



FRIENDS OF THE MIDDLE NEWSLETTER #25 — NOV. 25, 2011

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America's Dysfunctional Congress

(posted by Steven W. Baker / SteveB, Nov. 25, 2011)

Today is a special day, not just because it's Black Friday. Starting today, **our Newsletter is being sent to every U.S. Congressman and Senator, the President, and the Vice-President**. Soon, we will expand daily distribution to include the Supreme Court (tough email addresses to find!), the 50 state governors, and top legislative leaders at the state level. If you have access to any of these or additional addresses, please let me know.

Now, I know not many actual congressmen are going to read our Newsletter, even though it represents real, mainstream American views and tons of important ideas. But some of the staff will read it sometimes, and, every once in a while, something might get passed up to the boss. Maybe we'll even get real replies sometimes. We shall see!

And since we have Congress on board today, I thought it would be a good time to bash Congress a little. After all, they are not doing their collective jobs. I believe the two articles which follow illustrate my point.

There's simply too much money involved in politics now for Congress to ignore it and do their job for the American people. We are obviously not a priority with those we so carefully elected.



PHOTO: LAWRENCE JACKSON/OFFICIAL WHITE HOUSE PHOTO
Congress at "work".

What Congress has done to fix the economy (Hint: Nothing) By Charles Riley, CNN/Money

Nov. 23, 2011, (http://money.cnn.com/2011/11/23/news/economy/congress_failure/)

The 112th Congress is not doing much to help the economy.

The super committee failed. Lawmakers failed to "go big" on a debt reduction package. Congress failed to preserve the country's AAA debt rating.

The list goes on: Congress couldn't pass a real budget. The government almost shut down on more than one occasion. Lawmakers pushed the nation perilously close to default.

And that's just the negative stuff Congress has actually done. By way of inaction, they have also failed.

"I give them a failing grade," David Kendall, a senior fellow at centrist think tank Third Way said before reconsidering. "Ok, I'll give them a 'D' because they did some deficit reduction. But even that was not done in a productive way."

The current Congress took power in January, when the economy was sputtering. It's still sputtering today.

The economy grew at only 2.0% in the third quarter, which is actually an improvement from 1.3% gross domestic product growth in the second quarter. The unemployment rate has been sitting at or above 9% since April, and higher than 8% for 33 straight months.

The besieged housing market has even further to fall before home prices really hit rock bottom — a triple dip. What has Congress done to help? Not much.

Congress has, to their credit, approved free trade agreements with Colombia, South Korea and Panama that have been in the works for years. And a bill designed to reform the nation's twisted patent system became law in September.

But vast areas of policy have gone untouched.

There is a reason for this: Lawmakers disagree on how to best promote growth. The two parties are miles apart on fiscal policy — and they love to fight about it.

America's Choice 2012

"This Congress has had a very difficult time getting its political footing," Kendall said. "It never seems to have gotten past this angry mob feeling. There is a lot of one step forward, one step back."

The intransigence of lawmakers has not gone unnoticed. President Obama, for example, changed his campaign trail slogan in response to Congress's inaction: "Yes we can" has become "We can't wait."

The American people noticed too.

Nearly seven in ten Americans think Congress has done nothing to address the problems facing America, according to a CNN/ORC International Poll released last month.

And a *New York Times* poll found that American's approval of Congress hit its lowest mark ever in October — only 9% approve of the way Congress is handling its job.

If you're keeping track, that's pretty bad. The Nixon White House, for instance, maintained an approval rating of 40% — more than four times Congress's current rating — during the Watergate scandal.

Now, for the future. There are a couple of stimulus measures set to expire at year's end: extended unemployment insurance and the payroll tax holiday.

Regulation: Not the job killer GOP says

Economists at Capital Economics said in a research note Monday that an extension of the measures "is becoming a more remote possibility" and that "the resulting fiscal contraction will cause a sharp slowdown in the first quarter of next year."

Some economists put the total potential drag on the economy at 0.5% of gross domestic product.

The White House is already pushing for their renewal — and pushing hard.

"Don't vote to raise taxes on working Americans during the holidays," Obama told Congress on Tuesday. "Put the country before party. Put money back in the pockets of working families. Do your job.'

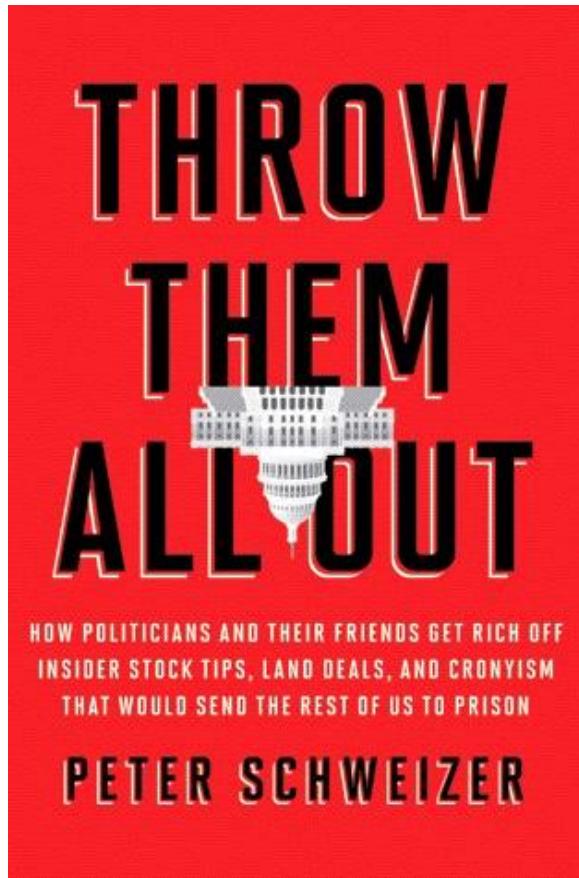
There is hope in Washington that the payroll tax cut will be extended — after all, letting the measure expire would amount to a tax hike.

"They have to salvage what's left of their reputation by doing something," Kendall said.

"The Wonk Who Slays Washington" by Peter J. Boyer, Newsweek/The Daily Beast

November 13, 2011 10:00 AM EST, (<http://www.thedailybeast.com/newsweek/2011/11/13/peter-schweizer-s-new-book-blasts-congressional-corruption.print.html>)

(Congress is getting rich off Wall Street, and Peter Schweizer won't stop until everyone knows it.)



In the Spring of 2010, a bespectacled, middle-aged policy wonk named Peter Schweizer fired up his laptop and began a months-long odyssey into a forbidding maze of public databases, hunting for the financial secrets of

Washington's most powerful politicians. Schweizer had been struck by the fact that members of Congress are free to buy and sell stocks in companies whose fate can be profoundly influenced, or even determined, by Washington policy, and he wondered, do these ultimate insiders act on what they know? Yes, Schweizer found, they certainly seem to. Schweizer's research revealed that some of Congress's most prominent members are in a position to routinely engage in what amounts to a legal form of insider trading, profiting from investment activity that, he says, "would send the rest of us to prison."

Schweizer, who is 47, lives in Tallahassee with his wife and children ("New York or D.C. would be too distracting—I'd never get any writing done") and commutes regularly to Stanford, where he is the William J. Casey research fellow at the Hoover Institution. His circle of friends includes some bare-knuckle combatants in the partisan frays (such as conservative media impresario Andrew Breitbart), but Schweizer himself comes across more as a bookish researcher than the right-wing hit man liberal critics see. Indeed, he sounds somewhat surprised, if gratified, to have attracted attention with his findings. "To me, it's troubling that a fellow at Stanford who lives in Florida had to dig this up."

It was in his Tallahassee office that Schweizer began what he thought was a promising research project: combing through congressional financial-disclosure records dating back to 2000 to see what kinds of investments legislators were making. He quickly learned that Capitol Hill has quite a few market players. He narrowed his search to a dozen or so members—the leaders of both houses, as well as members of key committees—and focused on trades that coincided with big policy initiatives of the sort that could move markets.

While examining trades made around the time of the 2003 Medicare overhaul, Schweizer experienced what he calls his "Holy crap!" moment. The legislation, which created a new prescription-drug entitlement, promised to be a huge boon to the pharmaceutical industry—and to savvy investors in the Capitol. Among those with special insight on the issue was Massachusetts Sen. John Kerry, chairman of the health subcommittee of the Senate's powerful Finance Committee. Kerry is one of the wealthiest members of the Senate and heavily invested in the stock market. As the final version of the drug program neared approval—one that didn't include limits on the price of drugs—brokers for Kerry and his wife were busy trading in Big Pharma. Schweizer found that they completed 111 stock transactions of pharmaceutical companies in 2003, 103 of which were buys.

"They were all great picks," Schweizer notes. The Kerrys' capital gains on the transactions were at least \$500,000, and as high as \$2 million (such information is necessarily imprecise, as the disclosure rules allow members to report their gains in wide ranges). It was instructive to Schweizer that Kerry didn't try to shape legislation to benefit his portfolio; the apparent key to success was the shaping of trades that anticipated the effect of government policy.

"Senator Kerry does not buy, sell, or trade stocks," says Jodi Seth, Kerry's spokeswoman. She notes that Kerry's holdings are in family trusts and managed by independent trustees with whom he does not communicate. Further, Seth says, Kerry is not a beneficiary of Teresa Heinz Kerry's trusts, which were established before they were married. In any case, Seth adds, Kerry was running for president when the Medicare bill was passed, and he missed much of the debate.

"It's not that I think John Kerry is calling up his broker, on health care, and saying, 'Buy this company, sell that company,'?" Schweizer says. "The issue is one of a double standard." He notes that if the executive of a health-care company were in discussions with the White House over pending legislation that would affect his industry, and then made a series of unusual stock transactions related to the industry, the SEC might well open an insider-trading investigation. "The only group in America that we exempt is politicians, who are probably the last people about whom we should be saying, 'Oh, we'll take their word for it,'?" he says. "That's what's so amazing to me."

The Kerry trustees' impeccable timing in drug company trades was evident again in 2007, when the federal government was weighing whether to discontinue Medicare reimbursement for certain anemia drugs used by cancer patients. When the government announced that it would limit reimbursements, shares in Amgen, one of the drugmakers at issue, dropped 15 percent. Kerry's wife happened to be an Amgen stockholder but avoided losses; her shares, valued at between \$500,000 and \$1 million, were unloaded more than a week before the government's announcement.

Schweizer, an unabashed conservative and a foreign-policy adviser to Sarah Palin, has written books about Reagan and the Bushes as well as polemics about the ruinous ways of liberalism. But this latest book is not an overtly partisan work; as the title, *Throw Them All Out*, suggests, it should discomfit conservatives and liberals, Democrats and Republicans, alike.

Indeed, Schweizer reports that, during the debate over Obama's health-care reform package, John Boehner, then the House minority leader, was investing "tens of thousands of dollars" in health-insurance-company stocks, which made sizable gains when the proposed public option in the reform deal was killed. ("There are laws and there are rules of the House, and they should be followed," a Boehner spokesperson tells *Newsweek*. "The speaker does not make those trades himself. He has a financial adviser in Ohio.")

One of the more dramatic episodes in the book recounts the trading activity of Republican Rep. Spencer Bachus, of Alabama, who, as the ranking member of the House Financial Services Committee, was privy to sensitive high-level meetings during the 2008 financial crisis and proceeded to make a series of profitable stock-option trades.

Bachus was known in the House as a guy who liked to play the market, and in fact he was pretty good at it; one year, he reported a capital gain in excess of \$150,000 from his trading activities. More striking is that Bachus boldly carried forth his trading in the teeth of the impending financial collapse, the nightmarish dimensions of which he had learned about first-hand in confidential briefings from Treasury Secretary Henry Paulson and Fed chairman Ben Bernanke. On Sept. 19, 2008, after attending two such briefings, Bachus bought options in an index fund (ProShares UltraShort QQQ) that effectively amounted to a bet that the market would fall. That is indeed what happened, and, on Sept. 23, Bachus sold his "short" options, purchased for \$7,846, for more than \$13,000—nearly doubling his investment in four days.

Around the time Congress and the Bush administration worked out a TARP bailout, Bachus made another options buy and again nearly doubled his money. The House turned down the TARP proposal, and Bachus's own Financial Services Committee remained clued in to revisions of what became the final TARP package. In the earlier closed-door briefings, Bernanke had warned the congressional members that a "meltdown in the global financial system" was imminent and that it would spill over into the broader economy if something wasn't done. With TARP completed, Bachus seemed confident in its effect, now buying options that effectively bet that the market would rise—to mixed results.

Bachus was hardly the only member of Congress trading as the government was coming to grips with the financial crisis. After the first briefing from Bernanke and Paulson, brokers for Democratic Congressman Jim Moran, of Virginia, and his wife sold their shares in 90 companies, dodging the losses that others who stayed in the market would soon face. Republican Rep. Shelley Capito, of West Virginia, sold between \$100,000 and \$250,000 of Citigroup stock the day after the first meeting, recording capital gains on Citigroup transactions in that rocky period.

When Schweizer began his project, he consulted a former securities regulator, who happened to have an office down the hall from his in Florida. The adviser told him that investigators always look for two things in insider-trading cases: whether individuals had access to material information and whether they engaged in unusual trading. There is probably no group of people on earth with greater access to inside information than members of Congress; K Street lobbying firms get rich fees from hedge funds for ferreting out intelligence (such as whether some pending legislation has the votes to pass) that any member of the Senate or House routinely obtains in the cloak room.

But there have been no insider-trading cases brought against members of Congress, nor will there likely be. This is partly because, though insider-trading law is not settled, case law usually requires that an offending insider bear fiduciary responsibility at the company involved. But Congress's relative immunity also owes to the fact that, in this regard, as in many others, Congress lives by its own rules. Schweizer notes that the Senate's ethics manual devotes an entire chapter to the proper use of the mail and of Senate stationery, but is silent on the subject of insider trading. Ditto the rules of the House, which state that a member's recusal from a vote affecting his or her stock portfolio "might be denying a voice" in the process. Neither the executive nor judicial branches allow such laxity.

But while congressional stock trading is condoned, some of the activity risks, at the very least, the appearance of impropriety. Nancy Pelosi, for one, will likely be answering questions about possible conflict-of-interest issues raised in Schweizer's study.

Pelosi and her husband, Paul, are reportedly worth \$40 million, with a significant stock portfolio. In the spring of 2008, when Pelosi was speaker of the House, Paul made a big play—between \$1 million and \$5 million—on Visa, the credit-card company. What was striking about the investment, apart from its size, was the price the Pelosis paid for it. The Visa initial public stock offering was one of the hottest of the decade, its price-per-share jumping from \$44 to \$65 just 48 hours after public trading began. But the initial public offering, at the \$44 price, was reserved for institutional investors and mutual funds, plus a select group of individual investors. The Pelosis bought their Visa shares in three transactions, the first of which—5,000 shares—came at the lower IPO price. This may have been just a piece of investment luck or an instance of Visa extending a friendly gesture to an important political figure.

Schweizer is happy to posit another possibility. The Pelosis acquired their IPO shares shortly after the introduction into the House of legislation that, if passed, would adversely affect Visa's business. Visa makes money by licensing its name to banks (which in turn issue the cards and charge customers interest) and by charging "swipe fees" to merchants who accept the card as payment. These fees paid by retailers range from 1 percent to 3 percent of the purchase amount every time a Visa card is used. The proposed 2008 law would have allowed retailers to negotiate lower fees with the major credit-card companies, who, gaining billions from those fees, predictably opposed the measure.

The bill passed through committee but never made it to the floor of the House. It eventually died, and two similar efforts also failed to reach the House floor. Congress did finally act on the issue two years later, as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act. By that time, the value of Pelosi's IPO shares had more than doubled, while the market as a whole had shown a double-digit decline.

Pelosi bridles at any suggestion that her financial holdings and her official duties were linked. Pelosi spokesman Drew Hammill notes that several other members of Congress also took advantage of the Visa IPO. The controversy, he insists, is a "preposterous idea" cooked up by "a right-wing hack."

Pelosi's office might have added that there was nothing illegal in the Visa trades, nor even a violation of House rules. But that is the point of Schweizer's book. Indeed, none of the special dealing in his study—which also looks at land deals and the cronyism associated with the green-energy loan controversies, such as Solyndra—is technically illegal. "They have legislated themselves as untouchable as a political class," he writes.

Washington does seem to live by its own laws of economics. The D.C. metro area has displaced Silicon Valley as home of the highest median income, at \$84,523 last year (compared with the national average of \$50,046). Earlier this month, a Roll Call study of congressional financial disclosures revealed that the net worth of members of Congress had grown by 25 percent since 2008, during a period in which the average American household has lost as much as 20 percent of its net worth.

Throw Them All Out arrives at a moment when the populist anger and resentment of the Tea Party and Occupy movements have melded into a kind of generalized outrage toward a system that seems geared to protect the interests of the few. Schweizer offers some prescriptions, including laws forbidding members of Congress from trading stocks of companies overseen by their committees, but he doesn't expect what he calls the "permanent political class" to reform itself.

What Schweizer says he does hope is that others will take up his mission—requiring only time, online access, and a willingness to wade through public databases—and eventually crowd-source reform. A Throw Them All Out campaign is an interesting prospect—a movement that both Sarah Palin and Michael Moore could embrace. Schweizer's motivation and his message could well be a credo that transcends partisan conflict.

"I was troubled," he says, "by the fact that the political elite gets to play by a different set of rules than the rest of us. In the process of researching this book, I came to the conclusion that political party and political philosophy matter a lot less than we think. Washington is a company town, and politics is a business. People wonder why we don't get more change in Washington, and the reason is that the permanent political class is very comfortable. Business is good."

FotM NEWSLETTER #25 (Nov. 25, 2011)—HYPERTEXT INDEX

DATE-ID	TIME	FROM	SUBJECT/TITLE
<u>20111125-00</u>		SteveB	America's Dysfunctional Congress by Steven W. Baker / SteveB ("The Wonk Who Slays Washington")
<u>20111124-01</u>	16:25	Phil	Fw: Socialism
<u>20111124-02</u>	17:26	SteveB	Re: Socialism (reply to Phil, above)
<u>20111124-03</u>	17:43	Phil	Re: Socialism (reply to SteveB, above)
<u>20111124-04</u>	17:45	SteveB	Re: Socialism (reply to Phil, above)
<u>20111124-05</u>	18:17	SteveG	Fw: Move to Amend Action: Abolish Corporate Personhood and Demand Democracy!
<u>20111124-06</u>	20:44	SteveG	Music: Buffy Sainte-Marie
<u>20111124-07</u>	22:26	Jim	Corporate Citizenship vs. Personhood

[20111124-01](#) 16:25 Phil Fw: Socialism

[Source of original email unknown. –SteveB]

An economics professor at a local college made a statement that he had never failed a single student before, but had once failed an entire class. That class had insisted that Obama's socialism worked and that no one would be poor and no one would be rich, a great equalizer.

The professor then said, "OK, we will have an experiment in this class on Obama's plan". All grades would be averaged and everyone would receive the same grade so no one would fail and no one would receive an A. (Substituting grades for dollars—something closer to home and more readily understood by all.)

After the first test, the grades were averaged and everyone got a B. The students who studied hard were upset and the students who studied little were happy. As the second test rolled around, the students who studied little had studied even less and the ones who studied hard decided they wanted a free ride too, so they studied little.

The second test average was a D! No one was happy. When the 3rd test rolled around, the average was an F.

As the tests proceeded, the scores never increased, as bickering, blame and name-calling all resulted in hard feelings and no one would study for the benefit of anyone else. [I don't believe this would happen most of the time. –SteveB]

To their great surprise, all failed, and the professor told them that socialism would also ultimately fail because, when the reward is great, the effort to succeed is great. But when the government takes all the reward away, no one will try or want to succeed.

Could not be any simpler than that.

[20111124-02](#) 17:26 SteveB Re: Socialism (reply to Phil, above)

Not that I don't thank you and love having this email in my collection...

Oops! Debunked as a total myth by Snopes.com. Not that some professor couldn't have done this at some point in time, I suppose, but there's no evidence of that. Why would he be so anonymous, if genuine?

<http://www.snopes.com/college/exam/socialism.asp>

Let me tell you more little more about the much more insidious lies this email contains:

1. The person who wrote this gives the impression that if you don't agree with the students (who were proven wrong), then you must agree with whatever radical right agenda the writer wishes to perpetrate upon the American people. (The only specifics given are that it sure isn't socialism and the five numbered points at the end which, according to Snopes, were not part of the original email.)
2. If you agree with the students, then you are a complete socialist (with Obama and the students) and proven wrong by the class experiment. This assumption is false.
3. Jeez, this guy wants to put us in a place where we have to admit that Obama is a socialist and socialism doesn't work. The class proved it doesn't work, right?
4. The problem is, Obama is not a socialist, yet he believes in redistributing some of the wealth. He is actually a rabid capitalist, who realizes as well as any of us that free enterprise is the engine of our economy, now made sick by the Bush-era banking and housing debacles. What happened during the Bush years was a lack of free markets, controlled by the rich and powerful. I believe in wealth redistribution through taxation. So do you, probably. So has the entire country for almost 100 years. No one really thinks it's socialism. It's the American way.
5. No one, not even true socialists (wherever the heck they might be), want government to "take all the reward away". This would be sort of extreme, wouldn't it? Did you see that happen in the USSR, Cuba, or China, for instance. Not to that degree, even if to too far a degree.
6. Therefore, the two positions in question, the author's mysterious right-wing agenda, and the rest of us, including the students, Obama, me, and probably you, are not the opposite of each other, even though the author wants to pretend that they are.
7. To oppose Republicans, to oppose this alleged "professor", to favor progressive income taxes and government regulation of big corporations, big banks, and big money IS NOT TO BE A SOCIALIST. IT IS TO BE A NORMAL AMERICAN. LIKE YOU AND ME.

THIS EMAIL IS A PACKAGE OF NOTHING BUT TOTAL LIES.

Now I want to hear your true thoughts.

20111124-03 17:43 Phil Re: Socialism (reply to SteveB, above)

I didn't believe that drivel for a moment, but it's fun to send out just to enflame the emotions!

20111124-04 17:45 SteveB Re: Socialism (reply to Phil, above)

Yer such a hot dog! :-)

20111124-05 18:17 SteveG Fw: Move to Amend Action: Abolish Corporate Personhood and Demand Democracy!

The national campaign to Abolish Corporate Personhood and Demand Democracy. The time has come!

from Move to Amend (<http://movetoamend.org/>):

Move to Amend has led the call for a Constitutional amendment to not only overturn the heinous Supreme Court decision of *Citizens United v. FEC*, but to put corporations in their proper place as subservient to The People.

Passing an amendment will be a tough job, so the language must be commensurate with the effort needed to win. The amendment must be strong and clear enough to end corporate rule - there's no room here for half solutions or ambiguity.

Move to Amend's proposed amendment (<http://movetoamend.org/amendment>) will clearly establish that money is not speech, corporations are not people, and allows for no loopholes. Our amendment will put people in charge of our government, and corporations in their proper place.

Tune in to Thom Hartmann's show today where we'll unveil our amendment proposal and discuss our strategy to get it passed: <http://www.thomhartmann.com/>

We've spent the last two years listening and organizing at the grassroots level. Our amendment reflects what we have heard from Americans across the nation - our country is ready for a change that is bold and sweeping.

But is Congress ready?

It is our belief that we need to operate on the assumption that once an Amendment comes out of Congress we won't get another shot. So we MUST get it right!

In the months ahead it will be important that we not let our goals be diluted by our legislators in Washington or organizations who have their ear, even those that mean well and want to see reform in our political system.

You've probably heard by now about the flurry of amendments introduced in Washington, DC in the past month.

With many competing proposals, it can be confusing to figure out what is what in terms of what the proposals will actually do. We have prepared a summary of each of the amendments proposed (<http://movetoamend.org/other-amendments>), including what is missing from each one.

In the weeks to come we will be sharing our strategy to win our bold and yet common sense amendment. We know we still have a long way to go, but the tide is turning in this country and Move to Amend intends to ride it to victory.

We thank you for coming this far with us already, and we urge you to take a next step:

Move to Amend is a grassroots organization. Local Move to Amend Affiliates are spreading across the country. Is it time to start one in your community?

Occupy the Courts, Liberate the Law! is our call to action on January 20 for the second anniversary of the Citizens United decision. Communities across the nation are joining in, including folks at Occupy Wall Street and several other Occupy sites. Will you stand with us on January 20?

Move to Amend and several partner organizations hosted over 200 house parties across the nation last month to plan local action in 2012. The next round of these meetings will be the week of December 13. Will you host a gathering of your friends to take action?

Move to Amend is in it to win it, over the long haul. We know you are too. Thank you for your support, and your partnership.

Yours for democracy, Kaitlin Sopoci-Belknap, David Cobb, Nancy Price, Lisa Graves, Laura Bonham, Ben Manski, Jerome Scott and George Friday, Move to Amend Executive Committee

PS - Our Amendment needs a name! [Help us brand this amendment and make it a household name](#). What do you think the amendment should be called? We want to hear from you!

Move to Amend Coalition, P.O. Box 260217, Madison, WI 53726-0217
End Corporate Rule. Legalize Democracy. Move to Amend.

20111124-06	20:44	SteveG	Music: Buffy Sainte-Marie
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Worth a listen:

<http://www.youtube.com/watch?v=XKmAb1gNN74>.

[I love it! –SteveB]

20111124-07	22:26	Jim	Corporate Citizenship vs. Personhood
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I just finished a new science fiction book which I did not like very much and would not really recommend, but it did have one interesting concept as a side issue.

Corporations were recognized as citizens but were subject to social audits as well as financial audits to see how they were performing their roles as citizens.

I wonder how most of our big names would fare if all their polluting, child-labor, corner-cutting on safety, dumping pension obligations on the government, mortgage frauds, paying bribes, etc were on a public report card.

—Friends of the Middle,
Steven W. Baker (SteveB), Editor/Moderator

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Welcome to all our new members who may be here for the first time. We want to hear from YOU! To submit your comment, you can use the form on our website or blog, or reply to this email with your two cents worth. Be sure to sign with your desired user name.

Your email address will always be kept strictly confidential.

Feel free to forward this Newsletter to anyone you know on the Right or the Left, though your motives might be different in each case. Regardless, PASS IT ON! Help keep your friends and acquaintances informed and thinking.

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