

# Fact Checking Republicans at CPAC

The opinion-filled conference included a few falsehoods.

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## Summary

Republicans at the Conservative Political Action Conference this past weekend strayed at times from the facts, although for the most part, they stuck to expressing their low opinions of the current administration and its policies.

Several potential presidential candidates, congressional leaders and high-profile conservatives spoke at the annual conservative gathering in Washington. Among them:

- Sen. Rand Paul of Kentucky wrongly claimed that Supreme Court Justice Elena Kagan, during her confirmation hearings, agreed that "the government through the commerce clause could regulate that you eat three vegetables a day."
- Mitt Romney, the former Massachusetts governor, was wrong by more than 3 million people when he claimed that there are more unemployed Americans than employed Canadians. He also said President Obama "stood watch over the greatest job loss in modern American history," but the fact is more jobs were lost in Bush's last year than under Obama.
- Former House Speaker Newt Gingrich was wrong when he said Brazil is "totally energy independent," and he also vastly overstated the U.S. natural gas supply.
- Mississippi Gov. Haley Barbour claimed that Obama "tried to impose the biggest tax increase in American history on small-business owners by letting the Bush tax cuts expire." But Obama proposed letting cuts expire only for upper-income individuals, most of whom are not small-business owners.

## Analysis

The [CPAC speakers](#) took turns criticizing President Barack Obama and his administration's foreign and domestic policies, repeating many of the talking points that we've heard before on the "government takeover" of health care, the "failed" stimulus and the "staggering" deficits. But then there were a few claims that we haven't addressed before.

### A Big-Government Vegetable Mandate?

In talking about the constitutionality of the health care law, Sen. Rand Paul of Kentucky distorted a comment by Supreme Court Justice Elena Kagan. Paul [recounted](#) an exchange between Oklahoma Sen. Tom Coburn and then-nominee Kagan during her confirmation hearings. Coburn was alluding to the debate over whether the commerce clause of the

Constitution would allow the federal government to require individuals to purchase health insurance:

**Paul, Feb. 10:** Recently Sen. Coburn in one of the committee hearings asked Elena Kagan, he said, well do you think the government through the commerce clause could regulate that you eat three vegetables a day. Her response was yes.

Kagan's response was not "yes." During the 10-minute exchange (starting at the 20:00 minute mark), she outlined precedents set by the Supreme Court and how the commerce clause has been applied, but she did not give a response to Coburn's hypothetical question about vegetables.

**Kagan, June 29, 2010:** ...[T]he commerce clause has been interpreted broadly. It's been interpreted to apply to regulation of any instruments or instrumentalities or channels of commerce, but it's also been applied to anything that would substantially affect interstate commerce. It has not been applied to non-economic activities, and that's the teaching of Lopez and Morrison, that the Congress can't regulate non-economic activities, especially to the extent that those activities have traditionally been regulated by the states. And I think that that would be the question that the court would ask with respect to any case of this kind.

### **'Inconvenient Truths' About Romney's Math**

Mitt Romney, the former Massachusetts governor who ran for the GOP presidential nomination in 2008 on his experience as a businessman, focused on jobs and the economy in his [speech](#). But he strained the truth in blaming the nation's economic woes on Obama. Romney claimed there are more unemployed Americans than employed Canadians, but that's not true. He also was wrong when he said Obama had lost more jobs than any modern president.

**Romney, Feb. 11:** Today there are more men and women out of work in America than there are people working in Canada. And in the month of January, Canada created more new jobs than we did.

Romney is right about the January unemployment numbers. The United States added [36,000 jobs](#) and Canada gained [69,000](#) in January. But it's not true that there are more Americans who are unemployed than Canadians who are employed.

As of January, there were [13.9 million](#) Americans out of work, according to the Bureau of Labor Statistics. Canadian government statistics show that there were [17.2 million](#) Canadians employed in January. During his speech, Romney said there were 15 million unemployment Americans. That's wrong, but even if it were correct, it would be less than the 17.2 million employed Canadians.

We asked Romney's spokesman, Eric Fehrstrom, if he could support the former governor's claim. Fehrstrom pointed to the number of Americans who are underemployed — including

those who are in part-time positions while still looking for full-time work. But his boss spoke of Americans "out of work," and those who are underemployed are not out of work.

Later, Romney sought to put the job loss under Obama in historical context, but came down on the wrong side of history:

**Romney, Feb. 11:** President Barack Obama has stood watch over the greatest job loss in modern American history. And that, my friends, is one inconvenient truth that will haunt this president throughout history.

We dealt with a similar claim when Karen Hughes, a former adviser to President George W. Bush, compared her former boss with Obama during a Jan. 23 appearance on "Meet the Press." What we found is that during the recent recession, there were more jobs lost under Bush than Obama.

As we [wrote](#) in January, [BLS statistics](#) show that "total nonfarm employment (the standard measure of jobs) declined by nearly 8.4 million between its most recent peak in December 2007 and when the job slump bottomed out two years later, in December 2009. Of those lost jobs, 4.4 million disappeared while Bush was president, and just under 4 million vanished during Obama's first year." Now, the Bush total includes the devastating loss of 779,000 jobs in January 2009 — Bush's last month in office and Obama's first. We included January 2009 in the Bush column since Obama did not become president until Jan. 20, 2009.

## Gingrich's Energy Exaggerations

Former House Speaker Newt Gingrich's more than [30-minute address](#) included some inaccurate claims on the subject of energy.

First, Gingrich vastly [overstated](#) the U.S. natural gas supply:

**Gingrich, Feb. 10:** We now have technology that lets us go down as far as 8,000 feet, reach out as far as four miles horizontally. We can now produce commercially available natural gas from shale. We have an 11 hundred year supply.

Shale gas is a [form of natural gas](#) that is extracted from shale formations of fine-grained sedimentary rocks. It's true that new drilling and fracturing techniques have made it possible to tap into shale resources that were previously considered not to be economically viable. As of 2009, shale gas made up 14 percent of the U.S. natural gas supply, [according to the](#) Energy Information Administration.

But the U.S. isn't currently sitting on a 1,100 year supply of shale gas — or natural gas in general, if that was Gingrich's meaning — according to the EIA. The nonpartisan agency estimates that the country's supply is actually about 10 times smaller than that:

**EIA:** The United States possesses 2,552 trillion cubic feet (Tcf) of potential natural gas resources. Natural gas from shale resources, considered uneconomical just a few years ago,

accounts for 827 Tcf of this resource estimate, more than double the estimate published last year. At the 2009 rate of U.S. consumption (about 22.8 Tcf per year), 2,552 Tcf of natural gas is enough to supply approximately 110 years of use.

Gingrich also gave a little too much credit to Brazil for being a "totally energy independent" nation:

**Gingrich:** Brazil today is totally energy independent, by a combination of offshore discoveries, flex-fueled cars, and the use of sugar-based ethanol. And they don't pay a penny to Saudi Arabia. They don't pay a penny to Iran or Iraq or Venezuela.

Kenneth Vincent, an industry economist for the Energy Information Administration, said Gingrich was making a valid point about Brazil's efforts to become more energy independent — just not a technically accurate one.

"Brazil's energy sector is very well-run, making the country relatively more self-sufficient than most of its peers. That said, Brazil is not totally energy independent. I am not aware of any countries that are," Vincent said. Brazil still imports some energy from other countries, including natural gas, enriched uranium and crude oil, he said.

"While Brazil is a net exporter of oil, it does need to import some light crude oil, because the Brazilian refinery sector is not currently equipped to process large quantities of heavy crude oil. Petrobras plans to change this in the coming years, but for now they still need some foreign crude."

Moreover, Brazil imports oil from three of the countries that Gingrich claimed Brazil doesn't "pay a penny to." Vincent said — based on data from the Global Trade Information Service — that in 2010, Brazil got 19 percent of its oil imports from Saudi Arabia, 8 percent from Iraq and less than 1 percent from Venezuela. Iran was the only one of the four countries cited by Gingrich that Brazil didn't import oil from in 2010.

## **Barbour's Tax Tale**

On CPAC's last day, Mississippi Gov. Haley Barbour [made](#) a false accusation about Obama's tax policy:

**Barbour, Feb. 12:** At a time when we desperately needed incentives to create new jobs, President Obama and his congressional allies tried to impose the biggest tax increase in American history on small-business owners by letting the Bush tax cuts expire.

That fails the truth test in several ways. Specifically:

- Obama never favored letting all Bush cuts expire — only those that benefit couples making more than \$250,000 a year (or singles making more than \$200,000).

- The increase on upper-income individuals would have amounted to [\\$33.5 million this year and \\$41 million next year](#), but only a relatively small portion would have been paid by small-business owners, as [we've pointed out](#) several [times before](#).
- The vast majority of small-business owners would have seen no increase, as we've also noted.

– by *D'Angelo Gore, Brooks Jackson, Michael Morse and Eugene Kiely*

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Posted by [D'Angelo Gore](#), [Eugene Kiely](#) and [Brooks Jackson](#) on Monday, February 14, 2011 at 6:45 pm