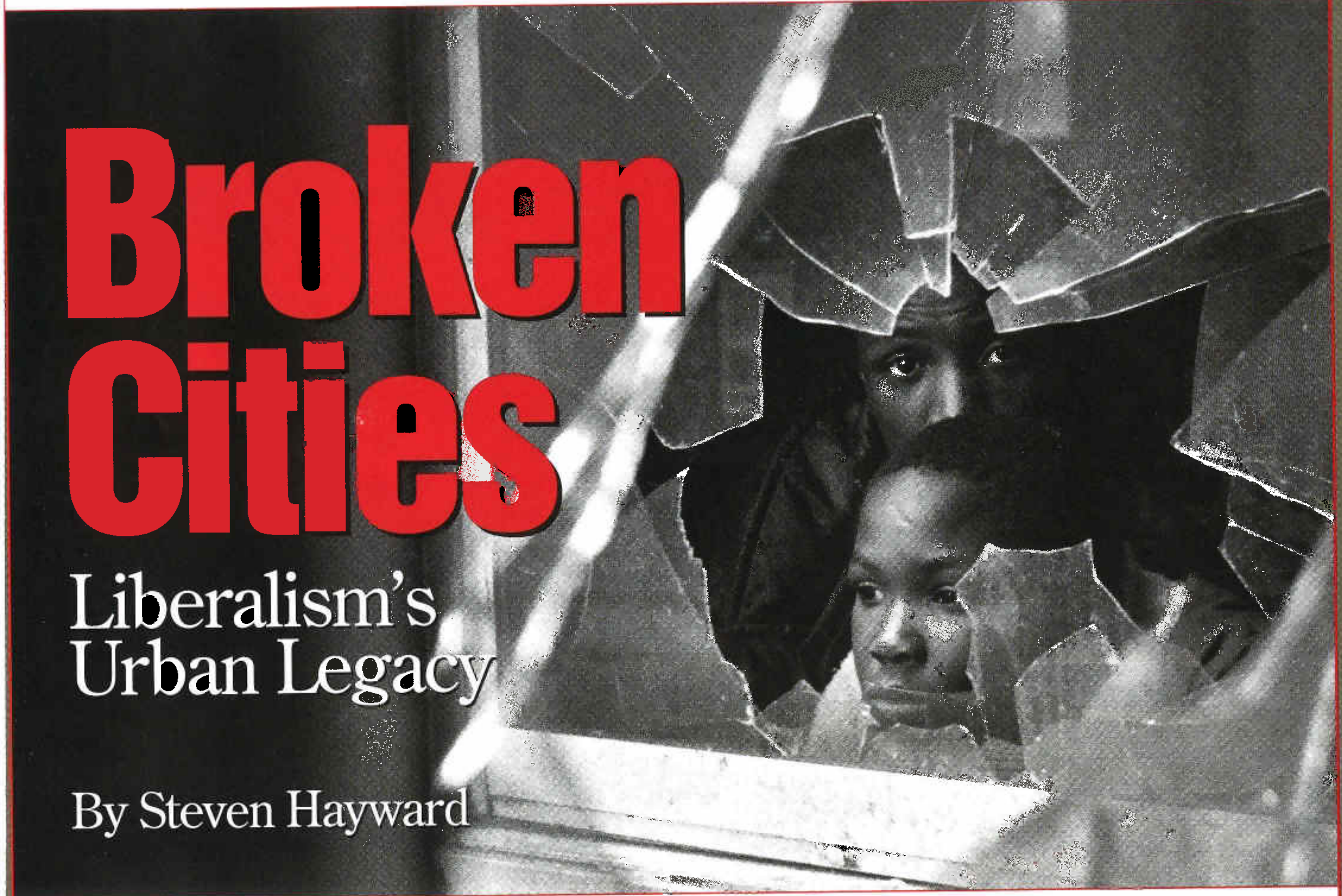
POLICY REVIEW

THE JOURNAL OF AMERICAN CITIZENSHIP

Published by
The Heritage
Foundation

Mar. • Apr. 1998

I ♥ UNIONS
By Mayor
Stephen Goldsmith



Broken Cities

Liberalism's Urban Legacy

By Steven Hayward

The Gold Star State

How Texas Schools Jumped to the Head of the Class

Hospice, Not Hemlock

The Medical Rebuke to Doctor-Assisted Suicide

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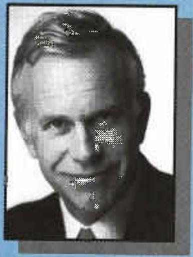
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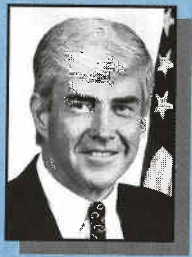
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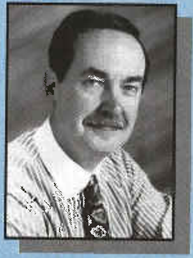
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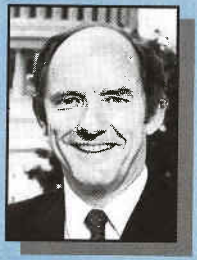
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June 14	Sun	Ft. Lauderdale, FL		5:00PM
June 15	Mon	At Sea/Heritage Seminars		
June 16	Tue	Playa del Carmen/Cozumel Heritage Seminar (afternoon)	6:30AM	1:30PM
June 17	Wed	Georgetown, Grand Cayman	9:00AM	6:00PM
June 18	Thu	Ocho Rios, Jamaica	8:00AM	11:00PM
June 19	Fri	At Sea/Heritage Seminars		
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March • April 1998
Number 88
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Features

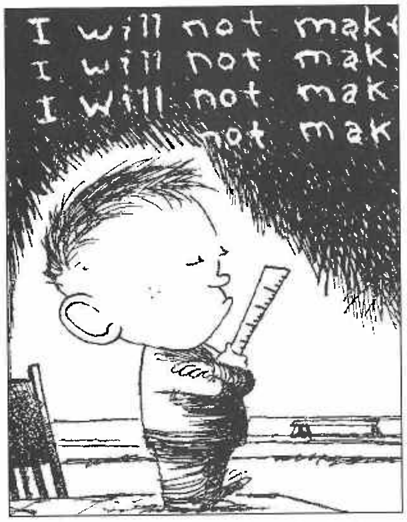
14 **Broken Cities**
Liberalism's urban legacy
BY STEVEN HAYWARD

24 **Can-Do Unions**
A Republican mayor learns that competition brings out the best in government workers
BY STEPHEN GOLDSMITH

28 **The Gospel According to Floyd Flake**
A maverick Democrat on vouchers and virtues
QUOTATIONS FROM FLOYD FLAKE

30 **The Gold Star State**
How Texas jumped to the head of the class in elementary-school achievement
BY TYCE PALMAFFY

40 **Hospice, Not Hemlock**
The medical and moral rebuke to doctor-assisted suicide
BY JOE LOCONTE



Who's accountable when kids fail?

p. 30

The anti-Kevorkians

p. 40

Departments

3 **Correspondence**
David Dalin takes on all comers, boos for bilingual ed

6 **We the People**
Adam Meyerson on lawmakers who prove that leading means more than legislating

8 **Laboratories of Democracy**
Steven Hayward on the conservative way to equalize school funding, and other news from the states

William D. Eggers on private efforts to streamline Arkansas's wide-bodied state government

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THE JOURNAL OF AMERICAN CITIZENSHIP

POLICY REVIEW

March • April 1998 Number 88

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The Heritage Foundation

THE JOURNAL OF AMERICAN CITIZENSHIP

Statement of Purpose

Our mission is to revive the spirit of American citizenship by recovering the core political principles of our Founding Fathers and by articulating and advancing the conservative vision of civil society.

Policy Review: The Journal of American Citizenship illuminates the families, communities, voluntary associations, churches and other religious organizations, business enterprises, public and private schools, and local governments that are solving problems more effectively than large, centralized, bureaucratic government. Our goal is to stimulate the citizenship movement—chronicling its success stories, exposing its obstacles and opportunities, and debating the policies that will best invigorate civil society.

American citizenship combines freedom with responsibility. These are the two great themes of modern conservatism, and they build on the best of the American tradition. Americans come from all races, all nationalities, all religions. Americans are united in citizenship not by common ancestry but by a common commitment to the political principles of the United States: the Constitution, the rule of law, the rights to life, liberty, and the pursuit of happiness.

Americans are united, too, by the common duties of citizenship: the obligation to protect our country from foreign enemies, to take care of our own families, to participate actively in civic life, to help our neighbors and communities when they are needy, and, in turn, not to take advantage of others' generosity when we can take care of ourselves.

Policy Review: The Journal of American Citizenship is published by The Heritage Foundation, a research and educational institute that formulates and promotes conservative public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense.

> "While the people retain their virtue and vigilance, no administration, by any extreme of wickedness or folly, can very seriously injure the government in the short space of four years."
>
> —Abraham Lincoln
> *First Inaugural Address*

Correspondence

Sectarian Scuffles

To the Editor:

I appreciate David Dalin's thoughtful and timely statement in "Judaism's War on Poverty" (Sept.–Oct. 1997). He properly highlights the Jewish people's ancient tradition of self-help.

One premise of the article, however, is fundamentally mistaken. Dalin contrasts the self-sufficiency of the Jewish community with the welfare state. The contrast is between community and state. The problem here is that he uses "Jewish community" in its modern sense when referring to it, crucially, in its ancient and medieval applications. That is, he gives the impression that the modern voluntary community, attending to its own needs, was also the model of the pre-modern community.

In truth, the pre-modern community was effectively a "state within a state." Jews were legally and politically obliged to be self-sustaining. The medieval Jewish "community" ("polity" is a better term) levied taxes on its members to support its charitable practices. It discouraged its members' use of non-Jewish social services in order to preserve its tax base and its authority.

Although the culture of giving (*tzedakah*) was pervasive in Jewish society, the relationship between community and state changes when the "community" turns out to resemble a "state." I suspect that modern Jews have relatively few problems with the concept of the welfare state because of their group memories of coercive Jewish "communities" that were, effectively, welfare states.

Another problem with Dalin's thesis is the true nature of the Jewish preference for self-reliance rather than reliance on the welfare apparatus of the general society. In Germany, for example, Jews maintained their own communal welfare institutions (hospitals, schools, poor relief, et cetera) after they were fully emancipated in the 19th century in part to demonstrate that they would not become a burden on the German society or state. That is, self-sufficiency was meant to prove a political point: We Jews will not impose our needs on you gentiles if you continue to treat us like fellow citizens.

There were, of course, traditional reasons for maintaining these institutions, but the desire to avoid offending gentile society was always a strong one. This may have been necessary at the time, but it is hardly to be condoned today. I don't know whether this sort of thinking was typical of American Jews, although I suspect that it was. The implication is that Jewish self-reliance, however praiseworthy, also bespeaks a deep anxiety about the degree to which Jews are accepted by society.

Alan Mittleman
Prof. of Religion
Muhlenberg College
Allentown, Pa.

To the Editor:

David Dalin's article provides an excellent review of classical *tzedakah* and Jewish self-help values. In several instances, however, he ignores historical facts and wrongly insists that the Jewish textual emphasis on preserving the dignity of impoverished people necessarily supports his conservative views about welfare:

First, while Jewish tradition advocates self-help strategies to reduce poverty, neither biblical nor rabbinic sources denigrate the provision of charitable "relief." Organized responses to natural disaster and social displacement, including the plight of widows, orphans, impoverished resident aliens, and captive citizens and travelers, all have well-known textual and historical precedent.

Second, the ubiquity of charitable relief led to extensive rabbinic discussion about its appropriate practice. Hence, seven of Maimonides' eight levels of *tzedakah* are concerned with the practice of charitable relief, including the proclaimed desirability of anonymity on the part of the recipient. The Maimonidean scale, however, does not call for anonymity in connection with the highest level of charity, that of business lending or partnerships that, by nature, must be negotiated openly if not directly.

Third, Dalin wrongly embraces the "reasonableness" of Jews accepting the Stuyvesant Promise (and other similar edicts by authoritarian rulers), which granted residency to Jews only if they would contribute to the general economy without asking society to support impoverished Jews. This acceptance was born out of the fear, insecurity, and shame engendered by living in an anti-Semitic society. By the 20th century, it was not a betrayal of the Jewish religious or intellectual tradition to believe that it was right, reasonable, and responsible for Jews to contribute to society *and* to look to it for assistance when necessary—just as other American citizens do.

The notion that the non-Jewish poor should be cared for by the state, but that the Jewish poor had to be wards of their own ethnic group, just does not wash. In the open and pluralistic United States, the Jewish community has an obligation to see beyond its own poor to those in poverty throughout society.

Lastly, for today's largely suburbanized Jewish community, provision of *tzedakah* (communally obligatory "righteousness," as Dalin correctly noted) through investment partnerships has great potential to establish stronger actual—not symbolic—reciprocity with impoverished people in the nation's cities where so many Jewish fortunes were made. Efforts to stimulate community development investment, such as those by the Shefa Fund, a Philadelphia-based public foundation, can lead to direct benefits for Jewish Federations and their agencies, which Dalin criticizes as having abandoned Judaism's classically ideal strategy for poverty alleviation. In northern New Jersey, the Jewish Family and Children's Service recently applied for and received a $250,000 capital loan that will enable the agency to better serve poor people—both Jewish and otherwise.

Dalin ignores historical facts to support his conservative views on welfare.
—Jeffrey Dekro

Jeffrey Dekro
President, Shefa Fund
Philadelphia, Pa.

David Dalin responds: Jeffrey Dekro is simply wrong in his categorical assertion that rabbinic sources do not denigrate charitable "relief." The rabbis of the Talmud, for example, were deeply concerned about the Jewish poor being shamed by the method of providing charity. Hence, Rabbi Meir was one of several rabbinic sages to propose that charity should initially be given as a loan so that the recipient would retain his personal dignity despite his poverty. Jewish charitable relief that fostered dependency and that did not protect the personal dignity and self-respect of the recipient was widely condemned by the rabbis of the Talmud.

Moreover, Jewish leaders during the rabbinic period had already begun to oppose Jewish dependence on general public relief. Despite the persistence of Jewish poverty in late antiquity and the inability of Jewish public charity to completely eradicate it, Jews who relied on Roman public relief available to them as Roman citizens were roundly criticized. Indeed, Jewish communal sanctions on those who accepted relief from non-Jewish charities ranged from rabbinical criticism to a prohibition on testifying in a Jewish court.

Dekro's critique of the Stuyvesant Promise reflects a misunderstanding of the Promise's role in the American Jewish philanthropic tradition. Prior to the New Deal era, the Promise was accepted by many American Jewish leaders who were committed to Jewish religious and philanthropic life. In 1906, Judge Julian Mack of Chicago stated that even if one believed that the Promise was inconsistent with the enjoyment of the full rights of American citizenship, a Jew "conceives it to be his duty—no longer to his fellow Americans, but to himself, to his religion, to his fellow Jews—faithfully to carry out this pledge given by his ancestors." Mack, one of the preeminent Jewish communal leaders and philanthropists of the early 20th century, was joined in this opinion by Julius Rosenwald, Jacob Schiff, Mayer Sulzberger, and many other prominent Jewish leaders of his era. Mack, a proud defender of Jewish rights, was also the antithesis of the assimilated, insecure Jew whose acceptance of the Stuyvesant Promise, Dekro claims, was "born out of the fear, insecurity, and shame engendered by living in an anti-Semitic society."

Letters to the Editor

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It was during the New Deal that many Jewish social workers and communal leaders betrayed the ancient tradition of Jewish self-help by repudiating the Promise and championing active Jewish participation in the emerging welfare state. Until this time, as Beth Wenger notes in her book *New York Jews in the Great Depression,* the Promise had remained for Jewish social workers and philanthropists "a source of pride and a legitimating ideal of Jewish philanthropy and social work."

I agree with Alan Mittleman's distinction between the "modern" voluntaristic Jewish community and the "premodern" Jewish community that was "effectively a 'state within a state.'" This is a useful distinction that I hope to utilize in one of the chapters of my longer study in progress, of which my *Policy Review* article was but a brief part.

The Real Veritas

To the Editor:

In his critique (Correspondence, Jan.–Feb. 1998) of my article "Virtual Veritas" (Nov.–Dec. 1997), Chris Whitten surfs the Internet and, seeing some conservative philosophy in a few e-texts that float by, declares, "We're already there!" This is the same as someone warily eyeing the *Weekly Standard* or *Policy Review* and declaring, "We don't need anymore conservative magazines. We already have *National Review*!" It may in fact be the same Zeitgeist that triumphantly announced the reign of conservatives the day after the Reagan Revolution, and eventually gave us the hapless presidential ticket of Bob Dole and Jack Kemp.

The intent of my piece was not to provide a listing of conservative resources already on the Web—which could have been done in about 500 words—but to give a sky-is-the-limit proclamation of what a conservative Web site could become. My proposed Electronic Conservative Clearinghouse Library (ECCL) will become the site to find all things conservative. It will not have a few snippets of conservative thought, but a full-scale library of books and articles. In addition to being an electronic library that houses tens of thousands of texts, it will identify where one might find texts that cannot be placed on-line for whatever reason. It will also offer opportunities for conservatives to network with one another, making it, in time, the Yahoo! of all things conservative.

Nothing now on the Web provides anything like what the ECCL will become. Imagine not having to bookmark a dozen or more sites because there is one that will provide either full text or full access to everything conservative that's on- or off-line! That's the goal, and our future, if I can find others of "like precious faith."

Mark Y. Herring
Dean of Library Services
Oklahoma Baptist University
Shawnee, Okla.

Adios, Bilingual Ed

To the Editor:

Three cheers for Jorge Amselle's insightful article "*Adios,* Bilingual Ed" (Nov.–Dec. 1997). Amselle notes that bilingual advocates now typically seek "five to seven years of instruction in the native language before children are taught English." This not only defies common sense, it falls far short of the benchmarks set by congressional bilingual supporters when the program was crafted in the late 1960s.

As Congressman Claude Pepper noted at the time, "It is envisioned that children with a Spanish mother tongue will be taught in this familiar language in the early grades while studying English as a second language. *By about third grade,* when concepts of reading and language *have been firmly established,* they will begin the shift to broadened English usage" (emphasis added).

The bilingual establishment, as Amselle discusses, is aggressively fighting Hispanic parents seeking education alternatives for their children. Such conduct is all the more troubling in light of the fact that the bilingual establishment has failed to meet the promises on which its programs were created.

Paul F. Steidler
Senior Fellow
Alexis de Tocqueville Institution
Arlington, Va.

Get on the Bus, Ben

To the Editor:

In "Fifty Ways To Cut Your Taxes" (Nov.–Dec. 1997), Bernadette Malone credited Democratic governor Ben Nelson for cutting taxes in Nebraska. It would be more correct to say that he was governor when it happened.

During Nelson's term as governor, overall spending in Nebraska has exploded. He has talked a good game, but his previous "leadership" on reducing taxes led to a cut of less than $1 per week for the average Nebraskan, while spending has grown by hundreds of millions of dollars. This year, with the forecast of revenue surpluses approaching $300 million over the next two years, Nebraska taxpayers were given a temporary two-year tax cut of $63.5 million per year. Where is the rest of the money going? To finance increased spending passed by the legislature and signed by Governor Nelson.

Across the river in Iowa, taxpayers received a permanent 10 percent decrease in state income taxes and the state estate tax was eliminated—with more promised next year. In Colorado, taxpayers had $140 million returned through credits and Missouri taxpayers will receive more than $300 million in refunds. The 5 percent temporary two-year tax cut for Nebraska looks puny compared to the relief enjoyed by our neighbors, and does not reflect leadership in pushing tax cuts on the part of Ben Nelson. He does not deserve praise.

Chuck Sigerson
Chairman, Nebraska Republican Party
Omaha, Neb.

Parlez-vous . . . ?

To the Editor:

Tyce Palmaffy's article "See Dick Flunk" (Nov.–Dec. 1997) was excellent. I would support every word. Yet I would have added the very important fact that everybody who learns to read with the "whole language" method has a difficult time learning foreign languages that use the Roman alphabet. English, which has the most difficult and inconsistent spelling among European languages, is not written like Chinese, with "characters" that the brain processes differently than letters. Most European languages are pronounced as they are written, and the ability to string letters together quickly lessens the difficulties English-speaking people have learning foreign languages. To be monolingual is no advantage!

Erik von Kuehnelt-Leddihn
Lans, Tyrol, Austria

Gender Inequity

To the Editor:

In "The Gender Refs," (Nov.–Dec. 1997), Elizabeth Arens wrongly claims that the shrinking ranks of male sports is the result of the "misapplication" of a federal anti-discrimination statute (much like unrepentant socialists claiming the Soviet Union merely "misapplied" socialism). She decries the "distorted interpretation of Title IX," claiming it was a "benign anti-discrimination statute." The evidence tends to prove that this is an oxymoron.

If a law is so readily subject to the misinterpretation Arens criticizes, it is surely a poorly conceived or constructed law. We should return to basics and radically rethink our preoccupation with "gender equality" statutes, much as Burke, Tocqueville, Madison, or Hamilton might have done. For one thing, the common law, with its reliance on long-proven custom and practice, is far superior to statutes contrived in the heated debates of the moment, in this case debates orchestrated by feminists whose distorted ideology has long been disproven by scholarship.

We should rethink our preoccupation with "gender equality" statutes. —W. Edward Chynoweth

Laws on "discrimination" can only be overreaching, statist, even despotic, and lead inevitably to increased powers for the courts. How else can a court decide such a vague standard as "discrimination" without resorting to measures such as quotas, proportionality, and the like? It is simply inane to complain of their "misapplication" while continuing to enact more of them. Such intricate matters are best left to custom, human action, and the common law.

Unfortunately, Arens's solution offers more of the same: Title IX didn't work before, let's make it work next time. We need only, she writes, "restore it to its original function as an anti-discrimination statute." She forgets that the same judges preside over the same courts, thus we should have no rosy expectations for Title IX.

W. Edward Chynoweth
Sanger, Calif.

Civility, Please

To the Editor:

I found the tone of Robert Rector's response to Peter Barwick's article ("Charity Tax Credits—and Debits," Jan.–Feb. 1998) inappropriately harsh, especially for a presumed colleague. It is fine that he disagrees with the charity tax proposal, but civility and camaraderie require a more respectful engagement of the ideas, not disdainful dismissal. I believe that it is accurate to say that Rector wants to maintain control of welfare in Washington, at least to some degree, so I can see why he would disfavor a plan that gives more influence to individuals, private organizations, and states. As a traditional federalist, my view is that virtually all domestic policy belongs with state and local government, if not to the people, an uneasy idea for those with a stake in the power of the federal government, whether of the Left or Right.

Barwick's proposal is not perfect, but I think it is a prudent transitional approach, moving closer to private and local responsibility for the work of charity. Its liabilities are certainly not worse than the status quo, it credibly addresses the most serious conservative worries, and it has the virtue of having some political feasibility. The idea deserves a more respectful engagement than it received.

T. William Boxx
Chairman
Commonwealth Foundation
Harrisburg, Pa.

Correction: A photo of Barry Goldwater that appeared in the article "Virtual Veritas" (Nov.–Dec. 1997) should have been credited to the Arizona Historical Foundation.

We the People

AMERICA'S SOCIAL ENTREPRENEURS

How Congress Can Champion Civic Renewal

U.S. Representative Rob Portman is widely known as a leader in the war against drugs. He has built this reputation not through legislation but through his work to mobilize an active anti-drug coalition in his Greater Cincinnati district.

At her Fort Worth town meetings, Representative Kay Granger hands out monthly "Star of Texas" awards to private citizens who are solving problems in their communities.

Senator Rick Santorum has developed an innovative approach to casework and constituent service. Each of his regional offices in Pennsylvania has a "community affairs" director to assist faith-based and other private nonprofit groups, not only by educating them about government funding sources, but also by encouraging them to seek private funding, which usually is available more quickly and with less regulation.

These and other members of Congress exemplify a new vision of congressional leadership. Giving new meaning to the term "citizen legislator," a small but growing group of senators and representatives seek to serve their constituents not simply by sponsoring legislation and writing budgets, but also by actively encouraging and helping private citizens and local governments to solve community problems without federal interference.

A small but growing group of members of Congress serve their constituents by encouraging private, local solutions to community problems.

You can read about their work in a fascinating new report published by The Heritage Foundation, *Congress and Civil Society: How Legislators Can Champion Civic Renewal in Their Districts.* The report is written by April Lassiter, a former press secretary and domestic policy adviser for House Majority Whip Tom DeLay and a Bradley Fellow at Heritage last year. Lassiter tells story after story of "citizen legislators" who are departing from the pork-barrel tradition of addressing constituents' concerns by earmarking federal dollars for their districts. These members of Congress are instead using their prominence and leadership skills to give a boost to local and private solutions.

by Adam Meyerson

Adam Meyerson is a vice president of The Heritage Foundation and the editor of Policy Review: The Journal of American Citizenship.

For example, many private social-service agencies in Representative Joe Pitts's central Pennsylvania district were afraid they would be financially overwhelmed by new responsibilities resulting from the welfare reform of 1996. Pitts's response was not to repeal welfare reform, or to arrange special subsidies for complaining groups, but to convene a "Hope Summit" that taught fundraising and marketing techniques to 200 faith-based and other private neighborhood organizations that fight poverty in his district.

The office of Missouri congressman Jim Talent regularly refers constituents seeking help to private-sector groups in his district. Last year, a citizen with six adopted children contacted the district office in need of food and clothing. His staff referred her to a church and the local 4-H club, which provided food and subsequently "adopted" the family.

All too many members of Congress are seeking federal solutions for the crises in inner-city and other troubled public-school districts. By contrast, Representative Pete Hoekstra of Michigan argues that private initiatives and local reforms, rather than new federal programs, are the key to improving education. To publicize successful local efforts that deserve replication, he has held hearings on "Education at a Crossroads" in towns throughout America.

Perhaps the most fervent articulator of this new vision for congressional representation is House Speaker Newt Gingrich. Gingrich believes that members of Congress perform three principal roles in addition to their traditional duties as legislators and budget allocators: visionary, agenda setter, and articulator of community values; symbol of community power and standing; and recruiter of talent and energy for private activities. For years, he has set aside 15 percent of his schedule in his home district for charitable causes such as diabetes, breast cancer research, Habitat for Humanity, anti-drug efforts, and literacy. Whenever he visits other members' districts, he always tries to schedule a joint appearance at fundraisers for local community groups.

Gingrich's vision of the congressman as civic mobilizer grows out of the work of civil-society theorists such as Robert L. Woodson Sr., the president of the National Center for Neighborhood Enterprise; Don Eberly, the director of the Civil Society Project; and Marvin Olasky, the editor of *World* magazine and author of *The Tragedy of American Compassion.* The opportunities for leadership were eloquently defined by Michael Joyce, the president of the Bradley Foundation, at a Heritage Foundation conference for freshman members of the 104th Congress in January 1996:

"Within every one of your congressional districts, there are individuals who have thrown themselves into the business of civic revitalization, although they might not call it that. Perhaps one day they simply looked around themselves at the decay, the crime, the moral collapse, and said: 'Enough.' Enough of the social pathology. Enough of government programs full of promise and short of performance. Enough of passively waiting for an alleged expert to do something. And so they themselves stepped forward to do something.

"What you must do now is to go back to your districts and track these folks down. Take the time to become acquainted with them. Learn their stories. Learn to tell their stories. Talk about them incessantly to your constituents—just as much as you talk about budgets or congressional bills. For these people represent concretely and specifically what you mean when you champion civil society's ability to tackle human needs more effectively than federal programs.

"Furthermore, you should ask your own supporters back home to become supporters of these folks as well, through their volunteer energies and tax-deductible contributions. In fact, your home office could become a sort of civic switchboard to link up charitable energies and resources with the most worthwhile grass-roots efforts.

"And always—always—name the names of these folks who are doing such important work. They deserve that honor, an honor denied them by the welfare establishment."

Lassiter's report explores how members of Congress are seeking to work with the civic heroes in their districts. Some of this work is legislative: for example, identifying and repealing regulations, such as Clinton Labor Department rules under the Fair Labor Standards Act, that undermine volunteerism and civic work. But mostly Lassiter describes nonlegislative ways by which senators and representatives of both parties are assisting private initiatives: raising their visibility, helping with their fund-raising, promoting private-sector problem-solving in their districts, and building national coalitions for civic renewal.

Senator Sam Brownback, for instance, recently took a two-day fact-finding tour of private civic groups in Wichita and Topeka, Kansas. He learned of the amazing work of Big Brothers/Big Sisters of Wichita, which has matched 800 children from troubled families with mentors who guide them through life. He learned how the Topeka Rescue Mission transforms the lives of homeless addicts through Christian conversion, and why it refuses to take government money. He learned how Kansas doubled, in one year, the number of children adopted out of foster care when it turned adoption services over to private agencies such as Kansas Families for Kids and Lutheran Social Services. And his visits to Topeka's Marian Clinic and Wichita's Good Samaritan Clinic, remarkable faith-based medical clinics for the working poor, reinforced his conviction that religious faith has been the driving force of community renewal throughout American history.

"The many effective neighborhood charities are America's great untold success story," says Brownback. "Visiting them allowed me to witness a series of miracles in the making, as dedicated volunteers helped those who were lost, despairing, and dependent find new life and new hope. One of the most important reasons that government must be reduced is to give these tiny, amazingly effective organizations room to grow."

To order Congress and Civil Society: How Legislators Can Champion Civic Renewal in Their Districts, *by April Lassiter, please call 1-800-544-4843 or send e-mail to pubs@heritage.org.*

The Board of Directors of the Mont Pelerin Society
Announces the

Friedrich A. Hayek Fellowships

for the
1988 GOLDEN ANNIVERSARY MEETING OF
THE MONT PELERIN SOCIETY
(Washington, D.C. Aug. 30 – Sept. 4, 1998)

Mont Pelerin Society late presidents, F.A. Hayek and Bruno Leoni, emphasized in their legal thought that polycentric and evolutionary law, such as Law Merchant and the Common Law, were essential to liberty and prosperity:

"Entering the Twenty-first century, what modern choices in legal relations are becoming available consistent with the dynamic market process?"

The Hayek Fellowships will be awarded for the three best essays on the above topic. Essays of 5,000 words or less may be submitted by students or faculty members 35 years of age or younger. The essays will be judged by an international panel of three senior members of the Society. The deadline for submission of essays is April 30, 1998.

Prize information and additional details are available from:
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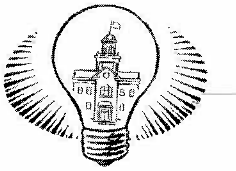


Laboratories of Democracy

The State of the States

Low Profiles in Courage

In the most recent battles over the financing of public schools, state supreme courts in both **Ohio** and **New Hampshire** have ruled their states' educational funding structure unequal and therefore unconstitutional. Because wealthier districts get to spend more money on schools than poor ones, the courts held, the use of local property taxes to fund education violates state constitutions as long as it results in wide disparities in funding.

The education establishment craves these court orders to equalize school funding because they typically result in higher spending and tighter control of schools by state bureaucrats. Now state legislators in both Ohio and New Hampshire must grapple with the financing of local public schools to try to appease the courts. Their solutions reveal the inadequacies of today's education-reform debate.

Ohio's obligation to equalize school funding gives conservatives an opportunity to press for school choice.

Courts have now ruled that school systems in 18 states are unconstitutional because of such unequal per-pupil spending, even though numerous studies have found no positive correlation between funding levels and student achievement. In fact, in Ohio the correlation is negative, with high-spending districts producing worse results than school districts whose spending is near the median. Ohio, nevertheless, is following the path of other states, where school funding controversies lead to endless handwringing, little imagination, and tax increases.

The legislature will fail to meet the Ohio Supreme Court's March 1998 deadline for remedying the funding disparities. Republicans, who control both houses of the Ohio legislature, are badly split over the issue. Last year, the legislature considered and narrowly rejected a one-cent, $1.1-billion increase in the sales tax (proposed by Republican governor George Voinovich), and in early February the state House of Representatives fell two votes short of passing the fallback proposal, a half-cent increase. Legislative leaders now say they may try to revive the full one-cent increase later this year. A study of the Ohio economy by the **Beacon Hill Institute** concluded that a half-cent sales tax increase would result in the loss of 100,000 jobs and $8 billion in private investment.

There is a conservative alternative to raising taxes, however: school choice. One way to equalize funding would be to replace the existing property-tax funds for schools with state funds spent directly on each student, that is, a "money-follows-child" policy. Students would be free to take their state grant to any school they wish. This idea would not only have the virtue of satisfying the courts, but would also be a significant step toward education reform by introducing competition to public schools.

While this idea might seem obvious to conservative education reformers, it has met with great resistance from many of Ohio's Republicans, who fear the teachers unions more than they fear a tax increase, and who worry, not insensibly, that school choice offers little for their suburban constituents. The lack of enthusiasm for the idea shows how far school-choice advocates still have to go to gain wider acceptance of the idea. The **Buckeye Institute**'s Sam Staley says that several Republican legislators have warned him against urging school choice as a solution. Nevertheless, state treasurer Ken Blackwell and other Republicans remain committed to a "money-follows-child" policy.

In addition to its support for school choice, the Buckeye Institute argues that Ohio could find the additional money without a tax increase. Ohio's state budget, the institute notes, has been growing faster than inflation and the state's population since the early 1980s. On top of an expected $800-million surplus in the state's budget this year, a few cuts in existing state spending could easily yield another $1 billion or more for schools.

In New Hampshire, the school-funding debate has just begun. It's a debate that may shake New Hampshire's political system to its core, as New Hampshire remains the only state without broad-based state taxes. Here, it is the Democrats who are divided among themselves. Governor Jeanne Shaheen has proposed that property taxes used to fund public schools should be made uniform statewide, and has pledged to veto any statewide sales or income taxes. Democrats (and a few Republicans) in the legislature, on the other hand, have proposed a full range of income, business, and excise taxes. Judy Reardon, Shaheen's legal counsel, candidly admitted to the *Boston Globe* that "clearly there are a number of people in the Democratic Party who view the lawsuit as an opportunity for an income tax."

What will happen in New Hampshire remains to be seen. But if previous controversies in New Jersey, Texas, and Kentucky provide any insight, the court system and state legislature will engage in a prolonged period of rejected solutions followed by eventual compromise. The result will be higher taxes on wealthy districts to pay for increased spending in poorer ones, and little change in educational performance without more substantive reforms.

Devolution for Missile Defense?

Perhaps, if **Alaska** has its way. The Alaska legislature has passed a resolution, sponsored by state Senator Robin Taylor, calling on Con-

by Steven Hayward

Steven Hayward, a Bradley Fellow at The Heritage Foundation, *is the author of* Churchill on Leadership *(Prima Publishing).*

gress to build missile defenses to protect western states that are within range of North Korean ballistic missiles. The latest National Intelligence Estimate, an annual report on military and security vulnerabilities of the United States, curiously left out Alaska and Hawaii in its discussion of missile threats, yet a quarter of U.S. oil reserves, located on the North Slope, are vulnerable to missile attack. The **Claremont Institute** has been conferring with Alaska legislators on the issue and will soon publish a paper, "The Threat to Alaska and the West."

Conservatism Goes Local

Four of **North Carolina**'s five largest cities elected Republican mayors in 1997. Republican Jack Cavanaugh ousted incumbent Martha Wood in Winston-Salem after heading the opposition to a school-bond issuance; he is the first Republican mayor of Winston-Salem in 84 years. "The trend toward more conservative city leadership, already evident nationwide in such cities as New York and Los Angeles, seems to be taking hold here," says John Hood of the **John Locke Foundation**.

Piling Up Budget Surpluses

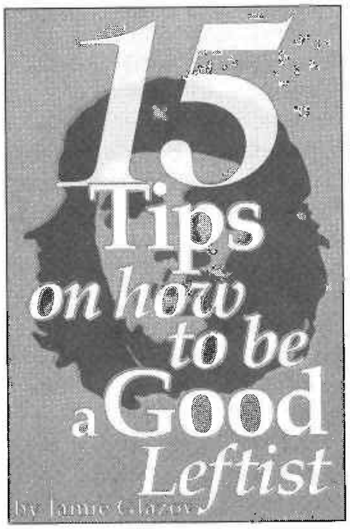
Like the federal government, many states are enjoying an unexpected surge in tax revenues that is yielding large surpluses. As of the end of the 1997 fiscal year last June, 44 states had reported a cumulative surplus of $14.7 billion; the surplus for this year should be substantially larger. "Tax cut fever is once again sweeping the land," reports the *New York Times*, with governors or legislative leaders in 26 states calling for tax cuts. Twenty-seven states cut taxes last year, but only by a cumulative total of $2.5 billion—far less than the surplus. **Colorado**, **Connecticut**, **Delaware**, and **New Mexico** are considering income-tax cuts, while **Minnesota**, **Missouri**, and **South Dakota** ponder property-tax cuts.

Pennsylvania governor Tom Ridge proposes a small spending reduction in his 1999 state budget and a cut in the state's taxes on capital stock and franchises. Pennsylvanians already enjoy a low (2.8 percent) flat-rate income tax. Meanwhile, governors or candidates for the statehouse in several states are jumping on **Virginia** governor Jim Gilmore's "no car tax" crusade. **South Carolina** governor David Beasley favors phasing out the car tax, and Guy Millner, a Republican candidate for governor in **Georgia**, has made cutting car taxes a centerpiece of his campaign.

The devil is in the details of these tax-cut plans, though. The battle in many states will be over "targeted" tax cuts versus broad-based rate reductions; there will also be strong pressure to spend the extra money on education and "for the children." The bottom line: Look for many states to spend most of the new revenue.

Abstaining from Abstinence

There are growing concerns that some states are flouting the intent of the federal abstinence-education grants provided under the terms of the welfare-reform law enacted in 1996. With $50 million already disbursed to the states, the abstinence-education program is supposed to fund activities that promote premarital absti-



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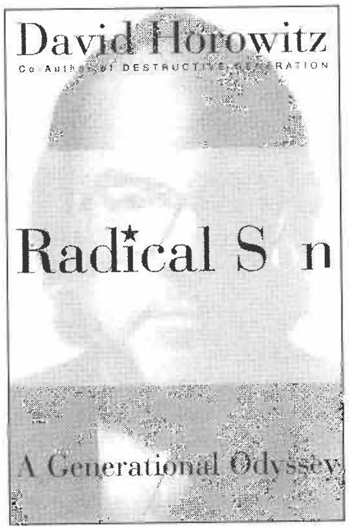

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nence, marriage, and other traditional virtues. But **Washington**, **Rhode Island**, **Idaho**, **Maine**, **Indiana**, and **West Virginia** make no mention of marriage in their plans, while several state programs refer students to other "health programs" such as birth control.

Congressman Bill Archer, the chairman of the House Ways and Means Committee, has protested to the Clinton administration. The National Coalition for Abstinence Education says the best programs are in the Southeast: **South Carolina**, **Arkansas**, **Alabama**, **Louisiana**, and **Oklahoma**.

State Roundup

An alleged computer glitch delayed the start of electricity deregulation in **California**, originally scheduled for January 1. The delay costs consumers more than $400,000 a day. Watch for utilities in other states to plead for delay, citing the year 2000 computer bug.

Petition gatherers in **Washington** state have turned in more than 250,000 signatures for a ballot initiative modeled after California's Proposition 209, the California Civil Rights Initiative, which abolished the use of racial and gender preferences by the state government. The measure seems likely to qualify for the November ballot. Meanwhile, opinion polls show strong support for an initiative to end bilingual education that will be on the California ballot in June.

Virginia will begin issuing annual report cards on the performance of every public school in the state. Thirty-five states have similar reports, but Virginia is the first state to include statistics on drug use and violence as well as academic performance. School districts in Northern Virginia (the suburbs of Washington, D.C.) complain that the report will simply add to school costs.

Thirty-one states now have "concealed carry" laws allowing citizens to carry guns, up from nine in 1986. Morgan Reynolds and Sterling Burnett of the **National Center for Policy Analysis** have reviewed the data, and conclude that states with concealed carry laws have reduced crime more than states without such laws.

Transforming Arkansas Government

Arkansans are still smarting from the 1992 presidential campaign, when Republicans charged that the Razorback State displayed the inbred politics and bloated bureaucracy of a banana republic. And the stream of scandals keeps flowing: Since last spring, one state legislator has pleaded guilty to mail fraud, a handful of others have been caught in a scheme to create a $3-million grant program for their own profit, and still others are under an FBI investigation for improperly influencing state contracts for personal gain. When Governor Mike Huckabee set up a hotline for reporting fraud, 125 calls were received on the first day.

But after years of enduring jokes about Arkansas on late-night TV, a diverse group of dedicated citizens is seeking to remake the state government and, they hope, rescue Arkansas's reputation. More than 200 Arkansans have formed a citizens' commission, dubbed the Murphy Commission after its chairman, Madison Murphy, the charismatic chief of Murphy Oil Corp. "We were sick of Arkansas-bashing," explains Murphy. "It is clear that Arkansas government needs to be transformed, but government is not capable of reforming itself without an outside stimulus. That's where we come in."

Under Murphy's leadership, the unpaid commissioners are scrutinizing the performance, operations, and spending of 15 of the largest state agencies and programs. Their goal: to make state government smaller, leaner, more efficient, and more accountable. They have so far identified about $500 million in waste. The commission's final report, containing recommendations for merit pay, privatization, tax policy, performance-based budgeting, and ethics reform, will be released this summer.

The idea for the commission was hatched in 1996 by Mike Watson, the new president of a fledgling conservative state think tank called the Arkansas Policy Foundation. "At the time, I was worried that the typical things that think tanks do—publishing studies, writing op-eds, hosting events—might not be provocative enough to keep us alive," explains Watson. A citizen-driven review of Arkansas government seemed to be the perfect vehicle for increasing its influence.

Watson and several of his board members asked Murphy, a member of one of Arkansas's most prominent families, to chair the commission. After spending several months sounding out top Arkansas business and political leaders about whether such an initiative was worthwhile, he accepted.

Can a citizens' commission reform state government? Arkansas serves as the testing ground.

Between them, Murphy and Jack T. "Steve" Stephens, the chairman of the board of the Arkansas Policy Foundation, knew most of the state's power brokers and business leaders. With their recruiting prowess, the membership of the Murphy Commission soon read like a "Who's Who" of Arkansas's movers and shakers: Murphy, Stephens (a successful biotech entrepreneur whose father runs family-owned Stephens Inc., one of the largest brokerage houses in the country), Jim Walton (a son of the late Sam Walton), and dozens of corporate CEOs.

The foundation supplies the entire three-person staff. They coordinate the day-to-day activities of the commission, conduct most of the research, and raise the money—budgeted at $280,000—needed to operate it.

The membership of the commission is about evenly split between Republicans and Democrats, with a large contingent of independents. The commission's legislative advisory group, whose role is to ensure the commission's recommendations are practical and feasible, is chaired by the leader of each chamber of the legislature, both Democrats. The bipartisan makeup of the commission is critical, for a group run by Republicans would have no clout in a state so long dominated by the Democratic Party.

One of the commission's biggest boosters is Republican governor Mike Huckabee, who mentioned it in his inaugural address. "The citizens of Arkansas deserve constant supervision of their state government," he noted in a radio address. "The Murphy Commission will provide the people of Arkansas with this needed evaluation."

The Whole Enchilada

The Murphy Commission has been charged with looking at Arkansas's entire state government. "We've bitten off the whole enchilada," says Murphy. This is no small undertaking in a state whose Cadillac-sized government serves a Civic-sized population. Arkansas ranks 33rd among states in population, but 12th in the percentage of the work force employed by the state. With 52 departments and 388 boards and commissions, the state government is the biggest employer in Arkansas, larger than the number two and number three employers combined.

During Bill Clinton's governorship, "state government grew by leaps and bounds," says Stephens. "We lost sight of what we can afford and what government should do." On Clinton's watch, state spending grew as a proportion of personal income almost three times faster than in the average Southeastern state and 42 percent faster than the national average. Stephens views the commission as a response to the fiscal imprudence of the Clinton era.

The commission aims to accomplish more than merely increasing government's efficiency. Its first report, "The Role and Function of State Government," attempts to define the state's core functions. "The first question the commission asks of every state program we examine is 'Should government even be doing this at all?'" explains Murphy. Second, how can the state bring competition to those services in which government does need to be involved?

As the state's biggest expenses, the departments of education, human services, and corrections are getting the most scrutiny. The commission's education subcommittee is setting the following goals for reform: raise academic standards, counter union influence, improve parental choice, create charter schools, reduce the role of the state education department, streamline administrative services, remove legal barriers to reform, and examine the value of technology in education. Stephens is determined to bring school choice to Arkansas, vowing that "if a voucher proposal makes its way onto the ballot, we will not be outspent."

A National Model?

It is easy to be cynical about the commission's prospects of actually remaking government. Given the state's history, the idea that Arkansas could become a national model for government reform would seem absurd. Moreover, blue ribbon commissions in general have a poor record. In the past decade, at least a dozen states have appointed such commissions to examine their governments. More often than not, the recommendations have been ignored by the politicians. Nevertheless, I wouldn't bet against this citizen's commission.

First, this is a sophisticated group of people: Commission members include French Hill, a former undersecretary of the U.S. Treasury, and Michael Williams, a former U.S. assistant secretary of education, to name a few. Second, a number of factors make Arkansas a particularly good place for a citizen-driven approach to restructuring government: a strong business community, a large contingent of conservative and moderate Democrats, the strong backing of the governor, a somewhat homogenous population with shared values, and a consensus among Arkansans that their government needs a fundamental overhaul. Furthermore, the state's power elite is so small that all the key players know each other.

"Government is not capable of reforming itself without an outside stimulus," says Arkansan Madison

Illustration by Kathryn Vierra

Third, the Murphy Commission has a tremendous window of opportunity to make its agenda into a major campaign issue this year. Thanks to term limits, 50 percent of Arkansas state representatives cannot run for re-election in 1998. Many new candidates will be looking for high-profile issues during a period of popular support for political and governmental reform. Victorious pro-Murphy Commission candidates would have a mandate for change—and a blueprint for achieving it.

The Murphy Commission model won't work everywhere. In large and diverse states such as California and New York, the sheer number of interest groups and power centers would doom such an initiative. And in many states, the ideological gap between Democrats and Republicans makes bipartisanship impossible.

But in countless other cities, counties, and states, a citizen-driven model of government review could make a difference. A number of other state think tanks are looking at the commission as a model for reform.

Despite long odds and long work hours, Mike Watson doesn't regret his decision to focus all his think tank's resources on the commission. "We're creating a whole new model to pull citizens back into the process of re-engaging their government," says Watson. "I'd like to think we're on the verge of making history here in Arkansas."

For more information on the Murphy Commission, contact executive director Mike Watson; tel.: 501-376-9967.

by William D. Eggers

William D. Eggers, coauthor of Revolution at the Roots: Making Our Government Smaller, Better and Closer to Home, *is the former Director of Privatization & Government Reform at the Reason Public Policy Institute, in Los Angeles.*

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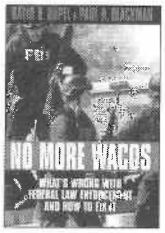
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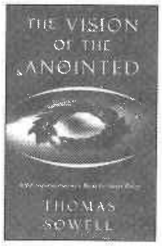
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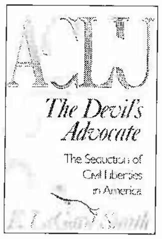
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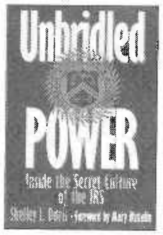
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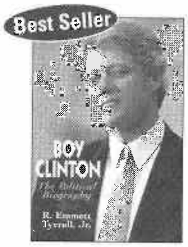
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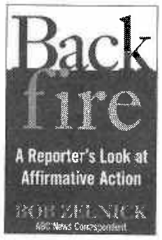
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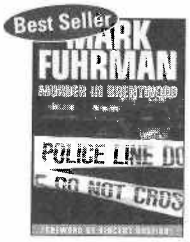
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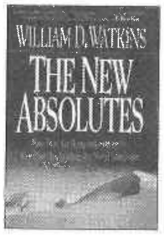
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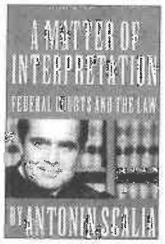
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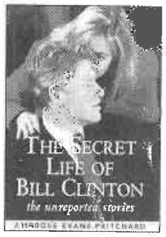
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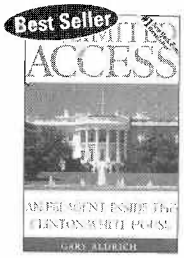
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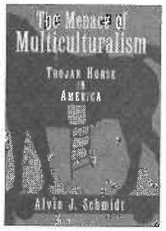
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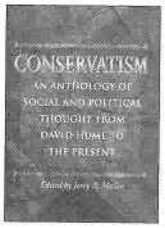
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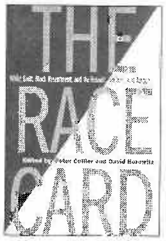
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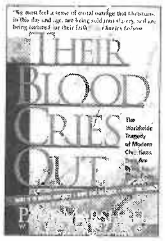
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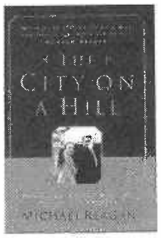
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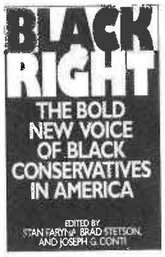
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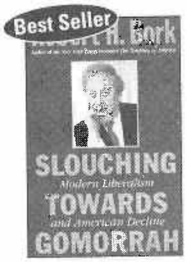
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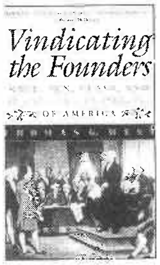
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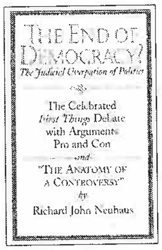
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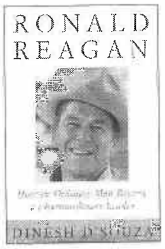
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Broken Cities

Liberalism's Urban Legacy

By Steven Hayward

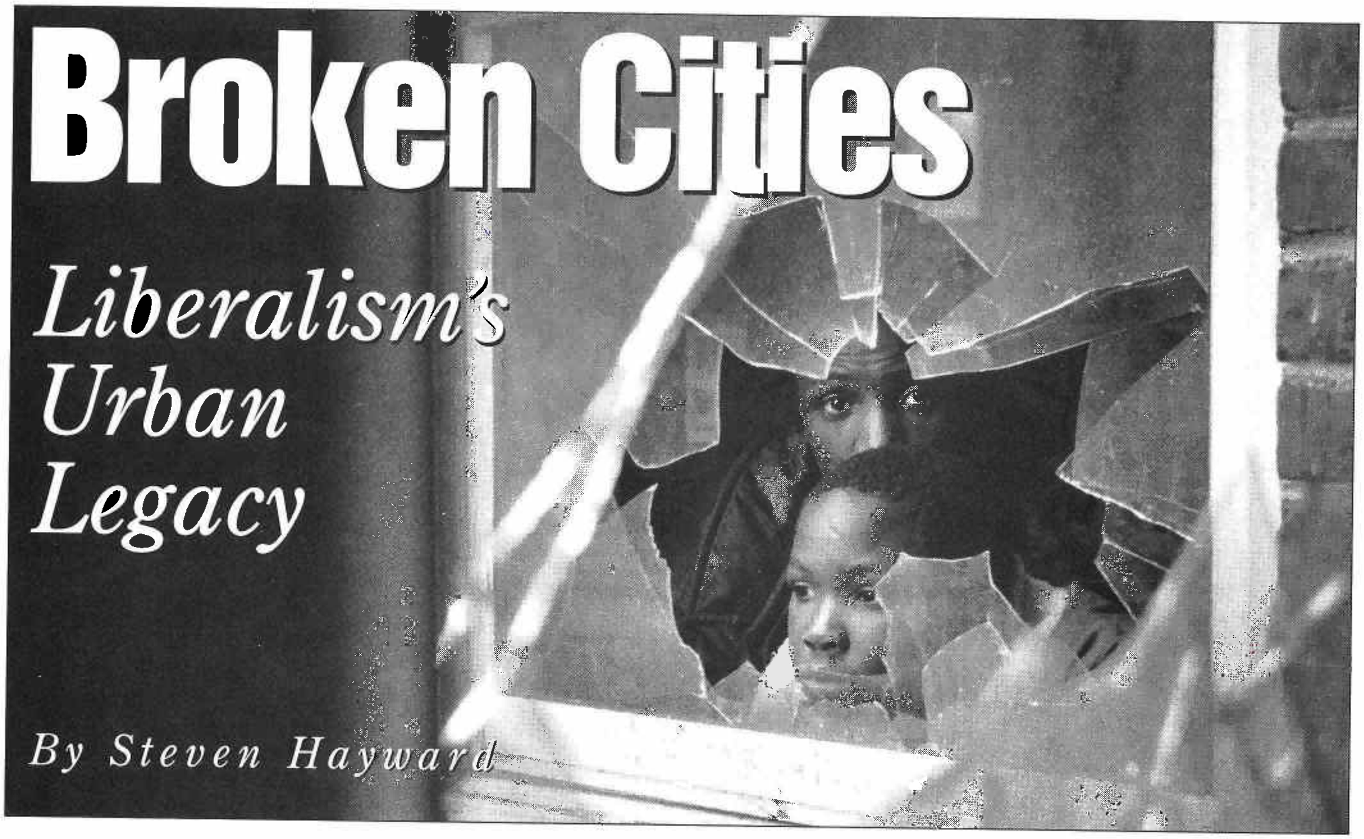


Photo © Eugene Richards / Magnum Photos

Last New Year's Day, Washington, D.C., residents awoke to the news that 10,000 more people had moved out of the nation's capital in 1997, bringing the net loss of population during the 1990s to 78,000. Washington now has fewer residents than at any time since the Great Depression, and forecasters see no end to this exodus. At the height of World War II, Washington had 900,000 residents. Today it has 528,000. A newcomer might suppose from this flight that the conservative movement had succeeded in drastically reducing the size of government, turning the region into the public-policy equivalent of the Rust Belt. Yet the metropolitan area of Washington continues to grow rapidly while its core is hollowed out.

Even allowing for the notorious corruption and incompetence of Washington's city government, it is nonetheless astonishing that the capital city of the free world finds itself in such straits. Instead of basking in the afterglow of victory in the Cold War, Washington is shriveling, much as vanquished Berlin and Vienna did after World War I while London and Paris thrived. Yet Washington is remarkable not because its infirmity is unique among modern American metropolises, but because it is so common.

Ten of America's 25 largest cities have lost population during the 1990s, including Boston, Cleveland, Philadelphia, Baltimore, Milwaukee, Chicago, and, of course, Detroit. Most of these cities have been steadily losing population for a generation while their suburbs thrive. For example, as Atlanta's population has declined by 19 percent since 1960, its suburbs have grown by 396 percent. As the table on page 15 shows, this pattern is repeated in many major cities across the country. The decline of these older central cities cannot be attributed to a faltering economy in any of these metropolitan areas. Nor is it due to "white flight," for blacks have also fled the central cities in large numbers. The black populations of Chicago, Cleveland, Philadelphia, and St. Louis have all fallen since 1970. Washington, D.C., has 140,000 fewer black residents than it had in 1970.

Our major cities were once magnets of opportunity for low-income people; now they are places where the poor are isolated from opportunity. In 1960, central cities housed roughly one-quarter of America's poor. Today they contain nearly half.

Urban unemployment is twice the national rate and median household income in central cities is typically half the level of surrounding suburbs. Job growth followed the middle class to the suburbs: Nearly 80 percent of all new jobs today are being generated there. The amount of suburban office space surpassed that of downtown office space in the early 1980s, and is now one-third higher (see chart on page 16). "Most new economic growth," writes Joel Kotkin, an expert on urban affairs, "is inversely related to its distance from the inner city." George Gilder reflects the general popular mood when he writes that "cities are dirty, dangerous, and pestilential."

Three Failures

The overriding cause of the nation's urban calamity is modern liberal social policy. Big cities, the political strongholds of liberalism, were supposed to be laboratories for the Great Society expansion of the welfare state. Instead, cities became the principal victims of liberal ideology. Three failures of liberalism combined to generate a ruinous urban policy: the failure to nurture the sources of economic growth, the failure to understand urban neighborhoods, and the failure to appreciate the importance of a strong moral order.

The nature of economic growth has always been liberalism's blind spot, but this was never so apparent than during the early 1960s. In thrall to the New Deal notion that the public sector was the key to economic growth, liberals were emboldened by the Keynesian myth that the economic cycle had been overcome once and for all. Liberals began to take the economies of cities for granted at the same time that they thought there would be endless amounts of government money to spend on social causes. "We're the richest country in the world," President Johnson boasted. "We can do it all." Having taken prosperity for granted, liberals overlooked the harmful effects of higher taxes and regulation on urban economies. They thought the golden goose could not be killed.

Liberals were equally oblivious to the subtle dynamics of neighborhood social structure, where stability can often hinge upon a single individual—such as the corner grocer or the parish priest—and chaos upon a single broken window. While social scientists talked of treating the "root causes" of urban problems with "bottom-up" policies, the federal government reached down into local neighborhoods with top-down policies that displaced local residents and institutions. This was especially true of housing, where "urban renewal" meant the bulldozing of entire neighborhoods. Even the federal efforts to organize people on the local level had the effect of destroying the authority of local elected officials and existing community leaders.

The common thread of liberal ideology underpinning all this was the effacement of moral and behavioral standards, a process that Senator Daniel Patrick Moynihan has aptly labeled "defining deviancy down," and that Fred Siegel describes in his recent book on cities, *The Future Once Happened Here,* as "the moral deregulation of public space." Often referred to at the time as "lifestyle permissivism," liberalism's loss of moral confidence was born of an egalitarianism and relativism that knew no limits. Liberals were increasingly unwilling to condemn behavior and social pathologies that had always been recognized as abominable or barbaric. In addition to its cultural effects, this process had manifold legal and policy dimensions as the 1960s and 1970s rolled on (especially the legitimization of welfare as an "entitlement") and has contributed to the inhospitable character of many urban public spaces.

Just as these three failures of liberalism manifested themselves, the government unleashed the "War on Poverty," and America's cities were the main battleground. It should be noted that many Republicans, such as New York mayor John Lindsay, backed this enterprise, while congressional Republicans offered little cogent opposition to it. We tend to forget today that the anti-poverty warriors of the 1960s thought that, as Sargent Shriver told Congress in 1966, poverty could be completely eliminated in a decade. These liberals were

Exodus from the Cities

A half-century of liberal policy has driven Americans from many of the nation's cities to cheaper, safer suburbs. Below is the percentage change in population from 1960 to 1994 in some of the nation's largest metropolitan areas.

	Central City Pop. Growth	Suburban Pop. Growth
Atlanta	-19%	396%
Baltimore	-25	87
Boston	-21	32
Chicago	-23	54
Cincinnati	-29	38
Cleveland	-44	29
Detroit	-41	30
Milwaukee	-17	41
Minneapolis	-27	110
New Orleans	-23	136
Philadelphia	-24	29
Pittsburgh	-41	3
St. Louis	-51	39
Washington, D.C.	-26	186

Source: U.S. Census Bureau

on a millennialist mission.

"Confidence in the therapeutic power of reform had never been higher," wrote Allen Matusow in *The Unraveling of America.* "Model Cities" (the name of one program) were on the way. Adam Yarmolinsky, one of the architects of the War on Poverty in the Johnson administration, said the effort would produce "the rebuilding of cities, not only in the United States but throughout the world," just as our careful policy of "graduated pressure" in Vietnam would lead to a *Pax Americana Technocratica,* as McGeorge Bundy put it. Robert Weaver, the first secretary of the U.S. Department of Housing and Urban Development (HUD), declared that "it is our goal to reconstruct the physical and social fabric of the American urban environment." The result was just the opposite.

"Riot Ideology"

The three failures of liberalism—fiscal license, social engineering, and the absence of moral confidence—led to a comprehensive disaster in nearly every conceivable area of urban life: crime, education, housing, welfare and the family, and race relations.

The beginnings of disaster could be seen in the very first Great Society effort to fight urban poverty: the "community action program." Community action was a vague idea that poor people themselves should assist in the design of local anti-poverty programs. The idea originated with a few pilot projects of the Ford Foundation and was advanced by intellectuals on anti-poverty task forces in the Kennedy and Johnson administrations. A number of Kennedy's anti-poverty crusaders recognized that they had only a dim understanding of urban poverty, and recommended a slow and cautious approach with new programs, while traditional New Dealers like Moynihan favored a simple government jobs program. But more radical intellectuals on the poverty task force (including a few socialists such as Michael Harrington), along with an impatient Lyndon Johnson, pushed ahead with a national program of community action. For its initial budget, Johnson's planners settled on $500 million, which grew immediately to $1 billion in the first year.

Community action was to be the focal point for the "coordination" of government anti-poverty programs. It aimed to encourage "maximum feasible participation" by poor people, but, in Moynihan's memorable paraphrase, it really led to "maximum feasible misunderstanding." Instead of directly empowering individuals and families to become self-reliant, community action programs immediately degenerated into an effort to organize poor people into political lobbies. There's nothing wrong with that as such, but in practice the new community activist groups were dominated by radical factions that demanded money and favors, often by threatening violence and riots.

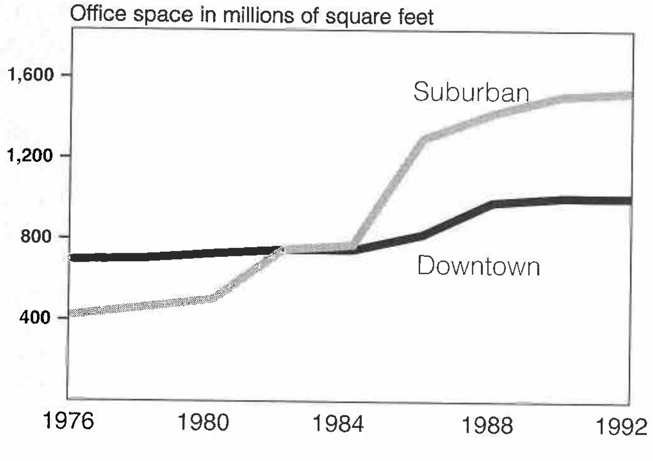
"*The government did not know what it was doing,*" Moynihan wrote emphatically in 1969. "It had a theory. Or rather, a set of theories. Nothing more." The program never met its ultimate goal: generating new jobs. One study of community action in Oakland found that it generated only 20 new jobs in three years. The results of job-training programs were similarly meager.

The formal Community Action Program of the mid-1960s, managed from the White House Office of Equal Opportunity, died a quick death as Democratic mayors throughout the nation bitterly complained to President Johnson. But the genie was out of the bottle. The protest groups the federal government had funded did not go away after federal dollars had dried up. The radicalization that community action unleashed widened the split in the civil-rights movement between the moderates who favored Martin Luther King's strategy of nonviolent protest and the radicals who favored more of what they called "direct action."

Black activists especially found that they could get instant results by threatening local politicians. In San Francisco, for example, a small mob marched into Mayor John Shelley's office in 1967 and threatened to start a riot if budget cuts for community groups were not rescinded by 5 P.M. that day. The mayor rolled over on the

Flight of the Firms

Onerous urban regulations and taxes have sent many businesses searching for greener grass in the suburbs.



Source: Barron's

spot. Thus was born the tactic of "mau-mauing," which has fed the politics of grievance ever since. Fred Siegel describes this "riot ideology" as "a racial version of collective bargaining." The view that the primary way for poor groups to get ahead is to demand money and programs from government "became part of the warp and woof of big-city politics." Liberalism's loss of moral confidence, which was retailed as sympathy for or understanding of racial grievances, only served to inflame riot ideology. Destroying your own neighborhood became the best way to get to the top of the federal funding list. New York mayor John Lindsay decided not to wait for a riot; he pre-emptively increased social spending precisely to head off rioting (it was thought of as "riot insurance") and later boasted of the success of this strategy, even though it led to the city's bankruptcy.

Rioting, as Edward Banfield pointed out in his 1968 book *The Unheavenly City*, has been a standard feature of urban life since antiquity, and is not essentially mysterious. Riots often occur spontaneously when a provocation coincides with a general breakdown in order. Most of the riots of the 1960s were not "race riots" at all; in fact, blacks and whites in Detroit looted amicably together in 1967 (where, incidentally, it was found that 83 percent of the rioters who were arrested had jobs, and half were United Auto Workers). Los Angeles, the site of the Watts riot of 1965, had been named by the National Urban League in 1964 as the best big city in America for blacks, and opinion polls of northern urban blacks found that more than 80 percent thought life was improving for blacks. Still, liberals read deep political significance into riots, the apotheosis being Hubert Humphrey's 1967 remark that if he lived in a ghetto, he might riot, too.

"Riot ideology" suited both the grievance industry and the tax-and-spend mentality perfectly. Every riot seemed to be greeted with a new commission swathed in liberal guilt—the McCone Commission after Watts, the Kerner Commission after Detroit and Newark—which found (as the Kerner Commission put it) that "white racism is essentially responsible for the explosive mixture which has been accumulating in our cities since the end of World War II." The call went out for the creation of 2 million government-funded jobs and $100 billion in additional federal spending on poverty—this at a time when the total federal budget was still less than $200 billion and unemployment was below 4 percent. Anyone who criticized this state of affairs could expect to receive a withering attack. Liberals denounced calls for "law and order" as covert racism.

Community action was only the beginning. Other spectacular failures can be seen in crime, education, and housing. Probably the most egregious failure in the area of education was the use of busing to achieve racial desegregation. The busing of children miles away from their neighborhood schools had the effect of accelerating middle-class flight from the central cities. Hostility to busing wasn't limited to whites; opinion polls found that a majority of blacks also opposed it. The worst backlash came in northern cities that had never practiced legal segregation, while many southern cities, such as Charlotte, North Carolina, implemented busing with much less rancor. Central-city public schools in the North soon became less integrated, exactly the opposite of the policy's intent. As middle-class flight to the suburbs made the failure of busing obvious, liberals sought to bus suburban children into the central city. A federal judge imposed this on Detroit's suburbs in 1972. Fortunately, the Supreme Court overruled this decision in 1974, slowing the spread of this bizarre practice.

No Housing Ladder

What liberals did to the public schools through forced busing, they repeated for urban neighborhoods through housing policy. For a certain cast of the liberal mind, it is always 1933, when one-third of America was ill-nourished, ill-clad, and ill-housed. (A 1962 book by a former head of the President's Council of Economic Advisers was titled *Poverty and Deprivation in the U.S.: The Plight of Two-Fifths of a Nation.* Two-fifths!) But the low-income housing market of the early 1960s was not characterized by the appalling tenement conditions described earlier by writer Jacob Riis.

Destroying your own neighborhood became the best way to get to the top of the federal funding list.

Liberal reformers had no appreciation for the way in which a freely functioning housing market acts as a ladder, helping the working poor as they rise out of poverty. Howard Husock of Harvard's Kennedy School has detailed the large amount of low-income housing produced by the private marketplace in the first half of the 20th century, a substantial part of which consisted of owner-occupied homes and small multi-family units.

But by the 1960s, the housing market had not been freely functioning for a long time. The increase in restrictive zoning and building regulations, along with the early efforts at urban renewal beginning in the late 1940s and 1950s, took its toll on the inner-city housing market. Martin Anderson pointed out in *The Federal Bulldozer* (1964) that between 1950 and 1960, urban renewal efforts tore down 126,000 homes and built only 28,000 new units in their place. The average rent in the new units was three or four times higher than the units they replaced. Anderson found that "it was virtually impossible for any person displaced from an urban renewal area to move back in." By 1965, Anderson later estimated, a million people had been displaced. Most were simply relocated to other slums, giving credence to the then-popular slogan that "urban renewal equals Negro removal."

During these same years, the private housing market built 12 million new housing units and halved the amount of substandard housing. Today the private market for new housing in central cities is virtually nonexistent. Were it not for Habitat for Humanity and other small nonprofit housing groups, many cities might resemble Detroit, which in 1996 issued a meager 86 new residential building permits.

Republicans such as New York mayor John Lindsay joined in the mischief wrought by LBJ's Great Society.

Photo by UPI / Corbis-Bettmann

In addition to treating entire neighborhoods and their residents as playthings for social engineering, the expanded housing programs that began in the 1960s ignored the elements of older public housing programs that made them relatively successful. Above all, "the nation's first public housing projects," Siegel observes, "carefully screened incoming tenants." Troublemakers and criminals were swiftly evicted. Housing authorities favored the working poor; many would not accept single parents. Mothers were given instructions in child care, and all tenants were tutored on personal and civic responsibility. Cleanliness rules were strictly enforced.

On the other hand, the new housing projects of the 1960s, often huge high-rises, admitted all comers, and imposed "due process" requirements that made it difficult or impossible for local authorities to evict troublemakers and criminals. In some cases, perverse rules required poor people who got jobs to move out of public housing. Low-rise slums gave rise to high-rise slums that were usually separated from functional neighborhoods. Hence they lacked the small elements of poor neighborhoods—the corner grocer, the local priest or pastor, the cop on the beat—that gave them a fighting chance of stability and improvement.

A 1993 study found that crime rates in Los Angeles public housing projects are three times higher than crime rates in surrounding high-crime neighborhoods. In light of this finding, it is not hyperbolic to think of public housing projects as *de facto* adjuncts to prisons, in which parolees keep law-abiding residents hostage. In short, federal policy has done to the housing market what the minimum wage has done to the job market: It has cut off the bottom rungs of the housing ladder, disrupted the social function of the housing market, and made it more difficult for many poor people to improve their housing conditions.

Tax and Spend

The social programs of urban liberalism naturally required explosive growth in taxes and spending. Big-city spending took off during the 1960s and 1970s, fueled by generous amounts of outside aid. Between 1962 and 1972, spending in America's 28 largest cities increased 198 percent, while federal and state aid to cities rose 370 percent. Federal direct aid to cities rose from less than $1 billion a year in 1964 to $21 billion in 1980, finally leveling off under President Reagan. Billions more were spent indirectly through HUD and other federal agencies. Between 1965 and 1990, the federal government spent more than $600 billion on cities in direct grants and HUD programs.

As spending rose, it also changed in character. The proportion of city budgets devoted to public works and basic services—streets, water, sewerage, fire, and police—dwindled as most of the new money was dedicated to social-welfare programs. Between 1965 and 1975, the proportion of New York City's budget devoted to basic services fell from 46 percent to 30 percent, while social spending (excluding public hospitals) grew from 22 percent to 37 percent. This figure does not, however, convey the explosion in the social-service bureaucracy it fueled. Siegel reports that in New York City 87 cents of every welfare dollar was consumed by the welfare bureaucracy.

Beyond the raw numbers, however, lies a deep and persistent misunderstanding about economic growth. Big-city liberals had never outgrown the New Deal model of government as the employer of first resort. "The New Left political activists who gained power in some of the new administrations," Peter Beinart wrote in the *New Republic*, "were even more convinced that economic development would come through government spending, and even more willing to tax the private sector to pursue those ends." In other words, if government produces jobs, then who cares about the private sector?

The most notable case was New York City, which invented new taxes and raised old ones with wild abandon while leading the way in expanding welfare as a positive good. New York City's per capita tax burden is three times higher than the national average for major cities, and its debt is five times the average for major cities. The business exness exodus from New York City is a well-known story. In 1965, New York City was the headquarters for nearly half of the *Fortune* 500 companies. Only 46 remain today.

The exodus of big companies is only the tip of the job-killing iceberg. High taxes and onerous regulations exact an even higher toll on the small businesses and entrepreneurs that actually generate most new job growth. As they reported in the Manhattan Institute's *City Journal,* economists Steven G. Craig and D. Andrew Austin have estimated that New York's tax and regulatory burden has lowered the city's employment potential by a staggering 1 million jobs. Small wonder that unemployment has actually risen in New York City over the last three years while unemployment nationally has fallen to the lowest level in 30 years.

If other major cities are not as extreme as New York, many nonetheless have similarly debilitating taxes and regulations. Taxes in Detroit are six times higher than the Michigan average. Businesses in Los Angeles are confronted with a blizzard of different taxes and tax rates, fees, and regulations. Not surprisingly, much of the economic rebound the Los Angeles area has enjoyed in the last three years has taken place in nearby cities such as Burbank where the level of business fees and taxes is as little as one-tenth that of the city of Los Angeles. A 60,000-square-foot office project that would cost $54,000 in fees in outlying Ontario would cost $1 million in fees in Los Angeles.

"The Los Angeles City Council seems constitutionally incapable of learning the key lesson of modern urban government," writes Joel Kotkin. "Only cities that are capable of appealing to and retaining wealth-creating businesses can hope to provide adequate services to their residents. . . . The biggest losers of the council's economic policies are not the business elites, who can always move their operations elsewhere, but the poor, heavily minority and working-class parts of the city."

Los Angeles and New York are not unique in their steadfast denial of common sense. Washington, D.C., dismisses the impact of its population loss on its tax base by noting that most departing taxpayers are low-income people, while newcomers to D.C. are more affluent. "It's hard to paint this picture that the loss of population is destroying the District's tax base," the executive director of the D.C. Tax Revision Commission told the *Washington Post.* Translation: Don't expect the city to lower its personal income tax, which imposes the maximum 9.5 percent rate starting at $20,000 of income. The evidence suggests that high tax rates are clearly correlated with population loss. Eight of the 10 major cities that have lost population during the 1990s have per capita tax burdens above the national median, while the nation's fastest-growing cities have per capita tax burdens well below the median.

Though the liberal tax-and-spend mentality has been blunted somewhat in recent years, it lives on in several potent forms. Liberal urbanists still think that, as J. Thomas Cochran, the executive director of the U.S. Conference of Mayors, said in 1993, "All we need is money." A group of mayors asked President-elect Bill Clinton for $27 billion in new federal money just after the 1992 election. Most of this was blocked by the Republican filibuster of Clinton's "economic stimulus package" in 1993, but Clinton has tried to send some new cash to cities.

When cities aren't able to grow their budgets with federal handouts, they usually resort to two other strategies: bribing large companies to move into their cities (or not to leave in the first place) with tax breaks, and indulging what might be called the "Edifice Complex"—building new sports arenas, shopping malls, convention centers, and other commercial "magnets" for economic activity downtown. New York is again the champion of the bribe-to-stay strategy, having recently induced the accounting firm Price Waterhouse to remain in the city by granting it a multi-million-dollar tax break. "The orientation is to go for the trophy rather than to open to entrepreneurs," notes urban affairs scholar John Kasarda. But the bribe-to-stay strategy does little or nothing to promote genuine economic growth and job creation.

The Edifice Complex is even more pervasive because politicians prefer tangible accomplishments they can point to as evidence of their foresight and accomplishment. But sports stadia, convention centers, and downtown malls more often simply redistribute existing economic activity rather than generate new business, while taxpayers pick up the tab for the municipal debt financing the new attractions.

While the fiscal irresponsibility of liberalism was harmful, it was liberalism's moral irresponsibility that would damage urban life most deeply.

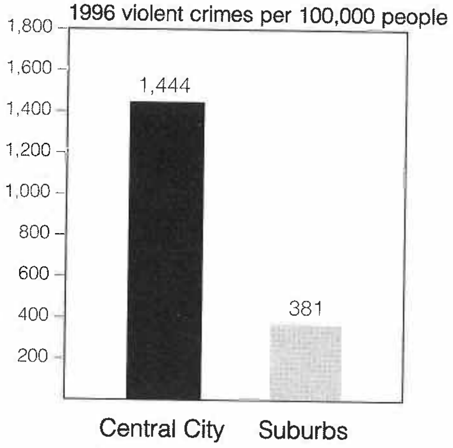
Defining Deviancy Down

While the fiscal irresponsibility of urban liberalism was evident early on, it was the moral irresponsibility of liberalism that would leave its deepest and most lasting damage on urban life. Taxes and spending can be cut by a determined municipal administration, but restoring the moral order of a city requires more than City Hall's willpower.

The new liberalism not only practiced toleration, but celebrated deviance. The American Civil Liberties Union and other legal extremists successfully litigated for the right of homeless and mentally ill people to practice their "lifestyle" on the streets of America's cities. Some of the plaintiffs in these cases, such as New York's Billie Boggs, a homeless woman who sued to remain on the streets despite her reported schizophrenia, became celebrities and were feted on talk shows. Disruptive students in the classroom, like disruptive vagrants on the street, were now excused as "high-spirited nonconformists" who should not be oppressed by white middle-class values. Classroom discipline went out the window. "There is no such thing as a self-regulating market in morals," Fred Siegel writes. "An unparalleled set of utopian policies produced the dystopia of day-to-day city life." Siegel reminds us of the contrast between the power blackout in New York in 1965, which passed peacefully, and a similar blackout in 1977, which unleashed massive looting.

Would You Feel Safe?

City-dwellers are moving out in part to escape high rates of crime.



Source: U.S. Department of Justice, Uniform Crime Reports

Lifestyle permissivism had unintended consequences for public safety. For the police, who never relished enforcing public-order offenses like drunkenness and homelessness anyway, the new permissivism was a handy excuse to retreat to the sanctuary of the patrol car, responding by radio only to "serious" crimes. Meanwhile, the character of neighborhoods declined as broken windows went unfixed and petty criminals and disorderly people went unchecked. Punishing criminals was out; fighting "root causes" was in. "Every effort to improve life in America's 'inner cities' is an effort against crime," said the President's Crime Commission in 1967. As social spending increased along with excuses, incarceration rates and the length of prison sentences plummeted. Not surprisingly, 1964 proved to be, as Charles Murray put it, "the takeoff year" for crime. The crime rate tripled between 1964 and 1980, and most of this increase was concentrated in central cities (see chart). By 1970, a low-income central-city resident was more than four times as likely to be a victim of crime than a middle-income suburbanite, and a study by Arnold Barnett at the Massachusetts Institute of Technology concluded that a person living in a large American city ran a higher statistical risk of being murdered than a World War II infantryman had of being killed on the battlefield.

As social spending increased along with excuses for criminal behavior, incarceration rates and the length of prison sentences plummeted.

Liberals were intent on removing the moral stigma of receiving welfare. *The Nation* magazine argued in 1967 that 8 million more people should be given welfare benefits as soon as possible. The National Welfare Rights Organization, founded in New York in 1966, promoted the entitlement mentality for welfare and lobbied and litigated for a vast expansion of the number of people on the dole. In the late 1960s, New York City's welfare director, Mitchell "Come-and-Get-It" Ginsberg (as he was called), announced that the city would not challenge the eligibility of any welfare applicant. Court rulings expanded "welfare rights," first by preventing caseworkers from conducting "drop-in" visits to households receiving welfare, and then by holding that the presence of a man in the house could not disqualify anyone from receiving benefits. "The very term 'deserving poor' was laughed out of use," Charles Murray noted in *Losing Ground.* Not surprisingly, the nation's welfare caseload, which was heavily concentrated in cities, soared by 125 percent between 1965 and 1970, after having risen by just 7 percent during the the 1950s.

The Road to Renewal

To be sure, the worst of these liberal excesses have been repudiated in all but the most recalcitrant precincts, such as New York, San Francisco, Washington, and Detroit. Both crime rates and welfare caseloads are dropping in many cities, though many liberals still don't get it. (The *New York Times* editorial page, for example, recently thought it incongruous that the prison population should be at record heights while crime is declining.) A number of big-city mayors have been celebrated for standing up to bloated unions, for introducing privatization and other fiscal responsibilities, and for reducing crime. But the condition of the cities suggests that we have a long way to go before we can confidently say we have turned the corner. Hence conservative thinkers and policymakers face an immense challenge. Even Philadelphia's reform-minded mayor Ed Rendell admits to being discouraged. "Forget all the good things I've done," Rendell told Buzz Bissinger in his new book, *A Prayer for the City*. "Philadelphia is dying." The War on Poverty has left the cities with the moral and physical scars of prolonged battle.

For these reasons, America's cities should be regarded as the next major frontier for conservative policy. How should conservatives go about restoring America's cities? Conservative urban policy ought to begin with a clear-headed understanding of some general principles. First, *don't try to swim upstream.* Liberal policies have driven many more people from the city than might otherwise have fled, but the decentralization of cities and the dispersal of people, especially middle-aged, middle-class people, is a natural phenomenon that we should not hope to reverse completely. Many middle-class people will always prefer low-density suburbs, with their spacious lawns and slower pace of life, as a place to raise children. Businesses find similar advantages in locating in the suburbs.

This does not mean that central cities are obsolete, as some argue. It is true that information technology permits further population dispersal and economic decentralization, but many industries depend on a pool of cheap labor and a critical mass of creative people, both common in large cities. One thinks immediately of Los Angeles, home not only to thriving multimedia and entertainment industries, but also to design and manufacturing centers for toys and clothing.

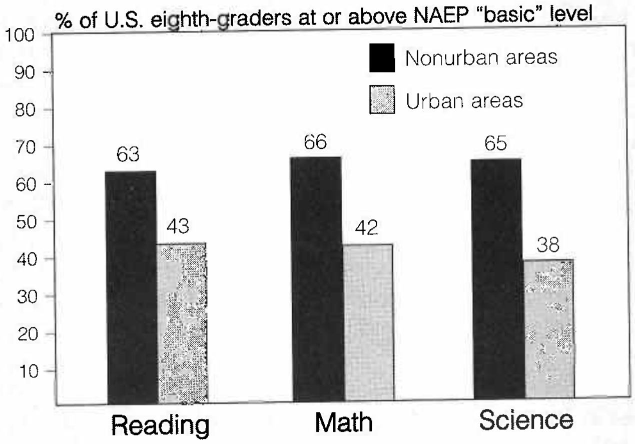
Instead of pining for a bygone age of central-city dominance, we should be seeking economic policies that foster the creation of a new middle class within the city. "A metropolitan economy," Jane Jacobs wrote, "if it is working well, is constantly transforming many poor people into middle-class people." Cities provide the primary venue for immigrants to assimilate and for low-income people to rise to the middle class. In order for this dynamic process to happen, cities have to make a virtue of cheap housing and business rents, ease of entry for entrepreneurs and tradespeople, and a large potential labor force and sales market. Cities must keep their taxes and regulations reasonable to capture this comparative advantage.

The second urban principle that conservatives should appreciate is that *cities are the ultimate spontaneous order.* Conservatives should be wary of trying to replace liberal social engineering with conservative social engineering, and should therefore be careful about adopting the liberal's language about "model cities." Liberals ruined cities with their hubristic belief that planning could remake the urban order. People who are interested only in how a city "ought" to look are usually disappointed by real cities and clamor for wholesale changes in the way we conceive city life. Liberals today, for instance, are in a lather about "sprawl" and want to impose huge new land-use regulation schemes to achieve "the new urbanism" of higher-density development. The goal, as the title of one recent book puts it, is *Cities Without Suburbs.* Like the liberals of yesterday who wanted to bus suburban schoolchildren back into the city, liberals today want to keep still more people from fleeing the central city by putting limits on suburban growth. But as Jane Jacobs warned, "There is a quality even meaner than outright ugliness or disorder, and this meaner quality is the dishonest mask of pretended order, achieved by ignoring or suppressing the real order that is struggling to exist and to be served."

This leads to the third and main conservative principle of urban policy: *get the core functions right.* Failure to perform the core functions of local government is precisely what has have driven most people out of cities: public safety, public works, and education. One study estimates that an increase of one crime per zip code drives more than five people out of a city. And the disparity in the quality of public education between the central city and the suburbs is so huge that no middle-class residents can be expected to raise families in central cities unless something dramatic is done. *Education Week* recently published statistics showing that students in urban school districts perform significantly below the level of students in suburban public schools on national achievement tests (see chart). In Maryland, for example, 63 percent of suburban eighth-graders score at the "basic" level for math, while only 9 percent of urban eighth-

Failing Urban Schools

It's no wonder that parents concerned about public education would rather live in the 'burbs than the cities. Below is the share of eighth-graders achieving a level of "basic" or higher on the 1996 National Assessment of Educational Progress (NAEP) in urban and nonurban areas.



Source: Education Week

graders make the "basic" level.

In all three areas, conservatives can point to encouraging success stories. Crime has been falling fastest in those cities, such as New York, where the police follow an aggressive strategy of targeting high-crime neighborhoods and cracking down on nuisance offenses that have contributed so much to the degradation of public spaces. Just as important as basic strategy was the determination of former New York police commissioner William Bratton to hold police captains accountable for results in their local precincts. Longer prison sentences and "three strikes" have helped, too.

Indianapolis mayor Stephen Goldsmith has shown how cities can cut the cost of city services and hold down taxes through privatization and better fiscal management. During his tenure in office, more than 70 city services have been placed on a competitive footing. Goldsmith and other reform mayors have endeavored to base fiscal decisions on the unit cost of various government services (a basic fact about services that many cities simply do not know) and to reduce costs through managerial reform or competition.

Education is the toughest nut to crack, in part because it is the one major area of urban life that is typically beyond the direct control of mayors and city councils. Chicago's Richard Daley, however, provides an encouraging example of a mayor who understands the importance of schools to the health of city. He successfully petitioned the Illinois state legislature for control of the Chicago school system, and has, among other things, fired 1,700 administrators. But even if Daley and other mayors succeed in shaking up their local schools, many middle-class urbanites are still likely to lack confidence in the public schools because the current public-school system is obsolete.

As the world grows more complex and technologically advanced in ways that offer increasing choice and opportunity, frustration with the public-school monopoly is certain to grow, no matter how many administrators are fired. Conservatives should redouble their advocacy of school choice not just as an educational reform policy, but also as an urban renewal policy. People who are able to choose their children's schooling are more likely to remain in the city. A Calvert Institute survey of parents who moved out of Baltimore found that half cited poor public schools as the chief reason for leaving. Half of those (and 80 percent of blacks in that group) said they would likely have stayed if the city had offered school choice. The Calvert survey concluded that school choice could keep more than 4,500 people a year from fleeing the city.

Beyond the core functions, there are several specific policies conservatives should emphasize. For the sake of economic development and jobs, cities should forget the *Fortune* 500 and focus instead on the *Inc.* 500: the small, rapid-growth, private companies that generate most new jobs. This strategy obviously requires substantial deregulation and lower business fees and taxes. Deregulation is also required to revive the urban housing market. It is equally important to recognize that the *social* effects of deregulation are as important as, and perhaps more important than, the *economic* effects. The enhancement of opportunity and job growth that deregulation spurs will help restore cities block by block, as small businesses spring up and neighborhoods stabilize.

The federal government can help this process by reducing or eliminating federal mandates and regulations that are costly to cities. One major obstacle to central-city revitalization are environmental laws that have designated many urban sites as "brownfields," which present would-be developers with huge cleanup costs and potential liability. Many of these sites, however, are only lightly polluted, and could safely be put to many uses with a more reasonable safety standard. The *New Democrat,* the journal of the Democratic Leadership Council, even went so far as to suggest the following experiment: "For two years, let's allow a major city to forego all federal aid in return for which it and its citizens will be relieved from federal regulations and taxes. Would such a city be better or worse off? It's worth finding out." Says Mayor Goldsmith, "I know a dozen mayors who would jump at the opportunity to find out."

Conservatives should redouble their advocacy of school choice, not just as an educational reform policy, but also as an urban renewal policy.

"Modern liberalism was born in the big cities and died there," Fred Siegel writes, "a suicide of sorts." Out of this failure, an urban rebirth is underway. Urban voters are showing some signs of maturity and seriousness, and have started rejecting politicians who shill for the grievance industry. More and more often, urban candidates who play the race card are being trumped by centrists offering a back-to-basics platform. The relative success of some of the reform mayors of both parties, wholly unforeseeable as recently as a decade ago, gives us reason to think that much more progress is possible. These signs suggest that the time has come for conservatives to turn their attention to the cities. Liberalism has turned cities into a wasteland. Conservatives now have the chance to bring them back to life.

***Steven Hayward**, a Bradley Fellow at The Heritage Foundation, is the author of* Churchill on Leadership *(Prima Publishing).*

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Can-Do **Unions**

Competition brings out the best in government workers

By Mayor Stephen Goldsmith

When Stephen Goldsmith, the Republican mayor of Indianapolis, forced city workers to compete agains private firms, they cut cost and boosted productivity.

Photo courtesy of the Mayor of Indianapolis

In January 1994, Indianapolis was hit with a particularly nasty blizzard. One of the many benefits of cellular telephones, I discovered, was the increased speed and convenience with which citizens could complain about the city's snowplowing effort. During morning drive-time, my phone and those of the morning news programs rang incessantly as motorists enthusiastically expressed their opinions from their cars. Throughout the day the dissatisfaction grew.

Snow can ruin political careers, so the next morning I visited a city garage where workers were beginning a shift. I asked the snowplow drivers to gather in one room while I first spoke with the managers in another. I told the 15 or so managers that I was puzzled by the unusually high number of complaints, and asked their view. One after another volunteered that the plan had been well executed, that everyone was working diligently, and that without vast new resources, the city was already doing the best it could do.

Moments later, I asked the snowplow drivers the same question. Hands shot up. City mechanics should be out on the streets repairing trucks as soon as they broke, they said. Some of the trucks' blades were operated by a hydraulic system that broke frequently and needed immediate maintenance. Route maps were hard to read and did not reflect current rush-hour traffic patterns, so some busy streets were placed low on the priority list. To save money, the city no longer used salt with blue dye in it, which had helped snowplow drivers see where they had been and allowed them to notice immediately if their equipment malfunctioned. The new salt came in chunks that were often too big to go through the spreaders. On and on it went.

These employees did the work, knew the problems, and had workable solutions. It's funny how few mayors see it that way. Many of us view unions as the very embodiment of government inefficiency, keeping costs high and quality low. Everyone knows, after all, that public employees are lazy and incompetent—why else would they work for the government, right?

Wrong. The unions often have little to do with the problem. Public employees are an easy scapegoat, but when union workers are given the freedom to put their own ideas into action, they can be as innovative, effective, and cost-conscious as their private-sector counterparts—and they can prove it in the marketplace.

Creating Markets

I first won election as mayor of Indianapolis in 1992 on a platform of privatizing city services. Once in office, I began to realize that it is competition, not privatization, that improves service. Competition drives private firms—and, we discovered, public agencies—to constantly seek ways to reduce costs and improve service. We learned this when we decided to seek competitive bids for the maintenance of a small section of the city's streets. When our Department of Transportation (DoT) workers learned that they would have to compete to keep the work, amazing things happened.

To be honest, we thought our city workers had

no chance of defeating private companies in direct competition. Traditional notions of government workers as bureaucratic and even lazy led us to believe that public employees faced an uphill battle in competing with the lean, mean private sector.

Transportation workers were skeptical too, but for a very different reason. They did not think we were serious about letting them bid. They thought we were setting them up for failure. And when they insisted that we talk seriously about the problems they faced in competing with private firms, it turned out they had a point.

The workers complained they could not possibly compete while carrying unreasonable overhead in the form of managers' salaries. For a mere 94 workers in the street-repair division, there were 32 politically appointed supervisors—most of them highly paid. In part to call my bluff, the union told us that, if we were serious about competition, we would eliminate several of these supervisors.

By normal political standards, the union's demand would have been a show-stopper. The supervisors were all registered Republicans. These managers, and their patrons in our party, had supported my election. The union had supported the opposition and campaigned strongly against me. Now the union wanted me to fire politically connected Republicans to help a Democratic union look good.

We did it. We had to. If I had blinked and shielded my fellow Republicans, the message would have been clear: We were not serious about competition. In addition to laying off or transferring 14 of the 32 supervisors, we paid a consultant to help the workers prepare their bid. The union was surprised, impressed, and probably nervous. Workers now knew that they, too, would be finding new jobs if they failed to draw up a competitive plan.

Making workers responsible for their own destiny sent a clear message that management recognized that the men and women who do the job know better than anyone what it takes to get it done. Simply empowering these workers transformed them into efficiency experts overnight. As Todd Durnil, the deputy administrator of street maintenance, observed, "We took the shackles off the guys. We tapped their knowledge and experience instead of telling them what to do."

For example, street-repair crews previously consisted of an eight-man team with two trucks to haul a patching device and a tar kettle. Once in charge, the city workers saw that by remounting the patching equipment, they could eliminate one of the trucks and reduce the crew to five.

The city employees bid significantly below their private competitors and won the job decisively. The city had previously been spending $425 per ton filling potholes with hot asphalt, but the new proposal reduced the city's cost to $307 per ton, a 25 percent savings. We were shocked. In fact, many within city government doubted the union proposal. But when DoT actually did the work, workers not only met the bid price, they beat it—by $20,000. They also increased the average production of a work crew from 3.1 to 5.2 lane miles per day, a 68 percent increase.

Union leaders declared that the bidding process brought them "from darkness into daylight." Isaac Sanders, a crew leader responsible for street repair, said that before the bidding process, "we didn't give a hoot what anything cost," but because of competition, "we got efficient real quick."

The pothole competition confirmed that a preoccupation with privatization is unproductive. Contrary to their poor public image, most civil servants are hardworking and talented and they know a lot more than their mayors do about how to do their jobs well. The problem is that they have been trapped in a system that punishes initiative, ignores efficiency, and rewards big spenders.

Our experiences with street repair led us to adopt an explicit model of competition between private firms and public employees. From the taxpayers' point of view, the ideal situation occurs when the most efficient private-sector service provider goes head-to-head with a government division operating at its most efficient level.

This new appreciation of the importance of competition shifted our focus away from privatization and toward what we began to call "marketization." For us, marketization meant creating a market where none previously existed. Today, throughout city government, we are trying to create a true market, in which competition continually generates lower costs, better service, and new ideas for helping citizens.

Since Department of Transportation workers began to compete for street-repair contracts, they have beaten the private sector 80 percent of the time. Overall, their costs have dropped, work quality has improved, and they have continued to increase their productivity.

"Innovation does not usually happen because someone at the top has a good blueprint. Often, it happens because good ideas bubble up from employees who actually do the work and deal with the customers," writes David Osborne in *Reinventing Government*. The Indianapolis corollary to Osborne's "bubble up" theory is that only competition gives upper management a powerful incentive to listen—because a good idea might be the key to winning the contract.

Competitive Unions

We had much the same experience when we decided to tackle the enormous inefficiencies at Indianapolis Fleet Services (IFS), the city agency responsible for managing, maintaining, and repairing the city's fleet of some 2,500 vehicles—everything from snowplows and garbage trucks to road graders and police cars. In 1991, IFS was in bad shape. Costs seemed high, though in the absence of competition we had no idea how high. The poor service, however, was beyond question: a backlog of broken graders and patrol cars made five-day waits for repairing a vehicle common. Vehicles and even heavy machinery could be lost in the system for months or even years. Other departments that depended on IFS hated the system—as most captive customers hate any monopoly. During my campaign for mayor, the Fraternal Order of Police asked my policies on pay, promotion, crime—and fleet maintenance.

I told John McCorkhill, the IFS administrator, to outsource fleet maintenance. John asked me to delay the bid so that IFS could prepare for the competition and make its own bid. He knew the agency had a long way to go before it could dream of competing with the private sector.

"I feel like I have some say-so around here now," says a city mechanic. "Before, nobody wanted to hear your ideas."

Faced with the prospect of competition, IFS streamlined its operation and upgraded its efficiency and customer service. Instead of working under foremen, mechanics operated in self-managed teams. The teams rotated cleanup chores, thereby eliminating outside janitorial services. From 1991 to 1994, the agency actually cut its annual budget from $11.1 million to $9.1 million, the lowest amount since 1988, by shrinking its inventory, trimming security costs, and reducing its work force by 29 percent.

Once again, we found that most waste came from management, not workers. IFS's union leader Dominic Mangine alerted us to the fact that IFS had two managers for every three workers. As Dominic told us, "Look, I can't carry this overhead and be successful." He was right, so we eliminated supervisory jobs to give the workers a fair chance of becoming competitive. The union bid reduced the number of salaried employees from 42 to 20.

Perhaps most incredible, IFS workers agreed to forgo the pay raises previously negotiated by their union (amounting to 10 percent over four years) in exchange for a plan that would pay them more for generating savings beyond those specified in their proposal. Any additional savings achieved by IFS during the four-year agreement would be split between the city and IFS employees. Pay raises would strictly be tied to performance.

IFS won the contract. The contracted savings from the agreement, coupled with the savings that IFS achieved in the process of making its operation competitive, totaled $8 million over five years. The incentives worked, too. The next year, IFS's operating costs decreased by another 3 percent, despite a nearly 5 percent increase in the number of vehicles serviced. These savings are earning IFS workers some $75,659 in incentive pay, or an average of $800 per worker in the first year.

Interestingly, workers' compensation claims also dropped. In 1988, the average time lost per employee for work-related injuries was 139 hours. By 1995 that number plummeted to 22. People come to work because they want to be at work. "I feel like I have some say-so around here now," Dwayne Fletcher, a city mechanic, told the *New York Times*. "Before, nobody wanted to hear your ideas. They were the bosses. We were the workers. There was a lack of respect."

In less than three years, IFS made enormous progress, most of it driven by the same union employees who once seemed so hopelessly inefficient. As a result, IFS employees developed such a strong reputation that they now service customers outside of city government—from township governments to social-service providers to hospitals. The income produces revenue for the city and increases incentive pay for the workers.

Another outstanding example of how unionized city workers can be just as good as private enterprise came from our experience with trash collection. Even before our competition initiative, Indianapolis used private companies to help in trash collection, but no one really knew whether either the private or the public haulers were efficient.

Prior to 1992, the Department of Public Works (DPW) collected garbage through a patchwork system that divided the city into 25 districts serviced by DPW's in-house crews and four private haulers. DPW had franchise agreements with the various trash collectors that gave each a monopoly in its service area. Not surprisingly, haulers' prices increased every year.

When the time came to renew contracts in 1993, we opted instead to consolidate the service districts and contract them out. After reducing the number of districts from 25 to 11, we guaranteed DPW one district to ensure that the city retained the capacity to collect trash in case problems arose. We also limited each private firm to a maximum of three districts to prevent predatory pricing.

Once again, agency administrators weeded out middle managers to reduce overhead. Once again, union workers reengineered their methods and increased productivity. With their new freedom to make decisions, workers decided that all three members of a work crew did not need to ride to the trash dump when the truck filled up. Instead, a lone driver could bring an empty truck to meet them, then drive the full one back to the dump while the work crew went on with its route. It was a simple, brilliant idea that had never emerged until competition.

The Department of Public Works won three of the 10 district contracts in open competition, actually increasing its market share of the Indianapolis trash-hauling business from 40 percent to 52 percent. Since the new system began on January 1, 1994, the cost of trash pickup per household has dropped from $85 to $68, and DPW crew productivity continues to escalate. The department reduced the number of trash collection crews from 27 to 17, while the number of homes serviced per crew increased by 78 percent over the 1992 level. The number of employees declined from 1993 to 1995 by about 20 percent. Absenteeism and worker's compensation claims also decreased. For taxpayers, the competition resulted in a contracted $15 million savings over five years. And once again, city workers, allowed to act like entrepreneurs, outperformed their agreement. Productive employees beat their own bid price by $2.1 million in 1994. Because of this outstanding performance, in early 1995 we awarded incentive pay to the city workers, averaging $1,750 per worker.

Just as when private companies won, union victories mean better service. Even while reducing prices, the number of customer complaints in union service areas fell 15 percent from the previous year, and the private haulers have even fewer.

The Freedom To Compete

Dr. Samuel Johnson is supposed to have said, "The prospect of hanging concentrates the mind wonderfully." It is certainly true that one reason competition works is that it compels workers and managers to question their assumptions. "This is the way we have always done it" is not nearly so strong an argument when you are faced with losing a contract, or even your business, because you are not giving customers what they want.

Nevertheless, a lot more than fear is at work in the competitive marketplace, just as competitors do a lot more than simply respond to consumer demand. Indeed, the crucial factor in a free market is not fear but freedom, the freedom to use your creative energies to provide better service.

Public employees in Indianapolis were not failing because they were unionized—they were failing because they were monopolized. Not only were they under no pressure to respond to customers, but they were actually forbidden to do so. At least two forces held them back. First, the lack of a market prevented public employees from discovering what their customers wanted or even what a reasonable price for their services might be. How can the average city worker be efficient when not even the top executives in the administration know how much it should cost to fill a pothole—or, more importantly, to keep a street in working order? Without market information, no one can know. And a system that does not clearly communicate performance goals to its workers is one that virtually prohibits them from succeeding.

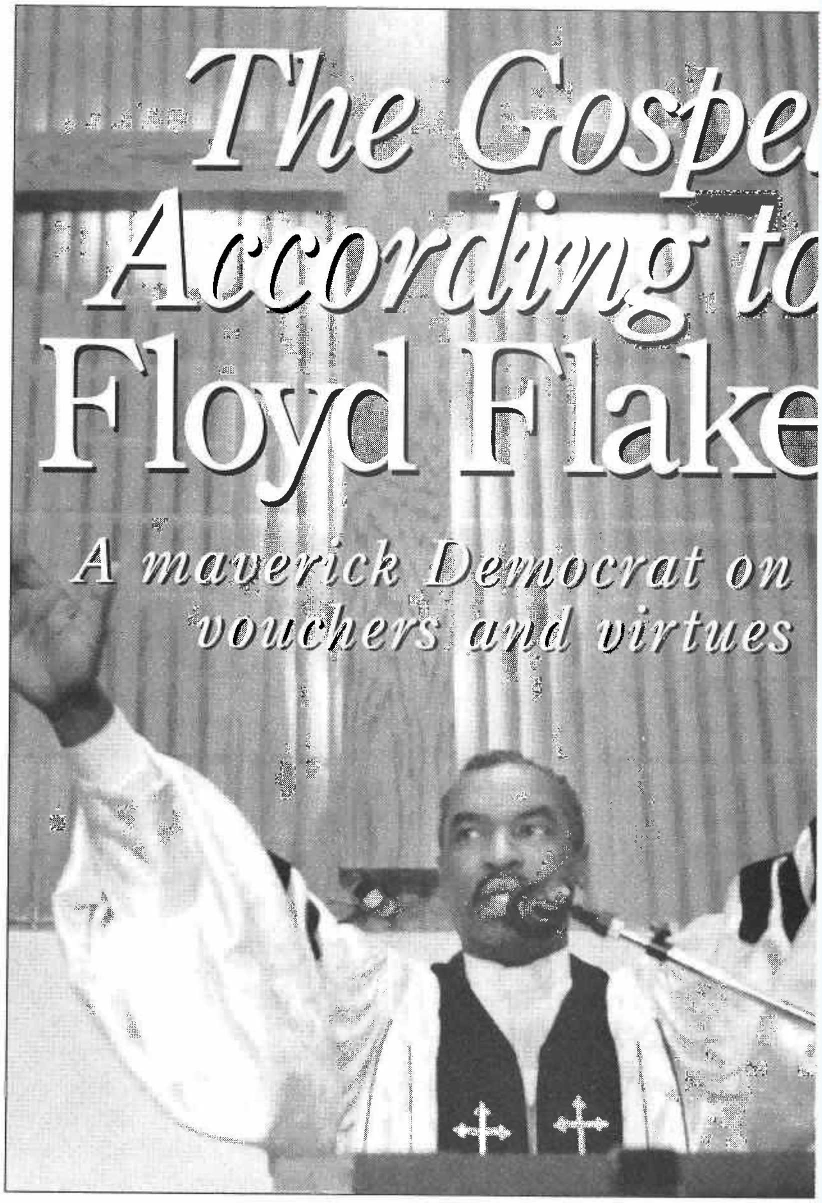
The other force that prevents government workers from serving their customers is the morass of bureaucratic rules in city government that substitute for the demands imposed on private companies by customers. Without market information, government managers must have some grounds for deciding whether a worker is doing enough and have some system for deciding what services will be rendered at what pace and what price. In most cities, these rules are a synthesis of imposed regulations (prompted by various concerns from health and safety, to fear of corruption, to civil rights and the environment) and negotiated union contracts. In order to prevent any abuse of discretion, reformers sought over the years to eliminate discretion altogether—that is to say, to eliminate the thought, judgment, and creativity of workers and managers alike—and they succeeded remarkably well. The results govern the workday in great detail, and focus the worker on everything but pleasing the customer.

When market competition refocuses the organization on the consumer, many of these rules—like the rule that required two trucks and eight men on a pothole-filling crew—are revealed as arbitrary barriers to the goals of customers, workers, and managers. Competition empowers workers and inspires an entrepreneurial spirit in city government down to the front-line employee level. Focusing on customers rather than rules encourages creativity, which increases efficiency and reduces costs. After all, in a free society, value is determined by customer preferences.

> **Public employees in Indianapolis were not failing because they were unionized—they were failing because they were monopolized.**

Steve Quick, the president of the local chapter of the American Federation of State, County and Municipal Employees, put it much more simply. Since we broke up our government monopoly and allowed city workers to compete for customers, he said, "city workers are no longer asked to park their brains at the door when coming to work."

***Stephen Goldsmith** has been the mayor of Indianapolis since 1992. This article is adapted from his book* The Twenty-First Century City: Resurrecting Urban America. *Copyright © 1997 by Regnery Publishing. All rights reserved. Reprinted with special permission of Regnery Publishing (Washington, D.C.).*



The Gospe According to Floyd Flake

A maverick Democrat on vouchers and virtues

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In his 11 years of representing a middle-class, mostly black Queens community in Congress, Floyd Flake backed such liberal causes as the minimum wage, housing subsidies, and affirmative action, but the New York Democrat was never shy about defying his party. Late last year, he resigned his congressional seat to devote himself to his real vocation: ministering to his flock of 8,000 at Allen African Methodist Episcopal Church. As pastor there since 1976, Flake has not only built the congregation up from 1,400 members, but has also overseen the construction of a sparkling new $23-million cathedral and founded a private elementary school. His experiences as an educator and a witness to the devastation of black communities has led him where few Democrats have dared to tread: wholehearted support for private-school vouchers. Policy Review *has gathered some excerpts of Flake's public pronouncements on obstacles and opportunities facing black youth.*

In New York, if you're spending almost $8,000 a student, you would expect that there would be quality school buildings and school materials, including computers, books—the latest books, not 20-year-old books. But [at the] schools I've investigated, there are students who do not have access to books, do not have access to computers, do not have access to basic things necessary to be able to come out of that school functioning.

At the same time that the system spends that, I spend $3,200 a kid in my school and we have computers and we have books and we have teachers who don't move even though they get paid less. As long as there is a monopoly [without] scholarships, vouchers, charter schools, or something that forces that monopoly to be responsive, it is not going to produce the kind of product that we need.

—*Both Sides with Jesse Jackson*, May 18, 1997

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We cannot go through society expecting to be a liberated people, talking the rhetoric of freedom, without dealing with the reality that we've got to take charge of our people, take charge of our youth, challenge them to the degree that they understand that you cannot continue to put a premium on mediocrity and that it is time for us to put a premium on excellence. Don't you remember when we did not have much but we believed we had a whole lot? Don't you remember when we were in poverty but we did not know we were in poverty? Don't you remember how mothers and fathers took charge of our lives? They let us understand that if we were going to live under their roof that there were certain rules that applied and we had to be responsive to those rules. Don't you remember that even if you went out to a party on a Saturday night, you had to be ready to get up and go to Sunday school on a Sunday morning? . . .

It's time for a change. All of this devastation, and yet we don't want to attack the root causes of the problem. We would rather make alibis, we would rather make excuses. It's time to stop making excuses and wake up and face the reality that it's time for us to take charge of the lives of the people who are a part of community. We must take charge as it relates to the education of our young people. I know there are some who disagree with me vehemently . . . but I cannot imagine any group of folk sitting around on the sidelines while the locusts are creeping into the minds of their children and allowing their children not to get the kind of education that will make them competitive in this world in which we live.

I come to tell you: Yes, I support public education, but I believe we have to challenge it. [By resigning from Congress] I am being set free so that

I can stand up and declare that we have got to give people choices—whether it's vouchers or charter schools, we have to make opportunities available so that our children are not locked up in these communities and then released from the community only to go to the jailhouse. I am tired of traveling through this land [and seeing that] the newest building in most cities is a jailhouse. Who's going to the jailhouse? *Our* children are going to the jailhouse. . . . I see them walking with hands shackled behind them, heads bowed down, and many of us are doing nothing more than talking about what it is in their sociological history that is causing them to act like this. . . .

You have to make the young people know today they cannot [succeed] speaking a language that nobody else understands. . . . When you get to school you have to learn how to write sentences, how to put together paragraphs. You have to learn oral and written communication skills. If you know it but you can't sell it, no one is going to buy it, so you may as well as get yourself right and deal with the reality that in this competitive society in which you live, if you cannot speak the language other people use to communicate with, you will be left behind. . . .

Our children . . . cannot participate in the better day if they don't have the proper education, if they don't have the proper tools to survive in this society. Tell them to stop glorifying poverty while they take resources and invest in depreciating assets, wearing too many pairs of sneakers that they don't wear out, too many clothes with somebody else's name on them that they never wear out, while they don't invest in houses, they don't invest in appreciating assets. . . .

We cannot afford to be left on the outside, we've got to find our way on the inside. And the way to do that? Yes, fight for welfare, fight for those who need it, but understand that even before there was a welfare program we were a people who were determined to make something of our lives. . . . Yes, continue the fight for affirmative action, it's the right thing to do, but understand that set-asides alone will never empower us. We will be dependent, always begging. I don't want us to have to beg anybody for anything. . . .

When you go home and you've got children who tell you, "I don't want to work because the job only pays a minimum wage," tell them to take it and dream of the day they don't have to have a minimum-wage job. When they tell you they don't think they can handle the educational system they are a part of, you tell them to go to school anyhow, and you tell them, "Spend the time you would spend on the street corner, the time you would spend in front of the television set, the time you would spend on the telephone, spend some of that time reading some books, spend some of that time accessing the Internet, spend some of that time dealing with what it will take to be able to move forward into the future." . . . Somebody sitting here this morning can be the next Bill Gates.

—Sermon, August 3, 1997

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Many of the young people in [my] community are not getting the kind of education that makes them competitive. . . . Even if they get a degree, they're dysfunctional. And so it is my firm belief that as long as public education does not do the job, there must be some competition and there must be some opportunity for alternatives for those parents whose children are locked into a system from which they cannot escape. . . .

What those who are on the opposite side of this debate don't understand is that those children are already left behind. . . . Those who would receive vouchers . . . would otherwise not have an opportunity for a better education. . . . Right now, in my community, any child who is at the top of his class can . . . go to some of the best schools on the outside of the community, so that worse kids are still left in the community.

—*NewsHour with Jim Lehrer*, August 28, 1997

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When I discover there are so many of our young people who have not been given a fair opportunity for competition, it becomes clear to me that we must look at some alternatives that challenges the public system to be able to do the job that it is intended to do.

This is not a question for me about Democrats or Republicans. It is really a question about whether or not we are going to continue to let every child die, arguing that, if we begin to do vouchers, if we do charter schools, what we in fact are doing is taking away from the public system. We say, let them all stay there. Let them all die. It is like saying there has been a plane crash. But because we cannot save every child, we are not going to save any of our children; we will let them all die.

—Floor speech in support of low-income scholarships and charter schools, House of Representatives, October 31, 1997

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There will always be somebody who will not tap in or tune in to your dream. . . . If you have a good work ethic, it doesn't matter what people say about you! So if you're . . . sitting around and saying, "I'm black, I can't do it," . . . "all the laws are working against us, they don't give us a chance, they're taking away our affirmative action, they're talking away our welfare," I say to you, there was a time when we lived without it, and if they take it away, we can live without it again!

—Sermon, July 27, 1997, as quoted in the *New York Times Magazine*, October 19, 1997

The **Gold Star** *State*

How Texas jumped to the head of the class in elementary-school achievement

By Tyce Palmaffy

If funding and demography were vital to educational performance, then Texas would likely have one of the worst public-school systems in the nation. Spending per pupil in the Lone Star State is well below the national average, and teachers' pay ranks 35th among the states. One-third of the state's schoolchildren qualify for federal education aid to disadvantaged students under the Title I program, and among the states Texas has the fourth-highest percentage of school-age children living in poverty. Nearly half the state's public-school students are black or Hispanic, minority groups that historically have done poorly on national achievement tests.

Yet within the past few years, Texas has become one of the highest-performing states in the nation. Consider a few telling statistics:

- Among the 39 states that participated in the 1996 National Assessment of Educational Progress (NAEP) in fourth-grade math, Texas finished in the top 10, right alongside states such as Maine, North Dakota, and Wisconsin, which have far fewer low-income and minority students.
- The state's black fourth-graders and Title I fourth-graders scored higher in math, on average, than their counterparts in every other state, and its Hispanic children finished sixth.
- White fourth-graders in Texas had the highest average math score in the nation.
- Between 1992 and 1996, the percentage of Texas fourth-graders achieving at or above the NAEP's "proficient" level in math rose from 15 to 25 percent, far outstripping improvements nationwide. Similarly, the share of Texas children scoring below the "basic" level (the lowest tier on the NAEP) fell from 44 percent to 31 percent during the same period.
- Like every other state, Texas still has a broad racial chasm: In fourth-grade math, 53 percent of blacks and 45 percent of Hispanics scored below the "basic" level, compared with 15 percent of whites. But the gap is narrowing faster there than in any other state.

Texas achieved this remarkable turnaround by applying a simple lesson from the corporate world: Educators will find innovative ways to raise achievement if they are given the freedom to experiment and are held accountable for student performance.

Over the course of a decade, Texas lawmakers devolved more and more decisionmaking authority to local districts and schools. Meanwhile, they established nationally recognized achievement standards as well as tests to measure whether students had met them. In 1993, with these cornerstones of an accountability system—standards, testing, and autonomy—in place, the state education department (known as the Texas Education Agency, or TEA) began rating schools based on test scores and other factors. The system combines deregulation for schools and high expectations for students of all races and income levels.

"Texas is paying deliberate attention to the fact that you can't leave any group behind," says Kati Haycock, the executive director of the Education Trust, a Washington, D.C.-based organization devoted to improving educational opportunities for low-income children. "That sends a powerful mes-

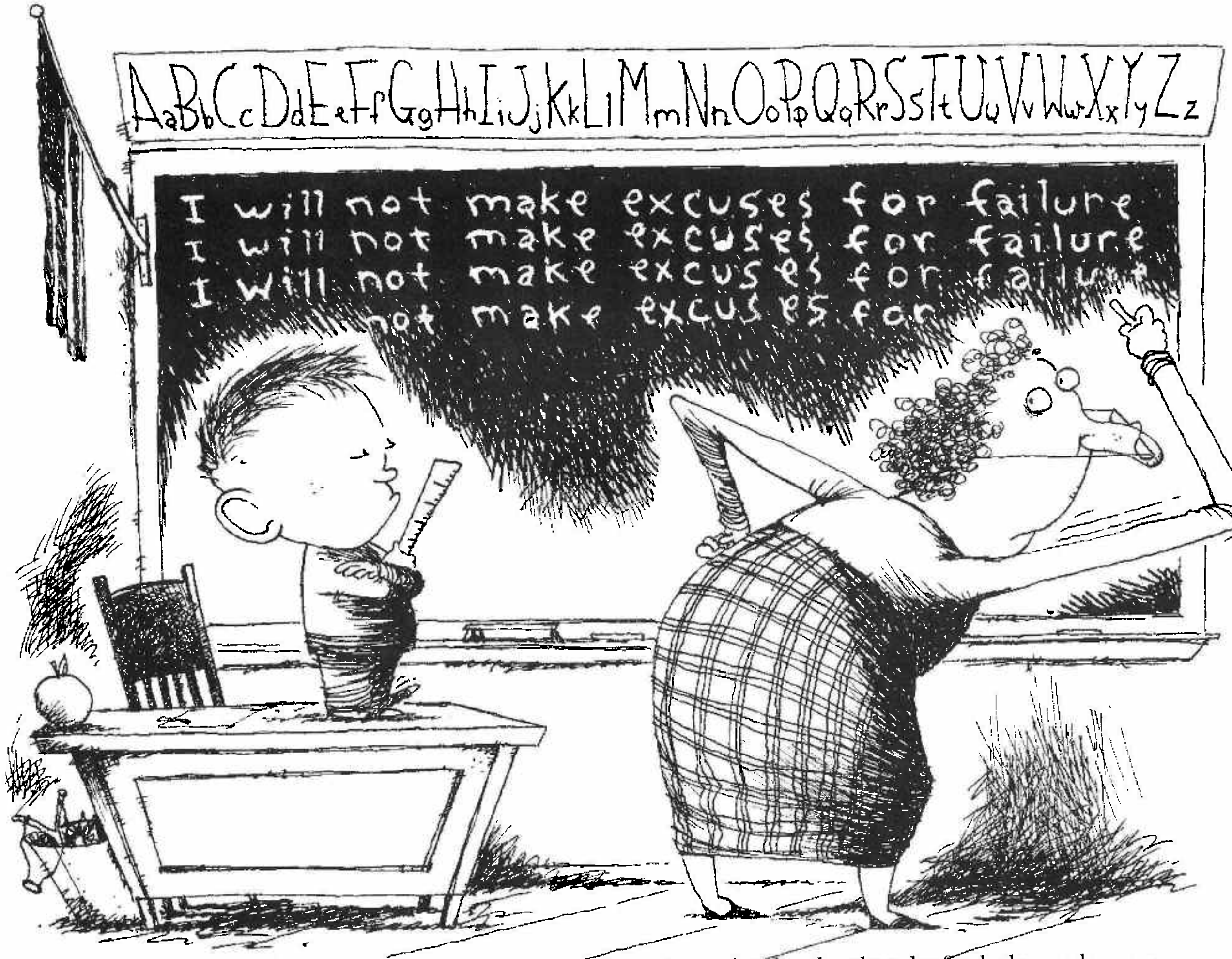
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Illustration by David Clark

sage to educators that they have to make their system work for all kids. In Texas, we hear far fewer excuses, like having a lot of minority children, than we do in places like California."

A "Consumer Reports" for Schools

The yardstick for the TEA's ratings is the Texas Assessment of Academic Skills (TAAS), a series of yearly tests in reading, writing, and math given to students in grades three through eight and grade 10. Based on the percentage of its students passing the TAAS, as well as on its dropout and attendance rates, each school in the state is labeled "exemplary," "recognized," "acceptable," or "low performing." Schools may exempt from the TAAS students with limited English proficiency (LEP) or special-education needs, but no other allowances are made for a school's socioeconomic or demographic circumstances.

Texas has the usual set of rewards and sanctions tied to a school's results, from small cash awards for high ratings to wholesale layoffs at the state's worst schools. But the accountability system's real power rests within the ratings themselves. By spotlighting the performance of individual schools and districts, the ratings affect the career prospects of all educators, from teachers to superintendents. For instance, principals at "low-performing" schools have experienced a turnover of 31 percent during the past four years. By contrast, principals who have transformed schools already find themselves receiving promotions to middle and high schools.

This provides strong incentives to deliver results, and thus far they have been spectacular. In 1994, the TEA bestowed its top two rankings, "exemplary" and "recognized," on 67 and 516 schools, respectively. Last year, those numbers catapulted to 683 "exemplary" and 1,617 "recognized." Meanwhile, the number of schools receiving the TEA's lowest ranking dropped from 267 to 67, of which only a few were repeat offenders.

In 1994, barely half of all Texas students passed the TAAS math exam. By last year, the proportion had climbed to 80 percent. What's more, the share of black and Hispanic children who passed the test doubled during that time to 64 percent and 72 percent, respectively.

On the TAAS reading test, 70 percent of students were already passing the test in 1994. This included, however, only 51 percent of blacks and 54 percent of Hispanics. By 1997, 84 percent of Texas students had passed, including 73 percent of blacks and 75 percent of Hispanics.

These figures must be interpreted with care, since some schools might be hiding poor students by placing them in special-education classes or encouraging them to stay home on the day of the test. But the percentage of children exempted from the TAAS for limited English proficiency or special ed has not increased since 1993. The standards for each rating, meanwhile, have actually risen over time, and the TAAS has not been made any easier. Moreover, Texas's rising NAEP scores confirm that the gains are genuine.

"Their system is a real model for other states to follow," says Haycock.

The Emerging Movement

Texas is the vanguard of an accountability movement sweeping the states. Earlier this decade, Kentucky began to measure students' progress by the rise in their test scores each year. Schools whose scores on the state's tests rise more than expected receive financial rewards, while those whose performance declines receive assistance in the form of instructional specialists and extra resources. Kentucky also publishes the percentage of children scoring at each of four performance levels: "novice," "apprentice," "proficient," and "distinguished."

So far the results have been promising: Statewide, the percentage of elementary schoolchildren scoring at the "proficient" level rose from 8 percent in 1993 to 38 percent in 1997. Tennessee has a similar system, and North Carolina recently created an accountability system modeled on its neighbors'.

More broadly, every state except Iowa either has a set of standards for what is to be taught in each grade or is in the process of developing them. Among others, Arizona, Florida, Virginia, Colorado, Maryland, Louisiana, and Indiana also have created or are creating assessments that test students' knowledge of academic standards. States such as Alabama, New York, and Florida use such tests to compile and publish lists of low-performing schools in the hope that dishonor will spark improvement.

A growing number of states, including New Jersey, Georgia, Michigan, and New York, also provide access over the Internet to performance "report cards" for every school and school district in the state. These reports list information ranging from per-pupil spending to student test scores. Very few of these states translate these report cards into easy-to-understand performance ratings like those of Texas and Kentucky, but simply having test scores readily available to parents and policymakers is a step towards accountability.

Educators used to understand "accountability" to mean a focus on *how* students were educated. State regulators handed schools guidelines for *methods*, such as how much time to spend on each subject or what curricula to purchase, rather than *results*. In practice, this usually meant that good and bad schools alike passed inspection. (Under Virginia's former accrediting system, not one school ever lost its accreditation.)

The emerging accountability movement reflects the slow seepage of market principles into education. It recognizes that a prerequisite for holding any organization accountable, whether it be a *Fortune* 500 company or your neighborhood school, is to have information about its performance. That's why reform-minded state superintendents such as Linda Schrenko in Georgia, Lisa Keegan in Arizona, Frank Brogan in Florida, and Mike Moses in Texas insist on testing students and, at the least, publishing the results.

Business Takes Over

The old focus on teaching methods was "perfect" for educators, says Darvin Winick, a founding member of the Texas Business and Education Coalition (TBEC), an important player in Texas education reform. "It said that if we do what we're supposed to do, if we process correctly, and the kids don't learn, it's the kids' fault. That meant that the problems were communal and societal, not instructional." That attitude was reflected in the Texas Education Code, which dictated such minutiae as the amount of teacher training a school had to provide and the number of hours spent learning math each day.

In seeking to shed this antiquated system, Texas benefited from a unique set of circumstances. Early on, members of the state's influential business community, concerned about the quality of Texas's work force, organized to push for educational reform. Because Texas has four competing teachers unions and

The Texas School Rating System

Texas assigns all its public schools an overall rating based on three criteria: dropout rates, attendance rates, and the percentage of students passing each of the reading, writing, and math portions of the Texas Assessment of Academic Skills (TAAS). The state considers the performance not only of the school's entire student body, but also of three racial and economic subgroups. A school cannot earn a rating any higher than called for by its students' weakest performance in any category. Since the rating system was created in 1993, the state has annually raised the thresholds for each ranking. The 1998 standards are:

School ranking	Dropout rate	Attendance rate	% of students passing TAAS
Exemplary	1% or less	at least 94%	at least 90%
Recognized	3.5% or less	at least 94%	at least 80%
Acceptable	6% or less	at least 94%	at least 40%
Low performing	more than 6%	less than 94%	less than 40%

no trade organizations for principals or superintendents, any resistance was divided and weak. And the state's largest teachers union, the Texas Federation of Teachers, actually joined businessmen in their decade-long quest for accountability. "It's important that we have some way of telling the public that their education dollars are being spent well," says John Cole, the TFT's president..

Before the TAAS was developed in 1990, accountability in Texas took the form of various minimum-skills tests and the famous "No Pass/No Play" provision for extracurricular sanctions championed by billionaire Ross Perot. School districts were handcuffed by state regulations and student test results were not used in any constructive fashion. To its credit, Texas was one of the first states to develop a system of education standards and assessments, but the business community and the public rightly criticized the minimum-skills tests for being just that.

In the Classroom, Two Nations

Minority children in Texas score higher than in any other state, but they still fall far behind whites. Below are National Assessment of Educational Progress (NAEP) math scores for the 10 most populous states and Washington, D.C, as well as the national average.

	% scoring below NAEP "basic" level		
Grade 4	Whites	Blacks	Hispanics
California	37%	82%	71%
Texas	**15**	**53**	**45**
New York	20	63	60
Florida	30	74	57
Pennsylvania	23	73	61
Michigan	22	70	58
New Jersey	16	65	60
Georgia	33	69	64
North Carolina	23	63	57
Virginia	27	66	48
District of Columbia	23	84	82
NATION	**26**	**68**	**60**

Source: National Center for Educational Statistics

Led by Charles Duncan, an investment banker from Houston, TBEC in the early 1980s pulled together powerful CEOs and educators interested in reform. Throughout the 1980s, in his role as head of TBEC and as an appointed member of the Texas school board, Duncan continued to jawbone educators into focusing on student performance.

In the late 1980s, court rulings forced Texas to narrow the gap in funding between wealthy and poor school districts. In the course of overhauling the finance system, lawmakers wanted to ensure that redistributed funds would be spent well. Thus the legislature established the Educational Economic Policy Center, a quasi-governmental body charged with developing an accountability system. Chaired by Charles Miller, another Houston-based money manager and a founder of TBEC, the center presented its report in 1993. With strong support from the Texas legislature, most of Miller's recommendations became law, including the rating system and testing in most grades.

Schools in the poverty-stricken barrios of El Paso must meet the same standards as those serving the cozy Bellaire section of Houston.

Many educators were not pleased about business meddling in their bailiwick. One superintendent called the system "despicable." Nancy McClaran, the executive director of the Texas Association for Supervision and Curriculum Development, wrote in the *Houston Chronicle* that Miller's report "contradicts every major, reputable piece of research on student testing that has been done in our nation in recent years. . . . If implemented, the recommendations would mean the dismantling of the public schools."

Despite such resistance, the Texas Education Code was rewritten in 1995 to further decentralize authority from the Texas Education Agency to local districts, giving schools even more autonomy to find solutions while holding them accountable for the results.

"The new Code put a major emphasis on performance and deleted references to telling districts how to teach," says Criss Cloudt, an associate commissioner at the TEA. Unlike rating systems such as Kentucky's that credit schools for simply making progress each year, Texas schools must reach a set of absolute benchmarks to improve their standing. In a school seeking an "exemplary" rating, for instance, 90 percent of the students must pass the TAAS in reading, writing, and math, the dropout rate must not exceed 1 percent, and the attendance rate must surpass 94 percent. In short, an "exemplary" school in the poverty-stricken barrios of El Paso must meet the same standards as an "exemplary" school in the cozy Bellaire section of Houston.

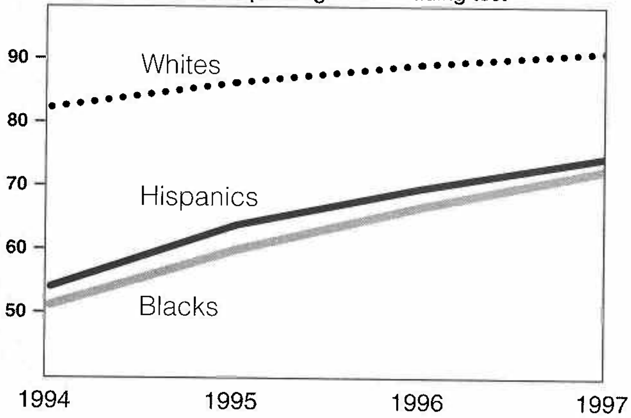
The TEA is sensitive to a school's socioeconomic or racial makeup, but only to hold it equally responsible for the performance of its most vulnerable students. A school striving to earn a "recognized" ranking this year must achieve not only a TAAS passage rate of at least 80 percent of all students, but at least 80 percent of each of three special racial and economic subgroups as well. If any one subgroup, such as black students, should fall below 80 percent or fail one of the other measures, the school would receive a lower ranking.

That's why affluent Bellaire High School in Houston was labeled "low performing" last year. Its overall scores were typical of a school that sends its top 50 students to the Ivy League, but its Hispanic dropout rate was too high. Average scores at Royal Middle School in rural Pattison were good enough for an "acceptable" rating in 1996, but only 28 percent of its black students had passed the TAAS math test. Because that fell below the 30 percent cutoff for "acceptable" schools (which has since been raised), Royal was also branded "low performing."

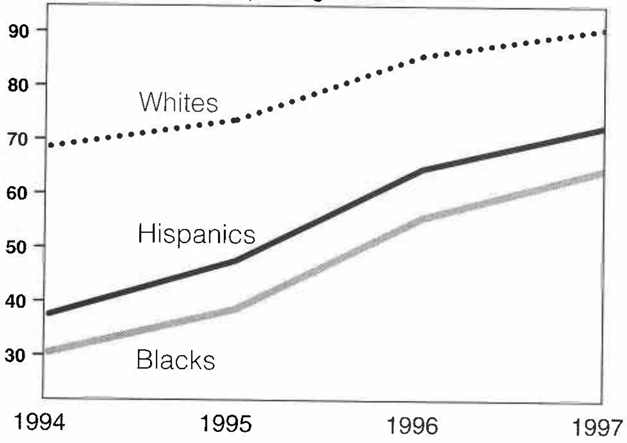
Narrowing the Gap

The proportion of Texas children passing the state's reading and math tests is rising quickly, especially among minorities.

% of Texas students passing TAAS reading test



% of Texas students passing TAAS math test



Source: Texas Education Agency

Royal Middle's plight illustrates the slow pace of improvement at most schools. In the end, the "low performing" rating had its desired effect: Midway through the 1996-97 school year, the district replaced the ineffective principal with Patsy Ann Parker, who initiated two-hour afternoon tutoring sessions, cracked down on truancy by hauling parents into court, and began offering 7 A.M. breakfasts to lure struggling students to before-school tutoring sessions. Her efforts earned the school an "acceptable" rating in 1997.

The school, though, still occupies a precarious position between "low performing" and "acceptable." According to Parker, parental involvement is low, in part because the truck stops along Interstate 10 bring a steady flow of drugs into the community. To encourage parents to care about academic results, Parker requires teachers to call each student's home once a week. She is also using computer programs in reading and math to track students' progress; from now on, 80 percent of the children who advance to the next grade must have skills at or above grade level. Where gang fights once were routine at Royal, "now we have quiet halls and productive classrooms," Parker proudly says. She also brings drug-sniffing dogs into the school regularly. Still, Parker says, it will take three to five years to turn the school around.

If Royal is typical, Isaacs Elementary is extraordinary. One-hundred percent of the school's students qualify for Title I funds, yet they scored higher than the statewide average on the TAAS in 1995, when Isaacs received an "acceptable" rating. Even so, principal Leon Pettis was determined to raise scores. To him, "acceptable" was unacceptable.

He adopted the Saxon reading and math programs known widely for their adherence to traditional methods such as phonics-based instruction. He also began to monitor his teachers' instructional habits by requiring them to give him portfolios of students' work each week. Teachers in turn were expected to act on the feedback Pettis delivered. "He would tell the teachers, 'If your students aren't performing, you as a teacher are lacking something,'" says Fredye Hemanes, the school's Title I coordinator. He also required students who had failed or nearly failed the TAAS to attend after-school tutoring sessions four days a week.

Two years later, 95 percent of the Isaacs kids who sat for the TAAS tests in reading, math, and writing passed all three tests, compared to just 66 percent in 1995 and 73 percent statewide. The reward came when Isaacs was named an elite "exemplary" school in 1997, a distinction it shared with just 10 percent of Texas schools.

The Lessons

The successes of school districts all over Texas yield many lessons about accountability:

First, decentralization is critical. The TEA gave districts wide discretion in running their school systems. In turn, the most effective superintendents have decentralized even further, allowing individual schools to make most curriculum and training decisions. "Site-based management" has become the new catch phrase in Texas education. Superintendents see the district office as less a regulatory overseer than as a source of instructional expertise, information, and targeted spending. In Corpus Christi, where the percentage of kids passing the TAAS in reading rose from 66 percent in 1994 to 82 percent in 1997, superintendent Abelardo Saavedra managed the creation of tough district-wide standards and gave his schools broad freedoms to meet them.

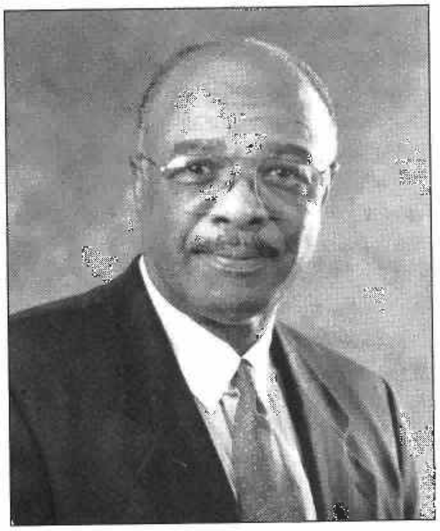
"We expect all our schools to be on track towards 'exemplary,'" says Saavedra, "and we look at the central office as their support system as opposed to the autocratic system we used to operate under."

The Houston school district, the largest in Texas, once mandated instructional methods like "whole language." Now superintendent Rod Paige routinely grants exemptions to principals who believe that district mandates are hampering their efforts. Houston was also the first district in Texas to permit public charter schools, which are liberated from most regulations in return for meeting rigorous performance standards. "We have turned the schools loose," says Paige. "We tell them that they're going to be responsible for the pie, so we're not going to give them the recipe." Paige's district boasted 25 "exemplary" schools in 1997, up from none in 1993, when the standards were easier to meet.

Second, student testing, used properly, helps schools to identify weaknesses among students and teachers. One key to Houston's resurgence has been its innovative use of the test data provided by the accountability system. The district office breaks apart the data to ensure that principals know how their schools, their students, and their individual teachers are doing. "We're able with this kind of data to go back down to the classroom, to the teacher," says Paige. "That makes the teacher's performance visible. It can be used to provide staff training and, in some cases, to make changes."

It's hard to overestimate the importance of test data in evaluating teachers *and* students. Teachers, says Saavedra, would like to improve but often don't know where their weaknesses lie. They often have no measure of their students' weaknesses either. Test scores provide the information they need. "When we do poorly in reading, we know specifically what part of reading we're not doing well in," says Saavedra. "There's no excuse for a classroom teacher not to be able to identify where she is weak. Scores should help guide the teacher."

Photo courtesy of the Houston Independent School District



Houston superintendent Rod Paige: "We have turned the schools loose."

Third, test data can also illuminate good practices. With schools' scores and demographic makeup in hand, educators can identify high-performing schools that are succeeding despite their obstacles. Without its TAAS scores, how else would Texans be able to identify a gem like Isaacs? "We've shown," says Darvin Winick, now an advisor to Texas governor George W. Bush's business council, "that you can't get credit for doing well without accountability." Then places like Isaacs become models for reform. According to Paige, more and more Houston schools are adopting programs such as Direct Instruction, Success for All, and Saxon reading and math because they have found that other successful schools are using them. "Schools are trying to find proven solutions because they're accountable for the results," says Paige.

Sonny Donaldson, superintendent of the nearby Aldine district, sent a team of curriculum and instructional specialists to the North Forest and Brazosport districts three years ago to divine their secrets. Both districts are famous for educating children who live, like those in Aldine, on the troubled outskirts of Houston, and Donaldson wanted to find strategies that would work for his students.

He found that these districts were closely analyzing individual students' test scores in order to tailor instructional programs to their needs. So he hired a consultant to write a computer program that would break down his own district's scores in a fashion helpful to teachers. He also sent curriculum specialists to any school rated below "recognized" to work with teachers in the field. With these reforms in place, 13 of the 26 schools that had been rated "acceptable" in 1995 rose to the "recognized" level in 1997. The district as a whole improved from "acceptable" to "recognized" in just two years. "We set out to be a 'recognized' school district," says Donaldson. "Now our goal is to be 'exemplary.' If 85 percent of a campus's kids are passing the TAAS, and they set a goal of maintaining that, we reject that. We want them to set more challenging goals."

Educators can use the test data to scour the state for proven instructional programs. At

Stephens Elementary in Aldine, principal Ruth Dimmick used the Success For All reading program developed at Johns Hopkins University to raise her school from "acceptable" in 1995 to "exemplary" in 1997—the only school in the district to do so. Don Hancock, the superintendent of the Connally school district near Waco, dispatched his math teachers to travel the state for the best program and they returned with Saxon math in hand. As a result, his district rose from "acceptable" in 1995 to "recognized" in 1997. Taft High School near Corpus Christi brought in Saxon math in 1996 and shot from "low performing" to "recognized" in one year. These programs are spreading throughout Texas as educators search for what works.

Fourth, in the most troubled schools, principals say, parental involvement is indispensable to reform. The principal at Brandon Elementary, a school north of Houston that went from "low performing" in 1996 to "acceptable" in 1997, now requires his teachers to call home whenever a student's performance falters. This is supposed to prompt parents to monitor their child's study habits or at least, in the worst of cases, just make sure their child comes to school regularly. Stephens Elementary in Aldine offers parents of its mostly Hispanic student population free English lessons. Hambrick Middle School in the same district offered parents gang-awareness workshops conducted by police officers, and exempts students from homework if they bring their parents to school. Hambrick parents now volunteer more hours than parents at any other school in the district. Frazier Elementary in Dallas, which jumped from a "low performing" rating in 1994 to "exemplary" in 1997, gives away donated furniture, pots and pans, and clothing to entice low-income parents to teacher conferences.

Lastly, the success of any reform depends on the deeply held conviction that any child can learn, even in the most challenging of circumstances. "I will not accept low student performance or excuses that students can't learn," says superintendent Gerald Anderson of the Brazosport school district. "We have a basic philosophy in this district that if one teacher can do it, then all teachers can do it. The same goes for school campuses and districts." Houston's Rod Paige adds, "We don't accept the conventional wisdom that some kids won't be able to handle the content and that we should lower the standards for them. There are schools in Houston loaded with low-income kids who perform. We believe that the school itself can make a difference."

Building Accountability

Texas is one of a handful of states fulfilling the model of an accountability system for educators. Such a system, says researcher Heidi Glidden of the American Federation of Teachers union (AFT), must have four prongs:

A set of standards describing the knowledge and skills students are expected to learn at each grade level. Teachers and principals in Texas know what they need to cover each year because the state gives them clear guideposts. The magazine *Education Week* and the AFT both gave Texas high marks for its academic standards.

A set of tests that are closely aligned with the state's standards. That way, the schools, the state, and the public know whether children are learning the skills needed to succeed in each grade. "Norm-referenced" tests such as the Stanford Achievement Test only measure where their students are relative to all the students who take the test. "Criterion-referenced" tests such as the TAAS and the NAEP tell them how much knowledge a student has acquired. The TAAS is easier than the NAEP, but it is much tougher than most states' assessments.

A system of rewards and sanctions for schools and students based on student test scores and other criteria such as dropout rates. Sanctions in Texas include the shame of a "low-performing" rating and the public hearing that accompanies it, the threat of a state takeover, and, for students who don't pass the 10th-grade TAAS exam, failure to graduate high school. But these are merely stopgap measures, used only when the state is confronted with massive failure. For the average school or district, the surreptitious ways in which educators base their promotion decisions on performance have much more influence over achievement.

A system of aid to failing schools. Without extra help, says Chris Pipho, a senior fellow at the Denver-based Education Commission of the States, giving a "low performing" rating would be like "giving an 'F' in an algebra class and saying the student is going to improve because he got an 'F'." Many schools could use the instructional expertise of top-flight teachers as well as an infusion of funds to purchase textbooks or to give teachers merit bonuses. Last fall, TEA commissioner Mike Moses visited the Dallas school district to scold the school board for public infighting. The district, in turn, provided $25,000 and a team of specialists to each of its two "low-performing" schools.

"There are schools in Houston loaded with low-income kids who perform," says Houston superintendent Rod Paige.

Standards and tests are clearly an important piece in the accountability puzzle, but what is most important—and what is lost in the debate over national testing—is what you do with the results. Key to Texas's reforms is how public and how understandable the ratings are. The TEA holds an annual press conference to announce the rankings, after which big-city newspapers such as the *Houston Chronicle* and the *Dallas Morning News* splash the names of "low performing" and "exemplary" schools across their front pages. In addition, every school's ranking and vital statistics are readily available on the Internet, a key tool in the accountability movement.

"We're finding more and more that when people come from other cities and states, they've already done a lot of legwork over the Internet," says Diane Craig, a real-estate agent in San Antonio. Homeowners and businessmen take a keener interest in the local schools when their quality affects property values.

Subterfuge and Solutions

Texas's system is by no means perfect. For one thing, the benchmark for earning an "acceptable" rating is still rather low. In fact, just four years ago a school could see 80 percent of its students fail the TAAS and still avoid the "low performing" stigma. But the threshold to qualify as "acceptable" rises each year by 5 percentage points. By the year 2000, a school will need a TAAS passage rate of 50 percent to earn an "acceptable" rating. "The standards aren't where we want them to be," says Chris Cloudt of the TEA. "But that's a pretty fast pace to be increasing them." The standard for a "recognized" rating has also ratcheted up, from 60 percent in 1994 to 80 percent this year.

Another major weakness in the system is the loophole that overlooks the performance of special-ed and LEP students. The TEA already reports the scores of Hispanic students who take the TAAS in Spanish, and those scores will soon influence the rankings. A test for special-ed students is in the works. "There's a dual emphasis on raising standards and including the maximum number of students," says Cloudt of the TEA.

A more troubling issue is the sheer number of children labeled special education and LEP in the first place. Statewide, 10 percent of students are exempted from the TAAS, and another 6 percent or so take the test, yet are not included in the rating system because of their special-ed status. At some schools, those numbers are alarmingly higher. In 1997, the Houston school district only used the test scores of 39 percent of Brock Elementary students in determining the school's accountability rating because the school had labeled 40 percent of its students special ed and another 18 percent LEP. "The number of kids who are special ed ought to be 5 percent, max," says John Cole of the TFT union. Superintendent Thomas Tocco of the Fort Worth school district recently ordered an investigation of its special-education programs after discovering that one-third of all Fort Worth elementary schools had exempted at least 20 percent of their kids for special ed.

What is happening here is a cloudy and controversial issue. Some observers claim that principals are finding ways to hide struggling students because the accountability system carries such high stakes. "We told lawmakers that if they didn't make the exemptions very tight, schools would test only the kids who do well," says Gayle Fallon, the president of the Houston Federation of Teachers, the largest local arm of the TFT. "And that's precisely what happened." Houston superintendent

A New Educational Era

For information about standards, testing, and accountability, contact these organizations within and outside Texas:

American Federation of Teachers (AFT) • The nation's second largest teachers union publishes *Making Standards Matter,* an annual rating of each state's academic standards. Tel.: 202-879-4400.

Texas Education Agency (TEA) • The state agency responsible for rating Texas schools. School data and ratings are available on the agency's Internet site. Tel.: 512-463-9734; Web site: www.tea.state.tx.us.

Texas Business and Education Coalition (TBEC) • A group of prominent business leaders and educators devoted to educational reform in Texas. Tel.: 512-480-8232.

Texas Conservative Coalition • An active player in Texas educational reform, its analysts have studied the state's accountability system in depth. Tel.: 512-474-1798.

Hudson Institute • Chester Finn, an education scholar at Hudson, is an expert on school choice, charter schools, standards, and testing. He also heads the **Thomas B. Fordham Foundation**'s project to renew American education. Hudson: tel.: 202-223-7770, Fordham Foundation: tel.: 202-223-5452; Web site: www.edexcellence.net.

Center for Education Reform • Studies state reform efforts, charter schools, school choice, standards, and accountability. Tel.: 202-822-9000; Web site: www.edreform.com.

Manhattan Institute • Education expert Diane Ravitch studies school choice, state reform efforts, standards, and accountability. Tel.: 212-599-7000; Web site: www.manhattan-institute.org

Education Commission of the States • A Denver-based research institute that tracks educational reforms in the states, especially the development of state accountability systems. Tel.: 303-299-3600; Web site: www.ecs.org.

Education Trust • A Washington, D.C.-based advocacy group that promotes standards and accountability as means of improving the achievement of low-income students. Tel.: 202-293-6440.

Infoseek • Find every state education agency's Web site at www.infoseek.com/School_districts?sv=N5&svx=related.

Rod Paige denies such charges, saying that schools have strict guidelines for placing children into special education classes. Just last year, the TEA set up a special unit to investigate such claims.

Equally important is the question of how often students should be tested. Many teachers say the state tests students too often, and some say they are spending too much time teaching to the test, but others disagree. "If you're sure you have a strong link between the curriculum and the test, then you're testing what you want the children to learn," says Cloudt of the TEA. And there is strong support among business leaders and policy analysts for expanding testing to the first and second grades and to grades nine through 11. "When you last test kids at the 10th-grade level, you have not told them whether they are qualified to move past high school," says John Stevens, the executive director of TBEC.

Stevens's point is punctuated by the prevalence of high schools among the ranks of the "low performing." While many elementary-school pupils, with their fresh minds and pre-adolescent innocence, have little trouble climbing to a higher rating, high schools and, to a lesser degree, middle schools, have proven more intransigent.

The story that unfolded at Fox Technical High School in San Antonio illustrates the difficulty. After two straight years as a "low-performing" school, in 1995 auditors from the TEA deemed the problems plaguing Fox Technical High School too intractable for minor tinkering. Citing divisions among the staff and low morale, the team of auditors recommended a rare measure called "reconstitution"—essentially, starting from scratch. A new principal with a reputation for reform was brought in and the entire staff had to reapply to the school. Every principal's dream became a reality for Joanne Cockrell: She was able to hand-pick her entire staff, only a third of whom were holdovers from the prereconstitution days. "We thought that it would be ludicrous to keep the same teachers and expect different results," says Cockrell.

While many reform efforts buckle to union pressure or public discontent, Texas's accountability system has only become more rigorous over time.

Two years later, Cockrell unexpectedly found herself having to explain to TEA commissioner Mike Moses why the results had hardly improved. Despite higher reading scores and a declining dropout rate, in 1997 Fox Tech was saddled with the "low-performing" stigma for the fourth straight year because the proportion of its students passing the TAAS in math remained below 35 percent, the benchmark for an "acceptable" rating. The improvements were strong enough to justify some faith in Cockrell and her staff, but the TEA's monitoring of Fox Tech continues.

The Coming Years

The Texas accountability system must continue to prove itself. The gains of eighth-graders on the 1996 NAEP math tests were not as impressive as those of fourth-graders, perhaps because they had already received five years of Texas schooling by the time reforms began in 1993. It will be interesting to see what happens in the coming years, as kids who began their schooling during the reform era start to enter middle school. (Likewise, the benefits of reforms would not have shown up on the last NAEP reading assessment in 1994. On that assessment, Texas's fourth-graders performed at the national average.)

In the meantime, the reforms continue to spark some opposition. In October, the Mexican American Legal Defense and Education Fund (MALDEF) filed suit against the TAAS. The suit charges that the TAAS's 10th-grade test, which students must pass to graduate, discriminates against minorities. This accords with MALDEF's long history of opposition to student testing in general and to testing as a graduation requirement in particular. Fortunately, the U.S. Department of Education ruled against a similar complaint filed by the NAACP last summer, and few observers expect the outcome to change.

These groups are finding themselves on the wrong side of public opinion in Texas, even among educators. "Now the system is just a part of Texas," says Catherine Clark, director of the Texas Center for Educational Research. "It's not a subject of debate." Of the educators I have spoken with, the ones who did criticize the system argued that it wasn't tough enough.

Meanwhile, reforms continue apace. Governor Bush has proposed ending social promotion—the practice of graduating children to the next grade regardless of their skill level—statewide, and Rod Paige is in the process of drafting a plan for his district. A nascent program, the Public Education Grant, now allows students to leave any school receiving a "low-performing" rating within the past three years as long as another school or district will take them. Texas lawmakers are looking to provide incentives for districts to open their doors.

While many educational reform efforts quickly buckle to union pressure or public discontent, Texas's system has only become more rigorous over time. If this trend continues, Texas, one of the nation's poorest states, may soon become the best place to get an education.

***Tyce Palmaffy** is the assistant editor of* Policy Review: The Journal of American Citizenship.

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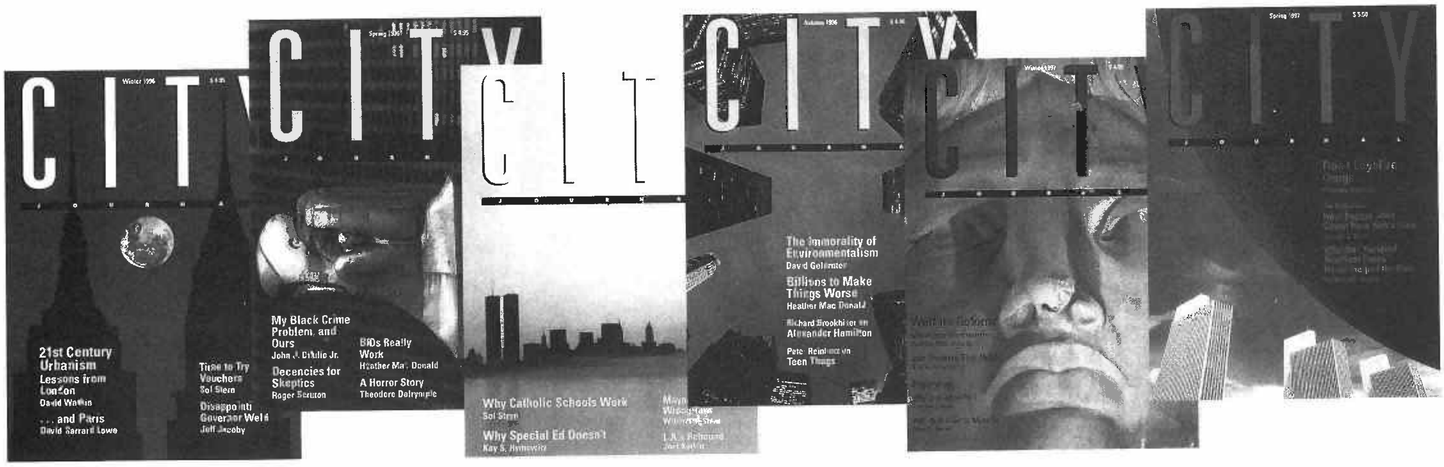

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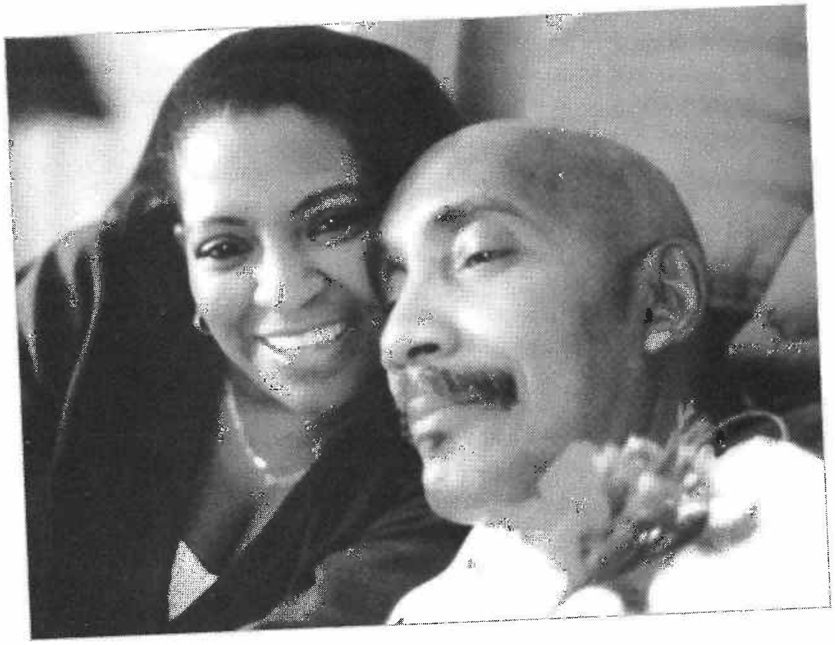
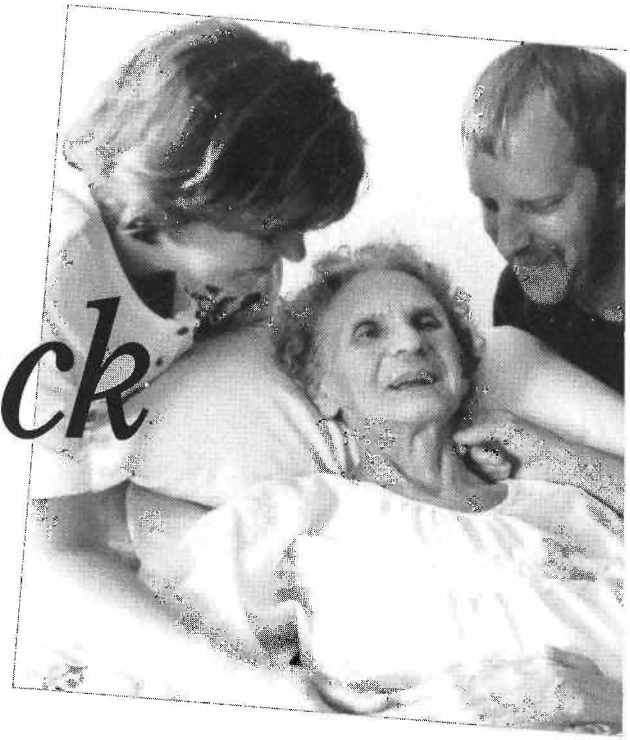


By Joe Loconte

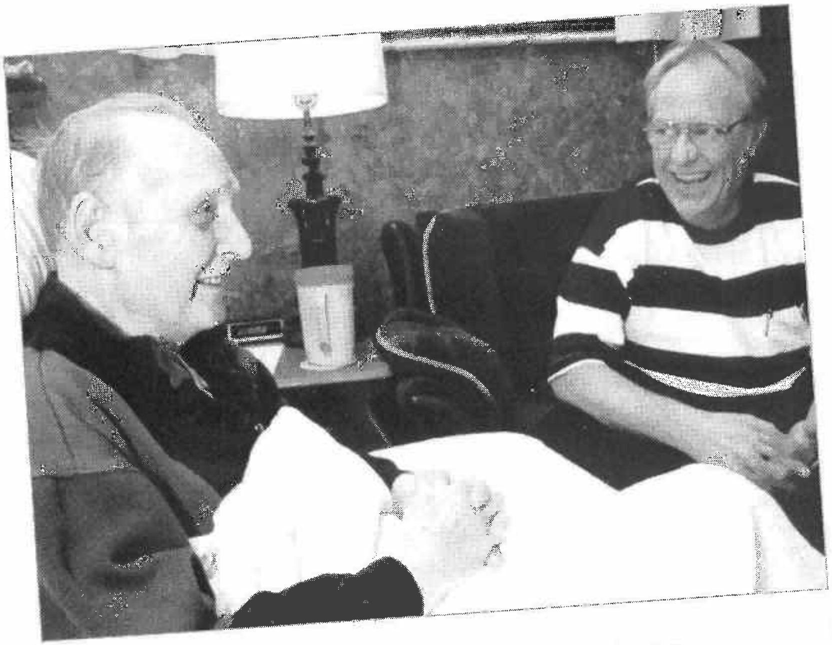
Hospice, *Not Hemlock*

The medical and moral rebuke to doctor-assisted suicide



In the deepening debate over assisted suicide, almost everyone agrees on a few troubling facts: Most people with terminal illnesses die in the sterile settings of hospitals or nursing homes, often in prolonged, uncontrolled pain; physicians typically fail to manage their patients' symptoms, adding mightily to their suffering; the wishes of patients are ignored as they are subjected to intrusive, often futile, medical interventions; and aggressive end-of-life care often bankrupts families that are already in crisis.

Too many people in America are dying a bad death.



Left: The central aim of hospice is to help people live fully until they die: A patient and his new bride share a moment on their wedding day.

Center: Family and hospice staff gather at a patient's bedside. The home-based approach of hospice gives families many opportunities to provide support.

Right: A hospice volunteer cheers a patient. About 100,000 volunteers serve in 2,500 hospice programs nationwide.

The solution, some tell us, is physician-assisted suicide. Oregon has legalized the practice for the terminally ill. Michigan's Jack Kevorkian continues to help willing patients end their own lives. The prestigious *New England Journal of Medicine* has come out in favor of doctor-assisted death. Says Faye Girsh, the director of the Hemlock Society: "The only way to achieve a quick and painless and certain death is through medications that only a physician has access to."

This, we are told, is death with dignity. What we do not often hear is that there is another way to die—under the care of a specialized discipline of medicine that manages the pain of deadly diseases, keeps patients comfortable yet awake and alert, and surrounds the dying with emotional and spiritual support. Every year, roughly 450,000 people die in this way. They die in hospice.

"The vast majority of terminally ill patients can have freedom from pain and clarity of mind," says Martha Twaddle, a leading hospice physician and medical director at the hospice division of the Palliative CareCenter of the North Shore, in Evanston, Illinois. "Hospice care helps liberate patients from the afflictions of their symptoms so that they can truly live until they die."

The hospice concept rejects decisions to hasten death, but also extreme medical efforts to prolong life for the terminally ill. Rather, it aggressively treats the symptoms of disease—pain, fatigue, disorientation, depression—to ease the emotional suffering of those near death. It applies "palliative medicine," a team-based philosophy of caregiving that unites the medical know-how of doctors and nurses with the practical and emotional support of social workers, volunteer aides, and spiritual counselors. Because the goal of hospice is comfort, not cure, patients are usually treated at home, where most say they would prefer to die.

"Most people nowadays see two options: A mechanized, depersonalized, and painful death in a hospital or a swift death that rejects medical institutions and technology," says Nicholas Christakis, an assistant professor of medicine and sociology at the University of Chicago. "It is a false choice. Hospice offers a way out of this dilemma."

Hospice or Hemlock?

If so, there remains a gauntlet of cultural roadblocks. Hospice is rarely mentioned in medical school curricula. Says Dale Smith, a former head of the American Academy of Hospice and Palliative Medicine, "Talk to any physician and he'll tell you he never got any training in ways to deal with patients at the end of life."

The result: Most terminally ill patients either never hear about the hospice option or enter a program on the brink of death. Though a recent Gallup Poll shows that nine out of 10 Americans would choose to die at home once they are diagnosed with a terminal disease, most spend their final days in hospitals or nursing homes.

And, too often, that's not a very good place to die. A four-year research project funded by the Robert Wood Johnson Foundation looked at more than 9,000 seriously ill patients in five major teaching hospitals. Considered one of the most important studies on medical care for the dying, it found that doctors routinely subject patients to futile treatment, ignore their specific instructions for care, and allow them to die in needless pain.

"We are failing in our responsibility to provide

Photos (from l. to r.) by Kristen Petersen, Acelia Parker, and Philip Prien; courtesy of the National Hospice Organization

humane care for people who are dying," says Ira Byock, a leading hospice physician and the author of *Dying Well*. George Annas, the director of the Law, Medicine and Ethics Program at Boston University, puts it even more starkly: "If dying patients want to retain some control over their dying process, they must get out of the hospital."

That's precisely the argument that hospice advocates have been making for the last 25 years. Hospice programs are, in fact, the only institution in the country with a record of compassionate, end-of-life care for people with incurable illnesses. The hospice movement, and the palliative approach to medicine it represents, could revolutionize America's culture of dying.

Since the mid-1970s, hospice programs have grown from a mere handful to more than 2,500, available in nearly every community. At least 4,000 nurses are now nationally certified in hospice techniques. In Michigan—Kevorkian's home state—a statewide hospice program cares for 1,100 people a day, regardless of their ability to pay. The Robert Wood Johnson Foundation, a leading health-care philanthropy, has launched a $12-million initiative to improve care for the dying. And the American Medical Association, which did not even recognize hospice as a medical discipline until 1995, has made the training of physicians in end-of-life care one of its top priorities.

There is a conflict raging in America today over society's obligations to care for its most vulnerable. Says Charles von Gunten, a hospice specialist at Northwestern Memorial Hospital, in Chicago, "It is fundamentally an argument about the soul of medicine." One observer calls it a choice between hospice or hemlock—between a compassion that "suffers with" the dying, or one that eliminates suffering by eliminating the sufferer.

A New Vision of Medicine

The modern hospice movement was founded by English physician Cicely Saunders, who, as a nurse in a London clinic, was aghast at the disregard for the emotional and spiritual suffering of patients near death. In 1967, she opened St. Christopher's Hospice, an in-patient facility drawing on spiritual and practical support from local congregations.

"She wanted to introduce a distinctly Christian vision to mainstream medicine," says Nigel Cameron, an expert in bioethics at Trinity International University, in Deerfield, Illinois. The staples of the hospice philosophy quickly emerged: at-home care; an interdisciplinary team of physicians, nurses, pharmacists, ministers, and social workers; and a heavy sprinkling of volunteers.

Saunders' vision got a boost from *On Death and Dying*, Elizabeth Kubler-Ross's book based on more than 500 interviews with dying patients. The study, in which the author pleaded for greater attention to the psychosocial aspects of dying, became an international bestseller. By 1974, the National Cancer Institute had begun funding hospices; the first, in Branford, Connecticut, was regarded as a national model of home care for the terminally ill.

Early hospice programs were independent and community-run, managed by local physicians or registered nurses. Most operated on a shoestring, relying on contributions, patient payments, and private insurance. Many were relatively spartan, consisting of little more than a nurse and a social worker making home visits.

Religious communities were early and natural supporters. "The questions people ask at the end of life are religious questions," says Rabbi Maurice Lamm, the president of the National Institute for Jewish Hospice, "and they must be answered by somebody who knows the person's faith." Synagogues, which usually support visitation committees for the sick, formed commissions to establish a Jewish presence in hospitals offering

Photo by Rita Kallman Photography

Martha Twaddle (right), one of the nation's leading hospice physicians, insists that doctors work closely with patients to help manage the pain and symptoms of terminal illness.

hospice care. The Catholic Church took a leadership role: Through its hospitals, health-care systems, and parishes, it began providing hospice beds, nurses, and priests.

By the mid-1980s, the movement started to take off. As hospital costs escalated, Medicare joined a growing number of insurance companies that offered reimbursement for hospice's home-care approach. In 1985, President Ronald Reagan signed legislation making the Medicare hospice benefit a permanent part of the Medicare program.

Today nearly 80 percent of hospices qualify. Medicare picks up most of the bill for services, from pain medications to special beds. The majority of managed-care plans offer at least partial coverage, and most private insurance plans include a hospice benefit. Since becoming a part of Medicare, hospice has seen a four-fold increase in patients receiving its services.

Redefining Autonomy

The starting place for any hospice team is the patient: What kind of care does he or she really want? "It's not about our goals for a patient," says Dorothy Pitner, the president of the Palliative CareCenter of the North Shore, which cares for about 200 people a day in Chicago's northern suburbs. "They tell us how they define quality of life, and then together we decide the course of action."

This is how hospice respects patient autonomy: not by hastening death, but by working closely with patients and families to weigh the costs and benefits of care. "Patients have the right to refuse unwanted, futile medical care," says Walter Hunter, the chairman of the National Hospice Ethics Committee. "But the right to refuse care does not mean the right to demand active assistance in dying." Patients resolve the tradeoffs between controlling pain and feeling alert; they choose whether to use medical device that provides them with nutrients but causes swelling and congestion.

Though physicians and medical directors may make only a few visits to a patient's home over the course of an illness, they supervise all caregiving decisions by the hospice teams. No one fills a prescription, inserts a tube, or gives medication without their OK. The central task of getting a person's pain under control falls to doctors, working closely with pharmacists.

Registered nurses serve as case managers. Usually they are the first to enter the home of the dying, make an assessment, and describe symptoms to physicians. They visit the home weekly and are on call 24 hours a day for emergencies. Nurses, along with nurse's aides, not only act as the go-between for families and physicians; they also bear much of the burden for making sure patients are comfortable, from administering drugs to drawing blood to suggesting medications or therapies. Says Marty Ayers, the executive director of the Hospice and Palliative Nurses Association, "The nurses are still breaking ground on what works for people."

Volunteers are also important to that work. For several hours a week they help out at home, cooking or doing household chores, keeping an eye on bed-ridden patients, or just listening as family members struggle with grief. Last year, about 100,000 volunteers joined 30,000 paid staff in hospices nationwide. They are, as one veteran caregiver puts it, the "sponges" in the mix, soaking up some of the anguish that accompanies death and dying.

The Death Wish

Hospice care usually begins where traditional medicine ends: when it becomes clear that a person's illness will not succumb to even the most heroic of medical therapies. "This is the toughest problem for doctors and families, the issue of letting go," says Alan Smookler, the Palliative CareCenter's assistant medical director. "There's a lot of technology out there—feeding tubes, antibiotics, oxygen, ventilators, dialysis—and the hardest problem is saying that these interventions are no longer beneficial."

Such was the case for John Brown, diagnosed with terminal cancer. Brown (not his real name) was treated with radiation and chemotherapy in a Washington, D.C.-area hospital. The treatments proved ineffective, and the pain from his cancer got worse. His wife convinced him to enter care at a local hospice program.

"His immediate request was that his wife call several friends, all of whom were hunters, and ask them to shoot him," says the Reverend Jeanne Brenneis, of the Hospice of Northern Virginia. "This was a man very used to being in control, and he was frightened of being helpless and in pain."

Hospice respects patient autonomy, not by hastening death, but by working closely with patients and families to weigh the costs and benefits of care.

The hospice team concentrated first on relieving Brown's physical discomfort. His physician prescribed several pain-killing drugs, while a nurse watched for other symptoms. Within a couple of days, his pain was under control.

Though mostly bed-bound, Brown spent the next five months at home laboring as best he could at his favorite hobby: boat design. The hospice team set up a drafting board by his bedside so he could go on working. He finished one design and was halfway through another when he died.

He caught up on some other business as well: spending time with his wife and adult daughters and, after years of avoiding church, coming to terms with God. "He had time to reflect and think," Brenneis says, "and he grew a great deal emotionally and spiritually in that time."

Losing Control

Brown's story is no longer remarkable. Interviews with hospice caregivers uncover a singular experience: Once the pain and symptoms of an illness are under control, people rarely talk about taking their own lives. "Those requests go away with good palliative care," says von Gunten, who directs palliative education at Northwestern University Medical School. "I see this on a routine basis."

The Hospice of the Florida Suncoast, in operation since 1977, works mostly with retirees in Pinellas County. Now the largest community-based hospice in the country, it has about 1,200 patients under care on any given day. Programs extend to nearly all of the 100 or so nursing homes in the area. About 80 percent of all county residents with end-stage cancer find their way into its orbit of care.

Hospice president Mary Labyak says many people come in eager to hasten their own deaths, but almost always have a change of heart. Of the 50,000 patients who have died under the group's care, she says, perhaps six have committed suicide. "The public perception is that people are [choosing suicide] every day. But these are people in their own homes, they have the means, they have lots of medication, and they don't choose death."

Hardly anything creates a more frightening sense of chaos than unrelieved pain and suffering. "We know that severe pain greatly reduces people's ability to function," says Patricia Berry, the director of the Wisconsin Cancer Pain Initiative. "If we don't control symptoms, then people can't have quality of life, they can't choose what they want to do or what to think about."

By interrupting sleep, curbing appetite, and discouraging personal interactions, pain doesn't just aggravate a person's physical condition. It also leads, as a recent report by the Institute of Medicine puts it, to "depression and demoralization" of the sufferer. Says David English, the president of the Hospice of Northern Virginia, one of the nation's oldest programs, "You can't address the psychosocial issues of a person who is in pain."

Hospice has understood this connection between pain and overall well-being from the start. After conventional treatments fail, says Martha Twaddle, "you'll often hear doctors say 'there's nothing left to do.' There's a lot left to do. There is a lot of aggressive care that can be given to you to treat your symptoms."

Hardly anyone doubts that more energetic caregiving for the dying is in order. A 1990 report from the National Cancer Institute warned that "undertreatment of pain and other symptoms of cancer is a serious and neglected public health problem." The New York State Task Force on Life and the Law, in arguing against legalizing assisted suicide, cited the "pervasive failure of our health-care system to treat pain and diagnose and treat depression."

The best studies show that most doctors still undertreat pain and that most people with chronic and terminal illnesses experience needless suffering. A survey was taken few years ago of 1,177 U.S. physicians who had cared for more than 70,000 patients with cancer during the previous six months. Eighty-five percent said the majority of cancer patients with pain were undermedicated; nearly half

Photo by Rita Kallman Photography

Every week, hospice physicians, nurses, social workers, and volunteers at the Palliative Care Center of the North Shore, in Evanston, Illinois, meet to discuss patients under their care.

of those surveyed rated their own pain management techniques as fair or very poor.

A Strategy of Comfort

It's a pretty quiet Wednesday morning on the hospice unit at Evanston Hospital. The 14-bed wing, run by the Palliative CareCenter of the North Shore, supports terminally ill patients who require more intensive care than home-based hospice can provide.

Members of the hospice team slowly file into a conference room. Eleven people—a medical director, a doctor, nurses, social workers, volunteers, and a chaplain—find chairs and sip coffee. It is their weekly team meeting: For the next two hours, they will haggle over strategies for treating each patient on the unit.

After discussing a few other cases, the group lingers over the status of an 81-year-old man who is dying of lung cancer.

Says Janna Roop, a nurse, "He's getting 10 milligrams of morphine."

Someone asks, "Is he in pain?"

"Yes, his pain has greatly increased."

A social worker: "His family is very concerned—"

Says Roop, "They don't want him medicated. They want him awake."

"The issue is whether or not he is comfortable," Twaddle says. "Let's talk about how to make him comfortable."

Roop: "He was telling me 'I'm hurting,' and I would give him morphine, and the family would look at me like I was killing him."

Twaddle: "A family meeting might help."

"Maybe."

"You could ask a question of them: 'Would you prefer that he's in pain?'"

"They say he's too confused to know whether he's in pain."

"Confusion doesn't obscure pain."

A Debt to Hospice

The pain-control approach of hospice depends on an aggressive use of opioid drugs—narcotics such as morphine, fentanyl, codeine, or methadone. Despite the effectiveness of these drugs in clinical settings, euthanasia supporters often ignore or contest the results. Timothy Quill, a leading advocate of doctor-assisted suicide, writes that "there is no empirical evidence that all physical suffering associated with incurable illness can be effectively relieved."

Ira Byock, the president of the American Academy of Hospice and Palliative Medicine, says that's medical bunk. A 20-year hospice physician, Byock has cared for thousands of patients with terminal disease. "The best hospice and palliative-care programs have demonstrated that pain and physical suffering can *always* be alleviated," he says. "Not necessarily eliminated, but it can always be lessened and made more tolerable."

Physicians and other authorities outside the hospice movement agree that most pain can be controlled. Authors of the New York Task Force report assert that "modern pain relief techniques can alleviate pain in all but extremely rare cases." A primer on cancer-pain management from the U.S. Department of Health and Human Services (HHS) urges clinicians to "reassure patients and families that most pain can be relieved safely and effectively."

> **"The best hospice and palliative-care programs have demonstrated that pain and physical suffering can always be alleviated," says one doctor.**

The wide acceptance of the use of morphine and other narcotics to control pain owes much to hospice caregivers. The key people at a World Health Organization conference, which helped establish the HHS guidelines on pain control, were leaders in hospice care. Says James Cleary, the director of palliative medicine at the University of Wisconsin Medical School: "The whole concept of providing good palliative care has really been driving the movement."

Though most of the pain management research conducted over the last decade has occurred in academic and clinical settings, the front-line work of hospice staff has added significantly to what we know about mitigating pain and suffering. Says Cleary: "Hospice has been a part of the whole learning process because they care for cancer patients, and most of what we've learned has come from them." Patricia Berry, of the Wisconsin Cancer Pain Initiative, goes a step further: "The hospice movement finally legitimized the practice of pain management."

What We Know About Pain

The big clinical breakthroughs in understanding the most effective medical uses of opioids have come in the last 10 to 15 years. It is now widely accepted that acute pain should be treated "preemptively"—that is, by giving narcotics regularly, around the clock, when pain first occurs. Previously, physicians would administer painkilling drugs only when patients had an acute need for relief. But the best clinical studies show that continuous doses keep the person's nervous system from becoming hypersensitive to pain and thus prevents future episodes.

In its 1994 guidelines for managing cancer pain, the Agency for Health Care Policy and Research at HHS says maintaining a constant level of drug in the body wards off pain. "They observed this in the hospices in London," von Gunten says, "but now we understand the neurobiology that explains it."

A second discovery overturns popular notions about drug medications and addiction. Research studies from at least 1980 onward demonstrate that opioid use does not lead to addiction among acute pain sufferers. Physical dependence—not the same as addiction—becomes a problem when medication is quickly discontinued, but experts say it can be easily managed by gradually reducing dosages. Psychological addiction, even when high doses of narcotics are given, does not seem to occur.

The most widely cited studies on drug addiction show that morphine only becomes psychologically addictive in people with a history of substance abuse, or when it is used for reasons other than managing serious pain. "I've been with hospice for over 20 years," Berry says, "and I've never seen anybody become psychologically dependent." In a review of 10,000 burn patients requiring large amounts of opioid therapy, none were reported to have become addicted. The M.D. Anderson Cancer Center in Houston, citing the best clinical studies, discounts the risk of opioid addiction when used to treat pain.

A final discovery—contradicted by the advocates of assisted suicide, among others—is that even large doses of morphine will not suppress respiration or hasten death. "Morphine is an enormously safe drug for someone who is tolerant to it, and most people in pain at the end of life are," says Eric Chevlen, the director of palliative care at St. Elizabeth's Hospital, Youngstown, Ohio. The HHS guidelines essentially dismiss the risk of respiratory compromise. Studies published in the *New England Journal of Medicine* and by the American Pain Society say the occurrence of respiratory depression is "rare" among patients with chronic pain.

Until the doctor-assisted suicide debate, the hospice philosophy of care was not acknowledged by the medical establishment.

"It can suppress respiration if it's overdosed," says Twaddle, a professor at Northwestern University Medical School, "but not if you give them only enough to control their pain." The reason: Pain puts the central nervous system in a state of alertness, experts say, and the body quickly develops a tolerance as doses are gradually increased.

This process, called "titrating to effect," allows some patients to take large amounts of opioid drugs without ill effects. "We have people taking hundreds of milligrams of morphine a day. They need that much to deal with pain, yet they're alert," says Kathy Neely, the associate medical director at Northwestern Memorial Palliative Care Center in Chicago. "The dose they take would probably kill us, but their body gets accustomed to it." Says Kathleen Foley, a pain expert at Memorial Sloan-Kettering Cancer Center in New York, "There appears to be no limit to tolerance" when drugs are properly administered.

Rather than hastening death, good pain management can actually prolong life. When people are not in pain, they eat better and their body's immune system often improves. They usually become more mobile, decreasing their risk of respiratory infection. At least for a time, these patients rebound, and many go on to live weeks longer than anyone anticipated. Hospice nurses and social workers say they see this occur all the time.

Changing the Landscape

Not long ago oncology staff from Evanston Hospital, counseled in pain control techniques by Martha Twaddle, called her to report that a patient with prostate cancer who received morphine was barely breathing. Twaddle decided to visit the man herself.

"What is it that hurts?" she asks.

The man mumbles something about a machine.

Twaddle eventually understood: The patient is an octogenarian Russian immigrant who doesn't understand much English. "He had experienced the Holocaust, and now they're taking him down every day to a machine for radiation. So when they put him on the gurney, he says he's in pain."

She shakes her head. "You don't treat anxiety and fear with morphine. You treat anxiety and fear with education and support."

This is what hospice staff mean by holistic or palliative medicine: Their medical gaze sees beyond the disease itself. Though important, the hospice contribution to pain management represents only part of its strategy of care. Its support for palliative medicine may prove to be the movement's most important legacy.

Palliative care studies are now appearing at major universities, hospitals, and research centers. The United Hospital Fund in New York City has organized a 12-hospital project to test palliative care programs. D.C.'s George Washington University researchers have set up a Center to Improve Care of the Dying. The federal Assisted Suicide Funding Restriction Act, passed last year, authorizes HHS to fund research projects that emphasize palliative medicine to improve care for the terminally ill.

Oddly enough, until the doctor-assisted suicide debate, the hospice philosophy of care was not acknowledged by the medical establishment. The nation's top medical schools, the American Medical Association, the College of Physicians, the Institute of Medicine, and the National Academy of Science all mostly ignored the movement and its aims.

"They all acted as if hospice was a friendly aunt who would sit and hold the hand of a patient, but not anything serious adults needed to pay attention to," Byock says. "But now hospice is being recognized as a robust, medically competent, team-based approach to the person and family who are confronting life's end."

The Road Ahead

What started out as something of a revolt against traditional medicine is slowly becoming mainstream. In important ways, hospice remains faithful to Saunders's vision of comprehensive, home-based care to the terminally ill. Last year, at least three-quarters of hospice patients died at home. Though most of its clients suffer from cancer, hospice now treats those with a range of life-threatening diseases, including Alzheimer's, lung disease, heart disease, and AIDS.

Despite the growing reach of hospice, however, too many people still enter a program already at death's doorstep. Says Naomi Naierman, the president of the American Hospice Foundation,"The resistance on the part of physicians to introduce hospice before the brink of death is a major barrier." According to one study, the median length of survival after entering hospice is barely two months. More than one in four patients dies within two weeks, many within a couple of days. Researchers from the University of Chicago and the University of Pennsylvania concluded in a 1996 report that "most hospice patients enter the programs too late to benefit from them."

Moreover, the mainstreaming of hospice is posing new challenges. Medicare funding has made its rapid growth possible and helped professionalize its services. But it also has institutionalized the movement, making it less connected to community support and much more dependent on government funding.

Only about 28 percent of all hospices are now independent and community-based; nearly half are operated by hospitals or home health agencies. In its early years, hospice ran primarily on grants, charitable donations, and volunteers. Medicare now pays for about two-thirds of all hospice care. For-profit hospices, spurred on by the availability of Medicare, constitute 15 percent of the industry. Observers say avoiding the worst excesses of managed care may be one of the movement's greatest challenges.

Dying Well

Here are some resources for examining compassionate alternatives in end-of-life care:

American Academy of Hospice and Palliative Medicine • A research organization that has recently launched a long-term physician-training project. Tel.: 352-377-8900

Center to Improve Care of the Dying, George Washington University • An interdisciplinary organization dedicated to research, advocacy, and education. Tel.: 202-467-2222

Hospice and Palliative Nurses Association • Offers national certification for nurses in hospice care. Tel.: 412-361-2470

National Hospice Organization • A membership organization that promotes the development of national standards for hospice programs. Tel.: 1-800-658-8898

Approaching Death: Improving Care at the End of Life, by the Institute of Medicine (National Academy Press, 1997).

Dignity and Dying: A Christian Appraisal, edited by John Kilner, Arlene Miller, and Edmund Pellegrino (William B. Eerdmans Publishing, 1996).

Dying Well: The Prospect for Growth at the End of Life, by Ira Byock (Riverhead Books, 1997).

Forced Exit: The Slippery Slope From Assisted Suicide to Legalized Murder, by Wesley Smith (Time Books, 1997).

Last year Medicare dedicated about $2 billion, roughly 1 percent of its payments, to hospice care, at a *per diem* cost of $94.17 per patient. But of course the solvency of Medicare is up for grabs. Says Carolyn Cassin of the Hospice of Michigan: "The future of hospice as we have known it — defined and funded primarily by the federal government — is uncertain."

Despite these hurdles, hospice and palliative programs continue to make inroads in communities around the country. New programs are appearing in various caregiving settings, from children's hospitals to nursing homes. Nearly 100 hospices have established in-patient units, usually attached to hospitals, to offer more intensive help than traditional programs. And a growing number of groups are extending palliative care to the chronically ill who are not in hospice and are still treating their diseases. "There needs to be a pathway of good care for people with a terribly serious disease who might live a long time," says Joanne Lynn, the director of the Center to Improve the Care of the Dying. "That's how most of us will die."

Living Until They Die

Even the goal of easing people's suffering, as central as it is to hospice care, is not an end in itself. The aim of comfort is part of a larger objective: to help the terminally ill live as fully as possible until they die. This is where hospice departs most pointedly both from traditional medicine and the advocates of assisted suicide.

Hospice, by shining a light on the emotional and spiritual aspects of suffering, is challenging the medical community to re-examine its priorities. The period at the end of life, simultaneously ignored and micromanaged by conventional approaches, can be filled with significance. To neglect it is to diminish ourselves. "Spiritual inattentiveness in the face of dying and death can lead to the sad spectacle of medical technology run amok," says Laurence O'Connell, the president of the Park Ridge Center, a medical ethics think tank in Chicago.

Those who have spent years tending to the dying say there is a mystery at life's end, one that seems to defy the rules of medicine. Walter Hunter, a medical director at the Hospice of Michigan, recalls a patient with end-stage kidney disease who entered hospice and quickly asked to be taken off of the hemodialysis (a kidney machine) needed to keep her alive. Conventional medical wisdom put her life expectancy at two to three weeks without the technology, but the woman said she was eager to die.

Eight months later she was still alive. She asked Hunter, then her primary doctor, why she was still breathing. "I don't know," the doctor replied. "According to the textbooks, you should be dead."

Hospice staff had been busy in those months, keeping the patient comfortable, providing emotional and spiritual support. They later learned that just two days before the woman died, she had reconciled with one of her estranged children.

Sharon McCarthy has been a social worker at the Palliative CareCenter of the North Shore for 18 years. She has cared for thousands of dying patients, getting a ringside seat to the grief of countless families. For the vast majority, she says, hospice provides the window of opportunity to get their lives in order. One of the most common desires: forgiveness, both extended and received. "There's a lot of non-physical pain that goes on when these things aren't done." Says Mary Sheehan, director of clinical services and a 12-year veteran in hospice: "Ninety-nine percent of the time they have unfinished business."

Saving the Soul of Medicine

Hospice or hemlock: Though both end in death, each pursues its vision of a "good death" along radically different paths. At its deepest level, the hospice philosophy strikes a blow at the notion of the isolated individual. It insists that no one dies in a vacuum. Where one exists, hospice physicians, nurses, and social workers rush in to help fill it.

For many hospice staff and supporters, such work is motivated and informed by a deeply moral and religious outlook. "I do not work within a specific religious context," writes Byock in *Dying Well,* "but I find more than a little truth in the spiritual philosophies of Christianity, Buddhism, and Judaism." Karen Bell, the hospice director of the Catholic-run Providence Health System in Portland, Oregon, says her organization is propelled by religious values. "The foundational principle is that life has a meaning and value until the very end, regardless of a person's physical condition or mental state."

Faith communities have always been involved in caring for the desperately ill, founding hospitals, clinics, medical schools, and so on. Though not usually connected to religious institutions, nearly all hospice programs make spiritual counseling available; rabbis, chaplains, and ecumenical ministers make frequent home visits and regularly attend hospice team meetings.

"Hospice borrows its energy from a certain Judeo-Christian view of our obligations to suffering humanity," says philosopher Leon Kass.

For many religious physicians, tackling the issue of personal autonomy is a crucial step in end-of-life care. "This is the Christian answer to whose life it is: 'It is not your own; you were bought at a price,'" says Yale University Medical School's Dr. Diane Komp, quoting the apostle Paul. "But if we are not in control of our lives, then we need companionship. We need the companionship of God and the companionship of those who reflect the image of God in this broken world."

Leon Kass, a physician and philosopher at the University of Chicago, says the religiously inspired moral vigor of hospice sets itself squarely against the movement for assisted death. "Hospice borrows its energy from a certain Judeo-Christian view of our obligations to suffering humanity," he says. "It is the idea that company and care, rather than attempts at cure, are abiding human obligations. These obligations are put to the severest test when the recipient of care is at his lowest and most unattractive."

We seem, as a culture, to be under such a test, and the outcome is not at all certain. Some call it a war for the soul of medicine. If so, hospice personnel could be to medical care what American GIs were to the Allied effort in Europe—the source of both its tactical and moral strength and, eventually, the foot soldiers for victory and reconstruction.

***Joe Loconte** is the deputy editor of* Policy Review: The Journal of American Citizenship *and the author of* Seducing the Samaritan: How Government Contracts Are Reshaping Social Services *(Pioneer Institute for Public Policy Research).*

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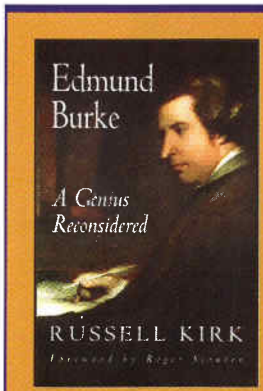

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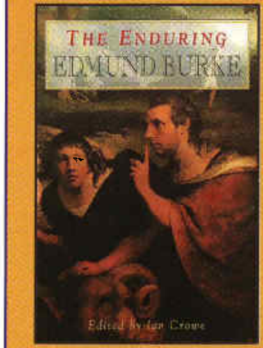

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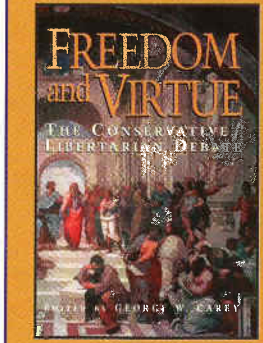
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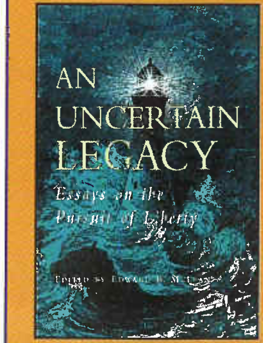

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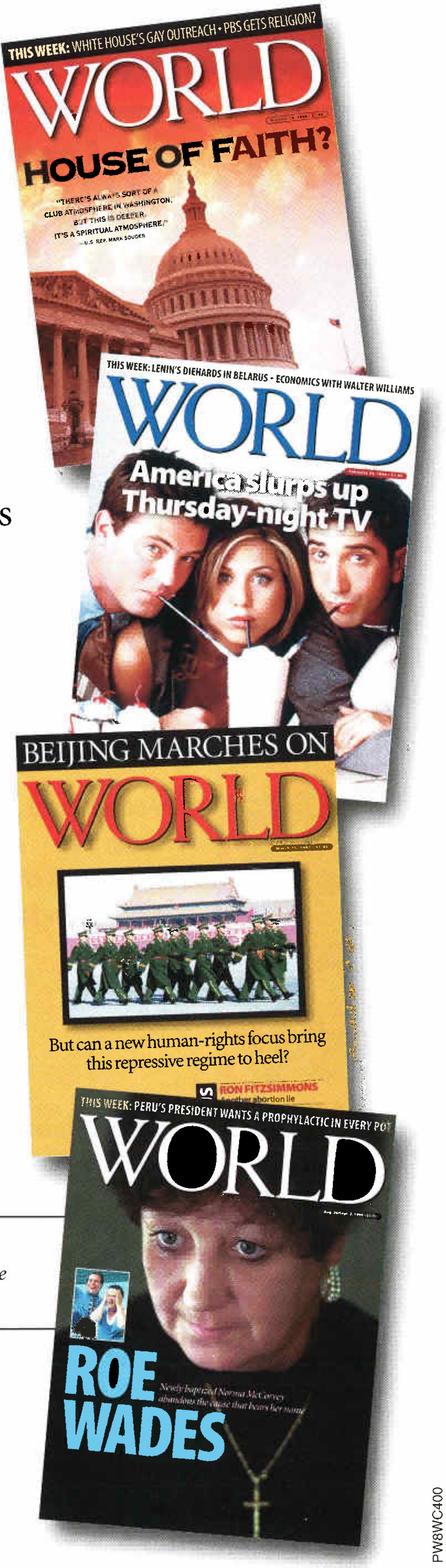

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