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# A Supremely Important Decision



*by Ron Levitsky*

I have a few friends who traditionally vote Democratic but who, because of accusations surrounding his family's failed bank, at this point refuse to vote for Alexi Giannoulas. I keep working on them. One of my strongest arguments is that, had Mark Kirk been senator, he quite likely would have voted against confirming Sonia Sotomayor; he says he supported Elena Kagan,

but when push comes to shove, he has flip-flopped many times in favor of the far-right wing. In fact, one of a senator's greatest responsibilities is the confirmation of federal judges, including those of the Supreme Court. This responsibility is especially important given the divided nature of the Court and the impact its decisions have on the nation.

An important example is the recent 5-4 decision, in *Citizens United v. The Federal Election Commission*, which removes limits on corporate contributions for monies not coordinated with a political campaign. Justified as a free speech issue, this ruling opens the floodgates of corporate influence even wider. In his dissent, John Paul Stevens wrote that the decision "threatens to undermine the integrity of elected institutions across the nation."

When the Constitution was written, few if any could conceive of the potential power of the Supreme Court. John Jay resigned as our first

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# Tenth News

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OCTOBER 2010 Illinois Tenth Congressional District Democrats Newsletter Volume 7, Edition 10

## Lots at Stake in Midterm Elections

The importance of the approaching midterm elections cannot be underestimated. With all 435 House of Representatives and 37 Senate seats up for reelection, Republicans have a good shot at taking control of the House and a chance at gaining a majority in the Senate, too. Should Republicans actually succeed in gaining control of one house of Congress, the result will be gridlock.

Republicans won't be able to repeal the healthcare bill or the financial reform bills passed during the 111th Congress. Nor will they be able to privatize Social Security or make fundamental changes to Medicare, Bob Burnett explains in the *Berkeley Daily Planet* (<http://www.berkeleydailyplanet.com/issue/2010-08-24/article/36120?headline=The-Public-Eye-The-2010-Elections-What-s-at-Stake->). "Even if these changes passed the House, they'd die in the Senate, as the very same cloture rules that slowed legislation to a crawl in the current session will prevent any draconian legislation from being passed," Burnett said.

But Republicans won't need to repeal the laws to render them ineffective. They simply can refuse to fund their implementation. And that is precisely what many say they will do. Speaking to hundreds of Republican activists at the Christian Faith and Freedom Coalition Conference on September 10, Representative Lynn Westmoreland (R-GA) said his caucus plans to pass spending bills with the expectation they will be vetoed by the President. It's unlikely Republicans will be able to override such a veto, "but [we] could create a standoff that would cause the government to shut down, as [we] did in 1995," Westmoreland said.



A sweeping Republican victory on November 2 also is likely to prevent the introduction of sorely needed new measures aimed at creating jobs, stimulating economic growth, and addressing global warming.

With millions of Americans enduring the fallout of the economic crisis, this is no time for gridlock in Washington. Democrats who allow their frustration with what they perceive as the slow pace of progress to cause them to return power to the party whose failed policies gave us the serious problems we now face—either by not voting or by voting for Republican candidates—will be defeating their own purpose.

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The summer's media coverage of erroneous facts in Mark Kirk's military record and teaching career came as little surprise to 10th District constituents who caught on years ago to the congressman's penchant for deception and outright lies. Throughout his four terms as 10th District Congressman, Kirk has seemed to delight in telling constituents he supported progressive policies—such as a woman's right to choose, environmental protections, healthcare reform—that

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# Pro-Israel and Voting for Alexi Giannoulias

by Steve Sheffey

When Mark Kirk ran for Congress, he based his campaigns on three pillars: his military record, his teaching experience, and his formative life events. We now know that Kirk lied about, “misremembered,” or embellished all of them

Kirk compounded questions about his character by running a series of dishonest ads about Giannoulias that were debunked by independent observers.

Mark Kirk is pro-Israel, but that does not mean that if you are pro-Israel, you have to vote for Kirk.

If you are pro-Israel, you don't have to compromise your other values: Alexi Giannoulias is also staunchly pro-Israel, but unlike Kirk, Giannoulias is strong on the other issues most of us care about, and that makes Alexi Giannoulias the clear choice for U.S. Senate.

My purpose in writing this is not to disparage Kirk's genuine contributions to strengthening the U.S.-Israel relationship, nor is it to question the sincerity or motivations of Kirk's supporters within the Jewish community. Yet, some Kirk supporters forget the cardinal principle of pro-Israel advocacy: support for Israel should be bipartisan, and we should unite—not divide—on Israel.

Israel's ambassador to the United States, Michael Oren, has expressed deep concern over the increasing use of support for Israel as a partisan issue in American domestic politics. Oren emphasizes that bipartisan support for Israel is a strategic national interest for the State of Israel.

Partisanship is legitimate on many issues, including economics, healthcare, the environment, and abortion, because there are major differences between Democrats and Republicans on those issues. But when two candidates are in substantial agreement on Israel, those of us who support a strong U.S.-Israel relationship should not make Israel an election issue.

All of us are deeply committed to Israel. Israel is my #1 issue. I agree with most of what Kirk says about Israel and Iran. Kirk and his supporters occasionally exaggerate Kirk's record on Israel, but there is no question that when it comes to Israel, Kirk is one of the good guys.

I would never compromise on Israel, and I don't think you would either. In this Senate race, we don't have to. I've interviewed dozens of candidates about Israel over the years, and I have no doubt that Alexi Giannoulias gets it, both intellectually and emotionally. Giannoulias is a strong supporter of Israel.

Alexi has made clear that “our first commitment in the Middle East must be the security of Israel, our strongest ally in the region. Our governments are similarly based on beliefs in democracy and freedom—values that continue to be threatened by extremism and hate. The United States and Israel must remain unwavering partners in the shared struggle against terrorism and violence.”

Israel is one of the few issues nearly all members of Congress agree on. I've heard people say that Kirk can argue the case for Israel. It's true. He can. But who is he going to argue with in the United States Senate? The Senate passed Iran sanctions unanimously, and pro-Israel measures routinely pass by overwhelming margins. And it's all happening today without Kirk in the Senate. It will make no difference for Israel if Kirk wins or loses.

As a matter of principle, I would never vote for someone who was not pro-Israel (I voted for Kirk in '02 and '04 because I thought his Democratic opponents were not sufficiently pro-Israel), but with two pro-Israel candidates running against each other for a seat in one of the most pro-Israel institutions in the world, Israel should not be a factor.



We should focus instead on where the candidates differ. The Mark Kirk some of us voted for when he ran for Congress is not the Mark Kirk running for Senate. Kirk and Giannoulias are both good on Israel, but Kirk is wrong on too many other issues, and he's been caught “misremembering” too many times.

Kirk's supporters say that Kirk has a track record on Israel. He does. He had a track record on the environment, choice issues, LGBT issues, cap and trade, and many other issues too, and he jettisoned his convictions for political expediency. But let's assume for the moment that Israel is the one principle that Kirk will hold firm on, no matter which way the political winds blow. Then that makes Kirk one of literally hundreds of members of Congress in both parties who we can count on to support Israel.

Kirk's supporters tout Kirk's pro-Israel “accomplishments.” Look at the vote tallies. You'll find that the pro-Israel measures Kirk supports pass with overwhelming bipartisan support. That's not to belittle the importance of these measures or the work Kirk did to support them, only to point out that Kirk is hardly essential or indispensable. The sponsoring Democrats could have easily found other Republicans if Kirk was not there, and next year, when Kirk is not in the House, you'll see similar measures passing with other Republican co-sponsors.

And if Kirk's supporters tell you that Kirk single-handedly procured weapons systems for Israel, ask for verification from someone other than Kirk or his supporters. Kirk did use his connections in the Bush administration to help provide military aid to Israel, and that is to his credit. But he's no Charlie Wilson, and it would come as news to many members of Congress with far more influence and power than Kirk that Kirk makes it all happen for Israel.

Kirk was helpful on Israel when Bush was in office, but it's a new day. Who do you think will be more effective: a freshman Republican who opposes everything Obama does or a freshman Democrat who is on good terms with Obama and who supports most (not all, but most) of Obama's agenda? Obama is more likely to listen to senators who do not make it their personal mission to oppose everything he does.

Kirk's right-wing record on domestic issues turns off most Jewish voters, which means that if the Kirk campaign follows Ambassador Oren's advice to stress bipartisan support for Israel, most Jews will vote for Alexi since only Alexi shares our values on other issues.

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# Be Selfish: VOTE

by Marisa Levitt

"It's all about me." Isn't that what voting really is: a statement about a person, defining who he or she is? Sure, if you're a "Republican," "Democrat," or "Independent," you have a label of sorts. People, for the most part, know what your beliefs are and what you stand for. But, being a "voter" sends an even louder message. It means you care. It means you recognize the importance of having a voice, even if you know that you are only one of many speaking on Election Day.

I'm only 15, a sophomore at Deerfield High School, so I can't vote...yet. I know, however, that it won't be long until I can make my statement, and I can't wait! For as long as I can remember, my parents always stressed the importance of voting. They taught my brother, sisters, and me that voting is not only a responsibility, but it also is a gift—something that many people, unfortunately, take for granted. We've learned at home that voting is definitely about doing something for the common good. But it is also about doing something for yourself. It makes you feel good and proud to exercise your right and to say, "I agree with what this candidate believes in and I know they will speak well for me, because the things that are important to this person are also important to me."

While my parents' "lessons" usually occur during conversations around our kitchen table, nothing brings the message home more for us kids than the regular Levitt voting field trips. My siblings and I go into the voting booth with my parents and witness, first hand, the process of democracy, and the feeling of pride and power that voting can bring. Plus, we all get a sticker, something my littlest sister is especially proud of when she goes to school after watching my mom and dad vote.

And, it's not just about the presidential elections. No doubt, voting for a president is exciting, especially two years ago. But every race, no matter how small, is important and deserving of attention. My dad's race is a prime example. My dad is Mark Levitt, and he is a Democrat running for Lake County Circuit Court Judge.

Some (or many?) might say, "Who cares? Why does a judicial race even matter?" But it does matter. A lot. It matters to a family going



*Cathie and Mark Levitt were first in line for early voting in West Deerfield Township during the 2010 primary election. Marisa (middle) and her siblings regularly join their parents in the voting booth.*

through divorce whether the judge is fair and has integrity. I know, because I have friends whose lives have been affected by a judge's decisions. It matters to people who are involved in any kind of lawsuit that their judge is engaged, hard-working, and intelligent. It matters to anyone who has to step into court for any reason that the judge on the bench has a passion for the law and really knows and cares about the community.

At least it should matter. Whether it's a traffic, criminal, business, or family issue, doesn't a judge, even more than a president, have the greatest potential to impact your life some day? I know that when I can vote, I will do my research to learn about the candidates, especially the judicial candidates. I hope that voters in the November election get to know my dad. They'll learn that not only is he incredibly smart, but he is also a "doer." Whether it's volunteering for The ARK every month or at Keshet, or spending long hours at school board meetings, my Dad is involved in our community and that will serve him well as a judge, and definitely will benefit the people who enter his courtroom.

So, be selfish: vote, and give yourself not only a feeling of pride but also the most important label: "voter."



by Mary E. La Plante

One of the strongest arguments for voting comes from American statesman Samuel Adams, who said: "Let each citizen remember at the moment he is offering his vote that he is not making a present or a compliment to please an individual—or at least that he ought not so to do; but that he is executing one of the most solemn trusts in human society for which he is accountable to God and his country."

Given that November 2 is voting day in Illinois, and that several crucial election outcomes hang in the balance, have you registered to vote? And, if you are registered, do you intend to vote that day? Since voting is one of the most important tools for affecting change, Tenth Dems urges you to plan Election Day, November 2, 2010, around voting. Vote to get Dan Seals elected to the United States Congress. Vote to continue Democratic leadership in the governor's mansion in Springfield. Vote for your Democratic candidate running for state representative. Vote to save the environment, create jobs, and to support Democratic processes, philosophies, and reforms. Early voting starts October 12 (some places in Cook County will open on October 11). Early voting continues until October 28. Go to either the Cook County or the Lake County Clerks' websites for more information.

To register to vote, you need two forms of identification, such as a driver's license and utility bill. Both forms of identification must contain your name and permanent address. Once you have those documents in hand, we invite you to call the Tenth Congressional District Democrats at 847-266-VOTE for voter registration information. Or, you may register to vote at the county, village, or township clerk's office. Many libraries will register you as well.

Given that approximately 56.8 percent of the American public registered to vote in federal elections between 1960 and 2008, it's crucial that we get out the vote this November 2. Thomas Jefferson stated that "Should things go wrong at any time, the people will set them to rights by the peaceable exercise of their elective rights." Exercise those elective rights by voting in the November 2, 2010 election!

# Robin Kelly Headlines TDU Event

by Carolyn E. Cerf

At a recent Tenth Dems University event, Robin Kelly fielded questions from a packed house at the Deerfield Public Library. Kelly, the Democratic candidate for Illinois State Treasurer, has hit the ground running in her attempt to succeed Alexi Giannoulias. Robin's experience as Chief of Staff to the treasurer makes her an ideal candidate for the job. During her tenure, the office has cut over \$750,000 annually in excess spending and, during the 2008 meltdown, invested nearly \$300 million into Illinois financial institutions that did not receive federal bailout money, thereby boosting the state's rate of return and lending to consumers.

As voters engaged her on the issues, one thing became clear: the treasurer's role is unique among state offices—while the legislature decides how to spend tax revenue, it is the treasurer's job to invest it to earn interest for taxpayers and to ensure sufficient funds are available to pay the bills. As Robin explained, the treasurer invests our tax revenue much like money managers invest private funds—in markets, bonds, indexes, and other financial instruments. That's not an easy job in a down market, which amplifies the importance of her record of prudence in navigating the turbulent financial waters. Robin highlighted some of her proudest achievements:

- Illinois avoided taking a hit during the recent market meltdown by not investing any of the state's \$14 billion portfolio in debt issued by failed Wall Street firms or in sub-prime mortgage market investments. The treasurer's office was pro-active in taking steps to protect taxpayer money, diversify investments, and employ sound policies that emphasize safety and security. The state also purchased \$20 million in Israel bonds.
- She helped catch the mismanagement of one of 21 Bright Start college savings funds before it was too late: working with Attorney General Lisa Madigan, she helped to recoup \$77 million mismanaged by private-sector investors, and 90 percent of that settlement money has been repaid to investors.
- As chief of staff, she also helped pass a good budget bill: to address the state's unfunded pension liability, she spearheaded legislation that will potentially save the state \$16 billion by hastening the pay-down of Illinois' pension debt using money generated by the unclaimed property division.

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## Kelly Headlines TDU *continued from page 4*

Robin's record demonstrates an understanding that when we pay state taxes, we make an investment for the future of Illinois. We hope that money will be managed to ensure the future liquidity of projects that secure our way of life. Essentially, the Treasurer acts as the taxpayer's financial manager. Your taxes fund a vision of Illinois as seen by the Treasurer, Comptroller, Governor, and General Assembly. As Robin explained to the audience, this race is crucial to our state's future because voters will decide who will steward the investments of all state revenues, totaling \$129.7 billion (according to the Illinois Comptroller's Office).



Just in case your household is still on the fence in the race for Treasurer, ask yourself whether you would invest that kind of money in her Republican opponent, a "perennial" candidate who has run for (and never won) various other statewide offices, and is now having a go at the Treasurer's office. Would you invest in an office-hungry political climber to command billions in state taxes through historic transition and market volatility? The safer bet—nay, vote—is on Robin Kelly's record of prudence and follow-through.

## Election Front and Center for Let's Talk Politics

by Phyllis Goldman

At the Winnetka Public Library on September 21, a small group of hale and hearty Dems who braved a rainstorm had the opportunity to join a discussion led by our own candidate for the Cook County Board, Jennifer Bishop Jenkins. Also in attendance were State Representative Robyn Gabel and a guest from the D.C. area. The conversation got started with talk of the Senate vote on "Don't Ask, Don't Tell" and the general disgust with the Republicans being the party of "No." But the topic that got the most attention was, of course, the upcoming federal elections. And the topic that resulted in the most handwringing was, of course, the upcoming federal elections.

Much of the discussion concerned the reasons the Dems aren't showing much enthusiasm about voting. Cynicism about corruption at



Cook County Board candidate Jennifer Bishop Jenkins leads a lively Let's Talk Politics discussion.



all levels of government, as well as despair and indifference, seemed to be the most obvious reasons. People were also dispirited about President Obama's performance as both the president and as a campaigner for Democratic candidates. It was difficult for us to understand why his administration hasn't let the public know more about its accomplishments. It was pointed out that, during the debates, he had hoped to get about 500 initiatives passed, and to date, about 400 have been passed! And this is with probably one of the most divisive Congresses in our lifetime. Then there's the media that seems to be more concerned with tea party events and promoting fear mongering than it is with providing unbiased hard news. The most obvious solution to these problems is what the president was able to accomplish during the 2008 campaign: get the grassroots moving.

Also discussed were the Giannoulis vs. Kirk Senate race and the Quinn vs. Brady governor's race. Things could look a lot better in these two arenas. State Representative Robyn Gabel brought up one of her main concerns, that state budget cuts will be very harmful to social programs that are desperately needed. The evening ended with the recognition that the bright spot in this election season is that our own Dan Seals is sitting pretty at this moment. . .knock on wood.

# Fear, Lies, Politics and Trust

by Jack Altshuler

According to every poll on the topic, the level of trust we Americans have for our elected officials is abysmally low—somewhere in the neighborhood of 11 percent for our congress people. We've been fed a steady diet of lies and misleading information for so long that the truth is hard to identify, and we don't know if we can trust anyone.

The dishonesty spans the entire spectrum: from the WMDs that never were in Iraq to Senator Larry "Wide Stance" Craig (R-ID) in the Minneapolis airport; from adulterous Governor Mark Sanford (R-SC), who never was on the Appalachian Trail to Senator Chuck Grassley (R-IA), who tried to play us for fools by telling us that they're going to pull the plug on Granny; from Senator John McCain (R-AZ), pressed from the far right in a primary and declaring that he never said he was a maverick to the holier-than-thou hypocrites, like the gay bashers who turned out to be gay. The list of lies, misleading statements, and

outrageous claims never ends, especially in this poisonous climate of fear that has gripped the nation. Just knowing about that fear is your starting point for determining who to trust and how to vote.

Listen to what candidates are saying as they try to win your vote. If they are trying to make you afraid of something—anything—that's your clue that they are attempting to manipulate you, and it's probably being done dishonestly. Of course, there really are things going on in the world that are frightening, but candidates using those things or the lies they invent in order to scare you is their way of telling you that they really have nothing to offer—no new ideas and no real leadership. All they have is the sales tactic called "scare 'em and save 'em," which they are using to try to gain power for themselves. For the manipulators, it's all about them—it's not about you and it's not about America.

So listen for the appeal to fear. Then run, do not walk, away from that candidate. Your future and that of your children and grandchildren is too important to leave in the hands of manipulators and liars.

## The Most Important Vote Obama Supporters Will Cast in 2010

by Mark Kraemer

I supported Barack Obama's Senate campaign in 2004. I volunteered for him when he ran for President in 2008. I admire his progressive politics and feel that he represents my views as well as any Washington politician could in the hyper-partisan world we live in today.

I believe that President Obama is doing a good job—as good a job as anyone could do faced with the daunting challenges of the past two years.

I believe Obama needs and deserves more time to build on the undeniable successes he has achieved over the past 18 months. Our economy has pulled out of its nosedive and begun to revive—more slowly than we would like but on the road to recovery.

I know there is no Republican who could have done better—Republicans would have made a bad situation worse and significantly delayed our recovery. And Republicans would surely have promoted social policies that I could never support as a progressive.

As an Obama supporter looking forward to the election of 2010, I know there will be no more important vote this fall than the vote I cast for U.S. Senator. The Senate is the place where legislation important to progressives can stall in the face of obstructionist Republicans.

I support President Obama—and that's why I'm voting for Alexi Giannoulias for the U.S. Senate.

Why should Obama supporters vote for Alexi? For me, it's simple. Alexi is the best candidate in the field—by a wide margin. Alexi has plans to strengthen economic growth by increasing small business access to investment capital. Alexi supports consumer protections that will help prevent the financial meltdowns of the past. And Alexi will focus on policies that keep jobs here in America. Mark Kirk has voted against legislation that supports all of these common-sense initiatives.

Indeed, Mark Kirk has used his special-interest-funded campaign war chest to produce attack ads against Alexi. But several sources, including Chicago newspapers, the nonpartisan Factcheck.org and the Pulitzer Prize-winning nonpartisan Politico.com have described Kirk's ads as "baffling," "misleading," "unsupported," and "barely true." If you visit FactCheck.org or Politifact.com and search for "Mark Kirk," you'll find plenty of reasons why Kirk's ads are dishonest. Of course,

10th District voters know all about Kirk's dishonesty—it's been reported widely for months now.

But lost in all the dishonest "spin" Kirk has unleashed are all the good things Alexi has done as a public servant. He has reformed the Illinois Treasurer's Office and instituted stringent ethics rules that have been a breath of fresh air.



As Treasurer, he responded quickly to the crash in the stock market to limit damage to the Bright Start college savings program in ways that have earned praise from independent financial ratings agencies.

The respected Morningstar ratings service said Alexi "took quick action" to minimize losses to Bright Start due to the 2008 stock market collapse. Financial experts say Alexi acted wisely and responsibly during the crisis. Morningstar analyst Greg

Brown said, "To Illinois' credit, they were the first to sound the alarm."

The fact is that Alexi acted quickly to minimize losses and guide the program toward a better future.

As proof, in May of 2009, Consumer Reports.org published a report on U.S. college savings programs to see how well they performed during the 2008 stock market plunge. It found five that were worthy of an A, and ranked Illinois Bright Start as one of the top five college savings programs in the nation.

<http://www.consumerreports.org/cro/money/personal-investing/college-savings-plans/overview/college-savings-plans.htm>

Alexi's quick action saved millions of dollars in losses due to the stock market collapse and restored Bright Start's reputation as one of the nation's premier college savings funds.

Mark Kirk has openly bragged that if he is elected, he will begin work immediately to dismantle the achievements of President Obama. The choice we face in November? In Mark Kirk, we have a career politician who, if elected, will work to end the progress Democrats have worked years to achieve. In Alexi Giannoulias, we have a dedicated public servant who shares our values and will work to improve the lives of working families all over the state of Illinois.

The choice is clear. I'm voting for Alexi Giannoulias for U.S. Senate.

he, in truth, voted to undermine. His long record of telling his constituents one thing and doing the exact opposite could fill volumes. Even when Kirk could easily speak the truth, his natural inclination is to twist the facts, distort reality, and lie. For these reasons alone, Mark Kirk is not a viable candidate to represent our state in the Senate. And then there is his voting record, which, despite numerous statements to the contrary, speaks for itself and reveals a staunch Republican committed only to his party and the corporate interests that fund it.

Among the few things we know with absolutely certainty is that if Mark Kirk wins his bid to represent our state in the Senate, he will consistently work against the Obama agenda—as he has done since the start of the current administration. The opposite can be said about Kirk's Democratic challenger, Alexi Giannoulias, who, despite some highly publicized baggage of his own, can be counted on to

consistently support the president's policies and, in the process, help restore our government to working for the country's citizens—rather than its corporations.

Fortunately, Democrats also have an excellent candidate to support in the race for 10th District Congressman. Dan Seals, who is now running for the third time (having lost twice before to incumbent Mark Kirk), has long proved himself to be a man of great integrity and a strong advocate for Democratic policy objectives, including healthcare reform, civil rights, a woman's right to choose, quality education for all American children (including an expansion of Head Start to close the achievement gap), environmental protections, and the preservation of Social Security and Medicare. We know we can depend on Seals to consistently support the Obama administration in putting our nation on the path to a more prosperous future for all Americans.

## Important Decision *continued from page 1*

Chief Justice to become Governor of New York, and when nominated to the post a second time, refused because he believed that the Court wasn't important enough to the nation. Yet over the years, the Court may have proven more crucial than Congress in protecting our individual liberties and preventing abuses of executive power.

Therefore, we should be grateful that President Obama has had the opportunity to nominate two justices who have been confirmed by a Democratic Senate. However, there are questions that could remain unanswered for years. What kind of impact will Elena Kagan, along with Sonia Sotomayor, make? Can the president be certain that he made the right choices?

As the Supreme Court is about to begin its 2010-2011 sessions, it's worth considering the ways in which justices reach their decisions.

When his nomination was being reviewed by the Senate, John Roberts, our current Chief Justice, stated, "I come before this committee with no agenda, no platform. I will approach every case with an open mind... My job is to call balls and strikes, not pitch or bat." The implication is that every umpire's strike zone is the same as another's (it isn't). And that an open mind somehow means bifurcating one's experiences, both personal and professional, from studying a case and rendering a decision. If that were true, reaching a unanimous decision would be relatively easy instead of nearly impossible. There seems to be more honesty in Justice Sotomayor's famous quip, "I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life."

This is not to say that we want justices so set in their beliefs that they refuse to consider other points of view that may resonate with something in their own experiences and their own society. Recently, retired Justice David Souter (whom Sotomayor replaced) gave the commencement address at Harvard University. In this speech, he takes issue with Chief Justice Roberts' approach. Souter claims that the Constitution is difficult to interpret both because its language is so general and because of the "conflict of approved values." For example, "we want order and security, and we want liberty," and the Court often must choose between one constitutional good and another. That's why, in the 1971 case, *New York Times v. the United States*, Souter argues that the Court denied the government power of prior restraint, i.e. censorship, regarding the Pentagon Papers (national security wasn't a legitimate issue) but contends that during World War II, it might have allowed the government to prevent a newspaper from publishing, in advance of D-Day, plans for the invasion of Normandy.

Souter also opines that a justice not only needs to read the framers'

words, but to interpret them for contemporary society. For each generation differs from the previous one.

The last point is especially interesting and controversial, as Souter compares *Plessy v. Ferguson* (1896), which accepted the doctrine of "separate but equal," to *Brown v. Board of Education* (1954), which struck down segregated schools. Souter contends that the real difference in the two cases is not in a strict reading of the Constitution, but rather in the experiences of the justices themselves. In *Plessy*, the justices, who had grown up in the post-Civil War period, believed that the "Negro" had made real progress since slavery, while in *Brown*, the Warren Court recognized the terribly unfair burden that segregation had caused.

In 1987, I attended a summer workshop on the Constitution at UC-Berkeley, in which a law professor stated that, in her opinion, the Topeka Board of Education actually had a stronger legal case, but that the justices unanimously ruled in favor of Brown because they believed that the time had come for American society to end the shameful, legal separation of the races. Therefore, the Court determined that segregation was unconstitutional under the equal protection clause of the 14th Amendment.

John C. Jeffries, Jr., in his biography of Justice Lewis Powell, Jr., explores the decision-making of Powell and his colleagues in several important cases, none more extraordinary than *Roe v. Wade* (1970), a decision written by Justice Harry Blackmun. In Jeffries' opinion, "As constitutional law, the abortion decision was an astonishing act of judicial innovation... Nothing in the conventional sources of constitutional interpretation pointed to that result." However, the Court contended that individuals do have rights not specifically listed in the Constitution. For example, in *Griswold v. Connecticut* (1965), the Court overturned a state law that banned a married couple's use of contraceptives. *Griswold*, in turn, became a precedent for *Roe*. As Jeffries relates, the justices were readily willing to negotiate with one another to reach a decision (thus, the trimester compromise suggested by Justice Thurgood Marshall that considered a woman's choice, her health and safety, and attention to the viability of the fetus). Jeffries also contends that none of the nine justices objected personally to abortion, and that, in fact, a few years earlier, Powell had known of a woman who had died from an illegal abortion.

In establishing a woman's right to an abortion, the Court had no idea how divisive this issue would become not only in America but, as a reflection of the nation, also within the Court itself. In fact, in the 1989 decision, *Webster v. Reproductive Health Services*, it was only the vote of Sandra Day O'Connor that, although further restricting abortion,

## Giannoulas and Israel *continued from page 2*

Consequently, the Kirk campaign is attempting to use Israel as a wedge issue by claiming that because Israel faces dire threats (true), we should vote for Kirk (false). There are many ways to translate our concerns about Israel into meaningful action. If we are concerned about Israel, we should support AIPAC. We should visit Israel. We should vocally support Israel whenever we can. But we should not let anyone manipulate our legitimate worries about Israel by telling us that the outcome of this election will have a noticeable effect on the U.S.-Israel relationship.

If you like Kirk's socially conservative positions, then vote for him. If you agree with Kirk that the Lily Ledbetter Fair Pay Act was a bad idea, then vote for Kirk. If you agree with Kirk that the federal government should have forcibly kept Terri Schiavo alive against the wishes of her husband while she was in a vegetative state, then vote for Kirk. If you agree with Kirk that Congress should have passed the Stupak amendment, which would have limited healthcare coverage for abortions, then vote for Kirk. If you agree with Kirk that gays and lesbians should not be allowed to marry each other and that "Don't Ask, Don't Tell" is a good idea, then vote for Kirk. If you agree with Kirk that Judge Sotomayor should not have been confirmed, then vote for Kirk. After all, it only takes 41 Republican Senators to block an appointment or kill a bill.

But don't let anyone intimidate you into believing that if you are pro-Israel, you need to vote for Kirk. Israel is an issue at the UN and in the

media. It's not an issue in Congress. That doesn't mean we should tolerate even one member of Congress who is not pro-Israel. It does mean that when both candidates are pro-Israel, we should focus on where the candidates really differ, and vote accordingly.

Kirk brags that he supports the Republican position all the time. That's fine if you're a Republican, but if you're a Democrat or an Independent, a return to the Bush/Cheney era is unacceptable. Kirk again voted against extending unemployment benefits; he could not have made it clearer that were he in the Senate, he would join the "coalition of the heartless, the clueless and the confused." As Paul Krugman explains, Republicans "have made the cynical calculation that blocking anything President Obama tries to do—including, or perhaps especially, anything that might alleviate the nation's economic pain—improves their chances in the midterm elections."

Consider the major differences between Giannoulas and Kirk on so many other issues we care about, and vote for the candidate who supports Israel AND the other values we cherish. For most of us, that candidate will be Alexi Giannoulas.

NARAL Pro-Choice America, Planned Parenthood, the Human Rights Campaign, the Sierra Club, and the League of Conservation Voters—all bipartisan organizations, some of which have backed Kirk in previous elections—are now backing Alexi Giannoulas for U.S. Senate over Mark Kirk. So if you're supporting Alexi, you're in very good company.

## Show Your Support!

Tenth Dems has two handsome new ways you can show your support for our Democratic candidates. We have a 2-inch wide Alexi Giannoulas for Senate button, and an Obama-Biden 2012 bumper sticker. We can mail them to you for a donation of \$5 each. To order a button or bumper sticker from the Tenth Dems website store, visit <http://www.tenthdems.org/td-online-store/>.

Or, if you want to pick them up in person (and at a lower cost), the buttons are available for a minimum contribution of \$3 each, and the



bumper stickers are \$2 each, at the Moraine Township Democratic Organization Office, 442 Central Avenue, 2nd floor, Highland Park. Call 847-433-8344 to be sure that we are open.



## Important Decision *continued from page 7*

prevented *Roe* from being overturned. And in 1992, in *Planned Parenthood v. Casey*, O'Connor was joined by Souter in once again permitting additional restrictions on abortions while refusing to overturn *Roe*. These and other decisions frequently rankled members of America's conservative community who assumed they could count on what appeared to be a conservative Court to vote in predictable ways. Instead, they felt betrayed.

Indeed, it's fascinating to note the pedigree of several of the justices mentioned above—many of whom were tarred as liberals by the right

wing. Justice Stevens was nominated by President Gerald Ford; Souter, by George H.W. Bush; Warren, by Dwight Eisenhower; Blackmun and Powell, by Richard Nixon; and O'Connor, by Ronald Reagan. Of course, many of these "Republican" justices often voted as conservatives, but they also knew that no decision was reached simply by "calling balls and strikes."

We can only hope the current justices are as wise as their forbears and, as Justice Souter stated in his Harvard address, arrive at their decisions, "...by relying on reason, by respecting all the words the framers wrote, by facing facts, and by seeking to understand their meaning for a living people."