

A Constitutional Report Card on the 9/12/2011 CNN/Tea Party Republican Presidential Debate

Prepared by Vision Forum Ministries

BACKGROUND: On September 12, 2011, eight Republican candidates squared off for the sixth Republican presidential debate of this election cycle. The purpose of this document is to provide a report card that will help Christian families evaluate the statements made by the candidates during that debate from a constitutional perspective. This report card is limited in its scope in that it only addresses issues specifically on the table during the September 12 debate. The scores are based on the actual statements made by the candidates during that debate. Candidates' comments are taken at face value and evaluated without regard to their past statements or policy records, unless the candidates or those posing the questions specifically addressed the past statements and previous policy record of the candidate. Nothing in this report card should be construed as advocacy for a specific presidential candidate.

During the debate, questions were fielded from Tea Party chapters across the United States, from the live audience, and from participants over the Internet. The debate questions ranged from Social Security and health care to the legitimacy of the Federal Reserve and the use of executive orders. The first act of every president is to swear an oath to uphold and defend the United States Constitution. This report card is intended to score each of the eight candidates, on the basis of their own answers, on whether or not their proposals, as stated, are in keeping with their potential duty to uphold and defend the United States Constitution.

Candidates	- CONSTITUTIONAL -													
	BALANCED BUDGET SOCIAL SECURITY	ECONOMY PRO-BUSINESS	FEDERAL RESERVE FAIR TAX SUPPORT	EXECUTIVE ORDERS HEALTHCARE COSTS	ILLEGAL IMMIGRANTS LATINO VOTER BASE	ENERGY DEFENSE	DEPENDENCE SPENDING	FINAL GRADE						
R. PERRY	C+	F	C+	-	F	-	-	F	C	D	-	-	D	D
R. PAUL	C	A+	B+	-	-	-	-	A	A+	-	-	-	A+	A
M. BACHMANN	F	A+	C+	-	F	-	-	A	A	-	A	-	-	B
R. SANTORUM	F	F	-	-	F	-	-	C	-	C+	B	-	F	D
J. HUNTSMAN	F	-	C	F	-	F	-	-	-	-	C	-	A	D
M. ROMNEY	F	F	C	-	F	-	F	-	F	-	B	-	-	D
H. CAIN	C	-	C	C	F	-	-	-	C	-	-	A	-	C
N. GINGRICH	F	B	C	-	-	C	-	-	-	-	-	-	F	D

* Each candidate is scored on the basis of his or her answers in this debate alone. To score an (A) the candidate only need to provide an answer that will not in some way violate the United States Constitution.

Question #1: How will you convince senior citizens that Social Security and Medicare need to be changed, and get their vote?

The Constitution of the United States only authorizes the United States government to carry out a limited number of functions. If the Federal government exercises a power that is not specifically authorized in the United States Constitution, the exercise of government power is unauthorized and invalid. Most constitutional scholars claim that programs such as Social Security, Medicare, and Medicaid are authorized under Article 1, Section 8, which provides, "Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States." This is known as the taxing and spending clause. However, the taxing and spending clause does not provide Congress with an unlimited power to raise taxes, duties, imposes, and excises for any legislation thought to fall within the general welfare of the United States. The general welfare clause in Article 1, Section 8 is not a power in and of itself; it must be paired with one of the constitutionally enumerated powers of government in order to be valid. Money raised by Congress may only be allocated for a limited number of purposes and may only be used to finance a legitimate constitutional function of federal government. The United States Constitution is a document that models decentralized governmental power, and is inherently non-socialistic in its construct. Social Security, Medicare, and Medicaid are examples of socialism and wealth redistribution programs. The United States Constitution does not provide the United States Congress with the power to initiate and fund Government social welfare programs such as Social Security, Medicare and Medicaid. Each of these programs is an unconstitutional government intrusion into the lives of Americans. Furthermore, the centralization of power by the federal government over these programs is a violation of provisions within the Bill of Rights, including the Ninth and Tenth Amendments.

Representative Michele Bachmann (R-MN):

Representative Bachmann said the United States government made a promise to senior citizens, and that promise must be kept. "These are programs that need to be saved to serve people, and in their current form, they can't." She alleged that these government programs need to be reformed so they can work properly.

Constitutional Grade: F

Governor Rick Perry (R-TX):

Moderator Wolf Blitzer pointed out that in the past Governor Perry has called Social Security a Ponzi scheme, an absolute failure, and unconstitutional, but then he wrote an article in USA Today saying it must be saved and reformed. Governor Perry explained that he believed a conversation about the legitimacy of Social Security as a federal program should take place. Governor Perry favors a plan in

which Social Security is reformed and would continue for a time and then would slowly transition from a federal government program to a state government program.

Constitutional Grade: C+

Former Governor Mitt Romney (R-MA):

Governor Romney criticized Governor Perry for calling Social Security a Ponzi scheme and for writing in his book that Social Security is unconstitutional and a program in which the federal government should not be involved. Governor Romney favors refunding Social Security so that it will be a federal program our children, and not only our seniors, can depend on.

Constitutional Grade: F

Representative Ron Paul (R-TX):

Representative Paul stated that Social Security was bankrupt, broken, and on the verge of collapse. He was stopped by the moderator before he was able to finish explaining his plan for Social Security, but he did say that he favored a plan that would prohibit borrowing from Social Security to spend in wars and foreign aid programs abroad. Representative Paul also supports allowing young Americans the ability to opt out of Social Security.

Constitutional Grade: C

Businessman and Columnist Herman Cain:

Mr. Cain explained that his plan would not end the current Social Security system for the elderly, but allow young people to opt out of Social Security by allowing them to open Individual Retirement Accounts (IRAs). He criticized Governor Perry's plan to transition Social Security to the states, instead saying the responsibility should be placed in the hands of workers.

Constitutional Grade: C

Former Governor Jon Huntsman (R-UT):

Governor Huntsman said that the Republican Party already had a plan for these issues, but that what the party really needed was leadership. He said he supported the "Ryan Plan" for Social Security, which would preserve Social Security for those who are 55 and older and offer those under 55 the option of investing one-third of their current Social Security taxes into a personal retirement account. The plan

would increase the retirement age and aim to make Social Security a solvent government program.

Constitutional Grade: F

Former Speaker of the House Newt Gingrich (R-GA):

Representative Gingrich strongly criticized President Obama for not being able to guarantee Social Security checks to the elderly. He said he would save Social Security by creating more jobs that would fund it. Second, he would not change Social Security for those who opted to be in the system, but would offer the opportunity to opt out for younger people who prefer to set up personal retirement accounts.

Constitutional Grade: F

Former Senator Rick Santorum (R-PA):

Senator Santorum did not specifically state his plan for Social Security or Medicare, but appealed to his bipartisan efforts in the past to save and fund Social Security.

Constitutional Grade: F

Question #2: What is your plan to balance the budget and get this spending under control? How do you protect seniors and balance the budget when so much of the budget goes for defense and entitlements like Social Security, Medicare?

The Constitution of the United States places the power over the federal budget for expenditures and debts solely on the Congress of the United States. The president has no legislative power and is bound to faithfully execute the laws passed Congress. However, the president also has what is sometimes referred to as the power of persuasion found under Article 2, Section 3 of the United States Constitution. He may recommend that Congress consider certain measures that he judges to be necessary and expedient. In extraordinary circumstances, he may convene Congress for a special session. The constitutionality of federal social welfare programs like Social Security and Medicare were discussed in response to question one.

Former Speaker of the House Newt Gingrich (R-GA):

Representative Gingrich stated that the idea that the budget was not balanced because of expenditures on defense and other programs is Washington mythology. The real problem is government waste and a lack of modernization. Representative

Gingrich stated that modernizing the federal government would save more than \$500 billion per year. Between \$70 billion and \$120 billion per year is lost to fraud in Medicare and Medicaid. Representative Gingrich would balance the budget by modernizing the government and trimming government waste.

Constitutional Grade: B

Former Senator Rick Santorum (R-PA):

The moderator pointed out that while in the Senate, Senator Santorum voted for prescription drug benefits for seniors, costing taxpayers approximately \$1 trillion. The moderator then asked Senator Santorum if he would seek to repeal that law. Senator Santorum said that he would seek to keep the law, but would seek to fund it more effectively. He then suggested that the law should be considered a success, because although it has cost \$1 trillion, it is 40% under budget. Senator Santorum supports the “Ryan Plan” for Medicare and Medicaid which uses private insurance companies to carry out government programs, enabling Americans to “have a prescription drug program and ...to have Medicare that you choose.”

Constitutional Grade: F

Governor Rick Perry (R-TX):

The moderator pointed out that it was President Bush, not President Obama, who pushed for prescription drugs for seniors. He then asked Governor Perry if he would seek to repeal those drug benefits. Governor Perry said that he would not seek to repeal those benefits, but that it was a \$17 trillion hole in the budget and that the difficulty is saving money and continuing to provide these services. He then suggested that he would seek to downsize government agencies and eliminate waste to save money and fund these government services.

Constitutional Grade: F

Former Governor Mitt Romney (R-MA):

Governor Romney said he would not repeal prescription drug benefits, but would seek to reform Social Security, Medicare, and Medicaid to preserve these government benefits for future generations. Governor Romney criticized his opponents for looking only to government waste. He proposed that more needed to be done, and that in addition he favored cutting spending, capping federal spending as a percentage of GDP at 20% or less, and passing a balanced budget amendment to the Constitution.

Constitutional Grade: F

Representative Ron Paul (R-TX):

Representative Paul stated he had voted against the prescription drug bill in the first place and that it is a government program that should have never existed. He went even further to say that cutting back government spending needs to occur in many other areas, including the \$1.5 trillion spent each year on unnecessary wars. Moreover, said Paul, "What we need to do is cut the Department of Education, Department of Energy and all these departments and get rid of them."

Constitutional Grade: A+

Representative Michele Bachmann (R-MN):

Representative Bachmann asserted that an entire principle has got to change. "For years politicians have run on the idea that government is going to buy people more stuff and that the federal government would be taking care of people's prescription drugs, their retirement, their health care, their housing, their food. That's the principle that has to change...We have to be an ownership society, where individual responsibility, personal responsibility, once again becomes the animating American principle."

Constitutional Grade: A+

Question #3: What would you do to get the economy moving forward? Do you have a plan? And if so, what is it?

The Constitution of the United States grants Congress a limited number of powers, under Article 1, Section 8 that residually effect industry and national economy. First, we have already mentioned, Congress has the power over the federal purse through the taxing and spending clause. Second, Congress is granted the power to regulate interstate commerce between the states. Under the presidency of Franklin D. Roosevelt, the commerce power was unconstitutionally expanded to include intrastate commerce also, along with virtually any activity commercial or non-commercial that could be shown to remotely effect commerce. This unconstitutional expansion of power has been used by Congress to regulate areas previously unreachable by the federal power under the Constitution. Third, Congress has the authority to exclusively regulate special areas of law such as maritime law, bankruptcy law, copyright law, and patent law. Finally, Congress has the sole authority to coin money and fix standards for weights and measures. A constitutional response to this question would require the candidates to affirm fidelity to the limitation of the federal government and to commit to widespread deregulation and defunding of those programs which are not clearly within the grant of power given by the United States Constitution to the federal government.

Former Governor Jon Huntsman (R-UT):

Governor Huntsman stated that he would continue the policies he implemented as Governor of Utah. He would begin by reforming the tax code by stripping it of the loopholes and deductions for individuals and lowering the tax rate. He would then remove corporate loopholes, deductions, and subsidies and lower the corporate tax rate. Governor Huntsman also said he would push for regulatory reform, which would bring more predictability to businesses, and that he would push for energy independence.

Constitutional Grade: C

Governor Rick Perry (R-TX):

The moderator pointed out that President Obama plans a series of tax cuts in order to stimulate the economy and create more jobs. Governor Perry criticized the president for spending more than \$800 billion on the first stimulus package and proposing to spend another \$400 billion or more on his new jobs plan. Governor Perry said his own plan would reduce spending, lower the tax burden, and lower the amount of regulation on business. He finished by saying, "I would suggest to you that people are tired of spending money we don't have on programs we don't want." Later, Governor Perry suggested passing federal tort reform at the federal level to save businesses money spent defending themselves against frivolous lawsuits. He also pointed out to Representative Paul that he had cut taxes in Texas by \$14 billion with 65 pieces of legislation.

Constitutional Grade: C+

Representative Michele Bachmann (R-MN):

The moderator pointed out that President Bush instituted across-the-board tax cuts while increasing spending, which increased the deficit substantially. Representative Bachmann criticized President Bush for spending trillions that the federal government was not able to pay for. She followed by pointing out that President Obama was doing the same thing. Representative Bachmann pointed out that she had opposed raising the debt ceiling to prevent out-of-control spending. She proposed bringing American industry currently overseas back to the United States by removing the tax burden on them. Additionally, she would seek to reform the tax code and repeal both Dodd-Frank and "Obamacare".

Constitutional Grade: C+

Businessman and Columnist Herman Cain:

Mr. Cain explained that he would throw the entire tax code out and replaces it with his “9-9-9 Plan” (a 9% business flat tax; a 9% personal income tax; and a 9% national sales tax). Mr. Cain explained that American businesses would begin to create new jobs if there were more certainty.

Constitutional Grade: C

Former Governor Mitt Romney (R-MA):

At the prompting of the moderator Governor Romney praised Texas for having no income tax, low regulation, being a right-to-work state, having a Republican-led Congress and Supreme Court, and for being an energy-producing state. Governor Romney then set forth seven steps to get America’s economy on track. One, reform the tax code; Two, reform regulations on industry; Three, reform trade policies to benefit America; Four, achieve energy security by developing our energy resources; Five, stop the Boeing decision that the NLRB put in place; Six, create institutions that create human capital; And seven, balance the budget.

Constitutional Grade: C

Representative Ron Paul (R-TX):

At the prompting of the moderator, Representative Paul pointed out that his taxes have doubled under the leadership of Governor Perry. Representative Paul criticized Governor Perry for tripling the state debt, doubling state expenditures, and creating 170,000 government employees. Representative Paul also went on to criticize the idea that tax cuts need to be paid for, which in essence is a philosophy that assumes government owns all of our income and gives us an allowance to live on. To get the economy moving, Representative Paul proposed to cut spending starting with our activities overseas.

Constitutional Grade: B+

Former Speaker of the House Newt Gingrich (R-GA):

Representative Gingrich stated that it must be understood that American people create jobs, not the Federal government. He said he would compromise on key principles to get legislation moving forward.

Constitutional Grade: C

Question #3b: Can a President be pro business and pro worker at the same time?

Businessman and Columnist Herman Cain:

Mr. Cain explained that he had worked at all levels of industry and learned that being pro-business and pro-worker are not mutually exclusive from one another. He then reasserted the need for tax reform and Social Security reform.

Constitutional Grade: C

Former Governor Jon Huntsman (R-UT):

Governor Huntsman asserted that America needs more jobs, and that the way to create jobs is through a mixture of tax reform, regulatory reform, creating a business-friendly environment, and providing socialized medicine without a mandate.

Constitutional Grade: F

Question #4: What is your position on the Federal Reserve? Should it indeed be audited and be held accountable by the American people?

The Constitution of the United States grants Congress the sole authority to coin money and fix standards for weights and measures in Article 1, Section 8. This duty has been completely abandoned by Congress. Instead, that power has been unconstitutionally vested in the Federal Reserve, a non-governmental private bank run by unelected officials. Moreover, Article 1, Section 9 of the United States Constitution prohibits any state from coining money, issuing bills of credit (paper money), or making anything but gold and silver coin a tender in payment of debts. Moreover, the Federal Reserve has been vested with powers of regulation that even the United States Congress does not have under the powers granted in the Constitution. (Oddly enough, the Fed is responsible for printing and giving weights and measures for an unsound paper currency that has no real value derivative to any real commodity. Yet several of the candidates openly place their trust in the Federal Reserve for maintaining “sound money” contrary to the Constitution.)

Former Senator Rick Santorum (R-PA):

Senator Santorum replied that he believed the Federal Reserve should be audited, and its charter for evaluating job growth should be removed. He stated that the Fed “should be a sound-money Federal Reserve. That should be their single charter.” Senator Santorum then went on to outline a means to bring manufacturing back to

America by reducing the corporate tax, which is 35%, to 0% for those businesses that manufacture products in America.

Constitutional Grade: F

Businessman and Columnist Herman Cain:

Mr. Cain stated that he supported auditing the Federal Reserve, but he did not support ending the Federal Reserve. According to Mr. Cain, the Federal Reserve has done a fine job for many decades maintaining “sound money” and now it merely needs to be fixed.

Constitutional Grade: F

Representative Michele Bachmann (R-MN):

Representative Bachmann said that as president she would not reappoint Federal Reserve Chairman Ben Bernanke. She complained that the legislation enabling the Federal Reserve is written so broadly that Congress has given the Federal Reserve almost unlimited power over the economy. The Federal Reserve has used this advantage to prosper off of America’s loss and advance its own private interest. Representative Bachmann would not end the Fed, but would drastically reduce its authority.

Constitutional Grade: F

Governor Rick Perry (R-TX):

Governor Perry criticized Ben Bernanke for allowing the Federal Reserve to be used for political purposes and to cover up bad fiscal policy by the Obama administration. He continued to stand by his comment that these acts were almost treasonous. However, Governor Perry then switched gears and stated, “I stand by this: that we need to have a Fed that is working towards sound monetary policy that creates a strong dollar in America.”

Constitutional Grade: F

Former Governor Mitt Romney (R-MA):

Governor Romney stated that the Federal Reserve has a responsibility to preserve the value of our currency. He said he would support an audit, but that the Fed was essential to maintaining the currency. Governor Romney went so far as to openly repudiate the provisions of the United State Constitution saying, “If we don't have a Fed, who's going to run the currency, Congress? I'm not in favor of that. I've rather

have an agency that is being overseen rather than have the United States Congress try and manage our currency.”

Constitutional Grade: F

Question #5: Out of every dollar that I earn, how much do you think that I deserve to keep?

The Constitution of the United States grants Congress the power “to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts [a compulsory fee] and excises [a tax on the manufacturing, sale, or consumption of goods within a country] shall be uniform throughout the United States” (Article 1, Section 8). In Article 1, Section 9, the Constitution originally forbid any “capitation, or other direct, tax [to] be laid, unless in proportion to the census or enumeration.” In other words, taxes were to be collected directly from the states apportioned according to the size of their population and not according to the size of their wealth. In this manner all states were to be taxed equally.

The Sixteenth Amendment to the Constitution changed this by providing, “The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.” The Sixteenth Amendment allowed for the federal government to levy an income tax directly without regard to the population of the state. Many constitutional scholars still point out that the current graduated tax system is unconstitutional since it appropriates an uneven and non-uniform tax burden throughout the United States, contrary to Article 1, Section 8.

Former Governor Jon Huntsman (R-UT):

Governor Huntsman reasserted that loopholes, deductions, and corporate subsidies should be removed from the tax code and that the tax burden should be reduced. Governor Huntsman suggested that the tax brackets for individuals be reduced to 8%, 14%, and 24%, and that the tax rate on corporations should be lowered from 35% to 25%.

Constitutional Grade: F

Former Speaker of the House Newt Gingrich (R-GA):

Representative Gingrich complained that President Obama was being hypocritical by suggesting that the government should close tax loopholes, but then at the same time talking about creating loopholes for green energy. The key to allowing individuals to keep more of their money is by creating incentive for domestic manufacturing and striving for energy independence. In addition, Representative

Gingrich is in favor of keeping the current tax cuts for workers and Social Security and Medicare recipients. He said he would not favor a tax increase “at any level for anyone.”

Constitutional Grade: C

Question #5b: Would you support the Fair Tax (a national consumption tax)?

Former Governor Mitt Romney (R-MA):

Governor Romney said that while the Fair Tax has some advantages the way it is structured, it has real problems. It reduces the tax burden on the wealthy and those below middle class, and places a huge burden on the middle class. Governor Romney said that instead he would favor dramatically reducing the tax burden only on the middle class. Under his plan, middle-income Americans would pay no tax on interest, dividends, or capital gains.

Constitutional Grade: F

Question #6: Under what circumstances should a president sign an executive order? And how frequently should such an order be signed?

The Constitution of the United States grants the President of the United States power to issue executive orders. It is important to keep in mind that Article 1 of the Constitution states that all legislative powers are vested in the United States Congress. The president has no law making-authority. Instead, he is obligated to insure that only the laws passed by Congress and signed into law by the president are executed. An executive order has no legislative ability in and of itself. Moreover, an executive order cannot be used as an ex post facto veto power after a bill has been signed into law.

Representative Ron Paul (R-TX):

Representative Paul acknowledged that executive orders have been grossly abused for many years, but that some executive orders are constitutional. The Representative pointed out, “The executive order should never be used to legislate. That is what is so bad.” He then promised that if elected president he would “never...use the executive order to legislate.”

Constitutional Grade: A

Governor Rick Perry (R-TX):

The moderator pointed out that as governor of Texas, Governor Perry issued an executive order requiring all girls aged 11 and 12 to receive HPV vaccinations to immunize them against sexual diseases which they might contract while engaging in premarital sexual activity. Thus the scope of the question expanded at this point to the very legitimacy of the government to force “sex” immunizations on twelve-year-old girls, a position that Governor Perry apparently favors. Apart from the question of executive orders, mandatory “sex” vaccines raise constitutional questions based on the First, Fourth, Fifth, and Ninth Amendments to the Bill of Rights.

The Governor said that he regretted issuing the order, that it was a mistake and he should have gone through the legislature. Amidst strong criticism from other presidential candidates, Governor Perry said that while it was a mistake to use the executive order in this manner, his intentions were good and the executive order was well intended. He further excused the HPV executive order by pointing out that it had an opt-out provision. The governor, responding to Representative Paul, said that if elected president he would use the executive order “to get rid of as much of ‘Obamacare’ as I can on day one.”

Constitutional Grade: F

Representative Michele Bachmann (R-MN):

Representative Bachmann criticized the idea that executive orders are used as a power to mandate without legislation. She compared Governor Perry’s executive order to an executive order issued by President Obama requiring insurance companies to offer the “morning after” pill free of charge. Later, Representative Bachmann pointed out that “Obamacare” could not be repealed by issuing an executive order.

Constitutional Grade: A

Former Senator Rick Santorum (R-PA):

Senator Santorum criticized Governor Perry’s executive order as big government run amok. Senator Santorum did not directly answer the question as to the proper use of executive orders, but implied that the Governor Perry’s order might have been justified without an act of Congress if it provided an opt-in and not an opt-out.

Constitutional Grade: C

Question #7: What is your plan to reduce the cost of health care so that our insurance premiums and other related costs can also be reduced?

The Constitution of the United States does not grant authority to any branch of government to fix the price of health care. This question is predicated on the assumption that the government has plenary power to regulate any industry that it pleases to promote the greatest good for the greatest number of people. As mentioned before, Congress is granted the power to regulate interstate commerce between the states. However, the application of the commerce power to regulate private industry and fix prices and services is an unconstitutional expansion of congressional power.

Businessman and Columnist Herman Cain:

Mr. Cain said that his first step would be to repeal “Obamacare” in its entirety. The second step would be to make reforms that are market-driven and patient-centered. For instance, he supports a tax deduction on health insurance premiums. In addition, Mr. Cain supports a loser-pays law that would cut down on frivolous medical malpractice suits. He would also restructure Medicare to reduce the cost passed on to consumers. Finally, he would allow for association health plans that would be organized and tailored to the needs of a particular industry.

Constitutional Grade: C

Former Governor Mitt Romney (R-MA):

Governor Romney said that he agreed with the proposals Mr. Cain had offered. He said the problem with the cost of healthcare is consumers’ lack of regard for the price of medical treatment. According to Governor Romney, the government should give market participants a stake in the price of medical care by helping them open health savings accounts. Governor Romney defended the “Massachusettscare” he pushed through as Governor of Massachusetts, but attempted to distinguish it from “Obamacare.” He said of “Obamacare,” “It’s a problem, it’s bad law, it’s unconstitutional; I’ll get rid of it.”

Constitutional Grade: F

Governor Rick Perry (R-TX):

Governor Perry pointed out that President Obama used Governor Romney’s “Massachusettscare” as a model for “Obamacare”. He stated that socialized medicine is wrong for the nation and was wrong for Massachusetts. However, Governor Perry stated that he believed it was a states’ rights issue and that states have the authority to decide whether they implement socialized medicine. Perry was criticized for saying even state-mandated socialized medicine would be an

unconstitutional deprivation of monetary property under the Due Process Amendment (14th Amendment).

Constitutional Grade: C

Representative Ron Paul (R-TX):

When asked by the moderator what should be done with an uninsured man who requires medical care, and who should pay for the medical treatment, Representative Paul responded that in a welfare-driven and socialist state the government pays for it. However, in a free nation the individual takes responsibility for the risk he assumes by not purchasing insurance. Prior to Medicare, said Paul, the charitable community paid the bills and hospitals never turned patients away. He said the reason for the high price of medical care is due to the government's involvement. "It becomes a bureaucracy. It becomes special interests. It kowtows to the insurance companies, then the drug companies.... There's no competition in medicine; everybody's protected by licensing. We should actually legalize alternative health care, allow people to practice what they want."

Constitutional Grade: A+

Representative Michele Bachmann (R-MN):

Representative Bachmann pointed out that waivers and executive orders would not overturn "Obamacare" because what one president could do, another could undo. Moreover, she criticized Governors Romney and Perry, saying, "No state has the constitutional right to force a person, as a condition of citizenship, to buy a product or service against their will. It's unconstitutional, whether it's the state government or whether it's the federal government." Representative Bachmann stated that the only way to eradicate "Obamacare" is by full repeal.

Constitutional Grade: A

Question #8: What would you do to remove the illegal immigrants from our country?

The Constitution of the United States grants authority to Congress to establish a uniform rule of naturalization (Article 1, Section 8). As mentioned earlier, the President of the United States is duty-bound to enforce the rule of law as it is established by Congress.

Former Senator Rick Santorum (R-PA):

Senator Santorum answered that immigration is the lifeblood of our nation and it should be encouraged. However, the United States has a problem with an unsecure border. Senator Santorum said that he would build a fence along the United States-Mexico border, and that the current laws should be enforced with regard to employers of illegal immigrants. He said these goals should be met before throwing people out or providing amnesty.

Constitutional Grade: C+

Governor Rick Perry (R-TX):

Governor Perry criticized the federal government for being an abject failure at securing the border. Governor Perry supports strategic fencing in metropolitan areas, but believes that building a fence across the entire United States-Mexico border is unrealistic. Governor Perry proposed a combination of 4,500 Border Patrol agents, aviation assets, and technology to secure the border. "The federal government has to step up and do what their constitutional duty is, and that is to secure the border with Mexico." Yet, the governor defended his position of providing in-state, publicly funded tuition for illegal immigrants in Texas while they worked on getting their citizenship even if this constituted a failure to uphold the rule of law. Governor Perry distinguished his plan from the Dream Act by asserting that it is a states' rights issue.

Constitutional Grade: D

Question #8b: What are the candidates doing to attract the Latino voters?

Former Senator Rick Santorum (R-PA):

Senator Santorum suggested that Latino voters should be attracted by teaching the importance of immigration in this country and by making English the official language of this country.

Constitutional Grade: B

Representative Michele Bachmann (R-MN):

Representative Bachmann criticized Governor Perry's in-state tuition program along with President Obama's Dream Act, saying, "I think that the American way is not to give taxpayer-subsidized benefits to people who have broken our laws or are here in the United States illegally. That is not the American way." Representative Bachmann supports continuing requiring immigrants to apply for citizenship with

sponsors so that they do not enter the welfare system. Furthermore, immigrants should be required to learn to speak the English language and study American History and the United States Constitution.

Constitutional Grade: A

Former Governor Jon Huntsman (R-UT):

Governor Huntsman said that the United States-Mexico border can and should be secured using a combination of fences, technology, and the deployment of National Guard troops. Furthermore, the former Governor pointed out that he supports opting for driver privilege cards in lieu of driver licenses so that they cannot be used for identification purposes. The former governor further stated that the biggest need is to reform the Department of Homeland Security.

Constitutional Grade: C

Former Governor Mitt Romney (R-MA):

Governor Romney said he would support building a United States-Mexico border fence, and is opposed to offering federal and state benefits to illegal immigrants. He is also opposed to providing driver licenses to those who live in the United States illegally. Governor Romney said that local and state police must be authorized to enforce immigration laws. “We have to recognize that this is the party that believes in supporting the law. We’re going to enforce the law.”

Constitutional Grade: B

Question #9: What will you do in your first 100 days in office to assure the American people that energy independence will finally become reality?

The Constitution of the United States does not grant authority to any branch of government to fix the price and services of the energy industry. The federal government has no legitimate constitutional plenary power to regulate the energy industry. As mentioned before, Congress is granted the power to regulate interstate commerce between the states. However, the application of the commerce power to regulate private industry and fix prices and services is an unconstitutional expansion of congressional power.

Businessman and Columnist Herman Cain:

Mr. Cain stated that the first step is to strive for energy independence by deregulating the industry. Cain stated that he would appoint a “regulatory reduction commission” that would begin by deregulating the EPA.

Constitutional Grade: A

Question #10: Do you plan to decrease defense spending to balance spending, or do you believe high spending is essential to security?

The Constitution of the United States grants the power to declare war solely to Congress. While the president is Commander in Chief of the armed forces, he does not have the authority to declare war or to engage in international conflicts without a declaration of war issued by Congress. Congress may raise and support armies, but no appropriation for that purpose shall be for a term longer than two years. According to Article 1, Section 8, Congress also has the sole power “To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; and to provide for organizing, arming, and disciplining the Militia...” A war or conflict occurring without an act from Congress, is unconstitutional.

Former Speaker of the House Newt Gingrich (R-GA):

Representative Gingrich stated that he believed America is at the edge of an enormous crisis in national security. He said that we have failed for a decade to deal with North Korea and Iran, and that further threats are developing in Egypt, in Turkey, in Mexico, in the Middle East, and in China. Representative Gingrich seemed to support an increase in America’s armament and efforts in nation-building abroad.

Constitutional Grade: F

Representative Ron Paul (R-TX):

Representative Paul pointed out that there is a difference between military spending and defense spending. Representative Paul criticized American militarism and suggested that the threats that face us are a product of our own failed foreign policy. Representative Paul said he would cut military spending, but not defense spending. He also criticized the fact that American troops occupy 130 nations in 900 bases around the world. Representative Paul favors pulling our troops out of Afghanistan. “There’s no authority in the Constitution to be the policeman of the world, and no nation-building.” He pointed out that Al Qaida had stated that the reason for their attack was because America had built bases on their holy land in Saudi Arabia, did not give Palestinians fair treatment, and had been bombing and killing hundreds of thousands of Iraqis for over 10 years.

Constitutional Grade: A+

Former Senator Rick Santorum (R-PA):

Senator Santorum rebuffed Representative Paul, saying that America was not attacked because of a failure in foreign policy. “We were attacked... because ... we have a civilization that is antithetical to the civilization of the jihadists.... We stand for freedom and opportunity for everybody around the world.” Senator Santorum supports the war and American efforts of nation-building to create freedom and opportunity around the world.

Constitutional Grade: F

Former Governor Jon Huntsman (R-UT):

Governor Huntsman said that the time has come to pull our troops out of Afghanistan. “We don't need a hundred thousand troops in Afghanistan nation-building at a time when this nation needs to be built.” Moreover, he stated the best way to help Afghanistan is to fix liberty, democracy, human rights and free markets in America. The population in foreign nations would be better served by American volunteer efforts.

Constitutional Grade: A

Governor Rick Perry (R-TX):

Governor Perry agreed with Governor Huntsman that it is time to bring American troops home, but stated that he believed it is important to have a continuing presence in Afghanistan. Moreover, Governor Perry supports sending foreign aid to countries in the Middle East and helping those nations build their infrastructure.

Constitutional Grade: D