

BDE MAKA SKA? | Why the Left wants to rewrite Minnesota's history.

THINKING MINNESOTA

CENTER OF THE
AMERICAN
EXPERIMENT

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FALL 2019
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The Masquerade of Good Government

Nearly a decade of inept decision-making in St. Paul has produced a pile of scandals and epic policy disasters.

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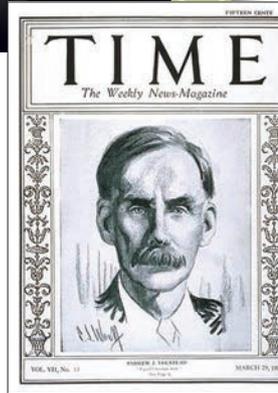
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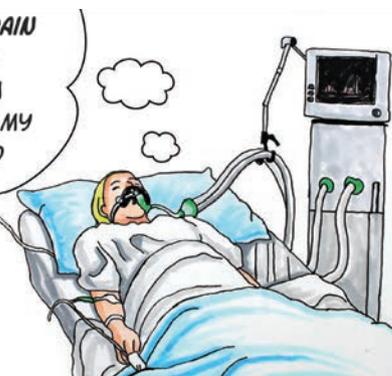
The Wall Street Journal's Kim Strassel on how the Left—not Trump—undermines American values.



Fighting for the protection of those who are the most medically vulnerable

As decisions for unconscious patients are increasingly being made for the sake of rationing medical resources, we can no longer assume health care professionals believe in the time-honored directive, “First Do No Harm” (Hippocratic Oath). Sadly, this has been supplanted—to an alarming degree—with, “There Are Lives Not Worthy to Be Lived.”

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NOTE FROM THE CHAIRMAN

POLITICS BY ANY MEANS

What can we do to help young people become independent and analytical thinkers?

The earnest children who skipped school the other day to protest our government's handling of climate change might be surprised to learn that their revered Green New Deal has at best a tenuous connection to climate. Just ask Saikat Chakrabarti, the man who was chief of staff in the office of Representative Alexandria Ocasio-Cortez when she first hatched the idea. During an interview with the *Washington Post* this summer, Chakrabarti openly admitted—*bragged*, really—that his boss's legislation was not primarily motivated by climate.

In an on-the-record conversation with the *Post*, Chakrabarti turned to a staff member from the presidential campaign of Washington Governor Jay Inslee—the most fervent of the climate candidates—and said this:

“The interesting thing about the Green New Deal,” Chakrabarti said, “is it wasn't originally a climate thing at all. Do you guys think of it as a climate thing? Because we really think of it as a how-do-you-change-the-entire-economy thing.”

By Chakrabarti's lights, climate change is a subordinate tool in an overall campaign to restructure society. The emerging class of progressives, it seems, are not

motivated by policy as much as acquiring the kind of political power that will enable them to tell the rest how to live.

I'm not arguing against the merits of climate change—not here anyway—but how the New Left deploys it as a political weapon. Long gone are the days when James Carville coined, “The economy,

stupid” as the compelling phrase that propelled Bill Clinton to the White House. To the Left, it's not about economics anymore. They've lost that battle. Capitalism has brought unprecedented access to prosperity to Americans of every class. So, the New Left has abandoned the economy and anointed climate as their pathway to political power.

It's worth discussing.

My wish for these protesting students is that someone—*anyone*—within their spheres of influence would help them develop a sense of political discernment so they become independent and analytical thinkers. It doesn't look like it will happen in today's public school classrooms, also known as the Grand Incubators of New Left instruction. I am haunted by a taunt issued by Vladimir Lenin, no stranger to political manipulation. “Give

continued on page 4



Ron Eibensteiner



Ron's Quote to Remember

“We must reject the idea that every time a law's broken, society is guilty rather than the lawbreaker. It is time to restore the American precept that each individual is accountable for his actions.”

RONALD REAGAN

will be how Kathy draws on themes of George Orwell's *1984*. The ruling party in the fictional country of Oceania preserved its path to political power by changing the past and restructuring society. They created a clean political canvas by destroying their history and then rewriting it to suit their oppressive political agenda. Kathy shows in fascinating detail how that is happening right here in Minnesota. The questions: How important are cultural traditions and historical roots? Under what terms should they be reexamined?

And speaking of history, **John Phelan**, American Experiment's economist, uses his keen sense of reflection to bring new relevance to America's past. In this issue, he writes a cautionary telling of Prohibition, the grand failure in social engineering with roots in Minnesota. Prohibition's failure, he writes, lies in the fact that you can't force a social outcome on a free society that doesn't want it. It intended to make its citizens safer and healthier by forcibly removing access to alcohol. The result was cultural chaos. For the dinner table: Where can we apply this lesson to 21st-century politics? Environmental constraints? Second amendment rights? Talk amongst yourselves. Please. ★

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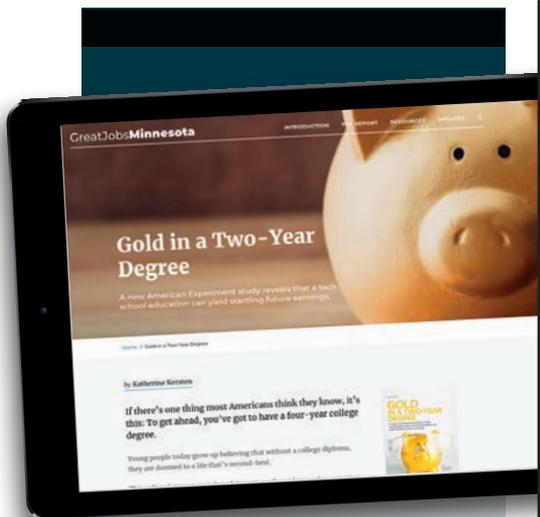
me four years to teach the children,” he said, “and the seed I have sown will never be uprooted.”

Let me suggest dinner table conversations. A good start would be this edition of *Thinking Minnesota*. Our staff has prepared an especially relevant issue (as always!), but three stories in particular shed light on the emerging tactics of the New Left that might provoke meaningful discussions.

Tom Steward, American Experiment's government accountability reporter, uses his story, “The Masquerade of Good Government” to expose astonishing levels of arrogance, ineptitude, and dishonesty in the halls of Minnesota's governing administration. The significance of Tom's report is not that he breaks new stories—he doesn't—but that he for the first time aggregates 10 years of appalling failures in Minnesota government for which there have been virtually no public consequences. The dinner table topic: Why don't we care? (Our newest *Thinking Minnesota Poll*, by the way, shows that we don't.)

The challenge of this issue is generational. Older folks, long steeped in Minnesota's reputation for squeaky clean political leadership, won't let go of that proud perception, despite facts frequently laid out on their nightly news. Many younger people, on the other hand, exhibit little sense of that history but also seem short of political curiosity that goes beyond the sloganeering of their classrooms. The follow-up question: Why should this matter?

Which brings me to **Katherine Kersten**, American Experiment's senior policy fellow, and her story, “Change the Name. Rewrite History. Redefine Politics.” Kathy once again uses her methodical approach to render how the Left is trying to reframe the histories of Lake Calhoun, Fort Snelling and four buildings on the University of Minnesota campus so they conform to the Left's own political worldview. The source of a fascinating dinner table conversation



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Tyranny of the 10 Year Olds

Thank you for telling our story in the “Tyranny of the 10 Year Olds” article. So many parents and teachers are grateful this article was written. Catrin Wigfall did a great job capturing the culture at Ramsey this past school year through some specific (and shocking) examples!

—Carrie Mock, Nowthen

Your article about Ramsey Elementary received a ton of positive feedback in our community. Teachers are thrilled and felt Catrin Wigfall did an amazing job. It means so much to the teachers and support staff who are voiceless in this. Thank you!

—Jen O’Connor, Ramsey

I cannot express how absolutely grateful I am to Catrin Wigfall for writing this article. I had never heard of the *Thinking Minnesota* magazine until my mom came over with it one day, handed it to me, and said, “You need to read this article.” My husband and I read the article together that evening and were disgusted to know other families were dealing with things similar to what we had gone through and that nothing was being

done. My daughter, a 3rd grader during the 2018-19 school year, dealt with daily interruptions due to disruptive children in her classrooms. The craziest thing of all is that until your article I had absolutely NO idea what else was going on at the school. The teachers are scared to talk, parents are left in the dark and issues are poo-pooed when brought up to anyone in an authoritative position.

So, thank you, thank you, thank you for writing this article. It NEEDED to be written. On a side note, my daughter will no longer be going to Ramsey this coming year, and we are contemplating pulling her out of the district entirely after reading what Catrin wrote.

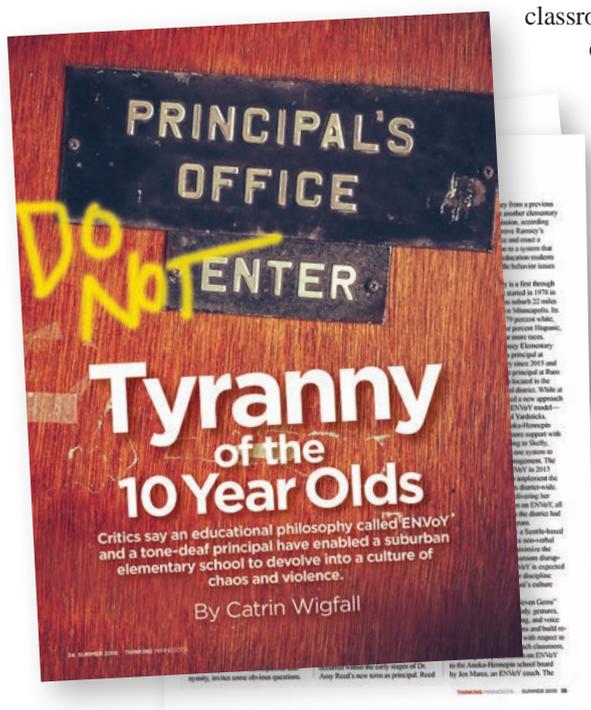
—Jill McColley, Ramsey

I have just completed reading the latest edition of *Thinking Minnesota*. Thank you for making this publication available to me and to so many others who subscribe to the conservative point-of-view. The article by Catrin Wigfall, “Tyranny of the 10 Year Olds,” was especially interesting to me, a retired high school principal. It caused me to remember a letter to the editor I submitted to the *Duluth News Tribune* in March 2018. My letter had to do with classroom discipline and my experiences with student behavior.

—Richard Carlson, Duluth

Regarding the “Tyranny of the 10 Year Olds” article, first let me say WOW! My kids went to that school in the mid-1990s and violence was never an issue. Discipline was handed out and parents taught morals, values and respect at home. The current principal needs to be fired if she can’t do her job and it sounds like she doesn’t. Parents of kids who are disruptive should be embarrassed.

—Pamela Olson




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UP FRONT

Fake Conservatives

SLEIGHT OF HAND AT THE CAPITOL

Why do the Minnesota Conservative Energy Forum and Fresh Energy have the same liberal funders?

The Minnesota Conservative Energy Forum (MnCEF) provides vivid proof that merely calling yourself “conservative” doesn’t mean you are. MnCEF positions itself as a conservative energy group and even has a quote by Ronald Reagan on its website. But a closer look reveals an organization that uses conservative-sounding language to promote renewable energy sources that are hopelessly dependent upon billions of dollars in government subsidies and renewable energy mandates for viability.

That’s not very conservative.

Policy watchdogs have been warning about how liberal groups are investing in so-called conservative energy organizations nationwide that deceptively co-opt conservative-sounding language to push for liberal environmentalist policies. Why? Because there is big money behind promoting wind and solar power.

A quick analysis of MnCEF’s lobbying report reveals the outside organizations that fund MnCEF.

Among them are:

- Clean Energy Economy Minnesota, which produced the bogus “clean jobs” report that American Experiment has debunked multiple times;
- Conservation MN Voter Center, which opposes PolyMet and other expanded mining opportunities in



Policy watchdogs have been warning about how liberal groups are investing in so-called conservative energy organizations nationwide that deceptively co-opt conservative-sounding language to push for liberal environmentalist policies.

- Minnesota and supports renewable energy mandates; and
- Green Tech Action Fund, a California-based grant-writing organization, affiliated with the Energy Foundation.

All of these affiliations are damning for a so-called “conservative” organization, but the most noteworthy is the Energy Foundation affiliation—who is one of the largest sources of funds in the nation for leftist environmental groups.

For example, the Energy Foundation spent \$57 million in 2016 funding climate change and environmental groups like Earthjustice, EcoWorks, the Natural Resources Defense Council, the Sierra Club, Media Matters, the Environmental Defense Fund, Green Tech Action Fund, Ceres Inc., Climate Central, the League of Conservation Voters, the Solar Foundation, the Wind Coalition, and the list goes on.

Sounds pretty conservative so far, right?

In Minnesota, the Energy Foundation directly spent nearly \$2.4 million in 2016 supporting Fresh Energy, Conservation Minnesota, The Minnesota Citizen’s Utility Board, Minnesota Center for Environmental Advocacy, Minnesota BlueGreen Alliance, Climate Generation, the Great Plains Institute for Sustainable Development, the Institute for Local Self-Reliance, and Wind on the Wires.

In other words, it’s a “Who’s Who” for liberal environmental groups that lobby for more renewable energy, which caused Minnesota electric bills to reach a new all-time high in 2018.

Stay tuned. We plan to have a thorough debunking of MnCEF’s misleading talking points in the not so distant future. ★

—Isaac Orr

Every wind turbine and solar panel built today will be scrap metal by 2050, the year Xcel claims it will become “100 percent carbon-free.” Minnesotans will be forced to pay for the replacements.

Fuel for Thought

Profits & Planned Obsolescence

The hidden—and huge—costs of Xcel’s plans to shutter its coal plants.

Xcel Energy recently unveiled its plan to retire its coal plants prematurely and replace them with billions of dollars’ worth of wind, solar, and most importantly, natural gas. Unfortunately, Xcel’s plan will constitute a massive increase in

electricity costs for Minnesota families, businesses, and schools, and these costs would far exceed any potential environmental benefit.

Xcel’s plan would increase costs because, at its core, the idea is the very embodiment of planned obsolescence. The National Renewable Energy Lab states wind turbines last only 20 years, and solar panels last for only 25 to 30 years. This means every wind turbine and solar panel built today will be scrap metal by 2050, the year Xcel claims it will become “100 percent carbon-free,” and Minnesota residents will be forced to pay for the replacements.

Many renewable energy advocates would likely agree that wind and solar have caused electricity bills to climb but

argue the costs have been worth it. However, they would be incorrect.

The Minnesota Public Utilities Commission estimates the “cost” of carbon dioxide emissions to be between \$8.85 and \$41.56 per ton for 2019, but since 2007, Minnesota has spent more than \$15 billion to support wind and solar and has only reduced our CO₂ emissions by approximately 50.8 million metric tons through 2017, a cost of \$295 per ton.

In other words, we have lost between \$253 and \$280 per ton of CO₂ reduced. Clearly, the benefits are not worth the costs.

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our existing coal plants through the end of their useful lifetimes—the end of the 2030s—and gradually replace them with nuclear and large hydroelectric power.

In March, Center of the American Experiment released a study showing that legalizing new nuclear plants would cost roughly three times less than relying on wind, solar and natural gas, and this plan would likely cost even less if large hydroelectric power was allowed to be purchased to meet carbon-free goals.

Nuclear and hydro are superior to wind and solar because they can generate carbon-dioxide-free power around the clock, 365 days a year, and do not require natural gas backup. Furthermore, nuclear plants can operate for up to 80 years, and hydroelectric dams built in the 1930s are still churning out power today. The first New Deal was actually very green.

Why would Xcel opt for wind and solar rather than nuclear and large hydro? It boils down to incentives. Many people don't realize that Xcel is not really a private company; it is a government-approved monopoly utility that is guaranteed to make a 7.5 percent profit on every dollar it spends on infrastructure, such as wind turbines, solar panels, and natural gas plants.

Therefore, the incentive is to be as inefficient as possible because the more Xcel spends, the more it earns, and you as a consumer are forced by the government to buy your electricity from the utility company at inflated prices. Xcel's heavy investments in wind and solar grew its corporate profits from \$600 million in 2007 to more than \$1.2 billion in 2018.

Unfortunately, Xcel's wind and solar obsession will result in Minnesota families getting taken to the cleaners by "clean" energy. ★

—Isaac Orr

A version of this article originally appeared in the Pioneer Press.



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5 QUESTIONS

WITH
JILL
McCOLLEY

Parent Jill McColley learned about the chaotic school year at Ramsey Elementary through the eyes of her third-grade daughter.



How did the summer 2019 *Thinking Minnesota* article about Ramsey Elementary (“Tyranny of the 10 Year Olds”) affect the community?

It definitely got people talking. Parents had no idea the extent of the behavior issues; they thought it was limited to the instances they would hear about from their own child. My daughter started at Ramsey Elementary three years ago in 1st grade. And while there are always one or two students who tend to be more disruptive in the classroom, this past school year, her 3rd grade year, behavior issues were on a whole new level. There was an extreme uptick in bad behavior and a violence among the kids that wasn't dealt with. The school has fallen apart. And the community needs to be aware of this so we can push for change. I am so thankful that article brought the challenges to light.

What made this past school year (2018-2019) so challenging?

The discipline system, or lack thereof, that the school has in place. My daughter would come home and tell me that teachers were in tears over disruptive students in the classroom that they weren't allowed to discipline. And my daughter had a hard time focusing in class because the misbehaving students were so loud. One student was constantly interrupting during class, and the teacher just kept giving him Jolly Ranchers to make him be quiet. My daughter didn't get it. But it's because teachers aren't allowed to send students out of the classroom. If a kid is being bad, the whole classroom has to evacuate and leave the disruptive kid

in the classroom to have his or her little tantrum. The final straw for me was in spring 2019 when I picked my daughter up from school and heard from her about a huge fight in class. One girl was going after this boy, clawing at him, grabbing him by the throat. Teachers were trying to pull them apart, and the girl was growling and trying to wrap her legs around the boy. Students ran to one side of the room and were so scared they were

If the school doesn't lead by example, then kids who spend six to eight hours a day at the school are going to learn nothing.

crying. The parents didn't hear one word about it. I gave the school some time to see if they would notify us about the fight, but they never did. So, I called and shared my concerns with Principal Amy Reed and wanted to know why nothing was sent out regarding the incident as it was a safety issue for the students and teachers involved. The school wouldn't have to name names, just inform parents that an altercation occurred.

Did school leadership respond to your concerns?

Principal Reed said they were looking into the incident and that there would be consequences, probably involving the girl missing a couple of days of school.

But this same girl has a history of violent behavior. Earlier in the year she choked another little girl. Parents need to know what's going on and not rely on only hearing about it from their child. A few days after talking to Principal Reed, I emailed the Anoka-Hennepin school district superintendent and asked specifically what is being done to protect my child in the classroom? I received a generic response: "We are discussing this with our behavioral specialist, we are working on coming up with solutions." I have a solution: Remove the behavior issue student from the classroom. My daughter would tell me that teachers have to spend so much time babysitting she isn't getting the learning that she needs. To hear a third-grader say that shows something is wrong here.

How are teachers responding to the chaotic school culture?

Teachers thanked me for speaking up for them because they didn't feel like

If a kid is being bad, the whole classroom has to evacuate and leave the disruptive kid in the classroom to have his or her little tantrum.

they had a voice. That sent up such a red flag to me. Here I thought teachers were dropping the ball. But clearly their hands are tied, and they are limited on how they can handle misbehavior. Something needs to change.

What changes are needed to get the school back on track?

Another teacher told me there was a mass exodus from the school, and it's because of the administration. The

district and the school need to take discipline more seriously. You can't control the homes kids come from, but you can control their behavior while they are in your care. If you teach children that respect is required, they will

I'm not willing to let my daughter's education suffer because the district wants to appease whoever they are trying to appease. I don't get it.

show respect. But the school has totally thrown that out the window. Kids are left to treat teachers and staff however they want. Teachers are not empowered, and students are not being held accountable for behavior. When a teacher has to evacuate a classroom because a child is throwing a temper tantrum, that just shows the misbehaving child that he or she has the power.

If the school doesn't lead by example, then kids who spend six to eight hours a day at the school are going to learn nothing. They will keep acting out if they think they won't be held accountable for their poor choices. I don't care what color the student's skin is, what gender the student is, if they are in the wrong and behaving in a way that is a safety concern, they need to face the consequences.

My daughter is at a different elementary school in the Anoka-Hennepin district this year, so hopefully she has a better experience than she did at Ramsey. But if this year is anything like last year, we are pulling her out of the district completely. I'm not willing to let my daughter's education suffer because the district wants to appease whoever they are trying to appease. I don't get it. ★



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An Opportunity for Justice

Aaron Benner gets \$525,000 settlement from St. Paul school district.

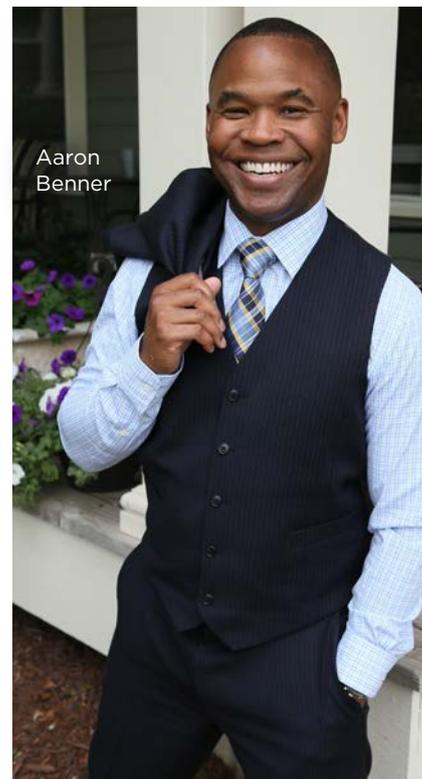
The St. Paul school district has agreed to pay its former teacher Aaron Benner a \$525,000 settlement in response to Benner's federal lawsuit against the district.

Benner, a teacher with an impeccable 20-year career, sued the district for allegedly retaliating against him after he challenged its discipline policies. *Thinking Minnesota* has covered his case extensively.

At a school board meeting in May 2014, Benner spoke out against the St. Paul Public Schools' new "racial equity" policy, as he believed it was doing a disservice to students of color by not holding them accountable for disruptive behavior. During the 2014-2015 school year, Benner endured an onslaught of attacks that included four district-led investigations. He claimed the investigations reflected unequal scrutiny and created a hostile work environment, causing him to resign from the school district rather than risk being fired.

Throughout the whole ordeal, the teachers' union failed to advocate for Benner and actively participated in the harassment. "My union rep tried to have me plea to one of the investigations which made it clear to me that my union was complicit with the district," Benner said in an interview. "My problem with my union is that they sat back and allowed the St. Paul school district to harass me and did nothing. They took my union dues and did nothing to represent me."

Benner's case was set to go to trial in October, as efforts by the school district to get the case dismissed were unsuccessful. And while Benner is glad to put this behind him, he was hoping



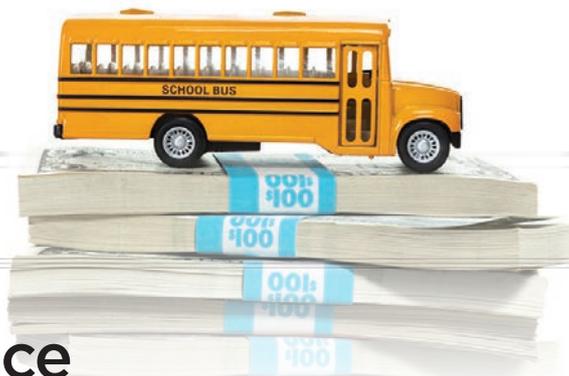
Aaron Benner

PHOTOGRAPH BY PAULA PRIMEAU

for a public airing of more facts from his case. "Once I learned the district agreed to the amount I offered, I was a little sad. Not due to the amount, but that a trial would not take place. I really wanted the public to see and hear all of the evidence. My lawyer was well prepared and St. Paul Public Schools knew what they were up against—the truth," Benner said.

The Center commends Aaron Benner for courageously telling the truth about the tragic impact St. Paul Public Schools' misguided disciplinary policy has had on students and teachers alike. ★

—Catrin Wigfall



Delusions of Adequacy

Student Performance Continues to Drop

Despite falling test scores, Education Commissioner Ricker declares, ‘The state of our students is promising.’

New data from the state’s Department of Education paint a sobering picture of Minnesota’s failing efforts to find academic achievement.

The department’s “first-of-its-kind” *State of Our Students* report shows student math scores have dropped for the fifth consecutive year and reading scores have dipped as well. In addition, state educators have made little progress to close Minnesota’s persistent achieve-

ment gaps. Sixty-three percent of white students met math proficiency standards compared to 26 percent of black and American Indian students.

But according to Minnesota’s Education Commissioner Mary Cathryn Ricker, “The state of our students is promising”—a response that the *Star Tribune*’s Patrick Coolican (author of the Morning Hot Dish blog) said “sounded *more like the labor leader*

she once was than a school leader.”

Coolican also called out the state’s history of dumping money into education with very little to show for it. “When do Minnesotans begin to wonder,” he wrote, “Where are the results?”

Minnesota’s achievement gaps remain among the widest in the nation despite the state sending schools millions of dollars to bridge the gaps. A *Star Tribune* analysis found that more than \$5 billion has been spent over the last decade to improve the academic performance of poor performing students.

Perhaps it is time to think less about spending and more about reforming education. ★

—Catrin Wigfall

Why Not a Face Off?

The Center’s Isaac Orr challenges Rep. Long to debate.

Center of the American Experiment’s energy policy expert Isaac Orr has challenged Rep. Jamie Long to debate the impact of renewable energy mandates on Minnesota.

Internal documents recently revealed that the University of Minnesota hired Long to rebut Orr’s groundbreaking new research, which concluded that a 50 percent renewable energy mandate would significantly increase the cost of energy in Minnesota and destroy jobs but have no measurable impact on the global climate. Orr has testified before the Minnesota House’s Energy and Climate Finance and Policy Division, of which Long is the vice chair, yet Rep. Long declined to publicly ask questions about the report’s findings.

A document distributed internally during

Long’s hiring process maligned Center of the American Experiment’s research as “misinformation,” and said that the U’s Institute on the Environment and Energy Transition Lab would provide a “truth squad” to debunk information coming from the Center.

In response, Orr wrote to Long expressing disappointment that the committee “did not take advantage of the opportunity to ask questions or dispute my research when I came before your committee in a public venue.”

He challenged Long to

debate the report in a one-on-one public forum.

Orr said his report relies on the best available data from the United States Energy Information Administration, the Federal Energy Regulatory Commission, Lawrence Berkeley Labs, the National Renewable Energy Laboratory, and the Minnesota Pollution Control Agency, as well as numbers provided to the Minnesota Public Utilities Commission in utility resource planning documents. The research paper is also a finalist for the national Bob Williams Award for Outstanding Policy Achievement in the category of “Most Influential Research,” and is being replicated in other states.

Orr said he would be available to debate in an afternoon or evening public forum on the following dates:

October 1, 4, 5, 8, 9, 12, 14, 15, 18, 19, 21, 22, 25, 26; **November** 4, 5, 6, 8, 9, 12, 13, 15, 16, 17, 18, 19, 20, 22, 23, 25, 26; and

December 2, 3, 4, 6, 7, 9, 10, 11, 13, 14, 16, 17, 18, 20, 21, 23, 27, 28. ★

—Katie Fulkerson



Outreach

Listening in Greater Minnesota

Farmfest, ‘Morning in Minnesota’ events anchor American Experiment’s efforts to reach out to Greater Minnesota.

American Experiment underscored its commitment to reaching Greater Minnesota by hosting its first-ever booth at Farmfest, the annual trade show that takes place for three days each August on a 50-acre site at the Gilfillan Estate southeast of Redwood Falls. The event attracted more than 20,000 attendees and more than 500 exhibitors.

Farmfest was one of several tactics Micah Olson, the Center’s Greater Minnesota outreach director, is using to connect American Experiment with conservative voices outside of the Twin Cities. “I look at this job as completely based on relationships,” Olson said. “The more relationships we can establish and maintain, the more effective the whole project will be.” He began by building his network of contacts, and so far has hosted meetings with more than 70 community leaders statewide, including government officials, community leaders, chamber representatives, business owners, and grassroots activists—all to expand the Center’s network.

With a steady stream of visitors, the Farmfest booth was a success, according to Olson. “I was able to talk to people who work in the agriculture industry and hear their stories and their challenges and learn how the Center might help.”

He stocked the booth with policy papers and copies of *Thinking Minnesota*, whose last cover story exposed the war on Greater Minnesota. “That issue struck a chord with so many people at Farmfest,” Olson said. And just as popular was the magazine’s previous cover story, “The Tale of Two Tims,” which described the



Isaac Orr, Micah Olson and John Hinderaker work the Center’s first booth at Farmfest.

The trip became a plot-point experience, Eibensteiner said. “On one hand, we collected real-world feedback about the potential impact of the impending worker shortage and what could be done to combat it. On the other hand, we learned how personal input from local leaders could enrich the applicability of our policy recommendations.”

Olson is also organizing a series of American Experiment chapter organizations around the state, which will promote their local events and be based on the Center’s work. The first chapter, located in Rochester, held its first board of directors meeting in August.

A third activity—the “Morning in Minnesota” breakfast series—connects local conservatives with the work of American Experiment policy fellows. In August, the first breakfast debuted in Willmar, where Policy Fellow Isaac Orr described his research paper, “Doubling Down on Failure: How a 50 Percent by 2030 Renewable Energy Standard Would Cost Minnesota \$80.2 Billion.” The event included a panel of local government officials, including Senator Andrew Lang and Representatives Dave Baker and Tim Miller. “It was a great start to the series,” Olson said.

“Because people are looking for good conservative solutions, everywhere I go people are generally so glad that there’s a conservative organization holding events in their city.” ★

The Greater Minnesota outreach idea took root a couple of years ago when Ron Eibensteiner, American Experiment’s chairman, hosted town meetings in Alexandria and Fergus Falls.

stark differences between the political promises of candidate Tim Walz and the Tim Walz now in the Governor’s office.

The Greater Minnesota outreach idea took root a couple of years ago when Ron Eibensteiner, American Experiment’s chairman, hosted town meetings in Alexandria and Fergus Falls to get insights on how Greater Minnesota was preparing to cope with how a shortage of skilled labor would challenge their local economies.

Labor

No on PRO

The Center joins a national effort to limit the power of U.S. labor unions.

American Experiment has joined a coalition of more than 60 organizations across the country that is urging Congress to defend American workers from union coercion. Led by Americans for Tax Reform, the coalition sent a letter to Congress opposing the Protecting the Right to Organize (PRO) Act.

The PRO Act, introduced earlier this year by Senator Patty Murray (D-WA) and Congressman Bobby Scott (D-VA 3rd District), puts the interests of big labor ahead of businesses, employees and taxpayers. Harmful provisions of the Act include codifying Obama-era rules and decisions that would put many employees and small businesses out of work and shorten the time frame of an election to unionize workers, which gives workers an inadequate amount of time to learn how unionization would affect them.

“Representatives who vote for this bill,” the letter said, “are simply helping labor union bosses, their campaign contributors, at the expense of American workers.”

The legislation would also force all private-sector workers to pay fees to labor unions whether they want to support them or not. This would deny First Amendment rights to these workers while lining unions’ pockets with dues money.

“The PRO Act is anything but pro-worker; it works against American workers in order to help labor union bosses,” said Catrin Wigfall, an American Experiment policy fellow. “This is not the first attempt congressional Democrats have made to hijack American labor law, and like those other attempts, this one should be soundly rejected too.” ★



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Supreme Court
Restore the
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When the *Star Tribune* published an article in August entitled, “Worker pay stagnates as it soars for CEOs,” it missed an opportunity to achieve balanced reporting. The article amounted to an uncritical summary of a report produced by the left-wing Economic Policy Institute, without any alternative research or viewpoints.

First, the piece failed to reveal the Economic Policy Institute (EPI) is largely funded and run by labor unions and left-wing academics. EPI is described as a nonprofit think tank “that focuses on low- and middle-income Americans,” language lifted almost word-for-word from the organization’s website.

By contrast, when describing think tanks like Center of the American Experiment that lean toward free-market solutions, the *Star Tribune* almost always uses the “conservative” qualifier.

Second, the article never explored the idea that certain professions might be worth paying more for. As British journalist and politician Daniel Hannan has explained, in today’s global economy there is “wider international competition for top jobs” and “the difference between a moderately competent CEO and a brilliant one is worth billions. The same is not true of drivers, cleaners, receptionists—or newspaper columnists. That, in a nutshell, is what dictates salaries.”

Third, the piece didn’t offer a single alternative viewpoint to assertions such as, “we could tax away half of what [CEOs] take in, and I think the economy would be the same size.”

James Brandt got it exactly right in his letter published by the *Star Tribune* on Jan. 23, 2017: “If Bill Gates and the

other rich men had never been born, the world would be worse off, and the poor would be no richer.”

Creating value, and thus wealth, does not hurt the poor; it makes everyone richer. This fact has been quantified by Yale economics professor William Nordhaus, who found “most of the benefits of technological change are passed on to consumers rather than captured by producers.” His research for the National Bureau of Economic Research reported that innovators capture about 2 percent of the value they create and the other 98 percent flows to consumers.

Need further convincing? Jason Furman, who served as chair of the Council of Economic Advisers in the Obama administration, said, “There is little dispute that Walmart’s price reductions have benefited the 120 million American workers employed outside of the retail sector. Plausible estimates of the magnitude of the savings from Walmart

are enormous—a total of \$263 billion in 2004, or \$2,329 per household.”

Sure, Sam Walton’s heirs are wealthy—about \$100 billion among them—but consumers are receiving value of over \$250 billion a year from that creation. So over 20 years we’ve received \$5 trillion in value for the \$100 billion kept by the Walton family. That’s quite a deal.

On a purely practical level, should we really care that great innovators keep two percent of what they create? No, we should want to create more value, and our focus should be on reducing poverty, not inequality. If that means more people will become rich, all the better.

The result of technological advance, innovation, and free-market globalization has been wonderful and breathtaking. The last 100 years (or 50, or 25) have seen the greatest reduction in poverty in human history. In 2015, 68 percent of the world population had access to proper sanitation facilities compared to only 24 percent in 1980. Every day for the past 25 years, 285,000 more people have gained access to safe water.

Johan Norberg, Swedish author of *Progress: Ten Reasons to Look Forward to the Future*, said, “When we don’t see the progress that we’ve made, we begin to search for scapegoats for the problems that remain.”

You don’t need to like the super-rich, but you should recognize that most of them got there by making the rest of us richer, and not fall for rhetoric that somehow blames them for trapping others in poverty. ★

—Peter Zeller

A version of this article first appeared as a “Counterpoint” in the Star Tribune.

You don’t need to like the super-rich, but you should recognize that most of them got there by making the rest of us richer.





Education

Self-Dealing?

Minnesota schools spent nearly \$1.5 million in government money to lobby for more government money.

Independent school districts across Minnesota spent nearly \$1.5 million of taxpayer funding to lobby state legislators and agencies in 2018, according to the latest report on local government lobbying expenditures from the Office of the State Auditor. Overall, local government entities spent \$8.7 million on lobbying state lawmakers in 2018, down slightly

due to a shorter legislative session than in 2017.

An American Experiment analysis found that 244 of the state's 336 school districts—nearly three in four—dedicated a total of \$1,441,726 to hire lobbyists to advocate for increased public funding and policy issues last year at the State Capitol.

Two metro school districts, St. Paul (\$104,734) and Minneapolis (\$90,097), spent the most taxpayer funds on lobbying by employing a full-time staff lobbyist in addition to contracting with outside lobbying firms.

Critics question why local units of government can spend taxpayer money, largely unregulated, to lobby state officials on spending and policy matters. This is government lobbying government, they say.

The vast majority of school districts

paid local government associations that specialize in education to lobby on their behalf. As a result, local government associations catering to public school districts received more taxpayer-funded lobbying expenditures than all but two local government associations at the legislature. The Minnesota School Boards Association (\$417,494), Association of Metropolitan School Districts (\$324,328), Minnesota Rural Education Association (\$215,565) and Schools for Equity in Education (\$214,894) were surpassed only by the Coalition of Greater Minnesota Cities (\$777,695) and League of Minnesota Cities (\$705,858) among associations scooping up taxpayer funds to lobby the state government. ★

—Tom Steward

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Upper Midwest Law Center

Weeding Out the ‘Plants’

Lawsuit seeks public records proving AG Keith Ellison's office is using lawyers funded by billionaire Democrat donor to attack political opponents.

The Minnesota Attorney General's Office is the latest defendant in a string of lawsuits filed across the nation attempting to shed light on Michael Bloomberg's unethical and illegal scheme to plant lawyers in state AG offices to pursue his political agenda. The suit was filed by the Upper Midwest Law Center (UMLC)—a Minnesota nonprofit law firm—and the nonprofit public interest law firm Government Accountability & Oversight, P.C., on behalf of the State of Washington-based Energy Policy Advocates. Attorney General Keith Ellison's office had denied two previous separate requests for data under the Minnesota Government Data Practices Act.

**Special Assistant
Attorney General admits
he is “embedded” in
Keith Ellison's office by
Bloomberg group.**

The link to billionaire Democrat donor Michael Bloomberg is revealed in the summary section of a Minnesota Special Assistant Attorney General's LinkedIn profile, which reads: “I am off on a new adventure as a Fellow with the NYU School of Law's State Impact Center. I will be embedded with the Minnesota Attorney General's Office as an Environmental Litigator and Special Assistant Attorney General.”

The State Energy and Environmental Impact Center was founded by Bloom-



U P P E R M I D W E S T
L A W C E N T E R

berg in 2017 and is housed in New York University's Law School. According to its LinkedIn page, the group exists to provide “direct legal assistance to interested attorneys general on specific administrative, judicial or legislative matters involving clean energy, climate change and environmental interests of regional and national significance.”

“Attorney General Keith Ellison knows Minnesotans would be appalled if they found out a billionaire with a political agenda was able to purchase the AG's office by hiring and paying its lawyers,” Doug Seaton, president of the Upper Midwest Law Center, said. “The Attorney General's office is a public institution. As the chief law enforcement officer of our state, Ellison is ‘the people's attorney,’ but he has politicized the office. Minnesotans demand complete transparency about how the state's top lawyers are being paid and to whom they report.”

Similar lawsuits are underway in Maryland, Massachusetts and Virginia to compel those AGs to release public documents related to the State Climate Center.

The group claims its attorneys have been planted in at least nine state AG offices: Illinois, Maryland, Massachusetts, New Mexico, New York, Oregon, Pennsylvania, Virginia, Washington, and the District of Columbia.

After state lawmakers discovered Virginia Attorney General Mark Herring attempted to bring Bloomberg-funded lawyers on board, they enacted a law clarifying the illegality of the arrangement. The new law states, “All legal services of the Office of the Attorney General shall be performed exclusively by (i) an employee of the Office, (ii) an employee of another Virginia governmental entity as may be provided by law, or (iii) an employee of a federal government entity.”

Referring to the Virginia legislative action, Seaton added, “Minnesota's laws are clear; this arrangement is illegal according to Minnesota Statutes Section 8.06, which provides that only the attorney general can represent the state and its agencies. The statute further clarifies that ‘no additional counsel shall be employed and the legal business of the state shall be performed exclusively by the attorney general and the attorney general's assistants.’ The AG is clearly in the wrong here.”

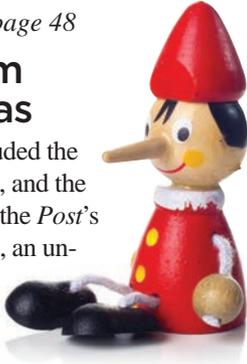
UMLC is calling on Ellison to provide the public information requested by Energy Policy Advocates, disaffiliate his office from the Bloomberg-funded NYU School of Law State Impact Center and any lawyers employed by it, obtain legitimate state funding for all attorneys working in his office, and follow ethical hiring processes in the future. ★

—Katie Fulkerson

continued from page 48

Journalism Dies in Bias

print edition included the original language, and the story went out to the *Post's* many subscribers, an unknown number of which had already reprinted the article.



Second, the revised language still misstated what Kersten wrote. She has written on school discipline quotas several times, but she has never written that an unspecified, generic “push to address perceived biases in student discipline” has led, or will lead, to increased violence. Rather, she has written that a failure to discipline unruly or violent students due to imposition of racial quotas has led to violence in the classroom, as in St. Paul.

Why wouldn't the *Post* stop misrepresenting Kersten's work and issue a correction to its false article? Because if it acknowledged what she actually wrote, it would be obvious that its reference to her was a gratuitous smear that had no proper place in the *Post's* story at all. The *Post's* story was about general efforts to promote “equity” in local government—not lowered standards of conduct for students in public schools as a result of race quotas and the disastrous results therefrom in some school districts.

It would be great if the *Post* would actually address the question of what happens in the classroom when schools impose discipline quotas that result in lowered standards of conduct. Of course, the *Post* has no interest in taking that issue seriously. Instead, it was content to smear a conservative journalist by misrepresenting her work and quoting a left-wing activist to the effect that Kersten is a “racist.”

The *Post* never did respond to our request for a correction. This experience illustrates why the public's regard for news sources like the *Washington Post* has fallen to an all-time low. ★

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The Masquerade OF GOOD GOVERNMENT

By Tom Steward

Nearly a decade of inept decision-making in St. Paul has produced a pile of scandals and epic policy disasters.

Minnesotans of a certain age will always recall the Land of 10,000 Lakes as that squeaky clean, good government state personified by the still-famous August 1973 *Time* magazine cover of plaid-shirted DFL Governor Wendy Anderson hoisting a trophy northern pike. As *Time* wrote back then, “Minnesota is a state whose politics is almost unnaturally clean—no patronage, virtually no corruption.”

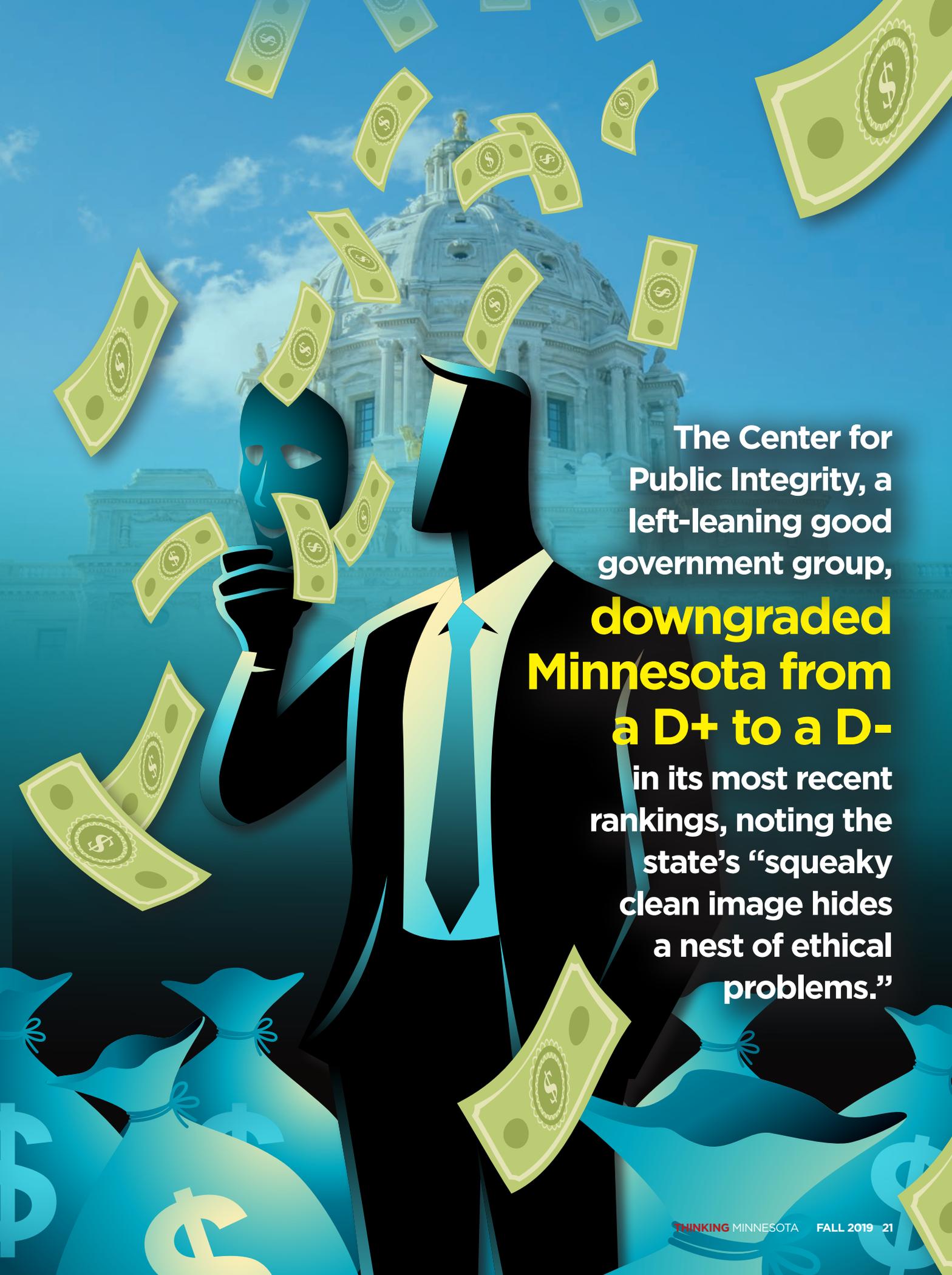
Perhaps Minnesotans can be forgiven for holding their state in such high esteem. After all, *U.S. News & World Report* ranks Minnesota as the third best state to live in, and the website *24/7 Wall Street* has

ranked Minnesota as the fourth best-run state from sea to shining sea.

However, the reality is Minnesota government no longer lives up to *Time*’s idyllic description as “the state that works.” While Minnesota’s lakes and trees are as beautiful as ever, a long list of state government scandals and failures over the past few years has tarnished *Time*’s Norman Rockwell image of the state.

Almost weekly, the 10 o’clock news leads with another investigation at the Department of Human Services, another horror story coming out of Driver and Vehicle Services or cronyism at the Iron Range Resources and Rehabilitation Board. Taken together, these scandals and failures reveal a public sector increasingly incapable of providing basic services to citizens but more than capable of taking care of its own.

“Some of the problems are due to complacency and resting on our reputation and some on partisan gridlock that makes change difficult,” said David Schultz, a political science professor at Hamline University and former president of Common Cause Minnesota. “However, much of the problem is that the State of Minnesota has failed to update and reform its institutions and processes to reflect the reality and needs of governance for the 21st century.”



The Center for Public Integrity, a left-leaning good government group, **downgraded Minnesota from a D+ to a D-** in its most recent rankings, noting the state's "squeaky clean image hides a nest of ethical problems."

A Culture of Fear

The Department of Human Services (DHS) is the state's largest government agency. Its 7,300 employees serve more than one million residents with a budget of \$18 billion. Recent developments suggest the mammoth agency may no longer be manageable. There are revelations of employees escorted from the premises, officials who won't talk to investigators and threats of retaliation against whistleblowers.

"There's a cultural problem, it's the work environment," said an anonymous county official with extensive experience working with DHS. "You can see the strain in their faces. You can hear it in their voices, you can tell in their email responses. It's sad to see there seems to be a culture, more and more, of fear."

It starts with the revolving door at the top of the agency. Throughout 2019, the turmoil and turnover in DHS's leadership has spiraled out of control.

DHS Commissioner Tony Lourey resigned after only six months on the job. Deputy Commissioner Charles Johnson resigned and then unresigned. Deputy Commissioner Claire Wilson resigned, then unresigned, only to resign again. Then Assistant Commissioner and Medicaid Director Marie Zimmerman quit. Along the way, Chief of Staff Stacie Weeks also left. Meanwhile, Inspector General Carolyn Ham was paid \$42,000 for doing nothing while on leave for four months before being reassigned temporary duties while awaiting an investigation into her conduct in office.

"There have been problems at the Department of Human Services as long as I have been at the legislature," said State Senator Michelle Benson, who was first elected in 2010, at an August oversight hearing. "Program integrity, eligibility, project management, transparency, accountability."

Governor Tim Walz's dismissal of turmoil at the state's biggest agency with "I don't do drama" conjures up the image of Lt. Frank Drebin dispersing the crowd in front of the exploding fireworks factory in *The Naked Gun*, "move along, nothing to see here folks."

At no time have government officials explained to citizens what's going on at DHS, although new DHS Commissioner Jodi Harpstead pledges "to get to the bottom" of the agency's long

list of issues.

In a 2018 review of DHS's child care assistance program, Legislative Auditor Jim Nobles was unable to estimate how many millions of taxpayer dollars were lost to fraud in the Child Care Assistance Program (CCAP).

"Fraud is a serious problem in the CCAP program," he testified at a March legislative hearing. "And we also revealed to you that internal controls are so lacking that it really isn't that hard to steal money from that program if that's your intent."

Yet, fraud often takes a back seat to outright incompetence. In three blunders likely to cost taxpayers more than \$100 million, DHS has admitted to overpaying some vendors by tens of millions of dollars, while failing to collect tens of millions of dollars from health insurance policy holders—all from the agency with aspirations of implementing single-payer health care.

In two of those 2019 incidents, DHS made mistaken payments for drug treatment services. In August, the agency admitted to overpaying the Leech Lake Band of Ojibwe and the White Earth Nation by \$29 million above the federal government's reimbursement rates. Within days of that revelation, a bigger bombshell burst with the disclosure that DHS had overpaid more than 100 chemical dependency treatment providers more than \$48 million in what appears to be a complete loss to taxpayers.

Last year, DHS acknowledged its failure to collect more than \$30 million in premiums from consumers buying insurance policies

through the MNsure health insurance market exchange, but wrote off the entire amount rather than making any effort to recoup the funds. More on MNsure later.

Both internal and external efforts to bring reform to the troubled agency meet with stiff resistance, thwarting efforts for greater accountability and transparency. A veteran agency compliance officer pulled the curtain back at an August state senate oversight hearing to expose what life is like for reformers inside the embattled agency. Faye Bernstein told of being escorted from DHS headquarters in July after raising questions about repeated mistakes in contracts with her superiors. Bernstein said she was advised by DHS that testifying could jeopardize her career.

"I was contacted by DHS and informed on the repercussions of speaking today," Bernstein told the committee, choosing her words carefully. "... The person who provided that information is someone who I greatly respect and I appreciated the information. However, the content, the words saying that I could be discharged for this, that is threatening."

She's far from the only DHS staffer with a story to tell. Dr. Jeff Schiff, former director of the state Medicaid program, was abruptly let go in June after complaining of policy decisions being made



Last year, DHS acknowledged its failure to collect more than \$30 million in premiums from consumers buying insurance policies through the MNsure health insurance market exchange, but wrote off the entire amount rather than making any effort to recoup the funds.



Tom Steward is Center of the American Experiment's Government Accountability Reporter. Tom's "News Alerts" generally focus on government waste, spending, transparency and policy issues. He also finds ways to get American Experiment's message out to all Minnesotans through a range of media, including newspapers, radio, television, Facebook and other social media.

without consulting medical professionals.

“When I raised my concerns about these examples and other clinical issues to the health care administration leadership, they were hostile and dismissive,” Dr. Schiff wrote in a letter to Governor Walz and other state leaders.

The elimination of Dr. Schiff’s position drew swift reaction from DHS’s own Opioid Prescribing Work Group. Expressing “astonishment and dismay,” the working group went as far as to say Schiff’s departure “puts patients’ lives at risk.”

Failure to Launch

Virtually every Minnesotan has encountered state government’s inability to deliver the most basic public services. If you’ve tried to schedule a driver’s exam for your teen, buy an individual health insurance policy on MNsure or you’re one of the thousands of Minnesotans subject to a DHS data breach, you have your own horror story to tell. It’s as if the state is conducting its own public relations campaign for smaller government, albeit at your expense.

Nothing better illustrates the performance gap in state government than a series of gaffes in the rollout of three high-profile customer service systems developed by MN.IT Services, the state’s in-house cabinet-level department that sets “IT strategy, direction, policies and standards” for Minnesota’s executive branch of government.

Now by-words for failure, MNLARS, MNsure and METS are three large state-developed IT projects that all debuted over budget, behind schedule and unable to perform as advertised to the detriment of virtually every Minnesota resident and community.

First approved in 2008, the Minnesota Licensing and Registration System (MNLARS) was intended to replace the state’s existing 30-year-old vehicle and driver’s license computer system. Initially expected to cost \$48 million and go live in 2014, Minnesota taxpayers have spent more than \$100 million on a system that is still not fully functional.

When it finally debuted three years late in 2017, the damage caused by MNLARS quickly piled up. New car owners waited 79 days to receive their license plates. Drivers caught in the 380,000 strong back-log for registration renewals received a “doctor’s note” from Driver and Vehicle Services (DVS) to show law enforcement in case they were pulled over in lieu of their actual license tab stickers. The true hit-and-run victims are deputy registrars, public and private sector vendors who provide driver and vehicle services through retail outlets around the state. Deputy registrars will split \$13 million in compensation from the state to offset but a fraction of their losses. Deputy registrar offices run by cities and counties will pass their uncovered losses on to local taxpayers. But so far only two state officials have lost their jobs over the debacle, and one of them received a \$45,000 payment from taxpayers in exchange for not suing for wrongful termination. The taxpayers’ tab remains open as the state has just approved spending another \$33 million to scrap MNLARS and start over with a private sector vendor paid for by increased license and registration fees. Meantime, the Walz administration has rebranded the system VTRS (Vehicle Title and Registration System) in an awkward attempt to put the scandal behind them.

Yet MNLARS looks like a bargain in comparison to the MNsure health insurance exchange. The system intended to

A TIMELINE OF FAILURES AND FIASCOS

Year	Event	Category
2013	Sep-13 Data breach at MNsure exposes personal information and Social Security numbers of 2,400 Minnesotans	WASTE
	Oct-13 MNsure health exchange debuts with major technical problems including site crashes and hours-long wait times	FRAUD/ABUSE
	Dec-13 MNsure’s executive director resigns after taking a two-week vacation to Costa Rica while MNsure was in shambles	INCOMPETENCE
2014	Jan-14 Audit finds Gov. Dayton’s office concealed payments to future Supreme Court appointee David Lillehaug despite public statements the work was pro bono	MISMANAGEMENT
	Apr-14 Audit finds “culture of distrust” at state agency managing vehicle license and registration system overhaul (a.k.a. MNLARS)	CRONYISM/CORRUPTION
	Aug-14 Data breach at Office of Higher Education exposes personal information of 1,300 student loan applicants	WASTE
2015	Feb-15 Legislative audit finds officials knew about MNsure’s issues before launch; and its “failures outweighed its achievements”	INCOMPETENCE
	Mar-15 Iron Range Resources and Rehabilitation Board (IRRRB) criticized for giving DFL fundraising call center a \$250,000 loan that was never paid back	CRONYISM/CORRUPTION
	Aug-15 Two data breaches at Dept. of Corrections and Dept. of Public Safety expose personal information of 7,000 Minnesotans	WASTE
2016	Sep-15 Report finds bus companies owned by Transportation Commissioner Charles Zelle received 98% of state subsidies for rural bus routes in 2013	CRONYISM/CORRUPTION
	Jan-16 Legislative audit finds up to 271 million tax dollars wasted on MNsure subsidies to people ineligible for the aid	FRAUD/ABUSE
2017	Mar-16 Legislative audit finds IRRRB-owned resort is subsidized by millions of tax dollars each year despite exploding losses of +535%	CRONYISM/CORRUPTION
	Feb-17 DHS-commissioned audit finds 17% error rate in its Medical Assistance eligibility software system (METS)	INCOMPETENCE
2017	Feb-17 Two officials resign after report reveals MN Sports Facilities Authority used taxpayer subsidized Vikings suites to wine and dine friends and DFL politicians	CRONYISM/CORRUPTION

FAILURES AND FIASCOS CONT.

May-17 CEO of non-profit Community Action of Minneapolis sentenced to 4 years in prison for stealing \$800,000 in state aid for low-income heating assistance

Jul-17 Fraud ring posing as personal care attendants in Hennepin County charged with stealing \$7.7 million in aid for the disabled

Jul-17 MNLARS debuts with major issues leading to months-long delays for some transactions

Dec-17 Department of Health (MDH) employees say abuse allegations from elder care facilities were thrown in the trash

2018

Feb-18 Minnesota IT Services (MN.IT) employee's secret recordings reveal Gov. Dayton's office was warned of MNLARS disaster two years before its launch

Mar-18 Legislative audit finds backlog of elder abuse allegations rooted in "poor management," toxic culture at state agency

Mar-18 MN.IT chief who knew about MNLARS defects before its rollout is fired, then paid \$45,000 not to sue for wrongful termination

Apr-18 DHS fails to send bills to MinnesotaCare enrollees, refuses to attempt to collect \$30 million in unpaid premiums

May-18 Investigation uncovers potentially hundreds of millions worth of fraud in child care assistance program

Sep-18 Three data breaches over 6 months at DHS expose personal information of 34,000 Minnesotans, including Social Security numbers of 24,000

Oct-18 DHS Inspector General spends \$90,000 to hire outside firm to investigate her own employees

2019

Feb-19 Legislative audit finds MNLARS failure was due to state agency leaders' lack of oversight

Mar-19 Legislative audit finds "pervasive" fraud in child care assistance program

Mar-19 DHS Inspector General placed on investigative leave after audit finds "significant distrust" between staff and management

Mar-19 IRRRB tailors a six-figure job for a losing DFL congressional candidate who later resigns when the back-door deal becomes public

May-19 Report recommends scrapping MNLARS altogether after \$100 million wasted over 9 years of development

May-19 Federal Centers for Medicare and Medicaid Services orders DHS to pay back \$48 million in funds improperly paid to providers

Jun-19 IRRRB official who accepted \$166,000 in early retirement buyout is hired back a month later

Jul-19 DHS Inspector General paid \$42,000 to sit at home for three months while waiting for investigation to begin

Jul-19 DHS compliance worker says management retaliated against her for reporting serious legal problems with state contracts

Jul-19 Several top leaders at DHS resign without explanation, including the commissioner

Jul-19 Deputy Commissioner of Corrections resigns during investigation into complaints she misused her position to secure state grants for husband's non-profit

Aug-19 DHS admits to overpaying Indian tribes \$29 million in Medicaid which must be repaid to federal government

Aug-19 Data breach at Met Council exposes personal information of 15,200 Metro Mobility customers

Sep-19 DFL legislator resigns from UMN after internal emails reveal preferential treatment in hiring process for job that was created to "debunk" research by a "right-wing think tank"

implement Obamacare in Minnesota crashed within minutes of its much-hyped launch in October 2013. During the meltdown, MNsure Executive Director April Todd-Malmlov was located vacationing in Costa Rica. Her abrupt departure from state government left Todd-Malmlov as the scapegoat for a project whose "failures outweighed its achievements," according to a scathing state legislative audit.

But the biggest IT scandal most Minnesotans have never heard of involves an obscure but vital software system known as the Minnesota Eligibility Technology System (METS). The statewide system enables county human service departments to determine eligibility for the state's Medical Assistance program (Medicaid), which provides health care and benefits for about 1.1 million Minnesotans.

Since its 2013 debut, officials have openly questioned whether the system should be scrapped due to perpetual performance issues and high maintenance costs. Rather than streamlining the verification process, the slow and cumbersome software created additional work and \$30 million annually in additional expense for counties to operate the system.



These scandals and failures reveal a public sector increasingly incapable of providing basic services to citizens but more than capable of taking care of its own.

But the stakes are much higher. METS is on the front line of the state's effort to verify enrollee eligibility and combat outright fraud. A 2016 legislative audit estimated the cost to taxpayers for ineligible and fraudulent enrollees in state programs could be as high as \$271 million. Yet, it's not clear anyone in state government has been held accountable for a system described by two top county officials in a 2018 *Star Tribune* op-ed as "broken, inaccurate, unreliable and expensive." All told, Minnesota has spent \$609 million developing and operating the combined MNsure and METS system. Adding insult to injury, Minnesota could have avoided the MNsure fiasco altogether by joining the majority of other states in utilizing the federal insurance portal HealthCare.gov at no cost to taxpayers.

The state's carelessness extends to more than your tax dollars. It's your personal data, too. In a series of alarming data breaches over the past 13 months, the Department of Human Services allowed personal information of 35,000 individuals to be compromised. In the largest of these incidents, DHS delayed telling victims for up to four months after their social security numbers and other vital data were left unprotected. The Met Council's Metro Mobility program admitted in September to the latest data breach involving 15,000 customers of its

transit service for people with disabilities—some of the state’s most vulnerable citizens. But who will be held accountable?

Corruption and Cronyism

In what would have shocked *Time* magazine readers of 1973, Minnesota has suffered numerous episodes of corruption and cronyism. Type the words “Minnesota cronyism” into Google and literally the first result involves the Iron Range Resources and Rehabilitation Board (IRRRB). Founded in WWII as a vehicle for distributing iron mining tax revenue to northern Minnesota communities, the troubled agency has gained a reputation as the employer of last resort for failed DFL congressional candidates.

Unsuccessful 2018 congressional candidate and former state legislator Joe Radinovich was hired by the agency in February 2019 for a senior position. The IRRRB posted the six-figure position for less than 24 hours, passing over a more qualified female candidate in tailoring the job description to fit Radinovich’s resume and listing him on its official org chart before the opening was even advertised. After the backdoor deal was exposed by *The Timberjay* newspaper, Radinovich was gone before the winter snow had a chance to melt. But the brazen incident produced nothing more than a letter of mild rebuke from Governor Tim Walz to his IRRRB Commissioner Mark Phillips.

It’s not just questionable personnel moves. The agency has been called to account for a number of dubious investments of taxpayer dollars. From \$3 million blown on a failed chopsticks factory to \$44 million lost through ownership of the isolated and little used Giants Ridge championship golf course, the agency has a lengthy history of failed economic development efforts.

None have been as openly partisan as the IRRRB’s handling of a \$625,000 loan to a Dialing for Democrats phone bank. Under the guise of creating 70 call-center jobs in Eveleth, the agency loaned money to a private firm whose business was fundraising for Democratic candidates. The business fell short on job creation and shut down during the 2014 campaign, resulting in a \$250,000 write-off. To keep the dollars flowing to Democrats, the IRRRB sold the call-center equipment back to the company’s former owner for ten cents on the dollar.

Endemic cronyism goes far beyond a single state agency. The guest list in 2016 to two luxury suites controlled by the Minnesota Sports Facilities Authority (MSFA) at the \$1 billion U.S. Bank Stadium read like a “Who’s Who” of DFL bigwigs and donors. The MSFA was already in hot water for employing two well-connected DFL insiders, Executive Director Ted Mondale and Chair Michele Kelm-Helgen, for a combined \$300,000 to oversee one stadium. In the backlash over the scandal involving the \$200,000 per season suites, the agency was only able to claw back \$21,000 from event attendees to reimburse taxpayers.

In another scandal involving familiar DFL names, former Party Treasurer Bill Davis was sentenced to four years in federal prison in May 2017 for defrauding state agencies as head of the nonprofit Community Action of Minneapolis. Davis misspent taxpayer money meant for the non-profit’s low-income clients on trips to the Bahamas, spas, golf and excess bonuses. Not providing adequate oversight was the non-profit’s celebrity board which included then-Congressman Keith

Nice Work If You Can Get It

And you can get it if you try, if you happen to be a DFL state legislator. In need of a summer gig following the legislative session, Rep. Jamie Long, DFL-Minneapolis, applied for a position at the U of M’s Energy Transition Lab (ETL) run by former DFL state Senator Ellen Anderson.

Long was a shoo-in given that he wrote the job description that was earmarked for him months earlier by Anderson. He tailored the \$50,000 part-time job to match the exact length of time between legislative sessions. However, Long was short-lived in the post, resigning after documents released in September revealed his role in creating the post for which he was judged “the most qualified candidate.”

The position’s funder, the nonprofit McKnight Foundation, denied any role in the selection of a sitting state representative and vice chair of the House Energy and Climate committee to work at a public university. It remains unclear what Long’s actual duties would have included and whether he was hired to lobby fellow legislators. However, one document highlighted the ETL’s plan “to debunk right-wing information spread by a local ‘think tank,’” a clear smear of Center of the American Experiment’s energy work.



Ellison, State Senator Jeff Hayden and several Minneapolis city council members. A related ethics complaint filed against Senator Hayden for his role in the scandal was never resolved.

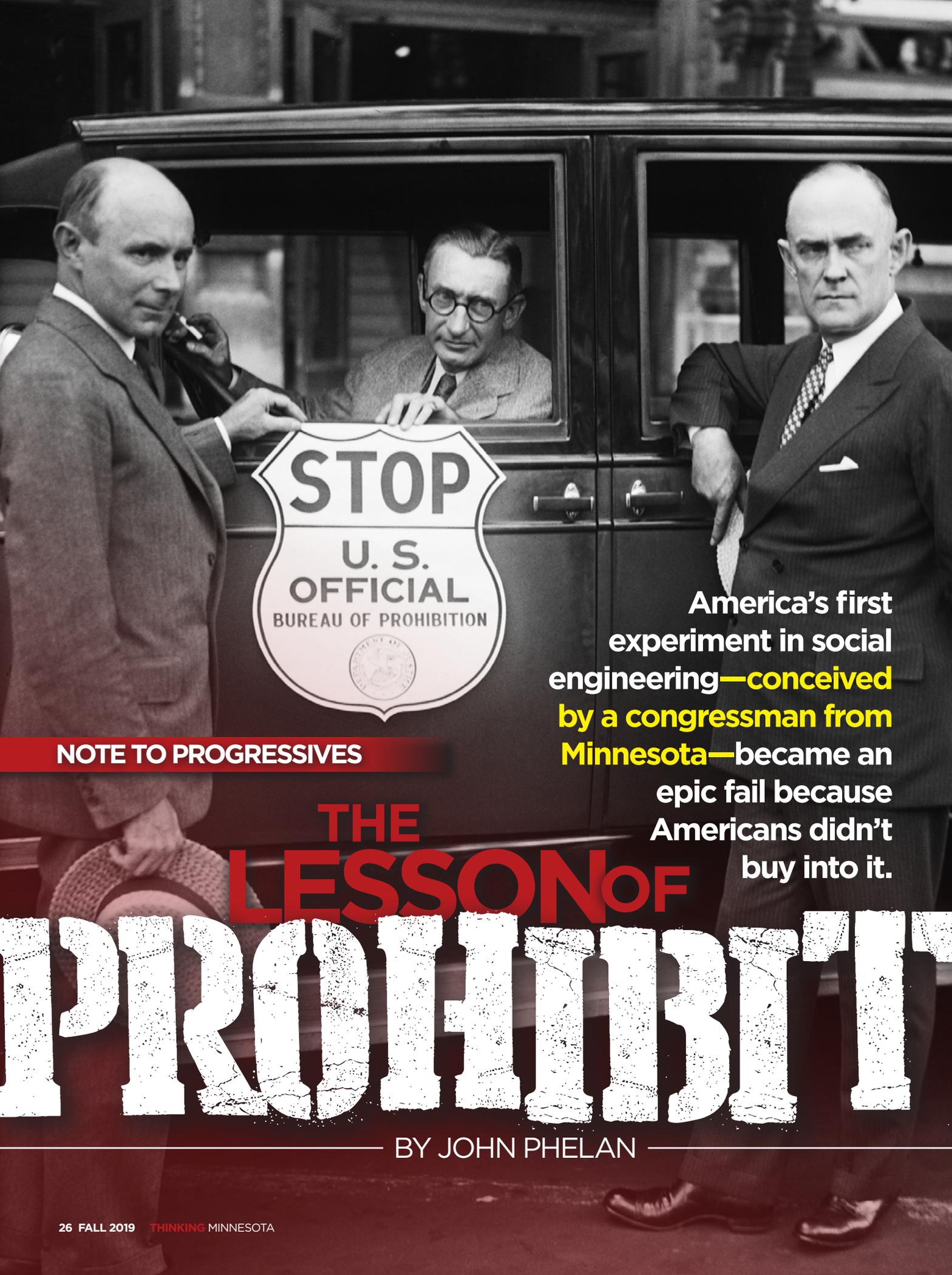
Restoring the Good Life

No wonder the Center for Public Integrity, a left-leaning good government group, downgraded Minnesota from a D+ to a D- in its most recent rankings, noting the state’s “squeaky clean image hides a nest of ethical problems.”

“The budget process, the structure of the state agencies, and how we legislate reflect a set of values and ways of doing things that are becoming, if not already, obsolete,” Schultz said. “In many ways, Minnesota still operates with a set of institutions and processes designed for a horse and buggy era, seeking to make them work in a global, Internet-connected era.”

To bring Minnesota government into the 21st century, state leaders will need to get behind a comprehensive reform agenda. However, based on the results of our *Thinking Minnesota Poll*, there appears to be no sense of urgency among voters.

To make state government live up to the high regard voters still hold it in, reform needs to become a priority. Without pressure from the public, it’s unlikely government will act to fix itself. It falls to the media, policy organizations like the Center and elected officials to educate the public on the need for more accountability and transparency in state government and to create the environment for reform to flourish. ★



STOP
U. S.
OFFICIAL
BUREAU OF PROHIBITION

America's first experiment in social engineering—conceived by a congressman from Minnesota—became an epic fail because Americans didn't buy into it.

NOTE TO PROGRESSIVES

THE LESSON OF

PROHIBITION

— BY JOHN PHELAN —



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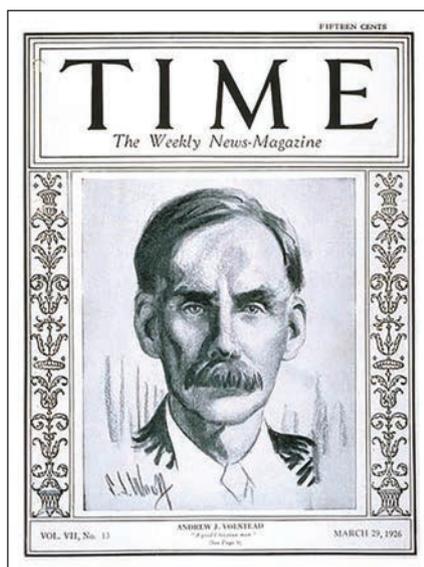
The cover of the March 29, 1926 edition of *Time* featured Andrew Volstead, a humble lawyer from rural Granite Falls, Minnesota. Until 1922, he had been the Representative for Minnesota's 7th Congressional District, rising during his term to become chairman of the House Judiciary Committee. And, in that capacity, he gave his name to one of the most notorious pieces of legislation in American history. The Volstead Act—formally known as the National Prohibition Act—passed into law in October 1919 and prohibited the manufacture and sale of alcoholic beverages.

“On Tuesday next the United States will go dry—the first great nation to undertake this stupendous experiment in behalf of public morals,” the *Pioneer Press* wrote. “It has been the experience of those cities that have tried Prohibition that crime—petty crime, that is—declines under a dry regime.” The article went on, “The probabilities are, however, that little by little everybody will become accustomed to the new order. ... The best thing for the United States to do is forget as quickly as possible that it ever enjoyed the stimulation of alcohol.”

The *Pioneer Press* was wrong. History remembers Prohibition as one of the great failures of American public policy. It failed to end the consumption of alcohol in America—economist Clark Warburton estimated that in 1929 alcohol consumption was 70 percent of pre-Prohibition rates. And it failed at great cost. While federal spending on enforcement was never a large share of overall spend-

ing—less than 1% in 1929, for example—the vast returns to the illegal production and distribution of alcohol (bootlegging) caused a surge of violence across the country. The economist Burton A. Abrams estimates that Prohibition resulted in 29,000 homicides, “roughly equal to the American lives lost in the Korean War.”

The Act of Andrew Volstead of Granite Falls, which placed him on the cover of *Time* magazine, reduced supply without restraining demand. As Norman K. Risjord writes in his excellent *A Popular History of Minnesota*, “[S]eldom in history have the laws of classical economics been so well confirmed by popular behavior.”



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Prohibition destroys the brewing industry

The first thing Prohibition did was destroy the legal brewing industry.

Minnesota's Germans brought with them a long brewing tradition.

Water was plentiful, and the landscape lent itself to growing hops and barley. Bavarian immigrant Anthony Yoerg opened Minnesota's first “commercial” brewery in 1849. Other German immigrants became famous as brewers, such as Jacob Schmidt, Theodore

Hamm, and Gottlieb Gluek, whose name lives on in a bar on North 6th Street in Minneapolis. At the dawn of Prohibition, Minnesota, with 112 breweries, was the fifth largest producer of beer in the United States despite ranking only 20th in terms of population.

In 1920 alone, at least 20 of these breweries closed, including the Appleton Brewery and Duluth's Fitger Brewing Co. Others survived by switching products. The Kiewel Brewery in Little Falls used its former cold beer rooms to churn and keep ice cream and produce non-alcoholic malt beverages. Other breweries took more drastic measures. In 1924, brewery



owner Mathew Pitzl of New Munich avoided charges of illegally selling beer by moving his operation to Saskatchewan on a 14-car Soo Line train. No new brewery was built in Minnesota until Summit in 1998.

Saloons, too, were hit hard. Two brothers named Radosevich, who had arrived in the United States in 1900 barely able to speak English, worked down coal mines for six years to build up enough capital to open their European Saloon in Bovey, Minnesota. When Prohibition closed their doors, one of the Radosevich brothers, according to family folklore, turned to smuggling Canadian whiskey.

People still want to drink

Prohibition outlawed the supply of alcohol, but it did nothing about demand.

Many otherwise law abiding people simply didn't think the law was right. If they wanted to drink, what business was it of anyone else? Eliot Ness, the Prohibition agent famous for bringing down Al Capone, remembered, "Doubts raced through my mind as I considered the feasibility of enforcing a law which the majority of honest citizens didn't seem to want." This was especially the case in Minnesota with its large German and Irish populations for whom drinking was deeply ingrained in their culture.

And where there was demand, there was supply. In 1922, St. Paul Acting Police Chief Michael Gebhardt predicted that, "There will be moon as long as the moon shines and people are just beginning to realize how many persons know how to make it." He estimated that 75 percent of St. Paul residents were distilling moonshine or making wine. "You could buy it if you knew a drug-

gist... They made their own gin and you could buy it in any drugstore," recalled Nate Bomberg, a crime reporter for the *Pioneer Press*.

Nearly every farmer in Stearns County began producing a drink known as "Minnesota 13," named after a variety of seed corn developed by the University of Minnesota. Former club musician Bob Burns, quoted in Paul Maccabee's book *John Dillinger Slept Here*, called it "the best moonshine you could buy. They made it clean. Some of the moonshine made up in Minneapolis... it was so rotten that you'd take the cork out and just the smell of it would make you sick."

There was a high end to this market. According to the Justice Department, Benny Haskell, who sold champagne, scotch, and gin out of the Radisson Hotel in Minneapolis, catered "to a most exclusive clientele of prominent business and professional people in Minneapolis, St. Paul, and Winona."

Not all saloon owners reacted as Ely's Radosevich brothers did. Many stayed in business; they just added payoffs to corrupt officials to their operating costs. These "speakeasies," also known as "blind pigs," dotted the state. Bessie Green, an associate of John Dillinger's, ran the Alamo Nightclub in White Bear Lake, which catered to some of the most notorious local gangland figures. Several former speakeasies still exist in some form, such as the 5-8 Club on the corner of Cedar and 58th Street in Minneapolis, Phil's Tara Hideaway in Stillwater, and the Tavern of Northfield.

Organized crime moves in

Making supply of alcohol illegal despite persistent demand guaranteed high returns, which encouraged criminals to fill the gap once occupied by legal breweries and distilleries.

Bootlegging was a nationwide problem throughout Prohibition, but several factors made the situation in Minnesota more acute. Besides its drink friendly population, St. Paul, a major rail center, was ideally located to act as a hub for the distribution of bootleg alcohol disguised as scrap iron shipments, hair tonic, castor oil, paint, varnish, "printer's supplies," and even "saddlery." Much of this passed through the Midway "Transfer District," and some of Minnesota's busiest redistillation factories and speakeasies popped up there. The state's northern border with Canada, sparsely populated and thickly wooded, was also a popular route for smuggling.

The profits from bootlegging enabled small-time crooks to become big-time operators. The Minnesota Blueing Company of Leon Gleckman, "St. Paul's Al Capone," generated profits in excess of \$1 million annually from its dozen or so stills.



Top: Woman holding a 1931 "Abolish Prohibition!" poster.

Woman holding a "Petition to Congress/Modification, Volstead Act."



John Phelan is Center of the American Experiment's economist. His is a graduate of Birkbeck College, University of London, where he earned a BSc in Economics, and of the London School of Economics where he earned an MSc. John has written for *City A.M.* in London and for *The Wall Street Journal* in both Europe and the U.S. He has also been published in the journal *Economic Affairs*.



In one five-month period, northwest-area Prohibition agents confiscated 240,569 gallons of moonshine, seized more than 50 automobiles, destroyed 315 stills, and arrested 1,275 people. Minnesota's U.S. Marshal made more than a thousand arrests for Prohibition offenses in 1920, a figure that doesn't include local arrests. And still the liquor flowed.



Isadore Blumenfeld, known as “Kid Cann,” a petty criminal from Minneapolis’ North Side, established a “perfume factory” called La Pompador that required the use of industrial-grade alcohol imported legally from Canada. The alcohol was then moved to a network of stills in the woods near Fort Snelling where it was turned into “bang-up alky,” 139-proof liquor that sold for \$10 a gallon. Cann became a “capo”—someone who has been officially inducted into the mafia—and a lieutenant for the notorious gangster Meyer Lansky. He became so powerful that when Hubert Humphrey was elected Mayor of Minneapolis in 1945 promising to clean up the city, he was warned off interfering with Cann’s operations.

These profits were worth killing over. Cann’s group of racketeers called the “Syndicate” split Minneapolis with the “Combination” of Irish mobster Tommy Banks, but disputes were not always so peacefully resolved. On December 4th, 1928, “Dapper” Dan Hogan, a gangster and owner of the Green Lantern Saloon on St. Paul’s Wabasha Street, was killed outside his house on West Seventh Street by one of the world’s first car bombs. The FBI’s prime suspect in the case was Hogan’s underboss Harry Sawyer, known as “Harry Dutch,” who took the Saloon over with suspicious haste.

Cann had a good relationship with the local authorities and killed to keep it quiet. He was suspected of murdering three journalists, most notoriously Walter Liggett, editor of *Plain Talk* magazine and the *Midwest American* newspaper. Liggett had been investigating Cann’s ties with the Farmer-Labor Party, particularly Minnesota’s Governor Floyd B. Olson. He had been beaten by Cann’s associates and prosecuted on trumped

up charges. On December 9th, 1935, he was machine-gunned to death outside his apartment in full view of his wife and daughter.

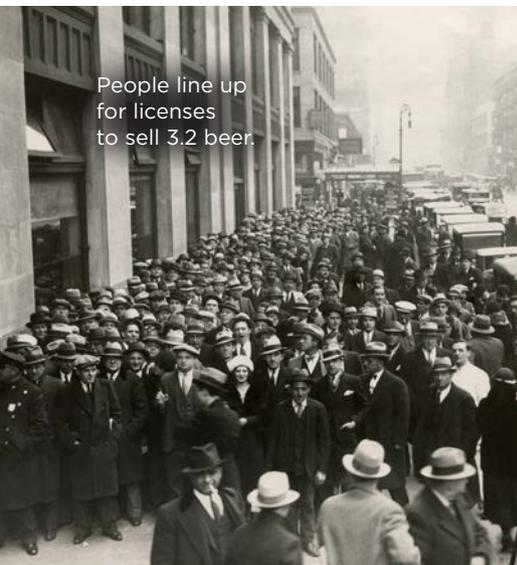
Law enforcement gets corrupted

These profits corrupted law enforcement, although admittedly, this didn’t take much effort in St. Paul. There, the longstanding “layover agreement” guaranteed safe harbor for criminals such as Alvin “Creepy” Karpis, John Dillinger, “Ma” Barker, Lester “Baby Face Nelson” Gillis, and George “Machine Gun Kelly” Barnes. All spent time safely in the city, as long as they did not commit crime within the city limits.

Prohibition made this worse. In 1920, northwest Prohibition Chief Paul D. Keller launched an investigation of his entire staff after bootleggers were tipped off to almost every major raid he undertook in Minnesota. In 1926, a local bootlegger told Treasury agents that corruption was so rife in St. Paul that, when his booze was confiscated, a local crook had been able to simply walk into the central police station and walk out with it. Walter Liggett’s wife picked Kid Cann out of a police lineup as her husband’s killer and another three witnesses also identified him as the gunman. Police tracked down the car from which the shots were fired and identified the owner as Meyer Schuldberg, a known associate of Cann’s. Despite this and considerable other evidence, Cann was acquitted.

Law enforcement had an impossible task

Enforcement of Prohibition was both too lax to stamp out the production and distribution of liquor and oppressive enough to upset the general public.



People line up for licenses to sell 3.2 beer.



Customers celebrate the end of Prohibition, 1933.

In one five-month period, northwest-area Prohibition agents confiscated 240,569 gallons of moonshine, seized more than 50 automobiles, destroyed 315 stills, and arrested 1,275 people. Minnesota's U.S. Marshal made more than a thousand arrests for Prohibition offenses in 1920, a figure that doesn't include local arrests. And still the liquor flowed.

One evening in May 1929, candy store owner Henry Virkula from Big Falls was driving home after visiting International Falls with his wife and children. According to *Time* magazine, "Suddenly two figures leaped up before him. One held a sign: STOP! U.S. CUSTOMS OFFICERS. Virkula braked his car but had not stopped before a volley of shot tore through the rear windows. The car plunged into a ditch. Virkula was dead, a slug in his neck. U.S. Border Patrolman Emmet J. White, 24,

rigorously enough. But most people did not regard the law as legitimate. They could see no reason why the government should prevent them from drinking if they wanted to do so. So, with the aid of bootleggers, they continued to drink. How much more rigorous would enforcement need to have been to ensure compliance with a law most people disagreed with?

In *Law, Legislation and Liberty*, the economist and philosopher Friedrich von Hayek argued that there was fundamental difference between law—which is that set of rules that emerges “spontaneously,” unplanned and undesigned—and legislation, which is a set of rules and commands that government consciously designs and imposes. We do not refrain from committing murder because it is illegal, but we think that it is wrong, a belief widely shared among society. The law reflects this belief. Prohibition

Many otherwise law-abiding people simply didn't think the law was right. If they wanted to drink, what business was it of anyone else?

came up to the car. Shrieked Mrs. Virkula: 'You've killed him.' Replied White, 'I'm sorry, lady, but I done my duty.' No liquor was found. The Virkula children woke up, began to cry."

Patrolman White had fired five rounds from a sawed-off shotgun into the Virkula car. His defense: the machine did not stop when Patrolman Emil Servine held up the stop sign. White was lodged in jail, charged with murder. The little town's citizenry seethed with indignation against White and "the system" he represented. Banding together they wrote a public protest to President Hoover which concluded: "In our utter helplessness, terror and distraction, we are at last resorting to you. For God's sake, help us!"

Such incidents made Prohibition even less popular.

Why did Prohibition fail?

Prohibition failed. But *why* did it fail?

Its supporters argued that the law simply had not been enforced

can be seen as an example of what Hayek would have called legislation. It did not emerge spontaneously from a belief widely held in society, especially not in Minnesota. Rather, it was forced upon them by legislators, responding to a concentrated campaign of lobbying from the Temperance movement, in an attempt to change their behavior. That is why the War on Alcohol failed.

Prohibition was the last great act of the Progressive Era in American politics. The Progressives of the late nineteenth and early twentieth centuries believed that society could be perfected by the application of enlightened legislation. Where legislation conflicted with widely held social beliefs, those beliefs would change. The failure of Prohibition proved that idea to be false; social beliefs proved resilient to legislation. In modern terms, will a legislative War on Guns succeed where a majority of Americans continue to believe in their right to own them, as their ancestors believed in their right to a drink? Prohibition was also, then, the Progressives' greatest failure. ★



The
THINKING
MINNESOTA
POLL



**STILL
ABOVE**

AVERAGE?

Minnesotans aren't particularly disturbed by how badly their state functions.

Minnesota has long enjoyed a reputation for relatively clean, efficient and progressive government. Is that still the case?

In 1973, *Time* magazine paid gushing tribute to Minnesota's government as "almost unnaturally clean, with virtually no corruption." Today, most Minnesotans think that praise is outdated, assuming it was ever true. By 53 percent to 41 percent, Minnesotans in our *Thinking Minnesota Poll* say that characterization is not accurate now, and younger residents are most likely to think *Time's* praise no longer applies.

Meeting Street Research, a polling company based in Charleston, South Carolina, interviewed 500 registered Minnesota voters via cellphone and landlines from September 15-17. The margin of error is +/- 4.38 percent.

By most measures, Minnesotans believe their state's

About the pollster

Rob Autry, founder of Meeting Street Research, is one of the nation's leading pollsters and research strategists.

FIGURE 1: MINNESOTANS THINK THEIR GOVERNMENT IS LESS CORRUPT THAN OTHER STATES.

“Do you think Minnesota’s government is more or less corrupt than other states?”

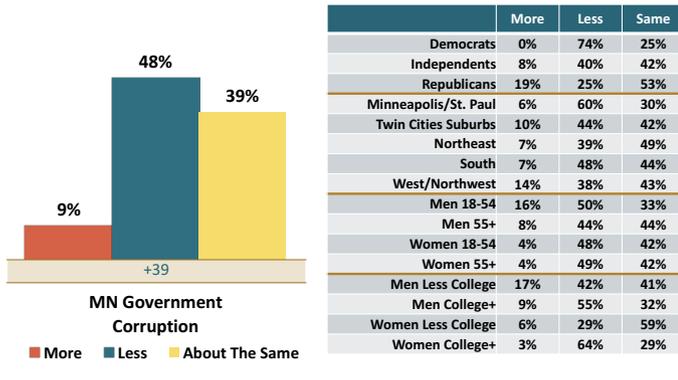


FIGURE 2: VOTERS SAY TIME MAGAZINE’S STATEMENT ABOUT MN POLITICS IS NOT TRUE TODAY; DEMS AND REPUBLICANS DIFFER SIGNIFICANTLY.

“Some 50 years ago, *Time* magazine said, ‘Minnesota is a state whose politics is almost unnaturally clean, virtually no corruption.’ Is that statement still true?”

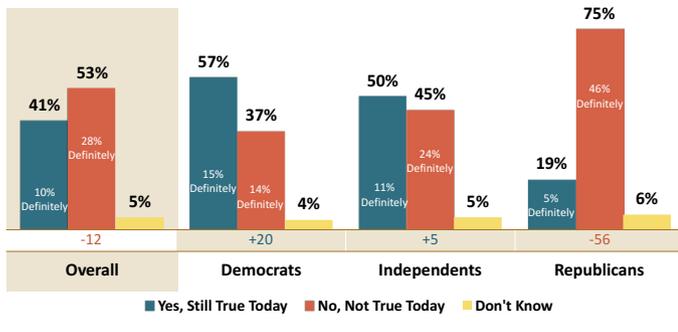
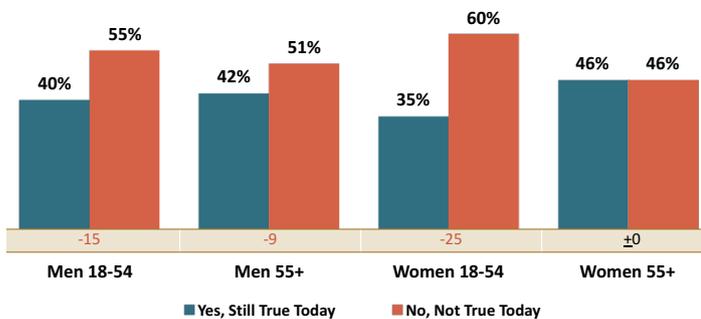


FIGURE 3: PEOPLE UNDER 55 ARE MORE LIKELY TO DISAGREE WITH TIME.

Agree/Disagree With *Time* Magazine Statement By Gender/Age



Minnesotans have most reservations about their government when it comes to wasteful spending.

government is above average. Thus, 48 percent of Minnesotans think our state is less corrupt than other states, compared to only 9 percent who think it is more corrupt and 39 percent saying it is about the same.

Similarly, 28 percent think Minnesota’s government is more accountable than those of other states, compared with 14 percent who think it is less accountable. The majority, 55 percent, think it is about the same. Almost the same percentages consider our government to be more transparent, as opposed to less transparent, compared to other states.

Minnesotans have most reservations about their government when it comes to wasteful spending. While 21 percent think Minnesota has more wasteful spending than most other states, slightly more, at 23 percent, say we have less waste, while 44 percent believe we are about the same as other states. Minnesotans must have a low opinion of the efficiency of government in general, since the average respondent in our survey estimates that 28 percent of all of Minnesota’s state spending is wasted. This would seem to allow plenty of room for spending reductions across a broad range of government activities.

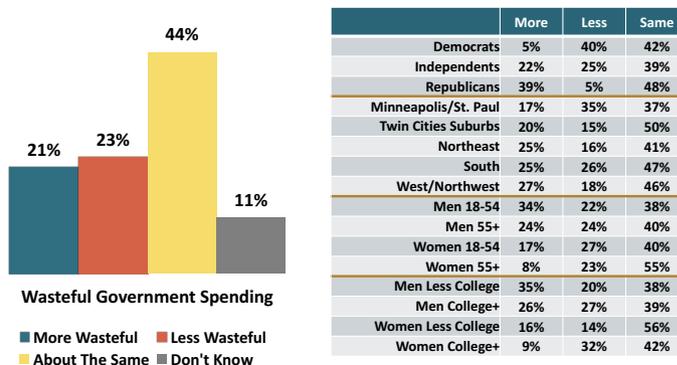
If Minnesotans are relatively complacent about the quality of their state’s governance, it may be largely because they are simply unaware of some of the scandals that have emerged in recent years. Our survey finds that the largest number of Minnesotans are familiar with the fiasco involving the state’s vehicle and driver’s license computer system, commonly referred to as MNLARS. Sixty-eight percent say they are aware of that story, while 32 percent apparently have never heard of it.

A small majority, 54 percent, are aware of the recent turmoil in the state’s Department of Human Services, where top leaders have resigned in recent months. But 44 percent are unaware of



FIGURE 4: MINNESOTANS THINK STATE GOVERNMENT HAS ABOUT AS MUCH WASTEFUL SPENDING AS OTHER STATES.

“Is Minnesota’s government more or less wasteful than most other states?”



the turmoil at DHS, despite a large amount of news coverage.

Other recent scandals are even less well recognized. Only a minority of Minnesotans have heard about alleged widespread fraud in the Department of Human Services’ child care assistance program. Only 39 percent are aware of news stories about DHS’s overpayments of tens of millions of dollars to certain

The largest number of Minnesotans are familiar with the fiasco involving the state’s vehicle and driver’s license computer system, commonly referred to as MNLARS.

Indian tribes, while even fewer, 24 percent, are aware of the scandal surrounding the IRRRB’s backdoor hiring of a defeated DFL Congressional candidate.

The *Thinking Minnesota Poll* suggests that while Minnesotans are by no means uncritical of their state’s governance, a plurality, at least, remain relatively complacent. The survey suggests further that such complacency, to the extent that it exists, may be driven by the fact that most Minnesotans don’t know much about recent news stories that tend to cast doubt on the integrity, efficiency, transparency and accountability of their state’s government. Whether this is because local press outlets downplay these stories, or because Minnesotans simply are not paying attention, is an unanswered question. ★

FIGURE 5: VOTERS THINK MORE THAN A QUARTER OF STATE SPENDING IS WASTEFUL; REPUBLICANS GUESS IT’S EVEN HIGHER.

“What percentage of state spending is wasteful?”

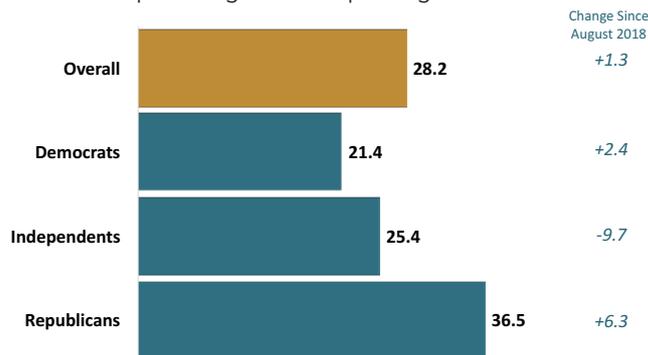
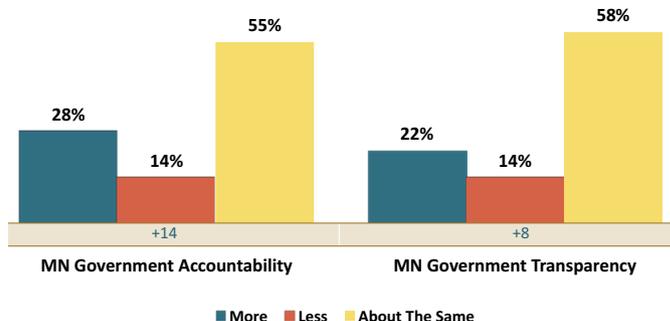


FIGURE 6: PEOPLE THINK MINNESOTA’S GOVERNMENT IS JUST AS ACCOUNTABLE AND TRANSPARENT AS OTHER STATES.

“Is Minnesota’s government more or less accountable to voters than other states?”

“Is Minnesota’s government more or less transparent than other states?”



CHANGE THE NAME. REWRITE HISTORY. REDEFINE POLITICS.

Minnesota's Left wants to replace our traditional self-understanding as the land of freedom and opportunity with a vision of America as an illegitimate nation that advanced by trampling on victim groups.

By
Katherine
Kersten

In George Orwell's iconic dystopian novel, *1984*, the main character, Winston Smith, works at the Ministry of Truth in Oceania, a one-Party socialist state in what was once the British Isles and the Americas. The ministry does not promote truth, but rewrites history to conform to Party doctrine in what authorities portray as a never-ending war against shadowy enemies. To this end, pictures are torn down, statues destroyed, and inconvenient documents dropped down "memory holes" into huge incinerators.

Orwell, a socialist and man of the Left, understood the authoritarian threat that democracies face in a technological age, and saw how elites can manipulate history for propaganda purposes. He wrote *1984*, which appeared in 1949, to alert the West to these dangers.

One of Orwell's key insights was that to gain the power to restructure a society, those with authoritarian ambitions must delegitimize what came before, so as

to reshape a people's view of who they are and where they came from. "The most effective way to destroy people is to deny and obliterate their own understanding of their history," he wrote.

America in 2019 is not Oceania, of course. Yet in this 70th anniversary year of *1984*'s publication, the book sheds light on the American Left's on-going campaign to rewrite history, and to replace America's traditional self-understanding as the land of freedom and opportunity with a vision of America as an illegitimate nation that advanced by trampling on victim groups. These ideologues' aim is to discredit our political and social institutions as corrupt from the outset, and to assert that their own superior commitment to social justice qualifies them to lead the way to a brave new world.

The Left's crusade to reshape Americans' perception of their history to fit the "progressive" narrative is far advanced in higher education, and increasingly, in our K-12 public schools. In 2017, it exploded into the public square, as protesters tore down Old South statues and symbols across the country and iconic American figures like Teddy Roosevelt, Thomas Jefferson and George Washington came under attack.

In Minnesota, public officials have eagerly jumped on this bandwagon. In



**“Who
controls
the past,
controls
the
future:**

**who
controls
the present,
controls
the past.”**

the last few years, left-wing officials have launched campaigns to rename three high-profile landmarks on grounds their namesakes do not meet today's progressive standards. These include Lake Calhoun in Minneapolis; Fort Snelling; and four buildings at the University of Minnesota's flagship Twin Cities campus, including Coffman Student Union. In each case, Orwell would have recognized the strategies employed—a rewriting of history and a disregard for democratic processes and the rule of law—along with the ideology that drives them.

Lake Calhoun

Lake Calhoun is the jewel of the City of Lakes, and thousands flock there every summer to walk, bike, or sail. In 2015, the Minneapolis Park and Recreation Board launched a campaign to rename the lake “Bde Maka Ska,” allegedly the original Dakota Indian name. The board's claim was that—because John C. Calhoun, after whom the lake was named before 1823, was an outspoken advocate of slavery—retaining the name involved the city in an endorsement of slavery.

Minnesota law provides that only the state legislature can change a lake name that has been in use for more than 40 years. But park board chair Brad Bourn chose to flout the law. The board petitioned the Hennepin County Board, which passed a resolution asking the state Department of Natural Resources (DNR) to change Lake Calhoun's name. In 2018, after the DNR commissioner approved the renaming, the park board erected new signs around the lake, reading “Bde Maka Ska.”

Nearby residents sued, and in April 2019 the Minnesota Court of Appeals ruled the DNR commissioner lacked legal authority to rename the lake. In response, a defiant Bourn engaged in what Erick Kaardal, the plaintiffs' at-

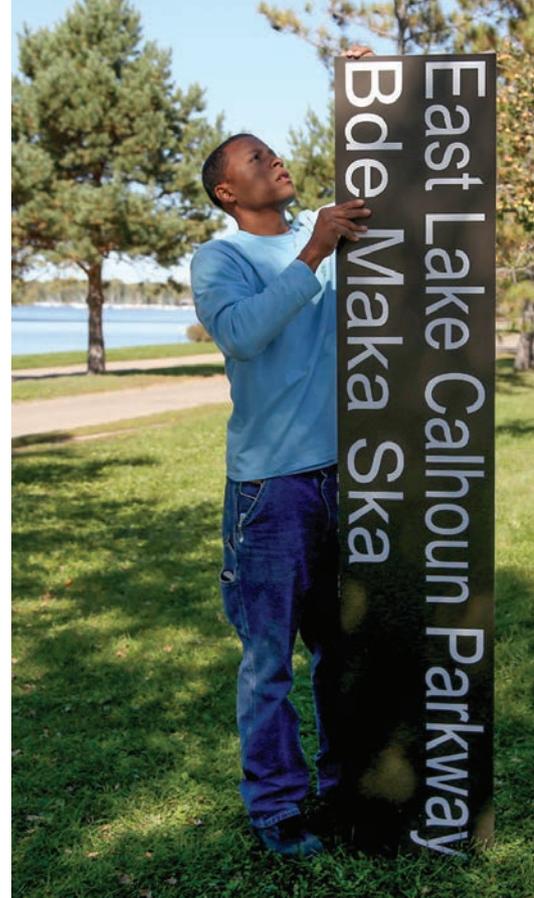
torney, described as “public official civil disobedience.” Bourn declared that—regardless of the court's decision—the lake had been “called Bde Maka Ska for generations before white settlers stole it from the Dakota” and “will continue to be for generations to come.” The park board voted to rename the four elegant boulevards around the lake with the “Bde Maka Ska” name, and the DNR appealed the court ruling.

Throughout this crusade, the public officials involved have shown a scandalous disregard for historical truth. For starters, there's the new name itself. Traditional Dakota names for the lake are Heyata Mde (Inland Lake) and Mde Medoza

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(Lake of the Loons), recorded by 19th-century missionaries and historians who gathered the names from Dakota who lived in the area. “Bde Maka Ska”—the name pushed by Native American activists who share the park board's agenda—is historically unsubstantiated, according to independent Minnesota historians who have studied the question.

Then there's the issue at the center of the Calhoun dispute—slavery. Name-change proponents insist that retaining the Calhoun name amounts to an endorsement of slavery and so is



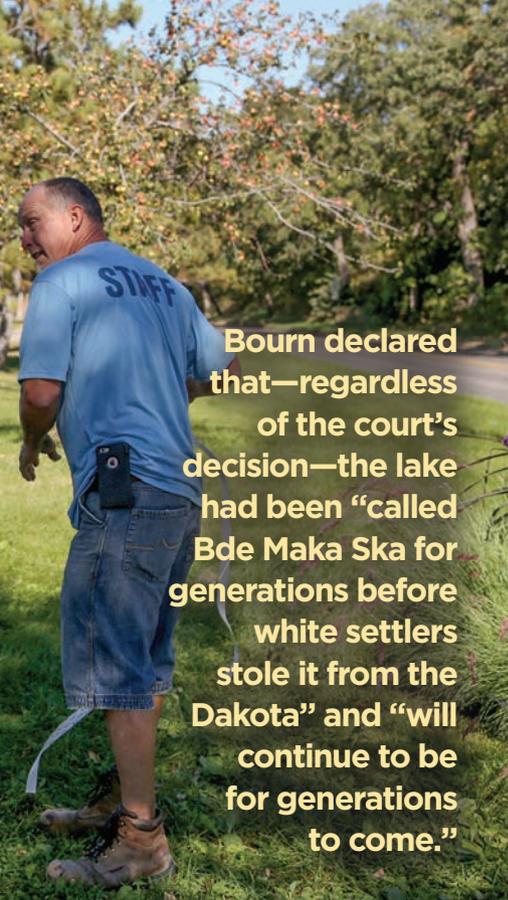
immoral. But U.S. Army officers didn't name the lake for Calhoun because he was an advocate for slavery. (He became known for his pro-slavery stance later.) They did so because, as President Monroe's far-seeing Secretary of War, he had called for the foundation of the chain of garrisons—including Fort Snelling—that secured America's northern frontier against British influence.

A particularly inconvenient fact for the name-changers is this: The Dakota enslaved people themselves, including both Indians and whites they captured in warfare. Some were adopted, some killed, and some sold or traded.

Finally, name-change proponents charge that white settlers stole the lake from the Dakota, so its name should reflect their rightful ownership. In fact, the Dakota “stole” the land from the Iowa, Ojibwe and other tribes sometime after 1700, when the Ojibwe, their bitter enemies,



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PHOTOGRAPH BY KYNDALL HARKNESS - STAR TRIBUNE

Bourn declared that—regardless of the court's decision—the lake had been “called Bde Maka Ska for generations before white settlers stole it from the Dakota” and “will continue to be for generations to come.”

drove them from their original Mille Lacs-area villages. The Dakota did not pay these tribes but killed them and seized their land. In contrast, the U.S. government peacefully purchased the land, negotiating treaties with Dakota leaders.

In their zeal to identify angels and demons, name-change proponents disregard the many good things the U.S. government did for the Indians. The Dakota often struggled to feed themselves in harsh Minnesota winters. For that reason, in 1830 the government provided strong support to a model village at Lake Calhoun where, using intensive agriculture, the Dakota raised so much food they were able to sell the surplus. But in 1839, they massacred more than 70 Ojibwe, mostly women and children, and abandoned the village, fearing Ojibwe retaliation.

The case for renaming Lake Calhoun relies on a false narrative that portrays the lake's history as a simplistic morality play that pits good Indians against evil white settlers. But the factual record is seriously at odds with the good guy/bad guy spin.

Fort Snelling

Fort Snelling is Minnesota's birthplace and the state's most valuable historic asset. It was the first permanent outpost

of American sovereignty on the Upper Mississippi River, long before white settlement. All of Minnesota's 24,000 Civil War soldiers passed through it, as did officers and new regiments training for World War I and more than 275,000 GIs inducted for service in World War II. The fort was also home to the state's first school, hospital and post office.

By law, only the Minnesota Legislature can change the fort's name. But in 2017, Steve Elliott, then the Minnesota Historical Society's (MNHS) executive director, unilaterally ordered erection of signs changing the name from “Historic Fort Snelling” to “Historic Fort Snelling at Bdote.” (According to independent historians, the correct Mdewakanton Dakota name for the site is “Mdote,” meaning “confluence of rivers,” not “Bdote”—an undocumented name promoted recently by Native American activists.)

In response, the Minnesota Senate threatened to withhold \$4 million in MNHS funding, citing “revisionist history.” The Senate restored the funding after the MNHS agreed to remove the signs. But MNHS failed to do so, alternately claiming the signs were temporary, or merely added historical context.

The context of the name-change campaign is the MNHS's \$35 million “revitalization” plan for the fort complex, whose 200th anniversary is in 2020. As at Lake Calhoun, this “new vision” features what one commentator has called a one-dimensional narrative of “villainous whites and victimized minorities.”

A central theme of the new vision is that whites stole the land around Fort Snelling from the Indians. The fort's construction marked “a seminal moment in the invasion of Dakota lands,” as the U.S. “fulfill[ed] its colonial aims,” according to the MNHS website.

In fact, Fort Snelling was built—shortly after the War of 1812—to prevent British intrusion from Canada into the frontier lands of America's new Louisiana Purchase. Its mission included regulating the fur trade and promoting peace between the constantly feuding Indian tribes.

Indian agents at the fort regularly supplied the Dakota with traps, axes, guns and knives that helped them survive, and

often gave them food and tobacco. Between 1820 and 1831, the U.S. sponsored more than 200 peace councils between the feuding Dakota and Ojibwe. Dakota Chief Little Crow recognized these advantages. In 1819, he told Indian agent Lawrence Taliaferro “he had been looking every year since the sale [of land] for the troops to build a fort, and was now hoping to see [them.]”

The MNHS's rewriting of history reaches egregious proportions regarding the Dakota War of 1862 and its aftermath. The MNHS website charges that a camp where Dakota women and children were held after the war was part of “genocidal policies” the U.S. pursued “against indigenous peoples.”

The Dakota War was a tragic episode in Minnesota history. In the summer of 1862, the Indians faced a food shortage, their federal land payment was late, and tensions were running high among the Dakota, the traders and Indian Agent Thomas Galbraith. In response, in August, Dakota warriors massacred more than 600 Southwest Minnesota settlers—mostly defenseless women and children.

The massacre sent shock waves through the state. It represented the largest number of whites killed in a war with the Indians in United States history. If the war occurred today and the same proportion of the state's population was killed, the dead would number 15,000, according to Minnesota historian Stephen Osman. That's *five times* the death toll of September 11, 2001. The victims included almost 100 children aged 10 or under, of whom 40 were babies of two or under. Twenty thousand refugees fled their homes and hundreds of children were orphaned.

Minnesotans were particularly outraged by the appallingly cruel and brutal way many were slain. Eyewitnesses across 140 miles described babies nailed to trees and left to die in agony; children whose hands or legs were hacked off with tomahawks before their parents' eyes; victims whose hearts and other organs had been ripped out and scattered; and bodies mangled “to such a degree as to be almost deprived of human form”—including a woman whose head was left on a table with a knife and fork stuck in it.

Despite outraged cries for revenge, the U.S. government—after capturing some of the perpetrators—moved to protect Dakota women and children. As winter came on, the Army built a camp to house more than 1,600 of them. The camp’s purposes were to shield these Indian dependents from grieving, revenge-minded whites, and to feed them through the winter. The Dakota received the same rations as the fort’s soldiers, and many would probably have starved without this aid, according to Osman. They were free to come and go and were given medical care.

Fewer than 150 Indians died, mostly of measles—a constant danger before modern medicine. But at least as many dislocated settlers also died of disease while refugees crowded into Minnesota cities following the conflict, according to Osman.

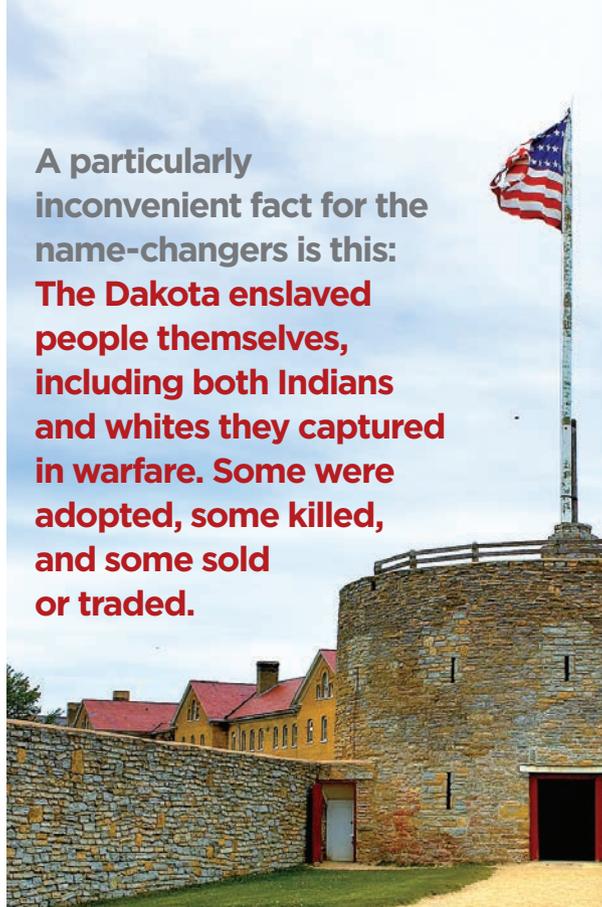
The MNHS website describes the Army camp for Dakota women and children as a “concentration camp,” an act of “genocide.” The opposite is true: The camp’s purpose was to protect Dakota dependents, not to exterminate them. Though the MNHS acknowledges the camp’s inhabitants were not “systematically exterminated,” its imagery clearly evokes Nazi death camps. At the same time, the MNHS website fails to convey either the extent of the death toll the Dakota inflicted or the barbaric nature of their atrocities.

The MNHS is the publicly funded steward of Minnesota history. Yet where Fort Snelling is concerned, it is effectively erasing that history. In August 2019, the MNHS announced it would seek public input about whether to recommend that the legislature change the fort’s name. However, although it has now covered the new signs, its announcement left little doubt that it remains strongly committed to “Historic Fort Snelling at Bdote.”

University of Minnesota

At the University of Minnesota, name-change activists have focused on more recent history. In 2017, U of M faculty

A particularly inconvenient fact for the name-changers is this: The Dakota enslaved people themselves, including both Indians and whites they captured in warfare. Some were adopted, some killed, and some sold or traded.



staged an exhibit, “A Campus Divided,” which alleged that four campus administrators from the 1930s and ‘40s had engaged in anti-Semitism, enforced racial segregation in dormitories, or taken other problematic positions. Eric Kaler, then the U’s president, appointed a faculty task force to recommend whether their names should be stripped from four prominent campus buildings.

The U of M has never changed a building’s name for historic reasons, and no legal process exists to do so. The April 2019 meeting at which the regents considered the task force’s 125-page report was described by the *Minnesota Daily* as a “raucous affair.” Audience members smuggled in prohibited signs and cat-called, “shouted, groaned and hissed.” Professor Riv-Ellen Prell, a curator of the 2017 exhibit, attempted to drown out a regent as he expressed concerns about the report. Another faculty member denounced the regents as “defensive and dismissive”—a “typical pattern of white supremacy.”

Despite this, the regents voted 10-1 to reject the faculty’s recommendation that the buildings be renamed. They cited the report’s numerous errors—from mistakes of identity and timing to objective false-

hoods—and its omission of key pieces of evidence. For example, though the task force possessed a document proving that the 1935 board of regents had unanimously opposed the racial integration of dorms, it omitted the board’s statement; tried to attribute its position to Lotus Coffman, then the U of M president; and ignored Coffman’s own unsuccessful efforts to create integrated campus housing.

Professor Ian Maitland of the Carlson School of Business dissected the task force report in a series of articles in the *Minnesota Daily*. In many cases, he wrote, the evidence it cited did not support its accusations but pointed to the opposite conclusion.

For example, Maitland wrote, the report “heaped astonishing invective” on Edward Nicholson, dean of student affairs from 1917

to 1941. It made the “sensational claim” that he was an anti-Semite, and during the 1930s had surveilled student activists and shared information about them with “open allies of Nazi Germany.”

The task force’s whole case, explained Maitland, hangs on one piece of evidence—an anonymous document known as “Notes on Radicalism.” But the “case is overwhelming” that Nicholson was not its author, he wrote. Nevertheless, the task force attributed it to Nicholson “unhesitatingly and without offering any justification,” in Maitland’s words. “Without stronger evidence—or really any evidence at all,” he concluded, the task force’s “outlandish accusations” about Nicholson’s anti-Semitism—“and, by extension, the pervasiveness of anti-Semitism at the University of Minnesota in the 1930s”—is “just a conspiracy theory conjured out of thin air.”

Maitland concluded that the task force has “blackened Nicholson’s reputation” with its “grotesque charges,” and “tarnished” the “University’s reputation” with these unfair accusations. He called on its members to “give Nicholson his good name back.”

The task force also trained its guns on Lotus Coffman, U of M president from

1920 to 1938. Its charges of racism are ironic, given that Coffman was the visionary creator of the U's General College, which granted access to the campus to countless minority students from 1932 to 2006. After examining the report's evidence, Maitland concluded that every one of its claims about Coffman "is wild and unsubstantiated or seriously misleading."

At the April 2019 regents' meeting, Regent Michael Hsu summed up the situation concisely. Task force members "were not doing this as an exercise in looking for the truth," he said. "They presumed these people were guilty."

It's possible that the "Rename/Reclaim Campaign" at the U of M is just getting ramped up. Though for now it has foundered at the Twin Cities campus, going forward, a permanent "Advisory Committee on University History" will "consider renaming, removing names, or more diverse naming opportunities for University buildings and other significant assets," according to a letter signed by former president Kaler in November 2018. For now, however, the board of regents has put a hold on the creation of new committees.

One thing seems certain: The issue will return. In the future, activists may launch renaming campaigns at the U's campuses in Crookston, Duluth, Morris and Rochester.

The Left's ongoing campaign to discredit Minnesota history

Some claim renaming Minnesota landmarks is no big deal. But it's clearly an urgent priority for the leaders of these campaigns, who have poured time, energy and public funds into them. Why?

Not because ordinary Minnesotans are demanding it. And not because name changes tangibly improve the lives of the minority groups in whose name they are being done. On the contrary, these campaigns are, at base, about the proponents themselves. They provide opportunities for a self-righteous, self-dramatizing elite to pose as the vanguard of progress and "social justice."

The modus operandi of the crusades described here bears out the anti-democratic impulse that animates them. Their leaders are willing to flout democratic processes to impose their will, including shouting down, labeling or intimidating opponents. They approach history, in all its messy complexity, not as a search for truth but as a vehicle for advancing a political agenda—even when that requires grossly distorting the factual record.

In crafting their narrative, name-changers generally portray America's founding principles as hypocritical, its political institutions as corrupt, and its former leaders as scoundrels. By inducing guilt and shame in others, they seek to establish their own superior right to

Name-changers generally portray America's founding principles as hypocritical, its political institutions as corrupt, and its former leaders as scoundrels. By inducing guilt and shame in others, name-changers seek to establish their own superior right to dictate historical standards, to define what "justice" and "equality" demand.

dictate historical standards, to define what "justice" and "equality" demand.

Today, the strategy of invoking social justice and equality offers ideological crusaders the path of least resistance in achieving their ambitions. Our history includes real injustices, and many Americans are tongue-tied in the face of them. Their fear of being labeled a "racist" or "bigot" leads them to stand back as the Left advances its agenda of transforming the political and social "systems" which they allege lead to these inequities.

The Left's campaign to rewrite history threatens to create an intellectual vacuum that activists will fill with their own contemporary version of Orwell's "Newspeak." This is a language designed not to articulate truth accurately, but to make independent thought increasingly difficult. Today's Newspeak lingo turns on words like "diversity," "equity" and "inclusion." Increasingly, these mean "conformity," "inequity," and "persecution of dissenters"—in other words, the opposite of their real meanings.

An open-minded study of history teaches that all human beings are flawed, and all societies commit injustices. It also teaches, through the 20th century's tragic lessons, that concentrating power in the hands of self-righteous elites can lead to tyranny.

Orwell described the end game—the erasing of truth, the prevention of independent thought—if campaigns like those underway in Minnesota are allowed to gather strength:

"Every record has been destroyed or falsified, every book has been rewritten, every picture

has been repainted, every statue and street and building has been renamed, every date has been altered. And that process is continuing day by day and minute by minute. History has stopped. Nothing exists except an endless present in which the Party is always right."

How does this happen? Orwell tells us: "Who controls the past, controls the future: who controls the present, controls the past." ★



You Can Quit But You Can't Leave

Public employee unions hide behind bureaucratic minutiae to prevent dissatisfied 'members' from leaving.

BY CATRIN WIGFALL

In April 2018, a field representative for AFSCME Council 5 urgently pulled Susan Halloran from a training session that was helping prepare her for a new position as a senior account clerk in the business office at Inver Hills Community College. He explained that she had not signed up for union membership, and that all she had to do was sign a dues authorization form on his tablet computer. Susan was given no information on how much the union dues would cost nor that she had the right to not join the union and not pay dues. Feeling rushed and pressured to return to her job training, Susan quickly signed her name. She then found out the union dues would cost approxi-

mately \$700 a year.

The very next day, Susan contacted the union representative and said that after finding out how much the dues would cost, she could not afford the paycheck deductions because of medical bills for tests, infusions, and daily oral chemotherapy.

Susan has been diagnosed with brain cancer.

The rep replied that Susan was obligated to pay the dues for one year, citing language the union uses to bind public employees to "revocation periods."

"Unfortunately the card you have signed ha[s] a revocation period of one year. In order to revoke your membership

you need to be within the revocation period. Your membership has already been process[ed] I am sorry you are not within your revocation period."

It isn't supposed to be like this. The U.S. Supreme Court's June 2018 landmark decision in *Janus v. AFSCME* freed all public employees from being forced to financially support a government union against their will. But like many dissatisfied union members, Halloran finds herself in Hotel California—you can check out any time you like, but you can never leave.

Vaguely worded dues authorization cards lock public employees into paying their unions for irrevocable one-year

A silver door handle is mounted on a dark wood door. A white, oval-shaped sign is attached to the handle. The sign contains the text "PLEASE DO NOT DISTURB" and a small disclaimer at the bottom.

PLEASE

DO

NOT

DISTURB

*** The door only works
a couple of days during
the year anyway.**

periods before they have the option to stop paying them. It is an attempt to circumvent the High Court's ruling and trap public employees into an agreement that can only be voided through a cumbersome and bureaucratic process. The tricky language written in very fine print on the bottom of the card automatically authorizes the deduction of union dues every year in perpetuity unless the public employee opts-out, which the cleverly worded card also limits to a certain number of days each year. Typical card language reads similar to the following:

*This authorization shall remain in effect and shall be irrevocable unless I revoke it by sending written notice to both my employer and union during the period not less than thirty (30) days and not more than forty-five (45) days before the annual anniversary of this authorization. This authorization shall be **automatically renewed as an irrevocable check-off year to year** unless I revoke it in writing during the above described window period, **irrespective of my membership in the union.** [Emphasis added]*

These burdensome resignation window periods thwart employees' ability to fully exercise their First Amendment rights and are being challenged across the country. Unions' unscrupulous tactics to get public employees to continue paying them confirms big labor is more concerned with giving public employees the run-around regarding their constitutional rights instead of proving to government workers that their services are worth paying for.

AFSCME Council 5 made no attempt to work with Halloran's unique circumstances or even consider her membership revocation that was issued *the very next day*; it dismissed her situation without regard for her well-being.

Halloran emailed the union field rep

several days straight asking for help retracting her membership status, each time explaining her health challenges and her inability to spare any income. She even provided copies of her medical bills to confirm the treatments she was receiving. "I don't want to have to call my Oncologist and tell her that I cannot take my oral chemo...[and] have the test[s]...and any of the infusions she said I need to be healthy," Halloran wrote. "I do believe that you can make this work out. Please see if there is a way to retract this and help me."

A form letter

After getting nowhere with the field rep, Halloran emailed a resignation letter to the union's main office on April 24, 2018—a little over a week after she was pressured to sign the union card—explaining her fight against cancer and her multiple attempts to cancel her membership so she could afford her medical care.

The union's next response? A *form* letter dated April 30, 2018 with the generic language used to reject recognition of public-sector workers' First Amendment rights because Halloran was not within her "revocation period."

Halloran, represented by the Liberty Justice Center and Upper Midwest Law Center, is pursuing a lawsuit against AFSCME Council 5 for holding her captive as she fights to stay healthy and beat cancer.

"I was shocked by the tactics AFSCME used to secure my membership and money," Halloran said. "I made the union very aware that I needed to resign the next day yet they continue to stand in the way of me exercising my First Amendment rights."

Laura Loescher, a school site manager in the Forest Lake School District, is also facing an uncooperative union. Because

the Teamsters Local 320 union used her dues to elect candidates and enact legislation she disagreed with, Loescher decided to resign from membership. But there was no open door for her to exit from. Not only did the union refuse to process her resignation, it retaliated against Loescher by stripping her of her rights as a dues-paying member all while still taking a portion of her hard-earned paycheck.

"Pursuant to the terms of the application/maintenance of checkoff form you signed, you will continue to pay the full dues amount. However, you will no longer have the right to participate in contract negotiations, bargaining unit votes, receive mailings, attend union meetings, or receive other fraternal benefits of the Union."

**And public employees
have not had a meaningful
say in their exclusive
representation relationship
with the union
since the 1970s.**

Rather than continue to plead with the union, Loescher sought legal advice on how to protect her constitutional rights. Represented by the Upper Midwest Law Center, Loescher's lawsuit is moving forward, and next steps will be determined this fall. It is unlawful for Loescher's union to take dues from her paycheck and then refuse to recognize her membership rights. Yet, these are the types of games unions are playing.

First Amendment rights ignored

Abby Decker, a member of the same Teamsters Local 320 union, didn't see the value in her union and didn't want to automatically turn over a portion of her pay as dues—especially when those dues did not get her treated as a full member. But her multiple attempts to resign using a variety of opt-out language attesting to her First Amendment rights were continually ignored.



Catrin Wigfall is a Policy Fellow at Center of the American Experiment. She is the director of EducatedTeachersMN and EmployeeFreedomMN. Catrin spent two years teaching 5th grade general education and 6th grade Latin in Arizona as a Teach for America corps member before using her classroom experience to transition back into education policy work.

“I have been requesting to opt-out for an entire year. I keep getting denied,” Decker said. “And they won’t let me vote or treat me like a full member even though I pay full dues.”

Decker expressed her concerns to Teamsters Local 320 President Sami Gabriel, but they were disregarded, and her desire to resign was further fueled by disparaging “freeloader” comments made by Gabriel about Decker’s co-workers who were non-union members. “The fact that she [Gabriel] used that word in a room full of women (some single parents and some who have been on some sort of assistance) should be alarming and concerning to the entire face and reputation of Teamsters,” Decker said in an email to the union’s Secretary-Treasurer Brian Aldes.

Because unions fought for—and won—the right to exclusively represent both members and nonmembers, name-calling such as “freeloaders” and “scabs” by union officials and members is completely disingenuous. These claims belittle the public employees unions fought to represent. The union speaks for them, in their name, and on their behalf. Instead of assuming the worst in our civil servants by calling them names, shouldn’t unions ask themselves why these public employees are looking for an exit?

“I have put in several requests to withdraw from your affiliation not only because your representatives do no[t] reflect my standards of morals, or my political agenda, but also your office cannot keep basic bookkeeping accurate,” Decker said in an email to Aldes. A clerical error also contributed to Decker having the incorrect dollar amount deducted from her checks paired with no member rights.

Because of her meticulous documentation of resignation requests and correspondence with union officials, EmployeeFreedomMN and the Upper Midwest Law Center worked with Decker to demand that the Teamsters Local 320 honor her resignation.

Decker continued to reach out to union leadership for explanations on why she was denied full member benefits, such as the right to attend meetings, vote to ratify or reject collec-

tive bargaining agreements and run for office, and why her requests to become a nonmember were ignored.

“To be charged what I was in dues and denied the stated above rights doesn’t make sense to me,” Decker said. “The union failed to provide me with basic rights for a full member and contractually hold up their end.”

And then in August, Decker received the long-anticipated and fought for union



The *Janus v. AFSCME* case broke down barriers that trapped workers who wanted to be free from financially supporting a union, but more dismantling is clearly required to eliminate other barriers that remain.

response: “As of yesterday, your dues have been stopped.” After a year-long battle to resign, the union finally decided to respect Decker’s rights. But the run-around Decker received should not have happened in the first place, and unions need to be held responsible for their treatment of our civil servants.

More dismantling required

Unions are replete with tactics to undermine a public employee’s freedom of choice and freedom of association. And while the *Janus v. AFSCME* case

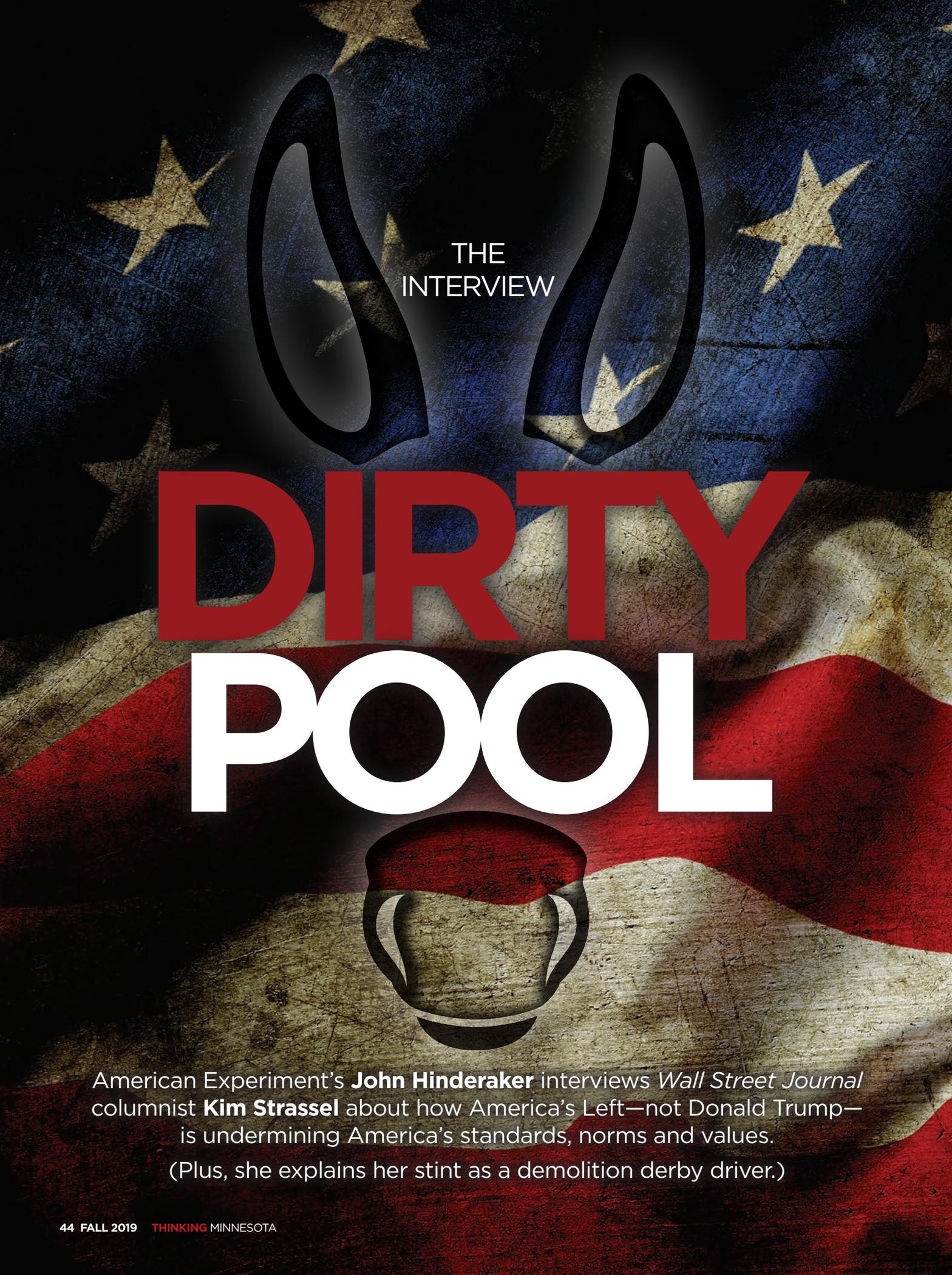
broke down barriers that trapped workers who wanted to be free from financially supporting a union, more dismantling is clearly required to eliminate other barriers that remain.

And Kathy Uradnik, a professor at St. Cloud State University, is leading the way to help public employees overcome the barrier of forced union representation. While Uradnik does not have to financially support a union, she and other public employees have to accept the union’s representation. Known as compelled “exclusive representation,” public servants—even as nonmembers—do not have the right to speak for themselves. This forced association comes with the job, and Uradnik wants to be released from being represented by a union that advocates for and supports areas with which Uradnik disagrees.

The Center connected Uradnik with The Buckeye Institute, which filed a lawsuit on her behalf to end the second-class treatment non-union faculty members at the university face. Nonmembers are barred from serving on any faculty search, service, or governance committee. Uradnik’s passion to participate in the academic life of her institution was impaired, and she was discriminated against for her nonmember status. Despite the case’s petition to file with the U.S. Supreme Court being denied in April, The Buckeye Institute will send the case back to the U.S. District Court to continue the fight on Uradnik’s behalf.

“I have principled reasons for not wanting to join the union, and thankfully the Constitution gives me that choice,” Uradnik said in a video produced by The Buckeye Institute. “I try every day in class to impress upon my students how important it is to stand up for your free speech rights.”

Minnesota’s public unions are deliberately creating obstacles and restrictive bureaucratic rules to prevent union members who wish to resign from doing so. But the Center will continue using its workplace freedom projects to stand up to big labor bent on undermining the First Amendment rights of American workers. Hotel California contracts have no place in public employees’ new world of choice. ★



THE
INTERVIEW

DIRTY POOL

American Experiment's **John Hinderaker** interviews *Wall Street Journal* columnist **Kim Strassel** about how America's Left—not Donald Trump—is undermining America's standards, norms and values.

(Plus, she explains her stint as a demolition derby driver.)

John Hinderaker: You started on *The Wall Street Journal's* editorial board at a young age.

Kim Strassel: Working for *The Wall Street Journal* has been my first and only job. Some young people might find that terrifying and horrible, but it's been great for me. I started out on the news side of the newspaper and was overseas to boot. I was in Brussels first and then I was in London for about five years or so. When I moved back to New York, I ended up joining the editorial page, which had always been my long-time dream. I have been fortunate to see the world on *The Wall Street Journal's* dime, work with some of the best reporters and obviously the best editorial writers in the business, and work for a publication that backs up its people because it trusts them. Sometimes we do edgier stories and push the envelope a little bit; it's just a great place to work.

You've closely followed how the FBI and others meddled in the 2016 presidential election and its aftermath—what some of us have called the biggest political scandal in American history. You have a new book coming out in October, *Resistance (At All Costs): How Trump Haters are Breaking America*. Tell us about the book.

The book was inspired by all this reporting on the Trump-Russia collusion hoax. I have followed that closely now for more than two years. It was pretty obvious to many of us, even at the start, that there was something terribly wrong with this narrative. And as we've gone along, we have found out that the entire thing was not just a hoax, but one of the biggest political, dirty pool stories that we've ever seen in the country. It got me thinking: We hear constantly that this president is an institutional wrecking ball,

that he undermines our standards and our norms and our values. Yet, if you step back and look at his administration—the departments and agencies and the people whom he has put in place—it's actually been one of the more constitutionally conservative administrations in a long time. Especially in contrast to the prior president, who ruled by executive order and by regulation.



It is still jaw-dropping to me that we had an FBI that opened a counter-intelligence investigation into a political campaign during a presidential election.

It's the left and the Trump resisters who are doing the most damage. You've seen what this Trump-Russia collusion hoax has done to the reputation of and the public's belief in the FBI and the Department of Justice. You've seen it in the character assassination of Brett Kavanaugh. You've seen it in the judicial resistance. So many judges have thrown over traditional norms and issued nation-

wide injunctions against anything they don't agree with. You've seen it in a bureaucratic resistance. And you've seen it in the complete loss of standards among the media in terms of what they report and how they report it, which in turn has led to the public's distrust in the media. So, there's been a lot of damage done out there, but it's all coming from the side that is doing the most finger-pointing.

That is so true, and so ironic. The left wants to talk about how President Trump violates our civic norms. But they're the ones who make it impossible for administration officials to eat dinner at a restaurant in Washington, D.C. They're the ones who are lining up on people's lawns to carry out threatening demonstrations. We're seeing from them what I would call the violation of civil norms on a daily basis.

You bring up a great point. I didn't even have time in the book to get into the violations of those cultural norms, such as the fact that somehow none of us are supposed to be allowed to voice or talk about any subject without being deemed a racist or some other pejorative term. The institutional norms being broken that I discuss in the book are scary enough. We're seeing it right now with the impeachment drive in the House, and the book gets into this too.

I saw a press release from (Congressman) Jerry Nadler who runs the House Judiciary Committee, suggesting that they were going to investigate whether or not impeachment was warranted over some antitrust work that the administration had done. They have taken normal political actions and suggested that they are impeachable offenses. That moves us into incredibly dangerous territory for the future. Which is why I wrote this book.

Kimberley Strassel has written the influential *Potomac Watch* column in *The Wall Street Journal* since 2007. She joined the *Journal* immediately after graduating from Princeton in 1994. After spending five years stationed in Brussels and London, she returned to the *Journal's* New York City headquarters. She was named a senior editorial writer and member of the *Journal's* editorial board in 2005.



I don't think they fully appreciate the precedent that they are setting.

The Inspector General of the Department of Justice has come out with his first report on James Comey's handling of his memos on conversations with the President. When that report came out, Comey hailed it as vindication and tried to take a victory lap on Twitter.

Totally insane. This was no victory. It's hard to look at Comey fairly because the press constantly glorifies him. But look, this guy is the only director to have been fired in the history of the FBI—and fired with good cause, given what has come out so far in the Inspector General's report. Comey abused his position. He leaked these memos to the press after the fact. He's very fortunate that he is not getting prosecuted. Step back even further and look what we have. It is still jaw-dropping to me that we had an FBI that opened a counter-intelligence investigation into a political campaign during a presidential election. But as we've gone along, we've found out that they did it partly on the basis of information provided to them from the rival presidential campaign, which is just appalling.

We now have Andrew McCabe, who was fired. He was not truthful about what he leaked and how he dealt with the media. We have the former FBI Director James Comey who was excoriated in the Inspector General's report for his behavior. And Comey had been excoriated a year earlier by the same Inspector General for his handling of the Hillary Clinton probe, who said that he had been insubordinate and acted outside the scope of his authority. So, this is a bad actor. We have a number of bad actors, and soon we're going to get the next chapter in this with an Inspector General report that will go through the entirety of the FISA surveillance applications that were so problematic.

Let's talk about that. As we speak, Inspector General Michael Horowitz has presented a draft to Attorney General William Barr, I believe.

I have been very much inspired by the Inspector General's recent Comey report because it suggests that he's not

frightened to go after people in positions of authority and power. This guy is a straight arrow and he seems to be on to Jim Comey as well. Jim Comey, despite his reputation of being a boy scout, is a very slick individual. You don't get to be the head of the FBI without having those skills. And he has played the media and the public. But this Inspector General has made it pretty clear that rules are rules. They apply to everyone. No amount of clever speaking can hide things you've done that violate those rules.

Bruce Ohr, a Justice Department official, testified in front of Congress that he alerted everyone in the Department of Justice and the FBI that this information came from the Clinton campaign and the Democratic National Committee, and that Steele had partisan leanings. And they proceeded regardless.

It also seems to me that whoever signed off on these applications to spy on Carter Page, apparently the most innocent man in America, has never been charged with anything. But at a minimum, the people who signed off on the applications misrepresented the basis for them. These are supposedly verified applications. And yet, we know now that there was nothing in that dossier that Hillary Clinton paid for. Isn't that kind of a starting point?

You've just put your finger on what I think may be a central part of the report. There are rules meant to cover everything that the FBI does, and they're supposed to be treated seriously. Former House Intelligence Committee Chairman Devin Nunes has pointed out numerous times that one of those rules is you

are not supposed to present speculative material to the court. You're supposed to verify accusations. And yet, we have former FBI agents who testified that at the time that they put that counter intelligence application in the first time, that they were still in their infancy in verifying or looking into some of these dossier allegations. None of which were ever verified. They were completely wrong. We also know that they were well aware that Steele had political motives. They went ahead with that application anyway. They knew a couple of weeks afterwards that he was speaking to the press, if not before. And you know, they continued to use his information nonetheless in subsequent applications. The FBI should be asked a lot of really hard questions about what it knew, when it knew it, and how it could possibly justify using it in an official court setting.

And I can't get past that they also knew the whole thing was paid for by the Hillary Clinton campaign.

And this is one of the biggest fictions. Bruce Ohr, a Justice Department official, testified in front of Congress that at the beginning of August he alerted everyone in the Department of Justice and the FBI that this information came from the Clinton campaign and the Democratic National Committee, and that Steele had partisan leanings. And they proceeded regardless.

It's hard to escape the conclusion that the FBI, and others within the DOJ and also the CIA under John Brennan, were acting from political motives.

And that's going to be the other really interesting part. I think it's really important that everyone manage their expectations. The brief of the Department of Justice Inspector General is to deal with misconduct or allegations of misconduct for people who work within the Department of Justice or its agencies like the FBI. This is obviously a story that goes beyond that. There are clearly other questions. You just mentioned the role of then CIA Director John Brennan. And there was the role of the former Director of National Intelligence, James Clapper.

And Horowitz's report isn't necessar-

ily going to easily render judgment on that. His other problem is that he cannot subpoena former or outside people to come in and speak to him, which is going to put some limits on what he could find. That's why it's so important that Attorney General William Barr appointed John Durham, the U.S. attorney. Durham has the power to demand people attend and speak to him. He has the power to convene a grand jury if he needs to. So, the rest of this story is going to have to come via his hands.

What do you hear about the John Durham investigation in terms of timing? What kind of progress is he making?

I've heard really good things, including he's already staffed up. He was not going to sit back and wait until the Inspector General had finished his report. Combine that with the fact that Durham is a guy who has spent an enormous amount of his career investigating the government itself. He's kind of famous for looking at former government employee misconduct. That takes a rare kind of prosecutor. It all becomes about protecting the institution, protecting each other, but this is a guy who seems to have a real reputation for saying the law is the law, and precisely because we do work for the government, we have an even greater obligation to follow the law and call it out when it doesn't work the right way.

I'm assuming it's going to take quite some time for John Durham to wrap

up what is, as you point out, a really wide-ranging investigation. Is it likely that his report might drop during the presidential campaign season?

I am really hopeful that he does it sooner than that. And look, we do know a great deal of what went on there. We've had an Inspector General working on this for a year. Undoubtedly, a lot of the leg work has been done, and with any luck Durham gets his report out in the next few months. Maybe that's optimistic. But here's my fear: I think that the closer you inch toward the election, the harder it becomes to throw it out and not face accusations that the timing or the release of it was for political purposes or political reasons. There's also a possibility that he wouldn't issue anything at all because of soft Department of Justice guidelines that say you can't do anything that would influence an election. So, for the sake of actual disclosure and letting the country know what happened, I hope the report is dropped soon.

A lot of people are asking whether there will ever be any accountability here. As you said, the Inspector General referred James Comey for possible prosecution, which is appropriate. And I think the Attorney General also appropriately exercised his discretion in favor of not prosecuting Comey. I think that was a good call. But what do you think? Will anybody face criminal prosecution?

Your last words are the most important ones, criminal prosecution. I've been highly and increasingly critical of what I see as thuggish Department of Justice prosecutors who go after people on technicalities. And you know who was really good at that? Jim Comey. Whenever he couldn't get his target on the ground, he got them on some side thing. Look at Martha Stewart, for instance. He wanted her on insider trading. Instead, he threw her in jail for supposedly lying. I don't like when prosecutors behave that way. I think they need to exercise more humility. I hope that if people really did break a law, charges are brought against them to hold them to the same standards as any other American found to have broken a law. They shouldn't get off because of their names, their histories, their power, or their influence.

I also hope that we remember there is accountability simply in disgrace. And this is in fact how we deal with people who break rules and regulations. They get fired, and they don't get their jobs back, and they don't get to work in government anymore. Jim Comey left his office in disgrace, and he is a disgraced former FBI director. The media doesn't present him that way, but that is indeed what he is.

You mentioned process crimes, that if you can't get somebody for a substantive crime, you go after him for allegedly lying to the investigators. That's exactly the situation we have with General Michael Flynn, correct?

I think Flynn's ordeal was a travesty. If you closely read the documents and listen to things that Comey has said afterwards, it's pretty clear that somebody was trying to entrap Flynn. There was absolutely zero reason for the FBI to interview him about the transcripts of his conversations with the Russian ambassador that they'd already collected. They knew exactly what he had said. They were hoping he would say something they could get him on. Since he got rid of his initial defense team and brought a new team on this past summer, there seems to be more awareness of his treatment and a fight back against it. ★



John Hinderaker: I did a little bit of research for this interview, Kim. I learned you grew up in Oregon and at one time in your youth, you were a demolition derby driver. That must've been good training for a life spent in Washington, D.C.

Kim Strassel: It was, and I thank my mom and dad for that. My parents had four daughters, no sons, and I was the oldest. We grew up in a rural farming and logging community. And my dad tried to get us interested in things that otherwise might be considered "for boys." We were all a bit tomboyish. One of them was that my mom and dad and I took turns driving a demolition derby car that we had put together. I also had a drag racing car that I competed with at Portland International Raceway.

JOURNALISM DIES IN BIAS

The *Washington Post's* gratuitous smear of Katherine Kersten.



John Hinderaker

This experience illustrates why the public's regard for news sources like the *Washington Post* has fallen to an all-time low.

In August, a reporter from the *Washington Post* contacted us, asking to interview Katherine Kersten for an article she was writing that broadly addressed pushes toward “equity” in various local government units around the country. The reporter said that she had submitted “a final draft to my editor” but was trying to “add a couple of perspectives before we move forward with it.” In other words, she had written her article and now was looking for a conservative view after the fact.

Kathy didn't do an interview, but we provided a statement that mirrored writing she has done on the collapse of student discipline in certain schools. It said:

In the St. Paul public schools, racial discipline quotas and an anti-suspension behavior modification program led to a dramatic increase in student violence. In 2015, a veteran teacher was hospitalized with a traumatic brain injury after being choked and body-slammed by a student. Teachers told the local newspaper the constant threats and chaos they experience made them fearful for their safety. Administrators must discipline violent students, or they jeopardize the environment that makes learning possible for every other student. Race shouldn't be a factor at all in those decisions.

The *Post* reporter ignored Kathy's statement and her multiple columns on this topic, and instead wrote:

Equity efforts have also sparked explicit backlash in some places, including Minnesota, where conservative writer Katherine Kersten wrote that

a push to investigate biases in student discipline records will bring “increased violence” to classrooms. The state education commissioner called Kersten's arguments “flat-out racist.”

In response, our Communications Director Katie Fulkerson emailed the *Post*, pointing out that its description of Kersten's work was false, and demanded a correction. Fulkerson continued by stating that Kersten has never written that a “push to investigate biases in student discipline records” produces increased violence, or anything similar.

That got the attention of the *Post's* local government and politics editor, who made after-the-fact changes to the *Post's* story but did not issue a correction. She wrote to Fulkerson:

We have updated the story to make clear that Ms. Kersten's quote came from an op-ed and referred to a push to address perceived biases, rather than the original language, which was “a push to investigate biases.”

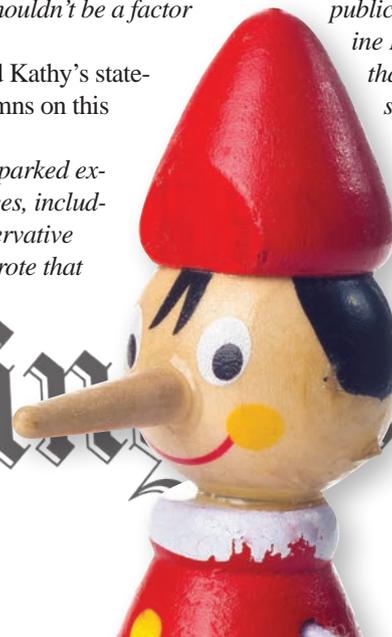
We also attached the following editor's note at the bottom of the story, to explain those changes:

This story has been updated since its initial publication to more clearly convey Katherine Kersten's argument against policies that aim to address racial disparities in student discipline.

The *Post's* after-the-fact tweaks were inadequate for two reasons.

First, they came too late. The *Post's* continued on page 19

The Washington Post



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Joe A. Slabaugh, from Highland, Minn., had this to say: *"As a carpenter, I put a lot of strain on my lower back, which caused a ruptured disc. I needed something to relieve pain. After the second day of using Stuart's Pain Formula, my lower back pain was gone. I use it every morning and night, it has no burning sensation or odor, and it works!"*

Thomas Lindberg, Two Harbors, Minn., says, *"I have arthritis pain in my shoulders and back and was having trouble sleeping through the night because of the pain. I read about Stuart's in FARM SHOW and was a bit skeptical at first but thought I'd give it a try. I was absolutely amazed at how well it worked and now use it every day. It works better than anything on the market."*

Tom Donelson says, *"I give samples to everyone I meet that complains of joint or muscle pain. I've had minor knee surgery and a torn meniscus, as well as a degenerating disc. I originally used to take 2 to 3 ibuprofen a day. But now, after using Stuart's, I'm down to 2 to 3 a week. This product is great for anyone that doesn't want to or can't take drugs to manage pain."*

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