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# THINKING MINNESOTA



ISSUE 27  
SPRING 2022  
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## MINNESOTA AT THE CROSSROADS

How indifference about the whopping  
budget surplus could permanently anchor  
Minnesota as a second-rate state.

**The solution: Give it back!**



“If the surplus is spent in the coming biennium, it will become part of the permanent budget and we will spend it again in the next biennium, with a percentage increase.”

—John Hinderaker

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Mary Ann Kuharski, Director



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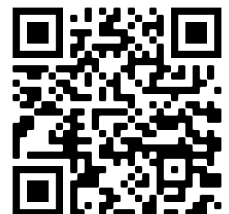
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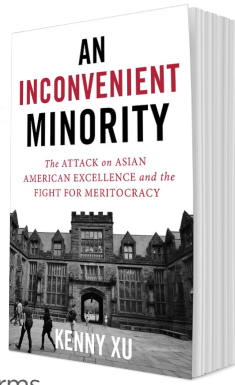
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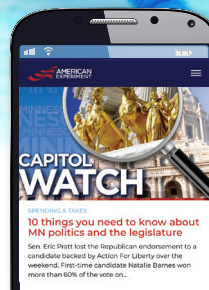
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~~Sorry~~ We're CLOSED

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# FIX THE BROKEN WINDOWS

To bring Minnesota back from the brink of out-of-control crime, we must no longer tolerate the petty criminals who ultimately hold our communities hostage.

A friend recently told me a story that embodied the sad state of affairs in the Twin Cities. He pulled into a parking spot outside a fast-food establishment only to have his wife urge him to keep driving as they ate their meals. The reason was to avoid being a target of carjackers. This scenario — in which a couple can't stop and enjoy a simple meal for a matter of 15 minutes out of fear of attacking thugs, or worse — is all too common in our once peaceful cities and is fast becoming a reality in Greater Minnesota as well.

This didn't happen overnight, and it didn't start with George Floyd or COVID. It was decades in the making; the result of bad policies put in place by wrongheaded politicians. Now, Minnesotans must choose what to do next. Do we sit idly by as our cities fall like dominoes to lawlessness and fear or do we start holding our politicians and public safety officials accountable and enact laws that can put us back on track toward a state of peace and prosperity? I vote for the latter.

We should look for a solution in other cities that were able to bring themselves back from the brink of self-destruction and enact them here. One such famous instance was in New York City in the early 1990s upon the election of Rudy Giuliani as mayor. Putting into action the article written by James Q. Wilson and George Kelling in *The Atlantic* magazine in 1982, Giuliani instituted the "Broken Windows" theory of law enforcement to clean up the crime-riddled city he inherited. Wilson and Kelling wrote, "Social psychologists and police officers tend to agree that if a window in a building



Ron Eibensteiner

is broken and is left unrepaired, all the rest of the windows will soon be broken. This is as true in nice neighborhoods as in rundown ones." Simply put this means that smaller crimes and general disorder — such as vandalism and theft — lead to bigger, more violent crime — such as carjackings, assault, and murder.

We are on the same trajectory as pre-Giuliani New York, and now is the time to clean up our cities, literally and figuratively. We have homeless encampments overtaking parks. Local drugstores have to keep products under lock-and-key. Giuliani famously explained that the real measure of success would be whether people actually *felt safer* rather than what crime statistics showed. That,

he said, was the ultimate test of policing and political leadership. Right now, we do not feel safer, and it's a consequence of dismal, even cowardly, "leadership." In a recent *Thinking Minnesota* Poll, 86 percent of Minnesotans are personally concerned about the level of crime in the state, and feel "responding to the surge in violent crime" should be Gov. Walz's top priority in 2022. When we can stop at a red light and not be fearful of being a carjacking victim is when we are on a path to recovery. But we need the tools to get us there in addition to a plan and better leaders.

Our police and law enforcement officers need to be emboldened to confront criminals and violent goons and keep them off the streets. It's common sense that a bigger police presence will reduce crime. As proven in New York City, targeting big crimes as well as small makes our communities safer, allows law-abiding citizens and businesses to return and thrive, and fosters an even *greater* sense of safety for everyone. And who doesn't like safe streets? It seems our public servants in the county attorney's offices and judges whose only public "service" is paying lip service to justice while they let everyone from petty thieves and teenage carjackers to violent career criminals back on the streets with little more than a slap on the wrist.

Not only is this an affront to the victims of crime, but an insult to law enforcement trying to keep these bad actors in prison where they belong. For example, what message does it send when Hennepin County Judge Regina Chu allows She-

virio Childs-Young — an 18-year-old already with a long criminal record of violent crime and skipping court appearances — temporarily out of jail to attend a funeral, but denied former police officer Kim Potter — who had 26 years in law enforcement — the opportunity to spend Christmas with her family after being convicted of manslaughter in the death of Daunte Wright?

Not only are judges working against Minnesotans' safety, but prosecutors are handcuffing our police, making a "Bro-

---

**Right now, we do not feel safer, and it's a consequence of dismal, even cowardly, "leadership."**

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ken Windows" policy here all but impossible. Instead of aggressively prosecuting street criminals, Hennepin County Attorney Mike Freeman recently announced a long list of crimes for which no bail will be requested. Supported by Attorney General Keith Ellison and Washington County Attorney Peter Orput, this 19-item list even includes theft of a motor vehicle and thefts up to \$35,000! This is the concept of "broken windows" in reverse and we can expect more of this lawlessness if it isn't met with punitive consequences.

The underlying message from our public policy "leaders" — specifically Gov. Walz and Representative Ilhan Omar — is that they prioritize the comfort of criminals over the safety and security of law-abiding citizens and retribution for victims. It tells me that our "justice" system — led by Attorney General Keith Ellison — isn't interested in justice at all. Unfortunately, the escalating crime in the Twin Cities is being increasingly felt in communities

outside the Metro. We need to start holding our lawmakers and prosecutors to account for their part in this crime wave. If we don't, we will end up earning back our notorious "Murderapolis" moniker from the mid-1990s, and, unlike the turnaround in New York City, we will continue on this destructive path unless we make changes. Minnesota is at a crossroads, and the next few months will determine if we make it through this cycle of violence alive.

It's important to keep in mind the forces working against law and order. Center of the American Experiment's Public Policy Fellow Jeff Van Nest makes a strong case in this issue of *Thinking Minnesota* for the necessity of law enforcement to have a say in what policies are implemented, as they are on the front lines of this crime wave, putting their lives at risk to stand between rotten street thugs and civil society. We need to support them and acknowledge their expertise and experience even as lawmakers try to exclude them from policy decisions.

Don't ignore the power of media enablers who covered the Kim Potter trial from dawn until night, but hardly mention the barbaric deeds of street thugs and violent criminals who are shooting toddlers in their yards and attacking young women in grocery store parking lots. They want to ignore the fear in the streets and neighborhoods, but we the people who have to get groceries, take our kids to school, and make trips to McDonald's know this fear is real and justified. Minnesota didn't get to this dire point overnight, and it won't be quick or easy to make it better. But by getting tough on crime — from the smallest petty thefts to the murders — holding our elected officials accountable for their policies, and resisting the false narrative liberals and their media enablers want us to believe, we can start on the path to a better, safer Minnesota. ★



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 Minnesotans to Walz: **Stop violent crime.**

# THINKING MINNESOTA

AMERICAN EXPERIMENT

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## REVOLVING DOOR COURTHOUSES

Want to know why we're worried about public safety? **Ask the judges and prosecutors** who keep returning thugs to our streets.



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0 7470 29856 4 49

Project and see the reverse of this. It is very disheartening to see how repeat offenders are treated and then people who are wrongfully convicted sit in prison for too many years.

Keep speaking out about this, and I hope progress is made.

Audrey Edmunds  
Fridley, MN

### Watching the Fed

> In Peter J. Nelson's excellent article regarding the meddling of the Minneapolis Federal Reserve in Minnesota state politics, he writes "Under the U.S. Constitution, states hold dual sovereignty with the federal government" and cites in support U.S. Supreme Court Justice Sandra Day O'Connor's opinion

in *Gregory v. Ashcroft*, "...this is a fundamental principle of federalism 'every schoolchild learns.'" How wonderful that it was once so. How sad that it no longer is.

Carl Baer  
Eden Prairie, MN

### Revolving Door

> Thank you for your factual and informative article, "Revolving Door Courthouses." I hope that more people will see how corrupt the judicial system can be with the revolving door criminals. I am active with the Innocence

### Giving Thanks

> Thank you for your work. In today's world, it is difficult to find the truth. The radio stations we listened to growing up (trusting them with their news) are no longer even an option to be a trusted news source. Local radio stations are allowed limited "top of the hour" news sources and aren't the choice they would even want.

**"With our freedom being challenged daily, it is especially important to stand up for our beliefs and the Constitution."**

The *Minnesota News Network* is also so slanted in choosing certain words and topics that fit their mission. We have had to get smarter in getting our news sources. With our freedom being challenged daily, it is especially important to stand up for our beliefs and the Constitution.

Anita Harmala  
Dassel, MN

### Withering Hope

> When I read the magazine stories, my heart always sinks. I cannot believe what happened to Kim Potter and wonder why anyone would want to be a cop anymore.

I feel like we've lost the battle in our country while evil prevails, and people refuse to do the right thing. Oh, I forgot, there is NO MORE right and wrong. It's only "my truth" that matters.



MISSION CREEP

## IMPRUDENT AND ILLEGAL?

The Minneapolis Federal Reserve's lobbying for the Page Amendment undermines the bank's independence and might just break the law.

BY PETER NELSON

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I admire your work, but honestly, our country will never be the same. So discouraging.

*JoAnn Grundhauser  
White Bear Lake, MN*

**Best Practices**

> I recently retired as a Probation Officer in Hennepin County. I spent 32 years dealing with the criminals of Hennepin

County and dealing with the prosecutors and “judges” on the bench. I can tell you from personal experience in the past 5-7 years the bench has become such a disappointment to corrections. Our experience has been replaced by “good feeling progressive policies,” along with “best practices.” I saw first-hand clients who had been sentenced to extensive prison sentences deferred because the client was deemed “amenable to probation.” Trust me, a person in jail will say ANYTHING to get out of jail and to be found “amenable” to probation. Many times, clients were released to go to treatment where they stayed a few hours or days then disappeared, only to be picked up later (anywhere from a few days to several months) with a new charge, and an updated request for treatment, then



be released and disappear...over and over. It’s about time someone printed the truth about the minimal punishment that the court is passing out. Thank you for shining a light on a major problem why crime is out of control. ★

*Brian Campbell*

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# UP FRONT

Criminal Justice

## NEVER MIND

The tone-deaf members of Minnesota’s Sentencing Guidelines Commission abandon their plan to reduce prison terms during our record spike in violent crime. At least for now.

**A**fter a cantankerous reaction by anxious Twins Citizens in the midst of a violent crime spree, the Minnesota Sentencing Guidelines Commission apparently has quietly shelved its controversial proposal to *reduce* prison terms for some convicted felons.

The whole ordeal moved a lot of concerned Minnesotans to learn more about the commission and the tone-deaf people who operate it.

### Forming the commission

The sentencing commission is one of 256 boards and commissions spread throughout Minnesota’s government, acting akin to a fourth governing branch. Almost no two are alike in who gets to appoint, who is eligible to serve, the pay rates (if any) offered, the service terms, and so on. But only one of them gets to determine how much time a convicted felon will spend in state prison.

That responsibility falls to the Minnesota Sentencing Guidelines Commission. The state legislature created the commission in the early 1980s to develop guidelines to help standardize felony sentencing.

The commission’s membership is formed through a combination of appointees who don’t reflect a bipartisan, non-political entity like many of the other state commissions. The chief justice of the Minnesota Supreme Court and

the cabinet-level commissioner of corrections are *ex officio* members. In turn, the chief justice appoints two members: an appeals court judge and a district court judge. The governor then appoints seven additional members, which must include a county attorney (prosecutor), a police officer, a public defender, and a probation officer. The last three of the seven are considered “public” members, one of which must include a crime victim.

At present, eight of the 11 members were appointed by Gov. Tim Walz. Only one member self-identifies as a Republican. He is the district court judge appointed by the chief justice. The commission’s guidelines are based on a points system, with various factors adding points that result in longer sentences. Felons can accumulate up to six points for things such as previous felony convictions or whether the felon was currently on probation or parole.

The guidelines are portrayed on a grid, with the level of crime on the y-axis and the number of points (and resulting length of the sentence in months) on the x-axis. Judges are not required to follow the guidelines, and many don’t. Despite the grid’s recommendations, many convicted felons receive stayed sentences or probationary terms.

In 2020, judges adhered to the grid in 72 percent of their sentences; downward



**“It’s really hard to get sent to prison in Minnesota.”**

—Commission member Michelle Larkin, who is also a sitting judge on the state’s Court of Appeals

departures — sentences levied below the recommendation — totaled 26 percent. Upward departures were a mere 1.4 percent with the remaining cases classified as “unclear.”

### Why reduce sentences?

The controversial proposal that prompted a firestorm of public opposition — including 3,800 letters of opposition coordinated by Center of the American Experiment — would have the effect of reducing sentencing for some offenders by dropping the “custody status” item from the points system. In other words, felons could not receive a longer sentence if they commit a new crime while on probation or parole.

Their rationale revolves around the progressive idea that incarceration does not deter crime and lengthy prison sentences do not reduce crime rates. One

## Sentencing Guidelines Grid

is reminded of the famous “Fox Butterfield effect,” first described by then *Wall Street Journal* columnist James Taranto. Fox Butterfield was a journalist for the *New York Times*, who in a 1997 piece expressed astonishment at FBI statistics showing falling crime rates *despite* increasing prison populations. Butterfield assumed that falling crime rates meant *fewer* people should be in prison. Taranto noted an alternative view that reverses the cause and effect. Lower crime rates were the result of more criminals in prison.

Some members of Minnesota’s current Sentencing Guidelines Commission go beyond the Butterfield effect. They apparently presume that incarcerating fewer criminals for shorter sentences will *reduce* crime rates, as the emphasis shifts from punishment to compassion and rehabilitation. The proposal brought before the commission would have codified this assumption. But Minnesotans currently experiencing some of the worst crime rates in the state’s history, disagreed.

### How the sausage is made

One of the six votes in favor of the proposal was from a public member, Tonja Honsey, appointed by Gov. Walz. On her application for the position, she self-identified as a Native American, however, the *New York Times* reported in June 2020, Honsey had been accused of falsely representing her Native American heritage. The *Times* also reported that Honsey was the sole full-time employee of the Minnesota Freedom Fund, the organization that provides cash bail in order to release felons from pre-trial custody, including rioters from the George Floyd-related unrest. She is no longer listed on the Fund’s website as a staff member.

The *Star Tribune* reported back in 2019 that Honsey was believed to be the first appointee to the commission to be a formerly incarcerated female. Her past charges include drug-related offenses, check forgery, and theft. She describes

Presumptive sentence lengths are in months. Italicized numbers within the grid denote the range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subject to local confinement.

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)	CRIMINAL HISTORY SCORE							
	0	1	2	3	4	5	6 or more	
<i>Murder, 2nd Degree (Intentional; Drive-By-Shootings)</i>	11	306 <i>261-367</i>	326 <i>278-391</i>	346 <i>295-415</i>	366 <i>312-439</i>	386 <i>329-463</i>	406 <i>346-480<sup>2</sup></i>	426 <i>363-480<sup>2</sup></i>
<i>Murder, 2nd Degree (Unintentional)</i> <i>Murder, 3rd Degree (Depraved Mind)</i>	10	150 <i>128-180</i>	165 <i>141-198</i>	180 <i>153-216</i>	195 <i>166-234</i>	210 <i>179-252</i>	225 <i>192-270</i>	240 <i>204-288</i>
<i>Murder, 3rd Degree (Drugs)</i> <i>Assault, 1st Degree (Great Bodily Harm)</i>	9	86 <i>74-103</i>	98 <i>84-117</i>	110 <i>94-132</i>	122 <i>104-146</i>	134 <i>114-160</i>	146 <i>125-175</i>	158 <i>135-189</i>
<i>Agg. Robbery, 1st Degree</i> <i>Burglary, 1st Degree (w/ Weapon or Assault)</i>	8	48 <i>41-57</i>	58 <i>50-69</i>	68 <i>58-81</i>	78 <i>67-93</i>	88 <i>75-105</i>	98 <i>84-117</i>	108 <i>92-129</i>
<i>Felony DWI</i> <i>Financial Exploitation of a Vulnerable Adult</i>	7	36	42	48	54 <i>46-64</i>	60 <i>51-72</i>	66 <i>57-79</i>	72 <i>62-84<sup>2,3</sup></i>
<i>Assault, 2nd Degree</i> <i>Burglary, 1st Degree (Occupied Dwelling)</i>	6	21	27	33	39 <i>34-46</i>	45 <i>39-54</i>	51 <i>44-61</i>	57 <i>49-68</i>
<i>Residential Burglary</i> <i>Simple Robbery</i>	5	18	23	28	33 <i>29-39</i>	38 <i>33-45</i>	43 <i>37-51</i>	48 <i>41-57</i>
<i>Nonresidential Burglary</i>	4	12 <sup>1</sup>	15	18	21	24 <i>21-28</i>	27 <i>23-32</i>	30 <i>26-36</i>
<i>Theft Crimes (Over \$5,000)</i>	3	12 <sup>1</sup>	13	15	17	19 <i>17-22</i>	21 <i>18-25</i>	23 <i>20-27</i>
<i>Theft Crimes (\$5,000 or less)</i> <i>Check Forgery (\$251-\$2,500)</i>	2	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19	21 <i>18-25</i>
<i>Assault, 4th Degree</i> <i>Fleeing a Peace Officer</i>	1	12 <sup>1</sup>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19 <i>17-22</i>

Presumptive commitment to state imprisonment.

Presumptive stayed sentence; at the discretion of the court.

herself as an “incarceration survivor.” Not surprisingly, she is a passionate advocate for shorter felon prison sentences.

On the current proposal, Honsey told the *Pioneer Press* “I think that we need to end this ‘us versus them’ when it comes to public safety,” adding “Public safety needs to include everyone.”

Also voting in favor of the proposal was Corrections Commissioner Paul Schnell. His perspective was reportedly strictly financial. Schnell oversees an annual budget of \$660 million and the proposal was estimated to free up 538 prison beds once it takes effect and fewer convicted felons are sent to prison. But those newly emptied prison beds represent criminals now returned to the street.

Commission member David Knutson,

a sitting District Court judge, opposed the proposal and told the *Pioneer Press*, “If a person is in custody or on probation, they are more culpable; they are more deserving; they are more blameworthy. We haven’t gotten their attention. They are out violating the safety of the public.”

An obvious viewpoint not represented in the debate or having a vote on the proposal was that of the victim. The designated public member crime victim seat was empty at the time and not filled until the January 2022 meeting. That member, Brooke Morath, was not appointed by the governor until November 2021. The seat on the commission designated for a police officer was vacant as of March. The proposal was not scheduled to be taken up at the March

10 meeting, so in all likelihood, this seat will remain vacant.

### Misrepresentation

Schnell appeared to dismiss *en masse* the huge volume of public comments submitted both in writing and in person, as uninformed. He specifically decried what he called “tough on crime rhetoric,” and framed the issue as a “false choice” between being “tough on crime and soft on crime.” Without mentioning American Experiment by name, Schnell went out of his way to single out the “fearmongering rhetoric” of the “solicited, one-click emails.”

Commission member Michelle Larkin pushed back on Schnell’s characterization of the public comments. Larkin, a sitting judge on the state’s Court of Appeals, praised the public’s participation in the process and pointed out that 94 percent of public comments opposed the proposal.

She noted the large number of emails were from individuals containing personal comments.

Speaking as a former public defender, Judge Larkin observed that “it’s really hard to get sent to prison in Minnesota.” Larkin summarized much of the public sentiment on the issue, the concern over the justice system’s “revolving door,” and fear about rapid rises in violent crime, especially carjackings. She noted the disconnect between academic research supporting shorter prison sentences and the lived experience of the public.

It’s important to hold government agencies and representatives accountable for the policies they put in place. In the case of the Sentencing Guidelines Commission, they were preparing to enact new procedures without direct input from Minnesotans, which these policy decisions would have a direct affect. Minnesotans made their voices heard and got results, but has the state government learned its lesson? ★

—Bill Glahn



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American Experiment Update

## Water Cooler Talk

In case you missed it...and what to watch for.



what to do with the \$9.3 billion state surplus, how to address the state's rising crime, redistricting, and what lawmakers can do to thwart Critical Race Theory in public schools. Readers can view the video on our website, as well as many other multimedia clips and appearances ([AmericanExperiment.org/multimedia/videos/](https://AmericanExperiment.org/multimedia/videos/)).

### New alliances

The Center's Education Policy Fellow Catrin Wigfall headlined a February 24 event about Critical Race Theory and the miseducation of America's youth in River Falls. The event was the first in American Experiment's new partnership with the Badger Institute, a Wisconsin-based think tank. Look for future partnership events when CAE's Economist John Phelan will discuss alcohol regulation and tax policy.

### The professor is in

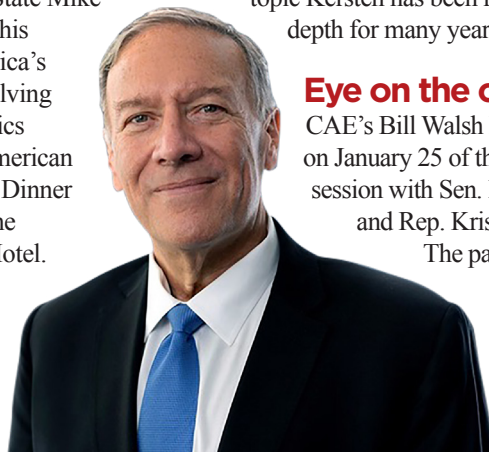
One hundred fifty people endured a spring blizzard on February 22 to hear Political Science Professor Wilfred Reilly describe how mainstream media pushes falsehoods about America, especially surrounding ideas of race, class, and crime. This is perpetuated, Reilly states, because "there is a control of our information disseminating infrastructure by a tiny number of people with very similar ideas and a unified political belief — that is not good." The event, part of American Experiment's ongoing lunch forums, was held at the Omni Viking Lakes Hotel in Eagan. It was co-hosted

### Give It Back

American Experiment is calling for Gov. Tim Walz and the Minnesota legislature to give back to taxpayers what's rightfully theirs: the \$9.3 billion budget surplus. CAE will hold a rally at 11:30 am Saturday, April 23 on the Capitol steps to demand permanent tax cuts and a reduction in state spending. It's time to make our voices heard and demand accountability and fiscal responsibility.

### Guest of honor

Former Secretary of State Mike Pompeo will provide his perspectives on America's positioning in the evolving tension in world politics when he headlines American Experiment's Annual Dinner on Friday, May 6 at the Minneapolis Hilton Hotel. A cocktail reception starts at 5:30 pm, ballroom doors open at 6:30, dinner and the program begin at 7. Go to



Mike Pompeo, Former United States Secretary of State.

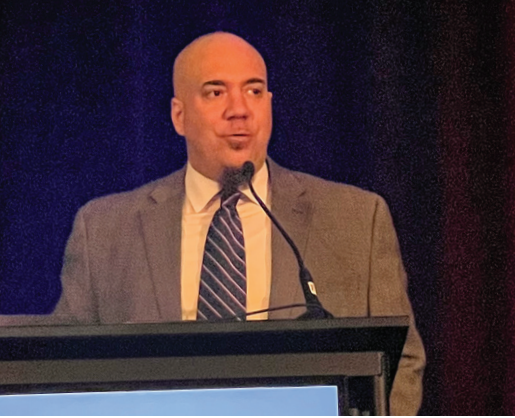
[AmericanExperiment.org](https://AmericanExperiment.org) for information and to purchase tickets.

### Kersten most read opinion in *Star Tribune*

CAE's Senior Policy Fellow Katherine Kersten had the most read op-ed in the *Star Tribune* in 2021. The announcement came from the paper's Editorial Board in the December 31, 2021 edition. "Woke revolutions looms for Minnesota schools" highlighted a radical leftist agenda overtaking the state's public schools, a topic Kersten has been reporting on in-depth for many years.

### Eye on the capital

CAE's Bill Walsh hosted a preview on January 25 of the 2022 legislative session with Sen. Mark Johnson and Rep. Kristin Robbins. The panel discussed



Professor and author Wilfred Reilly told an American Experiment lunch forum how mainstream media pushes falsehoods about America.

by TakeChargeMN. Reilly also signed copies of his books, *Taboo: 10 Facts You Can't Talk About* and *Hate Crime Hoax*.

### Law and order

American Experiment's new Public Policy Fellow Jeff Van Nest addressed public safety issues at what was planned to be double-header events at the Center's regional chapters in Owatonna and Rochester on March 15. Unfortunately, leftist activists pressured the Rochester Country Club to cancel the event, which was to feature Van Nest, Olmsted County Sheriff Kevin Torgerson, and Rochester Police Chief Jim Franklin. "It's too bad the Rochester Country Club couldn't stand up for free speech today and stay true to their contract," said John Hinderaker, president of Center of the American Experiment. "The people of Olmsted County were denied the chance to hear from a great panel of experts on a really important topic. But free speech will ultimately prevail. We will reschedule the event in Rochester at a different venue as soon as possible." The events were to feature panels of local law enforcement officials. The event in Owatonna proceeded as planned with Van Nest hosting a panel that included Steele County Sheriff Lon Thiele, Steele County Prosecutor Daniel McIntosh, Owatonna Chief of Police Keith Hiller, and School Administrator Jeff Elstad. It was attended by 115 members of the community. They heard from the panel about how to build a better coalition

of neighbors and law enforcement to ensure the safety of their city and build a network of trust and accountability.

### New crime initiative

The Center's latest project, the Criminal Injustice Tracker ([AmericanExperiment.org/criminalinjustice/](http://AmericanExperiment.org/criminalinjustice/)), exposes judges and prosecutors who refuse to hold career criminals accountable for their crimes. Regular posts feature specific details of crimes, criminals, and the prosecutors and judges who spin them through the revolving door of justice so they can re-offend. Minnesotans can email tips about cases in their communities that could be featured on the Criminal Injustice website at [tips@AmericanExperiment.org](mailto:tips@AmericanExperiment.org).



### Florida on our mind

Center president John Hinderaker traveled to Naples, Florida on March 1 expounding on American Experiment's vision regarding public safety, education, cost of living, and the Center's fight to restore Minnesota's future through sound public policy and grass roots activism. The Minnesota Evening in Naples drew a crowd of 110. The Center is planning to make this an annual event.

### Stay informed

Readers of *Thinking Minnesota* can find daily updates on American Experiment's activities at [AmericanExperiment.org](http://AmericanExperiment.org). While there, they can check on the Center's merchandise for sale, sign up for exclusive bonus content, and request a speaker. ★



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## Bad Policy Versus Worse

Minneapolis should take heed of other cities' mistakes when implementing new rent control policies.

**R**ent control policies nowadays follow a certain formula. To control for some of the negative effects on housing supply, lawmakers usually exempt new construction, allow vacancy decontrol — whereby landlords can reset rents to market levels once a tenant moves out — and index rent hike caps to inflation.

But all is not well with moderate rent control policies. Even places that have implemented these provisions have faced similar detrimental effects. From San Francisco and Cambridge to Ontario and Berlin, as well as numerous other cities, moderate rent control — aka rent stabilization — has only worked to reduce the quantity and quality of housing.

As far as rent stabilization goes, policies range from bad to worse. And this proposal by some Minneapolis City Council members to follow in St. Paul's footsteps — with a policy that caps rent

control hikes at no more than 3 percent per year, does not allow vacancy decontrol, and does not exempt new buildings — is one of the worst ones.

St. Paul has already seen building projects come to a standstill, and Mayor Melvin Carter has asked the city council to make amendments exempting new construction. This should be caution enough for Minneapolis. But numerous other cities have had rent control policies much less stringent than St. Paul's, and even those laws were abandoned due to the negative outcomes. The idea that somehow Minneapolis will come out unscathed and will only enjoy all the benefits that rent control has to offer, namely stability and affordability, without the negative consequences experienced by these other cities, is illogical and destructive.

Unless landlords rent buildings out of the goodness of their hearts and won't

mind making losses, there is no way to reconcile the idea that “greedy” landlords will somehow accept less profit without changing their behavior once rent control is enacted.

The fact of the matter is that there are no good or bad rent control policies, only varying degrees of bad. Regardless of what type of policy the city council pursues, there are bound to be some negative consequences. There is

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**The fact of the matter is that there are no good or bad rent control policies, only varying degrees of bad. Regardless of what type of policy the city council pursues, there are bound to be some negative consequences.**

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no way to have a robust rent control policy without hurting the housing supply. Just like there is no way to have a weak rent control policy without hurting housing supply — albeit to a slightly smaller extent.

But unlike the St. Paul ballot, the Minneapolis ballot only empowers the city council to adopt some form of rent control, meaning that there is a lot of leeway for the Minneapolis City Council to come up with a more thoughtful policy.

If Minneapolis City Council members insist on adopting a rent control policy, the least they could do is resist the temptation to make what is already considered a bad policy even worse. ★

—Martha Njolomole

*A version of this op-ed appeared in the Star Tribune.*





# It's our surplus **GIVE IT BACK**

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### Ask the Cops

Members of law enforcement are routinely excluded from ‘reforms’ that make our communities less safe.

**C**alls to ban no-knock search warrants following Amir Locke’s shooting death in downtown Minneapolis highlight a disturbing and growing trend in which law enforcement professionals are routinely excluded from important conversations about public safety reform in Minnesota.

Minnesota peace officers are correctly held to very high standards. To enter the profession, aspiring officers must first satisfy stringent requirements established by the Peace Officer Standards and Training Board. Unlike other states, candidates in Minnesota must have at least an associate degree or acceptable military experience in lieu of college. Candidates are also required to successfully complete a rigorous specialized professional education program at one of 30 certified institutions across the state. Once on the job, peace officers are required to complete 40 hours of continuing education over three years to maintain a state license. As with any noble profession, the public expects continuous improvement for the benefit of society. Could you imagine changes in the practice of medicine without inviting opinions from qualified doctors?

Unfortunately, some political leaders seldom invite the views of Minnesota’s law enforcement professionals. When Mayor Jacob Frey banned no-knock warrants while the city considered revisions to the Minneapolis Police Department policy, he appointed DeRay Mckesson, an anti-police activist, and Dr. Pete Kraska, an academic from Eastern Kentucky University to suggest policy changes. Mckesson seems like a particularly odd choice because he was sued for his role during a

protest-turned-riot in Baton Rouge, Louisiana, where a police officer was seriously injured. Law enforcement was excluded from this important discussion.

This is reminiscent of revisions to the Minnesota deadly force statute in 2020 without police input, which further limited police officers’ discretion to protect



themselves or others. One of the many problems with the statute required police officers to justify why they used deadly force. A Ramsey County court granted an injunction to stop the law from taking effect because it infringed on a police officer’s constitutional rights. Portions of the law were later stricken altogether. Similarly, Ramsey County Attorney John Choi overlooked objections from some law enforcement organizations when he unilaterally announced that he would no longer prosecute felonies arising from low level traffic stops, even as serious gun crimes in the Twin Cities continue to skyrocket. More recently, a Richfield special education high school removed

magnetometers from its school’s entrance without first talking to the police. Months later a student was shot to death by a fellow student in that school.

Some will argue that police input is irrelevant because no-knock warrants or other police tactics are too dangerous for everyone involved. This critique misses the point. Law enforcement professionals can use their real-world experience to show where tactics saved lives, including those of officers, victims, and perpetrators. Policymakers need this perspective to properly assess the trade-offs posed by using or not using no-knock warrants.

Law enforcement leaders might show how no-knock warrants help locate and arrest an armed criminal, rescue hostages held at gunpoint, or remove a drug cartel’s stash house from a residential neighborhood. It is even more important following police shootings to invite professional law enforcement views on any proposed reform. Giving police representatives a seat at the table underscores that they are full partners in the community, are responsible for public safety, and will ensure that proposed policy changes will not create unintended consequences that put police officers or the community at greater risk. ★

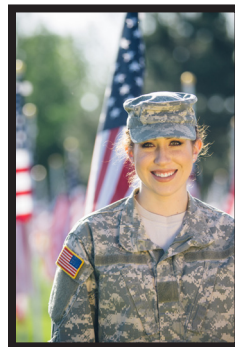
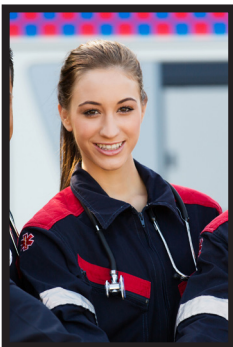
—Jeff Van Nest

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TOM STEWARD

## THE PEOPLE'S HOUSE?

House autocrats kept the public locked out as Democrats still met with each other and lobbyists on the side.

As far back as October, the Speaker of the Minnesota House of Representatives, Rep. Melissa Hortman, DFL-Brooklyn Park, put all 134 House members and staff on notice. Buckle up for a third straight locked down legislative session conducted largely online with most members participating from the convenience of home, shielded from public scrutiny and safe from the accountability that comes with in-person committee hearings.

“This decision was not made lightly,

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**“This Zoom legislating is not conducive to public input. When you can't look somebody in the eye and have a conversation with them, it just makes for bad policy.”**

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but with full consideration for the health and safety of members, staff, and the public,” Speaker Hortman said in a House 2022 Session Operations memo.

Above all, Hortman insisted the State Office Building, the House of Representatives' nerve center crammed with member and staff offices and legislative hearing rooms, remain closed to the public until further notice. Representatives and staff were urged to



Tom Steward

work remotely unless it was absolutely necessary for them to risk entering the building due to COVID and unspecified security concerns.

“Anyone unable to demonstrate their authorization will be asked to leave,” a House announcement warned.

While the perils of the pandemic prevented most House DFLers from convening at their offices, dozens of those same members had no qualms about getting together for a group meeting at the River's Edge Convention Center in St. Cloud in December. During breaks, they even took the time for team building, shopping, and visiting restaurants downtown.

“It was an honor to host my col-

leagues in St. Cloud, and I'm proud that our community was at the forefront of legislators' minds as we set our agenda and priorities for the 2022 legislative session,” said Rep. Dan Wolgamott, DFL-St. Cloud, who shared a group photo with dozens of masked members bunched together on social media.

Nor did the COVID crackdown curtail House DFLers' penchant for in-person fundraisers, though lobbyists were among those locked out of meeting with them in the State Office Building. A flyer for a fundraiser for Rep. Andrew Carlson, DFL-Bloomington, dangled the prospect of mingling with “Special Guest” DFL House Majority Leader Ryan Winkler. Suggested contribution? Anywhere from \$50 to \$1,000.

“I get all their fundraising invites, but they have no desire to sit down and have a conversation about issues,” said a veteran lobbyist who requested anonymity. “This Zoom legislating is not conducive to public input. When you can't look somebody in the eye and have a conversation with them, it just makes for bad policy.”

But just prior to the 2022 legislative session, House Republicans began reoccupying their offices, establishing a “freedom zone” on the second and third floors. The speaker's order for universal masking unless alone in their offices with the door closed was not enforced, despite her threat to block the





Rep. Melissa Hortman

key cards of serial offenders. Meanwhile, a trip to the fifth floor found DFL offices remained largely dark and abandoned.

“You’re not supposed to be here. We’re not allowed to have anyone in here,” House Minority Leader Kurt Daudt, R-Crown, said in an interview in his office. “But we don’t really care. We believe the public is entitled to be in the public’s building. So we invite people in, we escort people in all the time.”

Yet weeks into the legislative ses-



**“We believe the public is entitled to be in the public’s building. So we invite people in, we escort people in all the time.”**

—House Minority Leader Kurt Daudt

sion, House members were still prohibited from meeting in their offices with constituents.

“I held office hours today at the Capitol,” Rep. Jim Nash, R-Waconia, tweeted. “The Speaker has

closed off access to the public to all State Reps. So I met with about a dozen constituents and advocates in the rotunda.”

The prohibition raised concerns across the political spectrum over lack of access and transparency.

“We’ve received dozens of complaints from constituents who don’t understand why they can wear [a] mask and socially distance to safely do anything else in MN except connect with their elected in bldgs. their tax money pays for,” Minnesota Common Cause said on Twitter.

Hortman finally cracked, announcing a partial reopening of the State Office Building in late March, as of this writing. Yet continuing to hold most committee hearings online and closing off the building to the public again for a years-long renovation could perpetuate a troubling trend for some observers.

“Closed government is a recipe for trouble. Between the pandemic and then before it the remodeling of the State Capitol, the legislative process has been largely closed to the public for years,” said Hamline University political science professor David Schultz. “...While the pandemic is not over, there must be reasonable precautions that can take place to again bring back public deliberations to all of the state government.” ★



### All Pain, No Gain

Inflation-strapped Minnesotans will pay a 20 cents per gallon penalty for gas and diesel to underwrite Walz's toothless California Fuel Standards.



**G**as prices in Minnesota are the highest they have been since 2013.

Unfortunately, Gov. Walz and other liberal lawmakers want to adopt a costly California fuel standard in Minnesota, which will further increase the cost of gasoline and diesel fuel for Minnesota families. American Experiment's latest report, "Gas Station Inflation" details how this policy will have no measurable environmental benefit, and provide zero revenue to maintain roads and bridges.

#### What is a California Fuel Standard?

The California Fuel Standard (CFS) is a complex government program that acts as a cap-and-trade system aimed at lowering emissions of greenhouse gases (GHGs) from our cars, trucks, and tractors by reducing the average amount of greenhouse gases emitted by burning the fuel in the gas tanks for transportation in Minnesota.

These government mandates require

gasoline and diesel producers to reduce the greenhouse gas emitted by their fuels, or purchase credits from producers of lower-emissions fuels to offset them from their emissions.

In California, these credits frequently cost over \$200 per ton of carbon dioxide, which translates to 22 cents per gallon, according to an analysis from Stillwater Associates. These costs get passed along to families and businesses in the form of higher prices at the pump for gasoline and diesel fuel.

#### Huge pain at the pump

The CFS has increased gas prices in California every year since it was enacted, and it is one reason why average gas prices in the Golden State are over \$5.91 per gallon.

Stillwater Associates estimates that enacting CFS in Minnesota could increase gas prices by 20 to 54 cents per gallon. This will cost the average Minnesota

household an additional **\$210 to \$569 per year**. Diesel fuel would see similar price increases.

The CFS would also be a double whammy to Minnesota's economy because high energy prices reduce the amount of money families have to spend on rent, food, or medical bills. Businesses also have higher overhead costs, leading them to increase prices. High energy costs are a big factor driving inflation to its highest levels in 40 years.

CFS would also hurt Minnesota farmers. The average farm in Minnesota uses 3,640 gallons of diesel fuel every year. Some farms use more fuel, some use far less. Under a CFS, farmers would see their diesel bills increase by \$692 to \$1,800 per year, on average.

#### No measurable environmental benefits

Despite the high costs the CFS would impose on Minnesota families, it would have

zero measurable environmental benefits.

The CFS intends to reduce greenhouse gases from transportation fuels by requiring gasoline and diesel producers to reduce the amount of carbon dioxide released when burning fuel. But reducing greenhouse gas from Minnesota's transportation sector by 20 percent would only reduce future global temperatures by 0.0002 degrees Celsius by 2100 — an amount so small it is impossible to measure with even the most sophisticated scientific equipment, according to climate scientist Patrick Michaels.

In fact, eliminating *all* of the greenhouse gases emitted by transportation in Minnesota would reduce future global temperatures by 0.00095 degrees Celsius by 2100. This program is simply all pain for no environmental gain.

### Not a cent for roads and bridges

Unlike a gas tax, which raises prices at the pump to pay for roads and bridges, none of the extra money Minnesotans will pay for gas as part of a California Fuel Standard will pay for crucial infrastructure projects.

Instead, these extra costs would become profits for companies that generate credits under the mandates and sell them to gasoline and diesel producers. This can include companies that install electric vehicle charging stations, or generate fuel with biomethane, renewable diesel, or other fuels.

In the end, Minnesotans would pay more for gasoline but not see the money go to maintaining the roads.

All Minnesotans want a cleaner environment for our friends and families, but the California Fuel Standard is all pain and no gain. Lawmakers should reject this expensive policy that will harm rural Minnesotans and low-income communities in urban areas by driving up the cost of driving to work, the grocery store, and everywhere else. ★

—Isaac Orr



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# The Return of the ‘Death Spiral’

Just when you thought it was safe to get back in the health care pool, Biden’s ACA would take a bite out of affordability.

**T**he implementation of the Affordable Care Act (ACA), commonly known as Obamacare, threw the individual health insurance market in crisis. The Trump administration took strong administrative actions to help the market stabilize premiums and bring health insurers back into the market. Unfortunately, the Biden administration now threatens to reverse that success and spin up Obamacare “death spirals” that could kill the market for anyone who earns too much to qualify for federal premium subsidies.

### Trump administration inherited a crisis

After the law’s main provisions took effect in 2014, skyrocketing premiums soon made health insurance unaffordable as average monthly premiums jumped by 93 percent from 2013 to 2017. Narrowing provider networks made the best doctors and hospitals inaccessible. Rising deductibles and cost sharing only worsened these affordability and accessibility problems. In this environment, insurance companies began to flee. Seventy insurers left the market in 2016 — a 30 percent drop.

All of this pushed healthier people who earn too much to qualify for subsidies to drop out of the market. From 2015 to 2016, according to a Centers for Medicare & Medicaid Services (CMS) report, 23 states experienced a drop in unsubsidized enrollment. Minnesota experienced a far steeper decline than most states. From 2015 to 2016, unsubsidized enrollment dropped by 22 percent in Minnesota and then dropped another 53 percent in 2017, the third largest drop in the country.

As healthier people left the market, the risk pool got sicker making premiums even more expensive the next year. Enough cycles of premium hikes pushing healthier people to leave the market can make the risk pool too expensive to survive. This cycle is called a death spiral.

While the subsidized portion of the insurance market is protected from a death spiral thanks to federal deficit spending, the Trump administration inherited an affordability and enrollment crisis among the unsubsidized.

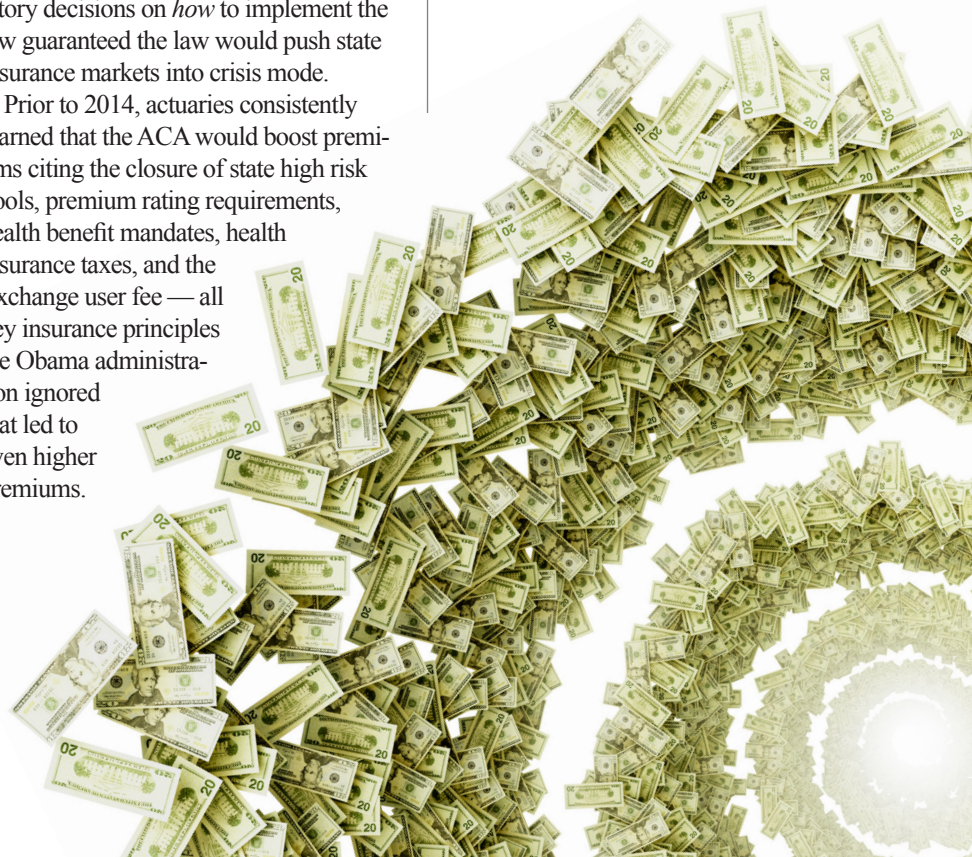
### Obama-era decisions created the crisis

The ACA led the insurance market down this damaging path, but Obama-era regulatory decisions on *how* to implement the law guaranteed the law would push state insurance markets into crisis mode.

Prior to 2014, actuaries consistently warned that the ACA would boost premiums citing the closure of state high risk pools, premium rating requirements, health benefit mandates, health insurance taxes, and the Exchange user fee — all key insurance principles the Obama administration ignored that led to even higher premiums.

Obama’s famous promise “if you like your health plan you can keep it” unraveled in 2013 with the embarrassing news that insurers were canceling plans to align with Obamacare. In response, Obama decided to allow people to keep non-compliant “transitional” plans. This helped Obama politically, but it also gave healthier people the choice to stay in transitional plans and out of the regular market, which undermined the risk pool.

To boost enrollment, the Obama administration also loosened enrollment rules that allowed people to wait until they were sick to enroll. This made adverse selection — people selecting insurance based on their health status — a much bigger, ongoing problem for the market.





## Trump policies helped stabilize the market

Met with an insurance market in crisis, the Trump administration quickly implemented policies to stabilize it.

Enrollment periods play an important role in the overall structure of the ACA to mitigate adverse selection and protect the risk pool. The ACA requires insurers to guarantee coverage to everyone without charging more to sicker people. Without any other rules, these guarantees would allow people to wait until they're sick to enroll. The ACA established an annual open enrollment period (OEP) that limits enrollment to a short window to ensure people enroll at the beginning of the year and stay enrolled. The ACA also includes special enrollment periods (SEP) that allow people to enroll at any time of the year if they experience a special life event, like losing job-based coverage, getting married, having a baby, or moving.

Obama rules established an extended three-month OEP, far longer than OEPs established for employer health plans and Medicare. More problematic, Obama's SEP rules basically allowed people to self-attest to experiencing a qualifying life event, leaving SEPs wide open to fraud and abuse. The Trump administration locked down these enrollment rules as best they

could by shortening the OEP to six weeks and instituting pre-enrollment verification for enrollment in certain SEPs. The Trump administration advanced other policies to improve the market by lowering fees and enabling states to deal with ACA on their own terms.

Altogether, these strategies stabilized the individual market. Beginning in 2019, premiums for the average benchmark plan on HealthCare.gov declined for three consecutive years, enabling insurers to return to the market. Despite these improvements, premiums remained out of reach for too many, but the market was moving in the right direction.

## Biden agenda threatens the risk pool

Despite this success, the Biden administration wants to roll back Trump administration policies and adopt the same failed Obama-era approach. In short, it wants to spin up Obamacare's death spiral.

Biden has already extended the OEP from six to 10 weeks, raised the Exchange user fee, repealed an option for states to use enhanced direct enrollment in place of HealthCare.gov, and removed regulations that gave states more flexibility to waive ACA requirements. In addition, the rule finalized a new SEP that allows anyone earning less than 150 percent of the federal poverty level (FPL) to enroll at any time of the year.

Now it wants to loosen enrollment rules even more by repealing pre-enrollment verification for all but one SEP and requiring insurers to re-enroll people even if they still owe past-due premiums. This wrongheaded approach clearly reflects a troubling misunderstanding of health insurance and a willful effort to ignore the facts.

On top of this, Biden's Build Back Better agenda would permanently expand the ACA's premium tax credits to people above 400 percent of FPL. Increasing subsidies to reduce premiums might sound like an easy way to make

premiums more affordable, but these subsidies increase dollar-for-dollar with premium increases. It stabilizes premiums for subsidized enrollees but gives insurance companies a blank check to keep increasing costs and insurers get rewarded by raising premiums.

Permanently expanding premium subsidies will virtually eliminate the portion of price-sensitive, unsubsidized consumers who would otherwise demand lower premiums.

## A better path forward

Looking forward, premium affordability remains a critical issue for the individual health insurance market. Trump-era rules helped but did not solve the affordability problem and now Biden is moving to adopt the same failed approach as the Obama administration. The truth is, Congress needs to address key problems with the ACA that cannot be fixed administratively.

To start, shift from the ACA's inflationary premium-linked subsidy to a fixed subsidy. Instead of giving issuers a blank check, this will drive competition and innovation. Next, a federal reinsurance program will bring immediate premium relief by directly funding a portion of high-cost claims while keeping issuers motivated to control costs. Finally, amend ACA requirements to allow issuers to compete to provide higher quality, more tailored coverage for people with pre-existing conditions rather than current incentives for narrow networks and high deductibles.

These strategies will use competition to drive down premiums versus boosting inflationary premium subsidies, transforming the individual market to become part of a long-term solution to help lower the cost of care across America's entire health care system. ★

—Peter Nelson

*Nelson served as a Senior Advisor to the Administrator at the Centers for Medicare & Medicaid Services in the Trump Administration.*



# Watch What We Do, Not What We Say

Amid liberal denials that it is taught in Minnesota's classrooms, the U is looking for a professor with a 'knowledge of and commitment to' Critical Race Theory.

**A**nybody who accepts claims that the tenets of Critical Race Theory (CRT) are not taught in Minnesota's classrooms should look at a recent job posting in which the University of Minnesota is looking to hire an assistant professor of elementary literacy education who has "knowledge of and commitment to" CRT.

"The successful candidate will bring a focus on and commitments to environmental and/or racial justice in their work," according to the job description.

In addition to CRT, the ideal candidate's minimum qualifications must also include knowledge of and commitment to "eco- and climate literacy," "indigenous and decolonizing pedagogies and methodologies," "racial literacy" and "anti-racist and anti-oppressive approaches."

This posting establishes in black and

white that the professional formation of teachers is being guided by an ideology that explicitly rejects rationality and objectivity. In classrooms, the theory's real-world application has manifested itself through race essentialism, collective guilt, and neo-segregation — all which violate the basic principles of equality.

This is where the left wants to take education. The once obscure legal concept embraced by university academics now includes practices that reject the methods, aims, and goals of the Civil Rights Movement.

To understand CRT, look at how the theory defines itself.

"[C]ritical Race Theory questions the very foundations of the liberal order, including equality theory, legal reasoning, Enlightenment rationalism, and neutral

principles of constitutional law," wrote Richard Delgado and Jean Stefancic, two founders of the theory.

CRT's intellectual foundations receive scant attention in news headlines. Instead, the theory's supporters have either claimed it is "just" teaching slavery and Jim Crow — which makes any opposition to CRT appear racist — or that it is a benign, philosophical academic concept only taught in higher education.

Either way, the real test for CRT's supporters lies outside of defending the theory as an esoteric academic exercise but in whether supporters can defend its real-world application and how it is being put into practice.

Do they support eight-year-olds being divided into "oppressed" and "oppressor" groups and forced to deconstruct their racial and sexual identities?

Do they support kindergartners being forced to watch a video of dead black children warning them about "racist police and state-sanctioned violence" who might kill them at any time?

Do they support an ethnic studies curriculum that has students chant to the Aztec god of human sacrifice?

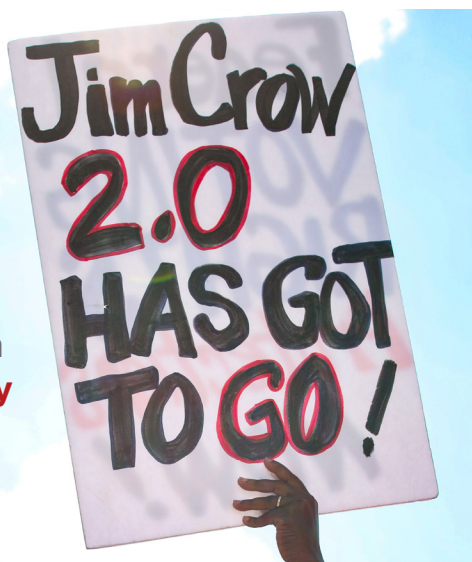
These are real stories about Critical Race Theory in practice. And they have real-life consequences.

The National Education Association (the national teachers' union) passed a resolution prioritizing CRT promotion in public schools. Higher education institutions want those tasked with teaching educators — who then teach our children — to commit to CRT's groundwork for wide-scale resistance.

Parents all across Minnesota are starting to force the debate over how Critical Race Theory is transforming our classrooms into something they were never intended to be, and how its rejection of the fundamental ideas on which our constitutional republic is based is taking us in the wrong direction. ★

—Catrin Wigfall

CRT's intellectual foundations receive scant attention in news headlines. Instead, the theory's supporters have claimed it is "just" teaching slavery and Jim Crow — which makes any opposition to CRT appear racist.



Vic Himeiriang / Shutterstock.com

UMLC

# Low Rent

AG Ellison blocks watchdog group from investigating inappropriate hires.

**M**innesota Attorney General Keith Ellison is stonewalling efforts by a government watchdog group that wants access to documents that might reveal unethical and inappropriate hiring practices within the Office of the Attorney General (OAG).

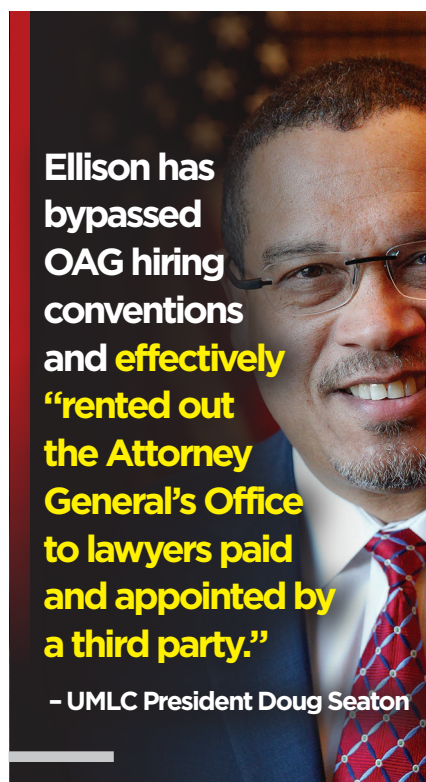
Energy Policy Advocates (EPA), a national organization that pushes for transparency in energy policy, wants to know how two “Special Assistant Attorneys Generals” (SAAG) landed in the AG’s office to pursue “progressive clean energy, climate change, and environmental legal positions.”

EPA’s data requests revealed that these lawyers were seemingly hand-picked and provided to attorney generals across the country by the State Energy & Environmental Impact Center, an organization housed within the NYU School of Law, created and funded by Bloomberg Philanthropies to promote climate and clean energy policies.

On behalf of Minnesota’s Office of the Attorney General, these two SAAGs soon filed a lawsuit against the American Petroleum Institute, Exxon Mobil, Koch Industries, and Koch subsidiaries Flint Hills Resources and Flint Hills Resources Pine Bend. The suit called for them to use their “wrongfully-obtained profits to help Minnesota pay for the devastating effects of climate change,” which they alleged was caused “in large part” by the companies’ decades-long “campaign of deception,” violating consumer protection and fraud laws. In the filing, Minnesota joined dozens of states, cities, and counties that have filed similar climate-reparative

suits in recent years. These cases represent billions of dollars. In March 2021, after the defendants requested that the case be heard in federal court, a judge sent it back to Minnesota state court.

Doug Seaton, president of the Upper Midwest Law Center (UMLC), which represents EPA, says that by hiring externally funded SAAGs, Ellison has bypassed OAG hiring conventions and



effectively “rented out the Attorney General’s Office to lawyers paid and appointed by a third party.”

“You can’t have private parties basically running their lawyers through the AG’s office and pseudo-deputizing them to do whatever those third parties want done,” he adds. “We don’t think it’s lawful for the AG to hire in this way.”

Energy Policy Advocates has spent years investigating the third-party influence on state climate suits. Much

of these behind-the-curtain agreements were discovered in emails obtained by EPA through public records requests filed around the country. But Ellison’s office has provided more challenges by claiming that his office is not subject to the same transparency rules applicable to other government entities. The Minnesota Court of Appeals disagreed and last summer forced Ellison to justify his withholdings with more than “broad and general claims of privilege,” according to UMLC. The court is currently awaiting Ellison’s revised justifications.

A similar but separate case is currently sitting before the Minnesota Supreme Court, also filed by UMLC, representing EPA in obtaining other documents from the OAG.

“Keith Ellison has been the most secretive and anti-transparency Attorney General that our group has sought documents from in the entire nation,” says Chris Horner, attorney for the public interest group Government Accountability & Oversight (GAO). Horner and GAO have worked with EPA on the SAAG investigations nationwide since their inception. “Hopefully after [the court’s] decision, we won’t have to file lawsuits to get documents about which the public has a right to know.”

Either way, Seaton believes the case will have consequences for the perceived accountability and transparency of Minnesota’s government, particularly the Attorney General’s Office.

“It’s a case of the government being handed over to private parties,” he says. “And that’s not the way it’s supposed to be. The citizens are supposed to be the ones running their own government.”

Seaton says he’s “very hopeful” that the Supreme Court will render a decision early so that voters can consider the information before voting for an attorney general in the election in November. ★

—Grace Bureau

## Culture



## Wo(men)'s Sports?

Transgender inclusiveness is an affront to the fairness of sports.

**M**odern sports are not exempt from controversy — just consider the evolution of equipment and rules, race relations, and politics. But nothing has threatened the future of sports more than transgender integration. Allowing biological men to compete as women *against women* destroys the fundamental concept of what makes athletic competition, specifically women's sports, fair. Allowing an unfair advantage to one class of participants is abhorrent and inexcusable, delegitimizing the integrity of the competition. It is no easy task to reach the collegiate level in any sport, man or woman. I know because I was an NCAA Division I swimmer at the University of Minnesota.

I consider swimming a gift. It offered a place where I learned many of life's lessons: being a graceful winner — and a more graceful loser — the value of hard work, perseverance, working

through adversity, and team cohesion. All of these qualities helped build my character and eventually led me to a commission as an officer in the United States Marine Corps. But if I knew the sport I loved was rigged against me in the form of obsequiousness to wokeism masquerading as fairness, I might never have participated.

The University of Pennsylvania women's swimming team has a front-row seat to what is nothing less than the consequences of denying biology for the fantasy of transgender equality in sports. Will Thomas lived and competed his whole life as a male, only identifying as a female and joining Penn's women's team as Lia this year. The NCAA is complicit in this anti-competition campaign and even issued a statement on transgender participation: "The NCAA Board of Governors firmly and unequivocally supports the opportunity for

transgender student-athletes to compete in college sports. This commitment is grounded in our values of inclusion and fair competition." But there is nothing *fair* about it.

The NCAA, following the guidelines of the International Olympic Committee (IOC), requires biological males to demonstrate that their testosterone level has been below 10 nanomoles per liter for at least one year before their first female competition. But a study published in December 2020 by the *British Journal of Sports Medicine* found that after suppressing their testosterone for two years — a year longer than NCAA and IOC guidelines — transgender women still ran 12 percent faster on average than biological females. Twelve percent may seem like a small amount, but in the world of elite athletes, in which the difference between first and second place often comes down to tenths or even hundredths of a second, a 12 percent advantage can seem unsurmountable, and it is certainly *not* fair. ★

—Jenna Stocker

*Stocker, managing editor of Thinking Minnesota, was a member of the University of Minnesota swimming team.*

Center of the American Experiment  
presents

2022

# ANNUAL DINNER GALA

Featuring



**Mike  
Pompeo**

Former United States Secretary of State

FRIDAY, MAY 6TH





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## Race to the Bottom

Exposing identity politics' inconvenient lies.

There is a thriving market for books explaining how the United States is a “White Supremacist” society. As sociologist Robin DiAngelo argues in her book *White Fragility*, this means that “white people in North America live in a society that is deeply separate and unequal by race, and white people are the beneficiaries of that separation and inequality” and that “whites are disproportionately enriched and privileged via these [social] institutions.”

DiAngelo and people like her are keen on putting people in neat boxes in order to explain complex societal issues in strict black-versus-white racial terms. But how do Asian Americans fit into this? Like black Americans, they experienced grotesque racism spanning from the 1882 Chinese Exclusion Act to the internment of Japanese Americans during World War II. However, their economic status and education levels are exceptionally high today. For example, in 2019 the median annual household income of house-

holds headed by Asians was \$85,800, compared with \$61,800 among all U.S. households; Asians are less likely than Americans overall to live in poverty (10 percent vs. 13 percent as of 2019); more than half of Asians ages 25 and older (54 percent) have a bachelor’s degree or more education, compared with 33 percent of the U.S. population in the same age range; and in 2018, 26 per 100,000 Asians were incarcerated in local jails compared to 187 white Americans.

Precisely because they don’t fit into their reductive paradigm, books like *White Fragility* or Ibram X. Kendi’s *How to be an Antiracist* say little about Asian Americans. They are, as Kenny Xu writes in his new book, *An Inconvenient Minority*.

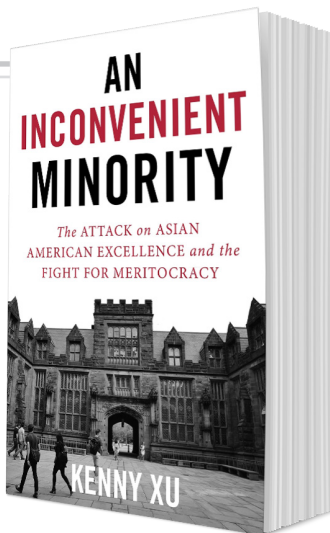
Basing public policy on this false paradigm harms Asian Americans. Thomas Jefferson High School for Mathematics and Science in Arlington, Virginia, is one of the top schools in the country and, of 486 students accepted in 2020, 73 percent

were Asians. “There was no real secret to it,” Xu writes: “The Asian American parents moving into the area were simply investing more in their kids’ math education from an early age. “Parents want their kids to be moving along at the pace they can handle,’ Asra had enrolled her son in gifted math in elementary school. And she made sure to keep him on track — she even homeschooled him for a year so he could get the enrichment he needed.”

But a key element of the “White Supremacy” paradigm is that nobody succeeds on their own merits. DiAngelo dismisses notions of meritocracy as simply one of the “unexamined beliefs that prop up our racial responses.” So, when Thomas Jefferson High School admitted just six black students in 2020, the schoolboard replaced the entrance exam with a lottery for 380 of the 480 slots, arguing that this would “reflect the diversity, equity, and inclusiveness that is core to the mission and values of Fairfax County Public Schools.”

There was no suggestion that previous entry into Thomas Jefferson was marred by racism. “In fact,” Xu writes, “...one analysis by a George Mason University law professor showed that admissions officers accepted 90 percent of Black students who made it to the second round of the application process, while accepting less than 50 percent of white students who made it to the second round, suggesting evidence that the bias might in fact be in their favor. The issue is that the number of Black students who made it to the semifinalist round of the application process was so low... In 2008, 507 white students made it to this semifinalist round. The number of Black students? Thirty-seven.”

Rather than help black students, the school board opted to hobble Asian students. “The school board’s own



analysis for this merit lottery predicted an upsurge in Black, Latino, and white admitted candidates. The Asian population, on the other hand, would drop by a projected 27 percent. A parent’s coalition analyzed the data and found a steeper drop: 55 percent for Asian students. In contrast, the white population would shoot up to 45 percent of the total student body. And the Black and Hispanic representation would both remain in the single digits.”

Some have tried to fit Asian Americans into the paradigm of “White Supremacy” by inventing bizarre concepts like “White Adjacent” — meaning a person who is technically a minority, but has access to, utilizes and sometimes benefits from white privilege. People who rely on fueling racial animus for fame or fortune such as Al Sharpton use these terms to explain how non-black minorities, like Asian Americans, can rise through the socioeconomic ranks and become successful. This is a paradigm that cannot last.

Xu argues that “Until Asian Americans get a grip on themselves and organize into a coherent political identity, they will increasingly face the wrath of a country increasingly turning against their values.” This would be a mistake. Asian Americans have succeeded quite well without adopting racial politics. There is no reason to assume that their own Al Sharpton would be any less useless to Asian Americans than the actual Al Sharpton has been to African Americans. ★

—John Phelan

## Public Safety

# Who’s to Blame?

Minneapolis riot report leaves out Gov. Walz’s unnecessary delay in sending the national guard while the city burned.

On March 8, the Minneapolis City Council released a long-awaited report analyzing the city’s response to protest and civil unrest in the wake of George Floyd’s killing by Minneapolis police. Remarkably, this report fails to account for Gov. Walz’s unnecessary delay sending in the National Guard in a

crisis situation. In fact, the report says no one from the state even bothered to talk to the report’s author even after requests for comments were made. “There has been much discussion and consternation regarding the request for and ultimate response of the Minnesota National Guard (MNG), and to a lesser extent, assistance from other agencies such as the Minnesota State Patrol. We attempted to connect with any representatives from these agencies who might share some insight regarding the requests, but we were unsuccessful.”

What we do know is that Minneapolis Mayor Jacob Frey made a direct request to Gov. Walz for National Guard assistance during a phone call at 6:29 pm on Wed., May 27. Hours later, a written request seeking 600 national guard soldiers was sent for Gov. Walz’s consideration and approval. This request was ignored. The next day, Minneapolis’ 3rd Precinct was burned down by rioters.

The information provided by Minneapolis may have been insufficient to allow Gov. Walz to decide whether to deploy the guard. The report speculates, “We cannot definitively say that this void in information surrounding the request is



the cause for the delay in response, but it is common for the lack of such information to delay or prohibit the authorization of the deployment of military resources in a domestic situation.”

We still don’t know why Gov. Walz ignored the request. The report cites various policies and procedures necessary to formally request national guard assets to support local law enforcement. However, citing policies misses the mark.

Every sensible policy has a carve-out to provide help in a crisis situation when lives or property are at stake. Minneapolis was burning. A state bureaucrat asking a city official to fill out the right form before making a decision is not leadership. Consequently, our communities suffered needless loss.

The conclusion after commissioning this after-action report at a cost to taxpayers of \$229,490 is that there is no conclusion. We still don’t know whether Gov. Walz would send in the guard after a mayor’s formal request because no one from his office was willing to answer a simple question from the report’s author. Minnesotans expect better of our elected leaders. ★

—Jeff Van Nest

URGENCY

# MINNESOTA AT THE CROSSROADS

BY JOHN PHELAN

INTRODUCTION BY  
JOHN HINDERAKER



How indifference about the whopping budget surplus **could permanently anchor Minnesota as a second-rate state.**



**FINAL WORD**

**M**innesota is at a crossroads. For years, key indicators of well-being and competitiveness have been declining. It is not yet too late to turn things around, but if the decline continues, Minnesota will reach a point of no return.

Start with crime. Throughout its history, Minnesota has been a low-crime state. That is one of the reasons why many of us chose to live here in the first place. But today, in the wake of unprecedented murders, carjackings and other violence, Minnesota has officially become a high-crime state. We are now above the national average in per capita serious crimes, ranging from arson to murder. We are also higher than the national average in total property crimes. And this trend toward lawlessness didn't start with George Floyd. In 2018, when the national crime rate was falling, felonies were spiking upward in Minnesota.

Why is this happening? Recently, some units of government have failed to support law enforcement and have called for defunding the police. That is why American Experiment erected 100 "Support Our Police" billboards and collected 44,000 petition signatures in support of local law enforcement.

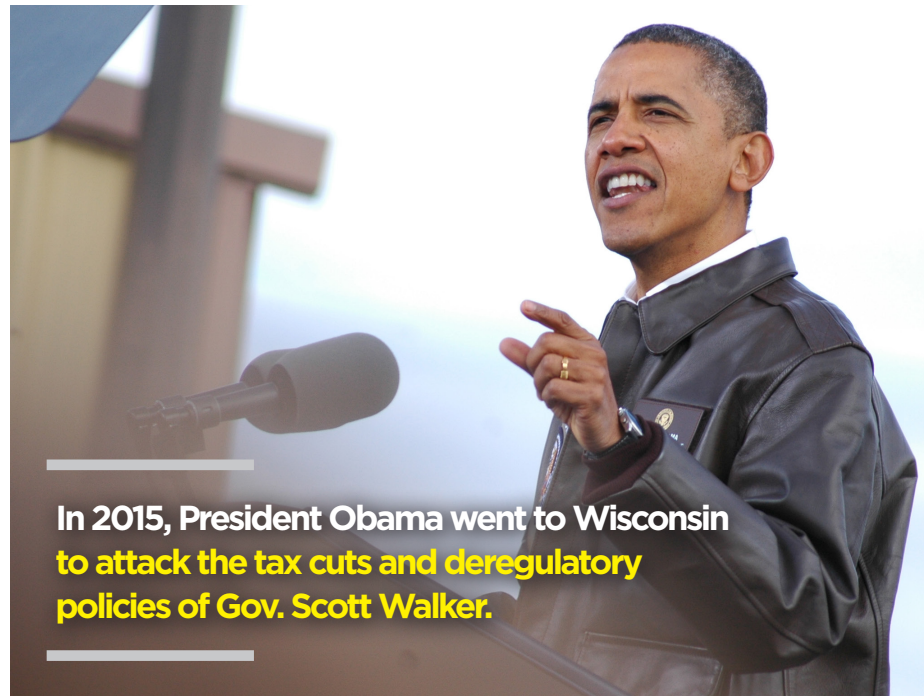
But the problem goes deeper. Its roots lie in Minnesota's criminal justice system. Our sentencing guidelines are too lenient, and on top of that, too many prosecutors don't want to prosecute, and too many judges don't want to send violent criminals to prison. That is why American Experiment has launched our "Criminal Injustice" site, shining a light on prosecutors and judges — elected public officials — who refuse to do their duty by enforcing our laws. And we are working to achieve "three strikes" legislation for violent crimes committed with firearms, a measure that 65 percent of Minnesotans say they favor.

Public education is also in decline. Decades ago, Minnesotans were proud of the state's public schools. But those days are gone. For many years, we have spent

more on K-12 education every year, with per pupil expenditures up 75 percent since 2003. Yet instead of getting better, our results, objectively measured, have gotten worse.

This longstanding decline has been aggravated over the last two years by union-imposed shutdowns of the public schools. As a result of schools failing to serve their clients — parents and students — 2021 saw a catastrophic collapse in student test scores.

Then we have the achievement gap. Not only do Minnesota's black and Hispanic students underachieve compared to Asian and white students, they also do



**In 2015, President Obama went to Wisconsin to attack the tax cuts and deregulatory policies of Gov. Scott Walker.**

more poorly than minorities in other states. Black and Hispanic public school students in Mississippi significantly outperform black and Hispanic students in Minnesota in both reading and math, and Mississippi's scores are getting better while ours are getting worse. And Mississippi achieves better results with far less spending.

*continued on page 56*

## Minnesota used to be the poster child for "Blue State" big government policies of high taxes and government spending.

In 2015, President Obama went to Wisconsin to attack the tax cuts and deregulatory policies of Gov. Scott Walker. He contrasted the Badger and Gopher states: "In Minnesota, they asked the top two percent to pay a little bit more. They invested in things that

help everybody succeed, like all-day kindergarten and financial aid for college students. They took action to raise their minimum wage and they passed an equal pay law. They protected workers' rights. They expanded Medicaid to cover more people." Nearly 40 years after the iconic *TIME* magazine cover lauding the state and Gov. Wendell Anderson, Minnesota was still "the state that works."

American Experiment has become increasingly skeptical of this long-held belief. While leftists were holding Minnesota as an example of “Big Government” policies working, the Center was actually looking at the data and it told a very different story: people leaving the state, avoiding it, below average economic growth and job creation. It could be ignored then but it can’t now. It must be confronted.

In 2016, American Experiment produced the report “Minnesotans on the Move to Lower Tax States” showing Minnesota was not only losing residents to other states, but failing to attract them from other states, as well. The Center’s annual report on Minnesota’s economy that year called the state’s performance “lackluster,” noting, among other things, below average GDP growth.

Minnesota’s disappointing economic performance continues. As noted in the



**At 13 percent, only Vermont has a higher minimum estate tax rate.**

Center’s most recent annual economy report published in 2020, Minnesota’s per capita GDP growth has failed to keep pace with that of the United States generally since 2014. Our state’s urban areas have also been relative laggards: three of Minnesota’s five urban areas have recorded economic growth rates below the average for the United States since 2001. In particular, the Twin Cities metro area has recorded a lower growth rate than 10 out of 12 peer metro areas since 2001. While it is true that levels of GDP and Personal Income *per capita* are

above average in Minnesota, *per worker* levels are below average because we are a low productivity economy; we also fall behind the United States average in GDP per hour worked. The increases in per capita Personal Income in our state since 2000 have come less from labor and capital income, where we fall below the average of the United States, and more from an increase in transfer income, where we rank ninth in the United States. While Minnesota performs well in generating new ideas as measured by patents per capita, we do badly at turning these into new businesses and sources of new income. And as a share of all businesses in our state, new and young businesses are well below the United States’ average.

These facts have been hard to accept in Minnesota, where people take great pride in the state’s high quality of life. But skepticism that it remains “the state that works” is now much more widely shared.

In March 2021, Minnesota’s Department of Employment and Economic Development Commissioner Steve Grove tweeted in celebration of our state being ranked the second best to live in by *U.S. News and World Report*. He was promptly roasted by progressives highlighting Minnesota’s racial disparities and he was forced to issue a groveling apology. In May, the *Star Tribune* embraced a report from the Minnesota Chamber of Commerce that highlighted, among other things, our state’s below average GDP growth and “lack of in-migration from other states” — sound familiar? And a recent *Thinking Minnesota* Poll found that, while 45 percent of Minnesotans think our state is on the right track, 48 percent believe it is on the *wrong* track; this is up from 38 percent in March 2019 and 26 percent in March 2018.

A new consensus is emerging as progressives join conservatives in perceiving that all is not well in the state of Minnesota. In these circumstances, Minnesota’s forecast budget surplus represents a golden opportunity for the state to get back on the right track.

There are many proposals to spend the

vast majority of the surplus on various government programs. Gov. Tim Walz wants to spend 90 percent of the surplus, reserving just 10 percent — mere crumbs — to give to the hard pressed Minnesotans he is forecast to take it from, sending each of them a check for \$500 stamped with his name.

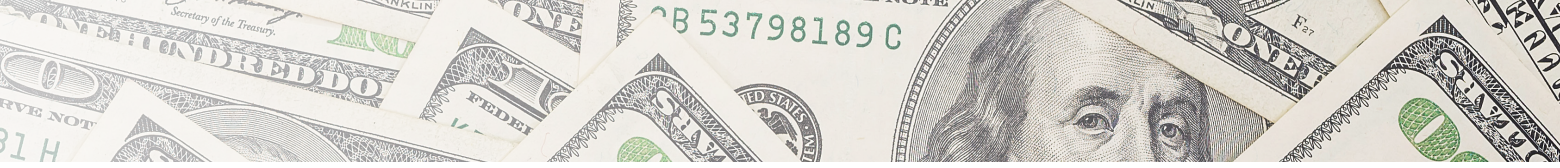
But this has been tried before, and it has failed. In American Experiment’s new report, “It’s Our Surplus; Give it Back,” Minnesota’s state government is already spending at historically high levels. In 2020, the state government spent \$4,348.20 for every resident. This was the highest amount on record. It was 5.9 percent higher, in inflation adjusted terms, than in 2016, and also high compared to other states. In 2019, Minnesota ranked 14th in the United States in terms of direct state and local government expenditure per capita, 6.1 percent above the United States’ average.

Every problem pointed to by conservatives or progressives in Minnesota has either arisen under the “Blue State,” big government policies of high taxes and high government spending — the same ones once praised by President Obama — or has proven resistant to remedy by such policies. There is no reason to assume that giving in to more spending will fix these problems. There should be no surplus-funded increase in spending.

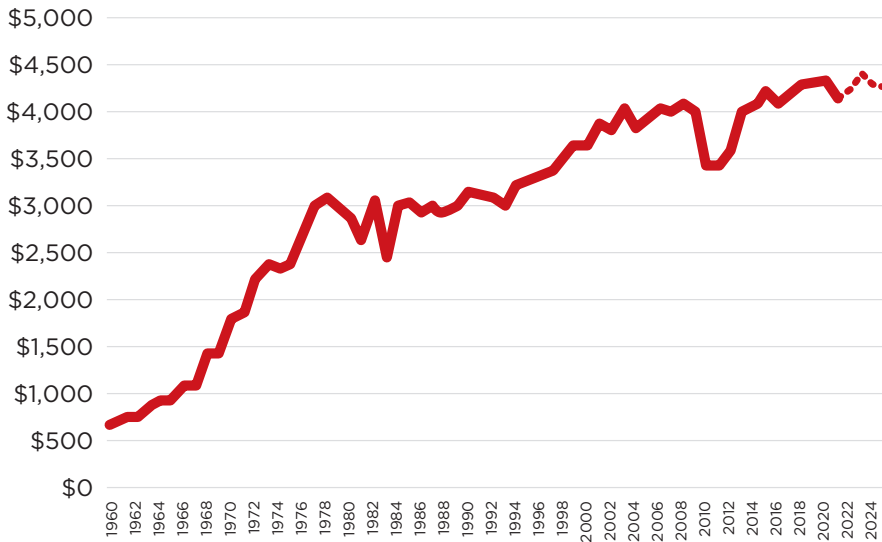
Instead, the surplus should be left with the ordinary, hardworking Minnesotans who paid for it. And this should be done with permanent cuts in tax rates.

Minnesotans are some of the most heavily taxed citizens in the United States. The state has the sixth highest rate of state personal income tax in the United States. And, while the top rates for the District of Columbia, New Jersey, and California all go into effect with incomes of \$1 million annually and New York’s \$25 million, Minnesota’s starts at the relatively modest level of \$166,040. But Minnesota doesn’t just tax “the rich” — if one can honestly call it that. Our lowest personal income tax rate is higher than the top rate of 24 states.

Minnesota is also one of only 12 states



## Per capita General Fund spending 1960 to 2024 (2021 USD)



Minnesota Management and Budget, Census Bureau,  
Bureau of Labor Statistics, and Center of the American Experiment

and the District of Columbia to impose an estate tax. On top of that, our estate tax burden is also one of the heaviest: of the 13 jurisdictions imposing one, Minnesota's \$3 million exemption is lower than that of only eight states, and at 13 percent, only Vermont has a higher *minimum* estate tax rate.

American Experiment's report "Taxes and Migration: Minnesotans on the Move to Lower Tax States," illustrates how these taxes push residents out of Minnesota and deters others from moving here. This contributes to a persistent net loss of domestic residents to other states.

Minnesota's businesses are hurt by burdensome taxes, too. The state ties for the third-highest corporate income tax rate in the United States. While Minnesota's rate applies to the first dollar of taxable revenue, Iowa's rate, which also ranks third, starts to take effect on taxable income over \$250,000 annually. Research finds that this is one reason for Minnesota's below average business formation and job growth.

Besides the high rates, Minnesota's taxes are also needlessly complex. On the corporate tax side, the state is one of

13 jurisdictions that don't fully conform to the federal depletion schedule and one of only six to impose an Alternative Minimum Tax (AMT) on corporations. For individual income taxes, Minnesota is one of just five jurisdictions to impose an AMT for individuals and one of 15 to have a so-called marriage penalty tax written into our tax code.

Overall, Minnesota's tax burden – state and local sales, property, and individual income tax rates as a share of Personal Income – ranked sixth highest in the United States in 2019. Research finds that high taxes such as Minnesota's restrain economic growth, partly accounting for our state's below-average economic performance in recent years. The 2022 surplus represents an historic opportunity to align taxes with economic growth, creating broad-based prosperity.

Minnesota should act to reduce the complexity of its tax system by conforming to the federal depletion schedule, abolishing the AMT on corporations and individuals, and eliminating the marriage penalty tax. All this can be done with little loss of revenue.

Minnesota is at a crossroads. The state needs to send a signal to the rest of the country that it is changing direction. As the former poster child for "Blue State" big government policies of high taxes and government spending, there is an opportunity to take a new road, to think big and take bold steps toward prosperity, and to rebuke the sense of economic malaise permeating the state. This is why we need permanent, significant cuts to tax rates, starting with the corporate income tax rate. Estimates from the Department of Revenue based on the November forecast say that just a one percentage point cut to 6.80 percent on the first dollar of taxable income would reduce state government revenues by \$154 million in each of 2022 and 2023. This is far from an extreme measure: Minnesota would still have the seventh highest top rate of corporate income tax in the United States.

Minnesota should also cut its personal income tax rates. A one percentage point cut in each tax bracket would reduce state government revenues by \$2.1 billion in each of 2022 and 2023, according to Department of Revenue estimates. Again, if this sounds drastic, consider that it would only move our state from the sixth to seventh highest top rate of state personal income tax in the United States with the lowest rate still higher than the highest rate in 13 states, as opposed to the current 24th place.

Putting Minnesota back on the right economic track is a solid first step to return to the high standards of living for which the state should be known. But the state legislature and the Walz Administration want to throw the budget surplus at more failing government programs and mediocre investments instead of returning it to the hard working citizens who earned it. If they spend the surplus and don't cut taxes, Minnesota will continue on this downward economic spiral. The state hasn't yet hit bottom, but it's doubtful anyone wants to find out how far down it can go. Minnesota faces a crossroads; it's time for choosing a new path forward. ★

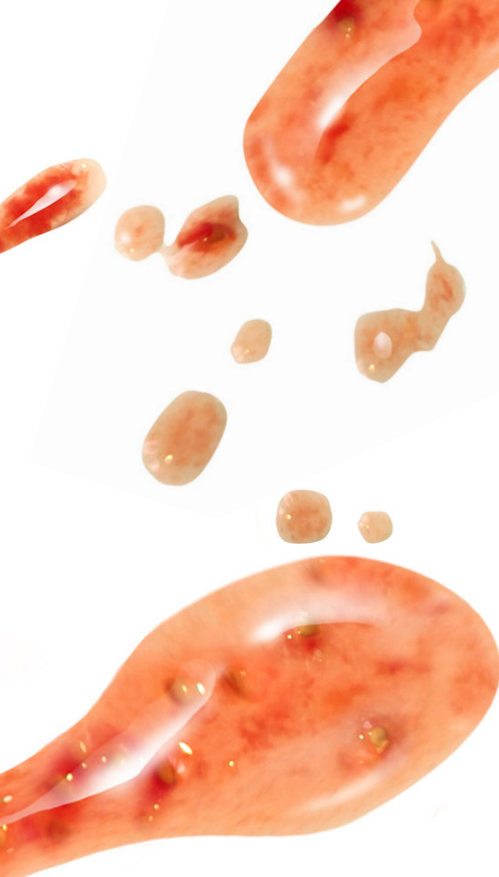


SCANDAL

# FEEDING FRENZY

How a couple of nonprofits allegedly swindled the federal government of \$48 million meant to feed children.

By Bill Glahn



On January 21, some 200 law-enforcement agents descended on a little-known nonprofit as the FBI executed three search warrants of their offices and related entities.

Thus began the saga of the Feeding Our Future scandal. The St. Anthony-based nonprofit Feeding Our Future was officially in the business of distributing free food to needy children. The FBI charged that at least \$48 million in federal money was never used to feed children, but was instead diverted to luxury cars, lakefront homes, and foreign properties.

The day after the FBI raids, the U.S. Attorney for Minnesota filed a lawsuit to recover assets purchased with the alleged proceeds of the scandal. As of press time,

no properties have been seized. Not one person has been arrested or charged in the alleged scandal as the FBI continues to make its case.

Feeding Our Future and a related nonprofit, Partners in Nutrition (d/b/a Partners in Quality Care), were both founded in Minnesota in 2016 to help local organizations gain access to two lucrative federal free-food programs, the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP). Both were created to supplement the better-known federal school lunch program by filling the gaps



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during those hours (and months) that school is out of session. In Minnesota, the programs are overseen by the state Department of Education (MDE). It was the department, suspecting fraud in the programs, that alerted the FBI who then started the year-long investigation.

The lead nonprofits, known as sponsors, were just middlemen. For a 10 percent fee, they stitched together networks of hundreds of sites, dozens of subsidiary nonprofits, and private food vendors to distribute meals to hungry children. Many of these sites are believed to be completely legitimate, while others have been placed under suspicion. It is the private food vendors who are believed by the FBI to be the culprits in the fraud,

taking tens of millions of dollars from the program, without feeding children.

As outlined in three search warrants, the FBI described an elaborate scheme in which the state was billed for thousands of meals each day, then money was laundered through a complex network of shell companies and interlocking nonprofits, and proceeds spent on luxury cars and real estate in Minnesota and overseas — basically everything *except* food for low-income children.

Since 2017, the two lead nonprofits received \$445 million from the two federal programs which are overseen locally by the Minnesota Department of Education (MDE), with the vast majority received over the last two years. At their summer peak, the networks run by Feeding Our Future and Partners in Nutrition were said to be feeding some 200,000 children per day at hundreds of sites around the state. In the wake of the FBI raids, MDE shut down both networks in late January.

The fallout of the scandal promises to have a widespread impact on how social services are delivered and overseen in Minnesota.

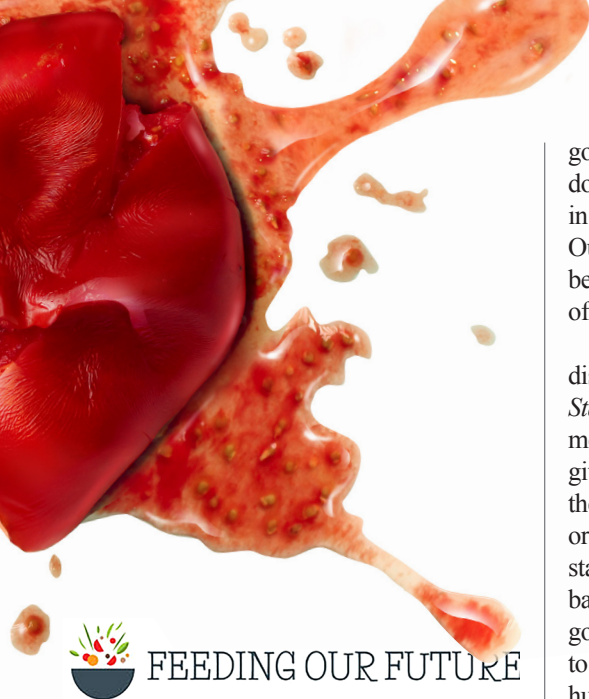
If the local nonprofit community was shocked by the FBI raids (and they were), the warning signs were there all along.

### **Political connections**

Background checks conducted by local media revealed that many of the named alleged fraudsters had criminal backgrounds. Some had convictions for violent crimes (domestic assault and stabbing), some had convictions for financial crimes (theft by swindle and receiving stolen property) and some figures had both.

A couple of names stand out. The first, Guhaad Said, is named in the FBI search warrants and was convicted of a stabbing in Ohio.

Guhaad has close ties to Congresswoman Ilhan Omar (D-Minneapolis) as documented by AlphaNews in the 2016 article “A Community Forced Into Silence.” Omar



FEEDING OUR FUTURE

**The Feeding Our Future scandal is the perfect illustration of a well-intentioned government run amok.**

held an election-night victory party at Safari Restaurant, one of many events she held at the venue and one of the suspect locations in the scandal. Since the scandal broke, Guhaad has also forwarded sizable political donations received from several figures in the scandal to other local food charities.

The second notable figure is Empress Malcolm Watson, Jr., the live-in boyfriend of Feeding Our Future CEO Aimee Bock. He has a criminal record that includes four felony convictions and is accused by the FBI, but not charged, with billing the nonprofit for construction work not performed.

The third person, Abdi Salah, resigned from the staff of Minneapolis Mayor Jacob Frey after his name appeared in a court filing linked to the case. Additionally, a local city councilman, a state senator, and the mayor himself, have received donations from figures named in the case.

That no background checks were conducted by either the nonprofit or the

government before the millions of tax dollars were doled out is a minor scandal in itself. The nonprofit sponsor Feeding Our Future conducted no such checks because they were afraid of accusations of racism when selecting contractors.

Bock alluded to race and discrimination in an email quoted in the *Star Tribune*, “Many of the young black men in our state have records, but when given a chance they have shown that their past does not define their future or even their present.” Additionally, the state government also did not conduct background checks because federal rules governing the program were subject to a court order prohibiting restrictive hurdles to distribute aid in the midst of the Covid pandemic emergency. The *Star Tribune* also states, “Officials at MDE said background checks are not part of the sponsor or site application process outlined by the federal program.”

**Explosive growth in free food**

These federal free-food programs reimbursed food vendors between \$2 and \$4 per child per meal. How could these vendors clear enough profit in a single summer to buy lake homes and office buildings? Volume, sheer volume.

Giving away free food to Minnesota children may be the fastest growing industry in the state, judging by the numbers involved.

The vast majority of the participants in the programs were — and still are — schools (public, private, and charter) who also operate the primary school lunch program. Childcare facilities and community churches are also frequent participants. Total federal spending on the two programs in Minnesota in fiscal year 2018 amounted to \$75.8 million. In 2019, the number rose slightly to \$80.5 million. Then came the pandemic.

Concerned that schools would be closed and unable to feed kids, the feds relaxed the rules enabling almost any location or entity to serve as a food distribution site. Fast-forward to fiscal year 2020 and the amount spent in Minnesota almost doubled, to \$153.8 million, with all of the growth occurring in the summer food program. What followed should provide a cautionary tale about throwing money at government programs, even during times of emergency.

Nothing could have prepared MDE for fiscal year 2021 when Feeding Our Future received more than \$140 million, nearly as much as the entire program the previous year.

Before 2018, almost all participants in the program were schools and childcare facilities. But purpose-built nonprofits such as Feeding Our Future or Partners in Nutrition were unattached to these traditional means of food distribution, but were also not a typical food-shelf. These organizations do not solicit private donations, instead relying solely on taxpayer money — through the government — to run their program exclusively to distribute food. And because of the massive volumes involved, MDE struggled with how to review nonprofits’ applications and oversee their work.

But beyond the challenge of overseeing dozens of new sponsors and hundreds of new sites, the sheer size of some of these new locations seemed to pose a challenge for MDE’s program oversight.

The largest free-food distribution sites run by nonprofits in Minnesota boasted capacities of unbelievable size. Individual locations claimed the capacity to serve 5,000, 6,000, even 7,000 children per day. As documented in an FBI search warrant, one location being run out of Safari Restaurant actually

claimed to be feeding 5,000 children per day two meals per day, every day for a month through its single Minneapolis dining room. These sites rival the capacities available at the state’s largest public schools, even entire public-school



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# FEEDING OUR FUTURE

## TIMELINE OF EVENTS

**2016:** Feeding Our Future and Partners in Nutrition (d/b/a Partners in Quality Care) are incorporated in Minnesota.

**June 2016:** Partners in Nutrition sues the state Department of Education (MDE) for the agency's refusal to process applications for program participation. Agency later relents.

**April 2020:** MDE declines new applications from Feeding Our Future. Later relents.

**October 2020:** MDE terminated six Feeding Our Future distribution sites from program participation.

**November 2020:** Feeding Our Future sues Department of Education.

**March 2021:** MDE suspends Feeding Our Future, stops payments, loses in state court, resumes payments.

**April 2021:** MDE turns the case over to the FBI.

**December 2021:** MDE suspends Youth Leadership Academy from program participation.

**January 2022:** FBI raids offices of Feeding Our Future.

**January 2022:** MDE suspends Partners in Nutrition from program participation.

districts.

The locations operated more modest efforts during the school year. Still, MDE was tasked in the summers of 2020 and 2021 with oversight of massive new operations, while the agency's staff was still working remotely due to Covid.

Still, the nonprofits behind the Feeding Our Future alleged scandal argued that Minnesota children were going hungry for lack of free food distribution sites. A look at one Bloomington address suggests otherwise.

In November 2020, Feeding Our Fu-

ture sued MDE for the agency's refusal to approve new sites for the nonprofit's free food distribution program. At the time, the non-profit's CEO made this extraordinary claim to KSTP: "One hundred thousand kids per day, conservatively, are not eating in Minnesota. Federal entitlement dollars are not coming to our state because they (MDE) refuse to take action or follow the law."

Fortunately, these fears proved to be unfounded, as public and private schools, churches, and other legitimate nonprofits stepped up to provide sites for free food distribution. In fact, MDE documents show how the City of Bloomington, and other Minnesota cities, ended up with enough state-approved capacity to supply free food to every child in these cities last summer. About one-quarter of Bloomington's free food capability was located at a single address.

But the busiest address in Minnesota is actually located in St. Paul, at 1821 University Avenue West. This sprawling office complex is documented by MDE to host 10 different nonprofits with a capacity to feed 11,000 children per day. To be clear, the FBI search warrants do *not* list the University Avenue address, the nonprofits based there, or any of the entities located at that address.

### Too big to fail

While the rest of the state waits for indictments to drop in the scandal, Gov. Tim Walz has put forward a proposal to put another \$400 million per biennium to fund *more* free meals for kids.

While credit is due to the Minnesota Department of Education for its efforts to stop this fraud and ultimately hand it over to the FBI, MDE is still part of the broader environment that allowed the fraud to occur in the first place. The shutdown of the state government that hindered MDE's oversight efforts was ordered by the same elected officials running MDE. Regular onsite visits to grant recipients of the free meal program certainly would have limited the amount of money lost to fraud.

For others at the state Capitol, the timing of the alleged scandal could not be worse. The state legislature reconvened

for the year just 11 days after the FBI raid. The top item on the agenda this session is what to do with the projected \$9.3 billion budget surplus.

Since the start of the legislative session, regular press conferences have been held to unveil another ambitious, multi-billion-dollar spending proposal. Not only do Walz's spending plans include the new \$200 million free-food initiative, but it was also his number one item when unveiling his 2022 supplemental budget proposal.

Many of these new spending initiatives rely on nonprofits to deliver services or they require the creation of new state oversight bureaucracies. But the apparent failures associated with Feeding Our Future raise questions on this approach of delivering government largesse.

The Feeding Our Future scandal is the perfect illustration of a well-intentioned government run amok. The federal programs involved were an outgrowth of the once modest and widely supported "free and reduced price" school lunch program, which dates to the 1940s.

Federal data show that pre-pandemic (2019), most U.S. public school children were eligible for the free and reduced lunch program, originally designed to serve only those children from the lowest income households. Some 36.4 percent of Minnesota's schoolchildren were eligible in 2019, well below the national average of 52.4 percent. Only four states (Delaware, New Hampshire, North Dakota, and Utah) had lower shares. The national average of 52.4 percent in 2019 was up considerably from the 2001 average of 38.3, because eligibility standards relaxed.

During the pandemic, for practical purposes, all children in America were eligible for free lunches. Now that the end of the pandemic is in sight, there are efforts to resist reinstating eligibility requirements.

When well-intentioned government programs grow out of control, especially during "emergencies," the usual due-diligence and oversight go out the window. Minnesota should tread cautiously before throwing good money after bad. ★



≡ POLITICIZING STUDENTS

# DOUBLING DOWN ON CRT

The radical Ethnic Studies addition to Minnesota's proposed Social Studies Standards encourages students to disrupt and dismantle America's fundamental institutions.





BY  
KATHERINE  
KERSTEN

**M**innesota’s proposed new social studies standards have sparked controversy since the first draft was released in December 2020. What’s grabbed public attention in the final draft, now in the rule-making process, is Ethnic Studies. The Minnesota Department of Education (MDE) has added this highly politicized “fifth strand” — unauthorized by statute — to the four content areas named in law: history, government and citizenship, geography and economics.

The inclusion of Ethnic Studies marks a victory for forces seeking to radically remake Minnesota’s public schools. Ethnic Studies goes beyond the standard “anti-racist” Critical Race Theory

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**The inclusion of Ethnic Studies marks a victory for forces seeking to radically remake Minnesota’s public schools.**

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(CRT) focus, especially in its stress on student political activism: “disrupting,” “dismantling” and “transforming” our nation’s fundamental institutions. It imports the whole ideological thought world from which CRT sprang, and serves as a vector for the activist network that is driving it nationally.

In short, Ethnic Studies is the spider at the center of the web that MDE is spinning.

How did this extremist ideology — born of the “Third World Liberation Front” that grew out of the 1968 student

strikes and riots in California — make its way from San Francisco and Berkeley to elementary classrooms in Litchfield and Faribault, Minnesota?


It’s a scandalous story. When MDE appointed the standards drafting committee, it took the unprecedented step of excluding academic subject matter experts in history, civics, geography and economics. Instead, it stacked the committee with political activists, community organizers and their allies, who dominated the process.

These activists’ goal was not to revise and improve “rigorous standards” in “core academic subjects” in our state’s K-12 public schools, as law requires. On the contrary, they view Minnesota’s public education system — as drafting committee member Jonathan Hamilton, of Education for Liberation Minnesota, has described it — as a “white supremacist puzzle that *must be taken apart and exposed for the lie it is* (emphasis added).”

Activists’ weapon of choice in taking our schools apart is Ethnic Studies. Forget about teaching students about the historical leaders and events that shaped our democracy, like George Washington, Abraham Lincoln, and America-led victories in World War II. MDE’s new “fifth strand” trains K-12 students to view our nation’s social and political institutions with suspicion and hostility and seeks to enlist them in what Hamilton has referred to as a “political struggle” to change the social, economic, and cultural system that underlies our polity.

**How will Ethnic Studies play out in Minnesota classrooms?**

When the Minnesota Legislature adopted our state’s social studies standards in



2004, it authorized MDE to revise them every 10 years to “raise academic expectations for students, teachers and schools.” By law, state standards must be both “objective” and “measurable,” and “consistent with” the U.S. and Minnesota Constitutions.

But MDE’s proposed standards fail on all these fronts. Under the new Ethnic Studies standards, one of which is entitled “Resistance,” for example, students are instructed to “organize” to resist America’s “systemic and coordinated exercises of power” against “marginalized,” oppressed groups.

How will this play out in Minnesota’s classrooms? Here’s an example: Students will study our police departments and justice system in connection with an Ethnic Studies standard that requires them to “understand the roots of contemporary systems of oppression” and “eliminate” “injustices.”

To this end, fifth graders will first “examine contemporary policing” and its alleged “historical roots in early America.” The claim is that our police departments sprang directly from slave patrols of the Old South.

Sixth graders will describe the “impact” of “Minnesota’s juvenile justice system” on youth “from historically disenfranchised groups.” High school standards suggest the notion of criminality itself is racist: “explore how criminality is constructed and what makes a person a criminal.”

Biased, misleading instruction of this kind will likely convince many young people that policing and the very idea of criminality are oppressive, racially “constructed,” and among the many things schools are instructing them to “resist.”

How did Minnesota schools get hijacked in service of this extremist agenda? To answer, we must examine who drafted the standards, investigate their links to like-minded groups, and connect the dots.

The story begins in July 2020, with MDE’s decision to appoint a core group of leaders of the Minnesota Ethnic Studies Coalition (MESC) and their allies to the standards drafting committee.

MESC is an alliance of 15 advocacy groups. Its goal is to “solidif[y] Ethnic Studies” throughout K-12 education in order to “center” (i.e., shift the instructional focus to) groups “erased from mainstream curricula due to persistent racism, patriarchy, xenophobia, and linguistic imperialism.”

MESC-allied committee members are drawn from organizations like Navigate MN, “an intersectional, women/queer Latinx led organization committed to social justice,” and Education Evolving, which denounces American history as a shameful tale of “systemic, economic, political and moral inequity.” In the absence of subject matter experts — and in an atmosphere where opposing views often prompt charges of racism

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**If MDE adopts the standards in their current form, we can expect upheaval in our schools.**

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— MESC dominated MDE’s standards drafting process, according to educators who observed it.

The Minnesota Ethnic Studies Coalition is relatively new to our state’s educational scene. It was created in 2019 as the tactical arm of another activist organization, Education for Liberation Minnesota, according to EdLib MN’s website.

The mission of EdLib MN — which describes itself as a network of activists, teachers, academics, and youth-led organizations — is “to be a political force” in Minnesota to “contend with the status quo of colonial education that prioritizes Eurocentric curricula” and “predominantly white educators and administrators,” according to its website.

Jonathan Hamilton is both a member of MDE’s social studies standards committee and a leader of EdLib MN. He is also lead author of a 2017 essay titled,

“The Need for Ethnic Studies Curricula in Minnesota.” The essay defines Ethnic Studies as “a curriculum that uses critical pedagogy to engage all students” in “dialogue to name and ultimately transform oppressive social and structural conditions within schools and the larger society.”

EdLib MN maintains that schools must view students through the lens of skin color. It claims that black students who misbehave in school are “consciously or unconsciously resist[ing] racist educational contexts,” and so must be seen, not as “behavior problems,” but as “barometers who measure the toxic atmosphere” of “a deep history of anti-black and white supremacist logics.”

EdLib MN maintains that “modern police departments” evolved “directly” from “slave patrols,” and advocates the “abolition” of police forces, prisons and border controls. Its end game is political upheaval and revolution. Recently, posting under the name of “Support the 5th strand,” EdLib MN retweeted a graphic: “The abolition of policing is about building a new world.” “Defunding the police” and “rebuilding the commons” means “abolishing the social order and building a new society.”

## **Connecting the dots**

The campaign to hijack the revision of Minnesota’s social studies standards may look homegrown, but it is nothing of the kind. EdLib MN is a state chapter — indeed the only state chapter — of a national extremist organization called the Education for Liberation Network.

The EdLib Network makes no secret of its revolutionary agenda: to dismantle and replace America’s fundamental institutions. Or in its own words, it “promote[s] the transformation of existing institutions and the creation of new ones that reflect the values of Education for Liberation.” The network’s strategy to achieve this objective is “wholesale K-16 implementation” of Ethnic Studies in schools across the nation.

Two 20th-century Marxist thinkers, Paulo Freire and Antonio Gramsci, are central to the Ed Lib Network’s

## STANDARDS IN REVIEW

Minnesota has statewide K-12 academic standards in the core subject areas of language arts, math, social studies, arts and science. The standards lay out what students must “satisfactorily complete” to graduate from high school, and are reviewed and revised every 10 years. The revised standards are adopted through the rule-making process.

The current social studies standards review process began in September 2020. MDE appointed a committee to review and revise the standards, and the committee released three successive drafts, taking public comments after each.

In November 2021, following the third and final draft’s release, the statutory rule-making process began. This process can take up to 24 months.

worldview. Though little known outside academic and activist circles, these men’s thought was hugely influential in producing our current cultural moment.

The name and concept of “Education for Liberation” are drawn from the ideology of Brazilian Paulo Freire, author of *Pedagogy of the Oppressed*, published in 1968. Freire maintained that education’s purpose is not to pass on knowledge, but to build revolutionary consciousness among the “oppressed” to achieve “liberation” by overthrowing the system. For decades, his book has been one of the most widely assigned texts in many colleges of education.

Antonio Gramsci, an Italian Communist, has been called the godfather of cultural Marxism. In the 1930s, he proposed that a robust civil society renders Western capitalist nations immune to revolution on economic grounds. To counter this, he proposed that activists infiltrate and gain control of key institutions of civil society, like schools and political parties, to shape a new ideological consensus and organize opposition to the existing social order. This strategy has become known as “the long march through the institutions.”

According to its website, the EdLib Network has worked since 2012 to promote Ethnic Studies in California, the epicenter of the movement. In March 2021, California’s board of education approved the state’s new Ethnic Studies Model Curriculum.

The model curriculum’s “guiding principles” call for “transformative resistance” and repudiate “forms of power and oppression” that include “cisheteropatriarchy” and “anthropocentrism” — the belief that

human beings are superior to animals. The curriculum originally incorporated student chants to bloodthirsty Aztec gods, but recently dropped these following a legal settlement.

Now the EdLib Network is going state-by-state, “building power from the ground up” and creating “regional assemblies” to help “educators and grassroots organizers to implement Ethnic Studies in their own communities.”

Today, Minnesota is a primary front in this campaign. The network is working through MESC and EdLib MN to commandeer our K-12 social studies standards revision process, to make our state a national model of how to use academic standards to embed Ethnic Studies ideology in K-12 schools statewide.

In this campaign, Brian Lozenski, a member of the EdLib Network advisory board, has played an important role. Like Jonathan Hamilton, he is a professor at Macalester College in St. Paul.

In November 2020, Lozenski and Hamilton coauthored a *MinnPost* article titled “The Time for Ethnic Studies is Now,” just as MDE released the standards’ first draft. There, they highlighted our upcoming standards revision process as a unique “opportunity” to rid Minnesota of its “Eurocentric, whitewashed” curriculum.

Why is promoting student “resistance” such a central focus in Ethnic Studies? Lozenski was candid about this in an article titled “The Black Radical Tradition Can Help Us Imagine a More Just World,” which he wrote in June 2020 during the George Floyd riots. There, he describes the riots as “mass uprisings against racialized state

violence,” which portend “the inevitable death” of the American “social order that prioritizes vulgar economics.” After COVID closings, Lozenski concludes, “Schools need only reopen if they *join the social unrest and actively combat* the greater public health crisis of systemic racism (emphasis added).”

### The on-the-ground campaign in Minnesota

Minnesota is now in the grip of a national movement that is using the roadmap laid out in California to enlist our children as foot soldiers in an extremist political crusade. Events in California can provide a window into Minnesota’s future.

In July 2019, the EdLib Network and its allies kicked into high gear their campaign to co-opt Minnesota’s standards revision process. They hosted their biennial “Free Minds, Free People” (FMFP) conference in Minneapolis.

The conference drew more than 1,000 radical activists and educators, among them primary players in California’s Ethnic Studies movement. The theme of its “Radical Professional Development” sessions — featuring workshops with titles like “Smashing the Patriarchy on the Playground” — was “Confronting the Oppressor from the Inside Out” (“Teach from spaces of resistance”).

After the conference, activists made two key strategic moves. First, “core local Minnesota-based FMFP” organizers established EdLib MN, with Brian Lozenski as “founding organizer.”

Second, EdLib MN set up the Minnesota Ethnic Studies Coalition. MESC’s strategy was two-pronged: 1) to pass a bill mandating Ethnic Studies statewide, and 2) to revise the social studies standards by getting its representatives — all Ethnic Studies partisans — named to MDE’s drafting committee, according to EdLib MN’s website.

The Minnesota Legislature rejected a proposal to require the inclusion of Ethnic Studies in state standards in 2021. But EdLib MN’s second tactic was successful: MDE bypassed



academic subject matter experts and stacked the social studies committee with key leaders from MESC’s member groups and allies.

From the beginning, Ethnic Studies activists here have used a step-by-step approach. They began by successfully pressuring the Minneapolis and St. Paul Public Schools to adopt Ethnic Studies, first as a high school elective and then as a graduation requirement.

In their current campaign to co-opt the social studies standards, they have simultaneously dominated the drafting process, and mobilized cadres in classic “community organizing” style to pressure MDE and the Office of Administrative Hearings to approve the standards they write.

Jonathan Hamilton of EdLib MN laid out 17 “action steps” for this battleplan in his essay “The Need for Ethnic Studies Curricula in Minnesota Schools.” First and foremost, he advised activists to “learn from the efforts of the Ethnic Studies Now movement in California.”

Some of Hamilton’s recommended action steps, like “signing petitions” and “holding rallies,” are designed to gain attention and give the impression of widespread support. (This may shed light on the rallies, and the petitions claiming thousands of signatures, that cropped up — seemingly spontaneously — in some metro-area school districts in the spring and summer of 2020.)

Other action steps are policy-focused, i.e., “demanding” resources for hiring “teachers with knowledge of Ethnic Studies.” Still others call for strategic partnerships, ie, “engaging the support of teacher unions.” (The Minneapolis teachers union is an MESC member.)

Hamilton placed central importance on “starting student/youth organizations to call for change.” Ethnic Studies activists work diligently to convince the public and school officials that “calls for change” are student-driven.

Groups like “Youth 4 Ethnic Studies” play a central role in another Hamilton action step — “demanding the support of school/district administration

and school boards.” That’s because school officials generally find strident, grievance-centered “student demands” hard to turn down. Meanwhile, MESC groups like Navigate MN and the Asian American Organizing Partnership (AAOP) are organizing summer activities and internships for young people, where they indoctrinate them in Ethnic Studies ideology and coach them in community organizing techniques.

Make no mistake: “Student-led,” “grassroots” groups are generally a front for the strategically sophisticated, well-funded community organizers who are driving the Ethnic Studies crusade. When these activists seek to influence the public or elected officials, they lead with “feel-good” claims, i.e., that Ethnic Studies helps students “see themselves in the curriculum” or that it boosts academic performance. They also place a high priority on personal anecdotes designed to evoke empathy.

But when they address fellow ideologues, they are forthright about their true goals. In a virtual kick-off for Ed Lib MN’s “BIPOC Ethnic Studies Learning Cohort,” Rose Brewer of the University of Minnesota’s African American and African Studies Department affirms Ethnic Studies’ “deep call” for “seizing knowledge channels to further our liberation.”

## The upheaval to come

Before MDE can formally adopt its proposed social studies standards, a hearing will take place before an administrative law judge. The judge will evaluate whether the agency followed proper rule-making procedures and whether the standards are consistent with statute. On this basis, the judge will write a report recommending whether

the standards should go forward or be revised. The full statutory rule-making process can take up to 24 months.

If MDE adopts the standards in their current form, we can expect upheaval in our schools. The costs and burdens the impending transformation will impose are unknown. Many teachers who have reviewed MDE’s final draft regard it as an “unteachable hodge-podge,” according to educators familiar with behind-the-scenes responses. Ethnic Studies is not only a new “fifth strand,” with standards of its own, but is woven throughout history, geography, civics and economics in what some teachers call a “double whammy.”

This means districts may be compelled to completely rewrite their social studies lesson plans and provide costly Ethnic Studies “training” for teachers from “consultants” eager to push their services.

MDE claims school districts have local control over implementation of new social studies standards. But where will teachers find curricula that link police to slave patrols or exhort students to “organize,” “resist,” and “eliminate” oppression? EdLib MN and other advocacy groups are primed to step into this vacuum. EdLib MN, for example, has already created a curriculum that is “aligned to Minnesota state standards” and designed to convince young people that police should be abolished.

California Ethnic Studies activists are also waiting in the wings. The state’s new model curriculum is hundreds of pages long. In addition, the Liberated Ethnic Studies Model Curriculum Coalition (LESMC) is lobbying districts there to adopt its alternative pre-K-12 curriculum, which it will offer for free.

Why should Minnesotans care about this? Because MESC, the EdLib Network and LESMC are all members of



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a national coalition “fighting for liberated Ethnic Studies curricula and CRT,” and MESC will likely eagerly promote the new “liberated” curriculum in Minnesota.

The curriculum begins by declaring its support for political revolution: “System changes occur when people unite, mobilize and organize in *coordinated resistance to disrupt and dismantle inequitable systems* (emphasis added).”

Lessons are saturated with the concepts and lingo of Antonio Gramsci’s Marxist ideology. Starting in pre-K, for example, students are taught to reject “normalization.” Older students are repeatedly instructed to question “common sense,” and refuse to “consent” to “hegemony”—i.e., the power “white

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men” use to dominate others. In grades 7-12 lessons, Gramsci is invoked by name. “We need to understand common sense the way that Antonio Gramsci, an Italian philosopher, understood it,” students are told. They are asked, “What hegemonic beliefs do you plan to disrupt?” and assigned to “create counter-hegemonic stories.”

Throughout, instruction is cult-like and highly manipulative, and the pressure to conform is overwhelming. Elementary pupils are assigned to rewrite popular songs to reflect Ethnic Studies ideology, and to recite Gramsci’s ideological tenets in “choral readings.” Overall, these mind-numbing lessons conjure images of youthful Red Guards being groomed for China’s Cultural Revolution.

For Gov. Tim Walz and his administration, stacking the social

studies standards committee with political activists was just the beginning of a frontal Ethnic Studies assault. As the 2022 legislative session opened, Walz proposed legislation that would mandate Ethnic Studies — defined in the “liberated” sense — across all academic subject areas, including math and science, from grades K through 12. It would even mandate Ethnic Studies in private and home schools.

The new field of “Ethnomathematics” teaches that math began in ancient “empires of color,” was appropriated by the West to oppress BIPOC (Black, Indigenous and People of Color), and should be taught, in part, through racial and ethnic storytelling. In science class, MESC suggests, students may study “Ojibwe architecture.”

In addition to Walz’s policy bill, legislative proposals from 2021 are being resurrected in a variety of ways, including one bill that would require MDE to establish an Ethnic Studies Task Force, with “input” from (who else?) the Minnesota Ethnic Studies Coalition. This task force would be charged with developing K-12 Ethnic Studies standards in a range of subject areas, which MDE would be *required by law* to adopt, and to do so using an expedited process allowing minimal public input. The task force would also recommend Ethnic Studies resources for K-12 schools, and advise on and review MDE’s model Ethnic Studies curriculum.

Minnesota Ethnic Studies activists are already moving on several fronts to take control of curricular content across all disciplines, thus rendering local control essentially meaningless. They are seeking to regulate who can teach Ethnic Studies by requiring a license in the subject (as a science teacher must be licensed), in order to ensure that all Ethnic Studies instruction reflects radical themes. They are also making plans to require Ethnic Studies in the “transfer curriculum” that students in two-year community colleges must take to transfer to public colleges and universities.

Ethnic Studies radicals have burrowed deep into our state’s education

establishment. For example, Jonathan Hamilton, who represents EdLib MN on MDE’s standards committee, was until recently the research director at the non-profit Minnesota Education Equity Partnership (MNEEP). MNEEP’s executive director is Rep. Carlos Mariani, a longtime DFL legislative leader who has served as chair of the House Education Policy Committee. The non-profit’s funders include a “who’s who” of Minnesota foundations, among them 3M, Blandin, Bush, Bremer, McKnight, Securian, Mortenson, the Minneapolis Foundation, and the Greater Twin Cities United Way.

The new social studies standards may well bring financial benefits to groups like Mariani’s, which offers a range of “racial equity” services and training to school districts. Not surprisingly, the people who write or lobby for “equity”-related laws or standards and the consultants who advise on their implementation are not infrequently the same. In California, for example, Ethnic Studies activists who were originally involved in the state’s model curriculum are building educational consulting businesses, one of which has charged \$1,500 an hour.

Walz and his Department of Education are on the cusp of making immersion in Ethnic Studies a reality in Minnesota’s K-12 schools. On their watch, extremists are poised to reshape our children’s identity and worldviews, and to use our tax dollars to do it. Meanwhile, many young people — especially minority children — lack the basics in history, reading, science and math, as class time spent on fundamental knowledge shifts to indoctrination in extremist ideology.

Brave parents are stepping up to demand that our schools be returned to the people of Minnesota. But so far others — including the business community, civic organizations, and school boards and administrators — have been silent. Unless we all raise our voices, our state’s, and our children’s, futures will soon be in the hands of forces determined to transform our nation beyond recognition. ★



The  
**THINKING**  
MINNESOTA  
POLL



# STIRRING THE POT

Most Minnesotans believe that biased reporting contributes to our polarized political culture.

**A** whopping two-thirds of Minnesotans say local reporters contribute to the toxicity of their state's political discourse, according to the spring edition of the quarterly *Thinking Minnesota* Poll, sponsored by Center of the American Experiment. A majority (52 percent) of respondents even believe reporters in Minnesota misrepresent the facts to fit their own narrative.

The poll was conducted by Meeting Street Insights, a nationally recognized survey research operation based in Charleston, South Carolina. Using a mix of cell phones and

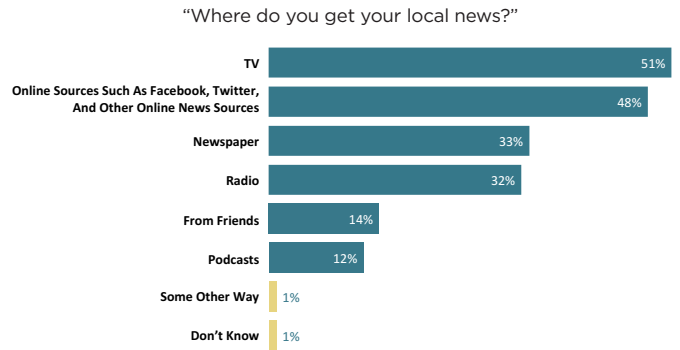
landline phones, the company interviewed 500 registered voters across Minnesota from November 30 to December 2. The margin of error is  $\pm 4.38$  percent.

“According to most Minnesotans, liberal media bias is alive and well in the land of 10,000 lakes,” says pollster Rob Autry, president of Meeting Street Insights. “After two years of defund the police, race riots and toxic politics, most say the state’s news media isn’t being Minnesota nice (or fair) to conservative and Republican viewpoints.”

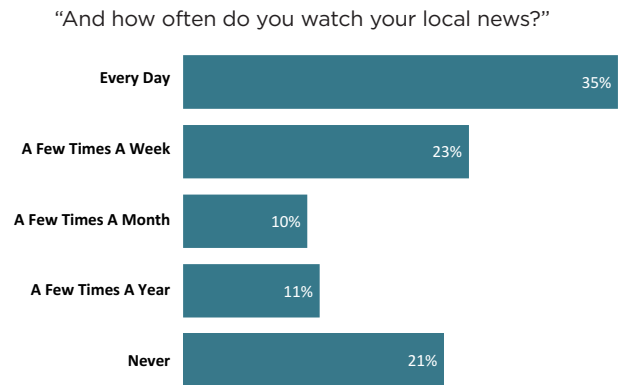
Respondents — regardless of political affiliation, age, or



**FIGURE 1:** TV remains the top source for Minnesotans to get their local news, followed closely by online sources.

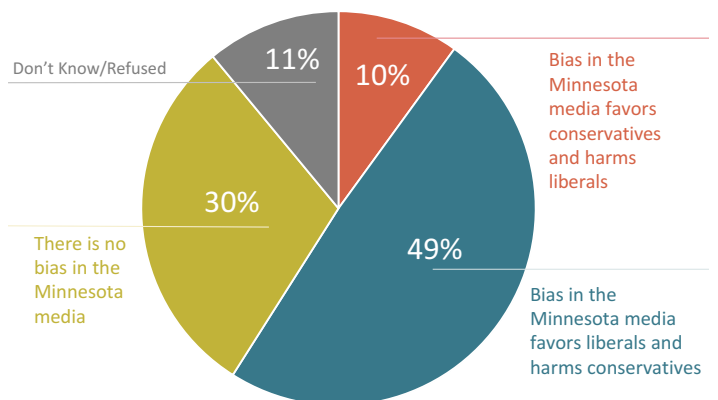


**FIGURE 2:** About a third of Minnesotans watch local news every day; another quarter watch a few times a week.



**FIGURE 3:** Half of Minnesotans believe the media is biased in favor of liberals, while only 10 percent say they’re biased in favor of conservatives.

“Thinking again about the media here in Minnesota, please tell me which of the following statements comes closest to your opinion.”



geographic location — believe the media bias cuts dramatically against conservatives. Almost half (49 percent) of the people surveyed believe that bias in the Minnesota media favors liberals and harms conservatives. Just 10 percent believe that Minnesota media favors conservatives and harms liberals. Thirty percent

**About the pollster**

*Rob Autry, founder of Meeting Street Insights, is one of the nation’s leading pollsters and research strategists.*

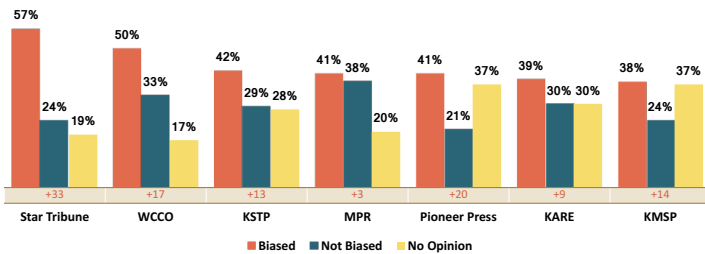
**FIGURE 4:** Majorities of Republicans and Independents say Minnesota media is biased against conservatives, while a majority of Democrats say there is no bias.

Media Bias by Key Subgroups

	Favors Liberals	Favors Conservatives	There Is No Bias
Republicans	84%	4%	7%
Independents	52%	16%	18%
Democrats	18%	14%	55%
Men 18-54	50%	13%	28%
Men 55+	60%	6%	25%
Women 18-54	45%	14%	30%
Women 55+	41%	8%	38%
Twin Cities	36%	16%	37%
MSP Suburbs	49%	9%	31%
Rest Of State	58%	7%	25%

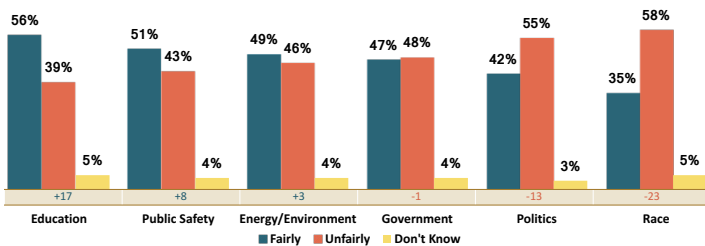
**FIGURE 5:** All media outlets tested are seen as biased, but the *Star Tribune* is seen as the worst offender (57% say it's biased).

"Now, I'd like to read you a list of news sources, and for each one please tell me how biased you feel their reporting is. Would you say their reporting is very biased, somewhat biased, not that biased, or not at all biased?"



**FIGURE 6:** Majorities say the local media presents education and public safety fairly, but that politics and race are presented unfairly.

"Now, I'd like to read you a list of various topics, and for each one please indicate whether you feel the local media presents them fairly or unfairly."



## Among individual media outlets, Minnesotans believe the *Star Tribune* exhibits the strongest bias.

perceive no bias.

Majorities of Republicans (84-4 percent) and Independents (52-16 percent) believe a liberal bias exists. Remarkably, even a plurality of Democrats (18-14 percent) agrees with them. Of no surprise is the fact that a majority of Democrats (55 percent) see no bias.

Among individual media outlets, Minnesotans believe the *Star Tribune* exhibits the strongest bias, 57 percent saying the newspaper is biased and only 24 percent saying it is not biased. WCCO-TV was a close second according to the poll, with 50 percent calling the news outlet biased and 33 percent answering not biased. The *Pioneer Press*, KARE 11 and FOX 9 scored much better on the bias scale with our respondents.

Most Minnesotans get their news via television or online resources, according to the poll. The top choice was television at 51 percent followed closely by online sources at 48 percent. Thirty-three percent chose newspaper and 32 percent chose radio (respondents were allowed to choose more than one source).

The fact that local television news is holding their audience aligns with recent national research from the Pew Research Center. Pew Research found that local TV average audience (defined as the average number of TVs tuned to a program throughout a time period) for the late night and evening news time slots both increased by 4 percent in 2020.

TV news directors might be encouraged to learn from our respondents that 35 percent of them watch a newscast every day and 23 percent watch a few times a week. But a disturbing trend for television news emerges when you break down the data by age. The audience for local television news is dying, perhaps literally.

Of the 51 percent who said they turn to local TV news for information, 72 percent were old enough for the senior citizen discount at Perkins. People in every other age bracket are much more likely to get their news from online sources than from television news. For example, only 29 percent of respondents in the 18-34 age range selected local news as a source of information while 69 percent get their news from online sources such as Facebook. These results match what we know about consumers taking more control of what they watch through the rise of streaming services in order to avoid paid advertisements.





Ken Welter / Shutterstock.com

When it comes to issues, poll respondents generally trust what they're hearing from the media about education and public safety, with 56 percent saying they feel the local media presents education fairly and 51 percent saying they present public safety fairly. Minnesotans are more divided over the coverage of other issues such as politics and race.

Fifty-eight percent of respondents believe the Minnesota media does not present the issue of race fairly. And 55 percent of Minnesotans believe the media does not present the issue of politics fairly.

The poll discovered a fairly wide disconnect between Democrats and Republicans on these issues. Democrats were the driving force behind satisfaction with the coverage of race and politics. On race, 53 percent of Democrats felt the media coverage was fair. For politics, it was even stronger with 68 percent of Democrats claiming the coverage was fair. This was in stark contrast to Republicans who are much more skeptical of how race and politics are covered in the Minnesota media. Only 16 percent of Republicans believe coverage of politics is fair and 18 percent believe coverage of race is fair.

**Remarkably, even a plurality of Democrats (18-14 percent) agrees that a liberal bias exists. Of no surprise is the fact that a majority of Democrats (55 percent) see no bias.**

Autry explains the results, "Voters want to trust the state's news media coverage around issues of importance, and on some issues they do. But when it comes to race and politics, it's clear that trust is severely broken."

Differences on coverage of race and politics between the political parties align with the data on overall bias discovered elsewhere in the poll. Those feelings are likely exacerbated by the endless coverage of crime after the George Floyd riots and the recent push to include Critical Race Theory in Minnesota schools. These poll results indicate Minnesotans are more divided on race and politics and local media coverage is making things worse, not better. ★

**Figure 7: Television is the primary source of local news for Minnesotans ages 55+ while younger Minnesotans are much more likely to use online sources.**

"Where do you get your local news?"

	Overall	Ages 18-34	Ages 35-44	Ages 45-54	Ages 55-64	Ages 65+
TV	51%	29%	27%	26%	72%	82%
Online Sources	48%	69%	72%	57%	34%	22%
Newspaper	33%	24%	25%	31%	36%	43%
Radio	32%	24%	28%	38%	38%	30%
From Friends	14%	23%	12%	12%	9%	15%
Podcasts	12%	14%	11%	21%	8%	9%

**FIGURE 8: Minnesotans believe the media in Minnesota contributes to political polarization and that reporters misrepresent facts to fit their own narrative.**

"Next, I'd like to read you a series of statements about the media in Minnesota, and please tell me whether you agree or disagree with each one."

	Total Agree	Total Disagree
The media in Minnesota contributes to the political polarization in our state	66%	30%
Reporters in Minnesota misrepresent the facts to fit their own narrative	52%	42%

**FIGURE 9: Very few Republicans and Independents feel the local media presents the issues of politics and race fairly.**

"Now, I'd like to read you a list of various topics, and for each one please indicate whether you feel the local media presents them fairly or unfairly."

Percent Fairly by Party

	Overall	Republicans	Independents	Democrats
Education	56%	39%	53%	72%
Public Safety	51%	39%	47%	63%
Energy/Environment	49%	28%	42%	68%
Government	47%	26%	41%	67%
Politics	42%	16%	33%	68%
Race	35%	18%	26%	53%

≡ Q&A



“That’s how I want my work to be judged: **Have I prescribed solutions that make Minnesotans safer — and feel safer — and created a public discourse that helps enact them?”**

—Jeff Van Nest

# Agent on the Job

American Experiment’s John Hinderaker interviews the Center’s newest policy fellow, a former FBI agent who will focus on public safety.

**J**eff Van Nest, the newest senior policy fellow at Center of the American Experiment is a 20-year veteran of the Federal Bureau of Investigation, having served in Los Angeles, Washington, D.C., Pakistan, and most recently in Minnesota. His experience includes counterterrorism, genocide war crimes, and general investigations. His most recent position with the FBI was Chief Division Counsel, serving as the top FBI lawyer in the Minnesota/Dakota region. Before joining the FBI, Van Nest received his law degree from the University of Wisconsin and served as a lawyer in the U.S. Navy Judge Advocate General Corps. He is also an adjunct professor at the University of Minnesota Law School, where he teaches legal writing. John Hinderaker, the Center's president, interviews Van Nest about how he'll apply his background to help solve Minnesota's growing challenges with public safety.

**John Hinderaker: Jeff, what path led you to the FBI?**

Jeff Van Nest: I have a distinct memory at the University of Minnesota when Jeff Jamar, the special agent in charge of the Minneapolis Field Office, spoke to our sociology class. SAC Jamar talked about the FBI's global mission to protect Americans and uphold the Constitution. I was really intrigued with the idea of working in the FBI because my father served in the Air Force after college and stressed our family tradition of service to country. I did some research as to what background would make me competitive. I learned that the FBI hired a lot of attorneys and accountants. And so being a junior political science major at the U set me on a trajectory to law school.

After I graduated from the law school at the University of Wisconsin in 1994, I went into the Navy JAG Corps to work as a trial lawyer. The Navy initially sent me to San Francisco and then I transferred back to Washington for a total of five years' active-duty service.

I had applied to both the FBI and the

Secret Service and the Secret Service offered me a position first. So, I joined the Secret Service and later transferred to the FBI right after 9/11.

The Secret Service and FBI are similar agencies in that they both have a no fail mission and attract some of the most talented people in the national security field. However, the FBI's mission is



FBI Paralegal Specialist Sandra Kelly and Jeff Van Nest. The FBI recovered the stolen ruby slippers from the film *The Wizard of Oz*.

much broader in terms of working within the intelligence community and investigating a wider range of federal crimes worldwide. Several of my former Secret Service colleagues later joined me in the FBI.

**You've mentioned that you lost a friend on board one of the aircraft during 9/11.**

During my last assignment in the Navy, I was an appellate attorney at the Washington Navy Yard. One of my office mates and close friend, Mari-Rae Sopper, was on board American flight 77 that crashed into the Pentagon on 9/11. She

had accepted an offer to become the head gymnastics coach at the University of California-Santa Barbara and was in the process of moving to California.

**Was that a factor that sparked your interest in counterterrorism?**

It absolutely did. As you can imagine, after 9/11, the bureau was focusing resources on counterterrorism, and that's where I ended up working the bulk of my career.

**Describe counterterrorism. What were some of your responsibilities?**

I started out as a case agent working international terrorism in the Los Angeles field office. My job was to open terrorism investigations, track down logical investigative leads, and put a case together for either prosecution or disruption. All of the cases I worked had some type of overseas nexus, so I did quite a bit of traveling in collaboration with foreign partners. I really developed an expertise in terrorist financing cases, in which we would trace money flows between the United States and overseas. And then I was promoted to FBI headquarters again at the counterterrorism division. My

last assignment at FBI headquarters was heading up the Genocide War Crimes Unit, which was a new global investigative unit. Our focus was to locate war criminals who entered the U.S. and bring them to justice. A large part of my job was sharing information with allied governments, interviewing witnesses, and working with informants. Much of this work brought me to The Hague and Interpol Headquarters in Lyon, France to collaborate with our allies. I did that for two years before transferring here to the Minneapolis field office.

**You eventually made your way to the Minneapolis office. What did you do there?**

When I first came back to the Twin Cities I was the domestic terrorism

supervisor on the Joint Terrorism Task Force. A task force is made up of both FBI agents and local law enforcement officers from various agencies around the metro. We worked cases together involving individuals or groups who committed violence in furtherance of a political goal or ideology. We had successes here in Minneapolis. We successfully disrupted a violent extremist who planned to attack a police station in western Minnesota and brought to justice a network of African expatriates in Minnesota and elsewhere who attempted to overthrow the West African country of The Gambia. After about two years or so, I slid into one of the two in-house counsel positions in the field office.

As in-house counsel, I handled all the legal and policy issues that would come up during criminal and national security investigations whereas the U.S. Attorney's Office would lead criminal prosecutions in federal court. Other issues I routinely handled involved car accident claims, employment related litigation, and protection of FBI records.

I concluded as the chief division counsel here in the Twin Cities.

### **Why make the switch to public policy and Center of the American Experiment?**

The defund the police movement, which directly threatened us all, has been thoroughly rejected. However, many of the extreme voices who pushed this ideology are still working to dismantle our justice system in other ways. I want to be part of a team that cuts through the noise and explains what works well and where we can innovate to make our justice system even more effective. We don't need more proposals that undermine community safety. I want to help stop that.

I think my skills make me well suited to be an advocate for policies that work on behalf of police and to keep our communities safe.

### **Even though there has been a lot of anti-law enforcement sentiment, our own polling shows that the large majority of Minnesotans support law enforcement.**

Political leaders and public figures who

foster anti-police attitudes undermine our safety. Many of those voices still have not retracted their comments or expressed support for public safety and policing. It's important work that we take steps to counteract that.

### **What contributes to rising crime rates in 2020 and 2021?**

A number of factors. Certainly the COVID pandemic emptied our jails and prisons of individuals who had been convicted of serious crimes. Closing the schools left youth unsupervised and maybe emboldened to commit crimes



A devoted family man, Van Nest is pictured with his son, Harrison.

they wouldn't otherwise do. And then I do think that there is a "Ferguson Effect," in which the police do not feel supported by the community and by leaders, both public figures and political officials. This curtails proactive policing, which sadly emboldens criminals.

### **You've already been writing about the revolving doors of our criminal justice system. What's your take on that?**

One of the tenants of so-called police reform involves cutting sentences for individuals who are a menace to society. We've seen it time and again: Individuals are put out on the streets, and data show there is a high likelihood of recidivism, and then we are essentially going out to solve crimes that could have been prevented had the individual been properly incarcerated.

### **How do we drive accountability on the part of county attorneys and judges?**

The police can't do their job unless individuals in the system support their work. So, it is an important conversation to have. And that's not only with the police, but what works in prosecution, what works in incarceration, and eventually what works in rehabilitation. Those are all areas for conversation. First, accountability starts with understanding Minnesotans — through their elected representatives — created our justice system to keep us safe and hold wrongdoers accountable. The community

expects key decisionmakers, such as prosecutors and judges, to enforce the laws as written while acting with compassion. Conversations on these and other topics at all levels of government with the community will go far to building support for our justice system and those sworn officers who keep us safe.

### **What projects will drive your early work here at the Center?**

I like to call it Defund the Police 2.0. Public officials are currently hosting conversations about policing and public safety that include police abolitionists or prison abolitionists, without including input from police. I see that one of my roles here at the Center will be as a public convener who ensures that the voice of the police is included.

### **The Center recently sponsored a campaign that opposed a proposal by Minnesota's Sentencing Guidelines Commission to make sentencing guidelines even more lenient than they already are.**

Last fall, the Minnesota Sentencing Commission proposed changing a calculation for sentencing that might mean less time for felony offenders. A majority of the commission voted to do away with the in-custody point when determining an offender's sentence. That means judges would no longer be able to take into consideration whether the offender committed the crime while in custody, on probation, or on supervised release. Those in favor of the change say it could

potentially free up over 500 prison beds and argue that programs and probation do more to rehabilitate an offender than incarceration. American Experiment believed the proposed change undermined public safety because offenders could potentially serve less time and would be given less discretion in sentencing. In other words, it is highly relevant to consider what was the offender's status in the system when they chose to commit another crime. During the initial round of public input, American Experiment organized a grassroots campaign to oppose the proposed sentencing guidelines change. The commission received over 3,500 comments with 95 percent opposing the change. As a result, the decision was tabled.

We've also launched the Criminal Injustice Tracker. This effort exposes judges and prosecutors who refuse to hold career criminals accountable for their crimes. The Criminal Injustice website will regularly post specific details of criminals and their crimes and the prosecutors and judges who spin them through the revolving door of justice so they can offend again.

### **How do you anticipate making use of the personal contacts you developed in your years in the FBI for your work at American Experiment?**

I would like to become a resource for agencies and executives either in a public affairs capacity or in a policy capacity. For example, I've worked with community leaders, civic groups, and schools helping them understand how the criminal justice system works and what law enforcement professionals do to keep us safe. Hosting events in the community with local law enforcement leaders is a great way to build trust and confidence in their public safety work. We have a number of such town hall events scheduled around the state. On the policy front, I have deep experience working with various stakeholders to craft policy and legal solutions in areas such as body-worn cameras, use of force, crime mitigation strategy development, leadership development, and crisis communications. I welcome

conversations with law enforcement leaders on these topics or any others in which I can offer insight.

### **Carjacking is a crime that's gotten a lot of recent publicity. What's behind that?**

A good part of this goes back to the data that a very small segment of violent career criminals commit the vast number of crimes. There was an arrest recently of a couple from St. Paul who had committed upwards of 30 separate carjackings. I do believe that criminals are emboldened by the sense that they won't be arrested, or at least in the short term, not punished by any significant measure. They commit one carjacking and nothing happens. And then they go on to commit more and nothing happens. Some of this is likely a result of under-staffing in our police departments where they've had to assign investigators to more serious crimes, like homicides or attempted murders. First and foremost, we need to make sure that repeat violent offenders are taken off the street and held in jail. Nothing is more demoralizing from the perspective of a law enforcement professional than turning someone loose who just committed a serious crime. The community loses faith in the system and the offender is free to hurt more people. Next, we need to make sure that our law enforcement leaders have the support and resources necessary to do their job. Finally, all stakeholders in the system should be oriented around ensuring justice is done on behalf of the innocent victim rather than focusing on negative repercussions for the criminal.

### **How will you measure the success of your work here at the Center?**

One of the things that drew me to the Center is that it's not the typical think tank. American Experiment policy professionals don't merely diagnose problems, they conceive solutions. And the whole organization is dedicated to finding ways that encourage policymakers to enact those solutions. How many think tanks sponsor billboards all over their hometowns thanking the police for their service? That's how I want my work to be judged: Have I prescribed solutions that make Minnesotans safer

— and feel safer — and created a public discourse that helps enact them?

### **What are some of the policy priorities you'll advocate in the coming legislative session?**

One is returning police officers to our schools. You think about just the publicity surrounding targeted violence and school shootings around the country. Right now there is not one legislative requirement that law enforcement officers be involved in these threat mitigation teams. And we think that we would all benefit by having officers use their expertise in the schools to counteract any type of targeted violence. And so that's one area we would expect to be on the legislative agenda this upcoming session.

### **We've seen the teachers' union trying to push safety officers and law enforcement out of the schools.**

Yes, and it's that sort of activity that has unintended consequences, actually making our schools less safe and shows there really is a role for police, particularly in our larger schools. These officers have a real opportunity to develop connections within the community. To deprive them of that is to make them less effective. Having police officers in the schools allows students to interact with police — to see that they are here to help, that they are not a threat. It might also help recruit young people into careers in law enforcement. When they have a good encounter with one of the school resource officers, it's a force multiplier. We should encourage that.

### **How is law enforcement in Minnesota generally viewed in the law enforcement community around the country?**

Minnesota law enforcement is viewed very favorably in that it is one of the few states that requires at least an associate degree in order to take the licensure examination. And then you have to complete certain law enforcement curricula and pass a test, so it's fairly selective here in Minnesota. Someone who chooses to go into law enforcement and put their life on the line for others is a noble calling. ★

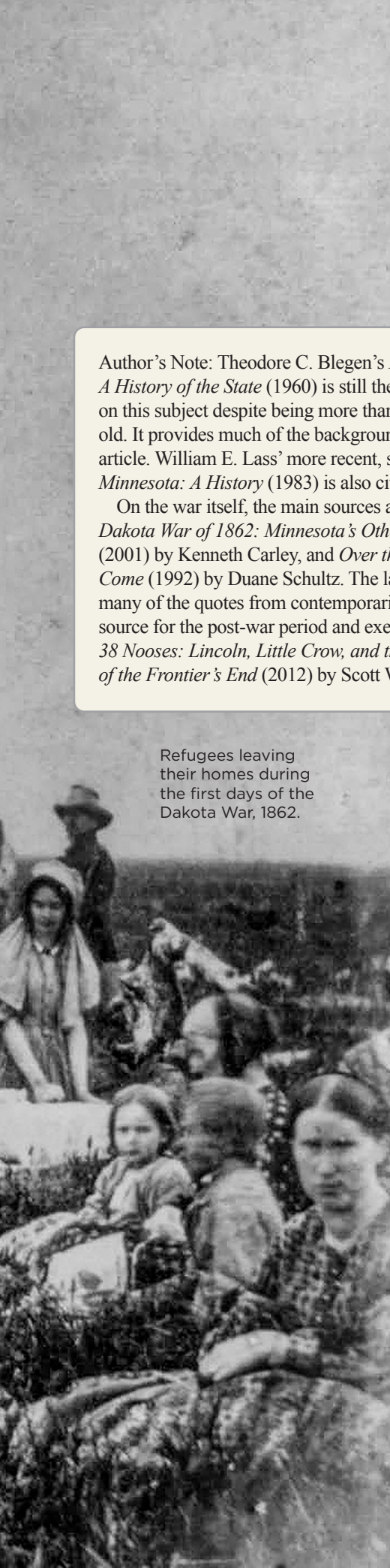
≡ HISTORY

# MINNESOTA'S CIVIL WAR

The truth behind the 1862 hanging of 38 Sioux men in Mankato — the largest-ever mass execution on American soil — is more complex than revisionists want us to believe.

By  
John  
Phelan





Refugees leaving their homes during the first days of the Dakota War, 1862.

Author's Note: Theodore C. Blegen's *Minnesota: A History of the State* (1960) is still the best book on this subject despite being more than 60 years old. It provides much of the background for this article. William E. Lass' more recent, shorter, *Minnesota: A History* (1983) is also cited.

On the war itself, the main sources are *The Dakota War of 1862: Minnesota's Other Civil War* (2001) by Kenneth Carley, and *Over the Earth I Come* (1992) by Duane Schultz. The latter provides many of the quotes from contemporaries. A key source for the post-war period and executions is *38 Nooses: Lincoln, Little Crow, and the Beginning of the Frontier's End* (2012) by Scott W. Berg.

**O**n December 26, 1862, 38 Sioux men were executed in Mankato before a crowd of thousands. As the ropes were placed around their necks, "Their bodies swayed to and fro," wrote an eyewitness, "and their every limb seemed to be keeping time...The most touching scene was their attempt to grasp each other's hands, fettered as they were. They were very close to each other, and many succeeded...One old man reached out either side, but could not grasp a hand. His struggles were piteous."

This is one of the most controversial — and misunderstood — episodes in Minnesota's history.

It came at the end of the Dakota War, about which

many seem to know only that 38 Sioux men were executed at the end. As a result, falsehoods abound. Last year, for example, WCCO reported that "38 Dakota men were hung in Mankato, for defending their people." The truth behind the largest-ever mass execution on American soil is much more complex.

## Grievances

Earlier that summer, the Minnesota Sioux's long-standing grievances with traders and the federal government had become acute.

By two treaties in 1851, the Upper and Lower Sioux bands sold 21 million acres in southern and western Minnesota, including their best hunting lands, in return for annuity payments from the federal government. These treaties were amended to the Sioux's disadvantage during ratification and administered by a corrupt and inefficient federal bureaucracy. In 1858, with little choice, the Sioux signed another treaty giving up half the land they had retained, and immigrants flooded in to farm it: Between 1850 and 1860, Minnesota's population rose by 2,731 percent. There was widespread feeling among the Sioux that they were

being "swamped."

This simmering resentment came to a boiling point that summer when the federal government failed to make annuity payments. The Sioux depended on these to buy food but, with the Civil War raging, Congress was late appropriating the money. The Indian agent, Thomas J. Galbraith, refused to release food until the payments arrived. The Sioux grew hungrier and angrier. They appealed unsuccessfully to the traders for credit. One, Andrew Myrick, is reputed to have said: "So far as I am concerned, if they are hungry, let them eat grass or their own dung."

## Murders

On the morning of Sunday, August 17, four Lower Sioux — Killing Ghost, Breaking Up, Runs against Something When Crawling, and Brown Wing — were hunting deer near Acton Township in Meeker County. Coming across the farmstead of Mr. and Mrs. Robinson Jones, they found some eggs and debated whether to steal them. They goaded each other into doing rather more.

They went to Jones' store and then followed him to the house of his son-in-law, Howard Baker. There, they challenged Jones, Baker, and another visitor, Viranus Webster, to a shooting contest, which they accepted. Jones and Baker fired but did not reload. The Sioux then turned and shot the Joneses, Baker, and Webster dead. They rode away, passing Jones' store where his 15-year-old daughter, Clara, was watching from the doorway. She, too, was shot dead.

That night the four came before Little Crow, the most respected Sioux leader. With other chiefs, they debated what to do next. Some saw an opportunity to retake the land lost to the immigrants: "All the white soldiers are in the South fighting other white soldiers," Red Middle Voice said. "We have no choice. Our hands are already bloody." Little Crow, who had visited eastern cities, disagreed. "The white men are like the locusts," he said, "when they fly so thick that that the whole sky is a snowstorm... Yes, they fight among themselves, but if you strike at one of them, they will all turn upon you and

devour you and your women and little children, just as the locusts in their time fall on the trees and devour all the leaves in one day. . . Kill one, two, ten, and ten times ten will come to kill you.”

But Little Crow recognized that many would fight with or without him, so, with little enthusiasm, he agreed to lead them. The following morning, they would attack the Lower Agency.

## Atrocities

Little Crow might have hoped to limit the Sioux to a manageable conflict that could end with something less than the extermination he prophesied; “I gave orders to kill only traders and government agents, who have cheated the Indians,” he said later. But while he was nominally in charge, he failed to impose this strategic vision on his warriors. Almost immediately, some pursued the strategy proposed by those like Red Middle Voice instead:



the ethnic cleansing of white immigrants from the Minnesota River Valley.

The Lower Agency was wiped out and Myrick was reputedly found with grass stuffed in his mouth. But some of Little Crow’s Sioux — perhaps no more than 200 out of 2,000 — pursued fleeing survivors like Dr. Philander Humphrey and his family. Mrs. Humphrey was weakened from recent childbirth, so they rested in a house. Dr. Humphrey sent his 12-year-old son for help, but before he returned the doctor was shot dead and the house set on fire, burning his wife and two children alive. When

Humphrey’s son returned, he witnessed Sioux cutting off his father’s head.

The killings spread. More than 50 were murdered at Milford Township. At Lake Shetek, 15 were murdered including Willie, Belle, and Francis Duley, aged 10 years, 4 years, and 6 months respectively. Elsewhere, August Schwandt, then aged 12, recalled how Sioux approached his family’s cabin, shot his father, and hacked to death his mother, two brothers, pregnant sister and her husband, and a hired hand. August himself was beaten and left for dead.

Many of those who fled fared no better. Helen Carrothers was among an ambushed group. She recalled how a Sioux took a baby belonging to a seriously ill woman named Henderson and “holding her by one foot, head downwards, deliberately hacked her body, limb from limb, with his tomahawk, throwing the pieces at the head of Mrs. Henderson. Some of

the Indians made a big fire and when it was burning fiercely, they lifted the feather bed on which Mrs. Henderson lay, and tossed bed and woman and the mangled portions of her children into the flames.”

It has been said that such survivor accounts are exaggerated, and they may be, but there is no doubt that hundreds of civilians were murdered by Little Crow’s Sioux. In his book, *Minnesota: A History*, historian Wil-

liam E. Lass gives the following casualty figures: “413 white civilians, 77 soldiers, and 71 Indians, including the 38 who were executed at Mankato.” Civilians accounted for 74 percent of deaths in the Dakota War. For the Civil War, the ratio was just 8 percent.

Indeed, these atrocities repulsed many of their fellow Sioux. The Upper Sioux refused to join Little Crow’s war, with one chief, Wabasha, telling him that the uprising was not an act of war but rather a wanton slaughter of civilians, unworthy of true Sioux braves. The significant peace party tracked Little Crow, con-

stantly pleading with him to release his captives. The atrocities were committed by a minority of a minority.

## Fighting

When Little Crow’s Sioux could surprise isolated groups of civilians or soldiers, as at Redwood Ferry (August 18) and Birch Coulee (September 2-3), they were victorious. But when they faced either soldiers or civilians who were prepared, as at Fort Ridgely (August 20-22) and New Ulm (August 19 and 23) — where civilians improvised a defense and fought off two assaults — they were defeated.

Minnesota’s governor, Alexander Ramsey, dispatched a hastily assembled column of 1,400 untrained men under Henry Sibley to relieve Fort Ridgely and defeat Little Crow. On September 23, the Sioux attacked Sibley’s camp at Wood Lake and were decisively defeated. The peace party seized the captives and Little Crow and a number of followers went west. Three days later, at a spot later named Camp Release, 2,000 Sioux surrendered with 269 captives.

## Trials

The cry for revenge went up across Minnesota. “[The Sioux] must be exterminated,” wrote one newspaper editor, “and now is a good time to commence doing it.” He spoke for many.

Sibley was aware of this feeling. On September 28, he appointed a military commission to “try summarily the mulatto, and Indians, or mixed bloods, now prisoners, or who may be brought before them. . . and pass judgment upon them, if found guilty of murders or other outrages upon the whites, during the present state of hostilities of the Indians.” Over five weeks, 392 people were tried resulting in 303 death sentences, 16 jail sentences, and 69 acquittals. Many of the trials were a farce by modern standards: some lasted just minutes, many were convicted on the testimony of an informer who had bargained for his own safety, and many of those condemned to death had been found “guilty” of fighting in battles like Birch Coulee and Wood Lake.

But Sibley was also aware of the limits of his authority. “If found guilty they will be immediately executed,” he wrote General John Pope, who had been sent by President Lincoln to take charge of

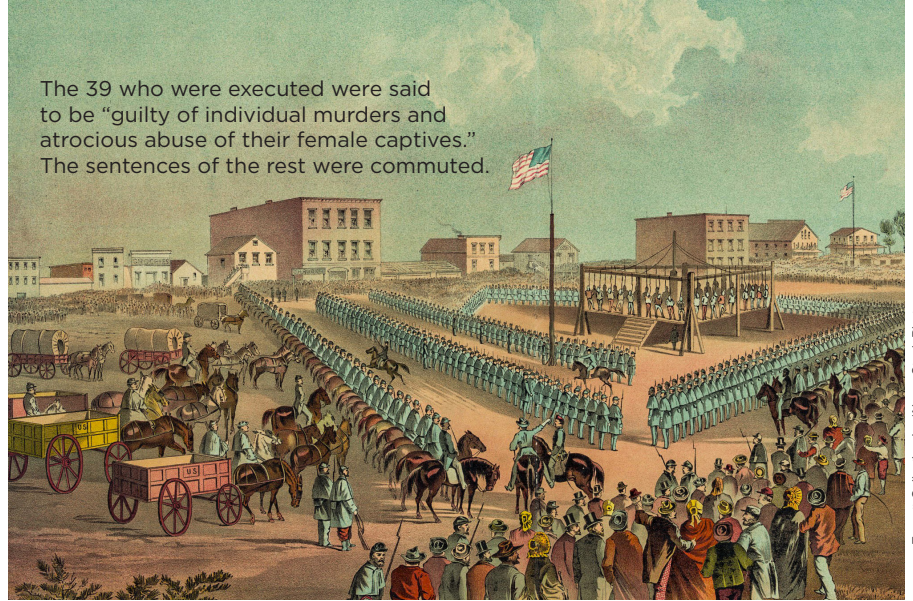


the war after leading the Union army to defeat in the Second Battle of Bull Run in August, “although I am somewhat in doubt whether my authority extends quite so far.” It did not. Military commissions were a form of legal proceeding used when a standard court-martial or civil trial was impossible. As Scott W. Berg explains in his book *38 Nooses*, “All sentences were subject to the review of a ‘convening authority,’ meaning that a superior had to sign off on every judgment... capital convictions usually went to the desk of the president.”

At a cabinet meeting on October 14, Secretary of War Edwin Stanton read a dispatch in which Pope wrote that he “was anxious to execute a number” of Sioux. Secretary of the Navy Gideon Welles noted, “I was disgusted with the tone and opinions of the dispatch... The Indian outrages have, I doubt not, been great — what may have been the provocation we are not told.” Lincoln must have shared this disquiet. He sent Assistant Interior Secretary John Palmer Usher to Minnesota on a fact-finding mission and, three days later, Pope told Sibley “the President directs that no executions be made without his sanction.”

For Lincoln, this was an especially low point in the Civil War. The federal government’s attempt to seize the Confederate capital, Richmond, had failed at Bull Run. In September, Robert E. Lee’s Confederates advanced on Washington, D.C. and were only stopped at the bloody Battle of Antietam. In November’s midterms, Lincoln’s Republicans lost their majority in the House.

Lincoln picked three men to help him examine the trial transcripts: Usher and his chief clerk George C. Whiting, both recently returned from Minnesota, and Interior Department lawyer Francis Ruggles. “At some point on or around December 1,” Berg writes, “the president provided Whiting and Ruggles with a very specific set of instructions: They were to scour the trial transcripts with great care and identify all cases of rape, all cases involving the murder of women and children, and all cases involving the killing of unarmed men in the settlements. These sentences,



The 39 who were executed were said to be “guilty of individual murders and atrocious abuse of their female captives.” The sentences of the rest were commuted.

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in Lincoln’s estimation, accorded with the purpose of a military commission and deserved speedy executions. Other instances of violence, meaning shots fired in battle against Minnesota militia or United States soldiers, did not.” The three worked diligently, Berg noting “their careful trial summaries, as well as their numerous pencil notes and cross-references on the transcripts.” Finally, on December 5, Lincoln wrote Sibley: “Ordered that of the Indians and Half-breeds sentenced to be hanged by the Military Commission... lately sitting in Minnesota, you cause to be executed on Friday the nineteenth day of December, instant, the following names, to wit.” Thirty-nine names were included, those his review had concluded were “guilty of individual murders and atrocious abuse of their female captives.” The sentences of the rest were commuted.

## Executions

After a delay of one week while enough rope was gathered for the nooses, the 38 were hanged in Mankato. One, Chaska, who had sheltered captives, was mistaken for a Chaskaydon, who had killed and mutilated a pregnant woman, and executed in error. The executioner was Capt. William

J. Duley, father of three children who had been murdered at Lake Shetek.

Little Crow’s cause was doomed from the start, as he knew. While the Confederacy could realistically hope to inflict a military defeat on the federal government so damaging it would have to sue for peace, the Sioux could hope for no such thing. Worse, what they did do contrary to his instructions — the murder of civilians — guaranteed an overwhelming response.

His warning came to pass. The Sioux, “friendly” and hostile alike, were banished from Minnesota, along with others like the Winnebagos, who had taken no part in the war, and many women and children died here. Further expeditions into the Dakota Territory began in the new year. With the question of slavery resolved by the end of the Civil War, the westward expansion of the United States — long held up by debates about “free” and “slave” states — began in earnest. The Dakota War began a period of near continuous warfare between the federal government and successive native tribes that did not end until Wounded Knee in South Dakota in 1890. Little Crow himself returned to Minnesota in the summer of 1863 and was shot dead by a farmer while picking berries with his son.

The Dakota War is perhaps the darkest chapter in our state’s history.

This year marks its 160th anniversary and the 38 men executed in Mankato will, no doubt, be remembered. But so, too, should those murdered at places like Lake Shetek. All those whose blood and bones are mingled together in the soil of this state deserve remembrance. ★



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## FINAL WORD



John Hinderaker

**Our state has  
declined badly  
in many respects,  
but it is not  
too late  
to recover.**

*continued from page 31*

This is why American Experiment is working to break the power of the teachers' union, which stands in the way of all education reform. This is why American Experiment has been working for real school choice for 30 years and leads the fight to oppose the substitution of Critical Race Theory for solid instruction, and the watering down of our state's standards for K-12 education.

Minnesota once had a strong economy, too. Unfortunately, in the 21st century we have failed to keep pace. Since 2000, Minnesota's economic growth has been below the national average. The same is true of the Twin Cities metro area. Our economists identified the twelve Metropolitan Statistical Areas that, in 2000, had gross domestic products closest to that of the Twin Cities. That creates a peer group of 13 metro areas. How have the Twin Cities fared in comparison with those peer areas in the following years? Poorly. The Twin Cities area rates 11th out of those 13 metropolitan areas in 21st century economic growth — losing to, among others, Baltimore.

Minnesota is also a low-productivity state. Whether measured by the hour, the year, or the job, Minnesotans' labor produces around six to seven percent less than the national average. This is largely because of our failure to develop high-productivity, high-income jobs in industries like mining and information services.

Whether we like it or not, other states are competing with us for good-paying jobs and high-productivity citizens. In the 21st century, Minnesota has not fared well in this competition. Using the Internal Revenue Service's vast database, our economists are able to trace the movement of residents between Minnesota and other states. The pattern has been consistent over a number of years, and is alarming.

Minnesota gains residents from other states, on net, only in the income category from \$0 to \$25,000. We break even in the range between \$25,000 and \$50,000, and we lose residents, on net, in every income category over \$50,000. Minnesotans sometimes agonize over whether we are losing "the rich" to states like Florida. Of course we are, but that is the least of our problems. The reality is that Minnesota is not

creating enough solid, good-paying jobs to attract our share of skilled, productive residents.

Why is Minnesota doing so poorly? Our economists identify high taxes as a key impediment to growth. Minnesota has the sixth highest overall tax burden in the U.S., the fifth highest top personal income tax rate, the third highest corporate income tax rate, and is one of the few states that still impose an estate tax. The list goes on and on. The data show conclusively that our high taxes are strangling our economy.

This is why American Experiment has launched one of our biggest campaigns ever: It's Our Surplus, Give It Back. As a result of overtaxing its citizens, Minnesota now has a projected \$9.3 billion surplus for the next biennium. This creates an unparalleled opportunity for deep, permanent tax cuts that will help to restore Minnesota's lost competitiveness. Through our writing, through social media, emails, billboards, radio ads, videos and more, we are spreading the word that the legislature needs to give our surplus back to the taxpayers in the form of lower taxes. Our campaign will culminate in a "Give It Back" rally at the state Capitol on April 23. Bear in mind that if the surplus is spent in the coming biennium, it will be part of the permanent budget and we will spend it again in the next biennium, with a percentage increase.

One area where Minnesota has gone out of its way to shoot ourselves in the foot is energy. Historically, Minnesota had low electricity costs. That was a rare competitive edge in a state where some costs are inevitably higher than average. But as a result of Minnesota's commitment to wind and solar energy, that advantage has been lost — and every Minnesotan suffers as a result. In fact, the price of electricity has been growing here at two and one-half times the national average. Thus, American Experiment has testified repeatedly before legislative committees and has campaigned relentlessly for affordable, reliable energy.

At this moment in history, we stand at a crossroads. Our state has declined badly in many respects, but it is not too late to recover, and in some ways we have great opportunities before us. But Minnesotans must choose the right path. The hour is late and the time is short. ★



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