

In This Issue:

Marriage Equality	1	Medicaid Expansion	5
Job Interview Help.....	1	King v. Burwell.....	6
Capitol Steps Review..	3	2015 Poetry/Prose	
Pursuit of Peace.....	4	Competition.....	7
ACA at Five.....	5	Tenth Dems Rocks	8

For information or to volunteer:
 Email us at newsletter@tenthdems.org
 Or visit our website at www.tenthdems.org
 Or call us at 847.266.VOTE (8683)
 Or write to Hon. Lauren Beth Gash, Chair,
 Tenth Dems, P.O. Box 523, Deerfield, IL 60015

Editor: Barbara Altman

Assignments Editor: Jodi Doane

Editorial Staff: Joan Attenberg, Lauren Beth Gash, Adrienne Kirshbaum, Steve Sheffey, Allan Sperling

Contributors: Dave DuBordieu, Steven Gan, Hon. Julie Hamos, Mark Levy, Eleonora di Liscia, Karim Pakravan, Lisa Radin, Mark Rosenberg, M.D.

Design: Terry Wrem Jones

Distribution: Ravi Ganapathy, Glenn Stier

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If Marriage Equality Can Happen In Alabama, the Writing Is Clearly On the Wall

by Steven Gan

On Monday, February 9, 2015, solemnization of same-sex marriages commenced in Alabama. Regretfully, some of the jubilation that erupted from this momentous occasion was muted by the actions of Republican Judge Roy Moore, Chief Justice of Alabama's Supreme Court.

Let me give you a little background on marriage equality in Alabama.



In 2005, the Alabama state legislature passed a bill that allowed the state's residents to vote on a constitutional amendment to ban all forms of family status for same-sex couples. The amendment passed, cementing clearly discriminatory language into official state policy.

The next year, in June 2006, anti-gay forces in Alabama pushed through

continued on page 2



Tenth News

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A Morning at the Job Interview Workshop

by Dave DuBordieu

For more than five years, Tenth Dems Community Connection volunteers have been facilitating a monthly job interview workshop in conjunction with Waukegan Township's anti-recidivism efforts. In 2014 the workshop was expanded to include a short unit on job retention. In the following essay, the workshop's newest volunteer facilitator describes his typical day at the workshop.



After driving up Sheridan Road, winding through the verdant ravines and past the luxurious mansions of Lake Forest, through the picturesque little village of Lake Bluff, beyond the bucolic Crab Tree Farm,



and along the woods and fields of the Shore Acres Country Club, the contrast to the rough-and-tumble industrial urban streets of North Chicago and Waukegan is striking. Entering into the nicely furnished conference room at the Waukegan Township Supervisor's Office feels like a return to a comfortable and typical business setting for a white, middle-class guy. However, as the attendees for the workshop file in, one is instantly reminded of the challenges facing the people outside these walls. Instead of contemplating the nuances of subtle corporate politics in the interview process, we acknowledge the one question of most concern to so many in the room: How do I deal with the felony conviction in my background?

continued on page 3

Community Connection Announces the Fifth Annual Poetry/Prose Contest and Awards Ceremony (details on page 7)



Marriage Equality continued from page 1

a constitutional amendment, the so-called Alabama Sanctity of Marriage Amendment, which excluded same-sex couples from marriage and barred them from attaining any other form of family status. Among other things, the Sanctity of Marriage Amendment prohibited two adults of the same sex from adopting a child together.

Fast-forward to 2015. On January 23, U.S. District Court Judge Callie V. S. Granade struck down the Sanctity of Marriage Amendment to the Alabama constitution as inconsistent with the U.S. Constitution's guarantee of due process and equal protection of law. The successful plaintiffs, two women who were legally wed in California, sued when Alabama authorities relied on the state constitution to deny the petition of one spouse to adopt her spouse's biological child. Then, on January 27, in a separate case brought by an unmarried same-sex couple who wished to marry in Alabama, Judge Granade struck down altogether the state's ban on same-sex marriage.

Shortly thereafter, on February 9, 2015, after the Eleventh Circuit Court of Appeals and the U.S. Supreme Court declined state officials' requests for a stay of these rulings, same-sex marriages got off to a very rocky start in Alabama. In response, Judge Moore took the outrageous step of telling Alabama probate judges that they were not bound by Federal Judge Granade's rulings. Judge Moore instructed the probate judges to continue to deny marriage licenses to same-sex couples. He insisted that any probate judge who issued marriage licenses to same-sex couples would be in violation of Alabama's state constitution.

Fortunately, within a few days several probate judges saw past Judge Moore's ignorance, bigotry, and muddled strategy, and judges in 51 of the state's 67 counties, covering 86 percent of Alabama's population, began issuing marriage licenses to same-sex couples. In

some of the other counties, officials who felt obliged to follow Judge Moore's order to withhold marriage licenses from same-sex couples simply stopped issuing any marriage licenses at all.

Now, while I was following the day-to-day developments of marriage equality in Alabama, I watched a couple of television interviews. The one that fascinated me the most was CNN's Chris Cuomo's interview of Judge Moore. <http://www.mediaite.com/tv/chris-cuomo-battles-al-justice-roy-moore-in-epic-25-minute-interview-on-gay-marriage/>

As I watched Chris Cuomo try to grapple with Judge Moore's justification for telling probate judges not to follow Judge Granade's rulings,

I kept thinking to myself, "You can't argue with a fool!" Judge Moore kept coming up with new theories to defend his position. He first asserted that Judge Granade's rulings, as a federal judge, had no priority over Alabama's state laws. Next, he claimed that our laws are made by God and no one has the power to change our God-given laws, even those created by the Alabama legislature. By the time I finished watching the over 20-minute interview, I was not only thoroughly confused by his logic but also realized how dangerous this Judge Moore is. That he could rock the justice system's boat the way he has, and still receive the support of many Alabamians, suggests how far Alabama still has to go in dealing with civil rights.

Sadly, this is not the first time for Judge Moore to impose his theological interpretation on American law. In 2003, during his first term as Chief Justice of the Alabama Supreme Court, he refused to remove a monument of the Ten Commandments (which he had commissioned) from the Alabama Judicial Building, despite orders to do so from a federal judge. On November 13, 2003, the Alabama Court of the Judiciary unanimously removed Moore from his post as Chief Justice.

The other interview that stood out for me was one with Justice Ruth Bader Ginsburg, who said the following about same-sex marriage: "The change in people's attitudes on that issue has been enormous. In recent years, people have said, 'This is the way I am.' And others looked around, and we discovered it's our next-door neighbor—we're very fond of them. Or it's our child's best friend, or even our child. I think that as more and more people came out and said that 'this is who I am,' the rest of us recognized that they are one of us."

It was very reassuring when the United States Supreme Court refused to stay Judge Granade's rulings.

With Justice Ginsburg's words in mind, I believe the national marriage equality wedding bells will be ringing very soon. **TD**

Stand United in the Pursuit of Peace

by Karim Pakravan

In his State of the Union Address, President Barack Obama reminded us of the importance of the current P5+1 negotiations with Iran on that country's nuclear program. Yet, hardliners in the U.S. Congress are seeking to derail these negotiations by passing legislation that would threaten new sanctions on Iran. Furthermore, Senator Robert Menendez (D-NJ), a cosponsor with Senator Mark Kirk (R-IL) of the Nuclear Weapon Free Iran Act of 2015, shamefully went as far as stating that the President's comments on Iran sounded like Iranian talking points.

Let's review the facts: years of negotiations between the P5+1 (the five Permanent members of the UN Security Council—the U.S., Russia, China, France and the UK—plus Germany) finally resulted in an interim accord in November 2013. This Joint Plan of Action (JPA) effectively froze Iran's nuclear program and reduced its stockpile of fissile material in exchange for limited removal of some economic sanctions. Despite the failure to reach an agreement last November, the JPA has been extended while talks continue. While crippling economic sanctions were an important factor in bringing Iran to the negotiating table, Iran's president Hassan Rouhani seems also to genuinely want to reintegrate Iran into the global community.

There is no doubt that Iran's regime is a repressive theocracy that sponsors terrorism worldwide and has a long record of enmity towards the United States and Israel. But we should also consider that Iran is a vibrant and dynamic country of 70 million people, 70 percent of whom are under the age of 30. It is a highly educated population that is the most pro-Western and pro-American in the region. Despite years of repression, the democratic aspirations of the Iranian people remain alive, and this is precisely why Iran's hard-liners fear an agreement with the West.

Opponents of the current talks claim that they want a deal that will shut down Iran's nuclear program. However, they deliberately ignore history. No diplomatic agreement can be perfect. Since the 1960s, the U.S. and the Soviet Union signed a number of important treaties in which each side compromised. The key to the implementation of these treaties is verification—to quote the late President Ronald Reagan, "Trust, but verify." An agreement that severely limits Iran's nuclear enrichment program and transforms existing and future stockpiles of enriched uranium to uranium rods or ships them to a third party will be the best insurance against any putative path to an

Iranian nuclear bomb. The key is once again a strict verification program. Moreover, the reintegration of Iran in the global body politic and economy will empower the forces of moderation, energize Iran's private sector, and give renewed hope for progress towards democracy to the country's buoyant civil society.

The alternative to an agreement is not the status quo, but an unraveling of the coalition that America has spearheaded, the empowering of Iran's hardliners, and ultimately, military conflict. As an Iranian-American, I do not want to see war between my country of birth and my adopted country, both of which I deeply love. Neither do the American people.

Paradoxically, it is those who here or abroad oppose negotiations who are doing the bidding of Iran's hard-liners, who also oppose any nuclear agreement with the United States and who want nothing more than isolation and conflict. In fact, they have proposed legislation in the Iranian Parliament that would, effectively, achieve the same purpose as the Kirk-Menendez bill—kill the deal. The same people who brought us the Iraq war want to bring us another conflict—remember the neo-con mantra in 2003: "Real men go to Tehran."

Fortunately, cooler heads have prevailed—for the time being. Only eight Democratic senators are co-sponsoring the Kirk-Menendez sanctions proposal, and they do not want a vote until negotiations have concluded.

Fortunately, cooler heads have prevailed—for the time being. Only eight Democratic senators are co-sponsoring the Kirk-Menendez sanctions proposal, and they do not want a vote until negotiations have concluded.

The Republicans in the U.S. Congress overplayed their hand when Speaker John Boehner brazenly invited Israeli Prime Minister Benjamin Netanyahu to address Congress on the Iran issue without consulting the White House or his Democratic colleagues. The indignation that arose from this clearly intended disrespectful act has forced increased sanctions supporters to back off on introducing legislation until March 24th. In any case, President Obama has repeatedly said that he would veto any such legislation.

Conditions for an agreement are here, and the collapse in oil prices has significantly increased pressure on Iran's beleaguered economy. A good and lasting agreement is one that puts verifiable limits on Iran's nuclear program, one that is enforceable and one with which both sides can live in the long term. It is urgent that Democrats unite at all levels to support President Obama's diplomatic initiative. The alternative is unthinkable. **TD**

Karim Pakravan is an Iranian-American academic living in the 10th Congressional District and a national board member for the National Iranian American Council.



THE AFFORDABLE CARE ACT

Five Years After Enactment

by Mark Rosenberg, M.D.

Five years after the passage of the Affordable Care Act, despite the many assaults against the law known as Obamacare, there is much to celebrate. Currently, approximately 12 million Americans have health insurance as a result of the availability of federal subsidies for insurance purchased on the state and federal exchanges, the federally-funded expansion of Medicaid by more than half of the states, and the provision that allows children to remain on their parents' health insurance until their 26th birthdays.

Despite all this, many Americans hold an unfavorable view of Obamacare. Polls generally break down along party lines, with favorable views by Democrats and mostly unfavorable views by Republicans and many Independents. Yet when each provision of Obamacare is presented by pollsters without connecting them to the legislation, people's views are overwhelmingly favorable. For example, few would do away with the new provisions for expanded health benefits like cost-free cancer screening or the legislation's prohibition against such prior insurance practices as refusing to cover preexisting conditions and limiting the amount of benefits available under a plan annually and for the insured's lifetime. In other words, when people know what Obamacare is all about, they overwhelmingly approve of the Affordable Care Act.

Here's some of what we know so far about how the Affordable Care Act has worked.

Fewer Uninsured

From a high of over 16 percent during the recession, the rate of uninsured Americans fell below 13 percent by the fourth quarter of 2014. Of the newly insured under the Affordable Care Act, over 70 percent had no prior insurance. More than eight million Americans have received tax subsidies through the federal and



state insurance exchanges. Another 9.7 million people in 27 states receive Medicaid, with all costs paid by the federal government.

In Illinois, projections were that about 200,000 would enroll in Medicaid, but that number has grown to over 500,000. While some criticize the state for taking on so many Medicaid recipients, the fact is that having those individuals receive health insurance is a good thing, reducing the burden on hospitals, especially Cook County, which has balanced its budget. See "Medicaid Expansion in Illinois Should Be Praised," below, for more about the benefits of the Medicaid expansion in Illinois.

Better Health

While it is too early to predict improvements based on the provisions of Obamacare that require insurers to cover screening and preventive health care at no cost to the consumer, in Massachusetts, whose decade-old "Romneycare" was a model for Obamacare, there has been a modest decrease in mortality rates.

Lower Costs

There is evidence that since the ACA took effect, there has been

continued on page 6

Medicaid Expansion In Illinois Should Be Praised

by Julie Hamos

In 2013, the Illinois General Assembly and Gov. Pat Quinn wisely made a decision to expand Medicaid under the Affordable Care Act and thus help all low-income Illinoisans get and stay healthy. The *Chicago Tribune's* February 2, 2015 editorial called Illinois' Medicaid expansion law a "debacle" and a "failure." In fact, the expansion is an enormously positive achievement.

It is true that the consultants hired by the state five years ago "guesstimated" that 342,000 adults would become eligible for the Medicaid expansion. That enrollment figure now stands at 541,000. The higher enrollment demonstrates how difficult it has been, historically, to count low-income adults, even though they were cared for at various times in emergency rooms, homeless shelters, mental health clinics, social service agencies, and jails.

The higher-than-expected enrollment demonstrates just how well

the outreach efforts by state agencies—in collaboration with community organizations, health clinics, and hospitals—have worked. It also recognizes the important initiative by the Cook County Health & Hospitals System, which created a large health plan called CountyCare and enrolled 100,000 adults early under a special waiver—a number that was not anticipated in the original estimate.

Yes, this will cost the state somewhat more after 2017. But the federal government now is paying 100 percent of the Medicaid costs for these adults, and that will ratchet down to 90 percent by 2020 and stay at that level. We also included a safety valve in the Illinois expansion law: if the federal match falls below 90 percent, the Medicaid eligibility for these adults will end within three months. In that instance, the Governor and General Assembly will be able to reconsider their options.

continued on page 8

King v. Burwell: The Latest Legal Assault on the Affordable Care Act

by Mark Rosenberg, M.D.

Not content with serial votes to repeal the Affordable Care Act (ACA, aka Obamacare)—we count 67 votes to date—Republicans also have launched court cases intended to invalidate all or part of this landmark legislation. *King v. Burwell*, the latest of these legal assaults on Obamacare, is scheduled for oral argument in the U.S. Supreme Court on March 4.



One of the ACA's primary tools for making healthcare affordable is to share the burden of premiums, and even deductibles and coinsurance, with income-qualified consumers. These advance premium tax credits are available to households earning up to four times the federally-defined poverty level, which comes to about \$92,000 a year for a family of four.

The plaintiffs in *King* challenge the legality of the ACA's premium tax credits and cost-sharing subsidies being made available to all income-qualified consumers who purchase health insurance through the Marketplace. They contend that the language in the statute makes these federal subsidies legally available only when a consumer literally purchases health insurance through a state-run exchange. They argue that, conversely, subsidies are unavailable to anyone living in a state that has opted to use the federal exchange rather than create its own.

According to rules of statutory interpretation, a law's language should be read in the context of the legislation as a whole. The purpose of the ACA is to provide affordable health insurance to as many as possible, and the availability of subsidies furthers this goal. Reading the statute as extending subsidies to all income-qualified consumers, without regard to whether the exchange they go through happens to be operated by their state, is thus rational. Federal courts generally uphold the Executive Branch's interpretation of a statute, as long as that reading is rational.

For this reason, every one of the United States Circuit Courts of Appeals that has considered lawsuits challenging the availability of federal subsidies for insurance purchased on exchanges not established by a state has ruled against the plaintiffs. Yet the Supreme Court has agreed to hear *King v. Burwell*. Based on voting in previous cases heard by the Supreme Court, including the 2012 decision

upholding the constitutionality of the ACA, many assume that four justices will agree with the plaintiffs in *King*, leaving the decision primarily in the hands of Chief Justice Roberts. The question then becomes whether Roberts would concur in a legal analysis, rejected nearly unanimously by the lower federal courts, that deprives millions of people of affordable healthcare.

A Supreme Court decision invalidating federal subsidies for health insurance purchased on federally-run exchanges would deprive more than eight million people in some 34 states of the financial help they need in order to afford health insurance, unless their states create their own insurance exchanges. Ironically, some 80 percent of those eight million individuals who stand to lose health insurance are white working poor who live in the South, a region that votes reliably Republican in most elections. The ruling would not affect those earning less than 138 percent of the federally-defined poverty level as these people qualify for Medicaid, as long as they live in one of the 28 states or the District of Columbia that have accepted the federally-funded Medicaid expansion available under the ACA. (The Supreme Court's 2012 decision held that the federal government could not mandate states' participation in expanded Medicaid). A decision for the *King v. Burwell* plaintiffs also would have the consequence of increasing premiums for health insurance since the pool of insured individuals would be vastly decreased, thus increasing insurers' risk per insured.

There is no question that a Supreme Court decision that would seriously undermine Obamacare and deprive millions of health insurance would be viewed widely as a partisan political act and not a legal pronouncement based on the merits of the case. But the Court may have an "out." Recent reporting in *The Wall Street Journal* has questioned whether the *King* plaintiffs have the legal standing required to pursue the case. According to the *Journal*, it is possible that none of the named plaintiffs is subject to the ACA's individual mandate that requires individuals to purchase health insurance. Two of the plaintiffs may be entitled to veterans' healthcare; one, who may be homeless, may earn so little as to be exempt; and the fourth will become eligible for Medicare in June. This could give the Supreme Court a procedural basis for rejecting the lawsuit. **TD**

ACA at Five *continued from page 5*

a sustained slowdown in healthcare cost inflation, from about a seven percent annual increase to an annual increase of just under four percent.

With plans paying 100 percent of the cost of preventive care and screening, Americans no longer have to choose between a mammogram and the week's groceries. And a catastrophic diagnosis or accident no longer is a prelude to bankruptcy.

The other big winners are hospitals, which no longer have to write off tens of thousands of dollars billed to patients with no insurance

and no means to pay for expensive medical procedures.

And even though health insurers no longer can deny benefits for care related to preexisting conditions or raise insurance premiums when people get sick or impose limits on what they will pay (to the contrary, Obamacare limits the annual out-of-pocket costs of consumers, requiring health plans to pay 100 percent when those limits are met), health insurance companies are among the biggest beneficiaries of the Affordable Care Act. Health insurance companies' markets have expanded, and they are selling their plans to millions of Americans who were previously uninsured and unable to afford to pay premiums. **TD**

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All You Need Is Love...and Tenth Dems

by Lisa Radin

When I think of Tenth Dems, The Beatles come to mind — they both rock. We work **All Together Now**, and I'm proud to be a member. That's why I'm inviting you to **Come Together** right now and **join** the most dynamic grassroots political group around. **From Me to You**, Tenth Dems provides a very personal link to local and national politics. I've learned so much as a Tenth Dems member, and I've also met an extraordinary number of interesting and smart folks — a lot more than four fabulous people.

An individual can join, or renew membership, for 2015 for only \$35. It's \$60 for a couple and \$100 at the Supporter level. We have just moved one of our offices and have more costs than usual to deal with. Every dollar helps!

Illinois' 10th Congressional District contains portions of both Lake and Cook Counties. We're **Here, There and Everywhere**, from Glencoe to Zion, from Des Plaines to Fox Lake, from Lake Michigan to Libertyville. To maintain such a presence, we need your support.

You might be saying to yourself, "**Tell Me Why** I should become a member of Tenth Dems." Well, **Because. The Long and Winding Road** to electing Democrats to local, state, and national office is not easy. **Eight Days a Week**, Tenth Dems volunteers perform essential tasks, including making phone calls, preparing mailings to voters, and going door-to-door with candidates. Members also write for our newsletter, organize issue forums, work on our website, coordinate our intern program, and serve as our liaison to other Democratic groups that share our political values.

Do You Want to Know a Secret? We know who **The Fool on the Hill** is, but we can't just **Let It Be**. Before the next election, Tenth Dems needs to educate voters across the district about the important issues and the candidates' records. Our grassroots efforts have been critical to electing Democrats throughout the 10th District and we're ready to do it again in 2016.

So Help! Sign up today for a 2015 membership. **With a Little Help From My Friends**, neighbors, and fellow Democratic volunteers, we can help Tenth Dems continue its important work and make Republican control a thing of Yesterday.

For more information about Tenth Dems, go to tenthdems.org, email contribute@tenthdems.org, or call 847-266-VOTE (8683).



Medicaid Expansion *continued from page 5*

This is the best deal ever offered by the federal government to Illinois and other states. For this reason, even the Republican states that have not expanded Medicaid are having second thoughts.

Already there are many wonderful stories of adults getting much-needed healthcare, sometimes for the first time in their lives. But this is not just altruism; healthier Illinois residents mean a healthier Illinois bottom line. The availability of high-quality health care under the Medicaid expansion means 541,000 more low-income residents will be able to get and stay healthier—and hopefully avoid admissions into costlier hospitals and nursing homes. This

is straightforward math: not paying on the front end translates to paying more on the back end.

Instead of criticizing the expansion, we should be celebrating the huge influx of federal money that provides health coverage for the previously uninsured; reduced uncompensated care (that is otherwise passed on to paying patients and taxpayers); and the positive effects on both the health and economy of Illinois.

This is no failure. It is nothing less than long-term success. **TD**

Julie Hamos was the Director of the Illinois Department of Healthcare and Family Services from 2010 to early 2015. This article appeared as an op-ed in the February 5 edition of the Chicago Tribune.