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AMERICA UNDER SIEGE

CIVIL WAR 2017



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Capital Research Center
1513 16th Street NW
Washington, DC 20036
202.483.6900
CapitalResearch.org
Contact@CapitalResearch.org

Internship inquiries are welcome.

Publisher, Scott Walter
Senior Editors, Matthew Vadum & Dr. Steven J. Allen

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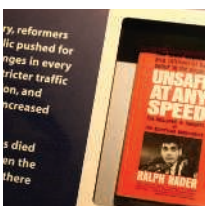


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FAKE PHILANTHROPY NEWS

Jane Mayer's latest book paints dishonest portraits of donors

By Scott Walter

The 2016 book *Dark Money* is dishonest in multiple ways. First, it is deeply exaggerated. Author Jane Mayer may work at one of America's snottiest magazines, the *New Yorker*, but she has the scruples of a *National Enquirer* headline writer. Her sensationalism begins right on the cover with her subtitle: *The Hidden History of the Billionaires Behind the Rise of the Radical Right*. As my CRC colleague Martin Morse Wooster, a leading historian of philanthropy, has pointed out, "the history she describes is not hidden, and the people she writes about are not radicals."

Indeed, much of Mayer's information comes from books produced by the same donors she claims are hiding their deeds. For instance, when sketching the Lynde and Harry Bradley Foundation, she describes how the family business was veering toward bankruptcy before government contracts for World War I saved it. How did Mayer unearth this? By reading a history that the Bradley Foundation commissioned and published in 1992. Similarly, she relies heavily on the authorized history of the John M. Olin Foundation produced by John Miller. For her history of the



Jane Mayer. Credit: New America, 2007.
License: <https://goo.gl/C6zySR>.

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Mayer says “a few” of the biggest 2014 donors were Democrats. Her own source says 52 of the top 100 were.

Scaife family, she uses a memoir by Richard Mellon Scaife that was privately published years ago. Far from being kept secret, it was handed out to everyone who attended the man's memorial service in 2014.

Mayer's book is an extended exercise in scandalmongering, reaching its apex in her attempt to tie the libertarian Koch family to Hitler, because the family business built an oil refinery in Germany in 1933. But many multinational companies did business in Germany in the 1930s. Mayer doesn't pretend that the Koch family, ardent champions of the free market, ever felt a serious attraction to the principles

of National Socialism, but she casts dark aspersions. If Mayer had wanted to expose philanthropic scandals from that era, she should have described how non-conservative philanthropies like the Carnegie Institution and the Rockefeller Foundation were leading supporters of eugenics projects in the United States and Nazi Germany, with Rockefeller funding Germans through 1939. But that line of inquiry wouldn't fit her agenda.

FEAR THE OLIGARCHS

Mayer's central thesis is that we live in an oligarchy and are, as she quotes one political operative, “controlled by a handful of ultrawealthy people, most of whom got rich from the system and who will get richer from the system.”

Scott Walter is president of the Capital Research Center and a contributing editor to Philanthropy magazine. An earlier version of this commentary appeared as a book review in the summer 2016 issue of Philanthropy.



Charles Koch, Chairman and CEO, Koch Industries. Credit: Kevin Moloney, 2016. License: <https://goo.gl/NGnj7S>.

Sure, she continues, wealthy Americans have long been influential, but “since the Progressive Era the public, through its elected representatives, had devised rules to keep the influence in check.” Now the evil rich are sponsoring a “radical reorientation of American thinking.” Today the wealthy’s “weapon of choice” is philanthropy, and they are “meeting in secret, hiding their money trails, and paying others to front for them.”

Mayer’s alarm over secret meetings and hidden money trails relies for its emotional power on her utterly one-sided portrait of the American political landscape. The Kochs and Scaifes and her other right-wing targets are presented as spending millions of dollars to advocate for public policies, thereby overwhelming the opposition. She disregards hordes of donors at the other end of the spectrum who do the same things, such as meeting in private and using vehicles like the donor-advised funds she vilifies as “dark money.” Careful tallies have found that left-oriented public-policy spending swamps right-oriented giving by many multiples (see pages 814 and 1143 in *The Almanac of American Philanthropy* for examples), but you would never know that fact from this book.

For example, billionaire environmentalist Tom Steyer—whose \$74 million in left-wing political spending in the 2014 cycle made him the country’s top political giver—receives one bare mention in passing on page 370. Mayer especially slights George Soros, a left-wing donor who easily spends as much as, and has as much political sway as, Charles and David Koch combined. Don’t believe it? Consult one of

Mayer’s own favorite sources, the Center for Responsive Politics. And then savor this stunning example of Mayer’s dishonesty: The Center for Responsive Politics documented the rough equivalency in Soros’ and the Kochs’ giving in a special report it produced *to respond to Mayer’s original New Yorker hit piece on the Kochs, which led to this book.*

She also ignores the debunking she received for another of her *New Yorker* articles, this one attacking Art Pope, a North Carolina donor and Koch ally. Mayer just repeats the same faulty accusations in this book. How thoroughly were her accusations in the magazine debunked? So badly that *Powerline* pundit John Hinderaker wrote that one of her critics had “laid waste to Mayer to a degree that in a more just world would end her career in journalism.”

Hinderaker also demanded that Mayer respond to the criticism, but she never did, of course. Her article’s most egregious claim was that Pope had bought Republican victories in North Carolina in 2010. Mayer focused on \$2 million in “outside money” that was supposedly connected to Pope, while ignoring the fact that total political giving in the Tar Heel state that year was a far larger \$30 million, and that the winning GOP side was outspent: \$16 million to \$14 million. The state’s 501(c)(3) giving for public policy battles was even more lopsided against the conservatives, though Mayer barely mentioned the existence of left-wing foundations in North Carolina, despite the phone calls, emails, and hours of interviews that Pope and his staff provided her.

THE BIGGEST LIE

The biggest lie in the book appears when Mayer quotes a political operative who says that in the 2014 election “mega donors completely dominate the landscape.” Mayer adds that “a few” of those biggest donors were Democrats. But when you check her end notes and original source, you find that the writer she quotes reported that 52 of the top 100 individual donors in the cycle were Democrats. What a novel definition of “a few.”

The Center for Responsive Politics has also done a major

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In seven election cycles from 2002-2014, no fewer than seven of the top ten donors were unions, and they gave 97 percent of their cash to Democrats.



*Richard Scaife (1932-2014), owner of the Pittsburgh Tribune-Review. Credit: Alchetron, 2017.
License: <https://goo.gl/C8qMFX>.*

study on the massive influence of labor unions, a set of donors which Mayer gives even shorter shrift. The Center looked at organizations (businesses, trade groups, unions) through seven election cycles from 2002-2014. It totaled contributions to federal candidates, parties, and PACs of all kinds made by organizations' employees, PACs, or corporate treasury. No fewer than seven of the top ten donors were unions, and they gave 97 percent of their cash to Democrats.

Mayer's largest omission of liberal giving involves the Democracy Alliance, which is the direct counterpart to the Kochs' network of conservative donors and activist groups. The Soros-led Alliance channels hundreds of millions of dollars from progressive donors to dozens of groups it deems most effective in moving public policy leftward and building progressive infrastructure. It assiduously keeps many of its efforts off the record ("dark" in Mayer's parlance).

Ever the partisan, Mayer helps the Alliance stay dark. If she practiced honest journalism, she would have spent many pages trying to compare the Alliance with the Kochs' network in various ways: membership, spending, effectiveness, etc. Gallons of ink have been spilled on these difficult comparisons by observers left, right, and center. Instead, Mayer has a total of three passing references to the Alliance or Rob Stein, the Democrat operative who was the

brains behind the group's creation. Astoundingly, no one who read Mayer's three mentions of the Alliance could even be sure that it exists!

Consider Mayer's last Alliance reference, which appears just six breathless pages from the book's closing. There she mentions Stein as "the Democratic activist who tried to create a progressive counterweight called the Democracy Alliance." While the Alliance is sufficiently secretive that we don't know much about its inner workings, it has not just "tried" to influence American politics; its 100+ donors have been spending huge sums for over a decade with potent results, and sometimes questionable tactics.

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Careful tallies have found that left-oriented public-policy spending swamps right-oriented giving by many multiples.

A discussion of such extralegal maneuvering—alleged to occur on both sides of the political aisle—could strengthen Mayer's thesis against "dark money," but it makes no appearance in this book. Instead, she leaves the reader with a severely slanted view of the public-policy ecosystem.

Mayer does make a few nods to acknowledge efforts by donors on the left. She concedes that "advocacy philanthropy" didn't start with conservatives but rather with the Ford Foundation in the late 1960s, when Ford was "pouring money into the environmental movement" and "supporting public-interest litigation," which "showed conservatives how philanthropy could achieve large-scale change through the courts while *bypassing the democratic electoral process*" (emphasis added). She also reveals that a think tank on the left, not the right, was the first to create a companion 501(c)(4) arm to carry out its harsher political work. And in an endnote she admits that George Soros and the Democratic Party pioneered—a decade before the Kochs—the use of an independent firm to provide microtargeting data, with controversial applications.

Yet Mayer is keen to have the reader believe that the big difference between conservative and liberal donors is that conservatives only argue for less governmental control of the economy because they hope to enrich themselves. That is untrue for at least two reasons. First, plenty of center-left donors advocate for self-enrichment schemes; think of advocates for heavy government subsidies of

solar- and wind-energy companies like Solyndra, and of the government-worker unions that constantly seek more of your tax dollars while simultaneously dominating political money flows. Second, a business owner who advocates for a freer market in his or her industry is not guaranteeing that his or her company will succeed, as countless big businesses from General Motors and Chrysler to AOL-Time Warner could attest.

More importantly, the idea that think tanks, nonprofit policy groups, and philanthropically funded university programs operate in robotic lockstep to donor demands maligns a valuable sector of American democracy. Since my first college internship in 1983, I've spent my life toiling in institutions supported by all of Mayer's *bêtes noires*. Yet never have I met someone whose career choice was motivated by the prospect of performing as a ventriloquist's dummy for the Kochs or other donors. Much less have I experienced, or heard a rumor of someone else experiencing, a donor who demanded that an employee or institution change a policy position. And for all her insinuations, Mayer can't provide a single instance of this either.

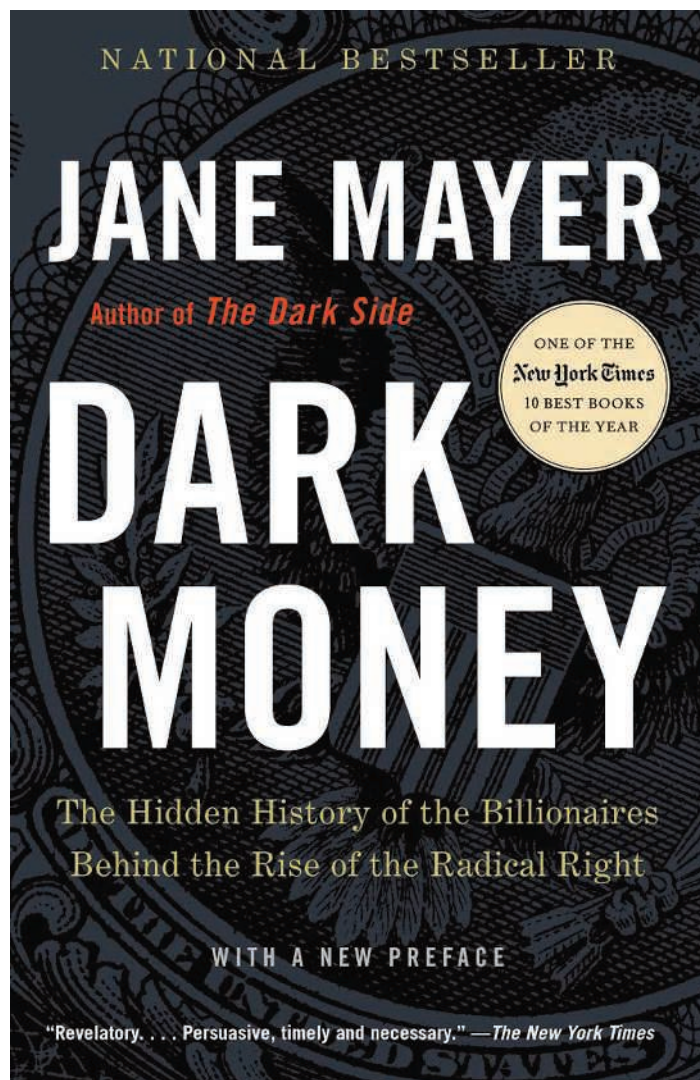
Want more evidence that center-right donors aren't all deplorables? Consider the way work funded by many of the conservative foundations Mayer attacks has been lauded by thoughtful left-of-center observers such as Paul Brest, former president of the Hewlett Foundation, who has analyzed examples of this work from which, he believes, donors of all ideological hues can learn. Gara LaMarche, now president of the Democracy Alliance and long a leading intellectual strategist on the left, has also cited such work as an inspiration, praising conservative philanthropists for taking the long view and investing in ideas, even if he opposes those ideas.

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Gara LaMarche, a leading intellectual strategist on the left, has praised conservative philanthropists for taking the long view and investing in ideas.

MORE MENDACITY

Mayer is also dishonest about her own role in these disputes. She encourages the reader to think she's a just-the-facts-ma'am reporter, digging deep into the ugly truths that the oligarchy doesn't want you to know.



Dark Money. Credit: Google Books, 2017.

License: <https://goo.gl/QAKTGd>.

She also implies she's just another ordinary American steamrollered by her targets' wealth.

Not exactly. First, her own background is gilded: she not only went to an Ivy League college (Yale), she also went to an Ivy Preparatory School League institution in her native Manhattan (the Ethical Culture Fieldston School, where pre-K tuition is now \$45,100). She's descended from the Lehman Brothers, whose corporation has formally admitted that its original fortune was tied to slavery. I don't think that last fact implicates Mayer in any way, of course, but that's because I also think her trying to smear the descendants of Fred Koch because he built a German oil refinery is ridiculous.

So Mayer is no working-class reporter, nor is she focused on facts, given the vast array of them that she avoids in her

narrative. Her favorite squid ink to hide her tracks is that hoariest of philanthropoid falsehoods: I'm just heeding above-the-fray expertise. This noble neutrality was once common, she claims. "In the tradition of the Progressive movement," she writes, non-conservative think tanks were driven "by social science, not ideology." And "the same ideals animated the Rockefeller, Ford, and Russell Sage Foundations, as well as most of academia and the elite news organizations of the era, like *The New York Times*, which strove to deliver the facts free from partisan bias."

In short, by a miraculous coincidence, everyone who has served Mayer's preferred ideology—now and for the last century—has had no political leanings, nor a hint of any bias.

That's simply laughable. For instance, Mayer several times invokes as a neutral expert the Princeton professor Sean Wilentz, whose partisan defense of Bill Clinton during the impeachment process was so extreme that even the *New York Times* criticized it. Later, Wilentz published a partisan screed against George W. Bush in that noted academic journal *Rolling Stone*. Similarly, Mayer invokes the "nonpartisan" Sunlight Foundation several times as an unbiased source. Yet Sunlight's staff rotate in and out of Democratic campaigns and activist groups in much the same way that she criticizes various foundation members and Koch employees for doing on the right.

One final, glaring omission from the book concerns campaign finance "reform." Throughout the book Mayer displays the usual progressive obsession with this alleged panacea, but she never mentions its own "hidden history," which involves billionaire foundations manipulating laws and legislators. The Pew Charitable Trusts and a handful of its liberal foundation allies created a supposed grassroots base to advocate for new laws they desired. The program officer at Pew who ran the scam later confessed that the donors hoped "to create an impression that a mass movement was afoot," even as Pew's own polls showed almost no public interest in the crusade. Ironically, campaign finance reform has given us the very system that Mayer rails against, where political parties are so hamstrung that donors create their own alternative institutions.

If Mayer wants more disclosure and stronger parties, she should demand that the campaign finance regulatory edifice built by Pew and its allies be dismantled. And if she wants traditional American self-government, she should learn to accept the idea of vigorous public debate, whether it's Tom Steyer funding calls for taxpayer-subsidized solar energy, or the Koch brothers supporting free trade, or the Bradley Foundation advocating for educational reform. ■



PARIS TREATY IS A BAD DEAL BASED ON FLAWED LOGIC

By Dr. Steven J. Allen

President Donald Trump has inherited eight years of disastrous environmental policy. He should move as far away as possible from the Obama agenda.

His work should start with the Paris Agreement, which went into effect in November aiming to “combat climate change [and] assist developing countries to do so” through the Green Climate Fund, a redistribution operation under United Nations auspices that sends developed countries’ money to poorer countries or, really, to ruling elites in poorer countries. President Obama ignored the Constitution’s requirement that treaties require Senate approval and unilaterally “ratified” the Paris Agreement, which commits the United States to reduce carbon dioxide emissions 26 to 28 percent below 2005 levels by 2025. Meanwhile, he pledged \$3 billion over four years to the Green Climate Fund, where the money will theoretically help developing countries reduce their carbon dioxide emissions. (Of this amount, he was able to transfer \$1 billion before leaving office.) This deal gives America the short end of the stick, and lets other countries take advantage.

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The Paris treaty would mean a loss of nearly 400,000 jobs and a hike of 13-20 percent in household electricity prices.

The Communist Chinese promised to reduce emissions starting in 2030, with 20 percent of the country’s electricity supposed to come from non-carbon sources by that year. Targeted emissions *relative to the size of the economy* would be reduced by 60-65 percent from the 2005 level, which means that China’s carbon emissions numbers would actually go up until 2030. In essence, China pledged only to achieve changed emissions that were most likely coming anyway.

The U.S. government’s Lawrence Berkeley National



Credit: GLOBAL 2000, 2014. License: <https://goo.gl/ytTPmE>.

Laboratory already projects that China’s targeted emissions would peak around 2030, notes Oren Cass of the Manhattan Institute, while a Bloomberg analysis shows that the reduction by 2030 relative to the size of China’s economy is less than what was expected without the Paris treaty.

The same goes for India, which promised to reduce targeted emissions by 33-35 percent by 2030 relative to the size of their economy. That promise, even if kept, is no more than what would have happened without the Paris treaty. But it didn’t stop the Indian government from claiming that, to follow through, it needs the rest of the world to give it \$2.5 trillion—almost \$2,000 per Indian, and a sum almost 25 percent larger than India’s entire economy.

Contrast China’s and India’s trifling promises with President Obama’s attempts to shut down the U.S. coal industry and all coal-fired power plants, a self-inflicted wound utterly unmatched in the rest of the world. As of 2015, there were 510 coal-fired power plants under construction in the world with a further 1,874

Dr. Steven J. Allen is Vice President and Chief Investigative Officer of the Capital Research Center, America’s investigative think tank.

planned—a total of 2,384. China accounted for 136 under construction and an additional 639 planned, while India had 177 under construction and 539 more planned. Since 2005, China has seen a 69 percent increase in its artificial carbon dioxide emissions and India's increase surpassed 50 percent, while the U.S. has reduced its carbon dioxide emissions by 13 percent—largely due to fracking and the increased use of natural gas.

To what end? According to the Heritage Foundation, a climate model by the National Center for Atmospheric Research indicates that, if the U.S. eliminated all artificial carbon dioxide emissions, the effect on global temperatures would be less than two-tenths of a degree on the Celsius scale. Eliminating all artificial carbon dioxide emissions throughout the entire industrialized world would have an effect of less than four-tenths of a degree.

What is more, if the U.S. abides by the Paris treaty and President Obama's vision, the ensuing environmental regulations would cost thousands of American jobs. The Heritage Foundation used the National Energy Modeling System 2015—a computer model created by the U.S. Department of Energy—to project that the Paris treaty would mean a loss of nearly 400,000 jobs (including more than 200,000 manufacturing jobs), cause a hike of 13-20 percent in household electricity prices, and cost the national economy \$2.5 trillion by 2035.

That's a lot of pain for no gain. Renegotiating bad deals starts with the Paris treaty. ■



Credit: UNclimatechange, 2015.
License: <https://goo.gl/OEgzKD>.

SPECIAL REPORT



AN INTERVIEW WITH TREVOR LOUDON

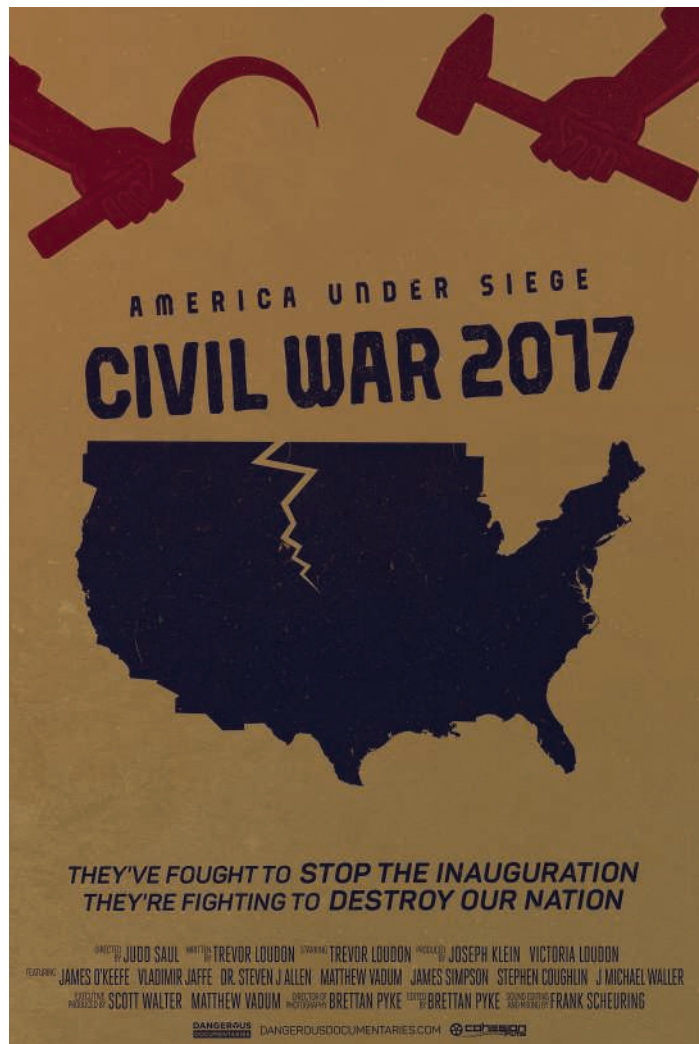
By Joseph Klein

On January 19, exactly one day before the U.S. Presidential Inauguration, the Capital Research Center under our new film brand, Dangerous Documentaries, released our film *America Under Siege: Civil War 2017*, which investigates the hidden radical roots and agenda of the #DisruptJ20 group that organized the protests on Inauguration Day. Those protests ended up turning into riots, leaving property damaged and nearly 100 arrested in Washington, D.C. Hidden camera footage we recorded investigating the group became the top story on FoxNews.com, and as of this writing the film has over 332,000 views online.

Trevor Loudon, a conservative author known for his investigation of Marxist influences in America, wrote and starred in the film. Below is an interview with him about the film and his research, conducted by myself, the film's producer and founder of Dangerous Documentaries.

JOSEPH: How did you get interested in the Marxist influence on society?

TREVOR: It goes back to New Zealand, my native country. In the early 1980s, there was a massive debate in my country about going anti-nuclear. Eventually anti-nuclear legislation was passed in 1984, which banned U.S. warships from our harbors, which effectively ended the Australian-New Zealand-United States military alliance. It just destroyed it. I interviewed a guy at the time who had infiltrated the New Zealand Communist Party for our security services, and he told me he had been to Moscow to train as a communist. He trained in 1983 at the Lenin Institute of Higher Learning in Moscow with more than 6,000 other students, and that is where they planned New Zealand's anti-nuclear stand. They came up with a slogan, came up with a program, came up with every bit of publicity you would need, and that was taken back to New Zealand and infiltrated into New Zealand's Labor Party, and the legislation was passed—and not one New Zealander in 4 million would have any idea that that legislation came from Moscow. So what he basically told me was that small Marxist groups, by controlling the labor unions, by controlling the peace movement—even churches can influence the mainstream political party in the country—can get communist style policy regularly adopted as the law of the land, and we see examples of that now with Obamacare, with immigration



Trevor Loudon. America Under Siege: Civil War 2017.

amnesty, the nuclear deal with Iran, socialization of students loans, etc.

JOSEPH: As a New Zealander, how did you become so involved in American politics?

TREVOR: When I did a deep study into communism, it became very apparent that America was the main enemy,

Our film *America Under Siege: Civil War 2017* can be seen for free online at dangerousdocumentaries.com.

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He told me that small Marxist groups, by controlling the labor unions, by controlling the peace movement, can get communist style policy adopted as the law of the land.

the main target of the movement. This was back in the '80s, and I continued research into the '90s and into the 2000s, and I found that the American Democratic Party was basically—especially since 1994 when the Marxists took over the AFL-CIO, the American labor union movement—I found that the American Democratic Party had become under the total control and influence of the far Left. Most Americans know there are left leaners in Congress, but they don't understand that basically they are setting the agenda. So, while I was doing that research I discovered the connection between the Hawaiian communist Frank Marshall Davis and the young Barack Obama. I also exposed the communist background of Van Jones, Barack Obama's one-time green jobs guy. Glenn Beck used that information to get Van Jones kicked out of the White House—and now Jones is on CNN. But it was really a natural progression. If you want to understand where communism's going, where it's influential, you have to go to the main target. That is America. And most Americans would be absolutely shocked to know how deeply even today communist groups influence the Democratic Party, and by extension, influence the way Americans run their lives.

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There are a hundred members of your House and 20 members of the U.S. Senate who are enmeshed in neo-communist or Muslim Brotherhood front groups.

JOSEPH: What are the most shocking things you've discovered in the history of your research?

TREVOR: I've looked into the backgrounds of a whole bunch of Congress members, and I would say there are a hundred members of your House and 20 members of the U.S. Senate

who are so enmeshed in neo-communism or Muslim Brotherhood front groups—or in many instances both—that they would have a hard time passing an FBI security check to even sell you stamps at the post office or drive a school bus, yet they're serving on the Armed Services Committee, the Homeland Security Committee, the Judiciary Committee overseeing the FBI, the Intelligence Committee overseeing all 16 of your intelligence agencies. These are people basically working against America's interests, and they can get away with it because there are no security checks in Congress whatsoever. You need an FBI security check to be a realtor or drive a school bus, but to serve on the Intelligence Committee of the House of Representatives or the Senate Intelligence Committee, you need zero. That to me was pretty damn shocking because it leaves America completely open to subversion by foreign enemies.

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We hope to shock Americans even more deeply as we uncover a whole bunch of other areas in America that have been penetrated by this country's enemies.

JOSEPH: If our readers were interested in finding out more about who those congressmen and senators are, where would you recommend in your work they go to find out that information?

TREVOR: My book, *The Enemies Within: Communists, Socialists, and Progressives in the U.S. Congress*. That profiles 14 senators and 55 congressmen, which is by no means all of them, but it certainly gives a good indication of how this works and some of the key people involved.

JOSEPH: You are the star of our film, which came out just a few weeks ago—*America Under Siege: Civil War 2017*—which is the first episode in what will be a five-part *America Under Siege* web series that will investigate the Marxist influence on various parts of American society. So could you tell me a little bit about how you got interested in film?

TREVOR: I was always interested in film. My original intent when I left high school was to go to fine arts school in New Zealand and study film, but I never quite got around to it. I got into business and had a family and it sort of flew by the wayside, but then I started writing books and I knew that I could tour the United States selling them and talking to people doing radio interviews, and I was reaching



Anti-Trump protests. Credit: ZiaLater, 2016. License: <https://goo.gl/qJKEaO>.

thousands of people, but I wanted to reach hundreds of thousands of people. I met Judd Saul [the film's director] at a conservative conference in Texas. We developed a rapport, and he pitched the idea to me of doing a movie on *The Enemies Within*. So we spent two years on that project, and it kindled my interest in film as a medium for reaching a lot of people because, unfortunately, even most conservative media out there doesn't really understand the depth of penetration that's happening. So I grabbed at that opportunity and your [*America Under Siege*] opportunity to reach hundreds of thousands of people—millions of people—to increase awareness of just how deeply this system is penetrated. Through our coming series we hope to shock Americans even more deeply as we uncover a whole bunch of other areas in America that have been penetrated by this country's enemies.

JOSEPH: For our readers who haven't yet seen the film *Civil War 2017*, what are the most important discoveries in the film our readers should know about?

TREVOR: The media narrative has always been "these are spontaneous events." We saw a lot of protests in the election cycle, mainly against Donald Trump. We've seen protests at the inauguration, and now we're seeing protests at Trump's executive order on Islamic immigration. This is a movement that's gathering pace, but the media keeps telling us that this is just spontaneous, these are people worried about evil forces, these are just concerned citizens making a point. Well what we've discovered—and this is backed up by James O'Keefe [of Project Veritas] and his work—we discovered that these protests are all orchestrated by professional revolutionaries; these are people with ties to North Korea, to Iran, to Venezuela, to Cuba, and some of these people have been at this since the Vietnam War. And there are two key groups who have been working these events—one is the Workers World Party, which is a Stalinist group, and the other is their ally the Freedom Road Socialist Organization, which is a Maoist group. But what was most shocking to me was that these groups were not just allies to Venezuela and countries like that, some of their leaders were actually close allies of Putin's Russia—these people who were supporting Putin's Russia, going to Putin's Russia, were active leaders of the anti-Trump movement. Americans are being told that Russia influenced the election to Trump's benefit, so the fact that the Russians are supporting the leadership of the anti-Trump movement shows that either Russia is playing both sides or maybe the influence of Russia in the election was a little exaggerated. I don't know, but there's clear evidence that Russia is supporting some of the top leaders of the anti-Trump protest movement.

JOSEPH: Given the foreign Marxist influence in modern

American politics, what, if anything, do you think our government should do about this issue?

TREVOR: I think as one of the interviewees said in the movie, Donald Trump is charged with guarding the U.S. Constitution: that's his oath of office. And that means to guard America's Constitution from enemies foreign and domestic. Now, America's great at sending its guns and soldiers in uniform overseas to fight foreign enemies, but has completely dropped the ball when it comes to domestic enemies. Donald Trump has got to start—and the public pressure has to be built—to reestablish congressional committees, to reestablish security bodies, and to re-empower the FBI to actually go after subversive elements in the country, to investigate the Muslim Brotherhood, to investigate the terrorists supporting communist groups. Some of the separatist groups in Texas and California are also being supported by the Russians. We didn't call this *Civil War 2017* for nothing. We have discovered that there is a strong terrorist-backed, Russian-backed, Venezuela-backed network in America of professional revolutionaries who are driving Black Lives Matter, the protests at Standing Rock in North Dakota, all of this discontent to create mayhem on American streets. They want to create Fergusons all over to divide this country, because America's enemies can't take on America directly, but they can take you on internally. We're calling on Mr. Trump to designate the Muslim Brotherhood a terrorist organization, which would allow the FBI to go after a lot of their front groups. We want to raise public awareness so the public will understand that the security services need to crack down on some of these communist elements. One of the communist groups involved in this, Freedom Road Socialist Organization, had 23 members of its group arrested in 2010 by the FBI for supporting terrorist groups in Palestine and Latin America. They were raided, a whole bunch of stuff was confiscated, and Obama's Justice Department did nothing with those cases for seven years. But the fact that they were raided because the FBI had an informant inside their organization shows how dangerous these groups potentially are. It also shows that the government has had no willingness at all to go after them. We need to put public pressure on Mr. Trump to make sure he changes that. This movie is designed to help make people aware of just how dangerous these groups are, and how they're not indigenous, they're not home grown, they are directed by hostile foreign powers against this country.

JOSEPH: Any final thoughts you want to leave our readers with?

TREVOR: I urge you to stay tuned to the Capital Research Center's website, because we'll be announcing further plans for movies which will be equally as compelling as the one



Trevor Loudon. America Under Siege: Civil War 2017.

we've just released. We're going to tell the truth about these subversive elements. Nobody's been doing this for years, and I think most Americans are going to be shocked at what they see exposed in the coming months. ■



CHRIST CENTRAL MINISTRIES

Proving that private, local aid to the poor is structurally superior to aid from government bureaucrats

By Ian Johnson

In a recent American Enterprise Institute survey on poverty, over 70 percent of Americans said that even if government had the resources to eliminate poverty, it lacks the competency to do so. That's a reasonable view, given that although the federal government spends hundreds of billions of dollars (over a trillion, if you count health care) *each year* to provide aid to the poor, the nation has not come close to eliminating poverty since President Lyndon B. Johnson declared war on it in 1964.

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The charity was founded in 1994 when a group of individuals were praying and a man came and asked for food.

The deficiency of government welfare is *structural*, not just *functional*, even though its gross inefficiencies are no small thing. The government has little incentive for efficiency since bureaucrat A is always spending taxpayer B's money on recipient C. By anyone's standard of success, government welfare has failed.

Worse, as the Nobel economist Milton Friedman observed in *Free to Choose*, “a private firm that makes a serious blunder may go out of business. A government agency is likely to get a bigger budget.” When a government program fails to produce results, politicians keep the taxpayer-funded lifeline alive. This is evident in foreign and domestic programs. While the government has over seventy different anti-poverty programs, finding effective solutions to problems is secondary to expanding government control. Of course, increasing funds without changing our approach to combating poverty will not produce different results but only deepen the failure.

The biggest obstacle to combating poverty is the fact that



Christ Central Ministries. Screenshot, 2017.

every case is specific to the person. The solutions, then, must be dynamic and tailored to individual circumstances. I am convinced that if progress on poverty is to occur, it will require the work of local people and institutions, not nationwide, one-size-fits-all government programs. Local efforts by concerned citizens will better administer relief than faceless governmental bureaucracies for this profound, structural reason.

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A classic example is Christ Central Ministries, which has a proven success rate in helping persons in poverty that the federal government has not, and likely never will, equal.

Ian Johnson is a development associate in Washington D.C.

Christ Central Ministries, or CCM, is a charity based in South Carolina with over 50 locations, and it uses local resources to help South Carolinians in poverty. The group's workers feed the hungry, shelter the homeless, and educate those who need more skills to enter the labor force. The charity was founded in 1994 when a group of individuals were praying and a man came and asked for food. After word spread of the man's being fed, more people came to them seeking the same resources. To address the community's need, the charity was created. The services continue today, spearheaded by Pastor Jimmy Jones.

I was interested in the work of this charity because some years back I had visited this state for missionary/philanthropic service. I saw persons in poverty on a daily basis. While I was there, economic prosperity seemed blocked by three main obstacles: mental health, substance abuse, and employment.

Christ Central Ministries actively addresses all those issues. The fundamental structure of local charity is different and more effective than government-run aid. CCM is supported by people who share its vision, and the personal involvement of volunteers makes the charity more effective in scope and application.

For example, when I was ministering in South Carolina, I came across a man named George, suffering from severe mental illness. Often he could not even recall his own name. We were able to put him in contact with a local church willing to help him with basic living necessities. By contrast, no government program had actively gone out to find George. Because of his mental illness, he was unable to work or even find assistance on his own. I only knew George for about a month until I left the area, but it left an enduring impression on me: *persons with mental illnesses are not receiving proper treatment because they live outside of normal society. People, especially bureaucrats, do not see them.*

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The annual care can amount to six million dollars, and these efforts are accomplished without any government funding or insurance reimbursements.

Like the volunteers I worked with, Christ Central Ministries operates on a personal level, and this method is much more effective than governmental processes. CCM is locally strengthened by donations and volunteers. Members of the



God Made It Ranch. Screenshot, 2017.

community have an increased incentive to provide real aid, and they are also more aware of persons in poverty.

Christ Central Ministries has free medical, dental, and eye care, all supervised by their department president, Ted McGee. The group coordinates with other “physicians, dentists, medical professionals, service organizations, and hospitals” to better provide the appropriate health care for adults without insurance. The annual care can amount to six million dollars, and these efforts are accomplished without any government funding or insurance reimbursements.

Since 12 percent to 13.9 percent of people in South Carolina don't have health insurance, Christ Central Ministries is instrumental in helping uninsured people. Mental health is one factor that frequently keeps people in poverty, and individuals like George are often neglected.

Christ Central Ministries is currently establishing the first free mental health clinic. Along with other medical services planned for the future, this mental health clinic will be instrumental for treating those with mental challenges.

Substance abuse is another major problem that keeps Americans from rising out of poverty. People addicted to various substances have a harder time finding employment and usually waste income on the addiction. Many addicts are well aware of the many resources available to them but refuse to give up the habit. They understand the costs, but their aim is only to satisfy their addiction.

Treating this problem requires helping the addict change his thinking and way of life. Christ Central Ministries has a recovery support program that assists people in escaping these damaging addictions. It provides a stable environment with recreation, teaching, exercise, and counseling. They have more than 150 beds to provide a transitional home for recovering addicts. Counseling can help individuals escape addiction and can target some of the personal struggles of addicts, as well as the triggers for relapse. This change

of environment helps addicts by giving them a chance to establish good habits and strong mental defenses to combat and replace former habits.

Persons struggling with substance abuse need a local support group that can help them to stay clean. Drug use places emotional, mental, and physical burdens on addicts. Without family, friends, or associates to help, it is much more difficult to escape.

God It Made Ranch is another resource that specializes in recreation for youth struggling with addictions and other issues. The ranch began as a project for Dan and Jan White, who were connected with Christ Central Ministries. The ranch provides equine therapy; Jan White explains that

“Emotionally, the riders learn to bond with their horse, and it builds trust. It also works on social behaviors, and physically, there’s a rhythmic natural motion that works with your core muscle balance and posture. Mentally, the riders develop a very high level of concentration and thought processing skills,”

Christ Central Ministries is constantly seeking different kinds of outreach. CCM effectively helps the struggling to build a network of friends that can help them achieve the goal of sobriety.

HELPING THE POOR FIND JOBS

While I was in Allendale, South Carolina, many people shared their concerns over unemployment. Allendale had a high unemployment rate then, and it remains incredibly high compared to the national average.

Part of the problem is state licensing, which creates major barriers to work for many impoverished people. Occupational licensing costs about \$127 billion each year at the state level and an average of over \$1,000 for American households.

Licensing laws masquerade as protection for the consumer but in reality allow businesses to operate with less competition. The diminished competition in turn creates higher costs for consumers. In other words, these laws prevent people from entering the labor market mainly to protect the wages of those who already have a job.

Government can play a role in helping the unemployed by passing new legislation that overturns these protectionist laws. But in spite of such barriers, Christ Central Ministries educates people and teaches skills that will help them overcome these obstacles. The training makes the



Christ Central Ministries. Screenshot, 2017.

unemployed laborer more competitive in the job market.

Knowing this, the charity has donated a large portion of its resources to the Christ Central Institute. Founded in 2002, the Institute provides various classes like medical training, culinary art, welding, and computer repair that help the poor meet state certification requirements. Housing, tuition, and meals are provided, and this opportunity gives individuals the chance to gain the skills needed for employment. Individuals can also receive GED training and certification.

Caring for the mentally ill, counseling for the addict, and training for the unemployed are all undertakings that require detailed personal attention. Through local groups like Christ Central Ministries, the needs of the poor can be addressed successfully in ways that are structurally superior to what a centralized, bureaucratized government can accomplish. ■

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CONSUMERS FOR AUTO RELIABILITY AND SAFETY

Chauffeurs for the Trial Bar?

By Neil Maghami

Summary: *You may not have heard of Consumers for Auto Reliability and Safety (CARS), or know about its connections with the trial lawyer lobby. But once you hear how CARS' efforts to influence public policy could one day slash the value of your car, you'll understand why this nonprofit matters.*

The alliance between trial lawyers (aka, “ambulance chasers”) and nonprofit consumer advocacy groups is powerful. The foundation for this coalition was summarized by Ralph Nader, the dean of consumer advocates, in an April 2016 *Harper's* article subtitled, “Your lawsuits are good for America.” Unsurprisingly, Nader issues a call to arms against one of the main alternatives to lengthy, expensive, drawn-out litigation: arbitration. Nader even calls the attorneys who write arbitration clauses into standard consumer agreements “evil.” (For more on the ties between Nader, the consumer movement, and the trial bar, see “Association of Trial Lawyers of America: How It Works with Ralph Nader Against Tort Reform,” in *Foundation Watch*, January 2003).

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Trial lawyers must constantly look for new ways to maintain the appearance of large-scale constituencies that believe lawsuits are still “good for America.”

As the economic costs of the U.S. civil justice system—estimated to total tens of billions of dollars annually—the trial lawyer/consumer group axis that feeds on those billions cannot sit still. It must constantly look for new ways to maintain the appearance of large constituencies that believe lawsuits are still “good for America,” whatever the economic costs. And it has to forcefully push back, in the court of public opinion and in legislatures, against any voices calling for tort reform, the wider use of arbitration, and other



Consumers for Auto Reliability and Safety. Credit: YouTube screenshot, 2017. License: <https://goo.gl/Eg2TI9>.

measures that reduce the financial burden associated with the civil justice system. This *Organization Trends* looks at how one particular consumer group, Consumers for Auto Reliability and Safety (CARS), plays a key role in these efforts. On the surface, CARS looks like any other garden-variety consumer rights organization. The truth, as we'll see, is somewhat different.

AN ACTIVIST IS BORN

“When I started protesting at a car dealership in Lemon Grove, California, I never dreamed of the impact it would have on my life and on the rights of millions of auto owners around the nation.” So begins Rosemary Shahan's contribution to the book *50 Ways to Love Your Country: How to Find Your Political Voice* (2004), published by the left-wing advocacy group MoveOn.org.

The year was 1979. Then a college student, Shahan's personal automobile was damaged in an accident and needed repairs. Three months later, despite assurances from

Dr. Neil Maghami, a free-lance writer, is a regular contributor to Capital Research Center publications.

the dealer, her car was still not fixed. Outraged, Shahan began a five-month, one-person picket of the dealership. A local TV news crew covered her protest, which helped her find others unhappy with their car repair experiences.

“I started to research the laws consumers could use to get relief from sour deals,” Shahan recounted in *50 Ways*. “I decided we needed a ‘lemon law’ to set a guideline for what is reasonable, so I started handing out flyers asking people to write to the chair of the [California State] Assembly Consumer Protection Committee, then Assemblyman Bill Lockyer, in Sacramento, California ... my family encouraged me, and I kept at it. Consumer advocates with the California Public Interest Research Group (CALPIRG), founded by Ralph Nader, also offered encouragement and suggested creative ways to involve the community.”

The car dealer settled the complaint, providing Shahan with the funding to create a tax-exempt group in 1979 called “Motor Voters” (now known as the Consumers for Auto Reliability and Safety Foundation).

Motor Voters’ initial goal was to have California enact a “lemon law” to provide more formal recourse for consumers in situations like Shahan’s. After “three years of organizing, letter-writing campaigns, testifying, press conferences and keeping up the heat,” Shahan writes, she and her allies triumphed in 1982, when “Governor Jerry Brown signed California’s landmark Lemon Law.” That statute in turn “became a model for similar laws enacted in the other 49 states.” Shahan’s career as a consumer activist was launched.

FROM LOCAL ACTIVIST TO NATIONAL FIGURE

As a result of regular press conferences, news releases, TV appearances, and public testimony, by 1991 Shahan had achieved such prominence on auto issues that Ralph Nader himself publicly declared her “a real example of a citizen-activist. She is as tenacious as a bulldog, consistent as the Milky Way, and as humane in her own way as Mother Teresa.”

In 1997, she started a second tax-exempt organization, a 501(c)(4) lobbying arm called “Consumers for Auto Reliability and Safety” (CARS), which extended her influence and reach. The formal mission of CARS is “to save lives, prevent injuries, and protect consumers from auto-related fraud and abuse.”

It would take too much space to summarize Shahan’s long career here. Perhaps her greatest assets as an activist have been the relentless energy and inventiveness she brings to finding new ways to promote her agenda. From



Legal Gavel. Credit: Blogtrepreneur, 2016. License: <https://goo.gl/ZEYUXd>.

providing reporters and editorial writers with hard-hitting quotations denouncing car manufacturers, car dealers, and insurance companies, to issuing public rebuttals of calls for alternatives to litigation such as arbitration, to putting TV producers in touch with fellow activists to help package news stories, Shahan is a public relations pro of proven ability. If the trial bar did not have an ally with her strengths it would have to invent Shahan.

And where Shahan has been unable to persuade the media to take up her angle on a story, she has found other ways to create news and get her messages on auto safety and tort reform out to the public. Her tactics include providing testimony to legislative committees during public hearings; organizing public demonstrations, as when she brought together consumer advocates and union members in 2005 to announce a public showdown with California Gov. Arnold Schwarzenegger over a “car buyer’s bill of rights”; loudly petitioning state and federal agencies to investigate alleged abuses; and building coalitions with other groups and issuing joint statements with them—especially those in the Naderite orbit such as Public Citizen or the Center for Auto Safety.

Shahan has also adeptly integrated new technologies into her repertoire. In 2010, for example, CARS co-produced a slick YouTube anti-arbitration video that mimicked a news broadcast and quickly accumulated more than one million views.

In her capacity as leader of CARS, Shahan has also guest-posted on the TakeBackJustice.com blog, an anti-arbitration/pro-class action lawsuit website created and

overseen by the American Association for Justice (formerly known as the Association of Trial Lawyers of America).

And when the trial bar/consumer movement alliance needs to strategize against proponents of tort reform, Shahan's colleagues eagerly seek her views and advice. In 2013, she participated in a panel discussion on "how to strengthen the campaign to ban mandatory arbitration clauses in consumer contracts" organized by the National Consumer Law Center (NCLC). NCLC's mission is to "provide policy analysis, advocacy, litigation, expert witness services, and training for consumer advocates throughout the United States. NCLC also works with federal and state policymakers and participates in major litigation across the nation."

Shahan was definitely among friends at this 2013 event. A speech by Sen. Al Franken (D-Minn.), who has sponsored anti-arbitration legislation, opened the panel. Franken's own ties to the trial bar are warm enough that, in 2008, he headlined a reception in Philadelphia for top donors to the anti-tort reform American Association for Justice Political Action Committee's high dollar "Platinum M Club."

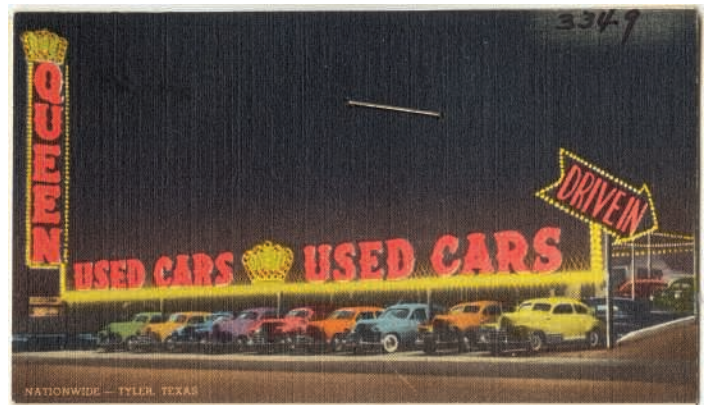
And then there's the lobbying clout of CARS—another measure of its influence. As its 2015 IRS disclosures show, that year the organization worked with prominent Democrats such as Sens. Charles Schumer (D-N.Y.), Barbara Boxer (D-Calif.), and Claire McCaskill (D-Mo.) to advance its consumer advocacy agenda. Pamela Gilbert, a former head of the U.S. Consumer Product Safety Commission who has also worked with Nader's Public Citizen group, lobbies for CARS in D.C.

Back in California, per the same disclosures for 2015, CARS "drafted several versions of a ballot initiative" and "played an active role in opposing legislation" it believed to harm consumer interests. As part of its war on arbitration, CARS also "led efforts to seek an investigation" of "private arbitration companies operating in California" by then-Attorney General Kamala Harris.

THE SHAKESPEARE QUESTION

With her flair for the theatrical and strong communications skills, it's no surprise that Shahan has a master's degree in English and worked as a college English instructor for some years at La Verne University.

Shahan also appears to have considerable familiarity with the works of William Shakespeare. She is assistant treasurer of the Shakespeare Authorship Coalition (SAC). This 501(c)(3) organization is dedicated, according to its website,



Queen Used Cars. Credit: Boston Public Library, 2011. License: <https://goo.gl/HiYL4V>.

"to public education to increase awareness of long-standing doubts about the identity of William Shakespeare. The SAC does not advocate an alternative authorship candidate. We aim to establish reasonable doubt that Stratford's William Shakspeare [*sic*] was really Shakespeare. Since there are good reasons to doubt Mr. Shakspeare's authorship of the works, the issue should now be regarded as legitimate in academia, and should no longer be regarded as a taboo subject. This is the threshold issue in the authorship debate. The SAC was formed to focus on this issue."

This explanation of the SAC's work is worded very carefully, as the literary conspiracy theory community can be highly sectarian. At one time or another, dozens of individuals have been proposed as the "real" Shakespeare.

Mainstream, respected academic circles summarily dismiss these so-called "anti-Stratfordian" theories, which all hinge on the idea that "William Shakespeare" was a pseudonym selected by some other writer who needed to cloak his true identity. Despite this, the theories endure and their proponents continue to claim that the identity of the "real" Shakespeare is being covered up.

The mainstream media, of course, when giving a platform to Shahan, doesn't identify her as part of this somewhat flaky, fringe academic group.

CARS, USED AUTOS AND RECALLS

In 2015, more than 51 million cars in the U.S. were subject to various recalls, as a result of ever-increasing government monitoring of auto safety issues. CARS has been at the forefront of recall-related public policy for many years, whether the issue involved car rentals or the sale of new and used cars. Over the years, Shahan has been particularly

effective in the work for tighter regulation of recalls that she has conducted with Cally Houck, whose two daughters died in a rental car accident in 2004.

Because of media attention on recalls generally, along with congressional hearings and regulatory pressure via the National Highway Traffic Safety Administration (NHTSA), automakers are under increasing pressure to race to announce recalls, and then later figure out how to identify the affected vehicles and make the necessary replacement parts available. Similarly, auto dealers tied to specific manufacturers are also under the gun to react quickly to each new announcement of a recall, whether a car is new or used.

While it has oversight on recalls, NHTSA “has no direct regulatory authority regarding the sales of used cars with open recalls,” as a December 2016 item on *Car & Driver’s* blog pointed out.

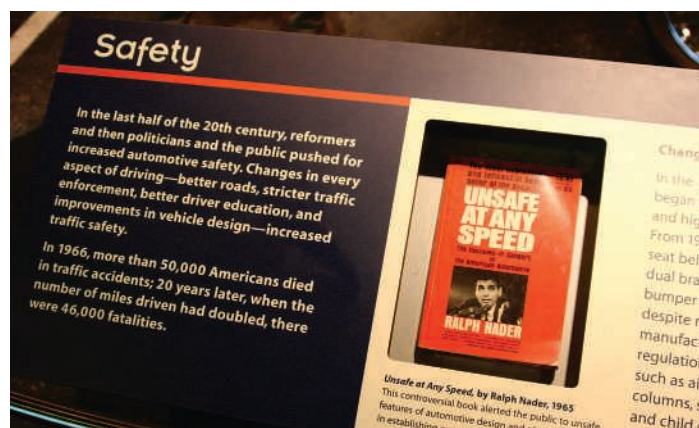
The sale of used cars that are under a recall presents a complex question to which various remedies have been proposed. Legislators at the state level, as in Virginia in 2016, have tried to address the issue. Defying CARS and other consumer groups that criticized the state’s proposed law as too friendly to car dealers, Virginia enacted a statute that requires dealers first to inform buyers of used cars that are under open recalls and then advise to advise buyers how to have the repair performed.

Pressure from CARS and other consumer groups put the brakes on similar legislation in California in 2015. In a 2014 letter opposing the legislation, CARS demanded that any law require “the professionals in the business of selling cars—the dealers—to do their job and get the repairs done prior to handing the keys to a car.”

In other words, CARS insists only one solution will suffice: Forbid dealers to sell used cars under a recall order, no matter how minor, until the recall’s repair is completed.

But what happens when, for example, the recall involves older, previously owned cars for which replacement parts in sufficient quantity may not be available for many months? Shortages like that won’t just have consequences for car dealers. Families who routinely trade in their current car when purchasing a new one could find the value of their vehicle vastly reduced, as already-stung dealers lower trade-in values. For these families, the simple-sounding solution by CARS could turn out to be quite costly.

The complex nature of recalls and the potential for wildly disparate impacts on various stakeholders calls for prudent, careful action—not glib answers. A major disruption in the used-car market shouldn’t be set off just to deal with



Unsafe At Any Speed. Credit: Matthew Bradley, 2005.
License: <https://goo.gl/vn1RIc>.

recall issues that can be trivial indeed. For instance, Ferrari had to recall thousands of cars *because if you locked yourself inside the trunk, you couldn’t get out*. And Honda recalled thousands of its minivans because the badge that read “Odyssey” was on the wrong side.

FINANCING CARS

How does Shahan sustain her crusade financially? There’s much more to the story than the \$15 individual motorists pay to join CARS. The CARS IRS filings offer clues. CARS had \$182,992 in revenue in 2015 versus expenses of \$224,207, resulting in a \$41,000 deficit that year. It closed 2015 with net assets of \$81,588. Its only reported salary expense was \$45,000 paid to Shahan in her role as president. CARS also paid nearly \$180,000 in “professional fees and other payments to independent contractors.”

Filings for 2014 told a similar story: \$188,718 in total revenue against \$265,944 in total expenses, leaving a \$77,226 deficit. CARS paid about \$218,000 in professional fees to contractors. Detailed in the IRS form for 2014 is a reference to a “recalled, unrepaired, defective 2004 Chrysler PT Cruiser for public education/press campaign” that cost CARS \$4,393 to purchase, register and store.

The 2013 filing is where things get more interesting. That year, the organization disclosed \$342,558 in total revenue, and ended the year with just over \$200,000 in net assets. Did CARS sell a lot of memberships in 2013? The truth is in plain type on page 9 of the filing. CARS received \$333,368 in “court-awarded settlement funds” that year; these funds are described further on page 13 as flowing from “court-awarded settlements from defendants in consumer lawsuits where the courts determined that

CARS was an appropriate recipient of funds unclaimed by individual consumers, in order to benefit consumers.”

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CARS received \$333,368 in “court-awarded settlement funds...where the courts determined that CARS was an appropriate recipient of funds unclaimed by consumers.”

Such funds are known as *cy pres* awards. A concise explanation of *cy pres* can be found on the website of Public Justice, an activist group that itself benefits from these awards:

The term *cy pres* is derived from a French phrase meaning “as near as.” When class actions are settled or tried, there are times that it’s not possible to distribute all of the money recovered to some or all of the class members. They may be difficult to identify or find or it may not be economically feasible to distribute the funds to them. (For example, the cost of distributing 50 cents to each of 6 million class members may preclude individual distribution, even though the defendant has been held accountable for cheating the class out of \$3 million.) When that is so, the *cy pres* doctrine allows the funds to be distributed to a nonprofit charitable organization to support work that indirectly benefits the class and advances the public interest.

A January 18, 2016 letter issued under Shahan’s signature and posted to the website of the Hanson Law Firm, located in La Jolla, Calif., gives us another window into how *cy pres* works. The letter thanks the firm

“for recommending CARS as a recipient of \$2,672.50 in *cy pres* from the settlement of your case, *Barbosa v. Allstar Kia*. The funds are deeply appreciated, and are being put to good use. With your help, we will be able to continue working to preserve California’s auto lemon law from attack, improve protections for the public from auto manufacturers who have produced millions of vehicles with life-threatening safety defects, stop dealers from selling unsafe, recalled used autos to consumers, and make progress in restoring precious Constitutional rights lost to the scourge of binding mandatory arbitration.”

The letter closed with Shahan expressing “all best wishes for many more sweet victories.” Printed on CARS stationery, the footer of the letter includes a note that “Contributions to CARS are not tax-deductible, due to CARS’ legislative activity.”

Cy pres fund distributions like this are a routine occurrence. And it’s no coincidence when one notices that *cy pres* funds happen to end up in the hands of organizations such as CARS, whose agendas align closely with the financial interests of the trial bar on major public policy issues.

“*Cy pres* payments can create bad incentives all around,” commented Theodore H. Frank, a senior attorney and the director of the Competitive Enterprise Institute’s Center for Class Action Fairness (CCAF).

“In class action situations, trial lawyers can have an incentive to ensure these payments go to third parties who happen to favor public policy that the trial lawyers also support. The money should instead go to benefit the people for whom the class action was brought. The distorting effects of these bad incentives are clear,” he added.

The benefits that *cy pres* brings to CARS may call to mind for some readers CRC’s past research into “sue and settle” lawsuits involving the Environmental Protection Agency and various environmentalist groups. (See Chris Prandoni’s July 2013 *Green Watch*.)

Another source of funding for CARS has been the California Consumer Protection Foundation. This so-called foundation is not at all a foundation in the way ordinary people recognize the term; that is, a charitable entity like the Ford or Guggenheim foundations that exist to give money to public charities. Those are, legally speaking, “private nonoperating foundations” chartered under 501(c)(3) of the tax code. The California Consumer Protection Foundation, by contrast, is a 501(c)(4) lobbying nonprofit created in 1991 by the Superior Court of the State of California “to administer and distribute approximately \$4 million remaining from the settlement of a consumer class action lawsuit, *State of California v. Levi Strauss and Company*, and to administer other trust funds as deemed appropriate by the courts and/or the Foundation’s Board of Directors.” Its primary purpose “is to further the interest of consumer protection in the State of California.”

In 2003, CCPF approved a grant of \$122,427 over two years to CARS to fund work described in IRS filings as “to expose auto-related scams that target military enlisted personnel.” These funds came from a 2003 settlement of a lawsuit against Bank of America used to set up a consumer trust under the foundation’s control, where the funds were

“restricted to grants to non-profit organizations to support pro-consumer advocacy and lobbying in the State of California.”

We mentioned earlier the Consumers for Auto Reliability and Safety Foundation, a 501(c)(3) nonprofit. While the Foundation is focused more on public education efforts (compared to CARS’ extensive lobbying agenda), its activities incorporate anti-arbitration activities as well. In 2014 IRS disclosures, the CARS Foundation calls “mandatory pre-dispute arbitration in consumer contracts” an attack on the Seventh Amendment and an affront to “centuries of law and jurisprudence that promote fairness and safety in the marketplace.”

In 2015, the CARS Foundation disclosed a \$195,000 grant, received from the 501(c)(3) Consumer Federation of America. In its own IRS filings for 2015, the Federation states this grant is to fund the CARS Foundation’s “regulatory advocacy related to recalled used cars, vehicle replacement and forced arbitration.” That is on top of a previous \$195,000 grant made by the Federation to the CARS Foundation in 2014, for the identical purpose.

Founded in 1968, the Federation’s membership “is limited to non-profit organizations that promote the consumer interest.” CFA’s approximately 300 member organizations include about 100 state and local advocacy and education groups; about 100 consumer cooperative groups; and various national advocacy groups and state/local consumer protection agencies. Shahan is a longtime CFA director.

With a \$3 million annual budget and nearly 30 full-time staff members, CFA is far removed from the small scale of CARS and the CARS Foundation. In one sense, however, they are not so different. As CFA’s website admits, the Federation also derives a portion of its funding from cy pres awards.

Both CARS and the CARS Foundation also acknowledge on their respective websites that they receive support through court-ordered payments that are part of class action lawsuit settlements. It’s only when one digs into their IRS filings, however, that one sees how important to the groups’ operations are these cy pres funds—whether paid directly or via grants from foundations that receive cy pres payments.

CARS V. GOODYEAR

The links between CARS and the trial bar involve more than awards generated through class action lawsuits. In 2000, CARS joined forces with Trial Lawyers for Public Justice (TLPJ) as part of a lawsuit against the tire maker



Goodyear blimp. Credit: John Potter, 2006. License: <https://goo.gl/4501PT>.

Goodyear to try to force it to make public documents linked to a light truck tire that’s allegedly responsible for dozens of deaths and injuries on highways.

In the January/February 2001 issue of *CTLA Forum*, the official journal of the Connecticut Trial Lawyers Association, Shahan was quoted saying, “Goodyear has admitted that these light truck tires may have been a factor in at least 30 accidents, including 120 injuries and 15 deaths.... How many more drivers and passengers have to be maimed or die before Goodyear discloses its full knowledge of how and why these tires are failing?”

In response to CARS and TLPJ (now known simply as “Public Justice”), Goodyear counter-argued that the two groups were not in fact acting to protect the public interest by seeking access to internal corporate documents about the tires, and had not been transparent about their true objectives.

A 2000 court filing by TLPJ angrily rebuts this point. It says that Goodyear is making “false and utterly irrelevant” points and that the company has concocted a “fictitious conspiracy” when it claims that demands from CARS/TLPJ for the company’s internal records really aim at benefitting plaintiffs represented by attorneys in the Association of Trial Lawyers of America suing Goodyear.

In the end, CARS/TLPJ succeeded in forcing the disclosure of some, but not all, of the Goodyear documents.

SHAHAN’S LOBBYING \$\$\$

From afar, Rosemary Shahan appears to be genuinely committed to her cause and CARS work. The \$45,000 salary she receives seems fairly meager compensation for her

busy schedule as an activist.

But the \$45,000 is not the entire story, as it turns out. Separate from the IRS filings of CARS, a review of lobbyist registration records with the California Secretary of State's office gives us another view of the organization's—and



State filings reveal that between 1999 and 2016, CARS paid just under \$630,000 for lobbying services to Consumer Advocacy, whose owner is Rosemary Shahan.”

Shahan's—finances.

While CARS relies for its DC lobbying on Pamela Gilbert as we noted earlier, its long-time main lobbyist in California has been Rosemary Shahan, doing business under the name “Consumer Advocacy.” Shahan is listed as Consumer Advocacy's “owner” in state filings. Examining records going back to 1999, we find that the filings reveal that CARS paid nearly \$630,000 to Consumer Advocacy for lobbying services between 1999 and 2016. That's not a gigantic sum in a world of multi-billion-dollar lawsuits, perhaps, but neither is it chump change.

These filings also shed much light on other lobbyists used by CARS. In 2016, CARS disclosed \$40,000 in payments to the Sacramento office of the law firm Greenberg Traurig, for example. The firm's website describes the Sacramento team as offering “experienced advocacy in California's Legislature, state agencies and courts. With these options, the Sacramento team can offer creative solutions to further a client's business goals. We have ended litigation by going to the Legislature and defeated regulations by winning in the courts.”

Like Shahan, it seems the firm also understands how to win in the court of public opinion.

CONCLUSION

To the Naderites and their trial lawyer allies, Rosemary Shahan surely embodies the American tradition of independent citizens peacefully confronting out-of-touch authorities and powerful special interests that stand in

the way of positive change. Thus, Shahan's founding and nurturing of CARS shows the power of bottom-up movements led by citizen-activists who protect the people's rights by channeling popular frustration and indignation into action.

But as we have seen, this view of Shahan does not hold up in light of key facts. The bulk of CARS' funding links arises not from the purchase of individual memberships by average citizens seeking to uphold their rights. Rather, CARS lives off the bonanza that the U.S. civil justice system generates for trial lawyers—a portion of which, through cy pres awards, finds its way into the coffers of nonprofits—who in turn attack those who favor tort reform and reasonable limits on litigation.

Spread enough of this money around and, yes, you can simulate the appearance of an energized citizenry on the march, as expressed through groups such as CARS, demanding that elected officials protect the rights of the people from encroachment by private interests.

There's a word for the simulation of citizen-led, bottom-up political ferment, but it has nothing to do with notions of latter-day Jeffersonian democracy. No, the word for this imitation is *Astroturf*. ■

Read previous articles from the *Organization Trends* series online at www.CapitalResearch.org/category/organization-trends/.



UNIONS WITHOUT ELECTIONS

Only one union member in 17 ever voted to join the union

By David Agnew

Summary: After working for 50 years a Ford employee never once voted to have representation by his union, the United Auto Workers. How could this be? Unions can exist using the “presumption of majority support.” Unions have “majority support” if they have a majority of all the votes cast, discounting those workers who did not vote. Workers are discouraged from opting out of union representation by a series of obstacles put in place by the unions. This article discusses the various devious ways that unions hold control over companies and workers.

Terry Bowman, an activist profiled in the January 2016 *Labor Watch*, has worked as an hourly employee for Ford Motor Company in Dearborn, Michigan, for 20 years. Working for Ford is a family tradition. Bowman’s father also worked for Ford, as well as a brother and several aunts and uncles. At Ford, the Bowmans shared something else: representation by the United Auto Workers (UAW).

Bowman was congratulating another Ford employee last summer as the employee retired after 50 years at the company when he realized, with shock, that the employee’s half-century membership in the UAW had never, not a single time, included the chance to vote whether to be a UAW member. That decision was settled an entire generation before he started at Ford, and for the better part of a century, that long-ago choice was binding everyone working at Ford.

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That 50-year employee had been a member of the UAW for half a century, yet never—not once—voted to join the UAW.

In 1941, Ford Motor Company was organized by the UAW, but today no employee from that time remains on the payroll. That means no worker at the firm has ever once



“Autos not built by UAW are not welcome in this lot!” Credit: Adam Schweigert, 2012. License: <https://goo.gl/3T6ilQ>.

voted to be represented by the union. Yet according to the doctrine known as the “presumption of majority support,” the UAW has escaped having to earn workers’ support in a new election for more than seven decades.

And Ford’s workers are not alone. Throughout the country, most members of a union have inherited representation this way with no choice in the matter. That means entire generations of Bowmans and everyone working beside them have had union “representation” thrust upon them. A study from the Heritage Foundation, a think tank in Washington, D.C., has documented just how overwhelmingly pervasive this problem is. Heritage found that nearly all unionized workers in America—94 percent—have never once voted for the union that represents them.

David Agnew is a writer in Washington, D.C.

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Only 6 percent of eight million unionized workers voted for union representation. The remaining 94 percent are represented by a union they either voted against, or never voted for.

UNELECTED REPRESENTATIVES

When unions represent workers' interests in negotiations with their employer, the representation is supposedly made legitimate because workers have voted to have union representation. But actually, only about six percent of workers represented by unions that are governed under the National Labor Relations Act (NLRA) have ever voted to be represented by their union. (Most workers are covered under the NLRA; the most significant exceptions are agricultural employees, domestic employees, supervisors, government workers, independent contractors, and some close relatives of individual employers, plus railroad and airline workers whose employment is governed by the Railway Labor Act.)

The NLRA has a preamble that says the law will protect “the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing.” Theoretically, the law defends these legitimate worker freedoms by letting workers elect bargaining representatives democratically. Then an elected union is supposed to negotiate on workers' behalf with regard to compensation, working conditions, etc. The union is also supposed to be accountable to the workers they represent.

But although the beginning of this federal process for union representation is democratic, the process over time has come to lack any meaningful accountability of unions to the workers they represent. That cannot be denied, when we see only six percent of workers now represented have in fact voted for their union, while two-thirds of workers think union representatives are representing themselves rather than the workers.

To arrive at the six percent figure for workers who have actually voted for union representation, the Heritage Foundation analyzed union election records and Bureau of Labor Statistics data on turnover in unionized companies in order to calculate the number of workers who ever voted for the union now representing them. Heritage found that only 478,000 of eight million unionized workers had ever voted for union representation and remained employed by the



Union-Busting is Un-American. Credit: Political Loudmouth, 2011. License: <https://goo.gl/aO9WU9>.

company at which they voted. That works out to six percent. The remaining 94 percent of workers are represented by a union they either voted against, or never voted for.

There are four reasons why the current election procedures create this injustice:

If unions succeed in pressuring a company to drop a secret-ballot election, they can bypass workplace elections completely.

If a vote occurs, the union only needs to win a majority of votes cast, not the votes of a majority of all workers.

If a union wins an election, it never has to stand for re-election. Its control continues forever unless a decertification election is held—which is not easy for workers to bring about—and it then loses that election. (Everyone would be horrified if, say, legislatures or governors and presidents had such an unfair arrangement.)

The official enforcer of federal labor law rules for issues related to collective bargaining, the National Labor Relations Board (NLRB), keeps decertification elections rare by making it hard for workers to bring such elections about, and unions do everything in their power to avoid having to justify themselves through secret ballots.

CARD CHECK

The NLRA permits but doesn't demand that employers ask for a secret ballot election to determine whether a particular employer must recognize and bargain with a union. Unfortunately, the U.S. Supreme Court has declared that employers have the right to forego a secret ballot election and recognize a union if a majority of workers sign membership cards. (The name for such an anti-election process is "card check.") In other words, it isn't the employees whose wages will have union dues withheld who have the right to demand a secret ballot election; that right legally belongs to the employer.

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As former UNITE-HERE President Bruce Raynor explained, unions win these campaigns because: “We’re not businessmen...they are. If we’re willing to cost them enough, they’ll give in.”

Naturally, the unions who will live off of workers' hard-earned dollars prefer to use card check rather than secret ballot elections. Think of it: You're a union organizer and this morning a worker decides not to sign the card you present; you get to try again tomorrow, and the next day, and the next month, over and over again hoping to force that worker to relent. Sometimes, organizers mislead workers by implying that a signature on the card only means the workers are willing to have an election on the question of union representation. It's no surprise that if an employer agrees to card check, unions nearly always end up organizing the workers.

Employers usual preference is to have secret ballot elections, but coercing them into card check has become a union speciality. For instance, unions often launch so-called "corporate campaigns" in which they publicly smear a company, hoping to damage its reputation and repel



United Auto Workers. Credit: P.T. Manolakos, 2011. License: <https://goo.gl/Oghch6>.

customers. Unions threaten to continue these attacks until the company agrees to forgo a secret ballot. These union campaigns usually succeed, explained UNITE-HERE president Bruce Raynor, because “we’re not businessmen, and at the end of the day, they are. If we’re willing to cost them enough, they’ll give in.”

According to the AFL-CIO, 80 percent of its new members join through card check. Outside estimates suggest the figure is closer to one-third, but clearly, many union members end up in a union without ever having a chance to vote. Lots of them would refuse representation if they had the right to a secret ballot.

This fact was proven yet again in 2014 at a Volkswagen plant in Chattanooga, Tennessee, where the UAW succeeded in having a majority of workers publicly sign union membership cards. After this “card check” victory was announced, Volkswagen then called for a secret ballot election. The company and the union assumed most workers would vote for the union, but a funny thing happened when workers were protected by the privacy of a secret ballot: a majority voted *not* to join the UAW.

INHERITED UNIONS

Whenever a union gains certification, whether it won that status via the secret ballot or card check, its certification endures—an outcome that contrasts sharply with the classic American understanding of political elections that establish citizens' representation. Anyone who's a political representative enjoys that status only for a fixed term. Then, to continue to enjoy his status as a representative, he must



Groups affiliated with the AFL-CIO were picketing the National Labor Relations Board in Washington, D.C.—demanding labor law reform. Credit: Tim Evanson, 2007. License: <https://goo.gl/yHSjVy>.

regularly win re-elections or lose his mandate.

But union representatives don't have to face any such test. The NLRB just assumes that the majority of workers support a union unless presented with strong contrary evidence. The “presumption of majority support” gives unions the power to remain certified indefinitely, while the workers paying dues are stuck with little power indeed. Unless they succeed in petitioning for decertification, the union remains in power as their “representative.” And new employees at unionized firms have even less power; they never voted for their supposed representatives and may work their entire career without a chance to vote on whether to continue sending the union a chunk of their paychecks.

MINORITY SUPPORT

Even on the occasion that employers require a secret ballot, unions often take power without ever being chosen by a majority of workers. As it's written, the law would not seem to allow this. The NLRA declares:

Representatives designated or selected for the purposes of collective bargaining *by the majority of the employees in a unit appropriate for such purposes*, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining.

But under NLRB regulations “interpreting” the law, unions need only win a majority of workers who vote in an organizing election, whether or not that's even close to

a majority of all workers. Take the case of workers at the LINQ Hotel and Casino in Las Vegas when they voted on August 19, 2015, whether to join the UAW. The union received 74 yea's, 42 no's, and 131 workers did not vote. So the UAW took power as the representatives of all the workers, even though fewer than one in three employees actually said they wanted the UAW's representation.

No wonder our present system allows unions to organize many workplaces where only a minority of employees vote for representation. In fact, a Heritage Foundation analysis of NLRB election records found that, between 2012 and 2015, one in three of all the employees organized in NLRA elections worked in companies where the union had never received support from the majority. If unions had had to enjoy majority support—not just a majority of those voting—it would have cost the union 60,000 dues-paying members.

DIFFICULT TO DECERTIFY

If workers aren't happy with their union, the law lets them petition for a decertification election that would remove their union representation, but NLRB policies and union practices unite to raise serious obstacles to any decertification vote. First, workers are required to collect signatures from 30 percent of the employees in their bargaining unit. Meanwhile, the NLRB's “contract bar” doctrine forbids workers from collecting or submitting the needed signatures at any point that a collective bargaining agreement is in place. So workers are left with just one month every three years to ask for a decertification election. Nor may workers collect signatures in any work area or while on the clock.

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The UAW constitution calls for the expulsion of any member “affirmatively engaged in efforts to decertify the International Union or any subordinate body thereof.”

Needless to say, unions put workers under heavy pressure not to sign or distribute decertification petitions. Most unions will expel a worker if he or she is known to support decertification. Take the UAW constitution, for instance. It calls for expelling any member “affirmatively engaged in efforts to decertify the International Union or any subordinate body thereof.”



Local 11 has passed many ballot initiatives requiring hotels to pay starting wages exceeding \$15 an hour. But the ballot initiatives exempt unionized hotels, allowing hotels to pay less than the new minimum—but only if their workforce is unionized.

Once a worker is expelled from a union, he or she may not vote in elections for union officers or vote on ratifying a new contract. So for all those who sign a decertification petition, it means they will lose what little say they have in the operation of their union—yet if decertification fails, they will still be represented by, and paying dues to, that union.

Such large obstacles to decertification votes make such elections rare. In Fiscal Year 2015, fewer than 10,000 private-sector union members got to vote in a decertification election. Put another way, only 0.1 percent of the eight million workers unionized under the National Labor Relations Act had a chance to decertify their mandated representatives. If you wonder whether that means unions are popular with those whose money they take, consider this fact: In three-fifths of the decertification elections, workers rejected their union representatives. So it's chilling to realize that the other 99.9 percent of unionized workers didn't get to vote on their representatives.

LIMITED REPRESENTATIVE ACCOUNTABILITY

The combination of these policies undermines the NLRA's goal of allowing workers to designate representatives of their own choosing. Workers like Terry Bowman are represented by unions they had no say in selecting. Fully 94 percent of union members are in Bowman's shoes. They get represented by a union that someone else chose, often decades earlier.

This makes unions less accountable to their members. Workers who want a different union representative—or no union—face considerable difficulty in implementing these preferences. Unions know this, so they feel less pressure to represent their members well. Some unscrupulous unions

take advantage of this situation to pursue their institutional interests at the expense of their members.

Consider UNITE-HERE Local 11, which represents hotel workers in California. The local has taken the lead in pushing for higher minimum wages in the California hotel industry. The local has sponsored and passed many local ballot initiatives requiring hotels to pay starting wages exceeding \$15 an hour.

That seems fairly typical behavior for any union. But there is a catch. Local 11's ballot initiatives exempt unionized hotels from having to pay, allowing hotels to pay less than the new minimum—but only if their workforce is unionized. Local 11 has used these exemptions to unionize many California hotels. The union offers to negotiate sub-minimum wages if the hotel management will encourage their workers to unionize. The *Los Angeles Times* reported that one Local 11 organizer told a former colleague this union exemption “is going to make all the hotels go union.”

These deals are a win-win for the hotel and the union. The hotels have kept their labor costs down by hiring union workers for sub-minimum wages. The union has gotten thousands of new members, all of whom must pay hundreds of dollars in annual union dues. (California does not have a right-to-work law, so dues are mandatory.) Since Local 11 started pushing these ballot initiatives and cutting deals, its dues income has roughly doubled.

But Local 11's members feel betrayed. One vented to the *Los Angeles Times* that his sub-minimum pay “really makes me mad. I just wanted to be treated equal. Don't exempt us, because we're the ones paying union dues.” Another complained “Why is it more of a benefit to be in a union? The union isn't really doing anything for us. It's completely upside-down. They want to pay us less than the minimum wage.”

CONCLUSION

Currently, union representation in the United States is uncomfortably close to that envisioned by dictators who come to power by election but never face the voters again: “One man, one vote, one time.” Or, as Turkish strongman Recep Tayyip Erdoğan reputedly said, democracy is like a bus. “Once you reach your destination, you get off.”

But Americans don't elect presidents for life. We shouldn't elect unions for life, or for the lives of people who aren't even born. As members of the new administration take office, they should look at ways in which workers can be unshackled from bonds forged by generations past. ■



DISHONEST FACT-CHECKERS

How fact-checkers trivialize lies by politicians and undermine truth seeking

By Barbara Joanna Lucas

Summary: Both of the nation's most prominent fact-checking organizations—FactCheck.org and PolitiFact—tilt to the political left, which makes them representative of the majority of journalists who also lean to port. Both of these groups go far beyond what they say they do, claiming to fact-check subjective things like political rhetoric that are not susceptible to fact-checking.

Shortly before Election Day 2016, many persons in the media were feeling self-satisfied. They thought they had painted Republican Donald Trump as a liar and demonstrated that Democratic standard-bearer Hillary Clinton was truthful.

Brooks Jackson, the director emeritus of FactCheck.org, claimed responsibility for leading the media charge to keep the candidates honest. “It’s really remarkable to see how big news operations have come around to challenging false and deceitful claims directly,” he said. “It’s about time.”

“*PolitiFact gave its “Pants on Fire” label, its most severe rank for a lie, to Donald Trump 57 times. Hillary Clinton earned that distinction just seven times.*

The chief competitor to FactCheck.org engaged in some gloating as well. “Is this the post-truth election as people have claimed? No,” said PolitiFact founder Bill Adair, “It’s actually the thank-goodness-there-are-fact-checkers election.”

Neither Jackson nor Adair got the facts right as it turned out. The public trusts the fact-checkers about as much as they trust politicians. A Rasmussen poll before Election Day



Credit: Mike Licht, 2016. License: <https://goo.gl/yzNjnQ>.

found that 29 percent of likely voters believe the media’s fact-checking of political candidates, while 62 percent think the media just “skew the facts to help candidates they support.”

One only has to look at the fact-checking statistics over this past election year to understand why voters have this view. PolitiFact gave its “Pants on Fire” label, the most severe rank for a lie, to Donald Trump 57 times. Hillary Clinton earned that distinction just seven times.

A Media Research Center analysis in June found that Trump received the “False”/“Mostly False”/ “Pants on Fire” label from PolitiFact’s Truth-O-Meter 77 percent of the time. Clinton received just “False”/“Mostly False” for 26 percent of her statements (*Investors Business Daily*, June 30, 2016).

Barbara Joanna Lucas is a writer in Virginia and blogs at *The Sharp Bite* (thesharpbite.blogspot.com).



*The Poynter Institute. Credit: Vincent Maher, 2006.
License: <https://goo.gl/zaLXbO>.*

From September through Election Day, Republicans overall received a “Pants on Fire” ranking 28 times, and half of those went to Trump. Democrats only received four such ratings, one of which went to Clinton. Even Adair admitted the rankings are subjective. “Yeah, we’re human. We’re making subjective decisions. Lord knows the decision about a Truth-O-Meter rating is entirely subjective,” he said. “As Angie Holan, the editor of PolitiFact, often says, the Truth-O-Meter is not a scientific instrument” (Townhall, Nov. 9, 2016).

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The problem is the subjective nature of selecting what gets fact-checked and by what means. Opinions get masked as fact-checking.

Catching politicians in lies is no doubt a worthy endeavor. Fact-checking isn’t the problem. The problem is the subjective nature of selecting what gets fact-checked and by what means; that explains how opinions are masked as fact-checking.

While truth is definite on most fronts, there are matters that can’t truly be fact-checked—often in the realm of strongly held political opinions. Such disputes are what political debates are about. In some cases, it’s what lawsuits are about. Not everything is settled—at least not yet. Even something as highly regarded as the Congressional

Budget Office’s 10-year revenue and spending projections can’t be fact-checked per se, because of unforeseen wars or natural disasters that might occur, or plain old irresponsible spending.

What liberal journalist Ben Smith wrote five years ago of fact checkers is even more true today: “At their worst, they’re doing opinion journalism under pseudo-scientific banners, something that’s really corrosive to actual journalism, which if it’s any good is about reported fact in the first place” (*Politico*, Aug. 17, 2011).

ORIGINS

The two pioneering fact-checking organizations are affiliated with nonprofit groups. Based at the University of Pennsylvania, FactCheck.org was established by the nonprofit Annenberg Public Policy Center. Although it now accepts donations from the public, the private Annenberg Foundation has been its main benefactor, giving the project \$87,502,844 since 2004.

Its competitor PolitiFact is a project of the *Tampa Bay Times*, which is owned by the Poynter Institute for Media Studies Inc., a 501(c)(3) nonprofit. According to its IRS filings, in 2014 Poynter had 51 employees, \$4.7 million in revenue, a budget of \$6.9 million, and \$38.2 million in assets. Poynter’s president is Timothy A. Franklin, who joined the organization in 2014 after serving as managing editor of Bloomberg News in Washington, D.C.

Major philanthropies funding Poynter include the John S. and James L. Knight Foundation (\$7,535,000 since 2003); Ford Foundation (\$2,415,000 since 2000); Robert R. McCormick Tribune Foundation (\$2,190,000 since 2009); Peter and Carmen Lucia Buck Foundation Inc. (\$300,000 since 2013); Tides Foundation and Tides Center (\$275,053 since 2008); Omidyar Network Fund Inc. (\$150,000 since 2013); Carnegie Corp. of New York (\$150,000 since 2009); and Annie E. Casey Foundation (\$140,000 since 2006).

Though FactCheck.org is the granddaddy of such websites, it has been eclipsed recently by PolitiFact in attention from mainstream media outlets, which use the two sites to supplement their reporting.

Both FactCheck and PolitiFact are routinely criticized for leaning left, particularly PolitiFact. That said, both organizations have called out Democrats—including former President Barack Obama—for flat-out lies.



Annenberg Public Policy Center. Screenshot, 2017. Credit: Google maps. License: <https://goo.gl/7vCF5f>.

FACTS DOWN THE TOILET

One of the best examples of the subjectivity of fact-checkers came during the 2016 Republican presidential primaries. In April, PolitiFact weighed in on the controversy regarding the public restrooms law in North Carolina. The law required people in the state to use the public restroom that corresponds to their sex at birth.

PolitiFact ruled it objectively false to describe a person by his or her birth sex if that person identifies with another sex. The ruling came in response to an attack ad launched by then-Republican presidential candidate Ted Cruz against frontrunner Trump, who said he opposed the North Carolina law. On the famed “Truth-O-Meter,” PolitiFact determined that Cruz’s ad was “mostly false.” But not because it falsely accused Trump of anything. Rather, PolitiFact adopted a radical position in vogue in academia and declared, “it’s not accurate to say that transgender women are men.”

A firestorm erupted. Writing in *Mediaite*, Alex Griswold said PolitiFact was being irresponsible. “What’s not fair is erasing a serious, highly contested debate out of existence because you want to nail a Republican presidential candidate as ‘wrong’ on an issue,” Griswold wrote.

The website that enjoys framing itself as the final arbiter of what is and is not factually true ended up having to add an editor’s note:

“After we published this item, we heard from readers and others who said our description of a transgender woman made it sound as if there is no public debate

over transgender issues or how gender is defined. We did not mean to suggest that, and we have edited our report to more fully reflect that ongoing debate. Our rating still stands, however, because the ad distorts Trump’s views on access to public bathrooms.”

The fact-checking website doubled down on its conclusion after it was backed into a corner. In the amended post, the phrase “it’s not accurate to say that transgender women are men,” became, “it’s not entirely accurate for Cruz to define a transgender woman as ‘a grown man pretending to be a woman.’”

ANNENBERG, AYERS, AND OBAMA

The older of the two main sites, FactCheck.org describes itself as a “nonprofit ‘consumer advocate’ for voters that aims to reduce the level of deception and confusion in U.S. politics.” The site monitors TV ads, debates, speeches, interviews, and news releases.

Its parent organization, the Annenberg Public Policy Center, was established by Walter H. Annenberg, the former publisher of *TV Guide* and the *Philadelphia Inquirer*, President Richard Nixon’s ambassador to Great Britain, and a Republican. But over time the organization moved to the left.

An affiliated organization, the Annenberg Foundation, was also established by Ambassador Annenberg. The Annenberg Foundation gained notoriety in the 2008 presidential race for its commentary related to Barack Obama’s professional ties to domestic terrorist Bill Ayers, with whom Obama ran the Chicago Annenberg Challenge from 1995 through 2001.

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Ayers was a former leader of the Weather Underground, who took credit for bombing the U.S. Capitol and the Pentagon in the 1970s.

During that period, Obama was an Illinois state senator who wasn’t widely known. But the Chicago Annenberg Challenge most certainly knew who it was aligning itself with in Ayers, a notorious former leader of the Weather Underground group that took credit for bombing the U.S. Capitol and the Pentagon in the 1970s.



*Bill Ayers & Bernadine Dohrn at Modern Times in San Francisco. Credit: Steve Rhodes, 2009.
License: <https://goo.gl/QPEoSg>.*

The Annenberg education program turned out to be a colossal failure in Chicago.

The goal of the Chicago Annenberg Challenge was to distribute millions of dollars to the Windy City's government-run schools in partnership with other nonprofit groups. Similar Annenberg Challenge programs were established in other cities. The Chicago Challenge doled out \$49.2 million over five years as a means of leveraging matching grants from public and private sources. Seventeen other school districts across the country received Annenberg Foundation funding as well, for a grand total of \$500 million over five years.

In Chicago, the program assumed a decidedly ideological slant, which shouldn't be shocking considering the involvement of Obama and Ayers. Millions of dollars were lavished on the Peace School, which taught K-12 pupils about peace organizations; the Global Village school, which promoted "global citizenship" and the United Nations; the Al Raby School with a "focus on community and the environment"; the Cesar E. Chavez Multicultural High School, named for the farm workers' leader; and Grassroots School Improvement, which was operated by the now-bankrupt Association of Community Organizations for Reform Now (ACORN).

FOUNDING OF FACTCHECK.ORG

It's tough to imagine 1988 Democratic presidential nominee Michael Dukakis inspiring much of anything. Yet FactCheck.org co-founder Brooks Jackson said the genesis

of media fact-checking can be traced to the frustration journalists experienced over the supposedly unfair coverage of Dukakis during his failed presidential bid (*Weekly Standard*, Dec. 9, 2011).

Jackson was a journalist with the Associated Press, the *Wall Street Journal*, and CNN. He has covered national politics since 1970 and was the "Ad Police" for CNN during the 1992 presidential campaign. A decade later, in 2003, the Annenberg Public Policy Center's director, Kathleen Hall Jamieson, recruited him to found FactCheck.org—which was online by the end of the year, in time for the 2004 presidential campaign. Jackson and Jamieson co-authored *UnSpun* in 2007 to explain how to see through lies and spin. Jamieson has also served on the board of the Center for Public Integrity, a left-leaning investigative journalism nonprofit that receives funding from left-wing hedge fund manager George Soros.

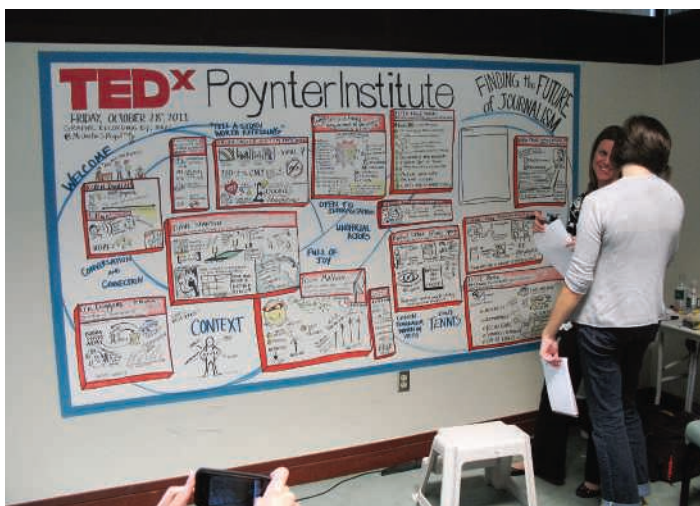
FactCheck.org features "Ask FactCheck," where users ask questions based on ads or speeches; "Viral Spin," which targets online myths and rumors; "Party Lines," which focuses on talking points repeated by multiple members of either party; and "Mailbag," which is basically a letters to the editor section.

In the Dec. 5, 2003 column that launched FactCheck.org, Jackson to his credit went after both parties' candidates for president. "Our goal here can't be to find truth—that's a job for philosophers and theologians. What we can do here is sort through the factual claims being made between now and election day, using the best techniques of journalism and scholarship," Jackson wrote.

In 2013 Jackson handed over the reins to Eugene Keily, formerly of the *Philadelphia Inquirer* and *USA Today*. Jackson remained as director emeritus.

FactCheck.org made news in the 2004 presidential campaign when Vice President Dick Cheney incorrectly cited it during the debate with Democratic vice presidential candidate John Edwards. Cheney said "FactCheck.com"—rather than ".org"—had defended his actions while he was CEO of Halliburton. The website leaped in to say Edwards was "mostly right" in his criticism of the Vice President. Pouncing on the ".com" slip from the vice president, the firm Name Administration, Inc. used the domain FactCheck.com to direct people to a George Soros-funded, anti-George W. Bush website (*Washington Post*, Oct. 7, 2004).

During the election cycle eight years later, FactCheck.org angered Democrats. In June 2012, the Obama campaign charged that while Republican presidential candidate Mitt Romney worked for Bain Capital the company was



Wall graphic interpretation of TEDx presenters. Credit: John Siebenthaler, 2011. License: <https://goo.gl/lQU0Yp>.

heavily involved in outsourcing jobs to other countries. The Obama ad called Romney the “outsourcer-in-chief.” Yet FactCheck.org “found no evidence to support the claim that Romney—while he was still running Bain Capital—shipped American jobs overseas.” That’s because Romney wasn’t working at Bain when the outsourcing occurred; he was off running the 2002 Salt Lake City Winter Olympics.

Unaccustomed to being challenged by mainstream media gatekeepers, the miffed Obama re-election campaign wrote a six-page letter denouncing the website. “The statement that Gov. Romney ‘left’ Bain in February 1999—a statement central to your fact-check—is not accurate,” Obama campaign spokeswoman Stephanie Cutter wrote. “Romney took an informal leave of absence but remained in full legal control of Bain and continued to be paid by Bain as such” (ABC News, July 2, 2012).

Both sides stuck to their guns in this case. Writing about the “10 Worst Fact Checks of the 2012 Election,” *Forbes* opinion editor Avik Roy only cited one from FactCheck.org. That check regarded former GOP presidential candidate Newt Gingrich’s assertion that food stamp usage has gone up under Obama. Roy said a proper calculation shows Gingrich was correct, even though FactCheck.org claimed it was false.

Still, Roy gave the site the benefit of the doubt for a faulty calculation, a more generous analysis than he gave other fact checkers, and added, “FactCheck.org only makes one appearance on this list, and I generally consider them the best of the bunch in terms of the fewest obvious errors” (*Forbes*, Nov. 5, 2012).

POLITIFACT ‘ACADEMICALLY DEFENSIBLE’?

Generally speaking, FactCheck.org has not been brazenly partisan, despite being very much a creature of the mainstream media. It has taken Democrats to task on a number of fronts. But the intellectual honesty of its chief rival has come under much more intense scrutiny. FactCheck.org’s Jackson has even said he’s not comfortable with PolitiFact’s Truth-O-Meter that rates some political claims as “Pants on Fire.” “I’ve never been able to see an academically defensible way to hand out those kinds of ratings,” Jackson said (*Human Events*, Aug. 30, 2012).

Nevertheless, PolitiFact was awarded a Pulitzer Prize in 2009 for its enterprising coverage of the 2008 election, forever giving it credibility. Part of that body of work in 2008 included rating as “true” the promise by candidate Obama that “if you’ve got a health care plan that you like, you can keep it” under his health care proposal. This rating came in an Oct. 9, 2008 article, about a month before the election. PolitiFact went on to say:

“It remains to be seen whether Obama’s plan will actually be able to achieve the cost savings it promises for the health care system. But people who want to keep their current insurance should be able to do that under Obama’s plan. His description of his plan is accurate, and we rate his statement True” (*Forbes*, Dec. 27, 2013).

As we now know, Obama’s statement was a bald-faced lie.

LIES OF THE YEAR

In 2009, PolitiFact began its popular feature, “Lie of the Year.” This garnered a lot of media attention.

Perhaps it should have been no surprise that the first dubious distinction was bestowed on one of the media’s favorite punching bags, Sarah Palin, the GOP’s 2008 vice presidential candidate. Palin used the phrase “death panels” in describing Obamacare. Putting aside that she was speaking rhetorically, PolitiFact called it a lie because the law did not literally create panels that sentenced patients to death. Palin was referring in part to an actual government panel, the Independent Medicare Advisory Council, or IMAC, that would advise the government on cutting costs by determining what treatments were most effective and efficient.

PolitiFact’s ruling was absurd, argued *Wall Street Journal* columnist James Taranto, because the law absolutely gave the federal government greater power over life and death

decisions and could ultimately lead to rationing of care (Feb. 2, 2011). Taranto wrote:

“Obamacare necessarily expands the power of federal bureaucrats to make such decisions, and it creates enormous fiscal pressures to err on the side of death. Whether it establishes literal panels for that purpose is a hair-splitting quibble. By naming this ‘lie of the year,’ PolitiFact showed itself to be less seeker of truth than servant of power.”

The website seemed to be mounting a full-court defense of Obamacare when in 2010 it gave the “Lie of the Year” dishonor to everyone who referred to the Affordable Care Act as a “government takeover of health care.” PolitiFact argued that since it maintained a private insurance industry rather than a single-payer government owned system, it was not a government takeover.

Interestingly, in 2011, the Pulitzer board gave the highest honor for commentary to Joseph Rago of the *Wall Street Journal* for his scathing assessment of Obamacare, including his shots at PolitiFact for insisting the law was not a government takeover of health care. Rago wrote in the *Journal* on Dec. 23, 2010:

“The regulations that PolitiFact waves off are designed to convert insurers into government contractors in the business of fulfilling political demands, with enormous implications for the future of U.S. medicine. All citizens will be required to pay into this system, regardless of their individual needs or preferences. Sounds like a government takeover to us.”

Cato Institute health analyst Michael Cannon, who had previously agreed to do interviews with PolitiFact, stopped talking to its resident fact-checkers over the so-called lies from 2009 and 2010. It’s “not so much that each of those statements is actually factually true; it is rather that they are true for reasons that PolitiFact failed to consider,” he said.

Cannon continued:

“PolitiFact’s ‘death panels’ fact-check never considered whether President Obama’s contemporaneous ‘IMAC’ proposal would, under standard principles of administrative law, enable the federal government to ration care as Palin claimed.... PolitiFact’s ‘government takeover’ fact-check hung its conclusion on the distinction between ‘public’ vs. ‘private’ health care, without considering whether that distinction might be illusory” (Human Events, Aug. 30, 2012).

Perhaps seeking redemption, PolitiFact turned on Democrats for 2011, naming as “Lie of the Year” the Democratic Congressional Campaign Committee’s claim that Rep. Paul Ryan’s fiscal plan meant that “Republicans voted to end Medicare.” They argued the plan would not eliminate Medicare, only reform it.

Conservative writer Ramesh Ponnuru said the Democratic claim misled seniors but wasn’t a lie. He explained the Ryan plan would make significant changes to Medicare. Thus, he said Democrats didn’t flat out lie, but were using charged rhetoric (Bloomberg News, Dec. 26, 2011). Ponnuru explained that this kind of incident exhibits a core problem with fact-checking sites:

“The reason we have politics at all is that we disagree, sometimes deeply, about how to promote the common good, and we need a peaceful and productive way to resolve or at least manage these disagreements. We disagree about how to improve U.S. health care, and we disagree about how each other’s proposals to change it should be characterized. The pretense of PolitiFact, and other media “fact checkers,” is that many of our political disputes have obvious correct answers on which all reasonable people looking fairly at the evidence can agree—and any other answer is ‘simply not true.’ This pretense really is false, and like dishonesty, it is corrosive.”

After the election in 2012, PolitiFact, not surprisingly, called Mitt Romney the year’s biggest liar after his campaign said Obama “sold Chrysler to Italians who are going to build Jeeps in China.” It rated the claim “Pants on Fire” and quoted a Chrysler spokesman denying that Jeep manufacturing was being moved to China. But later, PolitiFact admitted that what its gumshoes called the “Lie of the Year” was the “literal truth.”

The *Weekly Standard* pointed out that “Romney’s ad never said Jeep was ‘outsourcing’ existing jobs. Again, a fair reading of the ad would be that it implied that Jeep was choosing to create new jobs overseas rather than in the U.S.” Further, Reuters reported after the election, Fiat’s unit Chrysler would produce 100,000 Jeeps in China (Media

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If you identify something as a “Pants on Fire” lie, then concede it’s the “literal truth, but...” there is a problem.

Research Center, Jan. 18, 2013).

PolitiFact sought to rebut the *Weekly Standard*, but only succeeded in harming itself, saying that the “Romney campaign was crafty with its word choice, so campaign aides could claim to be speaking the literal truth, but the ad left a false impression that all Jeep production was being moved to China” (*Weekly Standard*, Jan. 18, 2013).

Anytime you identify something as a “Pants on Fire” lie, then concede it’s the “literal truth, but ...” there is a problem.

After playing defense for Obamacare, PolitiFact stepped up to the plate and asserted that the president’s oft-repeated claim, “If you like your health care plan you can keep it” was the 2013 “Lie of the Year.” This came amid the four million cancellations sent to U.S. insurance consumers. Given the overwhelming problems that year, it would have been beyond laughable to name any other statement as the top lie. PolitiFact essentially had no choice but to stop defending the law.

But again, don’t forget that when candidate Obama was running for president in 2008, the website went out on a limb to falsely certify this very claim as true.

“in its article detailing why the President’s promise was a lie, PolitiFact neglected to mention an essential detail. In 2008, at a critical point in the presidential campaign, PolitiFact rated the ‘keep your plan’ promise as ‘True,’” Avik Roy wrote. “The whole episode, and PolitiFact’s misleading behavior throughout, tells us a lot about the troubled state of ‘fact-checking’ journalism” (*Forbes*, Dec. 27, 2013).

In 2014, the “Lie of the Year” ended up being less controversial: “Exaggeration about Ebola.” Perhaps the worst one could say about the conclusion is that “exaggeration” is by definition something short of a lie.

By 2015, the dishonor went to Donald Trump, the eventual Republican presidential nominee. The website singled him out and claimed 75 percent of his statements were “Mostly False,” “False,” or “Pants on Fire” on its Truth-O-Meter.

Then, in 2016, the winner of the dubious honor was “Fake News,” now referring to Internet lies and gossip presented as news stories, which often went viral on Facebook. PolitiFact said, “In 2016, the prevalence of political fact abuse—promulgated by the words of two polarizing presidential candidates and their passionate supporters—gave rise to a spreading of fake news with unprecedented impunity.”

For a time, Democrats sought to blame fake news for Hillary Clinton’s loss before President Donald Trump snatched the term to describe questionable reporting by the liberal

mainstream media.

SUSPENSION OF ALL RATIONAL SKEPTICISM

PolitiFact emerged out of a project between the *St. Petersburg Times* (now *Tampa Bay Times*) and Congressional Quarterly in August 2007; both publications are owned by the nonprofit Poynter Institute. Bill Adair, the *Times’* Washington bureau chief, was named as the first PolitiFact editor. In 2013, he was succeeded by Angie Drobnic Holan.

PolitiFact expanded into 11 other states through partnerships with major metropolitan newspapers such as the *Austin American-Statesman*, the *Atlanta Journal-Constitution*, and the *Miami Herald*. After staffing cuts, the *Knoxville News Sentinel* and the Cleveland-based *Plain Dealer* dropped their partnerships.

After Poynter sold Congressional Quarterly to the *Economist*, PolitiFact became affiliated exclusively with the *Times*. Critics say that’s when the leftward tilt began.

The University of Minnesota’s Humphrey School of Public Affairs studied 500 PolitiFact rulings from January 2010 through January 2011. Out of a total of 98 statements, Republicans were associated with 74 of the “False” or “Pants on Fire” ratings on the Truth-O-Meter. That’s 76 percent. Just 22 percent of those liar ratings were given to Democrats (*Weekly Standard*, Dec. 19, 2011).

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Out of 98 statements, Republicans were associated with 76 percent of the “false” or “Pants on Fire” ratings, with just 22 percent of liar ratings given to Democrats.

A study two years later from George Mason University’s Center for Media and Public Affairs similarly ruled: “PolitiFact.com has rated Republican claims as false three times as often as Democratic claims during President Obama’s second term, despite controversies over Obama administration statements on Benghazi, the IRS and the AP” (*U.S. News and World Report*, May 28, 2013).

None of this is to suggest that Republican politicians don’t lie. They’re politicians. The bigger problem stems from what PolitiFact decides to evaluate and what standards it applies. You’d have to suspend all rational skepticism to think one

of the nation's two parties is almost entirely dishonest while the other is almost entirely honest. Yet, that's what the PolitiFact stats would have the public believe.

SECOND THOUGHTS

New York University journalism professor Jay Rosen, who thought it was time for political coverage to move beyond “he-said, she-said” stories, was an early supporter of fact-checking journalism. Once it caught fire, however, Rosen realized there can be too much of a well-intended thing (Human Events, Aug. 30, 2012). Rosen wrote:

“Disputes can be so impenetrable, accounts so fragmentary, issues so complicated that it’s hard to locate where truth is. In situations like that—which I agree are common—what should journalists committed to truth-telling do? Is it incumbent on them to decide who’s right, even though it’s hard to decide who’s right? I would say no. It’s incumbent on them to level with the users. If that means backing up to say, ‘Actually, it’s hard to tell what happened here,’ or, ‘I’ll share with you what I know, but I don’t know who’s right.’ This may be unsatisfying to some, but it may also be the best an honest reporter can do.”

During the 2016 election cycle, President Obama told a Hillary Clinton rally in North Carolina that “the fate of the republic is in your hands.” Clinton herself routinely said Trump presented a danger to America. As a Democratic presidential primary contender, Sen. Bernie Sanders regularly said, “the business model of Wall Street is fraud.” Consider that in 2012 the Democratic campaign theme was an imagined Republican “war on women.”

If the obviously rhetorical “death panel” phrase was taken literally for a fact-check and called the “Lie of the Year,” wouldn’t consistency demand the same for these instances of inflammatory Democratic rhetoric? Should the fact that the U.S. didn’t instantly turn into a dictatorship after Trump’s election earn a “Pants on Fire?” Does the fact all of Wall Street hasn’t been convicted of fraud make Sanders a liar? Should the absence of a formal GOP declaration of war against women in 2012 qualify as a lie?

No. No. No.

A reasonable person understands Democrats were using hyperbole to make a point. The fact-checkers understood this, too. But these same fact checkers have a blind spot when it comes to Republicans, with whom they take each assertion literally and poke around for holes.

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When the biases of the fact-checkers are ignored, politicians will feel emboldened to tell even bigger whoppers.

Fact-checking should be a normal part of journalism, not moved away and compartmentalized. Rhetoric and hyperbole can cross the line to become lies, and when they do, a politician should be taken to task. Still, websites devoted only to fact-checking will inevitably start fact-checking statements that can’t or really shouldn’t be fact-checked, just to feed the daily content beast. When checking what politicians say becomes trivial and the biases of the fact-checkers is ignored, politicians will feel more secure in their lies and emboldened to tell even bigger whoppers.

The liberal fact checkers were big losers in the 2016 election. ■

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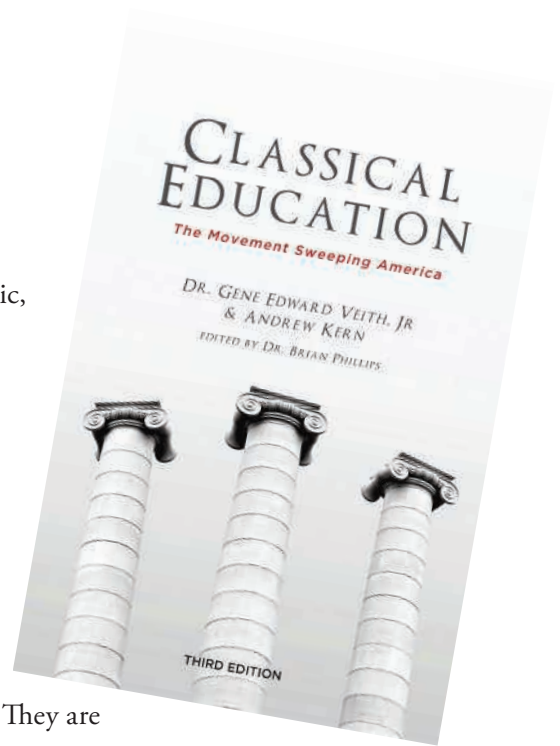
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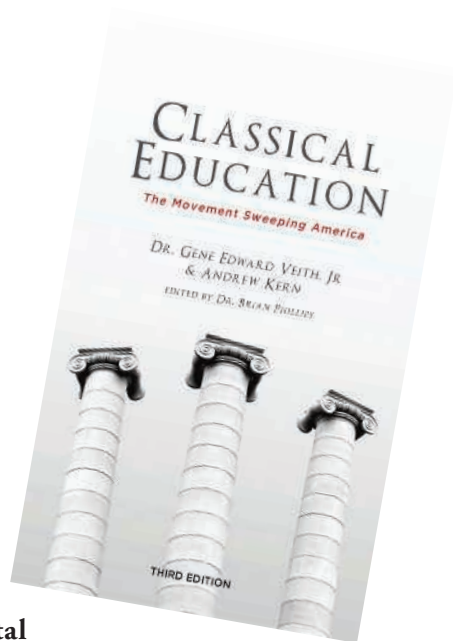


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