

MESSAGE FROM THE PRESIDENT

Tax Money Will Need to Grow on Trees

Hold on to your wallets, Florida taxpayers! You are about to be mesmerized by advocates of multiple constitutional amendment proposals with sales pitches to rival Professor Harold Hill. You will be served up a host of solutions to problems, none of which will likely do what is proposed and all of which will cost the state billions of dollars not currently available. You can guess what that means; either higher taxes or state scientists will have to use genetic engineering to make money grow on trees!

I am referring of course to the laundry list of possible amendments to the Florida Constitution sure to be placed on our November 2002 ballot. Florida has a citizens' initiative process that enables single-issue advocates to mount a drive to seek enough voter signatures to place nearly any topic on the ballot. This is how we got the high-speed rail destined to cost the state billions of dollars, and this is how we may get other amendments this fall guaranteed to cost even more. The issues are constrained only in that they must pertain to a single subject, and the courts have ruled that costs are not extraneous enough to disqualify issues from being placed before the voters. In short, people with enough money to hire petitioners can usually get the signatures to qualify an issue. You can be sure the issues presented are ones that tug at our heartstrings with one hand while the other hand digs deep into our pockets.

One proposal moving quickly to the required number of signatures that has the Supreme Court's approval to be placed on the ballot is the amendment to reduce pub-

lic school classroom sizes via constitutional mandate. The motivation behind it is purely political, designed to raise a scarecrow issue to distort honest discussion about the progress of reform in Florida classrooms. Study after study across the nation have failed to show conclusive linkage between class size and performance, and yet this will be huckstered like Harold Hill selling band instruments as the cure for all that ails our public school systems. A recent study strongly recommended that state legislators study several other possible lower cost remedies before they commit billions of dollars to an unproven class reduction program. These include seeking ways to hire more qualified teachers and improving discipline in the classroom.

Florida is faced with a growing problem of teacher shortages in specific specialties. This problem is exacerbated by the reality that current state teacher training programs have hundreds of vacant positions due to a reduced interest by college students in training for careers in education. Those who seek to circumvent the normal legislative process and go direct to the voters have contrived an amendment proposal cloaked in the rhetoric used by those who want to force government to grow and require higher levels of taxation. We have seen it all before; "It's for the children." It remains to be seen how children will benefit if this amendment passes—there will not be enough properly trained teachers to fill the new classrooms needed to be constructed, and employed teachers will be

CONTINUED ON PAGE 2



INSIDE This Issue:

- **McCollum Joins JMI Board**
PAGE 2
- **U.S. Supreme Court Issues Property Rights Ruling**
PAGE 3
- **Accompaniment**
PAGE 3
- **A Historical Perspective**
PAGE 3
- **Join The James Madison Institute**
PAGE 4

CONTINUED FROM PAGE 1

asked to teach without receiving raises, since the cupboard will be bare. One state agency estimates this will require 53,000 new teachers to be hired. It has been further estimated that the personnel and construction costs will be between \$4 and \$12 billion dollars, which one major state newspaper calls "a blank check in the taxpayers' name." Those leading the band for this amendment have no real idea how much it will cost, really don't care how much it will cost nor if it really provides a value added to the education of children. There are countless other options to consider and educational needs to meet, but these do not offer the same political premium in an election year.

We are watching a new political strategy by liberal special interest groups evolve. While once the courts served as an outlet for challenging the status quo when liberals lost control of the legislative or the executive branch, there is now a new outlet for raiding the public treasury. They now seek to go to the voters directly with a neatly packaged, mom-and-apple-pie issue. Never mind the proper normal consideration by elected officials in a republican form of

government, where duly elected officials take time to balance the needs of the state with proper levels of extraction of taxpayer funds through taxation. We are witness to a new style of political battle in which the policy consequences are unimportant and the funding source is irrelevant to those who would offer the public a

Music Man imagery of shiny instruments and fancy uniforms, using the illusory notions that these will somehow improve education. But the facts do not support the premise.

These advocates of higher public spending see the amendment process as a means of forcing government to raise taxes and involve itself more in our lives. They know money does not grow on trees—and they do not care that it grows best when left to the better instincts of the taxpayers to invest and spend as they see fit. They hope voters will be mesmerized and slumber through the election, only to awaken to the awareness that our purses have been pilfered once again.

Edwin H. Moore
President

Former Congressman Joins JMI Board

By E.F. Johnson



Bill McCollum

JMI welcomes former United States Representative Bill McCollum to its governing body. The newly elected board director lends us the experience of 20 years of congressional service and lauded accomplishments of a wide array of nonlegislative projects. As a veteran member of the Judiciary and Banking Committees, he developed expertise on numerous issues including immigration, bankruptcy reform, intellectual property, and financial services regulation.

An authority on terrorism, McCollum founded the U.S. House Task Force on Terrorism and Unconventional Warfare, and chaired it for eight years. He also served three terms on the House Permanent Select Committee on Intelligence, with two of the terms as chairman of its Subcommittee on Human Intelligence, Analysis, and Coun-

terintelligence. As chairman of the House Judiciary Subcommittee on Crime, he became known as the House of Representatives' foremost authority on the issue. McCollum retired in January 2001 and returned to Florida.

In the aftermath of the September terrorist attacks, he was appointed by Gov. Jeb Bush to the Florida Domestic Security Advisory Panel, which was created to provide and evaluate recommendations for combating terrorism.

The Institute appreciates the opportunity to have McCollum as a board member. He will work with other directors in creating information resources relating to the impact of world instability and terrorism on the quality of life for Floridians.

McCollum resides in Orlando where he is a partner with Baker & Hostetler LLP, practicing in federal policy. He is active in community and civic affairs, and is married with three sons.*

U.S. Supreme Court Issues Property Rights Ruling

By Peter Doherty

In what has been seen by many property rights advocates as a blow to the property rights movement, the U.S. Supreme Court on April 23, 2002, handed down its ruling in the case of *Tahoe-Sierra Preservation Council, Inc., et al v. Tahoe Regional Planning Agency et al.*

In this case, the plaintiffs charged that a building moratorium in the vicinity of Lake Tahoe amounted to a regulatory taking of property by a governmental agency, and that they were due compensation under the takings clause of the Fifth Amendment to the U.S. Constitution. The moratorium lasted for almost six years while a land use plan was designed to preserve the unique features of the lake and its surroundings.

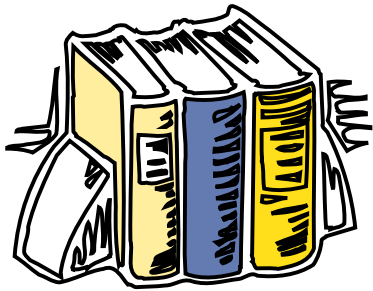
Lake Tahoe sits astride the border between California and Nevada high in the Sierra Mountains and is one of the great natural treasures of the United States. The

Tahoe Regional Planning Agency, the defendant, had instituted the building moratorium because it believed that time was needed to develop a comprehensive land use plan. Before the moratorium, building had been unregulated and some scientific studies showed that the effect of the development was damaging the lake. This was most noticeable in the increasing cloudiness of the lake water that has been renowned for its clarity.

The high court ruled that a temporary prohibition on land use of the kind ordered by the Tahoe Regional Planning Agency did not qualify as compensable taking under the Fifth Amendment. Justice Stevens, speaking for the court, declared that such a moratorium, while somewhat damaging to the landowners, was not a permanent deprivation of their rights, and that in order for the government to be held

liable, a taking must deprive an owner permanently of all economic value of the land.

However, the court did recognize that its decision was not necessarily the last word. Stevens noted that setting a compensable level of taking was an issue better left to state legislatures. The legislatures, he said, could design a compensation plan for regulatory takings of part of a person's property, either permanently or temporarily. Absent this type of enactment, plaintiffs such as those in this case could not recover. *



Accompaniment

by Peter Schorsch

Here's a selection of titles bound to find their way to your reading table this summer.

Bias: A CBS Insider Exposes How the Media Distort the News – Bernard Goldberg. One of the most important books published in the last five years. Veteran television news reporter exposes in detail the extent of liberal bias in the mainstream media.

Conquests and Cultures: An International History – Thomas Sowell. His latest work completes the author's trilogy on culture studies. Sowell intelligently argues that the destinies of all human societies depend on their "cultural capital."

Master of the Senate: The Years of Lyndon Johnson – Robert A. Caro. The colossal third installment of LBJ biography covers his masterful years as United States Senate power broker.

Theodore Rex – Edmund Morris. Recovering from *Dutch* debacle, the author returns to what he does his best—chronicling the presidency of the popular maverick president, Theodore Roosevelt. A favorite of George W.

Uncivil Wars – David Horowitz. The neo-conservative details his battle against political correctness on college campuses.*



A Historical Perspective

A British journalist asked Fascist Dictator Benito Mussolini how he was able to take away the liberty of such freedom-loving people as the Italians. "I did not take away their liberty," he replied, "they handed it to me."*

THE JAMES MADISON INSTITUTE

A FOUNDATION FOR
FLORIDA'S FUTURE

P.O. Box 37460
Tallahassee, FL 32315

850-386-3131 Phone
800-376-1119 Toll Free
850-386-1807 Fax
jmi@jamesmadison.org

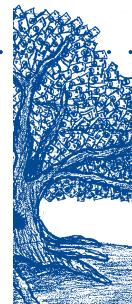
Non-Profit Org.
U.S. Postage
PAID
Tallahassee, FL
Permit No. 640

RETURN SERVICE REQUESTED

Need a speaker
for your civic
group?
Call JMI.

What's the Cost?

The danger of creating public policy by constitutional amendment (that is, by citizen vote) is that the cost of implementation often is not factored into the voters' choice. Feel-good policies get paid for out of your pocket. JMI tells it like it is! Learn here how costly your vote is going to be—become a member.



MEMBERSHIP LEVELS:

- Patriot \$50-\$99
- Federalist \$100-\$499
- Constitutionalist \$500-\$999
- Madison Fellow . . \$1,000-\$9,999
- Montpelier Fellow . . \$10,000+up
- Other \$_____

Name: _____

Home Phone: _____ Work Phone: _____

Address: _____

City: _____ State: _____ Zip Code: _____

E-mail: _____

Please tear off this form and return it with your check made out to The James Madison Institute, or contact us by e-mail at membership@jamesmadison.org

Members receive *The Journal of The James Madison Institute* published four times a year and the membership newsletter, the *Messenger*, as well as all other Institute publications, policy studies, reports, and notices of events to be held in their area.