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## THEY SAID IT

In a fair distribution among a vast multitude none can have much. That class of dependent pensioners called the rich is so extremely small, that, if all their throats were cut, and a distribution made of all they consume in a year, it would not give a bit of bread and cheese for one night's supper to those who labor, and who in reality feed both the pensioners and themselves.

But the throats of the rich ought not to be cut, nor their magazines plundered; because, in their persons, they are trustees for those who labor, and their hoards are the banking houses of these latter. Whether they mean it or not, they do, in effect, execute their trust,--some with more, some with less fidelity and judgment. But on the whole, the duty is performed, and everything returns, deducting some very trifling commission and discount, to the place from whence it arose. A perfect equality will, indeed, be produced,--that is to say, equal want, equal wretchedness, equal beggary, and, on the part of the partitioners, a woeful, helpless, and desperate disappointment. Such is the event of all compulsory equalizations. They pull down what is above; they never raise what is below; and they depress high and low together beneath the level of what was originally the lowest.

Edmund Burke, "Thoughts and Details on Scarcity," 1796.

## THERE'S ALWAYS SOMETHING.

Twelve years ago, in an article entitled "The New Political Paradigm," we discussed a major change in the nature of American politics that had been going on for some time but that was just beginning to become evident in the everyday affairs of Washington. We described it as follows:

The old labor vs. capital paradigm, which was a principal feature in American politics for almost exactly a century, is no longer of much importance. This once all-important tension, which actually defined the Republican and Democratic parties for decades, took root during the Marxist and utopian socialist movements that followed the Civil War, bloomed in 1886 when Samuel Gompers founded the American Federation of Labor, began to wilt in the early 1970's with the advent of Richard Nixon's appeal to the "new Republican majority" of blue collar workers, and became an endangered species in 1989, when the Berlin Wall fell, and a new era of global competition emerged from the rubble.

Throughout most of the 20th century, the Democratic Party was the preferred political home for blue-collar workers. Today, Republicans get a majority of their votes from these so-called "Joe Sixpacks" and their wives. Conversely, the Republican Party was, from the time of the so-called

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“Robber Barons” in the late 19th century until very recently, the home of big business. Today, while the GOP still has a huge following in the small business community, the board rooms of most of America’s corporate giants are filled with Democrats, who aggressively support the Washington colossus in exchange for huge amounts of business, for important tax breaks and direct subsidies, and most importantly, for a steady stream of regulatory initiatives and trade rulings that serve to cripple their smaller competitors both at home and abroad.

Liberal commentators still appear to labor under the misconception that the Democratic Party represents the blue-collar worker in his fight against the “capitalist dogs.” Conservative pundits, on the other hand, seem to believe that “we are all capitalists now” and that no significant threat to free enterprise exists anymore. Both assumptions are wrong. The reality is that a powerful new paradigm has emerged onto the American political scene that has completely changed the nature of the Democratic Party, and is a direct threat to America’s traditional brand of free enterprise capitalism.

Simply stated, this new paradigm, which is as dynamic, fascinating, and certainly as important to the future course of society as the old labor-capital one, involves the tension between the authority of government bureaucrats, and their allies in some of the nation’s most important boardrooms, and the classic American concept of individual freedom.

This partnership between big government and big business under the banner of the Democratic Party was well underway when we wrote those words in

September 1997, although it wasn’t widely recognized at the time, which is why we wrote them. Today, of course, it is old news. Indeed, in the few short months that Barack Obama has been in office, he has turned the loose partnership we described then into a formal merger, which could yet go down in the history books as the greatest voluntary sacrifice of freedom that any people, anywhere have ever made on the altar of the false promise of collectivism.

In fact, in those inevitable dark moments that are part of the job of watching American politics in the opening days of the 21<sup>st</sup> century, we sometimes worry that Barak has written the final chapter in mankind’s search for a common political/economic system, and that this common system is not liberal democracy as Francis Fukuyama predicted it would be 20 years ago in his classic book *The End of History*, but a frightful form of national socialism as described by Aldous Huxley in 1931 in *Brave New World* at the very time that Mussolini and Hitler were creating it in the real world.

In more optimistic moments, we recognize that, Hegel’s protestations to the contrary, profane history has no end; that, in Robert Penn Warren’s famous words, “from the stink of the didie to the stench of the shroud, there is always something.” The question at hand is what that “something” will be. To which we would offer the following answer.

At some point, in the not too distant future, in reaction to the hubristic authoritarianism of the Barack regime there will appear upon the American political landscape a new version of the old-style, fire breathing, charismatic, “man-of-the people” populist. He or she will heap scorn on the federal/business axis with its hierarchy of elitist bureaucrats and wealthy establishment drones, with its obsession with making the world safe for investment bankers at the expense of the nation’s security, with its condescending attitude toward ordinary working class Americans, with its moral sophistry, and with its deep seated propensity for corruption.

Now one could argue that this nation is no longer capable of producing a person with the kind of talent, intelligence, imagination, and energy that it would take to deliver such a message effectively. But we don't believe it. Indeed, we think it is likely that the Obama administration will spawn a particularly virulent strain of populism that is capable of doing permanent damage to the fabric of this nation's national unity unlike anything that has occurred within these shores since the chasm created by the controversy over the Vietnam War.

You see, populism has a rich history in American politics on both the left and the right. Its origins can be traced to the Anti-Federalists, and then to Jeffersonian and Jacksonian democracy, through the rise of the agrarian revolts in the post-Civil War period, into the twentieth century with the Progressive and Prohibition movements, and in more recent times to bids for the White House from men like George Wallace, Ross Perot and Pat Buchanan.

The populist message varies greatly depending on time, place, and person. It can emanate from both the far left and the far right on the political spectrum. But all populists pick and choose from roughly the same menu of ideas, many of the most important of which were compiled and presented as follows in a marvelous book on the subject entitled *The Challenge of Populism* by Michael Federici, and published in 1991 by Praeger.

As you read through this list, think of it as an outline for a political campaign in opposition to the negative effects on middle class Americans of the merger between Washington, Goldman Sachs, and the nation's corrupt labor union bosses; think of the working stiffs who are no longer working and about to lose their homes; think of the men and women who, as Bill Clinton described them long ago, "worked hard and played by the rules" [but] often did not come out on top."

And if you're still unconvinced, read and ponder the political ramifications of an article that appeared in the July 12<sup>th</sup> *New York Post*, which noted the shrinking size of America's middle class, the backbone of both its

economy and its historic exceptionalism. According to the paper, the real estate market drop, the loss of jobs, and the on-going deleveraging across the nation have possibly put one in four of America's 31 million middle class families at risk of dropping out of this category. Home equity has fallen to only an average of 20%, effectively removing the home as a *de facto* ATM machine. "Demos," a public policy group cited in the article, estimates that 76% of middle class families lack the assets to cover 75% of their basic expenses for more than three months. As our friend Greg Smith pointed out in one of his most recent newsletters, this data was collected in 2006, and the situation is almost certainly worse now.

And if you're still not certain that some mixture of the following ideas, compiled by Federici, would find an enthusiastic audience in every state of the union, then our guess would be that you have not been spending enough time lately at the local, blue-collar watering hole listening to people who are unemployed, about to be unemployed, scared that they are soon going to be unemployed, and underemployed; who can't pay their bills, whose kids can't find a job, who are certain that their already too high taxes are going to be raised even higher and don't know how they are going to manage to pay them, who have given their homes back to the bank or who have friends who have done so or are about to do so, who are concerned that the government is borrowing the nation into bankruptcy for reasons that have nothing to do with their welfare or lives, who are convinced that Washington is run by a gang of crooks and fools, who can't understand what the hell business it is of the government if they own a gun, and who are "mad as hell and not going to take it anymore." So here's the list.

- Suspicion of elites, especially business figures, bankers, bureaucrats, intellectuals, plutocrats;
- Faith in the common sense and virtue of the ordinary people;
- Suspicion of metropolitan society;

- Preference for simplicity versus complexity;
- Idyllic assessment of agricultural life;
- Reverence for religion;
- Conspiracy theory;
- Staunch defense of small property holders versus corporations;
- Fear of trusts and monopolies;
- Anti-intellectualism;
- Sectarianism;
- Mistrust of science and technology;
- Majoritarian democracy

Now its fun to speculate on the origins and character of the person who will emerge as the leader of a 21<sup>st</sup> century populist movement in response to Obama's on-going orgy of collectivism. The natural assumption would be a southern governor, or perhaps an attorney general from a conservative state, who gets the itch to use the power of his or her office to launch a high profile crusade against the corruption that is metastasizing throughout the land on the heels of the Obama crowd's propensity to give vast sums of federal money away to friends and to form close ties with deeply corrupt organizations such as ACORN and with the sleaziest of the nation's union bosses. But then, given the American public's childlike gullibility and moth-to-light-bulb attraction to celebrities, the coming populist "leader" could be almost anyone, from an athlete to a television talk show personality, or perhaps to a washed out, late night comedian.

The effectiveness and impact of such a populist reaction would depend on the charisma of the leader, the message mix, and the intensity of public dissatisfaction with the *status quo*, which, as our good

friend Bob Feinburg once noted is a fancy Latin phrase meaning "the mess we're in." It is possible, of course, that a truly effective and eloquent populist could win the White House if Obama manages to bring the nation to the brink of disaster. But it is more likely that a populist will emerge as a third party candidate and throw the 2012 election into a free for all.

On the one hand, conservatives have reason to cheer the coming populist uprising against Obama's collectivism. But real conservatives must never forget, while celebrating the reassertion of "common sense," that unchecked populism, like most cures for dangerous illnesses, has side effects that can be as threatening as the illness itself. One of these is populism's inherent trust in the "wisdom of the people," which can lead to the kind of mob rule that America's founding fathers guarded against when they created a republic rather than a true democracy.

An extensive discussion of this important topic is beyond the scope of this week's article. But we will close with an observation made some 170 years ago by James Fenimore Cooper in his remarkable defense of American freedom, *The American Democrat*. A central theme in Cooper's work is a fierce defense of personal liberty, not against collectivism but against "the masses," or populist uprisings, if you will. The following lines do not do justice to the wealth of politic insight contained in Cooper's works. But they do, we believe, highlight some of the problems inherent in populism that conservatives should keep in mind when the fight begins between that age old political phenomenon and the Democratic Party's opposing view that "the people" are so ignorant that they must be suppressed by the all-knowing hand of "big brother."

In this country, in which political authority is the possession of the body that wields opinion . . . there is a strong and dangerous disposition to defer to the publick, in opposition to truth and justice. This is a penalty that is paid for liberty, and it depends on the very natural principle of flattering power. In a

monarchy, adulation is paid to the prince; in a democracy to the people, or the publick. Neither hears the truth, as often as is wholesome, and both suffer for the want of the corrective. The man who resists the tyranny of a monarch, is often sustained by the voices of those around him; but he who opposes the innovations of the publick in a democracy, not only finds himself struggling with power, but with his own neighbors. It follows that the oppression of the publick is of the worst description, and all real lovers of liberty should take special heed not to be accessories to wrongs so hard to be borne. As between the publick and individuals, therefore, the true bias of a democrat, so far as there is any doubt of the true merits of the controversy, is to take sides with the latter. This is opposed to the popular notion, which is to fancy the man who maintains his rights against the popular will, an aristocrat, but it is none the less true; the popular will, in cases that affect popular pleasure, being quite as likely to be wrong, as an individual will, in cases that affect an individual interest . . .

The people being sovereign, require the same flattery, the same humoring of their wishes, and the same sacrifices of truths, as a prince . . . In America, it is indispensable that every well-wisher of true liberty should understand that acts of tyranny can only proceed from the publick. The publick, then, is to be watched, in this country, as in other countries kings and aristocrats are to be watched . . .

To supplant the exactions of the laws, therefore, by those of an unauthorized public, is to establish restraints without the formalities and precision of legal requirements. It is putting the

prejudices, provincialisms, ignorance and passions of a neighborhood in the place of statutes; or, it is establishing a power equally without general principles, and without responsibility.

Once again, there's always something.

## **SONIA SOTOMAYOR AND THE CATHOLIC "BRAND."**

On April 30, 2009, National Public Radio (NPR) announced that Associate Justice of the Supreme Court of the United States David Souter would be retiring at the end of the current term. The next day, President Barack Obama made his own announcement, confirming the gist of NPR's story and thereby beginning the arduous, tortuous, and politically treacherous process that all, or nearly all presidents face of selecting a replacement justice capable of achieving confirmation.

In choosing a replacement for Souter, Obama could, by most lights, have chosen almost anyone. He could have chosen a brilliant legal scholar. He could have chosen an exciting, fresh legal theorist. He could have chosen a liberal. After all, his party controls enough seats in the Senate to override any filibuster attempt, even if one were mounted, which, in our opinion, was unlikely regardless of whom he nominated. Moreover, the media is still rather besotted over Obama and would have done everything in its power to shepherd a liberal through the process and to ensure that his or her Republican inquisitors, not the actual nominee, were those who appeared "out of the political mainstream."

As it turned out, of course, Obama did none of these things. He settled instead for a fairly unremarkable, average, middle-of-the-road judicial nonentity who is, based on her confirmation hearings, unlikely to have any real lasting impact on the Court or its direction.

Why?

Naturally, there are many theories, Maybe he wanted a nominee who would be relatively uncontroversial, knowing full well that the rest of his agenda is controversial enough on its own. Maybe he didn't know he was getting a rather nondescript mainstream nominee, making a mistake similar to the one George H.W. Bush made in filling the same slot with Souter, a man he badly misjudged. Or maybe he didn't care who the nominee was or what she thought, as long as she checked the appropriate sex and race boxes on the application.

Of all these, the last one strikes us as the most accurate. As best we can figure, Obama chose Sotomayor because she is Hispanic (or Latina, if you prefer) and as such fits his plans perfectly.

What plans are those, you ask? Well, they're not exactly the plans you might have in mind. They're not related to wooing a demographically exploding ethnic minority, and they're not derived exclusively from racial politics and ethnic quotas. Obama chose a Hispanic nominee, we believe, not because of her race *per se*, but because of her religion.

Let us explain.

With Sonia Sotomayor's elevation to the Supreme Court, fully two-thirds of that court is now composed of Roman Catholics. In the entire history of the United States, only 11 Catholics had ever served on the Court. And five of them – Antonin Scalia, John Roberts, Anthony Kennedy, Samuel Alito, and Clarence Thomas – served during the last session. When the Court reconvenes, Sotomayor will make 12 total, half of whom will be contemporary. That is, to say the very least, an enormous and unprecedented shift in the composition of the Court. And this final fraction of the shift, that involving Obama and Sotomayor, serves a very specific purpose.

You may have noted, as countless political commentators noted last week during Sotomayor's confirmation hearing, that her Catholicism was downplayed, if not entirely ignored both by her Senatorial inquisitors and mainstream media.

Once, Catholics like Roberts and Alito were widely considered to represent a papist plot to take over the Supreme Court, and, as if that weren't enough, they were said to pose a serious and dire threat to the intellectual independence of the Court. But Sotomayor? Not so much. As the *Wall Street Journal* columnist William McGurn put it:

Back when the nominee was Sam Alito, talk was about the "fifth Catholic" on the bench. Eleanor Smeal, president of the Feminist Majority, complained that "with Alito, the majority of the Court would be Roman Catholics."

Before that it was John Roberts. In the run-up to his confirmation, the *Los Angeles Times* ran a piece headlined "Wife of Nominee Holds Strong Antiabortion Views." Though the article conceded that a "spouse's views normally are not considered relevant in weighing someone's job suitability," plainly these were not normal times. Mrs. Roberts, the paper pointed out, had worked for a group called "Feminists for Life," and was characterized as an "extremely, extremely devout Catholic."

And let's not forget Bill Pryor, whose Catholicism came into question when he was nominated for the 11th Circuit Court of Appeals in 2003. Back then, Mr. Leahy's colleague, Charles Schumer (D., N.Y.), put his worries about Mr. Pryor's faith this way: "His beliefs are so well known, so deeply held, that it's very hard to believe – very hard to believe – that they're not going to deeply influence the way he comes about saying, 'I will follow the law.'"

The general supposition is that Sotomayor gets a pass where Alito and Roberts did not because she is, presumably, more liberal, which is to say that the political left (including the mainstream media) presume

that she is less likely to allow her personal feelings and or religious beliefs to exert undue influence on her judicial decision making. She is more likely, they believe, to be the “ideal” jurist, a neutral arbiter and interpreter of the law.

This is nonsense on stilts, to borrow a phrase from Bentham. Sotomayor may or may not be more capable of applying the law impartially – though we doubt it. But whether she is or she isn’t, the point is irrelevant to this discussion. President Obama did not choose Sonia Sotomayor because of her fair and impartial nature. As he himself conceded, he was looking for someone who would be “empathetic” to the downtrodden. Rather, Obama chose her because he is under the impression – based on what, we don’t know – that the aspects of Catholicism that made Alito and Roberts a threat to liberals were far less important to her. In other words, when it comes to matters of life, death, and abortion, he doesn’t think she believes it.

Now, let us be clear (if that’s still possible): It’s not that Obama nominated Sotomayor *in spite* of her Catholicism, thinking that her religiosity would be less important than her liberalism on matters of life and abortion. He nominated her *because* of her Catholicism, thinking that her religiosity would be less important than her liberalism on matters of life and abortion. In short, Obama specifically wanted a liberal, presumably pro-Choice Catholic. Or so it appears to us.

For most of his short presidency, Barack Obama has been fighting a perilous battle against the one force that he sees as potentially disruptive to his administration and to his larger vision of transformation. And that force, it just so happens, is comprised of the United States Conference of Catholic Bishops and the Bishop of Rome himself, Pope Benedict XVI.

The details of the this battle began to take shape this spring, before, during, and immediately after Obama’s much discussed commencement address at Notre Dame. For a variety of reasons, Obama is

anxious, desperate even, to put his own stamp on what constitutes a “good Catholic.” Or, as George Weigel, a prominent Catholic scholar and the biographer of Pope John Paul II, put it last week, “the central fact about the administration and the Catholic Church in the United States [is] that the president, in his Notre Dame commencement speech and in his interview with seven religion reporters on July 2, has subtly but unmistakably decided to wrestle with the Catholic bishops of the U.S. over the definition of the Catholic ‘brand’ in America.” In a previous article, published just after Obama’s address at Notre Dame, Weigel provided greater detail. To wit:

Passionate debates over doctrine, identity, and the boundaries of “communion” have been a staple of the American religious landscape for centuries: Trinitarians vs. Unitarians in 19th-century New England; Modernists vs. Fundamentalists in early-20th-century Presbyterianism; Missouri Synod Lutherans vs. Wisconsin Synod Lutherans vs. Other Sorts of Lutherans down to today. Yet never in our history has a president of the United States, in the exercise of his public office, intervened in such disputes in order to secure a political advantage.

Until yesterday, at the University of Notre Dame.

The principal themes of President Obama’s Notre Dame commencement address were entirely predictable; indeed, in some offices I know, betting pools were forming last week on how many of the Catholic Left hot buttons Obama would hit. In the event, he hit for the cycle several times over, mentioning “common ground”; tolerance and reconciliation amid diversity; Father Hesburgh; respect for those with whose moral judgments we disagree; problem-solving over ideology; Father

Hesburgh; saving God's creation from climate change; pulling together; Father Hesburgh; open hearts; open minds; fair-minded words; Father Hesburgh. None of this was surprising, and most of it was said with the president's usual smooth eloquence.

What was surprising, and ought to be disturbing to anyone who cares about religious freedom in these United States, was the president's decision to insert himself into the ongoing Catholic debate over the boundaries of Catholic identity and the applicability of settled Catholic conviction in the public square. Obama did this by suggesting, not altogether subtly, who the real Catholics in America are. The real Catholics, you see, are those like the late Cardinal Joseph Bernardin, who are "congenial and gentle" in persuasion, men and women who are "always trying to bring people together," Catholics who are "always trying to find the common ground." The fact that Cardinal Bernardin's undoubted geniality and gentility in bringing people together to find the common ground invariably ended with a "consensus" that matched the liberal or progressive position of the moment went unremarked – because, for a good postmodern liberal like President Obama, that progressive "consensus" is so self-evidently true that one can afford to be generous in acknowledging that others, less enlightened but arguably sincere, have different views.

The question we're left with is, as Weigel, notes, whether Obama knows what he is doing. Weigel, rightly concludes that the savvy operator from Chicago's South Side knows exactly what he is doing in that "In order to secure the political advantage Obama had gained among Catholic voters last November, the president of the United States decided that he would define what it means to be a real Catholic in 21st-century America..."

Weigel is right, we believe, but he is actually thinking too small. Of course Obama wants to secure his advantage among Catholic voters. In eight of the last nine presidential elections, Catholics have, as a collective, voted for the winner (though the discussion of correlation vs. causation is FAR beyond the scope of this article). But there is more to it than that, a far bigger picture. Does Obama know what he is doing with regard to this bigger picture?

For the entire history of Western Civilization, those who sought to "transform" society have understood that their first task is to transform or to blunt the influence of the Catholic Church. We all know, for example, that the Soviets, the Chinese Communists, the Vietnamese Communists, and others outlawed Christianity and slaughtered its practitioners. So did the Nazis. The Nazis' and Communists' common progenitor, Karl Marx, famously described religion as "the opiate of the people." The venom, hatred, and violence directed at the Church by purported "intellectuals" since at least the Enlightenment is undeniable and a critical component of Western History.

But even before then, the radicals and transformationalists always sought first and foremost to undermine the Church. Some, like Luther, were rightly upset by Church abuses and sought practical, responsible reforms. Others, like the Hussites, the Anabaptists, the Brethren of the Free Spirit, and countless more, were more fanatical and sought, to some degree or another, to sow anarchy in pursuit of power and/or pleasure. In any case, the entire history of Western Civilization is the history of more or less successful and more or less justified upheavals against the Catholic Church. "Change" has long begun in Rome.

Is Obama aware of this? And, more to the point, is he actively trying to undermine the Church in order to neuter it and thus to make the country more pliable to transformation? The jury is still out, we think, though we doubt it tremendously. Obama is a remarkably political animal, but he is also a remarkably poor student of history. It is highly unlikely, in

our estimation, that Obama or his circle of advisors understands the history of his challenge to the bishops and the Pope. It is equally unlikely, in our estimation, that they could successfully undertake such a task, even if they tried. No, it seems most likely to us that this all about short-term political gain, about neutralizing the abortion issue, and about securing the latitude to pursue a standard left-wing agenda unencumbered by the constant scolding of pro-Life Catholics.

Unfortunately, that does not mean that there is no larger, broader, more existential danger from Obama's fight. Although it is possible, even likely, that some did, we suppose that the overwhelming majority of Europe's soft leftists and social democrats did not intend to destroy Christianity on its mother continent or to foment a state of nihilistic despair and lassitude. But they did so nonetheless.

As Benedict himself has often argued, the crisis that grips Europe is one of historical and cultural ignorance, spiritual emptiness, and moral despair. The belief that the state is the preeminent entity in a smoothly functioning society and that the individual is responsible to support that state in return for the satiation of temporal needs and desires has nearly destroyed much of Europe. Death bed demographics, unsustainable economics, cultural feebleness, and a refusal to defend either life or culture all characterize "old Europe." And all are, to some extent or another, the *inevitable* byproducts of the replacement of cultural and civic institutions, like the Church, by the state and its indubitable authority.

Obama imagines that a shift to a more "European" style of economics will be painless. But then, people like him always do. He imagines that convincing American Catholics to accept his notion of "social justice" rather than the Pope's will help him win votes and change society's "heartlessness," but will be insignificant in the long-term development of the culture. He imagines that this is all just about abortion, which isn't going away anyway, so is pointless to fight about.

He is wrong on all counts.

Come October, Sonia Sotomayor will be the sixth Catholic on the Supreme Court. And President Obama hopes she will be the highest profile one, given his expectations of her impact with Catholic voters. We hope he is wrong, both about her and her impact.

For while Obama thinks he is only playing small ball, such thinking is the product of historical ignorance and nothing else. Actions have consequences, as they say, and many are far bigger than anyone could expect.

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