



The

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New Year's Resolutions for State Legislators

The biggest news of 2010 was the gain of 690 state legislative seats by Republicans and their capture of both State Houses in 26 states. Here are some New Year's Resolutions for laws they should consider passing in 2011.

- ◆ **Health Care:** "Out-of-pocket medical expenses shall be tax deductible" and "self-paying patients shall not be charged more by a hospital than what it charges insurance companies for the same services." *Explanation:* Third-party payments are driving up medical costs; the best antidote to ObamaCare is more patient power.
- ◆ **Withdrawal of Court Jurisdiction:** "The courts of this State shall not consider, apply or invoke foreign law in resolving any domestic dispute." *Explanation:* Foreign law has no legitimate role in America.
- ◆ **Homeschooling:** "No publicly funded school or organization shall deny homeschooled students the right to participate in sports, extracurricular activities or scholarships." *Explanation:* Homeschoolers pay taxes and should not be discriminated against.
- ◆ **Paycheck Protection:** "No governmental entity shall deduct any portion of a worker's paycheck to fund any political activities." *Explanation:* It is un-American to force a worker to donate to a candidate, yet many government unions support liberal candidates from payroll deductions.
- ◆ **Private Property:** "Eminent domain shall not be used against private property for another privately owned use." *Explanation:* Use of eminent domain has been abusive, as illustrated by the *Kelo v. New London* decision.
- ◆ **Video Games:** "There shall be no sale, rental, or arcade-playing of extremely violent video games by children without parental consent." *Explanation:* Video games are increasingly graphic and harmful.
- ◆ **Election Fraud:** "To protect the integrity of elections, voting shall be on Election Day with Photo ID required, and early or mail-in voting shall be allowed only for good cause." *Explanation:* Early voting is undermining Election Day and encouraging voter fraud.
- ◆ **Family Court:** "A restraining order for domestic violence shall issue only on proof of clear and convincing evidence" and "divorced parents shall have joint (50-50) legal and physical custody of their children unless proof shows a parent to be unfit." *Explanation:* The anti-father abuses by family courts must stop.
- ◆ **Title IX:** "No publicly funded school in this state shall eliminate a boys' or mens' sports team, for which there is sufficient demand, in order to meet a numeric quota of participation by gender in sports." *Explanation:* Colleges and even high schools are imposing feminist quotas to eliminate male sports teams.
- ◆ **Vaccination:** "There shall be a philosophical exemption to all vaccination requirements, and no student shall be denied admission to a public school for lack of vaccination unless justified by a certified epidemic of a disease at that location." *Explanation:* About one-third of states already allow families to decline vaccination for any reason, a right enjoyed for other medical treatments.
- ◆ **Recalling Judges:** "Upon collection of petition signatures totaling at least 4% of the population of the district in which a judge presides, a recall election will be held to remove him from office." *Explanation:* There will be less judicial supremacy if judges can be recalled; three Iowa Supreme Court Justices were fired in a retention vote on Nov. 2.
- ◆ **Good Friday:** "The afternoon of Good Friday shall be an official state holiday." *Explanation:* Good Friday is a state holiday in 11 states; why not the other 39?
- ◆ **Boy Scouts:** "Any organization that conducts more than \$1 million in annual business with this State, and which has an employee charitable giving program, shall certify annually that none of the organizations participating in its program discriminates against the Boy Scouts." *Explanation:* States should not do business with companies that discriminate against the Boy Scouts.
- ◆ **Child Protective Services:** "All rights accorded to criminal defendants shall likewise be recognized for any

family targeted for investigation by a child protective agency.” *Explanation:* Why do criminal defendants have more rights than parents?

♦ **Abortion:** “Any physician performing or inducing an abortion who does not have clinical privileges at a hospital which offers obstetrical or gynecological care located within 30 miles of the location at which the abortion is performed or induced shall be guilty of a misdemeanor.” *Explanation:* Many abortions improperly leave victims searching for another doctor for follow-up care. This law has worked well in Missouri.

♦ **Public Schools:** “When parents representing more than 50% of the students at a public school sign a petition demanding new administration of their school, the administration shall be fired and replaced by new administration or conversion to a charter school.” *Explanation:* This concept passed the California Senate in December 2009, but stalled in the heavily Democratic California Assembly.

♦ **Beware of bad proposals:** We must reject resolutions to call a national convention under Article V, or to replace the Electoral College with a so-called National Popular Vote. Those schemes would undermine our U.S. Constitution at the expense of the American people.

Give Supremacist Judges Their Comeuppance

The most important decision the voters made on November 2 was Iowa defeating three state supreme court judges who had voted to make same-sex marriage constitutional, overriding the wishes of the people in Iowa and their elected representatives. The reverberations are cascading nationwide, and we hope this landmark election signals the beginning of the end of rule by arrogant supremacist judges.

During the last several decades, many judges have decided they are supreme over the other branches of government. They are backed up by a chorus of lawyers, law school professors, and leftwing activists who say we must accept judicial pronouncements as the law of the land.

The Founding Fathers designed the judiciary to be the weakest of the three branches of government. But supremacist judges over the last half century have expanded the judiciary into the most powerful branch of government, making policy decisions on the most vital and controversial issues of the day (such as the supremacist federal judge who presumed to overrule the massive vote of Californians against same-sex marriage).

Iowa is a good example: the Iowa state legislature had defined marriage as the union of one man and one woman. But the state supreme court decided to overrule the legislature and make Iowa the first state in the midwest to put same-sex marriage on a par with husband-wife marriage.

When the three Iowa judges received only 45% approval

on November 2nd, the law school professors were indignant. From far-away California, the Irvine law school dean cried, “Something like this really does chill other judges.” Bob Vander Plaats, who led the campaign to defeat the three judges, rejoiced about the chill, saying, “I think it will send a message across the country that the power resides with the people.” Drake University political science professor Dennis Goldford admitted, “Kicking out those three justices would be a warning shot across the judiciary’s bow.”

Some states elect their state judges in a general election in which candidates run against each other. Iowa is one of the states that, instead, use what is called the Missouri plan. Under this procedure, the governor appoints state judges from a very small list of nominees chosen by the state bar association and then, after a term of years, the judge goes on the ballot, without any opponent, where the people can simply vote Yes to retain him in office or No to bounce him out. If the judge gets a majority (sometimes a super-majority is required) of Yes votes, he wins “retention” and serves another term. If not, he is history.

Since states began adopting the Missouri plan in the 1960s, nearly all judges win retention, and very, very seldom is any judge rejected. The defeat of the three Iowa judges proves that grassroots Americans can curb supremacist judges. Phyllis Schlafly’s book *The Supremacists: The Tyranny of Judges and How to Stop It* is now available free at www.eagleforum.org. This is a splendid tool for House Meetings and Study Groups to study the problem of supremacist judges and learn what we can do about it.

To Congress: We Want Our Light Bulbs

If we want to continue to enjoy the bright, warm light that Thomas Edison’s incandescent bulb radiates, Congress will have to repeal Subtitle B of Title III of the Energy Independence and Security Act of 2007. Environmental “standards” will start eliminating 276 versions of incandescent light bulbs in 2012, and the drop-dead date for our favorite 100-watt light bulb is just one year away.

Then, we will be able to buy more expensive but allegedly more energy-efficient compact fluorescent lamps (CFLs) that are supposed to reduce greenhouse gas emissions and force us to do our duty to save the planet. CFLs are also supposed to reduce our dependence on oil, but that’s not persuasive because only one percent of our electricity is made by oil.

When Elena Kagan was asked in her confirmation hearing by Senator Tom Coburn (R-OK) if it would be constitutional for the government to order all of us to eat “three fruits and three vegetables every day,” she evaded answering. She is part of the progressive Obama Administration that is committed to the unconstitutional notion that government should tell us how to spend our own money and live our lives, even within our own homes.

The essence of ObamaCare is forcing individual Americans to buy health insurance they don't want. Federal Judge Henry Hudson just ruled it is unconstitutional to force Americans to buy health insurance, and we shouldn't be forced to buy light bulbs we don't want.

Newer lighting technologies are on the drawing board, but Americans don't need government to compel us to purchase a new product. We easily advanced from kerosene lamps to Edison's light bulbs, from horse and carriage to automobiles, and from cassettes to CDs and DVDs, without any laws to mandate those changes.

CFLs are so toxic because of the mercury in the glass tubing that the cleanup procedure spelled out by the Environmental Protection Agency is downright scary. The EPA warns that if we break a CFL, we must take the pieces to a recycling center and not launder "clothing or bedding because mercury fragments in the clothing may contaminate the machine and/or pollute sewage." CFLs must be rather dangerous if they will pollute the sewage.

CFL bulbs do not work well in colder temperatures and cannot handle dimmer switches; broken CFL bulbs allegedly cause migraines and epilepsy attacks. Their supposed capacity to save energy is greatly exaggerated because, since CFLs do not emit as much heat, we'll have to compensate by turning up our thermostats in winter months.

The one result of CFLs we are sure about is that they export American jobs to China where manufacturers enjoy the benefit of cheap labor. General Electric has already closed factories in Kentucky and Ohio, and its major light bulb factory in Winchester, Virginia that employed 200 people.

The EPA has issued 91 pages of regulations to force manufacturers to revise their packaging in order to make CFLs more attractive to reluctant customers. The new labels get rid of the watt as the measure of light a bulb puts out and replace it with the lumen, making it difficult for Americans to select the right bulb.

Globalists give us the usual propaganda about an obligation to conform U.S. policy to the rest of the world. Cuba in 2005 exchanged all incandescent light bulbs for CFLs and banned their sale and importation, but surely we should not take our lead from Cuba.

Rep. Fred Upton (R-MI) has been credited with banning incandescent light bulbs, along with imposing obnoxious regulations and phase-out dates. He's now not so eager to claim credit for that law. When asked in September about his authorship, Upton said, "It was Jane Harman's bill with Denny Hastert and others." By November, he was promising that if he becomes chairman of the House Energy and Commerce Committee, "we'll be reexamining the light bulb issue, no problem." By December, he was saying that "We have heard the grassroots loud and clear, and will have a hearing early next Congress. The last thing we wanted to do was infringe upon personal liberties — and this has been a good lesson that Con-

gress does not always know best."

Rep. Cliff Stearns (R-FL) summed it up: "The misguided ban on incandescent light bulbs needs to be repealed. Banning a product that has been used safely for more than 100 years in favor of Chinese imported CFLs that pose considerable health risks is yet another example of more government intrusion into Americans' personal lives."

Marriage Is the Key to Spending Cuts

The attack on the institution of marriage is not only the biggest cultural but also the biggest fiscal issue of our times, and political and judicial attacks by gays are only part of the problem. Marriage is being assaulted by unilateral divorce, feminist hostility toward marriage, the bias of family courts against fathers, and the taxpayer-paid financial incentives that subsidize illegitimate births.

Forty-five years ago, a liberal in Lyndon Johnson's Labor Department, Daniel Patrick Moynihan, shocked the nation with a report called "The Negro Family: The Case for National Action." The Great Society's welfare handouts to women were breaking up black families by making husbands irrelevant. Since the Moynihan Report, out-of-wedlock births in the United States have grown to 72.3% for blacks, 52.5% for Hispanics, and 28.6% for whites (non-Hispanic). For the population as a whole, out-of-wedlock births have risen from 6% in the 1960s to 40.6% today.

Sounding a Moynihan-style alarm today is Robert Rector of the Heritage Foundation. He has assembled figures from U.S. Census Bureau and Centers for Disease Control data, and they are downright scary. This is not, as Moynihan indicated, merely a black problem, and it's not just a cultural problem as the RINOs (Republicans In Name Only, the fiscal conservatives who disdain social issues) like to portray it. It's a very big money problem because the government is transferring nearly \$1 trillion a year in taxpayer-funded handouts to the 40% of Americans who rely on government for all or part of their living expenses.

A lack of marriage causes poverty. The poverty rate for single parents with children is 36.5 percent, while it is only 6.4 percent for married couples with children. We just suffered the largest increase in government-designated poverty: 3.7 million more Americans moved into the "poor" column in 2009. The number of Americans receiving food stamps just rose to a record 41.8 million.

Obama's solution for the poverty problem is more redistribution of money from taxpayers to the poor. But there's no evidence that more money is the remedy because we've been increasing handouts every year and the problem keeps getting worse. Contrary to a lot of chatter, this isn't a teenage problem (only 7.7% of new single moms are minors), and it isn't a failure of birth control, and it isn't the accidents of unplanned pregnancies. These single moms want their babies

and confidently expect Big Brother to provide for them.

Rector's solution to the poverty problem is marriage. He urges government policies to promote and strengthen the institution of marriage instead of providing incentives to discourage it.

Marriage drops the probability of child poverty by 82%. Marriage has just as dramatic an effect as adding 5 to 6 years to the parents' level of education.

If single moms were to marry the fathers of their children, the children would immediately be lifted out of poverty. Eight out of ten of these fathers were employed at the time of the births of their out-of-wedlock children.

Government should reduce or eliminate the marriage penalties in welfare programs, in tax law, and even in ObamaCare. Rector explains that marriage penalties occur in many means-tested welfare programs such as food stamps, public housing, Medicaid, daycare, and Temporary Assistance to Needy Families (TANF).

Ronald Reagan's advice is still pertinent. If we subsidize something, we'll get more of it; if we tax it, we'll get less of it.

Interviews with low-income single moms show that they are not hostile to marriage as an institution or as a life goal. In fact, they dream of having a husband, children, a minivan, and a house in the suburbs "with a white picket fence," but nobody tells them they will probably always be poor if they have babies without getting married.

What about the guidance we give kids in school? We tell them they will be poor if they become school dropouts and that it's self-destructive to use illegal drugs, but it's just as important to warn them about the life of poverty ahead of them if they produce babies before they marry.

What about the moral guidance we expect from the churches? Do they tell young people not to pretend they can form a "family" without marriage and a father for the children? What about the conservatives who limit their concerns to fiscal priorities? Do they identify what the taxpayers' money is being spent on, and then urge cutting the taxpayer-paid incentives that encourage illegitimate births?

As far back as 1993 Charles Murray identified "illegitimacy as the single most important social problem of our time . . . because it drives everything else." It's time we put it at the top of our agenda.

Stop Sending U.S. Jobs to China

The voters who elected the new Congress expect it to cast off unconstitutional and discredited policies such as Keynesian big-spending and judicial grabbing of legislative prerogatives. We also hope Congress will shake itself loose from the dishonest, anti-American trade policies of other countries that send U.S. jobs overseas, especially to Communist China. China treats U.S. companies like suckers, cheating them coming and going, and even intimidates U.S. business-

men so they don't dare criticize China's unfair trade tactics.

Take, for example, the attitude of CEO Jeffrey R. Immelt of General Electric, the company now laying off hundreds of U.S. workers and giving those jobs making light bulbs to Chinese workers. He won't comment about the current U.S. case in the World Trade Organization accusing China of giving illegal subsidies to Chinese wind turbine makers.

A few years ago, G.E. caved in to the Chinese government's demand that G.E. build a large wind turbine factory in China. Since G.E. owns a crucial patent for wind turbines, this demand was based on the Chinese anti-free trade policy called indigenous innovation (which China expert James McGregor calls "a blueprint for technology theft on a scale the world has never seen before"). China then developed its own wind turbine manufacturers, and is now directing purchasers to buy from those Chinese firms instead of from G.E. That's the reality in what free traders naively believe is the world's fast-growing market for U.S. goods.

China wants to be the world's biggest exporter based on stealing U.S. know-how and subsidizing local manufacturers. China blatantly violates international trade laws and has no plans to be a market for U.S. products; China's principal imports are and will continue to be U.S. jobs.

China has a long record of disciplining companies that fail to conform to Chinese regulatory demands. Chinese regulations presume to dictate ordinary managerial decisions of non-Chinese companies such as what equipment may be bought and from whom.

China has a Communist government, so the Communist Party is in the driver's seat. China can violate with impunity all international law and trade agreements, slap taxes and regulations on U.S. plants in China, compel U.S. corporations to give their trade secrets and manufacturing know-how to Chinese competitors, and force Americans to keep silent about the unfairness of it all.

After major U.S. corporations, including our biggest technology companies, gave away their most valuable industrial secrets, they are asking themselves, Was it all worthwhile?

Some people foolishly call our relationship with China "free trade." But there is nothing free or fair about it; it is trade war between an aggressively protectionist Communist government and a U.S. that is shackled by foolish and out-of-date illusions about free trade. The new Congress must develop a plan to bring U.S. jobs back home.

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