

INDIANA POLICY

Review

Summer 2019



THE
ELECTORAL
COLLEGE BLUES
Franke, p. 13

South Bend's 'Magical' Mayor

"If you grew up during that Cold War period, then you saw a time in politics when the word 'socialism' could be used to end an argument. Today I think a word like that is the beginning of a debate, not the end of a debate." — *Pete Buttigieg*

“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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- ▶ 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 Thursday Lunch

Buttigiegism Needs Some Explaining

(*March 31*) — “Socialism” has become such a loose term, open to such a variety of interpretations, that people can end up arguing past each other, some of us attacking something we incorrectly think the other side is defending.

Those of us on the attack tend to be thinking of the formal, classical definition in which the state takes over the means of production, which means we focus on the horrible things that happen when that condition is fully met, e.g., Russia, North Korea, Cuba, et al. Those on the defensive tend to be thinking about all the wonderful things government can do for people when a capitalism-socialism hybrid can create a welfare state in which the needy are taken care of.

Too little thought and debate are spent on the line between the two — the hybrid and the real deal — how we get to that line and how we can avoid going over it (if indeed we should avoid it). That is starting to change, and I expect (or at least hope) the discussion will shift more in that direction as the Democratic Party’s pathological collectivism becomes more evident.

Sheri Berman, writing in the Washington Post, is clearly a supporter of this hybrid, at least an apologist for it if not a full-throated cheerleader. (“Communism certainly failed, but social democracy has arguably been the single most successful modern ideology or political

movement. Stable European democracies arose after World War II because a social consensus married relatively free markets and private ownership of the means of production with expanded welfare states, progressive taxation and other forms of government intervention in the economy and society.”)

But there is a crucial fact even she cannot escape.

She writes at one point: “. . . social democrats have focused on redistributing the fruits of markets and private enterprise rather than abolishing them.” In another: “. . . many of today’s democratic socialists lack clear plans for what they want to put in capitalism’s place and how this new economic order would generate the growth, efficiency and innovation necessary to achieve redistribution and raise living standards.” And in still another: “. . . it is surely legitimate to ask advocates of increased government spending how they would pay for these programs.”

In other words, even if she cannot quite bring herself to say the actual words: Capitalism creates wealth; socialism confiscates it and passes it around. This is the quasi- (pseudo-? neo-? fake?) socialist’s dilemma: How to keep slicing up that pie into smaller and smaller pieces and stop before you get to the point where you have no pie left and you have driven off all the people who would create another pie, at which point you would have to back off and give the pie makers a little more leeway or just go all in, bring out the guns and confiscate the bakery.

“I think he (President Donald Trump) is clinging to a rhetorical strategy that was very powerful when he was coming of age 50 years ago, but it's just a little different right now. If you grew up during that Cold War period, then you saw a time in politics when the word ‘socialism’ could be used to end an argument. Today I think a word like that is the beginning of a debate, not the end of a debate.” — *Pete Buttigieg to CNN’s Jake Tapper, Feb. 10, 2019*

This might be the most (unintentionally) amusing line in the whole Berman piece: "... advocates of increased government spending."

God almighty, how much higher can it go? I heard South Bend Mayor Pete Buttigieg, now a might-be presidential candidate, recently lamenting conservatives' "limited" concept of freedom that encompasses only freedom "from" things rather than the much more egalitarian, and therefore noble, freedom "for" things.

Wow, all the way back to FDR. Talk about a fresh new concept.

Cutting to the chase, Bermanism, Buttigiegism and their imitators are just LBJ's Great Society on steroids, which was FDR's New Deal on steroids. When the quasi-socialists finally comprehend that their labeling is disapproved of by a great majority of Americans, they will scale back and talk about their plans in terms a lot of Americans will like better, which is: More stuff from the government that everybody else is getting too much of that you aren't getting enough of.

Then the debate will shift, and it won't be enough for critics to warn about North Korea and Venezuela. We need to be ready to talk about the democratic socialist countries of Western Europe and how they're reaching the limits of redistribution, how they maintain free markets (in some cases more robust than ours), how they might not even be able to experiment without the defensive umbrella of the United States freeing them of the need for big military budgets, etc., etc.

It would be a big mistake to dismiss these redistributionists as extremist, fringe-dwelling zealots. Certainly, their pursuit of socialism (as they define it) is emotional rather than intellectual. If that gives you comfort, you have not considered how many elections have been won aiming for people's hearts rather than their heads.

"Liberalism is piecemeal socialism, and socialism always attacks three institutions: religion, family and property. Religion, because it offers a rival authority to the State; family, because it means a rival loyalty to the State; property, because it means independence of the State." — *Joe Sobran*

I find myself trying to clear away all this clutter by reaching back to philosophy, and end up at Plato's Republic. We could spend hours arguing whether he really advocated a socialist system or was merely deploying a metaphor to describe the components of the individual soul (I have done so and have the scars to prove it), but the fact is that subsequent collectivists (including, surely, Marx) have looked to his writing for guidance. So, I think he at least deserves the title Godfather of Socialism (apologies to Neil Young and grunge).

Plato's perfect state was complex and centrally directed, depending on a guardian class freed up for the leisurely pursuit of nobler causes by the looked-down-upon but depended-on activities of the grubby merchants who provided the economic wealth for those awful material goods of our daily existence. And it would all work perfectly because at the top was a philosopher king who had both the power to command anything and the wisdom not to abuse that power.

I think all collectivists, whatever they call themselves, whichever particular hybrid they align with, have always been and always will be in search of that perfect being who can protect us and guide us with absolute fairness and equality. Of course, such a being exists only in the philosopher's mind and can never be found this side of heaven. But the absolute, if unarticulated, belief in the philosopher king remains unshaken.

This nation has never experienced laissez faire capitalism, the perpetual whining about the evils of "unfettered markets" notwithstanding. The whole point of transforming from a confederacy to a federal system was a stronger central

government that could, among other things, regulate commerce so that all would have a fair shot at it. Our best regulations have been those that have tried to diffuse power in the marketplace — with things like anti-trust measures and aid to small-business owners — just as the system of checks and balances diffuses power in government. The worst ones have tried to micromanage winners and losers and dictate the minute details of every life.

If Mayor Buttigieg or anyone else can explain how any collectivist system, whether it seeks to destroy capitalism with overwhelming force all at once or gradually over time with ever-expanding redistribution of wealth, can be created without

accumulating too much power in too few hands, please, have at it. That is a debate worth having, and one I think we can win. Or else point me to the philosopher king, and I will bow down to him.

That's what it's about in the end — more about power than material wealth. Simplistic though it might be, beating a dead horse it surely is, but I say again (and again and again): Government and its accompanying economic system either celebrate the individual or exalt the group. I will choose the individual every time.

Freedom above all. I believe that with every fiber of my being, and I will preach it with my last breath. — *lm*

Socialist ‘Myth’ Is Historical Fact

(March 29) — Peter Buttigieg's explanation of his policies in his presidential campaign begins by dismissing the concerns of an older generation, one more familiar with the past failures — nay, disasters — of socialism and centralized planning.

The South Bend Mayor ridicules as out-of-touch those who would even use the word “socialism.” And anyway, he claims to be talking about something else entirely. It is a new, improved and sanitized version — “Buttigiegism,” if you will. He is telling a growing following that socialism's past is not prologue. Rather, it is irrelevant.

There is no defense against such a line of argument. It is irrational but it entertains — magical. It focuses the eye on a point around which concessions can be extracted, especially from members of a political establishment who themselves are uncertain what socialism is about, and who in any case don't want to be thought of as behind the times. So the Washington Post was quick to pick up the Buttigieg contention that the word has lost its power to dissuade all but you fuddy-duddies. In fact, socialism is a “myth,” suggests Post columnist Sheri Berman in a March 1 article — five myths, actually.

“Socialism in the United States is prominent in a way it hasn't been in decades,” says the professor of political science at Barnard College, adding that it is “clouded by many misconceptions.” Berman seeks to correct these misconceptions in a listing of socialist “myths.”

The foundation asked its adjunct, Dr. John Gaski, a marketing expert and associate professor at Notre Dame's Mendoza College of Business, to review her list, addressing each supposed myth in turn. Gaski, a longtime but former South Bend Democrat, replied with the following commentary:

“Myth” No. 1 — Socialism is a single coherent ideology.

Socialism in fact has a single, coherent meaning, whether considered as an ideology or correctly understood as an economic system. It means government ownership or control of the means of

production — period. The Post's debunking is confused because Sheri Berman doesn't know that. And when she says it is a fair interpretation of socialism that it is merely a system to harness capitalism, she is incoherent. Socialism is incompatible by definition with capitalism's private, decentralized control of productive assets.

“Myth” No. 2 — Socialism and democracy are incompatible.

They certainly are incompatible. That is why they never occur together for long. Democracy and capitalism both reflect and require decentralized political and economic power, respectively, which is anathema to the economic dictatorship of socialism and also the repression of political dictatorship. China is actually attempting the contrary: Mixing oil and water by combining a dose of capitalist economics with a communist party dictatorship. We will see how that turns out. “Socialist . . . parties became mainstays of democratic systems in Europe,” the Post says. Sure — until they take power. The socialist international movement has always said it would ultimately gain control in the United States through the electoral process and the Democrat Party. Another poignant reality: Socialism requires dictatorship because an electorate will never choose voluntarily the devastating hardships the socialist system imposes and requires.

“Myth” No. 3 — All socialists want to abolish markets and private property.

Berman is self-contradictory in asserting that socialists do not necessarily want to abolish markets and private property while admitting that they want to do exactly that “over the long run.” Termination of the free market and private property is the socialists aspiration if they know what the word means. Berman, of course, is serially incoherent as she continues to use the oxymoron “democratic socialist.” And because a self-styled socialist proposes operating huge government programs within a capitalist system does not mean that socialists prefer to operate that way — just more Post illogic.

“Myth” No. 4 — When socialism is tried, it collapses.

“Socialism has not always failed; just look at Western Europe,” Berman says. That is false. Socialism has failed all over the world every time it has been applied. The so-called socialist countries or “social democracies” of Western Europe are not socialist at all. They are capitalist countries with large government sectors, some accounting for over 50 percent of GDP. Yet even in those societies, the private sector produces virtually all the national wealth, which government blithely siphons off. Their long-term economic stagnation is no accident.

“Myth” No. 5 — Socialism offers a ready-made solution to numerous current problems.

Socialism does not offer a panacea for all or most of our current problems, Berman and others say, suggesting that those who assert otherwise are perpetuating this particular myth. This allows us to end in an area of at least partial agreement: The problem is not whether socialism tries to offer answers to everything economic and social, it is that its answers always fail (go back to “Myth” No. 4). ♦

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A Primer on Distributive Justice and Socialism

Richard J. McGowan, Ph.D., an adjunct scholar of the Indiana Policy Review Foundation, has taught philosophy and ethics cores for more than 40 years, most recently at Butler University.



(April 3) — Pete Buttigieg, a 2020 presidential contender, said of President Trump’s remarks about socialism: “I think he’s clinging to a rhetorical strategy that was very powerful when he was coming of age 50 years ago, but it’s just a little bit different right now . . . If you grew up during that Cold War period, then you saw a time in politics when the word socialism could be used to end an argument. Today, I think a word like that is the beginning of a debate, not the end of a debate.”

Prior to the Cold War period, socialism was, literally, the end of the debate for millions. They died under the socialist rule of Stalin. As a columnist for the Washington Post reported in 1947, that socialist said, “A single death is a tragedy, a million deaths is a statistic.”

During the Cold War, millions of Chinese people died under the socialist rule of Mao Tse-Tung and at least another million died in Cambodia under the rule of socialist Pol Pot.

Countries with strong socialism have had a way of ending debates for millions of people. Nonetheless, some politicians would like to begin a debate about socialism.

Fortunately, the debate can typically be found in ethics textbooks. For instance, one well-respected

ethics textbook, printed in 2001, lists the word in its index as follows, “Socialism. See Marxism,” as though Marxism ended the debate. Other textbooks understand that weaker forms of socialism exist and treat socialism with more nuance.

The debate requires an explanation of “distributive justice,” the positions regarding it and the strengths and weaknesses of the various positions. Then empirical evidence can resolve the matter, if the numbers above did not.

Distributive justice involves the fair arrangement of benefits and burdens in a society. The conditions of moderate scarcity, as Hume observed, necessitate arrangements regarding benefits and burdens. If enough goods for people to survive are not available, anarchy results and justice is meaningless. On the other hand, if goods were super abundant and excessively available to meet people’s desires, justice would be unnecessary. In a world of moderate scarcity, enough goods are available to survive but not enough goods are available to satisfy everyone’s desires. For example, enough housing exists to satisfy need but not enough houses overlooking a bay exist to satisfy everyone who wants one on the water.

When philosophers begin the debate, they presume that justice relies on “the principle of formal equality.” As one textbook put the principle, “Equals should be treated equally and unequals unequally.” People who are relevantly similar should be treated similarly. A man and a

woman doing a similar job with similar credentials relevant to the job should be paid similarly. Being a man or a woman is irrelevant. However, the formal principle requires substance.

Egalitarians argue that no relevant difference exists among people so all members of society should have equal benefits and burdens. Political egalitarians hold that everyone has equal rights and



deserves equal treatment by the political system; economic egalitarians hold that income and material conditions must be equal. While the positions are attractive in capturing equality, an essential aspect of distributive justice — after all, the Declaration of Independence relies on equality — the fact is, people are different. Once, after a tough day of teaching students, I got home and had some bourbon. My 7-year-old son asked, “What’s that?” I said, “I had a tough day at school today. It’s sipping whiskey.” He replied, “I had a tough school day, too. Pour me some.”

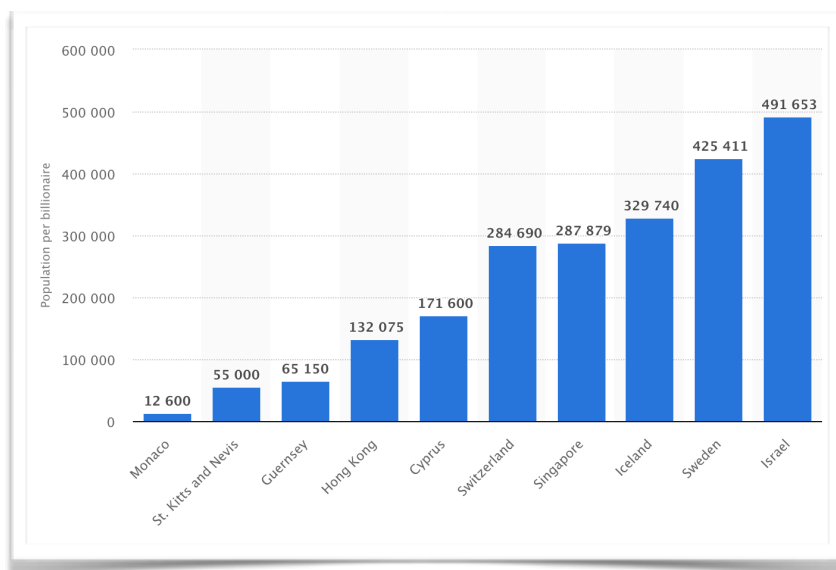
No, he did not get any liquor. He does not have a right to it and he is not my equal.

As well, if our society’s emphasis on diversity is correct, people are different and ought to be treated more individually.

Finally, if people choose not to work yet receive equal economic benefits incentive to work is lost.

The last problem is fixed by “capitalist justice,” wherein benefits should equal or roughly equal burdens. Traditional wisdom suggests capitalism, for instance, the law of karma, “The good you do shall be returned to you, the bad you do will also be returned to you” or the Biblical “as you reap, so shall you sow.” Most parents raise their children capitalistically, according to my students. They said, “I could have the car on Friday if I picked up my sister from practice,” or “if I grabbed a loaf of bread,” and so on. Capitalism promotes responsibility.

Benefit depends on what a person responsibly contributed or produced, getting past the incentive problem. The big flaw — and it is big — is that not all people can produce or contribute to society. People are born with challenges, such as a person born without sight, eliminating the possibility of being a bulldozer operator or race



Top 10 Countries With the Most Billionaires Per Capita in 2015

This chart shows that Monaco had the most billionaires per capita at one per 12,600 residents. You will note that income inequality seems to be acceptable in the Scandinavian countries being touted by the leading Democratic presidential candidates. *Source: <https://www.statista.com/statistics/620956/top-10-countries-with-the-most-billionaires-per-capita/>*

car driver. Of course, a race car driver or construction worker could become paralyzed, thereby being unable to produce or contribute. Capitalist justice, while promoting responsibility, is indifferent to need and ability. Capitalism lacks compassion.

Socialism responds to that problem. In its broadest form, the socialist principle holds, as one textbook put it, “From according to ability, to according to need.” Burdens fall upon people by way of their ability but benefits accrue by way of need. In fact, that is how most children were and are raised. When my children were young, they contributed little to the household.

Yet, my wife and I fed, clothed and sheltered them. The socialist position, modeled on the family, captures an essential ingredient of distributive justice — needs and abilities should be taken into consideration. Compassion matters.

But socialism suffers the same problem as economic egalitarian positions. Needs will be met

whether a person works hard or not at all. Incentive is lost and productivity suffers. And while it is nice to think of society members at large as members of the family, it is wildly idealistic. The expression, “Charity begins at home,” presents a better understanding of human nature. Finally, and most damaging, if socialism is a “system in which the (major) means of production are not in private or institutional hands, but under social control” (Oxford Dictionary of Philosophy, 3e, 2016), then some authority of social control must plan and execute the plan, impacting an individual’s freedom. Some authority, perhaps a small group of people like a politburo or a central committee, decides what will be produced, who will make the products, and who will receive the products. Individual freedom will be lost.

Libertarians fix the problem by maximizing an individual’s freedom to choose without coercion. To rephrase the socialist maxim, libertarians say “from each as each chooses, to each as each has chosen.” Individuals can create items of value as they see fit and then exchange the items freely. While the position promotes responsibility and captures an essential aspect of justice, freedom, the libertarian position suffers, as does capitalism, from a lack of compassion, plus another, devastating defect. It allows non-economic, i.e., irrelevant factors, to enter exchanges, thereby limiting freedom. Hall of Fame outfielder Monte Irvin headed south to spring training and stopped at a diner for lunch. The owner told him, “We don’t serve blacks here.” Monte Irvin said, “Good,

because I don’t eat them. I eat chicken sandwiches, please.”

If an owner can choose an irrelevant characteristic like skin color before an economic transaction occurs in a free market, then the market is not free; Monte Irvin’s freedom to choose is compromised. As Locke said, “Liberty is not license.”

In addition to the four traditional, basic positions on distributive justice, a relatively new position has emerged from John Rawls’ “A Theory of Justice” (1971). Rawls presents principles that combine the four previous positions: “the principle of equal liberty,” i.e., everyone has the same basic, extensive freedoms; “the principle of equal opportunity,” i.e., positions and offices are open to all; and “the difference principle.”

The last principle, sometimes called the “maximin,” requires benefits and burdens be arranged so individuals in the least advantaged cohort, i.e., those who have the least of a society’s bounty, is in its maximum position, i.e., has more benefits than any other arrangement. The principle, if followed in America, would provide a basic decent minimum for the least advantaged people.

The principle would require some minimum health care, shelter, warmth and food be provided for those in the least advantaged position. One obvious problem is establishing the characteristics of a basic decent minimum and its distribution. The problem perplexes socialists, too: “How, precisely, socialist concepts like social ownership and planning should be realized in practice is a

Would some form of socialism be a good thing or a bad thing for the country as a whole?			
	1942	2019	Change
	<i>Percent</i>	<i>Percent</i>	<i>Pct. Pts.</i>
Good Thing	25	43	+18
Bad Thing	40	51	+11
No Opinion	34	6	-28

Source: Gallup Poll, April 17-30

matter of dispute among socialists.” (Internet Enc. of Philosophy) The Rawlsian position recognizes the reality of all societies, namely, that “the poor will always be among us.” The position allows for inequality, unlike socialist and economic egalitarian positions.

Nonetheless, the maximin must somehow be instituted and executed by some authority, be it the whole populace, a handful of society’s members or one person, perhaps someone like Fidel Castro or Hugo Chavez. The maximin, as for that matter socialism, requires some planning for an entire economy. Were the maximin to have been established by the whole populace in a direct and democratic vote, its legitimacy might be more valid, but we have seen in our history how blacks and women have been treated. Yet, if history is a guide, were decisions made by a handful of people, that handful would live lavishly while the populace suffered a more impoverished equality. In an Orwellian turn, Forbes magazine once listed Fidel Castro among the world’s 10 richest people.

If newspapers and journals are reporting accurately, the current situation in Venezuela, well after the Cold War ended, has certainly been an abject failure with its thorough-going socialism — and at just the moment Mayor Buttigieg is inviting us to debate.

Strong socialist arrangements may not even produce more equality. China has a huge problem with inequality, as reported in the Financial Times (Jan. 14, 2016) but also documented by researchers and reported in the Proceedings of the National Academy of Sciences of the United States

of America, May 13, 2014). Marx likely attributed to capitalism the problems consequent upon industrialization. The result, as Marx scholar Martin Malia wrote, is that “not illogically, therefore, Marxism in practice produced the opposite of the results intended in theory, for only force could close the gap” between theory and practice.

Did a Soviet five-year program ever meet its goals? Did Politburo members have dachas?

Yet Marx did do a good job of diagnosing the ills of capitalism. His cure was sadly and woefully misplaced, but when he wrote of business owners in the Communist Manifesto (“the bourgeoisie has at last . . . conquered for itself, in the modern representative state, exclusive political sway”) he could have had today’s FoxConn in mind, or Amazon’s relying on government largesse, or the construction of a sports stadium for millionaires and billionaires.

Perhaps a different form of socialism could work but that would not resolve the problems of planning an economy en masse, both in terms of limiting individual freedom and promoting efficiency unless the nation were small and homogeneous, the Scandinavian countries being apt examples.

To my mind, the best solution to the ills of capitalism has already been proposed, both by Adam Smith in his two books, *Theory of Moral Sentiments* and *The Wealth of Nations*, and Pope Leo XIII in his May 15, 1891, encyclical, *Rerum Novarum*. Character education and charity from “the masters of mankind” is the answer. In fact,

“To the extent (Buttigieg) is running on a ‘big idea,’ it is that the U.S. needs to rewrite its policy-making rules to eliminate norms and institutions that he believes block the progressive agenda. He caught the attention of activists in February as the first candidate to say he was open to expanding the Supreme Court. He’s since suggested eliminating the Electoral College and the Senate filibuster, adding Puerto Rico and Washington, D.C. as states and repealing the Supreme Court’s *Citizens United* decision on political speech.” — *“The Buttigieg Appeal,” the Wall Street Journal, April 4, 2019*

an academic article proposed that Adam Smith wrote the latter book to “convince” the owners and managers of factories to be more generous and charitable to workers, that the former “should listen to reason” and pay workers more, since “nature exhorts people to acts of beneficence.” Smith

said “that the rich should contribute to the public expense, not only in proportion to their revenue, but something more in that proportion.”

However, sometimes Smith waxed cynical about the selfishness of those who have much to share: “all for ourselves and nothing for other people, seems, in every age of the world, to have been the vile maxim of the masters of mankind.”

I’d like to think Smith’s mistrust of those with wealth and power is mistaken. Though Adam Smith influenced the pope, Pope Leo was not as pessimistic. His devout faith and trust in God gave him optimism.

Pope Leo used many of the same words and ideas in his encyclical. Having witnessed industrialization and the rise of socialism, Pope Leo observed the hardships and suffering endured by laborers and said, “To remedy these wrongs the socialists, working on the poor man’s envy of the rich, are striving to do away with private property” and put property under control of the state. He

If newspapers and journals are reporting accurately, the current situation in Venezuela, well after the Cold War ended, has certainly been an abject failure with its thorough-going socialism — and at just the moment Mayor Buttigieg is inviting us to debate.

said socialism was not the answer to the problems in market economies. But Pope Leo was no friend of Rambo capitalism either.

Both exhorted those with wealth and power to share more; they hoped that the wealthy would be more charitable. Both thought that free

markets, characteristic of capitalism, could work, but free markets depended upon good character. That’s why Adam Smith’s grave says “Adam Smith, Author of The Theory of Moral Sentiments and The Wealth of Nations,” as though ethics matters first, then economics. ♦

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Ditch the Electoral College and You Destroy the Union

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



(May 26) — The year was 1968 and I was a high school senior, required by the State of Indiana to take a government class. It was also an election year, Richard Nixon against Hubert Humphrey.

Looking back, it was a clear Nixon victory but that was not obvious on election night or even into the next morning. That is, if one looked only to the popular vote which was quite close. The Electoral College was another matter as Nixon achieved a clear majority long before we all woke up.

My high school teacher used this as an object lesson as to why the Electoral College is a good thing. In his words we would not have known who our next president was if we had to wait for all the votes to counted and recounted. That seemed logical to me at the time but I missed the constitutional reason for the Electoral College, focusing instead on its practical value.

The Electoral College is today under attack by, let's face it, sore losers. Not too many years ago, conventional wisdom said the Democrats had a lock on the Electoral College due to the math of the big state, winner-take-all vote counting. Nary an objection was heard back then. But enter Donald Trump and his campaign decision to challenge the Democrats where they live — in blue collar, industrial states. Hubris reigned through most of the night of November 8, 2016, as liberal media outlets showed map after map of what was described as Trump's nearly impossible road map to victory.

Until he did it.

To accomplish this, Trump needed to breach what had been confidently labeled the "blue wall," 18 states and the District of Columbia which were considered locks for any Democrat presidential candidate. Pundits were all but ready to concede future presidential elections to perpetual Democrat victory as this wall was considered impregnable. One did not hear any angst from the media about this giving an unfair advantage to the Democrats. Instead, this was viewed as received wisdom and an appropriate stasis. God was in His heaven and all was right with the world.

Until Donald Trump upset the apple cart. The Electoral College, which was a Good Thing when it appeared to give a locked-in advantage to the Democrats, now became a Bad Thing because a Republican figured out how to use it to his advantage.

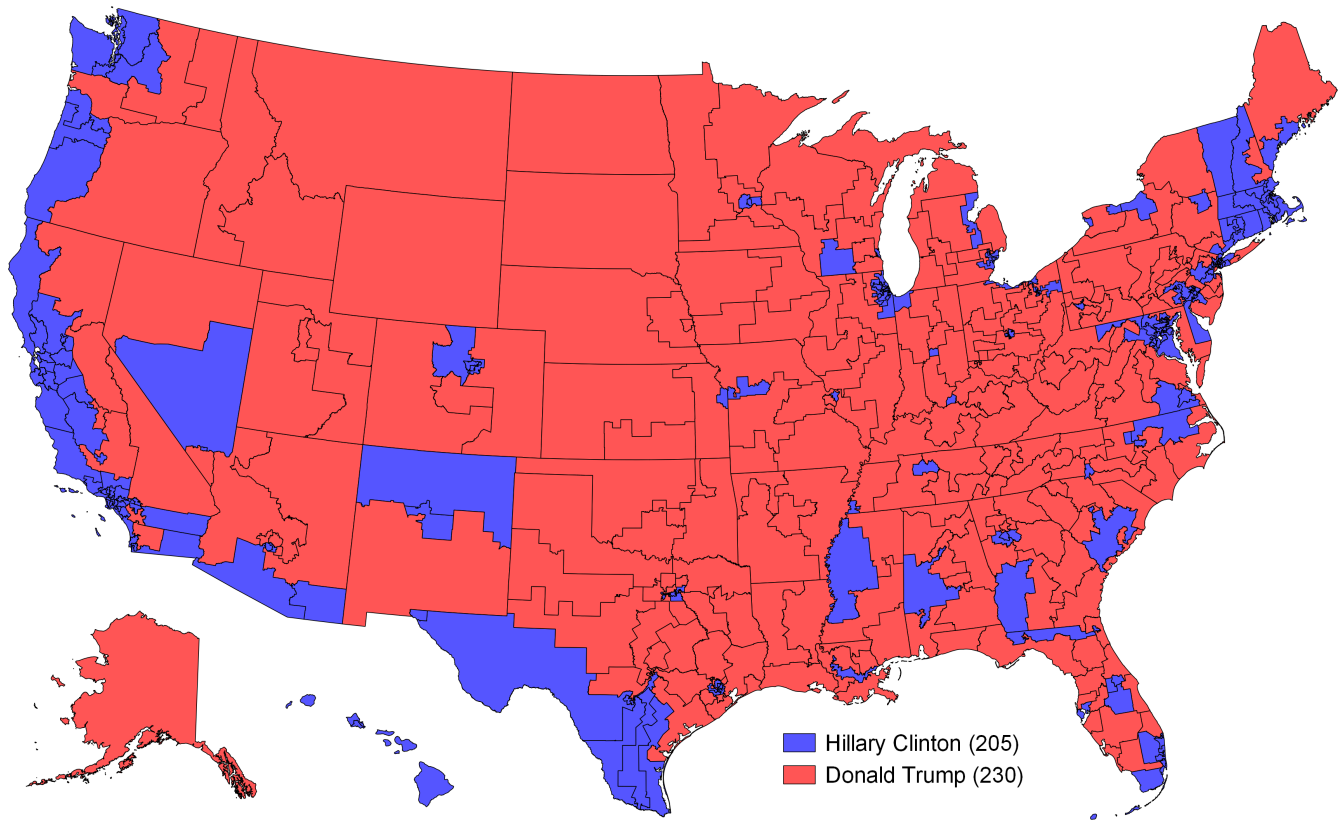
Is the Electoral College a Bad Thing? I suggest not, in fact quite the contrary.

The Electoral College has served the nation well. Only twice in our history, 1800 and 1824, was the College unable to elect a winner. The 1800 election occurred before and became the impetus for the 12th Amendment separating the president and vice president ballots, so it is fair to say that the Electoral College has only failed in its mission once.

Some may argue that the Electoral College failed to elect the right president in the five contests that the candidate with the higher popular vote lost in the College. These years (1824, 1876, 1888, 2000 and 2016) either represented a party change or, in the case of 1876, was a battleground for post-Civil War Reconstruction politics. They are the exception and not the norm.

Look at it this way. One of my college political science professors classified any election decided by a difference of less than 4 percent (52 percent-48 percent margin or less) as closely contested. Using that taxonomy would leave four of our outliers in uncertainty and add 10 more, with five of these additional races being decided

2016 Congressional District by Winning Presidential Party



by a margin of less than 2 percent. Think recount ad nauseum.

Most of us remember that horrific month in 2000 when Florida recounted and recounted seemingly with different totals and winners each time. If only the popular vote had mattered in that year, how many other states would have been forced into a recount to decide such a close race? With a gap of only 543,816 among over 50 million votes cast, each candidate would have filed for recounts across unnumbered election districts. We might still be waiting the result, as my wise high school teacher warned.

The blue state/red state divide is quite obvious on the 2016 electoral map. It effectively divides the nation into the coasts (west and northeast) against the interior and the south with only a few exceptions. But drill down even more and look at the same map by Congressional district. Those exceptional blue states in the interior now turn

quite red for most of their districts. Go one level deeper and look at the map by county. One can argue that the deep blue is concentrated almost exclusively in the cities, with red showing everywhere else. So is it the cities against the rest of the country? Is that a good thing for our republic?

Enough of the data diving. How did we end up with the Electoral College in the first place? We can only thank (or blame, if you are a never-Trumper) the Founding Fathers, arguably the most brilliant generation in American history.

The Constitutional Convention was one of the most amazing conclaves in human history. Many of these men were quite brilliant indeed and most were strong-willed and opinionated. Several insurmountable chasms faced these delegates upon arrival: large states versus small states, federalists versus states rights advocates, manufacturing states versus agricultural states.

Any of these divides should have been enough to produce what today we call gridlock. Then throw slavery on top of it all.

Somehow, these men found a way to compromise their differences in what can only be called a textbook case study of

negotiating. The art of successful negotiation requires that each side feels it can achieve its primary goals while acquiescing on its lesser ones so that the other side can realize its priorities. Simple give and take, a skill apparently unknown to the lesser lights who now purport to set our nation's course.

I won't recount all the proposals and counter proposals that were debated and then built into the final document. Suffice it to say, it makes fascinating reading.

What is not well known is that the issue of electing a chief magistrate took the longest amount of Convention time, being put aside and brought back several times in an attempt to forge a majority of states to support a solution. Note that it took a majority of states to agree before something went into the final document. Small states were equals in theory and in fact to the large ones for this purpose. Even so, the final resolution was a compromise, giving large states greater but not supersessionist voting power in presidential elections.

Many of the proposals floated at the Convention gave Congress the power to elect the chief magistrate. Some pointed to Great Britain as the model for this, given that the crown was awarded to William and Mary by Parliament in 1688 after deposing James II and then again to the Hanoverian George I (great-grandfather to George III) in 1704 when the Stuart line was no longer tenable. This was a flawed argument at best and eventually rejected. Direct election was also

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rejected, one can even say rejected out-of-hand.

The compromise that became the Electoral College represented a balancing of democracy and federalism. The President would be elected by the states

but with unequal votes based on their populations as defined as those qualified to vote within that state. The three-fifths compromise came into play in the Electoral College but that is hardly proof that the college was merely one more protection for the institution of slavery, as many of today's progressives seem to believe. Just think how this arrangement diluted the power of slave state Virginia, the most populous state by far, while enhancing the voting power of small non-slave states like New Hampshire and Rhode Island.

Look at it from a small state's perspective, as seen by Delaware representative Gutting Bedford. "I do not trust you, gentlemen. If you had the power, the abuse of it could not be checked. And you would exercise it to our destruction."

This compromise, coming late in the Convention's term, could be seen as perhaps the last sealant applied to the big state/small state fissure. Politically incorrect as this is in our post-modern times, it was this divide — big versus small — that posed the greatest threat for failure and not the slavery issue. The Electoral College cemented the deal, so to speak.

What happened with the Electoral College during the contentious state ratification process? It is safe to say that it was a non-issue. Only one of the 85 Federalist Papers speak to the presidential election, Alexander Hamilton's LXVIII. That is telling.

Hamilton argued for the incorruptibility of the electors since they cannot be federal office holders or members of Congress. What he could not

foresee was that the electors would fall under the control of their political parties, typically being nominated for this position at their parties' conventions prior to the election. Voters in most states, including Indiana, select the presidential candidate they favor not the specific electors already designated by party.

There are no federal laws requiring electors to actually vote for the candidate pledged. There have been 167 so called "faithless" electors over the years. The most egregious case was in 1796, before popular voting occurred, when several electors refused to vote as instructed for Federalist Thomas Pinckney and thereby electing John Adams. Poor Adams then suffered through a humiliating defeat in 1800 and watched as the Electoral College had to send the election to the House of Representatives. The XII Amendment put paid to that sort of cock-up.

Some states have promulgated fines for faithless electors but I'm not sure any were ever assessed. The Supreme Court has not wanted to wade into these waters, other than to allow state pledge laws but not to require voting consistent with the pledge (Ray vs. Blair, 1952).

One would think that the Court apparently sided with Hamilton's thoughts as outlined in Federalist LXVIII when he described electors as free agents, my term not his, to act according to conscience. Yet this thinking came out in the dissenting opinion, which pointed to the Constitution's intent of making these electors free agents (the dissenting justices' word this time) "to exercise an independent and nonpartisan judgment." This reasoning legitimized the 2016 campaign to encourage "faithless" voting. Confusing?

Is the Electoral College systemically broken? Is it an outdated, irrelevant, ineffective institution at best or an anti-democratic tool at worst? Is it being used by a faction to thwart the will of the majority?

Recall the public campaign in 2016 to get Republican electors to vote against Donald Trump, hoping to provide a majority for Hillary Clinton. The odds were quite long against this and it failed. The irony of it lay in the fact that only two Republican electors abandoned Trump while five Democrat electors voted for a candidate other than Clinton.

Some critics posit that the Electoral College just needs some tweaking to make it more representative. The Constitution does give state

legislatures the power to determine the manner of selecting their electors. Two states, Maine and Nebraska, apportion electors by congressional district with only two votes, those for their senators, going to the overall state winner. This is meant to mitigate the "winner take all" approach the other 48 states utilize. But does it? If all states took this approach in 2016, 15 votes would have shifted

from Trump to Clinton with no effect on the outcome. However, the same approach in 2012 would have moved enough votes (68) to award the presidency to Mitt Romney.

Another alternate vote-counting rubric would apportion a state's electoral votes according to the statewide popular vote. Trump still had a plurality of votes over Clinton, 267 to 265, but not an outright majority due to third party candidates who managed six votes. Using this methodology would have tossed the election to the House of Representatives where each state gets a single vote much like at the Constitutional Convention. The Republicans controlled 33 delegations so Trump would have been elected anyway. Still no joy in Democrat Mudville.

And so the anti-Electoral College movement continues apace. The National Popular Vote Interstate Compact is a campaign to get state

legislators to pass laws to bind their electors to the winner of the national popular vote. This legislation contains a caveat that states representing at least 270 electoral votes, the majority required by the Constitution, must sign on to the compact for it to go into effect. So far it has only 189 votes locked down. Trying to amend the Constitution directly is considered hopeless by the anti-crowd as it requires two-thirds of each House of Congress and then three-fourths of the states, hence the putative end-run.

Here's the conundrum for classical liberals like me who believe in the federalist nature of our union. If the presidential election truly is and should be an election carried out by the states, is it not acceptable for a state to instruct her electors in how to vote in the college? Part of me supports the states who have legislatively adopted the pact as their constitutional right to do so. Some argue that it violates Article V since it is an effective amending of the Constitution or Article I Section X since it violates the prohibition against certain unilateral acts by states, but I think these are transparent grasps for supporting evidence. Don't get me wrong; I certainly am not countenancing this as wise, only as within a state's right to do so.

California's efforts to keep Donald Trump off the ballot stretches my federalism to its limits, however, and perhaps beyond. This, to my way of thinking, is not a claim for states rights federalism but rather an anti-democratic attempt to thwart the will of the people. Am I picking nits? Perhaps, but I do see a distinct difference in the two movements.

Here's the question: Is the Electoral College systemically broken? Is it an outdated, irrelevant, ineffective institution at best or an anti-

democratic tool at worst? Is it being used by a faction to thwart the will of the majority?

No, no and no.

The college is working just like its authors hoped and even better when considering its track record. Given the expansive use of the necessary and proper and the supremacy clauses of the Constitution, and the XIV Amendment's frequent abrogation of the IX, one can argue that the college is the last vestige of federalism. We cannot divorce ourselves from our heritage, one forged on compromises meant to protect both the majority and minority from each other. It is not hyperbole to state that without the Electoral College, the Constitution may have been stillborn. It helped create a voluntary union of 13 independent states, always referred to in the plural back then as "the United States are" and not "the United States is."

In the final analysis classical liberals should come down firmly on the side of the college. It strikes an appropriate balance between democracy and republican government and among disparate voting groups defined regionally or by whatever classification you prefer. It all but mandates that candidates run a nation-wide campaign rather than a restricted one targeted at large populations, as Hillary Clinton learned to her chagrin. And perhaps most importantly, it prevents a proliferation of fringe candidates and single-issue campaigns, leaving a confused muddle of indecisiveness in their wake. Think of Europe; Italy has seen 61 different governments since World War II, almost one change per year.

The Electoral College should be a unifying guidon for the newly elected President. If it is not that now, the fault lies in us and not in that venerable institution. ♦

Constitutional Rule of Law Is not About Procedure; It's Intelligent Design

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(May 15) — Orwell was right. “Every generation imagines itself to be more intelligent than the one that went before it, and wiser than the one that comes after it.”

So it's natural that people today (perhaps Mr. Buttigieg) think our nation's founders were not just slaveholders and sexists, but also idiots.

However, before we eliminate the Electoral College, grant illegal aliens the legal right to vote, lower the voting age again, try to push authoritarian socialism and global domination as good ideas and censor any alternative views, let's humbly consider that human societies have a 100 percent eventual failure rate. And perhaps we should review what each of our increasingly intelligent and decreasingly wise generations have already dismissed from the founders' intents before we flush the rest.

The whole point of the state and federal constitutions was to keep government local, and keep it on a leash. Voters were supposed to have all the information necessary to make wise choices, and those choices were to be in plain sight and locally accountable. No secrets, no off-menu selections. Our

founders almost universally feared the mob-thinking of democratic processes, and the inevitable centralization and concentration of power that would ensue should citizens be denied information or choices by a ruling elite.

Voting was never about hiring politicians. Rulers hire themselves if you let them. Our elections were intended as a means of peaceful revolution, so that we didn't have to have the other kind again. A vote is a weapon of self-defense, not a poker chip in a game of odds.

Similarly, the early militia system, as opposed to a permanent professional standing army, was not only seen as the most potent self-defense, but also a deterrent to foreign war, since every voter would have to personally participate in any violence our government desired. Only congress was empowered to declare war, because we could vote away the House reps every two years. Senators were supposed to be appointed by the state legislatures as safeguards on state authority, and states controlled the militia until and unless an actual declaration of war was enacted.

This is important. The U.S. Constitution's Article 2, § 2:1: “The President shall be Commander in Chief . . . of the Militia of the several States, when called into the actual Service of the United States.” And the President was called into that service only by a congressional declaration of war.

Until and unless that happened, Article 5, § 12 of the Indiana Constitution applied: “The Governor shall be commander-in-chief of the armed forces, and may call out such forces, to execute the laws, or to suppress insurrection, or to repel invasion.”

So we were to have a republic comprised of sovereign states and empowered individuals, not an almighty central government restrained only by majority votes, because as John Adams pointed out, " . . .



democracy never lasts long. It soon wastes, exhausts, and murders itself.”

The Texas constitution’s Article I, § I says it well. “Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the States.”

But we significantly lost that republic during and after the Civil War, when many state constitutions were amended or newly drafted to transform them into administrative sub-units of Washington, D.C., or even worse. This is from the Nevada State Constitution:

“But the Paramount Allegiance of every citizen is due to the Federal Government in the exercise of all its Constitutional powers as the same have been or *may be defined by the Supreme Court* [my emphasis] of the United States; and no power exists in the people of this or any other State of the Federal Union to dissolve their connection therewith or perform any act tending to impair, subvert, or resist the Supreme Authority of the government of the United States. . . . and whensoever any portion of the States, or people thereof attempt to secede from the Federal Union, or forcibly resist the Execution of its laws, the Federal Government may, by warrant of the Constitution, employ armed force in compelling obedience to its Authority.”

Voting was never about hiring politicians. Rulers hire themselves if you let them. Our elections were intended as a means of peaceful revolution, so that we didn’t have to have the other kind again. A vote is a weapon of self-defense, not a poker chip in a game of odds.

That’s not Patrick Henry talking there.

We formally lost the citizen militia in 1903 with the Dick Act, which “federalized”¹ the militia. We lost the whole point of bicameral congress in 1913 with the 17th Amendment, when state governments lost their representatives in the federal government. By the 1930s, leaders as diverse as FDR, Prescott Bush, and W. E. B. DuBois heaped praise on the fascist despots of

Italy and Germany, and made authoritarian national socialism, “progressive.”

In 1947, the National Security Act created the Central Intelligence Agency, terminated constitutional declarations of war, and overturned most of the founders’ strongest protections against corruption and eternal warfare.

Also around that time and through the 1970s the rapid expansion of Primary Elections² started legitimizing “Major Political

Parties” as only two private clubs — the Democratic and Republican Parties. All independent and so-called “Third Party” candidates faced increasingly difficult ballot access and election-related rules that didn’t apply to members of the favored clubs.

Until the 1936 presidential election, the name of each presidential elector candidate appeared on the Indiana ballot. However, the Indiana Code³ prohibits the names of the presidential elector candidates from even being listed, let alone being chosen by those who’ll have to live with the results

¹ Actually opposite the true meaning of “federal.”

² All parties used to select all their own candidates in convention. Third parties still do.

³ The innumerable rules in the IC often violate and/or nullify both state and federal constitutions. But it’s these rules, and not the constitutions, that are now considered “law” by politicians and their armed agents.

of the electors' decision. Only political parties and candidate committees can choose Indiana's eleven electors.

And since each state's number of electors is derived from census numbers, you can see why many want to not only let illegal aliens vote, but also count all non-citizens as citizens in the census for the purpose of both more power in the U.S. House of Representatives, and more electors; like the generally misunderstood "three-fifths" rule that gave southern states unfair representation.

Many defenders of the Electoral College believe that this is the key purpose of the college — to give each state fair standing in presidential elections. But the true purpose is much further from the current collective mindset than even that.

While under the banner of today's "democracy," the majority of votes or the greatest biomass of voters is seen as the equivalent of wisdom, presidential electors were intended to reduce the influence and unwise decisions of the most ultimately powerful, but fickle and uninformed body politic — average voters. By definition, of course, half of us are below-average intelligence, wisdom and knowledge, with many

Half of us are below-average intelligence, wisdom and knowledge, with many others comprising the majority probably misinformed, and unlikely to make the best choices for the most powerful single person in U.S. government.

others comprising the majority probably misinformed, and unlikely to make the best choices for the most powerful single person in U.S. government.

Ouch. That sounds pretty insulting to modern ears, no doubt.

But judging by our debts, endless wars, increasingly hostile internecine and tribal divisions, and obviously

destructive corruption and espionage, maybe the founders weren't the idiots.

I'm pleased that our young have mostly stopped eating Tide Pods. We can learn. I suggest we learn what earlier generations considered intelligent, and wise.

The constitutions, state and federal, as imperfect as they may be,⁴ are not about procedural minutiae, or partisan games. They are the practical design for individual freedom, security and prosperity, proven to be better than anything any nation had signed into law before or since. Our current events prove that our founders, however flawed as people, were far more prescient, intelligent and wise, than wrong. ♦

⁴ The founders assumed we'd know that nullification and impeachment are remedies for unconstitutional actions. There should be both clearly specified remedies, and punishments, for violating both the constitutions and the oath of office to those compacts.

Eric Schansberg

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‘The Professor and the Madman’

By Simon Winchester, Harper Perennial (first published Sept. 28, 1998)

(May 21) — This is Simon Winchester’s account of the world’s most impressive dictionary, the Oxford English Dictionary (OED). Winchester details its origins and development, focusing on its chief editor (Professor James Murray) and one of its chief contributors, who was a “madman” (Dr. William Minor).

Mel Gibson bought the movie rights immediately. But the film is just now being released (limited in America) with Gibson playing the part of Murray and Sean Penn as Minor.

Let’s start with the statistics about the OED: It had 12 “tombstone-size volumes” (25). It took 70 years to complete and was finished in 1928 (25, 103). The first portion (“fascicle”) was published in 1884 — 352 pages, describing every word from A to Ant (147), which later became 15,000 pages (149).

The original had 415,000 words, 1.83 million quotes and 178 miles of type. In constructing it, they only lost one word: “bondmaid” (220). There were five supplements after the 1st edition — and then a 2nd edition, a half-century later — which extended the work to 20 volumes (25).

The OED’s novel, guiding principle was to collect quotes for every use of every word (25, 86). Winchester describes it as an amazing work, especially in its time; “the unrivaled cornerstone of any good library” (26); “a last bastion of cultured Englishness, a final echo of value from the greatest of all modern empires . . . the most important reference book ever made” (27). His

advice: “admire it as a work of literature” and “marvel at its lexicographical scholarship.” (27)

OED was in the works for 22 years before the project got underway in earnest at a meeting on Guy Fawkes Day in 1858 (77-78, 107-108). Winchester describes the brief first phase of a handful of editors, focusing on Frederick Furnivall who was enthusiastic but struggled with organizing the task (108-110). Phase II and the bulk of the work was completed with James Murray as editor (110-112), until his death in 1915.

Winchester helpfully charts the history of dictionaries — why they would be desirable, early efforts at (far) paler versions, and how to accomplish the work (80-97). He notes that Shakespeare had access to a modest thesaurus but no dictionary; you couldn’t just “look something up” (80). The first effort is probably a Latin dictionary from 1225 (83). In 1604, Robert Cawdrey compiled the first English dictionary — a 120-page book of 2,500 “unusual” words. (Not surprisingly, unusual words were the focus of early dictionaries.) This was the catalyst for 150 years of diverse efforts (84), including thorough work by Nathaniel Bailey (88) and culminating in the majestic work of Samuel Johnson (89).

Winchester also details a debate about the worthiness of dictionaries. For example, Jonathan Swift thought they would add unproductive fixity to the language and debated Johnson on this (91-92). But the free market agreed with Johnson (93). And his dictionary was the standard, until it was replaced by the OED.

There are other considerations in making a dictionary. For example, no words in a definition can be more complicated or less known than the word being defined (151). (This reminds me of my old friend Dave Borden and a lousy dictionary he had: he looked up “ostentatious” and the definition was pretentious; he looked up pretentious and the definition was ostentatious. He promptly ripped it in half.) And Winchester is good at describing the difficulties one would not expect — for example, the intricacies of a word like “art” — which turns out to be difficult to

define, in all of its many uses (153).

As Furnivall had done, Murray issued an appeal for help, providing detailed instructions. The response was amazing, but the project was far larger than Murray imagined. At this point, Winchester re-introduces us to William Minor — whose history is developed earlier in the book. Minor responded to the appeal and became one of the two most important contributors.

Minor was housed in a relatively comfortable wing of an insane asylum. He still had a military pension that gave him some resources, mostly spent on books (120). He occupied two cells — one of which contained his library, writing desk and chairs (120, 122). (He later donated all of his books to Murray's library, where they are housed today (215). He also had art supplies, played the flute, had a collection of hard liquors and paid a servant to do tasks for him (122). A bit more than a cot and three squares.

Minor was extremely smart, organized and dedicated to the task at hand. But he was also insane — with occasional, dangerous and bizarre delusions (123-125). He had been a doctor and Civil War veteran who went from quirky to crazy and murdered a man in England, resulting in his imprisonment. He was diagnosed at the time with a form of dementia; Winchester describes him with modern terms: schizophrenia and Post Traumatic Stress Disorder (211, 213). He also notes the deadly irony that the advances in health and hygiene did not match the advances in military equipment for that war (52).

Minor developed a relationship with and sent money to the murder victim's wife — who brought him books and visited him in prison (126-127). This surprising relationship brought a sense of normalcy to his life. Along the same lines, he saw the invitation to join Murray's project as "a



long-sought badge of renewed membership in the society from which he had been so long estranged" (133). This led to 20 years of work — from 1885 to 1905, when he contributed mightily to the OED (138, 146). Aside from its sheer volume, his labor of love was relatively valuable because he organized his effort in a unique way, cataloging interesting words and quotes in the books he was skimming, rather than looking for a particular word or letter (139-143).

The best part of the story: Since Minor's address was so basic (Broadmoor, Crowthorne, Berks), nobody knew for years that he was in an asylum. Winchester details the eventual meeting between Minor and Murray in chapter 9, laying out the legend (168-174) and the more-likely details (174-177) of the discovery about his housing arrangements.

The catalyst was a party in late 1890 to celebrate the OED project and those who were crafting it. Minor did not show, only offering a vague explanation about "physical circumstances" (163, 168, 171-177). (Another insane person who contributed about as much as Minor also did not attend; Winchester gives Fitzedward Hall a brief mention here (166-167). Murray follows up, visits the address, and learns the truth about Minor's insanity and imprisonment. They enjoyed years of visits afterwards.

Life gets increasingly strange and depressing for Minor at the end. Winchester details Minor's autopeotomy — in a chapter titled "the unkindest cut" (190-194). He connects the surgery to a new religious fervor and self-condemnation over masturbation and lust. In March 1910, a new warden orders all of his privileges to be removed (198). In April 1910, with declining health, his brother was able to persuade Winston Churchill to

allow him to return to America (198-200). The end is a story of failing physical health and mental health that continued to decline.

Perhaps an even unkind cut is one of omission: Minor died in 1920 and is buried in a rough part of New Haven, the home of Yale University: “he died forgotten in obscurity and is buried beside a slum” (219). It can be hoped that Winchester’s book (and Gibson’s movie) will bring recognition to this strange and productive man’s life.

The ‘Meat Loaf’ Test

(*May 8*) — I’m not comparing government with dinner, but I could. Meatloaf, the meal, is a decent metaphor for government. It contains a mishmash of ingredients. It can be pretty good, but only if it’s done just right. But like government, meatloaf is often mediocre and sometimes rough.

Unlike government, meatloaf probably won’t kill you with a drone strike. It won’t take your money and give it to poor people or politically connected interest groups. It won’t lock you out of labor markets or make you pay a lot more for imports. And on the other hand, it won’t deal with pollution, protect your property or defend you from the Chinese either.

No, I’m talking about the singer — Meat Loaf, the man. Born Marvin Lee Aday, he changed his first name to Michael. But his stage name is the memorable moniker (he got the nickname from his high school football coach as a commentary on his weight).

Meat Loaf has been in dozens of TV shows and movies. His early work included the musical and the movie for “Rocky Horror Picture Show.” His most popular song on the Top 100 charts was “I’d Do Anything for Love.” But his most iconic song is “Two Out of Three Ain’t Bad.” It only reached No. 11 on the charts, but everyone knows it — well, at least everyone over 30 years old. It even has its own Wikipedia page.

The classic line behind the title is a famous earworm:

“I want you. I need you.

“But there ain’t no way I’m ever gonna love you.

“Don’t be sad,

“ ’Cause two out of three ain’t bad.”

The genius of the lyric: We know that we shouldn’t settle for less than three out of three — in love — but often, people do.

So, how is Meat Loaf related to government and public policy analysis? I often say that you need to pass three tests to invoke government as a means to any given end: A proposal for government should be Constitutional, Ethical and Practical. As with love, we know we should strive for all three, but often we settle for “two out of three ain’t bad.”

First, is the proposal consistent with the relevant constitution? If a proposal violates the Constitution, then it is illegitimate and undermines the rule of law. If a constitution is illegitimate in some way, change the constitution, don’t violate it.

Second, is the proposal an ethical use of force on people? When is it OK to have government force someone to do something or prevent them from doing it? Should I make it more difficult for you to work? Is it ethical for government to prevent people from smoking weed or eating too much pie? Is it moral for government to take your money and give it to poor people, wealthy farmers or businesses?

Third, is the proposal practical, will it actually work? Even if it’s constitutional and ethical, if it won’t work, then don’t do it. The minimum wage is dubious on constitutional and ethical grounds. Practically, the law makes it more expensive to hire those with fewer skills. So, we make life more difficult for marginal people we’re supposedly trying to help. We reduce their ability to earn money; we remove the dignity that comes with work; and we take away their best opportunities to build skills and experience through work. How is that attractive — practically (or ethically)?

Economists have two broad concerns about government in practice. Austrian economists

emphasize “the knowledge problem.” Think about what government agents need to know to implement effective policy. Consider something “easy” like fixing potholes. Bureaucrats still need to know a ton: the location and size; the resources required, how many machines and workers; what about temperature and road surfaces; and so on. Then, consider the knowledge required to improve something like the American health care and health insurance systems.

Public Choice economists describe motives in political markets, noting that self-interested pursuits in politics will result in everything from altruistic self-sacrifice to crass selfishness, using the power of government to enrich politicians and interest groups at the expense of the general public. Government might look good in theory, but in practice, it’s often a different game.

Bottom line: When you advocate more government, you should be required to surpass my Meat Loaf test. Most proposals for government don’t meet more than one of the three tests.

It’d be great to pass all three. And maybe you’ll think I’m a compromiser, but I’d usually settle for two out of three. For unfortunately, with the government in most cases it is “now don’t be sad, but two out of three ain’t bad.”

State Government Waste

(May 1) — Stephanie Zepelin of WISH-TV in Indianapolis just aired a report, “Changes Made After I-Team Examines Millions in Lost State Property,” based on a database of state government assets that has gone missing. Her efforts help shine a light on a common problem for all levels of government.

Let’s start by acknowledging that this is a problem for business as well as state government. There are at least three key variables in play.

First, with more layers of management, larger entities (private or public) will typically struggle more with various kinds of shirking — whether goofing off or stealing office supplies. In addition, environments in larger organizations are (or

seem) less personal, so careful stewardship doesn’t resonate as strongly.

Second, holding size constant, we would expect the public sector to have more shirking, since everybody is spending someone else’s money. The same disincentives occur in the private sector. We wouldn’t expect employees to be as vested in profit, compared with owners and stockholders. But in the public sector, the gap is even greater.

Within any bureaucracy, there is an incentive to maximize budgets: spend it or lose it — and spend it so you can ask for more next year. Taxpayers are paying little attention to the purse strings. So, it’s far easier to blow money in a government bureaucracy, compared with a business with owners who will pay more attention to the bottom line.

Third, the quality of the manager is relevant. How skilled is the manager in establishing a culture and systems that incentivize workers? Again, government will probably have more trouble here, given the prevalence of *de facto* tenure, strong bureaucratic incentives to stay out of trouble with moderation (and mediocrity), and fatter budgets that don’t promote as much concern about efficiency.

This gets to another question: What level of administrative cost is ideal to limit shirking and theft? Let’s start by noting that the optimal level of theft is *not* zero. If it’s zero, then you’re spending too much to mitigate theft; the costs outweigh the benefits of your efforts. But at least private sector firms have a strong incentive to do well on this issue. Failure can mean getting fired, lower profits and business failure.

How well will the government do with this question? As before, the pressure to do well is not nearly as high. Consider the administrative costs of Medicaid and Medicare. Some proponents brag about its “low” costs. But perhaps those costs are far too low: If they spent more, perhaps fraud and waste would drop by much more. There’s no way to know. But citing low administrative costs is not a satisfying claim.

The same observation relates to the database explored by WISH-TV. Some agencies have reported more missing and stolen items. Family and Social Services reported the most: \$6.27 million of the \$17.1 million total over the six years in the data set. Transportation has the highest percentage of its budget (almost 6 percent), where Education and Corrections have low percentages (far less than 1 percent).

When more malfeasance is reported, is this because those agencies have more trouble or are more diligent in policing the trouble? It's not clear whether a long list is good news or bad news. Or maybe there's something inherent in the work of certain agencies where assets are more likely to go missing. So, getting too excited about a particular agency, without more knowledge, is not wise.

The data also vary considerably by year — from \$652,000 to \$7.2 million. Since there's not a trend toward more or fewer vanishing assets, the variance again leaves us uncertain about the extent of the problem.

Principles from Public Choice economics are at the root of these questions. First, as noted earlier, bureaucrats have incentives to maximize budgets and minimize hassles such as confronting employees.

Second, voters have little incentive to become educated and to take action against malfeasance in the public sector. In this context, Indiana taxpayers lose a few bucks per year. (Over the six years, the reported cost is \$10 for the average family of four.) While irritating, it's not the sort of evil that will change one's vote. (Now imagine the federal government. Voters have even less incentive there, so we would expect even more waste.)

Third, it follows that politicians have little incentive to make this a political issue or the subject of reform. Politicians are appealing to voters who don't know — or if they know, they don't care all that much. It's smarter politically to talk about Trump's Twitter feed or Biden smelling children's hair.

Not surprisingly, concern about this falls to a handful of investigative journalists and pointed-headed economists. And if they're realistic, they realize that they can't move the needle much.

Two angles give us the most hope. First, when people hear stories like this, they will have less faith in government — how it really works in practice. Second, at the margin, people will want government to be more local than federal, where waste is relatively obvious and it's relatively easy for voters to provide accountability.

A Universal Basic Income

(April 1) — Andrew Yang is one of many Democratic candidates for U.S. President in 2020. Unlike most of his competitors, Yang is intelligent and sounds like a policy wonk. He's eloquent and brims with joy. He's thoughtful about policy and worried about both people and society.

But Yang is a mess on many issues, so why write about him? We should applaud candidates who talk about public policy in a thoughtful way. In particular, Yang is an avid proponent of a provocative policy proposal — the Universal Basic Income (UBI). I hope he gains traction, so he will have more opportunities to promote the idea.

I had heard about UBI, but didn't give it serious consideration until last month when I read Charles Murray's book on the topic, *"In Our Hands: A Plan to Replace the Welfare State."* As long as America insists on a significant Welfare State, a well-constructed UBI is almost certainly better than modest tweaks to the status quo. Murray's proposal is far better than Yang's, so I'll focus on Murray as I describe the UBI.

In a nutshell, the idea is that all Americans ages 21 and over would be offered catastrophic health insurance coverage and \$10,000 per year by the federal government. (Wealthier, high cost-of-living states might choose to supplement this. If not, many people would choose to move to lower cost-of-living areas.)

And the UBI would replace all other federal welfare programs. People could opt into the UBI or stay with their current arrangements. As

Murray explains, aside from people at or near retirement, most people will choose the UBI. (Again, states might supplement these efforts — particularly, to help those with children.)

One advantage is immediately obvious: the dog's breakfast of current federal welfare programs for the poor would be replaced by a cash grant that is simpler, more efficient, and less prone to promoting disincentives to work, to save, and to form and maintain a two-parent household.

Unlike welfare programs, all people would receive the UBI. It would remove the stigma for receiving “assistance” since everyone would get it. It would reduce the disincentives to work because you would still keep the UBI even if you earned quite a bit. It would reduce the disincentive to save. Currently, recipients can be cut off if they save “too much.” And it would reduce the disincentives against two-parent households among the poor, since current programs are often conditional on not being married.

Conservatives will applaud the UBI's efficiency and lack of damage to incentives on work, saving and family formation. Liberals will appreciate resources for the needy, the removal of stigma for welfare and disempowering the bureaucracy that tends to dehumanize recipients.

Yang's proposal kicks in at age 18, but Murray is wiser in proposing UBI at age 21. This is crucial, since the habits created between ages 18 and 21 will change the way that the UBI is perceived. Someone in college will not be tempted (much) to leave college to rely on the UBI at 21. Someone who works after high school for three years is less likely to be tempted to leave a job, income and career path to rely solely on the UBI at 21.

How would we pay for the UBI? It turns out that the current set of entitlement and welfare programs are more expensive. Murray recommends a UBI reduction rate between \$30,000 and \$60,000, so those above the poverty line receive less from the UBI, reducing its costs. (Yang wants to preserve some current welfare

programs and use a value-added tax to pay for them.)

In all of this, Yang is primarily motivated by his apocalyptic concern for what he sees as an emerging economic emergency — where technological advance will cause immense problems for workers. I think he overestimates the impact of technological change, but I can certainly understand his concerns. (One irony is that Yang is not concerned about the apocalyptic loss of jobs in the government's bureaucracy).

Murray's concerns are clearly valid. Society cannot afford to destroy incentives to work, save and raise children in two-parent households. And taxpayers cannot afford the current system of entitlements and welfare programs. The UBI would be a big improvement over the status quo

The Admissions Scandal

(March 26) — The university admissions scandal “Operation Varsity Blues” is interesting on many levels: rich people working the system; corruption and bribery in institutions of higher learning; elite, liberal universities sullied by scandal and greed. But as an economist, the episode brings other comparisons to mind.

First, consider how the scandal resembles both “legacy admissions” and “Affirmative Action,” two other strange aspects of university admissions. In all of these cases, students are able to enter college based on something other than their own merits. In the case of legacy admissions, universities discriminate against the children of non-alums to favor the children of alums. The parallel to the current scandal is quite close, since alums usually contribute money to a university and receive unequal access.

Affirmative Action is a policy response to try to remedy past wrongs or address uneven outcomes by gender or race. For example, some universities require higher ACT scores for Asian-Americans than Caucasians, and higher scores for Caucasians than African-Americans and Hispanic students, to strive for the “ideal” proportion of students in each race.

One of the ironies of these arrangements is that the favored students are under-qualified — and so, they are less likely to be successful. I heard commentators wondering why the parents in the scandal were so passionate to send their children to a school where their success was less likely. I wonder if the commentators would have the same criticism about Affirmative Action.

There are many ethical problems with Affirmative Action. But it has practical problems as well: the students are less likely to succeed in college — or if they do, they're more likely to end up in a "softer" major. And the discriminatory approach inevitably encourages people to wonder whether the students earned it on their own merits.

One explanation for the scandal is that these parents believe that having a college degree is far more important than having a college education. And maybe they're correct. Labor economists note that education serves two primary purposes. It builds "human capital" — skills for the workplace and it serves as a signal that the holder will be more productive than the average person without the credential.

The "human capital" function of college is more famous — and the more pleasing outcome. You go to college to learn a good level of knowledge in a particular field and basic literacy in many fields. You become better at writing and speaking, critical and creative thinking, time management and working in groups. You learn how to learn — even in areas outside your comfort zones.

But the signaling function of education is not trivial. It's important for individuals to be able to

signal their quality in labor markets. And it's important for businesses to have low-cost ways to screen job candidates. Imagine how difficult it would be to discern the quality of candidates for white-collar jobs without the existence of college degrees.

Bryan Caplan has a useful thought experiment on the human capital and signaling functions. Would you prefer a diploma without doing anything — or the knowledge that comes with a degree without getting a diploma? The answer depends on your goals and the degree you're pursuing. But it's safe to say that the parents in this scandal put more value on the prestige of the signal than on what their children would learn in the classroom.

What does all of this say about the future of higher education? First, society should worry that problems with family structure and stability — and the subsequent struggles for public high schools — will continue to result in more and more remediation and reduced standards in college. This could reduce both the human capital and the signaling of a college degree.

Second, colleges should worry that the internal temptations of grade inflation will erode the signal and human capital value of a degree.

Third, with a push for on-line education, we should worry about its quality — and its impact on education as a signal and a skill-booster.

And finally, with all of these concerns, along with more wariness about racking up debt to pay for college, universities should worry about their long-term survival. ♦

Leo Morris

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Pence at Taylor

(May 20) — I did not attend my college commencement because, at the time, it did not seem that obvious a demarcation in my life.

I'd split my post-secondary time between two schools, with military service in the middle. I still lived with my parents for the first phase at Indiana-Purdue Fort Wayne and commuted from 45 minutes away for the second one at Ball State University, so I never had that "bonding with a campus" experience requiring a formalized coda.

So now I do this weird mental exercise: If I had planned to attend the graduation ceremony, which speaker would have made me stay away in protest?

Jane Fonda comes to mind. She and I were both in Vietnam, but on different sides of the DMZ. I can't imagine I would have been too eager to hear her insights.

On the other hand, I wasn't thrilled with the political establishment at the time, since they had risked my life on a military adventure they seemed intent on ignominiously abandoning. So I probably would not have welcomed Robert McNamara, either.

But looking back on youth's passions with the wisdom of age, I can say it would have been wise to listen to either of them. Vietnam was the wedge splitting the country in two, and trying to hear voices on either side would have been valuable. In fact, having both of them on the same platform could have been quite memorable.

I say all this by way of explaining that I do not criticize the Taylor University students who

walked out of their graduation ceremony in protest of having Vice President Mike Pence as the commencement speaker. The "dozens of students" (so described by nearly all the news accounts) were merely upholding the noble tradition of tweaking the nose of authority.

I don't criticize them, but I don't understand them, either.

As the nation's most well-known evangelical Christian, Pence is clearly on one side of a divide far deeper and wider than our Vietnam agonism. It might be useful to hear his take on that divide, especially at a place like Taylor, which is . . . well, an evangelical university.

The news stories don't help. Apparently, the students wanted to put out an "everyone is welcome here" message, and Pence's presence would have overridden that message because: 1) He has too narrow a definition of Christianity; and 2) he is complicit in the evil Trump administration, tacitly supporting a man with no moral core.

But I don't see how both can be true.

As far as I can tell, Pence's beliefs match exactly Taylor's mission statement (readily available at its Web site, all you intrepid reporters), so students who don't like his values must not like those of the school they have been attending. And President Trump would fit few people's definition of a faithful, committed Christian.

So, what do students believe about Pence? That he is a rigid fundamentalist always on the lookout for heretics to condemn? Or an amoral opportunist willing to sacrifice principle to his ambition?

I'm not certain. And, based on the superficial coverage of their protest, I'm not sure they are, either. Perhaps, after age has cooled their youthful passions a bit, they might regret missing what they could have learned — about Pence, about the country, about themselves — by listening to him instead of ostentatiously signaling their displeasure.

Or perhaps not.

I went to Ball State's Web site to find out what speaker I had missed by ditching commencement. It was John Brademas, then the sitting U.S. representative from Indiana's 3rd District. I remember him as a decent person but uninspiring politician who didn't excite much passion one way or the other. I doubt if anything he said would have stayed with me.

Brademas was no Jane Fonda or Robert McNamara, not even a Mike Pence. These days, I expect it's better to be worth protesting than not worth listening to.

'Heavenly' Indiana

(May 13) — It's amazing how so-called professional journalists can report the bare facts and somehow miss the bigger story right in front of them.

Here is the news report from KOB-4 out of Albuquerque, N.M.:

Two girls in Roswell had a plan to get a message to their grandparents in Heaven. Shayla and Haylie Chaves wrote a letter, put it in a sealed bag and tied it to a balloon. The letter eventually landed in a woman's garden in Indiana.

The woman who received the letter wrote the girls. Now, they plan to pay it forward. "It's very heart-touching that she would actually take the time to send us a letter back, and we plan to do something special for her in return," said the girls' mother, Sheri Chaves.

Can you begin to fathom the astonishing but unacknowledged aspect of that story?

No, not the part about mysterious objects in the sky around Roswell, N.M., although that deserves at least a look from the conspiracy theorists, and there's probably a cable movie in there somewhere.

I mean the part about the balloon starting out for Heaven and ending up in Indiana. Come on! Heaven? Indiana? Certainly, the balloon could have gone horribly off course. But what if it ended up exactly where it was supposed to be?

Please don't go into stone-the-blasphemer mode. I'm speaking metaphorically, as in "heaven on earth," you know, the kind of place where nice old ladies in gardens will stop whatever they do in gardens long enough to write a letter to two young strangers halfway across the country.

Unfortunately, not everyone thinks so highly of Indiana. Sometimes, I wonder if even Gov. Eric Holcomb likes the state he leads.

He gave the commencement address at Ball State University recently and implored students to stay in Indiana. He told the graduates a Ball State diploma gives them "a fantastic head start" on their careers but added, "Don't run too far because Indiana needs you and Indiana wants every single one of you," including teachers, architects, nurses, artists, entrepreneurs and broadcasters.

If you think you live in a nice place, it seems to me, you won't feel as if you have to beg people to stay there. Oh, you might remind them of what a good place the state is, in case it slipped their minds, but you wouldn't automatically assume they are heading for the border before the ink dries on their diplomas.

Some of our communities go further than begging, offering college students everything from money to mortgage help if they commit to staying a certain amount of time here after graduation. What kind of positive contribution to a state will be made by people who had to be bribed just to live there?

Fort Wayne a few years ago even succumbed to the preachings of "urban economist" Richard Florida, who claimed that, to thrive, communities had to attract the "creative class," those refined types who, unlike plumbers, janitors and construction workers, could take the city to a more rarefied plane. What we were supposed to do was provide trendy restaurants, music hot spots and other diversions with which our saviors could amuse themselves in their idle hours.

Not even enough to keep the right sort of people here. We must also attract the right sort. How drearily cosmopolitan.

I was tempted, briefly, to throw the governor an encouraging shout-out: “Here I am, sir! I am a Ball State graduate, and I will gladly stay here and help out my state.”

But I fear I am not the right sort. As a retired geezer long past his use-by date, I’m sure I don’t contribute to what the governor might define as a vibrant economy. And I wouldn’t set foot in a trendy restaurant on a bet.

The state has even codified its disdain for me. Did you know that the recently passed hate-crimes law does not include age as a protected class that it is wrong to treat with bias?

“Sexual orientation” and “gender identity” for some reason have gotten all the press. Four Notre Dame seniors recently wrote an op-ed for the Indianapolis Star declaring the state unfit to live in because failing to specifically list those two groups as potential “biased-crime” victims violates the principle that “all people should feel safe in their own identify.”

Not a whit of concern, not even a crocodile tear shed, for those of us with identities no less fragile for having been so long in the making, especially those of us who occasionally feel like 16 and wish to be treated accordingly. If I think I’m a teenager, who has the right to say differently?

Perhaps we old fogies should join with others the state wants neither to keep nor attract, a “not the right sort” coalition to remind everybody else that before attractive states can lure people, people have to create attractive states. We could start our own Twitter account and Facebook page.

In the meantime, you might find us out in the garden, looking for balloons sent to Heaven and prepared to respond in a nice way. We might feel neglected from time to time, but we try not to hold a grudge.

It’s . . . Oprah!

(May 6) — I’m reluctant to make political prognoses because I’m so bad at them. But I’m going to ignore my misgivings and go way out on a limb, not with a prediction but a bit of whimsical speculation.

I’m thinking of a potential Democratic presidential candidate — so far professing zero interest in the job, not on anybody’s radar — who could pretty much clear the field and have the nomination just by declaring. Furthermore, the resulting general-election contest against President Donald Trump would actually be fun for the country to watch, with the outcome utterly unpredictable.

And Trump could actually lose, which I don’t think would be the case if one of the mediocre, politics-as-usual candidates already running wins the nomination.

Let’s think about that field for a moment. So far, I believe, there are 21 candidates considered “major” by all those who label such things, and more than 200 “lesser” candidates with the proper Federal Election Commission paperwork filed.

That is good news for Indiana voters.

With 40 other primaries being conducted before ours, the election historically has been all over before it even gets here. But this state mattered for Democrats in 2008, when Barack Obama and Hillary Clinton were still duking it out, and for Republicans in 2016, when it took losses here to finally get Ted Cruz and John Kasich out of Trump’s way.

With so many candidates on the Democratic ballot next year, it is likely there will be a number of them still around by our May primary. And if South Bend Mayor Pete Buttigieg should end up on the ticket, there’s a chance even the fall general election might matter here.

The big field is also good news for the country. Candidates won’t be able to stand out merely by hating Trump — they all do, after all — so they might have to get specific about what initiatives and proposals they have to offer us. Voters will have a chance to be informed. They will have choices.

The news is not so good for the Democratic Party, however. There are basically two lanes toward the nomination, the moderate one and the far-left one.

Let's face it, even if some other candidates (such as Sen. Amy Klobuchar of Minnesota) try to sneak into that lane, it all but belongs to former Vice President and current poll front-runner Joe Biden. He will likely be one of the two candidates left standing as the process nears completion. But he has decades of baggage that Trump can and will exploit mercilessly.

The far-left lane is so overcrowded that whoever survives the vetting by the voters will have been pushed so far to the progressive fringe that it will be all but impossible to get back to most Americans' political comfort zone.

How many times can Trump tweet "Socialism bad!"?

And let's assume that one of the other two front-runners – Buttigieg or Bernie Sanders – will carry that banner. It seems quite possible that a Democratic Party obsessed with diversity, inclusion and intersectionality will nominate a white male for president. There is some kind of disconnect there somewhere.

So, what the party desperately needs is a candidate who can bring all the factions together, eat into the base of independents whose loyalty to Trump is not absolute and corral the enthusiasm of people who normally pay little attention to politics.

It needs, yes, Oprah Winfrey.

No, I'm not trying to be facetious or provocative. Think about it. Trump has already demonstrated that voters hunger for somebody outside the political system. I'd wager Winfrey has a TV following as loyal and large as Trump's despite ending her network show. She is just as adept at messaging and is perceived as one thing he will never be seen as – nice. Instead of a savvy outsider outwitting lame tactics from politicians too dim to understand they no longer work, we'd have two savvy outsiders.

And I really, really hate to say this, but you know what the Democratic dream ticket would be? Oprah in the top spot with Buttigieg holding down the vice-presidential slot.

Someone I know said a couple of scary things (to me at least) recently. This is someone who voted for Trump but doesn't really care for him. The first time, she said, "I really like Buttigieg." The second time, she said, "I'm liking Buttigieg more and more." Both times, she added, "Except for his positions on the issues, of course."

How many people out there, I wonder, will decide they like him but never get to that "Except for" part?

The 'Sweet Spot'

(April 29) – Clichés are the cicadas of language. They disappear for years at a time, then show up in force again when you least expect them, to buzz and click their way into your brain.

This season's returnee is "sweet spot" as a political goal.

The Times of Northwest Indiana had a story in which Senate President Pro Tem Rodric Bray speculated that everybody being "a little bit agitated" over the hate crimes bill might be a sign that "we hit it down the middle and got the sweet spot."

The Indiana Lawyer reported that House Speaker Brian Bosma is pleased with "the four lady legislators" who worked on the General Assembly's sexual harassment policy and is confident they "hit the sweet spot on it and we'll work through any nuances."

The Journal Gazette of Fort Wayne even managed to work in a bit of bipartisanship.

Bray told the newspaper that legislators are trying to find "the sweet spot for that language" on mental health services and sex education "that can let the schools function and do what they need to do but also protect the rights of parents." And House Democratic Leader Phil GiaQuinta said a gambling bill was hard to come up with this session because "every change made in the gaming landscape helps one entity and hurts another – making the sweet spot hard to find."

Clearly this mysterious sweet spot is something to be highly desired. It seems to be that secret

place in the legislative zone that, when touched, causes delirious ecstasy. Call it the S spot.

But legislators, as only they can, have twisted the original meaning of the phrase.

The term originates with baseball and the fact that the “sweet spot” is the area on the barrel (the thickest part) of the bat that provides the most power on contact with the ball. In other words, connecting with the ball there provides the greatest likelihood for a home run instead of a piddly little single or double. (Some golfers, it should be noted, claim the term originates with their sport. Pay them no mind.)

Hitting home runs, however, is not the usual goal of legislators, who must spend so much time compromising with this or that faction that most of the runs they score started with a base on balls.

Just listen to their language – Bosma’s yearning for “nuances” and Bray’s defensiveness over “agitation.” This is not the way power hitters talk. These are bunters.

Clearly there is a newer meaning at work here.

Language columnist William Safire called it “a more exhilarating version of the

happy medium.”

“Remember the tale of ‘Goldilocks and the Three Bears’? She faced three bowls of the bears’ cereal, tasted one and exclaimed, ‘This porridge is too hot!’

The next was too cold, but the third caused her to purr, ‘Ahhh, this porridge is just right,’ and ‘she ate it all up,’ to the consternation of the returning three bears. Economists wondering whether the economy is overheating or cooling hope we are in ‘the Goldilocks economy’ — just right — and those who are bearish or bullish today may soon wonder whatever happened to today’s sweet spot.”

The legislative “sweet spot,” then, is the happy medium achieved when one interest group gets enough to be appeased while the competing interest group loses too little to be alarmed.

And the general public, unfortunately, is not an interest group. We are the farm team for the

players, and we pay for the bats, but nobody cares about our sweet spots.

So now that another session of the General Assembly is, um, in the record books, we’ll have to come up with our own way of compiling the statistics.

If I were going by the original meaning of sweet spot, I’d say it is the thickest part of my head, where I can be hit the hardest with legislative nonsense and have the least amount of brain damage done.

But going by the legislative redefinition, I’ll be searching for that happy-medium point at which I am not so angry at how much of my tax money was wasted that I lose the ability to be happy over having any money left at all.

That’s a low bar, I know. But taxpayers gave up on home runs a long time ago.

The Pothole Challenge

(April 22) — You’ve all heard the complaint. “If America can put a man on the moon, why can’t it . . . cure the common cold, or develop a long-lasting battery, or stop spending more than it takes in, or (fill in your favorite frustration)?”

My current, less sweeping, version of that lament is: “If Hoosier politicians think they’re smart enough to legislate hate out of the human heart, why can’t they handle something as simple as keeping the stupid potholes filled?”

After a pothole in Indianapolis tried to eat my car last spring, I thought my column on the experience was cathartic enough to make me done with the subject. Alas, I am now two for two when it comes to spring and Indianapolis potholes. And my most recent one, just a few weeks ago, was dramatically more expensive than the first one.

Furthermore, I just spent a nerve-wracking drive from Indianapolis to Fort Wayne on Interstate 69. That particular road has never snagged my car before, but I had just watched Indy TV news reports of dozens of motorists filing claims against the state for damages from I-69 potholes.

Good luck with that, I thought, along with dreading the drive home. We've come a long way from "You can't sue the king" but governments at all levels have made sure that tort claims against them are difficult to win, even when the damages result from the failure to perform the most basic functions.

And what government function is more basic than keeping the roads open and navigable?

Some of my most fervent libertarian friends will disagree with that, I am certain. Their view (which I have heard expressed more than once) is that if Company A and Shopping Mall B and developers of Subdivision C want easy access, they will get together and build the infrastructure to get it done.

But that view overlooks the long record of government's involvement with transportation in this country, starting with the Erie Canal in the early 1800s, which more or less established New York City as the nation's economic powerhouse instead of rivals like Boston and Philadelphia.

Throughout our history, in fact, government subsidization of huge transportation efforts has changed to face of the country.

The building of the railroads linked together the continent, in the process creating some of our first millionaires and setting the standard for graft and corruption that public officials strive for today. The nearly 50,000 miles of the Interstate Highway System, the largest public works program in our history, fueled the booming post-war economy and truly united the country. Air travel, jump-started with government mail contracts, shrank the country and united the world (in at least one way).

But all that involvement came either in support of something the country really needed at the time, like the railroads, or to make easier something Americans had already collectively decided to do, such as abandon mass transportation for the personal freedom of automobiles.

Do you know what spurred the Good Roads Movement beginning in 1880? That newfangled

invention called the bicycle, which, even before the automobile came along, had changed America in big ways, especially in urban areas. But roads outside those areas tended to be little more than muddy or dusty (depending on the weather) paths.

The lamentable aspect of transportation subsidies today is not necessarily the amount spent but the fact that so much is spent either on projects the nation doesn't need or projects that people don't want. The country doesn't need (and is too vast to sustain) the kind of high-speed rail enjoyed by tiny Japan.

Americans are not ready to be yanked back from the suburbs and herded into cities by a government-engineered "sustainable transportation movement." A movement, which, of course, includes bicycle lanes alongside some of our busiest streets. Looking ever backward.

Like it or not, the automobile is the chief form of transportation and the road its chief requirement, in large part because the government made it so. That being the case, keep the potholes filled, please.

Just the basics. Not asking for the moon here.

Primary Elections: A Better Way?

(April 15) — The three major mayoral candidates in my town — the Democratic incumbent and his two chief Republican challengers — are all cheerleaders for "economic development."

These days, that means pushing huge capital projects with too much public funding and too little private risk for the purpose of moving huge numbers of consumers around. If enough of us can be persuaded to spend enough of our money in one preferred location instead of spreading it all over town, success is declared until the next smooth-talking developer comes along.

It's all rather dispiriting for a cautious citizen like me who would rather see his municipal leaders take an approach more informed by prosaic pragmatism. Three years after having the

worst presidential choice of my lifetime, I'm faced with the prospect of having to hold my nose when voting for mayor, too.

Can't we figure out a better way?

At the national level, I'm tempted to suggest a version of William F. Buckley's lament that he would rather be "governed by the first 2,000 people in the Manhattan phone book than the entire faculty of Harvard." We could get better candidates for president (or at least no worse ones) by drawing names out of a hat than by relying on the current primary process.

That would suffice for the nation's chief executive, since there are mechanisms and processes and plenty of checks and balances in place to keep the country humming along. But it would be far too dangerous for something as important as local government, where there must be enough money left in the till after the politicians' wild schemes to keep the potholes filled and the police department at full force.

Longtime Indianapolis political journalist Abdul Hakim-Shabazz believes we could get better candidates and higher voter participation by going to a "consolidated nonpartisan" primary: "Candidates don't run under a political banner, they run on their ideas or their records — that's it. The winner would be the person who gets at least 50 percent of the vote. And if no one gets more than 50 percent, the top two vote-getters would participate in a runoff, which, by the way, would take place six to eight weeks after the consolidated primary. And that's it."

But the more I think about that idea, the less attractive it seems.

As Hakim-Shabazz acknowledges, two-thirds of the most populous cities in the nation already use a nonpartisan system of electing their local officials, and those big urban areas aren't exactly models of governing sanity.

Just because politicians don't run as members of a party doesn't mean they aren't members of a party. Chicago, one of those big cities with nonpartisan elections, just put in office, to the delight of social justice warriors everywhere, its

first African-American lesbian as mayor. But she's also a member in good standing of the Democratic Party machine that has had a stranglehold on the Windy City forever. Whoopee.

And if a majority of voters don't bother to learn the philosophies and positions on the issues of two candidates, how are they going to handle 10, or 15, or 20? A more intriguing idea, but perhaps less palatable in the current zeal to abandon our republican form of government for a pure democracy, would be to take the primary out of the hands of voters.

Indiana political parties already have state conventions to choose their candidates for statewide officeholders such as attorney general and treasurer. Local conventions would select mayoral and city council candidates. (City clerks should be appointed, but perhaps that's just a personal preference saved for my dinner-table rants.)

But I can see problems with that scheme, too. Yes, it would have the benefit of putting the selection of candidates into the hands of those most interested in the process, which might marginally improve the quality. But it would give the average citizen, having not been invested in the process, one more reason not to vote in November. And it would likely widen the trust gap between public officials and those they would lead.

In the end, I suppose, it doesn't matter how we select our candidates. It will always be a self-limiting pool, comprising only those people who want to hold office. That's a certain kind of person, and all of them will have the same sort of characteristics, especially the same kind of deficiencies.

I'm probably concentrating too much on the politics and not enough on the actual governing, giving too much attention to the selection process and too little to what those we select do after they take office. That is the chief danger of a representative democracy. We elect people not to carry out the majority's wishes but to use their best judgment.

That shouldn't mean our job is done once we vote. It should be just beginning. It is the officials' job to use their best judgment. It is our job to hold them accountable when we think they haven't, not just by voting again but by going to council meetings, writing letters to the editor, marching in protest and in general making godawful pests out of ourselves.

But as the cynic says, good luck with that.

Still, I will hold my nose and vote for mayor. I don't like where any of them stand on my biggest concern, so I will go down my list of secondary issues and choose the least objectionable candidate, just as I did in the presidential race.

But the winner won't have heard the last from me. I can feel them quaking in their boots already.

Pence and Buttigieg

(April 18) — Would you like to see a self-professed strongly committed Christian in the White House?

Which one? Democratic South Bend Mayor Pete Buttigieg or Republican Vice President Mike Pence? Both are quite candid about their religious faith, so we may presume it informs their political sensibilities, but the synthesis takes them in very different directions.

Pence, "a Christian, a conservative and a Republican, in that order," is a member of what the mainstream culture calls the "religious right," a champion of traditional values and proscriptive edicts. He is so mindful of his marriage vows and even a hint of impropriety that he won't dine alone with a woman or attend an event without his wife where alcohol is served.

Buttigieg represents the "religious left" movement that seeks to justify every progressive, secular proposal with a religious underpinning. Jesus was a compassionate liberal, you know, so he certainly wouldn't have disagreed with Mayor Pete's assertion that "Scripture teaches us to focus on lifting up the marginalized – to be skeptical of the wealthy, the powerful, the sanctimonious, and the boastful."

If we have trouble sorting out this dichotomy of Christianity going forward, I'm sure these two proselytizers will help us out.

Buttigieg has already disparaged Pence's brand of faith that would lead him to be "a cheerleader of the porn star presidency . . . I thought he at least believes in our institutions and he's not personally corrupt, but then how could he get on board with this presidency?"

Pence hasn't been that explicit about Buttigieg's brand of Christianity (that I've been able to find), but we can infer his view from the fact the mayor is in a same-sex marriage, and the vice president supported a constitutional amendment that would have defined marriage as between one man and one woman.

I wonder what Buttigieg thought of President Bill Clinton's serial sexual misdeeds, up to and including credible accusations of assault? Did he chastise Vice President Al Gore for aiding and abetting a predator, or did he, like some members of the feminist community, look the other way because of compatible political views?

My point isn't to argue whether Trump or Clinton is the worse human being or whether Buttigieg or Pence is the better Christian.

It's just to note that two men could profess to observe the same religion, following the dictates of the same Bible for most of their adult lives, and arrive at such different places. Thank goodness we have a system that allows the country to survive presidential religious idiosyncrasies as well as the moral failures of rogues and scoundrels.

Even if we can disagree on what the Constitution means about the "separation of church and state" since those actual words do not appear there (and we have, numerous volumes worth), we should accept that the Founders purposely kept those two institutions at a respectful distance from each other. The fact that too many people today forget that the purpose was to protect religion from government, not the public from religion, does not negate the wisdom of the decision.

The Constitution does say, directly and plainly, that “no religious test shall ever be required as a qualification for any office of public trust under the United States.”

That doesn’t prevent voters from litigating the issue, as John F. Kennedy learned when he felt compelled to swear he would not be an agent of the Pope. It is easy to predict that both Buttigieg and Pence will face similar public pressure in their political journeys.

We’d be much better off talking about morality.

One of these days, I might compile a list of “the dumbest things” we have ever argued about, and near the top of the list will be the idea that “you can’t legislate morality.”

People who used to say that – and a lot of people did, over and over – usually meant, “I don’t want the law telling me what to do.” The law shouldn’t legislate morality in general, in other words. It should legislate my morality.

But the whole point of the law is to strive for the common good. Some actions are beneficial to the community, and some are harmful; it is the law that draws the line between the two and punishes that which is harmful.

That is a moral purpose. Some evils are so fundamental that they are always wrong, and sanctions against them can be found in many societies across time and geography. Some of our notions of right and wrong change as our communities evolve.

It really doesn’t matter what a president’s religious convictions are. What matters is what the president understands about the role of the chief executive and whether that understanding translates into action furthering our progress toward being a more moral civilization.

Every president we’ve ever had has fallen short of such a lofty goal to one degree or another, and we have survived. We will survive a President Buttigieg or a President Pence. If you want to pray that I’m right, go ahead.

The Electoral College: A Warning

(April 1) — Let’s cut to the chase on our current relapse into anti-Electoral College fever.

No matter what high-minded reasons partisans espouse, many also all have selfish motivations for their positions. A great number of Electoral College opponents are liberals and/or Democrats who believe an end to the current system will ensure the election of liberals and/or Democrats to the presidency forever and ever. A great number of Electoral College supporters are conservatives and/or Republicans who believe maintaining the status quo will give conservatives and Republicans a better shot at the White House.

The Electoral College isn’t going anywhere soon. It would take a constitutional amendment to get rid of it, a process the Founders purposely made difficult. When Indiana Sen. Birch Bayh tried to amend the college out of the Constitution in 1970, he was riding a wave of popular opinion, and in fact got his proposal through the House by a huge margin, but it died in the Senate. Even if a measure could make it out of Congress today, the idea that it could pass in three-quarters of the states is preposterous.

The only reason the issue is worthy of debate today is that supporters of a popular-vote presidency are busy trying to do an end run around the Constitution. A number of states have already endorsed the National Popular Vote Interstate Compact, which would require a state to award all its electoral votes to the presidential candidate who wins the national popular vote, regardless of which one wins in that state.

The compact will take effect only if states with at least 270 electoral votes – the number needed to win the presidency – sign on. So far, 12 states with 181 electoral votes are on board, all of them but one (Colorado) having voted for the Democratic presidential candidate in every election since at least 1992 – surprise, surprise. If the threshold is reached, the continued existence of the Electoral College in the Constitution will have been rendered pointless.

As someone on the conservative/libertarian side of the aisle, I think this would be a terrible development – again, surprise, surprise.

Democratic presidential contenders such as Massachusetts Sen. Elizabeth Warren and South Bend Mayor Pete Buttigieg rail against the Electoral College by insisting that it violates the principle that “every vote should count.” But if it’s wrong that almost half a state’s voters are “disenfranchised” (because their candidate didn’t win), how right is it that more than half would be disenfranchised if they voted for the national popular vote loser?

If that last paragraph sounded a little silly, it’s because the whole “every vote should count” dictum is superficial and misleading. In every election, whatever the process, each vote counts in one sense because it is a part of the process, but only the votes for the winning candidate really matter in any meaningful sense.

As it stands now, my vote for president counts because of both my status as a citizen of the United States and my standing as a citizen of Indiana. If we switch to a popular-vote system, my status as a Hoosier no longer matters. Only my status as a U.S. citizen matters.

And that is a bigger deal than opponents of the Electoral College are willing to acknowledge.

I sometimes think those of us on the right may be guilty of somewhat overstating our case that a popular-vote presidency would end federalism as we know it. For example, read Bayh’s article in the Spring 1977 issue of *Valparaiso University Law Review*. It’s well-researched and honestly presented, with points worth debating.

But ending the Electoral College, whether de jure with a constitutional amendment or de facto with a compact of states, would be one diminishment of the states and one enhancement of the central government, which would be a step away from federalism and a step toward a democracy. So, I think it would be fair to ask all participants in the argument which system they prefer and to give their reasons why.

The Founders chose federalism for the sound reason of trying to mitigate against the dangers of too much concentration of power inherent in strict majority rule. The delicate balance of authority between the states and the federal government was a vital component of that system. Given the abuses of power we can already see exist, how much worse would be if we weaken the system designed specifically to limit those abuses?

I will quote Alexander Bickel, echoing the seminal conservative philosopher Edmund Burke (as does Bayh, though not as favorably): “There are great virtues in a conservative attitude towards structural features of government. The sudden abandonment of institutions is an act that reverberates in ways no one can predict and many come to regret.”

That is the essence of conservatism, by the way (at least as I see it) – not to merely hold on to things because of tradition or a fear of change but to carefully examine what we have to determine what is worth keeping and what should be discarded.

Those clamoring to scuttle the Electoral College should be careful they are not rushing to discard something worth keeping. And if they won’t, then the rest of us must.

The Omniscient Phone

(*March 25*) — My sense of privacy has eroded a bit every year since I got my first cellphone. I’ve become so used to the loss that it usually doesn’t even bother me. My real fear is that there will be a tipping point at which so much of my privacy is gone, I won’t care when the last of it is threatened, or perhaps even notice.

I was reminded again last weekend of how dependent I have become on my mobile connection to the rest of the world. While I was visiting my sister in Indianapolis, my car was attacked by a monster pothole – again, for the second year in a row!

While I was driving all around the city on my too-many-miles-on-it-already doughnut, desperate to get the car fixed before the Sunday

drive back to Fort Wayne, the smartphone was my lifeline. I used it from the car both to call ahead to the tire places I was visiting and to keep my sister updated on my progress, and I used its mapping feature to get to the places.

Remember how much more difficult such a weekend emergency in an unfamiliar city once was? We'd have to look all those places up in the phone book, call them all before we headed out, then mark them on a map that was so creased in the wrong places it would never fold properly.

And forget about keeping somebody else apprised of the situation, unless we wanted to spend half the time looking for phones (which are charmingly referred to today as "land lines").

But the accompanying disadvantage to the convenience of the smartphone is the fact that we can never be truly alone. Everybody we know is always with us and has instant access to us.

Never mind the week away from home when nobody could reach us unless we called them first to give them the vacation number. Or even the lunch hour when the only people we had to talk to were the ones at the table with us. Our phones are now attached to us, not our physical addresses, so there is no hour of the day when we can ignore a phone call by saying – whether or not it is true – "Sorry I missed you, wasn't home."

Today, when people call or text or send an email to our phones, they know the message has reached us instantly. If we don't respond immediately, they know immediately that it's because we are purposely ignoring them. So, our guilt prevents us from preserving our solitude.

And it just isn't our friends and family list in that phone with us. The whole world is – at least the parts of it we have sampled, and there is a record of everything.

My phone knows the music I listen to. Its Kindle app knows what I read. There is a record of what I've looked up on Google. My texts with friends and family – every intemperate and ill-advised word – are there, as is a record of all the calls I have made and received. So is a record of

places I have been. So are my bank records. Everything I have ever ordered through Amazon.

In the pre-digital age, all that information would fill a roomful of file cabinets, and it would take days to search through it. Every scrap of it – and more – is right there is that little device I carry around all the time.

What would I do – what would you do – if the police showed up with a search warrant demanding both the phone and the passcode with which to access it?

There is a case about just that issue now before the Indiana Supreme Court that will surely make it eventually to the U.S. Supreme Court.

The case originated in Hamilton County in 2017 when a court issued a search warrant ordering Katelin Seto, being investigated for alleged stalking, intimidation and harassment, to turn over her iPhone 7. She did, but refused to give up the passcode, citing the Fifth Amendment's protection against self-incrimination.

The warrant allowed police to search her phone with no limitation. That's a big deal. In the pre-digital age, a warrant had to specify what police were searching for. Anything else, no matter how incriminating, was off limits unless it was in plain sight.

I understand the issues involved. In the digital age, it is easier to both hide evidence and go on a fishing information for evidence. Public safety and personal privacy are in conflict as never before. We might have reached a point at which current case law can't keep up with developing technology.

And I might be closer to my tipping point than I care to think about. The first time I saw this story, I shrugged and moved on. It was more than a week before I finally decided it was something worth writing about.

And consider the 40-some million members of Gen Z, that cohort born from the mid-1990s on. That is the first generation of digital natives. They do not know a life not connected online and think nothing of putting their whole lives out there. I

don't think they even fully grasp the concept of privacy – at least the kind of privacy understood by previous generations – so how can they worry about losing something they've never known?

Maybe it's not just my own tipping point I need to be thinking about.

More on Not Hating Hate

(March 18) — I don't hate hate.

I don't know if that makes me an oddball, but it probably marks me as a member of a small minority.

Hating hate, in fact, might turn out to be the one issue that can finally bridge the bitter tribal divide afflicting America these days.

For proof, just consider recent actions by Republicans in the Indiana General Assembly and Democrats in the U.S. House of Representatives. If those august legislative bodies, which are supposed to be the branch of government closest to the people, can so bravely hate hate, it must be that they realize most of their constituents hate hate and want their leaders to stand with them in hating hate.

The Indiana General Assembly, lawmaking for one of only five states without hate crimes legislation, was asked to erase that embarrassing stain by enhancing penalties for those who commit crimes because of a victim's membership in a protected group as defined by things such as age, sex, race, religion, sexual orientation or gender identity.

No, no, said Hoosier Republicans. They want to remove the list of protected groups and allow judges to enhance sentences against any criminal whose offense is spurred by bias, no matter what group the victim might belong to.

The U.S. House was urged to pass a resolution criticizing Democratic Rep. Ilhan Omar of Minnesota for frequent remarks widely regarded as strongly anti-Semitic.

No, no, said House Democrats. Instead, they approved a measure condemning anti-Semitism, Islamophobia, white nationalism and "bigotry,

discrimination, oppression, racism, and imputations of dual loyalty."

A beautiful symmetry there.

There are things that are different about the two moves, which can be used to patiently explain to Americans why one (take your pick) is perfectly defensible and rational and the other one is offensive and insulting. That debate is raging all around us, so there isn't much we can add to it here.

But what's interesting is what is the same about the two. In each, a political bloc feels pushed by unreasonable opponents to do something it just does not wish to do. Instead of telling the opponents to go stuff it, the response in both cases is to try to diffuse the situation by seeming acquiescence in terms so generalized as to be meaningless.

We don't just condemn puny, individual acts of bigotry or bias. We abhor the very ugliness behind all such acts. Hate the hate, not the haters!

If I were the cynical sort, I might quote Linus of the Peanuts comic strip, who once told Lucy, "I love mankind . . . it's people I can't stand." It's so easy to say what we think we're supposed to say, so hard to do what we know we're supposed to do.

Or I might repeat the (probably apocryphal) story of President Coolidge, answering his wife's question about the minister's topic, "sin," and her follow-up question about what the minister said on the subject, "He was against it."

We should take the Hoosier Republicans and the U.S. House Democrats at their word that they wish to elevate us all in a united push to eliminate the scourge of bigotry and bias from the face of the Earth. I would caution everyone, however, to consider that negative emotions serve a purpose and should not be automatically avoided.

All emotions, even ones such as hate, anger and sadness, disappointment, fear and guilt, tell us important things about ourselves and the world we should pay attention to. It's not the negative emotion that's wrong, but the target of it that should be scrutinized.

Some things should be feared, because they are dangerous. If we have wronged someone, we should feel guilty. If you can see injustice and not get angry, what's wrong with you? Who among us can watch those awful public-service ads about abused animals and not feel sad?

Hate is bad only if you hate what you should not. Some things deserve to be hated.

I hate pretension. I hate posturing. I hate condescension. I hate having my precious time wasted.

And yet I spend an inordinate amount of it thinking and writing about politicians.

Now I feel silly.

One Toke Over the Line?

(March 11) — I hate to admit it, being a member in good standing of the Vast Rightwing Conspiracy, but I tried marijuana in my younger days.

More than once. And I inhaled.

Furthermore, I enjoyed the experience. It left me in a dazed and happy stupor, free of the anxieties that gritty reality often sends to gnaw at our contentment. And without the unsavory side effects of alcohol numbing, especially the falling down part and the waking-up-sick-to-death part.

I grew out of it, as they say, for the usual reasons, I suppose. Flouting the law is a serious impediment to career-building. Rebellion is a young person's conceit. And, to paraphrase Dean Wormer in *Animal House*, "Dazed, dumb and drooling is no way to go through life, son."

Acknowledging this youthful lapse in judgment, I realize, will make it difficult for me to join in the conversation about drug policy. No matter which position I take, it will be called into question.

If I say that marijuana is far less dangerous than either alcohol or tobacco and that the country needs to rethink an anti-drug policy that has spent billions in failure, I will be dismissed as a raging libertine who just wants his wantonness endorsed.

If I say, on the other hand, that states should slow down in their mad rush to normalize weed because, 1) Developing research indicates it might be far more dangerous than we suppose, and 2) it's insane to legalize something at the state level that's still illegal at the federal level, I will be accused of rank hypocrisy.

One big hassle.

But I felt I had to come clean and follow the example of Gov. Eric Holcomb, who bravely revealed recently that he used marijuana while a student at Hanover College in southern Indiana. He's not exactly what I would call a conservative, but he is a respectable Chamber of Commerce Republican who dutifully follows the business community's directions. If he can own up to a misspent youth, how can I do less?

He says that, despite his history, he will not change his opposition to the legalization of either medical or recreational marijuana because he wants to stay in line with federal law, so it seems he is comfortable with the hypocrisy label.

(Former Gov. Mitch Daniels, by the way, has us both beat by miles on that score. While a student at Princeton in 1970 he was nabbed along with two roommates with enough marijuana to fill two shoeboxes, LSD and "quantities of prescription drugs." He could have faced felony charges and a couple of years in prison but got off with a \$350 fine. Then in 1989, he wrote an op-ed for the *Washington Post* in which he supported harsh penalties for even casual drug users, penalties that could destroy young lives for doing what he got only a slap on the wrist.)

I am reminded of a work colleague in my newspaper days who several years ago confessed that she felt guilty for punishing her daughters for exactly the same kind of shenanigans she pulled as a youngster. I told her she wasn't being a hypocrite — her job had merely changed. As a child, her job was to test limits. As a parent, her job was to set them. I am sure she appreciated the encouragement. There's nothing a parent likes better than advice from someone without children.

That brings up another way to look at youthful indiscretions. We shouldn't just be forgiven for them on the grounds that everyone was once young and stupid. We should look on them as assets.

There is a school of thought holding that only people who have experienced (or can experience) something are allowed to have opinions about it. Only women's opinions of abortion are valid. Only veterans are qualified to debate war. Only minorities have moral authority on civil rights questions.

Based on that, Gov. Holcomb and I are uniquely qualified to discuss drug policy, although we could probably use expert advice from Mitch Daniels. I also could get moral support from Alexandria Ocasio-Cortez, who is still in the young-and-stupid stage and is said to be fine with a president who smokes weed while in office and believes the main problem with marijuana legalization is that it overwhelmingly enriches white males.

I'll start the discussion: Marijuana is nowhere near as dangerous as alcohol or tobacco, but we are rushing to legalize it before thinking it through clearly.

Hope that helps.

'Hate' Crimes

(*March 4*) — Juxtaposition isn't everything, but it's an often-overlooked tool that can help us think about public events. It can be provocative, even illuminating. Comparing two stories together can lead us to insights we might have missed by absorbing them separately, each without the context of the other.

Consider two road rage incidents in Indianapolis, both ending with gunshots causing death.

In one case, Dustin Passarelli followed a car driven by Mustafa Ayoubi into a parking lot off of I-465, after, he reportedly told police, the car flew up behind him and he heard a bang, and he thought the other driver threw something at his vehicle. He said he wanted only to talk about the

incident, but witnesses said the two exchanged words and Passarelli shot Ayoubi through his car window, then fired again when he tried to flee.

In the other, two drivers started flipping each other off on East 38th Street after one driver, according to police reports, swerved to avoid a sewer cap. The other driver, Andrew Holder, apparently took that as a sign of aggressive driving. When the two cars finally stopped at a light, Holder allegedly pulled and fired a handgun. The first driver then pulled his own gun and fired back, missing Holder but hitting and killing Brandy Brock, a passenger in Holder's back seat.

In each case, an innocent person died for what amounted to being in the wrong place at the wrong time.

That is hard enough to process with cause-and-effect rationality. But relatives of the victims want us to consider questions that add another level of complexity.

Witnesses said that during the Ayoubi shooting, Passarelli, who has been charged with murder, shouted anti-Muslim slurs, including "Go back to your country." Ayoubi's sister wants a hate crimes investigation, but the prosecutor says even though he'd like to, he can't do that because Indiana is one of five states without a hate crimes law.

The driver whose bullet killed Brandy Brock isn't being charged because it was Holder, the driver of her car, who fired first, and Indiana's self-defense law is very strong. A person who "reasonably believes" the use of unlawful force is imminent is not required to retreat and is justified in using reasonable force.

Brock's mother thinks that is small comfort for the grief she is feeling.

I'd ask questions of prosecutors in both cases. Would tacking on a hate crimes designation change anything in a case where the victim is dead and the shooter is already charged with murder? And, just how ironclad is the Hoosier self-defense law – does it justify any sort of response, even one that recklessly results in the death of a bystander?

But we don't have to get too deeply into consideration of hate crimes or self defense to see that what ties them together is that we are asked to bring a degree of subjectivity into the equation. We have to read the minds of the people pulling the trigger. Did this one really have hate in his mind? Did that one really believe peril was imminent? I'm not sure the criminal justice system is capable of such psychic detection, even if we sometimes think a persuasive case can be made for the effort.

Equal justice under the law is a noble goal but a difficult task. The simple act of making the punishment fit the crime for the right criminal is seldom as straightforward as we think it should be. Throw hate or fear mixed with white hot anger into it all, and I see a maze that can be impossible to negotiate.

Apologies to Thomas Jefferson

(Feb. 25) — I hate getting Thomas Jefferson wrong.

I don't like slighting anybody from our past, given how hard they struggled and strained to bring us to the present. But, considering how much he contributed to this country's founding ideas, I especially hate getting Jefferson wrong.

Alas, I did, though.

While writing a column about the evils of socialism, I searched for a pithy quote about freedom. Nothing shores up a lofty commentary like a pithy quote from our intellectual betters.

What I found was:

"That government is best which governs the least." — Thomas Jefferson.

Not so fast, wrote an alert reader. It was actually Thoreau, in his essay on "Civil Disobedience," who said that (and he was referencing an existing, nearly identical phrase, at that). What Jefferson said was: "The government closest to the people serves the people best."

Rats. I hate getting Jefferson wrong, especially when it involves getting Henry David Thoreau wrong in the process. A terrible twofer.

Poor Jefferson. Just hanging out with the other dead presidents, trying to make the best of eternity and striving mightily not to roll over in his grave, when along comes a glib, shallow columnist, pulling words out of his mouth that he never actually uttered.

A glib, shallow columnist, it should however be stressed, who has paid scrupulous attention to quote accuracy.

Even in the pre-Google days, I prided myself of being able to spot a phony quote.

And not just the easy ones, such as the fact that George Washington never said, "I cannot tell a lie." He was a politician, for goodness sake. He was the father of his country and the patron saint of lying presidents who paved the way for "Read my lips — no new taxes" and "I did not have sex with that woman."

I even knew the obscure misattributions, such as the fact that Horace Greeley never said, "Go West, young man." Greeley and lots of other people — including Hoosier newspaper editor J.B.L. Soule — expressed variations of that Manifest Destiny sentiment, but researchers have never found those exact words ever said by anyone.

In the digital age, of course, faux quote finger-waggers abound, much to the delight of history purists and the chagrin of pithy-searching, commentary-shoring-up columnists. You could fill entire volumes with the things never really said by Abraham Lincoln, Winston Churchill and Mark Twain, not to mention (please don't) Thomas Jefferson and Henry David Thoreau.

Quote mining is, in fact, so easy these days that you'd think we'd be cured of playing fast and loose with them. But we can't seem to help ourselves. The current version, though, involves mangling rather than misattribution.

I remember a party amusement (I've heard it called the Telephone Game) involving a whispered sentence. Participants stand in a line (or sometimes in a circle). The first person whispers the simple sentence into the ear of the closest person, who repeats what was heard into the next

person's ear and so on down the line, until the end when the first and last persons reveal their sentences and it is discovered that they bear absolutely no resemblance to each other. Something like, "The lazy dog walked around the wooden fence" can become something like, "Only Baptist vegetarians wear yellow suspenders."

The real-life, everything-is-politics version of the game is that someone in the public eye says something entirely sensible and reasonable, which then gets filtered through the press and social media to the point where it is butchered beyond recognition, usually to make the person seem ridiculous and intemperate.

All Al Gore said was, "I took the initiative in creating the Internet," simply meaning that he was instrumental in the legislating facilitating it.

But he has been forever branded as the braggart who claimed, "I created the Internet."

Sarah Palin never said, "I can see Russia from my house." It was Tina Fey, impersonating her in a "Saturday Night Live" sketch. But the line served the "conservatives are either dumb or evil" crowd, so it stuck.

Oh, well. If we can't get the tame, static past right, little wonder that we can't help screwing up the furiously dynamic present.

As Jefferson once never said, "Things are where they are, not where you think you put them."

But there I go again. I hate getting Thomas Jefferson wrong. Please note, I did not – not, not – say I hate Thomas Jefferson Although I'm sure I will, any day now.

The 'New' Socialism

(Feb. 11) — If you had any doubts about the embrace of socialism by the 2020 Democratic presidential field, they should be gone by now. One of Indiana's own potential contenders, South Bend Mayor Pete Buttigieg, has jumped into the collectivist basket with both feet.

Although acknowledging that America has a market-based economy and is "committed to democracy," he told CNN's Jake Tapper that a

discussion about a policy can no longer be "killed off" by declaring that it's socialism.

He denounced President Trump's damnation of socialism during his State of the Union address as an outmoded strategy of the Cold War era when "you saw a time in politics when the world socialism could be used to end an argument." Today, he said, a word like socialism is the "beginning of a debate."

I'm not sure how Buttigieg squares "market-based economy" and "committed to democracy" with beginning a debate with the word socialism, but fine. Let the arguments begin.

I'll leave it to the economists to explain how command economies smother competition and thwart growth, condemning whole populations to an equality of misery.

I'll let the military experts detail the millions of people from Russia to China and Cambodia to Venezuela who have been sacrificed in the futile search for socialist utopia.

I will hope the historians explain why the American Revolution was so much more sensible and, yes, moral than the French Revolution.

I will defer to the clear-eyed empiricists to answer the chief arguments of the statist apologists who answer the complaint that "socialism has never worked" with "real socialism has never been tried" and "all socialist efforts have been thwarted by evil capitalist tyrants."

I will even forgo my usual cynical assessment that this country has socialized capitalism so much that the only real question up for debate is how much more socialist it will become, and how quickly.

But I will make a small effort to express my strong objections to the philosophical underpinnings of socialism. Despite all the variations government experiments have explored over the centuries, there are really only two fundamental approaches. Government either celebrates the individual or it demands subservience to the group. There is freedom or there is no freedom. And that is it.

Of all the values we prize as human beings, freedom should be the most important. If we have freedom, all things are possible. If we do not have freedom, none are. This country was founded on the idea of freedom – that rights inhere in the individual – that, in Jefferson’s words, “that government is best which governs the least.”

Capitalism, with all its inequalities, uncertainties and other bumps along the road, is the logical economic system of that belief.

And socialism is its antithesis.

Any system that has as its foundation the subservience of the individual to the group will eventually elevate the group to the point where the individual no longer matters. The idea that an elite few has both the obligation and the ability to dictate the welfare of all will mature into the idea that those few have the right to control everyone.

And that is tyranny.

We don’t even have to follow that arrogance to its logical, bloody and inevitable conclusion to be a little frightened.

Just consider the economies of states like Illinois and California that are nearing collapse as

governments reach and surpass the ability to give away other people’s money.

Just consider the cliff on which the federal government teeters with its trillions in debt, borrowing 40 cents of every dollar it spends. That which cannot continue will not continue. If the idea of tyranny doesn’t frighten you, what do you think about anarchy?

Or think about the Green New Deal, the American socialists’ current version of utopia for this country. It aims, in a single decade, to eliminate fossil fuels, retrofit every house in America and return agriculture to subsistence levels. The effect on American life would be enormous, the cost incalculable. As far as I can tell, the point of such ecological zealotry is to save the environment by making the country unlivable.

Mayor Buttigieg loves the Green New Deal. He says it is “the right beginning” for a broad plan to combat climate change.

The beginning? Forgive me for my outmoded thinking, but that’s a debate ender for me. ♦

The Franke Bookshelf

History of American Capitalism

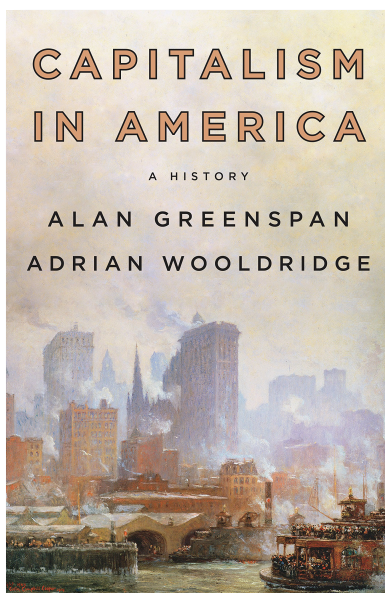
When I was an undergraduate in the late sixties, it seemed like everyone was reading, and bragging about reading, either Kurt Vonnegut if on the left or Ayn Rand if on the right. Being a contrarian by nature, I resolved to read neither and have not to this day. I did, however, do a little study on Rand's philosophy of Objectivism. Suffice it to say, I was not impressed in spite of what my libertarian friends thought.

I did come upon the name of one of Rand's disciples that stuck in the back of my memory — Alan Greenspan. That memory was jogged when Ronald Reagan appointed him chairman of the Federal Reserve, a position he held under the next three presidents as well. I never really trusted him but for no good reason other than I disliked Objectivism.

Greenspan and Adrian Wooldridge have co-authored one of the most useful books I have read in some time — “Capitalism in America: A History” (Penguin Press, 2019). The book is written for the layman more than the economist but it has enough graphs to warm the cockles of an ECON 101 professor's heart.

The book works chronologically through American's economic history, beginning with our early years of boundless opportunity, through the post-Civil War era named “The Triumph of Capitalism,” the impact of the two world wars (WWI bad, WWII good) and then short-lived optimism of the post-WWII era giving way to the current malaise (my word, not theirs) entitled “America's Fading Dynamism.”

The overarching theme of the book is an application of Joseph Schumpeter's notion of



“creative destruction.” This term is used throughout the book as the key economic principle animating American economic growth empowered by a system of free enterprise rewarding risk-takers (read: capitalists).

The authors begin with an accounting of the young nation's strengths: a Constitution limiting the power of the majority while creating the world's largest common market with its ban on internal tariffs; abundant natural resources including trees and navigable rivers; a population of hard workers, “busy, bustling, always on the move” as one foreign observer noted; and a culture that speeded up time while shrinking space. All these strengths were harnessed by what we know as Yankee ingenuity, an inherent thirst for innovation. They are talking about American exceptionalism without using the term.

We are taken along a timeline of key historical periods but few words are spent on the years prior to the Civil War. It was the industrial North's victory over the agricultural South that instituted an era they call “The Triumph of Capitalism.” The two Americas came together symbolically in 1869 with the gold spike being driven into the transcontinental railroad at Promontory Summit in Utah, an event replicated in 1980 with the completion of interstate highway I-80 connecting Manhattan to San Francisco.

To the extent there was crony capitalism at work during this period, it was with the railroads. They managed many a sweetheart deal with a federal government that wanted the railroads to succeed. And succeed they did, until the next transportation revolution came along in the twentieth century with the automobile and the highway system.

Much is believed about the Progressive Era, some of it even true. Greenspan and Wooldridge rehabilitate the so-called Robber Barons, finding a

large credit balance in the ledger of the good they accomplished compared to the bad, most notably the huge price decreases they achieved for their customers. Again, it was the creative destruction genie at work reinventing the American economy due to the entrepreneurial spirit of the age...and of the risk takers. The book notes that nearly all these multi-millionaires began with nothing. No silver spoon upbringing for these hardies.

No matter, not when the Progressives needed a Public Enemy Number One. Big business became the political target, especially for Theodore Roosevelt. Labeled a Hegelian by the authors for his belief in the supremacy of the state, he believed that property rights were subject to community regulation for its own welfare. The Constitution in TR's mind was an obstacle to be overcome in advancing his agenda. So ended the era of laissez-faire government.

Trust-busting was all the rage. Many of the trusts were nothing more than natural monopolies that rose up as industries consolidated for competitive reasons. Two quite useful innovations developed during this regulatory turmoil—the limited liability joint stock corporation as a replacement for government-chartered corporations and a class of professional managers working under a corporate board of directors. Both are with us today as key elements of our business environment, chalking up one more win for creative destruction.

The authors quite deftly take apart the New Deal as an economic failure. While acknowledging his successful reform of the banking system, albeit following Herbert Hoover's blueprint, they then charge Roosevelt with proceeding from failure to failure. Particularly damaging were his attempts at price fixing through the National Recovery Administration (NRA), part Soviet Gosplan and part Mussolini's state capitalism but under an American mask. What do they say about lipstick on a pig? The same disaster was foisted on American farmers by the Agricultural Adjustment Act, forcing farmers to reduce production amidst hunger across the land.

Roosevelt painted businessmen as evil, whipping up class hatred by focusing American attention on their purported greed, while at the same time giving big labor most everything it wanted. Even so, American unemployment increased during the 1930's relative to other industrialized nations, declining from the lowest among the 16 nations at the turn of the decade to thirteenth place.

The authors pull no punches; their verdict is that World War II, not the New Deal, got America out of the Depression. The New Deal failed in large part due to its overreach with a hodgepodge of inconsistent regulations applied by an army of bureaucrats, suppressing the regenerative power of creative destruction.

The book continues with good news and bad news as administrations leaned one way or the other. Eisenhower, Kennedy and Reagan are seen by the authors as positive influences on the economy while Johnson, Nixon, G. W. Bush and Obama as negatives. The authors bemoan the loss of American economic and technical leadership in the 1970's, punctuated only by the IT revolution of the last two decades. They provide a rather balanced overview of the Great Recession, although the Federal Reserve is given a pass as one might expect in a book with Alan Greenspan as co-author.

Their prognosis of our direction is decidedly pessimistic as they view the nation today. They highlight these issues as keys: the loss of creativity from immigration, the qualitative decline in our schools, the growing number of non-working adults, excessive governmental regulation and illiquidity built into the expansion of entitlements. Significantly they label Social Security as the third rail of American politics and point to Sweden, the Shangri-La of neo-socialist dreams, as an example on how to reign in entitlement spending so as to reduce the government's absorption of economic output.

It is a depressing conclusion but one difficult to gainsay.

Recommendation: Useful for those with understanding of economic principles, absolutely essential for those without such as most members of Congress, Millennials and the national news media.

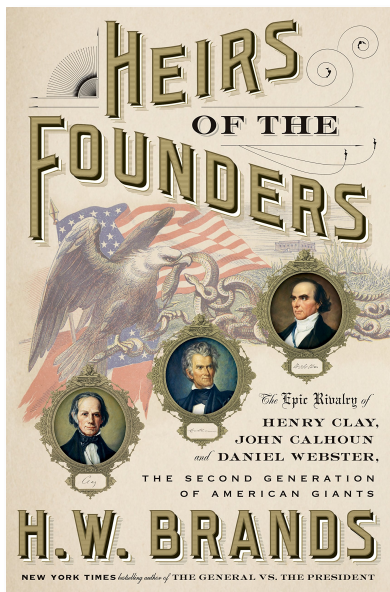
Heirs of the Founders

Even when American history was being taught honestly in our schools, many subjects and characters were given short shrift if only for the need to economize on time. History teachers set three primary pivot points: the War for Independence, the Civil War and the Depression-World II era. All else was dropped into the gaps between.

For example, the early history of our republic, that which followed the Constitution and prior to the outbreak of the Civil War, was covered at a high level but with only passing references to the War of 1812, Andrew Jackson and the slavery crisis. I do remember my grade school textbook mentioning it being the era of three great statesmen: John C. Calhoun, Henry Clay and Daniel Webster. We were taught that Calhoun was known for his states' rights stand, Clay for his ability to forge legislative compromises and Webster for speechifying (as it was known back then).

This, however, hardly did justice to these three statesmen and what they accomplished during our nation's adolescent years. Sometimes allies, more often opponents, they were at the center of every major event and controversy.

H. W. Brands, biographer of Andrew Jackson and others, does yeoman's work in reminding us of their contributions in "Heirs of the Founders: The Epic Rivalry of Henry Clay, John Calhoun and Daniel Webster, The Second Generation of American Giants" (Doubleday, 2018). He calls them giants and with well-documented rationale.



The book is not so much parallel biographies as the history lesson we missed back in school. The tale begins with the Missouri Compromise of 1820 and ends with the Compromise of 1850, both crafted by Henry Clay.

But do not think the book is simply a recounting of the slavery issue as it became more and more divisive. Plenty of other controversies appear, such as the American System of internal improvements, the Tariff of Abominations, the Second Bank of the United States and the annexation of Texas, to name a few. Key roles are played by others such as John Quincy Adams, Andrew Jackson and presidents not easily remembered these days. Even Abraham Lincoln makes a cameo appearance near the end of the book.

One can follow the rise and fall of American political parties during these times. It's all there, beginning with a one-party nation during the short-lived Era of Good Feelings, through the Jackson-Van Buren creation of the modern Democrat party, continuing with the rise and decline of the Whigs amidst all the special interest groups that really can't be called parties in the traditional sense, and finally ending with the foundation of the modern Republican Party.

Each of these three men held an impressive political portfolio. Each served in the House of Representatives and the Senate, and in cabinet offices such as Secretary of State. Most importantly, each was a perennial presidential candidate but never achieved that high office, Calhoun perhaps coming closest as Jackson's Vice President. Clay was the most ill-starred of them all, falling just shy of the White House three times and for three different parties.

Brands' telling of the succession crisis upon William Henry Harrison's death is one whose

import is not fully appreciated by us today. Was John Tyler merely an acting president subject to governance by cabinet or was he in fact president with full appropriate authority? Tyler forcefully insisted on the latter even though it meant he was literally kicked out of the Whig party and most of his cabinet resigned. We are fortunate that he saw this through; there have been no subsequent succession crises.

I am struck by what an accomplished politician Henry Clay was. He was called the Great Compromiser, partly in respect of his mastery of the legislative process and in part derisively. Brands puts it this way: "The genius of Henry Clay was a knack for compromise, for finding formulas neither side loved but both sides could live with." Brands adds that to Clay democracy was a work in process, never perfect and never finished, but in time would find the way forward.

Webster is best known for his speaking, attested by his successful arguments before the Supreme Court. Calhoun was the most fiery of the speakers, perhaps fitting comfortably into today's environment. Clay was known for his earnestness in speaking, even bringing to tears to Webster's eyes after one Senate speech.

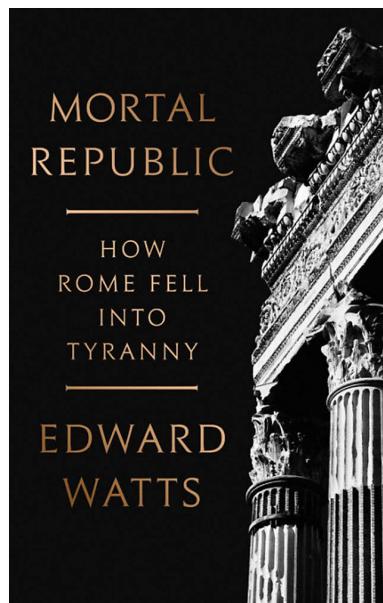
It is fitting that the book ends with the debate on the grand Compromise of 1850, cobbled together by Clay to avoid succession while ultimately satisfying no one. The final chapters focus on the final speeches given by the three to support (Webster and Clay) or oppose (Calhoun) the compromise bill. Each died before seeing that the compromise only bought a little time.

Brands sums up the major point of contention among the three, a contention that is still with us today: Clay and Webster were for union AND liberty while Calhoun was for union OR liberty. Lincoln and the Union army won the argument

for Clay and Webster, asserts Brands, but Calhoun's disciples are still here as the issue of federal versus state power and/or individual rights is on-going. "The struggle originated with the founders. It continued with their heirs. It is with us still."

One need only watch cable news to know how on-target Brands is.

Recommendation: Highly recommended for anyone with an interest in American political history.



Mortal Republic

I have this theory that people, including this Journal's editor, get tired of hearing. That is, I believe America is following the example of the Roman Republic in both ascent and decline but at an accelerated rate. I'm not talking about the Roman Empire, which fell in 476 or 1453 or 1806 depending on which incarnation you choose, but the Republic which declined into constitutional irrelevancy between about 150 B.C. and 50 B.C. The end product was a dictatorship, more often repressive and violent than not.

Fortunately, and perhaps unusually, I am not the only one thinking this way. University of California San Diego history professor Edward J. Watts agrees with me, at least in my premise if not my doomsday divination. "Mortal Republic: How Rome Fell into Tyranny" (Hachette Book Group, 2018) is a readable account of Rome's loss of its republican form of government over approximately 100 years within an environment of extremism, mob violence and political corruption.

"Rome shows that the basic, most important function of a republic is to create a political space that is governed by laws, fosters compromise...and rewards good stewardship." This statement in his

opening chapter sets the stage for what looks to me suspiciously like a parable for the U. S. today.

Watts leans on Polybius' admonishment that republics can be defined in defeat when the structures of the state work together to prevent revolution. It is in victory that a weakened republic is used by opportunists to manage rather than prevent revolution as Rome, to its cost, experienced after its victories in the Punic Wars. Too much wealth, too many slaves, too many demobilized soldiers and, ominously, too many new government sinecures to distribute created a cauldron of potential dissent ripe for stirring.

It took a rapid population increase and government-induced price inflation to set things off, according to Watts. (Note that the Roman Republic instigated inflation from the plundering of its enemies' gold and silver. It lacked a central bank with an unrestrained printing press.) Each successive generation felt itself poorer than its predecessors (Millennials versus Boomers?). It became politically expedient for the ruling class to fund bread and circuses for the masses rather than invest in needed infrastructure and economic growth to fuel job creation. (Note that more than two-thirds of our federal budget goes into transfer payments and the bureaucracy to support this.)

I won't recount the historical events that pushed Rome down this path to perdition. Suffice it to say that each successive regime upped the ante on violence and corruption to the point where the general population welcomed a dictator, the political genius known to history as Augustus, and willingly traded what theoretical rights they had on paper for real security that was tangible.

Watts' central chapter where the most action happens is the one entitled "The Republic of the Mediocre," the period in the early first century B. C. that saw various coalitions rise and fall amidst political murders aimed at the ablest opponents. Julius Caesar came out of this the clear winner until his premature demise on the Ides of March. Instability and perceived grievances drove the most talented out of the public forum to be

replaced by second-raters. (Look at our current crop of presidential candidates.) We remember the great historical names but they needed a bench of malleable second stringers to send into the game as needed.

Watt's conclusion is that the Roman Republic died because it was allowed to. He blames the great men of the era — Sulla, Marius, Caesar and Augustus—but makes the case that the republic died a death of a thousand cuts made by ordinary citizens who willingly accepted bribes for votes and rewarded those who offered such. (Medicare for All, free college tuition, etc.)

"No republic is eternal. It lives only as long as its citizens want it to," asserts Watts in his opening chapter and then proceeds to prove his case in admirable fashion. I hope America comes to its senses sooner rather than later, as later may be too late indeed.

Recommendation: Perhaps too esoteric for all but those interested in classical history, but an easy read.

Short Takes

I'm not sure what to think about Niall Ferguson. I've now read two of his books and he is at once fascinating and confusing. His latest, **"The Square and the Tower: Networks and Power from the Freemasons to Facebook"** (Penguin Press, 2018), takes us on a rambling tour of selective historical periods that, he claims, show how informal and spontaneous networks (the public square) arise to defeat traditional hierarchies (the corporate tower). He begins the book with an account of the Illuminati, those archtypical genii we as Young Americans for Freedom undergraduates back in the 1960's loved to demonize as trying to take over the world. I did enjoy his juxtaposition of events such as the printing press-driven Reformation as an uber type of networking and the marital politics of the House of Saxe-Coburg-Gotha as it assumed nearly every throne of import in nineteenth century Europe through a network of hierarchies. Much of the book is focused on our more modern era and

the rise of the Google/Facebook/Amazon networks fighting the administrative state. Does he favor networks or hierarchies? Consider this sentence: “The administrative state represents the last iteration of political hierarchy: a system that spews our rules, generates complexity, and undermines both prosperity and stability.” Dare I say “drain the swamp”?

Recommendation: Not for the casual reader, although frequent graphical representations of Ferguson’s networks help.

* * *

There is a fascination we have for Prohibition era gangsters, and none more so than Chicago’s Al Capone and his nemesis Eliot Ness. The problem is there has been too much Hollywood-like drama retrofitted onto the real-life characters as well as subsequent image management by Chicago officials for most of us to know what really went on back then. Into the breach jump Max Allan Collins and Brad A. Schwartz with “**Scarface and the Untouchable: Al Capone, Eliot Ness, and the Battle for Chicago**” (William Morrow, 2018). The authors’ attempt to tell the true story of the men and the times is successful, but sometimes at excruciatingly lengthy detail. It is really the story of misguided federal social engineering (the 18th Amendment and the Volstead Act) and how it allowed a criminal network to establish itself as the most profitable business in the city. We learn about inter-governmental agency jealousy and political corruption tolerated by a public that had no intention of submitting to governmental overreach. The authors bring us forward to the current day and Chicago’s love-hate relationship with Capone’s image which does help generate tourism dollars. It is worth noting that Capone and his partners were never convicted of any crimes other than tax evasion.

Recommendation: A little too long for the casual reader but helpful in explaining why Prohibition was such a bad idea.

* * *

Christians around the world are undergoing persecution, suffering martyrdom in such places as Iran, Kenya, Pakistan and Somalia to name just a few. Perhaps this is taking the Church back to her roots suggests William J. Bennett in “**Tried by Fire: The Story of Christianity’s First Thousand Years**” (Nelson Books, 2016).

Bennett, former U. S. Secretary of Education and author of the highly acclaimed Book of Virtues, tells the Church’s story in an easy-to-read style for a general audience. Historians and theologians will not find anything new here, but the masses should. Littered with biographical vignettes of church fathers and other significant personalities in church history, the book is unapologetically Christian in theme and perspective. Bennett, apparently a devout Roman Catholic, recounts the major events in church history such as councils, creeds and popes, and the role played by various emperors and kings over the millennium, all this against a backdrop of persecution that pushed the Church forward into the world. I found this approach reminiscent of the Acts of the Apostles which shows the first century Church expanding not in spite of but because of persecution. Is this Christianity’s future in the 21st century? Bennett thinks so and I have to agree with him.

Recommendation: For the man or woman in the pew wanting to learn about early Christianity.

* * *

I have always looked to military history for instruction in management—how to make best use of the resources available while facing challenges that are more than just analytical puzzles. Baseball, my other reading love, offers much the same. Watching a game is one thing; understanding how the home team’s lineup was assembled and trained for the game quite another. Bob Klapisch and Paul Solotaroff address this aspect of the game in “**Inside the Empire: The True Power behind the New York Yankees**” (Houghton Mifflin Harcourt, 2019). Sure, everyone not living in the 104XX zip codes hates

the Yankees because all they do is spend billions to buy championships.

The authors convincingly explain why this is demonstrably not the post-George Steinbrenner management strategy for the Yankees, whose team is largely home-grown (as was the famous Core Four of the team's last five World Series wins). Yankee front office management is focused on profits more than wins on the field, craftily negotiating money-making deals on catering, broadcasting, stadium experience and real estate.

They want to win, without doubt, but that strategy is anchored in the psychology of getting maximum production from Millennial players. Hundreds of millions have been invested in training schools for young players, life skills

classes for poverty-stricken Latin prospects, iPad-based scouting reports and so forth. Decisions are data-driven to the extent that the general manager needs the agreement of the analytics department before making player moves. The same thinking is behind game day changes at Yankee Stadium, which now attracts thousands of Millennials to games.

This management philosophy has worked as the franchise is the most valuable in all professional sports. And, to be clear, the Yankees do not have the highest player payroll in baseball. They may have the highest front office payroll, where the profit planning occurs.

Recommendation: Fun read for baseball fans, useful case study for MBA students. — [maf](#)

Backgrounders

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



Cowardly Google

(May 8) — I have been looking for something, anything, that I can find as common cause with the progressive neo-socialists, and I think I may have found it.

A petition was recently circulated among Google employees to disband a professional advisory board focused on the ethics of artificial intelligence development and application. The board's egregious sin? One of its members was Kay Cole James, president of the Heritage Foundation.

Now the Heritage Foundation is one of the most respected think tanks in Washington, D.C., a place rife with think tanks but not necessarily with original or incisive thinking. Even though Heritage falls on the conservative/libertarian side of the ideological divide, it has the gravitas that demands attention from all Beltway policy wonks left and right.

But not in Silicon Valley.

It seems that Ms. James does not mindlessly walk the progressive line, at least not according to the 2,000 or so employees who have demanded — yes demanded — that she be removed. (A recent word has been added to the language to describe refusing to let someone speak, deplatforming, which is rather anodyne compared to a perfectly good word like censorship. Such is today's non-brave new world.)

The cowards who purport to manage Google just disbanded the whole advisory board rather than face the wrath of these employees. Makes one wonder how much these executives are paid to default important decision-making to the mob.

And in a case of ironic hubris, one the chief organizers of the petition has charged her employer Google with retaliation and trying to silence her. She doesn't understand how this could happen in an organization that places so much emphasis on "fairness." Fairness for everyone who agrees with her and her fellow travelers, apparently.

Now put this apposite several other incidents involving Google. The company recently abrogated its relationship with the Department of Defense on technology research projects. Its sensitive employees apparently could not sleep at night while they agonized over their work product being used to defend the United States and their own right to act like spoiled two-year-olds.

Not that these same employees got exorcised over Google's acquiescence of China's totalitarianism in censoring what its citizens can access on the Internet. Chairman of the Joint Chiefs of Staff Gen. Joseph Dunford said publicly that Google's products "will help an authoritarian government assert control over its people." Does the word "hypocrisy" come to mind?

So how does all this nonsense induce me to agree with the progressive thought-police? I'll come clean on this. It's visceral, which is a college word meaning knee-jerk.

Progressives have been attacking the major tech giants like Google for having too much power, too much control, too much influence in citizens' lives. Their solution, of course, is more government regulation and invocation of anti-trust laws to break them up. No one so far has suggested nationalizing them, but how far away can that be given the current crop of Democratic presidential candidates racing to get leftward of each other?

See my dilemma?

My knees are jerking violently here, wanting to see Google get everything it so richly deserves. On the other hand, a lifetime of conservative/libertarian thought tells my brain to scream, "No! Put that knee-jerk reaction down and back away."

So what I can do that will make a difference? As I pull my Google Pixel phone from my pocket, as I do my Internet work using Google's browser and search engine, as my wife talks to her Google home device more than she does to me, the answer is not all that simple. Suffice it to say, I like Google's stuff.

There is the economic principle of natural monopolies and perhaps Google has become a textbook example of that. Maybe I should just vote with my pocketbook and go with a competitor, to the extent any still exist. Or maybe not, at least so long as I like Google's products better than those of its competitors.

I hope my brain wins this one over my spasmodic knees.

And I will keep looking for a common belief I hold with the progressives. Just don't hold your breath.

Socialism Still Doesn't Work

(April 2) — "I have seen the future, and it works!" wrote the journalist Lincoln Steffens after visiting the Soviet Union in 1919.

Except that it didn't.

Why bring this up now, nearly 30 years after the fall of the USSR and its communist-totalitarian system of repression and deprivation? Because a new generation of political rock stars have been anointed by a slavering press, rock stars who gush on about how socialism is what America needs. Whether it is from grumpy Bernie Sanders, AOC (she even is given a rock-band kind of name) or the Quixotic mayor of South Bend currently tilting at the Democratic nomination windmill, the mantra is the same.

One would think that with all the imploded Communist regimes that are on Ronald Reagan's "ash heap of history" the book would be closed on failed Marxist-Leninism.

Which are the current socialist nations that can offer us a valuable insight into how socialism works in the real world as opposed to what is believed in the chic salons of the coastal elites?

How about Venezuela, once the richest nation in South America and now the poorest? Cuba? North Korea?

But wait, the new socialists cry. They want to put the adjective "democratic" in front of socialism, thinking that makes it kinder and gentler. Remember all those Democratic Republics of... Wherever, most of them dictatorial Soviet satellites? Pointing to the so-called social democracies of Europe won't work either, as these are simply over-taxed welfare states fueled by whatever economic surplus can be squeezed out of the profits of capitalists and the middle class.

Our greatest Supreme Court Chief Justice John Marshall declared in the landmark *McCulloch vs. Maryland* that "the power to tax is the power to destroy." It is just this destruction that socialism performs with its unquenchable thirst for more and more government spending, fed by higher and higher tax rates on a smaller and smaller productive class.

But eventually the goose stops laying the golden eggs, as we learned from Aesop. Arthur Laffer theorized in his namesake Laffer Curve that tax rates become confiscatory at some level. After tax rates rise to this point, they produce less, not more, tax revenue since the incentives to work and take investment risk are just not worth it anymore.

Margaret Thatcher summed it up nicely: "The problem with socialism is that eventually you run out of other people's money."

Sweden, for one, has been backtracking on its flirtation with socialism. It cut public spending, re-privatized state-owned businesses such as the railway system, lowered taxes, completely eliminated inheritance taxes and put in place a full school-choice voucher system. This all came about after its economy reached the crisis point with inflation at 10 percent and interest rates soaring to 500 percent for a brief period.

Sweden still has high tax rates, as much as 60 percent on incomes even below the average. Why not soak just the rich? "Because the rich people might leave," according to Swedish historian

Johan Norberg in an article published by Reason magazine.

Note how people tend to vote with their feet, leaving these socialist nirvanas for places where freedom rules. That includes the freedom to own and dispose of property without government interference or confiscatory taxation. That is, if they can legally leave or have the financial wherewithal to get out of there. The border crises faced by many free states is one of too many people trying to get in, not people trying to get out — and guess from where they are coming.

Here's a thought: Maybe our border crisis will be solved once the Democrat (with an uppercase D) socialists have their way with our economy and liberty. No one will want to come here anymore.

Seriously, though, our children and grandchildren will have to contend with the wreckage that socialism, democratic or otherwise, leaves. And apparently they just don't get it. A poll of Millennials last summer showed that 51 percent have a positive view of socialism. Investor's Business Daily recently debunked this incredibly naïve and ignorant attitude in an editorial cleverly entitled: "Millennials May Love Socialism, But Socialism Won't Love Them Back."

Friedrich Hayek called this "the Road to Serfdom." That is the true face of socialism today.

Where's All This Headed?

"For they sow the wind, and they shall reap the whirlwind." (Hosea 8:7 ASV)

(March 26) — The prophet Hosea was warning the people of his nation, Old Testament Israel, that their actions had consequences, consequences that would be much worse than they could possibly expect. Think wind. Then think whirlwind.

As our public discourse somehow manages to get worse and worse almost daily, one can't help but wonder if a whirlwind is in the offing. Nobody expects the newly elected congressional Democrats to be Donald Trump supporters, but

one should expect a certain gravitas to be shown by holders of this important trust.

Not so, at least as evidenced by the crude outburst by Michigan Democrat Rashida Tlaib. Using an epithet one should never hear in public, she announced her intention of impeaching President Trump but without, to the best of my knowledge, ever citing any of the constitutionally required prerequisites for such an action.

In a civilized society as ours purports to be, this should have produced an outpouring of opprobrium and demands for an apology by all sorts of national leaders and especially from the choir of the continually offended. The silence has been deafening.

Can it get any worse? History tells us it can. We need only look to the Roman Republic, that form of government our Founding Fathers were so fond of acclaiming as a paragon of civic virtue.

In the century running roughly from 150-50 B.C., that ancient republic staggered under assaults on its institutions and cultural mores. Operating under a set of formal and informal rules, Roman politics were constrained within a boundary of acceptable behavior. Just because a tactic was technically legal under the constitution did not make it suitable for use. Called the *mos maiorum* or way of the elders, it was a gentlemen's agreement to keep civil affairs civil.

Until, that is, one young but ambitious politician didn't get his way. He certainly considered himself an idealist wanting only to provide a practical solution to a real problem, but the methods he used were the equivalent of starting a small snowball rolling down a long, steep slope.

Each response and counter-response escalated the snowball's path. Public theatre was the handiest tool in the astute politician's toolbox, with the public demonstrations degrading into uncontrollable mobs. The violence meter rose progressively higher until it was no longer containable. All a politician could do was to promise more and more to the voting public and

try to direct the mob's anger toward his opponents.

Violence, both the verbal and the physical kind, inevitably begets more violence. Rome's beloved republic finally died a death of a thousand cuts to be replaced by what was nothing more than a military dictatorship, sometimes ruled by a benevolent despot but mostly not.

Is this America's path? I pray not, but I am not sanguine about our chances. As one who grew up in the golden age of the 1950s, I can't but fear for where my country is heading. We can't look to Washington for the solution because it merely reflects what we are in our local communities.

Senator Ben Sasse recently wrote a book entitled "Them: Why We Hate Each Other and How to Heal." His solution is one of grassroots civility and rebuilding personal relations where we live and work. Pollyannaish? My recollection is that the little girl proved right in the Disney movie.

I'm rooting for Sasse's prescription. The alternative is too depressing to entertain, especially for an avocational historian like me who reads too much about bad things that happened in the past.

So how did things work out for the nation Israel back in the 8th century B.C.? Not well at all. They're not called the Ten Lost Tribes without reason.

Politically *Incorrect* Europe

(*March 21*) — If this were Maoist China, I would be headed directly to a reeducation camp. Then again, our progressive thought police may have that in mind for me anyway.

My crime? Spending a week in Europe where I was force-fed a continual dose of sights and descriptions that would certainly infuriate those who are hell-bent on purging our own national consciousness of any and all that fails the ideological purity test.

First, one can't take a guided tour of a European city without being led past statue after

statue of kings and other historical figures who are spoken of with respect and near reverence. If that weren't bad enough, nearly all these statues are of dead white men — white supremacy and toxic masculinity all rolled up into huge marble and brass monuments. And the benighted locals can't wait to brag to American tourists about all these reprobates, speaking with pride about what they accomplished in architecture and culture that still have impact today.

One almost never hears anything negative about former kings, unless in asides that quickly pass by. I can't imagine what they think about our Soviet-like crusade to tear down Confederate statues and remove names of other sinners from public buildings. Even my hometown's city council needed to debate whether to declare a day in honor of our city's namesake because of his indiscretion in defeating an American Indian (sorry, "Native American") army at the Battle of Fallen Timbers.

But, wait. It gets worse.

In the countries I visited — Italy, France and Spain — there are cathedrals and basilicas everywhere. I realize that Europe is ahead of the United States in the decline of religious devotion but they still show pronounced deference to the Christian, particularly the Roman Catholic, faith. (I experienced the same a year ago in eastern Germany where, after 80 plus years of Nazism and Communism, they are nearly all officially atheist but proud of their being the birthplace of the Protestant Reformation.)

In spite of this falloff in regular church attendance, key historical events in the ancient and medieval periods are all dated in reference to the birth of You Know Who. They may say B.C. or A.D. but more likely it will be so many years "after the birth of Jesus Christ" or some such. None of this in the Common Era or Before the Common Era nonsense for them, whose ancestors were actually in situ back then.

(And what do these modern designations pivot on? The birth of Jesus Christ. One might as well say "Before the Christian Era" for B.C.E.)

As a final insult to self-righteous Americans, the cities of Barcelona and Madrid have huge, and I do mean huge, statues of Christopher Columbus in prominent squares. Why? He neither sailed from nor lived in either city. He wasn't even Spanish, but Genoan Italian. But they sure are proud of him.

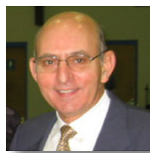
In Barcelona his statue greets those arriving at the port as I did. The tour guide not only took us by it but recommended we come back on our own. It is a key commercial emporium with vendor stalls everywhere. I suspect that if I had shown the gumption to tell them what is happening to old Chris in the States, they would have replied: "Then send him back; we love him here."

Fortunately, the group my wife and I were with were mostly retirees like us. If we had been accompanied by any of the snowflake generation, let alone the current crop of Democratic presidential candidates, they would have been hyperventilating by then.

I love history, love it so much I did not major in it in college so as to not ruin that love. And it was worth every Euro I paid to visit so many places that have that same perspective on who we are and why we are that way. Unfortunately, I have since returned to the cultural vandalism in a nation that once was the "land of the free and the home of the brave."

The barbarians are at the gates. Can we still push them back?

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.



Sheriffs and the 2nd Amendment

(March 27) — Recently the national media has focused on sheriffs in some western states who

either openly oppose or defy gun-control legislation enacted by their respective legislatures. The broadcast media, in some cases portrayed these sheriffs as openly defiant individuals in violation of their state laws and essentially in violation of their oath of office. These journalists are unaware of, or choose to ignore, the historic and constitutional provision attached to the office of Sheriff.

First, the office of Sheriff, carried over from the colonial period, predates all other law-enforcement agencies, which were created by either state or federal legislation.

The first part of the Sheriff's oath of office is to protect and defend the Constitution of the United States. Allegiance to his or her respective state constitution and laws are a secondary clause of the oath, as our system of government dictates federal law takes precedent over state and local laws or ordinances.

To further define the scope of authority, our founding fathers gave states authority wherein it is not "enumerated" by federal law. The scope of authority and enforcement is even further prescribed by jurisdiction, as in the broader the jurisdiction the less authority a law-enforcement officer has.

Thus a federal officer can enforce federal statutes throughout the United States and its territories but cannot enforce respective state laws or local ordinances. State law-enforcement officers can enforce state laws and federal laws but only within their jurisdiction. Sheriffs can enforce federal law and state law but cannot enforce city laws or ordinances.

Local law-enforcement officers can enforce federal law, state laws and local ordinances. This was termed the "inverted pyramid" by my law professor during police academy training. It is and was intended to be a safeguard whose origins, in theory, were first described in the Federalist Papers and then made part of our constitution.

The sheriffs involved in this gun-rights controversy are fulfilling their oath of office by upholding the unchanged, but often challenged,

Second Amendment to the U.S. Constitution. They are following the rules with respect to the “numerated” law as it exists, and they are giving the federal law precedent over recently enacted but yet unchallenged state law.

Given the current makeup of Supreme Court of the United States, I doubt that the Second Amendment will be amended or repealed any time soon. The western states that enacted restrictive firearms legislation are yet to have them tested through the layers of our judicial system. Until then, law-enforcement officials can and must follow existing laws giving the prescribed precedent to our federal constitution.

As a former sheriff and first-generation American, I understand the importance of our Constitution and its provisions and mandates. Throughout my adult life, both military and civilian, my personal feelings about firearms have been secondary to my vow to protect and defend the Constitution of the United States and the state of Indiana — in that order.

David Penticuff, an adjunct scholar of the Indiana Policy Review Foundation, is editor of the *Marion Chronicle-Tribune*, in which a version of this essay was first published.



A Tax Break for City Government?

(March 27) — It is frustrating to see elected officials line up in unity to hand over more than \$3 million in tax money to assist a company that in my city, by all appearances, does not truly need the money. But it’s not really about Central Indiana Ethanol (CIE).

When asked why we are doing this, the elected officials involved just say the company’s past TIF was “one of the good ones” out of our past giant dumpster fire of economic development TIFs that we won’t have paid off until closer to mid-century. And of course, they say, CIE is a great corporate citizen.

So apparently we owe them \$3 million for hosting their enterprise. Well, almost. Their

expansion is taking place outside the city, but attorneys can fix all that, they say. The real reason, we think, is that the establishment here wants to finance city government, not CIE expansion, through this TIF. We think this is sailing through on the promise of a legal but ethically challenged planned \$1-million annual kickback to our city through its redevelopment commission.

The clever folks at Umbaugh & Associates told our county commissioners that the TIF is crafted to create \$1.5 million in TIF revenue a year, but just \$500,000 of that per year will be needed to make the payments on the CIE TIF bonds. The rest, two thirds of the money, flows back to the city redevelopment commission to be used however the city wants.

And we mean however it wants, as other cities and towns have used their TIF slush funds to pay salaries and other items that have nothing to do with economic development. So, it’s not really not a TIF for CIE. It’s a TIF to bail out the city when tax revenues decline or it’s a cushion to pay for whatever pet project the mayor or the next mayor might develop.

Since four of nine of our city council members are running for office and just might be lusting after a chance to use the kickback dough by way of the redevelopment commission, we didn’t expect a lot of close questioning at a recent meeting. A majority of the members of the redevelopment commission are appointed by the mayor.

So our city administration and every elected soul who likes to spend your money is passing this TIF for a future slush fund, at the expense of schools, law enforcement and the services we need.

A Shameless TIF

(March 1) — Our “Haves” are again turning to our “Have Nots” for monetary help through tax increment financing.

Central Indiana Ethanol (CIE) is asking my city to expand its Tax Increment Financing (TIF) district to include the former Omnisource

property, which CIE purchased last year, in order to finance a project already underway at the site. CIE wants a \$3.65-million TIF bond to help pay for its \$25 million expansion on property that is outside of the city's boundaries.

We think the city or the county should reject this request.

State law says that redevelopment commissions are not to provide TIF for projects that could be completed without TIF. CIE has started the project without TIF. What is there now looks quite complete from the exterior, but CIE officials say it's only 20 to 25 percent done. Heather James, bond counsel for CIE, says, "My understanding is they would not be moving forward with the project without the expectation of the TIF."

Well, we guess someone should tell the sheriff's department and schools to cancel some of the plans their organizations have made because executives at CIE, a private and apparently prosperous corporation, have decided it needs the tax dollars more. If CIE wouldn't do the project without TIF then it should have waited for TIF approval before construction. It is presumptuous to the extreme to start building and then seek financing for the construction work.

But here is the thing: CIE might well be right. Elected officials, on the city's side anyway, cave to economic development requests pretty much anytime. Why not start construction? Who is going to have the guts to say no?

Again, under Indiana statute, for almost every TIF you have to certify that the project would not happen but for the use of TIF. That is so the public doesn't pay for projects that can be done with private resources.

We think CIE is a well-run company. We don't think it makes sense that a well-run company would stop a \$25 million project, already started, for lack of a \$3.6-million TIF bond.

One more thing: The property where the project is being built is not in our city. Initially, CIE asked for the city to annex the land in order to expand the TIF but suspended their request.

CIE now is going to ask our county commissioners to "reassign jurisdiction" from the county to the city's redevelopment commission in order to clear the way for the TIF. It's a quicker process that gives the city the power to incorporate the property into an economic development area – without actually annexing the property into the city. CIE calls it "an easier, more elegant solution."

We hope commissioners will stop this madness and protect its jurisdiction, along with its tax base, by not going along with this company's plans for our money.

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'Starvation' Wages

Whether one is a . . . churchman or a heathen, it is useful to know the causes and consequences of economic phenomena. — George Stigler (Nobel Prize in Economics, 1982)

(May 20) — "Forgive us, Lord, for we eat food harvested by people working for starvation wages." So spoke the leader of the congregational prayer at my church.

Taken literally, it meant that each congregant's mealtime bounty (including mine) traces to the harvesters' agonizing deaths.

Figuratively, it meant that we were contributing to the harvesters' grinding poverty. Literal or figurative, they were serious words.

The influx of immigrant farm labor into the United States, like virtually all U.S. immigration with the exception of African slaves, can be traced largely to communication among families and friends. So however desperate the migrants' plight, it apparently beats their alternatives. It is the latter that my forgiveness-seeking church elder and guilt-tripping university colleagues ignore.

Should we be surprised that migrant workers' earnings, however low, beat their alternatives?

Not at all. Think about it for a moment — with your head, not your heart. If landowners-farmers offer migrants less than they can earn in their alternatives, migrants won't accept the jobs. The same terms of employment must also benefit landowners-farmers. Otherwise, landowners-farmers don't want to hire the migrants. The necessity of mutual gains to sellers and buyers is a simple, powerful proposition that escapes guilt-trippers' thought processes.

Instead, guilt-trippers argue that Americans should either: 1) boycott migrant-harvested food, thereby shutting down the source of migrant starvation; or 2) urge the government to enact laws requiring landowner-farmers to pay migrants higher wages.

Both, it turns out, worsen the plight of migrants. Boycotts shut down employment opportunities for migrants, consigning them to their previously next-best opportunities. Guess what? Next-best is precisely that — next best. The next-best living standard is lower.

That mandating higher migrant wages also worsens the position of migrants is more subtle. It traces to the aforementioned mutuality that underlies market transactions, however, for mutuality involves more than just the wage. A myriad of non-monetary dimensions to jobs — workplace safety, for example — are also subject to mutually beneficial agreement. It is somewhere between naïve and stupid to think that a higher wage can be mandated without negative consequences for things like workplace safety.

The surplus of labor that emerges at the mandated wage leads employees to compete among themselves on various job-safety margins for the now-reduced number of jobs. The safety-erosion process continues until the surplus is eliminated, at which point the combination of wages and safety will be inferior to the initial combination for both employees and employers.

In the final analysis, people's incomes measure how much they help others, not how much others

help them. The more you help other people, the more these same people will pay you to help them.

From this perspective, migrants' living standards are relatively low because they help others little. Guilt-trippers try to reverse this causation with their calls for boycotts and wage hikes and end up violating the "first-do-no-harm" maxim. That many of these folks are well-intentioned, including my church elder, is not good enough. How can there be a bright side to reducing everyone's mealtime bounty?

Alas, introspective censure like this was also a regular part of my professional life. That's because I was a university professor. Guilt-tripping tales about haves having because of have-nots having not are common in capped-and-gowned circles, and not just with regard to dinner table bounty and "starving" agricultural workers. University-types have a seemingly inexhaustible list of examples of Americans enjoying economic plenty because plenty's producers, both domestic and foreign, suffer. Migrant farm labor, however, has long been one of the have-nots' poster children.

Working Immigrants

(March 22) — What if I told you that immigrants who offer their services in say, raspberry production, at wages lower than the prevailing wage for

American raspberry workers raise overall U.S. living standards? Many, if not most of you, would probably respond with something along the lines of "Van Cott, that's ridiculous." Well, that's exactly what the following argues. Does it make any difference whether the immigrants are legal or illegal? No. As long as they work, regardless of skill level, overall living standards of resident Americans will be higher.

If Americans are unwilling to match immigrants' lower wages, it means they have alternatives that are better than the immigrants' wage. That means if Americans pick raspberries, more is given up compared with immigrants picking the berries. Giving up more of other things to achieve an objective means having less

of other things. In addition, the presence of the immigrants will put downward pressure on the price of raspberries. Uses of raspberries deemed uneconomic because of the price (for example, an extra scoop of raspberries on vanilla ice cream) become economic when they're less expensive.

The effect is the same as if there were a cost-cutting innovation in the production of raspberries. Admittedly, immigrants don't pack the same glamour/fascination that accompanies production innovations. Raspberry plants that are more productive and/or easier to pick would be a more welcome news item than would ill-clad, poorly-educated immigrants. Yet, glamour or fascination are not the issues when it comes to living standards. Costs are what matters.

This is why when my students asked me what my immigration policy would be, I always responded: "Y'all come, but: no work, no eat!" Pretty simple. After the giggling and laughter subsided, I would point out that this was US immigration policy for the first 130 or so years of US history.

Between 1865 and 1910, for example, approximately 22 million immigrants came to the United States unencumbered by immigration restrictions for all practical purposes. This was also a time of historic improvements in US living standards, a portion of which can and should be attributed to the epic level of immigration for reasons cited above. It was as if the continuing inflow of immigrants was responsible for a supplement to overall higher living standards for resident Americans. A free lunch? No, not at all. Just bigger helpings.

The 1865-1910 period was also a time when protectionism via tariffs reigned supreme. Strange, isn't it, that imports of goods were restricted but not people, who when they stepped off the boat, were bringing with them streams of goods and services they would produce during the remainder of their working lives? Goods being taxed in one case but not the other.

One can plausibly argue that the period's immigration substantially undermined the

legislated tariffs. In a 2005 issue of the *Independent Review*, a Ball State University colleague and I demonstrated that once the import content of immigration was accounted for, U.S. tariff protection was diminished to 25-30 percent of the legislated level.

Those who suggest the improvement in overall living standards during the 1865-1910 period was due to high tariffs are on shaky ground, to say the least.

It is no overstatement to say that current U.S. immigration policy is a mishmash. On the one hand, there are those who view it favorably as a humanitarian move. Others, however, take issue with this objective. No one seems to recognize that working immigrants confer a positive benefit on overall U.S. living standards and that this result holds regardless of immigrant skill levels or legality.

Stopping production innovations is, for the most part, a no-no when it comes to public policy. Policies that ignore similar consequences when it comes to working immigrants amount to the United States closing its windows to an economic windfall.

Trade Balancing

(March 7) — Tom is in the market for a used car. Harry is interested in selling his car. Tom and Harry meet and agree on a price of \$7,500. Tom gets Harry's car, and Harry gets Tom's \$7,500. Tom presumably values having the car more than anything else he can do with the \$7,500. Likewise, Harry values what he can do with the \$7,500 more than his car. Tom is better off. So is Harry.

How much better off are they? For Tom, it's the difference between the use values Tom attaches to the car and the \$7,500. For Harry, it's the difference between the use values Harry places on the \$7,500 compared to the car. There is no reason that Tom and Harry's gains should be equal.

Note that the objective for both Tom and Harry is the imports they obtain, not the exports they use to obtain imports.

Tom is “exporting” \$7,500 and “importing” the car, while Harry is “exporting” the car and “importing” the \$7,500. However, since the use value Tom derives from the car exceeds \$7,500, his true imports are greater than \$7,500. Likewise for Harry, the use value he attaches to his cash imports exceeds \$7,500, meaning he’s really importing more than \$7,500.

In effect, Tom and Harry both have balance of trade deficits — not in an accounting sense but in an economic sense. If they didn’t, the trade wouldn’t occur. Tom’s “deficit” is the difference between the use value of the car he imports and the \$7,500 he exports to pay for it. Harry’s “deficit” is the difference between the use values of the \$7,500 he imports and the car he sells for \$7,500.

Note that the objective for both Tom and Harry is the imports they obtain, not the exports they use to obtain imports. Absent the imports, there is nothing intrinsically beneficial about their exports. Indeed, had Tom only exported the \$7,500 without obtaining the car, he would be worse off. Likewise, had Harry only exported the car, not importing the \$7,500. The latter observation is important because the mantra of our business and economic culture

treats exports as intrinsically beneficial, with imports only grudgingly accepted at best. An excellent example of this is how this culture describes international negotiations whose purpose is to increase international trade.

Actions that increase access to imports are labeled negotiating “concessions.” In other words, permitting people to import more is a bargaining chip to secure comparable foreign “concessions” for U.S. exports.

That’s like Tom reluctantly accepting Harry’s car while offering a price above the \$7,500 price they had agreed on so that he can export more. Ditto for Harry. He would focus on accepting a lower price so he could import less. Make sense?

No, such behavior is a recipe for financial disaster. Both will end up ill-housed, ill-clad and ill-fed, if not dead, should they organize their personal affairs consistent with this business and economic culture.

As in the case of Tom and Harry, purveyors of this business and economic culture don’t organize their personal affairs consistent with what they advise for the country. Their actions speak so loudly that we can tune out on their bogus analysis. ♦



Thomas Hoepker, Sept. 11, 2001

The Outstater

South Bend's 'Success' Story

"To be attached to the subdivision, to love the little platoon we belong to in society, is the first principle (the germ as it were) of public affections. It is the first link in the series by which we proceed towards a love to our country, and to mankind." — Edmund Burke

(May 12) — A favorite Hoosier, Kurt Vonnegut, wrote in a letter to a fan of his book, "Palm Sunday," an autobiographic collage, that there is one thing he had learned for sure: A person must sincerely and loyally belong to something larger than himself.

He cited as examples the self-help outfits meeting in twos and threes, but sometimes dozens, without budgets, around coffee pots in church basements, discussing the way to get free of the various tyrannies of addiction. Vonnegut idly wondered whether such groups might have saved more lives than penicillin.

This comes to mind reading a white paper by South Bend's Dr. Maryann O. Keating in a recent issue of The Indiana Policy Review. Dr. Keating, an economist, drives toward a conclusion similar to Vonnegut's, only more expansive. Her work on social capital suggests that belonging to a group is critical not only to our mental well-being but how constructively we interact publicly and even how

capable we are in selecting political representation.

In recent election campaigns, for example, volunteers have told me how struck they were by the voter ignorance they encountered going door to door. That is, they did not expect to meet so many residents inadvertently supporting candidates with positions opposite their own.

The pluperfect model for this disconnect may be Keating's South Bend neighbor, Pete Buttigieg, the mayor seeking the U.S. presidency. He has convinced the national press and a large part of the Democrat Party that he turned his city around.

Sure enough, unemployment has fallen there, but it still is twice the state average. The region added 15,000 jobs if you let Buttigieg define "jobs," and the population grew 1 percent.

Mostly, though, Buttigieg, as so many mayors around the state, is proud of the heavily subsidized renovation of his downtown. There is a new facade on the old Studebaker Building, and you can ride newly cut bike trails to cross paths with guests strolling from three new hotels heading to one of a dozen new restaurants.

"Put simply, South Bend is back," the mayor says.

But not so fast. What Buttigieg doesn't list in his state-of-the-city accomplishments is telling, and that is so even when you give him a pass on a crime rate that rivals Chicago. He doesn't mention his city's relatively low stock of social capital.

Keating defines that as the set of "informal values, norms of behavior and skills shared among members of a group permitting cooperation (it is hoped for the better) regardless of socio-economic characteristics." This social capital, says Keating, is formed in the public square, "that space between family and government."

It is there in a myriad of social groupings that we learn to work civilly toward common goals — or at least learn to live and let live. She is talking about a street corner, a park, a sidewalk, a bulletin board, a blog, a break-room at work, a playground, a quad on a university campus or an

actual public square where people step up on soap boxes and say their piece.

And Keating has a warning about all of that:

“Individuals, according to Edmund Burke and other social philosophers, benefit from belonging to a platoon, a link between family and society. Individuals develop personally, professionally and socially within a network of intermediary organizations. Our lives and the lives of others are enriched by this participation. Isolation, freely chosen, is fine but, in general, the lives of those lacking social ties, regardless of income, are somewhat grim and impoverished.”

Keating, before Buttigieg announced his national political ambition, had designed a social-capital index comparing Indiana cities on four factors: per-capita religious, business, political, professional, labor and recreational organizations; percentage voting in elections; percentage responding to the U.S. Census; and number of nonprofit organizations.

South Bend’s St. Joseph County ranked miserably, 76th of 92 counties.

This cannot be dismissed as incidental. The ranking is not detached from the political culture; for government, when misled, can encroach on that public square, that place where we learn how to be good private citizens, where we build social capital. Keating lists four examples:

- Private social intermediaries, which include schools, hospitals, service agencies, fraternal and particular-interest organizations may be banned and declared illegal by government.
- A government can fail to provide constitutional rights, police protection and other public works, for unless government maintains a safe environment with legal protections, a civil society offering positive externalities cannot thrive.
- Government can be biased in its treatment of these private organizations, attempting to micro-manage certain ones. In these cases, the organizations forfeit traditional sponsors and voluntary donations of time and treasure.

- Government regulations can increase costs for smaller private organizations to the extent that only large bureaucratic ones survive. When a government agency proposes rules and regulations that become as binding as law, the organization must allow for a costly process of public and judicial review or disband.

So, has South Bend been rejuvenated in this regard? Did Buttigieg attend to these social-capital concerns along with his well-publicized campaigns to dress up the downtown? For that matter, has the mayor of your city?

It would be interesting if some mayor somewhere in Indiana systematically reviewed the activities and priorities of municipal government for anything diminishing the public square and the development of social capital. Success might rival that of the regional development offices cropping up across the state handing out rebates and tax credits.

“Although development is easily thwarted by bad policy,” Keating warns, “those who believe that planners and development agencies are capable of directing local economies are deceived.”

Improving a community’s social capital, although it cannot be done overnight with a stroke of the pen on a bond document or a TIF agreement, can attract talented and skilled workers and can impress potential investor. That is not to mention improving the morale and the sense of well-being of the current citizenry, another index on which South Bend scores low.

At any rate, too few of us have the network of sources and knowledgeable friends to square political promise with reality. Those public-private partnerships of which our political class is so proud, boosted as “civic investments,” fail to add much.

The bright and shiny buildings, because of their complex quasi-governmental funding and twisted incentives, end up costing three times their market value. And evidence of their failure doesn’t surface until long after the political

players have fled to higher ground or left for warmer climates.

Again, we are losing the private, independent groups, the benefits of belonging, that could have kept us informed, helped us avoid bad political decisions — groups such as a political party that slates primary candidates, the readership of a locally owned newspaper, unreformed Boy Scout troops, Bible studies and coffee klatches with access to a range of trusted friends and their practical, common-sense, real-life advice.

In sum, we are running civically blind.

There are those who thought that the Internet and its unlimited applications and platforms would have fixed all this by now, would have facilitated a sense of belonging, loosened the restrictions on the public square. It hasn't, at least not yet, and considering techno-censorship and the fantasy of cyber groups and games it may have made things worse.

"And so it goes," as Vonnegut famously observed.

Who's for Qualified Reparations?

Do you support reparations for slavery? "I absolutely believe that we need to have some kind of accounting for the persistent racial inequities today there by design because of part and present racism." — Pete Buttigieg on MSNBC's "Morning Joe"

(April 29) — Reparations are beginning to make sense to me, but perhaps not in the same way and in the same degree that fellow Hoosier and presidential candidate Pete Buttigieg means it.

A friend, making a stab at statewide office a few years back, took the position that we could not be truly free as long as the state had the power to tax our property without limit. We were slaves to a tax code, he argued in vain. Reparation, according to this logic, was in order for the entire property-owning middle class.

A few years ago, the late Joe Sobran honed a distinction between chattel slavery and numerical

slavery. We now are numerical slaves, Sobran wrote in his subscription newsletter, meaning we have the illusion of freedom but not the reality.

Most recently, Robert Higgs of the Independent Institute, capped the discussion with a historical point: It was common in the antebellum South to allow slaves to rent themselves from their masters. He cites the example of Frederick Douglass, given freedom to work in the Baltimore ship yards as long as he returned a fixed monthly amount to his owner.

Higgs finds the situation analogous to ours; that is, we are generally at liberty to arrange our own employment, spend our earnings as we please, acquire our own food and housing, all so long as we pay a portion to the various government masters who collect income, property and employment taxes.

Hyperbolic? Higgs defends himself by asking the fate of someone today who "jumps the plantation":

"Consider what happens to someone who resolutely refuses to pay the government the rental payment for his body. He is subjected to a series of enforcement actions, culminating — if he resists at every step — in his being hauled off to jail and having his personal property seized to satisfy the governments' demands. Thus, he loses both his property and his personal liberty."

But back to the Buttigieg promise. My family documents an ancestral German grandfather and grandmother who were indentured servants, working for a decade or more as stoop labor on farms in Maryland and Virginia. Were they the subjects of racial discrimination? Candidates for special treatment?

Well, at the time, Ben Franklin wanted all Germans booted from the country for their skin color alone, considering them "smelly" and unworthy of either liberty or citizenship. He grouped Germans with others of "swarthy" complexion in Africa, Asia and South America. (Incidentally, the "colored" or mixed races in South Africa complain that discrimination for

them has not abated since the defeat of Apartheid.)

Franklin's position is unarguably illegal and immoral today. My family, then, conceding in certain instances the smelly part, is prepared to challenge past denigration and make its case for the special treatment of which Mr. Buttigieg speaks. Perhaps we deserve a sizable cash transfer as well, a tax credit or a rebate.

My ancestors, though, might expect us to have made more progress in the liberty department.

Social Capital II

(April 19) — A social-capital index for my Indiana county has decreased even as the population has increased. And a low ranking on such an index, according to some economists and sociologists, can mean trouble.

The factors making up this particular index are meant to reflect a community's ability to get along, to sort out priorities through the democratic process, to argue civilly in the public square, to settle differences with neighbors, to broadcast the values of a community. They are 1) total religious, business, political, professional, labor and recreation organizations per capita; 2) percentage voting in elections; 3) percentage responding to the census; and 4) number of nonprofit organizations.

Our elected officials, sensing the complexity behind this, are in the habit of turning over the hard decisions to courts and bureaucracies. Indeed, some of us argue that the democratic process has been so diluted as a result that we are becoming serfs of an unelected administrative state. The experts call us "Somewheres" for reasons to be explained here later.

"Social philosophers, not just friends casually expressing nostalgia for the past, are quite concerned about the interrelated issues of social capital, civil society, trust and social norms," writes Dr. Maryann O. Keating in the current issue of the quarterly Indiana Policy Review. "They identify these as the central issues affecting contemporary democracies."

In my town, examples of the problem fly overhead daily. They are the flags the city hangs each week on the downtown light posts celebrating this group, that cause, sympathy or whatever— Otherness Awareness, Girlish/Boyish Scout Week, Burmafest or Anyfest, and so forth. In their innocence, even in their ostensibility, the flags remind us of who we are and signal to visitors what we are about, what we think important, our expansiveness, or so we like to think.

But that, to be perfectly honest, is mere vanity. No representative body selects which flags fly or when. That is so even though the decision-making can get tricky.

An Indiana court, for instance, is likely to preempt as hateful any citizen's request to fly an old battle flag in memory of Confederate soldiers who died in a Midwest prisoner of war camp. And Christian churches asking each year that the Gay Pride banner be replaced during Holy Week with the ecumenical Christian Flag are out of luck. The council and mayor say nothing can be done, that it's not up to them.

And true enough, the flags are ruled by an obscure subcommittee that meets under the auspices, perhaps somewhere in the basement, of the Board of Public Works. The members of this committee, their names largely unknown to the public, make their decisions outside processes, being pushed this way or that by whichever interest group is most activated at the moment, that and the specious whims of political ambition prevailing at city hall.

This is not the way things are supposed to work in a democracy, especially at the most local level. We like to imagine that such issues are carefully debated by sincere representatives of the people, with respect for a wide range of views, culminating in a solid decision based on established and shared principles.

Alas, that is not the case. And please know that if this furrows your brow it isn't because of political affiliation or even constitutional literacy. Rather, it is about how "local" you are; that is,

whether you see your life rooted in a particular community or neighborhood — a place, a somewhere.

Christopher DeMuth, writing in the current issue of the Claremont Review of Books, would divide America into those who think of themselves as being “Somewheres,” and those more mobile and typically more wealthy who think of themselves as being “Anywheres.” He explains:

“For the Somewheres their jobs and weekends, their commitments and friendships and antagonisms, are part and parcel of their families, neighborhoods, clubs and religions. Many work with their hands and on their feet. Whether their partisan leanings are to the left or right, they tend to be socially conservative and patriotic. Somewheres probably have a smartphone but their loyalties are with the home team — with the folks they associate with personally. They do not have strong inclinations or opportunities for cutting free and following some abstract dream to a distant horizon. Less disposed to ‘vote with their feet,’ they are more affected by local economies and government policies than the Anywheres.”

As Dr. Keating also argues convincingly, the myriad of person-to-person interchanges implied in such an arrangement are the way we build the positive, constructive social capital necessary for a healthy and by definition constitutional democracy — that, at least, being true if you live somewhere and not just anywhere.

If that is you, here is a suggestion. Forego an absentee ballot for the May 7 primary election and take the trouble to locate your precinct polling place (that concept again). Get in line with real people, your neighbors, your fellow citizens. The percentage of you doing so is one of the factors making up your county’s social-capital rating.

Social Capital I

(April 4) — When a business looks to relocate in your community, the economic-development types will make its owners aware of favors that the political establishment can bestow. These will

represent fixed or political capital — tax-increment financing, rebates, zoning exceptions, access to the mayor’s office, an inside track to municipal contracts, that sort of thing.

But a willingness to spend someone else’s money on strategies of legal corruption is hardly in demand. Everybody does it. Nobody is going to be that impressed with another taxing district or the promise of a sweetheart deal for an out-of-state corporation.

What will set your town apart is social capital. It is a declining commodity many places, and if you have a good amount you will shine in a labor market short on the so-called soft skills, i.e., getting along with co-workers, taking advice constructively, requiring minimal supervision, etc.

This social capital is defined by economist Maryann O. Keating in the current issue of The Indiana Policy Review. It is “the existence of a certain set of informal values, norms of behavior and skills shared among members of a group permitting cooperation between them regardless of socio-economic characteristics.”

That’s clinical, but you get her meaning. In its positive sense, social capital is an economist’s way of saying that your town, big or large, rich or poor, has good people. And Dr. Keating, who has constructed an index to measure it in each Indiana county, argues that it is a learned thing, taught over generations, practiced.

You can check out your county’s social capital here by consulting an index of four variables: 1) per-capita religious, business, political, professional, labor and recreational organizations; 2) percentage voting in elections; 3) percentage responding to the U.S. Census; and 4) number of nonprofit organizations.

No, this is not Joe Biden’s “invisible moral fabric” that magically holds up a society. Sound public policy and wise leadership can augment it. You can see it at work, even give it an award. Let me explain.

My first job was with a small daily newspaper in a rural Midwest town of about 10,000. Let’s call it Hicksville. An annual tradition there was to

invite a hometown success story back to be honored at a banquet.

Over the years, I was left in awe by the titles, credentials and accomplishments of those returning from the wider world. The town, after all, was nothing to brag about — a brick-paved main street with a single stop light, two banks, a couple of dozen shops, restaurants and taverns, a manufacturing plant at the edge, oh yes, and 20 or so churches.

Yet, not every Indiana town knows how to do develop such a valuable, exportable supply of social capital. And sadly, most of us can guess which ones they are. For the degree a community is short of social capital depends on the degree it has succumbed to what Charles Murray calls “the Great Disruption,” the “Coming Apart.”

For some, the damage stemmed from misuse of medical technology (birth control, abortion, drugs). For others, it was the movement of women into the paid labor force and the attendant difficulty in forming homes and families. For still others it was the decline of transcendental religious faith.

Most often, it was a combination stretching back decades and decades.

Again, the wisdom to immunize, to counteract all of this is something for which to be grateful. The honorees at the Hicksville banquet invariably ended their speeches with the most sincere, often emotional, expressions of thanks for what had been given them there — that is, the social capital loaned in their youth so they could finance the venture that was their life.

The applause for the boy or girl who made good was to demonstrate, to remind, that their town had plenty more from where they came. And just as important, that it didn’t require bankrupting those who chose to stay.

Begging Twitter’s Forgiveness

‘In a time of deceit, telling the truth is a revolutionary act.’ — George Orwell

(March 13) — As some of us become more discerning in the chaos of a fragmenting media, we guard our time by passing over articles in print and on line that are weighted with epithet and calculated narrative. Rather, we are desperate for accurate description, any fact-based information to help us determine what is around the political corner.

Our quarterly journal tries to set an example. We don’t presume to characterize even ourselves. Our mottoes “A Future that Works” and “A Classical Liberal Outfit” are mere tag lines.

That, of course, does not prevent others from characterizing us or even tempting libel — as indeed someone did recently.

Cynthia Nixon, a television actress, labeled our foundation homophobic in a March 2 essay for the Washington Post under the headline “Mike Pence Isn’t ‘Decent.’ He’s Insidious.”

Whoa, pretty strong stuff that.

And unsubstantiated, it turns out. Ms. Nixon based her pejorative in part on a 30-year-old article, a paragraph actually, written here when Mike Pence was the foundation’s president.

Obscure? Certainly, and If given the chance we would have argued that even the most casual reading refutes her assertion. Moreover, the foundation’s mission statement prohibits such a position. The cited article concerned internal inconsistencies in a local newspaper’s ethics policy.

But we live in unforgiving times. There is the dark mood of a Salem witch trial. It is as Fox’s Tucker Carlson said on his show Monday after being pilloried over the weekend by George Soros’s Media Matters for comments made as long as a decade ago:

“There’s really not that much you can do to respond. It’s pointless to try to explain how the words were spoken in jest or taken out of context or in any case bear no resemblance to what you actually think or would want for the country. None of that matters. Nobody cares. You know the role you’re required to play: You are a sinner, begging the forgiveness of Twitter.”

In the Pence instance, however, a senior editor of the Washington Post stepped up. His newspaper printed the following four days later:

“Correction: This op-ed originally misstated that when Vice President Pence was president of the Indiana Policy Review Foundation, the group published an article urging businesses not to hire gay people. The referenced article concerned whether gay journalists should be permitted to cover matters related to homosexuality without disclosing their sexual orientation. The inaccurate sentence has been removed. Additionally, the op-ed should have noted that Pence’s spokesmen have disputed reports that he has ever supported conversion therapy and also that he played a leading role in Trump administration efforts to ban transgender people from military service.”

The Post editor had gone to the trouble of reading the source article and doing the right thing for his readership. Such accountability is appreciated.

Yet, we are left with this: How could banks of copy editors, not to mention a culpably silent Indiana GOP, have blithely assumed such a thing were true in the first place — that Pence, a skilled politician, a careful writer, a plain speaker and an arguably “decent” man regardless of motives assigned him three decades later, would have commanded that gays or any group of U.S. citizens be deemed unemployable en masse?

For such a careless if not purposeful misreading we reserve the strongest condemnation. For we are not alone in turning our backs on a toxic media. More subjects of journalistic malpractice are seeking remedy in the justice system. More are rethinking *New York Times Co. vs. Sullivan* (1964).

Thereby, gradually, ever so gradually, responsible journalism may return. We must trust that it arrives before the George Soros and Cynthia Nixons of the world do us all in. — *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