



## CASS SUNSTEIN: *Facts & Talking Points*

- Nominated by President Barack Obama to administer and head the **Office of Information and Regulatory Affairs (OIRA)** within the White House Office of Management and Budget.
  - Currently serves as one of President Obama's 39 "Czars." Sunstein has been "appointed" the "Regulatory Czar."
  - Law Professor at the University of Chicago Law School.
  - Served on the Council of Academic Advisors for the AEI-Brookings Joint Center for Regulatory Studies.
  - Helped Sen. Chuck Schumer (D-NY) lead the efforts to stop the confirmation of President George W. Bush's judicial nominees.
  - Has written 35 books since 1990, many of which advocate for causes such as radical animal rights, human euthanasia as a major component of health care reform legislation, federal laws advocating for 'presumed consent' rather than 'explicit consent' for organ donation to science, and censoring the freedom of speech, particularly on the internet.
  - **Issue Areas of Concern:** End-of-life/health care policies, animal rights vs. human rights, freedom of speech, organ donation.
- 

### 1. End-of-Life Advocacy/Philosophy

- June 2003, authored and published a paper entitled, "**Lives, Life Years, and Willingness to Pay.**"
  - Argues that human life varies in value.
  - Advocates for government bureaucracy to rely on the "value of a statistical *life year*" when doing cost-benefit analysis as opposed to the "value of a statistical life."
  - He states that this would "likely result in significantly lower [health] benefits calculations for elderly people, and significantly higher benefits calculations for children."

- He states: “I urge that the government should indeed focus on life-years rather than lives. **A program that saves young people produces more welfare than one that saves old people.**”
- Sunstein asserts that the current health care system that focuses on statistic lives, rather than *life years*, is “a form of illicit discrimination [...] because the idea of statistical lives treats the years of older people as worth far more than the years of younger people.
- Sunstein’s views on cost-effectiveness analysis is worrisome at best, especially since as head of the Office of Information and Regulatory Affairs, he will play a major role in defining the government’s handling of health care.
- He will be just one major player in the massive bureaucracy needed to regulate the very loosely-defined H.R. 3200, Obama’s proposed health care plan.
- **Dr. Ezekiel Emanuel**, brother of White House Chief of Staff Rahm Emanuel, is one member who will serve on the Federal Coordinating Council for Comparative Effectiveness Research, which has already been approved and signed into law via H.R. 1 (the American Recovery and Reinvestment Act of 2009, a.k.a. the “stimulus” bill).
  - Emanuel has written suspiciously similar statements to those of Sunstein about why health care *should* be rationed for the elderly:
    - “Unlike allocation by sex or race, allocation by age is not invidious discrimination; every person lives through different **life stages** rather than being a single age. Even if 25-year-olds receive priority over 65-year olds, everyone who is 65 years now was previously 25 years.”

## 2. Animal Rights over Human Rights

- Has been a longtime advocate for restricting animal testing for cosmetics, banning hunting, and encouraging the general public to eat less meat.
  - “We ought to ban hunting.” — *from his 2007 speech at Harvard.*
  - “**Almost all gun control legislation is constitutionally fine.**” — *from his 2005 book, Radicals in Robes: Why Extreme Right-Wing Courts are Wrong for America.*
- Advocates granting the right to sue to animals (that is, people can bring lawsuits on behalf of their pets and other animals if they feel that their “animal rights” are being violated).
  - “**I will suggest that animals should be permitted to bring suit, with human beings as their representatives, to prevent violations of current law.**” — *from his 2004 book, Animal Rights: Current Debates and New Directions.*

- During a 2007 speech at Harvard University, Sunstein put animal rights in the same category as civil rights, abortion rights, and gay marriage rights:
  - “The animal’s right to live free of suffering should be just as important as a person’s right to be free of suffering.”
  - **“A full-grown horse or dog is, beyond comparison, a more rational, as well as a more conversible, animal than an infant of a day, or a week, or even a month.”**
  - “The question is not ‘Can they reason?’ nor ‘Can they talk?’ but ‘Can they suffer?’ ”

### 3. Censoring Free Speech

- Most recent book is entitled, **“On Rumors: How Falsehoods Spread, Why We Believe Them, What Can Be Done.”**
- Details of the contents of the book were revealed in The New York Post recently by writer Kyle Smith, who had received an advance copy.
- In the book, Sunstein calls for a “notice and take down” law that would require bloggers and internet service providers to take down “falsehoods” upon notice.
- This begs the question, who decides what is deemed a “falsehood” or rumor? Will this somehow incorporate Linda Douglass, “appointed” the “Dis-Information Czar?” by Barack Obama?
- In a November 2008 paper for Harvard Law School, Sunstein wrote, “In discussions of possible restrictions on free speech, it is standard to speak of, and to deplore, the ‘chilling effect’ that is created by the prospect of civil or criminal sanctions.”
- In a 2007 interview with Salon.com, Sunstein asserted, “In my view, the idea that the Constitution protects commercial advertising is a mistake.”

### 4. Changing government policy over organ donation

- Co-authored a 2008 book called, **“Nudge: Improving Decisions about Health, Wealth, and Happiness.”**
- In it, he advocates a policy in which the government “presumes” that someone consented to having his or her organs removed for transplantation into someone else when they die unless that person has explicitly indicated that his or her organs should not be taken.
- Co-author Richard H. Thaler and Sunstein argue that the reason that more people do not donate their organs is because they are required to choose donation.
- Current law requires “explicit consent,” but Sunstein advocates for a change to “presumed consent.”

- Thaler and Sunstein support removing that choice from Americans and rather than requiring them to opt in, they support a law that automatically signs them up, and requires them to actively opt *out*.
- Sunstein noted in the book that in a 2003 study, only 42% of people actively chose to be organ donors, while only 18% actively opted out.
- This reveals the authors' philosophy to be that the government owns your organs and you have to request permission for them not to be taken from you after you die.