

Contents

| | |
|--|----------|
| <i>Preface</i> | vii |
| <i>Acknowledgments</i> | xiii |
| Chapter 1 What Is This Book All About? | 1 |
| Introduction | 1 |
| Changes in Financing Strategies of Nonprofits | 3 |
| A Critical Contract Design Feature | 5 |
| Creating Values “on Paper” | 7 |
| How does it Work? An Example: A Swap Contract from the NY MTA Portfolio | 8 |
| Paying Enormous Termination (Fees) Penalties | 12 |
| Are Nonprofit Officials Equipped to Deal with Swaps? | 16 |
| An Illustrative Case: The Midway Airport Swap | 21 |
| The Impetus for the Exponential Growth of Derivatives and Swaps | 24 |
| The Orbit of ISDA: The Inside Shop | 31 |
| Look Who is Guarding the Henhouse! | 35 |
| The Means of Persuasion that Big Banks had Adopted | 36 |
| (a) Persuasion: Promising Mirage Benefits | 36 |
| (b) Persuasion: Providing Near-Term Quick Cash | 39 |
| (c) Persuasion: Buying Swaps as Seen by a Grand Jury | 41 |

| | |
|--|---------------|
| (d) Persuasion: Using Economic Dependence: The Glaring Example of the City of Atlanta | 45 |
| Why was it difficult to Meet with the Actors? | 46 |
| (a) Concern for Pending Litigation | 47 |
| (b) Novelty and Complexity of Interest Rate Swaps | 49 |
| (c) Lack of Knowledge | 50 |
| (d) Deception and Incomplete Disclosure of Facts and Risks | 51 |
| (e) Key Decision Makers are in Jail | 55 |
| (f) Staff Turnover | 57 |
| Chapter 2 Carol Loomis Described Four Derivatives' Sins: Lies, Leverage, Ignorance, and Arrogance | 59 |
| (a) Lies and Ignorance — Michael Lissack and Dade County, Florida (<i>A Case of Big Banks' Deceitful Sales Tactics</i>) | 60 |
| (b) Arrogance, Lies, and Leverage — Procter & Gamble versus Bankers Trust of New York (<i>Another Case of Big Banks' Deceitful Sales Tactics</i>) | 65 |
| CASES IN WEALTH TRANSFER FROM LOCAL GOVERNMENT AGENCIES TO BIG BANKS | 73 |
| Chapter 3 The Saga of Jefferson County, Alabama, & JPMorgan Chase | 75 |
| The Visible Shocks | 75 |
| It All Started with the Sewer | 78 |
| New Contracts and Deception | 82 |
| Sharing the Loot | 87 |
| The Aftermath | 94 |
| Chapter 4 Big Banks Took Nearly \$900 million from Detroit for Terminating Swaps & Gave back Nothing | 99 |
| Yet, That Was Not All! | 108 |
| The Real Human and Social Cost of Swaps | 113 |
| The United Nations Coming to Detroit | 115 |

| | |
|---------------------|-----|
| Lessons Learned | 119 |
| Lessons Not Learned | 120 |

Chapter 5 The City of Brotherly Love Drowned in the Eastern Swap Sinkhole 123

| | |
|--|-----|
| The Illusion of Lowering the Cost of Borrowing | 127 |
| Covering up the Mess | 130 |
| Evidence of Cover Up | 131 |
| In Summary | 138 |

Chapter 6 The Heart of America and Windy City Handed Its Compass to the Banking Cartel 141

| | |
|-------------------------------------|-----|
| The Big Picture | 141 |
| Falling for the Weekly Auction Rate | 143 |
| Obsession with Swaps | 150 |

Chapter 7 Tales of Two Small Cities 153

| | |
|---|-----|
| (a) The City of Gainesville, Florida: Pays for Swaps and Raises Electricity Rates | 153 |
| (b) The City of Oakland: Got Stuck with Goldman Sachs and is Getting Nothing | 156 |

CASES IN WEALTH TRANSFER FROM STATE GOVERNMENT ENTITIES TO BIG BANKS: ALL THE FOUR SINS OF DERIVATIVES DESCRIBED BY LOOMIS WERE AT PLAY HERE 161

Chapter 8 The State of Illinois and Other Swap Gorillas 163

Chapter 9 The State of New Jersey: The Pandora's Box of Interest Rate Swaps Cost Nearly \$1.5 Billion 171

| | |
|------------------------|-----|
| Changing the Landscape | 171 |
| Accelerating Losses | 173 |
| More to the Story | 175 |

| | | |
|-------------------|--|----------------|
| Chapter 10 | The Empire State Doctored Interest Rate Swap Gains Artfully | 179 |
| | Beating Own Drums | 179 |
| | The Shrinking Present Value | 181 |
| | Mark-to-Market Discussion | 181 |
| | More about the State of New York Swap Contracts | 183 |
| | The Irony | 184 |
| | CASES IN WEALTH TRANSFER FROM PUBLIC SCHOOLS TO BIG BANKS | 185 |
| Chapter 11 | Jack Wagner's Mission to Rescue Pennsylvania from the \$17.4 Billion Derivatives Mess | 187 |
| Chapter 12 | The School District of Philadelphia Dismissed Staff to Save Money to Pay for Swaps | 195 |
| Chapter 13 | Two Other Special Cases in Pennsylvania Schools | 201 |
| | (a) Erie City School District | 201 |
| | (b) State College Area School District | 205 |
| Chapter 14 | Chicago Public Schools Dismissed Staff and Borrowed at High Interest Rates to Pay for Interest-Rate Swaps | 209 |
| | The Infeasibility of Attaining Synthetic Fixed Rates | 217 |
| Chapter 15 | Denver Public Schools: Paid High Price for the Advice of Unwitting Experts | 227 |

| | |
|---|------------|
| CASES IN WEALTH TRANSFER FROM COLLEGES AND UNIVERSITIES TO BIG BANKS: PAYING BIG BANKS HUGE SUMS OF MONEY FOR ILL-ADVISED INTEREST-RATE-EXCHANGE CONTRACTS | 233 |
| Chapter 16 The Flagship of the Tar Heel State Kept Dipping into the Same Losing Swap Well | 235 |
| Getting Deeper into the Swap Mania | 243 |
| Chapter 17 The MSU Spartans Kept On Swapping Their Money for Nothing | 247 |
| Obsession with Swap Contracts | 251 |
| Chapter 18 Interest-Rate Swaps Cost Harvard More Than \$1.47 Billion | 253 |
| Chapter 19 The University of Texas System: A Large State-Run Hedge-Fund-Like in Austin | 261 |
| Obsession with Swaps and Other Derivatives | 269 |
| CASES IN WEALTH TRANSFER FROM HEALTH-CARE ORGANIZATIONS TO BIG BANKS | 271 |
| Chapter 20 Indiana University Health: A Case of Derivatives Abuse from the Midwest | 273 |
| Obsessed with Swaps | 279 |
| Chapter 21 The University of California Health System: A Case of Derivatives Abuse from the West | 281 |
| Chapter 22 Johns Hopkins Health System Corporation: A Case of Derivatives Abuse from the East | 291 |

| | | |
|-------------------|---|------------|
| Chapter 23 | The University of Florida Shands Hospital: A Case of Derivatives Abuse from the South | 297 |
| | Losses and Collateral: Idle Cash | 300 |
| | Obsession with Swaps | 300 |
| Chapter 24 | The Sisters of Charity of Leavenworth Health System | 303 |
| Chapter 25 | Dignity Health Holds A Bigger Bag of IOUs to the Banking Cartel | 311 |
| Chapter 26 | Texas Methodist Hospitals Did Not Escape Big Banks' Vise | 319 |
| | CASES IN WEALTH TRANSFER FROM TRANSIT AUTHORITIES TO BIG BANKS: INCREASING FARES TO PAY BIG BANKS FOR SWAP CONTRACTS | 325 |
| Chapter 27 | With Swaps, Riding the Gravy Train Is Expensive | 327 |
| Chapter 28 | The New York Metropolitan Transportation Authority Fell into the Eastern Swap Sinkhole | 331 |
| | Transparency Questioned | 338 |
| Chapter 29 | The Bay Area Toll Authority (BATA) Fell into the Western Swap Sinkhole | 339 |
| Chapter 30 | The Massachusetts Bay Transportation Authority Joined the Eastern Swap Sinkhole | 347 |
| | Interpretation | 351 |
| Chapter 31 | A Couple of Other Port Authorities | 353 |
| (a) | The Port Authority of New York and New Jersey Paid Big Banks \$242 Million to Exit Swaps | 353 |
| (b) | Pennsylvania Turnpike Authority Confounds the Financing | 354 |

| | |
|---|------------|
| THE LIBOR SCANDAL: BIG BANKS' COLLUDED & CONSPIRED TO SIPHON MORE MONEY FROM THE PUBLIC SERVICE SECTOR & EVERYONE ELSE | 357 |
| Chapter 32 The London Connection: London Average Interest Rate (LIBOR) | 361 |
| Chapter 33 The Discovery of Cheating | 367 |
| (a) Litigating LIBOR Manipulation | 367 |
| (b) Cheating Chats and Why Manipulating LIBOR Matters | 372 |
| (c) Evidence from the Files of the Financial Services Authority (UK) and the FBI (USA) | 380 |
| (d) Collusion and Conspiracy at UBS AG: The Rain Man & Company | 386 |
| (e) The Rain Man's Long Reach to RBS (from the FBI Files) | 389 |
| (f) Deutsche Bank's High Cost of Denial | 391 |
| UNCONSCIONABILITY: DANCING WITH THE "SNAKES" OF MODERN TIMES | 395 |
| Chapter 34 Are Interest Rate Swaps with Nonprofit Entities Unconscionable Contracts? | 397 |
| Criterion 1: Presumed Equality of Values | 408 |
| Criterion 2: Ignoring Transaction Cost | 409 |
| Chapter 35 Epilogue | 427 |
| Appendix 1 Basic Concepts of Dancing with the Swaps | 439 |
| Appendix 2 Relative Magnitude of Over-the-Counter Financial Derivatives | 443 |
| Appendix 3 The 2017 Report of the Bank for International Settlements on Global OTC Derivatives | 445 |
| Appendix 4 OTC Financial Derivatives in the Top Four US Banks | 447 |

| | | |
|--------------------|---|------------|
| Appendix 5 | Three Reasons to Use Financial Derivatives | 449 |
| Appendix 6 | An Example of a Swap Sales Presentation Having an Odd Ending | 451 |
| Appendix 7 | More Fell for Dancing with the Swaps: Another Sample | 457 |
| Appendix 8 | The Formula for the Swap Contract between Procter & Gamble and Bankers Trust of New York | 461 |
| Appendix 9 | The State of Illinois Hedge-Fund-Like Portfolio of Financial Derivatives in the <i>Illinois Teachers Retirement System</i> | 463 |
| Appendix 10 | The State of Texas Exhibit: Partial Listing of the Hedge-Fund-Like Portfolio of Swaps | 465 |
| Appendix 11 | The Commonwealth of Massachusetts Partial Listing of Swap Portfolio | 467 |
| Appendix 12 | LIBOR Cheating Chats: Deutsche Bank and Other Banks (as Reported) | 469 |
| Appendix 13 | A Sample of Regulatory Penalties (In Connection with Manipulating LIBOR) | 479 |
| | <i>References and Sources</i> | 481 |
| | <i>Index</i> | 511 |