

**THE  
BIDEN REPORT**  
FOR CATHOLIC VOTERS

*CatholicVote*

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# A Record of Appeasement, Surrender and Hostility

The winner of the Catholic vote has won every presidential election since 1976, with the exception of one. In 2016, Donald Trump defeated Hillary Clinton among Catholics 52-45. Today Joe Biden is running for president as a prominent U.S. Catholic with regular references to his faith and Catholic upbringing, citations of popes, and purported embrace of Catholic moral values.

The following report is a comprehensive examination of Joe Biden's 47-years in public life from a Catholic perspective. The report contains citations of interviews, speeches, videos, and media reports on 8 key policy areas of importance to Catholics.

## LIFE

Joe Biden's record on the sanctity of life, more than any other, most fully represents his transformation in public life, away from the core tenets of Catholic belief. Early in his Senate career, Biden was critical of *Roe v. Wade* saying it "went too far" and voting to allow states to set tougher abortion restrictions than the federal government. In the 2000's, Biden began to shift to the left saying it was not one of the most important issues in the country. Today, as a presidential candidate, Biden says he would permanently codify *Roe v. Wade* into law. Biden was likewise a longtime supporter of the Hyde Amendment, bragging in 1994 that he had voted for it on "no fewer than 50 occasions." In 2019, Biden fully surrendered his previous stance after facing only "two days of intense criticism." Joe Biden now represents the most pro-abortion presidential nominee in American history.

## JUDGES

In the 1990's and early 2000's, Biden argued ideology should not matter when evaluating judicial nominees, but as a presidential candidate, he says he would support a litmus test on abortion and has called for judges who will "respect *Roe v. Wade* as law." When asked about judicial nominees, Biden's campaign highlighted his support for the confirmation of liberal justices Ruth Bader Ginsburg and Stephen Breyer, justices who have regularly voted against school choice and religious freedom, while he was a Senator.

## DIGNITY OF WORK

Biden has long supported policies that have been devastating to the American worker including the North American Free Trade Agreement and permanent normal trade relations with China, which studies show caused an 18 percent drop in U.S. manufacturing employment. As a presidential candidate, Biden continues to support job-killing policies and said he is willing to sacrifice jobs for a "greener" economy. Biden has said he would end fracking though subsequently walked those comments back, saying he would only oppose new leases on federal

## EXECUTIVE SUMMARY

land. He has called for a nationwide ban on right-to-work policies and his tax proposal has been estimated to shrink the economy by 1.51 percent and cost 585,000 full-time equivalent jobs.

### RELIGIOUS FREEDOM

In addition to the HHS Mandate, the Obama-Biden administration sought to prohibit faith-based foster care and adoption agencies from receiving federal funds. The administration also opposed the “ministerial exception” which allows religious institutions to make employment decisions consistent with their beliefs. The administration also opposed protections for religious institutions to qualify for federal contracts. Biden has supported permanent normal trade relations with China despite warnings about China’s poor record on religious freedom. In 2011, he said he understood China’s one child policy which includes forced-sterilization and abortion. As a presidential candidate, Biden has been critical of China’s internment of Uighur Muslims.

### HEALTH CARE

The Obama-Biden administration’s signature achievement, ObamaCare, contained no specific language to block the law from being used to pay for abortions or abortion causing drugs. The administration eventually struck a deal to bar federal funding from being used for abortion but did not bar the use of taxpayer money at the state level.

ObamaCare sought to require religious organizations to cover the cost of contraceptives, sterilization and abortion-inducing drugs, which are contrary to their religious beliefs. Biden objected to the mandate, but claimed during his 2012 vice presidential debate, it would not force Catholic health care providers to be a vehicle to “get contraception in any insurance policy they provide.” Both Hobby Lobby and the Little Sisters of the Poor were forced to take their cases to the Supreme Court to push back and Biden now calls for re-imposing the contraceptive mandate to its *pre-Hobby Lobby* ruling state.

The Obama-Biden administration did not include a religious exemption in the rules requiring health care providers to treat gender dysphoria and left open the possibility the regulation could be used to force doctors and hospitals to perform abortions. After the Trump administration rescinded the rule, Biden said Trump must be defeated.

### MARRIAGE

In 2007, Biden supported civil unions but not marriage for same-sex couples and said he thought the government could not dictate the definition of marriage to religious institutions. As vice president, Biden reversed himself, and expressed support for same-sex marriage and officiated a same-sex marriage at the vice president’s residence. As a presidential candidate, Biden said LGBT rights would be his number one legislative priority if elected.

### EDUCATION

In 1997, Biden voted against school choice, before saying he was open to the concept in the future. In 2004, Biden voted against the legislation which created the District of Columbia's school choice program for low income students, despite sending his own children to private school. Biden has opposed school choice as vice president and as a presidential candidate, in opposition to the policy goals of the United States Conference of Catholic Bishops, and a direct violation of the *Catechism of the Catholic Church*.

### IMMIGRATION

In 2006, Biden said a fence was needed to stop “tons” of drugs from crossing into the U.S. from Mexico. In 2018, Biden supported a deal which would provide a pathway to citizenship for DREAMers in exchange for the construction of a border wall. As a presidential candidate, Biden has criticized efforts to build a wall. Activists have confronted Biden on the campaign trail about the Obama-Biden administration's deportation of more people than any previous administration. Biden refused to apologize for the deportations, saying in December 2019 there was nothing to apologize for, before describing them as a “big mistake” two months later.

**THE BIDEN REPORT**

# **ABORTION**

# ABORTION

**“Is it legitimate to take out a human life to solve a problem? Is it permissible to contract a hitman to solve a problem?”**

Pope Francis

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**“Above all, the common outcry, which is justly made on behalf of human rights—for example, the right to health, to home, to work, to family, to culture—is false and illusory if the right to life, the most basic and fundamental right and the condition for all other personal rights, is not defended with maximum determination.”**

St. John Paul II, *Christifideles Laici* (1988), no. 38

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**“The threat of abortion remains our preeminent priority because it directly attacks life itself, because it takes place within the sanctuary of the family, and because of the number of lives destroyed.”**

United States Conference of Catholic Bishops

# Biden Caved to the Far Left on Abortion

## Early in His Career, Biden Was Critical of *Roe v. Wade*

### **In 1974, Biden Said *Roe v. Wade* “Went Too Far. I Don’t Think That a Woman Has the Sole Right to Say What Should Happen to Her Body.”**

“Biden resents being called the bright young liberal of the New Left. ‘I hate that picture,’ he says, ‘and I don’t care how that damn Americans for Democratic Action rates me. Those ADA ratings get us into so much trouble that a lot of us sit around thinking up ways to vote conservative just so we don’t come out with a liberal rating. When it comes to civil rights and civil liberties, I’m a liberal but that’s it. I’m really quite conservative on most other issues. My wife said I was the most socially conservative man she had ever known. I’m a screaming liberal when it comes to senior citizens because I really think they are getting screwed. I’m a liberal on health care because I believe it is a birth right of every human being—not just some damn privilege to be meted out to a few people. But when it comes to issues like abortion, amnesty, and acid, I’m about as liberal as your grandmother. I don’t like the Supreme Court decision on abortion. I think it went too far. I don’t think that a woman has the sole right to say what should happen to her body. I support a limited amnesty, and I don’t think marijuana should be legalized. Now, if you still think I’m a liberal, let me tell you that I support the draft. I’m scared to death of a professional army. I vote my own way and it is not always with the Democrats. I did vote for George McGovern, of course, but I would have voted for Mickey Mouse against Richard Nixon. I despise that man.”

Kitty Kelley, “Death and the All-American Boy,” *Washingtonian*, 6/1/74

### **In 1980, Biden Was One of 23 Democratic Senators That Voted to Give States the “Right to Set Tougher Anti-Abortion Restrictions Than the Federal Government.”**

“Here is the 47-37 roll call by which the Senate agreed to give states the right to set tougher anti-abortion restrictions than the federal government: ...Democrats for: 23...Biden, Del...”

[No Headline In Original], The Associated Press, 9/30/80

### **In 1981, Biden Opposed the Supreme Court’s Decision in *Roe v. Wade*.**

“After failing to get Mrs. O’Connor’s assurance that she would act to overturn the 1973 Supreme Court decision legalizing abortion, Sen. Jesse Helms, R-N.C., said he assumed she would, and voted for her. ...Helms noted that President Reagan opposes abortion and said, ‘It is fair to assume, therefore, that Mrs. O’Connor agrees with his position on abortion, which is to overturn the Supreme Court’s decision. ...‘No one, in the approximately 200 years of the court, has been accurately able to predict what a justice of the Supreme Court would be like,’ said Sen. Joseph R. Biden Jr., D-Del. Biden said the debate unfolded as it did because nowadays it is liberals, not conservatives,

who want strict constructionists on the federal bench. That’s because liberals do not want to overturn decisions of the Warren Court. He said what Helms and his conservative allies really want is activist judges. ‘If Judge O’Connor is not an activist, she has problems, because she is not going to be overturning the decisions that they—and I on occasion—sometimes find odious, obnoxious or totally reprehensible,’ said Biden, who also opposes the abortion decision.”

Walter R. Mears, “Washington Dateline,” The Associated Press, 9/28/81

## **But Now, Biden Has Moved to the Extreme on Abortion**

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### **In May 2005, Biden Said He Would Not List Abortion As One of the Top 10 Most Important Issues in America.**

MATTHEWS: “Is the abortion rights issue what drives all the passion about this issue of the judgeships?” BIDEN: “Well, it does on the extremes. It doesn’t for guys like me. It doesn’t for the vast majority of us, who are worried about the loss of the right for extended debate. But, I mean, I’m—look, I’m going to get in trouble for saying this. If you asked me to list the 10 most important issues facing us in America, I would not list abortion as in the top 10. There’s a lot of other changes that can take place in the court that will radically alter our lives in a fundamental way, without any state recourse or without any congressional recourse. I do not want to see the decision changed. But if it is changed, you would find 35 states tomorrow providing for the same kind of protection *Roe v. Wade* does. But if you change this thing called the nondelegation doctrine to say the EPA can’t determine what is clean air and clean water, then what you’ve done is, you’ve condemned my kids to an environment where the powerful will determine the outcome of their health, fundamentally different issues. One is able to be partially rectified, at least. The other can’t be rectified at all.”

MSNBC’s “Hardball,” 5/24/05

**Biden: “I’m Going to Get in Trouble for Saying This. If You Asked Me to List the 10 Most Important Issues Facing Us in America, I Would Not List Abortion As in the Top 10.”**

MSNBC’s “Hardball,” 5/24/05

**Biden Said the Abortion Issue Drives the Passion of the Extremes on Judgeships, But Not for Him.**

MATTHEWS: “Is the abortion rights issue what drives all the passion about this issue of the judgeships?” BIDEN: “Well, it does on the extremes. It doesn’t for guys like me. It doesn’t for the vast majority of us, who are worried about the loss of the right for extended debate.”

MSNBC’s “Hardball,” 5/24/05

## **VIDEO: In February 2006, Biden Said, “I Vote for No Restrictions on a Woman’s Right to Be Able to Have an Abortion Under *Roe v. Wade*.”**

TEXAS MONTHLY’S EVAN SMITH: “This week the Supreme Court with Samuel Alito and his seat took the partial-birth abortion case.” BIDEN: “Well, see I’m a little bit of an odd man out in my party. I do not vote for funding for abortion. I voted against partial-birth abortion to limit it. And I vote for no restrictions on a woman’s right to be able to have an abortion under *Roe v. Wade*. And so I’ve made everybody angry. I’ve made the right to life people angry because I won’t support a constitutional amendment or limitations on a woman’s right to exercise her constitutional right as defined by *Roe v. Wade*. And I’ve made the groups—the women’s groups and others very angry because I won’t support public funding and I won’t support partial-birth abortion.”

Texas Monthly Talks’ “Interview With Joe Biden,” 2/23/06, Minute 17:55–18:39

## **In April 2007, Biden Said, “I Strongly Support *Roe v. Wade*.”**

BRIAN WILLIAMS: “Senator, thank you. Senator Biden, as president, would you have a specific litmus test question on *Roe* versus *Wade* that you would ask of your nominees for the high court?” BIDEN: “I strongly support *Roe v. Wade*. I wouldn’t have a specific question, but I’d make sure that the people I sent to be nominated to the Supreme Court shared my values and understood that there is a right to privacy in the United States Constitution. That’s why I led the fight to defeat Bork. Thank God he’s not on the court or this would—*Roe v. Wade* would be gone by now.”

Joe Biden, MSNBC’s Democratic Primary Debate, 4/27/07

## **VIDEO: In June 2019, Biden Said, “I Would Codify *Roe v. Wade* As Defined by *Casey*. It Should Be the Law...”**

BIDEN: “And number three, we’re in a situation where I would codify *Roe v. Wade* as defined by *Casey*. It should be the law and there’s no reason why if the Supreme Court makes the judgment that everybody’s worried about—with these appeals going to the Supreme Court—that it changed. I would codify *Roe v. Wade* and *Casey*.”

Joe Biden, Remarks at Planned Parenthood Action Fund Forum, Columbia, SC, 6/22/19, Minute 2:39:36–2:40:01

## **In a June 2020 Video Released by Planned Parenthood, Biden Pledged His Support for Women’s Reproductive Rights and Highlighted His Work on the Affordable Care Act.**

“In a video statement announcing the endorsement, Biden pledges his support for reproductive rights and highlights his work on the Affordable Care Act during his time as President Barack Obama’s vice president. The law required participating insurers to cover reproductive health screenings and contraception without a co-pay.”

Sarah McCammon, “Planned Parenthood Backs Biden, Seeing a ‘Life and Death Election’ Ahead,” NPR, 6/15/20

**VIDEO: In June 2020, Biden Said, “We Will Protect Women’s Constitutional Right to Choose. I Am Proud to Stand With You in This Fight.”**

BIDEN: “As president, I’m going to do everything in my power to expand access to quality, affordable health care for women, especially women of color. Together, we’re going to reverse the global gag rule and the domestic gag rule, restoring the Title X program. We will protect women’s constitutional right to choose. I am proud to stand with you in this fight.”

“Planned Parenthood Action Fund Endorses Joe Biden For President,” Planned Parenthood Action, 6/15/20, Minute 1:27–1:34

**ABORTION**

**Biden Changed His Position  
on Federal Funding of Abortion Upon  
Feeling Pressure From the Far Left**

**Earlier In His Career Biden  
Supported the Hyde Amendment**

**“For Decades, Mr. Biden Supported the Hyde Amendment, Which Prohibits Federal Funding for Abortion Under Programs Like Medicaid.”**

Maggie Astor, “Joe Biden on Abortion and the Hyde Amendment,” *The New York Times*, 3/15/20

**“He Repeatedly Voted for the So-Called Hyde Amendment Prohibiting the Use of Federal Funds for Abortion, Including Through Medicaid. Both Policies Remain in Place Today, Despite Efforts by Democrats to End the Ban on the Use of Federal Funds.”**

Lisa Lerer, “When Joe Biden Voted to Let States Overturn *Roe v. Wade*,” *The New York Times*, 3/29/19

**In September 2008, Biden Said He Did Not Support Public Funding of Abortion.**

BIDEN: “But then again, I also don’t support a lot of other things. I don’t support public, public funding. I don’t, because that flips the burden. That’s then telling me I have to accept a different view. This is a matter between a person’s God, however they believe in God, their doctor and themselves in what is always a—and what we’re going to be spending our time doing is making sure that we reduce considerably the amount of abortions that take place by providing the care, the assistance and the encouragement for people to be able to carry to term and to raise their children.”

NBC’s “Meet the Press,” 9/7/08

## In 2007, Biden Said He Was Opposed to Public Funding of Abortion.

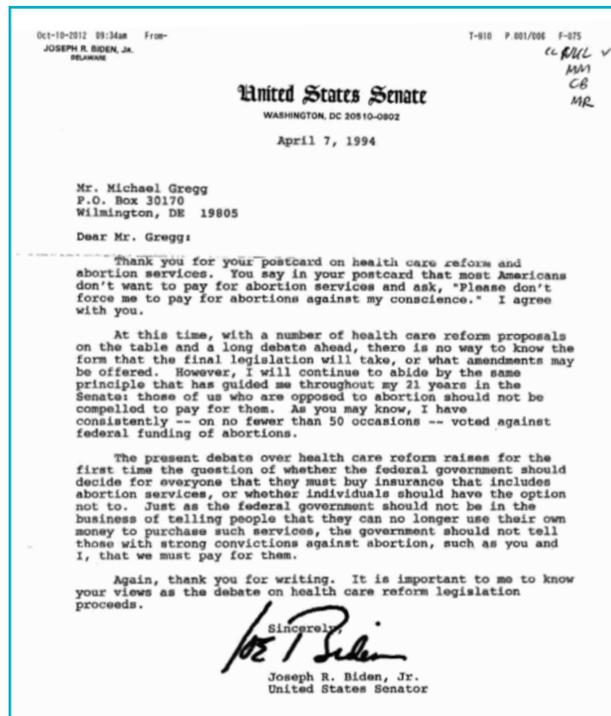
NBC'S TIM RUSSERT: "Are you still opposed to public funding for abortion?" BIDEN: "I still am opposed to public funding for abortion, and the reason I am is, again, it goes to the question of whether or not you're going to impose a view to support something that is not a guaranteed right but an affirmative action to promote."

NBC's "Meet the Press," 4/29/07

## In A 1994 Letter to a Constituent, Biden Said He Had "on No Fewer Than 50 Occasions" Voted Against Federal Funding for Abortions, Saying, "Those of Us Who Are Opposed to Abortions Should Not Be Compelled to Pay for Them."

"In a 1994 letter to constituents—written during negotiations over health care during the Clinton administration—Biden noted he had 'on no fewer than 50 occasions' voted against federal funding for abortions. 'Those of us who are opposed to abortions should not be compelled to pay for them,' Biden wrote on April 7, 1994."

Heidi Przybyla, "Joe Biden's Long Evolution on Abortion Rights Still Holds Surprises," NBC News, 6/5/19;  
Sen. Joe Biden, Letter to Michael Gregg, 4/7/94



Sen. Joe Biden, Letter to Michael Gregg, 4/7/94

## **In 1993, Biden Voted Against an Amendment to Strike the Hyde Amendment From an Appropriations Bill.**

“Committee amendment to strike the Hyde amendment provisions included in the House bill that prohibit federal funds from covering abortions except in cases of rape, incest or when the life of the woman is endangered.”

H.R. 2518, Roll Call Vote #290: Rejected 40-59: R 6-38; D 34-21, 9/28/93, Biden Voted Nay; CQ Summary, Accessed 3/12/20

### **According to Karen Johnson, National Secretary for the National Organization for Women (NOW), Biden Was One of the Democrat Senators Who “Disappointed the Pro-Choice Ranks With Their Votes for the Amendment.”**

“Pro-choice advocates said that some senators who voted for the Hyde Amendment had been counted on to vote against it. Karen Johnson, national secretary for the National Organization for Women, said Democratic Sens. Jim Sasser of Tennessee, Jeff Bingaman of New Mexico, Harris Wofford of Pennsylvania, Joseph R. Biden Jr. of Delaware and Bob Graham of Florida disappointed the pro-choice ranks with their votes for the amendment.”

Joyce Price, “Congress Fails to Fall in Line With Clinton On Abortion,” *The Washington Times*, 10/2/93

## **Biden in 1986 on Federal Funding of Abortions: “If It’s Not Government’s Business, Then You Have to Accept the Whole of That Concept, Which Means You Don’t Proscribe Your Right to Have an Abortion and You Don’t Take Your Money to Assist Someone Else to Have an Abortion.”**

“In interviews during his first decades in the Senate, Mr. Biden said he supported the right to an abortion but opposed federal funding to pay for it. That position was shared by Mr. Gore and other Democrats who wanted to support abortion rights but were uncomfortable making taxpayers who were anti-abortion pay for it. As Mr. Biden put it to U.P.I. in 1986, ‘If it’s not government’s business, then you have to accept the whole of that concept, which means you don’t proscribe your right to have an abortion and you don’t take your money to assist someone else to have an abortion.’”

Lisa Lerer, “When Joe Biden Voted to Let States Overturn *Roe v. Wade*,” *The New York Times*, 3/29/19

## **In 1983, Biden Voted to Table an Amendment Banning Federal Funding of Abortion and Federal Insurance Coverage of Abortion.**

“Thurmond, R-S.C., motion to table (kill) the Jepsen, R-Iowa, amendment to make permanent the ban on federal funding of abortion, bar federal insurance coverage for abortion, encourage states to pass new anti-abortion laws, and grant expedited Supreme Court review for challenges to new anti-abortion laws.”

Amdt. To H.R. 2230, Roll Call Vote #349L Motion Agreed To 42-34: R 23-22; D 19-12, 11/14/83, Biden Voted Yea; CQ Summary, Accessed 3/16/20

## **In 1981, Biden Voted “to Impose Further Restrictions on Federal Financing of Abortions for Low-Income Women.”**

“Following is the roll-call vote by which the Senate voted today to impose further restrictions on Federal financing of abortions for low-income women. ...For the restrictions...Democrats ...Biden, Del...”

“Senate Roll-Call Vote on Abortion Funds,” *The New York Times*, 5/22/81

## **In 1987, Biden Supported the Hyde Amendment, Which Bans Federal Funding of Abortions.**

“Sen. Joseph Robinette Biden Jr....Positions:...For Hyde Amendment ban on federal funding of nearly all abortions, against constitutional ban on abortion.”

Robert Shogan, “Biden in Race, Cites Difficult Path to Future,” *Los Angeles Times*, 6/10/87

**Biden, Baxter, Gies Keep It 'All in the Family' on Issues**

PHILADELPHIA — Delaware's three candidates for the U.S. Senate seat now held by Sen. Joseph R. Biden Jr. yesterday found themselves taking similar stances on issues.

Biden, seeking re-election, appeared with Republican candidate James H. Baxter Jr. and American Party challenger Donald G. Gies for a videotaped campaign forum at a Philadelphia television station.

Biden was openly incredulous when he found himself agreeing with arch-Conservative Gies on energy solutions. Both suggested one answer to the need for more oil and natural gas is working with the Mexican government to develop untapped reserves there.

Baxter urged less government involvement in energy and more incentive for independent oil exploration firms.

All three candidates agreed that busing isn't working in New Castle County, and that federal aid for abortion isn't a good idea either.

Biden said the busing plan's start was peaceful, but it's not working. "I do not believe it can work in a state like Delaware, where it has not been proven that there was a deliberate pattern of discrimination," he said.

Baxter chided the senator: "Joe, I wish you had understood that four years ago." The GOP challenger recalled a Biden vote against a May 1974 busing amendment that failed, 46-47. Biden has said he believed the amendment was unconstitutional.

Gies said opposing federally imposed busing has been an American Party tenet since 1968.

Gies said he endorses a constitutional amendment outlawing abortion, as well as a phase-out of federal agencies such as the Department of Health, Education and Welfare.

Baxter said he opposed use of federal funds for abortion, as well as abortion itself. Biden said he has voted "I guess . . . more than 20 times" against federal abortion spending bills.

The candidates disagreed on some issues, particularly financial disclosure rules for candidates. Biden said he favors such rules, Baxter expressed doubts and Gies flatly denounced disclosure.

"I don't think there's anything you can vote on that doesn't have some conflict with your lifestyle," Baxter said.

The television program, "Meetinghouse — Campaign '78," will be aired on KYW-TV (Channel 3) on Oct. 27 at 8:30 p.m. The candidates were questioned by members of the League of Women Voters, Common Cause of Delaware and the Brandywine Hundred Council of Civic Organizations. Philadelphia Daily News political reporter Stephan Rosenfeld was moderator.

**KLM Pilot Blamed**

MADRID, Spain (AP) — The Spanish Transport Ministry blames a KLM pilot for aviation's worst disaster, the collision of two 747 jumbo jets in which 581 persons were killed.

“Biden, Baxter, Gies Keep It 'All in the Family' on Issues,” *The News Journal*, 10/19/78

## **In 1978, Biden Argued Federal Aid for Abortion Was Not a Good Idea and Said He Had Voted “I Guess...More Than 20 Times” Against Federal Abortion Spending Bills.**

“Biden, Baxter, Gies Keep It 'All in the Family' on Issues,” *The News Journal*, 10/19/78

## But As a Presidential Candidate, Biden Has Given Up His Long-Held Stance

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### **In May 2019, Biden Appeared to Say That He Supported Repealing the Hyde Amendment in an Exchange With an ACLU Volunteer, but Then His Campaign Said He “Misheard” the Question and Continued to Support the Amendment.**

“Mr. Biden appeared to say that he supported repealing the Hyde Amendment in an exchange last month with a volunteer for the American Civil Liberties Union, which captured the conversation on video. ‘Will you commit to abolishing the Hyde Amendment, which hurts poor women and women of color?’ the volunteer said. ‘Yes,’ Mr. Biden responded. ‘Yes, and by the way, A.C.L.U. member, I got a near-perfect voting record my entire career.’ ‘I heard you did, but I’m glad you just said you would commit to abolishing the Hyde Amendment,’ the volunteer replied. ‘No no, right now it has to be—it can’t stay,’ Mr. Biden said, before turning to greet another person. In a statement, his campaign said: ‘Biden misheard the woman on the ropeline and thought she was referring to the Mexico City rule, which prevents federal aid money from going to organizations overseas that perform abortions.’ ‘He has not at this point changed his position on the Hyde Amendment,’ the campaign added. The statement went on to say that ‘given the current draconian attempts to limit access to abortion, if avenues for women to access their protected rights under *Roe v. Wade* are closed, he would be open to repeal.’ A spokesman for Mr. Biden did not immediately respond when asked why, with state efforts to restrict abortion rights already underway, Mr. Biden was not currently open to repealing the amendment.”

Katie Glueck, “Biden Still Backs Hyde Amendment, Which Bans Federal Funds for Abortions,” *The New York Times*, 6/5/19

### **VIDEO: In May 2019, Biden Told an ACLU Volunteer He Would Commit to Abolishing the Hyde Amendment, Saying, “It Can’t Stay.”**

ACLU VOLUNTEER: “I’m an ACLU Rights For All voter and I have one quick question for you. And that is: will you commit to abolishing the Hyde Amendment, which hurts poor women and women of color?” BIDEN: “Yes. And by the way, ACLU member—I got a near perfect voting record my entire career.” ACLU VOLUNTEER: “I heard you did. But I’m glad you just said you would commit to abolishing the Hyde Amendment.” BIDEN: “Right now it has to be—it can’t stay.”

Joe Biden, Remarks at Campaign Event, Columbia, SC, 5/4/19, Minute 0:00–0:30

### **Planned Parenthood’s Executive Director Kelly Robinson: “We Encourage Any Candidate Who Doesn’t Recognize Hyde’s Impact to Speak to the Women It Hurts Most—Particularly Women of Color and Women With Low Incomes—to Learn More About the Harmful Impacts of This Discriminatory Policy.”**

“Planned Parenthood criticized Biden’s continued support for the Hyde Amendment. ‘The unfair Hyde Amendment makes it so that those who have the least end up having to pay the most to access abortion, and those who are service members or live on reservations are often left with

no coverage for abortion care,’ Kelly Robinson, the Planned Parenthood Action Fund’s executive director, said in a statement to NBC. ‘We encourage any candidate who doesn’t recognize Hyde’s impact to speak to the women it hurts most—particularly women of color and women with low incomes—to learn more about the harmful impacts of this discriminatory policy,’ Robinson said.”

Heidi Przybyla, “Joe Biden’s Long Evolution on Abortion Rights Still Holds Surprises,” NBC News, 6/5/19

**NARAL: “There’s NO Political or Ideological Excuse for @JoeBiden’s Support for the Hyde Amendment, Which Translates Into Discrimination Against Poor Women and Women of Color Plain and Simple. His Position Further Endangers People Already Facing Enormous Hurdles.”**

NARAL, Twitter Feed, 6/5/19



NARAL, Twitter Feed, 6/5/19

**In June 2019, “After Two Days of Intense Criticism,” Biden Reversed His Position on the Hyde Amendment, Saying He No Longer Supported the Measure Banning Federal Funding for Most Abortions.**

“After two days of intense criticism, Joseph R. Biden Jr. reversed himself Thursday night on one of the issues most important to Democratic voters, saying he no longer supports a measure that bans federal funding for most abortions. As recently as Wednesday, Mr. Biden’s campaign had said he supported the measure, known as the Hyde Amendment. His decision to change positions illustrates the intense pressure he faces as the presumed front-runner for the Democratic nomination for president.”

Katie Glueck, “Joe Biden Denounces Hyde Amendment, Reversing His Position,” *The New York Times*, 6/6/19

## **The New York Times Headline: “Joe Biden Denounces Hyde Amendment, Reversing His Position”**

Katie Glueck, “Joe Biden Denounces Hyde Amendment, Reversing His Position,” *The New York Times*, 6/6/19

### **Biden’s “Turnaround Was Abrupt...”**

“His turnaround was abrupt, particularly because Mr. Biden has grappled for decades with his views on abortion rights. While he has said he supports *Roe v. Wade*, the Supreme Court ruling that made abortion legal nationwide, he has opposed members of his own party on a number of abortion measures, ascribing his reluctance to his Roman Catholic faith.”

Katie Glueck, “Joe Biden Denounces Hyde Amendment, Reversing His Position,” *The New York Times*, 6/6/19

### **“Biden Credited the Change, in Part, to Recent Efforts by Republicans to Roll Back Abortion Access in States Including Georgia and Across the Country—Especially in the South—Calling Them ‘Extreme Laws.’”**

“In a speech at a gala hosted by the Democratic National Committee in Atlanta on Thursday night, Mr. Biden credited the change, in part, to recent efforts by Republicans to roll back abortion access in states including Georgia and across the country—especially in the South—calling them ‘extreme laws.’”

Katie Glueck, “Joe Biden Denounce Hyde Amendment, Reversing His Position,” *The New York Times*, 6/6/19

### **“‘If I Believe Health Care Is a Right, As I Do, I Can No Longer Support an Amendment That Makes That Right Dependent on Someone’s ZIP Code,’ Mr. Biden Said.”**

Katie Glueck, “Joe Biden Denounces Hyde Amendment, Reversing His Position,” *The New York Times*, 6/6/19

### **Ilyse Hogue, the President of NARAL Pro-Choice America, Praised Biden for Changing His Position.**

“Ilyse Hogue, president of the abortion rights group NARAL Pro-Choice America, said Thursday that she was glad to see that Mr. Biden had changed his position. ‘At a time where the fundamental freedoms enshrined in *Roe* are under attack, we need full-throated allies in our leaders,’ she said. ‘We’re pleased that Joe Biden has joined the rest of the 2020 Democratic field in coalescing around the Party’s core values—support for abortion rights, and the basic truth that reproductive freedom is fundamental to the pursuit of equality and economic security in this country.’”

Katie Glueck, “Joe Biden Denounces Hyde Amendment, Reversing His Position,” *The New York Times*, 6/6/19

THE BIDEN REPORT

# JUDICIAL APPOINTMENTS

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**“The fundamental good is life itself, a gift from God and our parents. A good state protects the lives of all. Legal protection for those members of the human family waiting to be born in this country was removed when the Supreme Court decided *Roe vs. Wade* in 1973. This was bad law.”**

United States Conference of Catholic Bishops, 2009

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**“America needs no words from me to see how your decision in *Roe v. Wade* has deformed a great nation.”**

St. Teresa of Calcutta

## In the Senate, Biden Opposed Litmus Tests for Judges But Now Calls for Judges Who Respect *Roe v. Wade*

### Throughout the 1990's and the Early 2000's Biden Argued Ideology Should Not Matter in Evaluating Judicial Nominees

#### **In 1990, During the Confirmation Hearing for Souter, Biden Said He Should Not Have to Answer How He Would Rule on *Roe v. Wade*.**

“I do not believe that the nominee should have to answer how he would rule on *Roe*. I do not believe he should have to do that because I think that sets a precedent that may very well come back and bite everything I believe in, even though I would like to know how he would rule on *Roe*.”

Senator Joseph Biden, Hearing Before the Senate Judiciary Committee, 9/18/90, pg. 412

#### **VIDEO: In 1993, During Ruth Bader Ginsburg's Confirmation Hearing, Biden Said She “Should Not Answer a Question of What Your View Will Be on an Issue That Clearly Is Going to Come Before the Court in 50 Different Forms.”**

“Now, I am sure having read that, I will have statements that I made during the process read back to me. But I do think it is appropriate to point out, Judge, that you not only have a right to choose what you will answer and not answer, but in my view you should not answer a question of what your view will be on an issue that clearly is going to come before the Court in 50 different forms, probably, over your tenure on the Court.”

Joe Biden, Remarks During Senate Judiciary Hearing, 7/22/93, Min: 1:09:54-1:10:28

#### **VIDEO: In 1994, During Breyer's Confirmation Hearings, Biden Said He Did Not Expect Him to Answer on How He Would Rule “in Any One Case.”**

“So far you have been very responsive, and I am not looking for you to give me an answer of how you would rule in any one case. But I am looking to ask you to do what you have begun to do, and that is articulate for us your view of the principled way in which you think we should approach these matters of constitutional import. What I have attempted to establish thus far is that where this balance goes is of phenomenal consequence to the Nation.”

Joe Biden, Remarks During Senate Judiciary Hearing, 7/12/94, Min: 1:25:36-1:26:10

## **In 2005, Biden Said We Should Not Talk About the Outcome of Specific Cases During Supreme Court Nominations.**

Ms. GREENBURG: “Senator Biden, this is obviously a court that has refused to overturn *Roe vs. Wade*, the landmark decision that said a woman has a constitutional right to an abortion. Three justices on the court now would vote to overturn that decision. Is that a defining issue for you? Do you plan to aggressively question the nominee on his or her views about that decision and how they would rule on it?” Sen. BIDEN: “No.” Ms. GREENBURG: “It is not?” Sen. BIDEN: “It is not.” Ms. GREENBURG: “Why not? I mean, do you feel that *Roe vs. Wade*—is that a settled law? It’s safe, you believe? That...” Sen. BIDEN: “No, I just think—in my view, I don’t think we should be talking about specific outcome of specific cases. I think it is important that we know what methodology a justice will use. For example, what does the liberty clause of the 14th Amendment mean to the justice and how would that justice go about determining whether or not there was any right to privacy founded in that. It goes beyond *Roe v. Wade*.”

CBS, “Face the Nation,” 7/3/05

## **As a Presidential Candidate, Biden Said He Would Support a Litmus Test on Abortion**

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### **VIDEO: During a 2007 Presidential Debate, When Asked Whether He Would Insist a Supreme Court Nominee Support Abortion, Biden Said He Would Insist a Nominee Agree There Is a Right to Privacy in the Constitution.**

Blitzer: “Would You insist that any nominee for the U.S. Supreme Court supported abortion rights for women?”...BIDEN: “I would not appoint anyone who did not understand that Section five of the 14th Amendment and the Liberty clause in the 14th Amendment provided a right to privacy. That is the question I would ask them. If that is answered correctly, that that is the case, then it answers the questions which means they support *Roe v. Wade*.”

Sen. Joe Biden, Democrat Presidential Candidates Debate, Las Vegas, NV, 11/15/07, Min: 1:38:43–1:40:12

### **Asked in an Interview With *The New York Times* Editorial Board What He Looked for in the Supreme Court, Biden Said “an Expansive View of the Constitution. Recognize the Right to Privacy, Unenumerated Rights That Exist in the Constitution” and “the ‘Penumbra and the Ninth Amendment’” So He Knows They “Will in Fact Support *Roe v. Wade*.”**

THE NEW YORK TIMES EDITORIAL BOARD MEMBER NICK FOX: “I was kind of curious what kind of person? What are you looking for in the Supreme Court?” JOE BIDEN: “They have to have an expansive view of the Constitution. Recognize the right to privacy, unenumerated rights that exist in the Constitution. Not the Federalist Society view that if it’s not listed, it doesn’t exist. And they have to be, they acknowledge the unenumerated rights and a right to privacy in the Constitution, and the ‘penumbra’ [laws] and the Ninth Amendment, then in fact that means I know they will

in fact support *Roe v. Wade*. They'll support a woman's right to choose and a whole range of other things that relate to individual personal rights. That is critical. I've written about it extensively. I've written law review articles about it. I've presided over more judges and more Supreme Court nominees than anybody else has. Look at the people I supported."

Editorial, "Joe Biden," *The New York Times*, 1/17/20

### **In December 2019, Biden Told *The New York Times* Editorial Board He Would Look at the Judge's Philosophy, Background, and Judicial Temperament When Considering a Nominee.**

JOE BIDEN: "That's what I would look at. I'd look at the philosophy of the judge, their background and their judicial temperament, whether or not they have the temperament to be on the court."

Editorial, "Joe Biden," *The New York Times*, 1/17/20

### **During a 2020 Democratic Primary Debate, When Asked Whether He Would Have a Litmus Test on Abortion, Biden Said "Yes"..."As It Related to the Constitution."**

MUIR: "Mr. Vice President, I am aware of what you said, which is why I'm asking would you do it differently now? Would there be a litmus test on abortion?" BIDEN: "Yes. Look, here's the deal. Litmus test on abortion relates to the fundamental value of the Constitution. A woman does have a right to choose. I would in fact, if they rule it to be unconstitutional, I will send to the United States Congress and it will pass, I believe, a bill that...Excuse me, legislates *Roe v. Wade* adjusted by *Casey*. It's a woman's right to do that. Period. And if you call that a litmus test it's a litmus test, but what I was talking about in the past, so no one gets confused here, is if there is no...If you read the Constitution very, very narrowly and say there are no unenumerated rights. If the doesn't say it in the Constitution that doesn't exist, you cannot have any of the things I care about, any of the things I care about as a progressive member of the United States Congress at the time, and as Vice President and as a member of society."

ABC News' Democratic Debate, Manchester, NH, 2/8/20, Min: 1:56:20–1:57:19

### **In March 2020, Biden Said We Need Judges Who "Respect *Roe v. Wade* As the Law" and if He Were President "That Leadership Will Start at the Top."**

Joe Biden, Twitter Feed, 3/4/20



Joe Biden, Twitter Feed, 3/4/20

## Biden's Presidential Campaign Highlighted His Support of the Supreme Court's Liberal Judges

### When Asked Whether Biden's 2020 Campaign Would Release a List of His Potential Judicial Nominees, the Campaign Highlighted His Previous Support of Liberal Justices

**In 2020, When Asked About Whether He Would Release a List Of Potential Judicial Appointees, Biden's Campaign Highlighted His Support for the Confirmation of Ruth Bader Ginsburg and Stephen Breyer While He Was a Senator.**

"Asked about the likelihood of releasing a list of potential appointees, Biden's campaign did not directly respond and highlighted his history with the Supreme Court. 'As chair of the Senate Judiciary Committee, Joe Biden was proud to oversee and support the confirmation of Justices Ginsburg and Breyer and lead the fight against many Reagan judicial nominees with horrible records on civil rights and civil liberties, like Judge [Robert] Bork. As Vice President, he advised President Obama on the selection of Justices Sonia Sotomayor and Elena Kagan, and played a major role in winning their confirmation; Kagan previously served on Biden's staff,' National Press Secretary TJ Ducklo said in a statement, 'As president, Biden would appoint judges who share his values and would protect the Constitution, and has promised to make history by appointing the first African-American woman to the Supreme Court of the United States.'"

Bo Erickson, "Democrats Push Joe Biden to Release Supreme Court Short List and Run on Future Court Battles," CBS News, 4/21/20

### Justices Breyer and Ginsburg Dissenting Opinions in a Case Finding That States Cannot Exclude Religious Schools From Voucher Programs.

*Espinoza et al. v. Montana Department of Revenue et al.*, U.S. Supreme Court, 6/30/20

#### This Case Found That "Montana's State Constitution Discriminated Against Religious Schools When It Barred Families From Using a Tax Credit Scholarship Enroll Children in Those Schools."

Lauren Camera, "The Supreme Court's Far-Ranging Ruling on School Choice," *U.S. News and World Report*, 6/30/20

### Breyer Wrote the Opinion, With Ginsburg Concurring, Striking Down a Louisiana Abortion Law That Required Doctors Performing Abortions to Have Admitting Privileges at a Hospital Within 30 Miles of Their Clinic.

*June Medical Services et al v. Russo*, U.S. Supreme Court, 6/29/20

**“The Case Involved a Louisiana Abortion Law Requiring Doctors Who Provide Abortions to Have Admitting Privileges at a Hospital Within 30 Miles of Their Clinic. Challengers of the Law Alleged the Restriction Would Limit the State to Just One Abortion Provider at a Single Clinic.”**

Tucker Higgins, “Supreme Court Strikes Down Louisiana Law That Would Have Limited State to One Abortion Clinic,” CNBC, 6/29/20

**In July 2020, Ginsburg Ruled Against the Little Sisters of the Poor Arguing That the Court Had Given Religious Belief Too Much Power.**

“The Supreme Court on Wednesday upheld a Trump administration regulation that lets employers with religious or moral objections limit women’s access to birth control coverage under the Affordable Care Act and could result in as many as 126,000 women losing contraceptive coverage from their employers....In dissent, Justice Ruth Bader Ginsburg, joined by Justice Sonia Sotomayor, said the majority had given religious belief too much power.”

Adam Liptak, “Supreme Court Upholds Trump Administration Regulation Letting Employers Opt Out of Birth Control Coverage,” *The New York Times*, 7/8/20

**Breyer and Ginsberg Both Ruled Against Hobby Lobby in the Case Which Allowed Businesses to Be Exempt From the Contraception Mandate.**

“The Supreme Court ruled on Monday that requiring family-owned corporations to pay for insurance coverage for contraception under the Affordable Care Act violated a federal law protecting religious freedom. It was, a dissent said, ‘a decision of startling breadth.’...But Justice Ruth Bader Ginsburg’s dissent sounded an alarm. She attacked the majority opinion as a radical overhaul of corporate rights, one she said could apply to all corporations and to countless laws....Justices Stephen G. Breyer and Elena Kagan joined almost all of her dissent, but they said there was no need to take a position on whether corporations may bring claims under the religious liberty law.”

Adam Liptak, “Supreme Court Rejects Contraceptives Mandate for Some Corporations,” *The New York Times*, 6/30/14

THE BIDEN REPORT

# DIGNITY OF WORK

# DIGNITY OF WORK

**“The economy must serve people,  
not the other way around.”**

United States Conference of Catholic Bishops

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**“Work is for man, not man for work.  
Everyone should be able to draw from work  
the means of providing for his life and that of his  
family, and of serving the human community.”**

*Catechism of the Catholic Church, 2428*

# Throughout His Career, Biden Has Sided With Corporations Over American Workers

## NAFTA

### In 1993, Biden Voted for NAFTA and Defended it on the Senate Floor

#### In November 1993, Biden Voted for Passage of NAFTA.

“Passage of the bill to approve the North American Free Trade Agreement and make the necessary changes to U.S. statutory law to implement the trade agreement.”

H.R. 3450, CQ Vote #395: Passed 61-38: R 34-10; D 27-28, 11/20/93, Biden Voted Yea

#### November 1993: Biden Said NAFTA Was “the First Step Toward Creating More Jobs in an Expanding World Market.”

BIDEN: “Tonight, with our vote for NAFTA, we take the first step toward creating more jobs in an expanding world market; we will also take on the responsibility to take the next steps to revive job-creating investments in our own country.”

Sen. Joe Biden, Congressional Record, 11/19/93

#### According to Biden, He Didn’t Buy “Labor’s Argument That NAFTA Would Result in the Migration of Low-Wage Factory Jobs to Mexico.”

“Biden isn’t sure he accepts labor’s argument that NAFTA would result in the migration of low-wage factory jobs to Mexico.”

Penny Bender, “Del. Lawmakers Weighing Pros, Cons,” *The News Journal* [Delaware], 9/19/93

Biden isn’t sure he accepts labor’s argument that NAFTA would result in the migration of low-wage factory jobs to Mexico. “I think that theory is flawed,” he said. “American companies don’t make decisions solely based on wages, because if they did, they’d all be headed south.” Nothing stops Chrysler and other companies from building in Mexico without NAFTA, he added. If wages were their only concern, “Why aren’t they all going south now?”

## **In September 2013, Biden Said “NAFTA Set a New Standard for Global Trade.”**

BIDEN: “Manufacturing is coming back to North America. It’s coming back after having left us then left you and headed to China and headed to the Far East. It’s coming back. Why? Why? Because of the incredible potential. Also because we have a system that makes it more sustainable for folks to be here than there. It’s created jobs from Pueblo to Pittsburgh. And you know—and I mean that literally. It’s not just the major cities. It’s—this global economy is changing fast and we need to keep up. And I know it’s a delicate subject, but NAFTA set a new standard for global trade. But that was 20 years ago. Twenty years ago. We all know the 21st century demands even higher standards to meet the full potential of world trade. Countries around the world are already adapting, already moving; opening industries that have been closed, in order to strengthen competition and bring better delivery to their own citizens; removing barriers that function as disguised trade barriers in order to generate their own indigenous growth; working to increase economic transparency, to root out corruption, improve business confidence; expanding protections for the environment and labor and intellectual property. I hope we’re beyond those arguments about whether or not the environment matters, whether minimum standards are important. I think we are; at least most of the world is. And that’s what it takes to compete. In the new global economy that’s emerging, the price of admission to participate is to play by these new rules.”

Joe Biden, Remarks at the Launch of the U.S.-Mexico High Level Economic Dialogue, Mexico City, Mexico, 9/20/13

## **May 2019 the Associated Press Headline: “Biden Said He Didn’t Regret Voting for NAFTA During His Time in the Senate.”**

Hunter Woodall, “2020 hopeful Biden Says He’s Open to Breaking Up Facebook,” Associated Press, 5/14/19

### **Biden: “[NAFTA] Made Sense at the Moment.”**

“‘Fair trade is important,’ Biden said. ‘Not free trade. Fair trade. And I think that back in the time during the Clinton administration, it made sense at the moment.’”

Hunter Woodall, “2020 Hopeful Biden Says He’s Open to Breaking Up Facebook,” Associated Press, 5/14/19

## **NAFTA Facilitated the Movement of 700,000 American Jobs to Mexico**

### **According to the Economic Policy Institute, NAFTA “Caused the Loss of Some 700,000 Jobs As Production Moved to Mexico” Mostly From “California, Texas, Michigan, and Other States Where Manufacturing Is Concentrated.”**

“First, it caused the loss of some 700,000 jobs as production moved to Mexico. Most of these losses came in California, Texas, Michigan, and other states where manufacturing is concentrated. To be sure, there were some job gains along the border in service and retail sectors resulting from increased trucking activity, but these gains are small in relation to the losses, and are in lower paying occupations. The vast majority of workers who lost jobs from NAFTA suffered a permanent loss of income.”

Jeff Faux, “NAFTA’s Impact on U.S. Workers,” Economic Policy Institute, 12/9/13

## **Between the Adoption of NAFTA and 2010, 682,900 U.S. Production Jobs Have Been Lost or Displaced Due to the U.S. Trade Deficit With Mexico.**

“U.S. trade deficits with Mexico as of 2010 displaced production that could have supported 682,900 U.S. jobs; given the pre-NAFTA trade surplus, all of those jobs have been lost or displaced since NAFTA. This estimate of 682,900 net jobs displaced takes into account the additional jobs created by exports to Mexico.”

Robert E. Scott, “Heading South, U.S.-Mexico Trade and Job Displacement After NAFTA,” Economic Policy Institute, 5/3/11

## **As of 2010, the U.S. Saw 415,000 Jobs Displaced in Manufacturing Industries Due to Trade With Mexico.**

“U.S. trade deficits with Mexico as of 2010 displaced production that could have supported 682,900 U.S. jobs; given the pre-NAFTA trade surplus, all of those jobs have been lost or displaced since NAFTA. This estimate of 682,900 net jobs displaced takes into account the additional jobs created by exports to Mexico....Most of the jobs displaced by trade with Mexico as of 2010 were in manufacturing industries (415,000 jobs; 60.8% of the total jobs displaced).”

Robert E. Scott, “Heading South, U.S.-Mexico Trade and Job Displacement After NAFTA,” Economic Policy Institute, 5/3/11

*NOTE: The Economic Policy Institute is a liberal think tank largely funded by labor unions.*

## **PNTR WITH CHINA**

### **In 2000, Biden Voted in Favor of PNTR With China**

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#### **On September 19, 2000, Biden Voted in Favor of Permanent Normal Trade Relations (PNTR) With China.**

“Passage of the bill that would make normal trade relations with the People’s Republic of China permanent. The bill contains a measure that would protect U.S. businesses and workers from Chinese import surges. The bill includes a provision that would establish a commission to monitor human rights, labor standards and religious freedom in China. The administration would have to report annually on China’s compliance with trade agreements and express the sense of Congress that Taiwan should be admitted to the World Trade Organization. The measure would authorize \$99 million for Radio Free Asia and the Voice of America to expand broadcasts to China and neighboring countries.”

HR 4444, Roll Call Vote #251: Passed 83-15: R 46-8; D 37-7, 9/19/00, Biden Voted Yea, CQ Summary, Accessed 4/6/20

## **Between March 2001 and March 2007, PNTR Caused an 18 Percent Drop in U.S. Manufacturing Employment**

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### **From March 2001 to March 2007, After PNTR Was Granted With China, U.S. Manufacturing Employment Dropped by 18 Percent.**

“US manufacturing employment fluctuated around 18 million workers between 1965 and 2000 before plunging 18 percent from March 2001 to March 2007.”

Justin R. Pierce and Peter K. Schott, “The Surprisingly Swift Decline in US Manufacturing Employment,” *The American Economic Review*, Vol. 106 No. 7, July 2016, p. 1632

*NOTE: Eighteen percent of 18 million jobs is equal to approximately 3.24 million jobs.*

### **“[PNTR] Increased the Incentive for US Firms to Incur the Sunk Costs Associated With Shifting Operations to China or Establishing a Relationship With an Existing Chinese Producer.”**

Justin R. Pierce and Peter K. Schott, “The Surprisingly Swift Decline in US Manufacturing Employment,” *The American Economic Review*, Vol. 106 No. 7, July 2016, p. 1633

### **“[PNTR] Similarly Provided Chinese Producers With Greater Incentives to Invest in Entering or Expanding Into the US Market, Increasing Competition for US Producers.”**

Justin R. Pierce and Peter K. Schott, “The Surprisingly Swift Decline in US Manufacturing Employment,” *The American Economic Review*, Vol. 106 No. 7, July 2016, p. 1633

### **PNTR Pushed U.S. Manufacturers to Either Invest in Labor Saving Production Techniques or to Produce More Skill and Capital-Intensive Goods More in Line With U.S. Comparative Advantage.**

“Finally, for US producers, it boosted the attractiveness of investments in capital- or skill-intensive production technologies or less labor-intensive mixes of products that are more consistent with US comparative advantage.”

Justin R. Pierce and Peter K. Schott, “The Surprisingly Swift Decline in US Manufacturing Employment,” *The American Economic Review*, Vol. 106 No. 7, July 2016, p. 1633

### **PNTR Incentivized U.S. Firms to “Shift All or Part of Their Operations Offshore, Perhaps in Conjunction With Other Firms in Their Supply Chains.”**

“PNTR may have caused a decline in US manufacturing employment via several mechanisms, including: (i) encouraging US firms to start sourcing inputs or final goods from Chinese rather than domestic suppliers; (ii) persuading Chinese firms to expand into the US market; (iii) motivating US manufacturers either to invest in labor-saving production techniques or to produce more skill- and capital-intensive products that are more in line with US comparative advantage; and (iv) inducing US firms to shift all or part of their operations offshore, perhaps in conjunction

with other firms in their supply chains.”

Justin R. Pierce and Peter K. Schott, “The Surprisingly Swift Decline in US Manufacturing Employment,” *The American Economic Review*, Vol. 106 No. 7, July 2016, p. 1649

**NOTE: The Economic Policy Institute is a liberal think tank largely funded by labor unions.**

## ENERGY JOB KILLING POLICIES

### **As a Presidential Candidate, Biden Is Still Not Shy About Policies That Will Destroy Lives of American Workers**

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#### **During a 2019 Debate, Biden Answered Yes When Asked Whether He Would Willing to Sacrifice Jobs and Growth for a Greener Economy.**

ALBERTA: “Three consecutive American Presidents have enjoyed stints of economic growth due to a boom in oil and natural gas production. As president, would you be willing to sacrifice some of that growth even knowing that potentially it could displace thousands, maybe hundreds of thousands of blue collar workers in the interest of transition to that greener economy?”

BIDEN: “The answer’s yes. The answer’s yes because the opportunity for those workers to transition to high paying jobs, Tom said, is real.”

Joe Biden, PBS Democrat Presidential Debate, Los Angeles, CA, 12/20/19

#### **VIDEO: Biden in September 2019: “Some People in Some Industries Are Going to Be More Displaced Than Others.”**

“And I just—the idea that—now, the one thing you have to do, in my view, some people are going to be displaced, and they’re going to—more people—some people in some industries are going to be more displaced than others and you can’t just say, well, what we’re going to do is automatically you’re going to all of a sudden make solar panels—or because, you know, when you look at *Fortune*, they say they’re the two biggest job creators coming down the road, solar and wind.”

CNN’s Climate Crisis Town Hall, 9/4/19

#### **VIDEO: At a July 31, 2019 Debate, Biden Said He Would Make Sure Fracking Is “Eliminated.”**

BASH: “Thank you, Mr. Vice President. Just to clarify, would there be any place for fossil fuels, including coal and fracking, in a Biden administration?” BIDEN: “No, we would—we would work it out. We would make sure it’s eliminated and no more subsidies for either one of those, either—any fossil fuel.”

Joe Biden, CNN Democrat Presidential Candidates Debate, Detroit, MI, 7/31/19

## **VIDEO: In a March 2020 Debate, Biden Said “No More, No New Fracking...”**

BERNIE SANDERS: “You cannot continue, as I understand Joe believes, continue fracking, correct me if I am wrong. What we need to do, right now, is bring the world together, tell the fossil fuel industry that we are going to move aggressively to wind, solar, sustainable energies and energy efficiency.” CNN’S JAKE TAPPER: “Thank you. Thank you Senator.” JOE BIDEN: “No more, no new fracking, and by the way, on the Recovery Act, I was able to make sure we invested \$90 Billion in making sure we brought down the price of solar and wind, that is lower than the price of coal...”

Joe Biden, Remarks At CNN/Univision Democratic Primary Debate, Washington D.C., 3/15/20, Minute 1:23:23–1:23:57

## **During An April 2020 Interview With CBSN-Pittsburgh, Biden Said He Would Not Shut Down All Fracking and Would Only Oppose New Leases on Federal Land.**

QUESTION: “Let me ask you about a local issue, and it’s an important one here in Pennsylvania, now many are making a good living here in Southwestern Pennsylvania out of the Shell petrochemical plant, there’s a lot of work going on in natural gas in the counties in this area and they use fracking.” BIDEN: “Yes.” QUESTION: “And the question, Mr. Vice President, is, if you’re elected president, would you shut down this industry?” BIDEN: “No I wouldn’t shut down this industry. I know our Republican friends are trying to say that I said—I would not do any new leases on federal land. Ninety percent of the leases are not on federal land to begin with. But, I would just make sure that, it was being made sure by your governor as well, that methane is not escaping, the water is not being contaminated. But I would not shut it down, no.”

Joe Biden, Interview With CBSN-Pittsburgh, 4/20/20) Minute 3:28–4:12

## **Biden: “No I Wouldn’t Shut Down This Industry. I Know Our Republican Friends Are Trying to Say That I Said—I Would Not Do Any New Leases on Federal Land.”**

Joe Biden, Interview With CBSN-Pittsburgh, 4/20/20, Minute 3:28–4:12

## **VIDEO: At a September 4, 2019 CNN Town Hall, Biden Said He Opposed a Nationwide Ban on Fracking.**

COOPER: “Also, I just want to point out, in fairness to the governor of Pennsylvania, he stopped short—he’s moved to regulate and limit some fracking, stopped short of calling for a statewide ban. So just to be clear, you would not call for a ban statewide on fracking or nationwide? You said stop new oil and gas drilling on federal lands?” BIDEN: “Yes.”

CNN’s Climate Crisis Town Hall, 9/4/19

## **VIDEO: In August 2019, Biden Called for the “Complete Total Elimination of Fossil Fuels.”**

BIDEN: “We are in a position to be able to, in fact, remain energy independent by moving to complete total elimination of fossil fuels by the year 2050 starting now.”

Joe Biden, Remarks at Asian and Latino Coalition Town Hall, Des Moines, IA, 8/8/19, Minute 2:16–2:31

## **A 2016 Report From the U.S. Chamber of Commerce Explored How a Theoretical Fracking Ban in the United States—Beginning on January 1, 2017 and Running Through the End of 2022—Would Impact the American Economy.**

“This report seeks to answer that question, exploring how a theoretical fracking ban in the United States—beginning on January 1, 2017 and running through the end of 2022—would impact jobs, energy prices, incomes, domestic manufacturing, and American energy security.”

“What If... Hydraulic Fracturing Was Banned?,” U.S. Chamber Of Commerce’s Global Energy Institute, 2016

## **The Report Found That Banning Fracking Could Cost the United States 14.8 Million Jobs.**

“The United States Would Lose 14.8 Million Jobs. If hydraulic fracturing was banned starting next year, 3.9 million jobs would evaporate in 2017 alone, rising from there to claim 14.8 million jobs by 2022.”

“What If... Hydraulic Fracturing Was Banned?,” U.S. Chamber Of Commerce’s Global Energy Institute, 2016

## **“A Fracking Ban Could Wipe Out Countless Good-Paying Jobs in the Oil and Gas Industry...a 2017 Study Paid for by the American Petroleum Institute Found That a Fracking Ban Would Cause the Loss of Nearly 6 Million Jobs and Lift Household Energy Spending by \$4,500 a Year.”**

“A fracking ban could wipe out countless good-paying jobs in the oil and gas industry. ‘You’d have layoffs, everything from the field hands up to the C-Suite,’ said Jeff Bush, president of oil and gas recruiting firm CSI Recruiting. A 2017 study paid for by the American Petroleum Institute found that a fracking ban would cause the loss of nearly 6 million jobs and lift household energy spending by \$4,500 a year. Warren has pledged to create new jobs to help workers who are hurt by the transition to a greener economy. ‘We will no longer force workers to make the impossible choice between fossil fuel industry jobs with superior wages and benefits and green economy jobs that pay far less,’ Warren wrote in the Medium post.”

Matt Egan, “How Elizabeth Warren Could ‘Vaporize’ America’s Oil Boom,” CNN, 10/17/19

## Biden’s 2020 Campaign Climate Plan Described the Green New Deal As “Crucial Framework for Meeting the Climate Challenges We Face”

### Biden’s 2020 Campaign Climate Plan Described the Green New Deal As “Crucial Framework for Meeting the Climate Challenges We Face.”

“To that end, Biden’s climate plan adopts the rhetoric—and at times, many of the actual policy proposals—of the Green New Deal resolution put forward this year by Rep. Alexandria Ocasio-Cortez (D-N.Y.) and Sen. Edward J. Markey (D-Mass.), which calls on the nation to eliminate its carbon footprint by 2030...‘Biden believes the Green New Deal is a crucial framework for meeting the climate challenges we face,’ the document reads.”

Dino Grandoni and Jeff Stein, “Joe Biden Embraces Green New Deal As He Releases Climate Plan,” *The Washington Post*, 6/4/19

### June 4, 2019 Washington Post Headline: “Joe Biden Embraces Green New Deal As He Releases Climate Plan”

Dino Grandoni and Jeff Stein, “Joe Biden Embraces Green New Deal As He Releases Climate Plan,” *The Washington Post*, 6/4/19

### VIDEO: During a March 25, 2020 Press Briefing on the Coronavirus Pandemic, Biden Said There Was an Opportunity in the Next Round of the Government Response to Use “the, My Green Economy, My, My Green Deal.”

BIDEN: “Thirdly, we’re going to have an opportunity I believe in the next round here to use the, my green economy, my, my green deal, or to be able to generate both economic growth and consistent with the kind of infusions of money we need into the system to keep it going.”

Joe Biden, Remarks at Virtual Press Briefing, 3/25/20, Minute 18:53–19:14

### POLITICO’S JAKE SHERMAN: “Siri: Show Me an Example of the Disconnect Between the Campaign Trail and Reality?”

Jake Sherman, Twitter Feed, 3/25/20



Jake Sherman, Twitter Feed, 3/25/20

## Labor Unions Have Withheld Support for the Green New Deal Because of Concerns It Could Kill Jobs

### In February 2019, Labor Unions Said They Were Withholding Support for the Green New Deal Because It Could Kill Jobs.

“Labor unions say they are withholding support for a Green New Deal unveiled by Democrats last week to transition the American economy away from fossil fuels, arguing the loosely-defined plan could kill jobs if its architects aren’t careful.”

Valerie Volcovici, “Labor Unions Fear Democrats’ Green New Deal Poses Job Threat,” Reuters, 2/12/19

#### **Pena O’Sullivan, Executive Director of the Laborers’ International Union of North America (LIUNA): “We Will Never Settle for ‘Just Transition’ Language As a Solution to the Job Losses That Will Surely Come From Some of the Policies in the Resolution.”**

“The resolution’s backers say the plan—once fully sketched out in the legislation—would create jobs in much the same way as President Franklin Roosevelt’s New Deal of the 1930s by putting Americans to work on transformative government-led projects. It also calls for a ‘just transition’ for current fossil fuel workers—from coal miners to pipeline workers—through guarantees of healthcare, jobs, and job training. Union officials told Reuters they were skeptical. ‘We will never settle for ‘just transition’ language as a solution to the job losses that will surely come from some of the policies in the resolution,’ said Yvette Pena O’Sullivan, executive director of the Laborers’ International Union of North America (LIUNA), whose members work in construction and other industries.”

Valerie Volcovici, “Labor Unions Fear Democrats’ Green New Deal Poses Job Threat,” Reuters, 2/12/19

#### **Phil Smith, a Spokesman for the United Mine Workers (UMWA): “We’ve Heard Words Like ‘Just Transition’ Before, but What Does That Really Mean? Our Members Are Worried About Putting Food on the Table.”**

“Phil Smith, a spokesman for the United Mine Workers (UMWA), which represents workers in the coal industry, echoed the concerns. ‘We’ve heard words like ‘just transition’ before, but what does that really mean? Our members are worried about putting food on the table,’ he said.”

Valerie Volcovici, “Labor Unions Fear Democrats’ Green New Deal Poses Job Threat,” Reuters, 2/12/19

#### **Sean McGarvey, President of the North America’s Building Trades Unions, Said His Members Are Skeptical of “Green Job” Promises and That Members “Working in the Oil and Gas Sector Can Make a Middle-Class Living, Whereas Renewable Energy Firms Have Been Less Generous.”**

“Sean McGarvey, president of the North America’s Building Trades Unions, representing construction workers across all sectors including energy, said his staff had been contacted

by Markey’s office about the Green New Deal, but said his members are skeptical of ‘green job’ promises. Members “working in the oil and gas sector can make a middle-class living, whereas renewable energy firms have been less generous,” he said at a pipeline safety event last week.”

Valerie Volcovici, “Labor Unions Fear Democrats’ Green New Deal Poses Job Threat,” Reuters, 2/12/19

### **In March 2019, the AFL-CIO Criticized the Green New Deal Because of the Threat It Posed to Workers.**

“The AFL-CIO, the national arm for U.S. labor unions, offered a critical assessment of the Green New Deal, warning that the ambitious plan to combat climate change could adversely affect U.S. workers. In a letter to Sen. Edward J. Markey (D-Mass.) and Rep. Alexandria Ocasio-Cortez (D-N.Y.) last week, the lawmakers who introduced a resolution last month detailing the key components of their plan, the AFL-CIO said it could not support a proposal that did not address their concerns. ‘We will not stand by and allow threats to our members’ jobs and their families’ standard of living go unanswered,’ wrote Cecil Roberts, president of the United Mine Workers of America, and Lonnie Stephenson, president of the International Brotherhood of Electrical Workers.”

Colby Itkowitz, “AFL-CIO Criticizes Green New Deal, Calling it ‘Not Achievable or Realistic,’” *The Washington Post*, 3/12/19

### **The AFL-CIO Called the Proposal “Not Achievable or Realistic.”**

“But the AFL-CIO throwing water on the plan complicates matters for Democrats who rely on labor support. Without the backing from unions or the business community, it will be a hard sell for Democrats to get it beyond grass-roots support. In their letter to Markey and Ocasio-Cortez, Roberts and Stephenson called the Green New Deal “not achievable or realistic.” They urged the lawmakers to include labor in conversations related to climate change, but said it shouldn’t impinge on other priorities such as infrastructure.”

Colby Itkowitz, “AFL-CIO Criticizes Green New Deal, Calling It ‘Not Achievable or Realistic,’” *The Washington Post*, 3/12/19

### **In May 2019, the AFL-CIO Said Workers’ Interest Was Not Figured Into the Green New Deal and “a Whole Bunch of Changes Made” to Protect Workers and Their Jobs.**

‘As a statement of principles and goals, the Green New Deal seems to take economic justice and workers’ rights pretty seriously....We weren’t part of the process, so the worker’s interest wasn’t really figured into it,’ AFL-CIO president Richard Trumka said in April. ‘We would want a whole bunch of changes made so that workers and our jobs are protected in the process.’”

Umair Irfan, “The Green New Deal Is Fracturing a Critical Base for Democrats: Unions,” Vox, 7/19/19

**Phil Smith, Director of Communications for the United Mine Workers of America: “The Nature of the Proposal Itself Would Lead to the Loss of Every Job Associated With Coal-Fired Power and Very Quick Loss of Jobs for Power Generated by Natural Gas....We Felt Like If You Are Going to Do Something That Represents Energy Workers, You Should Talk to Energy Unions.”**

Umair Irfan, “The Green New Deal Is Fracturing a Critical Base for Democrats: Unions,” Vox, 7/19/19

## **JOB KILLING TAX PROPOSAL**

### **Biden’s Tax Proposal Would Shrink the Economy by 1.51 Percent and Cost 585,000 Full-Time Equivalent Jobs**

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**According to the Tax Foundation, Biden’s Tax Proposal Would Shrink the Economy by 1.51 Percent.**

“Former Vice President Joe Biden’s tax plan has three major components: imposing a ‘donut hole’ payroll tax on earnings over \$400,000, repealing the TCJA’s income tax cuts for taxpayers with taxable income above \$400,000, and increasing the corporate income tax rate to 28 percent. This plan would shrink the size of the economy by 1.51 percent due to higher marginal tax rates on labor and capital.”

Huaqun Li, Garrett Watson and Taylor LaJoie, “Details and Analysis of Former Vice President Biden’s Tax Proposals,” Tax Foundation, 4/29/20

**The Tax Foundation Found That Biden’s Tax Proposals Would Reduce Overall Wages by 0.98 Percent, Leading to the Loss of 585,000 Full-Time Equivalent Jobs.**

“According to the Tax Foundation General Equilibrium Model, Biden’s tax plan would reduce the economy’s size by 1.51 percent in the long run. The plan would shrink the capital stock by 3.23 percent and reduce the overall wage rate by 0.98 percent, leading to 585,000 fewer full-time equivalent jobs.”

Huaqun Li, Garrett Watson and Taylor LaJoie, “Details and Analysis of Former Vice President Biden’s Tax Proposals,” Tax Foundation, 4/29/20

## RIGHT TO WORK

# If Elected, Biden Would Impose a Nationwide Ban on State Right to Work Laws, Which Prevent Unions From Collecting Fees From Non-Members

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### **If Elected, Biden Would Impose a Nationwide Ban on State Right to Work Laws, Which Prevent Unions From Collecting Fees From Non-Members.**

“Biden would impose a national ban on state right-to-work laws, which stops unions from collecting ‘fair-share’ fees from union non-members to cover their share of the costs of collective bargaining.”

Ian Kullgren, “How Joe Biden Would Strengthen Unions,” Politico, 10/25/19

THE BIDEN REPORT

# RELIGIOUS FREEDOM

# RELIGIOUS FREEDOM

**“This Vatican Council declares that the human person has a right to religious freedom.**

**This freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits.”**

**“...the right to religious freedom has its foundation in the very dignity of the human person as this dignity is known through the revealed word of God and by reason itself.**

**This right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed and thus it is to become a civil right.”**

*Dignitatis Humanae*, Second Vatican Council, 1965

# The Obama-Biden Administration Attempted to Bar Religious Foster Care and Adoption Agencies From Receiving Federal Funding

## The Obama-Biden Administration Claimed to Have a Strong Record of Supporting Adoption but Rushed Out a Rule to Bar Religious Foster Care and Adoption Agencies From Receiving Federal Funding

### The Obama-Biden Administration Claimed the Administration Had a “Strong Record of Supporting Adoption.”

“On Monday, The White House released a Presidential Proclamation on National Adoption Month. In the Proclamation, the President lifts up adoption as a positive and powerful force in the lives of millions of Americans and children around the globe. The President also focuses on the 114,000 children in foster care awaiting adoption who deserve a safe, loving and permanent home. You can learn more about foster care adoption by visiting <http://www.adoptuskids.org>. This Administration has a strong record of supporting adoption.”

Press Release, “The Obama Administration Celebrates Adoption, Recognizes National Adoption Month,” Obama White House Archives, 11/10/10

### The Obama-Biden Administration Rushed a Rule Before Leaving Office That Barred Religious Foster Care and Adoption Agencies From Receiving Federal Funding.

“Right before Donald Trump entered office, the Obama administration rushed a new policy that effectively barred religious adoption and foster care agencies from receiving federal funding if they rejected same-sex couples.”

Kaylee McGhee, Op-Ed, “Reversing Obama’s Adoption Policies Protects Religious Freedom and Helps Children,” *Washington Examiner*, 11/4/19

### The Rule Conditioned Funding of Child Welfare Agencies on Matching Children With Same Sex Couples.

“The Department of Health and Human Services (HHS) announced Nov. 1 that it would change its enforcement of previous regulations and propose a new rule, allowing faith-based adoption agencies to continue receiving federal funding while not having to match children with same-sex couples against their religious mission. HHS said it would revise a 2016 rule that conditioned federal funding of child welfare agencies upon their matching children with same-sex couples.”

Matt Hadro, “HHS Changes Rules to Protect Religious Adoption Agencies,” *Catholic News Agency*, 11/1/19

## **In 2018, Philadelphia Stopped Referrals of Foster Children With Catholic Social Services Due to the Group’s Stance on Marriage.**

“The pandemic posed serious challenges for social services agencies in matching foster children with families, and for the routines of the children themselves. A staff member at St. Vincent Catholic Charities in Lansing, Michigan, told CNA in April that the disruption to the childrens’ routines of meeting with birth parents or school friends was ‘a trauma’ for them. The executive order comes ahead of a Supreme Court case involving Catholic Social Services in Philadelphia. In 2018, the city stopped referrals of foster children with the organization due to its faith-based stance on marriage. The case has been scheduled for the Supreme Court’s fall 2020 term.”

Matt Hadro, “Trump Signs Order to Support Work With Faith Groups on Adoption,” Catholic News Agency, 6/24/20

### **RELIGIOUS FREEDOM**

## **The Obama-Biden Administration Argued Against a Ministerial Exception to Employment Discrimination Laws**

### **In January 2012, the Supreme Court Unanimously Recognized “Ministerial Exception” to Employment Discrimination Laws After the Obama-Biden Administration Argued Against the Exception**

#### **In the *Hosanna-Tabor* Case, the Obama-Biden Administration Argued It Can “Dictate Who Churches Hire, As Long As It Also Subjects Secular Employers to the Same Dictates.”**

“The Supreme Court has rejected the Obama administration’s argument that it can dictate who churches hire as ministers or clergy in *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission*. The Obama administration unsuccessfully argued that the government can dictate who churches hire, as long as it also subjects secular employers to the same dictates regarding who they hire (so-called rules of general applicability). Taken to its logical conclusion, this argument would allow the government to ban a church or synagogue from hiring based on religion (defeating the whole purpose of religious freedom, which is to allow churches to promote their own religion) or sex (preventing the Catholic Church from having a male priesthood).”

Hans Bader, “Supreme Court Rejects Obama Administration Power Grab Over Churches in *Hosanna-Tabor v. EEOC*,” Competitive Enterprise Institute, 1/11/12

## **In January 2012, in *Hosanna-Tabor* Decision, the Supreme Court Unanimously Ruled the First Amendment Bars Suits Brought on Behalf of Ministers Against Their Churches, Claiming Termination in Violation of Employment Discrimination Laws.**

“Holding: The Establishment and Free Exercise Clauses of the First Amendment bar suits brought on behalf of ministers against their churches, claiming termination in violation of employment discrimination laws. Moreover, because the respondent in this case was a minister within the meaning of the ministerial exception, the First Amendment requires dismissal of her employment discrimination suit against her religious employer. Judgment: Reversed, 9-0, in an opinion by Chief Justice Roberts on January 11, 2012. Justice Thomas filed a concurring opinion. Justice Alito also filed a concurring opinion, which was joined by Justice Kagan.”

*Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, SCOTUSblog, Accessed 9/12/20

## ***Hosanna-Tabor* Was the First Case in Which the Supreme Court Recognized “Ministerial Exception” to Employment Discrimination Laws.**

“In what may be its most significant religious liberty decision in two decades, the Supreme Court on Wednesday for the first time recognized a “ministerial exception” to employment discrimination laws, saying that churches and other religious groups must be free to choose and dismiss their leaders without government interference. ‘The interest of society in the enforcement of employment discrimination statutes is undoubtedly important,’ Chief Justice John G. Roberts Jr. wrote in a decision that was surprising in both its sweep and its unanimity. ‘But so, too, is the interest of religious groups in choosing who will preach their beliefs, teach their faith and carry out their mission.’”

Adam Liptak, “Religious Groups Given ‘Exception’ to Work Bias Law,” *The New York Times*, 1/11/12

## **Justice John Roberts Argued the Obama-Biden Administration Took an “Extreme Position” and Noted That Requiring Churches to Hire or Retain Ministers Is More Than an Employment Decision**

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### **Chief Justice John Roberts Described the Obama Administrations EEOC’s Argument As an “Extreme Position.”**

“Although the Sixth Circuit did not adopt the extreme position pressed here by the EEOC, it did regard the relative amount of time Perich spent performing religious functions as largely determinative.”

*Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, Opinion, Supreme Court of the United States, Filed 1/2012

**Roberts: “The Establishment Clause Prevents the Government From Appointing Ministers, and the Free Exercise Clause Prevents It From Interfering With the Freedom of Religious Groups to Select Their Own.”**

*Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, Opinion, Supreme Court of the United States, Filed 1/2012

**Roberts: “Requiring a Church to Accept or Retain an Unwanted Minister, or Punishing a Church for Failing to Do So, Intrudes Upon More Than a Mere Employment Decision.”**

*Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, Opinion, Supreme Court of the United States, Filed 1/2012

**Roberts: “Such Action Interferes With the Internal Governance of the Church, Depriving the Church of Control Over the Selection of Those Who Will Personify Its Beliefs.”**

*Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, Opinion, Supreme Court of the United States, Filed 1/2012

**Roberts: “The Purpose of the Exception Is Not to Safeguard a Church’s Decision to Fire A Minister Only When It Is Made for Religious Reason. The Exception Instead Ensures That the Authority to Select and Control Who Will Minister to the Faithful—a Matter ‘Strictly Ecclesiastical.’”**

*Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, Opinion, Supreme Court of the United States, Filed 1/2012

**Roberts: “The Church Must Be Free to Choose Those Who Will Guide It on Its Way.”**

*Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, Opinion, Supreme Court of the United States, Filed 1/2012

## RELIGIOUS FREEDOM

**The Obama-Biden Administration Signed an Executive Order on Employment Discrimination, But Did Not Spell Out Religious Exemptions Which Could Threaten the Groups’ Federal Funding**

# **In 2014, Obama Signed an Executive Order on Job Discrimination, but Did Not Spell Out Exemptions for Religious Employers Leading to Concerns Religious Employers Could Lose Funding**

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## **Obama Signed Executive Order 11246 Which Made It “Illegal to Fire or Harass Employees of Federal Contractors Based on Their Sexual Orientation or Gender Identity.”**

Jennifer Bendery, “Obama Signs Executive Order on LGBT Job Discrimination,” *Huffington Post*, 7/21/14

### **“The Resulting Regulations Took Effect on April 8, 2015.”**

Louis Jacobson, “Facing Congressional Opposition, Obama Leaves Office Without ENDA Enacted,” *PolitiFact*, 12/12/16

## **Executive Order 11246 Banned “Discrimination Against Transgender Employees of the Federal Government.”**

Jennifer Bendery, “Obama Signs Executive Order On LGBT Job Discrimination,” *Huffington Post*, 7/21/14

### **This Provision Took Place Immediately Upon Obama’s Signing of the Executive Order.**

“The provision affecting federal employees takes effect immediately, while employees of federal contractors will have their new protections in place by early next year, according to senior administration officials.”

Jennifer Bendery, “Obama Signs Executive Order on LGBT Job Discrimination,” *Huffington Post*, 7/21/14

## **According to the Obama Administration, the Executive Order Left in Place the Provisions In a 2002 Executive Order Granting “Exemption for Religiously Affiliated Contractors to Favor Individuals of a Particular Religion When Making Employment Decisions.”**

“The order, according to the White House, leaves in place an exemption for religiously affiliated contractors to favor individuals of a particular religion when making employment decisions as outlined in a December 2002 executive order signed by President George W. Bush.”

Dennis Sadowski, “Catholic Agencies Study Obama Order on Government Contract Employment,” *Catholic News Service*, 7/23/14

## **“Only Federal Contractors and Federally Assisted Construction Contractors and Subcontractors Doing More Than \$10,000 in Government Business in a Year Are Covered by Obama’s Order.”**

Dennis Sadowski, “Catholic Agencies Study Obama Order on Government Contract Employment,” *Catholic News Service*, 7/23/14

**Melissa Swearingen, Adviser and Spokeswoman for USCCB President, Archbishop Joseph E. Kurtz of Louisville, Kentucky in 2014: “It Doesn’t Mention the Bush Regulation at All, So We’re Assuming That the Bush Regulation Would Still Be in Effect With the Limited Protections It Has. But It’s Not Referenced.”**

“Without the exemptions for religious organizations specifically spelled out, Swearingen expressed concern about how the Obama administration will implement the order. ‘It doesn’t mention the Bush regulation at all, so we’re assuming that the Bush regulation would still be in effect with the limited protections it has. But it’s not referenced,’ she said.”

Dennis Sadowski, “Catholic Agencies Study Obama Order on Government Contract Employment,” Catholic News Service, 7/23/14

**“Without the Exemptions for Religious Organizations Specifically Spelled Out, Swearingen Expressed Concern About How the Obama Administration Will Implement the Order.”**

Dennis Sadowski, “Catholic Agencies Study Obama Order on Government Contract Employment,” Catholic News Service, 7/23/14

**On July 1, 2014, Catholic Leaders, Charities, and Other Faith Based Organization Representatives Sent a Letter to Obama Expressing Opposition to the Planned Executive Order.**

“A letter to the White House, sent Tuesday and made public Wednesday, includes the signatures of Michael Wear, faith director for Obama’s 2012 campaign; Stephen Schneck, a leader of Catholic outreach in 2012; and Florida megapastor Joel Hunter, whom Obama has described as a close spiritual counselor....The 14 signers of the letter include leaders of some of the country’s largest faith-based charities, notably Catholic Charities USA and World Relief, the humanitarian arm of the National Association of Evangelicals.”

Michelle Boorstein, “Faith Leaders: Exempt Religious Groups From Order Barring LGBT Bias in Hiring,” *The Washington Post*, 7/2/14; “Letter to Obama From Faith Leaders,” *The Washington Post*, 7/1/14

**The Signers of the Letter Said a Religious Exemption Was Essential.**

“The signers said they supported the executive order—‘we have great appreciation for your commitment to human dignity and justice, and we share those values with you’—but said an exemption is essential.”

Michelle Boorstein, “Faith Leaders: Exempt Religious Groups From Order Barring LGBT Bias In Hiring,” *The Washington Post*, 7/2/14

**Faith Leaders to Obama: “In a Concrete Way, Religious Organizations Will Lose Financial Funding That Allows Them to Serve Others in the National Interest Due to Their Organizational Identity.”**

“Letter to Obama From Faith Leaders,” *The Washington Post*, 7/1/14

**Faith Leaders to Obama: “Without a Robust Religious Exemption, Like the Provisions in the Senate-Passed ENDA, This Expansion of Hiring Rights Will Come at an Unreasonable Cost to the Common Good, National Unity and Religious Freedom.”**

“Letter to Obama From Faith Leaders,” *The Washington Post*, 7/1/14

**ENDA Established an Employer’s Religious Exemption From Religious Discrimination Provisions Under the Civil Rights Act of 1964**

“(Sec. 6) Makes this Act inapplicable to corporations, associations, educational institutions or institutions of learning, or societies exempt from the religious discrimination provisions of the Civil Rights Act of 1964 (thereby establishing a religious employer’s exemption).”

S. 815, Roll Call Vote #232: Passed 64-32: R 10-32; D 52-0; I 2-0, 11/7/13; Congress.gov, Accessed 9/12/20

**ENDA Prohibited “a Federal Agency, or Any State or Local Agency That Receives Federal Funding or Financial Assistance, From: (1) Penalizing or Withholding Licenses, Permits, Certifications, Accreditation, Contracts, Grants, Guarantees, Tax-Exempt Status, or Any Benefits or Exemptions From an Exempt Religious Employer...”**

S. 815, Roll Call Vote #232: Passed 64-32: R 10-32; D 52-0; I 2-0, 11/7/13; Congress.gov, Accessed 9/12/20

**ENDA Prohibited “a Federal Agency, or Any State or Local Agency That Receives Federal Funding or Financial Assistance, From: ...(2) Prohibiting a Religious Employer From Participating in Programs or Activities Sponsored by Such Agency.”**

S. 815, Roll Call Vote #232: Passed 64-32: R 10-32; D 52-0; I 2-0, 11/7/13; Congress.gov, Accessed 9/12/20

**ENDA Prohibited “the Religious Employer’s Exemption and Related Requirements From Invalidating Any Other Federal, State, or Local Law or Regulation That Otherwise Applies to a Religious Employer.”**

S. 815, Roll Call Vote #232: Passed 64-32: R 10-32; D 52-0; I 2-0, 11/7/13; Congress.gov, Accessed 9/12/20

**Catholic Charities USA’s Father Larry Snyder: “While the Vast Majority of Diocesan Catholic Charities Programs Do Not Contract With the Federal Contracts, Those That Do Would Have to Meet the Requirements of the Executive Order Once it Takes Effect.”**

“Father Larry Snyder, president of Catholic Charities USA, reiterated to CNS July 22 that the agency found the executive order upholds already existing religious exemptions. He said he was among religious leaders who met with White House staff to discuss the executive order before it was issued. ...Catholic Charities USA operates with the understanding that its staff in key positions must uphold church teaching, Father Snyder said. ‘We say there are certain positions that are positions of leadership and you represent the organization and you represent the church and

you have to believe and live Catholic teaching,’ he explained. ‘For us, those positions are very few.’ While the vast majority of diocesan Catholic Charities programs do not contract with the federal contracts, those that do would have to meet the requirements of the executive order once it takes effect, he said.”

Dennis Sadowski, “Catholic Agencies Study Obama Order on Government Contract Employment,” Catholic News Service, 7/23/14

**“However, Catholic Charities USA and CRS Provide a Variety of Services With Government Funds. Individual ACCU Members Also Have Contracted With the Government for Research and Services Under Other Programs.”**

Dennis Sadowski, “Catholic Agencies Study Obama Order on Government Contract Employment,” Catholic News Service, 7/23/14

**In 2014, the Provisions Aimed at Federal Contractors Affected “24,000 Companies Employing Roughly 28 Million Workers, or About One-Fifth of the Nation’s Workforce.”**

Jennifer Bendery, “Obama Signs Executive Order on LGBT Job Discrimination,” *Huffington Post*, 7/21/14

## **Rep. Steve Russell Introduced an Amendment to Clear Up the “Ambiguous Language” in the Obama-Biden Administration Executive Order and Ensure Faith Based Organizations Are “on Equal Footing With Secular Ones”**

**In December 2016, the Russell Amendment “Would Require the Government to Give Religious Organizations it Signs Contracts With Exemptions in Federal Civil Rights Law and the Americans Disabilities Act.”**

“The measure, introduced by freshman Rep. Steve Russell (R-Okla.) at 12:30 a.m. as the House Armed Services Committee prepared to pass the defense bill, would require the government to give religious organizations it signs contracts with exemptions in federal civil rights law and the Americans Disabilities Act.”

Lisa Rein and Karoun Demirjian, “LGBT Groups Gird for Battle Against Religious-Based Legislation In Congress,” *The Washington Post*, 4/29/16

**“The Amendment Provides an Exemption for ‘Any Religious Corporation, Religious Association, Religious Educational Institution or Religious Society’ Contracting With the Government.”**

Lisa Rein and Karoun Demirjian, “LGBT Groups Gird for Battle Against Religious-Based Legislation in Congress,” *The Washington Post*, 4/29/16

## **“Russell Said His Aim Was Simply to Clarify ‘Ambiguous Language’ Concerning the Rights of Religious Groups That Already Exists in Federal Law.”**

Lisa Rein and Karoun Demirjian, “LGBT Groups Gird for Battle Against Religious-Based Legislation in Congress,” *The Washington Post*, 4/29/16

### **Russell In December 2016: “Unfortunately, Guidance From the Office of Federal Contract Compliance Programs, However Well-Intended, Has Caused Confusion on the President’s Executive Order Regarding Religious Contractors Within the Scope of Their Protections Under Law.”**

“Unfortunately, guidance from the Office of Federal Contract Compliance Programs, however well-intended, has caused confusion on the president’s executive order regarding religious contractors within the scope of their protections under law,’ Russell told his colleagues.”

Lisa Rein and Karoun Demirjian, “LGBT Groups Gird for Battle Against Religious-Based Legislation in Congress,” *The Washington Post*, 4/29/16

## **RELIGIOUS FREEDOM**

# **Biden Supported PNTR With China Despite Warnings About China’s Record on Religious Freedom**

## **Biden Voted for PNTR With China Despite Warnings About China’s Record From Religious Freedom Groups**

### **On September 19, 2000, Biden Voted in Favor of Permanent Normal Trade Relations (PNTR) With China.**

“Passage of the bill that would make normal trade relations with the People’s Republic of China permanent. The bill contains a measure that would protect U.S. businesses and workers from Chinese import surges. The bill includes a provision that would establish a commission to monitor human rights, labor standards and religious freedom in China. The administration would have to report annually on China’s compliance with trade agreements and express the sense of Congress that Taiwan should be admitted to the World Trade Organization. The measure would authorize \$99 million for Radio Free Asia and the Voice of America to expand broadcasts to China and neighboring countries.”

HR 4444, Roll Call Vote #251: Passed 83-15: R 46-8; D 37-7, 9/19/00, Biden Voted Yea, CQ Summary, Accessed 4/6/20

## **On September 7, 2000, Biden Voted Against an Amendment to Delay the Effective Date of PNTR With China Until They Made Changes Regarding Religious Freedom.**

“Wellstone, D-Minn., amendment that would delay the effective date of permanent normal trade relations status to China until the president certifies that China has made substantial changes with respect to religious freedom, by demonstrating that China has: agreed to establish an ongoing and high-level dialogue with the U.S. government on religious freedom; ratified the International Convention on Civil and Political Rights; agreed to permit the U.S. Commission on International Religious Freedom and international human rights organizations unhindered access to religious leaders; responded to inquiries regarding people imprisoned, detained or under house arrest for religious reasons; and released prisoners incarcerated because of religious reasons.”

HR 4444, Roll Call Vote #234: Rejected 30-67: D 15-29; R 15-38, 9/7/00, Biden Voted Nay, CQ Summary, Accessed 4/6/20

## **U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM**

### **The U.S. Commission on International Religious Freedom Was Unanimous in Asking Congress to Not Grant PNTR to China.**

ELLIOTT ABRAMS: “On behalf of the United States Commission on International Religious Freedom, of which I have the honor to be a member, I wish to thank the Committee for this invitation to testify about the granting of permanent normal trade relations to China. The Commission, established by Congress in the International Religious Freedom Act of 1998, is charged with the responsibility of advising the President, the Congress, and the Secretary of State on matters involving international religious freedom. Just two days ago we issued our first annual report. The Commission has nine voting members who come from both political parties and several religions—and several of us are strong free traders. Yet we were unanimous in our Report in asking Congress not to grant PNTR to China at this moment.”

Committee on Ways and Means, U.S. House of Representatives, Hearing, Washington, DC, 5/3/00

### **“Nevertheless, Given the Sharp Deterioration in Freedom of Religion in China During the Last Year, the Commission Believes That an Unconditional Grant of PNTR at This Moment May Be Taken As a Signal of American Indifference to Religious Freedom.”**

Committee on Ways and Means, U.S. House of Representatives, Hearing, Washington, DC, 5/3/00

### **“A Grant of PNTR at This Juncture Could Be Seen by Chinese People Struggling for Religious Freedom As an Abandonment of Their Cause at a Moment of Great Difficulty.”**

Committee on Ways and Means, U.S. House of Representatives, Hearing, Washington, DC, 5/3/00

**“The Very Limited Religious Freedom Chinese Enjoyed in the Past Is Under Attack. The Situation is Worse Than at Any Time Since the Cultural Revolution.”**

Committee on Ways and Means, U.S. House of Representatives, Hearing, Washington, DC, 5/3/00

**“The Commission Concluded That Passage of PNTR at This Juncture Would Send a Powerful Message to the Government Of Beijing That We Don’t Much Care About All of This—and Perhaps As Tragically, Send the Same Message to Millions of Chinese Believers Struggling to Practice Their Religion.”**

Committee on Ways and Means, U.S. House of Representatives, Hearing, Washington, DC, 5/3/00

## **THE U.S. CONFERENCE OF CATHOLIC BISHOPS**

**In May 2000, the U.S Conference of Catholic Bishops (USCC) Opposed Granting PNTR for China.**

“Later this month, probably during the week of May 22, the House is expected to vote on the Administration’s proposal to grant permanent normal trade relations (PNTR) to the People’s Republic of China. The USCC opposes granting permanent normal trading status at this time, and urges Members of Congress to vote against PNTR.”

“Action Alert on Permanent Normal Trade Relations (PNTR) with China,” United States Conference of Catholic Bishops, 5/2000

**USCC Called on Congress to Condition Trade Relations With China on Improvements in Religious Freedom, Amongst Other Issues.**

“With others concerned about China’s denial of workers’ rights, the existence of slave labor camps, its coercive population policies, the lack of environmental protection, a hostile military posture, and especially its abysmal record on human rights and religious freedom, we have called on Congress to condition trade relations to improvements in these areas.”

“Action Alert on Permanent Normal Trade Relations (PNTR) with China,” United States Conference of Catholic Bishops, 5/2000

**Cardinal Bernard Law, Archbishop of Boston and Chairman, USCCB Committee on International Policy: “Throughout the Past Decade, the United States Catholic Conference Has Repeatedly Urged That Certain Conditions Be Met Before the President Extended ‘Most Favored Nation’ Trading Status to China.”**

“Throughout the past decade, the United States Catholic Conference has repeatedly urged that certain conditions be met before the President extended “most favored nation” trading status to China. Particularly, we have urged that the well-documented violations of the Chinese peoples’ human rights, and notably their lack of true religious freedom, be seriously addressed and reversed. Sadly, all indications are that the past two years have seen a marked deterioration in the area of human rights and religious freedom.”

Bernard Cardinal Law, Letter to House of Representatives on PTNR, United States Conference of Catholic Bishops, 4/12/00

**Cardinal Law: “As Long As the Chinese Leadership Steadfastly Refuses to Abide by the Universal Norms of Human Rights Protection, the United States Should Not Grant Normal Trade Relations on a Permanent Basis.”**

“The full integral human development of China, most populous of the world’s nations, and its economic advancement in the global economy, is a goal of great importance. With China’s eventual accession to the World Trade Organization, it will enjoy normal trade relations with the other WTO members. However, as long as the Chinese leadership steadfastly refuses to abide by the universal norms of human rights protection, the United States should not grant normal trade relations on a permanent basis. Instead, we should retain the valuable option provided by annual review of China’s compliance with fundamental norms.”

Bernard Cardinal Law, Letter to House of Representatives on PTNR, United States Conference of Catholic Bishops, 4/12/00

**Cardinal Law: “Neither Our Government Nor the Leaders of China Have Taken Seriously Enough the Deep Concerns Our Conference and Many Others Have Expressed Regarding the Suppression of Religious Freedom and Other Violations of Fundamental Human Rights.”**

“Neither our government nor the leaders of China have taken seriously enough the deep concerns our Conference and many others have expressed regarding the suppression of religious freedom and other violations of fundamental human rights. These are not marginal issues or diversions in fashioning a strong and productive relationship between our two nations. Absent any other comparable means to focus needed attention on these matters, a strong vote against granting permanent normal trade relations (PNTR) at this time will send a clear signal to the leaders of both nations, pressing them to give a much higher priority to human rights and religious freedom in the future.”

Bernard Cardinal Law, Letter to House of Representatives on PTNR, United States Conference of Catholic Bishops, 4/12/00

**Cardinal Law: “A Decision Now to Forgo on a Permanent Basis the Annual Review and Debate on These Issues Could Be Seen As an Abandonment of U.S. Concern for Religious Liberty and Human Rights.”**

“People of good will can disagree on these matters. Trade issues are often not the best means of expressing concern on human rights. Other means, not related to trade, should be sought and strengthened to communicate our country’s deep concerns about China’s worsening record on human rights and religious freedom, but a decision now to forgo on a permanent basis the annual review and debate on these issues could be seen as an abandonment of U.S. concern for religious liberty and human rights.”

Bernard Cardinal Law, Letter to House of Representatives on PTNR, United States Conference of Catholic Bishops, 4/12/00

## THE CARDINAL KUNG FOUNDATION

### **In January 2000, the Cardinal Kung Foundation Opposed World Trade Organization Membership for China.**

“Joseph Kung, president of the Cardinal Kung Foundation, said it was believed the bishop and four others were arrested for practising their faith ‘in accordance with their conscience’. And he called on global powers to use the issue of freedom of religion to block China’s ongoing efforts to join the World Trade Organisation. ‘Any invitation or encouragement to China’s entry into the WTO amounts to condoning the five decades of religious persecution in China,’ he said.”

“Catholic Bishop Among Five Religious Figures Held in China: Rights Group,” Agence France Presse, 1/24/00

### **The Cardinal Kung Foundation Promoted the Roman Catholic Church in China.**

“Our Mission Is to Promote the Roman Catholic Church in China, Now Under Persecution, through Increased Prayers, Financial Support and Other Appropriate Projects”

“Our Mission,” Cardinal Kung Foundation, Accessed 9/8/20

### **Joseph Kung, President of the Cardinal Kung Foundation: “Any Invitation or Encouragement to China’s Entry Into the WTO Amounts to Condoning the Five Decades of Religious Persecution in China.”**

“Catholic Bishop Among Five Religious Figures Held in China: Rights Group,” Agence France Presse, 1/24/00

## REP. FRANK R. WOLF

### **Then-Rep. Frank R. Wolf (R-VA) Testified In Opposition to Granting China PNTR Because of the Chinese Government’s Treatment of Roman Catholics**

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### **In May 2000, Then-Rep. Frank R. Wolf (R-VA) Testified Before the House Committee on Ways and Means in Opposition to Granting China PNTR Because of the Chinese Government’s Treatment of Roman Catholics.**

“You’ve heard the Administration and you’ve heard about trade. So I’d like to talk a little bit about the rest. In China today, there are at least eight Catholic bishops that are in jail and the number is actually higher. There are numerous Protestant house church pastors that have been arrested and one in the photo here is the bishop in jail still, and Pastor Li in the photo here was arrested and...put in prison in China.”

Committee on Ways and Means, U.S. House of Representatives, Hearing, Washington, DC, 5/3/00

### **Wolf Cited Bishop Peter Joseph Fan Xue-Yan, Who Died in a Chinese Prison As a Result of Torture**

“Many Protestant house church leaders, pastors, Catholic bishops, and priests in China are modern day Dietrich Bonhoeffers. Dietrich Bonhoeffer suffered in prison for two years—from April 1943 to his death almost exactly two years later. This is a photograph of Bishop Peter Joseph Fan Xue-Yan. Bishop Fan died in a Chinese prison as a result of torture and physical abuse carried out against him in prison. Bishop Fan was imprisoned by the Chinese government in 1958 and held there for 34 years because of his loyalty to the Pope. In April 1992, security officers returned his frozen and broken body in a plastic sack. The autopsy showed that he died as a result of torture wounds suffered in prison.”

Committee on Ways and Means, U.S. House of Representatives, Hearing, Washington, DC, 5/3/00

### **Wolf Cited Bishop Zeng Jingmu, Who Was Imprisoned in China for Almost 35 Years.**

“This picture here is of Catholic Bishop Zeng Jingmu. He has spent almost 35 years in Chinese prisons since 1955. He was released from jail in 1998 and is now under strict house arrest. At this point in life, he is very sick and is over 80 years old.”

Committee on Ways and Means, U.S. House of Representatives, Hearing, Washington, DC, 5/3/00

### **Wolf Cited Bishop An Shuxin Who Had Been in and Out Of Prison in China and Whose Location Was Unknown.**

“This picture...above is of Catholic Bishop An Shuxin who disappeared and then was discovered to be in prison. Bishop An has been in and out of prison in China, because of his faith, since 1982. Bishop An is currently in prison and was only released for one hour to visit his invalid 90-year-old mother. Bishop An’s present location is unknown.”

Committee on Ways and Means, U.S. House of Representatives, Hearing, Washington, DC, 5/3/00

### **Wolf Cited Bishop Shu, Who Was in Prison for Giving Congressman Chris Smith Holy Communion.**

“Who would have thought in 1985 that we would have seen in 1991 the Berlin Wall to fall down. How did the men in the Perm and the Gulag know of Ronald Reagan’s speeches? And when in 1987, we took away MFN from Romania, the peasants knew of what we had done. So the failure has been this Administration’s weakness on human rights and religious freedom. Why has the Administration never spoken out with regard to the Catholic bishops? The torture—here is a bishop born December 29, died a martyr, ordained priest. His body, in 1992, press reported that government officials had hesitantly assigned the April 13 as stated death. His body was sent back in a frozen body plastic sack. Chris Smith gave holy communion to Bishop Shu, a Catholic bishop. Bishop Shu is still in jail for giving Congressman Smith holy communion. And the next Administration, whether it’s Gore or Bush, hopefully it will be. Bush, will speak out and there will be a time that we can give them permanent MFN. I am a free trader. I voted for NAFTA. I am an internationalist. I supported

the bombing in Kosovo. I was one of 33 Republican members on my side. I supported the troops being sent to Bosnia. I have actually argued for more foreign aid in certain areas than most people on my side of the aisle. This is not only a trade issue, it's a religious freedom and a human rights issue. So with an administration that speaks out, then this annual review can make a tremendous difference."

Committee on Ways and Means, U.S. House of Representatives, Hearing, Washington, DC, 5/3/00

**Wolf: "Why Has the Administration Never Spoken Out With Regard to the Catholic Bishops?"**

"Who would have thought in 1985 that we would have seen in 1991 the Berlin Wall to fall down. How did the men in the Perm and the Gulag know of Ronald Reagan's speeches? And when in 1987, we took away MFN from Romania, the peasants knew of what we had done. So the failure has been this Administration's weakness on human rights and religious freedom. Why has the Administration never spoken out with regard to the Catholic bishops? The torture—here is a bishop born December 29, died a martyr, ordained priest. His body, in 1992, press reported that government officials had hesitantly assigned the April 13 as stated death. His body was sent back in a frozen body plastic sack. Chris Smith gave holy communion to Bishop Shu, a Catholic bishop. Bishop Shu is still in jail for giving Congressman Smith holy communion. And the next Administration, whether it's Gore or Bush, hopefully it will be. Bush, will speak out and there will be a time that we can give them permanent MFN. I am a free trader. I voted for NAFTA. I am an internationalist."

Committee on Ways and Means, U.S. House of Representatives, Hearing, Washington, DC, 5/3/00

**Wolf: "This Is Not Only a Trade Issue, It's a Religious Freedom and a Human Rights Issue. So With an Administration That Speaks Out, Then This Annual Review Can Make a Tremendous Difference."**

"I supported the bombing in Kosovo. I was one of 33 Republican members on my side. I supported the troops being sent to Bosnia. I have actually argued for more foreign aid in certain areas than most people on my side of the aisle. This is not only a trade issue, it's a religious freedom and a human rights issue. So with an administration that speaks out, then this annual review can make a tremendous difference."

Committee on Ways and Means, U.S. House of Representatives, Hearing, Washington, DC, 5/3/00

## **Though China Has Been Listed As a “Country of Particular Concern” Under the Religious Freedom Act of 1998, Biden Has Continued to Support Their Growth**

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### **Since 1999, China Has Been Designated As a “Country of Particular Concern” Under the International Religious Freedom Act of 1998.**

“Since 1999, China has been designated as a ‘Country of Particular Concern’ (CPC) under the International Religious Freedom Act of 1998 for having engaged in or tolerated particularly severe violations of religious freedom.”

“China (Includes Tibet, Xinjiang, Hong Kong, and Macau) 2018 International Religious Freedom Report,” U.S. Department of State, 2018

### **VIDEO: 2011: Biden: “I Believed Then and I’m Even More Convinced Now That a Rising China Is an Incredibly Positive Development for Not Only China, but the United States and the Rest of the World.”**

Joe Biden, Remarks at Luncheon for President Hu, Washington, DC, 1/19/11, Minute 3:48–5:54

### **VIDEO: 2011: Biden: “A Prosperous China Benefits Not Only Chinese Citizens but Other Nations As Well.”**

Joe Biden, Remarks at Luncheon for President Hu, Washington, DC, 1/19/11, Minute 3:48–5:54

### **VIDEO: 2013: Biden: “It’s Overwhelmingly in America’s Interest That China’s Economy Continue to Grow.”**

Joe Biden, Remarks at Pratt & Whitney—Eagle Services Asia, Singapore, 7/27/13, Minute 11:33–11:57

### **VIDEO: 2019: Biden: “You Know, They’re Not Bad Folks, Folks.”**

“They can’t figure out how they’re going to deal with the corruption that exists within the system,” Biden said of China. ‘I mean, you know, they’re not bad folks, folks. But guess what? They’re not competition for us.’”

Felicia Sonmez, “Biden Says China Is ‘Not Competition for Us,’ Prompting Pushback From Both Parties,” *The Washington Post*, 05/1/19, Minute: 00:41–00:52

### **In August 2011, Biden Said He Understood China’s One Child Policy Which Includes Forced-Sterilization and Abortion.**

“Vice President Biden has emphatically backed away from his apparent endorsement of China’s one-child policy. ...The one-child policy has rested on coercion, including forced sterilization and abortion, as well as incentives.”

Editorial, “Mr. Biden Stumbles in China, Twice,” *The Washington Post*, 8/24/11

**VIDEO: Biden: “Your Policy Has Been One Which I Fully Understand—I’m Not Second-Guessing—of One Child Per Family.”**

BIDEN: “But as I was talking to some of your leaders, you share a similar concern here in China. You have no safety net. Your policy has been one which I fully understand—I’m not second-guessing—of one child per family. The result being that you’re in a position where one wage earner will be taking care of four retired people. Not sustainable. So hopefully we can act in a way on a problem that’s much less severe than yours, and maybe we can learn together from how we can do that.”

Joe Biden, Remarks on U.S.-China Relations at Sichuan University, Chengdu, China, 8/21/11, Min: 38:07–38:41

**THE BIDEN REPORT**

# **HEALTH CARE**

# HEALTH CARE

**“The nation’s healthcare system needs to be rooted in values that respect human dignity, protect human life, respect the principle of subsidiarity, and meet the needs of the poor and uninsured, especially born and unborn children, pregnant women, immigrants, and other vulnerable populations.”**

United States Conference of Catholic Bishops, 2015

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**“By intervening directly and depriving society of its responsibility, the social assistance state leads to a loss of human energies and an inordinate increase of public agencies, which are dominated more by bureaucratic ways of thinking than by concern for serving their clients, and which are accompanied by an enormous increase in spending.”**

St. John Paul II, *Centesimus Annus*, 1991

## The Obama-Biden Administration Stood Against Religious Freedom in Health Care

### ObamaCare Contained No Specific Language to Block It From Being Used to Pay for Elective Abortions or Abortion Causing Drugs

**In 2009, Douglas Johnson of the National Right to Life Committee Said the Hyde Amendment, When It Is Actually in Force, Only Pertains to Funding Appropriated Through the Yearly HHS Appropriations Bill.**

“Johnson also says the Hyde amendment, even when it is in force, only to funds appropriated through the annual HHS appropriations bill (and, through a separate statute, to the Indian Health Service).”

Steven Ertelt, “Hyde Amendment Not Sufficient Enough to Stop Abortion Funding in Health Care Measures,” LifeNews, 7/20/09

**ObamaCare Appropriates Its Subsidies for Insurance Premiums and Cost Sharing From Sources Not Under the Purview of the HHS Appropriations Bill, Rendering Them Not Subject to the Hyde or Even the Stupak Amendment Voted Down.**

“‘But H.R. 3200 directly appropriates massive subsidies for premiums and cost-sharing that would not flow through the HHS appropriations bill and thus would not be subject to the Hyde Amendment, even in the short term,’ he says.”

Steven Ertelt, “Hyde Amendment Not Sufficient Enough to Stop Abortion Funding in Health Care Measures,” LifeNews, 7/20/09

**Douglas Johnson: “The Hyde Amendment Is Not a Permanent Law, but Merely a ‘Limitation Amendment’ That Is Patched on to the Annual Appropriations Bill for Health and Human Services.”**

“Although some backers of the health care restructuring bill in the House say the Hyde amendment would prevent abortion funding, Johnson says that’s not the case. ‘This is a dodge. The Hyde Amendment is not a permanent law, but merely a “limitation amendment” that is patched on to the annual appropriations bill for Health and Human Services,’ Johnson says. Should abortion advocates in Congress attempt to overturn the Hyde amendment, its protections fail to cover the health care bill.”

Steven Ertelt, “Hyde Amendment Not Sufficient Enough to Stop Abortion Funding in Health Care Measures,” LifeNews, 7/20/09

## **In 2009, LifeNews.com Said Unless “Hyde-Type” Language Was Added to ObamaCare, There Is Nothing Within It to Prohibit Federal Funding of Abortions or Abortion Drugs.**

“Thus, the only way to prevent H.R. 3200 from resulting in massive federal subsidies for elective abortion is to add Hyde-type language to the bill itself, just as Congress did when it created the SCHIP program in 1997,’ Johnson concludes. ‘Unless such an amendment is adopted, a vote for H.R. 3200 is a vote for tax-subsidized abortion on demand.’”

Steven Ertelt, “Hyde Amendment Not Sufficient Enough to Stop Abortion Funding in Health Care Measures,” LifeNews, 7/20/09

## **ObamaCare Also Gives State Health Exchanges the Option to Cover Abortions Unless the State Enacts Legislation Prohibiting Abortion Coverage.**

“In fact, the law specifically provides that state health exchanges may cover abortions unless the state enacts specific legislation prohibiting abortion coverage.”

Matthew Clark, “How Obamacare Uses Taxpayer Money to Pay for Abortions, ACLJ, Accessed 9/8/20

## **Due to the Broad Language and Definitions Used Within It, ObamaCare’s Ambiguous Requirement for Insurance Providers to Cover “Preventative Care” Could Be Used to Force Coverage of Abortions and Abortion Drugs.**

“Moreover, the law’s requirement that insurance providers cover ‘preventive services’ and preventative care are so broadly defined that they could be used to force coverage of abortions and abortion related drugs.”

Matthew Clark, “How Obamacare Uses Taxpayer Money to Pay for Abortions, ACLJ, Accessed 9/8/20

## **The Obama-Biden Administration Struck a Deal With Democrats to Ban Federal Funding of Abortions, Leaving Room for States to Use Taxpayer Money.**

“House Democrats moved toward a decisive series of votes on health reform Sunday night after a cadre of anti-abortion Democrats signed onto an agreement with the White House—finally putting the Democrats over the 216-vote threshold to pass President Barack Obama’s top legislative priority. The announcement by Rep. Bart Stupak (D-Mich.) and a half-dozen colleagues came just after Obama said he will sign an executive order reaffirming a ban on federal funding of abortions.”

Patrick O’Connor, “History in Sight for Democrats,” Politico, 3/21/10

## The Obama-Biden Administration Attempted to Force Religious Organizations to Cover Contraceptives Contrary to Their Beliefs

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### **When It Was Passed, Obamacare Said “All Insurers” Would Be Required to Provide “Preventive Health Services” but It Did Not Define “Preventative.”**

“The beginnings of this confrontation lay in an obscure provision of Obama’s Patient Protection and Affordable Care Act, which stated that all insurers will be required to provide ‘preventive health services.’ When the law was passed, ‘preventive’ was not defined but left to be determined at a later date.”

Jonathan V. Last, “Obamacare vs. the Catholics,” *Weekly Standard*, 2/7/12

### **Obamacare Was Passed in March 2010. “The first part of the comprehensive health care reform law enacted on March 23, 2010.”**

“Patient Protection and Affordable Care Act,” HealthCare.gov, Accessed 9/1/20

### **In August 2011, “Health and Human Services Secretary Kathleen Sebelius Finally Got Around to Explaining the Administration’s Interpretation of the Phrase.”**

Jonathan V. Last, “Obamacare vs. the Catholics,” *Weekly Standard*, 2/7/12

### **Based on a Recommendation From the Institute Of Medicine, the Obama Administration Defined Preventive Health Services “to Include Contraceptives, Morning-After Pills, and Female Sterilization.”**

“This past August, Health and Human Services secretary Kathleen Sebelius finally got around to explaining the administration’s interpretation of the phrase. Based on a recommendation from the Institute of Medicine, the administration would define ‘preventive health services’ to include contraceptives, morning-after pills, and female sterilization.”

Jonathan V. Last, “Obamacare vs. the Catholics,” *Weekly Standard*, 2/7/12

### **“And They Would Interpret the ‘All Insurers’ Section to Include Religious Organizations, Whatever Their Beliefs.”**

Jonathan V. Last, “Obamacare vs. the Catholics,” *Weekly Standard*, 2/7/12

### **The Administration’s Definition Mandated That “Every Catholic Institution Larger Than a Single Church...Must Pay for Contraceptives, Sterilization, and Morning-After Abortifacients for Its Employees.”**

“It is now a requirement of Obamacare that every Catholic institution larger than a single church—and even including some single churches—must pay for contraceptives, sterilization, and morning-

after abortifacients for its employees.”

Jonathan V. Last, “Obamacare vs. the Catholics,” *Weekly Standard*, 2/7/12

### **“The Mandate Requires That All Employee Health Insurance Plans Must Provide No-Cost Birth Control Coverage to Employees, and It Grants What Many Consider an Unacceptably Narrow Exemption for Religious Groups.”**

David Gibson, “Catholic Hospitals Reject Obama’s Birth Control Compromise,” Religion News Service, 6/15/12

### **Obama-Biden Administration HHS Secretary Katherine Sebelius Said a Religious Employer Objecting to Treatment for Terminating Pregnancies Could Do So Only If They Met Three Criteria.**

“Sebelius included one small conscience exemption: A religious employer who objects to medical treatment aimed at prevention of the disease commonly known as ‘pregnancy’ may leave it out of their health insurance coverage provided the employer satisfies three criteria...”

Jonathan V. Last, “Obamacare vs. the Catholics,” National Public Radio’s “Weekly Standard,” 2/7/12

#### **“It Has Religious Inculcation As Its Primary Duty.”**

Jonathan V. Last, “Obamacare vs. the Catholics,” *Weekly Standard*, 2/7/12

#### **“It Primarily Employs People of the Same Faith.”**

Jonathan V. Last, “Obamacare vs. the Catholics,” *Weekly Standard*, 2/7/12

#### **“It Primarily Serves People of the Same Faith.”**

Jonathan V. Last, “Obamacare vs. the Catholics,” *Weekly Standard*, 2/7/12

### **“This Fig Leaf Is Enough to Cover Most Small Churches—So Long As Your Parish Employs Only a Couple of Priests and a Secretary, It Would Probably Get a Pass. Larger Institutions Would Not.”**

Jonathan V. Last, “Obamacare vs. the Catholics,” *Weekly Standard*, 2/7/12

### **Neither the Catholic Hospitals, Nor the Catholic Long-Term Care Centers in the United States, Could Have Met the Criteria for Religious Exemption.**

“In the Catholic world, for instance, a diocesan office often employs lots of people—lawyers, janitors, administrative staff—who are not necessarily Catholic. And the duties of such offices extend far beyond inculcation of the faith—to include charity, community service, and education. Or take Catholic universities. There are more than 200 of them, serving some 750,000 students. They clearly do not fit the exemption. Neither would any of the 6,980 Catholic elementary or secondary schools. Nor the country’s 600 Catholic hospitals; nor its 1,400 Catholic long-term care centers. Ditto the network of Catholic social services organizations that spend billions of dollars a year to serve the needy and disadvantaged.”

Jonathan V. Last, “Obamacare vs. the Catholics,” *Weekly Standard*, 2/7/12

## **Inside the Obama-Biden Administration, Biden Objected to the Mandate Saying It Could Be Seen As Overreach on Religious Freedom and Hurt Their Support From Working Class Voters**

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**“In 2011, Biden Objected to an Administration Plan to Require Catholic Hospitals and Other Institutions to Cover Contraceptives Under the Affordable Care Act,” Citing the Potential of Losing Working-Class Votes.**

“Even so, they often disagreed. In 2011, Biden objected to an Administration plan to require Catholic hospitals and other institutions to cover contraceptives under the Affordable Care Act, saying that it would cost them working-class votes.”

Evan Osnos, “The Biden Agenda,” *The New Yorker*, 7/20/14

**In 2012, Before Implementation of the New Language, Biden Again Warned Obama That the Decision “Would Be Cast As a Government Intrusion on Religious Freedom and That It Could Alienate Catholic Voters in Swing States.”**

“Vice President Joe Biden and former White House chief of staff Bill Daley both told the president that the decision would be cast as a government intrusion on religious freedom and that it could alienate Catholic voters in swing states, Bloomberg reported Wednesday. The decision has whipped up a frenzy of criticism for the president that he’s been battling since the move went public. Biden, the first Catholic to serve as vice president, isn’t known for being reticent. But he hasn’t yet spoken publicly about the Jan. 20 decision. His office declined to comment.”

Jennifer Epstein, “Biden Warned of Birth Control Backlash,” *Politico*, 2/8/12

## **While Running for Reelection, Biden Lied About the Effect the Mandate Would Have on Religious Institutions**

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**In October 2012, During a Vice Presidential Debate, Biden Claimed the Mandate Would Not Force Catholic Health Care Providers to “Be a Vehicle to Get Contraception in Any Insurance Policy They Provide.”**

“In Thursday’s vice presidential debate, the first ever between two Catholics, the candidates were asked how their faith shaped their views on abortion. ...‘Let me make it absolutely clear,’ the vice president said. ‘No religious institution—Catholic or otherwise, including Catholic social services, Georgetown hospital, Mercy hospital, any hospital—none has to either refer contraception, none has to pay for contraception, none has to be a vehicle to get contraception in any insurance policy they provide. That is a fact. That is a fact.’”

Mitchell Landsberg, “Catholic Bishops Chide Biden Over Contraception Mandate Comments,” *The Los Angeles Times*, 10/12/12

**Biden in October 2012: “No Religious Institution—Catholic or Otherwise... Has to Either Refer Contraception, None Has to Pay for Contraception, None Has to Be a Vehicle to Get Contraception in Any Insurance Policy They Provide. That Is a Fact.”**

Mitchell Landsberg, “Catholic Bishops Chide Biden Over Contraception Mandate Comments,” *The Los Angeles Times*, 10/12/12

**United States Conference of Catholic Bishops in October 2012: “That Is Not a Fact.”**

Mitchell Landsberg, “Catholic Bishops Chide Biden Over Contraception Mandate Comments,” *The Los Angeles Times*, 10/12/12

## **Hobby Lobby and the Little Sisters of the Poor Were Both Forced to Go to the Supreme Court to Defend Their Rights**

**Hobby Lobby Argued They Should Be Exempt From the Requirement to Cover Contraception Saying the Requirement to Cover Emergency Contraceptives Posed a “Substantial Burden” on Their Religious Rights.**

“Hobby Lobby and Conestoga are family-owned, and they said that the health law’s contraception requirement violated their religious views. ...The companies argued that they should be exempted from the contraceptive requirement because the 1993 Religious Freedom Restoration Act, or RFRA, says that the government may not pose a ‘substantial burden’ on the free exercise of religion unless that burden is the narrowest possible way to further a compelling government interest. The federal government and advocates for the health law’s contraception requirements argued that only individuals—not corporations—can exercise religious rights.”

Mary Agnes Carey, “Hobby Lobby Ruling Cuts Into Contraceptive Mandate,” National Public Radio, 6/20/14

**In 2014, the Supreme Court Ruled in Favor of Hobby Lobby Finding Closely Held For-Profit Corporations With Religious Objections to Contraceptives Could Opt Out of the Mandate to Provide Birth Control.**

“In 2014, the Supreme Court held in *Burwell v. Hobby Lobby* that a ‘closely held’ for-profit corporation that had religious objections to contraceptives could opt out of the mandate.”

Kevin Wallsten, “What’s Next After the Supreme Court’s Birth Control Ruling?” *The Washington Post*, 7/18/20

**The Little Sisters of the Poor Argued the Waiver System Introduced Following the *Hobby Lobby* Decision Crossed Their Moral Boundary by Endorsing Contraceptives and Gave Control of Their Health Care Program to the Government.**

“A federal appeals court ruled Tuesday that there is a limit to how far the government must bend

to accommodate religious objections to the federal healthcare exchange. The U.S. 10th Circuit Court of Appeals ruled that if the Colorado-based Little Sisters of the Poor want to refuse contraceptive coverage to their employees, they must sign a waiver to be exempted, and that such a waiver is not a substantial burden on the nuns' religious freedom."

Nigel Duara, "Court Rules Against Little Sisters of the Poor in Contraceptive Coverage Case," *Los Angeles Times*, 7/14/15

### **In 2020, the Supreme Court Gave the Little Sisters of the Poor a Win When They Ruled the Trump Administration Acted Within Their Authority When They Expanded Obamacare's Exemptions.**

"The Supreme Court ruled Wednesday that the Trump administration acted within its authority when it expanded exemptions to the Affordable Care Act's (ACA) requirement for employers to provide insurance coverage that includes contraception—in a victory for Little Sisters of the Poor, the Catholic group that has been at the center of the national debate over the mandate. The court ruled 7-2 in favor of the Trump administration and the Catholic charity that cares for the elderly in two related disputes against Pennsylvania, which sued over the validity of a rule from the Trump administration that allowed religiously-affiliated groups and some for-profit companies to opt-out of providing contraception coverage to employees."

Tyler Olson, Ronn Blitzer, and Shannon Bream, "Supreme Court Rules in Favor of Little Sisters of the Poor in Obamacare Contraception Case," *Fox News*, 7/8/20

## **Despite Any Previous Concerns Over the Rule, As a Presidential Candidate, Biden Says He Will Work Restore the Standards to What They Were Before the Supreme Court Decisions**

### **In a May 5, 2020 Statement, Biden Said He Would "Work to Restore the Obama-Biden Policy That Was in Place Before the U.S. Supreme Court's Hobby Lobby Decision."**

"As President, I will reverse President Trump's rollbacks of the Affordable Care Act, including his efforts to deny women access to health care, and work to restore the Obama-Biden policy that was in place before the U.S. Supreme Court's *Hobby Lobby* decision. We should be expanding, not diminishing, access to health care—especially in the midst of a health crisis."

Joe Biden, "Statement by Vice President Joe Biden on Birth Control Case Before the U.S. Supreme Court," *Medium*, 5/7/20

### **July 9, 2020 Fox News Headline: "Biden Says He Would Restore Pre-Hobby Lobby Contraceptive Mandate in Wake of Little Sisters Ruling"**

Tyler Olson, "Biden Says He Would Restore Pre-Hobby Lobby Contraceptive Mandate in Wake of Little Sisters Ruling," *Fox News*, 7/9/20

***The Wall Street Journal* Editorial Board: “Hours After the Little Sisters of the Poor Won—Again—at the Supreme Court on Wednesday, Joe Biden Pledged to Fight Like Hell to Roll Back Conscience Protections for Catholic Nuns and Other Religious Employers Who Object to Providing Contraceptives.”**

Editorial Board, “Joe Biden vs. the Nuns,” *The Wall Street Journal*, 9/2/20

## HEALTH CARE

# The Obama-Biden Administration Did Not Include Religious Exemptions in Rules for Treating Gender Dysphoria

## In 2016, the Obama-Biden Administration Made No Religious Exemptions in Rules Requiring Health Care Providers to Treat Gender Dysphoria

**In May 2016, the Department of Health and Human Services Ruled Health Care Providers Would Be Forbidden From Denying Medical Treatment to Those Seeking Services for Gender Dysphoria.**

“Now the Department of Health and Human Services has taken Section 1557 of the Affordable Care Act, which prohibits “sex” discrimination in the provision of health care, to mean that hospitals, insurance companies and other health care entities that receive federal funding must cover or perform abortions and sex-reassignment surgeries, even if doing so would violate their religious beliefs. The rule was finalized in May and was to go into effect on Sunday. ...Under the new HHS rule, group health care plans must contain coverage for hormonal treatment, counseling and transition surgeries for those who identify as the opposite sex. ...The regulation contains no exemptions for health care providers with religious beliefs.”

Bradford Richardson, “Judge Blocks Obama Mandate Forcing Doctors to Perform Abortions, Transgender Surgeries,” *The Washington Times*, 1/1/17

**This Regulation Could Also Be Interpreted As Requiring Hospitals and Doctors to Perform Abortion.**

“The regulation also interpreted Section 1557 of Obamacare as prohibiting discrimination based on ‘termination of pregnancy.’ Mr. Nussbaum said the proscription could be interpreted to require hospitals and doctors to perform abortions. ‘Embedded within the regulation is, we believe, a surgical abortion mandate,’ he said. ‘In the federal register “sex” is defined, among other ways, as “termination of pregnancy.” When this was first shown, the [commentators] asked for clarification

to ensure that this was not an abortion mandate. None was given when the rule was made final.”

Bradford Richardson, “Judge Blocks Obama Mandate Forcing Doctors to Perform Abortions, Transgender Surgeries,” *The Washington Times*, 1/1/17

## **In August 2016, the Center for Medicare and Medicaid Services (CMS) Made Clear It Would Require Hospitals to Comply or Risk Losing Their License to Administer CMS Services**

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**Virtually All Hospitals in the U.S. Accept Medicare and Medicaid Patients, But to Be Reimbursed for Services Provided Hospitals Need a Medicare Provider Agreement/Medicare Certification, Subjecting Them to “Conditions of Participation” (COPs).**

“Virtually all general acute care hospitals in the US accept Medicare and Medicaid patients and in order to be paid for those services must have a Medicare provider agreement/Medicare certification. Among other requirements, Medicare certification requires adhering to the Centers for Medicare and Medicaid Services ‘Conditions of Participation.’”

David L. Archer, “Will Catholic Hospitals Survive Without Government Reimbursements?” *Linacre Quarterly*, 3/10/17

**“Not Complying With the New Final Rule Would Cause a Hospital to Be Out of Compliance With the ‘Conditions of Participation’ and Would Place It in ‘Immediate Jeopardy’ of Losing Its Medicare Certification.”**

“A healthcare attorney would need to research how the new final rule is covered under the ‘Conditions of Participation,’ but this essay assumes that not complying with the new final rule would cause a hospital to be out of compliance with the ‘Conditions of Participation’ and would place it in ‘immediate jeopardy’ of losing its Medicare certification.”

David L. Archer, “Will Catholic Hospitals Survive Without Government Reimbursements?” *Linacre Quarterly*, 3/10/17

**In August 2016, CMS Said Hospital COPs Would Include Prohibiting “Discrimination and Require Written Policies Prohibiting Discrimination, Including on the Basis of Gender Identity.”**

“Thus, CMS proposes to add a new section 482.13(i) to the Patient Rights section of the hospital CoPs at 42 C.F.R. Part 482 to prohibit discrimination and require written policies prohibiting discrimination, including on the basis of gender identity,<sup>60</sup> and the same requirements for CAHs as a new 42 C.F.R. § 485.635(g).<sup>61</sup> CMS has stated that this proposed rule would ‘update the requirements that hospitals and...CAHs must meet to participate in the Medicare and Medicaid programs. These proposals are intended to conform the requirements to current standards of practice and support improvements in quality of care, reduce

barriers to care, and reduce some issues that may exacerbate workforce shortage concerns. '62 The comment period to the proposed rule closed on August 15, 2016,<sup>63</sup> and a final rule has not yet been issued."

Katherine Steuer and Kaleigh Davis, "Respecting Gender Identity in Healthcare: Regulatory Requirements and Recommendations for Treating Transgender Patients," American Bar Association, 3/1/2017

### **"The 'Nondiscrimination in Health Programs and Activities' Final Rule Raises the Question of the Feasibility of Operating a Catholic Healthcare System Without Reimbursement From Government Healthcare Programs Such As Medicare and Medicaid."**

David L. Archer, "Will Catholic Hospitals Survive Without Government Reimbursements?" *Linacre Quarterly*, 3/10/17

### **"Further Non-Compliance Would Result in the Loss of the Hospital's Medicare Certification Within a Matter of Days."**

David L. Archer, "Will Catholic Hospitals Survive Without Government Reimbursements?" *Linacre Quarterly*, 3/10/17

### **In December 2016, the Catholic Benefits Association and the Catholic Diocese of Fargo Filed a Lawsuit Against Obama Saying the Rule Would "Force Catholic Hospitals and Doctors to Perform Gender Reassignment Services Against Their Faith."**

"An organization of Catholic businesses is suing the Obama administration over a federal rule they say will force Catholic hospitals and doctors to perform gender reassignment services against their faith."

Sandhya Somashekhar, "Catholic Groups Sue Over Obama Administration Transgender Requirement," *The Washington Post*, 12/29/16

## **After the Trump Administration Rescinded the Rules, Biden Said the Trump Administration Must Be Defeated in November**

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### **After the Trump Administration Rescinded the Rules, Biden Accused the Administration of "Destroying the Legacy of the Obama-Biden Administration" and Said He Will Defend "the Rights of All Americans to Have Access to Quality, Affordable Health Care, Free From Discrimination."**

"Today, Donald Trump took yet another step to dismantle the Affordable Care Act and strip basic health care protections from LGBTQ+ Americans and individuals who have terminated a pregnancy. This action is unconscionable—and to do so during Pride Month, on the fourth anniversary of the deadly terrorist attack at the Pulse Nightclub that claimed 49 lives, many of them members of the LGBTQ+ community, is despicable. In the midst of a pandemic, Donald Trump is more consumed

with destroying the legacy of the Obama-Biden Administration than protecting the health care of millions of Americans. As President, I will defend the rights of all Americans to have access to quality, affordable health care, free from discrimination.”

Joe Biden, “My Response to President Trump’s Newest Step to Dismantle the Affordable Care Act,” Medium, 6/12/20

THE BIDEN REPORT

# MARRIAGE

# MARRIAGE

**“The Catholic Church believes and teaches that marriage is a faithful, exclusive, and lifelong union between one man and one woman, joined as husband and wife in an intimate partnership of life and love.”**

United States Conference of Catholic Bishops

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**“Equivalence [of homosexual unions] not only weakens the unique meaning of marriage; it also weakens the role of law itself by forcing the law to violate the truth of marriage and family life as the natural foundation of society and culture.”**

Archbishop Wilton Gregory,  
President, United States Conference of Catholic Bishops, 2003

## **As a Senator Biden Opposed Gay Marriage but Became an Advocate for Gay Marriage Knowing Opposition Could Be a Political Liability**

### **As a Senator, Biden Said the Government Could Not Dictate the Definition of Marriage to Religious Institutions**

#### **In 2003, Biden Said He Would Not Support a Constitutional Amendment Because It Is “an Incredibly Difficult Thing for America to Grapple With.”**

Fox News’ Tony Snow: “Senator, there is talk of a constitutional amendment to define marriage. If, in fact, the courts do not support the previous act, the Defense of Marriage Act, would you support a constitutional amendment?” Biden: “No. And the reason is, Tony, this is going to be an incredibly difficult thing for America to grapple with, and we’re going to go through a process here that is necessary for this nation in terms of how we deal with the rights and the recognition of gay unions. And I don’t think that gets settled by a constitutional amendment. It makes it more divisive.”

Fox News’ “Fox News Sunday,” 11/23/03

#### **In 2003, Biden Said He Was “Not Sure” if Gay Marriage Was Inevitable but That It “Probably Was.”**

Fox News’ Tony Snow: “So do you believe gay marriage is inevitable?” Biden: “I’m not sure. I think probably it is. But one of the things I think more Americans are trying to figure is whether or not somehow a gay union is a threat to a heterosexual union. And I find difficulty in figuring how it’s such a threat, if in fact it brings stability, if in fact you have two women who decide to stay with one another for 35 years and are sound and solid in terms of their commitment to one another. I don’t know why we should be frightened of that.”

Fox News’ “Fox News Sunday,” 11/23/03

#### **In 2003, Biden Said Gay Marriage Is Something the Nation Has to Endure “As Part of the Maturation Process of the Nation.”**

Biden: “But, you know, there are long cultural and moral overtones in some religions and churches about this, and it’s going to be something we have to go through as part of the maturation process of the nation.”

Fox News’ “Fox News Sunday,” 11/23/03

## **In 2007, Biden Said He Supported Civil Unions but Not Marriage for Same Sex Couples.**

“Biden added that he supports civil unions but not marriage for same-sex couples.”

Jolene Stevens, “Biden’s Talk Highlights His Views on Gay Rights,” *The Des Moines Register*, 9/17/04

**Biden** added that he supports civil unions but not marriage for same-sex couples. He added that he does not think “it is the responsibility of the government to be able to

Jolene Stevens, “Biden’s Talk Highlights His Views on Gay Rights,” *The Des Moines Register*, 9/17/04

**Biden Said It Is Not the “Responsibility of the Government...to Define... What Constitutes a Marriage.” “Biden added that he supports civil unions but not marriage for same-sex couples. He added that he does not think ‘it is the responsibility of the government to be able to define for a religious-based organization what constitutes a marriage.’”**

Jolene Stevens, “Biden’s Talk Highlights His Views on Gay Rights,” *The Des Moines Register*, 9/17/04

## **In 2007, Biden Said He Didn’t Think the “Government Can Dictate the Definition of Marriage to Religious Institutions.”**

NBC’s Tim Russert: “Let me bring you back to November of ‘03. You were asked this question. ‘Do you believe gay marriage is inevitable?’ Biden: ‘I’m not sure. I think probably it is.’” Biden: “Well, I think it probably is because social mores change. But look, Tim, I don’t think the government can dictate the definition of marriage to religious institutions. But government does have an obligation to guarantee that everybody has, every individual is free of discrimination. And there’s a distinction. You and I—I shouldn’t say this—I think we did—talked about Meacham’s book, the ‘American Gospel.’ And I, anticipating you asking me this, I wrote a quote from his, from his book that I think sums it up. He says, ‘The American gospel is that religion shapes the life of the nation without strangling it.’ That’s what I think--that’s how we have to view these very difficult decisions. I think government should not be able to dictate to religions the definition of marriage, but I think, on a civil side, government has the obligation to strip away every vestige of discrimination as to what individuals are able to do in terms of their personal conduct.”

NBC’s “Meet The Press,” 4/29/07

## **As Vice President, Biden Pressed Obama on Gay Marriage and Officiated a Gay Marriage at the Vice President's Residence at the Naval Observatory**

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### **Biden Publicly Expressed Support for Same-Sex Marriage Before Obama Did.**

“Biden, meanwhile, used the forum to underscore his long alliance with HRC and LGBTQ activists—a key to Biden’s contention that he’s more progressive than the party’s left flank acknowledges. The former vice president visibly enjoyed recalling the 2012 presidential campaign when he announced his support for same-sex marriage before his boss, President Barack Obama, had done so.”

Bill Barrow, “Biden Declares LGBTQ Rights His No. 1 Legislative Priority,” *The Associated Press*, 6/2/19

### **In April 2012, While Meeting With Los Angeles Campaign Bundlers, Biden Was Asked How He Feels Specifically About Marriage Equality.**

“On April 19, 2012, Chad Griffin was at the Los Angeles home of Michael Lombardo, an HBO executive, and his husband, Sonny Ward, an architect, waiting for the guest of honor to arrive. Vice President Joseph R. Biden Jr. was scheduled to meet a group of prominent gay Democrats whom Griffin had helped gather at the request of the Obama campaign...Griffin considered asking Biden about the administration’s position on the issue but decided not to bother—he already knew the answer. But as he watched the hosts’ two children, ages 5 and 7, press flowers and a note into Biden’s hand, he changed his mind. They were in the home of two married men and their family. The Obama campaign wanted the support of the gay people in this room. The vice president should have to answer to them. When it was Griffin’s turn to speak, he said: ‘When you came in tonight, you met Michael and Sonny and their two beautiful kids. And I wonder if you can just sort of talk in a frank, honest way about your own personal views as it relates to equality, but specifically as it relates to marriage equality.’”

Jo Becker, “How the President Got to ‘I Do’ on Same-Sex Marriage,” *The New York Times*, 4/16/19

**Biden: “Things Are Changing So Rapidly, It’s Going to Become a Political Liability in the Near Term for an Individual to Say, ‘I Oppose Gay Marriage.’ Mark My Words.”**

Jo Becker, “How the President Got to ‘I Do’ on Same-Sex Marriage,” *The New York Times*, 4/16/14

**Biden: “And My Job—Our Job—Is to Keep This Momentum Rolling to the Inevitable.”**

Jo Becker, “How the President Got to ‘I Do’ on Same-Sex Marriage,” *The New York Times*, 4/16/14

### **August 2, 2016 ABC News Headline: “Vice President Joe Biden Officiated His First Wedding for Same-Sex Couple”**

Brian McBride, “Vice President Joe Biden Officiated His First Wedding for Same-Sex Couple,” *ABC News*, 8/2/16

## **On August 1, 2016, Vice President Biden Officiated a Wedding for Same-Sex Couple and Longtime White House Staffers, Brian Mosteller and Joe Mahshie.**

“Vice President Joe Biden officiated his first wedding ever—and it was for a same sex couple. Biden officiated over the wedding of two longtime White House staffers, Brian Mosteller and Joe Mahshie, at the Naval Observatory on Monday, his office said.”

Brian McBride, “Vice President Joe Biden Officiated His First Wedding for Same-Sex Couple,” ABC News, 8/2/16

## **On August 1, 2016, Biden Posted a Photo of the Ceremony on Twitter, Tweeting, “Proud to Marry Brian and Joe at My House. Couldn’t Be Happier, Two Longtime White House Staffers, Two Great Guys.”**

Joe Biden, Twitter, 8/1/16



Joe Biden, Twitter, 8/1/16

## **Biden’s Office Said He Was Issued a Temporary Certification From the District of Columbia in Order to Preside Over the Ceremony.**

“His office said the vice president obtained a temporary certification from the District of Columbia to preside over the wedding ceremony, which was attended only by the grooms’ families. Biden’s wife, Jill, later tweeted: ‘Love is love!’ The Vice President publicly endorsed same sex marriage in 2012.”

Brian McBride, “Vice President Joe Biden Officiated His First Wedding for Same-Sex Couple,” ABC News, 8/2/16

## **Biden’s Office Released a Statement Noting That It Was the First Wedding He Had Ever Officiated.**

“Remarkably for a guy who has spent decades in public office, it was the first wedding that Biden has officiated at, his office said in a statement, and he got a temporary license for the D.C. government to seal the deal.”

Emily Heil, “Vice President Biden Performs His First Marriage Ceremony—and It Was for a Same-Sex Couple,” *The Washington Post*, 8/2/16

## **As a 2020 Presidential Candidate, Biden Said LGBT Rights Will Be His Number One Legislative Priority**

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### **June 2, 2019 The Associated Press Headline: “Biden Declares LGBTQ Rights His No. 1 Legislative Priority”**

Bill Barrow, “Biden Declares LGBTQ Rights His No. 1 Legislative Priority,” The Associated Press, 6/2/19

### **In June 2019, at The Human Rights Campaign’s Annual Ohio Gala, Biden Said the Equality Act Would Be His Top Legislative Priority.**

“Democratic presidential candidate Joe Biden declared Saturday that the Equality Act would be his top legislative priority, an effort to enshrine LGBTQ protections into the nation’s labor and civil rights laws. The former vice president shared his hopes of signing the legislation as part of a keynote address to hundreds of activists at the Human Rights Campaign’s annual Ohio gala on the first day of Pride Month. In a half-hour at the lectern, his remarks ranged from emotional tributes to his audience and their personal endurance to condemnations of President Donald Trump.”

Bill Barrow, “Biden Declares LGBTQ Rights His No. 1 Legislative Priority,” The Associated Press, 6/2/19

### **Biden: “It Will Be the First Thing I Ask to Be Done.”**

Bill Barrow, “Biden Declares LGBTQ Rights His No. 1 Legislative Priority,” The Associated Press, 6/2/19

### **Catholic Bishops Argued the Equality Act Could Put Religious Charities at Risk and Could Hurt More Than Help.**

“In a March 20 letter to members of the U.S. Senate, three bishops warned that while the proposed Equality Act purports to address issues of discrimination, it would actually create new problems and threaten fundamental freedoms. ...The Equality Act would also put many charitable organizations at risk, requiring that homeless shelters place biological men with vulnerable women and adoption agencies place children with same-sex couples, even if this violates their beliefs and the birth mother’s wishes, the bishops said.”

“US Bishops: Equality Act Will Hurt More Than Help,” Catholic News Agency, 3/20/19

**THE BIDEN REPORT**

# **SCHOOL CHOICE**

# SCHOOL CHOICE

**“As those first responsible for the education of their children, parents have the right to choose a school for them which corresponds to their own convictions. This right is fundamental. As far as possible parents have the duty of choosing schools that will best help them in their task as Christian educators. Public authorities have the duty of guaranteeing this parental right and of ensuring the concrete conditions for its exercise.”**

*Catechism of the Catholic Church, 2229*

## As a Senator, Biden Expressed Support for School Vouchers, but the Obama-Biden Administration and Presidential Candidate Biden Oppose Vouchers

### While He Was a Senator, Biden Expressed Support for School Vouchers

**When He Ran for President in 2007, Sen. Joe Biden Was Described As “the Only Candidate Who Sent His Children to Private Schools While Supporting Choice for Others.”**

“Sen. Joe Biden is the only candidate who sent his children to private schools while supporting choice for others.”

Clint Bolick, “Elite Democrats Should Get in Step With School Choice,” *The Arizona Republic*, 3/4/07

**In 1997, Biden Said He Never “Categorically Opposed the Idea of Public Money Being Used...for Private School Education” but Questioned Whether Using the Money for Religious Schools Was Constitutional.**

BIDEN: “Unlike some opponents of vouchers, I have never categorically opposed the idea of public money being used under any circumstances for private school education. Rather—and I think I have been forthright about this from the very beginning—my concerns have been very specific. First, I have questions about whether a private school voucher system, when it involves private religious schools, is constitutional. And, second, I have deep reservations about taking money away from underfunded public schools.”

Joe Biden, Congressional Record, 9/30/97, p. S10193

### Though Biden Sent His Children to Private School Despite Voting Against School Choice for Low Income Students

**VIDEO: Biden’s Children Attend Private School.**

BIDEN: “My kids did go to private schools, because right after I got elected, my wife and daughter were killed. I had two sons who survived. My sister was the head of the history department. She was helping me raise my children at Wilmington Friends School. When it came time to go to high school when they had come through their difficulties—I’m a practicing Catholic—it was very important to me they go to a Catholic school, and they went to a Catholic school.”

Joe Biden, Remarks at Democratic Primary Debate, Charleston, SC, 7/23/07, Minute 00:00–00:21

### **In 1997, Biden Voted Against School Choice.**

Biden voted against an “amendment that would allocate \$7 million in fiscal 1998 for educational scholarships to allow low-income kindergarten through 12th grade students from the District of Columbia to attend private schools or public schools in the Virginia or Maryland suburbs.”

S. 1156, CQ Vote #260: Rejected 58-41: R 54-1; D 4-40, 9/30/97, Biden Voted Nay

### **In January 2004, Biden Voted Against Agreement to the Conference Report for the Consolidated Appropriations Act, 2004, Which Included the DC School Choice Program.**

“Adoption of the conference report on the bill that would provide a total of \$820 billion in fiscal 2004, including \$328.1 billion in discretionary spending, for all federal departments and agencies whose regular fiscal 2004 spending bills have not been enacted. Discretionary spending totals include \$16.9 billion for the Agriculture Department, Food and Drug Administration, Commodity Futures Trading Commission and related agencies; \$37.7 billion for the Commerce, Justice and State departments and judicial agencies; \$545 million for the District of Columbia; \$17.3 billion for foreign aid and export assistance; \$139.8 billion for the Labor, Health and Human Services, and Education departments; \$27.5 billion for the Transportation and Treasury departments and related independent agencies; and \$91 billion for the Veterans Affairs and Housing and Urban Development departments. Media companies would be allowed to own enough television stations to cover 39 percent of the national audience. The District of Columbia would be authorized to start a five-year program to provide students with vouchers to cover tuition at private schools.”

H. R. 2673, Roll Call Vote #3, Bill Passed 65-28: R 44-4; D 21-23; I 0-1, 1/22/04, Biden Voted Nay; CQ Summary, Accessed 9/8/20

### **In November 2003, Biden Voted for Initial Passage of the Consolidated Appropriations Act, 2004 Which Included the DC School Choice Program.**

“Passage of a bill that would provide \$79.6 billion for agriculture, rural development, and nutrition programs in fiscal 2004, including \$29.9 billion for food stamps, \$11.4 billion for child nutrition, \$3.4 billion for the Federal Crop Insurance Corporation fund, and \$17.3 billion for the Commodity Credit Corporation.”

H.R. 2673, Roll Call Vote #444: Bill Passed 93-1: R 48-1; D 44-0; I 1-0, 11/6/03, Biden Voted Yay; CQ Summary, Accessed 9/8/20

## **As Vice President and a Presidential Candidate, Biden Said He Opposed Vouchers**

### **In 2012, the Obama-Biden Administration Did Not Include Funding for the D.C. Opportunity Scholarship Program in Their Fiscal Year 2013 Budget.**

“The Obama administration is once again standing with education special interest groups and

against low-income children in Washington, D.C. His 2013 budget request zeros out funding for the highly successful D.C. Opportunity Scholarship Program, which was revived last year thanks to the hard work of Speaker John Boehner and the thousands of D.C. families who received scholarships to attend a private school of choice.”

Lindsey Burke, “Obama’s Budget Ends Funding for D.C. Opportunity Scholarship Program,” *The Daily Signal*, 2/13/12

### **The Obama-Biden Administration Proposed Defunding the D.C. Opportunity Scholarship Program Seven Years Running.**

“For the seventh year in a row, President Obama has proposed defunding the D.C. Opportunity Scholarship Program, a school-choice program that allows inner-city students in the nation’s capital to escape failing and often dangerous public schools.”

Akash Chougule, “Obama’s Continuing War Against D.C. Kids,” *National Review*, 5/14/15

### **In 2011, Biden Criticized School Vouchers.**

BIDEN: “Our differences with the governors of Wisconsin, Ohio, Florida, Michigan, and over and over again, run much deeper than our differing philosophies on public education and educators. Fundamentally, it’s a debate about the importance of community and the appropriate role of government. So it should be no surprise that the same people who are pushing vouchers for schools are pushing vouchers for Medicare.”

Joe Biden, Remarks at the 2011 NEA Annual Meeting & Representative Assembly, Chicago, IL, 7/3/11

### **The Obama-Biden Administration Opposed Vouchers Arguing They Amounted to Replacing Existing Private Resources With Public Resources.**

“The Obama administration thought awarding vouchers to private school students amounted to ‘replacing existing private resources with public ones,’ the Office of Management and Budget said last year in response to a House bill to reauthorize the program. ‘Instead of using federal resources to support a handful of students in private schools, the federal government should focus its attention and available resources on improving the quality of public schools for all students.’”

Caitlin Emma, “Trump Administration Reverses Obama Policy on D.C. Vouchers,” *Politico*, 5/5/17

### **On January 22, 2020, After the Supreme Court Ruled Vouchers Could Be Used for Religious Schools, Biden Tweeted “When We Divert Public Funds to Private Schools, We Undermine the Entire Public Education System. We’ve Got to Prioritize Investing in Our Public Schools, So Every Kid in America Gets a Fair Shot. That’s Why I Oppose Vouchers.”**

Joe Biden, Twitter Feed, 1/2/20



Joe Biden, Twitter Feed, 1/2/20)

**The Espinoza Case Found That “Montana’s State Constitution Discriminated Against Religious Schools When It Barred Families From Using a Tax Credit Scholarship Enroll Children in Those Schools.”**

Lauren Camera, “The Supreme Court’s Far-Ranging Ruling on School Choice,” *U.S. News and World Report*, 6/30/20

**THE BIDEN REPORT**

# **IMMIGRATION**

# IMMIGRATION

**“Political authorities, for the sake of the common good for which they are responsible may make the exercise of the right to immigrate subject to various juridical conditions, especially with regard to the immigrants’ duties toward their country of adoption.”**

**“Immigrants are obliged to respect with gratitude the material and spiritual heritage of the country that receives them, to obey its laws and to assist in carrying civic burdens.”**

*Catechism of the Catholic Church, 2241*

## Biden Supported a Border Wall Before His Current Presidential Campaign

### In 2018, Biden Said He Would Support a Deal Providing Dreamers Citizenship in Exchange for a Border Wall

#### **VIDEO: In a February 2018 CNN Interview, Biden Supported a Deal That Would Provide a Pathway to Citizenship for Dreamers in Exchange for a Border Wall.**

CNN's CHRIS CUOMO: "DACA obviously matters. The executive order that came through under your administration with president Obama. Do you think the Democrats should do a deal, save the dreamers, give them the pathway that the president offered, we'll give you the wall? Would you do that deal?" JOE BIDEN: "It depends on what they meant by the wall, but one of the things—" CUOMO: "He's going to want to say wall at the end of it." BIDEN: "I don't care what the hell he says. That would be fine by me...If you had a wall that provided security that wasn't an absolute waste of money, meaning national technical means to protect it and all these kids had a path to citizenship, I'd be inclined to do that." CUOMO: "You'd give Trump the political victory in order to get the deal done?" BIDEN: "I don't care about his political victory."

Joe Biden, Interview With CNN's Chris Cuomo, 2/6/18

### In 2006, Biden Said a Fence Was Needed to Stop "Tons" of Drugs From Mexico

#### **CNN Headline: "Joe Biden Once Said a Fence Was Needed to Stop 'Tons' of Drugs From Mexico"**

Andrew Kaczynski, "Joe Biden Once Said a Fence Was Needed to Stop 'Tons' of Drugs From Mexico," CNN, 5/10/19

#### **Both Biden and Obama Crossed Party Lines to Help Pass Legislation Creating a Border Fence.**

"Perry has repeatedly lambasted the Secure Fence Act, which was passed by the GOP-led Congress and signed into law by then-President George W. Bush. The measure, which called for a 700-mile-long fence to be built along the U.S.-Mexico border, was 'a preposterous idea,' Perry said. Most Democrats voted against the legislation, but then-Sens. Barack Obama (D-Ill.) and Joe Biden (D-Del.) backed it, attracting criticism from immigration reform activists."

Bob Cusack, Op-Ed, "Lawmakers: Perry Must Deal Better With His Weaknesses to Triumph Over Rivals," The Hill, 9/21/11

**VIDEO: Biden in November 2006: “I Voted for 700 Miles of Fence...and the Reason Why I Add That Parenthetically, Why I Believe the Fence Is Needed Does Not Have Anything to Do With Immigration As Much As Drugs...People Are Driving Across That Border With Tons, Tons, Hear Me, Tons of Everything From Byproducts for Methamphetamine to Cocaine to Heroin and It’s All Coming Up Through Corrupt Mexico.”**

BIDEN: “Folks, I voted for a fence. I voted and unlike most Democrats, some of you all won’t like this, I voted for 700 miles of fence. But, let me tell you, we can build a fence 40 stories high—unless you change the dynamic in Mexico and—and you will not like this, and—punish American employers who knowingly violate the law when, in fact, they hire illegals. Unless you do those two things, all the rest is window dressing. Now, I know I’m not supposed to say it that bluntly, but they’re the facts, they’re the facts. And so everything else we do is in between here. Everything else we do is at the margins. And the reason why I add that parenthetically, why I believe the fence is needed does not have anything to do with immigration as much as drugs. I’m the guy that wrote the national crime bill. I’m the guy that wrote the national drug trafficking—I’m the guy that wrote the law that set up a drug czar. And let me tell you something folks, people are driving across that border with tons, tons, hear me, tons of everything from byproducts for methamphetamine to cocaine to heroin and it’s all coming up through corrupt Mexico.”

Joe Biden, Remarks to Rotary Club, Columbia, SC, 11/27/06, Minute 0:24–1:47

**“Biden’s Past Comments, Which He Made in the Run-Up to And During the 2008 Presidential Race, Show an Approach to the Issue of Immigration That Could Run Afoul of the Party’s More Liberal Wing As Biden Seeks the Democratic Nomination to Take on President Donald Trump in 2020.”**

“Joe Biden once spoke about jailing employers who hire ‘illegals,’ said sanctuary cities shouldn’t be allowed to violate federal law, and argued a fence was needed stop ‘tons’ of drugs coming into the country from ‘corrupt Mexico.’ Then-Sen. Biden’s past comments, which he made in the run-up to and during the 2008 presidential race, show an approach to the issue of immigration that could run afoul of the party’s more liberal wing as Biden seeks the Democratic nomination to take on President Donald Trump in 2020. It also shows how Biden’s long record in government can at times provide a contrast to where the Democratic Party has evolved in recent years. Speaking to a South Carolina rotary club in November 2006, Biden touted his support for the Secure Fence Act—a bill that authorized 700 miles of double-layered fence on the border through more than a billion dollars in appropriations. The bill was also supported by then-Sens. Barack Obama and Hillary Clinton. CNN’s KFile reviewed the video, which had been posted on YouTube at the time.”

Andrew Kaczynski, “Joe Biden Once Said a Fence Was Needed to Stop ‘Tons’ of Drugs From Mexico,” CNN, 5/10/19

**In 2006, Biden Voted for Legislation That “Would Increase the Fencing and Vehicle Barriers Along the Southwest Border of the United States. It Would Require Within Two Years of Enactment the Construction of More Than 370 Miles of Triple-Layered Fencing and 500 Miles of Vehicle Barriers Along That Border.”**

S. 2611, CQ Vote #126: Adopted 83-16: R 55-0; D 28-15; I 0-1, 5/17/06, Biden Voted Yea

**“Biden Said He Voted in Favor of Building a 700-Mile Fence Along the U.S.-Mexico Border, Not Because It Will Stop Illegal Immigration, but Because It Will Help Crack Down on Drug Trafficking.”**

Summer Harlow, “Biden Urges New Dialogue on Mexico,” *The News Journal*, 12/2/06

**“Biden, Who Favors Tightening the U.S.-Mexico Border With Fences, Said Immigration Is Driven by Money in Low-Wage Mexico.”**

Jim Davenport, “Biden: Blame Immigration Woes on Mexico,” *The Associated Press*, 11/28/06

**Biden: “Up to 90 Percent of the Cocaine Entering the U.S. From Latin America Passes Through Mexico or Its Waters and So Do Much of the Marijuana, Heroin and Methamphetamine...But As I Have Long Said, Drug Trafficking Is Not Just a Supply Problem—It’s a Demand Problem That We Have to Solve Here in the U.S.”**

Summer Harlow, “Biden Urges New Dialogue on Mexico,” *The [Wilmington, DE] News Journal*, 12/2/06

## **But, As a Presidential Candidate, Biden Is Critical of Efforts to Build a Wall**

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**Biden Said President Trump’s “Obsession With Building a Wall Does Nothing to Address Security Challenges While Costing Taxpayers Billions of Dollars.”**

“His obsession with building a wall does nothing to address security challenges while costing taxpayers billions of dollars. Most contraband comes in through our legal ports of entry. It’s estimated that nearly half of the undocumented people living in the U.S. today have overstayed a visa, not crossed a border illegally.”

Biden for President, Accessed 1/27/20

**Biden: “The Challenges We Face Will Not Be Solved by a Constitutionally Dubious ‘National Emergency’ to Build a Wall, by Separating Families, or by Denying Asylum to People Fleeing Persecution and Violence.”**

Biden for President, Accessed 1/27/20

**Biden Said He Will End the National Emergency Designation at the Southern Border, and Said Building a Wall Does Little to Deter Criminals Seeking to Exploit the Border.**

“In the first 100 days, a Biden Administration will: ...End the so-called National Emergency that siphons federal dollars from the Department of Defense to build a wall. Building a wall will do little to deter criminals and cartels seeking to exploit our borders. Instead of stealing resources from schools for military children and recovery efforts in Puerto Rico, Biden will direct federal resources to smart border enforcement efforts, like investments in improving screening infrastructure at our

ports of entry, that will actually keep America safer.”

Biden for President, Accessed 1/27/20

### **Biden Said the U.S. Has a Duty to Secure Our Borders, but That Immigrants and Immigrant Communities Are Not a Threat to the Country’s Security.**

“Like every nation, the U.S. has a right and a duty to secure our borders and protect our people against threats. But we know that immigrants and immigrant communities are not a threat to our security, and the government should never use xenophobia or fear tactics to scare voters for political gain. It’s irresponsible and un-American.”

Biden for President, Accessed 1/27/20

## **The Obama-Biden Administration Deported More People “Than Any Other President in American History” Which Biden Refused to Apologize For**

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### **A 2018 Cato Institute Data Analysis Shows Deportation Numbers Under Trump Have “Not Reached Anywhere Near” Those From the Obama-Biden Administration.**

“However, Trump still has not reached anywhere near the level of interior removals as the early Obama administration, according to Cato’s analysis of data through 2018. That has created a headache for Biden, who is now paying a political price for that Obama record. His campaign office in Philadelphia was briefly occupied and six immigration rights activists were arrested Wednesday. He’s been confronted on the campaign trail. He didn’t mention Obama’s record on deportations when he laid out an immigration policy in a meeting with the Miami Herald in June.”

Zachary B. Wolf, “Obama Deportations vs. Trump: Context Is Everything,” CNN, 7/13/19

### **The Cato Institute’s Alex Nowrasteh: “As Far As We Can Tell, Obama Deported More People From the Interior of the U.S. Than Any Other President in American History.”**

“Another way to gauge the relative severity of a president’s approach, according to Alex Nowrasteh, the director of immigration studies at the libertarian Cato Institute, is to ignore the border altogether and look at deportations from within the United States. ‘As far as we can tell, Obama deported more people from the interior of the U.S. than any other president in American history,’ Nowrasteh said. ‘He inherited a system that was accelerating deportations and accelerated them even more.’ And over the course of his administration, Obama removed about 1.2 million undocumented immigrants from the heart of the country.”

Amelia Thomson-DeVeaux, “Will the 2020 Democrats Reject Obama’s Immigration Legacy,” FiveThirtyEight, 7/31/19

## **During the July 31, 2019 Democratic Primary Debate, Biden “Struggled to Answer Democratic Foes Who Criticized Obama-Era Deportations of Undocumented Immigrants.”**

“Joe Biden—who has placed his time as Barack Obama’s vice president at the center of his campaign—struggled to answer Democratic foes who criticized Obama-era deportations of undocumented immigrants. Biden was attacked by New Jersey Sen. Cory Booker, New York City Mayor Bill de Blasio and former Housing and Urban Development Secretary Julián Castro—who, like Biden, served in Obama’s administration.”

CNN Democratic Presidential Debate, CNN, 7/31/19

## **During the July 31, 2019 Democratic Presidential Debate, New York City Mayor Bill De Blasio and New Jersey Senator Cory Booker Confronted Biden Over His Lack of Ownership Regarding Mass Deportations During the Obama-Biden Administration.**

“De Blasio pressed Biden on whether he counseled Obama to halt the deportations. ‘Did you say those deportations were a good idea or did you go to the president and say, this is a mistake, we shouldn’t do it?’ de Blasio asked. Biden said he wouldn’t talk publicly about the advice he gave Obama privately on the issue—and that’s when Booker piled on. ‘You can’t have it both ways,’ Booker said. ‘You invoke President Obama more than anyone in this campaign; you can’t do it when it’s convenient and then dodge it when it’s not.’”

CNN Democratic Presidential Debate, Detroit, MI, 7/31/19

## **VIDEO: Mayor Bill De Blasio: “So, Did You Say Those Deportations Were a Good Idea? Or Did You Go to the President and Say, ‘This Is a Mistake, We Shouldn’t Do It?’ Which One?”**

MAYOR BILL DE BLASIO: “So, did you say those deportations were a good idea or did you go to the president and say, ‘This is a mistake, we shouldn’t do it?’ Which one?”  
BIDEN: “I was vice president, I am not the president. I keep my recommendation to him in private. Unlike you, I expect you would go ahead and say whatever was said privately with him. That’s not what I do. What I do say to you is, he moved to fundamentally change the system. That’s what he did. But much more has to be done. Much more has to be done.”  
DE BLASIO: “I still don’t hear an answer.”

CNN Democratic Presidential Debate, Detroit, MI, 7/31/19, Minute 00:21–00:50

## **VIDEO: Senator Cory Booker: “Well, a Couple Things. First of All, Mr. Vice President, You Can’t Have It Both Ways. You Invoke President Obama More Than Anyone in This Campaign; You Can’t Do It When It’s Convenient and Then Dodge It When It’s Not.”**

CNN Democratic Presidential Debate, Detroit, MI, 7/31/19, Minute 00:53–1:02

## **In December 2019, Biden Said He Should Not Apologize for the Obama Administration’s Record on Immigration Issues, Saying That There Is Nothing to Apologize For.**

“Former Vice President Joseph R. Biden said in an interview published this week that he shouldn’t be apologizing for President Barack Obama’s record on immigration issues. ‘No. I think what we should be doing is acknowledging that comparing what President Obama did and what Trump did is night and day,’ Mr. Biden said in an interview with Telemundo. Mr. Biden, a top contender for the 2020 Democratic presidential nomination, said there is ‘nothing’ to apologize for.”

David Sherfinski, “Joe Biden Says He Has Nothing to Apologize for on Immigration,” *The Washington Times*, 12/6/19

### **VIDEO: Asked If He Should Apologize for the Obama Administration’s Record on Immigration and the Way Trump Used It to Build His Family Separation Policy, Biden Said, “No, I Think What We Should Be Doing Is Acknowledging That Comparing What President Obama Did and What Trump Did—It’s Night and Day.”**

TELEMUNDO’s JOSE DIAZ-BALART: “The Obama-Biden legacy includes more than 3 million people deported in the 8 years that you all were in power, and some of the structures that were created during there have really been the ones that President Trump built upon to have his zero tolerance, family separation policy. Should you be apologizing for anything?” BIDEN: “No, I think what we should be doing is acknowledging that comparing what President Obama did and what Trump did—it’s night and day.” DIAZ-BALART: “No, but the numbers are there.” BIDEN: “No, no, no, no, no.” DIAZ-BALART: “Vice President, the numbers are there. More than 3 million people were deported.” BIDEN: “No, I understand that. That was what the law was at the time. What the president finally decided in 2012 was the Republicans weren’t playing the game. They weren’t serious about anything—about immigration reform, they talked about major reform, they talked about how they were going to change things. And he was the first guy to come along and say, ‘OK, DACA, those undocumented kids, they’re going to be able to stay here.’ And then he came along in 2014 and came up with a program with their families would be able to stay here. The court later ruled. That affected five million people, five million people who could stay, DAPA. And the court ruled that was beyond the power of the president to do that.”

Telemundo’s “Noticias,” 12/5/19, Minute 16:10–17:25

### **VIDEO: Biden Again Said He Had Nothing to Apologize for on Deportations, Saying, “What Happens Is We Went Forward and Did the Single Best the President Was Able to Do at the Moment...”**

TELEMUNDO’s JOSE DIAZ-BALART “Do you have anything to apologize for with the 3 million people that were deported? With the creation of a system that this current administration has been able to utilize to separate families? There was a report today that the Trump administration was applying to divide up to 24,000 families through that structure created.” BIDEN: “They would have been able to do that before that structure. They could have done

that if we didn't do anything." DIAZ-BALART: "Do you have anything?" BIDEN: "No, no." DIAZ-BALART: "Nothing." BIDEN: "Nothing. What happens is we went forward and did the single best the president was able to do at the moment, and when there was no willingness to work to actually do something serious, they moved in the direction that took it beyond anything anyone else has ever done."

Telemundo's "Noticias," 12/5/19, Minute 18:02–18:42

## IMMIGRATION

# The Obama-Biden Administration Deported Millions, a Move Candidate Biden Calls a "Big Mistake"

## In February 2020, Biden Said the Obama-Biden Administration Deportations Were a "Big Mistake" and Called for a Moratorium on Deportations

### The Associated Press Headline: "For First Time, Biden Calls Obama Deportations 'Big Mistake'"

Bill Barrow, "For First Time, Biden Calls Obama Deportations 'Big Mistake,'" The Associated Press, 2/15/20

### **VIDEO: In a February 2020 Interview, Biden Was Asked About 3 Million Deportations During the Obama Administration and Said, "We Took Far Too Long to Get It Right. Far Too Long to Get It Right. And, I Saw the Pain in the Eyes of So Many People Who Were Seeing Their Families Deported, Members of Their Families Deported."**

UNIVISION's JORGE RAMOS: "You're very proud of your relationship with President Obama. You've even said that it's difficult to find another president and vice president that worked so closely as both you did. In that case, would you take then responsibility for the 3 million people that were deported during the Obama Biden administration. We've talked that in the past." BIDEN: "Yeah, we have. And we took far too long to get it right. Far too long to get it right. And, I saw the pain in the eyes of so many people who were seeing their families deported, members of their families deported. I know what it's like to lose family members. It just is, it was painful. But it wasn't until 2012—it just took too long. And, I think we got it right, we began to get it right, we began to get it right in 2012 with the DACA program, trying very much in 2014 to expand that and moving in the right direction."

Real America with Jorge Ramos, 2/14/20, Minute 10:25–11:24

**VIDEO: Biden Insisted the Number of Deportations During the Obama Administration Were Fewer Than Under Previous Presidents, Despite Data to the Contrary, Saying, “You Keep Saying That but That’s Not the Numbers I’ve Seen. Whether It’s More Than Ever or Not It Was a Mistake and It Took Too Long to Get It Right. It Took Too Long to Get It Right. We Finally Got It Right.”**

UNIVISION’s JORGE RAMOS: “In that case fine, but the problem is with the deportations. Most of the people that you deported didn’t have a criminal record.” BIDEN: “I’m not disagreeing with you. I said...” RAMOS: “So was that wrong, because you haven’t, many people are expecting you to apologize for that. To say that it was wrong” BIDEN: “I think that was a big mistake and it took too long to get it right.” RAMOS: “A big mistake?” BIDEN: “A mistake, yeah. It took too long to get it right. But to compare, look you had the last two administrations deport twice as many people as we deported. Twice as many.” RAMOS: “But your administration deported 3 million, more than ever.” BIDEN: “No, no, no, because you had more people deported in the W administration, Bush and the Clinton administration.” RAMOS: “I’m sorry, Mr. vice president, but the numbers that I have from the Department of homeland security. You deported more than 3 million people. 1.7 of them with no criminal record.” BIDEN: “But there were 5 million people deported in the Bush administration, and more than that in the administration of Clinton...” RAMOS: “I’ve got to check those numbers but so far...” BIDEN: “But the point is, it was too many.” RAMOS: “More than ever.” BIDEN: “You keep saying that but that’s not the numbers I’ve seen. Whether it’s more than ever or not it was a mistake and it took too long to get it right. It took too long to get it right. We finally we got it right.” RAMOS: “The numbers that I have that in your administration, the Obama...” BIDEN: “You’ve said it seventeen times. I get it, old buddy, I get it. But let’s assume it was. It was a mistake to deport that many. Look, and most of the deportations were people who came across the border and sent immediately back.”

Real America with Jorge Ramos, 2/14/20, Minute 11:24–13:00

**“In Written Statements Included As Part of Biden’s Proposed Immigration Overhaul, the Campaign Already Had Acknowledged ‘Pain’ Surrounding Deportations That Occurred When He Served As President Barack Obama’s Vice President. But the Candidate Himself Had Not So Clearly Stated His Personal Regrets.”**

“Going further than he ever has in expressing regret over Obama administration immigration policy, presidential candidate Joe Biden called it a ‘big mistake’ to have deported hundreds of thousands of people without criminal records. ‘We took far too long to get it right,’ Biden said in a wide-ranging, sometimes contentious interview with Univision anchor Jorge Ramos. The former vice president later added: ‘I think it was a big mistake. Took too long to get it right.’ In written statements included as part of Biden’s proposed immigration overhaul, the campaign already had acknowledged ‘pain’ surrounding deportations that occurred when he served as President Barack Obama’s vice president. But the candidate himself had not so clearly stated his personal regrets.”

Bill Barrow, “For First Time, Biden Calls Obama Deportations ‘Big Mistake,’” The Associated Press, 2/15/20

**In February 2020, Biden’s Campaign and the Latino Victory Fund Issued a Joint Statement, Stating, “Vice President Biden Is Absolutely Committed to a 100 Day Moratorium on Any Deportations of People Already in the United States.”**

“Joe Biden is supporting an absolute moratorium on deportations of anyone in the United States for his first 100 days in office if he wins the presidency—something his campaign had denied earlier on Saturday after immigrant advocates said they had been led to believe that was his new position. ‘Vice President Biden is absolutely committed to a 100 day moratorium on any deportations of people already in the United States,’ the Biden campaign and the Latino Victory Fund said in a joint statement to BuzzFeed News on Saturday afternoon. ‘The campaign and Latino Victory Fund stand fully together in this and in the mission to support immigrant communities and center all the issues important to Latinos at the heart of this movement as we work to send Donald Trump and his unmitigated assault on our national values packing.’”

Nidhi Prakash, “Joe Biden’s Campaign Reversed and Said He’s Supporting a Moratorium on Deportations,” BuzzFeed News, 2/22/20

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