



The

Phyllis Schlafly Report



VOL. 49, NO. 4

P.O. BOX 618, ALTON, ILLINOIS 62002

NOVEMBER 2015

Congress Must Reclaim Article One

Shortly after he was sworn in as the new Speaker of the House, Representative Paul D. Ryan (R-WI) admitted to his colleagues: “The House is broken. We are not solving problems; we are adding to them. Neither the members nor the people are satisfied with how things are going.”

Ryan continued, however, “I am not interested in laying blame”—or, for that matter, in accepting his share of it. If the House seems broken, it’s because of Congress’ consistent failure to exercise its legitimate powers.

Our fundamental document, the Constitution, Article One, Section One, begins: “All legislative Powers herein granted shall be vested in a Congress of the United States.” The rest of Article One sets forth the many powers that the framers allocated to what they thought would be the most powerful of our three branches of government.

In his first act as incoming Speaker, Ryan signed off on a deal that had been secretly negotiated by outgoing Speaker John Boehner. A key provision of that deal was to surrender Congress’s authority to “borrow money on the credit of the United States” for the remainder of President Obama’s term in office.

To confirm the budget deal, Ryan had to violate the unofficial Hastert rule, in which Republican leaders have repeatedly vowed not to advance legislation that most Republicans oppose. Two-thirds of Republicans in both Houses opposed the Boehner-Obama budget deal, yet the new leadership allowed it to become law with mostly Democratic votes. Congress also gave up its power to limit federal spending through the sequestration required by the last bipartisan budget deal, thereby effectively surrendering its authority to “provide for the common defense and general welfare of the United States.”

Despite strong Republican majorities sent to both Houses by the voters in last year’s election, the new Congress has surrendered its basic powers over foreign trade, war and peace, immigration and naturalization, regulation of the economy, confirmation of judges, and regulation of federal courts.

This month’s release of the secret text of the Trans-Pa-

cific Partnership (TPP) reminds us that Congress already surrendered its sole power to “regulate commerce with foreign nations.” Congress will be limited to an up-or-down vote on that 6,000-page monstrosity at a time of Obama’s choosing.

Obama’s commitment to restricting our use of energy, so he can be a hero at the upcoming UN conference in Paris, knows no bounds. In addition to cancelling the Keystone XL pipeline project, his Environmental Protection Agency (EPA) and Department of Energy (DOE) have issued an incredibly costly series of regulations that can and should be overturned by Congress.

Only Congress has the power to create a “uniform rule of naturalization,” but the uniform law passed by Congress is openly defied by President Obama and more than 300 sanctuary cities, counties and states. It’s long overdue for Congress to enforce its sole authority over immigration and nationality by withholding funds from defiant officials.

Although the U.S. already accepts 70,000 people a year as refugees from various conflict zones around the world, Secretary of State John Kerry unilaterally promised to increase that number to 85,000 in 2016 and 100,000 in 2017, and the number from Syria would increase from 10,000 to 65,000. After FBI Director James Comey admitted there are serious “gaps” in the information available about those people, Senator Chuck Grassley (R-IA) wrote that “not one dollar should be expended” for refugee resettlement until we have a better way to vet them.

Although Congress has the sole power to “declare War” and to “raise and support Armies,” President Obama has been conducting a no-win war in Syria for many months without Congressional authorization. And let’s not forget the catastrophic results of Hillary Clinton’s 2011 war against Libya, which also was never authorized by Congress.

The power to “make Rules concerning Captures on Land and Water” justifies Congress’ decision to hold terror suspects at Guantanamo, yet Obama just let it be known that the remaining detainees will soon be transferred to

Colorado.

Congress never passed any law giving transgender people the right to force everyone else to recognize their new “gender identity,” but Obama’s education department is threatening public schools that resist this fad. This month’s defeat of the transgender referendum in Houston by the overwhelming vote of 61 to 39 percent should stiffen the spine of the Republican Congress to put a stop to that foolishness.

Congress has the power “to constitute tribunals inferior to the Supreme Court,” which means to regulate and limit the types of cases they can hear, yet Congress has done nothing as liberal federal judges continue their assault on traditional values. Let’s remember what President George W. Bush said in a 2004 speech: “We will not stand for judges who . . . try to remake the culture of America by court order.”

Planned Parenthood’s Odious Activities

“We’ve been very good at getting heart, lung, liver, because we know that, so I’m not gonna crush that part. I’m gonna basically crush below, I’m gonna crush above, and I’m gonna see if I can get it all intact.” That’s how Planned Parenthood’s senior director of medical services explained to a potential customer (with a hidden camera) how unborn baby body parts are routinely harvested for profitable reuse.

Planned Parenthood’s president later apologized for the “tone” of Dr. Nucatola’s chilling remarks at a business lunch with wine, but could not deny that they accurately reflect PP’s business model. As somebody said 2,000 years ago in ancient Rome: “in vino veritas” (in wine there is truth).

Planned Parenthood’s practices appear to violate two federal laws, one of which prohibits trafficking in fetal organs and tissues for profit. The other law prohibits altering an abortion for the sole purpose of harvesting organs, and that’s what PP’s senior executive admitted doing.

In addition to aiming the forceps “under ultrasound guidance” to “crush below” or “crush above” the desired organ (such as heart, lung or liver) wanted by a medical supply company, Dr. Nucatola even admitted that “people will actually try to change the presentation so that it’s not vertex” (head first). That means intentionally delivering the baby feet or bottom first in order to cause “dilation,” which makes it easier for the abortionist to “evacuate an intact calvarium [head] at the end.”

Aside from the apparent illegality of such activities, how did we reach the point in our country where an organization, led by persons with such lack of conscience, was able to attain such power, influence, and respectability that its president addressed the last Democratic Na-

tional Convention? (That was the same convention whose delegates booed a motion to recognize God.)

Two generations ago, when a book called *The Population Bomb* was riding the best-seller list, President Richard Nixon asked Congress to create the first-ever federal program to promote “family planning” — the phrase coined by PP founder Margaret Sanger as a euphemism for “birth control.” Nixon’s bill was sponsored by then Congressman and future President George H.W. Bush, and it became law at the end of 1970.

The notion of a “population bomb” was quickly discredited and the book by Stanford Professor Paul Ehrlich has taken its place among such false alarms as Rachel Carson’s *Silent Spring* and Al Gore’s *Earth in the Balance*. Contrary to Ehrlich’s prediction, the birth rate has collapsed in the United States and throughout the Western world to the point where most countries’ populations are shrinking except for immigration.

Planned Parenthood became the biggest recipient of the federal spending named in its honor, and the flow of money hasn’t stopped — over \$500 million in the last fiscal year, comprising 41 percent of PP’s budget. It’s time to end all federal and state taxpayer support for an organization that serves no valid public purpose, does not promote the general welfare, and is run by people who lack the basic decency to respect the dignity of human life in the womb.

Several state legislatures have tried to cut the flow of state taxpayers’ money to Planned Parenthood and its affiliates, which perform more abortions than anyone else, only to be rebuffed by liberal federal judges. A rare exception was a Kansas law upheld by the U.S. Tenth Circuit Court last year.

Kansas had been handing out taxpayer dollars under the federal Title X program for many years to Planned Parenthood of Kansas and Mid-Missouri despite its affiliation with abortion providers. In 2011, Kansas Governor Sam Brownback signed an appropriations bill that gave priority to taxpayer spending first to “public entities (state, county, local health departments and health clinics)” and then, if any taxpayer money remains available, “to non-public entities which are hospitals or federally qualified health centers that provide comprehensive primary and preventative care in addition to family planning services.”

Planned Parenthood of Kansas and Mid-Missouri sued, because it was not given priority for the taxpayer funding. After its claims were rejected, Planned Parenthood closed one of its Kansas facilities and chose not to seek further review in the Supreme Court, perhaps fearing a loss there could set a nationwide precedent.

Congress could cut off most if not all of the \$528

million given to Planned Parenthood and its affiliates in grants by government, in contracts and in reimbursements from taxpayer-funded Medicaid. Numerous billionaire liberals are supporters of Planned Parenthood, but rather than fully funding it themselves, which they could easily do, they insist on forcing taxpayers to foot the bill.

OpenSecrets.org reports that in the 2014 cycle, for example, Planned Parenthood received slightly more than \$1 million from donors at Bloomberg L.P. and \$500,000 from donors at Soros Fund Management. Those companies and their billionaire owners could easily keep Planned Parenthood afloat without burdening the taxpayers to support conduct which so many find offensive.

Donald Drives the Debate

"If it weren't for me," Donald Trump told the Fox News moderators at the first Republican presidential debate, "you wouldn't even be talking about illegal immigration." The record-breaking audience of 24 million, which is ten times Fox's usual nightly viewership, had to agree.

Trump's new position paper reinforces the blunt talk that has propelled his rise in the polls: "A nation without borders is not a nation. A nation without laws is not a nation. A nation that does not serve its own citizens is not a nation."

That's a refreshing contrast to the immigration paper recently released by Jeb Bush, who is the candidate of the big-money, big-business faction of the Republican party. Jeb famously said illegal immigrants were guilty only of "an act of love," and his plan would reward them with permanent "legal status" which he said must be "combined with" long-overdue measures to secure the border.

If Jeb's candidacy falters despite the \$114 million he raised, the establishment's next choices, Senator Marco Rubio and Ohio Governor John Kasich, have basically similar views. Kasich said the 12 million illegals should be "legalized once we find out who they are," and Rubio said Obama's executive amnesty "can't be terminated because there are already people benefiting from it."

Rubio's statement was made in Spanish on the Spanish-language network Univision, which is reason enough to eliminate him from serious consideration. When somebody is running for president of the United States, why should we have to get somebody to translate his remarks into English?

Trump's new position paper answers his opponents with the plainspoken truth that "America will only be great as long as America remains a nation of laws that lives according to the Constitution. No one is above the law" — including the 300-plus sanctuary cities and counties that openly refuse to help remove illegal aliens even after they commit horrible crimes.

Donald Trump launched his campaign in June by accusing Mexico of sending its worst criminals, murderers, and rapists to live here illegally — a charge that was tragically confirmed by the July 1 murder of Kate Steinle in San Francisco. The rampage continued with the July 24 rape and murder of Marilyn Pharis in her own home in Santa Maria, California; the July 27 attempted rape of a 14-year-old girl and murder of Peggy Kostelnik in Lake County, Ohio, near Cleveland; and the July 29 murders of Jason and Tana Shane of the Crow Nation in Montana — all crimes committed by Mexicans living here illegally who should have been deported for previous crimes.

Having proved his point about crimes by immigrants, Donald Trump's position paper goes on to address the economic harms of unrestricted immigration, both legal and illegal. This subject was introduced to the presidential campaign in April when Wisconsin Governor Scott Walker said immigration should be "based on making our No.1 priority to protect American workers and their wages" — a statement that alarmed Republican donors and the *Wall Street Journal's* editorial board.

In a section subtitled "Put American Workers First," Trump's new position paper elaborates on Walker's idea by noting that the enormous influx of foreign workers "makes it difficult for Americans — including immigrants themselves — to earn a middle class wage." Trump would restrict the admission of low-earning workers and he would require companies to hire from the domestic pool of our own unemployed before importing foreigners to fill "jobs Americans won't do."

As for the millions of people who settled here illegally since the last amnesty, Trump said without hesitation, "They have to go. We either have a country, or we don't have a country."

A recent guest on my weekly radio program, political expert Steve Deace, emphasized that the "ground game" is decisive in Iowa, where voters want to shake hands with the candidates, look them in the eye, and hear them answer questions about issues that are important to the grassroots. Iowans seem to like Donald Trump's brash New York style, and a Nevada poll even has him winning the Hispanic vote among Republicans.

Trump's high profile assures that the crisis of uncontrolled immigration can't be avoided by presidential candidates of both parties. Hillary Clinton's promise to "go even farther" than Obama in granting legal status to millions of illegal aliens has been challenged by Senator Bernie Sanders, who on July 30 denounced the concept of "a completely open border, so that anyone can come into the United States of America. If that were to happen, there is no question that that would substantially lower wages in this country."

Public Sector Unions Are Losing Their Clout

Although the Republican Congress has been unable to roll back big government in Washington, a more optimistic record is being built in states with Republican governments. One remarkable success story comes from Alabama, where a federal appeals court has given the green light to a new law that will dilute the power of the teachers union in that state.

Unions of government workers, including teachers and other public school employees, are notoriously powerful as a political force in Democratic Party politics and at many state capitols. Nowhere was that more true than in Alabama, where the teachers union's long-serving lobbyist, who died last year, wielded more power over education policy than any elected official.

For 42 years the state's teachers union, the Alabama Education Association (AEA), was controlled by the late Paul Hubbert, who held the modest title of executive secretary but was generally understood to be the most powerful figure in the state capitol. Along the way he also served as state chairman of the Alabama Democratic Party and even ran for governor.

Some may be surprised that a union leader could be so powerful in a Deep South right-to-work state which boasts non-union automobile plants including Honda in Huntsville, Hyundai in Montgomery, and Mercedes-Benz in Tuscaloosa. Hubbert's power came from a state law that authorized local units of government, such as school boards, to withhold dues from teachers' paychecks and deliver that money directly to the union, where it could be used for liberal political purposes.

Hubbert used that power to build the AEA from 30,000 to over 100,000 dues-paying members, who gave Hubbert the budget muscle to spend more than any other lobbying group in the state. Witnesses say they often saw Hubbert watching legislators from the gallery, signaling to them how to vote, and the legislators he backed usually voted as he directed.

The dues checkoff system gave Hubbert an unfair advantage at the state capitol over groups representing parents and taxpayers, who had to rely on voluntary contributions from their members. The AEA's reliable flow of government-collected dues money could be used to support liberal causes such as gay marriage which most Alabamians oppose.

Paul Hubbert's cozy relationship with the state legislature ended with the landslide election of 2010 when Republicans, for the first time in 138 years, gained a majority in both houses. Alabama's outgoing Republican governor, Bob Riley, called a special session at which the newly elected legislature passed Act 761 to repeal dues checkoff privileges for employees of public school districts.

Hubbert and his union were not going to accept this lying down. They filed a series of lawsuits aimed at getting the new law nullified, claiming that it somehow violated teachers' rights of free speech and freedom of association.

The AEA's most audacious legal maneuver was to subpoena and depose the governor who signed Act 761 and the legislators who voted for it, in order to bombard them with questions about their motives. The U.S. Court of Appeals for the Eleventh Circuit rejected that abusive demand, ruling that a centuries-old "legislative privilege" protects lawmakers from being sued or questioned for their actions in supporting or opposing legislation.

When Act 761 is fully in effect after the last legal obstacle is finally removed, AEA will probably suffer a sharp reduction in its revenue. That's what happened in Wisconsin after a similar law known as Act 10 was upheld by another federal circuit court.

Alabama teachers will then be free to join and support a professional organization such as the Association of American Educators (AAE) which provides liability protection without the poisonous divisive politics of the teachers unions. Even Democratic President Franklin Delano Roosevelt was opposed to the unionization of government workers who are protected by the political process and laws making them virtually impossible to fire.

More relief from public sector union power may soon come from the U.S. Supreme Court, which has already agreed to consider ending the current process for dues collection by public sector unions nationwide. With a victory in that case, government employees couldn't be forced to pay for their union's political activities unless they affirmatively opt in to donate their money for that purpose.

Hillary Clinton has already picked up the presidential endorsement of the two largest public sector unions, the American Federation of State, County and Municipal Employees (AFSCME) and National Education Association (NEA).

Sworn Statement of Ownership

The Phyllis Schlafly Report is published monthly at P.O. Box 618, Alton, Illinois 62002. Publisher: Phyllis Schlafly, P.O. Box 618, Alton, Illinois 62002. Editor: Same. Owner: Eagle Trust Fund. Known bond-holders, mortgagees, or other security holder: None. Information on circulation not required as no advertising is carried.

The Phyllis Schlafly Report

PO Box 618, Alton, Illinois 62002

ISSN0556-0152

Published monthly by the Eagle Trust Fund, PO Box 618, Alton, Illinois 62002. Periodicals Postage Paid at Alton, Illinois. Postmaster: Address Corrections should be sent to the *Phyllis Schlafly Report*, PO Box 618, Alton, Illinois 62002. Phone: (618) 462-5415.

Subscription Price: \$20 per year. Extra copies available: 50¢ each; 10 copies \$4; 30 copies \$8; 100 copies \$15; 1,000 copies \$100.

<http://www.eagleforum.org>

eagle@eagleforum.org