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The James Madison Institute
P. O. Box 37460
Tallahassee, Florida 32315
Voice 850-386-3131
Toll free (1) 800-376-1119
Fax 850-386-1807
Web www.jamesmadison.org
E-mail jmi@jamesmadison.org

Message from the publisher

j. stanley marshall



Professor Susan A. MacManus is one of the most talented, most respected, and easiest-to-understand political scientists in Florida. We seek her thoughts on many issues and have now sought her out on the question of the too-easily-amended Florida Constitution. The lead article in this issue of *The Journal* describes in some detail the methods by which the amendments approved by the voters last fall might be implemented. When we began to plan this issue a couple of months ago, we were pretty sure we'd have something to say by now about the changes needed in the methods for amending the constitution. We don't and there's a reason.

While the problem is widely acknowledged, there is little agreement as to how it might be solved. Members of the legislature have discussed it but few specific proposals have emerged and none has as yet developed legs. That may be due in part to the legislators' preoccupation this spring with other pressing issues, chief among those being the search for ways to stretch the available dollars over the state's perceived needs. But I believe it's more than that. The most obvious ways to limit people's ability to amend their constitution—for example, requiring more signatures on petitions to get the initiative on the ballot or requiring more than a simple majority of votes in the election are . . . well, they just don't stand up well under close inspection.

So we've published the MacManus article as a way to give our readers a better understanding of how Floridians now change their constitution and what is

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COVER STORY

implementing florida's constitutional amendments: truth and consequences¹

by susan a. macmanus
with the assistance of thomas a. watson



Voter-approved constitutional amendments always face hurdles that must be jumped to reach the finish line of full implementation.

Florida is fast becoming like Arizona, California, Colorado, North Dakota, Oregon, and Washington, where numerous proposed constitutional amendments get almost as much attention as presidential or gubernatorial elections.²

But unlike people in other states, Floridians tend to approve most of the amendments put before them—from pregnant pigs to bullet trains and smaller classes. Our state’s constitution “is five times as long as the United States Constitution and changes more often.”³ One disgruntled citizen has described it as “a junkyard for hard-to-pass legislation.”⁴ But another sees citizen initiatives as the only way to tell the legislature on a certain issue, “Listen, we want it dealt with.”⁵

Proposed amendments receive the most media attention before they are voted on, but the real consequences surface soon after their passage. The state’s electorate is fast learning that voting “yes” is just the first step down the long road to full implementation. It is on this trip that citizens learn the often-painful truths about the consequences (sometimes unintended) of implementing amendments they have ratified. It is an increasingly frustrating

journey for both supporters and opponents of various amendments.

There is no better evidence than the amendments passed by Florida voters in 1998, 2000, and 2002.

Amending Florida's Constitution: 1998–2002

In Florida, constitutional amendments or revisions⁶ may be placed on the ballot in five different ways:⁷

- By a three-fifths vote of the membership of each house of the state legislature
- By the citizens via petition (direct initiative)⁸
- By the Constitutional Revision Commission (CRC),⁹ a 37-member body comprised of both public officials and private citizens that meets every 20 years¹⁰
- By the Tax and Budget Reform Commission, which meets every 20 years¹¹
- By a constitutional convention. Florida's Supreme Court plays a unique role in the process; it determines whether a proposed amendment meets the single-subject rule¹² and is clearly worded. If not, the amendment does not go on the ballot for ratification by the voters.¹³

Three of the five sources named above have accounted for all 26 amendments on the ballot in Florida in 1998, 2000, and 2002. The legislature has proposed 11 (42 percent),¹⁴ the CRC, 9 (35 percent), and citizens, 6 (23 percent), as shown in the table on pages 14–15. The Florida Supreme

court intervened on an additional amendment (tax exemptions) proposed by the legislature in 2002, keeping it off the ballot because the court ruled it was misleading.

Historically across the country, more amendment proposals appear on state constitutions in mid-term (nonpresidential) than in presidential election years. That pattern has held true in Florida from 1998 to 2002.

But Florida's amendment activity has gone counter to that observed in the rest of the nation in four ways.

1. Amendment activity in Florida is rising, not declining as it is elsewhere. Across the United States, 30 percent fewer initiatives were on the ballot in 2002 than in 2000—the fewest since 1986. But in Florida, the number of amendments on the state's ballot more than tripled in the same period, from 3 to 10 (see the table).
2. Citizen-initiated amendments are more common in Florida than elsewhere. For example, of the 202 statewide measures on ballots across the United States in 2002, 26 percent were placed there by citizens and 74 percent by state legislatures.¹⁵ In Florida, by contrast, the ratio was 50:50. Furthermore, in the sheer number of proposed amendments, Florida exceeds the national average number of citizen-initiated ballot proposals if one counts amendments proposed by the CRC, which is largely a citizen process. Florida's citizen-initiated proposal average is 5 (from 1998 to 2002),¹⁶ compared with the U.S. average of

3.04 (from 1991 to 2000, up from 2.25 between 1981 and 1990).¹⁷

3. Florida has had more success in passing citizen initiatives than the 23 other states with citizen initiative processes in place. According to the Initiative & Referendum Institute, the national passage rate¹⁸ from 1904 to 2000 was 42 percent,¹⁹ and in 2002, it was 47 percent. In contrast, Florida's passage rate in the 1998–2002 period was at or near 100 percent. That is, all six of the citizen-initiated constitutional amendments on Florida's ballot passed, as did eight of the nine put on the ballot by the CRC. Meanwhile, during the same period, just eight of the 11 proposed by the legislature passed. (One of the eight, the death penalty amendment adopted in 1998 and subsequently approved by the voters, was eventually ruled unconstitutional by the Florida Supreme Court. As mentioned earlier, the court kept a tax reform proposal off the ballot in 2002 because it failed the language clarity test.) Also worth noting, Florida's success in passing citizen-initiated amendments is considerably higher now (100 percent in 2002) than over the entire period of the initiative's existence—1972 to the present (76 percent).²⁰


4. Florida has low rolloff rates.²¹

The rolloff rate is the percentage of voters who vote in races at the top of the ballot (for example, presidential and gubernatorial) but who do not vote on amendments that typically appear at the bottom. In other words, Floridians are more likely than voters in other states to vote on amendments. (See the table for rolloff rates in Florida.) The primary explanation for Florida's lower rates is that the state has, among its voting population, the largest proportion of people age 65 and older who are more likely to vote a complete ballot from top to bottom.²²


Florida's rolloff rates for 10 amendments in 2002 ranged from a low of 3.3 percent on a workplace smoking prohibition to a high of 18.8 percent on an amendment addressing Miami-Dade County's home-rule charter. In this case, the higher rate on the Miami-Dade County amendment indicated the electorate's confusion about what the proposal would do. High rolloff rates also tend to occur when amendments are highly technical or legalistic in nature.

Citizen-Initiated Amendments: Pros and Cons

Proponents of citizen-initiated amendments (direct democracy) argue that they are necessary to bypass lethargic or unfriendly state



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amendments
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legislatures. As one newspaper editorial has noted, “In theory, the citizen-initiative amendment process can be a powerful tool to let voters jump-start government reforms. It provides a healthy safety valve for public dissent and a useful check-and-balance on unresponsive legislators.”²³

Supporters attribute the increase in citizen initiatives to “a growing impatience with the pace of reform and implementation of earlier amendments by the executive and legislative branch of state government.”²⁴

Opponents object to the ease of placing constitutional amendments on ballots, fearing that they are cluttering up state constitutions. Opponents also complain about the sound-bite nature of the amendment titles and brief overviews that appear on the ballot.²⁵ A National Conference of State Legislatures report laments, “Initiatives ask voters to make simple yes-no decisions about complex issues without subjecting the issue to detailed expert analysis and without asking voters to balance competing needs with limited resources.”²⁶

Opponents also point to the dominance of “big-bucks special-interests” who can buy their way onto the ballot.²⁷ “Usually, those putting a measure on the ballot are organized and funded, with a specific agenda in mind.”²⁸ (Florida is one of only a handful of states that permit the persons collecting petition signatures to be paid.²⁹) But most of all, opponents of initiatives fear they erode, or short-circuit, our system of representative democracy.³⁰

The State Legislature Tends to Have the Last Word

State legislatures often have the last word, even on citizen-initiated constitutional changes that were designed to bypass state representatives. But legislatively initiated amendments often share the same fate as those proposed via citizen petition—difficulties and delays in “putting meat on the skeletons” of broadly worded proposals. Legislators must fill in the how-to-do and how-to-pay-for details. The effort they exert to put amendments online varies considerably.

The Florida legislature’s implementation plans often involve other state and local entities. State agencies are frequently instructed to adopt rules. Counties, municipalities, and school districts may be required to pass legislation putting various components of the amendments into place. Implementation deadlines established by the amendment may extend several years into the future, allowing new circumstances to alter original plans. And in other instances, litigation may halt or delay full implementation.

Delay, delegation of authority, and other difficulties are typical. Voter-approved amendments always face hurdles that must be jumped to reach the finish line of full implementation.³¹ What are they?

Explaining the Pace of Implementation: Truths and Consequences

Theories abound about the great variety in the pace of implementa-

tion. This overview of the 26 amendments ratified by Florida voters since 1998 suggests the following 10 “truths and consequences:”

1.

A larger “yes” vote on an amendment does not necessarily mean government officials will more quickly implement it. (The “yes” votes for each amendment and revision are reported in the table.)

Vote margin is not always the best predictor of amendment implementation rate. For example, in 1998 five amendments (Preservation of the Death Penalty...; Recording of Instruments in Branch Offices; Conservation of Natural Resources...; Public Education of Children; and Firearms Purchases...) were supported by more than 70 percent of the voters. Yet not one of these amendments was fully implemented by 2001. Some were slowed by extensive legislative debates or by lawsuits (Death Penalty, Conservation of Natural Resources, Public Education of Children). Several were designed to give local governments the option of implementing them (Recording of Instruments in Branch Offices; Firearms Purchases—Criminal History Records Check and Waiting Period). For one reason or another, some local governments have not yet seen fit to do so.

Among the nine 2002 amendments adopted, more than 70 percent of voters approved the Economic Impact Statement (Amendment 2), the Two-Thirds Vote to Exempt Public Records (Amendment 4), and

the Protection From Second-Hand Smoke (Amendment 6) proposals. Of these, the Economic Impact Statement and Public Records amendments are likely to be implemented more quickly than many of the amendments with less support (for example, Reduction in Class Size—Amendment 9, Statewide University Governing Board—Amendment 11). However, the antismoking amendment seems to be following the path of slow implementation because of extensive legislative debates. Lawsuits are imminent. To a certain extent, even the Exemption of Public Records amendment is encountering implementation difficulties. Legislators are caught between pressures to ensure security in the post-9/11 era by protecting individual privacy and the state’s long-standing commitment to government in the sunshine.

The consequences? Citizens may become even more cynical about elected officials and their government when large-scale vote mandates are ignored or reinterpreted in the process of creating statutory language to implement the popular amendments. At the same time, legislators are likely to encounter last-ditch lobbying on both sides of an amendment. In addition, changing times and priorities may force legislators to re-examine the urgency and necessity of implementing amendments.

2.

Amendments put on the ballot by the citizens or CRC are more likely to include specific implementation

timelines than those initiated by the legislature.

The CRC-initiated Revision 7 (...Funding of State Courts portion) passed in 1998 set July 1, 2004, as the deadline for the state to assume many court costs from the counties and to standardize the state's judicial system. The citizen-initiated high-speed rail amendment passed in 2000 mandated that construction begin by November 1, 2003. Four citizen-initiated amendments passed in 2002 all specified deadlines:

- The workplace smoking ban is to be fully in effect by July 1, 2003.
- Universal pre-kindergarten must be offered free to four-year-olds no later than the 2005 school year.
- The so-called pregnant pig amendment, which would outlaw gestation crates used to confine pregnant pigs in a space so small they cannot turn around for months at a time, must be fully implemented by 2008.
- The class-size amendment must be fully implemented by 2010, although school districts will have to begin making some class-size reductions by fall 2003.

Proponents of the deadline approach argue that it is necessary when the state legislature has either refused to take action or delayed action on the issues at hand.

Opponents say rigid edicts hamstring the state financially and create unintended consequences.³²


The consequences? If the condition of the economy shifts markedly between the date of passage and the established deadline, priorities may shift, too. State legislators writing the implementation rules become caught in the crossfire. As a result, neither supporters nor detractors of the amendment are fully satisfied.

3.


In diverse states like Florida, implementation will not be uniform, even when the mandate is universal in its reach.

Proof of this truth is the 1998 Amendment 6 (Public Education of Children), which calls for the state to provide "a uniform efficient, safe, secure, and high quality system of free public schools..." But the state's 67 school districts vary markedly in their socioeconomic composition, which often means the impact of state-ordered requirements are different across the districts. The same is true for the class size and pre-kindergarten amendments ratified in 2002. In the words of one reporter, "As lawmakers divvy up dollars for the popular initiative to lower class sizes, regional politics threaten to poison public opinion against the measure."³³

The consequences? One-size-fits-all



Few of the constitutional amendments and revisions adopted by Florida voters since 1998 have been fully implemented at the time this article was written.



amendments involving state funding to local school districts tend to evoke fierce formula fights in the legislature, usually between large and small (urban and rural) districts. Usually, but not always, large districts win and small ones lose.³⁴

4.

When given an option, some local governments take it and others leave it. Demographics, socioeconomic composition, financial condition, and politics affect the decision.

Local governments were given the option of implementing five of the 1998 amendments (Historic Property Tax Exemption and Assessment; Additional Homestead Tax Exemption; Recording of Instruments in Branch Offices; Local Option for Selection of Judges...; and Firearms Purchases; Local Option for Criminal History Records Check...). In 2002 counties were given the option of granting a homestead property tax exemption to people who construct living quarters for elderly (62 and older) parents or grandparents.

Thus far, local governments have acted in unison on only one amendment (Local Option for Selection of Judges..., 1998). In this instance, it was to reject the proposed appointment and merit retention of county and circuit court judges. On the other local option amendments, implementation rates have been slow. There are several reasons.

- First, local governments fear revenue losses (Historic Property Tax Exemption; Additional Homestead Tax Exemption For Seniors;

Property Tax Exemption For Elderly Relative Living Quarters).

- Second, they may perceive they have little to gain in implementation (little or no efficiency in recording instruments in branch offices).
- Finally, their constituents' preferences may differ from voters in other parts of the state (Firearms Purchases, Local Option for Criminal History Records Check and Waiting Period).³⁵

The consequences? Local option structures may be necessary to get enough signatures (or votes in the legislature) to place an amendment on the ballot. But the subsequent unevenness of their adoption may, in turn, place additional political—and economic—pressures on state lawmakers if differential impacts arise.

5.

If the projected budgetary impact of an amendment is large, officials in localities will back away from it, even when their political supporters lobby for it. Fiscal stress tends to trump everything else.

The strongest evidence of this principle at work involves the 1998 Additional Homestead Exemption For Seniors revision and, to a lesser extent, the 1998 Historic Property Tax Exemption. Our surveys of Florida counties and municipalities have found that they are less likely to give property tax breaks if they foresee major fiscal consequences once granted.³⁶ Local governments worry that they will have to raise property taxes and/or cut services to cover the revenue losses—neither of

which is politically popular. It is easier to resist political pressures from eligible groups, like senior citizens, when local governments tout the inequities of the tax breaks.

The consequences? Differential amendment implementation rates across local governments may create intergovernmental frictions as well as fiscal difficulties. The chances of such outcomes are greater when wealthier neighboring jurisdictions put exemptions in place more quickly than poorer entities simply because they can afford to do so.

6.

Amendments with the most “actors” involved in their ultimate implementation will generate the most controversy as the legislature establishes rules, regulations, and funding. The more persons or agencies involved, the greater the likelihood of fierce disagreements and lawsuits.

The best examples of this truth are the 1998 funding of state courts revision, the 2000 high-speed rail amendment, and the 2002 reduction in class-size amendment. In each instance, roles have been carved out for multiple professional groups and associations as well as for more than one branch of state government and more than one level of government.

The consequences? Implementation becomes a battle of experts. Each actor enters the fray armed with mountains of reports, statistics, and dollar estimates. The courts often have the last say. The result is often the threat of a reversal or re-vote on the amendment.

7.

The more components in a proposal, the less likely all parts of it will be implemented at the same time. Such omnibus amendments often combine “apples and oranges” and require different sets of actors to be engaged. These amendments are most likely to be initiated by the Constitutional Revision Commission, which has the authority to put multipart amendments on the ballot.

A prime example is the CRC’s 1998 Conservation of Natural Resources; Creation of Fish and Wildlife Conservation Commission revision. The first part created the commission (FWCC). The second created the Florida Forever Program to purchase and conserve lands and set priorities. The FWCC’s creation came quickly; but battles over definitions of “full implementation” of the Florida Forever Program have continued in almost every successive legislative session.

Another classic example of this principle is CRC’s 1998 revision involving the state courts. The revision called for a statewide vote on the election versus the appointment/merit retention of circuit and county court judges in November 2000. It also set July 1, 2004, as the date by which enabling legislation for state funding of the court system must be in place. The latter involves a much wider array of actors, including local-level officials, which can slow or stall implementation.

The consequences? Such an all-or-nothing amendment format is equivalent to a double-barreled

public opinion survey question. You like one part of it but not the other, so how do you respond? While such a format may enhance the amendment's chances of passage, it diminishes the likelihood that the coalition pushing passage will stay intact until all the parts are implemented.

8.

The greater the complexity of an amendment, the more difficult it may be to anticipate all the possible results, and the more likely unintended consequences will become apparent.

A great example of this principle is the workplace antismoking amendment passed in 2002. It “prohibits smoking in certain enclosed indoor workplaces and restricts smoking in restaurants and other enclosed indoor workplaces.... It exempts noncommercial private residences, retail tobacco shops, private offices, designated rooms in lodging establishments, and bars....” (ballot summary). The multiplicity of exemptions and definitions in the amendment language has generated considerable controversy and pitted restaurants against bars over the conditions under which “the serving of food [in a bar] is merely incidental to the consumption of any [alcoholic beverage].” Confusion abounds. “Who’s going to be the smoking police? Which agency is going to write the rules? What is a ‘stand-alone’ bar? What about

takeout facilities and catering? What is only ‘incidental’ food service—popcorn, peanuts?”³⁷ An amendment’s complexity is often measured by the number of definitions and/or exemptions included therein. In addition, nine cigar companies have filed a lawsuit against the amendment, claiming it “will prevent them from testing cigars and drive them out of business.”³⁸

The consequences?

Regulatory-intensive amendments often generate lawsuits from businesses or professions whose members believe they would suffer serious economic damages from implementation of the legislation. Definitional battles rule the day.

9.

Broadly or vaguely written amendments often slow down the implementation process. They quickly become politicized once the debate over the specifics begins. Initial support wanes as the real impact becomes more apparent. This is what some scholars identify as the law of unintended consequences.³⁹

The Additional Homestead Exemption For Seniors revision that passed in 1998 is proof of this principle. The revision authorized the legislature to allow counties and municipalities to adopt ordinances that grant an additional homestead exemption not greater than \$25,000 to persons 65 and older whose



The implementation process tends to be highly incremental.

This is not always bad.



annual household income is \$20,000 or less. What seemed like a benign approach—namely, to define income as the adjusted gross income figure reported on federal 1040 tax forms—turned out to be highly controversial. Local officials, as well as younger constituents, strongly opposed this definition because of its perceived unfairness. (It excludes certain types of pensions and annuities, among other things.) Battles over how to define income have energized opponents of the additional homestead exemption and emboldened local election officials to reject it on the grounds of intergenerational injustice.

Another example is the high-speed rail amendment, which has been described as “steeped in vague and unanswered questions about its financial and technical feasibility.”⁴⁰

The consequences? The lack of detail in an amendment gives legislators bold license to interpret what the voters meant. Political and legal battles over the breadth of authority granted under each vaguely worded amendment slow implementation considerably. So, too, does a major fight over affordability, although in the future (at least for citizen-initiated amendments), that may be less of a problem thanks to passage of the Economic Impact Statement amendment in 2002.

10.

Amendments that deal with issues perceived by some as unconstitutional are the most likely to generate lawsuits, thereby slowing down the implementa-

tion process. Issues seen as trampling on individual freedoms protected by the Bill of Rights or those with a religious or moral dimension are the most likely to ignite court challenges.

Three 1998 and two 2002 amendments involved precisely these types of issues. Lawsuits were filed against the 1998 and 2002 death penalty amendments (Article I, Section 17 of the State Constitution), the 2002 public education amendment (for violation of the separation of church and state),⁴¹ and the 2002 antismoking amendment (for violating property rights). Many expected lawsuits against the firearms-purchase, records-check, and waiting-period amendment. But it appears that counties with strong right-to-bear-arms constituencies have fended off lawsuits by simply failing to implement the amendment.

The consequences? In the course of court challenges (or threats thereof), new interpretations of an amendment’s reach are likely to surface, often delaying implementation or sparking new statutes and amendments.

Slow Pace of Implementation Not Surprising

Few of the constitutional amendments and revisions adopted by Florida voters since 1998 have been fully implemented at the time this article was written (March 2003). As we have shown, few were intended to be. The implementation process, by definition, tends to be highly incremental. This is not always bad, especially when unintended conse-

quences are slow in surfacing and/or when major changes occur in population, political, and economic conditions. But slow implementation is not always good either, especially when legislative delays are seen as thwarting the will of the voters.

One thing is crystal clear. Attempts to improve the amendment process in our state must take into account the truths-and-consequences lessons outlined here. ☞

Susan A. MacManus is the Distinguished University Professor of Public Administration and Political Science in the Department of Government and International Affairs at the University of South Florida, Tampa. Thomas A. Watson is a USF student enrolled in the Undergraduate Honors Program.

Endnotes

¹This article builds on a previous analysis of the implementation of 1998 amendments by the author and Mark Pritchett for the Collins Center for Public Policy, Inc., May 2001.

²Among the 24 states that have the statewide initiative process, these six states have experienced the most initiatives. Initiative & Referendum Institute, "Is the Initiative Process Out of Control?" www.iandrinststitute.org/Usage.htm, accessed Mar. 16, 2003.

³Tom Blackburn, "Hogging the Constitution," *Palm Beach Post*, Nov. 10, 2002.

⁴Thomas F. Rutherford, "Letter: Constitutional Initiatives Need Limits," *St. Augustine Record*, Nov. 11, 2002.

⁵"State Taking Look at Direct Democracy," *Gainesville Sun*, Mar. 9, 2003.

⁶Generally, proposals put on the ballot by the Constitutional Revision Commission and the Tax and Budget Reform Commission are called revisions. Those put on the ballot by the state legislature or via citizen petitions are called amendments.

⁷See Article XI, Amendments, The Florida Constitution.

⁸Direct initiative in Florida is a proposed constitutional amendment initiated and placed on the ballot by citizens for a popular vote after a

petition process. If passed, it takes effect without legislative or gubernatorial action. In some other states, the direct initiative process may also be used for statutes. See National Conference of State Legislatures (www.ncsl.com). Floridians first got access to the constitutional initiative process in 1972. The first citizen-initiated amendment was the 1976 "Sunshine" or open-records amendment.

⁹For an excellent history and analysis of Florida's Constitutional Revision Commission, see Rebecca Mae Salokar, "Constitutional Politics in Florida: Pregnant Sows or Deliberative Revision," paper presented at the annual meeting of the American Political Science Association, Aug. 30, 2001.

¹⁰The most recent CRC convened in 1997. The next CRC will convene in 2017.

¹¹The next Tax and Budget Reform Commission will convene in 2007.

¹²If the amendment is initiated via citizen petition.

¹³For a good overview of citizen initiatives in Florida, see P. K. Jameson and Marsha Hosack, "Citizen Initiative in Florida: An Analysis of Florida's Constitutional Initiative Process, Issues, and Statutory Initiatives Alternatives," *Florida State University Law Review*, 1996.

¹⁴In 2002, one additional amendment proposed by the legislature was removed from the ballot by the Florida Supreme Court for being misleading "because it could make voters think [the committee to study sales tax exemptions] would play only an advisory role when it really would be given legislative powers." (Amendment 5 proposed to create a committee to study sales tax exemptions.) *The Florida Times-Union* editorial, "Taxes: Do It Right," Sept. 21, 2002.

¹⁵*Initiative & Referendum Institute's Nov. 5, 2002 General Election Post Election Report*. Washington, D.C.: Citizen Lawmaker Press, 2002. See www.BallotWatch.org.

¹⁶Includes those put on the ballot by the Constitutional Revision Commission in 1998. The CRC meets every 20 years and has the authority to place amendments directly on the ballot.

¹⁷This number includes both constitutional and statutory initiatives.

¹⁸This number includes both constitutional and statutory initiatives.

¹⁹Initiative & Referendum Institute, "Is the Initiative Process Out of Control?" www.iandrinststitute.org/Usage.htm, accessed Mar. 16, 2003.

²⁰Julie Hauserman, "What's Next After Citizen Initiative Flurry?" *St. Petersburg Times*, Nov. 11, 2002.

²¹John Sowinski, an Orlando political consultant who has successfully run citizen initiative campaigns, says that Florida's rolloff rate is much lower than in other states. Mary Ellen Klas, "Changing Florida's Constitution," *Florida Trend*, Oct. 2002, p. 58.

Table
Status of Florida's Proposed Constitutional Amendments and Revisions: 1998–2002

1998 AMENDMENTS	Proposed by	% Yes Vote	Pass or Fail	% Rolloff*
1 Historic property tax exemption and assessment	Legislature	54.5	Pass	8.8
2 Preservation of death penalty ¹	Legislature	72.8	Pass	7.2
3 Additional homestead exemption (for seniors)	Legislature	68.5	Pass	5.6
4 Recording of instruments in branch offices	Legislature	74.1	Pass	13.5
5 Conservation of natural resources and wildlife conservation commission	CRC**	72.3	Pass	8.2
6 Public education of children	CRC	71.0	Pass	6.8
7 Local option for selection of judges and funding of state courts	CRC	56.9	Pass	10.1
8 Restructuring the state cabinet	CRC	55.5	Pass	11.4
9 Basic rights	CRC	63.3	Pass	8.0
10 Local and municipal property tax exemptions and citizen access to local offices	CRC	49.8	Fail	11.2
11 Ballot access, public campaign financing, and election process revisions	CRC	64.1	Pass	11.9
12 Firearms purchases, local option for criminal history records check and waiting period	CRC	72.0	Pass	6.9
13 Miscellaneous and technical revisions	CRC	55.0	Pass	14.2
2000 AMENDMENTS				
1 Florida transportation initiative for statewide high-speed monorail, fixed guide way, or magnetic levitation system	Citizen Petition	52.7	Pass	7.6
2 Circuit court judges appointed by governor with retention by vote of the people	Legislature	22.8–42.2 ²	Fail	10.4
3 County court judges appointed by governor with retention by vote of the people	Legislature	13.1–39.9 ³	Fail	10.9

*The rolloff rate is the percentage of voters who vote in races at the top of the ballot (for example, presidential and gubernatorial) but do not vote on amendments that typically appear at the bottom.

**Constitutional Revision Commission

²²See Susan A. MacManus, *Targeting Senior Voters*. Boulder, Colo.: Rowman & Littlefield, 2000.

²³South Florida Sun-Sentinel Editorial Board, "Let Voters Write Laws," *Sun-Sentinel*, Nov. 10, 2002.

²⁴Earl Mackey, "Citizen Amendments to the Constitution Are Not the Problem," *Tallahassee Democrat*, Dec. 1, 2002.

²⁵In Florida, an amendment's ballot title cannot exceed 15 words; there is a 75-word limit on the amendment summary that also appears on the ballot.

²⁶National Conference of State Legislatures Task Force on Citizen Initiatives, "Initiatives Back in Vogue," *Daytona Beach News-Journal*, Nov. 11, 2002.

²⁷Ibid.

²⁸*Pensacola News Journal* Editorial, "Amendment Process Now a Free-for-All," *Pensacola News Journal*, Nov. 10, 2002.

²⁹One review of the 2002 campaign finance reports found that the advocacy groups that sponsored the class-size, pre-K, second-hand smoking, and university governing board amendments raised between \$1.5 million and nearly \$6 million for each petition drive." Gregg Martin, "Petition Amendments Big Business," *Charlotte Sun-Herald*, November 10, 2002. Some like columnist Elijah Gosier question the motives of hired signature collectors: "Those canvassers are more like panhandlers than advocates for their cause: Toss them a signature and they'll leave you alone." "Stop Cluttering My Constitution," *St. Petersburg*

Table (continued)
**Status of Florida's Proposed
 Constitutional Amendments and Revisions: 1998–2002**

2002 AMENDMENTS	Proposed by	% Yes Vote	Pass or Fail	% Rolloff*
1 Amending Article 1, Section 17 of State Constitution ⁴	Legislature	69.7	Pass	10.9
2 Economic impact statements for proposed constitutional amendments or revisions	Legislature	78.0	Pass	9.9
3 Authorizing amendments to Miami-Dade County home-rule charter by special law approved by referendum	Legislature	47.8	Fail	18.8
4 Laws providing public records or meetings exemptions two-thirds vote required	Legislature	76.7	Pass	11.1
5 Tax exemptions ⁵	Legislature			
6 Protect people from hazards of second-hand tobacco smoke by prohibiting workplace smoking	Citizen Petition	71.0	Pass	3.3
7 Exemption for construction of living quarters for parents or grandparents	Legislature	67.3	Pass	6.6
8 Voluntary universal pre-kindergarten education	Citizen Petition	59.2	Pass	5.1
9 Florida's amendment to reduce class size	Citizen Petition	52.4	Pass	4.6
10 Animal cruelty amendment: limiting cruel and inhumane confinement of pigs during pregnancy	Citizen Petition	54.8	Pass	6.6
11 Local trustees and statewide government board to manage Florida's university system	Citizen Petition	60.5	Pass	8.9

*The rolloff rate is the percentage of voters who vote in races at the top of the ballot (for example, presidential and gubernatorial) but do not vote on amendments that typically appear at the bottom.

Table Source Codes:

¹Declared unconstitutional by the Florida Supreme Court. Court ruled the ballot summary was inaccurate.

²Twenty circuits.

³Sixty-seven counties.

⁴Death penalty.

⁵Removed from ballot by Florida Supreme Court because language was misleading.

Times, Nov. 12, 2002.

³⁰For an excellent discussion of "Direct versus Representative Democracy," see Thomas R. Dye and Susan A. MacManus, *Politics in States and Communities*, 11th ed. Upper Saddle River, N.J.: Prentice Hall, 2003:41-44.

³¹For good discussions of referenda processes and politics, see Thomas E. Cronin, *Direct Democracy: The Politics of Initiative, Referendum, and Recall*, Cambridge, Mass.: Harvard University Press, 1989; and Daniel A. Smith, *Tax Crusaders and the Politics of Direct Democracy*, New York: Routledge, 1998.

³²For an excellent discussion, see Mary Ellen Klas, "Changing Florida's Constitution," *Florida Trend*, Oct. 2002.

³³Letitia Stein, "Debate Over Dollars," *Orlando Sentinel*, Mar. 19, 2003.

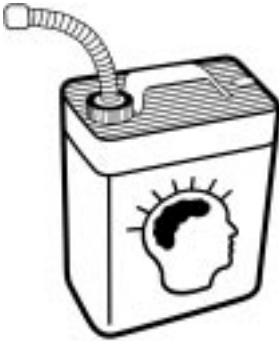
³⁴For example, Amendment 9 is "seen by critics as a parochial issue primarily benefiting the most-populous counties...South Florida was home to the largest concentration of supporters, and the measure failed in many rural counties..." Bill Hirschman, "South Florida May Get Most of Money For Shrinking Class Sizes," *South Florida Sun-Sentinel*, Mar. 22, 2003.

³⁵See Susan A. MacManus, Mark S. Pritchett, and Uri J. Fisher, "Amendments, Mandates, and Money: Challenges Facing Florida Counties" and "City Budgets Stressed by Exemptions, Mandates, Growth, Lawsuits, Health Costs, and

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what's a think tank, anyway?

by j. stanley marshall



This article is taken from remarks made at the JMI Board of Directors meeting in January 2003.

We hear the question, not so often anymore, but occasionally someone asks, “What is a think tank and what is it that you people do?” We believe most of our members and friends are beyond that point but, still, it’s a question worth answering. There are new friends among our readers, so for their benefit and to refresh the memories of Institute regulars, let me comment on our mission and our methods.

Our Mission

The Institute’s mission is what it’s always been: to inform and educate Floridians about the public policies that affect them and to try to do something about policies that we believe do not represent the best interests of Floridians. The Institute exists, in other words, to support the policies of government when in our opinion they deserve to be supported; to propose changes when we think change is justified and, in either case, to present our reasons; and to advance, in every way we can, free markets, limited government and personal freedom. We issue more elaborate statements of mission from time to time but reduced to the simplest terms, that’s about it.

The Consequences of Our Efforts

People in our business are sometimes asked whether the research we perform and the publications we

produce actually make a difference and whether the time and effort we invest—and the money you invest in us—can be justified in terms of the real policies and practices of those who govern. It's a justifiable question and I believe it has a clear answer. The results of our efforts can be seen in several ways:


- First there is, on occasion, action by the legislative and executive branches resulting directly from our efforts. Two examples come to mind: the passage of the charter school law in 1996 and the demise of the first high-speed rail plan in 1998. We are confident that our research, our publications, and our views expressed to state legislators, to the media, and to the general public have had an impact on actions by the legislature (in the case of charter schools) and to the executive branch (in the case of the high-speed train.) The Institute's contributions are recognized in statements made to me—and I suspect to many of you—by members of the legislature who tell us oftentimes that they read and appreciate our reports even when they add, as some of them do on occasion, "I don't always agree with you, but I respect the positions you take."
- Second, there are changes that come about in which we believe our efforts have been a factor, though maybe not always the

decisive factor. Did our research and publications influence the legislature on the intangibles tax (we think it did) or on the efforts of some legislators to enact a state-


level minimum-wage tax a few years ago (it was defeated)? Those were issues on which we made serious efforts to "inform and educate legislators." IRS regulations that govern tax-exempt organizations like JMI prevent our lobbying in the formal sense, but

educating and informing is an appropriate function.

- The third way we believe we influence the outcome of the public policy debates is by assuming a consistent stance in favor of conservative policies buttressed by sound thinking, by solid research, and by the persuasive statements that make their way to the desks of legislators and the media. In this way, we run a conservative flag up the flagpole that assures citizens who care about freedom that there's somebody out there who shares their concerns; that if it feels like they're swimming upstream, there are some others in there swimming with them. In this way we provide a rational, conservative foundation that seems to give continuing direction to those who seek direction and purpose. This may be the hardest to measure and may also be our most important contribution.



*The airing of
public policy issues
in Florida
needs balance.*



It has sometimes seemed that we're sailing against an unfavorable wind. Our views are often in contrast with the prevailing sentiments that come from the universities, especially the social science departments. And that's one of the reasons the Institute was founded and why we think it's important for us to publicize our work. The airing of public policy issues in Florida needs balance.

Finances

The Institute is funded entirely by voluntary contributions from individuals, corporations, and foundations. We do not solicit and have never accepted government money or assistance in any form. In the early years (1987–1990), we operated on very limited funds contributed by some of the founders, several board members, and a few generous friends. Since about 1990, we have conducted more formal fundraising campaigns directed to members whose dues continue to make up a substantial part of our operating budget and to foundations and corporations whose members believe what we're doing is worth supporting. We also conduct major fundraising events—usually luncheons and dinners—around the state as an opportunity to motivate and reward our members and to raise money.

Governance

The Institute is governed by a board of

directors, now numbering 15 men and women from throughout the state. They establish policy and select the Institute's officers, make their own contributions and help to raise money from others, recruit and select new board members, and generally give direction to our work. We're fortunate to have had an outstanding group of public policy activists to serve on the board and we're always on the lookout for new board members. Members serve three-year terms, which may be extended.

The Institute also has a Research Advisory Council, made up of about 10 outstanding scholars who have a strong interest in public

policy and who share the Institute's basic views on philosophical-political questions. These are mostly university faculty members from Florida institutions and a few outside the state. The Council includes several Florida university professors who helped to shape the Institute's mission and whose names grace our publications (James Gwartney, Randall Holcombe, and Tom Dye, among others).

Some Thoughts

The Framers looked upon the United States Constitution as an instrument to make certain that the national government would have specific delegated, and therefore limited, powers. They believed in federalism, which meant



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that most governing would take place at the state level where there would be less abuse of power. It was Jefferson who was supposed to have said that the national progress of things is for liberty to yield and government to gain ground; and that sentiment is expressed in the Institute's vision statement. If a think tank stands for anything, it should be dedicated to resisting government's constant tendency to encroach on the rights of its citizens.

When The James Madison Institute was founded in 1987, we were among the first half-dozen such organizations in the country. There are now more than 40 and while each is completely independent of the others, we do

meet a couple of times a year to share ideas and occasionally programs. I believe the influence of the group (the State Policy Network, or SPN) in the aggregate has been to bring about real, measurable progress in public policy across much of the country. (Their addresses are on our website.)

If citizens had the time and the opportunity, the background, knowledge and information to stay on top of and to deal with important public policy issues, organizations like JMI would have no role to play. But realistically, most citizens don't have the time or the inclination to be activists and that's why think tanks like The James Madison Institute deserve your support. ☞

constitutional amendments *(Continued from page 15)*

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³⁷Richard Turner quoted by Bill Cotterell, "Smoking Ban Raises Tricky Issues," *Tallahassee Democrat*, Dec. 17, 2002.

³⁸Jim Loney, "Florida Cigar Makers Sue over Indoor Smoking Ban," *South Florida Sun-Sentinel*, Jan. 14, 2003.

³⁹See Denise Scheberle and Scott Furlong, "The Law of Unintended Consequences: Toward a Better Understanding of Why Laws Go Awry," *Comparative State Politics*, 19:3 (1998): 17-38.

⁴⁰Editorial, "Derail Bullet Train," *Stuart News*, Mar. 16, 2003.

⁴¹At issue was the constitutionality of the state's Opportunity Scholarship Program, which entitles students in the state's worst performing schools to attend private schools at public expense or attend a different public school. See Jim Lester, "Florida Court Upholds School Voucher Plan," *Rutgers School of Law—Camden*, Feb. 2, 2001, www.camlaw.rutgers.edu/publications/law-religion/voucher2.htm.

Message from the publisher *(Continued from page 2)*

involved in implementing changes once these are approved by voters. When specific proposals for changing the initiative process appear—as I feel certain they will—Floridians will better understand how to evaluate the proposals.

And when will that be? I cannot, of

course, predict that with any confidence, but Floridians deserve something better than a state constitution that has become a play-toy for vested interests and I believe they will achieve it. Readers may look for *The Journal* to carry reports on this as proposals emerge. ☞

health care welcomes an old friend: the free market

by curtis leonard



SimpleCare, a nonprofit cash-for-service health care plan, allows doctors to eliminate health insurance paperwork and offer their services at a discount.

The health care system in Florida and in the nation is in crisis. The number of uninsured continues to climb.¹ Insurance rates are rising by double digits every year.² Employers are dropping insurance coverage as an employee benefit.³ Florida Medicaid costs are increasing, consuming billions of dollars of the state budget.⁴ Doctors are quitting their practices, retiring early, or simply changing professions because of litigation⁵ and financial problems.⁶ Health maintenance organizations complain that because of federal and state laws enacted over the past five years, they are no longer able to control costs. Insurance carriers are abandoning the small-business and sole-proprietor markets.⁷ Quite simply, it's a mess.

While major stakeholders in the system—insurance companies, physicians, consumer advocates, legislators, government officials, and pharmaceutical companies—discuss complex proposals to reform health care, one fundamental fact seems to be lost on the parties: there is no free lunch. Someone, somewhere, somehow has to pay. The farther the consumer gets away from paying, the more confusing, expensive, and wasteful purchasing that lunch becomes.

Perils of a Third-Party System

Imagine that you have “food insurance” with a \$200 deductible, and after that, your insurance pays for your food, so you grocery shop with no concern for costs. The grocer has to comply with thousands of regulations, dictating what products to stock and how much a customer can purchase at one time. If a poor person has an attack of extreme hunger—a real emergency—he or she might get the necessary groceries and go home without any real expectation by the grocery storeowners that they would ever be paid.

This would be okay, because the store owners could recoup their losses on what they charge the insured. If the store didn’t have what the poor people wanted, they could get permission from their food maintenance organization to shop elsewhere. It seems absurd, doesn’t it?

This analogy brings the current problems with our health care system into focus. Like health care, food is a necessity of life; if we don’t eat, we die. Using the logic that governs our current health care system, one might think that the government should be intimately involved in the provision of food. The United States, happily, has managed to avoid this socialist trap, although the limited Women, Children and Infants (WIC) nutrition subsidies and food stamp programs


exist. But as people in Africa, Eastern Europe, and elsewhere can attest, governments have been or are now involved in the provision of food and that has led to famine, inefficiency, fraud, and extraordinary costs. By contrast, most elderly and poor persons in this country have access to our efficient, competitive, and consumer-driven food system and have plenty to eat. If anything, many poor persons in this country suffer from obesity.⁸

The difference between our food and health care delivery systems depends


on how we view the two. The poor, the elderly, and lower-income working classes in this country do not expect to eat filet mignon every night, but they do expect the best health care, thanks to the encouragement of government policies, politicians, and social welfare advocates. In fact, every income group in this country now expects the best. The combination of employer-paid health insurance inaugurated in World War II and the introduction of Medicare and Medicaid in 1965 has distanced a consuming public from the actual costs of health care. Instead, the consumer is a muted observer in a third-party system that both hides and increases costs.

Introducing Free-Market Principles

Adam Smith wrote, “Little else is



Two doctors and a handful of patients started SimpleCare in Seattle, and it has expanded to dozens of other communities.



requisite to carry a state to the highest degree of opulence from the lowest barbarism but peace, easy taxes, and a tolerable administration of justice: all the rest being brought about by the natural course of things.”⁹ The “natural order of things” in health care has been disrupted two ways:

1. Health care regulations have become aggressive and even punitive
2. State and federal governments have subsidized health care through doctors, hospitals, insurance companies, and pharmacy services.

To right the ship, free-market principles must be reintroduced. Re-establishing the delivery of health care under free-market principles has the best chances of correcting the inefficiencies, fraud, waste, and perverse incentives in the current system. However, local newspaper headlines won't read, “Government and Private Sector Agree to Re-Introduce Free Enterprise to Health Care” anytime soon. Such a revolution will take place far away from newspaper headlines and cable news. It will happen quietly and from the bottom up. Just ask Dr. David MacDonald.


David MacDonald and Vern S. Cherewatenko, two Seattle-based physicians, were going broke in 1997. Because of the administrative costs imposed by Medicare, Medicaid, and health maintenance organizations,

along with low reimbursements by the same, they were averaging a net loss of seven dollars per patient. With 55 doctors in their practice at the time, losses amounted to \$80,000 per month. “Bankruptcy was six months away,” said MacDonald at a James Madison Institute luncheon held recently in Tallahassee. “We had to do something,” he said. What they decided to do was so simple that they called it *SimpleCare*.


The doctors decided to eliminate the middle man and go to a fee-for-service arrangement. In other words, the doctors drastically cut their rates (by 20 to 50 percent) and

in exchange, struck an agreement with their patients that they would pay for services by cash, check, or credit card at the time of service. Gone were the phone calls to third-party administrators, excessive paperwork, endless treatment codes, and disagreements over reimbursement rates. The doctors found that by eliminating the third-party payers, they could reduce their fees and still turn a profit.

Their practice turned around. Many uninsured could now afford quality health care. Employers and insured patients secured major medical policies (to cover catastrophic care expenses) and went to fee-for-service care under *SimpleCare*, thereby saving hundreds, even thousands of dollars. Word got



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around. “What started out with two doctors has grown to about 1,400 medical providers and 14,000 patients nationwide,” notes Cherewatenko, now president and chief executive officer of SimpleCare and the American Association of Patients and Providers (AAPP). AAPP is the nonprofit group that provides the oversight and management for SimpleCare. Both patients and providers join the AAPP to participate in SimpleCare and to be advised of changes, additions, and expansion in the network.

The beauty of SimpleCare—reduced costs to both doctors and patients for quality health care—is embodied in the observation made by Milton Friedman in his article, “How to Cure Health Care.” He wrote, “Two simple observations are key to the high level of spending on medical care and the dissatisfaction with that spending. The first is that most payments to physicians or hospitals or other caregivers for medical care are made not by the patient but by a third party. The second is that nobody spends somebody else’s money as wisely or as frugally as he spends his own.”¹⁰ SimpleCare participants know the cost of their care, they know the costs of different treatment options, and they ask questions. They pay for their own lunches.

MacDonald and his partner then expanded their immediate network to the laboratories and other caregivers they depended on for prescribed testing and treatment. “We could never find out what things actually cost,” said MacDonald. The

health-care market is so hopelessly skewed by government and insurance third parties, it took detective work by MacDonald to pin down providers, such as radiologists, and get them to answer a simple question: “If you got paid in cash, how much would it cost for this test?” SimpleCare is now even negotiating best-price rates with pharmacists.

A Common Sense Solution

What SimpleCare recommends to its participants is common sense.

- Consumers should obtain a major medical or “catastrophic care” policy to cover events such as heart surgery.
- The deductible for adequate coverage should be whatever a consumer can reasonably afford.
- Everything else is fee-for-service.

Consumers who participate in medical savings accounts (MSAs) can pay for health care expenses tax-free up to the deductible amount through the MSA. Any balance can be rolled over at the end of the year and kept in the account for future medical expenses. As the MSA builds, consumers can raise the deductible on the major medical policy, saving more money. By federal law, MSAs are limited to sole proprietors and employers with one to 50 employees nationwide, although the U.S. Congress may consider loosening these restrictions this year.

For the uninsured who cannot afford the standard health insurance policy, a major medical policy plus SimpleCare might be the solution.

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BOOK REVIEW

global warming and other eco-myths

by john c. van gieson



A look at how the environmental movement has used false science to scare citizens.

Global warming. Overpopulation. Mass starvation. Air pollution. Water pollution. Depletion of resources.

These are a few of the catastrophic events that ideological environmentalists have warned will doom the planet unless drastic global action is taken. Some, such as mass starvation and running out of oil, were supposed to happen as long as three decades ago.

The book *Global Warming and Other Eco-Myths* recounts the predictions of global doom and gloom made by the ideological environmentalists, and it documents just how wrong they were. The subtitle, *How the Environmental Movement Uses False Science to Scare Us to Death*, says it all.

As the introduction says, “Key predictions made by environmental ideologues about the future state of the earth and humanity are simply not coming true.”

Edited by Ronald Bailey of the Competitive Enterprise Institute (CEI), the book contains 11 chapters written by experts in their fields on the most significant environmental issues of our day. Each chapter begins by debunking the “eco-myths” perpetrated by the ideological environmentalists in that particular area.

Global Warming and Other Eco-Myths concludes that, despite all the alarmist cries, the world is in much better shape today than it was when they launched their movement in the late 1960s and early 1970s. The

authors attribute the progress that has been made to human ingenuity and the market economy.

Ideological environmentalism was influenced to a large extent by three well-known publications: *Silent Spring* by Rachel Carson, *The Population Bomb* by Paul Ehrlich, and *The Limits to Growth* by the Club of Rome.

In 1968, Ehrlich predicted that the world would undergo disastrous famines in the 1970s and hundreds of millions of people would die. It never happened.

The world has experienced a population explosion, but Dr. Norman E. Borlaug, who won the 1970 Nobel Peace Prize for launching the Green Revolution, reports that world food supplies have tripled in the last 30 years.

“Enough food is now produced, if distributed evenly, to provide every person in the world with a diet of 2,350 calories per day,” he said.

When Borlaug accepted his Nobel prize 33 years ago, he warned that world population growth would have to be stopped to feed the people. “I now say that the world has the technology—either available or well advanced in the research pipeline—to feed a population of 10 billion people,” he said. “The more pertinent question today is whether farmers and ranchers will be permitted to use this new technology. Extremists in the environmental movement from the

rich nations seem to be doing everything they can to stop scientific progress in its tracks.”

The Club of Rome book predicted that “shortages of natural resources will lead to a dismal and depleted existence by the beginning of the next century.” It didn’t happen.

Stephen Moore, senior fellow in economics at the Cato Institute, notes that air and water quality have improved dramatically in the last few decades and the availability of energy and natural resources has been increased, not depleted.

“In the 1960s and 1970s, many people wore buttons that read, ‘Stop the planet, I want to get off,’ ” Moore said. “Their pessimism was misguided. When it comes to the environment, humanity has been a good custodian of the earth over this past century. If present trends continue in the 21st century, food and natural resources will be more abundant than ever before and the environment should be cleaner and safer.”

Carson predicted that pesticides would cause cancer epidemics. Despite the legal battles outlined in the films *A Civil Action* and *Erin Brockovich*, it hasn’t happened.

Angela Logomasini, director of risk and environment policy at CEI, debunks Carson’s assertion that synthetic chemicals would create a cancer epidemic, and says cancer



Global Warming concludes that the world is in much better shape today than it was when the environmentalists launched their movement.



incidence and mortality are declining.

“Eliminating modern pesticides, herbicides, and fertilizers would have devastating ecological effects, forcing farmers to plow down as much as 10 million additional square miles of land (more than the area of all of North America) to produce the same amount of food as they produce today,” Logomasini said.

Several authors directly challenge the basic tenets of the ideological environmentalists—sustainable development, renewable energy, and opposition to biotechnology.

Barun S. Mitra, a writer and public policy commentator, and Rakhi Gupta, program officer in environmental management capacity building in the government of India, argue in their chapter that “sustainable development is misconceived because it argues that natural resources are becoming scarcer when in fact they are becoming more abundant over time.”

“The best way to maximize the welfare of human beings and to protect the natural world is to encourage rapid economic growth and technological progress by means of open markets and democratic governance,” they said.

According to the Club of Rome report, the world should be running out of oil right about now, with natural gas not far behind, a prospect cheered by the environmental activists. Renewable energy sources were supposed to be providing much of our energy by now.

But John Jennrich, a fellow of the Institute for Energy Research, noted

that renewables provided just 1 percent of the world’s energy needs in 1999.

“In the near term—the next several decades—humanity will remain heavily dependent on fossil fuels as its chief source of energy,” Jennrich said. “Renewables, especially non-hydro renewables, are simply too costly, inefficient, and unreliable to depend on as the mainstays of developed, growing economies, much less for use by underdeveloped countries.”

The ideological environmentalists oppose genetically engineered crops, which have led to enormous advances in crop yields in developing countries. Their opposition is based on vague, unsubstantiated assertions that biotech plants are unsafe for humans and could endanger the environment.

Some governments, notably the European Union, have imposed onerous regulations on biotech plants and its advocates would have our government do the same.

In their article, Gregory Conko, director of food safety policy with CEI, and C. S. Prakash, professor in plant molecular genetics and director of the Center for Plant Biotechnology Research at Tuskegee University in Alabama, argue that the opposition to biotechnology is irrational and self-defeating in the long run.

“Without such gains in productivity and nutrition, the growing need for food will require plowing under millions of hectares of wilderness—an environmental tragedy surely worse than any imagined by biotechnology’s opponents,” they said.

In his chapter on global warming,

John R. Christy, professor of atmospheric science at the University of Alabama in Huntsville, also argues that the position of the ideological environmentalists is self-defeating.

“No global climate disaster is looming,” Christy said. “Humans are causing an increase in carbon dioxide and other greenhouse gases, which will likely cause a very slow rise in global temperatures with which we can easily cope.”

The proposed global warming treaty will adversely affect the world economy by limiting the productive ability of the most prosperous countries but have little impact on global temperatures, he said. In other words, a lot of pain but no gain.

“Limiting carbon-based energy production to levels adopted in the Kyoto Protocol will make an imperceptible difference in global temperature and an undetectable difference in local weather,” Christy said. “If achieved, it would reduce the standard of living for millions—and by extension, billions—of people. The poorest are the most vulnerable to such edicts made by proponents of such efforts at centralized planning.”

The precautionary principle, a new tactic advocated by ideological environmentalists to impose restrictions on anything that *might* cause environmental damage, is addressed by Jonathan H. Alder, assistant professor of law at the Case Western Reserve University School of Law.¹

The precautionary principle holds that “When an activity raises threats of harm to human health or the

environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically.”²

Legitimization of the harm-might-be-done theory would give the ideological environmentalists a powerful tool to thwart development of new products and technologies that they oppose.

“Advocates of the precautionary principle tend to assume that economic growth and development are themselves a threat to public health and environmental protection, yet the rise of industrial society has coincided with a massive explosion of wealth and health that is unprecedented in the history of human civilization,” Adler said.

Chapters written by David Riggs, director of land and natural resource policy at CEI, and Fred Smith, founder and president of CEI, call for private ownership of water and other environmental resources. They argue that public ownership of such resources leads to waste and degradation because there is no incentive to conserve the resource. Under private ownership, the owners would reduce waste and ensure that the resources are used more efficiently and productively.

“Enclosure—that is, assigning owners to environmental goods—will integrate those goods into the private sector and reveal their true values and help protect and preserve them,” Smith said.

Global Warming and Other Eco-Myths is a provocative, informative book that presents readers with a perspective on

environmental issues rarely seen or heard in the media, which usually accepts the positions of the environmental ideologues without question. This book is well worth a read. ☞

John C. Van Gieson is president of Van Gieson Media Relations, a public relations firm based in Tallahassee, Fla. He is a former capital bureau chief for the

health care *(Continued from page 23)*

Even if the uninsured consumer cannot afford a major medical policy, participation in SimpleCare provides a higher quality of care than the standard emergency room visit. MacDonald's practice in Seattle can now devote seven minutes of care for every one minute allocated for administration. In 1997, prior to SimpleCare, those ratios were reversed.¹¹

Establishing a SimpleCare "lab" in a community requires a minimum confluence of interest. Doctors, patients, employers, and other health-care providers must agree to participate at the same time. Two doctors and a handful of patients started SimpleCare in Seattle, and it has expanded to dozens of other communities, so it can be done.

Dr. David MacDonald is no longer in full-time practice. He is touring the country like an evangelist, spreading the word that good old fashioned, free-market principles can save our health care system. In one community at a time, SimpleCare is demonstrating that the timeless

Orlando Sentinel, Miami Herald, and Associated Press, and covered state government and politics for more than 20 years.

Endnotes

¹For more information on the precautionary principle, see "Chicken Little Meets Nostradamus," *The Journal of The James Madison Institute*, Fall 2000.

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principles illustrated by Adam Smith's "guiding hand" can liberate Florida's health care consumers and providers alike. ☞

Curtis Leonard is executive vice president of The James Madison Institute.

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