

## [The Deceptive Misuse Of Legislator Voting Records](#)

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### **Introduction**

The “debates” in the traveling Republican Presidential Primary Circus are under way. (It is a “circus” because there are between [seventeen](#) and [38](#) candidates.)

These are not the [Lincoln-Douglas debates](#), in which the candidates presented their true views and positions on issues. Debates have become “debates,” as partisan so-called “journalists” with their own agendas, instead of seeking the truth, focus on issues more important to them than to the candidates or the public and try to trap candidates they oppose into making embarrassing statements. Far worse, more than ever, most candidates are professional liars who seek to mislead voters about where they stand on crucial issues; and about what they have done in the past and would do in the future if elected.

At least one former and four current senators, as well as a former representative, are running. Unfortunately, well-intended but easily misunderstood roll call voting analyses often enable legislators to lie about their true positions instead of revealing them, thus doing more harm than good.

When articles in [May](#) and [June](#) compared Marco Rubio unfavorably to Ted Cruz and criticized Rush Limbaugh for effusively praising Rubio, it was pointed out that both Rubio and Cruz then had equally perfect 100% conservative senate voting records. (That minor changes in the scores regularly occur does not alter this analysis.) Moreover, when RINO John Boehner was chosen by his professedly conservative colleagues to be Speaker of the House for a third term, he defended himself by laying claim to the eighth most conservative House voting record.

There are two possibilities. Rubio and Boehner critics are wrong. Or, there is something grievously wrong with roll call voting analyses and/or their use.

The latter position is taken and explained in the following extensively revised excerpt from an [article](#) written after the Boehner re-election

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Reactions to Boehner’s re-election paid scant attention to its implications for representative democracy.

There is now no way for a majority of voters to obtain representatives who will represent them; and no way to compel a purportedly representative government to comply with their clear wishes on matters they consider most crucial. [Angelo Codevilla’s](#) contention has been confirmed again. America is now lorded over by an oligarchic [Ruling Class](#). Republicans are indistinguishable from Democrats. That includes corruption, as Cruz dared to point out. There is currently no place to go for the voting *majorities* who resoundingly rejected Obama Care in 2010 and, according to Obama himself, disapproved [all](#) his policies in 2014.

Due largely to Boehner, firmly and clearly stated campaign promises on the most important issues have been repeatedly and defiantly broken. In the 2014 campaign, Democrats nearly tore their hair out when our ultra-egotist president [declared](#): “I am not on the ballot this fall ... But make no mistake: [my] policies are on the ballot. Every single one of them.” Well, those policies were clearly rejected. Conservative voters are painfully aware of what happened: nothing; absolutely nothing!!

### **Not All Roll Call Votes Are Created Equal**

Less than one month after he [rammed through](#) the infamous Cromnibus bill and two days after being

re-elected, Boehner held a press conference that merits a prominent place in the museum of memorable denials, such as [Nixon's](#) "I am not a crook" and [Clinton's](#) "I did not have sexual relations with that woman." The Speaker effectively [declared](#): "I am not a spineless establishment squish."

Objecting to opposition from the right, he laid claim to "the [eighth most conservative voting record](#) [,]" illustrating how unreliable roll call votes are in assessing a legislator's performance.

- First, roll call voting records do not reflect duplicitous non-vote actions. They do not record the RINO Speaker's strong-arm tactics. And they do not reflect Senator Rubio's [zealous advocacy](#) of illegal immigration, arm in arm with senators who despise conservatives. Again, there is something seriously wrong with any analysis that ranks as equally conservative: (1) a senator who fought for and promises, as president, to keep illegal immigration; and (2) a senator who courageously raised a point of order against it to force his hostile colleagues to go on record.
- Second, legislators routinely deceive voters by relying upon their unawareness of the importance of procedural votes, [critical](#) in determining actual policy but often excluded by those who classify voting records as "liberal" or "conservative." For example, the House has a Rules Committee that writes resolutions determining if, when and how controversial bills are considered. But the full House must approve a rule before a bill can be debated and voted on. Lying legislators often vote liberal on rules and conservative on bills. As will be explained, two blatant examples occurred when Boehner saved Obama Care and largely nullified the 2014 election.
- Third, raw numbers mask the vastly differing importance of issues to voters. When polled, voters often express opinions, without much thought, on issues they care little about if they care at all. But other voters feel so strongly about the same issues that they will not only express opinions but cast votes based solely on them. A prime example of votes determined by one issue is Obama Care. Countless polls have documented its unpopularity. Few would deny its transcendent importance or that the 2010 and 2014 Republican successes were based largely on promises to get rid of it. 2014 also included promises to block unconstitutional Obama amnesty for illegal aliens. *More than any other member of Congress, Boehner has been responsible for breaking these promises.* As a reward, pretend-conservative Republicans kept him in place!

2,813 recorded House votes occurred during the first four full years of Boehner's reign ([here](#), [here](#), [here](#), [here](#)). As will be explained, a handful, perhaps four, mattered more than all the others: the Rule that enabled the Cronibus 2014 election nullification, the Rule that saved Obama Care, and the two votes that made Boehner Speaker.

### **Record Votes and Criminal Records**

Consider this analogy. When the Constitution was nearly two centuries old, justices suddenly decreed that it gave **convicted** murderers a never-before-noticed right to present **any** evidence they wish that "[mitigates](#)" (pp. 27-46) what they did, to show that their lives are [worth more](#) than the innocent lives they robbed and additional lives they may rob if kept alive. So almost every day, defense lawyers introduce "mitigating" evidence: my client committed an act of brutality, yes – but he also won a dance contest. And he was in the Boy Scouts. And he helped elderly ladies across the street. And he is a good father and always was good.

On June 3, Lester Leroy Bower was finally executed after denials of [two more](#) of [numerous](#) applications and petitions to the United States Supreme Court. But Bower gave Justice Breyer another chance to expand his record of [extreme](#) and [absurd](#) (p. 47) cries and tries to spare the most brutal murderers. Despite [overwhelming](#) (9) evidence against Bower resulting in his conviction and death sentence for four brutal premeditated execution-style murders (in 1983!), Breyer (joined by Justices Ginsburg and Sotomayor) [argued](#) that Bower's life should have been spared because, at the time of the murders

*he was 36 years old, married, employed full-time, and a father of two. He had no prior criminal record. ... the jury also heard about Bower's religious devotion, his commitment to his family, his community service, his concern for others, his even temperament, and his lack of any previous violent (or criminal) behavior.*

Do any or all good deeds remotely compare to even one torture-rape/murder? Bower was 36 years old, at least 13,140 days, when he committed four murders. Now, let's accept Breyer's view that Bower was wonderful on 13,139 days. That means Bower had an exemplary record for 99.99 percent of his life.

The short response to the 99.99% is: so what! An overall good record means little if there are also exceedingly bad deeds. This applies to legislators as well as to murderers.

### **Back to Roll Call Votes**

One roll call vote on the most important issue in decades cannot – or should not – be excused by an overall good record on issues far, far less meaningful—and often wholly meaningless. For conservatives, three matters are more important than all others, and perhaps more important than all others combined: Obama Care, amnesty for millions of alien lawbreakers and the nullification of election victories in which they had invested so much expectation, passion, labor and money.

That is why, it is contended here, perhaps four roll call votes mattered more than all the others: the Rule that saved Obama Care, the Rule that enabled the Cromnibus 2014 election nullification (including funding Obama's unconstitutional and unlawful amnesty), and the two votes that made Boehner Speaker.

Speaker-election votes matter more than most because the Speaker wields power over *all* other votes. Boehner has thwarted the solemn promises that resulted in majorities that made him Speaker, by blocking all serious efforts to halt Obama's unconstitutional abuses of power, effectively approving and enabling these abuses. The American people now suffer a bizarre combination of [authoritarian rule](#) over the House with an [iron fist](#) in order to kowtow to an iron-fisted president on the most critical issues.

### **The Rules Ruse: Misleading Roll Call Vote Analysis**

Fewer than eight months after Obama Care became law over five years ago, the voters expressed their opposition by giving Republicans control of the House, resulting in Boehner becoming Speaker. Yet three months after the 2010 election and still less than a year had elapsed, he immediately used his new power to squelch promises to undo Obama Care, thereby taking co-ownership of that law for most of the period it has been on the books and responsibility for all the hardships and shocks it has caused and will cause to millions of Americans. Biased media will never use the truly descriptive term: Obama-Boehner Care. This policy, as well as Obama-imposed/[Boehner-approved](#) unconstitutional [amnesty for law-breaking](#) by millions of aliens, must be seen as two of the most critical oligarchical ruling class betrayals of the early 21st century.

Boehner's autocratic complicity in these unpopular policies renders irrelevant any overall roll call voting record he may cite to fool voters. Is it surprising that substantial majorities of the voters who produced a Republican Congress did not want Boehner retained as Speaker? The [last](#) poll prior to his re-election came after one of the most important votes of Boehner's cowardly House suzerainty, in which he [begged](#) President Obama to round up Democratic votes for Cromnibus in defiance of opposed Republican voters. As described by Rep. Jim [Bridenstine](#), this *lameduck*

*\$1.1 trillion spending bill ... funded the government for 10 months and blocked our newest elected Republicans from advancing conservative policy and delivering on campaign promises. [Boehner] gave away the best tool available to rein in our liberal activist President: the power of the purse[,] Congress' Constitutional strength.... Boehner went too far*

*when he teamed with Obama to advance this legislation. He relinquished the power of the purse....*

It is critical to emphasize the immensity of this renounced power. The U.S. Constitution clearly [states](#): “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.” This is a grant of *absolute power*, not just to Congress but to each of its houses. Although two thirds of each house of Congress can override a presidential veto, if a simple majority one house *resolutely* refuses to appropriate money, there is nothing that the president or the other house can do about it. Period!

### **The Scorecard Trap**

Significantly, Boehner’s lameduck Cromnibus surrender required *two* recorded votes, illustrating the trap of relying on roll calls to assess legislative performance. Much was made of Boehner’s begging Obama to corral Democrat support because [67 Republicans](#) had voted [against](#) passage. Many of them were actually praised by gullible conservatives. However, prior to voting on the bill, there had to be a [vote on the Rule](#) allowing it even to be considered.

Not one Democrat voted for the Rule and [only 16 Republicans](#) voted against it. If one more Republican had voted “No” on the Rule, the bill would never have been voted on, let alone passed. Thus, 51 Republicans had it both ways. They voted for the Rule allowing consideration but against final passage. They thus tricked many into thinking they had voted conservative, despite having helped RINO Boehner stab conservatives in the back.

Consider Heritage Action, which [states](#) that its Scorecard “show[s] how conservative Members of Congress are[;] track[ing] how lawmakers vote on key measures, *including the [procedural](#) votes where their true preferences are often revealed.*” [Emphasis added.] With apologies if wrong, this writer could find only the [final](#) Cromnibus passage vote but not the key Rule vote on Heritage Action’s 113th Congress [Scorecard](#). Moreover, the pre-voting Heritage Action [Alert](#) did not even mention the Rule vote. Of what use is a scorecard that omits the [most important vote](#) of 2014 and enables legislators to pretend they are on the side of the very voters they betrayed? Arguably, this is worse than being of no use at all. It does harm by enabling representative government to be undermined by dishonest unrepresentative representatives.

Trey Gowdy, [inexplicably](#) touted for Speaker by such conservatives as [Sean Hannity](#), was among the both-ways Republicans and [supported](#) Boehner’s re-election. Rep. Bridenstine was, regrettably, among Cromnibus’ both-ways Republicans. Despite its central role in determining the content of legislation, his “Communications Director” [downplayed](#) the significance of the Rules vote, which made the difference between relinquishing the power of the purse and blocking that surrender. In sum, Bridenstine voted to approve voting on what he then voted against and professed to be his reason to vote against Boehner. Like [John Kerry](#), Bridenstine was for Cromnibus before he was against it. That does not mean his powerful quoted statement was wrong. What was wrong was his vote enabling a vote on Cromnibus in the first place.

Cromnibus is thus one classic illustration of both the Rules Ruse and harmful rather than helpful roll call vote analysis. Another little noticed yet major use of Rules to deceive conservatives occurred February 15, 2011. The Rules Committee held a painful-to-watch [hearing](#) that prevented a House vote on Rep. Steve King’s amendment to defund Obama-Boehner Care. Rep. Virginia Foxx claims to be an Obama Care opponent and [cites as evidence](#) (0:26) her utterly meaningless show-votes to repeal it.

From the January 2011 onset of RINO House control until March 21, 2014, Republicans “[voted 54 times](#) to undo, revamp or tweak” Obama Care. Yes, this gave them a chance to show that they were “doing something.” The key word is “show.” When it came to doing something meaningful, such as cutting off funds, they were AWOL. There cannot be a better example of political frauds using roll call votes to deceive voters!

In any event, when actual [Obama ally](#) Foxx, revealing or feigning ignorance of basic high school civics, triumphantly [asked](#) (1:38) King what the Senate would do to his amendment, he patiently explained: "there is not a dime that can be spent by the federal government unless the House concurs" (2:01). On what was truly significant, granting King a Rule permitting a vote to defund Obama Care, the professed opponents opposed the true opponent. As directed by Boehner, all eight Rules Committee Republicans not only voted against King's proposed rule to defund Obama Care, but they also unctuously lectured him while disingenuously praising his courage. Also, in addition to Foxx, Tim Scott, a favorite of many conservatives, voted against King. Scott was later elevated to the Senate.

Compare King to would-be president [Jeb Bush](#), a stronger advocate of pre-emptive surrender than Foxx:

*I'd just add a little dose of reality. If you control one-half of one-third of leverage in Washington, D.C., your ability to influence things are [sic] also relative to the fact that you have one-half of one-third of the government ... politically it's quite dicey for the Republican Party.*

Note the fear of "dicey" reality "for the Republican Party." RINO reality is fear and appeasement. And the fear is for the welfare of the Republican Party, not that of the country.

Condescending lectures pretending to be "realistic" fail to note the *critical distinction* between *enacting and blocking* legislation. The Constitution was designed to impede the former and facilitate the latter. Blocking funds for Obama-Boehner Care does not require enacting anything. It simply requires refusal of 50.1% of "one half of one third of the federal government" to use its absolute power to refuse to appropriate money by law. RINOs live in fear (when not bullying professed conservatives who live in even greater fear). It tellingly illustrates this fear that the likes of Jeb Bush quake at hallucinations that the president or the senate could reject what a majority of voting representatives have not approved.

And perhaps worst of all, when roll call vote analyses omit votes on Rules that would permit blocking funding for Obama Care or any other bad legislation or executive lawlessness, these analyses tell only half the story, are very misleading and enable all kinds of lying by legislators pretending to be exactly the opposite of what they are.

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Conservatives should rethink the use and citation of roll call voting records. These records enable legislators to pretend to be more conservative than they are; some are not conservative at all on unnoticed yet decisive votes that matter most.

As argued [elsewhere](#), campaign lying undermines representative government. Roll call voting records often facilitate that lying on the issues most critical to conservatives. At a minimum, these records should be used with extreme caution. Unless a better job is done to include the most important votes and to differentiate the important from the unimportant, these analyses should not be used. And when used, they should only be considered a small part of a legislator's overall record rather than being mistaken for the entire record.

*Copyright © 2015 by [Lester Jackson](#), Ph.D., a former college Political Science teacher who views mainstream media suppression of the truth as essential to harmful judicial activism. His recent articles on the U.S. Supreme Court, capital punishment, and American Politics are collected [here](#) and [here](#).*