



THE FREEDOM INDEX

A Congressional Scorecard Based on the U.S. Constitution

Our third look at the 110th Congress shows how every representative and senator voted on key issues, such as economic stimulus, oil, the federal budget, mortgage relief, and global warming.

House Vote Descriptions

21 Head Start. The final version (conference report) of H.R. 1429, a bill to reauthorize the Head Start program through 2012, was adopted 381-36 on November 14, 2007 (Roll Call 1090). Head Start provides educational activities and social services for children up to age five from low-income families. The program received \$6.9 billion in fiscal year 2007. \$7 billion was authorized in the fiscal 2008 omnibus bill, but H.R. 1429 increased funding to \$7.4 billion for fiscal 2008, \$7.7 billion for 2009, and \$8 billion for 2010. The income level at which families are eligible to participate was raised from 100 percent of the poverty level to 130 percent (\$26,728 for a family of four). Some members opposed the bill because Head Start grants will not be allowed to faith-based organizations that hire employees on the basis of religious preference.

We have assigned pluses to the “nays”

because the bill advances the federalizing of the educational system, and federal involvement in education is unconstitutional.

22 Labor-HHS-Education Appropriations. H.R. 3043, a bill to appropriate funding for fiscal 2008 labor, health, human services, and education programs, was rejected 227-141 on November 15, 2007 (Roll Call 1122) in a failed veto override requiring a two-thirds majority. Total

appropriations would have been \$606 billion. The bill included \$150.7 billion — \$6.2 billion more than for fiscal 2007 — in “discretionary” spending, that is spending the government has not deemed mandatory, such as the big entitlement programs. It also contained more than 2,200 earmarks totaling about \$1 billion.

We have assigned pluses to the “nays” because social-welfare programs are unconstitutional.



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Helping hand: Federal Head Start programs often get kudos for giving children a hand up in learning, but the monetary bureaucratic waste caused by federal involvement in education actually hurts education opportunities.

ABOUT THIS INDEX

The Freedom Index: A Congressional Scorecard Based on the U.S. Constitution” rates congressmen based on their adherence to constitutional principles of limited government, fiscal responsibility, national sovereignty, and a traditional foreign policy of avoiding foreign entanglements. To learn how any representative or senator voted on the key measures described herein, look him or her up in the vote charts. The scores are derived by dividing a congressman’s constitutional votes (pluses) by the total number he cast (pluses and minuses) and multiplying by 100.

The average House score for this index (votes 21-30) is 31 percent; the average Senate score is 26 percent. Ten House members scored a perfect 100 percent: John Shadegg (R-Ariz.), Jeff Flake (R-Ariz.), Ed Royce (R-Calif.), Dana Rohrabacher (R-Calif.), John Campbell (R-Calif.), Thomas Tancredo (R-Colo.), Lynn Westmore-

land (R-Ga.), Tom Price (R-Ga.), Paul Broun (R-Ga.), and Ron Paul (R-Texas). The top scorer in the Senate was Jon Kyl (R-Ariz.) with a score of 80 percent. We encourage readers to examine how their own congressmen voted on each of the 10 key measures as well as overall.

This is our third index for the 110th Congress. Our first index (votes 1-10) appeared in our July 23, 2007 issue, and our second index (votes 11-20) appeared in our December 10, 2007 issue. The current and past “Freedom Indexes” are available online at www.the.newamerican.com.

We also encourage readers to commend legislators for their constitutional votes and to urge improvement where needed. For congressional contact information and a series of pre-written letters to Congress on some key issues go to www.capwiz.com/jbs/home. ■

House Vote Scores

	Votes: 21-30	21	22	23	24	25	26	27	28	29	30	1-30
ALABAMA												
1 Bonner (R)	60%	-	+	+	-	+	+	-	+	+	-	56%
2 Everett (R)	63	-	?	?	-	+	+	+	+	+	-	62
3 Rogers, Mike D. (R)	40	-	-	+	-	-	+	-	+	+	-	48
4 Aderholt (R)	50	-	+	+	-	?	+	-	+	?	-	56
5 Cramer (D)	0	-	-	-	-	-	-	-	-	-	?	14
6 Bachus, S. (R)	60	-	+	+	-	+	+	-	+	+	-	59
7 Davis, A. (D)	0	-	-	-	-	-	-	-	-	-	-	10
ALASKA												
Young, D. (R)	33	-	-	-	-	+	?	-	+	+	-	48
ARIZONA												
1 Renzi (R)	43	-	+	-	-	+	?	?	+	?	-	50
2 Franks, T. (R)	90	+	+	+	-	+	+	+	+	+	+	79
3 Shadegg (R)	100	+	+	+	+	+	+	+	+	+	+	79
4 Pastor (D)	0	-	-	-	-	-	-	-	-	-	-	23
5 Mitchell (D)	22	?	-	-	-	-	+	-	-	-	+	21
6 Flake (R)	100	+	+	+	+	+	+	+	+	+	+	77
7 Grijalva (D)	0	-	-	-	-	-	-	-	-	-	-	23
8 Giffords (D)	10	-	-	-	-	-	+	-	-	-	-	17
ARKANSAS												
1 Berry (D)	10	-	-	-	+	-	-	-	-	-	-	30
2 Snyder (D)	0	-	-	-	-	-	-	-	-	-	-	7
3 Boozman (R)	60	-	+	+	-	+	+	-	+	+	-	55
4 Ross (D)	0	-	-	-	-	-	-	-	-	-	-	13
CALIFORNIA												
1 Thompson, M. (D)	0	-	-	-	-	-	-	-	-	-	-	20
2 Hergert (R)	70	-	+	+	-	+	+	+	+	+	-	66
3 Lungren (R)	67	-	+	+	-	?	+	-	+	+	+	70
4 Doolittle (R)	80	+	+	+	-	+	+	+	+	+	-	72
5 Matsui (D)	0	-	-	-	-	-	-	-	-	-	-	20
6 Woolsey (D)	0	-	-	-	-	?	?	-	-	-	-	30
7 Miller, George (D)	0	-	-	-	-	-	-	-	-	-	-	21
8 Pelosi (D): <i>Speaker</i>	0	?	-	-	-	-	-	-	?	?	-	13
9 Lee (D)	0	-	-	-	-	-	-	-	-	-	-	27
10 Tauscher (D)	0	-	-	-	-	-	-	?	-	-	-	14
11 McNerney (D)	0	-	-	-	-	-	-	-	-	-	-	20
12 Speier (D)												
13 Stark (D)	11	-	?	-	-	-	-	-	-	-	+	30
14 Eshoo (D)	0	-	-	-	-	-	-	-	-	-	-	20
15 Honda (D)	0	-	-	-	-	-	-	-	?	-	-	18
16 Lofgren (D)	0	-	-	-	-	-	-	-	-	-	-	17
17 Farr (D)	0	-	-	-	-	-	-	-	-	-	-	17
18 Cardoza (D)	0	-	-	-	-	-	-	-	-	-	-	10
19 Radanovich (R)	70	-	+	+	-	+	+	+	+	+	-	62
20 Costa (D)	0	-	-	-	-	-	-	-	-	-	-	7
21 Nunes (R)	70	-	+	+	-	+	+	-	+	+	+	62
22 McCarthy, K. (R)	80	-	+	+	-	+	+	+	+	+	+	66
23 Capps (D)	0	-	-	-	-	-	-	-	-	-	-	17
24 Gallegly (R)	70	-	+	+	-	+	+	+	+	+	-	63
25 McKeon (R)	80	-	+	+	-	+	+	+	+	+	+	68
26 Dreier (R)	70	-	+	+	-	+	+	-	+	+	+	55
27 Sherman (D)	0	-	-	?	-	-	-	-	-	-	-	21
28 Berman (D)	0	-	-	?	-	-	-	-	-	-	-	10
29 Schiff (D)	0	-	-	-	-	-	-	-	-	-	-	17
30 Waxman (D)	10	-	-	-	-	-	-	-	-	-	+	20
31 Becerra (D)	0	-	-	-	-	-	-	-	-	-	-	17
32 Solis (D)	0	-	-	?	-	-	-	-	-	-	-	24
COLORADO												
1 DeGette (D)	0	-	-	-	-	-	-	-	-	-	-	20
2 Udall, M. (D)	0	-	-	-	-	-	-	-	-	-	-	13
3 Salazar, J. (D)	0	-	-	-	-	-	-	-	-	-	-	10
4 Musgrave (R)	56	-	+	+	-	+	+	+	-	?	-	57
5 Lamborn (R)	90	+	+	+	-	+	+	+	+	+	+	76
6 Tancredo (R)	100	+	+	+	+	+	?	+	+	?	+	76
7 Perlmutter (D)	0	-	-	-	-	-	-	-	-	-	-	20
CONNECTICUT												
1 Larson, J. (D)	0	-	-	-	-	-	-	-	-	-	-	20
2 Courtney (D)	0	-	-	-	-	-	-	-	-	-	-	23
3 DeLauro (D)	0	-	-	-	-	-	-	-	-	-	-	20
4 Shays (R)	20	-	-	-	-	-	-	-	+	-	-	24
5 Murphy, C. (D)	0	-	-	-	-	-	-	-	-	-	-	23
DELAWARE												
Castle (R)	30	-	-	-	-	-	+	-	+	-	+	30
FLORIDA												
1 Miller, J. (R)	89	+	+	+	-	+	+	?	+	+	+	79
2 Boyd, A. (D)	10	-	-	-	+	-	-	-	-	-	-	17
3 Brown, C. (D)	0	-	-	-	P	-	-	-	-	-	-	14
4 Greshaw (R)	78	-	+	+	-	+	+	+	+	+	?	65
5 Brown-Waite, G. (R)	56	-	+	+	-	?	+	+	+	+	-	50
6 Stearns (R)	90	+	+	+	-	+	+	+	+	+	+	69
7 Mica (R)	78	-	+	+	-	?	+	+	+	+	+	68
8 Keller (R)	56	-	-	+	-	?	+	+	+	-	+	54
9 Bilirakis (R)	50	-	-	+	-	+	+	-	+	+	-	55
10 Young, C.W. (R)	40	-	-	-	-	+	+	-	+	-	+	50
11 Castor (D)	0	-	-	-	-	-	-	-	-	-	-	17
12 Putnam (R)	70	-	+	+	-	+	+	+	+	+	-	66
13 Buchanan (R)	20	-	-	-	-	-	+	+	-	-	-	38
14 Mack (R)	86	+	?	+	-	+	+	+	?	+	?	69
15 Weldon (R)	90	+	+	+	-	+	+	+	+	+	+	79
16 Mahoney (D)	0	-	-	-	-	-	-	-	-	-	-	17
17 Meek, K. (D)	0	-	-	-	-	-	-	-	-	-	-	17
18 Ros-Lehtinen (R)	20	-	-	+	-	-	+	-	-	-	-	34
19 Wexler (D)	10	-	-	-	+	-	-	-	-	-	-	23

The scores are derived by dividing the constitutionally correct votes (pluses) by the total number of pluses and minuses and multiplying by 100. (A "?" means a rep. did not vote; a "P" means he voted "present." If a rep. cast fewer than five votes in this index, a score is not assigned.) Match numbers at the top of the chart to House vote descriptions on pages 22, 24, and 26.



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Full circle: Congress voted to send out “economic stimulus checks” partially because of inflation, which is a hidden tax caused when government creates additional money and credit that drive up the price of goods — even staples such as milk. But because government won’t reduce spending and is sending out rebate money it does not have, it will now create more inflation, further driving up the cost of goods.

23 Children’s Health Insurance.

H.R. 3963, a bill to reauthorize the Children’s Health Insurance Program, was rejected 260-152 on January 23, 2008 (Roll Call 22) when the House failed to get the necessary two-thirds majority of those present to override President Bush’s veto. The bill would have authorized the State Children’s Health Insurance Program (SCHIP) at nearly \$60 billion over five years, expanding the program by \$35 billion. It also would have put an additional tax on cigarette manufacturers, would have undermined private insurance plans, and would have pushed us further down the slippery slope to socialized medicine.

We have assigned pluses to the “nays,” because federal healthcare programs are unconstitutional.

24 Economic Stimulus. H.R. 5140, the Economic Stimulus Act of 2008, passed 385-35 on January 29, 2008 (Roll Call 25). It would provide about \$150 billion in economic stimulus, including \$101.1 billion in direct payments of rebate checks (typically \$600) to most taxpayers in 2008 and temporary tax breaks for businesses.

We have assigned pluses to the “nays” because creating money out of thin air and then spending the newly created money cannot improve the economy, at least not

in the long term. (If it could, why not create even more money for rebates and make every American a millionaire?) The stimulus has no offset and thus increases the federal deficit by the amount of the stimulus because the government must borrow the rebate money. A realistic long-term stimulus can only be achieved by lowering taxes through less government and by reducing regulatory burdens.

25 Targeting American Oil Companies.

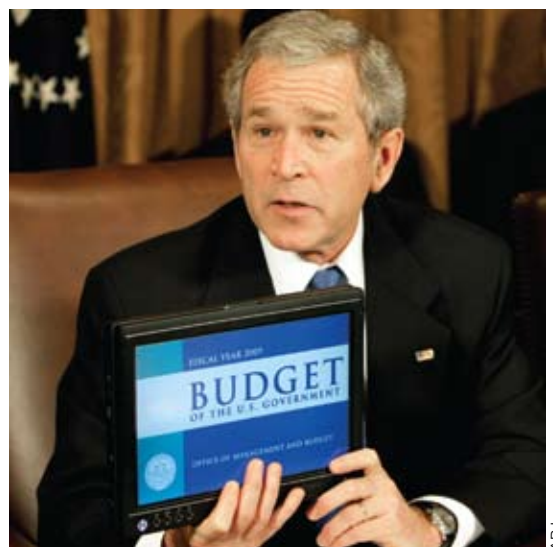
H.R. 5351, the \$18.1 billion Renewable Energy and Energy Conservation Tax Act, passed 236-182 on February 27, 2008 (Roll Call 84). It would provide tax deductions and incentives for the production of renewable energy (including wind, solar, and ethanol) and for energy conservation. To offset \$13.7 billion of the bill’s cost, the domestic manufacturing tax deduction would be taken away from the five largest integrated oil companies operating in the United States. Specifically targeted were Exxon-Mobil, Chevron, ConocoPhillips, and foreign-headquartered Shell and BP. Citgo Petroleum Corp., a subsidiary of the government-owned oil company of Venezuela,

would *not* lose its six-percent deduction.

We have assigned pluses to the “nays” because increasing taxes for the largest U.S. oil producers would drive gasoline prices *higher* and because Congress should not be subsidizing energy development, including renewable energy. The increased tax expense to corporations would simply be passed on to consumers. Targeting the top U.S. oil companies for making record profits is a disincentive to increasing exploration and production; undermines the exceedingly large capital base required to rebuild when Katrina-type hurricanes devastate the oil patch; and is unfair. Other companies and sectors with record profits would be untouched, not to mention foreign oil producers larger than Exxon.

26 2009 Federal Budget. House Concurrent Resolution 312, the House plan for the fiscal 2009 budget, was adopted 212-207 on March 13, 2008 (Roll Call 141). This Democrat-drafted, nonbinding budget recommends outlays of about \$2.6 trillion for FY2009, with a deficit of \$536 billion. The budget would allow some Bush tax cuts to expire or sunset in 2010, thus increasing federal revenues without overtly raising taxes.

The House Republican Conference, in opposition to the plan, points out that taxes would increase \$683 billion over the next five years, the child tax credit would



AP Images

Small screen, big budget: Bush’s fiscal 2009 budget calls for a deficit of \$407 billion. The House and Senate budget resolutions call for even higher deficits.

	21	22	23	24	25	26	27	28	29	30	1-30
20 Wasserman Schultz (D)	0%	-	-	-	?	-	-	-	-	-	11%
21 Diaz-Balart, L. (R)	30	-	-	+	-	+	-	-	-	-	38
22 Klein, R. (D)	0	-	-	-	-	-	-	-	-	-	17
23 Hastings, A. (D)	0	-	-	-	?	-	-	-	-	-	21
24 Feeney (R)	89	-	+	+	?	+	+	+	+	+	78
25 Diaz-Balart, M. (R)	25	?	-	+	-	?	+	-	-	-	37
GEORGIA											
1 Kingston (R)	80	-	+	+	+	+	+	+	+	-	69
2 Bishop, S. (D)	0	-	-	-	-	-	-	-	-	-	14
3 Westmoreland (R)	100	+	+	+	+	+	+	+	+	+	77
4 Johnson, H. (D)	0	-	-	-	-	-	-	-	-	-	24
5 Lewis, John (D)	0	-	-	-	-	-	-	-	-	-	23
6 Price, T. (R)	100	+	+	+	+	+	+	+	+	+	71
7 Linder (R)	90	-	+	+	+	+	+	+	+	+	76
8 Marshall (D)	20	-	-	+	-	-	+	-	-	-	36
9 Deal (R)	90	-	+	+	+	+	+	+	+	+	76
10 Broun (R)	100	+	+	+	+	+	+	+	+	+	79
11 Gingrey (R)	80	-	+	+	+	+	+	+	+	-	71
12 Barrow (D)	20	-	-	-	-	+	+	-	-	-	23
13 Scott, D. (D)	0	-	-	-	-	-	-	-	-	-	17
HAWAII											
1 Abercrombie (D)	0	-	-	-	-	-	-	-	-	-	27
2 Hirono (D)	0	-	-	-	-	-	-	-	-	-	23
IDAHO											
1 Sali (R)	80	+	+	+	-	+	+	+	+	-	72
2 Simpson (R)	56	-	-	-	?	+	+	+	+	-	59
ILLINOIS											
1 Rush (D)		-	-	?	-	-	?	?	?	?	25
2 Jackson, J. (D)	0	-	-	-	-	-	-	-	-	-	23
3 Lipinski (D)	0	-	-	-	-	-	-	-	-	-	20
4 Gutierrez (D)	0	-	-	-	-	-	-	-	-	?	16
5 Emanuel (D)	0	-	-	-	-	-	-	-	-	-	10
6 Roskam (R)	80	-	+	+	-	+	+	+	+	+	69
7 Davis, Danny (D)	0	-	-	?	-	-	-	-	-	-	25
8 Bean (D)	20	-	-	-	-	+	-	-	-	+	20
9 Schakowsky (D)	0	-	-	-	-	-	-	-	-	-	23
10 Kirk (R)	30	-	-	-	-	+	-	+	-	+	31
11 Weller (R)	67	?	?	+	-	+	?	-	+	+	44
12 Costello (D)	0	-	-	?	-	-	-	-	-	-	31
13 Biggert (R)	60	-	-	+	-	+	+	-	+	+	45
14 Foster (D)	20	-	-	-	-	+	-	-	-	-	20
15 Johnson, Timothy (R)	50	-	-	+	+	-	+	-	+	+	50
16 Manzullo (R)	70	-	+	+	-	+	+	+	+	-	69
17 Hare (D)	0	-	-	-	-	-	-	-	-	-	23
18 LaHood (R)	14	-	?	?	-	-	?	-	+	-	30
19 Shimkus (R)	60	-	+	+	-	+	+	-	+	-	59
INDIANA											
1 Visclosky (D)	0	-	-	-	-	-	-	-	-	-	23
2 Donnelly (D)	10	-	-	-	-	-	+	-	-	-	30
3 Souder (R)	50	-	+	+	-	+	+	-	+	-	57
4 Buyer (R)	70	-	+	+	-	+	+	+	+	-	69
5 Burton (R)	90	+	+	+	-	+	+	+	+	+	73
6 Pence (R)	80	+	+	+	-	+	+	-	+	+	69
7 Carson, A. (D)	0	-	-	-	-	-	-	-	-	-	0
8 Ellsworth (D)	10	-	-	-	-	+	-	-	-	-	27
9 Hill (D)	10	-	-	-	-	+	-	-	-	-	20
IOWA											
1 Braley (D)	0	-	-	-	-	-	-	-	-	-	18
2 Loehsack (D)	0	-	-	-	-	-	-	-	-	-	23
3 Boswell (D)	0	-	-	-	-	-	-	-	-	-	13
4 Latham (R)	50	-	+	-	-	+	-	+	+	-	52
5 King, S. (R)	70	-	+	+	-	+	+	+	+	-	66

	21	22	23	24	25	26	27	28	29	30	1-30
KANSAS											
1 Moran, Jerry (R)	67%	-	+	?	-	+	+	-	+	+	55%
2 Boyda, N. (D)	0	-	-	-	-	-	-	-	-	-	17
3 Moore, D. (D)	0	-	-	-	-	-	-	-	-	-	14
4 Tiahrt (R)	70	-	+	+	-	+	+	-	+	+	62
KENTUCKY											
1 Whitfield (R)	60	-	-	+	-	+	+	+	+	-	59
2 Lewis, R. (R)	75	-	+	+	?	+	+	-	+	?	63
3 Yarmuth (D)	0	-	-	-	-	-	-	-	-	-	23
4 Davis, G. (R)	60	-	+	+	-	+	+	-	+	+	54
5 Rogers, H. (R)	70	-	+	+	-	+	+	+	+	-	62
6 Chandler (D)	0	-	-	-	-	-	-	-	-	-	20
LOUISIANA											
1 Scalise (R)										+	+
2 Jefferson (D)	0	-	-	-	-	-	-	?	-	-	21
3 Melancon (D)	10	-	-	-	-	+	-	-	-	-	20
4 McCrery (R)	80	-	+	+	-	+	+	+	+	+	63
5 Alexander, R. (R)	70	-	+	+	-	+	+	+	+	-	62
6 Cazayoux (D)											
7 Boustany (R)	63	?	+	+	-	+	?	-	+	+	63
MAINE											
1 Allen (D)	0	-	-	-	-	-	-	-	-	-	24
2 Michaud (D)	0	-	-	-	-	-	-	-	-	-	27
MARYLAND											
1 Gilchrest (R)	20	-	-	-	-	-	+	-	+	-	32
2 Ruppersberger (D)	0	-	-	-	-	-	-	-	-	-	10
3 Sarbanes (D)	0	-	-	-	-	-	-	-	-	-	20
4 Edwards, D. (D)		?	?	?	?	?	?	?	?	?	
5 Hoyer (D)	0	-	-	-	-	-	-	-	-	-	10
6 Bartlett (R)	70	-	+	+	-	+	+	+	+	+	59
7 Cummings (D)	0	-	-	-	-	-	-	-	-	-	23
8 Van Hollen (D)	0	-	?	-	-	-	-	-	-	-	14
MASSACHUSETTS											
1 Olver (D)	0	-	-	-	-	-	-	-	-	-	20
2 Neal (D)	0	-	-	-	-	-	-	-	-	-	17
3 McGovern (D)	0	-	-	-	-	-	-	-	-	-	23
4 Frank, B. (D)	0	-	-	-	-	-	-	-	-	-	17
5 Tsongas (D)	0	-	-	-	-	-	-	-	-	-	8
6 Tierney (D)	0	-	-	-	-	-	-	-	-	-	23
7 Markey (D)	0	-	-	-	-	-	-	-	-	-	20
8 Capuano (D)	11	-	-	-	-	-	-	-	?	-	28
9 Lynch (D)	0	-	?	-	-	-	-	-	-	-	21
10 Delahunt (D)	0	-	-	-	-	-	-	-	?	-	19
MICHIGAN											
1 Stupak (D)	0	-	-	-	-	-	-	-	-	-	28
2 Hoekstra (R)	70	-	+	+	-	+	+	+	+	-	72
3 Ehlers (R)	40	-	-	+	-	-	+	-	+	+	48
4 Camp (R)	70	-	+	+	-	+	+	+	+	-	62
5 Kildee (D)	0	-	-	-	-	-	-	-	-	-	23
6 Upton (R)	40	-	-	-	-	+	+	+	+	-	47
7 Walberg (R)	70	+	+	+	-	+	+	+	+	-	69
8 Rogers, Mike (R)	50	-	+	+	-	+	+	-	+	-	55
9 Knollenberg (R)	60	-	+	+	-	+	+	-	+	+	57
10 Miller, C. (R)	44	-	-	-	-	?	+	+	+	+	50
11 McCotter (R)	50	-	+	+	-	+	+	+	-	-	52
12 Levin, S. (D)	0	-	-	-	-	-	-	-	-	-	17
13 Kilpatrick (D)	0	-	-	-	-	-	-	-	-	-	21
14 Conyers (D)	0	-	-	-	-	-	-	-	-	-	21
15 Dingell (D)	0	-	-	-	-	-	-	-	-	-	20
MINNESOTA											
1 Walz (D)	0	-	-	-	-	-	-	-	-	-	17
2 Kline, J. (R)	60	-	+	+	-	+	+	-	+	+	59

The scores are derived by dividing the constitutionally correct votes (pluses) by the total number of pluses and minuses and multiplying by 100. (A “?” means a rep. did not vote; a “P” means he voted “present.” If a rep. cast fewer than five votes in this index, a score is not assigned.) Match numbers at the top of the chart to House vote descriptions on pages 22, 24, and 26.



be cut, the marriage penalty would come back, small business tax credits would be reduced, and dividends and capital gains taxes would be raised. We have assigned pluses to the “nays” because the American welfare state this budget expands is unconstitutional. It should initially be frozen at least and then reduced.

27 Global HIV/AIDS Foreign Aid Program.

H.R. 5501 would authorize \$50 billion over five years to provide assistance to foreign countries for the stated purpose of combating HIV/AIDS, tuberculosis, and malaria. The program was established five years earlier to fill an “emergency” function, but this legislation shifts the purpose (in the words of *Congressional Quarterly*) “toward a long-term, sustainable plan” including (for example) training 140,000 new healthcare workers. Prior to voting on the bill itself, the House rejected a motion to recommit the bill to lower the cost to \$30 billion — the funding level President Bush had requested.

The House passed H.R. 5501 on April 2, 2008 by a vote of 308-116 (Roll Call 158). We have assigned pluses to the “nays” because foreign aid is unconstitutional.

28 State Voting Assistance.

H.R. 5036, The Emergency Assistance for Secure Elections Act, was rejected 239-178 on April 15, 2008 (Roll Call 188). The act purportedly would increase the security of U.S. elections by reimbursing jurisdictions that voluntarily replace Direct Recording Electronic voting systems with voter-verifiable paper ballot systems in time for the 2008 elections. The bill would grant the Election Administration

Commission (EAC) new audit regulatory powers and funding to pay for random vote count audits and hand counts of paper ballots cast in the 2008 elections. The cost could be as high as \$685 million.

We have assigned pluses to the “nays” because the act would expand an unconstitutional federal power grab to control elections that was initiated through the disastrous Help America Vote Act of 2002 with its establishing of the EAC. That act fostered and financed a huge increase in the use of electronic voting equipment which can be hacked, lacks credible auditing, and vastly increases the potential for wholesale voter fraud. Politicians who caused that problem now seek its remedy through even *more* federal control and tax dollars. It is better (and constitutional!) for each state to manage and pay for its own elections.

29 Mortgage Relief.

Amendment No. 1 to H.R. 3221 was passed 266-154 on May 8, 2008 (Roll Call 301). It would provide \$300 billion in new authority for the Federal Housing Administration (FHA) to help borrowers facing foreclosure refinance into FHA-insured, fixed-rate mortgages, provided that mortgage loan holders are willing to take a write-down on the original value of a loan to allow refinancing to be on an amount not to exceed 90 percent of the current appraised value of the property.

Thus lenders who made unwise loans can do partial write-downs in order to off-

load to the government the risk associated with their loans most likely to be defaulted on. The plan is a bailout of both troubled lenders and borrowers, ultimately sticking taxpayers with the default risk. Moreover, the program would unfairly make a gift of partial home equity to borrowers facing foreclosure, a gift not offered to those who are managing to make their mortgage payments on time, have no mortgage, or who rent.

We have assigned pluses to the “nays” because the federal government acting as an insurer, micro-manager of markets, and wealth redistributor is unconstitutional. Also, the morphing of H.R. 3221 from an energy bill into a foreclosure prevention bill was a procedural travesty.

30 Farm Bill.

H.R. 2419 would authorize the nation’s farm programs for the next five years, including crop subsidies and nutrition programs. The final version of this legislation worked out by House and Senate conferees (known as a conference report) provides \$289 billion for these programs, including a \$10.4 billion boost in spending for nutrition programs such as food stamps.

The House passed the conference report on H.R. 2419 by a vote of 318-106 (Roll Call 315) on May 14, 2008. We have assigned pluses to the “nays” because federal aid to farmers and federal food aid to individuals are not authorized by the Constitution. ■

Piling on the subsidies: Over the next five years, about \$289 billion will be spent at the federal level subsidizing farm products, meaning that anyone who is not a farmer pays part of the operating cost of the farms. Constitutionally, if U.S. farmers are at a disadvantage in world trade, Congress may only aid them by altering trade regulations.



AP Images

	Votes: 21-30	21	22	23	24	25	26	27	28	29	30	1-30
3 Ramstad (R)	20%	-	-	-	-	-	+	-	-	-	+	33%
4 McCollum (D)	0	-	-	-	-	-	-	-	-	-	-	20
5 Ellison (D)	0	-	-	-	-	-	-	-	-	-	-	23
6 Bachmann (R)	80	-	+	+	+	+	+	+	+	+	+	69
7 Peterson, C. (D)	10	-	-	-	+	-	-	-	-	-	-	30
8 Oberstar (D)	0	?	?	-	-	-	?	-	-	-	-	27
MISSISSIPPI												
1 Childers (D)												
2 Thompson, B. (D)	0	-	-	-	-	-	-	-	-	-	-	23
3 Pickering (R)	50	-	-	+	-	+	+	-	+	+	-	58
4 Taylor (D)	10	-	-	-	+	-	-	-	-	-	-	37
MISSOURI												
1 Clay (D)	0	-	-	-	-	-	-	-	-	-	-	17
2 Akin (R)	90	+	+	+	-	+	+	+	+	+	+	76
3 Carnahan (D)	0	-	-	-	-	-	-	-	-	-	-	23
4 Skelton (D)	0	-	-	-	-	-	-	-	-	-	-	14
5 Cleaver (D)	0	-	-	-	-	-	-	-	-	-	-	20
6 Graves (R)	50	-	-	+	-	+	+	+	+	-	-	56
7 Blunt (R)	70	-	+	+	-	+	+	+	+	+	-	59
8 Emerson (R)	40	-	-	-	-	+	+	-	+	+	-	41
9 Hulshof (R)	50	-	-	+	-	+	+	-	+	+	-	52
MONTANA												
Rehberg (R)	40	-	-	-	-	+	+	-	+	+	-	55
NEBRASKA												
1 Fortenberry (R)	40	-	-	+	-	-	+	-	+	+	-	48
2 Terry (R)	80	-	+	+	-	+	+	+	+	+	+	69
3 Smith, Adrian (R)	70	-	+	+	-	+	+	+	+	+	-	62
NEVADA												
1 Berkley (D)	0	-	-	-	-	-	-	-	-	-	-	14
2 Heller (R)	60	-	+	+	-	+	+	+	-	-	+	55
3 Porter (R)	20	-	-	-	-	+	+	-	-	-	-	31
NEW HAMPSHIRE												
1 Shea-Porter (D)	0	-	-	-	-	-	-	-	-	-	-	20
2 Hodes (D)	0	-	-	-	-	-	-	-	-	-	-	23
NEW JERSEY												
1 Andrews (D)	0	-	-	-	-	-	-	-	-	-	-	17
2 LoBiondo (R)	44	-	-	-	-	-	+	+	?	+	+	41
3 Saxton (R)	70	-	+	+	-	-	+	+	+	+	+	54
4 Smith, C. (R)	20	-	-	-	-	-	+	-	-	-	+	45
5 Garrett (R)	90	+	+	+	-	+	+	+	+	+	+	83
6 Pallone (D)	0	-	-	-	-	-	-	-	?	-	-	24
7 Ferguson (R)	50	-	-	-	-	+	+	-	+	+	+	41
8 Pascrell (D)	0	-	-	-	-	-	-	-	?	-	-	21
9 Rothman (D)	0	-	-	-	-	-	-	-	-	-	-	21
10 Payne (D)	0	-	-	-	-	-	-	-	-	-	-	24
11 Frelinghuysen (R)	60	-	-	+	-	+	+	-	+	+	+	45
12 Holt (D)	0	-	-	-	-	-	-	-	-	-	-	23
13 Sires (D)	0	-	-	-	-	-	-	-	-	-	-	20
NEW MEXICO												
1 Wilson, H. (R)	44	-	-	-	-	+	+	-	?	+	+	50
2 Pearce (R)	70	-	+	+	-	+	+	+	+	+	-	66
3 Udall, T. (D)	0	-	-	-	-	-	-	-	-	-	-	20
NEW YORK												
1 Bishop, T. (D)	0	-	-	-	-	-	-	-	-	-	-	20
2 Israel (D)	0	-	-	-	-	-	-	-	-	-	-	13
3 King, P. (R)	50	-	+	-	-	+	+	-	+	-	+	45
4 McCarthy, C. (D)	0	-	-	-	-	-	-	-	-	-	-	17
5 Ackerman (D)	0	-	-	-	-	-	-	-	-	-	-	14
6 Meeks, G. (D)	0	-	-	-	-	-	-	-	-	-	-	17
7 Crowley (D)	0	-	-	-	-	-	-	-	-	-	-	13
8 Nadler (D)	0	-	-	-	-	-	-	-	-	-	-	19

	Votes: 21-30	21	22	23	24	25	26	27	28	29	30	1-30
9 Weiner (D)	0%	-	-	-	-	-	-	-	-	-	-	17%
10 Towns (D)	0	-	-	-	-	-	-	-	-	-	-	13
11 Clarke (D)	0	-	-	-	-	-	-	-	-	-	-	15
12 Velazquez (D)	0	-	-	-	-	-	-	-	-	-	-	23
13 Fossella (R)	60	-	+	-	-	+	+	-	+	+	+	47
14 Maloney (D)	0	-	-	-	-	-	-	-	-	-	-	20
15 Rangel (D)	0	-	-	-	-	-	?	-	?	-	-	19
16 Serrano (D)	0	-	-	-	-	-	-	-	-	-	-	23
17 Engel (D)	0	-	-	-	-	-	-	-	-	-	-	8
18 Lowey (D)	0	-	-	-	-	-	-	-	-	-	-	17
19 Hall, J. (D)	0	-	-	-	-	-	-	-	-	-	-	23
20 Gillibrand (D)	0	-	-	-	-	-	-	-	-	-	-	20
21 McNulty (D)	0	-	-	-	-	-	-	-	-	-	-	23
22 Hinchey (D)	0	-	-	-	-	-	-	-	-	-	-	23
23 McHugh (R)	30	-	-	-	-	+	+	-	+	-	-	41
24 Arcuri (D)	0	-	-	-	-	-	-	-	-	-	-	23
25 Walsh (R)	30	-	-	-	-	+	+	-	+	-	-	33
26 Reynolds (R)	44	-	-	+	-	+	+	-	+	?	-	54
27 Higgins (D)	0	-	-	-	-	-	-	-	-	-	-	17
28 Slaughter (D)	0	-	-	-	-	-	-	-	-	-	-	24
29 Kuhl (R)	60	-	+	+	-	+	+	-	+	+	-	55
NORTH CAROLINA												
1 Butterfield (D)	0	-	-	-	-	-	-	-	-	-	-	20
2 Etheridge (D)	0	-	-	-	-	-	-	-	-	-	-	13
3 Jones, W. (R)	60	-	+	+	-	+	+	+	+	-	-	57
4 Price, D. (D)	0	-	-	-	-	-	-	-	-	-	-	17
5 Fox (R)	90	+	+	+	-	+	+	+	+	+	+	76
6 Coble (R)	90	+	+	+	+	+	+	+	+	+	-	75
7 McIntyre (D)	0	-	-	-	-	-	-	-	-	-	-	27
8 Hayes (R)	50	-	-	+	-	-	+	+	+	-	+	55
9 Myrick (R)	78	-	+	+	-	+	+	+	+	?	-	64
10 McHenry (R)	90	+	+	+	-	+	+	+	+	+	+	72
11 Shuler (D)	10	-	-	-	-	-	+	-	-	-	-	33
12 Watt (D)	0	-	-	-	-	-	-	-	-	-	-	21
13 Miller, B. (D)	0	-	-	-	-	-	-	-	-	-	-	20
NORTH DAKOTA												
Pomeroy (D)	0	-	-	-	-	-	-	-	-	-	-	10
OHIO												
1 Chabot (R)	60	-	+	+	-	+	+	-	-	+	+	60
2 Schmidt (R)	67	-	+	+	-	+	+	-	+	+	?	57
3 Turner (R)	30	-	-	-	-	+	+	-	+	-	-	45
4 Jordan (R)	90	+	+	+	-	+	+	+	+	+	+	72
5 Latta (R)	63					+	-	+	+	-	+	63
6 Wilson, Charlie (D)	0	-	-	?	-	-	-	-	-	-	-	25
7 Hobson (R)	60	-	+	-	-	+	+	-	+	+	+	55
8 Boehner (R)	80	-	+	+	-	+	+	+	+	+	+	66
9 Kaptur (D)	10	-	-	-	+	-	-	-	-	-	-	30
10 Kucinich (D)	33	-	?	-	-	-	+	-	+	-	+	48
11 Tubbs Jones (D)	0	-	-	-	?	?	-	-	-	-	-	19
12 Tiberi (R)	70	-	+	-	-	+	+	+	+	+	+	59
13 Sutton (D)	0	-	-	-	-	-	-	-	-	-	-	23
14 LaTourette (R)	40	-	-	-	-	+	+	+	+	-	-	45
15 Pryce, D. (R)	40	-	-	-	-	+	+	-	+	-	+	38
16 Regula (R)	40	-	-	-	-	+	+	-	+	+	-	48
17 Ryan, T. (D)	0	-	-	-	-	-	-	-	-	-	-	23
18 Space (D)	0	-	-	-	-	-	-	-	-	-	-	13
OKLAHOMA												
1 Sullivan (R)	70	-	+	+	-	+	+	+	+	+	-	61
2 Boren (D)	20	-	-	-	-	+	+	-	-	-	-	34
3 Lucas (R)	67	-	+	?	-	+	+	+	+	+	-	61
4 Cole (R)	50	-	+	+	-	+	+	-	+	-	-	55
5 Fallin (R)	70	-	+	+	-	+	+	+	+	+	-	62

The scores are derived by dividing the constitutionally correct votes (pluses) by the total number of pluses and minuses and multiplying by 100. (A “?” means a rep. did not vote; a “P” means he voted “present.” If a rep. cast fewer than five votes in this index, a score is not assigned.) Match numbers at the top of the chart to House vote descriptions on pages 22, 24, and 26.



Votes: 21-30 21 22 23 24 25 26 27 28 29 30 1-30

OREGON											
1 Wu (D)	0%	-	-	-	-	-	-	-	-	-	23%
2 Walden (R)	60	-	-	+	-	+	+	+	+	-	48
3 Blumenauer (D)	10	-	-	-	-	-	-	-	-	+	20
4 DeFazio (D)	0	-	-	-	-	-	-	-	-	-	20
5 Hooley (D)	0	-	-	-	-	-	?	-	-	-	17

PENNSYLVANIA											
1 Brady, R. (D)	0	-	-	-	-	-	-	-	-	-	19
2 Fattah (D)	0	-	-	-	-	-	-	-	-	-	16
3 English (R)	30	-	-	-	-	+	+	+	-	-	34
4 Altmire (D)	0	-	-	-	-	-	-	-	-	-	13
5 Peterson, J. (R)	56	-	-	+	-	+	+	+	?	+	59
6 Gerlach (R)	22	-	-	-	-	+	-	-	-	?	29
7 Sestak (D)	0	-	-	-	-	-	-	-	-	-	17
8 Murphy, P. (D)	10	-	-	-	-	-	+	-	-	-	30
9 Shuster (R)	70	-	+	+	-	+	+	+	+	+	62
10 Carney (D)	0	-	-	-	-	-	-	-	-	-	17
11 Kanjorski (D)	0	-	-	-	-	-	-	-	-	-	24
12 Murtha (D)	0	-	-	-	-	-	-	-	-	-	17
13 Schwartz (D)	0	-	-	-	-	-	-	-	-	-	17
14 Doyle (D)	0	?	?	-	-	-	-	-	-	-	25
15 Dent (R)	30	-	-	-	-	+	+	+	-	+	31
16 Pitts (R)	80	-	+	+	-	+	+	+	+	+	70
17 Holden (D)	0	-	-	-	-	-	-	-	-	-	20
18 Murphy, T. (R)	20	-	-	-	-	+	+	-	-	-	43
19 Platts (R)	44	?	-	-	-	+	+	-	+	+	43

RHODE ISLAND											
1 Kennedy, P. (D)	0	-	-	-	-	-	-	-	-	-	20
2 Langevin (D)	0	-	-	-	-	-	-	-	-	-	23

SOUTH CAROLINA											
1 Brown, H. (R)	70	-	+	+	-	+	+	+	+	-	66
2 Wilson, J. (R)	70	-	+	+	-	+	+	-	+	+	66
3 Barrett (R)	90	+	+	+	-	+	+	+	+	+	79
4 Inglis (R)	80	+	+	+	-	+	+	-	+	+	69
5 Spratt (D)	0	-	-	-	-	-	-	-	-	-	17
6 Clyburn (D)	0	-	-	-	-	-	-	-	-	-	20

SOUTH DAKOTA											
Herseth Sandlin (D)	0	-	-	-	-	-	-	-	-	-	10

TENNESSEE											
1 Davis, David (R)	70	-	+	+	-	+	+	+	+	-	62
2 Duncan (R)	90	+	+	+	-	+	+	+	+	+	86
3 Wamp (R)	80	-	+	+	-	+	+	+	+	+	66
4 Davis, L. (D)	0	-	-	-	-	-	-	-	-	-	23
5 Cooper (D)	20	-	-	-	+	-	-	-	-	+	14
6 Gordon (D)	0	-	-	-	-	-	-	-	-	-	13
7 Blackburn (R)	80	-	+	+	-	+	+	+	+	+	66
8 Tanner (D)	0	-	-	-	-	-	-	-	?	-	11
9 Cohen (D)	0	-	-	-	-	-	-	-	?	-	21

TEXAS											
1 Gohmert (R)	78	-	+	+	+	+	+	?	+	-	64
2 Poe (R)	90	+	+	+	+	+	+	+	+	+	71
3 Johnson, S. (R)	90	+	+	+	-	+	+	+	+	+	78
4 Hall, R. (R)	60	-	+	+	-	+	+	+	+	-	59
5 Hensarling (R)	90	+	+	+	-	+	+	+	+	+	76
6 Barton (R)	70	-	+	+	-	+	+	+	+	-	59
7 Culberson (R)	89	+	+	+	-	+	+	?	+	+	74
8 Brady, K. (R)	70	-	+	+	-	+	+	+	+	-	64
9 Green, A. (D)	0	-	-	-	-	-	-	-	-	-	23
10 McCaul (R)	70	-	+	+	-	+	+	+	+	-	62
11 Conaway (R)	70	-	+	+	-	+	+	+	+	-	69
12 Granger (R)	78	-	+	+	-	+	?	+	+	+	64
13 Thornberry (R)	60	-	+	+	-	+	+	-	+	-	59

Votes: 21-30 21 22 23 24 25 26 27 28 29 30 1-30

14 Paul (R)	100%	?	?	+	+	+	+	+	+	+	100%
15 Hinojosa (D)	0	-	-	?	-	-	-	-	-	-	14
16 Reyes (D)	0	-	-	-	-	?	-	-	-	?	19
17 Edwards, C. (D)	0	-	-	-	-	-	-	-	-	-	10
18 Jackson Lee (D)	0	-	-	-	-	-	-	-	-	-	23
19 Neugebauer (R)	80	+	+	+	-	+	+	+	+	-	69
20 Gonzalez (D)	0	-	-	-	-	-	-	-	-	-	13
21 Smith, L. (R)	70	-	+	+	-	+	+	+	+	-	59
22 Lampson (D)	20	-	-	-	-	+	+	-	-	-	23
23 Rodriguez (D)	10	-	-	-	-	+	-	-	-	-	17
24 Marchant (R)	80	+	+	+	-	+	+	+	+	-	61
25 Doggett (D)	0	-	-	-	-	-	-	-	-	-	20
26 Burgess (R)	90	-	+	+	+	+	+	+	+	+	72
27 Ortiz (D)	10	-	-	-	-	+	-	-	-	-	19
28 Cuellar (D)	10	-	-	-	-	+	-	-	-	-	3
29 Green, G. (D)	10	-	-	-	-	+	-	-	-	-	23
30 Johnson, E. (D)	0	-	-	-	-	-	-	-	-	-	19
31 Carter (R)	60	-	+	+	-	+	+	-	+	+	66
32 Sessions, P. (R)	89	?	+	+	-	+	+	+	+	+	73

UTAH											
1 Bishop, R. (R)	70	-	+	+	-	+	+	+	+	-	69
2 Matheson (D)	22	-	-	-	-	?	+	-	-	-	28
3 Cannon (R)	80	-	+	+	-	+	+	+	+	+	66

VERMONT											
Welch (D)	0	-	-	-	-	-	-	-	-	-	24

VIRGINIA											
1 Wittman (R)	75	-	+	-	+	+	+	+	+	-	75
2 Drake (R)	70	-	+	+	-	+	+	+	+	-	66
3 Scott, R. (D)	0	-	-	-	-	-	-	-	-	-	23
4 Forbes (R)	80	-	+	+	+	+	+	+	+	-	66
5 Goode (R)	90	-	+	+	+	+	+	+	+	+	72
6 Goodlatte (R)	70	-	+	+	-	+	+	+	+	-	59
7 Cantor (R)	80	-	+	+	-	+	+	+	+	+	71
8 Moran, James (D)	0	-	-	-	-	-	-	-	-	-	20
9 Boucher (D)	0	-	-	-	-	-	-	-	-	-	20
10 Wolf (R)	50	-	-	-	-	+	+	-	+	+	48
11 Davis, T. (R)	67	?	+	-	+	+	+	-	+	+	57

WASHINGTON											
1 Inslee (D)	10	-	-	-	-	-	-	-	-	+	20
2 Larsen, R. (D)	0	-	-	-	-	-	-	-	-	?	14
3 Baird (D)	11	-	-	?	+	-	-	-	-	-	18
4 Hastings, D. (R)	70	-	+	+	-	+	+	+	+	-	69
5 McMorris Rodgers (R)	60	-	+	-	-	+	+	+	+	+	74
6 Dicks (D)	0	-	-	-	-	-	-	-	-	-	13
7 McDermott (D)	10	-	-	-	-	-	-	-	-	+	23
8 Reichert (R)	30	-	-	-	-	+	-	+	-	+	31
9 Smith, Adam (D)	20	-	-	-	+	-	-	-	-	+	20

WEST VIRGINIA											
1 Mollohan (D)	0	-	-	-	-	-	-	-	-	-	27
2 Capito (R)	30	-	-	-	-	+	+	-	+	-	38
3 Rahall (D)	11	-	-	?	-	-	-	-	+	-	34

WISCONSIN											
1 Ryan, P. (R)	80	-	+	+	-	+	+	+	+	+	66
2 Baldwin (D)	0	-	-	-	-	-	-	-	-	-	23
3 Kind (D)	10	-	-	-	-	-	-	-	-	+	17
4 Moore, G. (D)	10	-	-	-	-	-	-	-	-	+	24
5 Sensenbrenner (R)	90	-	+	+	+	+	+	+	+	+	76
6 Petri (R)	70	-	+	-	-	+	+	+	+	+	57
7 Obey (D)	0	-	-	-	-	-	-	-	-	-	20
8 Kagen (D)	0	-	-	-	-	-	-	-	-	-	23

WYOMING											
Cubin (R)	86	?	?	+	+	+	+	?	+	+	75

The scores are derived by dividing the constitutionally correct votes (pluses) by the total number of pluses and minuses and multiplying by 100. (A "?" means a rep. did not vote; a "P" means he voted "present." If a rep. cast fewer than five votes in this index, a score is not assigned.) Match numbers at the top of the chart to House vote descriptions on pages 22, 24, and 26.

Senate Vote Descriptions

21 Children's Health Insurance.

H.R. 3963, the five-year, \$60 billion SCHIP Extension bill, passed 64-30 on November 1, 2007 (Roll Call 403) and then went to the president, who vetoed it. This legislation is identical to that described under House vote #23, which occurred after the presidential veto.

We have assigned pluses to the “nays,” because the Constitution does not authorize federal involvement in healthcare, even for children.

22 Head Start. H.R. 1429, a bill to reauthorize the Head Start program through 2012, was adopted 95-0 on November 14, 2007 (Roll Call 409). This Senate vote is on the identical legislation described under House vote #21.

Having been adopted in both the House and the Senate, this legislation was cleared for President Bush, who signed it into law. We have assigned minuses to the “yeas” (there were no “nays”) because a federalized educational system is an unconstitutional and wasteful bureaucracy.

23 Peru Free Trade Agreement.

The Peru Free Trade Agreement (H.R. 3688) is another in a series of free-trade agreements to transfer the power to regulate trade (and other powers as well) to regional arrangements. A prime example is the North American Free Trade Agreement (NAFTA). However, as noted by the House Ways and Means Committee report

on H.R. 3688, the Peru Free Trade Agreement is the first U.S. FTA to include “in its core text fully enforceable commitments by the Parties to adopt, maintain, and enforce basic international labor standards, as stated in the 1988 *ILO Declaration on Fundamental Principles and Rights at Work*.” The ILO, or International Labor Organization, is a UN agency.

The Senate passed the Peru Free Trade Agreement on December 4, 2007 by a vote of 77-18 (Roll Call 413). We have assigned pluses to the “nays” because so-called free-trade arrangements threaten our national independence and harm our economy.

24 Economic Stimulus.

H.R. 5140, the Economic Stimulus package, whereby rebate checks were mailed to taxpayers, passed 81-16 on February 7, 2008 (Roll Call 10). This Senate vote is similar to the bill described under House vote #24.

After the House resolved its differences with the Senate, the bill was cleared for President Bush, who signed it into law. We have assigned pluses to the “nays” because creating money out of thin air (which was what was done for the rebate checks) cannot improve the economy.

25 Warrantless Searches.

S. 2248, the FISA Amendments Act of 2008, passed 68-29 on February 12, 2008 (Roll Call 20). The bill would amend the 1978 Foreign Intelligence Surveillance Act to effectively give the executive branch of

the federal government a blank check to eavesdrop on telephone calls and e-mail messages between people in foreign countries and those in the United States. The bill includes retroactive immunity for telecommunications companies that have collaborated with federal agencies in the warrantless surveillance of American citizens.

We have assigned pluses to the “nays,” because warrantless wiretaps are a

violation of the Fourth Amendment, which protects Americans against unreasonable searches and seizures, and requires that any searches be conducted only upon issuance of a warrant under conditions of probable cause. Moreover, Article I, Section 9 of the Constitution forbids “ex post facto laws” — laws having a retroactive effect.

26 2009 Budget Resolution.

Senate Concurrent Resolution 70, the Senate plan for a fiscal 2009 budget, was adopted 51-44 on March 14, 2008 (Roll Call 85). This non-binding budget recommends outlays of about \$2.6 trillion for fiscal year 2009, with a deficit of \$564 billion. A one-year moratorium on earmarks was rejected. A \$35 billion economic stimulus package would be provided for, with no fiscal offset. Tax breaks aimed at low-income households would be extended, such as the 10-percent tax bracket, marriage penalty relief, and the child tax credit. However, an extension for other tax cuts, including reduced tax rates for capital gains and dividends, was rejected.

We have assigned pluses to the “nays” because Congress must discontinue unconstitutional and deficit spending. Otherwise the dollar could collapse.

27 Mortgage Relief.

H.R. 3221, the Foreclosure Prevention Act of 2008, passed 84-12 on April 10, 2008 (Roll Call 96). It was originally introduced in the House as an energy bill under another title and was passed as such in 2007. The Senate substituted a very different text, turning the bill into a vehicle for foreclosure prevention and returned it to the House for approval as three Senate amendments. House vote #29 is about the vote on Amendment No. 1, the centerpiece of the legislation.

Among the overall bill's many aspects, it reforms the Federal Housing Administration, providing it liquidity and changing its insurance program to help homeowners facing foreclosure to refinance; it includes a net operating loss proposal that Sen. Judd Gregg (R-N.H.) described as a multi-billion dollar bailout of the homebuilders industry; it appropriates funding to states



AP Images

Labor laws and trade agreements: President George W. Bush signs the U.S.-Peru Trade Promotion Agreement Implementation Act as Peru's President Alan Garcia (left) looks on.



Senate Vote Scores

	Votes: 21-30	21	22	23	24	25	26	27	28	29	30	1-30
ALABAMA												
Shelby (R)	50%	+	-	-	+	-	+	-	+	-	+	53%
Sessions, J. (R)	50	+	-	-	+	-	+	-	+	-	+	62
ALASKA												
Stevens (R)	13	-	-	-	-	-	P	-	+	-	?	29
Murkowski (R)	44	-	-	-	+	-	+	-	+	+	?	34
ARIZONA												
McCain (R)		?	?	?	-	-	?	?	?	?	?	40
Kyl (R)	80	+	-	+	+	-	+	+	+	+	+	63
ARKANSAS												
Lincoln (D)	0	-	-	-	-	-	-	-	-	-	-	11
Pryor (D)	0	-	-	-	-	-	-	-	-	-	-	23
CALIFORNIA												
Feinstein (D)	10	-	-	-	-	+	-	-	-	-	-	10
Boxer (D)	20	-	-	+	-	+	-	-	-	-	-	25
COLORADO												
Allard (R)	50	+	-	-	+	-	+	-	+	-	+	60
Salazar, K. (D)	0	-	-	-	-	-	-	-	-	-	-	17
CONNECTICUT												
Dodd (D)	14	?	?	?	-	+	-	-	-	-	-	21
Lieberman (I)	0	-	-	-	-	-	-	-	-	-	-	7
DELAWARE												
Biden (D)	14	-	?	?	-	+	-	-	-	-	?	19
Carper (D)	0	-	-	-	-	-	-	-	-	-	-	7
FLORIDA												
Nelson, Bill (D)	0	-	-	-	-	-	-	-	-	-	-	10
Martinez (R)	20	+	-	-	-	-	+	-	-	-	-	37
GEORGIA												
Chambliss (R)	40	+	-	-	-	-	+	-	+	-	+	57
Isakson (R)	40	+	-	-	-	-	+	-	+	-	+	57
HAWAII												
Inouye (D)	0	-	-	-	-	-	-	-	-	-	-	13
Akaka (D)	20	-	-	+	-	+	-	-	-	-	-	20
IDAHO												
Craig (R)	44	+	-	-	+	-	+	-	+	-	?	50
Crapo (R)	60	+	-	-	+	-	+	+	+	-	+	60
ILLINOIS												
Durbin (D)	10	-	-	-	-	+	-	-	-	-	-	20
Obama (D)		?	?	?	?	?	-	?	-	?	?	13
INDIANA												
Lugar (R)	40	-	-	-	-	-	+	-	+	+	+	34
Bayh (D)	10	-	-	-	-	-	+	-	-	-	-	23
IOWA												
Grassley (R)	30	-	-	-	-	-	+	-	+	-	+	37
Harkin (D)	20	-	-	+	-	+	-	-	-	-	-	29
KANSAS												
Brownback (R)	40	+	-	-	-	-	+	-	+	-	+	56
Roberts (R)	30	-	-	-	-	-	+	-	+	-	+	40
KENTUCKY												
McConnell (R)	40	+	-	-	-	-	+	-	+	-	+	50
Bunning (R)	50	+	-	-	-	-	+	+	+	-	+	62
LOUISIANA												
Landrieu (D)	20	-	-	-	-	-	-	-	+	-	+	31
Vitter (R)	40	+	-	-	-	-	+	-	+	-	+	53

	Votes: 21-30	21	22	23	24	25	26	27	28	29	30	1-30
MAINE												
Snowe (R)	0%	-	-	-	-	-	-	-	-	-	-	13%
Collins (R)	10	-	-	-	-	-	-	-	-	+	-	20
MARYLAND												
Mikulski (D)	0	-	-	-	-	-	-	-	-	-	-	13
Cardin (D)	10	-	-	-	-	+	-	-	-	-	-	17
MASSACHUSETTS												
Kennedy, E. (D)	13	-	-	-	-	+	-	-	-	?	?	19
Kerry (D)	10	-	-	-	-	+	-	-	-	-	-	17
MICHIGAN												
Levin, C. (D)	10	-	-	-	-	+	-	-	-	-	-	20
Stabenow (D)	20	-	-	+	-	+	-	-	-	-	-	27
MINNESOTA												
Coleman (R)	11	-	-	-	-	-	+	-	-	-	?	31
Klobuchar (D)	20	-	-	+	-	+	-	-	-	-	-	20
MISSISSIPPI												
Cochran (R)	40	+	-	-	-	-	+	-	+	-	+	47
Wicker (R)	43	?	?	?	-	-	+	-	+	-	+	43
MISSOURI												
Bond (R)	22	-	-	-	-	-	?	-	+	-	+	41
McCaskill (D)	10	-	-	+	-	-	-	-	-	-	-	30
MONTANA												
Baucus, M. (D)	0	-	-	-	-	-	-	-	-	-	-	30
Tester (D)	20	-	-	+	-	+	-	-	-	-	-	37
NEBRASKA												
Hagel (R)	70	+	-	-	+	-	+	+	+	+	+	47
Nelson, Ben (D)	0	-	-	-	?	-	-	-	-	-	-	24
NEVADA												
Reid, H. (D)	20	-	-	+	-	+	-	-	-	-	-	23
Ensign (R)	60	+	-	-	+	-	+	-	+	+	+	67
NEW HAMPSHIRE												
Gregg (R)	67	+	-	-	+	-	+	+	+	+	?	57
Sununu (R)	30	-	-	-	-	-	+	-	+	+	-	47
NEW JERSEY												
Lautenberg (D)	10	-	-	-	-	+	-	-	-	-	-	23
Menendez (D)	10	-	-	-	-	+	-	-	-	-	-	20
NEW MEXICO												
Domenici (R)	33	-	-	-	-	-	?	-	+	+	+	41
Bingaman (D)	10	-	-	-	-	+	-	-	-	-	-	23
NEW YORK												
Schumer (D)	10	-	-	-	-	+	-	-	-	-	-	15
Clinton (D)		?	?	?	?	?	-	?	-	?	?	19
NORTH CAROLINA												
Dole (R)	22	+	-	-	-	-	+	?	-	-	-	48
Burr (R)	40	+	-	-	-	-	+	-	+	-	+	47
NORTH DAKOTA												
Conrad (D)	0	-	-	-	-	-	-	-	-	-	?	21
Dorgan (D)	30	-	-	+	-	+	-	-	-	-	+	38
OHIO												
Voinovich (R)	50	+	-	-	-	-	+	-	+	+	+	53
Brown, S. (D)	30	-	-	+	-	+	-	-	-	-	+	33
OKLAHOMA												
Inhofe (R)	56	+	-	-	+	-	+	+	?	-	+	71
Coburn (R)	70	+	-	-	+	-	+	+	+	+	+	80

	Votes:	21-30	21	22	23	24	25	26	27	28	29	30	1-30
OREGON													
Wyden (D)	11%	?	-	-	-	-	+	-	-	-	-	-	18%
Smith, G. (R)	10	-	-	-	-	-	-	+	-	-	-	-	30
PENNSYLVANIA													
Specter (R)	22	-	-	-	-	-	-	+	-	+	-	?	31
Casey (D)	10	-	-	+	-	-	-	-	-	-	-	-	20
RHODE ISLAND													
Reed, J. (D)	30	-	-	+	-	+	-	-	-	-	+	-	30
Whitehouse (D)	20	-	-	+	-	-	-	-	-	-	+	-	23
SOUTH CAROLINA													
Graham (R)	38	+	-	-	-	?	-	+	-	+	-	?	56
DeMint (R)	67	+	-	-	+	-	-	+	+	+	+	?	72
SOUTH DAKOTA													
Johnson, Tim (D)	10	-	-	-	-	-	-	-	-	-	-	+	22
Thune (R)	40	+	-	-	-	-	-	+	-	+	-	+	57
TENNESSEE													
Alexander, L. (R)	30	-	-	-	-	-	-	+	-	+	-	+	50
Corker (R)	50	-	-	-	+	-	-	+	+	+	-	+	57
TEXAS													
Hutchison (R)	30	-	-	-	-	-	-	+	-	+	-	+	30
Cornyn (R)	33	+	-	-	-	-	-	+	-	+	-	?	54

	Votes:	21-30	21	22	23	24	25	26	27	28	29	30	1-30
UTAH													
Hatch (R)	30%	-	-	-	-	-	-	+	-	+	-	+	31%
Bennett (R)	50	+	-	-	-	-	-	+	-	+	+	+	37
VERMONT													
Leahy (D)	20	-	-	+	-	+	-	-	-	-	-	-	27
Sanders (I)	20	-	-	+	-	+	-	-	-	-	-	-	30
VIRGINIA													
Warner (R)	33	?	-	-	-	-	-	+	+	+	-	-	38
Webb (D)	0	-	-	-	-	-	-	-	-	-	-	-	23
WASHINGTON													
Murray (D)	10	-	-	-	-	+	-	-	-	-	-	-	17
Cantwell (D)	10	-	-	-	-	+	-	-	-	-	-	-	17
WEST VIRGINIA													
Byrd (D)	25	-	-	+	-	+	-	?	-	-	-	?	36
Rockefeller (D)	0	-	-	-	-	-	-	-	-	-	-	-	23
WISCONSIN													
Kohl (D)	0	-	-	-	-	-	-	-	-	-	-	-	17
Feingold (D)	20	-	-	+	-	+	-	-	-	-	-	-	23
WYOMING													
Enzi (R)	60	+	-	-	+	-	-	+	+	+	-	+	67
Barrasso (R)	60	+	-	-	+	-	-	+	+	+	-	+	62

The scores are derived by dividing the constitutionally correct votes (pluses) by the total number of pluses and minuses and multiplying by 100. (A “?” means a senator did not vote; a “P” means he voted “present.” If he cast fewer than five votes in this index, a score is not assigned.) Match numbers at the top of the chart to Senate vote descriptions on pages 29 and 31.

to redevelop foreclosed properties; and it would provide renewable-energy tax breaks. We have assigned pluses to the “nays” because it is unconstitutional for the federal government to be an insurer, and wealth redistributor.

28 Oil Security via Domestic Production. Sen. Mitch McConnell (Ky.) offered an amendment (No. 4720) to S. 2284 that was rejected 42-56 on May 13, 2008 (Roll Call 123). This amendment to the Flood Insurance Reform bill would increase America’s supply of energy and generate jobs by ending the moratorium on offshore oil and gas leasing for the Outer Continental Shelf off the Atlantic and Pacific coasts and part of the Arctic National Wildlife Refuge; open the oil shale reserves in Colorado, Utah, and Wyoming; encourage coal-to-liquid fuels; and seek to increase refinery capacity. Filling of the Strategic Petroleum Reserve would also be suspended for 180 days in an attempt to lower gas prices short-term.

We have assigned pluses to the “yeas” because America is

dangerously dependent on foreign oil and we should increase domestic oil production to mitigate an expected decline in foreign oil exports to America. Time is fleeting for preparing for a supply crisis.

29 Farm Bill. The version of the five-year, \$289 billion farm bill considered here (the conference report on H.R. 2419) is identical to that described under House vote #30.

The Senate passed the final version of H.R. 2419 by a vote of 81-15 (Roll Call 130) on May 15, 2008. We have assigned pluses to the “nays” because federal aid to

farmers and federal food aid to individuals are not authorized by the Constitution.

30 Global Warming. The substitute amendment offered by Rep. Barbara Boxer (D-Calif.) to S. 3036 would have created a cap-and-trade system for reducing carbon dioxide and other greenhouse gases. The system would have forced utilities, factories, etc., to collectively reduce their greenhouse-gas emissions by 71 percent by 2050, though individual companies could emit more by purchasing allowances from companies that emit less. The cost to the economy would be in the trillions. (See “Correction, Please!” in the July 7, 2008 issue of TNA.)

The legislation was likely derailed for the remainder of 2008 when on June 6 proponents failed to invoke cloture on the Boxer substitute amendment. Invoking cloture would have limited debate so that the bill could come up for a vote. The cloture vote failed 48-36 (Roll Call 145), a dozen short of the 60 needed under Senate rules. We have assigned pluses to the “nays” because mandates on greenhouse-gas emissions are not constitutionally authorized and would harm the economy. ■

Eric Allie, Caglecartoons.com

