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The James Madison Institute is a Florida-based nonpartisan, nonprofit research and educational organization dedicated to advancing such timeless ideals as economic freedom, limited government, federalism, traditional values, the rule of law, and individual liberty coupled with responsibility.

Publisher

J. Stanley Marshall

Editor

Rosemary Dupras

Assistant to the Publisher

Sonja Woodham

Circulation

Susan T. Christian

Intern

Allie Arguello

Design

Graphic Edge

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World Wide Web Page:
www.JamesMadison.org.

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Message from the publisher

j. stanley marshall



In our May/June issue, the first of the new *Journal of The James Madison Institute*, we included a response card for readers to express their views about the publication. Many of you returned the cards and even wrote comments.

With only a few exceptions, your responses were favorable.

- You liked the font size and the word spacing, which one senior citizen said makes for easier reading,
- You liked its brevity and to-the-point style,
- You especially liked the high-speed train article and “The Arrogance of Power,”
- You described the *Journal* as thoughtful and timely,
- You would like it to be produced monthly,
- You deemed it “a Florida counterpart of The Heritage Foundation’s *Policy Review*,” and
- You’re looking forward to the next issue.

But a few of you reminded us that there’s still work to be done. One reader said “good content” but the “package” looks a little amateurish, while another reminded us that the quality of writing varies. Many of you suggested that we emphasize topics of special interest to you—no surprise. Those covered the public-policy spectrum: property rights, education, immigration, tax-surplus rebates, fresh-water supply, pollution of Tampa Bay, junk science, and wetlands takings.

One has to be careful not to read too much into your accolades, for we share generally similar views. Your critical comments, without exception, were constructive and positive in tone, and we've focused more on those than on the accolades. They'll help us to produce a better *Journal*.

The first two weeks of June produced great news for proponents of school choice everywhere. The announcement on June 10th that the Wisconsin Supreme Court upheld the nation's first school-choice program against a legal challenge has warmed the hearts of school reformers all across the nation—and struck terror into the hearts of the education establishment, and especially the teachers' unions. It's a spectacularly important forward step—a giant leap, really—for school choice.

The national scholarship fund that will enable 50,000 inner-city children to enroll in parochial and private schools of their choice is also good news for the poor children across America.

The information below has been gleaned from the news reports following these important actions.

Milwaukee's Parental Choice Program

The city of Milwaukee began the country's first school voucher pro-


gram in 1990. Called the Milwaukee Parental Choice Program, it allows low-income inner-city parents to send their children in grades K through 12 to the private, nonsectarian school of their choice, with tuition being paid by tax funds. When religious schools, which make up the majority of the city's private schools, were added to the list of choices five years later, opponents challenged the plan in court.

The lower state court said that the Milwau-


kee Parental Choice Program violated the First Amendment's separation of church and state and limited participation in it to nonsectarian schools.

This June, however, the Wisconsin Supreme Court overturned the lower-court ruling, stating that including parochial schools in the choices "will not have the primary effect of advancing religion" and that the plan is religion-neutral. "Religious values aren't our problem. Drop-out rates and low test scores are," said Wisconsin Gov. Tommy Thompson in commenting on the court's decision.

Since the new ruling, the Parental Choice Program has expanded from 23 registered schools to more than 100. The changes will be incremental, since Milwaukee private schools currently have space for only about 3,600 additional pupils. These children will be eligible to select



The Wisconsin Supreme Court decision is a giant leap forward for school choice.



either a private or a parochial school to attend in September, and will join the 1,500 Milwaukee children who currently use the voucher plan.

According to the *New York Times*, four other states—Arizona, Ohio, Maine, and Vermont—have cases similar to Milwaukee’s pending in their state courts. Quoting Chip Mellor, president of Institute for Justice in Washington, D.C., the newspaper added, “Today’s decision will help school choice spread like wildfire across the nation.”

National Children’s Scholarship Fund

On the day following the Wisconsin Supreme Court decision, a group of wealthy business people announced a private, national voucher program for low-income public school children in all grades. Called the Children’s Scholarship Fund, it would provide an avenue for a private financier to invest in the education of needy children in about 50 cities.

Two founding board members each committed \$50 million—Theodore J. Forstmann, senior partner in Forstmann Little & Company, and John T. Walton, director of Wal-Mart Stores, Inc. At their New York press conference announcing the scholarship fund, Forstmann, Walton, and Michael Ovitz, a financier and former president of Walt Disney Company, called for partners across the U.S. to

match the initial \$100 million commitment so they can raise \$200 million over the next four years. Scholarship recipients will be chosen by lottery and their parents would be asked to pay part of the tuition—from 25 to 60 percent, Mr. Forstmann said—depending on their means.

Suggested Reading

For more information, the Institute recommends *Voucher Wars: Strategy and Tactics as School Choice Advocates Battle the Labor Leviathan* by Daniel McGroarty. This 50-page booklet is part of the Milton and Rose D. Friedman Foundation’s *Issues in School Choice Series*, which is intended to educate and inform the general public about the benefits of educational choice and to promote meaningful discussion on the issues facing advocates of school choice. To request a complimentary copy of *Voucher Wars*, contact Maureen Blum, outreach coordinator, Institute for Justice, 1717 Pennsylvania Avenue, N.W., Suite 200, Washington, D.C. 20006; 202-955-1300 (voice), 202-955-1329 (fax), or mblum@ij.org (e-mail).

Literature is also available from the Center for Education Reform, 1001 Connecticut Avenue, N.W., Suite 203, Washington, D.C., 20036; 202-822-9000 (voice), 202-822-5077 (fax), or cerdc@aol.com (e-mail). CER’s publication directory is also posted on the World Wide Web at <http://www.edreform.com>. ☞

COVER STORY

the florida lottery: a critical examination

by tait trussell



Floridians' love of gambling serves a noble cause—to fill the state's education coffers—doesn't it?

For Better Education in Florida” and “Don’t Fail Our Kids.” Those were the emotional slogans seen in advertisements all over the state in 1986 that convinced Floridians to vote for the Florida Lottery. Since then, lottery officials and proponents not only have bragged about how many dollars have gone to the schools, they also have argued that the money from the lottery is an ideal revenue source for the state—better than a tax—because people buy tickets voluntarily.

But like anything else that promises more than it can deliver, the Florida Lottery should be scrutinized from all angles—as it has yet to be. Like a used car, which can look deceptively shiny on the outside, what you can’t see may be falling apart.

Instead of using lottery money to enhance education, Florida’s legislators have used it to divert general revenue once spent on schools to new prisons, social programs, and other needs. And even though many millions in lottery dollars have been deposited into the Florida Educational Enhancement Trust Fund, the legislature has felt free to dip into this fund for many other purposes.

Before the lottery was started, the percentage of the general revenues spent for schools was 60 percent of the state budget. But since then, the proportion for education has dropped gradually to about 50 percent.

As disgraceful as this fiscal shell game has been, several other aspects of the lottery are likely to be more hazardous to the welfare of the state and its

citizens in psychological, moral, fiscal, and economic terms. The malignancies in the lottery have been hidden by the sheen and glitz of clever marketing. And the state's citizenry has been blinded by the promises lottery pitchmen have implanted in hopeful minds that "somebody has to win and it may be me."

Its History

It was Ralph Turlington, then Florida's commissioner of education, who formed "Excellence Campaign: An Educational Lottery" to get signatures on enough petitions for a constitutional amendment to legalize a state lottery. Twenty-four other states and the District of Columbia already had been bitten by the lottery bug. In Florida, pressure was mounting to adopt casino gambling, and the commissioner saw the lottery as the lesser of two evils. Turlington said recently he thinks lotteries are "less addictive than casino gambling."

The Florida Lottery was approved in 1986, but the casino idea failed—for the time being. The next year, the legislature created the Lottery, and tickets went on sale in January 1988 for the first instant (scratch-off) game called "Millionaire." The second instant (scratch-off) game was introduced later in the month with the tempting title, "Cool Million."

By sales standards, the lottery was a sizzling success. Based on January

through March sales, the weekly per-capita take was more than four times that of any other state lottery. In April, the first Florida Lotto jackpot was estimated at \$2 million; and in


June, Florida Lotto and Cash 3 generated \$52 million in one month, setting a national record. The lottery sparked international interest when Sheelah Ryan of Winter Springs won a Lotto jackpot worth \$55 million.

In the decade of its existence, the Florida Lottery has invented a staggering 92 gaming (another word for gambling) versions, including such enticing-sounding "instant" games as "Mega Bucks" and "Race for Cash." These are in addition to the Lotto, Fantasy 5, and Bingo.


Its Darker Side

Behind the glitter of publicity about multimillion dollar winners and the enticements of new games, the dark side of lottery gambling was rarely seen but ever present. More and more people were becoming addicted. Bettors all over the state were putting money in lottery games that previously they had spent for food, rent, and savings.

Young Gamblers. Alarming, a survey of 3,000 Florida high school students conducted by the Florida Council on Compulsive Gambling, Inc., during the 1995-1996 school year found that nearly 7 percent of high



Lotteries are the most expensive way a state can raise revenue.



school students were classified as problem gamblers. The gambling activity most likely to be engaged in on a weekly or more often basis was lottery games, the survey determined.

While some students' gambling was sports betting with friends and betting on arcade video games, the survey found that the "gambling activity most likely to be engaged in at any time was (the Lottery's) scratch-off." Of students gambling during the previous year, the most frequently cited problem was that they "gambled more than planned," followed by "borrowed money or stolen something in order to bet or cover gambling debts."

So, while the Florida Lottery officials have hugged education to their breasts to give the lottery legitimacy and have bragged about 38 percent of the lottery dollars going to education, the games they promote are leading many students astray, perhaps into a life of excessive gambling.

Senior Addicts. According to Pat Fowler, executive director of the Florida Council on Compulsive Gambling, senior citizens are even more susceptible to the allure of gambling. The lottery "is the most popular gambling type among seniors," she said, adding that five to 10 percent of gamblers become addicted. The hope-laden belief that "this time around the winner will be me," together with the ever-present TV commercials, billboards, and other promotions of the array of gambling opportunities, lead many seniors down the dreamy path to

promised wealth and sometimes to depletion of their life's savings.

For example, a 70-year-old man who lives in Lady Lake, Florida, continues to play the lottery regularly although he is \$40,000 in debt, according to a 65-year-old friend in nearby Leesburg. (Most compulsive gamblers find it too embarrassing to be identified by name.) The friend is a retired federal employee and a reformed gambling addict himself. Another recent sad case involved a couple wintering in central Florida. At age 78, Espar Oja took her severely disabled 80-year-old husband on an exhausting limousine tour to gamble at casinos in Biloxi, Mississippi. She died on the trip and left her dementia-bewildered husband to find his way home. These stories show the extent to which some will go to gamble and the potential dangers of the gambling urge.

Among senior gamblers, most are 55 to 64 years old, although about 25 percent are over 70. Most are married and white, said Ms. Fowler. These statistics, however, come only from those who are convinced they are so hooked that they call the compulsive gambling hotline for help (1-800-426-7711). Some 17 percent of all calls for assistance to the Council's 24-hour assistance hotline come from senior citizens. The lottery is the most dangerous as well as most popular form of gambling among seniors, Ms. Fowler maintains. "We're bombarded with ads devoid of any information that it is not risk-free," she pointed out. "But for those who can't stop, what can they do when their resources run out? They can't start over.

Then comes shame, guilt, and sometimes even suicide.”

Its Revenue Production

But doesn't the Lottery provide an important revenue source to the state?

The fact is, lotteries tend to age and are a highly uncertain revenue source. For several years, Florida Lottery sales have hovered between \$2.1 billion and \$2.3 billion a year. The take will likely be lower in the future, certainly in real dollars after inflation.

While 37 states have adopted lotteries as the fiscal gimmick of the times, experts say lottery revenues rarely contribute more than about 2 percent to a state's income. Equally important, lotteries are the most expensive way a state can raise revenue. Of each dollar from the sale of lottery tickets, 50 cents goes to players as prize money, 5.5 cents goes to retailers for selling the tickets, 2.1 cents goes to print the tickets and maintain the computer network, 1.4 cents is spent for advertising, 3 cents goes to administrative costs, and 38 cents is for education.

According to research by John L. Mikesell, a professor in the School of Public and Environmental Affairs at Indiana University and an expert on lotteries, “On average, the lottery is the eighth largest revenue source ... well behind the traditional tax sources.” Moreover,

“at around 10 years of age, those sales start a gradual decline.... A new game stimulates sales, but the newness ultimately fades.... The instability of lottery revenues has been clearly demonstrated.... [T]he lottery provides neither a sizable nor a stable revenue foundation for government.”



The sheen and glitz of clever marketing hide the lottery's malignancies.



Its Deception

Another concern is deception of the public. The marketing of lotteries, including the Florida Lottery, seldom discloses critical details of lottery operations.

The odds of winning the weekly Florida Lotto have become reasonably well known—one in 13,983,816. The five on-line games offer better odds. Fantasy 5 has odds of one in 65,780 and odds for the new game, Mega Money, are one in 1,150,720. In the judgment of some scientists, the odds are less that the earth will be struck by a mile-wide asteroid.

Equally deceptive is how the value of prizes—especially Lotto—is pictured. A \$7 million prize distributed over 20 years would not be worth that amount in buying power over time because the purchasing power several years down the payment road would be reduced by inflation.

Its Economic Value

What about the economic value of the lottery?

In economic terms, gambling

What Chance Do You Have?*

- Seeing a no-hitter 1 in 1,347
- Finding a pearl in an oyster 1 in 12,000
- Being dealt a royal flush in five-card stud 1 in 649,739
- Having quadruplets 1 in 705,000
- Being struck by lightning 1 in 1,900,000
- **Winning Lotto** **1 in 12,913,583**

Source: "An Oklahoma State Lottery: Seducing the Less Fortunate?" by Sandeep Mangalmurti and Robert Allan Cooke, Ph.D., October 8, 1993, published by The Heartland Institute, Chicago, Illinois.

**Nationwide statistics*



consumes, but it doesn't produce. It creates no new money. Although a very few persons hit the jackpot, they do so at the expense of the hundreds of thousands who lose money.

As Floridians spend their money on the lottery, less is available for other purposes. As a result, businesses that aren't gambling related tend to decline and fewer jobs are created.

No sales tax is paid on the lottery tickets as on many other purchases. So, as people spend to gamble instead of buying items with a sales tax, the state government takes in less money and has less for necessary programs.

Older citizens who deplete their savings can't easily replace them with a new job or career and some must turn to welfare. Credit card debt, bad checks, and white-collar crime resulting from gambling debts also

take their economic toll. Burglary, larceny, and auto theft tend to increase in states with lotteries, according to a report by the Heartland Institute.

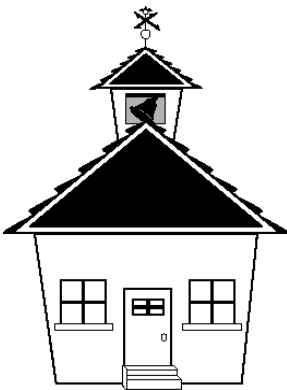
Conclusion

The impact of the total of transfers from lottery losers to winners, vendors, lottery personnel, and suppliers appear to be a net loss to the state's economy. So from an economic, as well as all other aspects, when the Florida Lottery is scrutinized, winners are few and far between. In truth, the lottery is making us all losers. ∞

Tait Trussell, who resides in Mount Dora, Florida, is a former managing editor of NATION'S BUSINESS MAGAZINE and former vice president of the American Enterprise Institute.

coming to your neighborhood soon: a charter school

by michael g. strader



**Florida is
becoming a
bellwether
in the charter
school movement.**

Florida's charter schools, established by legislative action in 1996, are growing both in number and in influence. Although only six schools opened to students in 1996, 33 charter schools were operating at the beginning of the next school year. Fifty-one new charter schools have been approved to open in the fall of 1998, bringing the total to 84 charter schools serving over 11,000 students.

Nearly half of Florida's 67 school districts have not yet approved a charter school. The 1996 legislation limited the number of charters—seven schools in districts with more than 100,000 students, five in districts with 50,000 to 100,000 students, and three in districts with fewer than 50,000—for a trial period of three years. Those same districts were authorized to sponsor an equal number of conversion schools—traditional public schools whose parents, teachers, and administrators elect to become charters. At present, Florida has no conversion schools and only two have been approved for next year—Spring Creek Elementary and McKeel Academy, both in Polk County.

Two conversion schools and 82 other charters constitute only one-half of 1 percent of the state's public schools and a negligible percentage of public

school enrollment. But Senator John Grant (R-Tampa), chairman of the state Education Committee, recently said, “I think we’ll find within 10 to 15 years that there will be more charter schools than [traditional] public schools. It’s the trend for the 21st century.”¹

Opposition

Opposition to the charter school movement is strong. Critics argue that charters are experimental and that empirical evidence is lacking regarding their success in improving student performance. In fact, empirical evidence *is* lacking.² After all, the first charter-enabling legislation was passed in Minnesota only recently (1991) and Florida’s charter law is just two years old. Anecdotal evidence abounds, however, and early reports by charter administrators, students, and parents indicate some significant successes. (See “Manatee School of Arts and Sciences.”)

Creaming—the practice of taking only the best and brightest students—is another criticism, but the opposite appears to be true in Florida. Consider that of its 3,000 charter students enrolled in the 1997-98 school year:

- 10 percent attended schools designed to serve economically and socially disadvantaged children; for example, Liberty City Charter School in Miami,
- 30 percent attended schools offering programs targeting at-risk students, usually those who underperformed significantly in their former schools; for example, School of Success

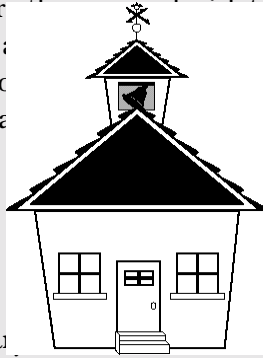
Manatee School of Arts and Sciences

Miriam Jolly, a longtime educator and education entrepreneur, decided to fill a void by establishing the Manatee School of Arts and Sciences in Bradenton. (Manatee district had dropped a strong arts and science curriculum in the elementary grades due to insufficient funds.) Miriam believes elementary children learn best through manipulative action and creative expression, methods that are enhanced by an activity-rich curriculum that incorporates drawing, painting, and other discovery processes. Evidently, many parents shared Miriam’s early childhood philosophy and enrolled their children. More incredible is Miriam’s success at inclusion (education jargon for mixing children who have sometimes severe educational, mental, or physical disabilities with general education students). Miriam believes every child can learn—albeit at different levels—with the right encouragement and a nurturing environment, and glows with pride when she describes the marvelous accomplishments of a young Down’s syndrome child, a student at Manatee School for just six months. ∞

The One Room School House Project, Inc.

The One Room School House Project, Inc. in Gainesville is described by DOE as a general education school. Yet more than 50 percent of its students are classified by the federal government as Title 1, which qualifies them for special funding on the basis of need.

The charter school began as the vision of an Alachua County elementary school teacher and former building contractor, Neil Drake. He must have presented district officials with some anxiety when he submitted a charter proposal—Neil



has definite anti-establishment views. At the same time, he is probably just the type of educator reformers envisioned when they passed legislation that provided teachers, parents, and others the opportunity to create innovative performance-based centers of teaching and learning.

Neil's vision opened a door for him and other dedicated teaching professionals to practice their belief that a student's academic success relied mostly on the teacher's constant encouragement and nurturing attention. ☸

Academy in Jacksonville,

- 25 percent attended schools designed to serve exceptional education students³—for example, Tampa Bay Academy, and
- 35 percent enrolled in schools identified by DOE as “general education”⁴—for example, Seaside Neighborhood Charter School.

Some schools that serve disadvantaged students may also be described as general education schools; for an example, see “The One Room School House Project, Inc.” above.

Standards

Even though charter operators are quick to point to success stories, they know that the real test is in living up

to the performance standards spelled out in contracts with sponsoring school boards. And while school district officials know that academic improvement is achieved incrementally, some expect charters to achieve impossible gains in short periods of time, and they tend to set performance goals unrealistically high. Evidence of this can be found in two of Duval County's charters. Organizers were required to use the average of the district's student performance in reading and math as the charter's performance objectives, even though these schools serve at-risk students who were two or three years behind grade level when they walked through the doors

of the new charter school.

Charter organizers may be faulted for accepting such unrealistic performance standards in their contracts. But significant start-up pressures force them to accept many requirements as nonnegotiable rather than face weeks of delay. However, accepting unrealistic standards could prove to be a fatal decision if a charter's contract is revoked for failure to achieve performance expectations.

New Legislation

The Commissioner of Education and the Legislature this year have liberalized the original legislation by addressing some of the problems faced by charter proponents. The most significant piece of legislation adopted by the Legislature this year does the following:

- Addresses limited capital funding for most existing charter schools,
- Provides a mechanism to arbitrate disputes between districts and charter school organizers,
- Doubles the current cap on the number of newly created charter schools and eliminates the distinction between conversions and newly organized schools, thereby allowing close to 1,000 charter schools,
- Extends the term of an initial charter contract from one, two, or three years to three, four, or five years,
- Allows charter schools-in-the-workplace designed specifically for children of company employees, and

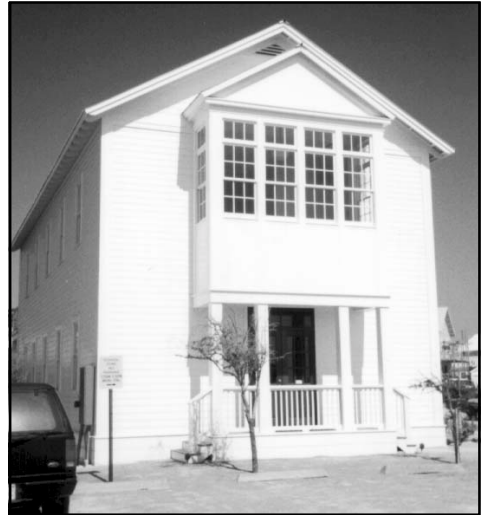


Photo courtesy of Seaside Neighborhood Charter School

Location fees paid by Paramount Pictures in 1996-97 to film THE TRUMAN SHOW in Seaside, Florida, were used to construct this permanent building for the Seaside Neighborhood Charter School. The school formerly was housed in a pair of portable classrooms.

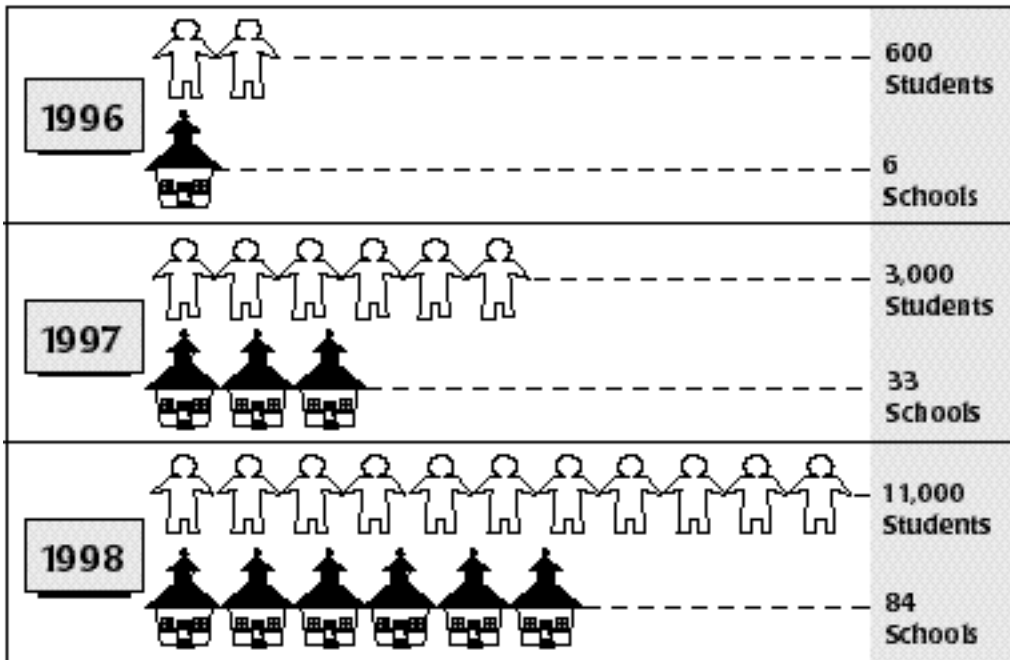
- Prohibits school districts from requiring resignations of teachers desiring to teach in a charter school.

These changes in the law will certainly move Florida from its current middle-of-the-road status to a top-five state in terms of its charter-friendly laws.⁵

Support

As with most pioneering efforts, lessons learned by the original charter school founders become road maps for new organizers. Assistance is also provided by the James Madison Institute's Center for Education Entrepreneurs (CEE). Established in April of this year with funding from the William H. Donner Foundation and others, the Center serves to

Growth of Charter Schools in Florida, 1996-1998



Source: Florida Department of Education

foster the school choice movement by providing technical assistance to organizers of charter and independent schools in Florida.

Establishing a charter school is an incredibly complex process that combines many of the same challenges common to starting a small business. Primary among these is a lack of access to start-up capital. Another is lack of experience in starting a business. Coupled with these challenges is the difficulty of negotiating contracts with school district personnel who are cautious at best and sometimes adversarial. The latter is changing as district administrators develop experience with charter schools and learn to distinguish between strong proposals and those that are ill conceived.

Lessons learned from charter

schools are not lost on school officials. The Seaside Neighborhood School, a charter middle school, opened in an area the Walton County School District believed was too sparsely populated to support a new school, despite strong interest by residents. However, Walton School District officials recently accelerated plans to build a new middle school nearby that will include a ninth grade. Is this a coincidence? We don't think so.

In addition, several districts have requested the same freedoms charter schools have, including autonomous local control and freedom from strict adherence to many rules and regulations. The 1998 legislature responded by piloting a project in six counties—Citrus, Leon, Palm Beach, Pinellas, Seminole, and Walton—to

permit districts to “deregulate” as many as six schools: two elementary, two middle and two high schools, thereby permitting charter-like independence.

The Road Ahead

The charter school movement still faces an uncertain future. Efforts of legislators to strengthen charter laws, support from satisfied parents, and the success of a growing number of charter schools are positive indicators. However, charter school operators are becoming weary as they cope with funding that is less than that of “traditional” public schools, as they ward off attacks from opponents who seize upon every sign of weakness, and as they try to meet the demands for teachers and administrators to be jacks-of-all-trades. As students achieve above-average performance gains and as facilities that house charters are upgraded to look and “feel” like the school buildings parents and students are accustomed to, charters will become stabilized.

Conclusion

In many states today, there is an increased awareness of the need to promote school choice rather than pouring more money into failing schools. Charter schools, as part of the larger school choice movement, have the strongest potential of any effort to date to bring about true

education reform. Florida’s diverse charter school program permits more communities to participate in a movement that has the potential to revolutionize American education. ∞



New legislation allows charter schools in the workplace.



Endnotes

1. Phone conversation with Senator Grant, May 27, 1998.
2. The U. S. Department of Education commissioned a four-year study comparing charter school performance with traditional public schools. A preliminary report for school year 1995-96, *A Study of Charter Schools, First-Year Report*, is available at <http://www.ed.gov/pubs/charter/> or contact the Dept. of Education at 202-401-3540.
3. Exceptional student education is a program for students referred to as gifted as well as students with a broad range of learning disabilities.
4. General education schools offer a traditional academic program for students who are expected to perform reasonably well.
5. Thirty-four states have charter laws as of this writing.

Michael G. Strader is executive director of the Center for Education Entrepreneurs in Tallahassee, Florida.

a voice from the present

by peter schorsch



Will tomorrow's seniors be prepared for a changed economy?

While social scientists are busy studying the myopic tendencies of the so-called “Generation X,” they may be overlooking what is shaping up to be one of the most interesting trends of the last quarter century. This trend is the growth of nearly half a generation of young Americans who have never lived during financially bad times.

Consider that for young people born after 1975, there has been a remarkably steady period of economic growth. Only in 1983 and 1991 were there any impediments to the steamrolling U.S. economy. The reasons for this growth deserve the attention of an entire economics department, not this article. What we should be concerned with is the significance of this prosperity to the “Banker-Boom” generation.

Imagine the effect this opulence has on one’s frame of reference. For example, the pre-Reagan-Bush-Clinton era was filled with many woeful tales of gasoline lines, rationing, and inflation. What relevance do these terms have when we can fuel our sport utility vehicles with 97 cents-per-gallon gasoline to go purchase \$1,200 computers that only three months ago sold for double that amount?

Worse yet, the financing of this tremendous buying power comes from a credit line that is far too fragile, whether it be from money market accounts locked into the stock market, or from income earned at a service-oriented job that might not necessarily be around the next time the nation’s wallet tightens up. Consider the

plight of today's college graduates—more than 50 percent are in debt. Meanwhile, the total amount of student loan borrowing is expected to reach \$50 billion by the year 2000.¹ Economists are beginning to warn of a credit crash due to the billions of dollars loaned to young citizens who are unsure how they might pay off their skyrocketing debts.

But what is truly phenomenal is that, in spite of this tremendous wealth and rapid technological advancement, my generation is more skeptical about its future than any other generation in our nation's history. In fact, many of us are downright disillusioned. According to a recent survey of young Americans, a majority of them "worry a lot" about having a job that pays well, losing too much of their income to taxes, making ends meet, affording good health care, and paying off their debts.² Which can only make us wonder: what kind of reaction will society feel from this segment of the population when things go sour? Today's youth have less faith in their government than almost every age group that preceded them. Perhaps the most telling statistic to portray this notion is this well documented poll result—nearly twice as many young adults believe that UFOs exist as believe that social security will exist when they retire.³ The majority of them do not believe they will even have enough money on which to retire.

But dealing with adversity is what

made today's older citizens so strong. They sold apples during the Great Depression and fought for their country. I've come to believe that they actually did walk uphill both ways to school. *In the snow.* So today's world isn't so tough. But try telling tomorrow's seniors, many of whom have only known wealth and privilege, to save a little more than their parents did if they want to retire. My generation needs to learn about three letters that we may not yet have heard of: IRA.

We Banker Boomers must be careful to read our history and to begin to understand the past. The Greenspan miracle cannot last forever, and neither can our ignorance of what it will take to survive when the bears are running instead of the bulls. ∞



The total amount of student loan borrowing is expected to reach \$50 billion by the year 2000.



Endnotes

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Peter Schorsch, 22, is a political science major at Florida State University in Tallahassee, Florida. He expects to graduate in April 1999.

stage setting

by james v. delong



How are property rights under assault and why should you care?

Convince me I should care about property rights even if I am not a farmer or a lumber company.

As any casual follower of the news knows, property rights is a hot-button issue. Pick up the newspaper. On the front page is a story about selling off factories and other assets in Eastern Europe or Russia, creating a system of private property where none has existed for half a century or more. Buried at the end of the first section are accounts of murderous conflicts over land rights in Mexico, South Africa, and Brazil. Turn to the business page, and read about intellectual property and negotiations with China or Japan over protection of patents and copyrights. Next to this story is a column on creating property rights in material on the Internet.

The local news section details zoning disputes and fights over historic preservation, and the national news tells of the latest assaults on the Endangered Species Act mounted by landowners who think the government is seizing their property. Nearby is a report of a cabinet officer's speech describing the administration's latest proposal to get pension funds

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to invest in areas the government regards as socially desirable. Alongside it are descriptions of the latest Supreme Court cases on wetlands regulations and the assets of savings and loan associations.

If you drop the paper and wander down the street, you might find the headquarters of a local group devoted to the defense of property rights. Some people estimate that five hundred different advocacy groups have sprung up, ranging from mighty coalitions to one person with a newsletter. Judging by the pile of material in my files, I could not prove to the contrary. In their offices are letters from people concerned about wetlands, endangered species, zoning, water, access to government timber, historic preservation, and a dozen other issues. Most of them ask for help: someone is doing something that devalues their property, and they do not know what to do. This is a true grassroots movement, not—as its enemies would have you believe—a corporate front, and property rights was one of the powder kegs that blew the Democrats out of their congressional majority in 1994. Since then the prominence of the issue has continued to expand.

We usually associate property rights with land, and certainly land is crucial. Until quite recently, it was far and away the dominant form of productive property. For tens of thousands of years people have cooperated to use it to create wealth and civilization. For just as long, they have killed each other for it.

Sometimes the cause is almost mystical, as when whole peoples struggle over an ancestral home. More often the conflict is over wealth—over the land's capacity to grow food or graze animals, its minerals, its water, its access to the sea and the riches of trade, or its strategic position as a defender of other land. Throughout history, land's importance has made it the fount of most thinking about property rights and the focus of most conflict. Who owns what, and how do you know, and what happens if A's use of his property conflicts with B's use of his?

England, 1995

In a contemporary instance of a situation arising in one form or another for ten thousand years, a British rock star moves to the country. He is amazed, and outraged, to discover a neighbor fertilizing his fields with pungent pig manure. The aroma permeates the area. The star complains to the local council. This body, somewhat baffled by the star's view that his right to use his property means that they should shut down an entire rural way of life, says, more or less, in a polite British way, "So what does he expect in farm country, perfume?"¹

Despite the continuing importance of land, the industrial revolu-

tion of the nineteenth century and the information revolution of the twentieth changed the nature of property profoundly. Property is also the machinery to produce goods or the pool of money needed to buy both land and machinery. It can be a franchise, the right to ply a particular trade. The goodwill of a brand name known to billions of people is a kind of property, as is having one's name in the address books of a roster of blue-chip clients. So is a patent or copyright. Education and training of all sorts are property, known to economists as human capital, and U.S. workers and proprietors collect about three-quarters of the gross national income each year, largely as a return on investment in their own human capital. One of the best forms of property to have, though few think of it as such, is a tenured chair at a university. This provides reasonable and secure income and a platform to lecture about the evils of greed.


New kinds of property are invented constantly. The tax laws lead to the boxes in the air called condominiums, because home owners can deduct mortgage interest and real estate taxes while renters cannot. Ergo, renters are transmogrified into owners with a stroke of a legal wand. Another instance: The computer makes possible records of almost any degree of complexity, so Wall Street

invents ways of slicing ownership of securities and other financial interests into infinite degrees of complexity. The huge market in complex derivatives could not exist without the computer.


In an advanced industrial-information society like the United States, land may no longer be the predominant producer of wealth, but make no mistake: this change will not tamp the con-

licts over the nature of property rights. Because of its crucial role in fostering the wealth and the very survival of individuals and human societies, land has always aroused great passions, mostly greed, fear, pride, and rage. The potential for violence, combined with the workaday need to promote its efficient use, have made it a preoccupation of both law and custom. The new kinds of property excite all the same passions as the old, and many, though by no means all, of the principles and conflicts remain constant even as the nature of property changes. The safest of bets is that the expansion in the nature of property is making the conflicts more convoluted, not eliminating them. If you do not think people feel passionately about property rights in their computer software, you are not clicking on the right discussion groups.

...



**Property rights
is a hot-button
issue.**



Little Rock, Arkansas, 1993-1995

During the 1993 Christmas season Jennings Osborne puts 3.2 million Christmas lights on his home, turning it into a tourist attraction that draws thousands of people. The neighbors sue. People labeling themselves advocates of property rights react in opposed ways. Some are distressed that the neighbors are trying to limit a person's right to do as he pleases with his own home. Others are equally appalled at his affront to the right of the neighbors to enjoy their property.

I find Little Rock an easy case (I'm for the neighbors), but the issues can get tougher. What if Osborne puts up only 1,000 lights, or he puts up blue lights when the neighbors like red? In real life, the neighbors win, and in 1995 Osborne is allowed to put up only 12,000 lights. But he wins too. The original exhibit is moved to Disney World in Florida, where it becomes the hit of the holiday season.²

Minnesota, 1995

An ongoing dispute pits an alliance of landowners and land users against the Mille Lacs tribe, which claims hunting and fishing rights under the Treaties of 1837 and 1855, untrammelled by state game laws, over large

chunks of the state. Landowners, hunters, and fishermen are outraged, viewing this assault on state game and fish limits as an attack on their right to use the land, their property rights, and their livelihoods, which depend on the dollars spent by sporting tourists. They belong to the Alliance for America, the largest of the pro-property rights coalitions. As the Mille Lacs see it, they are only asking for the return of property stripped from them in the past, so they too could claim membership in a property rights defense coalition.

Given that I am all for property rights, who do I root for?³

Such dilemmas are common, and people end up in surprising positions. While Minnesotans want to promote effective state regulation as a means of safeguarding their property rights, in other places landowners regard governmental regulations as a serious impingement on their rights. Westerners staunchly defend the sanctity of property but protest when the federal government, as owner of a piece of land, acts like a landowner and raises grazing fees or limits access. To some people, the crisis over property rights is the local industrial plant's or pig farm's release of contaminants that migrate to their land. To others, the crisis is government restrictions on their historic right to emit contaminants in the course of using the land.

...

The property rights controversy connects to many major trends in politics and society. The shift in the nature of wealth caused by the industrial and information revolutions has changed the political muscle of various contestants, reducing the power of landowners in relation to other groups and opening land up to raids. By one view, the holders of new forms of property, financial assets and intellectual capital in particular, are expropriating the wealth of landowners. Another dominating factor is the government's budget crunch, which encourages Congress, states, and cities to distribute largess by giving favored constituencies power to take wealth from other private citizens instead of giving them money out of federal tax dollars. Still other megatrends include the extraordinary expansion in the use of criminal sanctions during the past two decades, the multiplying failings of the legal system and legal profession, the rise of single-value government agencies devoted to a remorseless pursuit of their own narrow vision of the



If a society does not get its principles right in the context of land, it is not likely to get them right for other forms of property either.



public good, and the increasing influence of scientific theories of dubious validity.

These linkages present both a problem and an opportunity. The problem is that they complicate analysis of the property rights. The opportunity is that they make the story more entertaining and important. Property rights is not only an interesting battle in its own right, it is a fine vehicle for examining fundamental issues that are perplexing the American public. ∞

Endnotes

1. "No Satisfaction," *Washington Post*, August 31, 1995, p. D3.
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James V. DeLong is an attorney and environmental consultant and an adjunct scholar with the Competitive Enterprise Institute in Washington, D.C.

broken trust

by ray wisher



Who's been
injured the most
by a juvenile
offender's wrong
decision?

My job gets tougher every year. My partner and I work the streets in a decent mid-sized Florida city. By and large we have good people living inside our city limits. But times are changing and so is the world. More and more I see decent kids getting into trouble. Sometimes it is stupid things; sometimes there are more serious acts.

Almost every time I work one of these cases, I have to confront the father and mother with the news their son or daughter has committed some crime. Contrary to popular belief, cops do not take pleasure in telling parents their kids are criminals. In a great number of these situations I have to take a severe verbal beating from the parents who give me the patented “Not my son” or “He has never lied to us before and we believe him now” or “Why are you people hassling him? He gets good grades, plays sports, and he has no reason to do anything you say he did.” I’ve heard it a thousand times. Most of the time the target of our investigation sits in silence while the parents do the denying.

My partner lets me take the abuse. Patience with faith-blinded parents isn’t his strong suit. I tell the parents the world isn’t what they think it is anymore. The sad fact is many kids today are capable of doing things our generation would have never thought possible.

Average kids in America live in a world where most crimes are not considered bad.

Where stealing isn’t wrong unless you get caught.

Where lying is rewarded by admiration of the art of

the lie rather than by an admonition for telling it. Even our national leaders no longer hide lying. They just keep right on going and they get more popular every day. Their lies and our inaction aren't lost on the children.

I remember hearing about a study from some university where professors were given a quarter of a million dollars to research why kids steal. High school students were asked to give 10 reasons why they shouldn't steal.

Reasons ranged from worry about getting caught to not needing the items to no profit in the act. Down on number seven the students listed "because it is wrong."

Seven.

Six better reasons for not stealing, most of them based on profit or self-preservation.

I told my partner for \$20 and a cup of coffee any good cop could have told the researchers the same thing and saved a ton of money. Frankly, I wonder which is sadder—the results of the study or the fact that the "enlightened" among us had to do it to understand what was going wrong.

Most educated people I meet don't realize how bad it has become. So many parents are clueless—I watch their eyes open wide in amazement. When they send their kids out into the world, they assume things are close to the way they used to be. But

the world on the street bears no more resemblance to the parent's life in the 50s and early 60s than the atmosphere on earth does to Jupiter's. The music, the movies, the schools, other kids' parents and their philosophies on life, and the government—kids are

blasted from all sides with input so opposite to what a good parent tries to teach. The entire society is changing its value system and even the best kid can't resist forever.

I tell the well-meaning parents to imagine a world where the child's


friends and their parents don't have a problem with theft or drugs.

Where schools aren't enforcing basic long-accepted values of truth, honesty, and ethics.


Where popular and profitable music and movies tell the kids over and over how to handle life in a negative way.

Young people's entire world is upside down to what is being taught at home. I ask them "If the entire world was run by insane people and you are the only sane person left, then in your son's eyes, who would be considered crazy?" The parents usually respond "But we taught him the difference between right and wrong." To which I reply, "And who else taught him the same thing?" Silence usually follows.

I don't make excuses for the child's act. Wrong is wrong. What I try to do



**Cops do not take
pleasure in telling
parents their kids
are criminals.**



is enlighten the parents and make them see that they can't let their kids wander through this world and expect them to survive. And the child must understand how precious their lives are to their parents ... that the parents aren't the crazy ones but in fact, the kids are lucky to have a parent who cares. Usually in the cases I work, if the parents are the respectable sort, I'll get a call from them shortly after my visit, apologizing for giving me such a hard time. "We are so shocked and devastated," or "We're so sorry you had to come to our house because of our child." The first couple of hundred apologies make me feel better. Now I just smile diplomatically and attempt to patch up the damage, and hope the parents understand they can never afford to be without vigilance.

I take no pride or satisfaction in destroying the relationship between children and parents. Actually, the child does the damage. I'm just the messenger the parents blame at first. In the end, I hope to make both see that cops aren't the enemy. We *want* kids to stay out of trouble and we also want them to see what they did to their parents. Sometimes that leaves more of an impression than our ineffective justice system.

There is a speech I give to make

kids understand what they did beyond the criminal act when they committed the crime or lied to their parents. I do it for the parents too, because most parents feel very alone the first time they find out their child has deceived them. I tell them,

"In your life you will get only one free gift. This gift is given without strings, without expectations. It is part of your birthright when you come into this world. The moment you are born, your parents give you total trust. Their trust is as strong as steel but as fragile as crystal. Once broken, it can never be repaired completely. No matter what happens from this day forward, you can never tell your parents anything without a hint of doubt creeping into their minds. 'Is he lying to us this time?'"

Then I lean over and look right at them and say,

"I ask you. Was anything that you did worth the look you see on your father and mother's faces right now? Take a good look. I want you to remember this moment because what you see is the death of the only truly free treasure you owned." ∞

Police detective Ray Wisher and his wife are raising their two children in Cape Coral, Florida.

reclaiming america's religious freedom

by john w. cooper, ph.d.



Freedom in
America has
declined,
according to a
former James
Madison Institute
president.

Liberty cannot survive without spiritual faith and morality. Reflect upon these words written almost 200 years ago:

A democracy cannot exist as a permanent form of government. It can only exist until voters discover that they can vote themselves money from the Public Treasury. From that moment on, the majority always votes for the candidates promising the most benefits from the Public Treasury with a result that a democracy always collapses over loose fiscal policy, always followed by dictatorship. The average age of the world's greatest civilizations has been 200 years. These nations have progressed through the following sequence:

from bondage to spiritual faith;
from spiritual faith to great courage;
from courage to liberty;
from liberty to abundance;
from abundance to selfishness;
from selfishness to complacency;
from complacency to apathy;
from apathy to dependency;
from dependency back into bondage.

With these words Alexander Fraser Tytler (1748-1813) summarized the thesis of his book, *The Decline and Fall of the Athenian Republic*.¹ Tytler's words ring in our ears today as something of a prediction and something of a warning.

This passage is a fairly accurate description of the historical evolution of the American Republic over

the past 200 years—one could argue that we have experienced every phase of the sequence down through “dependency” and that the only thing left for us is a return to “bondage.” And the passage is a warning that our Republic may not survive the present generation. If freedom does survive in America, it will be because of a restoration of moral and religious sentiment.

I want to elaborate specifically on these religious and moral foundations that first created, and for two centuries have sustained, the American Republic. I will show you what America’s Founders believed about the role of religion and morality in our nation. I will describe why the Founders wrote the First Amendment to protect religious freedom. I will illustrate the ramifications of the principle of freedom in the religious, cultural, political, and economic spheres. And I will show why, in the twentieth century, the decline of the public role of religion—and confusion about the meaning of the First Amendment—have contributed to the shrinkage of freedom in America.

Our Cultural Story

What is this American heritage of freedom, especially religious freedom, that we must reclaim? Well, we have to tell our cultural story to understand it.


But, first, a disclaimer. In celebrat-

ing the wonderful heritage of European civilization, I am in no way claiming, on the one hand, that these peoples were innocent of injustices, nor, on the other hand, am I denigrating the contributions of other peoples who also have built this great nation of ours.


Three hundred seventy-five years ago English men and women and other immigrants started coming to the shores of British North America. These men and women were, for the most part, free persons. They lived on a frontier, were

responsible for their own livelihoods and protection, and were subject to very few intrusions of government power and taxation. Most believed fervently in limited government, free enterprise, and religious freedom. They lived under remarkably free conditions while their European counterparts were subjected to large, centralized governments, excessive taxation, numerous intrusions on their personal freedom, and enforced state religions.

While freedom was the norm, there were a few American experiments in collectivism. One famous example is connected with the story of the first Thanksgiving. The men and women of the Plymouth Colony in Massachusetts dedicated their small settlement to God. Even before they disembarked in the New World, they wrote the *Mayflower Compact* to affirm their faith in God and to



Our Republic may not survive the present generation.



pledge to each other to establish a government of laws and equal justice. However, their initial economic arrangements were all wrong. They decided to require each family to contribute all the food they raised, hunted, and gathered to a common storehouse. From that storehouse, each family would take according to their need. This arrangement proved disastrous. Little was produced and many people starved to death. The colonists probably had to rely on the generosity of the neighboring Indians. Finally, the colonists decided to establish a system of property rights and to allow each family full ownership of their land and full control over the fruits of their own labor. From that time on, the Plymouth Colony prospered and Thanksgiving was possible. The colonists learned that political freedom had to be coupled with economic freedom.

The early American colonists were lucky. The British government, led by the monarchy, was preoccupied with European affairs and paid little attention to its colonies. The historian, George Roche, has reminded us that, in British history, this period is called the Era of Salutary Neglect. Because America was somewhat removed from the heavy hand of government, the colonists could

experience the benefits of freedom.

The Influence of Adam Smith

At about the same time in Glasgow, Scotland, a moral philosopher by the name of Adam Smith began to write about how freedom, rather than centralized control, was the surest route to a moral society. He discussed the role of families, churches, and voluntary associations in creating the habits of character in individuals that

are necessary to achieve freedom and prosperity. His first major book, *A Theory of Moral Sentiments*, outlined the desirable moral foundations of any successful society.

Adam Smith's more famous book, *The Wealth of Nations*, was published in 1776. In the decades leading up to the seminal year of 1776, a new philosophy was sweeping Europe, mercantilism. The mercantilists believed that advanced societies needed strong, centralized governments in order to survive. They believed that central governments should levy high taxes and impose severe tariffs on international trade in order to accumulate gold and silver in the public treasury. Adam Smith wrote *The Wealth of Nations* to counter the mercantilist philosophy and to show why free trade among nations and economic freedom within nations is the surest way to increase prosperity. One of the prime



The colonists learned that political freedom had to be coupled with economic freedom.



examples of successful free enterprise that Adam Smith cited in his book was the American colonies.

Most Europeans of that day believed that North America was a vast wasteland, and that South America—with all of its gold and silver deposits and with an Indian population nearly 10 times greater than North America—would become the most prosperous part of the New World. But Adam Smith predicted just the opposite. Observing the consistent legal protection of free enterprise in North America and the central planning and high taxation of the Spanish and Portuguese colonies, he concluded that North America's wealth would eventually surpass that of Latin America.

George III, Britain's king, was a prominent advocate of mercantilism. For several years prior to 1776, Britain had increased taxes and imposed tariffs on the American colonists. Britain had subjected the Americans to increasing government controls on their economic, political, and cultural affairs. Finally, in July of that year, Thomas Jefferson sat down to write a bill of indictment against King George III and a declaration of independence by the American colonies. Among other intrusions, said Jefferson, George III had "erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance."

I hope you will take the time to reread this great document and imagine that it was written not in 1776, but in 1998. It could apply

equally well today to the thousands of federal bureaucrats who issue minute rules and regulations governing nearly every facet of the lives and livelihoods of Americans.

The Philosophy of the Founders

The Declaration of Independence contained, in capsule form, the philosophy and the theology of the Founders. When read alongside the Constitution, it illustrates how deeply philosophical and historically astute the Founders were. The French philosopher Jacques Maritain noted in his 1958 book *Reflections on America* that:

The American Constitution ... is deep-rooted in the age-old heritage of Christian thought and civilization.... The Founding Fathers were neither metaphysicians nor theologians, but their philosophy of life, and their political philosophy, their notion of natural law and of human rights, were permeated with concepts worked out by Christian reason and backed up by an unshakable religious feeling.²

What were the religious commitments of the Founders? Fifty-five men represented the 13 colonies at the Constitutional Convention of 1787. The great majority were orthodox members of a Christian denomination. According to the historian M.E. Bradford, there were "29 Anglicans, 16 to 18 Calvinists, two Methodists, two Lutherans, two Roman Catholics, one lapsed Quaker and sometime Anglican, and one open Deist—Dr. Ben Franklin, who attended every kind of Christian worship, called for

public prayer, and contributed to all denominations.”³ Thomas Jefferson, of course, was not present at the Convention, because he was serving at the time as an Ambassador in France. While he considered himself a Christian, Jefferson was certainly unorthodox, doubting, for example, the divinity of Christ.

With very few exceptions, the Founders were devout Christians. They also saw their leadership role in founding a new nation as a religious calling. Among the more famous battle cries of the Revolutionary War was “No king but Jesus.” They were well aware that many of the states had established churches. But they were also aware that an established national church would have split the Union asunder. They founded, instead, a nation based on religious freedom, yet, at the time, one almost universally committed to orthodox Christianity in its public and private life. Hence, the carefully worded constraints of the First Amendment, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” The concept of the separation of church and state did not imply the separation of religious faith from politics. The Founders were seeking to protect religious

institutions from governmental influences, not *vice versa*. They believed that religious institutions should have a powerful influence on government—but an influence that

is entirely persuasive and non-coercive.

They did not envision a government that actively promoted secularism as an alternative to the religious world view. Again, M.E.

Bradford:


An internal transformation of American society in the direction of a secularized egalitarian

state was the furthest thing from the minds of these men. The majority of them were committed to representative government, to the continued existence of the sovereign states, and to a dependence upon the virtue of the people acting as independent political, economic, and moral agents as the best security for the hope of a common future.⁴


The Founders believed that the Constitution they wrote could only work if Americans remained a virtuous people.

The Declaration Examined

Let’s look further at the concepts and issues that energized the Founders, as contained in the Declaration of Independence. It is here that we can see the depth of their belief in the necessity of a moral and religious foundation of



The concept of the separation of church and state did not imply the separation of religious faith from politics.



the Republic.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

In these 55 words are most of the key concepts that provided the foundation of the American Experiment.

- First, human rights are God-given, not government-given.
- Second, governments derive whatever legitimacy they have from the consent of the people.
- Third, legitimate governments have a very specific and limited mission: to protect the life, liberty, and property of citizens.

When we think of the myriad tasks assigned to our federal, state, and local governments today, the contrast is striking. Today, government is involved in so many more aspects of our lives than the protection of our life, liberty, and property. Government regulates, subsidizes, and produces food, clothing, shelter, health care, education, even entertainment. The Founders' vision of a limited government has been replaced in our day with a far-reaching leviathan. It should be no surprise that, while the annual cost of all the levels of government envisioned by the Founders was probably less than 10 percent of the national income, our government today costs more

than 50 percent of our annual national income.

Imagine that the Declaration of Independence is an anonymous document—forgetting for the moment your knowledge of the Anglo-American conflict during the Colonial Era, forgetting the Revolutionary War, the Constitution, and 200 years of relatively stable American self-government. In the abstract, what does the text say?


The text places a set of general propositions before the reader's eyes for inspection. With which of these propositions do you agree?

Do you think most Americans today would agree with Jefferson's assertions?


We hold these truths. What is truth? Is there a difference between fact and truth? We all know the difference between fact and falsehood. But isn't there also a distinction between facts and meanings? Meanings, or truths, or values, suggest a world view that is more than merely materialistic and mechanistic. The "facts only" world view leads to a too-easy pragmatism or a materialist philosophy of life. But a fact-truth distinction raises the deeper questions of epistemology: How do we know truth? On what authority? Through the observation of nature? Through reason? Through revelation? These are the serious questions of life implied by the Founders' use of the word "truth."

We hold these truths to be self-evident. What is a self-evident truth? What is the nature of the evidence?

Again, it could be reason or revelation, or both. Indeed, the Declaration's later references to the "Creator" and "Nature's God" suggest that the Founders believed in a transcendent grounding of truth. Given the Judeo-Christian and Deist background of the Founders, we know that we are dealing with a mental model that locates each term in a "two-storied universe." Reason governs the first story of the edifice, while revelation controls the second story. Down through the centuries philosophers have asked, "Does the revelation-reason model of truth provide sufficient freedom for the intellect?" If it does, as religious intellectuals have claimed, is it also true that reason is corrupted by sin and ignorance and thus in need of revelatory correction? If all of that is true, as the Founders believed, is it possible for an agnostic to operate only in the lower half—the reason half—of the model? And can the believer meet him there—in the realm of reason—in full agreement on the rules and ends of a pluralistic society? That was apparently the hope of the Founders in establishing a regime in which freedom of religion would be honored, and a nation in which a variety of belief systems could contribute to a common civic faith. In other words, pluralism rightly understood means acknowledging our differences and believing that our



The Founders were seeking to protect religious institutions from governmental influences, not vice versa.



differences make a difference.

That all men are created equal.

"That all men are created" suggests a number of insights about the Founders' beliefs. Are humans, indeed, created beings? If so, there is a Creator and, presumably, a purpose lies behind the creation. "Created equal" suggests the key concept that humans have rights, including equal treatment before the law. All persons are equal "in God's sight." Equality before the law is essential to justice. ∞ *(To be continued next issue)*

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John W. Cooper is president and headmaster of Wichita Collegiate School in Wichita, Kansas. He served as president of The James Madison Institute from 1989 to 1994.

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