ²⁹	55% D, 44% R	14	64% D, 35% R	16	66% D, 34% R	13
Lobbyists ³⁰	54% D, 46% R	18	65% D, 34% R	10	57% D, 43% R	15
Hospitals & Nursing Homes ³¹	53% D, 46% R	28	63% D, 35% R	21	61% D, 39% R	23
Telephone Utilities ³²	55% R, 44% D	31	48% R, 51% D	44	51% R, 49% D	48

In general, business funds Republicans, while unions fund Democrats. Furthermore, OpenSecrets reveals 6 of the top 10 All-Time Political Donors, with a 7th, ActBlue, a Democrat Political Action Committee.³³ All give 90% or more to Democrats rather than Republicans. Unions also compose 13 of the top 20, with all but the American Medical Association giving 89% or more to Democrats.

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ABORTION

Abortion is a personal subject, generating emotional resistance from both sides of the aisle. Whereas one will focus on the rights of women to make choices and links itself to the 1920's women's rights movement, the other will focus on the rights of children to be born and compare itself to the 1860's movement to end slavery.

As with much else, it is useful to have a historical perspective on the issue first.

-Rights: The right to life is inalienable according to the Declaration of Independence, and given by a Creator, rather than dependent on any individual, desire for an individual, or estimation. Privacy is not a right, it is a privilege, just like control of one's body. One cannot murder another in the privacy of his or her own home or use their fist to punch someone; they cannot use their voice to shout fire in a crowded opera house.¹ The bottom line is that the right to throw a punch should stop where another's nose begins. I am all for women's rights, but nobody's right should include the right to murder their fellow man; to infringe upon another's inalienable right to life.

The 4th amendment stops unreasonable searches and seizures, not all searches and seizures. Police can still get an arrest warrant if you're murdering someone in your house. Privacy does not allow you to murder someone in your own home, just like it should not allow you to murder someone in your own body. Therefore, privacy is a privilege, not a right.

-Caution: It is disputable when a person becomes a human being. Blacks were once considered less than human as well. So were Native Americans, and Hispanics. Trying to decide based on trimesters is arbitrary. When they pass that 12-week limit, are they suddenly inhuman one day and human the next?

In playing God, we are ultimately going to be guilty sooner or later of taking another human life, and of the 1.2 million abortions performed each year², even if right most of the time, that is still a lot of blood on an abortionist's hands.

We ought to be erring on the side of caution when potentially taking another human life, not trying to skirt that line and seeing how close we can get. Though most consider abortions most safe/moral in the first trimester (12 weeks), 11.3% of all abortions, which in 2004 equated to 136,730 abortions, are performed after the 12th week.³

Ultimately, what differentiates a prematurely born child from a fetus? They are at the same stage of development, but one outside the body and the other in. Are we supposed to believe that, with the increasing medical advances which allow prematurely born infants to live at ever earlier stages of development, that they aren't yet children even though outside the womb? Where do you draw the line? At what point does it become murder rather than a choice?

-Choice: As I've said, nobody should have the choice to harm another human being. With 'choices' should come consequences, commitments, and responsibilities. We recognize that a man who impregnates a woman should be accountable and have to pay

child support. Why is it that a woman should be able to pass on the consequences of her lifestyle actions onto her unborn child? Abortion is irresponsible, saying that one can do whatever they want without consequences.

-Abortion lies: Co-founder of NARAL, Bernard Nathanson, admitted that NARAL fabricated the results of fictional polls to sell the American people on lies about the number of illegal abortions occurring by as many as 10 times the actual number.⁴ They used the process of the self-fulfilling lie, repeating the falsehood to the media enough times that they tricked the public into thinking illegal abortion far more prevalent than it was.⁵ Abortion is built upon deception, not truth.

-Rare circumstances: Rape, incest, and pregnancies due to the mother's life in danger result in a total of just .53% of all abortions.⁶ As such, they are not defensible for abortions overall. Only in such cases are abortions even to be considered as moral, since in the case of rape/incest, the woman did not make a lifestyle choice she should be held accountable for, and in the case of her life endangered by the pregnancy, her right to life is equally at stake.

Furthermore, even before Roe v. Wade, abortion was legal in many states in such cases. Begun with Colorado in 1967, states began passing laws to allow abortion in such cases, and by the time of Roe v. Wade (1973) 17 states had passed laws allowing abortion in such circumstances.⁷ Some states even had much older laws allowing abortion only in case of the mother's life or severe fetal deformity.⁸ New York, for example, had one dating back to 1830, which was overturned in 1967 by Governor Nelson A. Rockefeller. Abortion was legalized for other reasons, and thus such rare issues are a moot point.

-Public support: According to Gallup⁹, which has been tracking the abortion issue since 1976, never have more than 34% of all Americans said abortion should be legal under all circumstances. Currently that number is at 21%. The majority of Americans each year have said abortion should be legal only under certain circumstances (48-61%). That number is right now at 57%.

Abortion Legality	1975-2010	2010
Legal under ANY circumstances	21% - 34%	24%
Legal only under SOME circumstances	48% - 61%	54%
Illegal in ALL circumstances	12% - 23%	19%
No opinion	1% - 7%	3%

(refined question)*	1994-2010	2010
Legal under ANY circumstances	21% - 33%	25%
Legal under MOST circumstances	9% - 17%	15%
Legal only in a FEW circumstances	37% - 48%	37%
Illegal in ALL circumstances	12% - 23%	19%

* For polls from 1994-2010, the questioner afterwards asked those answering "some circumstances" the question, "Do you think abortion should be legal in most circumstances or only in a few circumstances?" 37-42% responds "legal only in a few circumstances" to 9-17% that say "legal only in a few circumstances". Those responses are then combined with the data from the table above.

No opinion	1% - 6%	5%
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Furthermore, for the first time since Gallup began tracking, a majority of Americans now identify as pro-life instead of pro-choice, 51% to 42% in 2009, and 47% to 45% in 2010.¹⁰

Public support changes drastically for abortion based on what trimester the abortion would be committed in (the 1st trimester is the first 3 months of pregnancy, the 3rd trimester the last 3 months) and what circumstances are involved.¹¹

Gallup Polls ('96, '00, '03) – Support for Abortion by Trimester	Should be legal	Should be illegal	Depends	No opinion
1 st three weeks of pregnancy	64% - 66%	29% - 31%	2% - 4%	2%
2 nd three weeks of pregnancy	24% - 26%	65% - 69%	4% - 7%	2% - 3%
3 rd three weeks of pregnancy	8% - 13%	82% - 86%	3% - 4%	2% - 3%

Gallup Polls ('96, '00, '03) – Support for Abortion by Circumstance	Should be legal	Should be illegal	Depends	No opinion
Woman's life is endangered	84% - 88%	7% - 12%	2% - 3%	2%
Woman's physical health is endangered	77% - 82%	11% - 17%	2% - 5%	2%
Pregnancy from rape/incest	76% - 78%	18% - 19%	1% - 3%	2% - 3%
Woman's mental health is endangered	63% - 66%	27% - 32%	3% - 5%	2% - 4%
Evidence baby may be physically impaired	53% - 56%	37% - 39%	4% - 7%	3%
Evidence baby may be mentally impaired	53% - 55%	36% - 40%	4% - 7%	3%
Woman/family can't afford to raise child	32% - 35%	61% - 62%	2% - 3%	2% - 3%

2003 Gallup Poll - Support for Abortion Under A Given Circumstance by Trimester	1 st Trimester	3 rd Trimester
Woman's life is endangered	82%	75%
Pregnancy from rape/incest	72%	59%
Child would be born with life-threatening illness	60%	48%
Child would be born mentally disabled	50%	34%
Woman does not want child for any reason	41%	24%

As seen from those 2003 polls, support for abortion disappears after the first trimester, and even then dissipates based on the circumstances involved. When the woman doesn't want the child for any reason or the family can't afford to raise the child support for abortion is especially low.

Opposition to the practice of partial birth abortion, a procedure occurring in the last 6 months of pregnancy which was outlawed in 2003 by the Partial Birth Abortion Ban Act, has grown over time according to Gallup's reporting:

Gallup Poll Date	Favor	Oppose	No opinion
1996, Apr 25-28	57%	39%	4%
1997, Mar 24-26	55%	40%	5%
1998, Jan 16-18	61%	36%	3%
1999, Apr 30-May 2	61%	34%	5%

2000, Jan 13-16	64%	31%	5%
2000, Mar 30-Apr 2	66%	29%	5%
2000, Oct 25-28	63%	35%	2%
2003, Jan 10-12	70%	25%	5%
2003, Oct 24-26	68%	25%	7%
2007, May 10-13	72%	22%	5%

What is more, public polling additionally reveals public support for initiatives by the National Right to Life Committee that have been opposed by Planned Parenthood:

Public Support for Legislation Proposed	2005	2003	1996	1992
Requiring doctors inform patients of abortion alternatives	-	88%	86%	86%
Requiring women seeking abortions wait 24 hours first	-	78%	74%	73%
Requiring women under 18 get parental consent	69%	73%	74%	70%
Requiring husband notification of married women	64%	72%	70%	73%

As such, the majority of Americans support abortion only in rare cases such as rape/incest or life of the mother, and not when 'choice' is the only factor. They also support reasonable requirements for notification of spouses, parents, and patients.

-Abortion Profitability: Planned Parenthood likes to say that abortion services account for only 3% of its total services. But despite this, according to its own financial statements, it received \$349.6 billion in 2008 alone from government grants and contracts, of its total \$966.7 billion revenue, or 36.2% directly from government funding related to its abortion provision services.¹²

	Revenue	%
Health Center Income	\$374.7 million	36.1%
Govt. Grants & Services	\$349.6 million	33.7%
Contributions & Requests	\$244.9 million	23.6%
Support from Affiliates	-	-
Other Operating Revenue	\$68.9 million	6.6%
Total Revenue	\$1.038 billion	100%

Furthermore, Live Action has shown that, given the report says the number of abortions performed for 2007-2008 was 305,130, and that the average cost of an abortion was determined by them to be \$450, Planned Parenthood received \$137.4 million from abortions alone out of its total \$374.7 million in Health Center income.¹³

Additionally, the estimated cost of abortions appears to line up with information specified by the National Abortion Federation.¹⁴

“It’s highly profitable. I could do three abortions in my office, in an hour and a half, and make more than caring for a woman nine months and delivering her baby.”

Abortionist Dr. Anthony Levatino¹⁵

Therefore, in addition to its money received from government money and grants, as well as from direct revenue for performing abortions at its health centers, Planned Parenthood receives a total of at least \$487 million directly from abortion. Not only this, but this is

not even addressing the possibility that much of the \$244.9 million in 'Contributions and Requests'[†] or \$68.9 million of 'Other Operating Revenue' could be abortion-related.

Therefore, while abortion may now account for only 3% of Planned Parenthood's total services (and one wonders how long this has been the case), a minimum of 46.9% of its total revenue comes from abortions, whether from direct clinic revenue or government grants/contracts, and depending upon how much of the other 2 expenses are related to abortion, as much as 86.8%.

-About Control?: This is not about men telling women what they can and can't do with their bodies. Rather it's about telling abortion providers that they cannot provide services which potentially harm other human beings. Not until 2010 was any law passed, and even then Utah has been the only state, to allow prosecution of women who have abortions.¹⁶ Ultimately, this is not about punishing women who have abortions, but if anyone, the abortion providers. The main thing is stopping this abhorrent trade in child murder.

Many of the major Pro-Life organizations and movements are led not by men but by women. The National Right to Life Committee is led by Wanda Franz.¹⁷ Susan B. Anthony's List is led by Marjorie Danenfelter¹⁸, who is both President and Chairman of the Board. Democrats For Life of America, the national organization of Congressional pro-life Democrats, is led by Executive Director Kristen Day.¹⁹ Judie Brown is President and Co-Founder of the American Life League. Jill Stanek is another major pro-life leader known for her opposition to Barack Obama's voting record on partial birth abortion.²⁰

The Right to Life movement, as such, is led by women with an interest in allowing other women as well as men the right to be born.

-Right to Life Movement: Some accuse the Right to Life movement of only trying to stop abortions, not caring for single mothers. Teen Mothers Choices International, headquartered in northern Illinois in 1989, seeks to provide mentors and volunteers to help single mothers live free of government assistance with emphasis on college and the workplace. TMCI has launched internationally with a goal of reaching 3,000 churches and community organizations in 50 states.²¹ Likewise, an organization called New Hope, affiliated with Bergen County's Right to Life movement, has just passed its 25th anniversary in assisting teen mothers.²²

-Death Penalty Conflict: Concerning the death penalty, many innocent people have been found on Death Row due to DNA evidence, suggesting as a man you are guilty until proven innocent in our U.S. court system. If we can't put the right people on death row, perhaps we should remove the death penalty altogether. However, there are pro-life people who both oppose abortion and the death penalty, most notably the pro-life Democrats (DFLA, Democrats For Life of America) with their 'consistent life ethic' that opposes not just abortion but human trafficking and the death penalty.²³ So not all who oppose abortion, myself included, support the death penalty.

[†] More detailed information on donors and contributions is seen in the 2008-2009 draft: http://www.plannedparenthood.org/srpp/files/Six-Rivers/08-09_Annual_Report_Draft.pdf

-Partial Birth Abortion: That the abortion movement continues to support the abhorrent and now federally illegal practice of live birth abortion, shows just where their hearts are really at. As testified before Congress by nurses Jill Stanek and Allison Baker, babies who survived the late-term Intact Dilation and Extraction abortion process were being left to die and, under the law, were legally allowed to starve to death in soiled back rooms or simply were thrown into waste baskets or on tables to perish.

-Physicians: As Physicians For Life, a coalition of pro-life medical professionals, points out, the first rule of a physician should be, "First, do no harm." This guiding principle is taught in medical schools nationwide, as a tenet for all students to follow when entering the medical profession, yet is clearly not the standard when it comes to abortion.

As the National Library of Medicine recognizes, this phrase is found in the well-known Hippocratic Oath of ancient Greece, which also includes the lesser-known statement, "I will not give a lethal drug to anyone if I am asked, nor will I advise such a plan; and similarly I will not give a woman a pessary to cause an abortion."²⁴

-The Judiciary: Henry J. Friendly is widely considered one of the great judges in the nation's history. And as brought to light by federal Judge A. Raymond Randolph, "What is not known is that in 1970, three years before *Roe v. Wade*, Judge Friendly wrote an opinion in the first abortion-rights case ever filed in a federal court. No one knows this because his opinion was never published. I have a copy of the opinion, and his papers are now at the Harvard Law School, awaiting indexing."²⁵

Friendly, three years before *Roe v. Wade*, would debunk the notion of a right to privacy as consistent with prior law, and emphasize that privacy should exist only when it does not harm others. The words of this great judge were as follows:

A holding that the privacy of sexual intercourse is protected against governmental intrusion scarcely carries as a corollary that when this has resulted in conception, government may not forbid destruction of the fetus. **The type of abortion the plaintiffs particularly wish to protect against governmental sanction is the antithesis of privacy. The woman consents to intervention in the uterus by a physician, with the usual retinue of assistants, nurses, and other paramedical personnel,** indeed the condition calling for such intervention may very likely have been established by clinical tests. **While *Griswold* may well mean that the state cannot compel a woman to submit to an abortion,** but see *Buck v. Bell* ___ U.S. ___ (___), **it is exceedingly hard to read it as supporting a conclusion that the state may not prohibit other persons from committing one or even her doing so herself.**

Plaintiffs say that to confine *Griswold* to the protection of marital privacy is to read the case too narrowly. They regard it as having established a principle that a person has a constitutionally protected right to do as he pleases with his—in this instance, her—own body so long as no harm is done to others. Apart from our inability to find all this in *Griswold*, the principle would have a disturbing sweep. Seemingly **it would invalidate a great variety of criminal statutes** which existed generally when the 14th Amendment was adopted and the validity of which has long been assumed, whatever debate there has been about their

wisdom. **Examples are statutes against attempted suicide, homosexual conduct (at least when this is between consenting unmarried adults), bestiality, and drunkenness unaccompanied by threatened breach of the peace. Much legislation against the use of drugs might also come under the ban.**

...

One would have to be insensitive indeed not to be deeply moved by the evidence the plaintiffs have presented. Testimony is scarcely needed to understand the hardship to a woman who is carrying and ultimately bearing an unwanted child under the best of circumstances. The evidence shows how far circumstances often are from the best. It stressed the plight of the unmarried mother, the problems of poverty, fear of abnormality of the child, the horror of conception resulting from incest or rape. These and other factors may transform a hardship into austere tragedy. **Yet, even if we were to take plaintiffs' legal position that the legislature cannot constitutionally interfere with a woman's right to do as she will with her own body so long as no harm is done to others, the argument does not support the conclusion plaintiffs would have us draw from it.** For we cannot say the New York legislature lacked a rational basis for considering that abortion causes such harm. **Even if we should put aside the interests of the father, negligible indeed in the many cases when he has abandoned the prospective mother but not in all, the legislature could permissibly consider the fetus itself to deserve protection.** Historically such concern may have rested on theological grounds, and there was much discussion concerning when "animation" occurred. We shall not take part in that debate or attempt to determine just when a fetus becomes a "human being". It is enough that the legislature was not required to accept plaintiffs' demeaning characterizations of it. **Modern biology instructs that the genetic code that will dictate the entire future of the fetus is formed as early as the ___ day after conception; the fetus is thus something more than inert matter. The rules of property and of tort have come increasingly to recognize its rights.** While we are a long way from saying that such decisions compel the legislature to extend to the fetus the same protection against destruction that it does after birth, it would be incongruous in their face for us to hold that a legislature went beyond constitutional bounds in protecting the fetus, as New York has done, save when its continued existence endangered the life of the mother.

We would not wish our refusal to declare New York's abortion law unconstitutional as in any way approving or "legitimizing" it. The arguments for repeal are strong; those for substantial modification are stronger still. Apart from the humanitarian considerations to the prospective mother that we have outlined, the state's interest with respect to abortion would seem very much less in an era when the birth rate constitutes perhaps the most serious single danger to society than when a young nation needed people for its development. **But the decision what to do about abortion is for the elected representatives of the people, not for three, or even nine, appointed judges.**

Policy choices with respect to abortion are not limited to drastic prohibition like New York's on the one hand or complete freedom on the other. One variant is a liberalization of grounds. Here there are subvariants. The proposal in the American Law Institute's Model Penal Code, which includes danger not only to the life but to the health of the mother, conception as a result of incest or rape, and probable abnormality of the child, is the best-known example. **A legislature might decide to enlarge upon this list. It might permit abortions whenever the mother was below (or above) a certain age, whenever she was unmarried, when the parents could establish inability to care for the child, when there were already more than a certain number of children in the household, etc. There is room also for considerable differences in procedures—how far to leave the decision to the physician performing the abortion, how far to require concurrence by other physicians or, where appropriate, psychologists or social workers. One can also envision a more liberal regime in the early months of pregnancy and a more severe one in later months.** There is also opportunity for debate, both on ethical and on physiological grounds, as to what is early and what is late. The legislature can make choices among these variants, observe the results, and act again as observation may dictate. Experience in one state may benefit others; this is conspicuously an area for application of Mr. Justice Brandeis' view that the Fourteenth Amendment should not be so utilized as to prevent experimentation in the laboratories of the several states. In contrast a court can only strike down a law, leaving a vacuum in its place. To be sure, when it does this, it may sometimes be able to indicate how the legislature may remodel the statute to conform it to constitutional requirements. [Cite instances, e.g., FELA, obscenity, wiretapping]. But if we were to accept plaintiffs' argument based on *Griswold*, we would have to condemn any control of abortion, at least up to the uncertain point where the fetus is viable outside the womb. We find no basis for holding that by ratifying the Fourteenth Amendment the states placed at risk of judicial condemnation statutes then so generally in effect and still not without a rational basis, however one may regard them from a policy standpoint.

An undertone of plaintiffs' argument is that legislative reform is hopeless, because of the determined opposition of one of the country's great religious faiths. Experience elsewhere, notably Hawaii's recent repeal of its abortion law, would argue otherwise.

But even if plaintiffs' premise were correct, the conclusion would not follow. **The contest on this, as on other issues where there is determined opposition, must be fought out through the democratic process, not by utilizing the courts as a way of overcoming the opposition of what plaintiffs assume but we cannot know to be a minority and thus clearing the decks, thereby enable legislators to evade their proper responsibilities. Judicial assumption of any such role, however popular at the moment with many highminded people, would ultimately bring the courts into the deserved disfavor to which they came dangerously near in the 1920's and 1930's.** However we might feel as legislators, we simply cannot find in the vague contours of the Fourteenth Amendment anything to prohibit New York from doing what it has done here.

-Population: As the Food and Agriculture Organization of the U.N. conclude, “The earth could, in theory, feed very many more people than now inhabit the globe.”²⁶ The problem is that the earth is not one nation and thus the resources of farming-rich nations aren’t utilized effectively for all. We pay farmers, for instance, NOT to grow as many crops as they could, even as people elsewhere starve.²⁷

We could build more vertically, high-rise complexes to house more people with joint recreational and public facilities. Here in the U.S., we have a very good land per capita rating (land per person), ranking 62nd of 233 countries.²⁸ Unfortunately, land is not being used most effectively for all. Ideally, more building would be done in areas with lower chance for catastrophe and away from areas with the best farming potential to make best use of crop growth. Obviously none of this is done, and is in part because of national differences. Not only are countries like India packed with some of the largest populations, but their poorer economies do not allow for the sort of building that would most adequately house their populations.

As such, our nation with its abundance of natural resources and land has the ability to house many people, and is nowhere near the crisis level of India or China. The world has the ability to house many more as well if cooperation were used in sharing land and resources globally to assist in housing and caring for the poor.

-Other issues: We need to reform our adoption system, making it cheaper to adopt here in the U.S. There are still tens of thousands of adoptions each year, but numbers rose in recent years for international adoptions, though now declining once more. Furthermore, we need to ensure women are taken care of.

Part of this problem occurs because of divorce law. When 'irreconcilable differences' was allowed in the courts starting in 1970, this allowed couples to divorce for any reasons and avoid the responsibility that should come with the vows 'til death do us part'. As a result, women are not protected by marriage now, and we are seeing more single mothers. Removing irreconcilable differences might eliminate some of the necessity poor women have for seeking abortions.

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RECOMMENDED RESEARCH TOOLS

- OpenSecrets.org – See where campaign money goes by industry, PAC, and more
- OnTheIssues.org – See where candidates stand on issues, their words and voting records
- VoteSmart.org – Voting records, interest group ratings and issue questionnaires
- OpenCongress.org – Track politicians and even vote on your favorite bills
-
- NewsMeat.com – Campaign contributions search engine
- FundRace.HuffingtonPost.com – Track political donations
-
- PolitiFact.com – Evaluates political statements for accuracy with their ‘Truth-o-meter’
- FactCheck.org – A non-partisan fact-checking website
- Snopes.com – Fact-checks chain emails and internet urban legends
-
- Gallup – Polling resource

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* Per this discussion at the Huffington Post: http://www.huffingtonpost.com/social/Jzyehoshua/buck-up-and-stop-whining_b_745739_62291814.html