



AN INTERVIEW WITH DR. THOMAS SOWELL, THE ORIGINAL “WOKE” ECONOMIST PAGE 35

ALSO IN THIS ISSUE:

5

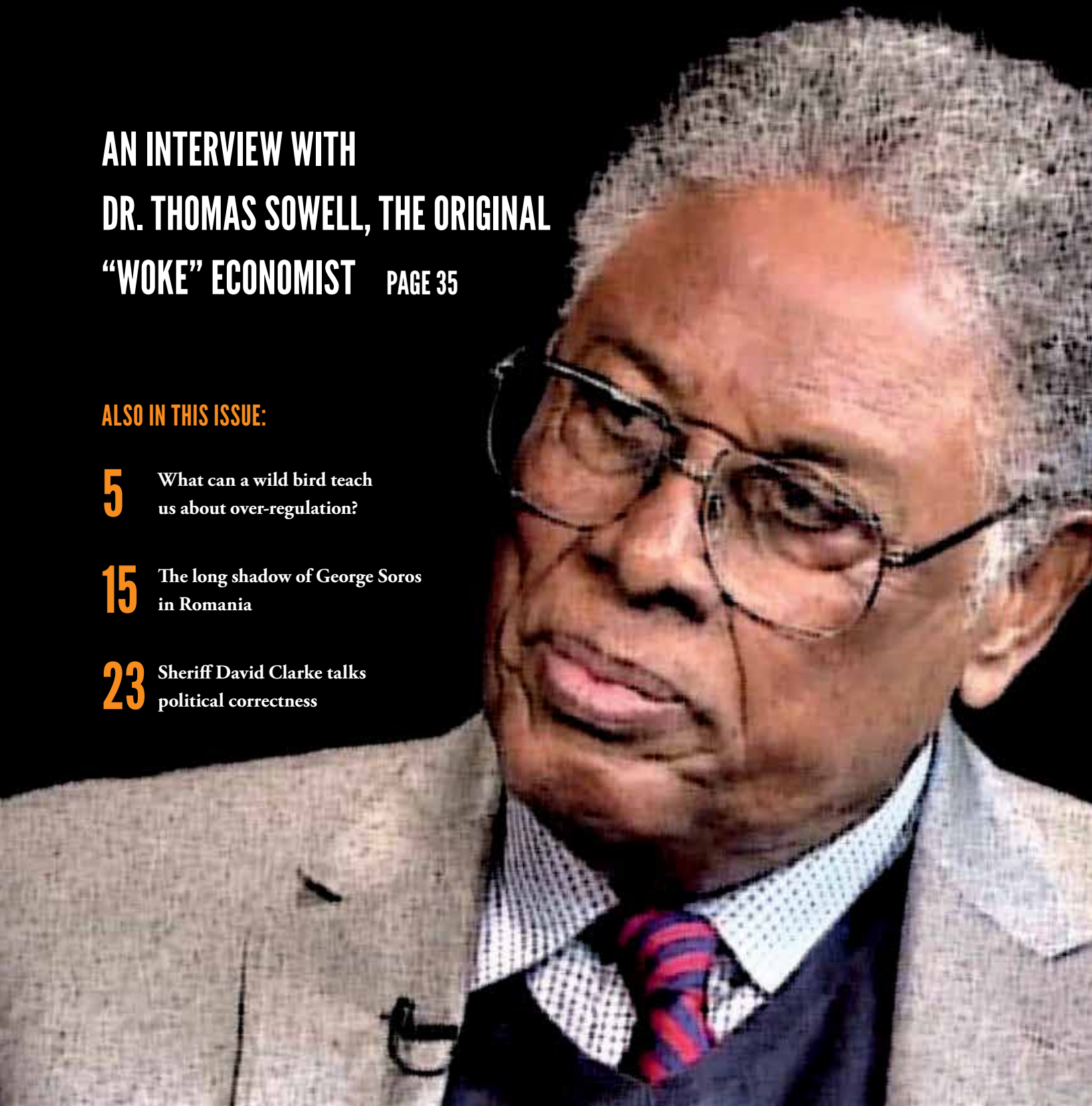
What can a wild bird teach
us about over-regulation?

15

The long shadow of George Soros
in Romania

23

Sheriff David Clarke talks
political correctness



A project of CRC's Dangerous Documentaries

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DENNIS PRAGER



***No Safe Spaces*, a film starring Adam Carolla and Dennis Prager and a project of CRC's own Dangerous Documentaries, will expose the safe space culture that is undermining American universities. *No Safe Spaces* will expose the sad state of free speech, the unwillingness of students to be challenged by new ideas, and "the grievance culture" of "safe spaces" that are undermining the intellectual foundations of American higher education.**

Carolla—a well-known stand-up comedian, podcaster, and radio personality—and Prager—a syndicated radio talk show host who has been on the air for more than four decades—will travel to college campuses across the country interviewing students, professors, and commentators from both sides of the political spectrum.

***No Safe Spaces* is set to release in Spring 2019. It will be directed by Justin Folk and produced by Mark Joseph. Scott Walter and Jake Klein are executive producers.**

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CONTENTS

3

COMMENTARY

It's Time for PETA to Use Its Money to Help Animals

By Scott Walter

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5

GREEN WATCH

Sage Grouse Acts as Canary in the Coal Mine for Regulatory Rollback

By Kevin Mooney



16

LABOR WATCH

When Unions Try to Organize the Babysitters

By Ben Johnson



23

FOUNDATION WATCH

Soros's Romanian Ghosts

By Jacob Grandstaff



32

SPECIAL REPORT

Political Correctness's Impact on Abhorrent Behavior

Sheriff David A. Clarke, Jr. (Ret.)



35

SPECIAL REPORT

An Interview with Dr. Thomas Sowell

By David Hogberg

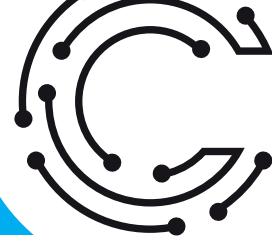
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IT'S TIME FOR PETA TO USE ITS MONEY TO HELP ANIMALS

By Scott Walter

After the unfortunate death of a family dog following a grooming session at a Texas PetSmart, People for the Ethical Treatment of Animals (PETA) have renewed calls for animal lovers to boycott the big box pet store and Chewy.com, PetSmart's newly acquired online pet supply retailer. This is just the latest publicity play for the supposed animal rights organization. PETA has spent the last few years carefully tracking every isolated incident at the over 1,500 PetSmart locations and fabricating a trend of neglect and abuse.

The smear campaign is not surprising, given the source of the allegations. PETA is not an association of concerned pet owners, but rather an extremist organization dedicated to eliminating *all* human use of animals and actually establishing animal rights.

PETA is driven by the extremist ideology of animal liberation—the view that, in PETA founder Ingrid Newkirk's words, “a rat is a pig, is a dog, is a boy.” Over the years, that belief system has led the organization to associate with extremely unsavory characters: The group funded the legal defense of an animal liberation arsonist and provided grants to the violent extremists at Earth Liberation Front, according to *Influence Watch*.

Clearly, PETA supporters are not your typical dog and cat lovers. The group's ideology demands that all human use of animals be ended—including *pet ownership*. Newkirk has advocated an extremist form of dog and cat birth control, which she calls a “no-birth community,” as a response to criticism of animal shelters that kill most or all of the animals who reach them.



In PETA founder Ingrid Newkirk's words, “a rat is a pig, is a dog, is a boy.”

It gets worse. PETA is openly a hardcore *defender* of kill animal shelters—so hardcore that they operate a particularly notorious one at the organization's Norfolk headquarters. In 2017, disclosures filed with the state of Virginia show that



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PETA is not an association of concerned pet owners, but rather an extremist organization dedicated to eliminating all human use of animals and actually establishing animal rights.

of the 956 dogs and 1,489 cats the group processed through its shelter, 62 percent of the dogs and 81 percent of the cats were killed. And that's a decline from past years, when the kill rate frequently exceeded 90 percent. PETA spent 2017 killing on average approximately five pets every single day—including weekends and holidays.

And while PETA claims its charnel house is on a mission of mercy since the supposedly “un-adoptable” pets of eastern Virginia are better off dead, there is very good reason to reject that defense. In recent years, the group has had to pay a settlement of \$49,000 to the family of a young Virginia girl whose dog was wrongfully seized by PETA and killed in violation of state animal shelter regulations. In 2015, Virginia state legislators also tried to tweak the state code to disqualify PETA's shelter, since its primary purpose is clearly

Scott Walter is president of Capital Research Center.



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In Virginia alone, PetSmart Charities donated \$607,487 to local animal shelters and adoption groups, saving 21,436 pets.

animal shelter is such a bleak house for the unfortunate creatures that end up there.

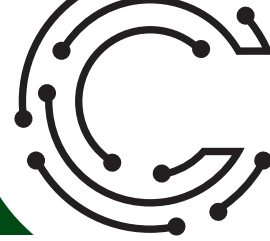
PetSmart, on the other hand, has a much better track record when it comes to giving back to animals. In Virginia alone, PetSmart Charities donated \$607,487 to local animal shelters and adoption groups, saving 21,436 pets, and funding over 3,800 surgeries for animals in need. Across the country, PetSmart Charities saves 500,000 pets and does so by making grants to local animal welfare organizations, which tend to operate on slimmer budgets than PETA's, even as they save more animals.

Long story short—PETA is an untrustworthy extremist group which does not represent mainstream approaches to animal welfare. Their hypocritical attacks on PetSmart might make flashy headlines, but it reveals a striking double standard when it comes to actually helping all creatures great and small. When it comes to treating animals ethically, animal lovers should know that PETA doesn't even put its money where its mouth is. ■

PetSmart, on the other hand, has a much better track record when it comes to giving back to animals. Across the country, PetSmart Charities saves 500,000 pets and does so by making grants to local animal welfare organizations.

not finding permanent adoptive homes for the animals it takes in.

Recent financial records for PETA show that the organization spent nearly \$39 million on its programs in 2016. But this includes “educational” campaigns and media circuses advocating for a boycott of PetSmart, an end to animal testing, a shuttering of the leather and wool industries, and, of course, the end of meat consumption. It's no wonder PETA's



SAGE GROUSE ACTS AS CANARY IN THE COAL MINE FOR REGULATORY ROLLBACK

By Kevin Mooney

Summary: *Partisan disagreement about listing the Bi-State and greater sage grouse in western states as an endangered species sparked costly lawsuits and strained partnerships between local industries, states, and the federal government. This is the latest indicator that Congress needs to act to prevent regulatory overreach by executive agencies and to reform the Endangered Species Act to limit radical environmentalists' ability to stick taxpayers with bills for expensive and needless litigation.*

Ask environmental activists who have filed litigation under the Endangered Species Act (ESA) what they find so lacking in local conservation efforts and you will get some creative answers that have been used to justify taxpayer-funded court actions.

If you happen to speak with Erik Molvar, the executive director of Western Watersheds Project—one of several nonprofit environmental advocacy groups based in the western U.S. that make frequent use of the ESA—he might acknowledge that state-level initiatives have met with quantifiable success. But in response to further inquiry, Molvar will then proceed to explain why there is no substitute for federal litigation: In the event of a natural disaster, he says, such as an extreme weather condition or disease, the main population center of species could be wiped out. Therefore, Molvar and his fellow green activists, feel a compulsive need to hit the litigation button again and again to agitate for an endangerment listing even when species population trend-lines point to recovery.

But what the lawsuits have actually done to advance the cause of conservation is not clear, since only a small percentage of species have ever been delisted. What is clear is that U.S. taxpayers often foot the bill for the substantial legal fees the green groups pay to their attorneys, thanks to a key provision of the Endangered Species Act, which has become one of the most controversial laws in the land since its passage in 1973.

The failures attached to the ESA's Big Government approach to conservation are legion. But the incessant efforts on the part of green groups to list a chickenlike bird known as the



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In 2010, a coalition of radical environmentalists filed suit against the U.S. Fish and Wildlife Service calling for the greater sage grouse and the Bi-State sage grouse to be listed as either threatened or endangered. They never looked back.

sage grouse offer an opportunity to focus public attention on the need to reform this law.

In 2010, a coalition of radical environmentalists filed suit against the U.S. Fish and Wildlife Service calling for the greater sage grouse and the Bi-State sage grouse to be listed as either threatened or endangered. They never looked back.

What is the greater sage grouse and how does it differ from the Bi-State sage grouse? The brightly-colored, chubby, ground-dwelling bird with a small head and long tail derives its name from the habitat it occupies out west—namely sagebrush. While the bird itself is iconic, environmental scientists pay special attention to the sage grouse because its health and survival are contingent on its habitat. A healthy sage grouse population is indicative of a healthy sagebrush landscape.

Kevin Mooney is an investigative reporter with The Daily Signal who also writes and reports for several national publications including National Review, the Daily Caller, American Spectator and the Washington Examiner.



Credit: Ron Glaser. Youtube screenshot. License: <https://goo.gl/bv4RKf>

Molvar and his fellow green activists, feel a compulsive need to hit the litigation button again and again to agitate for an endangerment listing even when species population trendlines point to recovery.

The sage grouse has assumed a heightened importance during the Trump administration as it figures prominently in deregulation efforts. The population range for the greater sage grouse cuts a wide swath across much of the American West.

According to the latest figures available at Bureau of Land Management (BLM), the greater sage grouse occupies about 170 million acres in 11 western states: North Dakota, South Dakota, Wyoming, parts of California, Nevada, Oregon, Utah, Colorado, Montana, Idaho, and Washington State.

The greater sage grouse and its close cousins have a story to tell about the transition from the Obama administration to the Trump administration. When the history is written about the success or failure of Team Trump's efforts to corral the federal bureaucracy and alleviate regulatory burdens, the sage grouse will be a big part of that story.

Obama-Era Action

Green groups seemingly experienced a significant setback in September 2015. Then-interior secretary under President Obama, Sally Jewell announced that U.S. Fish and Wildlife Service (USFWS) would not list the greater sage grouse as endangered. Because of the heavy lifting done by state officials and private land owners, she explained, local and state-level conservation efforts had met with considerable success:

This is truly a historic effort—one that represents extraordinary collaboration across the American West...It demonstrates that the Endangered Species

Act is an effective and flexible tool and a critical catalyst for conservation—ensuring that future generations can enjoy the diversity of wildlife that we do today. The epic conservation effort will benefit westerners and hundreds of species that call this iconic landscape home, while giving states, businesses and communities the certainty they need to plan for sustainable economic development.

While Jewell stopped short of saying that federal involvement was not necessary, she praised collaborative efforts between her department and state officials. After experiencing a sharp decline in its population numbers over the past several decades, the greater sage grouse now “remain relatively abundant and well-distributed across the species’ 173-million-acre range,” USFWS agents concluded.

That didn’t sit well with Molvar and friends who favor stricter land use rules coupled with an Endangered Species Act listing. In response to the decision not to list the species, Molvar said:

The sage grouse faces huge problems from industrial development and livestock grazing across the West, and now the Interior Department seems to be squandering a major opportunity to put science before politics and solve these problems....Strong, science-based plans could have neutralized the serious threats that sage grouse are facing, but instead we have weak plans that cannot justify the decision to deny Endangered Species Act protections.

That’s one side of the argument: Anytime the greens are denied an opportunity to file suit, they balk. But industry representatives who have a personal stake in the sage grouse habitat saw skullduggery at work in the waning days of the Obama administration. The Department of the Interior’s Bureau of Land Management and the Agriculture Department’s U.S. Forest Service finalized 15 land use plans in



Ask yourself how much conservation these groups do and the answer is zero.

September 2015, all issued the same day Fish and Wildlife declined to list the species as either threatened or endangered. Groups like the Colorado-based Western Energy Alliance view the land use plans as counterproductive to conservation and overly burdensome and restrictive toward oil and gas development.

Ten of the 11 states that are home to sage grouse will be affected by the approved land-use plans. Washington State's sage grouse population is concentrated on private land where federal regulations are not applicable.

Actual Population Trends

The Interior Department released a report in 2015 that examined population trends for the bird and identified some encouraging trends. The report found that the long-term average annual rate of decline for the species had moved from 3.1 percent (measuring from 1965–2007) to 1.4 percent (measuring from 1985–2007). The report also found that the population in parts of Nevada and Utah actually increased. State officials who have filed suit challenging the federal land use plans have their own facts and figures that point to stabilizing and even rising population figures for the greater sage grouse.

Unfortunately, there is no way to precisely gauge the bird's current population. The figures most frequently cited by Fish and Wildlife based on recent surveys estimate that there are anywhere from 200,000 to 500,000 greater sage grouse residing across 11 western states.

Fish and Wildlife officials acknowledge on the agency's website that there is no set standard procedure for counting the birds:

Sage-grouse are especially difficult to count because of their large range, camouflage coloring and ability to hide in sagebrush. While there is a keen interest in population sizes, there is no effective and universally accepted way to estimate populations. Instead, state fish and wildlife agencies count the most visible population segment of the species: male sage-grouse displaying on communal mating sites, called leks, during mating season. There is no systematic count of females, sub-adults, or non-displaying males.

Since the Obama administration rolled out the sage grouse land use regulations, environmental groups and industry groups have predictably lined up on opposite sites.

Objections From the Left

The Western Watersheds Project, which is headquartered in Idaho, has joined with other well-endowed environmental advocacy groups to file suit against the Interior Department's Bureau of Land Management and U.S. Agriculture Department's Forest Service. The environmental groups

have called on the feds to impose tighter restrictions against fossil fuel development, mining activities, and livestock grazing across more than 70 million acres on public lands in ten western states. This should be done to close off "special interest loopholes" in current land use plans, they contend.

Advocates for the West, a nonprofit public interest law firm based in Boise, Idaho, represents the coalition of environmental litigants, which also includes WildEarth Guardians, based in New Mexico; the Center for Biological Diversity, based in Arizona; and the Prairie Hills Audubon Society, based in South Dakota. Molvar was serving as biologist with WildEarth Guardians when the suit was filed in February 2016. The purpose of the litigation is not to eliminate, but to strengthen the existing land use plans, the environmentalists explain in a press release:

The federal sage-grouse plans are a crazy-quilt of weak protections and politically motivated loopholes that allow many of the most destructive activities to continue...agencies turned their backs on the habitat protections recommended by their own scientists, and instead adopted political compromises that can't—and won't—prevent further sage-grouse declines.

Because there are "loopholes" that allow for some livestock grazing, oil and gas drilling, transmission lines, and other development across sage grouse habitat the green groups claim that the land use plans do not conform with the requirements of the National Environmental Policy Act, the Federal Land Policy and Management Act, and the National Forest Management Act.

Objections From the Right

Industry groups and state officials who view Obama-era land use regulations as overly burdensome and open-ended are not leaving the field open to environmentalists.

Brian Seasholes, a Washington, D.C., area consultant who favors free market solutions to energy and environmental challenges, has a jaundiced view of the ESA in its current form because he believes it undermines successful local conservation initiatives:

It's hard to say that the sage grouse should be listed as endangered when the population is approaching a half million or is possibly above a half million...If we are going to be serious about conservation we've got to be flexible in our approach and responsive to the realities on the ground in each state.

Seasholes is also critical of the role environmental groups have played in the struggles over sage grouse habitat and in the court room:

Ask yourself how much conservation these groups do and the answer is zero. They don't own any land, they don't have any skin in the game. They don't do any conservation. They are just lawsuit mills that want more command and control.

Several lawsuits out of Idaho, Nevada, and Wyoming naming the Interior Department, Agricultural Department, and their sub agencies as defendants were immediately filed in September 2015, when the Obama administration rolled out the land use plans as a substitute for an Endangered Species Act listing. Nevada Attorney General Paul Laxalt has joined with local counties and mining companies in their litigation against the land use restrictions. However, Laxalt's decision to enter the fray, announced in October 2015, puts him at odds with his own Republican governor, Brian Sandoval, who opposes the litigation against the federal government. Utah State officials followed with their own suit in 2016.

In April 2016, Gov. C.L. "Butch" Otter of Idaho appealed a federal court ruling that dismissed his state's sage grouse litigation. U.S. District Court Judge Emmet G. Sullivan did not rule on the merits of Otter's challenge to the land use plans, but insisted the governor lacked standing because he could not prove his state had been injured by the federal plans.

Laxalt is not the only state official who has clashed with members of his own party over the correct approach to sage grouse conservation and litigation. The most dramatic example of intra-party strife flows from the special case of Colorado; there, green activists succeeded in securing an Endangered Species Act listing from the Obama administration.

Industry groups suing to overturn the land use plans include the American Exploration and Mining Association based in Spokane, Washington; the Western Energy Alliance based in Denver, Colorado; the North Dakota Petroleum Council; and the Wyoming Stock Growers Association.

Colorado as a Special Case

Colorado is home to the Gunnison sage grouse which, though a close cousin of the greater sage grouse, is considered a unique, distinct species.

For starters, the Gunnison sage grouse is noticeably smaller and much more rare than the greater sage grouse. According to the Fish and Wildlife service, about 5,000 Gunnison sage



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The level of outrage across party lines became palpable just a few months after the listing was announced when Colorado Governor John Hickenlooper, a Democrat, filed suit against his own party in Washington, D.C., naming Obama's Interior Department and its Fish and Wildlife division as defendants.

grouse reside in southwestern Colorado and southeastern Utah. This chubby little bird is about one-third the size of the greater sage grouse. The male species, in contrast to the greater sage grouse, have what Fish and Wildlife officials describe as a "more distinct, white barring on their tail feathers [and] longer and denser filoplumes on their necks." The male Gunnison sage grouse also puts on an elaborate, colorful mating display for females that involves much strutting and flapping of wings. The males also puff themselves up during this alarming ritual and emit loud noises. There are seven different Gunnison sage grouse populations in Colorado and Utah with largest population of about 4,000 concentrated in the Gunnison Basin region of Colorado.

For more than 25 years now, Colorado state officials have been working hand-in-glove with local ranchers, farmers, and other private landowners to preserve the sage grouse habitat and to protect the bird population. During this time, state officials have spent more than \$40 million on local conservation efforts that by any reasonable metric yielded positive results. According to Colorado state government figures, the main Gunnison Basin population hasn't just stabilized, but, it has in fact, increased in the past few years. Nevertheless, the Fish and Wildlife Service saw fit to stick Colorado with an Endangered Species Act listing in November 2014.

In a press release announcing the decision, the feds insist that landowners who had previously entered into conservation agreements will be able to continue with those programs. The

U.S. Department of Agriculture's Sage Grouse Initiative held up the *voluntary* partnerships with ranchers and farmers as an example of a successful federal-state partnership:

While many people hoped that the extraordinary conservation efforts by our partners in Colorado and Utah would resolve all the threats faced by the Gunnison sage-grouse, the best available science indicates that the species still requires the Act's protection.

But then USFWS director Dan Ashe went on to say:

This is a work in progress, however, and we will continue to join our partners in protecting and restoring the rangelands with the hope that, in the near future, the Gunnison sage-grouse will no longer need additional protection.

Because there is no denying the progress in the Gunnison Basin, USFWS decided to list the species as "threatened" rather than "endangered" so local landowners who participate in conservation efforts could "continue to manage their lands without additional restrictions.

More Lawfare

While the listing came as a blow, it could have been worse. When Congress legislated the Endangered Species Act, it created a significant distinction between "threatened" and "endangered." A listing under "threatened" is meant to be much less restrictive than the designation of "endangered."

But any listing should be viewed as an insult, according to Kent Holsinger, a natural resources lawyer based in Denver. After investing tens of millions of dollars in conservation efforts that reversed declining grouse population trends, Colorado should have been permitted to proceed forward without federal interference, he argues:

It was a real slap in the face from the Obama administration to list the Gunnison sage grouse. Populations have been rising with state and local entities bending over backwards. But after working incredibly hard to preserve the species, the reward from the feds was congratulations, here's a listing. So, I can't tell you how outraged folks in Colorado were, and rightfully so. The bird should not be listed. The results are in and local conservation efforts are more than enough.

The level of outrage across party lines became palpable just a few months after the listing was announced when Colorado

Governor John Hickenlooper, a Democrat, filed suit against his own party in Washington, D.C., naming Obama's Interior Department and its Fish and Wildlife division as defendants.

John Swartout, a Republican who is a senior policy advisor to Hickenlooper, blames the "adversarial structure" of the Endangered Species Act for the litigation. He sees a "broad, bi-partisan consensus" emerging on the part of western governors to reform the law to the point where successful conservation efforts can be rewarded by an absence of oppressive federal regulations:

The governor felt like the landowners had done everything we asked them to do and made a superhuman effort... They really stepped up and did everything that was necessary. We wanted to let our landowners know that we had their backs after they did everything they could do to protect the sage grouse.

Hickenlooper's suit describes some of the initiatives that were folded into the \$40 million conservation effort. They include: intensive habitat treatments, predator control, purchasing and managing land for use as protected habitat, lek (breeding activity) monitoring, research, translocation of birds to augment small populations, enrolling private landowners in, and managing, a conservation agreement approved by federal authorities to protect thousands of acres of privately owned habitat, and captive breeding programs. Hickenlooper's suit expands further:

In addition, through the cooperative efforts of local government, federal officials, and private landowners, more than four-fifths of occupied Gunnison sage grouse habitat—83 percent—in the Gunnison Basin includes some level of protection for the species... These efforts have succeeded. The Gunnison Basin Population has grown to exceed, by over 30 percent, population targets set in 2005 by a team of conservation biologists—including experts from FWS itself.

With more than 80 percent of the population residing in the Gunnison Basin, which cuts through Gunnison County and a small portion of Saguache County, a jittery, opportunistic Molvar warns against "putting all your eggs in one basket" concerning the species. "One major catastrophe like a West Nile virus could wipe out the population and drive it to extinction," he said in an interview.

Fish and Wildlife officials estimate about 4,000 of the birds reside in the Gunnison Basin with the remaining "satellite populations" spread throughout Colorado and Utah.

The decision to list the species was not based on the “best available science,” Hickenlooper argues in his suit:

The Gunnison Basin Population—which comprises the vast majority of the species—is not presently in danger of extinction, nor is it likely to be at risk of extinction in the foreseeable future. In fact, experts cited in FWS’s Final Listing Rule estimated that the risk of extinction over the next 50 years is no more than 1 percent. Thus, FWS’s decision to list the Gunnison sage-grouse as threatened was arbitrary, capricious, and not in accordance with law.

The Colorado governor was not the only Democrat to challenge his own president and party in Washington, D.C. Gunnison County, which is heavily Democratic, joined forces with Hickenlooper just a few weeks after the governor filed suit and announced that it would join in the litigation to overturn the listing.



If our ranchers have sage grouse thriving on their properties, they must be doing something right.

U.S. Fish and Wildlife officials “did not use sound science” when they made the decision to list the species, Paula Swenson, a former Democratic member of the Gunnison County Board of Commissioners, said in an interview. She’s frustrated because for at least the past two decades Fish and Wildlife officials acknowledged that the survival of the species is based on the Gunnison Basin population, which has been rising. However, the decision to list the species was based more on the status of the satellite populations, which only amount to about 15 percent of the total population, she explained:

When you listen to reasons Fish and Wildlife give for listing the species they are just not believable... They would say that if a disease came to the Gunnison Basin it could wipe out the species. But my personal favorite is their stated concern that a meteor could come in and wipe out the species. The reasons given for the listing are just not believable and they left me and others incredulous.

Swartout, the Republican advisor to the Democratic governor, stands by his state’s conservation efforts and fixes the blame on environmental advocacy groups for misusing and

abusing the Endangered Species Act. He’s also critical of federal officials for shifting their focus away from the main bird population.

“We were sold one thing and they moved the goal posts,” Swartout said. “The satellite populations became the central focus and they [federal officials] found protections for the satellite populations less than robust.”

While there was no denying the progress made in the Gunnison Basin, the pressure exerted by environmental groups through the threat of litigation clearly had an impact on the Obama administration’s decision to capitulate and list the Gunnison grouse, Swartout said. He identifies WildEarth Guardians as one of the main culprits:

I do not consider WildEarth Guardians to be good actors in this process... Their goal is to use the Act to get rid of what they don’t want. They want to get rid of the coal industry, they want to get rid of oil and gas companies, and they want to get rid of cattle grazing on public lands. But this organization has not put one penny on the ground to benefit the sage grouse and we’ve put down \$40 million. Think about it, if our ranchers have sage grouse thriving on their properties, they must be doing something right.

The Bi-State Sage Grouse

While there’s an argument to be made that the Gunnison sage grouse is a genetically distinct species from the greater sage grouse and has a different feather pattern and mating call, it’s difficult to make that case with the Bi-State sage grouse. But if you’re determined to file lawsuits, you will find a way to make that case.

The Bi-State sage grouse is concentrated along the border of two states: Nevada and California. Biologists estimate that anywhere from 2,500 and 9,000 of these birds inhabit about 4.5 million acres of sagebrush habitat. The Fish and Wildlife Service describes the Bi-State sage grouse as a “Distinct Population Segment” because studies show that it has been separated from the larger greater sage grouse population for thousands of years and that there are “significant genetic differences.”

The bird may be geographically distinct, but the idea that there is a major *genetic* difference between it and the greater sage grouse is highly questionable and open to debate. Megan Maxwell, an independent policy advisor with a background in biology who is based in Colorado, offered up a few important points of clarification in an email message:

A ‘distinct’ species is not a biological term, it is a mechanism used in listing a species under the ESA...For example, it is used when it would be difficult to reach the conclusion that an entire species warrants listing, but certain population segments are under stress that the broader populations lack. When certain criteria are met, the listing agencies can parse out a population and classify it as a ‘distinct population segment.’ In sum, ‘distinct’ should not be confused with a sub species, which is a biological classification. [The] bistate [sage grouse] is a distinct population segment.

In April 2015, Interior Secretary Jewell sent environmental groups into a tails핀 during an ostentatious public announcement in Reno, Nevada, where she was joined by state and local officials “to celebrate an extensive and long-term conservation partnership on behalf of the bi-state greater sage-grouse population,” as the exercise was described in a press release. The bi-state sage grouse would not be listed under the Endangered Species Act thanks in large part to a 15-year effort known as Bi-State Action Plan, she explained during the announcement. This conservation plan, which involved state and local partners in both the public and private sector, drew in a total of \$75 million in funding for the project. Jewell singled out the Bi-State Local Area Working Group for special praise, which brought in \$45 million in funding, according to the release:

Thanks in large part to the extraordinary efforts of all the partners in the working group to address threats to greater sage-grouse and its habitat in the Bi-State area, our biologists have determined that this population no longer needs ESA protection... What’s more, the collaborative, science-based efforts in Nevada and California are proof that we can conserve sagebrush habitat across the West while we encourage sustainable economic development.

That didn’t cut it for environmental activists who filed suit under the Endangered Species Act against the Fish and Wildlife Service in March 2016. Western Watersheds Project joined with the Center for Biological Diversity, WildEarth Guardians, Desert Survivors, and the Stanford Law Clinic to file the suit. Once again, these green groups expressed dissatisfaction with the time, effort, and resources invested into state and local conservation. In a press release, Western Watersheds Project said:

In refusing to protect the bird, the Service relied upon new funding for measures in the Bi-State Action Plan. But that would fund activities on a



Credit: Bureau of Land Management Oregon and Washington. License: <https://goo.gl/h2qmG6>.

In April 2015, Interior Secretary Jewell sent environmental groups into a tails핀 during a public announcement in Reno, Nevada, “to celebrate an extensive and long-term conservation partnership on behalf of the bi-state greater sage-grouse population.”

mere 40,000 acres of private lands—less than one percent of the bird’s habitat.

Most of the 4.5 million acres of Bi-State sage-grouse habitat is on public lands, the bulk of which are grazed by livestock. Not a single federal land management plan has been amended to protect Bi-State sage-grouse, and the few proposed amendments will not conserve the bird. Ongoing livestock grazing on public lands will continue to threaten the grouse’s survival—from nest trampling, fenceline deaths, increased predation, vegetation composition changes, increased invasive species proliferation and increased fire risks.

Laxalt, the Nevada attorney general who was at loggerheads with his own Republican governor, Brian Sandoval, when filing suit against the Obama administration, later found common cause with his governor where the Bi-State sage grouse is concerned. Laxalt intervened on behalf of his state, California, and federal officials who joined together to form the Bi-State Action Plan. If the bird species were listed under the Endangered Species Act, Nevada’s authority over the Bi-State sage grouse could be “permanently displaced,” Laxalt argued in his motion:

Nevada has interests outside of wildlife protection that could be affected by the litigation...A listing of a species as threatened, or designation of critical habit, can impose strictures that significantly limit state action and impose consultation duties. This

might cause disruption to local land use plans, cut off residential development and commercial investment, and harm recreational interests.

For his part, Governor Sandoval fixes the blame on “fringe groups” in the environmental movement that he says are working to undermine “unprecedented efforts” that have resulted in successful conservation.

But in May, those “fringe groups” gained ground when a federal judge stepped in to rule in their favor. California Chief Magistrate Judge Joseph Spero described the USFWS 2015 decision to not list the species as “arbitrary and capricious” and said that the agency “failed to adequately explain why it reversed course and denied protection” to the Bi-State population.

Holsinger responded to the ruling in E&E News: “Unfortunately, the lawsuit and the ruling on listed status,” he said, “will only make it more cumbersome and difficult to do on-the-ground conservation work for the benefit of the grouse.”

Reforming the Endangered Species Act

The Western Governor’s Association (WGA), which met this past June in Rapid City, South Dakota, has been focusing attention on potential reforms to the Endangered Species Act that could attract support across party lines. Wyoming Gov. Matt Mead launched the Species Conservation and Endangered Species Act Initiative in 2015 while serving as WGA chairman. Under the present system, the Act “often deters meaningful conservation efforts and divides, rather than unites people,” Mead explains in a special report about the initiative. There’s a palpable sense among WGA members that litigation advanced in the name of endangered species has become costly and counterproductive. That much is made apparent in their comments expressed during recent



The last time the ESA was substantively updated (1988), the Soviet Union was a superpower and Def Leppard topped the pop charts.

meetings and in their published reports. Both the greater and the Gunnison sage grouse figure prominently in WGA case studies that suggest excessive litigation has worked to undermine local conservation efforts organized on behalf of the species.

Whether or not the governors prevail upon their Washington, D.C., counterparts to enact reforms is an open question. The suits filed under the Endangered Species Act against both the EPA and the Interior Departments often result in litigation costs, including taxpayer-funded attorneys’ fees being rewarded to green groups as part of the settlement. So-called “sue-and-settle” arrangements built around lawsuits green advocacy groups file against the federal government “almost quintupled” during Barack Obama’s presidency, according to records presented during congressional testimony.

How does this happen?

Last July, Holsinger and other expert witnesses gathered to present testimony before Congress on multiple pieces of legislation that would restructure the Endangered Species Act. Holsinger told members of the House Natural Resources Committee that the Act’s many deficiencies should have been addressed years ago:

The last time the ESA was substantively updated (1988), the Soviet Union was a superpower and Def Leppard topped the pop charts...Former Idaho Senator Dirk Kempthorne tried, but ultimately failed, to amend and reauthorize the ESA in 1997. I was intimately involved in those efforts as well as the amendments to the ESA that passed the House in October of 2005.

Holsinger’s firm has produced a memorandum that includes facts and figures on “sue and settle” arrangements. He points to the “citizen suit” provision of the Endangered Species Act and the Equal Access to Justice Act as the two primary areas of the law that create avenues for environmental groups to burden taxpayers with lawsuits *without* advancing conservation goals.

Holsinger’s memo identifies three major problems with sue-and-settle process. (1) They lack transparency. (2) They reflect collusion between federal agencies and environmental groups. (3) They exclude the public, stakeholders, and states from participating in negotiations that affect agency rules and policy.

In an interview, he explained why “legislative fix” is needed to address some of the more abusive practices:

There are terrible perverse incentives standing behind many of the lawsuits we see...Two groups in particular—the Center for Biological Diversity and WildEarth Guardians—have filed more than 1300 lawsuits in the past few decades and most of those suits are raising ESA issues and these green groups

are collecting taxpayer-funded attorneys' fees. This is a vicious cycle of litigation that does nothing for conservation while allowing for the recovery of attorney fees with no caps on hourly rates.

Green advocacy groups will often create the issues they litigate over by overwhelming federal agencies with petitions for listings under the ESA and when those agencies fail to meet a deadline these groups simply file suit. "I think it's the lowest hanging of low hanging fruit to address abusive litigation practices under both the ESA and the Equal Access to Justice Act," Holsinger said.

The House Committee on Natural Resources has collected data from the U.S. Department of Justice that demonstrates just how costly green litigation has been. Green groups filed more than 570 ESA lawsuits against the federal government between 2009 and 2012 costing U.S. taxpayers more than \$15 million, according to the data. Three of the green groups the House committee cites as being among the "most litigious organizations" (the Center for Biological Diversity, the Western Watersheds Project, and WildEarth Guardians) are involved in lawsuits over the sage grouse.

In the special case of Colorado, all three groups are calling on the Fish and Wildlife Service to elevate the listing of the Gunnison sage grouse from "threatened" to "endangered." Apparently, only the most restrictive and costly listing will satisfy environmentalists. WildEarth Guardians has joined with Clait Braun, a retired sage grouse researcher with the Colorado Division of Wildlife, to file suit while The Center for Biological Diversity and the Western Watersheds Project have partnered in separate, but related litigation calling for an endangerment listing. True to form, the environmental activists who are unsatisfied with the less restrictive "threatened" listing are dismissive and condescending toward state-level conservation. Amy Atwood, endangered species legal director with the Center for Biological Diversity, said in a press release:

Full protection is needed in order to save this charismatic bird, and that's why we're taking this to court... We certainly appreciate the efforts of counties and others to take action to protect habitat for the Gunnison sage grouse, but there's no reason these activities could not have continued with the endangered designation the grouse clearly warrants.

But there's some breaking news regarding the Gunnison sage grouse: As of April, the Fish and Wildlife Service and environmental groups have all agreed to put their litigation on hold for the next 30 months so that Fish and Wildlife officials can complete a recovery plan for the bird. The

Center for Biological Diversity, the Western Watersheds Project, WildEarth Guardians, and Clait Braun are all parties to the agreement. Its several requirements include a "species status assessment" that highlights the bird's population status. The plan must also identify all the threats to the bird and its habitat.

What About Industry and Development?

While press coverage of sage grouse litigation tends to focus on the arguments advanced by environmental groups, American industry has its own list of concerns, which are often ignored by the coverage. The Western Energy Alliance, the Denver-based group that represents the oil and gas industry partnered with the North Dakota Petroleum Council in a lawsuit filed against President Obama's Interior and Agricultural Departments that seeks to overturn the land use plans, which impact roughly 165 million acres of land.

The lawsuit reads:

In promulgating these plans, the Federal Defendants designated a variety of habitat levels and imposed corresponding restrictions and prohibitions on new oil and gas leasing, and on development of valid existing leases.

These restrictions impact all of the oil and gas producing western states with greater sage grouse habitat, the suit argues:

North Dakota, for example, has the highest percentage of existing oil and gas leased acreage within these newly designated priority habitat areas and corresponding leasing and development restrictions of any other state in the West. Yet, unlike other states that also have these new plans, the applicable federal land use plan in North Dakota does not provide for an adaptive management strategy to provide flexibility to future oil and gas development and operations based upon changed circumstances.

Rather than the top-down approach taken by BLM and USFS, federal land use plans should be guided by state and local conservation plans and supported by local science... State and local efforts provide a more sensible and adaptive approach to GrSG [greater sage grouse] management while balancing future economic growth that is lacking from a federal one-size-fits-all approach.

The Western Energy Alliance also cites figures from the Western Association of Fish & Wildlife Agencies compiled

in 2015 that point to a 63 percent increase in the greater sage grouse population over the preceding two years. The evidence on the ground clearly weighs in favor of decentralized efforts that brings together a broad cross-section of government officials, private landowners, genuine conservationists, and industry people. The population trends for the birds have been moving in the right direction. That's true for both the greater sage grouse and the Gunnison sage grouse. So why is there reflexive opposition on the part of green groups to local and state efforts that can point to tangible results?

Seasholes, the Washington, D.C., area consultant who favors free market solutions to energy and environmental challenges, has some insight:

Conservation is not a quick fix and it can take years, even decades. If you want to do it right, private lands are the key because about 60 percent of the land in this country is privately owned. This is the land that has the most ecological value and if you want a sustainable environment you must have sustainable relationships. But there is now a divide in this country about how we do conservation. There's the old approach where you work with landowners and share the costs. But beginning with the modern environmental movement in the late 1960s and into the 1970s this command and control approach emerged that harms landowners. The land use regulations with the sage grouse fits this narrative as does the Endangered Species Act, which is the ultimate expression of a coercive, one-size fits all approach out of Washington, D.C., that is highly counterproductive.

Will Team Trump Reverse Obama-Era Land Use Rules?

Interior Secretary Ryan Zinke now appears poised to move forward with regulatory reforms to the land use plans that could provide more latitude for natural resource development and ranching. The department's Sage Grouse Review Team has produced a report that includes input from state officials who have been impacted by the regulations. In May, Zinke's Bureau of Land Management published "draft environmental impact analyses" of proposed changes to "resource management plans" in Colorado, Idaho, Oregon, Nevada, Utah, Wyoming, and part of California. The objective of these proposed changes is "to better align plans for managing Greater Sage-Grouse habitat on federal lands with state plans," a press release from Interior explained.

Since coming into office, Zinke's team has made it clear that they would like to open up more sagebrush habitats to energy development. How far Zinke gets in the face of rabid opposition from environmental groups is an open question. But there's another option that may prove to be coup de grace against administrative overreach.

"We the People" Rise Against Administrative Overreach

The Pacific Legal Foundation (PLF), a nonprofit, public interest law firm headquartered in Sacramento, California, that advocates on behalf of "private property rights, individual liberty, free enterprise, limited government, and a balanced approach to environmental protection," has joined with the Heritage Foundation and other key partners to educate lawmakers and the public about the benefits of the Congressional Review Act (CRA). This is being done through an initiative titled "Red Tape Rollback."

The Congressional Review Act first went into effect under House Speaker Newt Gingrich in March 1996. The law stipulates that regulatory agencies must send rules to both houses of Congress and the Government Accountability Office before the rule can go into effect.

Congress then has the authority to schedule up-or-down votes with simple majorities on resolutions of disapproval for any rule the members want to strike down using fast-track procedures. During the first 60 legislative days after a rule is received, the CRA allows Congress to vote on those resolutions of disapproval to overturn rules without a Senate filibuster and with limits on the amount of time the Senate can take to debate.

A member of the House and Senate each must first introduce a joint resolution and the majority leader has to bring it to the floor. Both the House and the Senate versions would be subject to a simple majority vote if acted upon



Private land makes up 60 percent of land in the country and it is the land that has the most ecological value. If you want a sustainable environment you must have sustainable relationships.

within the 60-day legislative window. Resolutions that pass are sent to the president for his signature or veto. If the president signs, this means the rule is voided and any “substantially similar” rule cannot be adopted in the absence of a new law authorizing it. The Obama administration’s land use rules, which were implemented with the stated purpose of protecting the greater sage grouse, are among the many Obama-era rules the Trump administration could submit for review.

Todd Gaziano, chief of legal policy and strategic research for the Pacific Legal Foundation, argues that the sagebrush land use rules are not lawfully in effect and cannot be lawfully implemented since they were never submitted for congressional review.

In April, the public interest firm filed suit against the Interior Department and the Agriculture Department to prevent enforcement of the sage grouse land use rules until they are vetted by Congress. Jonathan Wood, PLF’s lead attorney in the case said in a statement:

There is no excuse for bureaucrats—who would throw the book at you if you failed to follow their rules—to ignore the rules that Congress has imposed on them...Unelected bureaucrats should not be able to rule us without first submitting those rules to our elected representatives.

PLF represents a cattle ranching operation in Oakley, Idaho, that could be subjected to federal restrictions on its grazing operations once the sage grouse rules are fully implemented. According to Wood:

Our clients are already experiencing the effects of sage grouse rules—last year the Forest Service sent biologists out to study their allotment and grazing...Based on that study, the allotment has been identified as valuable habitat for the sage grouse. Consequently, the Forest Service has warned them that restrictions are coming, although they haven’t been announced yet.

In the end, it may be “We the People” who rise up to restore constitutional checks and balances against administrative overreach; who make it possible to strike a balance between responsible natural resource development that average Americans depend upon for their livelihood, and local conservation efforts that allow western states to chart their own destiny. ■

Read previous articles from the Green Watch series online at CapitalResearch.org/category/green-watch/.



WHEN UNIONS TRY TO ORGANIZE THE BABYSITTERS

True confessions of a rank-and-file union activist

By Ben Johnson

Summary: *This personal essay tells the story of the campaign to organize childcare workers in Vermont from 2009–2014 from inside the union, detailing the close relationship between labor and politics, the unions' desperate search for new ways to grow, and the pitfalls of believing one's own rhetoric.*

Babysitters. The Ladies in Blue. Childcare workers. ECEs, Early Childhood Educators. Whatever name you use, they dominated my life from 2009 until 2014. Not that I was a toddler in need of care, rather I had become treasurer of AFT Vermont in 2009 and the quest to organize childcare workers and bring them into the union became my chief concern. Naturally, I was thrilled the national union was offering to fund a new organizing director position for that purpose—even though I'd never heard the terms “early childhood educators” and “unions” mentioned in the same sentence before or given two seconds' thought to organizing them.

I was a rank-and-file activist then, not a professional organizer or union revolutionary. Far from it: I'd grown up in a conservative evangelical home in Oklahoma. But life's vicissitudes led me to Vermont, and I raised my hand to volunteer as treasurer of the state-wide union at the convention in 2007. I didn't know a lot about either the blunt business end of the union nor the pointy organizing end. I was about to grasp onto both.

Eventually, I came to consider ECEs from three different complementary angles, all of which intersected at the union: First, unionizing ECEs offered a way to professionalize and lift up the important people who did this work; second, they represented the next front in the effort to organize all workers, everywhere; and third, enlisting ECEs beneath the union banner was a way to radically increase our union's political power.

Regarding professionalizing the childcare workforce, we in the union made an analogy to public schoolteachers from



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Babysitters. Childcare workers. ECEs, Early Childhood Educators. Whatever name you use, they dominated my life from 2009 until 2014.



Our new category of put-upon workers desperately in need of a union were the people who watched children from ages 0–3.

around the turn of the twentieth century. We reminded people that a century ago, teaching was a marginalized vocation. Teachers were herded around the school system like cattle, paid little and respected less. Mass unionization changed that, we said, and now teachers, well respected, could expect reasonable compensation for their work. But where could we find the modern-day equivalents of the harassed teacher circa 1900? Certainly not among the pampered university professoriate with their unassailable tenure and their summers off. No, our new category of put-upon workers desperately in need of a union existed at the far end of the spectrum; they were the people who watched children from ages 0–3. This field, overwhelmingly female, performed vital work and earned little respect and low wages.

Ben Johnson is a former union president and a college librarian. He is now a freelance labor consultant.

Target fixed; propaganda campaign launched: Ages 0-3 are the most vital years of a person's life, we repeated ceaselessly to all who would listen; and during these years the most important controllable factor is the adult in the room, the ECE. We argued that organizing would do for the average ECE what it had done for K-12 teachers. Of course, we were vague on the details, on how exactly unionizing would bring about an anticipated ECE status-rise, but very insistent that it would. Indeed, one of our central strategies was to present ourselves as the only viable agents for the professionalization for ECEs. This insistence made a sharp hook to draw childcare providers, slowly, inexorably, like reeling in a line, to the idea of a union.

The second angle of our strategy acted like cat-nip on the professional organizer types. Like the drunk man who walks along with a wall on his left and wonders why he keeps falling over to the right, unions just had no where else to expand: Most public sector workers were about as densely organized as possible, at close to 30 percent; meanwhile private sector union density fell and keeps falling and is now below 9 percent. Theoretically, that leaves 50 percent of the workforce available for union organizing efforts, but that's about as useful and relevant as the tens of thousands of tons of gold inside the earth's core. It just doesn't matter because you can't get to it. Organizing wins in the private sector will continue to happen only fitfully.

So, on this sparse terrain childcare providers became tempting targets for hungry unions. But how were you supposed to organize these elusive creatures anyway? They inhabit a darkish sector of the economy. Beyond direct rearing by immediate or extended family, the union organizer finds a mixture of cash-under-the-table neighborhood babysitters (the high school girl next door) and amateurish childcare centers both licensed and non.

Needless to say, untold thousands of childcare providers exist in every state; with no actual employer of record an organized opposition to the union seemed unlikely. Compared to organizing nurses, the childcare unionization effort would be a cakewalk, right? Indeed, for those unions that got in early, pickings were good; unfortunately, AFT wasn't one of the early birds. Too late to win and just in time to be gutted by *Harris v. Quinn*, the Supreme court case that called unions' bluff on the whole notion. But I'll come to that matter in due course.

Then, the union found a fertile field for its efforts: childcare workers who participated in a publicly funded program that subsidized childcare for families meeting an income threshold. Eureka! We argued that since these workers were paid by the state they were really a bargaining unit of public



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Half of our members at AFT Vermont were public employees already, working in higher education at the state's university and colleges; the other half were healthcare professionals in the private sector—all full of political potential.

employees. Granted, a special type of public employee, a public employee nonetheless. Except that, of course, they weren't. These childcare workers, independent contractors, and small business owners, received 1099s from the state at the end of the year, not W2s like real employees. But we left the sticky details up to the lawyers and drafters of bills. The solution was simple: pass a law that simply defined the state the employer of ECEs and they become employees, with a wave of the magic governmental wand. If we could create the political will for that kind of union overreach, no stack of 1099s in the world would stop us from finding a way to make it work legally.

Did I say creating the political will? Exactly. Here comes the third angle: The campaign to organize ECEs was as much a political campaign as an organizing campaign. We would have to pass a very finely stuffed legislative sausage that would first define the state as the employer, then define the bargaining unit, and set out narrow limits to define what we could bargain over—basically ECE pay rates, then create the election protocols and tell the state labor board how to treat these people. Oh, and since the average ECE was a contractor or small businessperson, we'd need to give them all an explicit exemption from anti-trust laws.

This kind of union offers a direct political payoff: Unions can communicate with their members on political issues and even about candidates, just as any other membership organization can. So here were thousands of folks who could be manipulated for political gain. And consider this:

the average ECE saw five or six families twice every day. By bringing these other folks into our political fold, we could make a powerful political machine that touched every corner of the state. All this political chicanery got better with every fresh analysis: ECEs tended not to vote in high numbers; we would thus be bringing new voters to the polls, bulking up turnout vis-a-vis the nurses and professors who made up most of our membership.

The ECE campaign would bootstrap our union's political muscle. Half of our members at AFT Vermont were public employees already, working in higher education at the state's university and colleges; the other half were healthcare professionals in the private sector—all full of political potential. The total universe of ECE providers in the state remained unknown, but we figured it could possibly be close to 10,000. Getting this phalanx into the union would triple our membership; in a single stroke, we would become the largest union in the state.

Public sector unions are inherently political. Money for paychecks comes from tax dollars allocated by the legislature, creating an immediate incentive to play in electoral politics. Our new ECE union would be political from birth; ECE providers could take all the actions that workers in traditional unions take against employers in the political arena. Moreover, the propriety of such actions would escape debate, as the workers would be politicized from the outset. We saw a great advantage in this at the time; this was an asset, not a drawback.

Two thousand and nine seemed like the perfect time to start our vast project. The governor's seat would be open for the 2010 elections with Democrats anxious to win it back from Republican Jim Douglas, who wasn't going to seek reelection. AFT Vermont found this situation extremely exciting; we would seize the political moment, elevate thousands of disorganized, mostly female childcare workers, all the while working outside the existing legal framework. We would build a brand new union *ex nihilo*; the law would simply have to recognize the new world we had created.

We kicked off our ECE unionization campaign with a kind of union extravaganza. More than 40 organizers came in from across the country for a weeklong blitz. ECE workers didn't ply their trade in any monolithic structure, a school or a hospital where you could reach a lot of people in a short space of time. Our providers lived everywhere in the state,

mostly in homes, so our organizing drive would be based on hundreds of home visits. With good roads and better luck, your typical organizer could in a day have five organizing conversations that resulted in the provider signing interest cards. Organizing conversations are a dark art, resembling human conversations in all ways except the crucial one: real human conversation is an interchange of ideas between two people. Organizing conversations are a scripted exchange whereby an organizer does her or his best to lead their "target" through a series of verbal and mental checkpoints that result in an allegedly life-altering and consciousness-raising epiphany that collective action is the vehicle and the union is the route to employment nirvana. That hapless "target" has now been "organized." Well, that's the way it's supposed to work; as long as the "target" signs the union card, everything is fine.



Our new ECE union would be political from birth; ECE providers could take all the actions that workers in traditional unions take against employers in the political arena.

But it didn't often work that way: True, the organizers I met in my union years were overwhelmingly idealistic and dedicated to the labor movement. They believed fervently in what they did and held that collective action and unionism was the only way to empower the working class. The psycho-

logical demands of knocking on someone's door and leading them through the organizing conversation are intense. No one can make it very long at that kind of work if they don't believe in the product they're selling.

So, the problem—as I came to see it—is one of human psychology and is also circular: doing the work makes you believe in it. Whether or not the organizer succeeds with the worker, the organizer will further organize themselves with every encounter: just persuading someone to sign a card isn't really the goal. The goal is to *organize* them, to make sure they've signed the card for the right reason, because they've been enlightened, brought around to believe in the whole program.

The AFT wanted to have a thousand ECEs signed up by the end of that first week in 2009. The exact figure we managed escapes me now, but we got pretty close. Over the next several months we launched many similar organizing drives using the following template: map the existing networks of providers; identify the issues that motivate them; find the leaders among them; turn them toward the union. Unions have a brutally functional, not to say totalitarian definition of leadership: a leader is someone who has followers. A leader is not someone who merely exhibits certain positive

personality traits or occupies a specific leadership role. We needed to identify ECE leaders who could initiate meetings with legislators and build support for our project. AFT organizers worked tirelessly toward this end for months.

Meanwhile, preparations for the 2010 elections got underway. In Vermont all elected officials run on the same two-year cycle; this meant the Vermont House, Senate, and Governor all faced upcoming elections. National unions, political animals that they are, showed an early interest in Vermont with an eye toward flipping the Republican governor's seat to the Democratic side. AFT Vermont quickly made it clear that the ECE project remained our top priority; we would only support candidates that supported it.

Five candidates ran in the democratic primary that year, each of them looking for support and a way to stand out from the crowd. We made up blue t-shirts for the providers and did our best to make sure that at least one "Lady in Blue" could be found at every campaign stop in every corner of the state to ask the candidate to support the right of ECEs to organize.

The candidates asked our union many questions. We talked to them affably and answered all questions, but then the time came to draw the line: "When the legislature passes the bill allowing these women the right to organize will you sign it?" we would ask bluntly. And we made it clear we would not support a candidate who answered "no."

After one prominent candidate came out in support of our project, the other four, sensing either danger or opportunity, immediately offered their support. So, we went five for five. As long as a Democrat won the election, we'd have a supportive governor.

Meanwhile, out in the field, the union was starting to come together. Or so it seemed. We found our leaders and put on professional development programs on early childhood education and the importance of the work they did. Hundreds of providers talked to sympathetic organizers who made them feel like more than just babysitters, that they were truly important in children's lives. Powerful experiences for these neglected ECEs, far more visceral than any postulated "class awakening."

We might be able to create the union's legal framework; we might even gather enough cards to trigger an election. And with hard work we might be able to create the appearance of a union, finding a few dozen providers from around the state to form the organizing committee, the central core of committed activists that every union drive needs to succeed. We could create the illusion of a union, but there existed no real cohesion among the great majority of providers. They were



If AFT Vermont played its childcare union plans low and slow, we could be a greased pig, squirting around opposition and escaping before anyone knew what was going on.

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truly independent contractors and small business owners, with no real sense of belonging to a group of like-minded fellows in the same way as nurses in a hospital or workers in a factory. We desperately sought this basic union framework, true it's hard to manufacture it, but we found a few providers who shared that vision.

With periodic, massive injections of organizers we could make a few sizable events. But the real connection and cohesion just did not exist. There was not enough stuffing in this shell.

In any normal organizing drive this realization might give a union pause. As soon as a self-respecting union organizer identified the basic lack of cohesion, they would end the drive and move on to the next target. But we never considered this option. For one thing, breaking into the quasi-public employee world of childcare providers was a strategic initiative dreamed up by the big boys in the national union. We knew we would have to build our new ECE union to gain respect and were prepared for it to be hard. Another reason is that we didn't really expect this union to tangle with management pressure, the kind that would exist in a hospital, for instance. No actual employer existed to assert another side to our story. In union terms, there would be no "Boss Fight." Also, ECE unions existed in other states, houses of straw that would stand forever so long as no one came to huff and puff on them—so why not in Vermont? But overarching all these tangible reasons stood the simple human proclivity for sunk-cost reasoning: we've worked so hard on this, we said to ourselves, we can't stop now! It's got to work!

At last, the 2011 legislative session got underway. This session would go one of two ways, we reckoned: If AFT Vermont played its childcare union plans low and slow,

we could be a greased pig, squirting around opposition and escaping before anyone knew what was going on. Or we could become a piñata, beaten soundly about the head and shoulders, absorbing punishment, eventually winning through attrition and cussedness, the simplicity of never quitting.

Our plans started in the House. We had some hearings; legislators had questions. We had more hearings. And hearings. And more questions, and more hearings. Reasonably enough, the committee chair wanted to reach consensus. Keep in mind, this is organized labor. We don't ever, *ever*, look for—or get—consensus. Organized labor just needs 50 percent plus one.

The hearings dragged on for more than ten weeks—long enough for opposition to form. Long enough for extremely popular groups like the Boys and Girls Club and the YMCA to decide they didn't like our plan because it might lead to their folks being organized too. A caucus of anti-union providers began to form in the field and came to the hearings to voice their opinions. In other words, the grease came off the pig and it was slow roasted.

Time to switch to the piñata strategy, get ready to take some blows. We began a pressure campaign that forced the bill out of that committee and onto the House floor. Early results showed us more than 20 votes shy of a majority. More pressure, more phone calls from providers. Wait, this bill doesn't create a union, our providers argued; this bill merely gives us the chance to decide if we want a union. Who wouldn't support such a mild piece of legislation? A handful of true believer ECEs made hundreds and hundreds of calls to swing votes forcing the bill out of the House in the last days of the session. To AFT Vermont, it felt like we had won the marathon; in reality we hadn't progressed past mile five. The Senate loomed before us and we would still need a signature from the governor. The Vermont Senate at that time was the place where labor bills went to die, or were turned into zombies that unions had to kill themselves. Vermont legislative sessions last for two years. The House struggle took up the first year; we needed to get the bill out of the Senate in the spring of 2012 or start the miserable process all over again.

Then the Senate President came out against our bill. I went in to talk to him about the project personally; sure he would see the value of bringing thousands of new members into the union. There, they might be efficiently mobilized and brought to serve our own political ends. But I quickly

realized he was dead set against our plans, that he saw only votes against him in the shape of those potential voters. The meeting went wrong as it became clear he would fight us every step of the way. He then increased my “Big Union Boss” street cred by accusing me in the press of threatening him and attempting to extort his vote. I owe the man that small bump in my perceived machismo.

A bruising fight loomed to get the bill out of the Senate. We used the time-honored bedrock union strategy: *Agitate* and *Polarize*. These twin fists animate every union organizing fight. The Senate president would be the bad management Boss in our union smackdown and the rest of the Senate would be like our shop floor. We would agitate until we knew we had 16 votes out of the 30 senators. When we did, then we would polarize the workers (excuse me, senators) by getting the bill to the floor for a vote. Not until the last few days of the session did we reach a paltry 16 votes. But just

as in most union drives, the bad management Boss can be the best organizer. The Senate president spoke too often and too flippantly about our “Ladies in Blue,” the caregivers coming to the statehouse every day, and thereby alienated several female senators.

This fight had turned ugly, by parliamentary standards, with both sides using every trick in the book. When we made it onto the legislative calendar for the session, the Senate president just skipped over us! Then came points of order, and rulings, and votes to overturn the rulings. At last, late one night we got the vote we needed to declare a rhetorical victory: We had prevailed in a heroic struggle, won the vote on the Senate floor over the Senate president's vocal opposition.

The reconciliation process would have to wait until next session; climbing the next mountain would happen next year. Still, we had made our point: we were a union that would fight until we won.

Unfortunately, problems in the field only grew more difficult with each passing week. Suddenly, at public events we could always count on an energetic “vote no!” contingent showing up. By this time, our organizers were exhausted; many of them had been working long hours for years; keep in mind most organizing drives last about 12 months! We were now in the fifth year of our drive, with no end in sight. Our straw house now began to shake and quake in the wind.

Then, about this time, two other very powerful unions, AFSCME and SEIU, started their own projects to organize home healthcare workers—another unit of about 7,000 qua-



To AFT Vermont, it felt like we had won the marathon; in reality we hadn't progressed past mile five.



Credit: Chris Smith. License: <https://goo.gl/Kt6p6V>.

The governor's seat would be open for the 2010 elections with Democrats anxious to win it back from Republican Jim Douglas. AFT Vermont found this situation extremely exciting; we would seize the political moment, elevate thousands of disorganized, mostly female childcare workers. (Secretary Sebelius discusses healthcare professional issues at the American Federation of Teachers Healthcare Conference Friday April 16, 2010.)

si-public employees. These unions quickly took advantage of the chaos we had created. The Senate president wanted to rehabilitate his pro-union credentials while sticking it to AFT Vermont at the same time. Just to spite us, it seemed, he made sure the home healthcare worker drive went forward on greased tracks. This, while we were starting our drive all over again. Of course we supported the efforts of AFSCME and SEIU, and knew our suffering had paved the way toward what seemed like an easy victory. Still, it burned to see the smooth path available to them, a path worn flat out by our fight.

As the 2014 session came to an end, the U.S. Supreme Court issued a decision that gutted both projects. SCOTUS wisely declared these kinds of quasi-public employee unions would have no right to collect agency fees, the money that even non-members have to pay to the union. Suddenly, similar organizing projects deflated all over the country, the hiss of escaping hot air could be heard in union halls from Maine to Oregon.

The reason is simple. Autonomous workers and small business people simply aren't genuine bargaining units. Organize like hell and maybe we could achieve something like a 20 percent membership rate; the remainder would be paying agency fees. The sheer manpower needed to reach these workers all across the state made such projects unfeasible. Also, the stressful work fostered a high turnover rate. Really,

there's no way around the bottom line: mass identification with the union did not exist among childcare providers.

Even making use of agency fees, the union wouldn't have been able to fully fund even a single staff position. We would always need subsidies from other locals in the state. Without agency fees to prop us up we might have dragged down the rest of the union. Many reasoned we were in too deep to get out. More sunk-cost rationalizing. But how could we abandon the workers and the dreams we had forcibly implanted in their minds?

Finally, both the childcare and the homecare bills passed the state Senate within weeks of the Supreme Court decision. The moment when the final vote closed truly felt like the end of a long and bitter marathon. A moment of elation, then we hobbled away to soak our feet.

But we experienced only the briefest of respites. Now we needed to focus on the union election, the finish line we'd kept in our sights for years. This was the last sprint up heart-break hill. No one had ever lost one of these elections—we wouldn't lose, right?

But our ECEs were at the extreme end of union fatigue. They'd been listening to the organizers for years and couldn't believe the election was at hand. Many of them felt they had won the fight when the legislation passed the Senate; many more were just sick of the whole thing.

Now, we had an election to prepare for. In most cases union elections proceed like normal political elections, except the ballot box is in the workplace. Turnout is often very high, near 100 percent. Our election was different by necessity: a mail ballot election. This type of election generally suffers from a low voter turnout dominated by "yes" votes since apathetic people usually don't vote. We recognized the difficulty of our situation; every nerve strained because of the long campaign and the strong "vote no" movement it had engendered.

Here's the way we worked the election: All providers in the state received a ballot in the mail, complete with return envelope to the state labor board, deadline about a week. Of course, unions work hard to identify their "yes" votes before an election and make sure these ballots are cast. The union has an observer in most elections, so it's clear who voted. This eyes-on-the-prize system naturally becomes impossible with a mail ballot. In some cases organizers could watch the ballot envelope go into the mailbox, but the vast majority of the providers could not be observed. In any case, most people just want the organizers to leave them alone; they'll say anything to make this happen. So, we let ourselves speculate while we waited and counted.

At the end of the voting period our tally showed that we turned over 600 “yes” voters out of the 1300 eligible voters, almost an absolute majority, clearly enough to win even if the turnout was very high. We recognized the softness our numbers, but believed we had a wide enough margin to deal with a few fibbers who said they voted “yes” but either didn’t vote or voted “no.”

On a snowy morning just before Christmas 2014 a couple of the ECEs, the director from the national union, and yours truly crammed into the small labor board office in Montpelier for the vote count. We received just over 800 ballots, more than 60 percent turnout, which was very high by mail ballot standards. We were confident that about 600 of them would be “yes” votes, giving us a 2–1 margin of victory. We sorted the ballots into four piles alphabetically. Slowly, portentously, we opened each ballot in the first pile, examined the contents, then placed it in one of two stacks. At last we counted.

My guts churned when the results showed us losing by five votes. A close vote isn’t in itself a problem; many union votes are close. But *our* numbers had predicted a comfortable victory for us. Something was very wrong here. Wait, take a breath, I told myself—two fat piles remained to be counted. I tried to deny the certainty churning in my gut that these would also skew away from us: Why should we expect a bubble of yes votes among voters with last names starting H to P any more than voters with names in the A to H pile? Still, I couldn’t stop hoping.

Alas, I hoped in vain. And experienced a slow and excruciating torture as the remaining piles confirmed the first. In the end, we lost 398 to 418. We had been completely and catastrophically wrong in our vote count. We didn’t just have a few isolated fibbers. Hundreds of providers told us one thing and did another. After all the hours of pounding the pavements, all the knocking on doors, we had no idea what was really going on in the field.

How did this debacle come to pass?

George Orwell wrote in an essay which contained the following profundity: “To see what is in front of one’s nose needs a constant struggle.” Over the course of the five-year campaign that struggle eluded me. In labor, Big Ideas predominate. Chief among these are the unquestionable righteousness of the cause, and a blind faith in the notion that class determines politics. In that same essay Orwell goes on to write of “a secret belief that one’s political opinions, unlike the weekly budget, will not have to be tested against solid reality.”

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*It seemed no single
factor was more guilty
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own blind faith in
Big Ideas.*

On that cold morning in Montpelier just before Christmas in 2014, my beliefs were indeed tested against solid reality. And here’s a brutal reality check: they failed. I wanted our ECE organizing project to succeed, so I believed it would. I believed in the labor movement as a way to improve lives, so I ignored anything that didn’t conform to such a view. Over five years I said whatever needed saying and did whatever needed doing to move the project forward like a good union hatchet man. The struggle had lasted so long, we

now had new organizers and new campaign directors. But I had worked on the union campaign from beginning to end; try as I might I could find no one else to blame. It seemed no single factor was more guilty of our defeat than my own blind faith in Big Ideas.

The day after the election I got a call from one of the organizers representing a union that had easily won the home healthcare union vote. “I know it hurts,” she said, “but honestly you’re better off losing than we were winning. Thanks to *Harris v. Quinn* we’re stuck with this thing and barely have 10 percent membership.”

Thank God for big ironies and small mercies. ■

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SOROS'S ROMANIAN GHOSTS

How George Soros funded NGOs to impose his ideology on the Romanian people

By Jacob Grandstaff

Summary: *George Soros is known for his improbable accumulation of wealth through hedge funds and his outsized philanthropic influence in the United States. But in reality, America receives only a fraction of Soros's total giving. His overseas presence radically reshaped the government of Romania after the fall of the Soviet Union.*

Colectiv, the former Bucharest factory-turned nightclub, had an 80-person legal capacity. But on October 30, 2015, over 400 people—most in their teens and twenties—packed the century-old building, as heavy metal band Goodbye to Gravity released “Mantras of War,” its first album with Universal Music’s Romanian subsidiary. At 10:00 p.m. the band took the stage and—heralded by two pyrotechnic blasts—opened with its unintentionally prescient lead single, “The Day We Die.”

A girl in the audience, who later refused to give her name because her parents did not know she had attended the show, told the newspaper *Magyar Nemzet* that around 10:30 p.m. she felt sick and asked her boyfriend to take her outside to get some air. As they headed toward the club’s only exit, two more larger fireworks blasts exploded from the stage.

“That wasn’t part of the show,” joked lead singer Andrei Gălut, as a pillar covered with acoustic foam lit up from sparks from the pyrotechnics. He calmly asked for a fire extinguisher—but no one had time to find one.

In mere seconds, the fire climbed to the top of the post and the ceiling ignited into a roiling cloud of flames. Panic spread as burning debris dropped on the attendees trampling each other to escape. When the crowd forced the club’s double doors open, the sudden gust of oxygen produced an explosion that drove the fire’s temperature over a thousand degrees. In little over a minute, the fire engulfed the entire dance floor, carbon monoxide and cyanide quickly filling the club, killing many before they had a chance to reach the door.

“I was the luckiest one there,” the girl who had gone outside told *Magyar Nemzet*. “People were barely walking. One of them told us that at the exit, a pile of bodies about [five feet] high had formed that he had to get over.”



Credit: Heinrich-Böll-Stiftung. License: <https://goo.gl/W6ZJ1r>.

As Romania moved closer to European Union membership, or “democratic maturity” in the eyes of Soros’s NGOs, the Soros network began engaging in blatant political advocacy.

In the end, 64 people died, including four of Goodbye to Gravity’s five members.

In the days that followed, mourning turned to outrage toward Bucharest’s Sector 4 mayor’s office, as many believed that “business-as-usual” bribes had allowed the club’s owners to operate over capacity and ignore safety codes. But singer Andy Ionescu told Digi 24, a major Romanian television station, that he believed if authorities conducted serious inspections, every club in Romania would be shuttered.

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Credit: J Stimp. License: <https://goo.gl/AdVrF>

On November 3, tens of thousands of protesters, apparently blaming the Romanian government for the fire, took to the streets in Bucharest demanding the mayor's and the Prime Minister's resignation.

Bianca Boitan Rusu, PR manager for an alternative rock band, attributed this to the fact that all the clubs in Bucharest had been converted from former factories.

On November 3, however, tens of thousands, apparently blaming the Romanian government for the fire, took to the streets in Bucharest demanding not only the mayor's resignation, but also that of Prime Minister Victor Ponta and his entire cabinet for what they saw as their country's entrenched kickback culture.

Many waved the national flag with a hole in the center—reminiscent of the 1989 revolution when demonstrators cut out the communist emblem. “Corruption kills” became their battle cry, as demonstrations blossomed in multiple cities, with everyone apparently blaming the politicians for the Colectiv disaster.

On November 4, Ponta along with his entire cabinet, gave in to the demonstrators' demands: “I hope my resignation... will satisfy those who protested,” he said, adding that it's impossible to positively govern in a climate of political instability. “I'm not referring to anyone in particular ... but from my experience, those who bet politically on people's suffering, sooner or later, will pay a heavy price.”

Romania's president Klaus Iohannis who defeated Ponta in the 2014 presidential election quickly took a victory lap: “My election was the first great step towards this kind of new, clean, and transparent politics [that you wanted],” he told viewers during a televised press conference. “People had to die for this resignation to happen.”

But two days later, the first poll taken after the tragedy showed a sharp disconnect between the Romanian population and those participating in the street protests: Only 7 percent of respondents said that they held the government responsible for the Colectiv fire. An equal number blamed the deceased band members. And just 12 percent blamed “the political class” in general. Sixty-nine percent even rated the government's response to the tragedy favorably. A month later, a different polling firm found similar results, with only 14.8 percent blaming the central government. This poll included the option of blaming the fireworks company, but that inclusion appeared to take more blame away from the mayor's office than from the central government.

Somehow, in a country of 20 million people, fewer than 60,000 protesters, in sympathy with less than 15 percent of the national population, managed to force a total change in government.

Who was behind this astonishing result?

Planting the Seeds of Subversion

George Soros's goals have always been bigger than any single country. In fact, in 2017, the U.S. *only received 15 percent* of his Open Society Foundations' (OSF) dedicated funding; the rest went to foreign countries and global projects.

Romania's communist dictator Nicolae Ceausescu and his wife Elena died by firing squad on Christmas Day, 1989. Not long after their abrupt demise, a new kind of political plague descended on Romania: the Group for Social Dialogue (GDS), Romania's first NGO, formed on the steps of the Bucharest Intercontinental Hotel.

GDS's founders included leading professors, philosophers, journalists, activists, and most notably, former editor of the Communist Party's official newspaper *Scinteia* (*The Spark*), Silviu Brucan. Historian Alex Mihai Stoenescu refers to Brucan—a confidant of Soviet premier Mikhail Gorbachev—as “the brains” behind both the revolution and the National Salvation Front's (FSN) rise to power after Ceausescu's downfall.

Less than a week later, Soros paid the group a visit: “I think I was on the first civilian plane that landed in Bucharest,” Soros boasted on a Romanian television talk show in 2005. Shortly after landing, Soros made his way to the former Romanian Communist Youth building the new regime had sublet to GDS and immediately offered them one million dollars with which to build a Soros-friendly NGO network in Romania.

Not realizing “the importance of resources for the success of ideas,” writes another GDS founder, the group decided to maintain its aura of independence and turned down Soros’s offer. But Alin Teodorescu, who was one of GDS’s founding members, remained in contact with Soros, and a month later, helped the progressive Hungarian-American billionaire set up his Soros Foundation with an initial budget of \$1.5 million. Its mission was to develop programs that would remedy Romania’s lack of civic initiatives and educational options.

But despite the emphasis on social dialogue suggested by its title, GDS intellectuals had little chance of sparking any exchange between themselves and the average blue-collar Romanian citizen. The organization’s would-be elite ruling class watched in dismay in May 1990, as Romanians voted for FSN ex-communists by more than 80 percent in the country’s first post-Ceausescu election.



I think I was on the first civilian plane that landed in Bucharest,” Soros boasted.

By the turn of the 2000s, FSD’s yearly budget had peaked at almost \$16 million. The Foundation then transitioned its programs into 12 splinter NGOs that found additional sources of western funding to supplement their Soros dollars. (George Soros wanted them to be self-sustaining, eventually.) Their missions and methods, did not change, and a new umbrella organization, Soros Open Network-Romania (SONR), formed in 2000.

From Humanitarianism to Political Activism

As Romania moved closer to European Union membership, or “democratic maturity” in the eyes of Soros’s NGOs, the Soros network began engaging in blatant political advocacy.

The Rosia Montana environmentalist protests marked the highest profile case of direct political activism supported by Soros in the country: The Canadian gold mining company Gabriel Resources struck a deal with the Romanian government in 2000 to mine for the precious metal near the village of Rosia Montana in the Transylvanian Apuseni Mountains. However, as word spread in Western Europe and among American environmental leftists, NGOs flush with cash and European journalists swarmed the area to rally opposition, despite one simple fact: most Romanians supported the mining project. Still, in June 2006, Soros vowed that OSF would use “all legal and civic means to stop” the mine and

threw his support behind the anti-mining NGOs to the tune of millions of dollars.

An unintended irony is at work here: In a 2006 Organization Trends, CRC’s Neil Maghami observed that “in a sense NGOs [in Romania] are filling a power vacuum left by the collapse of the Soviet Union.”

From Political Activism to Government Infiltration

But Soros’s political operative’s non-governmental status proved less than sacred:

Many of his Romanian philanthropy recipients quickly gained prominent influence within the Romanian government, particularly following Traian Basescu’s winning the 2004 presidential election. When the chance presented itself, they abandoned positions as supposed government watchdogs and joined the government itself. Here are a few of the more prominent defectors:

- Sandra Pralong left her position as communications director at *Newsweek* in 1990 to organize and lead the Romanian Soros Foundation, becoming its first executive director. In 1999, she worked as an advisor to Romanian president Emil Constantinescu.
- Alin Teodorescu, who served as president of the Soros Foundation Romania Council from 1990-1996, later became Romanian Prime Minister Adrian Nastase’s (2000-2004) chief of staff, and won a seat in the Romanian Parliament in 2004.
- Renate Weber led the Soros Foundation Council in two stints between 1998 and 2007, and took an especially active role in the Rosia Montana activism. She later served as Basescu’s constitutional and legislative adviser. In November 2007, with the country’s entry into the EU, she won a seat in the European Parliament, which she occupies to this day.

Raising Up a Generation of Open Society Activists

In *Foundations and Public Policy: The Mask of Pluralism*, political scientist Joan Roelofs identifies “leadership training” as one of the main ways in which Western NGOs (backed by hundreds of millions of dollars) provided “technical assistance” to post-communist Eastern Europe. She lists the National Forum Foundation, the Pew Economic

Freedom Fellows Program, and the Eisenhower Exchange Fellowships as three examples of institutions that educated “future elites” in the 1990s and brought them into international networks.

Mirel Palada, one of thousands of young Eastern Europeans who received a scholarship from Soros’s Open Society Foundations (OSF), holds mixed feelings about the opportunity that the billionaire provided him. He finished a year (1997–98) at Kalamazoo College in Michigan before going back to Romania to obtain a Ph.D. in sociology. He later served as Ponta’s press secretary: “[Soros] took novice, naïve, young folks, showed them America,” he said, “paid for their studies, patiently building a network of people that would be grateful—that he could use when their time comes, and they become influential.... Thank God, I’m not part of Soros’s network,” Palada concluded. “I’m part of those who love their country.”

Others, however, became genuine converts to Soros’s concept of the open society and have dedicated their careers to spreading this ideology throughout Eastern Europe, in the process condemning their own people to living in Soros’s shadow. One such activist-turned-politician is European Parliament Member Monica Macovei. In 1992, Macovei received a full scholarship to Soros’s Central European University (CEU) in Budapest, Hungary. She graduated two years later with a Master of Law, and today, serves on CEU’s Board of Trustees. After graduating from CEU, she consulted for several NGOs, including Soros’s Open Society Institute (OSI).

In 1997, Macovei received an Eisenhower Exchange Fellowship after Eisenhower Fellow Manuela Ștefănescu, who worked for the Association for the Defence of Human Rights in Romania—the Helsinki Committee (APADOR-CH), nominated her. After completing the Fellowship, she went to work full-time for APADOR-CH, which OSI president Renate Weber co-directed. Weber later became the longest-serving president of the Romania Soros Council. Macovei took over APADOR-CH as president in 2001.

On Christmas Day 2004, Basescu asked Macovei to be his Minister of Justice. When her mother urged her to decline, she called Ștefănescu for advice: “Don’t go!” her friend urged. The job of civil society was to hold government accountable, not to join it. Crossing over would be akin to treason. Unconvinced, Macovei called another Soros-funded NGO president and close friend, Alina Mungiu-Pippidi.

Mungiu-Pippidi, who sits on OSF’s European Advisory Board would make a solid candidate for Ideologue-in-Chief of Romania’s Soros society. A political scientist, she has been



Credit: opp group. License: <https://goo.gl/13uqoi>.

Macovei’s methods angered every sector of government except the executive branch. Even the Soros Foundation expressed concern that some of her proposals could lead to another Romanian police state.

widely published in English, French, and Romanian, and has lectured frequently at Ivy League universities on Eastern Europe’s transition to a market economy. Unlike Ștefănescu, Mungiu-Pippidi quickly told Macovei to accept the offer. Refusal would make the civil society network look cowardly, she said. “You’re going,” Mungiu-Pippidi insisted.

Trampling Civil Liberties to Crack Down on Corruption

For the new Romanian government, preparing to enter the European Union (EU) proved to be an extremely difficult challenge.

Soros’s Open Society Foundations (OSF) delegated itself the task of helping candidate countries; the EU assesses membership readiness by publishing reports on areas within governments and cultures that they find problematic.

In July 2002, the Romanian magazine *Dilema* named one of its weekly editions “Trust in Justice,” and published polls by the Soros Foundation that claimed 90 percent of Romanians believed corruption had either increased or remained the same since the previous election. This helped spur the governing party to create the independent National Anti-Corruption Office (PNA).

Dilema’s founder, Andrei Plesu, a Soros-connected philosopher, later became an advisor to President Băseșcu. Plesu, who had helped organize GDS, later joined Weber and Levente on the Soros Foundation’s governing council.

The EU Commission's 2002 Report, appearing four months after the *Dilema* issue, identified corruption as the primary problem preventing Romania's entering the EU. The report noted that according to "independent observers...there had been no noticeable reduction of corruption during the reporting period." Just 343 persons had been convicted of corruption in 2001, the report concluded, fewer than in 1999. These supposedly "independent" observers apparently did not consider that there may have been less corruption in 2001 than in 1999.

In 2004, to show it was making progress, the Romanian government lowered the financial threshold for graft investigation. The EU Commission's report that year praised this effort but argued that it would likely lead the PNA to focus on petty crime, noting that it had so far only resulted in 86 prison sentences—most of them for minor crimes.

To please the European Union, the PNA clearly needed to fry some bigger fish.

Macovei, meanwhile, proved herself more than ready to oblige the EU. She had continually criticized the PNA, and quickly awarded Freedom House—another Soros-funded NGO—roughly 40,000 Euros to conduct an audit of the anti-corruption agency. Unsurprisingly, her Freedom House friends found the PNA to be underperforming. The administration then transmogrified the PNA into the National Anticorruption Directorate (DNA). Macovei's Ministry of Justice promptly assumed responsibility over both the General Prosecutor and the DNA's Chief Prosecutor. Macovei replaced the unfriendly PNA director and prosecutors with cronies loyal to her and to the new administration.

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To please the European Union, the National Anti-Corruption Office (PNA) clearly needed to fry some bigger fish.

Thus, with Macovei at the helm of justice, high-profile indictments increased substantially: The accused included nine judges and prosecutors, eight members of Parliament, and two cabinet ministers. She even indicted Romanian President Traian Basescu's own deputy prime minister. The outgoing prime minister, Adrian Nastase, went to prison for misuse of public funds in 2012 on a conviction resulting from an investigation that began under Macovei.

In an effort to present more scalps to the EU, Macovei vastly expanded the concept of "abuse of office." Rather than relying on voters to hold poor-performing or negligent government officials accountable at the polls, Romania's new prosecutorial class (handpicked by Romania's NGO class and funded by Soros and company) could now send them straight to prison. Although it went into effect after Macovei left office, Romania's new penal code more than doubled the sentencing for abuse of office to two to seven years, while it omitted the word "knowingly" in reference to officials' committing harmful acts, or neglecting to perform their duties.

Big Brother?

Macovei's methods angered every sector of government except the executive branch, which was friendly to her aims. Even the Soros Foundation expressed concern that some of her proposals could lead to another Romanian police state. Indeed, Mircea Ciopraga, in the lower house of Parliament, argued that the new measures and proposals harkened dangerously back to the harsh days of communism.

Macovei managed to bypass Parliament through the brand-new Directorate for the Investigation of Organized Crime and Terrorism (DIICOT). Through an emergency ordinance, the administration authorized this agency to intercept phone conversations, surveil individuals, and access bank accounts without warrants—a measure that failed to trigger widespread public revolt as the agency's mandate limited prosecution to national security threats and organized crime.

But in its first meeting after Basescu's election, Romania's Supreme Council of National Defense had already declared corruption a matter of national security, a designation reserved for Parliament, according to the Romanian constitution. This gave both DIICOT and Romania's domestic intelligence service authorization to treat graft suspects as domestic terror suspects.

When the Romanian Senate passed a non-binding resolution calling for Macovei's resignation for corruption of justice and interfering with Parliament, NGOs affiliated with the Soros Open Network rallied to her defense. They knew they could rely on the EU to side with them in any domestic political dispute because they controlled access to the EU's ear.

But the Senate eventually impeached Basescu in 2007, and Macovei was replaced along with other Basescu loyalists. Her career, however, did not come to an end. She won a seat in the EU Parliament in 2009.

Winning Converts to the Open Society Then Moving on

In addition to direct funding from OSF, however, Soros gave millions to Romanian NGOs indirectly through the Trust for Civil Society in Central and Eastern Europe (CEE). In 2001, the billionaire's OSI, along with five other leftist, American philanthropies created CEE Trust to channel funds to Central and Eastern European NGOs. Besides the 12 NGOs that originally formed SON, dozens of Romanian NGOs have sprung up, all seeking to transform Romania's conservative, Orthodox Christian culture by promoting socially liberal values.

Soros had installed a loyal army of grateful, civil society soldiers and need no longer involve himself directly in Romania's future. His soldiers would do the work for him.

Soros Dollars for Romania's 2014 Elections

During the 2014 European Parliamentary (EP) elections, Soros's Open Society Initiative for Europe (OSIFE) gave roughly \$5.7 million to organizations opposing candidates that favored nation-state sovereignty over a more centralized European Union. But OSIFE couched their opposition in terms of fighting against "hate speech" and amplifying the demands of the marginalized.



Always the adept investor, Soros keeps a "naughty-and-nice" list of his European Parliament politicians.

The following includes some of Soros's projects, including those launched in Romania:

OSIFE gave \$91,500 to FSD for an anti-hate speech campaign for both the EP elections and Romania's presidential election that November. FSD was to use the money to apply "a combination of naming and shaming and satire" to counter public discourse that it believed harmed minorities and women. It gave FSD another \$41,250 to mobilize Romanian migrants living abroad to dilute the nativist vote in those countries. It also gave \$17,057 to APADOR-CH, Macovei's former organization, "to develop sanctioning mechanisms of extremist political messages and debates."

Always the adept investor, Soros keeps a "naughty-and-nice" list of his EP politicians entitled "Reliable allies in the European Parliament (2014–2019)."

Among the Romanian members, he described Weber as a "resolute Open Society promoter." He described Cristian Dan Preda as "timidly progressive," and Macovei as "resolutely progressive." Macovei qualified as an "unquestionable ally of Open Society values," who "does not hesitate to go against her group's instructions," although she "can sometimes be described as a loose cannon with her own, uncompromising set of priorities."

Romania's Presidential Elections: Holding It Hostage to an Autocratic Prosecutor

In *Soros on Soros*, the billionaire explained that his foundations often end up partisan to whichever party's ideology more closely aligns with the "open society." Asked about accusations that he meddles in country's internal affairs, he replied: "Of course, what I do could be called meddling, because I want to promote an open society. An open society transcends national sovereignty."

Romania's 2014 presidential election, however, presented a bleak outlook for Romanian "Sorosists," as the billionaire's Romanian detractors call them. As President Traian Băsescu's second term drew to a close, Soros-backed NGOs and activists lacked a clear, pro-open society faction to support.

When Macovei's party merged with the National Liberals (PNL) to present a united front against Ponta, Macovei had had enough. The previous year, she had noted that the anti-Băsescu alliance (which included the PNL) commanded 70 percent of Parliament. If it won the presidency, she claimed, "Romania will not look like a European democracy, but an Asian dictatorship." Romanians needed a candidate who stood for true reform. They needed her. Accusing all the parties of refusing to tackle corruption, she ran as an independent.

Because Soros's FSD could not legally endorse a candidate for president, it put the billionaire's donation to good use by attacking candidates who preyed on "the direct fears and prejudices...of a silent majority."

Macovei easily gathered 332,241 signatures to make the ballot; but failed to double that in votes. She finished fifth in the first round, with 4.5 percent, in the end begrudgingly endorsing Johannis, who ultimately defeated Ponta in a run-off.



Credit: Epoch Times Romania. YouTube screenshot. License: <https://goo.gl/XzEba>.

Crăciun's foray into street protests began in 2012 when he discovered his ability to unite and command crowds during the Rosia Montana protests.

So, How *Did* Fewer Than 60,000 Protesters Topple the Romanian Government in 2015?

CRC's David Hogberg has observed a recent phenomenon in youth protests in both the U.S. and Europe: "[A] reason to be concerned is that here in the U.S. and in other nations, a particular demographic is ripe for exploitation by groups like [Alliance for Global Justice]: a class of young people who are well-educated but either unemployed or underemployed. A recent study of a left-wing protest in Berlin found 72 percent of the participants under age 30, 92 percent still living with their parents, and a third unemployed."

In 2008, Romania had 232,880 college graduates, 42,300 of whom were unemployed. Two years later, after the Great Recession had taken its toll, those numbers stood at 110,000 and 53,000 respectively. The global economy bore most of the blame for this, but an oversaturation of graduates in the "soft subjects" played an undeniable role.

By the 2010s, a new generation of activists had benefitted from Soros through Romania's nascent environmentalist movement; they had begun their activist careers over Gabriel Resources' gold mining and Chevron's drilling operations near Rosia Montană and Pungesti. In 2014, many of these activists campaigned for Macovei for president. After the Colectiv tragedy, they argued that had "the political class" not hindered Macovei's anticorruption fight, inspectors

would not have accepted bribes to ignore safety violations, and such tragedies would not occur.

Taking Advantage of Grief and Outrage

The day after the fire, on October 31, tens of thousands paid their respects at the incinerated club. Calls to temporarily boycott nightclubs represented the only activism at that time. Former Soros-beneficiaries, meanwhile, wasted no time in taking advantage of the crisis.

On Facebook, activist Florin Bădisă invited more than 8,600 to a march the following evening. The post began with *#corruptionkills*, which within 48 hours went viral in Romanian social media circles. It would not do to chant slogans and call for the overthrow of the government only two days after the tragedy, so Bădisă urged attendees to bring candles to lay at the Colectiv site where the march would end and let their "silence and banners speak for themselves."

Although the sign-wielding activists constituted a minority of marchers, their written messages stole media attention, which gave them a publicity advantage. Two nights later, on November 3rd, nearly 30,000 demonstrators filled Bucharest's University Square. With chants of "the final solution, another revolution!" they demanded the government's resignation and parliament's dissolution. Many of the protesters openly attacked democracy itself. Some called for a monarchy; others for a technocracy.

Veteran Protest Professionals

Claudiu Crăciun joined the November 3rd protests with his favorite toy: a megaphone.

He and his comrades followed a weird blend of neo-Marxist principles with political, rather than economic power at the forefront. They essentially attacked the idea of representative democracy in favor of a redistribution of power through a form of consultative factionalism. Another “informal leader” of the crowd on November 3rd, a political science student, told the news outlet Hot News that he wanted “to take down the system.”

Crăciun had received an International Policy Fellowship from Open Society Institute Budapest (OSIB) in 2005. His foray into street protests began in 2012 when he discovered his ability to unite and command crowds during the Rosia Montana protests. On November 3rd, he led the protesters along a march that included the Minister of Internal Affairs, the Mayor’s Office, and the Orthodox Patriarchate—the Romanian Orthodox Church being part of “the system” that needed taking down.

Crăciun touts Soros’s open society evangelization in Eastern Europe as a positive development. “I worked with the Open Society Foundation, as did thousands of others, and I don’t see any guilt attached—on the contrary actually.” Like

CC —————
Unlike in a democracy, in a technocracy the masses hold little power over who governs them.

many Romanian Soros beneficiaries, Crăciun has accused protest critics, who point to Soros’s financial involvement, of peddling conspiracy theories. But Bădisă was at least honest, if sarcastically so. Here’s how he preemptively defended his involvement with the Soros Foundation: “I’ve had an awesome relationship with the Soros Foundation. I participated in a hackathon with PSD (Social Democrats) together with the Soros Foundation in 2014....I was also at the Soros Foundation at a workshop in 2013 where Soros manipulated me and taught me how to question the state, to find out if a mayor’s office is stealing money or not.”

Many believe Ponta gave in so easily for political reasons. By refusing to resign he could send a message of insensitivity toward voters during the 2016 Parliamentary elections. However, Ponta later claimed that he received information

from the Interior Minister and “other sources” of planned attacks on political parties’ headquarters, as well as attempts to spark an uprising like Ukraine’s 2014 EuroMaidan Revolution. He argued that his resignation had prevented his having to order security forces to violently suppress a revolt.

Giving Up on Democracy: an NGO Coup

The morning after Ponta’s resignation, Johannis announced that he would invite a group of representatives from the protests to the president’s Cotroceni Palace the following day. His administration chose 20 individuals out of 5,520, who requested via email to meet.

Ponta’s departure from the scene failed to appease most of the demonstrators, who railed against the entire “political class.” To show solidarity with them, Johannis and some MPs favored a “technocratic” option, that is government run by professional, non-politicians, such as career bureaucrats, or activists, which would guide the country until the 2016 elections.

Drawing from CEE Trust’s grant database, the newspaper *Evenimentul Zilei* found that more than half of Johannis’s guests at Cotroceni had connections to NGOs or projects that benefitted from Soros: Despite the pretense of meeting with representatives from “the street,” most of the invitees came from well-established NGOs that had little, if anything, to do with the protests. The group Initiative Romania was the only organization to form after the fire; a closer look into its founders revealed it to be little more than a reunion of Macovei’s 2014 presidential campaign staff.

Many activists wanted Johannis to continue regular consultations with NGO leaders as if they formed part of the government. Johannis soon created the Ministry for Public Consultation and Social Dialogue. The NGO class now had its own governmental department. Violeta Alexandru, who former European Union Agricultural Commissioner and new Romanian prime minister Dacian Cioloș eventually chose to lead the new department, was the director of Institute for Public Politics (IPP). Not coincidentally, this organization had received \$360,000 from CEE Trust.

Giving Up on Democracy

Despite the objections of parliamentary leaders to the undemocratic nature of a technocratic government, Johannis named Dacian Cioloș as prime minister. Cioloș had never belonged to any political party and had never held elected office.

Cristian Pîrvulescu, Dean of Romania's National School of Political Studies and Public Administration compared technocracy to Plato's elitist belief that only philosophers should rule. He described it as "an ideology of those who hold that political party ideologies are outdated and that there's one truth that can be imposed." He concluded that "all technocratic governments either lasted very briefly or prepared for dictatorships."

Unlike in a democracy, in a technocracy the masses hold little power over who governs them as technocrats are appointed and hold office based on their supposed expertise. Also, unlike most democratic officials, they usually hold degrees in the hard sciences like engineering or math, rather than the humanities.

This anti-democratic concept gained prominence briefly in the United States during the Great Depression at a time when many modern countries fell prey to fascist regimes. Today, perhaps China presents the best example of a technocratic government in action.

But why, out of 5,520 candidates who applied, did so many of the chosen 20 have such strong connections to Soros? Pîrvulescu believed that Pralong likely recommended the eventual members of Ciolos's administration. Keep in mind Johannis brought her into his administration two months before the tragedy. If true, she doubtless recommended many of the NGO representatives who met with the president.

Although certain members of the new, technocratic government were intelligent, capable professionals, their non-election represented a genuine NGO coup. Ciolos, in fact, specifically sought individuals from NGOs to make his administration appear as non-partisan as possible. Multiple members of his administration had worked with NGOs that benefitted from Soros's civil society development funding. For instance, Ciolos proposed Guseth for Minister of Justice. When Parliament refused to confirm her, Ciolos replaced her with Raluca Prună. Prună had attended CEU and worked as a parliamentary assistant to Macovei. She also co-founded Transparency International's Romanian chapter, an organization that OSF heavily funds.

Mission Accomplished

In April 2017, the Foundation for an Open Society officially closed its doors. The Serrendino Foundation (formerly the Foundation for Social Inclusion and Cohesion, and an FSD partner) absorbed it and much of its staff.

Between 1990 and 2014, Soros poured over \$160 million into Romania, not including several million he gave indirectly to Romanian organizations through his CEE Trust. On a per-capita basis this vast expenditure easily eclipses the amount the Hungarian billionaire has showered on the U.S. ■

Read previous articles from the Foundation Watch series online at CapitalResearch.org/category/foundation-watch/.



POLITICAL CORRECTNESS'S IMPACT ON ABHORRENT BEHAVIOR

Re-establishing time-tested, bedrock principles that keep bad behavior in check

By Sheriff David A. Clarke, Jr. (Ret.)



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Retired Milwaukee County Sheriff David A. Clarke, Jr. was named the Distinguished Chair of American Law and Culture at the Capital Research Center (CRC) in Washington, D.C.

Earlier this year, retired Milwaukee County Sheriff David A. Clarke, Jr. was named the Distinguished Chair of American Law and Culture at the Capital Research Center (CRC). Among other things, the Sheriff's work for CRC "will focus on travelling to struggling cities to learn what strong local organizations are offering as superior alternatives to the welfare state," according to its mission statement, reprinted in the sidebar. In this article, an earlier version of which appeared at Townhall, Clarke pointedly and insightfully examines some of the most unfortunate aspects of the thinking that underlies our existing welfare state.

The May school shooting in Santa Fe, Tex., brought out the same tired soundbites from the Left, repeated over and over again in the mainstream media. They blame guns, the National Rifle Association (NRA), and President Donald Trump. What the Left isn't doing, however, is offering new and pragmatic solutions.

Legislators can't pass up opportunities to score political points in the aftermath of tragedies, especially mass shoot-

ings. They flaunt their sensitivity, a little thing called "virtue signaling," on social media with their hashtags and use celebrity surrogates to parrot their talking points. The public already knows how terrible they feel about the tragedy—it's something we all share. Unfortunately, it's become a ritual: create a media frenzy, demand action against guns, and propose useless legislation. The initial shock eventually wears off and everybody goes home feeling good about themselves. Despite no substantial changes, these leftists go to sleep feeling virtuous.

The reality is that there will be another mass murder at another school, we just don't know where yet. This will happen again because we are debating the wrong remedies to control this abhorrent behavior. We debate technical fixes like banning certain classes of firearms and sanctioning people who had nothing to do with these events, like the NRA and law-abiding gun owners.

What America truly needs is adaptive fixes that address cultural problems. This means acknowledging human nature in all its brokenness and in all its potential. In contrast,



School teachers and parents can only kick the can down the road for so long.

progressives' technical fixes are the low-hanging fruit—easily regurgitated talking points and legislative proposals that won't create lasting cultural change.

Where Have Our Institutions Gone?

A lot has changed during the past 30 years. America has always had many firearms in circulation, laws against killing people, anti-bullying school policies, and the like—these are not new phenomena. What is strange, however, is that people suffering from mental illness decide to mow down their classmates instead of seeking help or being flagged by their parents, classmates, or teachers. But, mass shootings are merely the symptom of a larger societal crisis.



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We are debating the wrong remedies to control this abhorrent behavior. We debate technical fixes like banning certain classes of firearms and sanctioning people who had nothing to do with these events, like the NRA and law-abiding gun owners.

Coming-of-age has never been easy. But instead of overcoming those obstacles like adults did two decades ago, young men now resort to terrifying violence. Our culture has eschewed providing structure and guidance for young people who need it. Instead, under the aegis of progressivism, society pampers people in safe spaces instead of motivating them to act like adults.

Americans used to look to its private institutions—churches, local community organizations, and nonprofits—to establish social norms in our society. But illiberals and progressives have undermined these institutions and replaced them with a secular puritanism that worships the Welfare State and Big Government.

Distrust or outright distaste for these institutions is often associated with social and cultural problems that go overlooked—until the next troubled young man shoots up a school. Conservative or Christian values may be seen as archaic and outmoded, but the fact is that the most vulnerable in society are subjected to needless suffering caused by disregarding the wisdom these institutions can teach.

Children stuck in poor school districts, who come from broken families and are in need of guidance, don't benefit from anemic polices designed to insulate them from the consequences of their actions. Antisocial behavior—vandalism, bullying, reclusiveness—is a cry for help. Children who are already disadvantaged by circumstance deserve better than spineless teachers and parents who are unwilling to erect rules, positive reinforcement, and necessary discipline.

School teachers and parents can only kick the can down the road for so long. Eventually such behaviors won't be

Capital Research Center's American Law and Culture project

MISSION STATEMENT

David Clarke, the retired Sheriff of Milwaukee County, holds the Distinguished Chair in American Law and Culture at the Capital Research Center. Because of his passion for improving city life around the country, his work with CRC will focus on travelling to struggling cities to learn what strong local organizations are offering as superior alternatives to the welfare state—programs that empower parents with school choice to obtain better education for their sons and daughters, that strengthen the family by focusing on messages of responsibility, and that harness faith-based initiatives to promote character and civic engagement. Imagine the difference it would make if a growing number of big-city residents could be persuaded to support conservative ideas that have a proven record of breaking cycles of poverty and helping all persons to achieve the American dream.

Sheriff Clarke was born into the Milwaukee projects as one of five children, came of age during the black power movement's heyday, and went on to spend decades in local law enforcement. As he writes in his book *Cop Under Fire*, he has seen firsthand the effects of liberal and conservative ideas in the lives of at-risk families, and he believes that poor people have the same right to good schools, safe streets, and self-reliant families that wealthier Americans expect to enjoy.

What connects Americans of every race and situation is “our hope that we can do better,” the Sheriff observes. He adds that achieving that goal may require more than merely human effort: “Faith transforms: policies, entitlement programs, and politicians do not.” Strong families, good schools, active houses of worship, and dynamic communities can ensure our big cities flourish once again.

In addition to his part-time work with CRC, Sheriff Clarke will continue working on other independent projects, which may include political activities, but his work with CRC will be solely related to the charitable mission described here.



Credit: A Healdhler Michigan. License: <https://goo.gl/D8xqpW>

Americans used to look to its private institutions—churches, local community organizations, and nonprofits—to establish social norms in our society.

contained by feeble feel-good programs, like the PROMISE program hailed by former President Barack Obama. This initiative championed by both the Anne E. Casey Foundation and the W.K. Kellogg Foundation allowed school shooter Nicholas Cruz and countless others to escape consequences for criminal behavior. Certainly, there is room for mercy in the criminal justice system, but it should not come at the expense of innocent lives.

The liberal attitude toward the criminal-justice system showcases the dangers of this philosophy. Instead of strongly enforcing the rule of law, liberals claim that people shouldn't be held responsible for their behavior *via* formal punishment. This has strangled the justice system for more than two decades. It manifests in failed social-engineering experiments like community corrections that allow a violent repeat offender to walk among the law-abiding public. These efforts do not teach an offender that his or her behavior won't be tolerated. Consequently, such criminals do not learn about their wrongdoings, continue to engage in antisocial behavior, and re-offend. What's worse, these efforts only seek to address a problem that could have been mitigated sooner.

That's why, in my new role as the Distinguished Chair in American Law and Culture at Capital Research Center, I intend to visit urban areas most affected by America's cultural decline. My native Milwaukee isn't the only overlooked American city in need of an institutional renaissance. Yet these communities are not monoliths in need of the government's one-size-fits all solutions. In Cleveland, Baltimore, and Philadelphia there are people taking matters into their own hands to help those in need by fostering self-respect and instilling virtuous habits. They are creating opportunity by empowering individuals from all walks—and all without



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In my new role as the Distinguished Chair in American Law and Culture at Capital Research Center, I intend to visit urban areas most affected by America's cultural decline.

the intrusive hand of the state. These smaller organizations with clear missions and a local focus deserve more attention and study.

Keeping Bad Behavior in Check

If we seriously want to restore the American dream to *all* Americans, we must be willing to re-establish the time-tested means of societal limits on human behavior. We need to return to bedrock principles, many of them rooted in religious faith, that not only keep bad behavior in check, but also foster mature decision-making rooted in love for ourselves and our fellow man. There are groups around the country that strongly adhere to these and other related bedrock principles. The Capital Research Center has documented many of them.

We should also get rid of liberalism's control of effective parenting and school discipline, so that by the time we reform the criminal-justice system, the situation will not be so dire. We need our private institutions to establish norms that improve civil society and encourage social responsibility. As it stands, our mainstream culture feels free to push the boundaries of acceptable behavior merely for shock value. It is time to stop and reflect on the value such a culture provides. Would it be so terrible to instill honor, discipline, or personal responsibility in our young people again? When you think about the horrors our current attitudes have wrought, the question really becomes: Can we afford not to?

Stay tuned for updates and interviews as I share what I learn from some of America's finest mentors, philanthropists, and civil society entrepreneurs. ■



AN INTERVIEW WITH DR. THOMAS SOWELL

The original “woke” economist

By David Hogberg

Summary: Long before social media campaigns encouraged millennials to “stay woke,” noted economist Thomas Sowell was speaking real truths about the reasons for different outcomes among ethnic groups and how the NAACP does more harm than good for black Americans. Former Capital Research Center senior researcher David Hogberg recently interviewed Dr. Sowell about the publication of his latest book, *Discrimination and Disparities*, which promises to help correct long-held myths that are still prominent in American discourse.

David Hogberg: Why did you write this book? I ask because you are always threatening to retire, so you must have thought that such a book would meet an important need.

Sowell: The need was to challenge what I call the “invincible fallacy,” that different groups would have similar outcomes if not for either discrimination or genetic determinism. Both those who believe in genetics as the automatic reason for group differences and [those who believe that] discrimination [is] the automatic reason for group differences are reasoning from the same fundamental misconception. An examination of the facts indicates there is little evidence that either of those factors are universally culpable. So many different factors are involved that you don’t need to resort to those two explanations to understand outcomes.

Hogberg: Why is it such a common fallacy?

Sowell: I think these two explanations are part of a much larger set of preconceptions that apply to all kinds of other issues, including issues of nature. There is a great temptation to seek one key factor for whatever you are trying to explain. For example, we all know that the sunlight is hotter in the tropics than it is in more temperate zones. And yet when you do empirical research, you discover that the hottest temperatures ever recorded in the world were all recorded outside the tropics. So what that says is that, yes, sunlight is an important factor, maybe the most important one, in temperature differences. Yet in particular cases there are many other factors, none of which may be as important as



Credit: FEE.org 12/28/2016. License: <https://goo.gl/hZ4iGm>.

*Like so many of Sowell’s works, *Discrimination and Disparities* is a cold bath of logic that dispels many closely held “progressive” misconceptions, particularly on issues surrounding race.*

sunlight, but in combination may override the factor that you think is the key to everything.

Hogberg: One theme that runs through the book is that human beings are not random outcomes. For example, if Black Americans are 12 percent of the population, you will not necessarily see roughly 12 percent of blacks in every profession in America. Can you give some examples of what you mean by that and explain why the outcomes are not random?

Sowell: I’m always amazed at how simple explanations often escape people, including myself. I discover them belatedly and in retrospect they should have been obvious. One is that

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Einstein: Credit Nathan Marciniaak. License: <https://goo.gl/nXZw9T>. Bellow: Credit: Goodreads. License: <https://goo.gl/eGXacB>. Friedman: Credit: RobertHannah89. License: <https://goo.gl/hjH5HT>.

Jews are not even 1 percent of the world's population, but they have won about 30 percent of Nobel prizes in chemistry. But if you go back a few centuries, you don't find Jews overrepresented in those particular areas. Albert Einstein; Saul Bellow; Milton Friedman.

groups have different median ages. Japanese Americans, for example, have a median age two decades older than Mexican Americans. You cannot expect these two groups to be equally represented in any kind of activity where you need the strength and vitality of youth or long years of experience that come with age. You can't expect them to be evenly represented among corporate CEOs or among generals and admirals in the military because all of those things require long years of education and/or experience. You won't find many 26-year-olds represented there. Now, it just so happens that Hispanics are overrepresented among baseball stars. You don't find a lot of 50-year-old men being baseball stars. And, again, this all seems very obvious in retrospect.

Or, look at Jews. We're very accustomed to seeing great numbers of Jewish intellectuals and Jewish leaders in other areas. For example, Jews are not even 1 percent of the world's population, but they have won about 30 percent of Nobel prizes in chemistry. But if you go back a few centuries, you don't find Jews overrepresented in those particular areas.



"There is a great temptation to seek one key factor for whatever you are trying to explain."

Now, the Jews have one striking difference from most other groups and that is they have been literate for centuries—if not millennia. As recently as 1900, just over half of the people in the world were still illiterate. Literacy is something that is still new to most peoples. However, literacy by itself

will not take you all the way. So, Jews for many centuries were not admitted to most of the universities in Europe. In the 19th century Europe and America began to pull back on the restrictions on Jews and then Jews flooded into the universities. And from that point on you see Jews greatly overrepresented among intellectual figures and landmark figures in other fields. That doesn't mean that if you let other groups into universities that you can expect the same outcome. The Jews already had most of the prerequisites

that they needed to do these things, and only the fact that they weren't allowed in universities prevented them from achieving what they later did.

This is where people with a lot of verbal talent come in and create the appearance of discrimination just by calling things the same that are not the same. Just recently there was a big outcry in England because male and female employees of airlines have very different incomes. What that boils down to is that males are the overwhelming bulk of the pilots and females are the overwhelming bulk of the flight attendants. So, you lump together pilots and flight attendants and you call them by the same name, "airline employees"—by doing that you create this great divide and great sense of grievance.

Hogberg: Related to that, you note that human beings do not interact randomly, they sort themselves.

Sowell: Residential sorting has gone on all over the world for hundreds of years, whether or not the government is involved in forbidding some people from locating in certain places. I first noticed this years ago when I was studying the history of the Jews on the lower East Side of New York. I was startled to learn that the Hungarian Jews, the Polish Jews, and other Jews lived in different enclaves in this large Jewish area. In fact, I was at Brandeis University at the time and the university president quit. Someone said that it was quite sad that he was leaving because Brandeis was founded by Eastern European Jews and the president was a liaison to the German Jews who presumably had more money. I remember asking, "Does that really matter at this late date?" And the answer was "Yes!"

Decades later, I was doing research in Australia talking to Jewish leaders in Sydney and Melbourne. Each of them went

out of their way to say that the Jews in Sydney were not the same as the Jews in Melbourne. They made it sound like they were two different species.

We tend to lose sight of the fact that this goes on everywhere. It goes on within black communities. Studies by E. Franklin Frazier showed that there are different zones within Harlem and within black neighborhoods in Chicago. He found that the delinquency rate in different parts of black neighborhoods in Chicago ranged from 40 percent in some parts to under 2 percent in other parts. It was similar in Harlem. And blacks themselves recognized this. Some blacks lived in an area called Sugar Hill in Manhattan. When I was a teenager, I delivered groceries to one of the luxury apartments in Sugar Hill, coming in through the service entrance and basement. And when I got off work I would go home just a few blocks away to a fifth floor walk-up in a tenement building. So, there was always this distinction among blacks, yet, you can't see it with the naked eye the way you can when blacks live in one neighborhood and whites live in another. People think it is something unique when blacks live in one area and whites live in a different area.

Hogberg: You also discuss “unsorting” people and you criticize it harshly. Why?

Sowell: Because third parties, particularly the government, seldom have anything like the amount of knowledge that would be necessary to do a serious job of either sorting or unsorting other people, rather than letting them sort and unsort themselves. Housing is one of the classic examples. Like people tend to congregate, whether they are black or white. But if the politicians come in and have the bright idea of taking some people out of a public housing project and putting them in a middle-class neighborhood, they have no conception of what they are doing. And once they've done it, all the political incentives are to keep doing it. To admit that they are mistaken and have created enormous, needless problems for millions of people means that their political career could be over. And one of the things that I've found is that black middle-class people are among the harshest in their denunciations of bringing people from high crime areas like housing projects and putting them in middle-class neighborhoods. Often, the black residents of these middle-class neighborhoods have sacrificed economically, sometimes for years, to be able to raise their families away from dysfunctional and criminal people. And to have the government come along and blithely put criminals right next door is a little bit much.

Hogberg: I admit that I was a little surprised to see that in your book. It is rare for the media to cover blacks who are upset with other blacks moving into their neighborhood.



Studies by E. Franklin Frazier showed that the delinquency rate in different parts of black neighborhoods in Chicago ranged from 40 percent in some parts to under 2 percent in other parts.

Sowell: It would destroy the media's whole vision of the world if they did. In fact, the blacks are more vocal about it than the whites because the blacks don't have to worry about being called racist. I saw a little bit of that when, in the 1960s, I taught at Cornell. There is a small black community in Ithaca. At the time, the president of Cornell had the bright idea to bring in black kids from the ghetto to Cornell, under lower standards, of course. The Cornell Administration preferred not to bring in middle class blacks. But when those black students got to Cornell they began to hang out in black neighborhoods in Ithaca where their presence was not appreciated.

Hogberg: There is a widespread belief among the political left about why incomes of blacks are generally lower than whites. It's so common, then-President Barack Obama used it. Here's what he said:

The gap between income and wealth of white and black America persists. And we've got more work to do on that front. I've been consistent in saying that this is a legacy of a troubled racial past of Jim Crow and slavery. That's not an excuse for black folks. And I think the overwhelming majority of black people understand it's not an excuse. They're working hard. They're out there hustling and trying to get an education, trying to send their kids to college. But they're starting behind, oftentimes, in the race.

Are lower incomes of blacks the legacy of Jim Crow and slavery?

Sowell: No. Why would they be? When you break the black population down you find, for example, that the poverty rate among black married couples has been in single digits in every year since 1994, despite the high poverty rate among blacks. So not only do they have lower poverty rates than the black population as a whole, in some years they have a lower poverty rate than the white population as a whole. Now, black married couples' ancestors were not exempt from slavery, segregation, discrimination and the rest of it

Hogberg: You might say what is behind the notion that the legacy of slavery holds back blacks is the half-baked theory that the negative impact of historical tragedies on a particular group can last decades or even centuries. Is that supported by the evidence?

Sowell: No. It's plausible, but you don't assume it's true because you want to believe it. You look at the evidence, and when you look at the evidence many things seem plausible that are not supported by the evidence. Often people who are refugees from various tragedies and are destitute when they arrive in a new country are doing well within a generation or two.



The poverty rate among black married couples has been in single digits in every year since 1994, despite the high poverty rate among blacks.

For example, most Cubans who fled from the Castro regime, when they first arrived in the U.S. found that the credentials they had from Cuba held no weight. So, they might have been doctors or judges or whatever in Cuba, they had to start at the very bottom here. Their wives, women who may have never worked in their lives, had to take jobs as maids and seamstresses and fruit pickers and all kinds of low-level jobs. But after about 40 years, they had risen. And in those 40 years, the amount of wealth accumulated by Cuban Americans was greater than the entire wealth of Cuba. You can see similar experiences with other groups. The Gujaratis who were expelled from East Africa and fled to England usually arrived destitute because they weren't allowed to take their money with them and so on. But after a number of years they prospered in England. Meanwhile the economy in East Africa collapsed because you didn't have people with the same human capital that the Gujaratis had.

One thing that I'd like to mention is the people who talk about redistributing income or wealth don't seem to understand that a crucial factor in both is human capital. In the long run you may not be able to redistribute human capital because so much of it exists inside human beings' heads. So, the moral and philosophical issues that academics like John Rawls and so forth talk about become moot. If you can't redistribute human capital, then it doesn't matter how desirable it may be to do so.

Hogberg: You note that blacks were making more progress prior to the 1960s. For example, the poverty rate among blacks dropped much quicker prior to the 1960s than it did after that decade. What changed?

Sowell: I think what changed was what I call the "welfare state vision" that became popular in that decade. That vision says that if you don't have something that someone else has, then it is somebody else's fault; you are therefore justified in demanding compensation and expecting that the world owes you something. It also states that your sins are to be forgiven because you didn't get the right breaks. That has been a toxic vision on both sides of the Atlantic, and it is as toxic among lower-class whites in Britain as it is among blacks in America. It is amazing the similarities that exist between the lower-class whites in Britain and ghetto blacks in the United States, even right down to the schools where kids who want to learn are beaten up by other kids. So, this vision has been a holdback to both lower class whites in Britain and blacks here. But whites in Britain don't have any legacy of slavery to fall back on.

It is important to note that the welfare state makes it possible to live out this vision. It subsidizes a counterproductive lifestyle. By contrast, under ordinary market conditions people would either have to shape up or ship out.

Hogberg: Your book shows that it's not racism that holds back black Americans. Given that, why do groups like the NAACP continue to focus on racism?

Sowell: Because it is to the benefit of the NAACP. One thing I have learned from studying various ethnic groups around the world is that ethnic leaders tend to promote ideas that help ethnic leaders even when those ideas are counterproductive to the groups that they are leading. I think the classic example in the United States is Hispanic leaders who want to maintain so-called bilingual programs in schools. When the decision as to whether a child is taught in English or in Spanish is left in the hands of parents, Hispanic parents tend to want their children to be taught in English so they can get ahead in this society. But if that is allowed to happen, then the so-called leaders are going to lose their constituency. As Hispanics master English they



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Why do groups like the NAACP continue to focus on racism? Because it is to the benefit of the NAACP.

move on up and drift out into the rest of society. It is to the leaders' advantage to keep those kids in Spanish so that they can't move out into the rest of the world.

Hogberg: Is the NAACP holding back blacks in the sense that they encourage blacks to focus on issues that are not crucial to advancement?

Sowell: Absolutely. And more concretely, the NAACP promotes ideas that are actually counterproductive. For example, the NAACP has come out against charter schools. Charter schools are the biggest educational success for black children in the history of the United States. When the NAACP took that position, to me it was a declaration of moral bankruptcy. They are ready to sell out whole generations of black children for the sake of getting the money from the teachers' unions. The same goes for the blacks in the Congressional Black Caucus who are also against charter schools. Consider that charter schools don't usually have their own building. Typically, they are held in buildings that house the regular public school in that neighborhood. In one case I recently saw, children in a charter school scored in the 96th percentile, while the children in the public school, in that same building, scored in the 6th percentile. And to think in light of results like that, the NAACP and the Congressional Black Caucus are going to come out in favor of stopping charter schools—it's monstrous.

Hogberg: In your chapter on the meaning and costs of discrimination, you discuss different types of discrimination, Types 1 and 2, and subsets of 1, which are 1a and 1b. What are those and why is understanding the different types important?

Sowell: Discrimination, like so many other words, has different meanings. In the case of discrimination some of those meanings are almost the opposite of each other. On one hand we say that someone has discriminating taste if he can tell different vintages of wine or the quality of different paintings and so forth. That is, someone who is able to make fine distinctions or understand differences—that's Type 1. What we think of when we talk about discrimination more generally, such as when we talk about anti-discrimination laws, are people who have an aversion or ignorance about certain groups and are opposed to them without regard to the qualities of the individuals in that group or anything else, really—that's Type 2.

Now ideally, we'd all prefer to have a situation where we judge each person as an individual. That's what I refer to as Discrimination 1a. You're discriminating in your tastes, but you are doing it on the basis of an individual's qualities as an individual, not based on the group he comes from. It would be ideal to do that all of the time, but the problem with the ideal is that it is very costly. The example I like to use is, suppose you are walking down a dark street at night and up ahead you see a shadowy figure coming out of an alley. Now, are you going to judge him as an individual or are you going to cross the street to the other side? The cost of judging him as an individual can be very high including losing your life. Clearly the cost of that comes in to play.

True, some people fall prey to what I call Discrimination 1b—that is, they judge the individual by the group the individual comes from. That can still be a fact-based judgment, but it is based on a general fact about a group and not a specific fact about an individual. One of the real ironies is that there is a crusade going on against employers who do criminal background checks for job applicants. Those who protest this say a higher incidence of criminal backgrounds exists among young blacks, males especially, and doing background checks works against them. In reality the evidence shows just the opposite. Ironically, an industry that does criminal background checks typically hires more young black males than the ones that don't. The reason is that industries that do background checks don't have to guess whether a young black man has a criminal record.

Hogberg: Who is more likely to discriminate on the basis of race, gender, and so forth, private businesses or government agencies?

Government agencies, because there is no cost to them. By contrast, if an employer hires in what is a free, competitive market and he discriminates against a particular group, all the qualified people in that group who he turns away have to be replaced by a qualified person from another group. To

do that, the employer is going to have to raise his pay rate in order to attract enough people from groups he prefers. But when the government gets involved, say with a minimum wage law, the costs change and it is easier to discriminate. A minimum wage can create a chronic excess of job applicants compared to the actual jobs available. Let's say there is a surplus of 300 applicants in a particular area and there are 100 blacks who are qualified, then an employer can refuse to hire blacks and replace them from the surplus. If there is no surplus, then it is going to cost him to turn away qualified blacks. You can see this happening in the history of the minimum wage law. Back in 1948 not only was the unemployment rate of black teenagers a fraction of what it is today, it was virtually identical to that of white teenagers. That was for the simple reason that the minimum wage law that had been passed ten years earlier had not been changed and



Children in the charter school scored in the 96th percentile, while the children in the public school scored in the 6th percentile.

inflation in between time had wiped out any effect of the minimum wage. As politicians began to increase the minimum wage, it became effective again, and it began to influence what people were actually paid. And in this later period the unemployment rate for both black and white teenagers became some multiple of what it was in 1948, and now you see the unemployment rate for black teenagers being double what it is for white teenagers. The minimum wage has that kind of effect because of the cost of discrimination.

Hogberg: You also have a chapter on statistics. What are errors of omission and what are errors of commission?

Sowell: An error of omission involves leaving out a crucial fact. The huge error of omission in most statistics, ranging all the way up to international studies, is to assume there is a fixed number of people in given income brackets over time. For example, you may hear how much money the top 400 income earners in the United States make. And you'll see things like over the years the top 400 have been getting X percent of all the benefits and so forth. Now, you might ask, how many people are in the top 400? And the obvious answer is 400 people. But shortly after my book went to press the Internal Revenue Service released data on the top 400 income earners over a 23 year period and it showed numerous things. First, the number of people in the top 400

was actually 4,584. So the income that is often attributed to just 400 people was actually earned by over ten times that many people, which is to say that the disparity was exaggerated ten-fold. Second, of the people who were in the top 400 over that 23 years, 71 percent were in that category only one time. And I think this is relevant to the oft repeated statement that the system is rigged by the rich. Now, if the rich are rigging the system in such a way that most of them cannot get back into the top-400 category over a two decade period, then there must be some very incompetent rigging going on. But in most discussions of income there is no thought given to the fact that most Americans are going to be in multiple income brackets over their lifetimes. So the *New York Times* can talk about "the favored fifth at the top." But 75 percent of Americans are going to be in the top fifth of income earners during their lifetime. So there is no favored fifth. Now, you could say there is the favored 75 percent, but they are not getting their income as a favor, they are working for it.

An error of commission involves lumping data together on things that are fundamentally different. In recent years there has been a renewed attempt to discredit the idea that the minimum wage causes unemployment. And the latest attempt at this, conducted by Princeton economists, involves calling businesses before the minimum wage goes into effect and asking how many employees they have. Then the economists call back after the minimum wage goes into effect, they find that there is no big difference in the number of employees, and they conclude that the minimum wage has no impact. In the book I show how you could apply that methodology to whether Russian roulette is dangerous. If you had a list of people who had played Russian roulette and you sent them questionnaires and they filled them out and sent them back, you would find that nobody was harmed at all. And you'd conclude that Russian roulette is one of the safest activities we can engage in—we can even have it in the public schools! Of course, the ones for whom it was dangerous are no longer around to answer questionnaires. You have exactly the same problem with minimum wage studies of that sort. In any given industry, you have a mix of companies that are not identical. Some are very profitable, some are less profitable, and some are struggling to hang on. You plug in the minimum wage and one of the outcomes is that the companies struggling to hang on no longer win that struggle. There are several empirical studies showing that happening in Seattle and San Francisco, for example. If you look at the restaurant industry, the most important effect when you impose a minimum wage is that the number of restaurants decline. Now, people don't stop going to restaurants because some of them close. They go to the surviving restaurants, and those restaurants may have just as many

employees as they have ever had. But those are the only restaurants you can survey after the minimum wage goes into effect. That's the inherent flaw of survey research.

Another problem that is often overlooked is that the minimum wage can reduce the quantity of labor demanded not only by having fewer jobs but by having those with jobs work fewer hours. A study by the National Bureau of Economic Research found that is indeed what happened with a recent increase in the minimum wage. That particular study showed, I think, that those workers lost an average of \$125 a month. So a law that is supposed to help the poor not only causes them to lose their jobs but also causes those who keep their jobs to earn less than before.

Hogberg: Late in the book you write, “‘Solutions’ can be a society’s biggest problem—and especially governmental ‘solutions’—because government is essentially a categorical institution in an incremental world.”

Sowell: To the government, things are either legal or illegal. With government benefits, individuals are either entitled

to them or they are not. As I point out, if the government has a program for agricultural subsidies, billionaires can qualify for and collect those subsidies even if the govern-

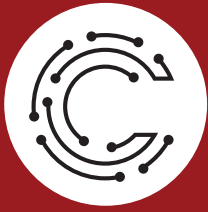
ment doesn't have enough money to provide adequate medical care for veterans in VA hospitals. Government employees are entitled to pension benefits that are usually for more generous than those in the private sector, even if the government doesn't have enough money to maintain the safety of the infrastructure.

In private life, by contrast, we make incremental decisions all the time. A little bit more of this, a little bit less of that, and so on. If you suddenly have a hospitalization bill, well maybe you won't take that vacation

or buy that new car this year. Government seldom makes trade-offs like that. Politicians say, “This need has arisen, so we need to raise taxes.”

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Back in 1948 the unemployment rate of black teenagers was virtually identical to that of white teenagers.

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