



Written by [Bob Adelman](#) on August 22, 2011

SuperCommittee Member Rep. Fred Upton Is Flexible

The most ambitious of the various trial balloons on the entitlement issue have to do with reducing benefits *slightly* for *future* participants in Social Security and Medicare, not current beneficiaries. But some observers say this appears to be typical of Upton on many issues that have faced Congress in recent years: focusing on something that is irrelevant in order to avoid the important, or the embarrassing.



For instance, when Upton was nominated by House Speaker John Boehner to the SuperCommittee, he could have decided to keep the promise he made in taking his oath of office:

I, Fred Upton, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

The relevant part of the Constitution that he swore to “support and defend” that defines taxing authority is Article I, Section 7, which says that “all bills for raising revenue shall originate in the House of Representatives,” meaning that only the 435 members of the House can raise taxes. Nowhere in the Constitution is Congress given the power to delegate that responsibility to some sort of SuperCommittee.

Of course, the case has been made that the House can make its own rules, but even that falls short. As TNA writer [Thomas Eddlem](#) wrote:

[Judge Andrew] Napolitano raised another — and unassailable — objection to the legislation. Napolitano [noted](#): "This is this Congress binding itself and all future Congresses to a simple up-or-down vote." In that sense, the new "Super Congress" joint committee is truly revolutionary, and unquestionably unconstitutional. Under the Constitution, no Congress can bind a subsequent Congress with rules of procedure, which is why one of the first acts of every new Congress after an election is for the House and Senate to separately approve new rules.

Instead of abiding by his oath, Upton accepted a position on the unconstitutional SuperCommittee and considered it an honor:

I am humbled by the trust Speaker Boehner and our leadership team have placed in us, and I stand ready to serve on the Joint Select Committee alongside Chairman [Dave] Camp and Chairman [Jeb] Hensarling on behalf of all House Republicans.

But taking strong stands and then changing his position on them seems natural to Upton. Before [barely escaping](#) last year’s primary battle with a Tea Party candidate, which prompted a more conservative



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stance by Upton, he could be characterized as a moderate — not too hot, not too cold — during his time in the House, which began in 1987. For a long time, conservatives nicknamed him “Red Fred” because he supported various environmental issues that greatly increased government’s control over its citizens, including voting to strengthen the Clean Air Act, and co-sponsoring the bill to phase out incandescent light bulbs. Up until recently, his website claimed that “climate change is a serious problem that necessitates serious solutions.” But he was able to win the chairmanship of the House Committee on Energy and Commerce by promising to strip the EPA of its authority to regulate greenhouse gases and to repeal the ban on light bulbs that he helped sponsor. And he has removed the “offensive” climate change language from his website. So successful has been Upton’s alleged change of heart that Bill Ballenger, editor of *Inside Michigan Politics*, said that “the old Upton is gone.”

His position on the SuperCommittee will be guided by his unwillingness to take a strong stand on anything. Again, [from his own website](#): “Camp and Upton were picked by House Speaker John Boehner largely because ... they are also seasoned, level-headed representatives who have not been caught up in the hard-line partisanship raging in Washington.” Observers believe any serious attempt to rein in government spending will likely be rebuffed, as Upton has observed:

Reducing government spending without throwing more people out of work will be a delicate task, since the debt ceiling agreement already cuts \$900 billion from discretionary programs. There is risk in decelerating spending too rapidly.

Raising taxes in a faltering economy also would negatively impact growth and employment. Camp and Upton are not likely to be bullied into increasing taxes *on investors*. [Emphasis added.]

These two statements address two problems facing Upton on the committee: the fact that unemployment in Michigan is higher than in the country in general, and the fact that he made a commitment not to raise taxes.

So by giving lip service to the unemployment issue (after all, cutting government spending would likely mean cutting government jobs) and the tax issue (not “increasing taxes *on investors* — which reminds one of George Orwell’s novel *Animal Farm* wherein one of the rules was modified about sleeping in beds [with sheets](#)), Upton has left himself room to do whatever the majority of the committee decides is in the best interest of the country as a whole, which is likely to involve some cutting of government and some raising of taxes.

Upton is highly motivated to come up with something in the committee rather than let the “default mechanism” kick in which would cut, among other programs, the Defense Department’s budget. And that’s a problem for Upton, as Michigan is home to General Dynamics — which builds the Abrams tank, and which no doubt has some influence with Upton.

When it comes to cutting taxes, the National Taxpayers Union (NTU) [has weighed in](#) on their analysis of the members of the SuperCommittee, giving an “F” to all six Democrats, and an “A” rating to just two of the six Republicans. Upton didn’t get one, earning only a “B” and missing the opportunity to be named a “Taxpayers’ Friend” by the NTU.

Most analysts believe that Upton will not be taking the lead in either cutting government spending by enough to make a difference, or in defending his pledge of not raising taxes.

Photo of Fred Upton: AP Images



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