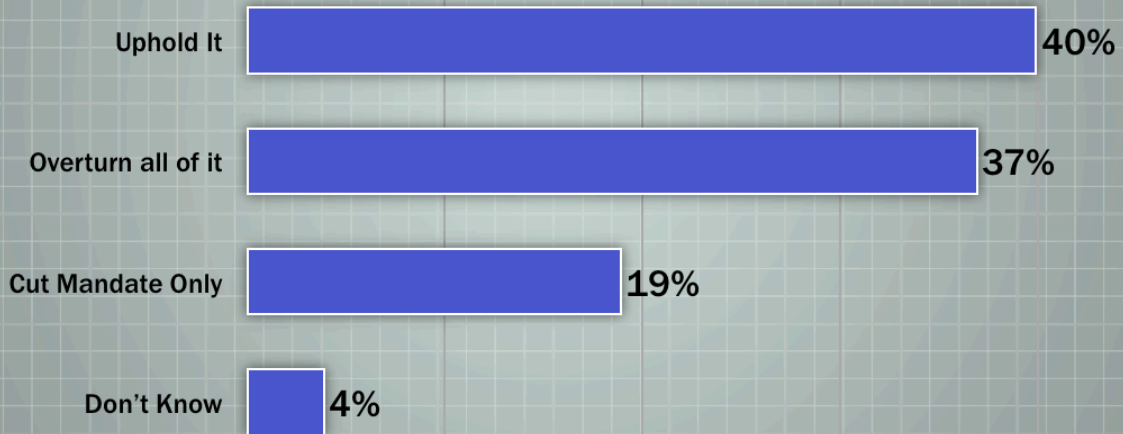


“INSIDE” INTELLIGENCE

*The Texas Weekly/Texas Tribune insider poll
for the week of June 4*

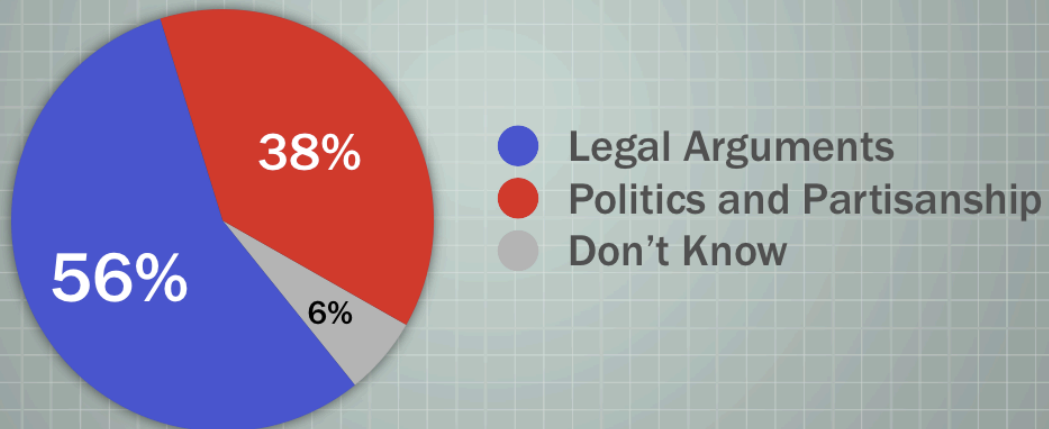
INSIDE INTELLIGENCE

How should the Supreme Court rule on the federal health care law?



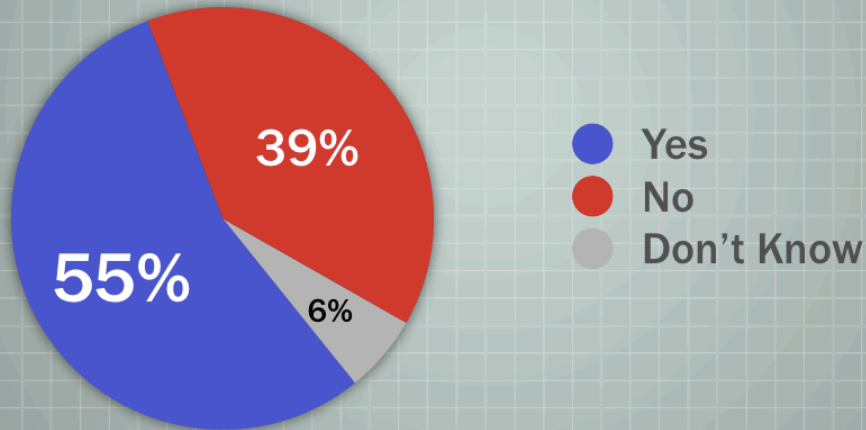
INSIDE INTELLIGENCE

What will the court's decision be based on?



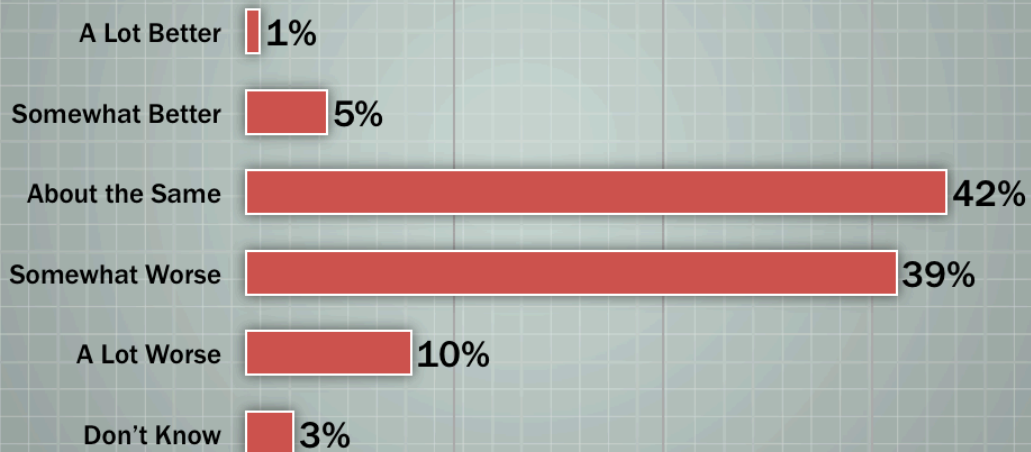
INSIDE INTELLIGENCE

Should insurers be required to cover women's birth control costs?



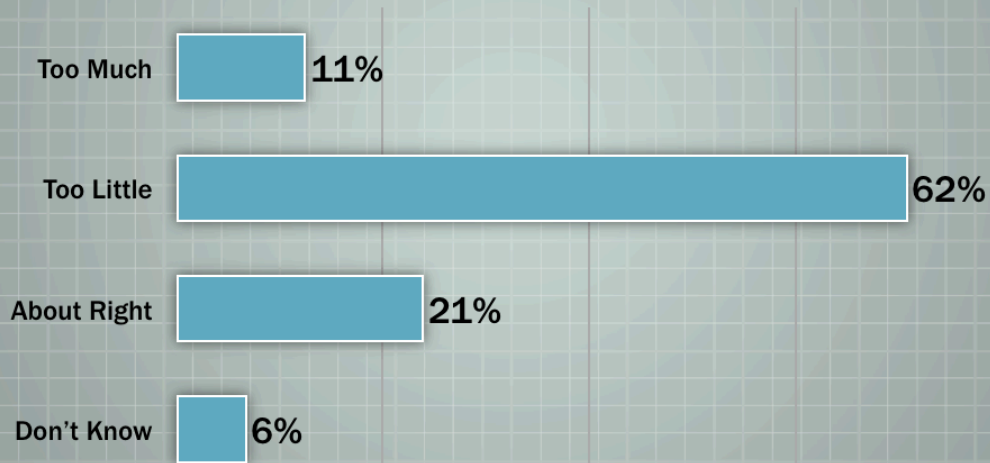
INSIDE INTELLIGENCE

Are public schools better or worse than they were a year ago?



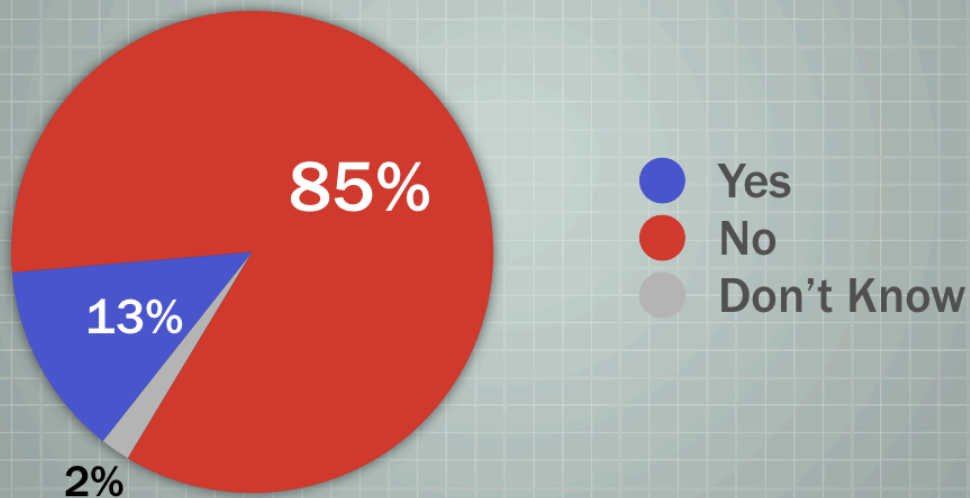
INSIDE INTELLIGENCE

Does Texas spend the right amount on public schools?



INSIDE INTELLIGENCE

Should candidates make anti-tax pledges before elections?



Recently the U.S. Supreme Court heard arguments on the constitutionality of the new health care law, which is called the 2010 Affordable Care Act. What do you think the Supreme Court SHOULD do?

- "That's what most every court before this partisan disaster would have done."
- "The Supreme Court should follow their best interpretation of the U.S. Constitution. Likely that would be to rule the individual mandate is unconstitutional."
- "Seems like it was a big bite on this bill, but I am not attorney and did not stay at a Holiday Inn Express last night either"
- "The Dems--POTUS, Senate, and House were all controlled by Dems at the time--intentionally left out the severability clause. Without that clause, legally the whole thing goes down."
- "Roberts will write--not likely he wants to open up Commerce Clause; plan b is pour out mandate and let Congress sort out the mess that creates"
- "If the commerce clause may be used to regulate health care, 1/6 of the economy, are there any limits?"
- "The one good part of the law, requiring people to get insurance, is the one illegal part. The rest is just welfare, which is legal."
- "Determining the severability of provisions will be remanded to a district court."
- "The individual mandate is the dog that wags the tail. No dog = no tail."
- "The question is whether a conservative court will exercise judicial restraint and uphold a conservative policy midwived by the Heritage Foundation."
- "Everyone, including the Administration, has always known the individual mandate was going to be the weakest legal link."
- "It will be difficult to separate all of the other provisions on the severability issue except for the Medicaid expansion and Medicare reforms. The Medicaid expansion was part of the economics of the individual mandate approach."
- "Laws should NOT be written by the Courts, thus it should overturn the entire law and let the Legislative branch write the laws."
- "What they collectively believe is constitutional, how's that for a novel idea?"
- "If this law is unconstitutional, so is social security."
- "Need a fresh start, based on market solutions, not government"
- "The act is not artful but it is constitutional. The opponents' arguments are based on partisan politics, not sound legal positions."

- "The mandate was a constitutional 'bridge too far,' but the rest of the law depended on it, and Congress would not have passed it without the mandate, so if the Court 86s the mandate, it needs to do the Full Monty and let Congress start over (if at all)."

- "I'm a lot of things, but a constitutional scholar is not one of them."

- "They'll keep the 'good stuff' and ditch the mandate"

Do you think the Supreme Court justices will decide the health care case primarily based on the legal arguments and the Constitution, or primarily based on politics and partisanship?

- "I've worked for the courts. Judges, especially Republican judges, are scrupulously non-political when it comes to deciding cases. The one exception I've seen was the Texas Supreme Court in the early 1990s, when 60 Minutes exposed corruption by Democrats."

- "No Justice worthy of the position should base their decisions on politics or partisanship. They should be impeached if that is their record."

- "...But the legal arguments are all based on each Justice's philosophy that got them appointed in the first place by a political President."

- "They will twist the law to the outcome they seek - if they strike the law down. If they uphold it, it will be because they followed well-established precedent and did not cave to public sentiment."

- "And as we saw by the performance of Solicitor General Verrilli, the legal arguments used by the Administration were weak."

- "This question is exceptionally cynical and offensive. I do not think this Supreme Court or any Supreme Court of the past makes political decisions. I will concede that the Bush/Gore decision can be criticized as such, but that case was historically unique."

- "But has more to do w Roberts wanting to get out of Citizens-United reputation and other court dynamics"

- "SCOTUS is smart enough to mask politics and partisanship under sound, legal arguments."

- "The Roberts Court has proven itself to be activist and corporatist."

- "Even 'the law of the land is not absolute'... it can be interpreted through the rose colored glasses of a liberal or a conservative to meet his/her desired outcome... thus partisanship governs the outcome"

- "My high school government textbook told me sound legal arguments always prevail in the Supreme Court. Then, I got into the real world and saw how both sides try to tip the scales. Still hold out hope."

- "The question improperly assumes all justices act with the same"

- "Operative word here is primarily."

motivation. This case comes down to one justice, Kennedy, who will decide on the law."

- "Justices have a strong loyalty to reputation of the Court."
- "This court's legal reasoning dovetails with the political views of those who appointed them. No way to separate the two."

- "Now we will see Republican appointees become 'activist' with little regard to the law."

- "It'll be based on the legal arguments, but it'll be split along the conservative/liberal voting blocks. As usual, Kennedy will be the deciding vote."

Do you think health insurance companies should be required to cover the full cost of birth control for women?

- "If we would only make birth control an 'across the counter' option for women 18 years and older, this wouldn't be the issue it is."
- "Small costs to avoid so many more unwanted children.... to that point, the state should probably provide them"
- "That should be a business decision for each insurance company."
- "Duh--cost of unplanned pregnancies or terminations exponentially higher, especially in high risk populations where greater probability of low birth weight delivery"
- "Birth control is a lifestyle issue, not a health issue. No one should be forced to pay for someone else's lifestyle choice."
- "Birth control is preventive medicine. The American Taliban will have to come to terms with modernity, namely, the fact that women are more than breeding stock."

- "It will cost them 100 times that if the woman has a child."

- "Most policies have deductibles and co-pays that apply to all benefits. Birth control should not be singled out. The mandate of benefits at the federal level should also be avoided unless the cost of insurance becomes too much."

- "Contraception access is important on a number of levels, including the management of menstrual complications, avoiding unintended pregnancy, and ensuring the social and economic stability of families. Any appropriate religious exemption of coverage should require a structured alternative for care that carriers should cover."

- "Religious convictions should NOT be mocked by the State."

- "State"

- "Therein lies the irony; don't cover birth control for women but go ahead and cover erectile dysfunction pills for men."

- "Reasonable co-pays are OK"
- "I oppose all mandates. Mandates are bad."
- "This is simply not debatable. We cannot afford a health care system where birth control is not covered. It is the number one cost saver in the system."
- "There is no limit to the number of mandates that can be devised.... at some point, they have to stop"
- "It's preventative health care. It prevents pregnancies. Do the math."
- "In the long run, it will save money, and the religious arguments are meritless."
- "Of course not. If insurers want to, then they can offer it--but it should not be mandatory. The fact that the question is even on the table shows how craven politics has become, with one party now promising cost-free, consequence-free sex in order to troll for votes."
- "They are printing money. Every time I hear someone from that industry complain about how much money they are losing, I want to smack them in the face with my monthly bill!!"
- "To the extent anything is fully covered...this should be too."
- "Why should contraceptives be any different from others? Individuals should be able to choose from a variety of options for coverage. Why should those who do not need this have to pay more so other women get it for free?"
- "Sure, they should cover it--if it's included in the insurance plan. If it's not, then no, they shouldn't."
- "YES!!!!"
- "Does anyone think that insurance companies pay for anything. The premium payers pay for everything."
- "How about make it option for buyer? Mandates are dangerous."

Compared to a year ago, would you say that K-12 public school education in Texas is a lot better, somewhat better, about the same, somewhat worse, or a lot worse?

- "I have no children in Texas schools, but my sense is if \$4B is abruptly removed from district's budgets, something has to give and it probably isn't school lunches or bus drivers."
- "Most of the Legislature's drastic cuts to public education will come in the second year of the biennium. The first year of the biennium was a 3% across the board cut. The 2012-13 school year will see massive cuts in some school districts."
- "Focus and attention from the press and the legislature has certainly brought some improvements."
- "Last I saw, a growing number of Texas kids entering Texas colleges and universities need remedial classes to get up to speed. That's not a good sign"

of improvement in quality and preparedness."

- "But we suspect way worse, hence private pre k for ours"
- "Many children will succeed despite the cuts in education funding. Those on the margin, however, will be more likely to fail than succeed."
- "You get what you pay for."
- "Unaware of any dramatic improvement in student performance, particularly among the fastest growing segment of our minority population - the segment that will or will not preserve Texas' future economic security."
- "Retired teachers tell me that modern education is 'babysitting' rather than imparting facts so that children can become all they can be."
- "We keep throwing money down rat holes like Houston Independent School District. If we do that it will continue to get worse."
- "The recent NAEP scores indicate that Texas students are doing somewhat better than their peers in other states."

Do you think that Texas spends too much, too little, or about the right amount on primary and secondary education?

- "It really has never met what national school standards suggest, on a per child basis, including a annual formula to account for rising school pops."
- "About one-fifth of the population of Texas attend our public schools. If we don't fund our schools properly, and make sure children have good instruction and good instructors, our 'Texas miracle' of economic growth will cease."

• "Texas ranked 45th on per capita education spending and then cut \$4b."

• "Just give the 'live within our means' home schoolers in the legislature more time and we will reach 'a lot worse'."

• "There are districts and schools that are making gains. But there are others that are lagging. State leadership needs to pick up the pace, and educrats need to stop moaning about accountability and rise to the occasion."

• "The impact of \$5.3 billion in cuts, likely to be extended, will not be fully felt for another two or three years. Since the legislature cut funding for districts funded at the very lowest levels in order to protect high-funded, politically-connected districts, these districts will be the hardest hit."

• "What has changed, and please don't tell me it's the money."

• "The goal is to get everyone to mediocre, not to get some to excellent, so it'll never be considered great."

• "Took away all their funding"

- "Grossly underfunded. When a fiscal conservative says 'We can't just throw money at the problem and fix it,' my response is always, 'When the Hell have you ever thrown money?'"
- "Somehow we need to find out what the expenditures are and make sure they are correct to actually teach kids, not just on administrative costs that are too much"
- "The issue is not how much money we throw at education. The issue is parental involvement. Is parents truly wanted public education to be better, then it would be."
- "But a lot is wasted that in theory could be reallocated to offset--but still more investment in our kids, and their teachers, period."
- "Even if per-student spending is about right, total spending needs to grow as enrollment grows."
- "We spend way too much for the results we are getting."
- "Our demographics are shifting and the world is about to pass us by."
- "Trick question. How do we know what 'the right amount' is? We give school districts money. They spend it. Get varying results. But never any real study on how they spent it and what really works."
- "Too little and focused in the wrong areas. Tons of money for fancy new schools to graduate kids who can't compete in college or the job market."
- "It seems that some districts achieve better results with less money than other districts making you wonder if

the problem is really pouring more money."

- "Texas public school funding is lower than the national averages for both spending per student and teacher salaries. However, expenditures alone would not seem to account for the anemic quality of the educational improvement, leaving far too many children with inadequate training to prepare them for economic success in our increasingly complex world."
- "The NEGATIVE results in dropout rates and test scores compared to the rest of the world deny any claims of educational improvement, yet we're spending more and more. The money that is spent should go to classrooms, rather than administrators."
- "Set my people free, vouchers!"
- "Are you kidding? This state couldn't squeeze more blood from a stone with the biggest industrial compressor in the world. The public schools have their flaws but there's only so much you can do when you are being starved."
- "It is both too little and directed poorly -- districts have too much administration because the pay is better outside the classroom. Make classroom service more financially feasible and you solve a big -- but not the only -- part of the problem."
- "That depends on your perspective. I suspect Sandy Kress and Pearson may have a different opinion than parents, librarians, and teachers."

- "Since we are at the bottom of nearly every indicia of adequate education spending, there is no other answer."
- "It isn't how much is spent, it's HOW it is spent."
- "But not at all efficiently or productively. There are areas where more money better utilized would help. And there areas of waste, inefficiency, and poorly spent money."
- "Money is not the only difference, but it does make a difference, and any rationally-minded person knows this."
- "How in the hell would anyone know? We may know what we SPEND but we have NO idea what it COSTS."
- "Needs to be spent with more wisdom."
- "There's a pot load of waste and admin costs in each system, but the underfund on Higher Ed, especially, is not consistent with our stated desire to be the jobs magnet for the rest of the country"

As you may know, Texas State Legislative candidates have recently been invited to pledge NOT to increase taxes when the legislature convenes in January 2013. Some people say that state legislative candidates should pledge not to increase taxes before the primary elections so that voters know where they stand on taxes. Others say that anti-tax pledges lock candidates into inflexible positions before the fiscal situation in January 2013 is clear. Which of these positions is closer to yours?

- "Such pledges are irrational, but that's what we get from right-wing nuts in the Legislature. Why not just let Norquist cast all their votes; he has made them look like assholes already, so he is clearly smarter than anyone whom he can convince to do his bidding."
- "Such pledges are completely irresponsible"
- "We can always continue borrowing and ignoring all of the major issues, water, highways, education, and healthcare...our democracy will not survive without an educated people...."
- "Campaign promises/pledges are part of elections and that's how people choose who they support. Right to choose...pro-life...no new taxes...tax the rich...drill here, drill now...protect the salamander...All pledges and promises on which people campaign."
- "1. Facts change. When they do, do you adjust your position accordingly or stubbornly stand your ground on principle? Officeholders need the flexibility to deal with the situation as it exists, not as it did months prior to an election. 2. The bigger issue this go-round is the Governor attempting to influence the make up of the Legislature. I thought he was all for separation of powers and stuff."

- "Pledges are brainless and doctrinaire;"
- "Few candidates and only slightly more incumbents have a clear understanding of emerging fiscal conditions. Most legislators are predictably surprised at the increased costs of essential services and go through a denial phase each session."
- "The only pledge a candidate should make is to represent the district's interests to the best of his/her capabilities."
- "Candidates should not make pledges period. They are a false sense of security for small minds and no way to make sound policy, which should fully consider the circumstances before you and your plans for the future."
- "All options should be on the table for BOTH sides. Don't take taxes off the table. Don't take additional budget review and cutting off the table."
- "Pledges are cheap tricks that are intellectually dishonest."
- "Effective governing and legitimacy is grounded in consent of the governed and accepting the responsibility for making the most of the resources we have. Locking into rigid dogma or inflexible ideological positions constrains the type of policy flexibility needed to address competing demands in a way that allows collective interests to move forward."
- "Cut the size of government and reduce regulations, that's how to improve the economy, which will in turn increase government revenues. NO NEW TAXES!"
- "Over the past several years Texas has consistently made choices that undermine both the reliability and sufficiency of income streams coming into state coffers. Placing more fees on unpopular groups (criminal defendants, truants) while refusing to address exceptions and loopholes that benefit slivers of the business community is not a long-term strategy for fiscal success. If we're not going to have an income tax, we should at least rely on taxes and fees that are more fair and bring in accurate and reliable amounts of income."
- "What candidates should pledge to do is be good stewards of taxpayer dollars. And the way they show that is by rigorous oversight during the entire two-year cycle, not just the session. The LBB should meet regularly (and include the non-member appropriators) to provide this oversight."
- "Candidates and elected officials should not sign politically motivated pledges but instead concentrate on good public policy -- which in Texas at the moment is a very bad joke and terribly irresponsible."
- "I pledge to make ALL pledges before I know any facts... of course... who wouldn't? Genius."
- "Candidate pledges of any kind are the sure sign of amateurism. On both sides. Why these people so easily fall into this trap I shall never know."
- "We have separation of powers for a reason. If the legislative is willing to renounce all independence and be the

lapdog of the executive's political aspirations, why bother with the expense of the House and Senate?"

- "Politicians are at their most vulnerable during an election, but they should resist being exploited by predatory interest groups."
- "Ask Bush 41."
- "What ever happened to just the promise of ' good government' to gain an endorsement. That would be legal."
- "It is hard to believe we are even asking whether people should make commitments before they know the facts. Wouldn't the more rationale pledge be not to support people who do not care about facts?"
- "Perry is just positioning himself for 2016. It's a damn shame he cares so much about the tea party. I wish he would return to the man he was in the 90's and quit letting his consultants

lead him in the direction that makes them more money!"

- "There's a middle road. Demand greater productivity with a heavy burden on those who seek spending and taxing. But good leadership is harder and not as political as being black or white."
- "If it turns out that a legislator must vote to raise taxes in order to serve the people (s)he represents, then does a pledge to not raise taxes equate to a pledge to put the welfare of the people (s)he serves in a secondary position?"
- "Stick to the Pledge of Allegiance, the rest is BS."
- "It's politically silly to not pledge now. But it's practically silly to make any such absolute pledges ever."
- "Totally irresponsible to make your bet before the first card's been turned over."

Our thanks to this week's participants: Gene Acuna, Cathie Adams, Brandon Aghamalian, Jenny Aghamalian, Clyde Alexander, George Allen, Doc Arnold, Jay Arnold, Charles Bailey, Tom Banning, Don Baylor, Dave Beckwith, Rebecca Bernhardt, Andrew Biar, Allen Blakemore, Tom Blanton, Hugh Brady, Steve Bresnen, Chris Britton, Lydia Camarillo, Kerry Cammack, Marc Campos, Thure Cannon, Snapper Carr, Tris Castaneda, Corbin Casteel, William Chapman, Elna Christopher, George Cofer, John Colyandro, Harold Cook, Randy Cubriel, Denise Davis, Hector De Leon, Eva De Luna-Castro, Richard Dyer, Jeff Eller, Alan Erwin, John Esparza, Jon Fisher, Tom Forbes, Dominic Giarratani, Bruce Gibson, Jim Grace, Clint Hackney, Wayne Hamilton, Bill Hammond, Sandy Haverlah, Albert Hawkins, John Heasley, Ken Hodges, Steve Holzheuser, Kathy Hutto, Shanna Igo, Deborah Ingersoll, Richie Jackson, Cal Jillson, Karen Johnson, Mark Jones, Lisa Kaufman, Robert Kepple, Richard Khouri, Tom Kleinworth, Ramey Ko, Sandy Kress, Pete Laney, James LeBas, Luke Legate, Mark Lehman, Richard Levy, Ruben Longoria, Matt Mackowiak, Luke Marchant, Bryan Mayes, Dan McClung, Debra Medina, Robert Miller, Lynn Moak, Craig Murphy, Keir Murray, Pat Nugent, Sylvia Nugent, Gardner Pate, Bill Pewitt, Wayne Pierce, Royce Poinsett, Kraege Polan, Jay Propes, Bill Ratliff, Tim Reeves,

Chuck Rice, Kim Ross, Jason Sabo, Luis Saenz, Mark Sanders, Andy Sansom, Jim Sartwelle, Stan Schlueter, Bruce Scott, Bradford Shields, Christopher Shields, Ed Small, Martha Smiley, Todd Smith, Larry Soward, Dennis Speight, Jason Stanford, Bill Stevens, Keith Strama, Bob Strauser, Colin Strother, Charles Stuart, Michael Quinn Sullivan, Sherry Sylvester, Jay Thompson, Russ Tidwell, Trent Townsend, Trey Trainor, John Weaver, Ware Wendell, Ken Whalen, Darren Whitehurst, Ellen Williams, Michael Wilt, Seth Winick, Angelo Zottarelli.