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Attachments: The_Law-School_Scam_Paul_Campos_The_Atlantic_Aug_13_2014.docx;
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DEAR FRIEND.....



In a Hoveround commercial, seniors take in the Grand Canyon from the comfort of their power scooters. Members of Congress say the ads by The Scooter Store and Hoveround have led to hundreds of millions of dollars in unnecessary spending by Medicare, which is only supposed to pay for scooters when seniors are unable to use a cane, walker or regular wheelchair.

As someone who watches a lot of late night television (I wondered) some of the reoccurring commercials are those from **The SCOOTER Store** and **Hoveround**, who together spent more than \$180 million on advertising in 2011 and became the heart of a Medicaid fraud controversy three years ago. *“Life was passing me by. I wanted to do more, be more independent. Now I’m enjoying life more, and it feels great. I have The Scooter Store to thank for that,”* says the television-ad voiceover accompanying a senior woman who is shown *“enjoying life more”* as she scooters around her kitchen, making cookies with a young girl. Bait like baking and granddaughters is just one of the ways companies that market power wheelchairs and mobility scooters are seducing seniors with the promise of freedom and independence. Add in birthday parties, baseball games, and plenty of high-fiving, laughter-filled moments with grandkids — all possible because of newfound mobility via power chair, or so say the commercials — and you have a \$1 billion market in the U.S. for the motorized wheels. ***So what was the real skinny.....***

Web Link: <http://www.cbsnews.com/videos/are-power-wheelchair-companies-ripping-off-the-government/>

Detractors said that the ads create the misleading impression that the devices are a convenience rather than a medical necessity. They claim that the scooter commercials appeal to senior emotions, and cause patients to pressure doctors to prescribe unnecessary equipment. A quarter of the fraudulent billings to Medicare are tied to durable medical equipment, said Mythili Raman, acting assistant attorney general for the Justice Department’s criminal division. *“It remains a very significant problem,”* Raman said. *“We’re talking about things like power wheelchairs and braces that are expensive, and you can see why fraudsters see those as an area where they can profit.”*

Scooters — which are larger than power wheelchairs and often include a handlebar for steering — are covered by Medicare if they are prescribed by a doctor who has completed an evaluation showing that their patient is unable to function at home without a device. The doctor fills out a lengthy prescription form and sends it to a scooter supplier that delivers the device to the patient and then submits the paperwork to Medicare for payment. Medicare pays about 80 percent of that cost, which can range from \$1,500 to \$3,500. The remainder is often picked up by supplemental insurance or the government-funded Medicaid program for low-income and disabled Americans.

The process can help immobile seniors get equipment that improves their lives. Ernest Tornabell of Boynton Beach, Fla., received a scooter from Pride, a smaller manufacturer, through Medicare about six years ago. The 73-year-old suffers from obesity, diabetes and lung disease and says he used to never leave his house. Now, using the scooter he can walk his dog, go to the grocery store and run other errands. *“I couldn’t really get out and do anything before. Now I have a lot more mobility,”* said Tornabell, whose doctor recommended that he get the device.

Medicare is only obligated to foot the bill when seniors are unable to use a cane, walker or regular wheelchair. Government inspectors noted that some 80 percent of the scooters and power wheelchairs paid for by Medicare went to people who didn’t meet the requirements. Members of Congress said the TV spots lead to hundreds of millions of dollars in unnecessary spending through Medicare. *“Patients have been brainwashed by The Scooter Store,”* Dr. Barbara Messinger-Rapport, director of geriatric

medicine at the Cleveland Clinic, told NBC News. *"What they're implying is that you can use these scooters to leave the house, to socialize, to get to bingo."*

When a patient needs a power wheelchair to get to the toilet, into the kitchen, or back to the bedroom so that person can remain at home, well, simply put: He or she needs it. A power wheelchair (not a "scooter," which is not covered by Medicare if used outside the home) with its zero turning radius, is a costly device that requires regular maintenance. But it is this particular device that is able to negotiate the tight hallways and bathrooms of most dwellings, and over the years has allowed a number of my patients to function independently at home and avoid nursing home placement. Recognizing that there was little oversight by Medicare/Medicaid the power mobility device industry put a target on its own back by its ill-conceived direct-to-consumer marketing campaign. Because their ad guys know something about Americans: We don't much like looking into the real face of aging, that is, folks crippled by strokes or those with feeding tubes or urinary drainage bags, sitting in their living rooms day after day, watching TV. We'd rather see them "toodling" around the playground with their grandkids, only to resent them later when we contemplate the budget deficit.

And more than just Medicare dollars are at risk: Doctors note that seniors who use scooters for convenience rather than necessity can become sedentary, leading to obesity and further health problems. It's hard to blame the patients; advertising can be strong and insidious – and who wouldn't want to have the convenience of increased mobility if their walking ability had been compromised? And indeed, for those unable to get around without some added power, what a game changer it must be.

In one of the most high-profile cases involving durable medical equipment in 2012, the FBI raided the headquarters of The SCOOTER Store in New Braunfels, Texas, after a federal audit found the company had overbilled Medicare by as much as \$87 million from 2009 to 2011. Known for its TV ads informing Medicare recipients, *"You may qualify for a power chair or scooter at little or no cost to you,"* the Scooter Store was the largest scooter seller in the country. As a result the company filed for bankruptcy 2012. Court papers say that at the company had \$1 million to \$10 million in assets, and up to \$100 million in debt, including \$19.5 million owed to Medicare, The SCOOTER Store's largest creditor.

"Life was passing me by. I wanted to do more, be more independent. Now I'm enjoying life more, and it feels great. I have The Scooter Store to thank for that," says the television-ad voiceover accompanying a senior woman who is shown *"enjoying life more"* as she scooters around her kitchen, making cookies with a young girl. Bait like baking and granddaughters is just one of the ways companies that market power wheelchairs and mobility scooters are seducing seniors with the promise of freedom and independence. Add in birthday parties, baseball games, and plenty of high-fiving, laughter-filled moments with grandkids – all possible because of newfound mobility via power chair, or so say the commercials – and you have a \$1 billion market in the U.S. for the motorized wheels.

Insurance executives say doctors who don't understand when Medicare is supposed to pay for scooters are partly to blame for unnecessary purchases. And once a doctor has written a prescription, Medicare

rarely checks whether the chairs are actually necessary. The issue was crystallized when the Department of Health and Human Services Inspector General released a report, finding that industry-wide, 80 percent of Medicare payments for power chairs are made in error, with most going to people who don't need them or lack proof they need them. From 2009-2012, government auditors found The SCOOTER Store overbilled Medicare by as much as 108 million dollars. Senator Bob Corker, of the Special Committee on Aging, is looking into this very issue. *"Just think about that. We have people within the bowels of government here that know we have an eighty percent error rate, and it just continues,"* said Corker. Three former employees of The SCOOTER Store told **"CBS This Morning"** the company also ranked doctors based on whether they'd prescribe chairs, and that it had a program specifically to get chairs for people that physicians had already deemed ineligible. Brian Setzer says incessant phone calls and visits wore doctors down. *"They pushed the doctors so hard that they didn't want anything to do with you,"* he said. Physicians say the industry's television commercials are another problem. Dr. Jerome Epplin runs a family practice in Litchfield, Illinois. He says the ads give patients a sense of entitlement, and that some have left his practice because he's refused to prescribe them a chair. *"They're led to believe they need them, deserve them, and if we don't sign for them, they get upset and go elsewhere."*

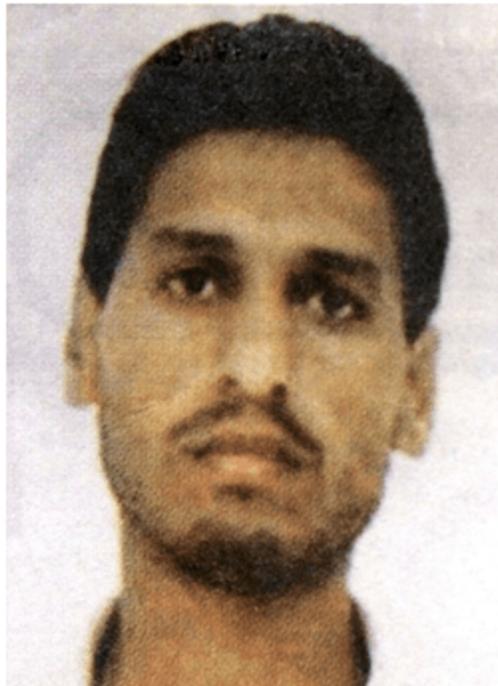
Allegations of Medicare fraud within the industry go back nearly a decade. The U.S. Justice Department sued The SCOOTER Store in 2005, alleging its advertising enticed seniors to obtain power scooters paid for by Medicare, and the company then sold patients more expensive scooters that they did not want or need. The SCOOTER Store settled that case in 2007 for \$4 million. As part of the settlement, The SCOOTER Store was subject to periodic government reviews. In 2011, the latest review available, government auditors estimated that The SCOOTER Store received between \$47 million and \$88 million in improper payments for scooters. The company said the government's estimate was flawed and that it was willing to repay \$19.5 million in overpayments. In February of 2012, dozens of law officers raided the company's headquarters in New Braunfels. That city later sued The SCOOTER Store to get back more than \$2.6 million in job-creation incentives awarded to the company.

Finally, in April 2012 The SCOOTER Store (the industry leader) filed for Chapter 11 bankruptcy protection and laid off 1,500 employees. On September, 14 2013 The SCOOTER Store announced that it was closing for good and furloughing its remaining 370 employees as Medicare and Medicaid said that they would no longer pay for its products as a government audit found that The SCOOTER Store had overbilled Medicare \$108 million from 2009 to 2012. Medicare accounted for about 75 percent of The SCOOTER Store's revenue. Companies may go out of business; geriatricians and other physicians caring for the frail and disabled will find it harder than ever to get a power wheelchair for a needy patient. Medical students will continue to steer clear of the never-ending, uncompensated hassles of primary care practice. The hard-working taxpayer will be sated by scandal. When the dust settles and the scandal turns out to be less than black and white, we will never hear about it.

Medicare fraud costs taxpayers an estimated \$60 billion annually and in 2012 a government audit estimated that power wheelchairs cost the program hundreds of millions of dollars a year. To fight fraud and waste, the federal Centers for Medicare & Medicaid Services have introduced competitive bidding and a pilot program that requires approval before Medicare will pay for power wheelchairs and scooters for beneficiaries in seven states with high rates of fraud and errors: California, Illinois, Michigan, New York, North Carolina, Florida and Texas, CMS spokesman Tony Salters said in an email. For now, pre-approvals aren't required in most states for most equipment. Medicare officials say the agency also is taking advantage of tools in the new health care law, the Patient Protection and

Affordable Care Act, to better screen suppliers and claims using state-of-the-art analytics to identify patterns of fraud.

As scandals go the, this is a small one. Meanwhile, our society ages. Currently, custodial nursing home care consumes 32% of state and federal Medicaid dollars. That's \$132 billion, growing year by year. Compare this to the 0.2% of Medicare's budget that goes to power wheelchairs. In many instances, this device can help maintain a frail elder at home, delaying the time to institutionalization. Granting the disabled and the frailest among us the benefit of power mobility when appropriate should be both a goal and obligation of our society, but we need to be careful to not then obfuscate the process by throwing bureaucratic stumbling blocks in the way of obtaining it, in the name of oversight. There will always be people, groups and companies trying to game the system, evidence by The SCOOTER Store. And it is up to us to do as much as possible to make sure that these desperately needed services get to the needy while keeping fraud like this at a minimum.



Last week Israeli airstrikes killed a wife and baby son of the top military commander of Hamas, the Islamist movement that dominates the Gaza Strip, hours after rocket fire from Gaza broke a temporary cease-fire Tuesday and halted talks aimed at ending the six-week conflict collapsed in Cairo. It appears that the commander, Mohammed Deif, the target of this and several previous Israeli assassination attempts, though Palestinian officials and witnesses that his was not one of three bodies pulled Wednesday from the rubble of the bombed Gaza City home. Mr. Deif, who is believed to be about 50 years old, has topped Israel's most-wanted list since at least 1996. He took over the Qassam Brigades in 2002 after its previous commander was killed by an Israeli bomb.

Deif was born in Khan Younis refugee camp in 1965, according to the Hamas source. His family was poor and his father, an upholsterer, insisted the children pursue their education. He earned a degree in science from the Islamic University in Gaza, where he studied physics, chemistry and biology. Deif

also displayed an affinity for the arts, heading the university's entertainment committee and performing on stage in comedies. He joined the then new movement Hamas during the first Intifada, or Palestinian uprising, which began in 1987, and was imprisoned by Israel in 1989, spending more than a year in jail, according to some accounts. Rising up the ranks of Hamas, Deif has topped Israel's most wanted list for decades, held personally responsible for the deaths of dozens of Israelis in suicide bombings. Yoram Schweitzer of Israel's Institute for National Security Studies described Deif's current role as somewhere between armed forces chief-of-staff and defense minister. Since then, he has become known as the brains behind Hamas's military strategy on the whole, and its network of underground tunnels in particular, making him a particularly high-prized target for Israel. And today he is the number one person on Israel's hit list.

Mr. Deif, who is considered to be the designer of Hamas's signature Qassam rockets and the leader of its armed wing, the Qassam Brigades, is a shadowy figure who was severely injured in a 2003 Israeli strike. After Mr. Deif claimed in a recorded message last month that Hamas was "winning the war," a senior Israeli minister vowed to hunt him down. *"For years, Mohammed Deif has been hiding in the tunnels underneath Gaza, and that is where he will remain because he's a dead man,"* Yair Lapid, Israel's finance minister and a member of its so-called security cabinet, said on July 30. Later, Mr. Lapid declared, *"To Deif and his gang, I want to say clearly: Just as the United States did not rest until it found Bin Laden and eliminated him, we will find you and bring you to justice."*

Israel has not killed many well-known Hamas military leaders during the air-and-ground assault on Gaza that began on July 8; most of the more than 2,000 Palestinians killed have been civilians, according to rights groups. A more limited operation in November 2012 started with the assassination of Ahmed al-Jabari, who was Mr. Deif's deputy but actually ran the day-to-day operations of the Qassam Brigades because of Mr. Deif's injuries. The Israeli military would not confirm whether it had targeted Mr. Deif or his family, or if there had been a change in strategy since the violence resumed.

Witnesses in Gaza said that F-16 warplanes had dropped five bombs at about 9:30pm. Tuesday on a three-story building owned by Rabah al-Dalo a government employee whose wife and two teenage sons were among those killed. "It was like an earthquake, earthquake," said a neighbor, Abu Fayez al-Shorafa. "Everybody went out to check what happened." Mr. Shorafa said he had no idea whether Mr. Deif had been living in the home, a part of which other neighbors said had been rented out for more than a year. It is common practice for senior militants in Hamas to move from apartment to apartment, often rented in others' names, to avoid detection by Israeli intelligence services.

Mustafa Asfoura said his daughter Widad, 28, had married Mr. Deif, who has other wives, about four years ago, and that they had four children. The youngest, 8-month-old Ali, was killed alongside his mother on Tuesday and the other children were injured. Mr. Asfoura, 55, said he did not know where his daughter was living, that he had last seen her 10 days ago and that he had long expected her to die in such a way because she was married to "the No. 1 wanted man in Israel." "She agreed to marry Deif, that was her choice, I can't stand against her decision," said her father, a thin man who runs a modest shoe-manufacturing workshop. He said that Widad also had three children from a previous marriage to a Hamas militant, who was killed in 2007. *"If Israel wants to kill a fighter, why would it kill women and children beside him?"* Mr. Asfoura asked. *"Let them kill him alone."*

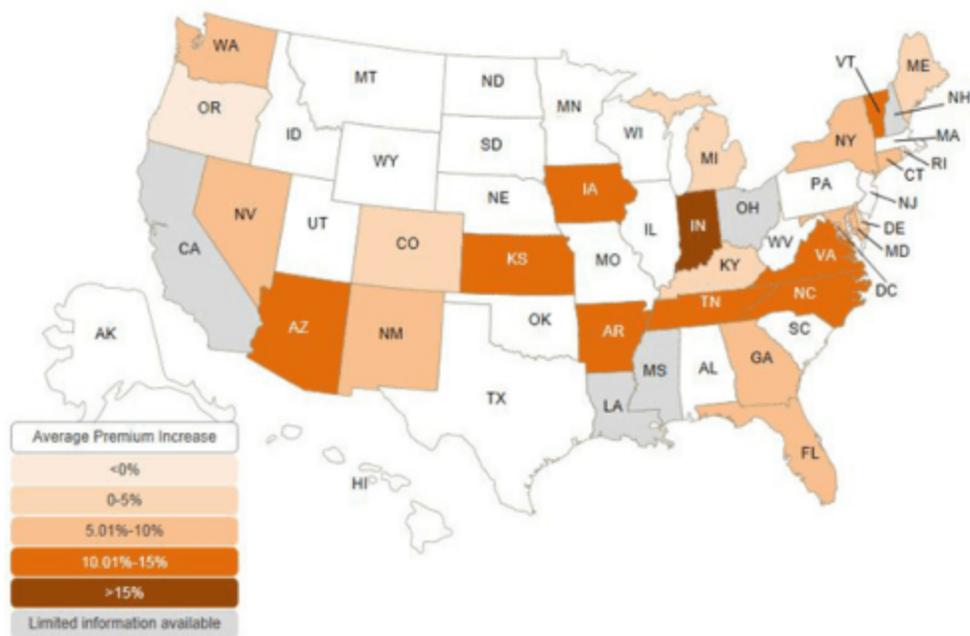
Not knowing much about Hamas and nothing about its leadership and Mohammed Deif specifically I wondered how he and other Hamas stay hidden although they must know that they will probably be killed sooner or later. As the leader of the Hamas military wing, he has to expect to die in office. The

trick is to postpone Israeli assassination for as long as possible. And up to and perhaps including the Israeli air strike on his home in Gaza City late on Tuesday, Mohammed Deif was successful in doing this, using secrecy and luck to outwit and elude the Israeli intelligence agencies.

Mr Deif, the commander-in-chief of Hamas's army, must have followed some basic rules, according to a former Mossad official. He never held meetings or gave orders face to face, using messengers instead; he made sure only trusted people knew where he was; he changed hideouts and vehicles constantly; and he did not keep a mobile phone so he could not be traced. He is also believed to have used techniques to misdirect the Israelis, such as by having false information about his whereabouts discussed over non-secure communications systems. The senior Hamas political leader in Gaza, Ismail Haniyeh, and other political leaders such as Mahmoud Zahar have also gone into the secret life of hiding from Israeli assassination since the start of the Gaza war. This has left Gaza with only junior leaders appearing in public, such as the young Hamas spokesmen Sami Abu Zuhri and Mushir al-Masri. The Hamas political bureau chief Khaled Meshaal, whom Israel tried to assassinate in 1997, takes stringent security precautions although living far away from Gaza in Qatar.

Four times since he took over from his assassinated predecessor Salah Shehadeh, in 2002, Mr Deif escaped from assassination attempts, though he was injured in the last one in 2006. His wife, Widad, and seven-month-old son, Ali, died in the Israeli air strike, which Hamas says Mr. Deif survived. But I wonder if the press would treat this same situation differently if had been the wife and infant of the commander of the Israeli army. Somehow, I don't think that the reporting would be this cavalier. More than 2000 people have died in Gaza since the beginning of this most conflict began. And it is estimated that almost 1800 have been innocent civilians. This is criminal. Life is important everywhere, a Palestinian life is no less precious as an Israeli life. And people on both sides are to blame, so this conflict has to stop because an eye for an eye blinds everyone. Since I first wrote this piece both sides have agreed to a cease fire but until both value peace over winning this conflict will never end.

How Are Obamacare Premiums Changing In Your State Next Year?



*Data as of August 7, 2014.

** Louisiana is only reporting bids from insurers that are requesting 10% and higher rate increases at this time

*** California is reporting a 4.2% weighted average premium rate increase

Source: State insurance department websites.

Methodology: Where available, premium rate data is collected from actual insurance filings to ensure accuracy. Because not every state provides enrollment data, simple overall averages are reported to allow the most direct comparisons of average premium rates across state lines.

Five years ago opponents of healthcare reform were continually warned that there would be death panels and that health insurance premiums were going to skyrocket under Obamacare next year, maybe even double! No, wait -- they're only increasing a little, and less than before Obamacare! No, wait -- they're ... decreasing in some places? The crucial question about the second year of enrollment on the Affordable Care Act's health insurance exchanges is: How much will coverage cost? Actual prices won't be available in most states until the exchanges open Nov. 15, or shortly before that, so consumers are left to sort through political spin and preliminary reports that don't make things any clearer. So what's going on? First, most people will pay more for health insurance next year. That's true whether you get coverage from a job, on your own through an exchange or directly from an insurer, or from Medicare. Health insurance prices tend to go up. It's their nature, and it's closely tied to how much the cost of medical care rises.

The good news is that available information indicates the doomsayers were wrong, and premiums under President Barack Obama's health care law aren't going through the roof. The average increase for Obamacare plans will be 8.2 percent next year in 29 states and the District of Columbia where data about health insurance premiums for 2015 are available, according to PricewaterhouseCoopers, which has conducted the most thorough review to date. That's significant, but it's a little lower than the 10 percent annual rate hikes typical before the Affordable Care Act, according to a recent analysis published by the Commonwealth Fund.

The map above shows average premium increases in the states PricewaterhouseCoopers reviewed, with darker shades indicating higher rate hikes. States with limited information are shown in gray and

states where no data were available are shown in white. But none of that is worth much to an individual consumer worried about her pocketbook, and it's no consolation to the family seeing rates for their coverage increase by 10 percent or more, even if that happens only to a fraction of the more than 15 million people the Henry J. Kaiser Family Foundation estimates are in this market.

Averages mask a lot of variation between the states, and even within them, because rates typically are set on a local level. Also, these big-picture numbers don't account for individual variables that affect prices, like age, family size and tobacco use. There are multiple health insurance companies operating in nearly all states, and each sells numerous products to individual households, both on and off the exchanges. The plan one consumer has this year could cost 15 percent more, while her next-door neighbor may see his price go down.

Take Florida, where the anti-Obamacare administration of Gov. Rick Scott (R) says health insurance premiums will go up 13.2 percent on average next year. The U.S. Department of Health and Human Services responded to Florida's announcement by arguing that rates for the most popular type of insurance are actually going down in the areas where three-quarters of Sunshine State Obamacare enrollees live.

Similarly, in California, the health insurance exchange touted a 4.2 percent "weighted average" statewide increase, a calculation that considers the number of people on each health insurance plan, rather than a simple average of the price hikes. The state didn't release a plain average.

Comparing states, there's a wide gulf between a place like Oregon, where the average rate will be 2.5 percent lower, and Indiana, where the average price is set to increase 15.4 percent, the PricewaterhouseCoopers report shows. Even within those two states, the change in premiums varies a lot -- from 20.6 percent lower to 10.6 percent higher in Oregon, and from no increase to 35 percent higher in Indiana. Rates vary this year, too, as they have in the past.

The problem is, all of these numbers can be correct, but are being placed into context by people who have an agenda. And they don't factor in the tax credits that subsidized premiums for 85 percent of the 8 million people who signed up on an exchange this year. While subsidies could shield those enrollees from higher premiums, these consumers still may have to shop around for a new, cheaper plan to keep their costs down next year.

Why will health insurance premiums rise, and why does it vary so much from location to location? There are a host of reasons. Some reflect the nature of the U.S. health care system, and some are Obamacare-related.

Mostly, insurance rates climb because health care costs climb, even though the growth in national health care spending has been historically slow for several years. Factors like prices for medical services and drugs and how much health care people use, vary by state and local area, for reasons that aren't always clear. Generally, premiums are lower in states where multiple insurers compete. All of this was true for 2014, and for every previous year.

What about the Obamacare effect? The most important change this year is that the law required insurance companies to cover people with pre-existing conditions, which led to the expectation that they would need more health care and drive up costs. The share of young adults who enrolled is below what the Obama administration hoped, and there's evidence that previously uninsured people are getting medical care, but that doesn't seem to be leading to widespread, massive price hikes.

The initial enrollment period didn't end until spring, so insurers still don't have a great idea of how much their new customers will cost them. As a result, they're making educated guesses about next year's premiums. This is one reason some companies are cutting rates or seeking big increases -- they guessed wrong last year and set prices too high or too low and want to boost enrollment next year. Increased competition in states where more insurers are joining exchanges also could keep premium increases down. ***Most important, there have been no death panels as suggested by Sarah Palin and other healthcare reform opponents.***

Syrian civil war death toll rises to more than 191,300, according to UN



A Syrian man cries as he sits among the rubble of a building following a reported barrel-bomb attack by Assad forces in Aleppo earlier this month

The death toll from Syria's civil war has risen to more than 191,300 people, the United Nations has said. The figures for March 2011 to April 2014 are the first to issue by the UN's human rights office since July 2013, when it documented more than 100,000 killed. The UN's top human rights official, Navi Pillay, who oversees the Geneva-based office, said the figures are so much higher because they include additional killings from earlier periods, as well as deaths since the last report. The exact figure of confirmed deaths is 191,369, Pillay said. *"As the report explains, tragically it is probably an underestimate of the real total number of people killed during the first three years of this murderous conflict,"* she said.

Pillay, the UN high commissioner for human rights, criticized what she described as the world's "paralysis" over the fighting in Syria, which *"has dropped off the international radar"* in the face of so many other armed conflicts. In January, her office said it had stopped updating the death toll, blaming a lack of access in Syria and its inability to verify source material. It was unclear why it has released new figures now. The UN also would not endorse anyone else's count, including the widely quoted figures from the Britain-based Syrian Observatory for Human Rights, which has closely counted the deaths since Syria's crisis began in March 2011. On Thursday, the observatory said the number of deaths has reached 180,000.

What I don't understand why none of Syria's neighbors have made any serious attempts to stop this carnage. Instead of funding their sons and daughters purchases of \$2 million gold plated Bugatti with 77777 vanity license plates, multi-million dollar spending sprees at Harrods in London and £38 million pied-à-terres that lay vacant more than eleven months a year, why don't these same gazillionaires shower their wealth in Syria, Palestine, Egypt, Yemen and even in their own countries to reduce sectarian and economic inequality instead of waiting for the United States to deal with these situations. And for you conservatives, Syria is not Obama's or American's problem, it is first a regional problem, then it is a world problem and if Syria's neighbors don't want to lead the charge and the rest of the world ignores the slaughter, please don't blame it on President Obama, especially when Bush and Cheney have already exhausted that card. If the official numbers are 191,300 lets except that the real death toll is probably much higher and to see little or no visible response from Syria's neighbors is disgraceful.



Bank of America Corp has reached a \$16.65 billion settlement with U.S. regulators to settle charges that it misled investors into buying troubled mortgage-backed securities. The settlement announced on Thursday by the U.S. Department of Justice calls for the second-largest U.S. bank to pay a \$9.65 billion cash penalty, and provide \$7 billion of consumer relief to struggling homeowners and communities. It is expected to resolve the vast majority of the Charlotte, North Carolina-based bank's remaining liabilities tied to its purchases of Countrywide Financial Corp, once the nation's largest mortgage lender, and Merrill Lynch & Co. *"This historic resolution - the largest such settlement on record - goes far beyond 'the cost of doing business,'"* U.S. Attorney General Eric Holder said in a statement.

Bank of America said the accord is expected to reduce third-quarter earnings by about \$5.3 billion before taxes, or about 43 cents per share after taxes. Chief Executive Brian Moynihan has spent more than four years trying to rid Bank of America of liabilities from the purchases of Countrywide and Merrill, which were made by his predecessor, Kenneth Lewis. In a statement, Moynihan said the accord is in shareholders' best interests. Shares of Bank of America rose 11 cents to \$15.63 in early

morning trading. The settlement's outlines had surfaced earlier in the month, and the formal announcement may increase the chance that many of the bank's mortgage problems are behind it.

Bank of America admitted having sold billions of dollars of risky mortgage-backed securities while concealing key facts about the quality of the underlying loans. It also admitted to having made misrepresentations to Fannie Mae and Freddie Mac about the quality of loans sold to those government-controlled mortgage companies. The settlement resolves pending and potential future cases by the Justice Department, the Securities and Exchange Commission, the Federal Deposit Insurance Corp, the Federal Housing Administration and several U.S. states, including over activity since Countrywide and Merrill were bought.

It does not cover the \$1.27 billion fraud penalty imposed last month by a federal judge over a fraudulent Countrywide mortgage scheme known as "*High Speed Swim Lane*," or "*Hustle*," which Bank of America is appealing. The accord also does not cover potential criminal claims or claims against individuals. Including the latest accord, Bank of America will have paid well over \$65 billion to resolve mortgage issues with consumers, investors and government agencies tied to its purchase of Countrywide in July 2008 and Merrill six months later. The \$16.65 billion settlement eclipses the respective \$13 billion and \$7 billion accords that JPMorgan Chase & Co and Citigroup Inc recently reached to resolve similar claims.

This is ridiculous. Bank of America, JP Morgan Chase, Citigroup and the rest of Wall Street should be ecstatic as they are getting slaps on the wrist when what they deserve are jail sentences. As for the multi-billion penalties/settlements/punishments – it's just the cost of doing business, evidence when Bank of American share rose no news of the settlement. And the fact that Eric Holder took a victory lap when he was gamed, is further evidence that the nation's top prosecutors are clueless.

As Dean Starkman wrote last week in ***The New Republic – Wrecking an Economy Means Never Having to Say You're Sorry***. It bears saying one more time: It's a disgrace that the Justice Department has failed to bring a single criminal charge against any Wall Street or mortgage executive of consequence for their roles in wrecking the economy, despite having managed to make arrests in the comparatively piddling schemes of Enron and the Savings & Loan flimflam. (The latter resulted in more than 800 convictions, including those of many top executives.) These settlements are wan consolation. The sums being surrendered, for starters, are large only until compared with the \$13 trillion or so the public lost in the financial crash—or, for that matter, with the banks' own coffers. (Citi's pure profit in the two years before the wipeout was more than triple its penalty.) Not to mention that the money won't be paid by any parties actually responsible, but by the banks' current shareholders, who pretty much had nothing to do with the misdeeds in question. And the bulk of the settlements will be tax deductible. For destroying trillions in wealth and thousands of jobs, banks will get a write-off.

There's a much deeper problem here, however, and one that has received far less attention: Not only has the Department of Justice (DOJ) failed to build any criminal cases for financial-crisis misdeeds, but it's also now settling with these banks without even filing civil complaints. A complaint is the cornerstone of civil litigation, the foundation for even routine lawsuits. One of its primary benefits—and of adversarial legal proceedings generally—is that a complaint can bring huge amounts of previously undisclosed information into the public record. In these mortgage securities cases, the Justice Department had not only an obligation but an opportunity: to show the country what it found, to deter future misconduct, to complete the story of the financial crisis in humanizing, clarifying,

searing detail. And to do all that, the department didn't need to do anything special. Just what lawyers normally do. Instead, by imposing a fine without documenting the underlying abuses, the Justice Department has permitted the banks, for a price, to bury their sins.

One way to appreciate the DOJ's negligence is to compare these settlements with the civil action that New York's Department of Financial Services brought against the French banking giant BNP Paribas a few weeks before the Citi deal was announced. The state accused BNP of concealing more than \$190 billion in transactions that allowed warlords, mullahs, and other miscreants to evade U.S. sanctions and spirit money in and out of Sudan, Iran, and Cuba. We know which executive did what bad thing when, because it's all laid out in a consent order, complete with the de rigueur damning e-mails. In one of them, the head of ethics and compliance for the bank's North American unit expressed his glee at another bank's bust for sanctions evasion: "The dirty little secret isn't so secret any more, oui?" he wrote to a colleague. Now BNP's own dirty little secrets have been exposed as well. In a press release accompanying the filing, the regulator gives the name of that compliance officer, Stephen Strombelline, along with those of four other executives fired as a result of the investigation, including the bank's chief operating officer, Georges Chodron de Courcel.

In announcing the BNP penalty, New York's superintendent of financial services, Benjamin M. Lawskey, made the following observation: ***"In order to deter future offenses, it is important to remember that banks do not commit misconduct—bankers do."*** Many of his predecessors in white-collar law enforcement also understood the corrective power of publicity. Ivan Boesky and Michael Milken became household names in the 1980s because of the riveting civil complaints brought by the Securities and Exchange Commission (SEC), an agency that evoked a fear on Wall Street that is hard to imagine today. Robert M. Morgenthau, the legendary Manhattan district attorney, is legendary partly for actually sending bankers to prison, but he also pursued devastating civil suits against wayward financiers. The sweeping white-collar civil complaints that Eliot Spitzer filed as New York's attorney general read like detective novels; his blockbuster settlement with American International Group was preceded by a lawsuit that explicitly targeted the titan Maurice R. "Hank" Greenberg, to Greenberg's everlasting fury.

Detailed airing of past wrongdoing doesn't just put would-be malefactors on notice. It does more than bolster public confidence in the legal system. It can also force structural change. In 1933, the Pecora hearings hauled banking chieftains (including those who ran the predecessors of █, Morgan and Citi) before the Senate banking committee to scrutinize their actions before the 1929 crash. These hearings led to the Glass-Steagall reforms and the Securities Exchange acts, the foundations of U.S. financial stability for half a century. Later in the century, the Savings & Loan prosecutions led to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 that, among other things, effectively disposed of failed thrifts. The Enron debacle was followed by the Sarbanes-Oxley accounting and governance reforms of 2002. Spitzer's suit against Wall Street banks produced a global pact to reform bogus stock research, and so on. But in the current cases, in which institutions are accused of systematic wrongdoing with historic consequences, the government is letting banks discreetly settle out of court, as if the facts at issue were some kind of fender bender. ***And this is an outrage and as such.... my rant of the week....***

WEEK'S READINGS



While researching last week I ran across an article in **The Atlantic** by Paul Campos that caught my curiosity – **The Law School Scam** – based on the premise that For-Profit law schools are a capitalist dream of privatized profits and socialized losses. But for their debt-saddled, no-job-prospect graduates, they can be a nightmare. Without a doubt a law education does have merit and a degree at one of the top Law Schools almost guarantees a reasonably good job with a salary above \$100,000 and for top candidates close to \$200,000 at a major firm or on Wall Street. But for those students who do not graduate from one of the top 25 with reasonably good grades that dream is often a fantasy.

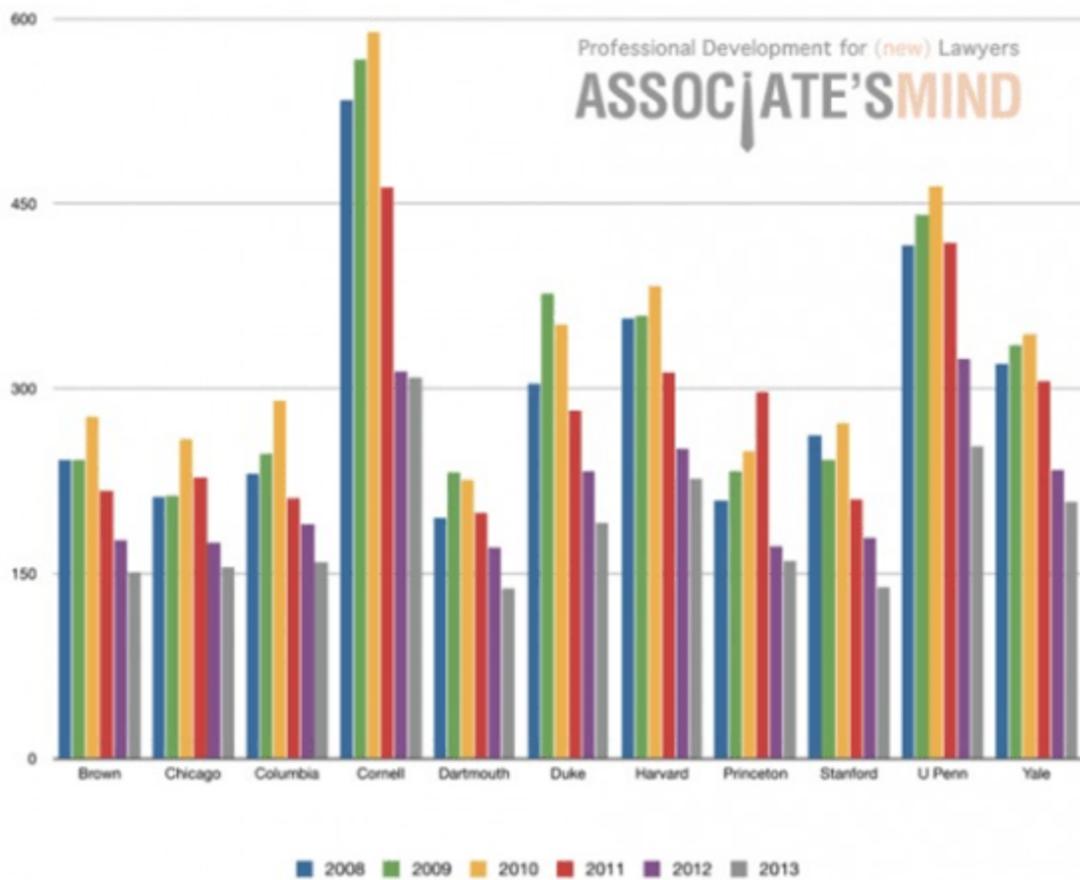
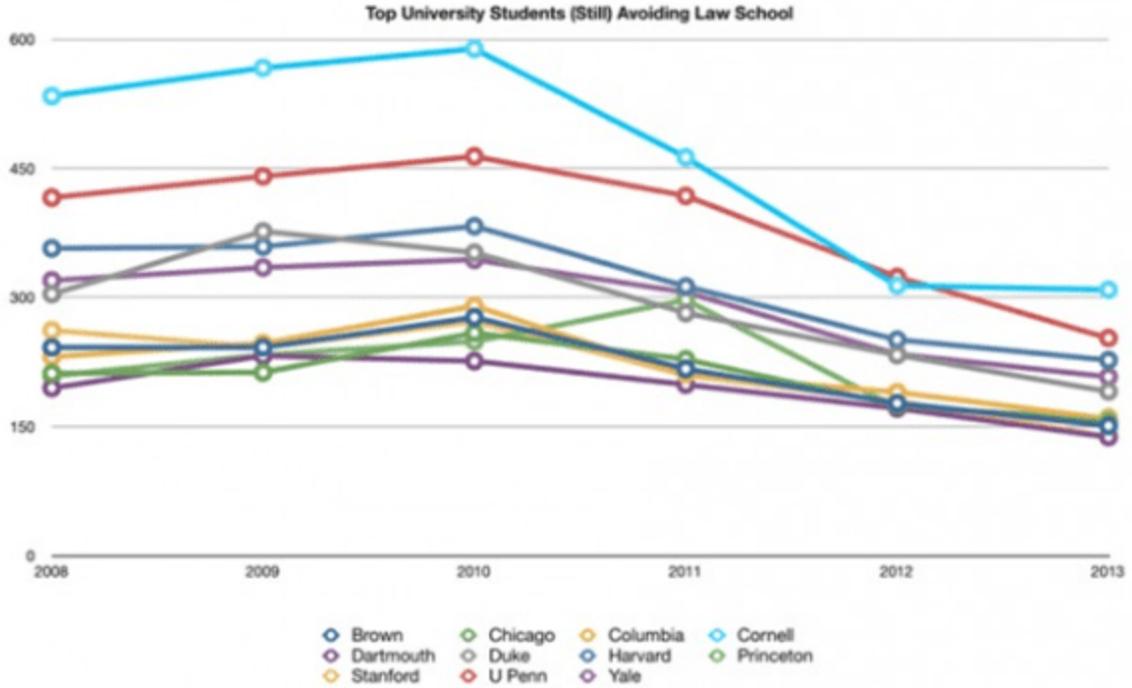
There are approximately 2.23 million accredited lawyers in the United States of which less than 800,000 are employed in their chosen discipline. Once a sure entry to a good job with a good salary, this is not true today, especially for many of the graduates from the bottom of the list of the approximately 200 fully-accredited by the ABA's Section for Legal Education and Admissions to the Bar as of today. Couple with this is that there has been a profound decline of students applying to our nation's law school, down from 100,000 in 2004 to only 30,000 this year. As a result, the number of law schools is likely to decline with many of the remaining drastically reducing their staffs.

The reason for the drop in the number of applications to law school seem to be based on simple math. An American Bar Association study last year found that only 55% of law school graduates had gotten a job requiring a law license while the average student took on \$125,000 in debt to earn the license. But the declining job prospects did nothing to tamp down rising tuition. Between 2001 and 2011, the average private law school tuition nearly doubled from \$23,000 to \$40,500. Most law schools are stuck with the idea that law is a dignified profession with elegant theories that should be the principal focus of law school classes. Those law schools do not want to teach students the nuts and bolts of lawyering — assuming that law firms will do that after students graduate. But law firms and corporations no longer want to foot the bill for that. Nor, presumably do they see a need to pay enormous bills for doing things like legal research that was formerly the province of law school graduates aspiring to partner in a big firm.

Now the Internet and cheap telecommunications make it easy for law firms and companies to hire low-wage temps in places like India to do that work. ValueNotes, a research company in India, reported that the number of Indian firms offering legal related services nearly tripled between 2006 and 2011 to 140 and is expected to generate \$1.1 billion in revenues next year. Some schools are adapting to the needs of companies. For example, the Times reports that Stanford has put more attention on clinics that give students *"hands-on training."* And Boston's Northeastern Law School "has long emphasized in-the-field training" and suffered among the "smallest decreases in its applicant pool this year" as its dean, Jeremy R. Paul, told the Times.

It used to be that law school was a three year refuge for those who were not sure what they wanted to do after college. But it looks like the basic laws of economics are scaring tens of thousands of those slow-to-grow-up graduates away from the bar. And that should make anyone think that 200 odd law schools maybe too many for America.

School	2008	2009	2010	2011	2012	2013	Decline From 2008 to 2013	Decline From 2012 to 2013
Brown	242	242	277	217	177	151	-26.86%	-14.69%
Chicago	212	213	259	228	175	155	-17.45%	-11.43%
Columbia	231	247	290	231	180	159	-17.75%	-16.32%
Cornell	534	567	589	463	354	309	-41.20%	-1.59%
Dartmouth	195	232	226	199	171	138	-12.31%	-19.30%
Duke	304	377	352	282	233	191	-23.36%	-18.03%
Harvard	357	359	383	313	251	227	-29.69%	-9.56%
Princeton	209	233	249	297	172	160	-17.70%	-6.98%
Stanford	262	242	272	230	179	139	-31.68%	-22.35%
U Penn	416	441	464	438	324	253	-22.12%	-21.91%
Yale	320	335	344	306	234	208	-26.88%	-11.11%



Even the Top Law Schools are lowering their standards to keep up enrollment

Across the 202 law schools in the country fully-accredited by the ABA's Section for Legal Education and Admissions to the Bar as of 2010 the entering first-year class average LSAT profile fell one point at all three measures between 2012 and 2013, from 159.6/157/153.5 to 158.6/156/152.5. The entering first-year class average LSAT profile fell roughly two-points at all three measures between 2010 and 2013, from 160.5/158.1/155.2 to 158.6/156/152.5. The average decline in median LSAT scores between 2012 and 2013 across U.S. News "tiers" of law schools was .98 among top 50 schools, 1.18 among schools ranked 51-99, .72 among schools ranked 100-144, and 1.13 among schools ranked alphabetically.

If you want a spot in the No. 21 law school in the country, it's now a lot easier to get in. Forty-two percent of applicants secured admission to the GW Law School last year – eroding selectivity by 13 percentage points in a single year as the school tried to amass tuition dollars despite declining application numbers. But the numbers show an even more extreme picture of how the school's admissions have changed over the past few years. In 2004, GW Law School accepted just 17 percent of applicants, a standard that helped it rise in the rankings and maintain elite status. Accepting more applicants last year enabled the college to grow its incoming class by one-fifth after record-low enrollment cut into tuition revenue. The college has also had to foot \$2 million to \$3 million a year to pay stipends to recent graduates who can only find short-term, unpaid legal jobs.

Gregory Maggs, the school's interim dean, and Sophia Sim, the assistant dean of admissions, declined to comment last week on whether they were concerned by the increase, what selectivity meant for the school or their plans moving forward. Provost Steven Lerman presented the data at a Faculty Senate meeting in February. The school submitted the data to the American Bar Association in October, but declined to release all of it publicly. "What has happened nationally is the number of students going to law schools has plummeted pretty quickly," Lerman said. *"Not surprisingly, the competition for JD students has accelerated, and the number of law schools out there has not dropped."*

GW's yield rate – the number of students who accept an offer of admission – also dropped this year to 16.7 percent, the lowest the school has seen in at least a decade. Other schools, like New York and Emory universities, have opted to shrink the size of their law schools, in part because of the decline in legal jobs. Less than half of the GW Law School's Class of 2012 secured full-time salaried jobs nine months after graduation. Only one peer school, American University, saw a bigger slide in its selectivity than GW's. Southern Methodist University's law school had the next biggest jump, increasing its acceptance rate by 7 percentage points this fall. Like many law schools across the country, GW received about 400 fewer applications this year, but the school increased its class size by about 80 students. The university has accepted 25 percent of applicants to its law school for the last two years.

A number of legal periodicals recently had statistics for lower ranked schools (which does not include GW Law) showing a 40% decrease in enrollment at some of the lower rank institutions since 2010. This is reflective of an overall decrease in enrollment. Applicants have likely read the thousands of stories across the web from law school graduates who were unable to find meaningful work after the

financial collapse. One lawyer who did not graduate from GW Law, but graduated from another tier one (top 50) law school after attending GW as an undergraduate only made 1/4 of their anticipated salary since graduating despite being a senior editor of a law review at my school. He said that he applied to well over 1,500 jobs and received only approximately one dozen interviews over the past several years. The market has not seen any level of recovery since the financial collapse is unlikely to. GCs and CFOs from Fortune 500 companies were colluding for years prior to the financial collapse to fix prices at a lower rate, so the legal industry had it coming. His advice to any current student or recent graduate, *"I would strongly caution any applicant from entering the market."*

Attending one of the top 14-15 or so law schools is usually worth it. The **"Big Law"** firms hire almost exclusively from the best students at these top tier schools. Any place else is a huge gamble and not worth going into debt to attend. It would bode far better for GWU's prestige and bottom line over the long term if it shrunk its acceptance rate to reflect the application drop and took the short-term financial hit. Working seriously at breaking into the top tier would garner better qualified applicants who would land better paying jobs and in turn donate to the GW Law School, assuming they had a positive law school experience. Look at the donations at those top tier law schools and it's clear that this strategy works. Of course, this goal would require thoughtful long-term planning and recruitment of stellar law school professors. It can be done--The University of Texas did so more than a decade ago.

Most law students apply to law school with complete ignorance about what lawyers actually do.

If you still want to go to law school, there are a number of moving parts. If you're working at a Big Law firm and you're seeing lawyers rake in cash and you want to get in on the action, you need to understand that you need to pass a series of hurdles in order to reach that point. And if you miss one of these hurdles and knock it over, you will never see the inside of a Big Law office. I'm going to assume you're working in a Big Law office because usually the only thing that entices people about law is money and doing *"good"* (but shockingly, the people who are so sanctimonious about doing *"good"* don't seem to want to become teachers, social workers, or clergy).

Since you maybe wondering, here are the hurdles:

- (1) Go to a T8 and be in the top 60% of the class or go to a T14 and be in the top 50% or go to a T25 and be in the top 25%.
- (2) Be on either law review or moot court and get a federal clerkship (really only for the really top of the heap firms, but still important if you want to increase your chances. you didn't say what kind of firm you work for.)
- (3) Get a summer job at a Big Law firm during your 2L summer.
- (4) Get an offer from said Big Law firm.
- (5) Continue to score near the top of your class during your 2L and 3L years.

Now all that might sound relatively simple but there are enormous elements of risk that are easy to overlook. Namely, if you're going to a credible law school, almost every student (to a man or woman) was a superlative student in the undergrad context. Every law school attendant thinks they will be in the top 20%. However, a curve must be created and 80% will not be in the top 20%. The curve is based on one test for each class at the end of the semester. The test will be about 3-4 hours long. Some students will be inventive and make up crazy answers. They can earn extra points like this. Law school, it may shock some, is sometimes not objective. Missing one or two issues on a fact pattern question can mean the difference between a B+ and a B, which will mean the difference between a Big Law job and not a Big Law job.

If you're not near the top of your class after 1L fall semester, you need to drop out immediately. The law school dean, professors, and administrators will pretend to empathize with you but they just want your tuition money because it keeps the lights on. There will not be a job waiting for you. You will graduate with huge debt and you will be miserable. And the BIG UGLY is that students who are attending for profit Law Schools at the bottom of the school rankings have almost no chance of getting a job paying a six figure salary, and worse are much less likely to even be able to pass the bar exam, while at the same time accruing almost as much debt as their counterparts in some of the top ranking schools.

This past April, the Congressional Budget Office projected that Americans will incur nearly \$1.3 trillion in student debt over the next 11 years. That figure is in addition to the more than \$1 trillion of such debt that remains outstanding today. This is the inevitable consequence of an interwoven set of largely unchallenged assumptions: the idea that a college degree—and increasingly, thanks to rampant credential inflation, a graduate degree—should serve as a kind of minimum entrance requirement into the shrinking American middle class; the widespread belief that educational debt is always “good” debt; the related belief that the higher earnings of degreed workers are wholly caused by higher education, as opposed to being significantly correlated with it; the presumption that unlimited federal loan money should finance these beliefs; and the quiet acceptance of the reckless spending within the academy that all this money has entailed. These assumptions enabled to a number of low end players a lucrative foray into the world of for-profit education.

This world is one in which schools accredited by the American Bar Association admit large numbers of severely under-qualified students; these students in turn take out hundreds of millions of dollars in loans annually, much of which they will never be able to repay. Eventually, federal taxpayers will be stuck with the tab, even as the schools themselves continue to reap enormous profits. There are only a small number of for-profit law schools nationwide. But a close look at them reveals that the perverse financial incentives under which they operate are merely extreme versions of those that afflict contemporary American higher education in general. And these broader systemic dysfunctions have potentially devastating consequences for a vast number of young people—and for higher education as a whole.

Changing the landscape were federal loan programs for financing graduate and professional education made for-profit law schools tempting opportunities. Perhaps the most important such change was an extension, in 2006, of the **Federal Direct PLUS Loan** program, which allowed any graduate student admitted to an accredited program to borrow the full cost of attendance—tuition plus living expenses, less any other aid—directly from the federal government. The most striking feature of the Direct PLUS Loan program is that it limits neither the amount that a school can charge for

attendance nor the amount that can be borrowed in federal loans. Moreover, there is little oversight on the part of the lender—in effect, federal taxpayers—regarding whether the students taking out these loans have any reasonable prospect of ever paying them back.

From the perspective of graduates who can't pay back their loans, however, this dream is very much a nightmare. Indeed, it's easy to make the case that these students wind up in far worse shape than defaulting homeowners do, thanks to two other differences between subprime mortgages and educational loans. First, educational debt, unlike mortgages, can almost never be discharged in bankruptcy, and will continue to follow borrowers throughout their adult lives. And second, mortgages are collateralized by an asset—that is, a house—that usually retains significant value. By contrast, anecdotal evidence suggests that many law degrees that do not lead to legal careers have a negative value, because most employers outside the legal profession don't like to hire failed lawyers.

How much debt do graduates from some of the lower-tier law schools incur? The numbers are startling. According to data from the schools themselves, more than 90 percent of the 1,191 students who graduated from just three law schools identified by Paul Campos in 2013 carried educational debt, with a median amount of approximately \$204,000, when accounting for interest accrued within six months of graduation—meaning that a single year's graduating class from these three schools was likely carrying about a quarter of a billion dollars of high-interest, non-dischargeable, taxpayer-backed debt.

And what sort of employment outcomes are these staggering debt totals producing? At one of the schools identified by Paul Campos, according to mandatory reports that the schools filed with the ABA, of those 1,191 graduates, 270—nearly one-quarter—were unemployed in February of this year, nine months after graduation. And even this figure is, as a practical matter, an understatement: approximately one in eight of their putatively employed graduates were in temporary jobs created by the schools and usually funded by tuition from current students. Campos says that this law school is not alone in this practice: many law schools design the brief tenure of such “jobs” to coincide precisely with the ABA's nine-month employment-status reporting deadline. In essence, the schools are requiring current students to fund temporary jobs for new graduates in order to produce deceptive employment rates that will entice potential future students to enroll.

As for those graduates from that school who actually have full-time, long-term legal jobs—approximately 36 percent of the 2013 graduating classes—how many of them have a salary large enough to justify having taken on more than \$200,000 in educational debt? Financial advisers often caution students not to take on more educational debt than the anticipated annual salary of their first post-graduation job, and they almost universally agree that taking on debt levels that are more than double one's anticipated salary is a very bad idea. Although many of the for-profit law schools make very little of the salary data they collect public, they do publish statistics regarding what types of jobs their graduates obtain, so it is possible to come up with some rough estimates.

In recent years, legal jobs for new law-school graduates have fallen into a markedly bimodal salary distribution. Most such jobs pay between \$40,000 and \$65,000, with the exception of associate positions at the largest law firms, which generally pay about \$160,000. (The high-five-figure-salary jobs that many prospective law students imagine they will settle for if they aren't hired by a big firm basically do not exist.)

One can estimate how many of a school's graduates got jobs with six-figure salaries—that is to say, jobs that make the accrual of a six-figure educational debt a reasonable investment—by adding together the number who were hired on a full-time, long-term basis by firms of more than 100 attorneys and the number who obtained federal judicial clerkships, which are often precursors to such jobs. At Columbia Law School—an exceptional school by any measure—this number amounted to 78 percent of the 2013 graduates, according to the school's report to the ABA. Nationally, the figure for graduates of ABA-accredited schools is about 16 percent, but at low-ranked law schools that figure is sometimes radically lower.

While the students who graduated from the for-profit law schools in 2013, for instance, the percentage who obtained federal clerkships or jobs with large law firms was slightly below 1 percent—0.92 percent, to be exact. In other words, the odds of a graduate of one of these schools getting a job that arguably justifies incurring the schools' typical debt level are essentially 100 to 1.

The result is a system that has produced an entire generation of over-credentialed, under-employed, and deeply indebted young people. Just as the law-school reform movement has exposed the extent to which law schools have overpromised and underperformed, similar reform movements are calling into question the American faith in higher education in general, and all its extravagant promises regarding the supposed relationship between more (and more expensive) education and increased social mobility. And for more law school than we would like to acknowledge, education is a bit of a scam based on capitalist dream of privatized profits and socialized losses.... And worse of all mountains and mountains of personal debt.

Here's How Long Food Can Last in the Pantry, Refrigerator and Freezer

I'm one of those people who never takes anything anyone says at face value but absolutely swears by expiration dates especially since I often buy in bulk and can't remember what day, month or sometimes year the eggs, bread or can goods were purchased. Hence the reason for my blind adherence to those labels is idiotic but I know how to get better now: follow the rough estimate of the infographic at the web link below that shows the shelf life of food in the pantry, fridge and freezer.

Web Link:

[and-freezer](#)

Yeah, yeah. I know. I'm going from following one piece of paper to following a bunch of pixels. It's not in any way more scientific! But getting the rough idea of how long food lasts is a good thing (in a More You Know way). Like I never knew potatoes and lettuce shouldn't be put in the freezer. Or that honey lasts FOREVER (makes sense though). Or that ketchup 'only' lasts a year, I'm pretty sure I broke that rule many times over.

The infographic was made by Visual.ly and used advice from the USDA, FDA and others. It's going to be my new sworn source for keeping food around.

 Inline image 14

In countries outside of North America that I've been to, they don't refrigerate eggs and they still last for weeks... But I am told that the US processes eggs differently, washing off a natural coating that keeps it fresh and once they are refrigerator in the store, they need to be kept that way. Just in case you are too lazy to download the infographic/chart and you are sure about eggs here is the skinny: a few hours on the shelf, 3 to 4 weeks in a refrigerator and you should never freeze eggs. Otherwise you can do what many people do who don't bother with the use by dates. *If it smells OK and looks OK then its fine. (attached please find the above chart)*



Look at us....America has created a monster. The result of ignoring & mishandling an already fragile spirited, recently enslaved, presently oppressed race/generation of people. Look at us. We're the monster that now refuses to be dismissed, overlooked and ignored. We were brought to this place, unaware of our own cultures, religion & traditions therefore, we created our own. Now look at us.

For years we've been crying out for the nation to address the substandard education systems & disparaging treatment of our citizens in communities across America. Our people have had an increasing lack of opportunities for generations. There have been homes broken, lives shattered and futures lost on your watch....unanswered. Look at us. How long can u expect a nation/race/generation of people to be blatantly disrespected? Spoken to and treated with arrogant tones of insignificance. Our fathers, uncles, brothers and role models were killed and imprisoned more often than educated. Now look at us. Our friends and relatives murdered and cast aside without thought, as though your human life is more valuable than ours. How long can that go on without consequence? Now Look at us.

How long can u continue to pass the buck & make excuses of why u can't do today what should have been done yeste-year? Although I DO NOT support the negative responses & actions of my people in light of dis tragedy....I WILL NOT condone your lack of effort to show any urgency to improve the treatment of our people, nor the living conditions in our communities. Your refusal to address these life altering issues makes events such as these seem inevitable. Although I too am at fault to a degree and I admit that I may not have all da answers... I do have a fun fact for you. Insanity is...Going about things the same way, expecting a different result. U wanna different result? U must take different action. What else do u expect? Look at us!!!

Clifford "T.I." Harris

Outstanding Federal Student Loans

Annual figures as of Sept. 30. 2014 data as of June 30.



Web Link: [\[REDACTED\]](#)

One of the biggest problems in America which is also a disgrace is consumer debt and the most onerous form of consumer debt are student loans which is now larger than credit card debt and one of the only forms of debt that you can't get rid of it for 20 to 25 years as it can often follow the borrower to the grave irrespective of whether or not they have the ability to pay, and during its existence can make borrowing for a car or home more expensive. Since most student debt is guaranteed by the Federal Government it has morph into a bonanza for banks and other financial institutions specializing in it. Long promoted as the safest way to borrow for college, Americans appear to be buckling under the weight of their debt, as new data shows. More than half of Direct Loans, the most common type of federal student loan, aren't being repaid on time or as expected, according to figures from the U.S. Department of Education. Nearly half of the loans in repayment are in plans scheduled to take longer than 10 years. The number of loans in distress is rising.

The increase in troubled loans comes as the average amount of student debt has significantly outpaced wage growth. After adjusting for inflation, the average recipient of federal student loan funds owed 28 percent more in 2013 than in 2007, according to Education Department data. But the typical holder of a bachelor's degree working full time experienced a 0.08 percent decrease in weekly earnings during that same period. For those with advanced degrees, median wages increased just 0.02 percent,

according to figures from the U.S. Bureau of Labor Statistics. The Obama administration, mindful of borrowers' difficulty in repaying their federal student loans, has been promoting repayment plans that cap monthly payments relative to income. An unemployed borrower with no income, for example, could pay nothing every month, yet still be considered current on the debt.

At a December Education Department conference in Las Vegas, Brian Lanham, then an executive at student loan giant Sallie Mae, said that more than 40 percent of borrowers who enroll in so-called income-driven repayment plans have a zero monthly payment. It's "something that's really boosted our income-driven repayment application rates," Lanham said, according to a recording of the event the department posted on YouTube. "If they're struggling," he said of borrowers, "it's an option."

The Education Department did not respond to inquiries regarding the number of borrowers enrolled in plans that require them to pay nothing to keep current on their loans. Patricia Christel, a spokeswoman for Navient, the former Sallie Mae servicing unit that has since become an independent company, did not respond to requests for comment. Unpaid debts are typically forgiven after 20 to 25 years of repayment in income-driven plans. Some critics worry that too many borrowers are enrolling in income-linked plans, forcing taxpayers to foot the bill.

For the past few years, policymakers and regulators responsible for safeguarding the nation's economy and financial system have been warning about dangers rising student debt pose to economic growth and household balance sheets. Borrowers who devote bigger chunks of their paychecks to repaying student loans may be less likely to buy a house, stunting the housing recovery. They also may be less likely to save for retirement, putting more strain on Social Security, or start a small business, which typically creates new jobs and boost economic activity.

The Education Department released data this month providing a much more detailed snapshot into how borrowers are coping with their federal student loans and how the government's handpicked loan companies are juggling their obligations to borrowers and taxpayers. And the news is not good.

With student loan debt rising and wages falling, borrowers with all types of student loans are cutting their spending to make loan payments. A large share of borrowers are in deferment or forbearance plans, which enable borrowers to delay full monthly payments. Both are meant for borrowers experiencing some kind of financial hardship, such as unemployment, illness or a temporary inability to repay. Borrowers returning to school for advanced degrees typically receive a deferment for loans incurred as undergraduates. Deferments for up to three years also may be granted to borrowers experiencing unemployment or an inability to find full-time work. As a result many borrowers are struggling to make payments on their student loans as data shows that 51% of borrowers are not repaying loans on time, as expected. As of June 30, 2014.

There's little public data that details borrowers in deferment or forbearance who are postponing payments due to graduate school or military service, for example, versus financial hardship or unemployment. A 2006 Education Department study found that borrowers who used deferment or forbearance were more likely to default on their federal student loans. Deferment and forbearance also were linked to bigger loans. *"The problem is we don't know who is deferring for what reasons because the Department of Education won't release that data,"* said Robert Kelchen, a professor at Seton Hall University who specializes in higher education finance. *"Some may be in there for what we consider good reasons -- for example, military service or the Peace Corps."*

Last week, an Education Department spokeswoman said data detailing reasons for deferment weren't readily available and may take weeks to assemble, according to The Chronicle of Higher Education. *"But the Education Department should know,"* Kelchen said. *"They should have the data. They just haven't put it together for the public to use, which is a problem."* The underlying problem, Kelchen said, is that the National Student Loan Data System, the Education Department's central database for student aid, "is by all accounts a really lousy system." As of July 2013, the system had 28.9 billion active and historic records for 82.1 million students who combined had nearly 371 million loans and 116 million grants, according to federal procurement records.

The lack of public data has fed skepticism among borrower advocates, who claim the Education Department's loan servicers routinely place borrowers in forbearance plans rather than enrolling them in income-linked plans. Enrollment in income plans requires servicers to verify borrowers' incomes. Granting a forbearance requires little work. In November 2012, Cynthia Battle of the Education Department told financial aid administrators that deferment and forbearance "should not be the first option," according to a copy of her presentation.

In July 2013, John Remondi, the chief executive of Navient who was then Sallie Mae's top executive, told investors that it was "very expensive work" to enroll borrowers in income-linked repayment plans. That same month, Battle and Sue O'Flaherty of the Education Department told financial aid administrators that the department had discovered that some borrowers were on forbearance plans for extended periods, prompting the government to limit forbearances. They added that loan companies should highlight income-driven repayment plans when talking to borrowers before granting a forbearance, according to their presentation.

The message appears to have gotten through to the department's loan servicers. Among Direct Loans, which comprise nearly two-thirds of the \$1.1 trillion in unpaid federal student loans, enrollment in income-linked plans has increased 68 percent over the past year.

The jump came after a June 2013 survey for the Education Department that found that 54 percent of new borrowers who were less than six months out of school didn't consider the most popular income plan -- Income-Based Repayment -- because they didn't have enough information, according to Ed Pacchetti, a department official who discussed the findings during the department's December 2013 conference in Las Vegas. A recording of his remarks is on YouTube. Some 44 percent of surveyed borrowers who were less than six months out of school, or in "grace" status, said they had not been contacted "at all" about their loans, Pacchetti added. The previous November, Battle said most borrowers who had defaulted did not receive their full six-month grace period due to "late or inaccurate enrollment notification" by their school.

Education Department data suggest that schools and servicers have improved their outreach to borrowers. According to Kelchen, the mere presence of income-linked repayment plans "in theory" should result in a zero delinquency and default rate. Increased enrollment in income plans should reduce the ranks of future troubled borrowers, he said. In April, Sarah Bloom Raskin, deputy treasury secretary, questioned why some 7 million borrowers have defaulted on their federal student loans, given the availability of income-linked repayment plans. Raskin, the Treasury Department's second-ranking official, challenged the Education Department and its loan specialists over how they handle borrowers struggling with student debt.

Education Department data suggest that while borrowers may be better informed about their options when it comes to income-linked plans, far too many aren't being properly counseled by their schools' financial aid administrators and the government's loan servicers when it comes to picking repayment plans. The vast majority of former students entering repayment on their federal student loans in 2012 picked 10-year plans. The numbers were higher for former students from two- and four-year programs, up to 90 percent of which picked the standard 10-year plan.

Recent history indicates that many of those borrowers will be repaying their federal student loans for far longer than 10 years. With a lackluster economy, tepid wage growth and vast numbers of Americans still looking for full-time work, some federal policymakers fear current borrowers will need more time to repay their loans than previous generations. "The concern is that money used to repay student loans are not going into building one's assets," Kelchen said. "If you're graduating at 22, it's not as much of a concern. But if you're graduating at 35, that's money that instead could be going to your retirement." But the larger and most onerous fear, Kelchen said: "*Will we have a generation of people who hit age 65 or 70 without any assets?*"

We are living in a world where our workers in the Midwest are competing for jobs with their counterparts in Beijing, Mumbai, Kiev and San Paulo, as well as Coventry, Portier, Helsinki and the Ruhr Valley Region in Germany. To compete, workers have to continually upgrade both their education and skills. As such, American workers whether they can afford it or not will be forced to continue their educational quest piling up more and more loans. This conundrum has to stop and the best way to stop it is to employ the European model whereby the government pays for education with a caveat that the borrow pay for their education by providing a needed service, such as working in inner-city or rural schools, hospitals, etc. Although this is a little simplistic it is a idea worth considering in lieu of the current situation.

BKS Iyengar obituary

World-renowned yoga teacher who brought the art to the west



BKS Iyengar at his yoga institute in Pune, in 2007. He insisted on perfect poses or asanas.

When BBC Radio 4 celebrated the 80th birthday of the internationally renowned yoga teacher BKS Iyengar, who has died aged 95, the programme started with him answering questions standing on his head. Guruji, as he was known to his followers, said the position was as natural for him as standing on their feet was for others. This was only one of the yoga asanas he taught the pupils from all over the world who flocked to his school in the Indian city of Pune, to the south-east of Mumbai.

More than any other practitioner, Iyengar was responsible for the spread of interest in yoga in the west over the last half-century, having originally introduced the violinist Yehudi Menuhin to the art in the early 1950s. Iyengar used to say "my body is my temple and asanas are my prayers". He lived up to that maxim, keeping himself supremely fit. Yet during his childhood he was, in his words, "a creature of contempt for my people" because of his constant ill-health.

Bellur Krishnamachar Sundararaja Iyengar was born into a family of 13 children, only 10 of whom survived. His father came from the village of Bellur, in the southern Indian state of Karnataka. Iyengar retained his ties with that village and later established education, public health and other social projects there. When Iyengar was five, his father left the village and his job as a primary school headteacher, moving to Bangalore, where he worked as a clerk.

Iyengar was introduced to yoga by one of his brothers-in-law, Tirumalai Krishnamacharya, who ran a yoga school supported by the maharaja of the southern princely state of Mysore, and when Iyengar was 19 sent him to Pune. That city was to become his home for the rest of his life, but his early days there were not auspicious. He was employed by the Deccan Gymkhana Club. The staff there were jealous of his success and one night burned all his equipment. After three years, the club asked Iyengar to leave. Sometimes he could only afford a plate of rice every two or three days. But gradually he came to be better known and more secure.

The break that transformed Iyengar from a comparatively obscure Indian yoga teacher into an international guru came in 1952, when Menuhin visited India. Because Iyengar had taught the famous philosopher Jiddu Krishnamurti, he was asked to go to Bombay to meet Menuhin, who was known to be interested in yoga. Menuhin said he was very tired and could spare only five minutes. Iyengar told him to adopt a relaxing asana, and he fell asleep. After one hour, Menuhin woke refreshed and spent another two hours with Iyengar. Menuhin came to believe that practising yoga improved his playing, and in 1954 invited Iyengar to Switzerland. At the end of that visit, he presented his yoga teacher with a watch on the back of which was inscribed, "To my best violin teacher, BKS Iyengar".

From then on Iyengar visited the west regularly, and schools teaching his system of yoga sprang up all over the world. There are now hundreds of Iyengar yoga centres. During his early travels, he had to face misunderstanding and racism. British immigration officers thought he was some sort of magician and asked him whether he could walk on fire, chew glass or swallow razor blades. A London hotel once refused to accept him as a guest until Menuhin intervened. Even then, Iyengar was told he could not eat in the dining room, and his meals were sent to his room.

Iyengar always insisted that yoga is a spiritual discipline, describing it as "the quest of the soul for the spark of divinity within us". He used to tell his pupils to "be aware that the current of spiritual awareness has to flow in each movement and in each action". As to its wider benefits, he maintained: "Before peace between the nations we have to find peace inside that small nation which is our own being". He regarded much of the yoga that became popular in the west as "nothing more than physical exercise". Unlike western keep-fit exercises, he insisted, yoga must not put any strain on the heart.

Iyengar appeared daunting with his leonine head, mane of hair and formidable eyebrows, which, as he used to say, went in two directions. He had a reputation as a stern teacher, and would insist on his pupils copying his asanas with absolute accuracy, achieving perfect balance. But he also patiently helped those who were having difficulty with their asanas and designed special exercises and equipment for pupils with physical problems. He studied anatomy, psychology and physiology to pioneer modern therapeutic yoga.

He cured one of his pupils, Nivedita Joshi, from a slipped-disc condition that had left her unable to move her hands and legs; she now runs the Iyengar centre in New Delhi. But Iyengar never sought publicity for his achievements and lived a simple life, unmoved by his international renown. Earlier this year he was awarded a state honour, the Padma Vibhushan.

Iyengar's marriage to Ramamani was arranged by his family, and was very happy. He said: "We lived without conflict as if our two souls were one." She died when she was 46 and Iyengar called his yoga school in Pune after her. His son, Prashant, and daughter, Geeta, are now the principal teachers in the Pune yoga school, and his granddaughter, Abhijat, has also taught there. He is also survived by four other daughters.

Bellur Krishnamachar Sundararaja Iyengar, yoga master, born 14 December 1918; died 20 August
2014

THIS WEEK'S QUOTE

Peace is not simply the absence of war but the work of justice.

Pope Francis

BEST VIDEO OF THE WEEK

The Time Robin Williams Royally Walloped Bush, McCain & Palin (Video)

So much to love about this man. He started out as a stand-up comedian and 'morphed' into a great movie and television actor, as well as an extremely generous and beautiful human rights activist. Most of us still can't believe he's gone, and we miss him, bad.



Web Link: <http://youtu.be/KW2jSLuHlz4>

Hat's off to another great example of Robin Williams's lovable comedic genius. In this 2008 post-presidential election clip, from the British gala, **'We Are Most Amused,'** people from around the world gather to celebrate the 60th birthday of Prince Charles, and see the best of the best comedians. John 'Monty Python' Cleese introduces Robin Williams, who walks out onto the stage and immediately throws a hilariously informal shout out to the Royal Family. *"Thank you. Thank you! Chuck, Cam – Great to see you! Yoyo Wales, House of Windsor, keepin' it real!"* Prince Charles busts out laughing, as the crowd roars. You can tell they all love Robin Williams. He starts off gleaming over the future president. Remember that incredible feeling of excitement and relief most of us had after Obama won? You can see that feeling in Robin's eyes. A few minutes later, Williams starts in on the 'Dubya.'

"We do have to take a moment of silence to bid a fond farewell to George W. Bush. The end of the reign of George II. The reign, or the 'error' is over. America is officially out of rehab. We have come back! He (Bush) is a gift to comedy, though. He is a 'comedy pinnate!' I'm gonna miss him. A man that says, 'I'm the decider!' No sir. You are the president. You make decisions. Decider's what they sell in the little jug." (The last joke takes a few seconds and when they get it, the crowd laughs even louder.)

BRILLIANT.... BRILLIANT.... BRILLIANT..... I suggest that you click on the web link above and enjoy.....

THIS WEEK'S MUSIC



This week I would like to share the music of **Kate Bush** who performed for the first time in 35 years last Tuesday in a 22-night residency called *Before the Dawn* at the famed Hammersmith Odeon in London where she is dazzling her audiences with her musical brilliance. Kate Bush came to fame in 1978 at the age of 19 when you topped the UK Singles Chart for four weeks with her debut single *"Wuthering Heights"*, becoming the first woman to have a UK number one with a self-written song. She has since released ten albums, three of which topped the UK Albums Chart. She has had 25 UK Top 40 hit singles, including the Top 10 hits *"Wuthering Heights"*, *"The Man with the Child in His Eyes"*, *"Babooshka"*, *"Running Up That Hill"* (as well as its 2012 remix), *"Don't Give Up"* (a duet with Peter Gabriel and my personal favorite), and *"King of the Mountain"*. Her eclectic musical style and

idiosyncratic vocal style places her in the Pantheon of English singer-songwriters, musicians and record producers who have inspired her contemporaries and audiences around the world.

In 1987, she won a **Brit Award for Best British Female Solo Artist**, and in 2002, her song writing ability was recognized with an **Ivor Novello Award for Outstanding Contribution to British Music**. During the course of her career, she has also been nominated for three Grammy Awards. After her 1979 tour – the only concert tour of her career before 2014 – Bush released the 1980 album *Never for Ever*, which made her the first British solo female artist to top the UK album charts and the first female artist ever to enter the album chart at Number 1. She is also the first (and to date only) female artist to have Top 5 albums in the UK charts in five successive decades. Bush was appointed **Commander of the Most Excellent Order of the British Empire (CBE)** in the **2013 New Year Honours** for services to music. She received the award from Queen Elizabeth II on 10 April 2013 at Windsor Castle.

Bush has a soprano vocal range and her music is eclectic, varying styles even within an album, and her songs span the genres of rock, pop, alternative and art rock. She often experiments by weaving together many diverse influences, combining classical music, rock, and a wide range of ethnic and folk sources, and this has continued throughout her career. Her lyrics have referenced a wide array of subject matter rich with imagery that can be both tender and brutal. Her songs have occasionally combined comedy and horror to form dark humor. She is truly one of a kind as there is no one else like Kate Bush. ***With this said, I invite you to enjoy the music of Kate Bush.***

Kate Bush – ***Running Up That Hill*** -- <http://youtu.be/wp43OdtAAkM> & <http://youtu.be/LSF53bp6aC8>

Kate Bush – ***Wuthering Heights*** -- <http://youtu.be/mk9obnPZSio> & http://youtu.be/BN4D_7dbKYs

Kate Bush – ***The Wedding List*** -- <http://youtu.be/fJvXpvH2-Hk>

Kate Bush – ***Them Heavy People*** -- <http://youtu.be/WsQiBEtqcCA>

Kate Bush – ***Sensual World*** -- <http://youtu.be/qYp35iy-W9A>

Kate Bush – ***Rocket Man*** -- <http://youtu.be/rYSCHKmvcIY>

Kate Bush – ***And So Is Love*** -- <http://youtu.be/YLHLPbEQ-hE>

Peter Gabriel & Kate Bush – ***Don't Give Up*** -- <http://youtu.be/uiCRZLr9oRw>

Kate Bush – ***Babooshka*** -- <http://youtu.be/6xckBwPdo1c>

Kate Bush – ***Moments of Pleasure*** -- <http://youtu.be/pW5hjWVS3ho>

Kate Bush – ***The Man with the Child in His Eyes*** -- <http://youtu.be/NAj8suac3WY>

Kate Bush – ***Breathing*** -- <http://youtu.be/uwgujxzwysY>

Kate Bush – ***Love and Anger*** -- <http://youtu.be/xyEHKGDSg5I>

Kate Bush – ***Wow*** -- <http://youtu.be/fRFQVMJf5eI>

Kate Bush – *Hounds Of Love* -- <http://youtu.be/r-0KdYr1ys4>

Kate Bush – *Sat in Your Lap* -- <http://youtu.be/xEVMfG8z490>

Kate Bush – *Rubberband Girl* -- <http://youtu.be/jjaBMgNRBQc>

I hope that you have enjoy this week's offerings and wish you and yours a wonderful week.

Sincerely,

Greg Brown

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