

# INDIANAPOLIS

## *Review*

Spring 2018



## The Feds Are Coming

Conditional aid to the states has created a “marbled” federalism while the National Debt is expected to exceed 105 percent of GDP. The public needs to understand that the chaos of unsustainable spending is upon us.

*“When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes: and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.”*



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## A FUTURE THAT WORKS

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Our mission is to marshal the best thought on governmental, economic and educational issues at the state and municipal levels. We seek to accomplish this in ways that:

- ▶ Exalt the truths of the Declaration of Independence, especially as they apply to the interrelated freedoms of religion, property and speech.
- ▶ Emphasize the primacy of the individual in addressing public concerns.
- ▶ Recognize that equality of opportunity is sacrificed in pursuit of equality of results.

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# The Tuesday Lunch

(Jan. 3) — This coming summer as we commemorate our nation's founding on Independence Day how many will understand the subtle but essential difference between a republican form of government over and against a pure democracy? Other than some small New England towns that still put everything to a vote of the citizens, the United States clearly falls on the side of republican government.

Our founding fathers were influenced by the classical Roman Republic as they built the structure that would become the United States of America. They quoted Roman republicans like Cicero and Cato; they likened George Washington to Cincinnatus for laying down his military command; and they named the legislative upper house the Senate in hopes that it would emulate its forebear as a great deliberative and collegial body.

How valid is Rome as a republican model? History tells us how dramatically the republic fell in favor of an imperial dictatorship. It took about one hundred years to completely collapse but its ruin could be predicted even without the benefit of 20/20 hindsight.

So what happened? While Rome was evolving into a confusing and overlapping panoply of legislative assemblies, magistrates and voting rules, the formal constitution continued to work due to a society-wide gentlemen's agreement on how it should work. Called the *mos maiorum*, or "way of the elders," it dictated rules of discourse that maintained a civility among the factions. Parliamentary maneuvers technically legal were

avoided at all cost if they would result in an escalation of disagreement rather than advance a solution.

In the latter half of the second century B.C. this understanding of civility collapsed. The pressures came from outside Rome. Military conquest had changed Rome from a city-state to an empire. Untold wealth became available in farmland, slaves and gold. The rewards were high, and the recipients carefully chosen by and among the ruling faction.

These crony capitalists of the day fought

legislatively to protect their rewards system from being opened to those outside the privileged class, while the opposition (themselves part of the privileged class but lusting for additional power) used unprecedented parliamentary maneuvers to instigate groups of voters to take over the public space. This was political theater at its best . . . or worst. There was no room for gentlemen of the old school.

Is there a warning in here for us? Are we really Rome's successor

as a great republic? If so, are we destined to fall as well? Just look to current news for some chilling parallels.

The minority party announces publicly that it will oppose everything the new president will propose. Senatorial "blue slips" are used across-the-board as the preferred strategy of preventing confirmation of federal judges. Rhetoric becomes extreme and focused on insult while opposing voices are shouted down or prevented from

**"They likened George Washington to Cincinnatus for laying down his military command, and they named the legislative upper house the Senate in hopes that it would emulate its forebear as a great deliberative and collegial body."**

speaking altogether. Compromise becomes impossible as perfect becomes the enemy of good. Discourse denigrates to name-calling, the more outrageous the better.

Action provokes reaction, and the extremists on both side appear to exhibit some other-worldly control over a short list of achievable options. Is this brinkmanship being played by those unaware or uncaring about an approaching apocalypse?

I don't mean to be an alarmist, so perhaps I should cut the Founding Fathers some slack. Another classical example with which they were familiar was democratic Athens. It takes no suspension of disbelief to think of these learned men reading Thucydides, especially his account of the Athenian assembly's execution of victorious generals. The assembly was whipped into a frenzy after the battle of Arginusea over the number of casualties. And this was after a victory. Unconstrained democracy in this case led to mobocracy, and the founders wisely chose the republican model instead.

They also went into this with their eyes wide open as to the threat of factions to the common good. Refer to Hamilton's Federalist #9 and Madison's #10 to understand their acceptance of factions as a necessary evil. Madison sums it up nicely:

"Liberty is to faction what air is to fire, an ailment without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency."

In other words, we just have to live with factions to preserve our fundamental liberty. Again, perhaps I am being too hard on the founders. They steered the better course at the time. It is our heritage to protect against the rising factionalism of today to preserve what they risked: their lives, their fortunes and their sacred honor.  
— maf

## Toynbee on the Decline of Civilizations

"The third response (of a declining civilization) concerns the implosion of boundaries. Extension of empire is weakening its power to keep 'things together.' Sooner or later the pressure on the limes (as the borders of the Roman Empire were called) will be mounting to a critical climax. Two factors are aggravating the situation. First of all, the guardians of the empire being forced to use the services of the external proletariat, in order to keep up the basic functions of society . . . secondly the spreading of highly sophisticated weaponry in neighboring countries. The combination of these two factors will prove to be lethal to the empire. At such a stage developments may go dramatically fast. The hatred of the surrounding societies toward the dominant one, will unleash an uncontrollable aggression, in which the former are overturning the latter, trying to get what they can get or either destroy what they can destroy. It is the stage of chaos, trouble, suffering and the birth of a new heroism, this time on the part of the invaders. It is characterized by 'dark ages,' in which everything is first disintegrating, while subsequently being slowly rebuilt (something that may take centuries). The invaders — having had no experience in ruling a complicated society — appear not to be able to restore the original high standard of living."

— A review of Arnold Toynbee's 12-volume "Study of History," finished in 1961, describes in present tense his end cycle of a civilization. <http://the-great-learning.com/toynbee.htm>



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## Deficits and the Changing Priorities of Federal, State and Local Government

*The National Debt in the near future is expected to exceed 105 percent of GDP. We need to understand the economics of unsustainable government spending, both Federal and State.*

Maryann O. Keating, Ph.D., a resident of South Bend and an adjunct scholar of the foundation, is co-author of "Microeconomics for Public Managers," Wiley/Blackwell.



(Feb. 21) — Americans face three levels of governmental expenditures: Federal, State and local. Prior to World War I, local government spending was by far the most important. The Federal government did little more than pay for national defense, honor pensions and pay interest resulting from previous wars, finance a few public works and pay the salaries of judges, congressmen and other government officials. Local and State governments were responsible for schools, highways, hospitals, welfare, police and fire protection and recreation. The ability of the Federal government to tax and borrow along with

increased social consumption is changing how overall tax revenue is allocated.

When democracy functions well, elected officials follow voters' guidance on how to allocate tax revenue. William Galston cites a Kaiser study, Pew research and an NBC/Wall Street Journal poll indicating that Americans favor larger government offering more services to meet people's needs. A majority favor increased spending for defense and education. At the same time, there is broad support for increased spending on veterans' benefits, infrastructure, scientific research, environmental protection and assistance to the needy.

Experts anticipate the National Debt in the near future to exceed 105 percent of GDP, but, apparently, Americans do not view deficit reductions as a top priority. Nevertheless, officials should inform and the public understand the economics of unsustainable government spending ("Americans Want Big Government," The Wall Street Journal, Feb. 14, 2018).

Federal Government spending has exceeded tax receipts for every year since 2002. To finance these deficits, the U.S. Treasury issues new bonds. Individuals, banks and governments around the world earn interest on these bonds. An increasing National Debt and increased interest rates place a burden on American taxpayers. Presently, 7.4 percent of the Federal budget is used to pay interest on the National Debt.

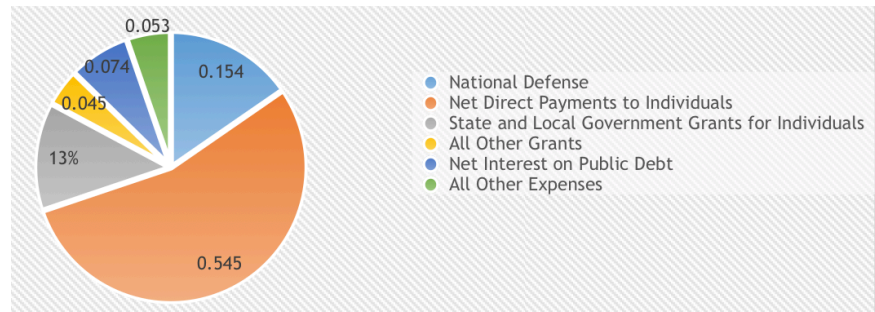
Chart 1 indicates how the Federal Government allocated all tax revenue received in 2017. Payments to individuals, plus those transferred indirectly through Federal grants, include Medicare, Medicaid, Social Security, unemployment compensation, welfare and food stamps. Direct and indirect payments climbed from 47.7 percent of outlays in 1989 to 67.5 percent in 2017. Significantly, given the traditional role of Federal Government, the percent allocated to national defense declined about 5 percent in the last 10 years to 15.4 percent. The priorities of the Federal Government have definitely shifted.

The changing composition of Federal spending reflects either a willingness to trade off traditional government functions for social consumption or perhaps an unsuccessful attempt to increase revenue to finance both types of spending.

Have State and Local Government expenditures evolved over time as well? Chart 2, on the relative size of combined State and local government with respect to national income, demonstrates three points. First, total State and Local Government expenditures account for approximately 15 percent of U.S. GDP. Second, Federal Grants-in-Aid are a significant and increasing percentage of State and Local Spending, which, nevertheless, operates at a deficit. Finally, state and local taxes since the mid-seventies has remained relatively flat as a percentage of GDP.

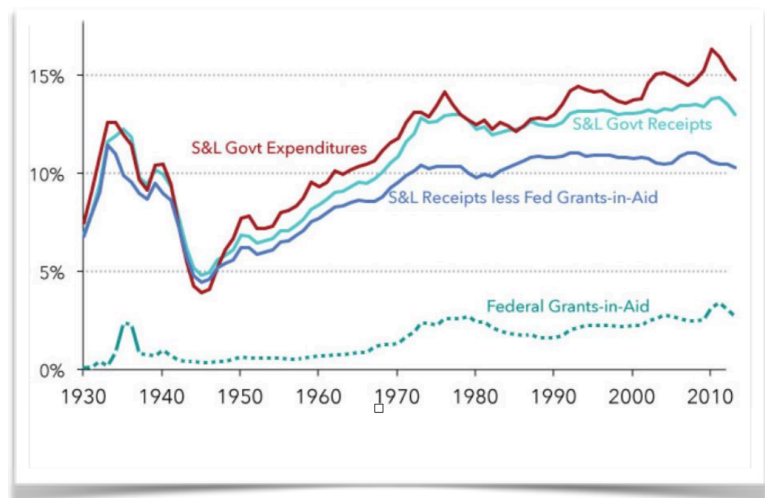
How do States on average allocate expenditures? Chart 3, comparing Indiana with other State spending, indicates that the percentage spent on Medicaid (approximately 28 percent) dominates spending on transportation (approximately 8 percent). Indiana spends less on higher education than average, but spends significantly more on K-12 education. Unlike other States, Indiana has removed most funding for K-12 education from local property tax assessments to the State level. In Indiana, the traditional role of local governments in financing K-12 education has certainly changed, although local government remains primarily responsible for personal safety. However, city officials increasingly present themselves as agents of local economic development. How government functions evolve is expressed by incremental changes in budget expenditures. Table 1 measures the direction of change in the Indiana State

**Chart 1: Composition of Federal Government Expenditures, 2017**



Source: *whitehouse.com*

**Chart 2: State & Local Government Receipts and Expenditures as Percent of GDP, 1930-2012**



Source: *Tax Foundation*

Budget between 2017 and the proposed 2019 budget.

Note the expected proportional increase in expenditures for Health and Social Services. This change may be driven by Federal Government mandates as well as fallout from the drug crisis. The overall effect, however, is to significantly reduce the discretion of the Indiana State General Assembly in increasing expenditures on infrastructure and other priorities.

Recessions and wars tend to expand government spending relative to national income, but, after a crisis has passed, expenditures never quite revert to previous levels.

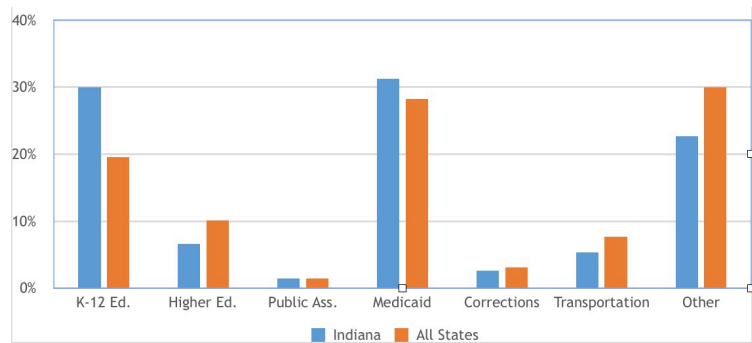


Chart 4, representing Federal Government expenditures, demonstrates this. The shaded bars represent recessions, when economic activity declined. The good news for those fearful of big government is that since 1980, Federal Government expenditures have hovered around 20 percent of GDP.

The not-so-good news is that the gap between government spending and tax revenue to pay for these expenditures augments the National Debt. Chart 5 representing the National Debt as a percentage of national output indicates that, even in post-recession periods, there was little inclination to reduce the Debt. It is economically unsustainable for any country, whether the U.S. or Greece, to have percentage increases in national debt continually exceed that of national production.

The size of the Federal Debt as a percentage of GDP is a bipartisan issue, yet rhetoric concerning the issue flows more easily from the party out of office. On paper, the solution is simple. First, raise taxes to meet American's desire for increased social services while

**Chart 3: Comparing Indiana State Expenditures by Function with the Average for all States, 2015**

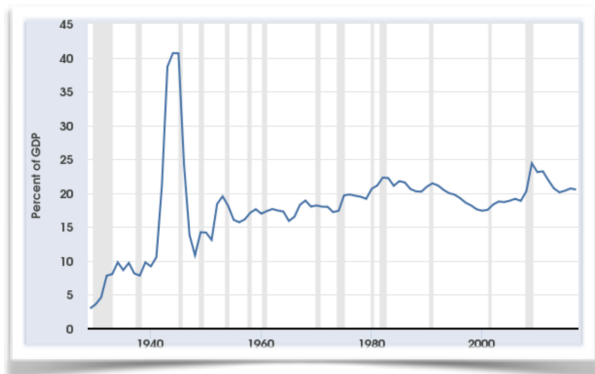


**Table 1: Indiana Budget Allocations (millions of dollars) and Proposed Percentage Changes 2017-2019**

	Actual-2017	Budget- 2018	Budget- 2019	Percentage Change 2017-2019
Appropriations (millions of dollars)	16008	15861	16430	1.3%
K-12 Education	8117	8218	8375	1.6%
Higher Education	1902	1935	1962	1.6%
Medicaid	2242	2107	2365	2.7%
Health/Social Services	1267	1353	1407	5.4%
Public Safety	983	1003	1021	1.9%
All Other	1497	1246	1300	-6.8%

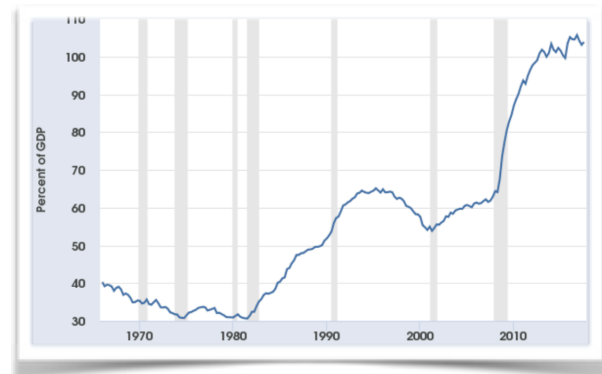
Source: "On Local Government: The State Budget and Township Consolidation" Online Workshop presented by Larry DeBoer and Tamara Ogle. Feb. 7, 2018. Purdue Extension

**Chart 4: Federal Expenditures as a Percentage of GDP 1930-Present**



Source: Federal Reserve Bank of St. Louis

**Chart 5: The National Debt as a Percentage of GDP 1965-Present**



Source: Federal Reserve Bank of St. Louis

maintaining the traditional functions of government. Second, reduce regulatory and other hindrances to foster economic growth. Higher incomes would reduce government transfers and increase tax receipts. Potential budget surpluses could then be used to retire some of the National Debt.

There are practical problems associated with both options. Increased tax rates do not necessarily increase tax revenue.

Generally, we focus on work disincentives for those most likely to benefit from increased payments. Equally important, however, are the unintended consequences resulting in increased incentives to postpone entry into the labor force, to take early retirement and to forfeit investment

opportunities. Relying on economic growth to reduce the Federal deficit is also a risky proposition. Sustaining an annual 3 percent or higher increase in GDP is dependent on serendipitous increases in productivity. The three pillars of increasing productivity are size and preparation of the labor force, investment in equipment and technological breakthroughs.

A more mundane approach to government budgets, less associated with economic micro-managing or tinkering with incentives, is to constrain and direct government expenditures to their best advantage and to develop clarification on the responsibilities of Federal, State and local government. ♦

## IU National Survey: People Prefer Federalism

Americans have much more confidence in their state governments than they do the federal government, according to a survey conducted for the Indiana University Center on Responsive Government.

Among the findings: 76.2 percent of survey respondents said they were more likely to seek assistance in solving a problem from the state government rather than the federal government, 71.3 percent said state lawmakers are more ethical than members of Congress, 63.3 percent said their state economy is affected more by state policies than federal policies and 61.4 percent said state governments should exercise more power in policymaking than the federal government.

The nationwide survey of 1,000 people was conducted in November and December by internet polling firm YouGov Polimetrix. IU released the results Feb. 28.

Also, 52 percent said state governments were either very or moderately responsive to people's concerns, compared with 22.5 percent who said the federal government was. Yet 69.6 percent said they paid more attention to news about the federal government than news about state government.

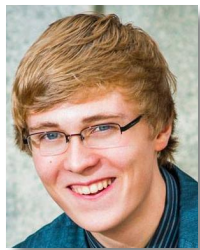
— Brian Francisco,  
*the Fort Wayne Journal Gazette,*  
March 2, 2018



## Intergovernmental Grants and Federal Democracy: Complementary or Exclusive?

*By making more state issues federal ones, do state voters transfer their voice in state government to voters outside of their states, mitigating the political and economic benefits of federalism?*

Albert Gustafson graduates this spring from Indiana Wesleyan University where he studies economics and political science and is a member of the John Wesley Honors College. A native of Iowa, he worked for the Platte Institute in Nebraska as a policy analyst.



(Feb. 21) — In 2015, states received about one-third of their total annual revenue from the federal government according to data from the U.S. Census Bureau. In 1787, this would have shocked even Alexander Hamilton, the arch-Federalist himself. Not only were early Americans skeptical of centralized government; each state's citizens felt they had a history and polity of their own, separate from the others. Attitudes towards

the role of the federal government have changed dramatically, but federalism, the principle that the states possess powers and responsibilities wholly their own, remains an influential part of American democracy.

Although voters today do not share the founding generation's sectarian view of statehood, the federal system's division of responsibilities between federal and state governments means voters act under different incentives as American voters than as state voters. Scholars have noted weaknesses in the federal system, but local sovereignty and the efficiency gains from decentralized administration seem to have real benefits for governing a country as large and diverse as the United States. For example, state-funded and directed programs may better reflect the needs and desires of each state and avoid economic commons problems (e.g., the free-rider problem).

Since the last century, however, the federal government has become more cooperative with state governments in both funding and managing programs. Scholars have spilled a lot of ink writing about the economic consequences of the trend towards "marble cake" federalism, but little has been written about its political consequences. But if the federal government resolves one set of problems by expanding its role in the funding and administration of state and local affairs, it may create another by marginalizing the voters' power in the state. By making more state issues federal ones, state voters may transfer their voice in state government to voters outside of their states, mitigating the political and economic benefits of federalism. This outcome is not obvious or foregone, and many respectable scholars disagree. Still, if federalism and voter sovereignty remain valuable features of American democracy, then it is worth discerning to what degree the federal government's involvement in traditionally state-level issues impacts those features. If a trade-off exists between state sovereignty and important

federal programs, defining that trade-off provides an essential framework to any discussion about the role of states and the nature of government.

The last century witnessed the rise of a partnership between national, state and local governments in the United States that political scientists call “marble cake” federalism because of the way all levels of government have shared responsibilities and revenues for public goods (McGuire 2006, 35). Intergovernmental grants have been instrumental in facilitating this new partnership. As scholars respond to this trend towards “marble cake” federalism and the extensive use of intergovernmental grants, they tend to focus on strictly economic effects and research that does concentrate on political effects of fiscal federalism is primarily qualitative. This dearth of research presumably originates in the difficulty of measuring the more political effects of intergovernmental grants: Voter preferences are difficult to aggregate or succinctly express. However, the research that exists suggests that intergovernmental grants do affect the process of government with consequences including decreased voter knowledge and smaller voter impact on state and local decision-making.

### **The Public Finance Problem**

Throughout the first half of the 20th century, the Supreme Court steadily expanded the scope of the commerce clause, until the 1937 Court opined that the power to regulate interstate commerce extended to any activity which affects interstate commerce (*National Labor Relations Board vs. Jones & Laughlin Steel Corp.*). This definition essentially includes every conceivable human action. Later that year, the Court ruled in support of the Social Security Act, arguing that the concept of “general welfare” was now “interwoven . . . with the well-being of the nation” (*Helvering vs. Davis*). With these decisions, the constitutional divide between strictly federal and local concerns came down. The 20th century therefore saw unprecedented intermingling between federal and state activities, followed by a slight step back

towards decentralized federalism in the 1980s and 1990s (Super 2005, 2563; Krane, Ebdon, & Bartle 2004, 515).

Over time, these overlapping responsibilities among federal, state and local governments have led to natural partnerships and tensions between governments (Super 2001, 2568). In many instances, the responsibilities easily settle like sediment into appropriate strata of government; in other instances, governments compete either for more responsibility, or to push responsibility off onto one another (Super 2005, 2569, 2573). While these tensions occur for a variety of reasons, one primary difficulty between federal and state governments has been the states’ different endowments of resources (Soss et al. 2001, 379). Some states are poorer than others, so while devolving responsibilities to the states allows for better attention to individual states’ needs, it can also be less equitable (Wilde 1971, 146). The federal government has tried to resolve this public-finance dilemma by engaging in intergovernmental wealth redistribution through federal grants (Shah 2007, 91). Moreover, proponents of federal grants argue, many of the goods that states provide through intergovernmental grants benefit people outside their states: well-educated children mean a more productive economy, people from out of state also enjoy well-maintained roads, and so on (Shah 2007, 93).

### **Consequences for Citizens as Voters**

In a study by the Mercatus Center, Jason Sorens divides the argument concerning the rationale for, and impact of, intergovernmental transfers into two primary categories. The “public finance” problem, outlined above, tends to support the need for federal grants to state budgets (Sorens 2016, 8). Often, states with poorer economies struggle to pay for basic services because of a small tax base, while social safety net programs continue to expand, placing higher demands on state budgets (Sorens 2016, 11). On the other hand, the “political economy”



concern of intergovernmental transfers consists of the body of scholarship regarding budget mismanagement and political tensions that such transfers can create (Sorens 2016, 8).

Intergovernmental grants come with their own problems for both state and federal governments (Super 2001, 2542). In *National Federation of Independent Business vs. Sibelius*, the Supreme Court found that federal grants can be so large and so restrictive that they present an unconstitutional violation of states' sovereignty (2012). Scholars began noticing this problem not long after the proliferation of grants-in-aid during President Lyndon Johnson's Great Society programs. Helen Ingram documented this effect over the first decade after the Great Society, arguing that federal grants often did not enable states to achieve mutually desired ends so much as they coerced them to conform their budgets to federal objectives (1977, 501).

Kevin McKniff highlights the problem of grants violating state sovereignty in his study of the more recent Transatlantic Trade and Investment Partnership (TTIP). McKniff explains how the federal government uses conditions of federal grants to bargain with states; in this case, the federal government used grants unrelated to TTIP to coerce states to comply with certain measures of the TTIP (2015). Voters in the states are often "rationally ignorant" of the way these grants affect their states since they take place among legislators and bureaucrats in the form of tedious memos and seemingly innocuous administrative work (McKniff 2015).

Much like Ingram's study of the Great Society grants or the TTIP case, arguments about the federal government's ability to use intergovernmental grants to set state policy in opposition to voter preferences has focused on individual, qualitative examples due to the difficulty of quantifying voter preferences.

For this reason, much of the quantitative literature on the impact of governmental grants on state budgets focuses on the political economy problems that intergovernmental grants create.

Hines and Thaler reviewed much of the literature behind this concern regarding federal transfers' upward pressure on expenditure growth (Hines & Thaler 1995, 220). The "flypaper effect," wherein "money sticks where it lands," suggests that federal governments are capable of directing not only federal funds, but state and local funds towards the federal government's desired ends with little accountability for the state and local budgets in their respective electorates (Hines & Thaler 1995, 222).

Moreover, when aggregated to every subsidiary government in a federal system, intergovernmental grants can create a free-rider problem between every subsidiary government and the taxpayers from every other subsidiary government (Hines & Thaler 1995, 226). Similarly, Sobel and Crowley emphasize how intergovernmental grants create incentives for state and local governments to increase their own budgets.

Because federal grants augment the marginal benefit of each dollar spent at the state or local level and the marginal costs of those dollars are dispersed to other voters, voters in the recipient locales miscalculate the real costs of spending more at the state and local level and therefore vote to expand them beyond their efficient levels (Sobel & Crowley 2014, 275). In these cases, the level of federal grants is "democratic" because the people voted on it, but it is not "optimal" because the voters from each state can all free ride on one another in the process.

However, some scholars are skeptical of explanations of the flypaper effect that center on misinformed voters and free-rider problems generated by intergovernmental grants. Paul Wyckoff, studying municipal school districts in Michigan, determined that the structure of local decision-making plays a larger role in obtaining grants and expanding the budget and allocating it than voting. Administrators, not municipal voters, play the primary role in local decision-making (Wyckoff 1998, 315). Likewise, economist Philip Grossman rejects the notion that voters drive the

flypaper effect, instead examining the power of interest groups within each state and their rent-seeking capacities (1994, 205).

Grossman's study demonstrates that federal officials distribute grants to states based on a bargaining process between the federal and state governments: States' interest groups offer support or cooperation to federal Congressmen and officials in exchange for federal grant money pertinent to their own state programs (1994, 205). These interest groups can include state and local politicians and administrators, as in the Wyckoff study, as well as traditional interest groups — unions, private companies, bureaucrats, etc. (Grossman 1994, 206).

Because the theory leans heavily upon the vote-maximizing public choice theory of politicians, the bargaining process revolves around federal politicians seeking the support of state and local interests in return for intergovernmental grant monies (Grossman 1994, 210).

In this way, Grossman argues that the current level of intergovernmental transfers may in practice have little to do with the public finance concern about the unequal distribution of resources among sub-federal jurisdictions, and much more to do with the power and whim of interest groups within sub-federal jurisdictions.

In another study, Feld and Schaltegger prove the contrapositive claim by showing that when voters have more direct influence in the budget-making process in their states via fiscal referendum, states rely less on federal matching grants (2005, 148).

While the miscalculating voter explanation and the flypaper effect may account for some federal grants in excess of the "optimal" amount as determined by the public finance concern, the scholarship from Wyckoff, Grossman and Feld, and Schaltegger suggests that non-democratic processes play a key role in states taking more grants than either the "optimal" or "democratic" amount.

## The Challenge of Measurement

Understanding the role of voters versus the influence of other interests in determining states' budgets is an imperfect science. To fill this gap of understanding in how political decision-making occurs, political scientists have presented several models of voting and its impact on policy. In "The Process of Government," Arthur Bentley presents the classic view that Madison advances in Federalist 10 of myriad conflicting factions leading to majoritarian outcomes, which political scientists later operationalized by comparing the size and number of pressure groups to policy-specific outcomes (Schlozman & Tierny 1986, 115). Gilens and Page's elitist theory of democracy employs a more rigorous methodology by controlling for a wider array of political actors. Employing 1,779 surveys worth of data from between 1989 and 2001, Gilens and Page compare the degree of influence of pressure groups, political elites (wealthy survey-takers), average voters and poorer voters (2014, 569). However, the Gilens and Page model's heavy use of polling data makes the study costly to replicate.

Sandra León's study of Spanish voter knowledge presents another problem for parsing out voter influence over budgets within federal contexts. León's polls found that voters in Spain's "autonomous communities" (roughly equivalent to federal states) could not distinguish the functions of central governments from functions of sub-central governments; this effect was more pronounced in autonomous communities with more central government funding and cooperation (2012, 128). In addition to exposing a problem of voter knowledge that may coincide with marble-cake federalism, the León study reveals a unique methodological problem for using polling data to determine voter preferences in federal systems. Attempts to use polling data to understand specific voter desires about state governments in marble-cake-style federal systems may be subject to inaccuracies because voters are confused about what their states do.

The median voter model provides another method of analyzing voter impact on policy based on rational choice theory (Congleton 2004, 708). Based on this model, Paul G. Farnham of Georgia State University constructed a formula for predicting the size of local government expenditures (1990, 202). With its reliance on easily attainable data like budgets, median incomes and basic demographics, the median voter budget model provides a good fit for analyzing voter impact on policy, especially budgetary policy (Farnham 1990, 203). However, this approach concerns the budget generally rather than the allocation of the budget. What this approach gains in accuracy it loses in specificity of insight. The median voter budget model still requires reference to polling data and other qualitative scholarship to affirm its findings about voter preferences per se.

### Research Design and Method

The research at hand consists of two main projects. First is to gain insight about how federal grants change state budgets — a strictly positive process. Second, this research will use the findings of that process to bring quantitative evidence to the debate over the use and extent of intergovernmental grants and its impact on the constitutional principles of popular sovereignty and federalism. This will include comments from state administrators and evidence from state policies. This second step becomes especially important for the practical application of this research — for voters, legislators and policy professionals at the state level to better understand the effects of intergovernmental grants on their specific states.

Understanding how federal grants change state budgets is a relatively simple task, requiring little more than a simple regression model. However, attempting to bring empirical insight to how those changes in budgets impact democratic and federalist principles creates unique methodological problems. It means connecting strictly positive data — demographic, fiscal, etc. —

to the qualitative evaluations of voters and what they expect from their governments. After defending the use of the multiple regression model to anchor the discussion of intergovernmental spending, I shall note the limitations of this method in explaining their relation to voter sovereignty and federalism.

### Farnham's Equation

Rather than relying upon evidence from costly polling (see above), the median voter budget model as expressed by Paul Farnham presents a rigorous statistical model by which to approximate and aggregate voter preferences about the size of government (2004, 203). The median voter model is the product of public choice economists like James Buchanan and Gordon Tullock and rational choice political scientists like Anthony Downs. As such, the model begins from their basic assumption of voters as rational utility-maximizers. The theory goes that because most democracies run on a simple majority rule, people will vote in groups that they believe give them the best chance of obtaining  $(N+1)/2$  of the vote — a simple majority (Buchanan & Tullock 1962, 121). As a result, views of people at the fringes of each issue receive little attention, as each side of the issue fights over the moderate, middle 1 percent of voters (Buchanan & Tullock 1962, 122). Anthony Downs argues that these “median voters” drive the outcomes of elections (1957, 148). Although median voter models are ingrained in the scientific language of public choice economics, they cannot escape the normativity of assumptions. Many have criticized the model’s assumption of humans as “rational calculators” as implausible, given human fallibility (Fernández-Huerta 2008, 719). However, despite its theoretical and empirical drawbacks, its widely successful use in the social sciences, in addition to the ease with which it is operationalized, makes it a highly robust theory and conducive to the work of the present project (Mueller 2004, 40).

This project will operationalize the median voter model through a regression equation.

Fortunately, Paul Farnham has already supplied a powerful linear regression equation for predicting budgets based on the median voter (2004, 203):

$$E_j = C_0 + C_1 \ln Y_j + C_2 \ln y_j + C_3 \ln N_j + \sum \beta_j X_j + \sum \delta_j R_j + \varepsilon_j$$

Where  $E_j$  = total expenditure in community  $j$ ;

$Y_j$  = the median income in community  $j$ ;

$y_j$  = the median voter's tax share in community  $j$ ;

$N_j$  = the population of community  $j$ ;

$X_j$  = a vector of descriptive social and economic variables for community  $j$ ;

$R_j$  = dummy variables for the government structural characteristics and direct democracy elements in community  $j$ ;

$\varepsilon_j$  = the error term.

The Farnham equation takes account of most of the relevant factors in determining government expenditure, leading to statistically significant results when tested (2004, 211). In addition to population, income and tax data that comprise the primary drivers of expenditure in the Farnham equation, the terms  $X$  and  $R$  account for 12 other variables on demographic data and the influence of direct democracy institutions in the given states. Three of the  $X$  term variables concern age and race, which studies well establish to have significant effects on expenditure (Case 1993, 203). Another controls for changes in population since fluctuation can alter both a state's revenue sources and its liabilities. Two other variables consider the state's level of urbanization by controlling for population density and level of owner-occupied housing. Urban areas, indicated by greater density and fewer owner-occupied units, tend to expend more than suburban and rural areas, so states with more urbanization will tend to spend more. Lastly, they account for several government structural variables, most notably the number of elements of direct democracy present. As the Feld and Schlategger

study found, direct citizen influence on spending puts negative pressure on expenditures (2005, 148). Accounting for these demographic and structural elements will prove critical to producing robust results. Indeed, Farnham finds that the variables in the  $X$  and  $R$  terms have statistically significant effects on expenditure.

One final note concerning the Farnham equation before discussing the modified equation: Because the data in median income, median tax share and population are not normally distributed, achieving a statistically significant result would be tricky, and likely impossible. Likewise, this project's unique dataset, the percentage of revenue from intergovernmental grants, lacks normal distribution (see Figure 1, for instance).

To solve the normalization problem, statisticians take the natural log of their dataset, which technically expresses the variable in terms of elasticity. That is, rather than measuring the effects of population directly on expenditure, the Farnham equation, by taking the natural log of population, measures the effects of a change in population on expenditure.

By normalizing the data in this way, Farnham can produce a statistically significant result despite a skewed dataset. This project will also normalize its dataset by taking the natural log of the percentage of revenue from intergovernmental grants.

### The Modified Equation

This project utilizes a variation on this equation that alters three aspects. First,  $j$  means states rather than "communities" generically. Second, the modified equation includes a term accounting for the percentage of the state's budget that comes from intergovernmental grants so that:

$$E_j = C_0 + C_1 \ln Y_j + C_2 \ln y_j + C_3 \ln N_j + C_4 \ln \theta_j + \sum \beta_j X_j + \sum \delta_j R_j + \varepsilon_j$$

Where  $\theta_j$  = the percentage of revenue from intergovernmental grants in state  $j$ .



A third difference between the Farnham equation and the modified equation is the variables found in the R term. Because Farnham uses his equation to assess local communities, several of the government structural variables concern local government structure. This project replaces those measures with variables that show the number of executive departments, the use of the gubernatorial line-item veto, and whether states have professional or part-time legislatures, all of which have been shown to affect expenditures (Bowman and Kearny 2017, 122). However, direct democracy features like ballot initiatives, budgetary referenda and recall elections will still apply to state governments.

### Hypotheses

The modified equation will demonstrate the degree to which intergovernmental grants ( $\theta$ ) affect the size of the budget (E) independently of voter preferences (Y,  $\gamma$ , N). This research will therefore either reject or fail to reject the null hypothesis, that no causation exists between intergovernmental grants ( $\theta$ ) and the size of states' budgets (E). Secondly, this research will retest the hypothesis that the median voter model can accurately predict expenditures, defined by achieving R-squared values consistent with or better than Farnham's findings (R-squared  $\approx .800$ ). Unfortunately, the median voter budget model can only approximate voter preferences. One could plausibly argue that voters actually want their state representatives to ask for more federal money and spend it, while being relatively averse to spending state funds. Without some qualitative evidence on the budgeting process, it is possible to know.

For now, this research will utilize the wide-ranging applicability and statistical rigor of the median voter budget model. After compiling data from all 50 states across eleven years from 2004 to 2015, the modified Farnham regression equation will state a relationship between the total expenditure (E) and the independent variables. Looking at preliminary statistics,

intergovernmental revenue ( $\theta$ ) correlates with a state's total expenditure (E) with an R value of 0.958 (See Figure 2). This suggests that there may be an important relationship between intergovernmental transfers and the size of the budget. As expected from Farnham's findings and those of other scholars who have used his median voter budget model, population, median income and median tax share also had strong R values when correlated with E.

The key finding for this project will consist of the output from the regression equation, which will confirm not only the existence of a relationship between the independent and dependent variables, but characterize the nature of their relationship, as to whether it is causal. It will also indicate the certainty of whether that causation exists, which will provide a foundation for future anecdotal and quantitative evidence on voter preferences and state spending. The equation will draw its data from the American Community Survey and the summaries of state budgets compiled by the U.S. Census Bureau on *American Factfinder*. Information about state government structures will come from each state's website.

### Findings

As expected, Farnham's median voter budget model provided a robust, accurate explanation of voters' behavior, and the adjustments made for operationalizing the model at the state level carried over well. The adjusted Farnham equation fit the data provided with an adjusted R-squared value of .984 (see Table 1). Farnham's original equation achieved R-squared values between .79 and .92 (1990, 205). The adjusted equation's superior R-squared value could be a result of the equation's more robust applicability at the state level than the city level, or it could indicate the importance of controlling for intergovernmental revenue in determining budget size. Both effects probably explain at least part of the difference. Moreover, the research equation's excellent fit to the data shows that the explanatory power of each

variable depicted in the equation really approximates the magnitude of that variable's influence on a voter's behavior.

### The Median Voter's Budgetary Preferences

Of the variables included in Farnham's original equation, median income proved the strongest predictor of states' total expenditure, with a coefficient of .532 ( $p < .001$ ). This effect is well-established by political economy literature. Although poorer areas consume more in social services than other communities, many other public sector goods basically follow the law of demand (Deacon 1978, 186). As income increases, voter-consumers are willing to spend more on roads, schools, parks and other goods; in other words, like most goods, people "buy" more government services as their incomes rise (Deacon 1978, 190). The conclusion from the present research suggests, like most empirical research on the subject, that the latter influence dominates the inverse effect welfare spending creates, meaning higher median incomes lead to higher public sector spending.

Interestingly, median income played a more important role in determining how much a state spends than population, although population did describe a sizable chunk of state spending with a coefficient of .350 ( $p < .001$ ). This finding reinforces the public finance concern, that poorer states will benefit from fewer public services than richer states, which may lead to negative self-reinforcing effects on poverty, especially for spending levels in public investments like education or infrastructure.

With a coefficient of .337 ( $p < .001$ ), median tax share poses some difficulties in interpretation. A positive coefficient with moderately high magnitude shows that the more the median earner pays in taxes, the higher spending will be in the state. But causation cannot logically run in that direction. Voters do not ask for more spending programs because they already pay taxes as though taxes were sunk costs. Rather, since voters would prefer to pay no taxes, the demand

for public sector goods must come first, so that citizens vote for taxes based on their desired level of spending.

Thus, median tax share cannot drive government expenditure based on the sunk cost fallacy. Another reasonable explanation for the positive relationship between median tax share and higher spending might focus on what the median tax share says about the median taxpayers.

One might expect that because most states have progressive income taxes, a higher median tax share indicates that the median taxpayer has a higher income. By this reasoning, median tax share is basically another formulation of median income. However, as Figure 3 shows, median tax shares do not show a strong relationship with median income.

In the original version of this study's model in the Farnham study of city governments, Farnham's coefficients for tax share returned with a small negative impact,  $-.176$  ( $p = .05$ ) or  $-.115$  ( $p = .05$ ), depending on the dataset (1990, 204). Farnham's result suggests that a higher median tax share makes voters more parsimonious with the public purse, at least at the city level.

The dramatic difference between the direction and magnitude of the present research's median tax share coefficient and Farnham's may, therefore, say more about differences between voters in city and state governments.

Farnham explains that "communities which have to draw more heavily on their own sources of revenue, and less on intergovernmental aid, are likely to have lower spending levels" (1990, 210).

Perhaps controlling for intergovernmental revenue in city governments would reveal that cities rely mostly on their own tax revenue, whereas this research shows that states rely heavily upon the federal government's resources for funding (see Figure 2 and Table 1), meaning voters in states may feel less responsible for budget outlays in grant-dependent states than in tax-dependent cities.

## Intergovernmental Revenue: the Tail Wagging the Dog?

This explanation of voter behavior towards tax share seems to fall in line with the equation's conclusion about the importance of intergovernmental revenue in determining the size of a state's budget.

Intergovernmental revenue proved far and away the largest influence on state expenditures, with a coefficient of .604 ( $p < .001$ ). Whereas the other elements of the model were mostly intended to measure voters' attitudes towards their states' budgets and how they interacted with them, intergovernmental revenue was the only variable that measured a mostly non-voter-driven influence.

That means intergovernmental revenue plays a more important role in determining the size of a state's budget than any single feature of the electorate. In light of Farnham's conclusion about the negative effect of intergovernmental revenue on the frugality of the electorate, the influence of federal money on budget size may explain state voters' insensitivity to taxation. States may fund so much of their liabilities through intergovernmental revenue that state taxpayers do not notice the effects of increased state spending. (See Sobel and Crowley (2014, 275).

In this way, the stated policy objective of federal grants seems to have been met, and then some. From the public finance perspective, poorer states face a vicious cycle of a small tax base leading to low investment in the physical and human capital that might grow the tax base (Shah 2007, 91). Thus, states with poor economies stagnate, while rich states grow and leave them further and further behind. The preeminence of median income in determining how much public sector goods voters choose to purchase

demonstrates the public finance concern empirically.

However, that intergovernmental revenue now dominates the voters' preferences in determining the level of government spending suggests that

**“Roughly one-third of any change in total expenditures in a state is due to the money that the state receives from the federal government.”**

the current level intergovernmental spending may be overcompensating for the income effect in state spending. While the importance of voter preferences is a normative question, this finding is important from an analytical perspective, since it shows that roughly one-third of any change in total expenditures in a state is due to the money that the state receives from

the federal government. In the future, median voter models for predicting budgets at the sub-national level should take account of intergovernmental revenue as a major driver of expenditures.

### Demographic Features of the Budget Model

In addition to the fiscal features of the median voter budget model, this project's modified equation included two demographic controls for the age and race of the population. In Farnham's original model, higher median ages and higher nonwhite populations both led to higher expenditures in cities.

At the state level, this study did find a significant, if minuscule, effect of race on how much states spend, where states with a higher percentage of white citizens had slightly smaller budgets (See Table 1). This could relate to higher poverty rates among nonwhite populations leading to higher spending on social services, but this research found that poorer states spend less overall than wealthier states. Instead, the small correlation between white populations and smaller budgets could be a result of political preferences, since white voters are more likely to

identify as “conservative” and vote for Republicans than nonwhite voters (Morgan & Lee 2017, 405).

Farnham also found an important link between the median age of voters in cities and the size of their cities’ budgets, but this study found no significant correlation between the two for states. States may not exhibit as much sensitivity to age differences as cities because of the kinds of goods each is responsible for providing. For instance, cities tend to spend most of their money on public safety and amenities like parks, services that older, usually wealthier, people are willing to purchase in higher quantities. States are responsible for a wider array of services like education, Medicaid and social services, all of which have different age constituencies.

#### **Governmental Features of the Budget Model**

Finally, this model controlled for variations in the way citizens interact with their state governments, such as direct democracy features, and other features of government associated with the size of the budget. Because Farnham’s equation dealt with city governments, this research altered most of his original variables, but the presence of direct democracy features in the government, measured as a binary variable, was one consistency between the two equations. Like Farnham, this research found that states with ballot initiatives and/or referenda tended to spend less overall than states without those direct democracy features. This finding agrees with Feld and Schaltegger’s study, which concluded that states where citizens influenced the budget process directly sought less federal grant money (2005, 148). Similarly, it affirms the findings of Grossman, who postulates the budgetary process as an elitist one, negotiated between lawmakers and pressure groups, rather than lawmakers and voters (1994, 210). Direct democracy appears to serve as a check against the tendency of the process described by Feld and Schaltegger and Grossman to produce larger budgets than a democratic process.

To adapt the features of Farnham’s equation to analyzing state governments, this research substitutes his variables accounting for the power of the mayor and the structure of the city council for variables that asked whether governors have line-item veto power and whether legislatures are professional or seasonal. While other research shows that line-item veto power grants the governor’s office considerable authority and has far-reaching implications for state governments, this research found no connection between line-item veto power and a state’s budget (Bowman & Kearney 2005, 122). Of course, governments wield power besides the power of the purse. While the impact of professional legislatures was moderate, with a coefficient of just .120 ( $p < .001$ ), their impact on state budgets is highly statistically significant (see Table 1). Not surprisingly, given legislation as a full-time job, politicians find more to legislate about, which in turn increases the cost of government.

#### **Summary of Findings**

With a few adjustments, Farnham’s median voter budget model translated easily to states. This study confirmed the primary drivers of spending levels that Farnham posited but added another specifically with respect to states, namely, the level of intergovernmental spending. Moreover, the level of intergovernmental spending accounted for more change in state budgets than any other single variable. Race played a much smaller role in state budgets than in city budgets, and median age seemingly has no effect on state expenditures. Meanwhile, several features of states’ constitutions affected expenditure levels. Use of professional rather than part-time legislatures moderately increased spending, while direct democracy had a smaller, opposite effect, putting downward pressure on state budgets. The roles of intergovernmental revenue and direct democracy as they interact with voter choice and voter sovereignty will provide the foundation for the policy implications of this research.



### Anecdotal Evidence from States

The stated purpose of this research has been to highlight the effects of intergovernmental grants on how states spend their money and use that evidence to understand the impact of intergovernmental grants on federalism. Recall that federalism means national and state governments provide different sets of goods, leading citizens to vote under different incentives as national and state citizens. To translate the findings of this research into meaningful comments about the impact of intergovernmental grants on federalism in any sense beyond a merely fiscal perspective, this research turns to anecdotes from researchers and state officials to see how federal money really changes the way a state governs.

Kevin McKniff and Helen Ingram's studies highlight anecdotal evidence from the Great Society and other prominent federal programs. In Ingram's research, she showed that the Great Society's grants-in-aid altered states' budgets to fit federal priorities (1977, 501). Meanwhile, McKniff demonstrated that federal grants could include rules and demands for state policy unrelated to the grant's purpose, coercing states to conform to TTIP through an array of fiscal incentives unrelated to the trade agreement's objectives (2015). Yet these concerns about federalism and voter sovereignty are not merely theoretical, or matters for political scientists and journals.

Some state officials are also concerned about the ability of federal agencies to affect state policies. In 2016, a report from Indiana's Office of State-Based Initiatives (OSBI) recorded that, including the state's matching requirements for federal grants, federal functions comprised 49 percent of the state's budget (Kenworthy 2016, 2). Indiana created the office in 2013 to systematically review the billions' worth of federal grant requests the state receives on a yearly basis. On its website, the OSBI bluntly describes its mission as "working with agencies to push back against onerous regulations that often accompany the return of federal dollars to Indiana, . . . to

contribute to Indiana's continued fiscal health." Clearly, state officials feel that federal money threatens their ability to govern well, at least in Indiana. The OSBI's 2016 report notes that, while federal agencies answer to Congress and Indiana's statehouse answers to taxpayers, money from federal grants that a state spends goes through at least two different sets of hands after leaving the hands of elected officials (Kenworthy 2016, 6). The existence of the OSBI as a check against federal grants and the content of its reports indicate that some states agree with the concerns expressed by Ingram and McKniff.

Of course, since the OSBI reports to the governor, it may have its own self-interested incentives. The governor may be less concerned about his ability to govern and more concerned about the power he exercises in his state relative to federal agencies. Thus, as a normative guide to the principles of federalism, the OSBI is obviously an interested party. Its existence, however, indicates that, for good or ill, the governor of Indiana believes that federal agencies exercise considerable power over not only his state's budget, but over its policies.

### Conclusions

It can be disturbing to learn that votes do not carry the final say in a democratic government. To a student of political science, however, America's non-democratic aspects are not new and likely not overly disturbing. Democracy is one principle among many in the United States' long tradition of liberal government.

The founders, in fact, distrusted democracy as much as they distrusted despotism. In *The Federalist Papers*, the authors defend many of the checks they included in America's new government against the will of the people, including the separation of powers, federalism and an independent federal court system (Hamilton, Jay, & Madison 1788).

Perhaps the findings of this research, that intergovernmental grants work at odds with democratic budgetary outcomes at the state level,

fall safely within the values of American liberal government. Without question, this research demonstrates that federal grants push against citizens' influence in their state spending levels, and evidence seems to suggest that they also change how states spend their money and what kinds of policies they put in place. Whether these effects of federal grants work for good or ill is a different question.

Everyone faces trade-offs. In government, this research demonstrates the existence of a trade-off between state sovereignty and national policy objectives. To the extent that Congress or federal agencies would like to sway states towards enacting some policy by giving them money, the state functions less as a body representing a state voter and more as an extension of the federal government. While federal agencies and Congress answer to voters ultimately, advancing their policies by proxy through states creates an additional barrier between voters and their government. Political theorists and economists will debate the virtues of this additional check against the will of the people. Beyond simply the question of accountability, the proponents of federalism often emphasize the importance of local knowledge in governing well; its detractors usually emphasize the importance of expertise and downplay local knowledge as subjective, biased or incomplete. In determining the appropriate balance between state sovereignty and centralization, scholars, statesmen and citizens must consider the philosophical questions about both government accountability and the role of local knowledge versus expertise in policy.

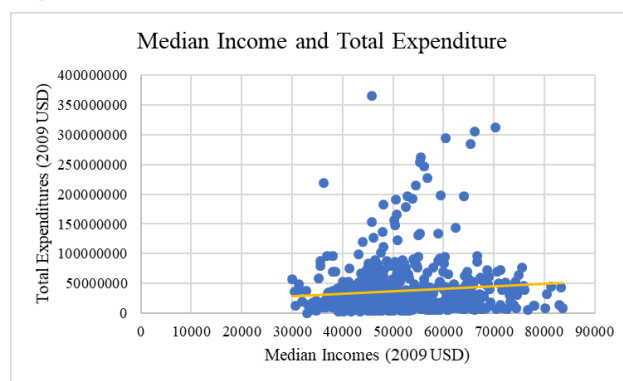
These normative questions about the nature of government and its relationship to the people naturally arise from the findings of this research, and better empirical research on voter preferences for the outcomes of more and less centralized systems could provide a more rigorous basis for such questions. By incorporating polling data about state voters' policy preferences alongside the budgetary data generated by this research, future researchers could more conclusively

demonstrate the relationship between intergovernmental revenue and state sovereignty.

Finally, the findings of this research will guide future empirical research on state budgets that follow rational choice theory. In addition to demonstrating the power of the median voter budget model for predicting state budget outcomes, this research shows that controlling for the level of intergovernmental spending is key to accurately describing the factors that influence state budgets and vote choices. ♦

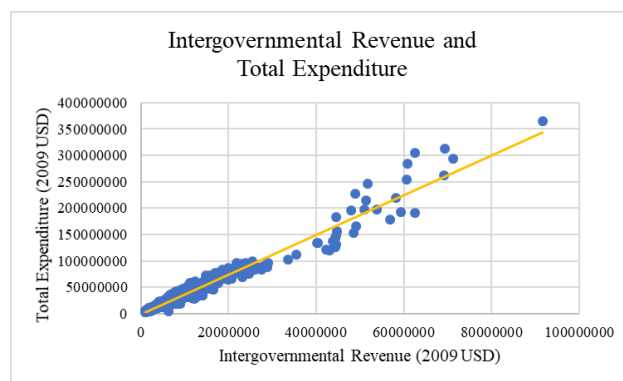
## Appendix

Figure 1



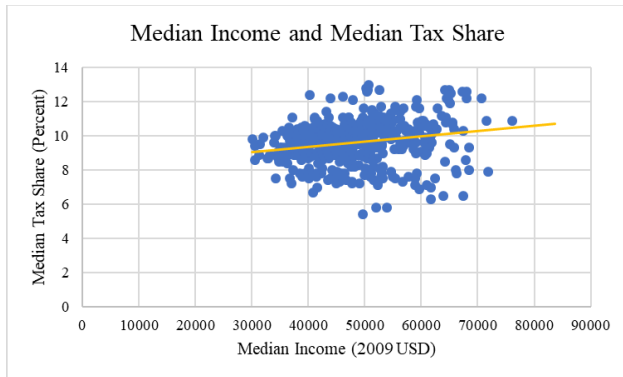
*The correlation between median income and total expenditure shows dramatic heteroscedasticity as a result of both datasets' abnormal distribution.*

Figure 2



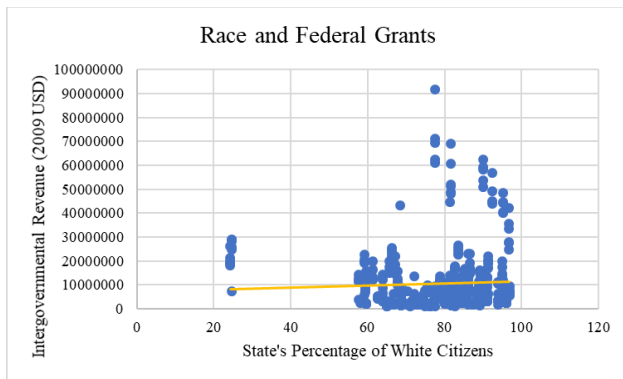
*Although the two data sets exhibit somewhat heteroscedastic correlation, the trendline's high R-squared value (.958) still shows excellent fit between intergovernmental revenue and total expenditure at the state level.*

Figure 3



*With an R-squared value of just .042, median income performs poorly as a predictor of median tax share at the state level.*

Figure 4



*With an R-squared value of less than .01, race does not seem to relate to intergovernmental spending whatsoever.*

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Table 1

Variable	Coefficient	P-Value
Intercept	-4.047	<.001
Median Income	.532	<.001
Median Tax Share	.337	<.001
Population	.350	<.001
Intergovernmental Revenue	.604	<.001
Percent White	-.003	<.001
Median Age	-.003	1
Professional Legislature	.120	<.001
Line-Item Veto	.014	1
Direct Democracy	-.040	.001
Adjusted R-squared	.984	N/A

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# American Religion in the 1950s: 'In God We Trust'

*Christ's birth was rated 14th among important events in world history. Half of those surveyed could not name one of the four Gospels.*

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(Dec. 13)) — The title of Will Herberg's classic 1955 book, "Protestant, Catholic, Jew" (PCJ) is odd, memorable and descriptive. Herberg describes three "ways of belonging" in 1950s America with respect to religion — through the three dominant religious groups: Protestant, Catholic and Jew.<sup>1</sup>

In the past, I've focused most of my thoughts on Protestant, but he helpfully describes Catholic and Jew at length too.<sup>2</sup>

PCJ had been on my reading list for a long time — as a prominent discussion of American religion in that unique decade. But I'm crafting an

essay on a classic book about family from 1947 (Carle Zimmerman's "Family and Civilization") which touches on some of the same themes. So, Herberg's book moved to the top of the pile.

Over the years, I've read and reasoned myself into much of what Herberg describes — the prevalence of an American Civil Religion (ACR), built on varying senses of religion. So, on the one hand, I can't believe it's taken me so long to read PCJ. On the other hand, it's comforting to know that I gained my (apparently accurate) sense of the decade without direct help from specialists.

Herberg's goal is to explain the immense religiosity of the 1950s (almost everyone was a "believer" of some sort), but the relatively light religious meaning which often accompanied the religiosity. In other words, he documents a "yes, but . . ." with respect to religious membership, belief, and practice — and seeks reasons for the paradox.<sup>3</sup>

Herberg cautions against explaining it away too quickly — particularly as bogus religion. "The paradox is there and it would be misleading to try to get rid of it by suppressing one or the other side of the apparent contradiction . . . They are honest, intelligent people who take their religion quite seriously." (15) And so, he works to develop the two sides of this strange coin.

<sup>1</sup> At the time, P was 68 percent; C was 23 percent; and J was 4 percent [59]. At first, one might wonder why the Jews get their own chapter as such a small percentage. But in addition to their disproportionate impact on culture and society, Herberg makes a compelling case in chapter 8 that their particular journey in American culture carried disproportionate weight in setting up the 1950s religious milieu. A contemporary survey by the Pew Foundation in 2013 indicates that about one-third of Jews (by ethnicity) are Christian (by religion). See: <http://www.pewforum.org/2013/10/01/jewish-american-beliefs-attitudes-culture-survey/>.

<sup>2</sup> Herberg devotes Chapters 6-8 to each group separately. He spends Chapters 9-10 on a compare-contrast and the interactions between the three: on class (228), education and urban/rural (229, 249), white vs. blue collar (230) and religious beliefs (235-236).

<sup>3</sup> Berger (The Noise of Solemn Assemblies, 1961, p. 35) describes the same phenomenon: "The paradox of a religious establishment in a highly secular society." Of commentators on this topic, he notes: "America is religious — and they are right, if they mean the prominent of the religious institution . . . America is secular — and they are right once more, if they mean that the religious institution exists in the society as a segregated enclave, surrounded by actions that have little if any relationship to religious motives."

## Yes, We're Religious

Herberg devotes all of chapter 4 to the "yes" part of the paradox. He notes that the data are not especially reliable. But the measured changes are significant; the statistics all tell a similar story; and they comport with the popular sense of these times. In a word, "the trend is so well-marked that it overrides all margins of error." (60)

Herberg describes the basic metrics of religious belonging and identification. Church membership and surveys on perceptions of one's "active membership" were at historically high levels. (Tellingly, the latter was significantly greater than the former.) Also up: Sunday School enrollment and church construction, particularly in the suburbs (61-63).<sup>4</sup> The Scriptures were distributed at record rates, and 80 percent thought that the Bible was the "revealed word of God." (13-14)

Religious leaders were well-respected, ranking third after business and government leaders in 1942 and first in 1947. Books, mass media and intellectuals (from popularizers like C.S. Lewis to professional theologians [66]) treated religion as popular and respect-worthy. Brooks (2000) describes the "intellectual landscape" of the times in terms of its "tone of high seriousness."<sup>5</sup> Universities started or extended their "Religious Studies" programs. "Even if much of the interest in religion is vogue or fashion, the fact that vogue or fashion now runs in favor of religion rather than against it is surely itself a fact of considerable importance for our understanding of the time." (68)

Negatively, few people identified as atheists or even agnostics. There weren't any popular atheist

— the likes of which we see today and saw in the first third of the 20th century. "It is a far cry indeed from the 1920s, when religion and the churches were in retreat, faith was taken as a sign of intellectual backwardness or imbecility and the initiative had passed to the 'emancipated debunkers and the superstitions of the 'Babbitts' and the 'Bible Belt.' That age has disappeared without a trace . . . [it is] well-nigh impossible to imagine what those days were like . . ." (66)

All of this was as difficult to imagine for a 1950s sociologist as it is for an observer today. "The new status of religion as a basic form of American 'belonging' . . . has led to the virtual disappearance of anti-religious prejudice, once by no means uncommon in our national life . . . Religion has become part of the ethos of American life to such a degree that overt anti-religion is all but inconceivable." (276)<sup>6</sup>

"Godless" was "a powerful epithet" — as a signal of opposition to the "godless Communists" and their threat to us. And "at least nominal public acceptance of religion tends to be a pre-requisite to political success." (65) All except one Senator reported a religious affiliation (although five merely listed "Protestant"). Religion of some sort was nearly universal and generally expected as a cultural norm.

## But Not Necessarily that Kind of Religious

Herberg devotes all of chapter 5 to the "but" part of the paradox. He opens with survey data on nearly universal "belief in God", but then notes that the question is superficial and asks what "belief" means (85). Christ's birth was rated 14th among important events in world history. Half of

<sup>4</sup> The church building explosion later had differential effects for Catholics and Protestants. With greater barriers to exit, when "demand" declined (especially in urban settings), Catholics were less prone to close parishes and more likely to suffer through the attendant problems.

<sup>5</sup> Brooks (Bobos in Paradise, 2000; p. 142).

<sup>6</sup> Berger (The Noise of Solemn Assemblies, 1961, p. 114-116): "There are many roads to Damascus, and some are very slow and indirect roads . . . [but] the Christian faith demands a radical decision . . . Christianity appears embedded in taken-for-granted reality. It does not stand out from the rest of the culture . . . it can offer no challenge to all that is taken for granted."

those surveyed could not name one of the four Gospels. "The Bible can hardly be said to enter into the life and thought of Americans quite as much as their views on divine inspiration and their eagerness to buy and distribute it might suggest." (14)

Americans also saw themselves as virtuous — a form of works-righteousness — while not imagining that religion would have any "real effect" on their ideas or conduct in politics or business (86). In sum, Herberg compares this to "a kind of secularized Puritanism, a Puritanism without transcendence, without sense of [our] sin or judgment [against us]." (94) The religion which "prevails among Americans today has lost much of its authentic Christian (or Jewish) content . . . It is this secularism of a religious people, this religiousness in a secularist framework, that constitutes the problem posed . . ." (15)

How to explain it?

Late in the book, Herberg concludes: "It is only too evident that the religious characteristic of America today is very often a religiousness without religion, a religiousness with almost any kind of content or none, a way of sociability or 'belonging' rather than a way of reorienting life to God. It is thus frequently a religiousness without serious commitment, without real inner conviction, without genuine existential decision. What should reach down to the core of existence, shattering and renewing, merely skims the surface of life, and yet succeeds in generating the sincere feeling of being religious." (276)

### **The American Way of Life and American Civil Religion**

Religion must be defined to some extent negatively — as eschewing certain beliefs, avoiding certain behaviors, and even, as opposition to "the other." (87-88) This certainly fits the political context of the 1950s, with its concerns about Communists. (Consider McCarthyism, the "Red Scare" and Alger Hiss versus Whittaker Chambers — all difficult phenomena for moderns to fathom.) Herberg

notes survey data where Americans were asked when they "obeyed the law of love under certain special conditions": 90 percent said yes with respect to another religion; 80 percent with respect to race; and 78 percent with respect to business competitors. Most interesting: only 27 percent said yes about Communists (89).

Of course, a refusal to love Communists doesn't fit Christianity or Judaism but it lines up nicely with an American Civil Religion (ACR) — what Herberg labels "the American Way of Life" (AWL). At an institutional level, this faith calls for democracy, the Constitution, free enterprise, "equalitarianism," and economic competition. At a personal level, this faith emphasizes self-reliance, merit, character, sincerity and thrift. It relies on optimism — a hopeful focus on education, progress and the future (92, 94). It is idealistic and moralistic — with "its symbols and its rituals, its holidays and its liturgy, its saints and its sancta . . ." (92)

In other words, the AWL was "essentially an idealized description of the middle-class ethos." (94) It's noteworthy that most Americans have traditionally seen themselves as middle-class — at least until recent years, as the growing social problems of the lower income classes have become much more prominent (a la Charles Murray in "Coming Apart").

### **Understanding the 1950s as an Outlier versus the Norm**

Another surprising observation is that the 1960s were not the start of a long downward trend for American religion after centuries of exceeding popularity. Instead, the 1950s were a surprising aberration in our country's religiosity. We've always been a relatively religious people, compared with other countries (at least in the West). But the 1950s were a dramatic increase from previous decades, not the end of a long period of closely following God.

In particular, the early 20th century featured considerable apathy and even antagonism toward religious faith — in light of the claims of

Evolution, the scholarship of biblical criticism, the popularity of Progressivism, as well as the allure of materialism, the opportunity for increased mobility and a frequent desire to live outside of God's will. Christopher Lasch points to "the rise of the flapper, the revolt of youth, the 'revolution in manner and morals'" in the 1920's: "At the time, many observers saw in these developments the complete collapse of public order."<sup>7</sup>

"Religion is taken very seriously in present-day America, in a way that would have amazed and chagrined the 'advanced' thinkers of half a century ago, who were so sure that the ancient superstition was bound to disappear very shortly in the face of the steady advance of science and reason. Religion has not disappeared; it is probably more pervasive today, and in many ways more influential, than it has been for generations. The only question is: What kind of religion is it?" (281)

Prior to the 20th century, religious faith was not as significant either. Consider basic historical norms — the popularity of saloons and brothels; the frontier and the Wild, Wild West; the treatment of Indians and slaves. Religion and religious community were necessarily fractured as the frontier was being settled and as transportation was a challenge outside of the cities.<sup>8</sup>

Less well-known: Divorce became a "growing national issue" in the mid-19th century.<sup>9</sup> Lasch notes that "By the end of the 19th century, American newspapers and magazines brimmed with speculation about the crisis of marriage and the family." Commentators focused on the rising divorce rate, falling birth rates, the changing social position of women, and the "so-called revolution in morals."<sup>10</sup>

"Religious and moral conditions of frontier life were everywhere described as deplorable." (117) The Kentucky legislature got rid of its chaplain in 1793 (117). Church membership was 10-15 percent at the beginning of the 19th century; grew generally (but at varying rates) throughout the century; and was about 36 percent by the start of the 20th century. It was 46 percent by 1926 and then 60 percent in 1953 (61).<sup>11</sup>

### On Cause and Effect

Herberg argues that both sides of the paradox emanate from the same set of factors (73-77). In moral terms, the decades coming into the 1930s were a mess in many ways. Then, the U.S. experienced the terrible years of the government's decade-long Great Depression and our time in World War II. Emerging from all of this, what did people want and what in their context drove them to some sort of religious faith?

<sup>7</sup> Lasch, *Haven in a Heartless World*, 1977, p. 20.

<sup>8</sup> Herberg makes a number of other interesting claims about 19th century American religion: The Great Revival (1795-1810) "devastated" the Presbyterians "just as the Great Awakening" 60 years prior "made inroads into Congregationalism." (118) In 1830, "the third of the great evangelical denominations appeared, the Disciples of Christ. This group was entirely American . . . arose as a secession from the Presbyterians." (119) "Mormonism ran directly counter to the basic pattern of frontier religion: it was hierarchical, collectivistic, in its own way highly theological." (124)

<sup>9</sup> Carlson (*Family Cycles*, 2016, p. 111-112) notes that divorce petitions became legislative and ordinary, rather judicial special cases "for reasons of administrative efficiency." By the 1880s, "one of every six marriages in New England ended in divorce." By the onset of the Great Depression, marriage and fertility had fallen to their lowest recorded rates.

<sup>10</sup> Lasch, *Haven in a Heartless World*, 1977, p. 8.

<sup>11</sup> Berger (*The Boice of Solemn Assemblies*, p. 32) reports 43 percent in 1920; 47 percent in 1930; 49 percent in 1940; 57 percent in 1950; 61 percent in 1955; and 67 percent in 1960.



- Striving for peace and normalcy — after emerging from one eschatological threat (World War II) and quickly entering another (against the "godless" Communists);
- reaching for meaning and even transcendence, including some legitimate religious revival<sup>12</sup>;
- a correlative post-war emphasis on marriage and family<sup>13</sup>;
- greater income and the temptations of materialism in the post-WWII healthy economy;
- the strength of the African-American church in the face of continued persecution<sup>14</sup>; and
- the decline of secular faiths such as politics and science-progress.

All of these would seem to be a compelling part of any explanation.<sup>15</sup> But Herberg focuses on the dynamics of immigration — either because it was a novel, complex argument that required lengthy explanation or he saw it as the primary determinant. In a word, the third generation of immigrants — after immigration flows had been drastically reduced — led to a perceived need to “belong” and an embrace of religion as a means to that end.

Herberg opens his case here by noting that nationalism is a relatively new idea (24). The development of and a greater emphasis on

nationalism creates psychic and sociological trouble for immigrants. Who are they? How do they fit? Language, ethnicity and religion were obvious possibilities.

The first generation was prone to focus on country-of-origin (25-28), while the second generation was more focused on their new country (28-35). For the latter, religion was generally of less interest — and prospectively, something to be rebelled against.

But the perspectives and struggles of the third generation are at the heart of Herberg's story. How do they see themselves? They're American, but perhaps not fully. They have a background that could be ignored or downplayed, but is this ideal? They don't see a need to rebel against the first generation — and ironically, might choose to rebel against the second generation by returning to religion.

And they're about as prone as “natives” to follow the AWL/ACR — part of which is adherence to a religion. The most likely candidate was the religion of one's grandparents. And so, in the search for identity, religion (of a real or civil sort) became quite attractive.

Beyond that, Herberg notes the dynamics of immigration reform — that a continuation of open immigration had obscured these waves, by adding

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<sup>12</sup> Herberg pairs Charles Templeton with Billy Graham and describes other “revivalists” as those who “speak the language of individualistic piety, which in lesser men frequently degenerates into a smug and nagging moralism.” (134) Templeton would soon become an atheist — part of Lee Strobel's narrative in *The Case for Christ*.

<sup>13</sup> This ran counter to Zimmerman's short-run predictions — or postponed his predictions to a longer-run — in *Family and Civilization*.

<sup>14</sup> Herberg explained religious segregation as driven in large part by internal desires among African-Americans and (correctly) predicted it would last a long time: “influential groups of Negroes have developed a strong interest, emotional and social, in the maintenance of separate Negro churches, and these churches play a more creative role in the lives of the masses of Negro Americans than does any other segregated institution.” (129)

<sup>15</sup> Herberg also discusses David Reisman's three types of character structure (directing ourselves inward, toward tradition, or toward the other). Reisman saw the 1950s as a time of “other-directed” in the sense of great concern about peer groups — and thus, a tendency or even a passion for conformity (70-72). This seems to fit the times, but also seems like a “just-so story.”

succeeding waves.<sup>16</sup> With the great reduction in immigration around the turn of the century, this final, large 3rd-generation — which came of age in the 1950s — added considerable impetus to embracing religion as a key part of a greater existential need to belong.<sup>17</sup>

### Faith in What?

In the 1950s, Dwight “Ike” Eisenhower and Congress added “In God We Trust” to the money and “under God” to the Pledge. But which “God” did we trust? Under which God was our nation’s faith? As Herberg restates his thesis and concludes, he wonders if the faith of what might be called “the non-religious religious” is about faith in faith (281). He sees American faith as “so innocently man-centered. Not God, but man — man in his individual and corporate being — is the beginning of the spiritual system . . . “it is not man who serves God, but God who is mobilized and made to serve man and his purposes . . . In this kind of religion [there is] no sense of transcendence . . . ” (284-285)

A related problem: religion is used to serve other values rather than vice versa. For the ACR/AWL, faith is valued because it helps “promote ideals and standards that all Americans are expected to share . . . Secularization of religion

could hardly go further.” (96) In contrast to the state-sponsored churches in European countries, “the variety and multiplicity of churches was almost the original condition and coeval with the emergence of the new society.

In America, religious pluralism is thus not merely a historical and political fact; it is, in the mind of the American, the primordial condition of things, an essential aspect of the AWL, and therefore in itself an aspect of religious belief.” (98-99)<sup>18</sup>

But this must lead to trouble: “Civil religion has always meant the sanctification of the society and culture of which it is the reflection”; it is “incurably idolatrous”; and it “validates culture and society, without in any sense bringing them under judgment.” (279) It “comes to serve as a spiritual reinforcement of national self-righteousness and a spiritual authentication of national self-will . . . The temptation is therefore particularly strong to identify the American cause with the cause of God” (280) — particularly with respect to anti-Communism and especially in the 1950s. “In its crudest form, this identification of religion with national purpose generates a kind of national messianism . . . in more mitigated versions, it sees God as the champion of America.” (280)

<sup>16</sup> Herberg argues that “Unlike American Protestantism, Catholicism in America never was a religious movement . . . [it was] a foreign church or rather a conglomeration of foreign churches, recruited from successive waves of overseas immigration . . . ” (150) He also notes America’s diversity — “the most diverse in racial and cultural origins of any in the world” (91) — for policymakers, a practical reason to pursue state vs. federal policy.

<sup>17</sup> With immigration increasing again in recent years, it would be interesting to speculate how this might affect cultural and true religion now and in the future. Whaples notes that immigration has increased dramatically in recent years — with the proportion of foreign-born rising to its highest levels (14.1 percent) since the record of 14.8 percent in 1890 (The Independent Review, “Symposium on Immigration: An Introduction”, Winter 2018, p. 325).

<sup>18</sup> Herberg compares the Catholic “claim to be the one true and universal church” with a “deep-lying, though often unarticulated conception of American social reality . . . [they] could not help but regard American society as intrinsically pluralistic and his own church as one among several.” (166) This also points to the more compelling understanding of “separation of Church and State”: the government may not do anything that implies “the pre-eminence or superior legitimacy of one church over another.” (99)

Herberg connects this religiosity to ACR: "This American culture-religion is . . . the common ground of the three 'faiths' or a kind of super-religion . . . the civic religion of the American people." Eisenhower famously enunciated this: "Our government makes no sense unless it is founded in a deeply felt religious faith — and I don't care what it is." (97)

At least on the surface, the implications are obvious and troubling for people of (true) faith. Herberg notes that this "was not indifferentism at all, but the expression of the conviction that at bottom the 'three great faiths' were really saying the same thing in affirming the 'spiritual ideals' and 'moral values' of the AWL." (97) Ike's comment and his popularity indicate the pervasiveness of this view in 1950s America.

Herberg argues that "It is but one more step, though a most fateful one, to proceed from 'the religions of democracy' to 'democracy as religion' and consciously to erect 'democracy' into a super-faith above and embracing the three recognized religions." (101) Or from C.S. Lewis:

"Let him begin by treating [politics] as a part of his religion. Then let him, under the influence of partisan spirit, come to regard it as the most important part. Then quietly and gradually nurse him on to the stage at which the religion becomes merely part of the 'Cause,' in which Christianity is valued chiefly because of the excellent arguments it can produce in favor of" a preferred political position.<sup>19</sup>

To the truly faithful, this will be seen as idolatry — and of a particularly invidious sort. But the nature of a dominant idolatry within a culture is that it can be immensely difficult to discern, avoid and oppose.

<sup>19</sup> C.S. Lewis, *Screwtape Letters*, Letter #7.

<sup>20</sup> "Social gospels" could range from being nice to one's neighbor (as the sum of one's religion) to Prohibition and an avid embrace of government programs to help the poor. "Prosperity gospels" could range from an understanding that the "abundant life" is largely material — to the perennial temptation for churches to measure success in terms of bodies, baptisms, buildings, and budget.

<sup>21</sup> See: Ephesians 4:11-16, Matthew 28:19-20, II Timothy 3:16-17, and Ephesians 2:8-10.

## Implications and Next Steps

ACR has faded over the past few decades. The "fall of Communism" removed a lodestone around which Americans naturally gathered as a key part of the ACR. The emergence of "identity politics" has peeled off millions of people. Patriotism has declined since the 1960s and especially since the Reagan administration. Nationalism has become less common albeit perhaps more passionate, particularly in the face of an increasingly global economy. And from the very nature of a social movement based on belonging: If fewer people belong, there is some inertia but also a tendency for the social religion to lose steam.

All that said, the ACR is still somewhat vibrant, particularly in more conservative circles. What can one expect from this approach to religion — then or now? First, general and modest ethical behaviors and "the good life" become more important barometers of faith than creed, theology or specific and demanding forms of ethical conduct. A set of correct political beliefs or adherence to a political party becomes overly important. This opens the door to various "social gospels" and multiple forms of "the Prosperity Gospel." (96-97)<sup>20</sup>

Second, it follows that the disciple-making model of ministry exemplified by Jesus will be diminished or discarded. "Teaching them everything" Christ commanded — as in the Great Commission — will prove optional. Becoming "thoroughly equipped" for "every good work" will be left to the professionals, the especially pietistic.<sup>21</sup>

Third, to the extent that there is a god involved, he's often the god of Deism or the even-mushier, contemporary god of "Moral Therapeutic Deism" (MTD) posited by Christian Smith. The

morality is vague; God is not all that interested in daily life; and the purpose of religion is therapeutic and consoling. Brooks describes the attendant morality: it “doesn’t try to perch atop the high ground of divine revelation” and Americans are often “unwilling to allow [religion] precedence over pluralism.” (248-249) In any case, this is clearly not an abiding faith in the Trinitarian God of Christianity (or any other “true” version of religious faith).

Fourth, “religion thus becomes a kind of protection the self throws up against the radical demands of faith.” (276) We still see a good bit of this in churches today. Herberg’s sense here is reminiscent of one line of argument in C.S. Lewis’ “Screwtape Letters” — the idea of being inoculated from the faith by dabbling in tepid and reduced versions of it.<sup>22</sup>

Fifth, an interesting (and potentially troubling) correlation: “a marked disparagement of ‘forms’ whether theological or liturgical.” (96) We see this in the reforms of Vatican II; the rapid growth of non-denominational churches; and the emergence of seeker-sensitive churches. By itself, downplaying liturgy or formal religion is not inherently troubling. But the move has its downsides and is more bothersome if it’s driven by improper, underlying motives.

Sixth, all of this is reminiscent of Joseph in Egypt and the particularly Jewish question of the

extent of the “Egyptianization” of Joseph.<sup>23</sup> For any true believer, how does one remain “holy” in the world without removing ourselves from it? How can we be “in” but not “of” the world?

Seventh, the renaissance of “true faith” becomes more likely as its false cousin fades — for example, in light of the contemporary cultural changes resulting from our transition to a “post-Christian” world. In a Christian worldview, there are tremendous advantages to the diminishment of false religions such as civil religion, materialism, Progressivism, and so on. When the false fades, the truth is easier to see. This gives significant optimism for the years to come.

Herberg provides a hopeful ending from a non-academic angle that I’ll use to wrap up this essay. While he brings sociological theory and his research skills to bear on these questions, he’s quick to note as a caveat that all of this may be transcended by the primary subject — our mysterious relationship with a majestic and unfathomable God (16). From his concluding paragraph: “Even the more conventional forms of American religion, for all their dubiousness, should not be simply written off by the man of faith . . . Nothing is too unpromising or refractory to serve the divine will . . . [God] is surely capable of turning even the intractabilities and follies of religion into an instrument of His redemptive purposes.” (286-28) ♦

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<sup>22</sup> Berger (The Noise of Solemn Assemblies, 1961, p. 115-117): “The problem is, quite simply, the effectiveness with which our religious establishment is designed to the encounter with the Christian message . . . The family-centered and child-centered religiosity of many of our suburban middle-class churches contributes greatly to this problem . . . There occurs a process of religious inoculation . . . By the time the process is completed, the individual is effectively immunized against any real encounter with the Christian message . . . Since the entire process is part of socially constituted reality and actually parades under Christian flags, the significance” may not occur to the laypeople or even the professionals.

<sup>23</sup> This is one of many reasons why Jews do — and Christians should — see Judah as at least a co-hero of the “Joseph story.” (I’ve been thinking that my next book on the Bible might be Genesis 37-50 about our Judah/Joseph moments.) For another provocative but cleaner Biblical example, see: Daniel 1-6.



# Leo Morris

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## The Strange Politics of 'Supplemental' Food

(Feb. 26) — When I was growing up in Kentucky, my parents were eligible for the federal government's commodities program, the forerunner of food stamps and SNAP (Supplemental Nutrition Assistance Program).

I remember a few of the things they received, including powdered milk, which was just awful, and big blocks of orange-ish cheese, which was actually pretty good. I'm sure there were things like dried beans, flour and powdered eggs in the allotment, but I have no memory of them.

What I do recall vividly is having to stand in line with them while they waited their turn. It seemed like it took hours to a child enduring forced inactivity, and maybe it seemed even longer to them. I'm sure they were embarrassed at having to be herded into a handout line. Perhaps they even felt ashamed and, one of today's favored words for the less-well-off, "stigmatized."

On the other hand, maybe that was one of the last straws that persuaded them to get the hell out of one of the country's worst pockets of poverty and seek a better life up north.

If so, good for them, and good for the federal government for getting at least one small thing right for a change.

It seemed to me then, and does so now, a brilliant idea. If people are hungry, you give them food. Then, when they get back on their feet or find better circumstances, you give the food to someone else.

The government, unfortunately, is never one to leave well enough alone, so its food program evolved into food stamps, which were like money, and then the SNAP program, which uses electronic transfers not unlike debit or credit cards. And the restrictions on what can be bought have gradually disappeared even as the number of people eligible has exploded and the idea of "temporary" assistance has been obliterated.

"Supplemental Nutritional Assistance Program" is one of the most wickedly misnamed federal initiatives ever. It has really become just another wealth-transfer scheme and one more way to perpetuate a permanent underclass.

Finally, someone seemed to have a better idea — President Trump of all people, who suggested creating an "American Harvest Box" containing "shelf-stable milk, ready to eat cereals, pasta, peanut butter, beans and canned fruit and vegetables." It was proposed to replace only half of recipients' electronic-transfer funds, but, hey, it would be a start.

One critic has called the box "crumbs to the poor" and described the contents as "a sad box of bland, repetitive basics."

You know another way to say that? "Supplemental" nutrition.

It turns out, though, that Trump probably wasn't serious. He was just "trolling the liberals" again, goading them into saying incomprehensibly stupid things.

Worked like a charm, I guess.

Just consider this, from Joel Berg, CEO of Hunger Free America, who says the administration is proposing "taking over \$200 billion worth of food from poor Americans" while "increasing bureaucracy and reducing choices." SNAP is a "free-market model" that lets people make their own choices at supermarkets instead of giving over the choice to "a bureaucrat in D.C."

No, you didn't misread any of that. It's actually a liberal praising free markets and criticizing the bureaucrats of big government.

And think about this, if you had any doubts about what progressive, government statist think of the American people: “It isn’t clear,” says Stacy Dean, vice president for food assistance policy at the Center for Budget and Policy Priorities, “whether the boxes will come with directions on how to cook the foods inside.”

Just imagine a poor person, used to feasting until sated merely by opening a bag of chips, starving to death while trying to figure out how to spread peanut butter on a slice of bread. And, heaven forbid comments Ed Straker, senior writer at Newsmachete.com, that a family be confronted with “packages of unopened macaroni.” That’s the poor for you — too dumb to boil water.

We shouldn’t hold our breath waiting for someone in Washington to make a proposal like Trump’s in all earnestness.

There is a dirty little secret about this. You have to look for it, but it’s there.

“If food stamps are taken out,” Barry Flinchbaugh, Kansas State agricultural economist, recently told a convention of grain growers, “it will be the last farm bill. The urban Congress won’t support a crop bill without food stamps.”

There is an unholy alliance, you see, between urban advocates for food stamps, who vote for crop subsidies to get votes from rural representatives for their programs, and rural advocates for agriculture, who vote for food stamps to get votes from urban representatives for their programs. That is why we have a Department of Agriculture with a budget of \$155 billion, a whopping 71 percent of which goes to “nutrition assistance.”

Add all the unholy alliances together and you get a debt that’s \$20 trillion (and climbing) and pathological profligacy. Something to chew on.

## Conservatism Defined — Sort of

*(Feb. 19)* — Are you a conservative?

You are? Really? What does that mean? How do you see yourself when you embrace that label?

Would you like to know what I mean when I say that I am a conservative? I’ll offer you a wager. Come up with a definition acceptable to me, and I’ll give you \$1,000.

That’s a bet I can’t lose. Only I know what I mean by conservative, and nothing you can come up with will even be close.

The only thing either of us can say for sure is that as conservatives we are not alone.

According to a new Gallup survey, more states now lean liberal than did in 2016 but more states still lean conservative overall, 39 now compared with 44 then.

Gallup says the slight shift left can be attributed in large part to the low approval ratings of President Donald Trump, the person most associate with conservatism today, which just goes to show how careless people are when they fling appellations around willy-nilly. If Donald Trump is a conservative, I’m a three-toed sloth.

Everybody knows Trump is a populist, which means “yahoo who is not to be taken seriously except by other yahoos.”

The organization also says that 36 percent of Hoosiers consider themselves conservative, while only 22 percent self-identify as liberal. Believe it or not, that classifies Indiana as only “about average” for its level of conservatism, which will mightily confuse those who don’t understate why the state still doesn’t have a hate-crimes law.

The largest group of Hoosiers, 37 percent, claim to be “moderate,” which is what people call themselves when they want to be seen as having thought deeply about something that they haven’t thought about in the slightest.

What does it all mean? As far as I can tell, just that the idea that our actors, artists, mainstream media members and other elites are deliberately antagonizing half the country is a gross understatement. The level of their stupidity is truly astounding.

Otherwise, it means absolutely nothing. It is gibberish. Nonsense.

Gallup defines neither conservative nor liberal. It just assumes that we all know what the words mean and that we all mean the same thing when we say them.

But I couldn't begin to say what other people mean by conservative, since I'm not even sure what it means to me anymore, and I consider myself one, at least in part.

In the more innocent days of my youth, I thought "fiscal conservative" was redundant. But the national debt is over \$20 trillion, and we just watched congressional Republicans who decried President Obama's deficits gleefully vote to add billions more to the debt.

A belief in traditional morality and uplifting values? Liberals and Democrats might still be slightly ahead of conservatives and Republicans in indictments, scandals and abuse allegations, but I think it's about dead even for those caught in shameless lying.

Surely conservatism still means a fealty to the Constitution, especially its exaltation of the individual over the group, the foundation of our republic. But to consider some of the decisions of our supposedly conservative Supreme Court is to weep.

For a small part of my personal definition, I still cling to the first – and in many ways the best – exploration of conservatism I ever learned, from the seminal work of Sir Edmund Burke explaining why the American Revolution, moored to the past, was the right call, and the French Revolution, which aimed to throw everything away and start over, was tragically wrong. Conservatism, properly understood, does not resist all change. It merely seeks to hold on to what has worked as a foundation on which to build change.

Somehow, I doubt that's what Gallup had in mind, or what the people answering the poll were thinking about.

This was just another sad exercise in Red State/Blue State "which-side-of-the-bitter-divide-are-you-on" foolishness.

Too bad. A good revolution, properly managed, is just about what we need right now. Liberals

don't really believe that, and moderates don't understand it. I think conservatives get it.

Are you a conservative?

## Vietnam, a Black Mark on American Journalism

*(Feb. 12)* — I wasn't in-country for the Tet offensive, but I didn't quite escape it. I missed the carnage but had a front-row seat for the human detritus it created.

I had been medevacked to the U.S. Army hospital at Camp Zama, Japan – sick, not wounded. Even during the war, the place usually had more infirm than injured, but at a certain point we couldn't help but notice the influx of the halt and the hurt.

And they kept coming. Young men – boys, really – wounded in more ways than could be counted or purged from dreams. They wandered the halls and leaned on the walls, stoically waiting for their turn at examination or rehab. They seemed so damned cheerful to me at the time, but in retrospect I suspect I was seeing in them something I didn't have – the beginning of acceptance of things that couldn't be changed.

They are not always with me, but sometimes they visit, these ghosts from the past, especially when I get too full of myself and think I know something with absolute certainty. Doubt is the beginning of wisdom, they remind me.

It is said today that Tet was actually a decisive military victory for the U.S., and I can believe that.

The North Vietnamese threw everything they had at us in a surprise, coordinated attack on 10 cities. But by the time it was over they had lost 33,000 men and most of the territory they held. It should have been a crippling blow.

But the major media in this country portrayed it as a crushing American defeat, and that turned Tet into a turning point of a different kind. Taking its cue from journalistic icons like Walter Cronkite (we were "mired in a quagmire"), Newsweek and the Washington Post, the public turned decisively against the war, Lyndon Johnson dropped out of

the presidential race, and the peace movement went into high gear.

I can believe that, too. I'm not so sure, though, how the press could have been so wrong – it had been barely more 20 years, after all, since Hoosier reporter Ernie Pyle had so earned the trust of American GIs that they considered him one of their own. Perhaps it was an overreaction to having been misled so often by U.S. authorities who kept claiming victory was just around the corner. Perhaps it was arrogance that came with the power of being able to beam a war into American living rooms day after day. Perhaps it was simple journalistic ineptitude.

What I have trouble wrapping my head around is the probability that if the press had gotten it right the U.S. command would have really pushed its advantage, driven into North Vietnam and brought the war to a quick end. Vietnam always seemed as much a political exercise as a military one, and politicians' motives and goals are never as clear as those of the generals.

After I mustered out of the Army, I watched Vietnam on television along with the rest of the country, the struggle limping on month after month, year after year, our leaders trying to figure out the best way to lose the war, and I got angrier and angrier.

Finally came those awful hours in late April of 1975, one of the most ignoble days in American history, as we watched the United States evacuate Saigon leaving the people who had believed in our promises to their fate. More than 58,000 American lives were thrown away, for nothing. I knew my ghosts were watching, too, but I wondered if it was with anger or the sadness of acceptance.

Looking back, I can believe the Vietnam War was a mistake. But whom shall I blame? A government that had good intentions but made bad policy? Politicians who cared more about public opinion than the national interest? A public that daily saw the blood and gore Ernie Pyle's readers never had to experience? A press that failed in its mission?

None of them. All of them.

Looking ahead, I wish there were one lesson we had learned from Vietnam: War is not something to be fooled around with. It should be engaged only when every single other option has been exhausted. And there is no excuse on this earth for starting a war without the intent of winning it as quickly and with as few losses as possible.

Watching the tortuous pre-surge incrementalism of the war in Iraq, I doubted we had learned it. Trying to understand why we are still in Afghanistan, I know we haven't. Trying to comprehend what promises to be an endless "war on terror" – which is a tactic, not a cause – I fear we never will.

Time will eventually quiet my ghosts – and the tens of thousands of others from Vietnam left to wonder what they sacrificed for. But there will always be replacements for them.

## **'#UsToo' Shout Indiana Legislators**

*(Feb. 5)* — Hoosiers disgusted with legislatures that don't apply the same laws to themselves that they pass for everyone else can take heart that the Indiana General Assembly seems to be breaking from this deplorable tradition.

The #MeToo movement has apparently achieved such volume and intensity that it can be heard even in Indianapolis, prompting state lawmakers to jump up and shout, "Oh, and #UsToo, please, #UsToo!"

And there are several indications that they're deadly serious about it, not merely engaging in a feel-good publicity stunt.

For one thing, they're not just promising or pinky-swearing not to engage in sexual harassment. They're going to subject themselves to actual anti-harassment training, just the way legislative staffers already must. And a preliminary House vote on the measure passed 95-0, with no debate.

That is just staggering. It's the same gravity with which our legislators have treated resolutions

to designate the state insect or square the circle by legislative decree. Consider the amount of time legislators are willing to take out of their busy schedules – at least an hour a year for the grueling training. Yes, an hour – that’s 60 whole minutes.

That is 20 minutes longer than it takes legislative staffers, when they can spare the time off from harassment seminars, to come up with those compelling constituent surveys with such brave questions as, “Should I vote no on bills that perpetuate waste and fraud in the squandering of taxpayer money?” and “Will you stand with me in support of our great country and its flag?”

And it’s a full 30 minutes longer than the average legislator spends reading the typical 1,000-page bill before voting it into law.

Finally, there is the brilliance of the form chosen for the training. There will be no classroom lectures, which are so boring they are likely to be forgotten as soon as they are heard. There will be no written material to study and take tests on, which, as any Hoosier student could tell us, would be just one intellectual minefield after another.

No, lawmakers will watch a video.

It is being produced by the National Conference of State Legislators for use by all 50 states, so we know it will be of the highest quality. And anybody who has been following the news out of Hollywood lately can attest to the power of the visual medium to instruct us on matters of morality. As luck would have it, there are many recently sidelined film workers who could produce and act in the video.

There some of details we don’t know yet that we should watch out for.

We aren’t told, for example, exactly what will constitute the harassment legislators will be warned against. Perhaps language will be borrowed from the rules now governing legislative staffers, who are forbidden, The Indianapolis Star informs us and the Associated Press repeats, “from unwanted whistling, touching, pinching and requests for sexual favors, along with more overt types of unwanted sexual behavior.”

(As an aside, it would be nice if someone could explain what type of harassment could be “more overt” than “unwanted touching.” For that matter how could touching be anything less than overt? Is there some kind of ghost-touching of which we are unaware? Maybe by “more overt,” what is meant is “more serious.” Such is the state of the English language today.)

We also don’t know what punishment might be faced by our sexually harassing lawmakers, who can’t be summarily fired the way their staffers can.

Obviously, we need another constituent survey:

“Legislators more than a year away from a re-election bid and guilty of sexual harassment should:

“1. Have to watch a two-hour video.

“2. Receive a stern letter from the governor.

“3. Be required to read thoroughly all legislation they plan to vote on and pass a test on it.

“4. Calculate the value of Pi to the 10th place.”

All frivolousness aside, we send our representatives and senators to Indianapolis to represent Hoosier values and interests, which means, among other things, that they should simply behave decently and treat others with respect.

But they already know that.

Don’t they?

## The Dangerous Irony of Hate-Crimes Legislation

(Jan. 29) — Indiana is one of only five states that don’t have hate-crimes laws on the books. If we wise up and pass one, it will repair the state’s image as a haven for intolerance.

*Play it safe and follow the crowd. That’s basic psychology.*

A hate-crimes law would send the message that Indiana values diversity and nondiscrimination, persuading our open-minded young people to stay instead of fleeing the state.



*Reset the group dynamics. That's sociology.*

Supporters of hate-crimes legislation are “cautiously optimistic” this year because even Republicans Gov. Eric Holcomb and House Speaker Brian Bosma say they are open to the possibility.

*Get the buzzards off our backs. That's public relations.*

So where exactly does “criminal justice” enter the picture?

We shouldn't make the mistake of some skeptics by claiming there isn't even an issue to address. Hate crimes may not be at epidemic levels but they surely exist. People get intimidated, beaten up and even killed because they are different. And the effect of hate crimes, if not always the intent, can be to terrorize an entire community of people. Don't those communities deserve not just that the law punish the individual criminal but also send a signal from the larger society that their well-being is of special importance?

Well, no, not if we consider what the purpose of the law is.

Certainly, the law should punish the guilty and, as much as possible, make the wicked see the error of their ways. It should create a sense of predictable order so we may know how we should and should not live when we are among other people.

But those are the functions of the law. Its ultimate goal should be to make us feel safe. We know that in the ordinary course of our daily lives we may go about our business free from interference by those who would harm us. And if we are harmed, we can expect the perpetrators will be punished in such a way that like-minded miscreants will be dissuaded.

Critics of hate-crimes legislation raise the right concern when they ask whether some groups deserve more protection than others, but they get the emphasis wrong. The proper question is: Do some groups deserve to feel less safe than others?

Consider the residents of some of our worst neighborhoods. It is not just the individual victims of muggings and murders who suffer. Every member of the community can feel abandoned by the larger society, afraid and unprotected every time they leave their front doors. They are terrorized no less than the groups targeted by cross-burnings in front yards or Swastikas spray-painted on synagogue walls. Shall we really create a hierarchy of the terrorized? Go to the back of the line – your fear isn't on our list today.

It is too true that the authorities acting on our behalf have too often ignored or dismissed complaints of mistreatment by those not in the majority. But the remedy for our past sins is not to embrace the opposite sin of giving some claims of mistreatment more attention than all claims of mistreatment.

The solution is to do what we should have always done: To define the mistreatment, with clear, bright lines, establish understandable and appropriate penalties and punish those who cross the line, all of them, every time.

That's the way to make all of us feel as safe as we should feel.

Advocates of affirmative action twist themselves into logical knots to justify discrimination today against some groups to make up for discrimination in the past to other groups, seeming to never realize that if discrimination is wrong, it is always wrong – you cannot do the wrong thing for the right reason. In fact, “Two wrongs make a right” is their moral high ground.

Hate-crimes laws are the affirmative action of the criminal justice system. We skip over the right thing to do and think doing the wrong thing for the right reason is a good shortcut.

This nation was founded on the greatest political idea in the history of the world: Rights inhere in the individual. Only by demanding respect for those rights can we keep the forces of oppression at bay. The further we drift from individual rights to group rights, the more likely we return to the rule of the king who decides

which groups to reward and which to punish with no rhyme or reason except his whim.

Those who push for hate-crimes laws are trapping themselves in a terrible irony. They are asking those they would normally consider the oppressors to define the oppressed.

That is not just misguided. It is dangerous beyond belief.

## The 'Perfect' Generation

*(Jan. 22)* — My work here is done.

Those of us who go into journalism learn so much about so many things we eventually think we know everything there is to know about the human condition. Those of us who go on to become editorial writers and columnists feel an obligation to share that knowledge in a way that compels people to admit the error of their ways.

But according to a new review of 120 years of data published in *Frontiers of Physiology*, taking such wise advice would be pointless since the human race has peaked. After what has seemed like a continuous process of record-breaking improvements, we have hit a wall. We are never likely to be much taller, faster, longer-lived or, alas, smarter than we already are. It's all downhill from here.

This seems to explain so much of the nonsense we see around us, including the mindless dreck produced by Hollywood and other factories of popular culture, the incomprehensible tax code and other Washington atrocities, the apparent national compulsion to find a meaningful protest movement and the fact that Indiana lawmakers can't even figure out whether they've made CBD oil legal or illegal.

You'd think liberals would be dismayed that we have reached our limit. They have built their entire philosophy on the perfectibility of the human race. If government merely spends enough money, creates enough educational programs and legislates enough compassion, people can overcome their baser natures and attain the civilized height that is their destiny.

But actually, they seem delighted.

"Now that we have reached the limits of the human species," says Professor Jean-Francois Toussaint of Paris Descartes University, "this can act as a clear goal for nations to ensure that human capacities reach their highest possible values for most of the population."

Ah. The pie is never going to get any bigger, in other words, so the only sensible solution is to make sure we divide it up fairly. Progressives, in order to justify ever more elaborate schemes to redistribute wealth, never mind trying to understand how that wealth is created, have always had to justify not spending on the foundations and traditions of human society. Now they are free of that restraint.

About the only thing that could make this calamity more delicious would be to blame it on climate change.

And here it is:

"This will be one of the biggest challenges of this century as the added pressure from anthropogenic activities will be responsible for damaging effects on human health and the environment," a statement from Touissant says. "The current declines in human capacities we can see today are a sign that environmental changes, including climate, are already contributing to the increasing constraints we now have to consider."

It's the ultimate story for the modern age. The human race is done, and it's all our fault, so we must allow our betters to manage our slide into oblivion.

Perfection achieved.

Their work is done.

## Eli Whitney and the Statue Police

*(Jan. 15)* — Eli Whitney is one of my favorite forgotten giants of American history. Not completely forgotten, he invented the cotton gin. Many Americans know that about him.

But that is the sum total of their knowledge. And his life was so much more consequential than that. Most people can only

dream of having an enduring impact on the human condition. He did it twice. Without even trying.

Yale-educated and from one of the best New England families, Whitney nonetheless found himself penniless in Georgia in 1792. All he wanted to do with his “cotton engine” was make a buck. And he should have. Using Whitney’s machine, a laborer could clean the seeds out of the same amount of cotton it had taken 10 days to process by hand.

But the cotton gin, it turned out, was so simple anyone could make it. And cotton farmers did, despite Whitney’s futile efforts to wage a patent fight. Cotton, which had been so unprofitable that slavery was about to collapse as unsustainable, suddenly was a healthy cash crop that made the South an economic powerhouse and slavery the foundation that sustained it. The Civil War thus became all but inevitable.

And cotton flooded the world markets, coming down in price so much that millions of people had something never before seen in world history: cheap, comfortable and easily cleanable clothing.

Realizing not a penny from such a monumental contribution, Whitney turned his back on the South and his inventive talents to solving a military problem for the federal government.

Fearing a war with France (which never came), Congress in 1798 estimated 50,000 muskets would be needed. But firearms at the time were individually crafted by artisans, and only 3,000 had been made in the previous four years. Whitney envisioned assembling the weapons with interchangeable parts turned out by machines, a method of mass production that had been experimented with but had never caught on.

He signed a government contract to deliver 10,000 muskets in two years. He missed his deadline by eight years, but in the meantime it became obvious that what would work for muskets would work for anything else that needed to be manufactured in large numbers, and the industrial might of the North was born. That might kept the Union forces in the Civil War going

after the still-agrarian South had all but exhausted its resources.

And Whitney’s “American system” of mass production changed living conditions in countless ways, and variations of it have propelled world economies ever since.

The actions of this one man, it could be argued, helped perpetuate the evil of slavery and led to a Civil War that cost hundreds of thousands of lives but also ensured that the right side won that war. Coincidentally he helped clothe millions of people and helped create an industrial system that lifted millions more out of poverty.

How can we possibly weigh the pluses and minuses of the consequences of such a person’s contributions and calculate their worth to history’s balance sheet?

If I were in the statue commissioning business, Whitney is exactly the kind of person whose marble likeness I would ensconce on the Washington Mall along with the political figures we revere so much. There is so much to learn from his life, about individual initiative and enterprise, about unintended consequences, about the fulcrums of history.

Alas, he would not pass muster with the moralistic preening of the devotees of presentism who insist on judging history by today’s standards instead of trying to understand how overcoming our past mistakes led to today’s standards.

The Indianapolis Star recently informed us of six “offensive” statues likely to stir controversy in Indiana, including ones of George Washington and Thomas Jefferson because they owned slaves. If the Father of our Country, considered by a majority of presidential historians our second-best chief executive (I would say best, but why quibble?), can’t make the cut, what hope is there for someone like Whitney? “Propped up slavery” is all the statue sheriffs need to know.

I have to say here that I’m coming to hate these stupid statue controversies, in large part because they force me to defend a position I’m uncomfortable with. The statue supporters at times seem as insistent on exaggerating the

goodness of their philosophical antecedents as the topplers are on excising all traces of sensibilities that do not conform to modern standards. It can get very close to idolatry.

I much prefer the art of sculpture that addresses the human condition. Trying to see the young woman inside the old woman in Rodin's "She Who Was the Helmet-Maker's Beautiful Wife" – that's how we should be spending our time, not debating which graven images we should choose as the pigeons' targets.

But the great effigy engagement is a proxy war between two competing views of history, and I don't think we can afford to let the scrubbers win. Ignoring the sins of the past helps us pretend there are no sins in the present that the future might learn from.

I shudder sometimes at all the idiotic things I did in my youth. I have grown since then – not to wisdom but to a wiser self – by trying to learn from those mistakes. I don't dwell on them, but neither do I ignore them.

So it is with the human race. We have stumbled for all of history from darkness to greater light, from barbarism to greater civilization, with many false steps and detours along the way. Heaven help us if we listen to those who think we can get to a wiser world by denying the lesser worlds we have created along the way.

I happen to think Eli Whitney's positive contributions to the human race outweigh the negative ones. Others might disagree. That is a debate worth having. Removing Whitney from the debate would be the ultimate foolishness.

### Offended Sport and Art Patrons, Rise Up!

(*Jan. 8*) – "How can we know the dancer from the dance?"

That sentence has been stuck in my head for as long as I can remember. By making it the last line of his great "Among School Children," William Butler Yeats was summarizing his belief and the theme of the poem that we cannot understand a life by its parts but must consider the whole of it

and, further, that we should not dwell on life and death separately but think of them together.

But the beauty of poetry is that we are free to find the meaning that speaks to us, whether or not that meaning was intended by the poet. So I have always found the dancing analogy useful to separate what people do from who they are, especially when it comes to art and politics. Shouldn't it be possible to enjoy the creative output of great artists despite their political beliefs that we might find deplorable?

I even wrote a column or two about the subject early in my career. My liberal friends, I advised, should admire the power of John Wayne's performance in "The Searchers" even if they loathed his support of the Vietnam War, and they should delight in the taste of a certain pizza despite the right-wing rants of the company's owner. And I felt free to enjoy a certain brand of ice cream though its owners were clearly left-wing loonies, and to salute Jane Fonda's performance in "Klute" despite my belief that she should get down on her knees every night and thank God she wasn't in prison for treason where she belonged.

But that was back in a more innocent America, when we were able to draw such bright lines. The movie stars and musicians and writers and painters we admired had a sense of mystery about them, and they did not feel compelled to constantly share their profound philosophical ramblings with an adoring public.

Now, because of the bitter political divide we're immersed in, and thanks to the social media that reinforce and even deepen it, we cannot escape each other's contempt for those with an opposing view. That means we don't just know that Meryl Streep and Tom Hanks, the stars of the deceptive, ahistorical movie "The Post," despise President Trump. We also know that they think those who voted for him – roughly half the country – are either delusional or evil or both.

Which means those of us in that half must ask ourselves: Should we keep rewarding people who despise us by plunking down our hard-earned money to see their movie? My answer – arrived at

not as reluctantly as I might have thought — is, “Hell, no.”

State Rep. Milo Smith, R-Columbus, proposes a solution to the disgrace of spoiled, overpaid National Football League players who take a knee for the National Anthem, blindly joining a mob whose deep hatred they don’t understand, protesting something that doesn’t exist by spitting on those who love this country and disrespecting those who fought for its flag: Allow fans who are upset by players taking a knee (their own team’s players, not the visiting athletes) to request a refund during the first quarter of home games.

My sister, who takes her rights seriously, is offended by Smith’s presumption. This is the land of the free, she reasons, and if people aren’t free to do stupid stuff, the guarantee means nothing.

I agree with her that Smith is misguided, though I would quibble with those who insist it’s a First Amendment issue. At the least, Smith is trying to insert government into a commercial transaction where it does not belong.

Football is a business. Its employees and owners and the commissioner who oversees the enterprise are free to do whatever they see fit, including insulting their most loyal fans. It is their right in a free society.

And it is our right, as those loyal fans, to take our business elsewhere. To stop attending the games and buying the merchandise and watching the action on TV and patronizing the sponsors who underwrite the whole obscenity. I was one of those fans, first of the Bears and then of the Colts, and I will go back to football only when it comes back to me.

I never thought I’d say this, but I will also start being careful about the TV shows and movies I consume, the music I listen to, the paintings I enjoy and even the comedians I let try to make me laugh. I will lose something in the process, but I think I will have gained something more precious. I’m not the one who declared this war.

It is relatively easy to overlook the indiscretions of the artists whose sins died with them. Yes, Wagner was a raging anti-Semite, and

Byron was incestuous. Charles Dickens was a bad parent and worse husband, and Pablo Picasso as just in general a miserable human being. And let’s not even get started on Hemingway.

But the art they created still can ennoble us, and enjoying it does not make us enablers of their crimes against decency. However, patronizing still-living artists who have nothing for contempt for us does more than encourage their wickedness. It makes us volunteers in our own marginalization from the culture that should belong to us all.

And that’s a tune to which I no longer care to dance.

## Lawmakers Always Find Their ‘Emergencies’

*(Jan. 1)* — “No man’s life, liberty or property are safe when the legislature is in session.”

Contrary to accepted wisdom, Mark Twain didn’t say that, although it sounds like something he should have said.

It was included in the opinion issued by a New York magistrate in 1866, chiding a lawyer for bollixing up the case of a will because he hadn’t paid attention to provisions dictated by the last session of the state’s legislative body. His point — a sad one indeed — was that we must always pay attention to our lawmakers’ whims just to live a quiet, normal life.

That means Hoosiers should be half safe in 2018. It will feature the every-other-year “short session” of the General Assembly, reserved by the state constitution only for the sorts of emergencies that arise because not all contingencies can be anticipated by the two-year budget adopted in the long session. With fewer days spent in Indianapolis and without any imperative issues to consider, legislators’ ability to do great damage should be limited.

Oh, if only.

In the 2017 session, state legislators considered 1,426 bills. Honestly, in the 21st century, 167 years after adoption of the current state constitution,



does Indiana need that much fine-tuning? Who really thinks we need 1,426 pieces of improvement in this state?

To be fair, only 271 of the proposals – about 19 percent – reached Gov. Eric Holcomb’s desk as actual pieces of legislation. He vetoed exactly one of them. Saying “no” to the General Assembly is not the governor’s strong suit.

The Indianapolis Star notes that the upcoming session will have “no central issue to focus the attention of lawmakers.” There will be no “overarching, bright, shiny object,” says House Speaker Brian Bosma, “unlike recent sessions when infrastructure, school funding, right-to-work and other major fiscal initiatives topped the agenda.”

If we’re very lucky, none of the dark, dull objects making the 2018 legislative calendar – 700 or 800 of them would be a good guess – will gain enough traction to actually get a majority vote. Hoosiers will be able to breathe a sigh of relief and get back to their ordinary lives.

But, ooh, look – squirrel! Something just flitted by and it looks like – by heavens it is – a crisis, a real, honest-to-goodness emergency the constitution gives legislators permission to solve.

They must give Hoosiers the right to bear arms without a carry permit. They must have hate crimes legislation. They must figure out if they’ve made CBD oil legal so they know whether or not to make it legal. They must address the heartbreaking dilemma of cold beer sales. They must get a handle on the scandal of opioid addiction.

Concerning the opioid epidemic, The Associated Press sent out an analysis with quite a remarkable sentence:

“What advocates describe as a growing crisis . . . will test not only the rookie governor but whether a state government re-engineered over a decade to comport with conservative ideals can address a systemic problem with no easy solution.”

The article, it should be noted, did not suggest any of the causes of the problem – not a single one

– nor did it list any possible solutions that have been tried or might be tried. It merely laid out, in excruciating detail, how much money the state has spent on the issue, or, rather, how much it has not spent.

So, permit a translation: This is a problem the state must fix by spending a lot of money, but it is now stuck in the conservative mode of trying to spend less money. How much money the state is willing to spend is now the sole yardstick with which to measure its success. The watchdog press has spoken, so it must be so.

A skeptic might ask one question: “The opposite approach, comporting with the liberal ideal of spending more and more money on a problem even as it gets worse and worse – how’s that worked out?”

But skepticism can be taken for cynicism, and that would be dismissed as a churlish attitude to adopt toward our earnest legislators who are only doing what they believe they were elected to do. They are determined to get things done and have their names etched into Indiana’s legislative history, one “emergency” at a time.

The best we can do is keep paying attention and taking stock of how much life, liberty and property we have left.

## Are Yours Ready for Childhood Boot Camp?

(Dec. 25) — On reading that Indiana lawmakers are considering lowering the compulsory school age from 7 to 5 years old, I immediately went into full fuddy-duddy mode.

“I didn’t need to go to any silly kindergarten classes, so I don’t understand why children today need to. I started out in first grade and turned out just fine. Whatever is this world coming to?”

But the mistake made by Old Fogies is that we believe the world never changes. Our insistence that things were better “back then” depends on the embedded assumption that, except for the one thing we wish to preserve, all other things are equal.

Of course they are not.

I didn't need to go to kindergarten because hardly anybody else did. When I started school, kindergarten wasn't even available in more than half the country, and in my neck of the woods not at all. We all started out in the first grade on a level playing field, or at least as level as a playing field ever gets.

But a child today needs to attend kindergarten because most other children do. Even here in backward Indiana where it isn't mandatory, the vast majority of students attend kindergarten. A student who doesn't get on the education treadmill until first grade will be hopelessly behind. Our children must deal with the school system we have, not the school system we wish we had.

This is not our grandparents' kindergarten we're talking about, full of songs and play and plenty of milk and cookies between nap times. Kindergarten today is the full education experience, with tough academic standards, high expectations and the full battery of standardized tests. It is, in fact, as more than one pedagogical expert has noted, the "new first grade."

And if kindergarten is the new first grade, that means of course that we now need a new kindergarten, which is why there is so much emphasis these days on "early childhood education," or "pre-K" as they say in the education biz. Indiana ranks a pathetic 40th in the nation for preschool enrollment, with 60 percent of Hoosier parents saying their three- and four-year-olds are not in any formal education program.

Now that I'm in the spirit of this progressive education parade, I realize the problem is that we haven't gone far enough yet. If kindergarten is the new first grade, and pre-K programs are the new kindergarten, clearly we need a new definition of "early" childhood education. Educators have tried and failed for millennia to get students on an equal footing and extirpate those pesky achievement gaps. Just squeezing the fun and sense of play out of our students for a few more years of childhood won't do it. If we don't get

them until the age of three, we likely will have lost them forever.

Obviously what we need is some sort of Baby Boot Camp, in which a toddler's first inklings of intellectual awareness can be taken advantage of.

Imagine that a child's first steps aren't wasted but rather are used to introduce the concept of numbers and direction. "One, two, three, four, class, now turn left. No, your other left. Hup, two, three, four – no, that one doesn't count. There's no falling down here."

And we dare not leave baby's first words to chance, carelessly blurting out "Ma" or "Da-da" or "mrrff."

"Now point up. What is that? Correct, that is the sky. And what color is it? Yes, blue. Say it again – blue! I can't HEAR you!"

Alas, our plucky drill instructor is likely to face the same obstacle as educators throughout history: Students have different learning abilities. So they do as they enter Baby Boot Camp, and so they will as they graduate to pre-school, no matter what the D.I. does, and on through kindergarten, 12 years of public schooling and indeed the rest of their lives.

Whether we use the long-accepted but now out-of-favor bell curve, normal-distribution model (a few excellent performers, a few poor ones, most of us clustered around the middle), the lately-popular power-distribution model (a few more superstars than we would have supposed, most of us unfortunately below average) or some more exotic statistical formulation, the fact is that some students learn very easily, some struggle mightily, and most fall in between those two extremes. The great educational challenge always has been and always will be how to most effectively instruct the majority without boring the exceptional students or discounting the challenged ones.

It seems to me we cannot meet that challenge by endlessly obsessing over why students come into the classroom with differences and concocting ever-more exotic ways of trying to erase the differences instead of just dealing with them.

Of course, I could be wrong. I skipped kindergarten, after all.

### **A Bit of Hallmark Christmas Brightens this Old World**

(*Dec. 19*) — I have a confession. It's not exactly a guilty pleasure, but something I am a little embarrassed to admit in public. I am hopelessly addicted to Hallmark Channel Christmas movies.

If you've ever seen one of them, you've seen all of them. You can tell 10 minutes in exactly where the movie is going and how it's going to get there. You can stop watching anytime and go do something else for as long as you like, then come back and find you haven't missed a thing.

There is always a plucky but horribly misguided heroine who has somehow lost the magic of Christmas. She has an arrogant, self-involved jerk of a boyfriend or fiancé who is absolutely wrong for her, which everyone else in the world can plainly tell. Through some improbable circumstance, she meets another man and instantly dislikes him because he is such the opposite of the one true love she always felt destined for. But events force them together, and it is clear – to everyone but them – that they are gradually falling in love.

About three-quarters of the way in, there is a dismaying (to them) but completely predictable (to us) setback. There is a horrible misunderstanding leading to hurt feelings, perhaps due to the jerk's last-minute attempt to win the woman he's been awful to for the whole rest of the movie. Finally, though, the magic of Christmas takes over, and the two people we knew should be together end up together. The end.

The Hallmark movies are just awful, they truly are. The acting is amateurish, the direction non-existent, the dialogue juvenile and silly, the plots preposterous or shamelessly stolen from better movies or both. Even the sets look cheap and shoddy. There is usually snow so obviously fake you can almost see the desert heat shimmering at the edges.

But there I am in front of them whenever I have the time to spare, and sometimes when I don't. They've been running non-stop since before Thanksgiving, and today I find myself so immersed in a parallel universe of such treacly sentimentality and pathological optimism that it will likely be months before I am of any use to anybody in the real world.

I suppose it is the movies' utter predictability that attracts me as I try to recapture the sense of certainty from a couple of childhood experiences. One was sitting with my father as he watched his beloved professional wrestling matches, cheering for the hero who would always win and hissing at the villain who would always lose, no matter what dastardly tricks he pulled. The other was reading paperback Western novels I borrowed from my older cousin. It annoyed my brother mightily that I would always go to the last chapter and read it first. The reason, I explained patiently to him, was that in a Western, the good guy is supposed to get the girl and ride off into the sunset at the end. If that wasn't going to happen, then I wasn't going to waste my time on the stupid thing.

Since childhood, I have spent a career living in and writing about the realm of politics and politicians, where nothing is as it seems, you can't trust what anybody says about anything, and the endings that unfold just as you knew they would are never guaranteed to be happy ones.

It's been on the whole a rewarding life, and I don't regret immersing myself in the messy, sometimes unpleasant swamp of the real world in search of a few good paths through it. Humankind is poised today, Charles Krauthammer has written, both on the brink of wondrous breakthroughs and at the edge of horrific missteps. Getting our politics right is the only way we have of finding the wonder and avoiding the horror.

But it can surely wear a person down and make him despair a little for the human race. I think we can all use an occasional break in which we embrace the fantasy of knowing 10 minutes in

that everything will unfold just as it is supposed to, whether we're playing close attention or not.

Merry Christmas.

## Forcing Us to Think What We Do not Think

*(Dec. 18)* — I'm stumped.

I've been trying for days, ever since checking out the oral arguments in the Masterpiece Cakeshop case now before the Supreme Court, to come up with an analogy that would make the issues involved easier to understand. But there isn't one. How do you simplify something so glaringly obvious that even the most obtuse among us should be able to comprehend it?

Masterpiece owner Jack Phillips refused to design and create a cake to celebrate the wedding of a same-sex couple because to do so would violate his religious convictions. To those who would make this case a primary battleground in the country's ongoing culture war, what he did was no different from the restaurant owner who refuses to serve a gay couple.

But there is every difference in the world, and only by willfully ignoring it can we even take this preposterous case seriously.

The restaurateur is turning people away because of who they are. And he is flouting the long-accepted legal principle that someone maintaining a public accommodation must serve all members of the public. The baker is turning people away because he does not wish to participate in something they want to do. He is a contractor exercising his right to pick and choose the clients he wishes to enter into a contract with, based on what they want him to do and he is willing and able to do.

Who can't understand that?

Obviously, that is a facetious question, since half the Supreme Court doesn't seem to get it, which is why everyone is now focused on the swing vote, Justice Anthony Kennedy. He wrote the majority opinion in *Obergefell v. Hodges*, which legalized same-sex marriage, and now he will apparently decide how vindictive the victors

in that case will be allowed to be. Imagine that — whether or not millions of believers will be able to freely exercise their religious beliefs will depend upon which side of the bed one man gets up on one morning.

If you can stay awake following the oral arguments, you'll find the justices wasting an extraordinary amount of time debating whether this case involves the First Amendment's religious-exercise rights or free-speech rights. When forcing the baker to say something he does not wish to say, by virtue of making a cake with a message he does not approve of, are we violating his rights as an artist or a worshiper?

In either case, he is being forced to say something he does not wish to say. As a writer, I find it troubling that so many people just skip over that part. In 40 years of editorial writing, I have been able to write many things I believe, but not everything I believe, simply because not everything I believe has coincided with my newspapers' editorial philosophies. But I have never — ever — been forced to write anything I did not believe. There were a couple of close calls with particularly headstrong publishers, but the crises were ultimately averted. It is nothing less than horrifying that the government could order me to write something against my conscience. And if you think that's beyond the realm of possibility, you haven't been paying close enough attention to the twists and turns of First Amendment and civil rights litigation.

It is no accident that the First Amendment sits atop the Bill of Rights. It is meant to protect that which is most crucial to our sense of self and worth — our very thoughts. If the government can make us behave as if we do not believe what we believe, it truly owns us heart and soul.

In the *Obergefell* case, Justice Kennedy wrote that "The Constitution promises liberty to all within its reach," a liberty that allows persons "to define and express their identity." To determine if there is a chance that promise can be kept, it is necessary to keep straight who is asking for tolerance and who is trying to deny it.

We know a thing or two about intolerance in Indiana. After the state's Religious Freedom Restoration Act was passed in 2015, an intrepid TV reporter asked the owners of a small pizzeria if they would cater a same-sex wedding. Probably not, was the reply, although they would never refuse service to anyone based on sexual orientation.

That was enough to unleash a firestorm of malevolent ignorance on social media, falsely claiming that the state now had a license to discriminate, which prompted a legislative "fix" of RFRA that angered religious observers as much as the original version angered the social justice warriors.

Supporters of the LGBTQ community can still claim they will face perpetual discrimination, but the devout now know that their faith can never be used as a defense against such a claim. Not our finest hour.

So now we wait to see if Anthony Kennedy can bring some clarity to our confusion. We can only hope he gets a good night's sleep.

## A Test of Good Municipal Government

*(Dec. 11)* — What makes a city great?

That was one of the main topics explored at a two-day seminar in Wabash I recently attended put on by the conservative think tank Indiana Policy Review. Many things add to a community's quality of life, the attendees concluded, one of the principal being that government takes care of its proper business.

Government should, first and foremost, fulfill its primary mission of protecting people's lives and property. It should maintain the infrastructure, nurture basic amenities and look out for those most in need. It should avoid exotic economic development strategies that risk enormous sums of taxpayer money. Added all together, these elements mean elected officials (I underlined this three times in my notes) should govern the residents who live there, not the ones they wish they had.

The seminar's conclusion mirrored my own thinking, but I arrived at my definition subjectively, not through the dispassionate sifting of the kinds of data a think tank can mine. When I list the things I think make my city great, I come up with a list of memories.

It's catching my first breathtaking glimpse of the skyline around a bend in the road at the age of 12 from my father's car as he drove the family here from Eastern Kentucky in search of a better life.

It's spending my first summer here walking up and down side streets and riding my bicycle through neighborhood alleys, ending up, more often than not, at a city park full of arts and crafts and baseball.

It's earning \$2 a week as an "assistant" to the carrier who delivered the evening newspaper, then blowing all the money on cherry Cokes and comic books at the corner drugstore.

It's setting foot in Central High School and experiencing the multi-ethnic society the Kentucky hills had sheltered me from.

It's graduating from that school, then first feeling sadness that the powers that were decided to close it, and second feeling relief that somebody found another use for the building instead of tearing it down.

It's spending a year in Southeast Asia dreaming every night of the home I could return to and the loved ones who would welcome me.

It's embarking on a career at that same newspaper I delivered as a 12-year-old and hiring as one of the editorial page's first guest columnists the high school English teacher who had first encouraged me to write.

It's burying both my parents here and knowing they chose this for their final resting place instead of the hills where their families have lived for generations.

It's talking to my sister in Indianapolis who, approaching retirement age, has a sudden and powerful urge to come back here when she finishes her career.



This town is a great town to me because it is my town. It's the place I grew up in, the place where I learned life lessons sometimes painful but always valuable, the first place I understood what it is to love deeply and fight passionately, where the child slowly became the man. It is the place I always miss, the base I always return to. "Hometown" is more than just a word.

My city happens to be Fort Wayne. But I could be a resident writing about Evansville or South Bend or Hammond. One of the pleasant surprises at the Indiana Policy Review seminar was meeting Ryan Cummins, a former councilman from Terre Haute, who talked about his city the way I would talk about Fort Wayne. In high school, he couldn't wait to graduate and "get the hell out of town." But during his stint in the Marines, he started feeling the tug of home and ended up going back to help his father run the family business. He knows Terre Haute has flaws and "a certain reputation" in the state that's not always flattering. But it's the place he belongs, the place he loves, a place he can improve simply by living a just and productive life.

There are tens of thousands of towns across this country that most people have never heard of but which have millions of people as invested in their communities as Ryan and I are in ours. They have a fierce loyalty based on memories.

They see a future where they are because they have a history there.

All any of us ask of our governments – especially our local governments – is one simple thing: Don't screw up our cities too much. We don't demand that our leaders never wander into areas beyond their competence; that would be asking the impossible. Officials believe they are elected by God do something, so they are always in search of mountains to move, whether or not the mountains even need moving, let alone whether or not they can be moved.

But they should take a breath from time to time and slow down, trusting in the wisdom of their citizens to live their own lives instead of waiting for instructions from expert planners and

busybody functionaries. Government can make those personal quests easier or harder depending on how well they master the basics and how far afield they drift from them.

Here's an easy metric they can use to determine if they're getting it right – call it the infrastructure test:

Watch where we're going, then follow us with the infrastructure. Or, at the least, if you are able, figure out where we are going and build the infrastructure out just ahead of us. Please do not – ever – decide where you think we should be going, then put the infrastructure in place and move heaven and earth to make us go there.

"Govern the residents who live there, not the ones you wish you had." To which it should be added: Govern the residents you have as they are, not as you wish they would be.

### It's More Serious than Gerrymandering

*"Indiana must rid itself of the electoral cancer of gerrymandering so it can have more competitive legislative districts."*

(Dec. 4) – That's one of those political truisms – like "Not enough people vote, so we must make the process easier" – so unquestioned that hardly anyone ever looks at the other side. And voting rights advocates, public interest groups and editorial pages are building up such pressure for a change that we're likely to see the General Assembly give up its redistricting duties to some kind of citizens group.

But informed voters should always be skeptical enough to think carefully about what they're being offered and what they might actually get.

The downside of gerrymandering is well known because it's been pounded into our heads forever. It results, the Politico website succinctly noted in 2015, "in districts that are dominated by one party, which makes elected legislators beholden only to their party's base, which then gives them the incentive to be hardcore ideologues, which in turn makes politics so polarized."

The evidence, however, does not quite support such a sweeping generalization. A 2005 Emory University study of more than 50 years of U.S. House races found that the decline in competitive races was not caused by incumbent-protecting redistricting but rather by demographic changes and ideological realignment in the electorate and by challengers' lack of financial resources. And a 2009 study published in the *American Journal of Political Science* found that polarization "is primarily a function in how Democrats and Republicans represent the same districts rather than a function of which districts each party represents or the distribution of constituency preferences."

But even if we accept at face value the shortcomings of "redistricting for partisan advantage," it is fair to ask if the simple substitution of "redistricting to create competitive districts" is the silver bullet some claim it to be.

"Gerrymandering" got its designation from combining the last name of Massachusetts Gov. Elbridge Gerry and "salamander" for that politician's 1812 creation of an odd-shaped district the boundaries of which were designed solely for the purpose of favoring his political party.

That should be a clue to a problem with competitiveness creation. A competitive district is one in which the number of Democrats and Republicans are so close together that an election can go either way. Coming up with an optimum number of such districts is likely to create as many odd shapes as the most blatant gerrymandering effort. Why is one electoral map full of odd shapes "fairer" than the other map full of odd shapes? And fairer to whom?

What might we have lost while optimizing the perfect political balance? How do we juggle the interests of urban, suburban and rural constituents to ensure that all have their voices heard? What about the pockets of poverty and the enclaves of the well-to-do, which have very different concerns? Should racial and ethnic minorities be packed into districts so they are guaranteed representation, or would that in

reality dilute their overall influence? How do we deal with people who feel they have common interests and values because their daily lives are defined by some geographic boundary?

Complicated questions that deserve more than a simple answer, especially considering how little we are to actually likely to gain from our ruthless excisement of gerrymandering.

An analysis of districts and voting patterns last year by The Associated Press found that Indiana's "unfair" districts resulted in Republicans getting five more Indiana House seats than "experts would expect" – 70 out of 100 instead of 65. And they have one more U.S. House seat – seven of nine instead of six of nine – than they "should" have.

Roughly three-quarters of the federal budget goes to the uncuttable, locked-in costs of defense, entitlement programs and interest on the national debt. And according to a study by the Indiana Policy Review, the great majority of bills introduced by the GOP supermajority in the General Assembly seek to make government bigger, and only a fraction of them seek to make it smaller.

That's what we should be worrying about, not whether we can engineer an elaborate plan to replace literally a handful or fewer of Republicans with Democrats.

## Our 'Homeless' Politicians

(Nov. 27) — We apparently have a housing shortage in Indiana that is about to become a crisis. The representatives and senators we elect to serve our interests in Washington seem to be on the verge of homelessness.

Consider the sad case of Luke Messer, now serving as a representative and desperately seeking a senatorship. The man is 48 years old and earns \$174,000 a year and yet is forced to live with his mother in a two-bedroom, 1,200-square-foot shack in Greensburg.

Of course, there could be an upside. If he is living in his mother's basement, that would make him the perfect representative for similarly

situated millennials, who constantly whine that nobody understands how tough it is for them. Talk to Luke, kids, he feels your pain.

But we really can't let the situation continue. Things are so bad, I understand, that when Messer's entire family visits Indiana, his mother's house is too small so they have to stay at his brother's place. Is that any way for a dignified public servant to live?

My sister in Indianapolis has a spare bedroom, so I suppose he could stay there. But her house is not much bigger than Messer's mother's, and our brother lives in Texas, so accommodating the representative's entire family could be a problem. Besides, I already stay with my sister two weekends a month, which I figure qualifies me to run for mayor of the Circle City. If two use the same place as a politically expedient address at the same time, somebody might get suspicious.

Former Sen. Richard Lugar has a "family farm" that he registered as his legal address after he sold his home in Indiana and moved permanently to Washington, calling into question his commitment to the Hoosier state. But the Messers might find the rural lifestyle challenging.

And former Sen. Evan Bayh had an Indiana residence that was listed on his driver's license, which must be proof of something. But in an interview with reporters, he couldn't remember the address, so he might have trouble pointing Messer in the right direction.

At this point, a reasonable person might be asking, "Why is this the concern of Hoosiers?" These are mature, reasonably competent people we're talking about here. Surely they can handle a simple thing like residency.

But the burden is on us, Mr. Messer says. Because of "the fundamental decency of Hoosiers," we understand that "being a dad comes first," so he has to keep his family together and his three children close — in their 2,700-square-foot home in Virginia and their vacation home overlooking a lake at the foot of the Great Smoky Mountains in Tennessee.

So there you have it. We must keep allowing Messer to have a pretend address in Indiana or we are home wreckers.

Truthfully, I'd wreck that home if I thought it would make a difference. Mr. Messer was a dad before he was a representative, but he should have known that balancing his family life and his obligation to constituents was part of the exalted position he actively sought.

Unfortunately, it doesn't matter how furiously our Washington envoys cling to the ghost of their Hoosier roots. They gravitate to the seat of power because they want to be a part of it — the deals, the favors granted and received, the prestige and privileges, the gossip at the parties, the deference from subordinates and common folk, the sheer exhilaration of being in charge, the glamor of it all. It's not that they go to the nation's capital and get seduced by it all; they are seduced by the very idea of going there. The instant they enter the election, they are lost to us. In other words, the fact that they want the office is the evidence that they shouldn't have it.

If only we could turn back the clock. We could uninvent the jet plane and air conditioning, the two technological innovations that made a full-time job in Washington possible. Our senators and representatives would, as they did in the beginning, spend just six months in the nation's capital, then six months at home, including the summer months that get insufferably hot in the halls of Congress. Our public servants might actually get to know the people they allegedly serve.

Maybe we can speed the clock up a little instead and make our public servants use the technology that is readily available. Require them to telecommute — have conferences, make deals and take votes from the computer screens in their mothers' basements and on their family farms. Perhaps make them wear ankle monitors so they can't wander more than 25 miles from their home districts. We wouldn't get to know them, but at least we'd know where they were. Just imagine how much less government there would be if the

lobbyists had to travel all over the country instead of being able to corral all the senators and representatives in one place.

And just to give them some incentive, we'd allow our public servants to have pretend addresses in Washington, which they could visit a few times a year, the same number of times they now visit their pretend addresses in their home districts. They could attend a party or two, buy a few postcards to send to their friends and have cab drivers hold open the doors for them and bow at the waist.

But we get to see an itemized list of expenses before we pay the bills.

### Pot Legalization Redefines Federalism

(*Nov. 20*) — I've read every story — and there are a ton of them — about the excitement of a Republican lawmaker proposing to make medical marijuana legal in Indiana and the drama of the Indiana Association of Prosecuting Attorneys vehemently opposing the idea.

In only a couple of the stories did I see a lone sentence, buried deep within the copy, to the effect that “federal law still considers marijuana illegal.” That was the only hint to readers that this issue might be more than a simple yes or no decision by one state legislature. And nowhere in all the thousands of words of copy did I see the term “federalism” to help explain what is going on.

So perhaps a little remedial civics education is in order.

When the Founders sat down to draft the Constitution they of course wanted to avoid the kind of unitary system of government that England had imposed, one in which a central authority dictated everything. And they wanted to improve on the deficiencies of their own confederation, in which states had so much power the central government was powerless. So they created a federalist system, designed to balance the powers of two roughly equal forces, the federal government and the various state governments.

They distrusted central power, so the states were given the upper hand. The federal government was to have only the few powers specifically spelled out in the Constitution, and all other powers were reserved for the states or the people. This is known as “dual federalism,” but it has been called “layer-cake federalism” because state and federal governments had distinct powers that did not overlap. This is the version for which constitutional purists pine when they get all weepy over the 10th Amendment.

But everything evolves, and federalism has gone through many iterations.

The Civil War and resulting three constitutional amendments turned the Founders' intent on its head and made it clear that, although “roughly co-equal” might still hold, the federal government was now the managing partner. This paved the way for Franklin Roosevelt's New Deal and the second iteration, “cooperative federalism” in which it was determined that everyone had to work together on critical national problems, meaning basically that the federal government muscled in on formerly state prerogatives. This has been called “marble-cake federalism” because it was difficult to determine where one set of powers left off and the other set began.

The third iteration came from Lyndon Johnson's Great Society programs. Under “creative federalism,” the federal government bypassed any pretense of consultation with the states and started dictating to cities and counties as well. Some have called this “picket-fence federalism,” with the vertical pickets representing social programs and the horizontal slats representing all levels of government working together. But I like the cake metaphor, so I prefer to call it “takes-the-cake federalism,” in which Washington slices up the cake of which it has taken sole ownership and hands out the pieces anyway it pleases.

“New federalism,” an attempt to turn back the constitutional clock by Presidents Nixon and Reagan with things like revenue sharing, block grants and a concept ambitiously called the

“devolution revolution,” was all but an abject failure. Call it “crumbs-on-the-floor federalism,” in which the states grabbed up a few pitiful morsels and declared a great victory. Any progress made was wiped out and then some by George W. Bush with federal aggrandizements like No Child Left Behind and the Patriot Act. This was the “put those crumbs back down, kid” phase.

Which brings us to the present and that simple “federal law still considers marijuana illegal” sentence. What we have now, initiated by President Obama and as yet undiluted by President Trump, is “have-your-cake-and-eat-it-too federalism.” The federal government still has control but tells states to pretend that it doesn’t.

There might be a better way to cultivate a disrespect for the very idea of law but offhand I can’t think of it.

When it comes to marijuana, this iteration of federalism has created what one wit has called “Schrodinger’s Weed” – legal and illegal at the same time. So far, 29 states have approved some form of medical marijuana, and eight have made it a legal recreational drug, despite the fact that the federal government still classifies it as a Schedule 1 drug just like heroin and LSD.

Legal profits are already in the billions for an enterprise on a shaky foundation that could be toppled in a heartbeat by Attorney General Jeff Sessions, a fierce anti-drug warrior from the old school. (Actually, what Sessions told senators was that it was not his job as attorney general to decide which laws to ignore and which to prosecute and if they wanted marijuana off the federal list, they had the power to do so. What a concept.)

I admit to being ambivalent about marijuana. Indiana’s prosecuting attorneys vastly overstated the drug’s dangers, but its proponents also greatly exaggerate its harmlessness and potential benefits.. Legalizing it would be neither a catastrophe nor a great blessing. The results would be mixed, and only a few year’s history would tell us if the benefits outweighed the harmful effects. It’s exactly the kind of issue for

which some states will want to rush in and some will want to hang back and see what the evidence shows. It is also the kind of issue the Founders would have left to the states, since the only way to justify a federal intrusion is a ridiculously expansive interpretation of the Constitution’s commerce clause.

Which, alas, the Supreme Court has given us. In 2005’s *Gonzalez vs. Raich*, the court ruled that even marijuana that is home grown for medicinal-use personal consumption can be criminalized because it might somehow make its way into illicit markets and end up crossing state lines. That ruling has not been superseded.

So this is how federalism works these days. Some brave states like Oregon and Washington rush in, betting that before the Supreme Court or Justice Department drops the hammer, they can create a tipping point of marijuana acceptance that will make federal re-engagement untenable. And some states, like, of course, Indiana, will hang back and wait to decide if that’s a train they want to jump on or a potential wreck from which they want to stay out of the way.

Piece of cake.

## Airbnb Tests Property Rights

(Nov. 13) — The road before you diverges into two paths. You cannot go back. You can only forge ahead, choosing one path or the other. Sentinels guard both ways forward.

One sentinel will let you pass only if you either pay a hefty toll or accept suitable punishment for nonpayment. The other sentinel stands aside and says you may pass through and be on your way. Which path will you choose?

Not really that tough a choice, is it?

But some people seem to think it is, or at least want us to think it should be.

Consider the case of Airbnb, one of the newest entries in the “sharing economy” that lets people transact business with one another without the usual government regulatory structure setting the rules and choosing the winners and losers.



Airbnb's vacation rentals are to empty spaces what Uber and Lyft are to drivers and riders. Through the service, people can rent rooms or even whole houses for short periods. It's a bargain for vacationers and puts extra cash in homeowners' pockets.

So guess who doesn't like the service? The existing hospitality industry, of course, which is pushing back against Airbnb as ferociously as the existing taxi industry has challenged Uber and Lyft. And guess who is helping with the fight? City and county governments, of course, which feel compelled to justify their existing regulations by letting no upstart entrepreneurs escape them.

Enter the state, which is considering legislation to prohibit local governments from stopping short-term rentals or trying to bury them under piles of unnecessary rules and regulations. And the possibility of state intervention has some people tied in philosophical knots, including those who populate newspaper editorial boards.

"Call it a clash of political philosophies," says an entry on one of the state's proudly progressive editorial pages, "on one side a devotion to the Jeffersonian tenet that 'the best government is that which governs least' versus a belief that local decisions are best made by local authorities."

Oh, no! It's the dreaded "state control or home rule" conundrum! Whatever shall we do?

Strip away the esoteric theories and abstruse hypotheticals, and what is at stake becomes clear: Whether we resist control or submit to it. This is not really a choice between state dictates and an unknown local decision-making process that could lead to any outcome. The only reason to fight the state's plan for less control of vacation rentals is to give local governments permission to exercise more control.

Regulators serve the status quo, as columnist and retired pollster Scott Rasmussen has written. "Free-market competition, on the other hand, will encourage innovation and improve the lives of consumers. It's the best form of regulation. The reason is simple: Consumers will seek out the option that serves their best interest."

That is truer now than it has ever been. Those who like the idea of being in charge are always looking for ways to ramp up the rules and regulations. They have had no choice — more and more control was needed just for them to keep the power they already had.

But now they're fighting for their very existence, so expect them to act accordingly. There has always been an underground economy full of buyers and sellers unhappy at being fettered by the heavy hand of authoritarians. Now the digital revolution — more profound than any upheaval this country has ever seen — is bringing that economy out of the shadows. People today are free to enter into all sorts of voluntary exchanges unencumbered by the command-and-control structures that once stymied them, and they like it.

The statists feel their power slipping away, and they're going to start getting a little surly. "Home rule" is a good guideline, but it is not an unalterable dictate. We should be careful about what result we will be happy with when the principle is invoked.

There are people who want to control us and those who are willing to let us be, so let's keep our eye on the ball.

### **Statistics Don't Lie, but Journalists Do**

(Nov. 6) — Sorry, kids. If you're in love and plan to take that final step in this state, better think again.

According to a news report about the latest statistics from 24/7 Wall Street, a "financial site" on the Web, Indiana has the sixth-highest divorce rate among the 50 states. You're headed for misery and a life of broken dreams.

Just look at the numbers. Out of every 1,000 married individuals in Indiana in 2016, 19.6 of them got divorced.

Goodness. That is just astonishing. Why, that's almost . . . 2 percent!

Hmmm. Doesn't seem all that high, does it?

In Arkansas, the state with the highest rate, 23.4 of every 1,000 married individuals broke the ties that bind. That's not quite 2.5 percent, and somehow that doesn't seem so catastrophic, either.

Granted, if you knew there was a 2.5 percent chance of a crash, you might think twice about getting on that airplane.

But there is a lifetime risk of 2.2 percent that you will die in an automobile accident. Are you going to quit driving?

Whatever happened to that scary old warning that had so many of us trembling at the altar, you know, the one about half of all marriages ending in divorce? We have always known, haven't we, that taking the marriage vows is to enter into "lady or the tiger" territory? Open that door, and there's a 50-50 chance of eternal happiness or getting mauled to death.

Except that it is not true.

Do a little digging, and you will find some analysts willing to sneak up on reality and offer a timid little challenge of the Zeitgeist.

The divorce surge is over, according to a New York Times article from 2014: "The divorce rate peaked in the 1970s and early 1980s and has been declining for the three decades since."

That statistic used to be correct, says a Psychology Today article from earlier this year, but "overall divorce rates have been falling for a few decades. The truth is, the average couple getting married today has more like a 75 percent chance of staying married. That means only about 1 in 4 recent marriages are likely to end in divorce."

But the real truth is that the statistic is not only untrue now. It never was true in the first place. It was what the cool kids today call "fake news," a commodity that unfortunately predates the presidency of Donald Trump by a long, long time.

It came about when intrepid journalists discovered the factoid that in any given year, about half as many people get divorced as get married. In 2006, for example, the marriage rate

in the United States was 6.9 out of 1,000 people, according to the National Center for Health Statistics, and the divorce rate was 3.2 per 1,000 people. Divide 3.2 by 6.9, and you get 46 percent. Voila! Nearly half of marriages end in divorce.

But the reality of statistics is that raw numbers without context are meaningless.

The people who get divorced in any given year are not from the same group who got married in that year, so putting those numbers side by side tells us nothing. To learn something useful about the divorce rate, we'd need to compare people over time. How many people who got married 10 years ago are still together? How about 20 years ago, or 30?

Furthermore, we'd need to know something about the time and place of people getting married and divorced. What was the culture like and what was going on in the larger society? Were there external forces that might point to a spike or dip in the rate being the continuation of a trend or a historical anomaly?

But none of that is in most curricula leading to a bachelor of arts degree. The sad fact is that most journalists are quite innumerate. Anything beyond "two plus two equals four" quite befuddles them. Yet they lumber on, dropping misleading numbers like crumbs to be followed from the desert of ignorance to the false oasis of enlightenment.

It can be interesting and even fun to follow those numbers from the individual to the group, to learn, for example, that on the whole Indiana has more overweight or obese youths than all but eight other states, that Indiana is the "eight-dumbest state" when considering the number of bachelor's degrees, that smoking here ranks fifth in the world (just behind the Philippines).

But science and politics are a dangerous mix, especially when nothing stands between the two but clueless journalists who have no idea of the complexities they're reporting on.

So it's dangerous to stand by and let politicians use statistics the other way, from the group down to the individual, to use them to set policies that

will rule us, to watch them stumble from the hair-on-fire stage (“Something drastic must be done immediately!”) to the we-can-fix-anything stage by spending huge amounts of money. That’s roughly where we are on the opioid “crisis.” Indiana University and state officials have announced a \$50 million initiative, and newspaper editorial boards are delighted.

And it is downright stupid to plan your life based on those statistics.. If you get married, you will succeed or fail depending on whether you choose the right person and whether you put the effort in to make it work.

That’s the absolute truth, but the fact is that there’s only a 50 percent chance you will accept it. Either you will or you won’t. ♦

## Morris Named Indiana’s Top Editorial Writer

*(Dec. 3)* — Leo Morris, columnist for The Indiana Policy Review, was named Best Editorial Writer yesterday by the Hoosier State Press Association for work done as the editorial page editor of the Fort Wayne News-Sentinel.

“There were many good entries in this category,” the judge wrote. “(Morris) led the pack with a good package that spoke to transparency and fairness, and closed with a fun piece about that inexplicable desire to be called a Hoosier. Well done.”

In October, Morris began writing a weekly column for the 122 editors whose newspapers hold membership in the foundation. An Indiana journalist for 40 years, he earlier was named a finalist in editorial writing by the Pulitzer Prize committee.

Morris, a Vietnam veteran, describes himself as a libertarian-conservative hybrid and a grouch, “by experience rather than inclination.”

# Backgrounders

## The Obama Presidential Center

T. Norman Van Cott, B.A. MA. and Ph.D. in economics, taught at Ball State University for 38 years in a wide variety of courses, publishing articles in a number of professional journals and public policy outlets. He was department chair for 15 of those years. Dr. Van Cott's undergraduate degree was earned at Long Beach State College with graduate degrees at the University of Washington in Seattle.



(Feb. 23) — As controversy swirls about the forthcoming Obama Presidential Center in Chicago, its builders cite jobs associated with the center as benefits. According to the Obama Foundation, there will be 5,000 jobs during the Center's construction and 2,500 after it opens. Whatever the job figures turn out to be, they represent costs, not benefits.

Obamaesque puffery about the dispossessed of Chicago filling these jobs aside, those involved in building and maintaining the Center will surely have alternative earning capabilities.

This means construction and operation of the Center will entail bidding people away from other jobs. Thus, other things will go unproduced as a consequence of the Center. Foregoing other things is hardly a benefit.

Actually, the fewer jobs associated with the Center's construction and operation, the more likely the Center is economic. Fewer jobs mean it costs less to construct and operate. It means overall living standards will be higher.

Indeed, in the best of all worlds the Center would magically appear, requiring only kiosks to operate, the kiosks also magically appearing. That way, Americans could enjoy the Center and have the maximum amount other things.

What's wrong with such a scenario? Nothing, except free lunches like this are not part of this world.

The source of the confusion is that those employed in constructing-operating the Center clearly benefit. Lurking behind the scenes, however, are those things that go unproduced as a consequence of the Center.

It's impossible to see things that are not produced. Not for those working at the Center. So it is relatively easy for hucksters for government and other non-profit projects to cast associated jobs as benefits, when in fact jobs represents costs.

It's true that private, for-profit entrepreneurs also cast new jobs associated with an expansion of their operations as a benefit to the communities where the expansion occurs. I submit that the entrepreneurs are playing upon public ignorance about job counting.

You can rest assured that entrepreneurs will opt for lower cost means of expansion — fewer jobs. Their bottom lines depend on it.

It is instructive to point out that Barack Obama was involved in another high-profile example of job counting silliness. Such was the case with the Keystone Pipeline that was to transport oil across a section of South Dakota.

Obama refused to permit the project to continue, citing, among other things, that the project did not create many jobs. Of course, this is the very thing that would increase the possibility that the pipeline would be a worthwhile endeavor.

Obama's GOP opponents insisted that there were lots of jobs associated with the pipeline. For them, this was a reason to permit the pipeline.

But lots of jobs mean the project is less likely to be economically productive.

Amusingly, if not so frustrating for economists, Obama's reason for not approving the pipeline was actually a reason for approving it. And his GOP opponents' reason for permitting the pipeline was a reason for not permitting it.

Job-counting, regardless of whether it's a presidential center in Chicago, an oil pipeline in South Dakota or a multitude of other examples is dangerous to our economic health.

## You Might Be a Partisan If . . .

Eric Schansberg, Ph.D., an adjunct scholar of the foundation, is professor of economics at Indiana University Southeast.



(Feb. 12) — Everyone seems to agree that partisanship is increasingly prevalent and toxic. But few people seem to see themselves as part of the problem. One aspect of partisanship can be a troubling lack of objectivity and empathy — and, even, blindness. So, how would we know if we’re partisans?

We all know that, at least in principle, it’s challenging to be objective. Think of a referee’s call in a sporting event between rival teams. Fans of one team get upset, confident that their team has been ripped off. Fans of the other team see the same call and are confident that the referees are correct. But then it all reverses two minutes later.

The problem: a lack of objectivity and blindness fueled by partisanship toward one’s favorite team. We can see it in others. But can we see it in ourselves?

Of course, favoring one “team” or another is not the problem. It’s the potential for bias and blindness that can easily come along with it. The stakes in politics are much higher — as they feed into society and culture, as well as public policy.

Looking at the low level of discourse in politics these days, it seems obvious that less partisanship would be really helpful. To those who are relatively objective on politics, it’s patently obvious that there’s plenty of room for criticism of both major political parties.

So, as a public service announcement, I’d like to help people see whether they’re political partisans. And I want to help non-partisans effectively signal their lack of partisanship. To do so, I’m going to borrow from Jeff Foxworthy’s famous riff of “you might be a redneck.” In this context, if you X, Y, and Z, then you might be a partisan if . . .

- You typically pull the party line lever in the voting booth.
- You’re only concerned with federal spending, deficits and debt when the other party is in control.
- Your Facebook posts on politics are not balanced between the parties.
- You’re passionate about Senate procedural rules and the pace of judicial appointments.
- Most of your examples of partisanship mysteriously implicate only one party.
- Wars and domestic spying are bad, but only when the other party is in control.
- Character counts, but only when the other party is in the White House.
- Your opinion of James Comey and Steve Bannon vary drastically with the news of the day.
- Everyone on the other side is stupid or evil (or you imagine that your group is pure of heart).
- You were a big fan of only Bush II or Obama on the many issues on which they agreed.

What should you do? First, if you’re a big fan of either team, then your standards are probably too low. Consider the possibility that both aren’t all that impressive. Quit being so nasty, dogmatic and team-centered, defending something that is indefensible. Recognize that most players on both teams are striving for power and let’s call them all to something (far) greater.

Second, try to focus on public policy more than party — and on principles more than personalities. It would be difficult to get educated on a large range of issues but make an effort to learn deeply about one or two issues. Read widely (instead of just from your own tribe) and have lunch with someone who is doing likewise. Try to figure out how the world actually works, rather than relying on a shallow approach to politics and policy.

Third, look in the mirror. It’s always easier to point fingers and attack others. It’s always tempting to rationalize, ignore our own flaws and



make excuses. This has been a struggle for all of us since Genesis 3. But you can't make progress, really, unless you're willing to be introspective personally and to call out the yahoos in your own tribe.

## Government Licensing

(Feb. 6) — Maybe you've heard about the recent firestorm in Oregon. People there are now being allowed to pump their own gas in the state's less-populous counties. Some Oregonians are worried about their ability to do it safely or they don't want the smell of gasoline on their hands.

Of course, markets will continue to provide full-service gasoline stations if enough Oregonians want to continue paying for the service. But industry interest groups and a handful of concerned citizens are trying to stop the deregulation. They're supporting an effort to have Oregon's government re-regulate an activity that is legal in 48 other states. (New Jersey has been the only other exception.)

Requirements to have professionals pumping gas is an example of "mandatory licensing" — where you are mandated by the government to have a license to perform a service. Often, market participants will pursue certifications, diplomas and credentials to signal their value in the marketplace. But "mandatory" takes it to another level — where the government insists that legal participation in those markets must pass muster with government regulators.

The Institute for Justice (IJ) has just released the second edition of its publication on this topic, "License to Work: A National Study of Burdens from Occupational Licensing." (Full disclosure: Kyle Sweetland, one of the co-authors, is a former student of mine at Indiana University Southeast.) In the book, the authors note that 5 percent of workers required permission from the government to work in a field in the 1950s. Today, it's about 25 percent.

The authors document the regulatory burden for 102 "lower-income occupations" in each state. The average cost is \$267, one exam and nearly a

year of education and experience. Fields in the cosmetology trades are the subject of consistent and large-scale regulations. But examples abound, ranging from interior design to pest control, from preschool teachers to massage therapists, from painters to auctioneers.

Such regulations are particularly unjust for members of the military who have the relevant training from the federal government — but often don't pass muster with state accrediting bodies — to work in those fields legally.

As the IJ authors note, the regulations are not consistent by state. This implies that workers and consumers in non-regulated states are able to work things out well enough, without the government's help. And often the regulations don't seem to make much sense: On average, cosmetologists require more than a year of training, but emergency medical technicians (EMT's) require about a month.

Indiana is one of the least-regulated states, regulating only 37 of the 102 occupations. (The average is 54.) Here, the most regulated occupations are midwife, preschool teacher and sign-language interpreter. Midwives are required to have three years of education and to perform 80 deliveries — the most stringent requirements in the 41 states where it's legal. (Of neighboring states, midwives are prohibited Kentucky and Illinois.) Preschool teachers need six years of education and three exams. Interpreters must be at least 18 years old and have four years of training.

Compared with other states, Indiana is particularly stringent on truck and transit-bus drivers, ranking fourth highest. They are required to have a year of experience and to pass four or five exams. Indiana also has relatively high barriers for school-bus drivers (12th highest), skin care specialists (12th) and manicurists (15th).

In general terms, the effects of mandatory licensing are easy to imagine and predict: higher barriers to entry lead to fewer service providers and less competition; workers have less access to relatively easy-to-enter occupations; and

consumers will face higher prices and a mixed bag in terms of quality (fewer providers but hopefully more qualified).

Until the last few years, this was mostly an issue of concern for Libertarians and labor economists. Libertarians were bothered by the ethical and practical implications of the government restrictions. Labor economists pointed to the costs of policies that are usually sold solely on their benefits.

But in 2015, the Obama administration devoted considerable time and energy to the topic, releasing a report “documenting problems with licensing policy and calling for widespread reform.” President Donald Trump’s Labor Secretary, Alexander Acosta, also has exhorted the states to address this topic. The Bureau of Labor Statistics is now collecting data on these policies and the Federal Trade Commission has created an “Economic Liberty Task Force.”

This bipartisan effort makes sense since mandatory licensing is not a partisan issue. It’s more about those who are politically connected (the political 1 percent) versus the general public in their efforts to restrict competition from other producers and their desire to increase prices and profits.

### ‘I’m Smarter than Everyone Else’

Arthur Foulkes, a member of the Indiana Policy Review Foundation, is a writer and a resident of Terre Haute. This article first appeared at [TheFreemanOnline.org](http://TheFreemanOnline.org).



(Feb. 1) — “It’s a sickness,” said a friend of mine who until recently was an elected official in our city. “It sets in after you’re elected the first time, or maybe even when you’re running for office.” That sickness is “thinking you’re smarter than everyone else.”

My friend made this statement after reading in our local paper that a newly elected member of the city council had questioned an entrepreneur’s decision to open a new outdoor multi-unit storage

facility in our town. The councilman, a Republican, said that according to his “investigation” the facility is not needed in that neighborhood.

The extent of the councilman’s “investigation” was to ask the owners of nearby storage facilities how business was going. Since none was at 100 percent or even 90 percent capacity, the councilman reasoned that another facility would be a waste of resources in that part of town.

Just two months into his first term, this councilman had already caught the “sickness” of believing he knows best.

Quite apart from the arrogance of claiming to know (after just asking potential competitors) which investments are good and which ones are bad, flaws in the councilman’s logic seem pretty clear. In the first place, not all storage facilities are the same. Some have more security, more lighting, paved driveways or offices on site. And the very fact that they are not all in the same location makes them different from the point of view of consumers. To argue that the entrepreneur should not be permitted to make the investment (the facility required a zoning change) because other facilities are not overrun with business is like arguing that no new restaurants should be permitted to open unless all nearby restaurants are turning away customers each night.

Worse than the flawed argument is the fact that the councilman seems to believe that it’s his place to determine what investments entrepreneurs should make. Even if an investment is a bad one, it is up to buyers and sellers within a market — not public officials — to make that choice in a free society. Only the signals of the market can help determine the best use of scarce resources in a way that is most likely to meet the most urgently felt demands of consumers.

Private-property rights are vital to a free and prosperous society. Zoning laws place restrictions on private-property rights. In theory they are designed to protect other property owners from undue harm. But zoning laws — as I’ve seen over

the past several years — can also be tools for politicians to impose their “plans” and values on others. Because free exchange is the backbone of economic growth, and what people exchange are really property rights, hampering those rights is necessarily counterproductive to growth and prosperity.

In four years of watching city government as a newspaper reporter, I’ve seen the “I’m smarter than everyone else” illness take several different forms. I’ve heard councilmen say they know they have the right to forbid bar owners from allowing smoking in their establishments in part because the Constitution “says nothing about having a right to smoke.”

I’ve heard officials demand that a private company be banned from providing rides home from local bars because those officials had not licensed the company to perform that role (even though no consumers had complained). And I’ve heard local officials argue against the opening of a small restaurant in a blighted neighborhood because the restaurant would be in a movable trailer, not in a permanent building.

I’ve also noticed that the “I’m smarter than everyone else” disease often benefits the well-connected at the expense of everyone else. For instance, I’ve seen government officials promise big tax breaks and outright taxpayer grants to new building projects because “the investments might not have happened” without these subsidies. I’ve also seen permitting requirements and new legal restrictions enthusiastically imposed on the mostly poor people who drive mopeds around town.

The symptoms come in many shapes and styles, but the “I’m smarter than everyone else” disease is a result of disrespect for individual freedom and private-property rights combined with an overconfidence in one’s own knowledge of what is best for everyone else.

America became the wealthiest place on earth because it was also the most free place on earth. The “I’m smarter than everyone else” sickness —

found at all levels of government — is antagonistic to individual freedom and a threat to future prosperity for everyone.

## A Tale of Two Cities

Mark A. Franke, an adjunct scholar of the foundation, is formerly an associate vice chancellor at Indiana University-Purdue University Fort Wayne.



(Dec. 20) — Not that many years ago, my hometown Fort Wayne was planning to widen what had been a county road to accommodate increasing traffic as several new subdivisions were under construction along that road. One property owner on the route hung a large sign in his front yard proclaiming “The City Steals Land!” Welcome, my friend, to the world of eminent domain and the competition between the rights of the property owner and the general welfare of the public.

Some cities are planned, such as Washington D. C., while most develop in what appears to be a haphazard manner when viewed after the fact. Medieval European cities seem to make no sense until you put yourself in the place of the original builders. The winding streets do in fact follow a natural course as the begin and are extended over decades and centuries.

This readily can be seen right here in Fort Wayne. In spite of complaints from newcomers about street names that change every few miles, one can see a method to this apparent madness. Start from the three rivers and go out from there, with a rectangular grid developing wherever adequate flat lands are encountered. Even the exceptions have solid rationale behind them. Take a road called locally the Wayne Trace. This simply follows an old Indian path through wilderness forest and swampland that was improved by Mad Anthony Wayne’s army to march between the Ohio and Maumee rivers.

Another case in point: The old U.S. 24 highway, now replaced and relocated as a four-lane super highway, wound along seemingly

without purpose. Yet, purpose there was in its location. It simply followed the construction road used during the building of the Wabash and Erie Canal.

Road networks have developed over history in a rational and economic manner without heavy-handed governmental management. So why is it that nearly every municipal official loves centralized transportation planning?

No U.S. city exhibits its excesses more so than New York. All Dodger fans of an age recall with bitterness Robert Moses' arbitrary and dictatorial urban renewal projects that intentionally did not include a new stadium in Brooklyn, so Walter O'Malley got his new ballpark in Chavez Ravine instead. The more interesting story is how Manhattan got its rectilinear street grid with numbered east-west streets and north-south avenues.

Ex-journalist Gerard Koeppel takes this on in *City on a Grid: How New York Became New York* (Da Capo Press, 2015). It is no spoiler alert to say that city politics played a heavy hand in this planning, one of the heaviest hands being Aaron Burr's. Burr schemed to get a finished street plan deep-sixed so that his brother-in-law Joseph Brown could be appointed street commissioner with authority over planning, but all this before Burr deep-sixed his own career instead with the dueling murder of Alexander Hamilton and that embarrassing and stillborn treasonous conspiracy in the Mississippi River country.

Most of the book is devoted to the various arguments made throughout the city's history for city blocks of perfect rectangles versus more natural curvilinear streets with open public spaces throughout. The principle involved, writes Koeppel, is that rectangular grids give priority to private space, thus maximizing interior space of buildings, while naturally curving, open space planning gives priority to public uses and shared spaces.

Few people today realize that Manhattan Island in the wild was covered with rocky hills and outcroppings amidst swampy lowlands and fertile

farmland. To make the city grid rectangular required the leveling of these high points and cutting against natural pathways. Is Coogan's Bluff, site of the former Polo Grounds, the only visible remnant of the original landscape in the developed city? Don't ask this native Hoosier.

But there was one major shortcoming in this centralized planning exercise. New York at the time was a city of two miles width on the southern tip of Manhattan. Traffic flowed east and west so the planners all envisioned a future city with the same traffic patterns, except for the inconvenient fact of geography that made Manhattan Island 13 miles long. As the city expanded northward, traffic flows changed to that axis but soon experienced a deficiency of north-south streets. So where are the major traffic jams today? You don't have to be a New York City resident to answer that question correctly.

Koeppel mentions almost in passing that New York colony's 1686 Dongan Charter gave the city control of its streets but a subsequent colonial assembly law in 1691 required taking of private property to be compensated fairly. Is this the first example of a takings clause in American history, he asks? Would that our state legislatures still be this committed to property rights.

Another interesting fact is how the city planned to pay for the new streets. The grand plan was for the city to pay one-third the cost with the balance coming from assessments to landowners who purportedly would reap economic benefit from the new street. Land taken through eminent domain would be compensated after netting the difference between the value of the land minus the expected benefit to that landowner. And who set these appraised values? A committee appointed by the legislature after receiving nominations by . . . the New York City Council of course.

I don't know what current native New Yorkers feel about their city grid, but the neatly rectangular design does recall to us Midwesterners the geometry of our states in the old Northwest Territory. One can still find rural counties with numbered roads with mile and half-



mile numeric designations as well urban street numbers reflecting distance from the city center point.

So why do city streets in my hometown change names along their routes so often. Think back to a more rural, agricultural era and the township grid of six miles by six miles as a rule, with a central road being named for the township. When these roads met up, as they would in a flat county like mine, the name naturally changed. Urban and suburban development accommodated itself to this system as the organizing principle and then built within it.

And that takes up back to the original issue of eminent domain. The principle goes back to our colonial era and political fights over its application in specific projects. There were numerous extremely upset landowners back in early nineteenth century New York but all lost their cases if their complaints even got to trial. One landholder contacted Daniel Webster, the preeminent constitutional scholar of the day, but received no response. Apparently Webster saw no prospect of success in challenging the city. Eventually most made virtue out of necessity and used the street projects to sell parcels of their land at rapidly rising values.

The moral of this story? Where does traffic flow more freely? In Fort Wayne where streets developed rationally as needs arose? Or Manhattan, where political hubris failed to understand that planning out for two hundred years of growth is a fool's errand? In which city would you rather drive?

## Rust Belt Redux

*(Feb. 14)* — Growing up in Fort Wayne in the 1950s, even a youngster like me realized that this was an industrial town. The east end industries employed tens of thousands of workers, General Electric (where my father worked) had three large plants, and there was a strip of heavy industry along Taylor Street on the west side.

By the time I was raising my own family, all this had changed. The dreaded announcement by

International Harvester that it was shutting down its Fort Wayne assembly plant in 1983 was simply an exclamation point on an already dismal story of decline. Drive around the Pontiac Street-New Haven Avenue-Meyer Road quadrant today to get a feel for what East Berlin must have looked like after World War II.

Fort Wayne was not alone in Indiana. Gary's steel mill story is even more sobering. The Kokomo-Anderson region suffered with the decline of the American automakers. Terre Haute's nemesis was mine closings.

But now Indiana is ranked number one in the U.S. for percentage of manufacturing employment at 18 percent. According to Congressman Jim Banks' office, our Third Congressional District is at the top of 435 congressional districts across the nation for manufacturing jobs.

How did we fall so low and rebound so well?

Start with our centrality in the nation's transportation network. It was the rivers, then the canals, followed by the railroads, and now the highway network that made and makes Northeast Indiana attractive to manufacturers. There is also an innovative and entrepreneurial spirit alive in our region as our two-hundred-year history proclaims. Perhaps most importantly there is a natural economic trend to diversity in products, technology, workers and markets. (These points were emphasized at recent panel discussion on labor history at the Fort Wayne History Center and sponsored by the University Community Conversation program.)

Most recent data show that only two of Allen County's top ten employers are manufacturers. Tellingly, the top two are the local health systems. More tellingly, four are governmental or quasi-governmental organizations. Of the 12 employers with a full-time equivalent workforce of at least 1,000, only three are manufacturers.

So where are all these manufacturing jobs? Driving around the region would confirm that they are widely disbursed, along interstates and railroads and only sometimes in designated industrial parks. Nearly all these businesses are



what economists would classify as small employers with fewer than 500 workers.

Take for example DeKalb County, just north of Fort Wayne. According to the federal Bureau of Labor Statistics, fully 43 percent of DeKalb jobs are in the manufacturing sector. (The reference point for Allen County is 15 percent, still a high number comparatively.)

DeKalb's manufacturing employment rate is five times the national average. The county has about 120 reported manufacturers with an average workforce of just under 80 employees, well within the economic definition of "small."

Some would be quick to argue that this is due to low wages in a right-to-work state. Yet the average weekly manufacturing wage last year in both counties was over \$1,200.

You would have had to work in the banking sector or for the federal government in Allen County to beat that. You couldn't beat the average wage in any DeKalb employment sector.

So have we reestablished the old Rust Belt mentality here? That answer must be no, for many of the reasons that historically have made us strong in manufacturing. Our Hoosier values and Midwestern work ethic will continue to serve us well in a changing economy because of our most important human capital asset: adaptability.

Perhaps the economic development officials in our region ought to focus more attention on the small employers, manufacturing and other, who are actually creating the jobs for our residents and less on expensive whiz-bang downtown venues financed by the public fisc.

## The Presidential IQs

*"Run through the Flesch-Kincaid grade-level test, his text of responses score at the 4th-grade reading level." — Jack Shafer in Politico in advance of President Donald Trump's State of the Union speech.*

(Jan. 30) — It's amazing what you can find on the Internet these days.

Definition.org, presumably an on-line dictionary of sorts, recently ran a list of U.S. presidents ranked by their IQ's. Not wanting to think too deeply on how they managed to find all these IQ levels, I scrolled the list for the fun of it.

Here are some interesting finds:

- The only two presidents without a published IQ are Donald Trump and Barak Obama. Maybe their numbers go off the scale, as each likes to present himself as the smartest person in the room.
- Every president had an IQ of at least 120, which means classified as superior intelligence and above. This is about 25 percent of the population. We Americans don't elect dummies, do we?
- Slightly more than half meant the qualifications to be admitted to Mensa, which only accepts intelligence levels in the top 2 percent of population.
- Three of the top five were Founding Fathers or their generation. No surprise there, surely.
- The other two are modern presidents known for the marital indiscretions. Does this point out the real difference between native intelligence and applied intelligence?
- The modern presidents popularly considered dumb actually were anything but. They simply didn't agree with coastal elitist ideology. In other words, conservative.

But does an off-the-chart IQ guarantee a successful presidency. For purposes of this argument, let's define as success as being able to accomplish one's agenda and leave the nation better off than when first taking office.

Jefferson and Madison both had some success as we look back. Jefferson bought the Louisiana territory for a song, and Madison persevered to win the War of 1812 and free the United States of British economic domination. But consider the cost. Jefferson implemented an embargo of imported goods, all but eliminating federal government tariff receipts and ruining New England's economy. Madison doubled down on this policy and literally bankrupted the new

nation when it defaulted on its debt. Brilliant men to be sure, but I wouldn't have wanted to live during their presidencies.

Two others are more of a mixed case. Kennedy wasn't in office long enough to fully implement his policies. On the plus side, he stared down Khrushchev during the Cuban Missile Crisis and pushed the beginning of a series of economic growth stimulators such as tax rate cuts. On the negative side is the Bay of Pigs..

John Quincy Adams entered the presidency after a brilliant diplomatic career but spent his term fighting with the Jacksonian Democrats who controlled Congress. He argued that the general welfare clause of the Constitution empowered the federal government to fund internal improvements like roads and education. For better or worse, that's still how the politicians in Washington D. C. see their role.

The only one of the top five that I think has a case for being a successful president, and it pains me to say this, is Clinton. But here's my caveat: His legislative success came after the Republicans took control of Congress in 1994 and he intelligently learned to meet them halfway or more on key issues. He certainly has the best case of the five for presiding over economic prosperity.

So what does this all mean? I have no idea.

## Killing Off Townships

*"That government is best which governs least," is a quote often attributed to Thomas Jefferson but actually belongs to Henry David Thoreau in his essay on civil disobedience. What Jefferson did say is "the government closest to the people serves the people best."*

(Jan. 24) — Each of these noble sentiments spring to mind regarding a proposal now under consideration in the Indiana General Assembly. The idea is to force the 300 smallest townships in the state to merge under the clarion call for efficiency in government. Even the Indiana Township Association, normally a defender of the democratic nature of township government, is behind it. And according to the Fort Wayne

Journal-Gazette, the association's position is seen as "a way to modernize and maintain the township structure."

One wonders how a political organization is maintained when the smallest or weakest members of the group are allowed or even encouraged to die off. If we agree with Jefferson's statement about government institutions needing to be closest to those governed in order to properly "serve" (note he didn't say "govern"), how do we reconcile eliminating the smallest units of government, which by definition are closest to those they exist to serve?

It sounds like the Indiana Township Association is trying to stanch the bleeding that has been occurring in township government for decades. Township fire departments are rarities these days, perhaps for sound fiscal reasons but one is pressed to show cases where consolidation reduced payroll and overall budgets. Welfare has been taken away from many of them, removing the personal knowledge of the applicant's circumstances and turned over to a professional bureaucracy at the county level.

Township schools are gone, forced into consolidations in the 1950s and 1960s by a state government several levels away from those affected and all in service to the "bigger is better" mantra. Ask rural township residents how much control they as taxpayers have over the quality and direction of their current schools. Perhaps checking attendance at the "local" high school basketball games would serve as an instructive proxy.

But this must be a good idea because it is supported by the Indiana Chamber of Commerce, right? While one may like to think of the local Chamber as a true grass roots organization, it is difficult to view the state Chamber as such. It is, in the final analysis, a membership organization and directed by the largest business in the state to advance their interests. Is it impolitic to ask why the state Chamber's members see eliminating small township governments helping the business climate in Indiana?

More instructive is the opposition coming from the Indiana Farm Bureau. Also a member organization dedicated to advancing its members interests, the Farm Bureau does have a not insignificant number of members residing in these small rural townships. They should know firsthand the value of small township government.

So I spoke to a family farmer, a former township trustee involved with helping township farmers file property-tax documents. When asking advice from another government official, here is what he was told (my paraphrase): “Remember that these are your neighbors. Be fair, be honest, but remember you have to live among them.”

Good advice for government officials at any level, but it works best when the official is close to home.

## What’s Next? A Subsidized 20,000-Foot Ballroom?

**Fred McCarthy, an adjunct scholar of the foundation and editor of the blog [indytaxdollars](#), represented various taxpayer and business organizations before the Indiana General Assembly.**



(Jan. 10) — Nothing like good news if in fact it is good news. We’re talking about the announced anticipation of the addition of another large hotel — 800 to 1,000 rooms — in the downtown area of Indianapolis. Which might or might not include a super-sized ballroom that the city needs.

It seems the ballroom might be handled by extension of the convention center itself. This is a little uncertain because of the inclusion of puzzling language in the article. One sentence mentions a “20,000-plus-square-foot ballroom.” Later we get “which could be as much as 20,000 square feet bigger than the convention center’s current largest ballroom at 32,000 square feet” That’s a helluva plus. (Our emphasis.)

If we’re to believe the Indianapolis Business Journal that hit the mail box yesterday, it appears the convention/hotel business in the city is

matching Dow Jones for skyrocketing optimism. We are given a quote from the CEO of a professional hotel consulting group saying, “New hotels . . . can create demand on their own.” Unfortunately, he does not go on to say that they can create financial support on their own. Why does such an economically beautiful project always start with pleas of poverty and the need to hack into the taxpayer’s wallet?

And sure enough, down a couple of paragraphs from the end of the full-page story, we get this minor news: The project is being “discussed by officials from Visit Indy, the Capital Improvements Board and the Mayor’s Office.”

Can we get some early information as to how this is going to play out? Why is the CIB involved? It spends its time, and our money, handing out funds from the Food and Beverage Tax to sports operations.

Isn’t it probable that the millions (how many?) to be handed out for a hotel will come from TIF revenues? Are we going to start putting those slush funds into a joint account? Heaven help the poor taxpayer — with “poor” being the operative words here.

As an aside, the morning daily carried a full page ad on Dec. 31 for Downtown Indy to thank its supporters for the year. The taxpayer didn’t get mentioned there, either.

## Football, the Flag, the Anthem and Race

**John F. Gaski, Ph.D., an adjunct scholar of the Indiana Policy Review Foundation, is an associate professor at the Mendoza College of Business at the University of Notre Dame. A long-time member of Notre Dame’s Faculty Board on Athletics, his primary research field is the study of social power and conflict.**



(Dec. 19) — Someone else should have been the one to transmit this message. It should have been done by Roger Goodell, the National Football League commissioner, or perhaps even more appropriately — for reasons to be disclosed presently — by former NFL boss Paul Tagliabue.

The precipitating issue and provocation is the current protest fetish among NFL players and their chosen vehicle of insulting both the American flag and the national anthem. Regardless of what they now say and irrespective of what they claim to be protesting, the players express their disdain for the nation and its culture, evidently including the law-enforcement culture, by disrespecting two leading national symbols. If they did not mean such civic desecration, they would have chosen a different setting, a different mode, a different time and place.

Yet, these details are beside the immediate point. In view of this recent history, it is timely, even overdue, to raise some questions about the NFL protest participants, informed by this little-known background:

Several years ago when he was NFL commissioner, Paul Tagliabue made a national tour of major university athletic departments for the purpose of educating college football players, coaches and administrators about some aspects of the true nature of the professional league. One of Tagliabue's primary revelations, as he put it then, was that the two biggest problems in the NFL are guns and gangs. Specifically, a severe personnel management and legal issue is the too-common circumstance of players with different street gang affiliations facing each other across the line of scrimmage, in games or in practice. A corollary problem is the large number of these employees of questionable background who tote guns at team facilities — again, per Mr. Tagliabue's report.

The relevance to today's controversy is that a large fraction of the NFL player population has gangster background. Another large fraction, based on available demographics, failed to graduate from college despite the advantages of full grant-in-aid financial support and notoriously low academic standards at many schools. The derivative implication is the question of what proportion of the flag/anthem protesters is composed of poorly-educated, cognitively-challenged, street-gang affiliates. Are the less

savory types over-represented or under-represented among the protesters? If the former, no wonder the protests exhibit hostility toward the police and other American institutions. Is it not time to ask if the protesters represent the dregs of the NFL, or do they just appear to?

If the protesting players were not so cognitively deficient, the irony would occur to them that their country actually bestows them so much freedom and privilege that they can desecrate cherished national symbols, offend a majority of citizens, and antagonize the nation's powerful chief executive, all without suffering any legal consequences. (Is this a great country or what?) But they are, apparently, so it doesn't. And freedom of expression is not even the main issue. The crux is whether it is proper or sensible for the players to exploit their extreme First Amendment license in this particular way.

So, for the enlightenment of the NFL protesters, some underlying substance should be reviewed. A concern about police brutality prevails? From a report by Barack Obama's own Justice Department ("Contact Between Police and Public"), about one percent of the U.S. population reports police contact in a given year that results in force or threat of force, half of which involves no more than being "grabbed or pushed" by police. The proportion of cases in which U.S. residents report being injured from police contact is one-fourth of one percent. Fatalities, of course, are far less, numbering in the hundreds annually, nearly all found to be justified.

Are blacks disproportionately victimized by force or threat of force by police? Relative to their share of the general U.S. population they are, but relative to their share of the U.S. criminal or violent criminal population their victim totals are disproportionately low in terms of police interaction. Another revelatory datum from the Department of Justice: Of all public complaints of police "brutality," only about 8 percent necessitate any disciplinary action. Fully 25-30 percent are literal fabrications. Remember "hands up, don't shoot"?



Now, what was it the NFL guys have been protesting?

The unvarnished metrics suggest a conclusion: The amount of police brutality in the United States is at or near the minimal residual level a society can hope to achieve, considering especially: 1) the nature of police work; 2) the type of criminals police deal with; and 3) that police are human. The findings that give rise to this observation are to be celebrated, and we can hope but not expect the NFL protesters will come to realize that.

Whatever, America has countless problems more severe than police brutality.

**Maryann O. Keating, Ph.D., a resident of South Bend and an adjunct scholar of the Indiana Policy Review Foundation, is co-author of "Microeconomics for Public Managers," Wiley/Blackwell.**



## Who Is Working?

(Dec. 15) — For those between jobs, nothing puts a damper on Holiday cheer like Aunt Nellie's inevitable question, "Now where did you say you were working?"

Although the U.S. unemployment rate of 4.1 percent approaches full employment, the actual number of people with jobs is two million below its pre-recession peak (Edward Lazear, "The Incredible Shrinking Workforce," *The Wall Street Journal*, Dec. 8, 2017, A17).

Fewer people are at work today in America than before the Great Recession.

The significant decrease in the proportion of Americans, 16 and older, working in this growing economy is not totally explained by baby boomers entering retirement. Rather, the decline in employment of those ages 25 to 54 accounts for much of the job deficit. Is this a serious issue and what are these potential workers doing?

During a recession, the number of people on disability rises, and, because their skills depreciate, re-entering the workforce becomes increasingly difficult. However, disability

payments cannot explain decreased employment rates for those in their late twenties and early thirties.

Low labor force participation is a legitimate concern of government officials attempting to fund Social Security, Medicaid, and other programs dependent on payroll and income taxes. However, there is something distasteful about policies designed primarily to draw people into the labor force in order to tax them. Many of us view the highs and lows of working in the lab or on the line, in the shop or classroom, in dealing with patients or clients as a way of finding meaning and personal fulfillment. Nevertheless, the primary reason we agree to punch the time clock is to provide for ourselves and those for whom we are responsible.

An individual's willingness to seek and accept paid employment is a function of compensation and take-home pay. It is also dependent on personal characteristics. Statistical techniques can be used to compare the characteristics of those young adults, ages 26-31, in full time employment with those working part time or opting out altogether. Results, presented here, are based on data for over 5,000 individuals participating in Department of Labor Statistics' National Longitudinal Survey of Youth (Keating and Keating, "Characteristics of Young Adults Participating Full Time in the U.S. Labor Force," *Indiana Policy Review*, Spring, 2014).

It was expected that educational attainment by age 26 would automatically translate into an increased likelihood of full time work, but results do not support this assumption. Potential earnings are more significant.

Economists theorize that whenever the wage offered an applicant is equal to or higher than the expected wage, an individual is more likely to accept that position. Our study confirms this. If a respondent locates a job paying a wage equal or higher than average for his or her educational level, the odds of full time work increase significantly; this is particularly so for males.



As expected, better health is positively and significantly associated with full labor force participation. Does having children reduce the likelihood of full time employment? Actually, having one or more children consistently increases the probability of full time labor force participation. The effect is stronger for women than men, but both males and females are willing to work in order to provide increased consumption for their own children.

For women, the state of being married, as compared with being single, separated, divorced or cohabitating, lowers the odds of full participation but the effect is not significant. On the other hand, marriage (and cohabitation to a lesser extent) significantly increases the odds of male full time work.

Certain personal characteristics associated with labor force participation are obvious. For example, being enrolled in any educational program reduces the likelihood of full time work for this cohort but more so for males. Also, time engaged in viewing television, used here as a preference for leisure versus wage income, is consistently and significantly associated with decreased odds for full time employment.

From October, 2016 to October, 2017, the Bureau of Labor Statistics reports an over 83,000 decline in Illinois' labor force. During the same period, Indiana's labor force grew by 12,000; this is good but lower than estimated population growth.

Given the current tightness in U.S. labor markets, low labor market participation rates may not persist as a serious problem. In November, the decline in the jobless rate among workers over 25 without a high school diploma was lower than any time since 1992. If rapid growth translates into increased take-home pay, people may get off the couch and into paid employment.

A good rejoinder to Aunt Nellie's question may be, "I fully expect to be employed in 2018, and actually refused two or three positions recently because the wage offered did not quite meet my expectations."

## The Unfortunate Bush Style

Tom Charles Huston, A.B., J.D., an adjunct scholar of the foundation and a former associate counsel to the president of the United States, is an Indianapolis developer.



(Feb. 8) — Over the course of eight years George W. Bush uttered not a single word critical of President Obama. Having led the nation into two unnecessary and fruitless wars, presided over the worst economic collapse since the Great Depression, opened the borders to mass illegal immigration and left the Republican Party in shambles, it is only right that he should fly off to an oil emirate to use as a platform to attack a Republican successor. The Bush Family has a long record of biting the hands that fed their political ambitions.

## Hating Trump Is not a Public Policy Position

(Nov. 29) — Yuval Levin is a serious guy who has written widely and intelligently on subjects of interest to conservatives. He is also a Never Trumper who plumbs the depths of his imagination to come up with new reasons why Donald Trump is a disaster for the country and an affront to right-thinking conservatives.

Writing in the latest issue of *National Review*, whose audience now consists primarily of Never Trump diehards and nostalgic seniors who have yet to figure out that Bill Buckley is no longer editing the magazine, Levin makes this remarkable statement:

"The appointment of judges . . . is the one arena where Republicans can point to real achievements so far. Beyond that, little has been accomplished in ten months, and it is frankly hard to say just what the president actually aims to achieve except for being on everyone's mind all the time."

What planet does this guy live on? I suggest he ask a Progressive think-tanker whether from a progressive point of view the Trump

Administration has accomplished anything materially harmful to the progressive agenda. Ask, for example, a top dog of the environmental movement how the anti-coal, clean air agenda of the Obama administration or its proposed every puddle is part of the “waters of the United States” policy are faring at the EPA. Inquire about the fate of net neutrality at the FCC or the election rules adopted by the National Labor Relations Board to tilt organizing elections in the favor of organized labor. The Republican Congress hasn’t accomplished much, but it did nullify a number of Obama administration regulations that were promulgated as he headed out the door and which would have further crippled the economy if they had gone into effect.

In short, this most erratic, disorganized, undisciplined and limelight-seeking president of ours has struck mighty blows against the Administrative State over the course of the past 10 months, and those who claim to be concerned about restoring the constitutional order (as Mr. Levin certainly does) ought to be giving credit where credit is due. Somehow this president has managed — perhaps in spite of himself (although I think not) — to advance the traditional conservative agenda in ways that were unfathomable to George W. Bush and his Big Government Conservatives.

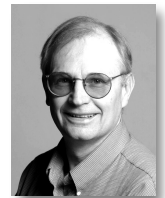
The Never Trump gang has lost what little credibility it had coming out of the election in no small part as a result of its insistence on playing “let’s pretend” with respect to the achievements of the Trump administration. They want to pretend that nothing good is being done for the country because they hate Donald Trump and they don’t want him to succeed. If hating Donald Trump requires that they ignore policies, programs and appointments that they advocated during the eight years that Barrack Obama held sway in Washington, then that is a small price to pay to feed their hatred and pander to their diminishing audience.

Conservatism, Inc. is increasingly irrelevant to the real world of American politics. If your

objective is to become a sacrificial ideological remnant, it may make sense to pit yourself simultaneously against your natural constituency and the reality of the situation. It does not, however, make sense if your objectives are to convince your opponents and to be a player with influence on the formation of public policy. Making sense, however, has never been a big priority for the high priests at National Review in the post-Buckley era.

## The Numbers on Assault: An Argument for the New Chivalry

Richard McGowan, Ph.D., an adjunct scholar of the Indiana Policy Review Foundation, taught philosophy and ethics cores for 42 years, including years at St. Joseph’s College and Butler University.



(Nov. 29) — Years ago, I argued for a double standard for men and women with regard to domestic violence. I’d become familiar with a 25-year study by Gelles and Strauss, presented in “Violence in American Families,” which showed that “women assault their partners at about the same rate as men assault their partners. This applies to major and minor assault.” (162) I also read Claire Renzetti’s “Violent Betrayal,” which said lesbians showed the same rate of domestic violence as the rate for heterosexual couples.

Nonetheless, both popular narratives and governmental policy treated the matter of domestic violence in a bifurcated manner: Men are perpetrators of violence and women are victims, exclusively. Of course, any narrative or policy that presents such a view is positively unkind to gay men and lesbian women, for they do not fit neatly into the bifurcation and thus would lose protections.

So what should we do with evidence that women are as likely as men to initiate violence in the domicile? I concluded that even if a woman struck a man first, he cannot retaliate in kind. There had to be a double standard, one for women and one for men, in terms of retaliation.

Think of it this way: If my wife threw a frying pan at me, she'd likely miss — and even if she did connect, I stood a good chance of getting back up. On the other hand, growing up as I did when baseball was king, were I to throw a frying pan at her, I'd likely not miss and the damage would be significant.

Men have to learn restraint. They cannot retaliate even if a woman starts it. Men typically have too much power by way of their secondary sex characteristics.

They also have “social power.” Al Franken and Bill Clinton, Bill Cosby and Harvey Weinstein had the kind of cache that enabled them to use women to their own advantage. Unlike chivalric knights of the medieval period of time, men who harass women are undisciplined, discourteous, disrespectful beasts.

The problem with the aforementioned beasts is that people are entirely too quick to blame the lot of men when only a handful of men do the harassing. Too often, journalists write about one or two celebrities and quickly use the word “men”; it is more accurate to say “many men” or “some men.”

In their defense, many men lived their formative years during the 1990s. In 1995, Susan Brownmiller warned the readers of her book, “Against Our Will,” that “the typical American rapist might be the boy next door” (189). In 1992, Mike Tyson was found guilty of rape, and newspaper headlines blared, “Tyson Guilty; Victory for Women,” as though men do not want rapists to go unpunished.

If you want to do your own experiment, just ask a married man, “Do you want your wife raped?” The likely answer: “Of course not; what a stupid question.” In other words, the headlines should have added, “Victory for Men.” Better still, simply “Victory for Justice.”

In our current climate, though, we are likely to see more generalized negative claims about men, all men, though most men condemn sexual harassment and though 16.6 percent of

harassment claims are filed by men, according to the Equal Employment Opportunity Commission.

Perhaps men have more of an obligation to speak out against the kind of sexual harassment that newspapers have been reporting. Maybe there is a double standard for speaking out, too. For example, years ago, I was running on the Monon Trail and two gals biked past me. One said, “You have the most beautiful calves I’ve ever seen.” A year or two after that incident, I was bicycling on Carmel roads when two gals zoomed by in a Jeep. “Nice butt” one of them yelled.

I never would have said such things to a female stranger, but that may be how a double standard works.

I said nothing, but I would speak out against beasts who demean women. Do women wish that men defend them? In an age of sensitivity, would women resent men for helping protect them against beasts? I’m not sure, but I’ll take the risk and use what power I may have on behalf of those less fortunate and those aggrieved.

It’s what proper men do.

## Gun Violence in America: What Won’t Work

Joseph M. Squadrito, an adjunct scholar of the Indiana Policy Review Foundation, is retired from the Allen County Sheriff’s Department.

Squadrito served with the department for 33 years, rising through the ranks before serving two terms as sheriff. He is a graduate of the charter class of the Indiana Law Enforcement Academy as well as the F.B.I. National Academy, the United States Secret Service Academy and the Southern Police Institute.



(Nov. 15) — I don’t think that anyone will dispute that gun violence has become all too prevalent in this country. It matters not where you live big city or small rural community each and every American faces the same threat and has the same sense of shock and dismay each time such incidents occur. Will it be my church, my school, my shopping center or my neighborhood next? These are realistic concerns that each of us share and rightfully so.

Some have suggested remedies ranging from the extreme — gun control and the outlawing of individual gun ownership to a limit on sales, ammunition capacity and related firearms accessories. More modest proposals suggest measures such as uniform background check criteria. All are made with the best of intentions with respect to public safety. Some should be considered provided they do not infringe on our Second Amendment rights. I am of the opinion that we, the law abiding, have given up enough of our civil liberties as a result of the acts of criminals and in the interest of “public safety.”

Let’s take a look at some of these proposals:

- The restriction on the sale and possession of firearms would create more problems than it would solve. First, it would create a black market and back-alley transactions that would rival Prohibition with Al Capone-type bootleggers importing firearms and selling them to anyone with the money.
- Without individual background records checks and no registration, the majority of illicit weapons would end up in the hands of thugs. The police would have no way of tracing these weapons should they be confiscated during or after apprehension. (Even though we have prohibitions in place on illicit drugs, we live with the devastation of these substances and the cartels that import and distribute them.)

We must also consider the ramifications of requiring all citizens to surrender their weapons voluntarily or involuntarily with sanctions for none compliance. Those individuals who do not comply with the mandate would find some

government official, warrant in hand, knocking on their front door. You can imagine the resources, manpower and litigation this would generate.

All of us have heard the expression that: “Guns don’t kill people, people kill people.” True as this may be, guns are a quick and easy way to kill either one individual or many. But take away the guns and I assure you that an individual bent on killing will find another means.

Knives, clubs or any other device capable of inflicting trauma, will be the immediate substitute. Many of our mass killings were explosive devices created with household products readily available at the home and garden center. Other incidents of mass murders involve trucks. If you don’t own one, you simply rent one.

The genesis of this problem is not the instrumentality of death and destruction but the mindset of the perpetrator. This problem is a societal problem as much as a police problem. We must realize that restrictive laws and law enforcement cannot in and of themselves prevent these horrific crimes. The mental health community must become a critical part of our entire criminal justice system and our educational system as well.

To summarize, we cannot accept violence as a part of the contemporary American way of life. We must insist that our schools, our churches and streets are safe for everyone. We must realize that there will be individuals who for some unknown reason commit acts of violence that no one anticipated or can explain. Predicting human behavior is not by any means a science. For as the old radio theme goes: “Who knows what evil lurks in the hearts of man.” ♦



# Our Scholars' Bookshelves

## 'Searching for Hope, Life at a Failing School'

Emmerich Manual High School in Indianapolis was founded in 1895 to provide training in such fields as mechanics, drafting, and the domestic arts. However, for most of its history, it has functioned as a traditional public high school. Shortly after this book was published, Manual was taken over by the State of Indiana and assigned to Charter Schools USA.

Matthew Tully's *Searching for Hope* skillfully stirs up pleasant and not so pleasant memories of being young. However, the task Tully sets out for himself is to describe how a school can degrade to the point at which it ceases to function for most of its stakeholders... students, alumni, parents, staff, and taxpayers. Mr. Tully, a journalist, is the political columnist for the Indianapolis Star.

For this project, Tully was given almost complete access to Emmerich Manual during the 2009/2010 school year. Chapters are loosely based on columns published that year in the Indianapolis Star. The author makes a clear distinction between his work as a journalist, reporting factually, and as a commentator or author expressing personal opinions.

The author respects and describes the efforts and the significant contributions of certain students and staff; furthermore, he does not suggest that Manual is alone among inner-city high schools for educational dysfunction. Tully

expresses regret on having published an overly negative description of a losing football game for which 17 out of 30 available players showed up. Tully paints a realistic picture of Manual and lets readers come to their own conclusions.

When the book was written, Manual was one of several high schools in Indiana threatened with a State takeover; it had a graduation rate of 39 percent and failing test scores for over 50% of its students. However, the principal and staff gave top priority to enrolling and retaining students. Potential students failing to enroll or

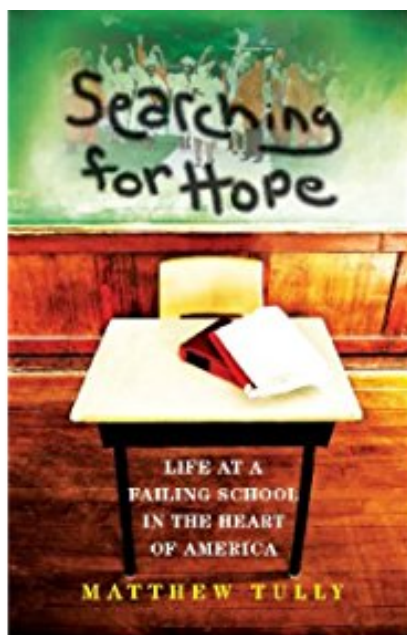
inconsistently attending reduced

Manual's budget by approximately seventy-five hundred tax dollars. The ADM (average daily membership) date calculating enrollment is reached less than halfway through the Fall semester.

However, even many funded students did not attend regularly or failed to complete the semester. More than 10 percent did not return for the second semester. Early on, the author discovered that the school's most vexing problem was a basic inability to get students to walk through the front doors.

A chapter, entitled "We're Dropping Out" presents a parent's seeming indifference to her two sons' insistence on dropping out. In "I Hate This School" an angry parent ranges out of the school bad mouthing both his child and staff. In "We Do a Good Job with the Kids Who Show Up," Tully drives around the neighborhood with the principal in a futile attempt to reach parents whose children are not attending.

The author, raised in Northwest Indiana, faced identical or similar challenges confronting students at Manual. The significance difference being that Tully's mother would not entertain the thought of him not completing high school.





The reader is left wondering if the lack of trust in the educational process on the part of today's parents, many in their mid-thirties, is due to genuine concern rather than self-interest, indifference, and negligence. A GED certificate and part-time positions in fast food may not be as short-sighted a decision as it first appears. Is it possible that some parents see these as minimizing their children's exposure to fights, drugs, and wayward companions? Several days each week, Tully sat in the Dean's office where problems crippling Manual were on clear display. Because so many students were in trouble with the law, the county probation department staffed an office in the building.

Two girls with grades well above average talked matter-of-factly with Tully about rough neighborhoods, middle school friends who had fallen into deep drug problems, and gun shots in the school courtyard during their sophomore year. Tully seems surprised at the girls' general acceptance of these problems as being normal. The girls, however, did lament classmates now gone who were there last year or just a few days ago. "Where did everybody go?" asked one of the girls. "It's like they're losing hope," another replied.

Schools do not function well without values. The single goal, consistently reiterated, was to attend class, do the assignments, and graduate in order to attend college or secure a good job. Is this sufficient to satisfy the deepest longings of teens? Tully gives three instances in which Manual staff were particularly effective.

Sargent John Barrow, patrolling the halls, diffusing conflict, and turning deadly serious when necessary, spent nearly every minute trying to build relationships with Manual's students. In one chapter, Tully indicates how fortunate Manual students were to have this big tough ex-army guy with a gun at his side. Barrow expressed belief that most teens at Manual were like those found anywhere. However, he did not hesitate in plucking out trouble-makers so that other students could thrive in safety.

Another point of light, per Tully, was Linda Thatcher's class for students with severe mental disabilities. In "There's Nobody that Can't Do Something" he describes his preferred model for all at-risk students. Using creative problem-solving strategies, skill building, and heavy attention to each student, Thatcher's classroom was filled with conversation, laughter, and lessons in correct behavior.

Two other teachers dreamed of returning Manual into a school known for its top-notch music program. Together, they inspired students to reach for the stars, and, with some help from Tully's readers, Christmas concert attendance exceeded capacity. In "It Feels Like I'm Somebody," Choir Director Spencer Lloyd tells groaning students that no visible piercings, earrings excepted, were permitted and that being absent from class on show day forfeited the chance to being on stage that evening.

Tully, with a few exceptions, reserves serious criticisms for administrators and faculty teaching traditional academic classes. The enrollment process in "Why are you Here" would be comical if it were not so pathetic an example of the incompetence witnessed by students, many of whom were expected to perform on a higher level in part-time jobs.

In "Can You Believe This" a math teacher with decades of experience plows through the curriculum exuding boredom and cynicism. Four out of 18 students pay attention while the others sleep, talk, or text. Tully notes the irreversible harm resulting from an inadequate class in algebra, the gateway to higher-level math classes. He comments that younger and more energetic teachers face layoffs year after year due to the district's union policies regarding seniority.

"Searching for Hope" explores the need for more vocational classes in presenting a case in which a student, off-track to graduate, nevertheless benefits from a class in welding. The book, however, does not address the long term value of good teaching in core subjects, such as science and foreign languages.

Teachers at Manual had minimal influence or none over school policy. Faculty were reduced to checking boxes in a credentialing process. To attract and retain individuals capable of developing deep-teaching classroom skills, consider two alternative solutions. One, principals with extended teaching experience, could select, reward, and evaluate instructors in direct classroom observations. Or, teachers could be allocated time to work together on common challenges and do peer mentoring. It would also help if students' behavior and performance were somewhat tied to teachers' job recommendations.

Although Tully explicitly states that there were few consequences for directing obscenities at a teacher, readers would be interested in his thoughts on root causes for the pervasive atmosphere of disrespect demonstrated by students, parents, and, sorry to say, teachers and staff (96).

In reading this book, those interested in K-12 education will learn what is not working. It also offers a realistic glimpse into the profession for those anticipating a career in education. The major contribution of *Searching for Hope* is showing that, unless drastic measures are taken to restore the value of secondary education for struggling students, the situation is indeed hopeless. — *mok*

### Bobos in Paradise

In "Bobos in Paradise" from 2000, David Brooks describes key members of American culture in the 1990s. He combines two "bo's" to get "Bobo": "the bourgeois world of capitalism" and "the bohemian subculture." (10) Since Bobos are still quite influential, it's worth a look at Brooks' study to help us understand American culture and politics today.

Bobos are a mix of "rebel" and "social-climbing" attitudes, combining "the countercultural 1960s and the achieving 1980s into one social ethos." They are "highly educated folk who have one foot in the bohemian world of

creativity and another foot in the bourgeois realm of ambition and worldly success." (10-11)

Brooks notes that the 1950s seem like "the high point of the bourgeois era," but it's also the moment when those values are being famously undermined in the 1960s (75). He describes the 1970s and 1980s as a time when bourgeois values "began fighting back," leading to the ambivalent combo Brooks sees in the 1990s (78).

Brooks' goal is to describe the "ideology, manners and morals" of Bobos, ranging from the superficial to the profound (11). He argues that they try to strike a balance — and thus, feel considerable tension — between two sets of values (40-43): affluence vs. self-respect (how to sell but not "sell out"), elitism vs. egalitarianism ("an elite that has been raised to oppose elites"), success vs. spirituality, and how to be countercultural while being part of the establishment. While they are comfortable in material terms, it's not clear that such tensions result in a real paradise, at least in the things that matter most.

Brooks lays out "rules of consumption" for Bobos (85-102) that we still see today: avoid lavish spending except on necessities (e.g., bottled water) and things that used to be inexpensive (e.g., white t-shirts and free range chickens); emphasize quality (e.g., sherpa jackets); perfect the tiniest things (e.g., the proper pasta strainer). He cites Marx's quip that the bourgeois made the sacred profane — to assert that the Bobos make the profane sacred (102). These interesting forms of materialism are then combined with a false humility, as they practice self-deprecation and "one-downmanship."

In chapter 4, Brooks notes that the 1950s had "an exalted view of the social role of the intellectual" and an unusually "high tone of seriousness," particularly among intellectuals: "The intellectual landscape of the 1950s is a strange and unfamiliar place" to us (142-143). From there, he throws haymakers at the pretensions of intellectualism in the 1990s, with its focus on narrow specialties and niche experts (156-188).

Brooks focuses on pleasure in chapter 5. Its disappointment: “This wasn’t how the sexual revolution was supposed to end up.” (194) Its strange hedonism and semi-flaunting — with sports bras and spandex (198). A focus on self-discipline: don’t smile when you’re exercising; this is work! (199) Smokers are lepers; coffee is fine (since it helps you be productive). Use sunscreen; eat healthy. “Health clubs and museums have become the chapels and cathedrals of our age, the former serving to improve the body, the latter the mind.” (201)

Engage in contemplative moments or pseudo-dangerous activities (199). Evaluate your vacation time by what you accomplish (205). This sounds like our family! Experience the moment, but don’t bother with boorishly preserving the moment with pictures (205-206). With selfies, that’s changed quite a bit with the most recent generation! Don’t worry about sex, except when it creates babies or spreads disease (216). Here, society has become at least a bit more conservative.

Chapter 6 covers religion and a renewed understanding of the importance of community (238-239). But the spiritual and communal dilemmas for Bobos are intriguing: “Can you still worship God even if you take it upon yourself to decide that many of the Bible’s teachings are wrong? Can you still feel at home in your community even if you know that you’ll probably move if a better job opportunity comes along? Can you establish ritual and order in your life if you are driven by an inner imperative to experiment constantly with new things?” (228)

In sum, “the Bobos are trying to build a house of obligation on a foundation of choice.” (228) Can this be done? Brooks wrestles with the particulars and is unsure (239-249). What part might religion play? He cites Francis Fukuyama: “Instead of community arising as a byproduct of rigid belief, people will return to religious belief because of their desire for community . . . Religion becomes a source of ritual in a society that has been stripped bare of ceremony, and thus a reasonable extension of the natural desire for social relatedness with which all human beings

are born.” (242-243) One can imagine this with authentic biblical community, but this may be less likely in our “post-Christian” era.

Along the same lines, “upper-middle-class Americans value religion but are unwilling to allow it precedence over pluralism.” (248) This makes sense in light of our centuries-old emphases on democracy and religious freedom — and recent innovations such as identity politics and post-modernism. One punchline then is “a morality that doesn’t try to perch atop the high ground of divine revelation . . . it is content with the workable and peaceful oases on the lower ground.” (249) This is reminiscent of Christian Smith’s depiction of America’s dominant religion as “moral therapeutic deism” — perhaps displacing the dominant god of American Civil Religion from the 1950s-1980s.

Chapter 7 closes with politics. Brooks says moderation was in. But this didn’t sit well with everybody. Those “who long for radical and heroic politics are driven absolutely batty by tepid Bobo politics. They see large problems in society and they cry out for radical change.” Brooks also wonders whether moderation sacrifices too much: “soggy sympathizers,” “withdrawing from great . . . ideological disputes,” and thus, “losing touch with the soaring ideals and high ambitions that have always separated America from other nations.” (270)

In terms of policy and ideology, mushy moderation is still the best way to imagine the policy positions of the general public. Brooks’ words about “radicals” still hold today for the relatively few people who could reasonably be considered “liberal”, (fully) “conservative”, or libertarian. Consider the few liberals who voice concerns about our interventionist foreign policy, the erosion of civil liberties, or the wide variety of policies that harm the working poor and middle class. Consider the few conservatives who call out the Republican penchant for federal spending and debt.

Few people care much about policy; most of the emphasis is on politics and the pursuit of

power. As such, moderation certainly does not describe our political rhetoric today. Moreover, the visceral reactions against Donald Trump seem to have Bobo roots — with their emphasis on style, an attraction to moderation, and an aversion to boorishness.

Bobos also tend to be more impressed by words than actions and outcomes. We've seen this especially from Democrats — making fun of Bush II's inarticulate stumbles; being so fond of Obama's words and campaigning — over unimpressive policy positions and outcomes; and being especially bothered by Trump's rhetoric. In any case, it's amazing to read Brooks from his time frame, writing that he was "living in an era of relative social peace." (268)

Brooks cites Mark Lilla who saw "the central disagreement" in politics as "not the 60s and 80s, but those who have fused them and those who reject the fusion." (259) This may still be true, as people have realigned — in religious and political circles that don't fit traditional categories. Whatever the chief causes, in a time of rabid partisanship, perhaps we should long for a return to the stylistic moderation of the Bobos and a greater emphasis on public policy — than on politics, personality, and the pursuit of power. — *des*

## Rehabilitating Lochner

This year is the 100th anniversary of a key U.S. Supreme Court case on civil and economic rights, involving Louisville. *Buchanan vs. Warley* (1917) overturned racial zoning ordinances in Louisville which prohibited whites selling and blacks buying homes in white-majority neighborhoods. (On November 29th, the city dedicated a historical market at 37th and Pflanz to commemorate this.)

The NAACP organized a test case to challenge the law. (Charles Buchanan was the plaintiff — a white real estate agent who wanted the law overturned as well.) David Bernstein in "Rehabilitating Lochner" describes Kentucky's case as "extraordinary" and "notable for its length and its blunt racism," arguing that segregation

was divinely ordained and that "negroes carry a blight with them wherever they go." (80)

Moorfield Storey argued against Kentucky before the Supreme Court. He had been president of the American Bar Association and was the founding president of the NAACP for 20 years until his death in 1929. He was deeply opposed to American imperialism, a proponent of laissez-faire economics, and a strong civil rights advocate.

Storey invoked the 13th Amendment (a civil rights argument) and the 14th Amendment (an economic argument), but the Supreme Court decided on the basis of the latter. Storey had argued that the law reduced the value of Buchanan's house because he could not sell to William Warley, an African-American. Thus, the ordinance was a "taking" which violated the 14th Amendment right not to be deprived of property without due process of law.

In particular, the Supreme Court focused on "freedom of contract." For example, writing for the Court's unanimous decision, Justice Day supported "the civil right of a white man to dispose of his property if he saw fit to do so to a person of color and of a colored person to make such disposition to a white person." (81)

By the same standard, the Court had previously struck down workplace safety laws and minimum wages. This approach stemmed from *Lochner vs. New York* (1905) where the Court overturned laws that restricted the number of hours workers could be employed at a bakery.

Such rights were not seen as unlimited; they were subject to reasonable government regulation — to serve a legitimate and demonstrable public health or safety purpose. But under *Lochner* and as followed in *Buchanan*, "unreasonable, unnecessary and arbitrary interference with the right and liberty of the individual to contract" violated the 14th Amendment.

In light of *Plessy vs. Ferguson* (1896), many legal scholars had argued that such laws restricted both races, and thus, were not discriminatory. Others rationalized government regulation to



“prevent race conflict.” Buchanan was a key part of the Court’s move to oppose those interpretations. “In short, Buchanan helped to repudiate Plessy’s presumption that segregation laws . . . are reasonable.” (82)

At the time, other cities were considering or implementing their own residential segregation plans; Buchanan stopped those particular schemes. W.E.B. DuBois said it should be credited with “the breaking of the backbone of segregation.” And it also helped to protect Chinese-Americans from racist policies in California.

Bernstein’s book focuses on the influence of *Lochner* as a pivotal court case, but he devotes an eight-page section to Buchanan and its impact. “Buchanan was an extremely significant case. While it did not lead to a rollback of Jim Crow legislation, the decision inhibited state and local governments from passing more pervasive and brutal segregation laws akin to those enacted in South Africa.” (82) He also notes that African-Americans lost 22 of 28 cases on the 14th Amendment before 1868 and 1910, but won 25 of 27 cases from 1920 to 1943 (84).

As Bernstein notes, “Giving Buchanan its due does not absolve the Supreme Court of its acquiescence to Jim Crow in other contexts.” (85) Likewise, “Liberty of contract supporters among the legal elite did not often distinguish themselves as advocates for African-American rights.

But at least, unlike their Progressive adversaries, their skepticism of statism and their support for constitutional protection for property and contract rights provided one of the few counterweights to overwhelming expert and public opinion that segregation was good social policy.” (85-86)

This sort of racism is deeply troubling today, but was quite acceptable at the time of Buchanan — with the emergence of Evolution, the popularity of “race science,” and a Progressive passion to use government activism to pursue “progress”. Unfortunately, given the prevalence of racism,

advocates for segregation found ways around the Buchanan ruling.

Many cities ignored the rulings, differing their laws slightly to avoid direct comparisons with the Supreme Court decision. Other cities respected Buchanan as law, but used zoning by income class (e.g., single-family homes) to reach similar results. This was a catalyst for professionalized zoning efforts which had been rare before World War I.

For example, city officials would change an area’s zoning from residential to industrial if too many African-Americans moved in. They allowed taverns, liquor stores, nightclubs, and brothels in African-American neighborhoods, while prohibiting them in white areas. They allowed houses in industrial areas to be subdivided, leading to the prevalence of apartments and rooming houses. — *des*

## The Color of Law

In “The Color of Law,” Richard Rothstein provides a useful history of government discrimination against African-Americans in the housing market. When the Federal Housing Administration (FHA) later promoted mortgages and home ownership, banks and the FHA made African-Americans ineligible since the neighboring businesses weren’t good for housing values — a form of de facto segregation. The FHA wouldn’t even insure a project if there were too many African-Americans living nearby.

Rothstein argues that the *Lochner*-influenced reasoning of the Supreme Court was one of the few anti-segregation forces of that time, dampening racial abuse by the government. (In *Only One Place of Redress*, Bernstein argues the same with respect to labor markets.) But the Supreme Court eventually repudiated its *Lochner* phase, allowing increasing restrictions on what could be done with property and leading the way to massive, federal economic interventions in the 1930s.

In this context, the courts made zoning laws — and their use to oppress African-Americans —



more palatable. Communities used “deed clauses,” “restrictive covenants,” and community association by-laws — with explicitly racist provisions — to some effect. Eventually, the Supreme Court would again explicitly restrict discrimination in buying and selling property — with *Jones vs. Mayer* in 1968 — this time, under the 13th Amendment as a Civil Rights ruling. — *des*

### Civil Rights in the Gateway to the South

In “Civil Rights in the Gateway to the South,” Tracy K’Meyer describes such matters for Louisville from 1945 to 1980. She notes that, as a border city, Louisville would have been expected to have relatively good record, compared to the South. But being a border city also gave Louisville a greater opportunity to rationalize lesser gains and cover for whatever civil rights sins it had.

On housing, K’Meyer tells the story of the Wades and the Bradens. In 1954, the Carl and Anne Braden bought a house in a white neighborhood in Shively and signed over the deed to the Wades. Despite the violence and threats of their opponents, the only arrest was Andrew Wade and a friend for “breach of the peace,” when the friend showed up without first notifying the police. Carl Braden was charged with sedition and sentenced to 15 years, but the verdict was overturned on appeal.

Segregated neighborhoods have historically been seen as *de facto* thru market preferences: consumers in tandem with realtors and banks. As such, “white flight” and economic decline often resulted in a chicken/egg downward spiral for neighborhoods. Rothstein says that this theory has “some truth, but it remains a small part of the truth” within a far larger one: until the last quarter of the 20th century, many cities had “racially explicit policies” with bureaucratic enforcement. These laws were systematic and forceful enough that the racial outcomes are better considered *de jure* — by law and public policy.

All of this reminds me of Walter Williams’ terrific point about Apartheid in South Africa. Anecdotal discrimination is annoying, but it results in modest segregation, as each side largely avoids the other. With moderate levels of discrimination, it’s common for separate (and often thriving) markets to arise. Unless discrimination is complete, you’ll find some mixing, from people who don’t care about race all that much. And that was the role of the law in this context — to enforce the majority (racist) view on people who didn’t hold racist views — to prohibit them from engaging in trade and other activities with those of other races.

One of the beauties of markets is that people engage in mutually beneficial trade. Competition and an interest in greater personal well-being generally encourage people to work with each other cooperatively. But the law can be used to enforce racism and other views by force. History teaches us to be wary of such efforts. — *des*

### Brand Luther

Having just passed the 500th anniversary of the beginning of the Reformation, numerous new books on the period and Martin Luther have been published. One that takes a modern approach to the man and the movement is “Brand Luther: 1517, Printing, and the Making of the Reformation” by Andrew Pettegree (Penguin House, 2015).

Pettegree, a Reformation scholar at the University of St. Andrews, recasts Luther as a marketing genius. First, Luther understood that he needed to write for the masses, which meant concise, lucid prose and most importantly use of the German language of the people rather than the Latin of the scholars. Second, he exhibited what Pettegree terms an intuitive understanding of the power of print and worked diligently with support of his prince, Frederick the Wise of Electoral Saxony, into turning provincial Wittenberg into a publishing powerhouse. Here, he was helped immeasurably by the shrewd marketing mind of capitalist *sine pari* Lucas

Cranach. As Luther became more popular throughout Germany, he assumed the role of the favorite son of Wittenberg and its ruler and therefore benefitted from both their protection and their promotion.

There is a lesson — two actually — here for our modern idea of free enterprise. First, Luther's works could be freely published throughout much of the Holy Roman Empire because there was no centralized governmental control of the economy. Printers were free in many of the 300 plus states of the empire to print what was popular and booksellers in even the non-Reformation states could import these pamphlets for sale. Second, the heavy-handed interference of Duke George in Ducal Saxony made publishing Luther's work illegal, the result of which caused Leipzig's thriving printing business to face bankruptcy.

Sometimes it takes history in novel format to really get at the human struggles our forebears faced at critical and mundane times. Luther could not have midwived a publishing empire if not for Johann Guttenberg's invention of movable type and the modern printing industry. — *maf*

### Guttenberg's Apprentice

What Guttenberg went through is brought out nicely by Alix Christie's "Guttenberg's Apprentice: A Novel" (Harper, 2014). Christie focuses on Peter Schoeffer, apprenticed to Guttenberg during the production of the first printed Bible, and later a master printer in his own right. It is fascinating to learn how many times the Bible project was nearly abandoned due to lack of funding or mechanical failure. Several technological advances, attributed to Schoeffer, were slipstreamed into the production process to allow the project to be completed. We still benefit from these today: quick-drying inks, carefully crafted typefaces, multiple printing passes and the use of a second color on the page.

Back to Luther. How, then, did Luther manage to die peacefully (or probably grumpily) in his bed while Jan Hus was burned at the stake just a century earlier for trying to initiate the same

reforms? Pettegree's premise, that Luther marketed himself and his doctrine so effectively that his movement was too large and strong to destroy, is certainly part of the answer. But there is more to the story. — *maf*

### Defenders of the Faith

Luther's putative enemies, primarily the Emperor Charles V and a succession of popes, were too often distracted according to James Reston in his "Defenders of the Faith: Charles V, Suleyman the Magnificent, and the Battle for Europe, 1520-1536" (Penguin Press, 2009). Power struggles between France and the Empire in Italy, with the current pope siding with one then other, took up much of Charles' attention during the first two decades of the Reformation. When he wasn't focused on France, Charles was looking over his shoulder at the advance of the Ottoman army through the Balkans and eventually right up to the gates of Vienna. Luther and the Reformation benefitted from not-so-benign neglect from Charles and the Papacy. When Charles finally was able to turn back to the Reformation and his rebellious Lutheran and Reformed princes, it was too late. The genie was out of the bottle.

Defenders focuses on two protagonists: Charles V of the Holy Roman Empire and other Habsburg domains and Sulyman the Magnificent, emperor of the Muslim world and most of the Balkans. Their affairs run separate but overlapping storylines. Each had his own internal or localized issues to deal with, but their inevitable confrontation is always percolating underneath. Eventually Sulyman was defeated outside Vienna and the Ottoman Empire would only sporadically mount European incursions afterward. Until perhaps today, with the mass migration of refugees and other immigrants from Muslim countries into nominally Christian Europe? Are we in fact cursed to repeat history?

Reston has authored four books focused on the clash between Christianity and Islam from the High Middle Ages to the Reformation. (The others are, in historical order: "The Last Apocalypse,"

“Warriors of God,” and “Dogs of God.”) His hypothesis is that the history of Western civilization could have radically altered with only minor changes in the outcomes of certain key battles between armies of the two faiths.

I like counterfactuals as well as anyone, but Reston’s books aren’t really that as he sticks to straight history. The “what if” is always in the background and Reston demonstrates how many of these battles and campaigns were close-run things.

My only real complaint with Reston’s book is that he tends toward bias on behalf of Sulyman, who seems to have so many advantages of character and intellect, while poor Charles is mired in prejudice and pettiness. Perhaps I overstate this, and it certainly doesn’t prevent my recommending *Defenders* as well as Reston’s other books if you like medieval history. — *maf*

### Prisoners of Geography

It’s fine to talk about the confluence of great people at key times or of major technological advances at these critical points but is there something more basic involved here? Yes, says Tim Marshall in his “*Prisoners of Geography: Ten Maps That Explain Everything about the World*” (Scribner, 2015). Human history is advanced and constrained by our habitat. Marshall proposes two main geographic realities that determine what peoples and nations rise and prosper, or not: the natural boundaries set by mountain ranges and large bodies of water, and the presence of navigable rivers. The book’s subtitle is quite a claim, but Marshall does a reasonable job of defending it.

His stress on the importance of navigable rivers hits home. The United States, says Marshall, has the largest network of these rivers on the globe. Here where I live in Fort Wayne, the confluence of three rivers and a short portage over a sub-continental divide made its location the most strategic in the eastern continent. The Miami tribe’s largest village was located near what is now downtown Fort Wayne so that control of

the portage could be maintained. Trade could move east to the Great Lakes or west and south to the Wabash, Ohio, Mississippi river network.

Marshall’s 10 maps include large nations, continents, sub-continents and the occasional geo-political grouping. Each of these still plays an important role in our foreign policy today, so maybe his list is as much political as geographical. The list includes Russia, China, the United States, Western Europe, Africa, the Middle East, India and Pakistan, Korea and Japan, Latin America and the Arctic.

And Marshall’s prospective 11th map? Outer space. — *maf*

### Cattle Kingdom

Everyone loves a good western but much of what we know about the Old West comes from fictional stories by great writers such as Louis L’Amour, Zane Grey and others, or from movies going back to the classics like “Shane” and “The Virginian.” But how much of this is actually true rather than a romantic view tailor-made for Hollywood? Journalist Christopher Knowlton would have us believe very little.

In his recent history entitled “*Cattle Kingdom: The Hidden History of the Cowboy West*” (Houghton Mifflin Harcourt, 2017), Knowlton disabuses us of such images as the six-shooter-packing, gun-fighting cowboy shooting up the town after coming in from a cattle drive. In actuality Knowlton instructs us that cowboys rarely carried pistols, and if they did they were packed away in saddlebags. Gunfights? Not really. In Dodge City’s bloodiest year, only five men died of gunshot wounds while there were 400 murders annually on average in New York City during this era. And cowboys really hated cattle drives, so much so that almost no one ever went on a second one.

Myth busting aside, Knowlton can’t seem to decide if the cattle era (roughly 1865-1895) was American entrepreneurship at its best or predatory capitalism run amuck. He credits the period with its giving birth to such American

business foundations as joint-stock companies, creation of new product markets, vertical market integration, rationalization of production and technological inventiveness. As he points out, the cattle business and its attendant meat-packing distribution network became America's largest industry at the time until overtaken by the new automobile sector. (Henry Ford got his idea for the moveable assembly line by watching slaughter houses at work.)

Yet Knowlton just can't help himself in decrying the lack of governmental regulation. There were no security laws to prevent the investment bubble and collapse. The cattle were treated inhumanely throughout the process. Meat packers gave no thought to cleanliness or sanitation either for workers or the end product.

Let's not forget the environmental issues. He begins his book by recounting the slaughter of the huge buffalo herds and calling it America's first great environmental disaster. In fairness he does allow as to how the herds had grown insupportably large and were headed for a natural die-off anyway . . . but still. Teddy Roosevelt is the hero of the book because of his leadership of the conservation movement and his designation of national monuments throughout this area, with multiple reminders that he was a "progressive."

"Cattle Kingdom" does address, albeit obliquely, the issue of property rights. The great western plains began as government land that anyone could use. The large cattle herds were free to graze and water at very little cost to their owners. At the same time, the government was selling off farm plots of 160 or 640 acres, which soon become physically set apart by the massive use of newly invented barbwire fencing. Although Knowlton doesn't, and probably wouldn't, explain the controversy in these terms, conservatives today can see this as an early example of crony capitalists with government subsidies trampling the rights of small property owners who get in their way.

The book is worth reading as its pace is just right for a history with a healthy sampling of

business case studies included. Just beware of the lectures on the essential goodness of overarching regulation by government and the enduring evil of the "cowboy image" myth that in Knowlton's mind directs U.S. foreign policy to this day. Think of Johnson, Reagan and Bush 43 (ranch owners all) as modern-day cowboys who saw the world as the wild west waiting to be tamed by force. — *maf*

## Unshackling America: How the War of 1812 Truly Ended the American Revolution

The War of 1812 is the Rodney Dangerfield of our nation's conflicts; it gets no respect. Inept leadership on our side, no centralized strategic direction within our available resources, and political gamesmanship at its worst is a common overview of the war, Andrew Jackson's brilliant but meaningless victory at New Orleans notwithstanding. But why did we and Britain fight it at all? Willard Stern Randall puts forth his case in "Unshackling America: How the War of 1812 Truly Ended the American Revolution" (St. Martin's Press, 2017).

As one can intuit from the subtitle, Randall's theme is that Great Britain never accepted our independence in spite of the 1783 Treaty of Paris. In its arrogance, and the British cabinet possessed a surfeit of it, the government's naval policy was directed at keeping American commercial shipping interests repressed. Impressment of American sailors by British warships stands out although other policies regarding which bottoms could carry what cargoes to which ports was actually more disastrous to the U.S. economy.

Randall cuts American leadership no slack either. It is almost painful to read through his detailed accounting of the Jefferson and Madison administrations stubborn wrong headedness about how the American economy worked. Their embargoes and trade policy manipulations nearly destroyed the New England economy as well as eliminated as much as 75 percent of the federal government's receipts, which came primarily from import tariffs. "No Trade, No Jobs, No Money"

would have been an appropriate bumper sticker for the era.

Military historians grade the war as a draw. It was simply a matter of which side would blink first in the peace negotiations. Britain did, but only by a whisker. The long term result was that the two nations slowly but surely worked themselves into a mutually beneficial relationship that eventually would produce a solid alliance which continues to this day.

About half the book is focused on the political bungling leading up to the war and the balance on the military bungling once it started. It's a depressing read but ultimately Randall makes his point. — *maf*

### The Habsburg Empire: A New History

One book that I don't recommend for the casual history reader is "The Habsburg Empire: A New History" (Harvard University Press, 2016) by Peiter M. Judson. It focuses on the cultural, economic and political changes in the Habsburg lands during the 18th and 19th centuries. It is highly detailed and more technical than most readers would like, but it does make a point relevant to us today. The Habsburgs ruled an empire composed of a polyglot citizenry: three major religions, four language groups, lands once part of four significant medieval kingdoms, all with a long history of warring with each other. This should have been prime territory for what today we call "identity politics." But it wasn't. The business and peasant classes resisted all attempts by their noble overloads to drop them into convenient buckets for political manipulation. Their focus was on their localized needs and their reverence for the centralizing concept of empire. We could . . . should . . . learn from this. — *maf*

### Inside the Middle East: Making Sense of the Most Dangerous and Complicated Region on Earth

Just when I think I have a handle on the mess we call the Middle East, some new jihadist group pops up or one changes side in a civil war. Take

Syria. Are there any good guys there? Avi Melamed helps clarify this all in his "Inside the Middle East: Making Sense of the Most Dangerous and Complicated Region on Earth" (Skyhorse Publishing, 2016). It reads like an intelligence briefing, which was Melamed's profession in the Israeli government and for the Eisenhower Institute.

He explains the major dividing lines in the region, some intersecting and others not. It is not always Sunni versus Shia or Arab versus Israel, even though those two are good places to start. But why is ISIS, a progeny of Al Qaeda, its bitter enemy in Syria? Why is the Gaza Strip a battleground between Hamas and the Palestinian Authority? It boggles the mind how many splinter groups there are fighting one enemy today and another tomorrow.

Melamed's answer: Iran. Iran sees itself as the principal military power of the region, as the protector and promoter of Shia, and as the sworn enemy of conservative Arab states.

As such it misses no opportunity to create turmoil in these enemy nations. It sometimes chooses illogical allies or turns against supposed friends, but its goal remains to destabilize the entire region. Reminds one of Soviet foreign policy during the height of the Cold War, doesn't it?

Melamed also puts forth his explanation for the extreme Western bias against Israel. Even allowing for his Israeli government background, he makes a strong, objective case for the root of this bias. For many Westerners, especially the young, the world must be cast as a morality play with clear white hats and black hats.

Once assigned a black hat to wear, that nation or cause will not ever be viewed in any favorable light regardless of facts or evil perpetrated by the other side. We have all seen this in our progressive-leftist friends and it is a sad commentary on what we have become as a culture. — *maf*



## The Storm before the Storm: The Beginning of the End of the Roman Republic”

I confess to being a junkie for anything I can read on the early Roman Republic. Most Americans probably think that Roman history began with Julius Caesar. Asked to name any event from Roman history and you might get a vague reference to the Caesar Augustus of the Christmas story or the barbarian invasions that destroyed everything good in the world at that time. They would be hard pressed to come up with anything dating in the B.C. era.

But addicts like me are always looking for the next fix so I eagerly read Mike Duncan’s “The Storm before the Storm: The Beginning of the End of the Roman Republic” (Hachette Book Group, 2017). His focus is the 60 or so years beginning with the Gracchi brothers and ending with Sulla’s dictatorship. He goes to great but appreciated length to trace steps leading to the elimination of republican principles for political expediency. His catalog of shame includes the increasing loss of civility in discourse, the use of unprecedented parliamentary maneuvers for legislation, calls for mass public demonstrations and finally resort to violence as arbiter of all. Any of this sound familiar today?

The end of the story was not the Pax Romana we learned about in history class, but a military dictatorship established and maintained by large armies. Where was the vaunted republican constitution in all this? Who cares, so long as my army is bigger than yours. Depressing stuff, especially when one can’t help but see our modern republic trending toward a similar path to perdition. Duncan’s point is that it didn’t have to end that way but each step made it much, much harder to stop the slide.

## Altered Pasts: Counterfactuals in History

Which brings around to consideration of *what ifs*? The sub-genre of counterfactuals is becoming increasingly popular among the reading public if

not necessarily among academic historians. I’m only an avocational historian, neither academically trained nor interested in figuring out what is going on in college history departments these days. But I do enjoy reading straight history (a lot), interpretative history (not so much), and counterfactual history (quite a bit). I have no truck with the deterministic or teleological school that argues any alteration to what actually happened would quickly sort itself back to the inevitable conclusion in short order. I’m more in tune with the “Great Man of History” idea, that certain people were absolutely essential to bring about the historical result. Think Alexander the Great, Martin Luther, George Washington, just for starters. That’s where counterfactuals become fun.

Historian Richard Evans does not agree. In a series of lectures delivered in Israel in 2013 and now published as a collection as “Altered Pasts: Counterfactuals in History” (Brandeis University Press, 2017), he finds this type of writing as, well, silly (my word, not his). He tends to see it as wishful thinking by those not in power, primarily conservatives these days in social democratic nations. He turns up his nose at those claiming to be historians who choose not to explain why something happened but to posit that it might not have happened and then can’t provide evidence to support this. Is someone, somewhere having fun with the past, he scowls?

## Munich: A Novel

Evans may be a spoilsport, but I can’t help but enjoy reading counterfactuals. One author I like above others is Robert Harris. Best known for his alternate histories of ancient Rome, he doesn’t shy away from other periods of history. His latest, “Munich: A Novel” (Knopf, 2018), is a fascinating look into the Hitler-Chamberlain negotiations that resulted in the Munich agreement and the dismemberment of Czechoslovakia. Told through the eyes of two fictitious junior diplomats, one British and one German, it rather nicely provides insight into the thinking of Neville Chamberlain as he is driven to maintain peace at whatever cost.

The underlying storyline is the plotting of the secret German resistance that desperately tries to sabotage the negotiations so that Hitler is not given another public relations triumph. I won't give away the outcome but suffice it to say that Harris is not given to fantasy.

### **The Ghosts of Berlin: Confronting German History in the Urban Landscape**

While moving through the stacks of the downtown Allen County Public Library, my eyes were caught by a curious title. "The Ghosts of Berlin: Confronting German History in the Urban Landscape" (The University of Chicago Press, 1997). Since I am irresponsibly in love with those things that no longer exist, such as former buildings of historical interest, and having recently spent three days in Berlin, I couldn't help but check it out. The theme of the book, by academic historian Brian Ladd, is to tell the story of 1990's Berlin through its attempts to reconstruct architecturally its past, a past the includes the Hohenzollern electors and kings and kaisers, the Weimar days, Nazis, and Stalinist German Communists—all through the lenses of post-unification debate on rebuilding the old within the new.

What struck an unexpected but relevant chord was a discussion of the old monuments that survived World War II bombing and East German

massive urban renewal. Specifically, the reunified city struggled with what to do with several massive statues and such celebrating a pantheon of Communist and Soviet ideological heroes of the "anti-fascist" movement. (Note that nearly everything in East Germany officially desirable was wrapped in "anti-fascist" nomenclature.) Many, particularly immediately after the Wall came down, wanted them all removed as symbols of an evil regime best forgotten.

Others wanted them retained as reminders of a past not to be forgotten but rather continually atoned for. A middle ground emerged to keep them but allow normal development around them so that they would not be prominent. So what to do or, more pertinently, whom to infuriate?

Fortunately, these Germans did things in a typical Berliner way. They procrastinated while the pendulum of public opinion was allowed to swing to and fro. Most still stand, other than a notably immense one that had the dual misfortune of being Lenin and of being in the way.

Sound familiar? The cities and universities which have rushed at the slightest provocation to remove anything of offense would have better studied the German example and allowed a full range of public opinion to percolate. But that takes a Berliner's appreciation for procrastination, not to mention a healthy dollop of political courage. ♦



Thomas Hoepker, Sept. 11, 2001

# The Outstater

## The Birth of a Boondoggle

(March 1) — An exchange during a meeting this week of an Indiana city council tells you all you will ever need to know about those public-private “partnerships.” It is between a skeptical councilman and two prospective developers regarding a huge downtown renovation project.

The participants make clear that the elements of a “successful” public-private partnership are threefold:

1. Establish a low-ball cost for the project, with taxpayers on the hook for overruns.
2. Offset the “investment” of the eventual private owners, some of them unnamed, with front-loaded fees so they aren’t concerned about the lack of a serious market study.
3. Pay three times what the project is worth, using someone else’s money.

*Transcript of the discussion of a resolution pledging support for the Electric Works project at the Feb. 27 Fort Wayne City Council meeting (immediately prior to a 7-2 vote of approval):*

*Councilman Jason Arp* — “I haven’t seen the pro forma (financial statement), but we are looking at 1.26 million square feet. Is that for both sides of the street?”

*First Developer* — “Yes, the existing campus is 1.2 million square feet.”

*Councilman Arp* — “So that would be for Phase I and Phase II. And using \$15 per square foot and a 6 percent discount rate that gives us a present value of 157 million dollars. Does that sound about right?”

*First Developer* — “For . . .?”

*Councilman Arp* — “The market value of the property, after everything is done, using a discounted cash flow valuation method?” \*

*Second Developer* — “That seems in the range.”

*Councilman Arp* — “And we are going to spend \$444 million from different sources — federal, state, city — but we are going to end up building something with construction costs that are \$440 million that is worth \$150 million?”

*Second Developer* — “Hence the public-private partnership . . .”

*Councilman Arp* — “So we are potentially paying three times what this is worth.”

*First Developer* — “Well, that \$15-square-foot rent, which is what your analysis is based on, is the rent we are starting at in terms of what our base rents will be, so . . .”

*Councilman Arp* — “Yes, but a 6 percent discount rate is pretty generous and a 50 percent operating margin. You are getting the benefit of the doubt on these numbers.”

*First Developer* — “OK . . . but councilman, we would be happy to sit down (outside of council chambers) and go over the pro forma with you.”

*Councilman Arp* — “Great, but how much of a development fee are we looking at?”

*Second Developer* — “The development fee is at market or about 10 percent.”

*Councilman Arp* — “About 15 to 16 million dollars?”

*Second Developer* — “Correct.”

*Councilman Arp* — “How much equity are you putting in up front?”

*Second Developer* — “The total is . . . about \$18 million.”

*Councilman Arp* — “So substantially all of it (the investment) gets repaid in a development fee at closing (before the project begins)?”

*Second Developer* — (Nods of agreement.) “Yes, but only a fraction at closing, the rest as we have rent stabilization.”

*Councilman Arp* — “Who will own this when it’s done?”

*Second Developer* — “The partnership” (detailing certain of the numerous private individuals and holding companies involved).

*\* A discounted cash-flow valuation method involves revenues (rents) less expenses in perpetuity discounted back to present value using a single expected return rate (the lower the rate, the higher the value).*

## Incumbency Run Amok

*“How could it be legal that the state government under the color of state power constrained by the due process obligations imposed on it by the 14th Amendment can openly discriminate against people in one party because they’re members of that party?” — Jay Yeager, an attorney with Faegre Baker Daniels, commenting on redistricting in The Indiana Lawyer*

(Feb. 8) — Brian Bosma, more than three decades in office and speaker of the Indiana House, expressed doubts the other day about running for another term. It is suspected that David Long, with more than two decades in office and president pro team of the Senate, also has entered a period of agonizing reappraisal.

What great news. That is said not because Bosma and Long are unworthy of their office. But the lean toward sinecure isn’t the way democracy is supposed to work.

Nor is democracy by itself what we are about. Democracy is a system of succession, not of governing. As such, it is only marginally better than the historic default of coup, assassination and war.

Our problem today is timing. The process is taking far, far too long. The elected cling to office with compromises and trade-offs to the ruin of the public good. We need them to risk their office on principle, stand up and be counted on the impossible issues of the day so we can make clear choices — that was the Founder’s design.

For things change, policy changes, the economy changes, we change. Nobody can wait for a Representative Bosma or a Senator Long to be fitted for just the right beach chair at Destin.

Before getting into any of that, let’s dismiss redistricting as any kind of solution. If anything, it is designed to create more Bosmas and Longs, to build ramparts around incumbency. We know that because of how the “reformers” always try to go about it — politically and not statistically.

The late Jim Knoop, a political professional par excellence, was snooping around in an attic of the Statehouse many years ago and came upon an old chalkboard. As he swept aside the cobwebs, he realized he was looking at a workup of a redistricting plan, one of the first in a long, unbroken string of failed efforts.

Knoop argued that if anyone were serious about redistricting they would start in one or another corner of the state and program their computer to create legislative and congressional districts that are mathematically identical, adding one citizen at a time, irrespective of voting pattern or geography.

Nobody, of course, is that serious. And in any case, Harry Enten of FiveThirtyEight argues that lack of competitive seats can’t be explained by gerrymandering. He quotes a study finding that only 17 percent of the decline in competitive districts over the past 20 years has been the result of redistricting.

Rather, the states, counties and even neighborhoods from which districts are drawn have become less competitive all by themselves — pre-gerrymandered, if you will. “Voters are sorting themselves,” Enten says. “People are changing their political opinions to be more like their neighbors, and people are moving to regions

where their political viewpoint is more common. This self-sorting means more and more areas come dominated by partisans.”

So we have met the problem, to paraphrase the cartoonist Walt Kelly, and it is us.

And the administrative state, as expressed in the fine print of Obama-era HUD grants, has a solution: Every neighborhood must be precisely numerically balanced for a range of social profiles, i.e., a transgender on the corner, a Native American across the street and an overweight middle-aged white guy at the end of the cul-de-sac.

But if you don’t want Washington telling you where and among whom to live, and you are too lazy to ring doorbells in the primary to help challenge the sitting professional politician, there is another solution.

Let’s form a new party — call it the Pogo Party. We will treat incumbency as a disease and vote against anyone exposed to it, including officeholders we otherwise like — a quarantine, sort of. And should we happen to win office, we pledge to vote against ourselves.

That should speed the process along.

## Between Liberty and Posture

*“We believe diversity of thought, background, experience and people drive innovation. We promote an environment that is welcoming and conducive to the success of all. It is through our inclusive culture that we can attract the best employees, empower our customers and help our communities achieve great things.” — Young Leaders of Northeast Indiana’s “Commitment and Inclusivity Pledge”*

(Dec. 23) — It was telling that a headline writer this week chose the word “divisive” to describe a Fort Wayne councilman’s quoting of the Declaration of Independence.

The councilman was explaining why he opposed a resolution declaring his city “inclusive,” saying that he already had done so in taking his oath of office. The oath, of course, includes

adherence to the belief that “all men are created equal.”

The “divide” that the headline writer noted is between two amalgamizing groups: Those who understand the exceptionalism in those words for people of all color and belief; and those who think freedom must be assigned in intricately weighted ways — not to individuals but to ever-shifting and politically designated groups and cultures.

It would have been futile for the councilmen voting in opposition to have cited historical authority that the later course marks a path to disaster. The majority was intent on making a statement, setting a posture, fixing a pose. In any case, it was just a resolution.

Or was it? A “yes” vote required tacit acceptance of the position that the Declaration and other founding documents are defunct or at least in need of serious bolstering — perhaps even surgery. They were written, after all, by white men at a time when slavery was a norm.

To counter that this is incidental rather than determinant is to invite derision these days. More must be done, is the demand of fashionable thinkers such as News-Sentinel columnist Kevin Leininger, oath must be piled upon oath, pledge upon pledge, to what effect being anybody’s guess.

So we have our divide. Take care on which side you fall. Liberty depends on it.

## Retraining the Untrained

(Jan. 17) — A favorite quip comes from the provost at my daughter’s college. In a moment of candor during freshman orientation he told us parents that there is only one thing in the world that is exactly as it seems — “professional wrestling.”

I would add to that, “political proposals to fix imbalances of any sort in advance of an election year.”

The governor has set the defining issue of our decade the retraining of 55,000 “lost” young workers who didn’t finish their education and need supplemental instruction. As this winds its



way through the General Assembly, you will want to get a ringside seat.

At the least, it will provide the rationale for dumping more millions into a system that has failed job seeker and employer alike — that and provide the governor at least something on which to hang a reelection hat.

But the governor is right that we must address our relatively small workforce. That is according to Rich Raffin, an owner of Raffin Construction Co. in Chicago and a speaker at a recent seminar of the Indiana Policy Review Foundation. Raffin warned that an inadequate work force is a primary reason more companies won't be moving from Chicago and Detroit to Indiana's otherwise more favorable tax and regulatory climate.

And yet, the governor's initiative is only a nominal improvement on the current practice of allowing the Indiana Economic Development Corporation and the Higher Education Commission to play around with tax credits or huge college campus projects, both in the name of job "creation."

So we asked a friend, an expert in labor resources, for her thoughts.

She began by saying that the effort need not be merely a political pose. She noted that the modern all-volunteer military in its ham-handed way is able to determine the skills and inclinations of its recruits and assign them to more-or-less appropriate billets, some of them highly technical, with reasonable success if not sublimity.

That is done through testing and various other personnel-assessment methods including the guesswork of grizzled petty officers. It is a notoriously imperfect process and more corporatist than some of us would prefer. It is better, however, than spending taxpayer money retraining both the willing and the unwilling for imaginary jobs on ships that have already sailed or ones that will never arrive.

And regardless of the class of citizens that the Statehouse elite might prefer to govern, economies are not driven by specialists. They are driven by willing, productive workers of the

general sort — as you find them, not as you might wish them to be, on the ground and not in the sky. They will specialize — or not — on their own, not by government decree.

Finally, it is hoped that the governor will be able to wrench control of job training from the Higher Education Council and put it in the hands of the Workforce Innovation Council, a group made up of private-sector executives better attuned to matching industry supply to labor demand (if that, in fact, is a job of state government).

A first step might be to determine how many of the governor's 55,000 have the soft skills to hold down a job; a second would be to determine how many really even want a job — two matters of importance to any employer.

Trigger warning: politically incorrect judgment is required from here on out.

That first attribute of minimal employability could be determined by including on the high school transcript this check box: "This student required no extraordinary disciplinary action." You might go further and include experienced assessment from teachers and counselors on how well the student takes direction from superiors, gets along with fellow students, shows up on time, completes assignments, etc. . . . subjective, perhaps, but you get the idea.

The second attribute, whether the student really wants a job, could be determined by his or her willingness to waive confidentiality and release the school's assessments to prospective employers.

Given even that little information, how much more would school attendance, degree or not, mean to an employer? For teachers know their students, even and especially those on the margin between becoming full members of society or those in danger of falling through the cracks. They care about such students, deeply and expertly.

If even half of Indiana's "lost" young workers could credibly show themselves by their school record to be serious employment prospects, that would fill almost a third of the governor's estimate

of workforce needs — instantly and at little expense.

Retraining? Employers can largely handle that, or at least do a better job than a bureaucracy fiddling around until the next election cycle deciding which jobs need what retraining and by whom.

## Questions Unasked

(*Dec. 6*) — This morning's newspaper ran almost 20 paragraphs on our city council's decision to give a downtown section special tax consideration. The story included testimonial after testimonial to the brilliance of this action, including a picture of smiling beneficiaries in a congratulatory pose.

The degree of acclamation was such that the reader was surprised when in the 13th paragraph he learned that two councilmen actually voted against this civic boon. Had they dozed off? Were they drunk? Were they merely disgruntled, defeated by the forces of progress?

We don't know. The reporter didn't ask them.

That was a pity. For who won a particular vote is only part of the story. It can be determined by anyone with basic math skills. Those on the losing side, though, often have the more interesting and perhaps prescient observations.

It is why Romans pulled winning generals from the field. It was understood that winners have trouble understanding why they won, their egos having taken over at the moment of victory to credit a heroic vision rather than, say, the simple and more determinant lay of the land.

Losers, though, know exactly why they lost. They spend a lot of time thinking about it.

It was Rudyard Kipling's definition of a man: "If you can meet with Triumph and Disaster, and treat those two impostors just the same." Or if that is too old school for you, there is Donald Trump: "Sometimes by losing a battle you find a new way to win the war."

How many can remember the score of the 1979 championship between Larry Bird and Magic Johnson, the game that popularized big-time college basketball? And was the score the important thing? As broadcaster Al McGuire said after the game, "Winning is only important in war and surgery."

In any case, you would think it a basic of the journalism craft to be curious about the reasoning of those on the losing side of a vote.

The great economist Thomas Sowell suggests three questions of any proposal:

- Compared with what?
- At what cost?
- On the basis of what hard evidence?

My guess is that the winners of most votes by our local council could not convincingly answer all or maybe any of those questions. We owe it to the losers to at least ask them.

## 'Student Learning'? What a Great Idea

(*Nov. 30*) — Reading the article in the newspaper, the first reaction was a warm fuzzy feeling of agreement, an odd sensation these days. "Education Policy Priorities Listed," the headline read. It quoted the Indiana Superintendent of Public Instruction as saying that her top priority this year would be "student learning."

But wait, what else would it be? What have the public schools been doing all these years that makes a new, hard-charging superintendent feel it necessary to say that her job is to help classroom teachers teach?

The Indiana Policy Review spent six months some time ago answering that question. The editor wanted the ability to differentiate false education reform, rearranging deck chairs, from the real thing. The resulting analysis found that education here has more to do with hiring adults than with teaching students.

The reason was an unworkable but politically expedient compromise passed more than four decades ago called the Indiana Collective

Bargaining Law (CBL). It rendered the education function of the school system unmanageable.

A team of laws students commissioned by the foundation compared in detail the labor agreements of all 295 school districts and found them practically identical. That was especially true in regard to the clout given teachers unions to negate the routine management prerogatives found in the private sector.

That is not how it is meant to be. Individual school districts governed by elected boards are supposed to be . . . well, independent, matching the needs and aspirations of their particular students, constituents and patrons. The CBL, however, gives such extraordinary legal status to teachers unions that they have a headlock on policy statewide, not to mention the incidental political power in local school board elections. And that raises constitutional questions.

“The General Assembly stated that teacher unions should be granted these privileges because of ‘constitutional and statutory requirements’ for public school corporations to treat teachers

differently than private employers treat their employees,” concluded the study. “If there are such constitutional requirements, they are not to be found within Article 8, which deals with education. Similarly, to the extent that the reference to ‘statutory requirements’ means the CBL, the reasoning is circular. It amounts to saying that this law is justified because this law exists.”

Finally, exasperating the constitutional question, is a union model that is an anachronism. The model, instituted in 1973 and based on unions in the old Detroit auto industry, treats teachers as interchangeable parts. The researchers could find only two examples of employment contracts that allowed principals to pay higher salaries in areas they considered critical (both allowed raises for coaches winning regional sports titles).

None of that works if your top priority truly is “student learning.” That will require restoring the autonomy of individual classroom teachers, principals and school boards — a job no state school superintendent has been willing to tackle.  
— *tcl*



*"The Battle of Cowpens," painted by William Ranney in 1845, shows an unnamed patriot (far left) saving the life of Col. William Washington.*

## INDIANAPOLICY *Review*

A journal of classical liberal inquiry observing its 30th year