

# WI

JULY 2010

WISCONSIN INTEREST

## Our Divided, Dysfunctional Supreme Court

AN INVESTIGATIVE REPORT  
BY MIKE NICHOLS

## UW's Real Diversity Problem

BY DAVID BLASKA

## The Great Train Robbery

BY PATRICK MCILHERAN

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# Rebel without a pause

*Rising GOP star  
Paul Ryan*

BY CHRISTIAN SCHNEIDER



Gold



Editor > CHARLES J. SYKES

## Hard choices

For a rising political star, Paul Ryan remains a remarkably lonely political figure. For years, under both Democrats and Republicans, he has warned about the need to avert a fiscal meltdown, but even though his detailed “Roadmap” for restraining government spending was widely praised, it was embraced by very few.

Despite lip-service praise from President Obama, Democrats have launched serial attacks against the plan, while GOP leaders have made themselves scarce, avoiding being yoked to the specificity of Ryan’s hard choices.

But Ryan’s warnings have taken on new urgency as Europe’s debt crisis unfolds, and the U.S. debt creeps over \$13 trillion on a trajectory to exceed the nation’s total annual GDP.

Ryan is eager to disclaim any interest in the 2012 presidential ticket (at least the top spot), but in our cover story, Christian Schneider captures a frenetic 48 hours in the life of the

nation’s foremost celebrity wonk, asking: “What’s so damn special about Paul Ryan?” More than his matinee-idol looks.

“Ryan is a throwback,” writes Schneider, “he could easily have been a conservative politician in the era before cable news. He has risen to national stardom by taking the path least traveled by modern politicians: He knows a lot of stuff.”

Also in this issue, Mike Nichols examines Wisconsin’s dysfunctional, divided Supreme Court and the implications for law in the state. Patrick McIlheran deconstructs the state’s signature boondoggle, the billion-dollar not-so-fast train from Milwaukee to somewhere in Madison. And finally, David Blaska casts his gimlet eye on UW’s continuing battle over intellectual diversity and the fledgling efforts to “build up the tiny chorus” of conservative counter-voices to the university’s liberal hegemony.

## WPRI

The Wisconsin Policy Research Institute, Inc., established in 1987, is a nonpartisan, not-for-profit institute working to engage and energize Wisconsinites and others in discussions and timely action on key public policy issues critical to the state’s future, its growth and prosperity. The institute’s research and public education activities are directed to identify and promote public policies in Wisconsin that are fair, accountable and cost effective.

Through original research and analysis and through public opinion polling, the institute’s work will focus on such issue arenas as state and local government tax policy and spending and related program accountability, consequences and effectiveness. It will also focus on health care policy and service delivery; education; transportation and economic development; welfare and social services; and other issues currently or likely to significantly impact the quality of life and future of the state.

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Teach for America makes the grade in Milwaukee.

Photograph by Allen Fredrickson

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## Spring backward

*April, as T.S. Eliot reminded us, is the cruelest month, and this year it was especially cruel to incumbent politicians (although one suspects November will be even crueler). It was also hard on the nation's wallet. For only the third time in the last 30 years, the federal government ran a deficit in the month when Americans file their tax returns, bleeding \$82.7 billion in red ink. The national debt passed \$13 trillion, and Europe's debt crisis gave us a glimpse of what bloated pensions and unsustainable entitlements will do to our fiscal future.*

*As the season stirred the dormant roots with spring rain, a massive plume of oil — an image fraught with symbolism — spread into the Gulf of Mexico, a disaster rivaled only by the blowout of the Milwaukee Brewers bullpen*

### Peasants light torches, grab pitchforks

Polls across the nation and in Wisconsin continue to show a bleak environment for the ruling political class. In March, a poll by our publisher, the Wisconsin Policy Research Institute, found that only 34% of likely voters thought the state was headed in the right direction.

Fewer than four in 10 (39%) regarded elected officials as “trustworthy.” Less than a quarter (23%) thought that elected leaders were “capable of solving the state budget deficit.” And fewer than four in 10 (38%) thought that the phrase “cares about people like me” describes elected leaders pretty well or very well.

Perhaps hearing the winged chariot of voter anger at their heels, two dozen state legislators announced their retirements. So did Congressman David Obey, who seemed unenthused about explaining to voters how he had spent so much of their children's money. The ancient porkmeister chose to ride off into the rosy sunset of a government pension, where he and Jim Doyle undoubtedly will sit back and bemoan the ingratitude of Badger State peasants.

### Perhaps the felons will get train passes

Faced with the dire poll numbers, the state's politicians decided to redouble their efforts to...do more of the same. Doyle continues to push an \$800 million half-fast train from Milwaukee to someplace in Madison, and pols in southeastern Wisconsin try to fast-track

a \$300 million commuter line from Kenosha to Milwaukee, and a \$100 million downtown Milwaukee streetcar that pretty much goes nowhere.

Meanwhile, Doyle's chief jail keeper is speeding up plans to turn more felons loose on the streets. Department of Corrections Secretary Rick Raemisch announced that he wants to shift the governor's early-felon-release program into overdrive before voters and Republicans have a chance to stop it.

Raemisch hopes to see “50 to 60 inmates a month” sprung from the prisons before the doors clang shut again.

“I want a program so successful and so powerful that no one would dare eliminate it,” Raemisch declared. “That's why I feel like the demons are chasing me right now.”

Whether he's actually chased by demons depends, of course, on which neighborhood Raemisch frequents after his plan takes effect.

### No, they didn't learn anything

Even as the economy unravels from the subprime lending and housing meltdowns, the taxpayer-funded Wisconsin Housing and Economic Development Authority is running radio ads touting no-money-down mortgages. (WARNING: this is not a spoof.)

“WHEDA...We do...So you can buy your first house with no money down! Coming up with a down payment prevents a lot of renters from becoming homeowners....”

But what if you also have no income? Not to worry. There's a bailout for that too. WHEDA promises that the taxpayers will even pay your mortgage for six months if you lose your job.

Now that's sweet, but isn't it how we got into this mess in the first place?

### Madison unveils free-housing program

Perhaps inspired by WHEDA, housing activists in Madison developed their own no-down-payment housing program in May. They broke into and occupied vacant houses, while police stood by. Declaring “Housing is a human right!” and “People over profits!” the squatters made a show of taking possession while television cameras rolled.

Reported blogger David Blaska: “The neighborhood association president...informed the news media that she did not have the answer but maybe this was it. Which goes some way towards explaining why her neighborhood is as troubled as it is. Yes, send more non-workers into the neighborhood! Let them live free without paying rent. Whoever has the muscle can break into the nicest places. Yeah, maybe that will improve things!”

## Wards of the state

Spring also saw another milestone in American life: *USA Today* reported that “paychecks from private business shrank to their smallest share in U.S. history,” while dependence on government hit a historic high. The Tax Foundation says that nearly half of U.S. households now pay no federal income tax at all.

All of this led Rep. Paul Ryan (dashingy featured on our cover) to wonder aloud whether we had reached a tipping point. Citing numbers from the Tax Foundation, Ryan said, “in 2004, 20% of U.S. households were getting about 75% of their income from the federal government. In other words, one out of five families in America is already government dependent. Another 20% were receiving almost 40% of their income from federal programs, so another one in five has become government reliant for their livelihood.”

That means that three out of five households in America, Ryan pointed out, “were receiving more government benefits and services [in dollar value] than they were paying back in taxes.”

Under the new Obama budget, said Ryan, this “net government inflow” will rise to 70% of households. “Look at it this way: Three out of 10 American families are supporting themselves plus — through government — supplying or supplementing the incomes of seven other households. As a permanent arrangement, this is individually unfair, politically inequitable, and economically dangerous.”

## Papers, please

Liberal politicians, civil libertarians, and immigration activists bitterly denounced Arizona’s new law that gave police the power to ask for proof of citizenship if they had a “reasonable suspicion” that someone they had stopped or arrested was in the country illegally.

Police in Wisconsin have no such power, but under a new law passed by the Democratic legislature and signed into law

by Gov. Doyle, police can now demand proof of auto insurance. Failure to show your papers can result in fines. Activists have yet to object.

## Tom Barrett, prophet



As the road construction season approached, state officials announced that the bridges on the Zoo Interchange in Milwaukee were falling down, causing a brief shutdown of the state’s most heavily traveled exchange.

This was especially embarrassing for train enthusiast, Milwaukee mayor, and gubernatorial candidate Tom Barrett, who had gone on record pooh-pooing any need to maintain the freeway artery.

In a June 2005 letter to legislative leaders, Barrett had opposed spending money on even preliminary engineering for the interchange, calling it “foolish” and a “waste” of money. “Unlike the Marquette Interchange,” Barrett confidently predicted, “the Zoo Interchange will stand long enough for us to resolve the issues.”

Awkward....

## It’s hard being green

In late May, California’s nonpartisan auditing agency reported that the state’s pioneering cap-and-trade legislation likely “adversely affected” the state’s economy, noting that the green bill would raise the cost of energy, “causing the prices of goods and services to rise; lowering business profits; and reducing production, income and jobs.”

Wisconsin, of course, came within hours of passing similar legislation before the Legislature abruptly adjourned. In other news, Al and Tipper broke up.

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*Recently, a liberal friend suggested that I read President Obama's "nuanced and thoughtful defense of government" at the University of Michigan's recent commencement ceremony. I bit and found it instructive, although not in the way in which my friend intended.*

The president's point of departure is a question posed to him by a kindergartener in Virginia: "Are people being nice?"

No, the president responded, they most certainly are not. While allowing that politics has never been a

# PRESIDENTIAL DEAFNESS

*Obama champions dialogue,  
but fails to listen.*

**BY RICHARD ESENBERG**

beanbag, he reprises his earlier observations about why the benighted "cling to God and guns." People (by which he means opponents of his administration's policies) get "riled up" because of "change" apparently including the need to "live and work with more people who don't look like you or think like you or come from where you do."

It is, for the president, so sad. But the president suggests two ways in which our political discourse might improve.

The first — and presumably most important — is to appreciate what government can do for us. We ought not to be overly attached to the conception of government set forth in our founding documents. American democracy has thrived, in his view, because government has helped us adapt to changing times.

While nodding in the direction of a "limited" state, the president tells us that sine qua non of improved political discourse is to know that the "government is us." It is "we, the People."

Citing Theodore Roosevelt, he observes that the purpose of the government is as broad as "the general



welfare” of the people. He calls on us to stop debating about whether we should have “big government” or “small government.”

That debate, he implies, is so 1789. We should limit ourselves to a discussion of how government can be “smarter and better.” We should, like the characters in *Dr. Strangelove*, learn to stop worrying and love the Leviathan.

**There is much to say about this. We do elect those** who make the laws. In that sense, government is, at least, a plurality of “us.” But modern public choice theorists — and James Madison before them — have warned of the ways in which political processes tend to be hijacked by the especially interested. Friedrich Hayek demonstrated that no single entity can “know enough” to order society.

Even the president acknowledges that skepticism of government is in our national DNA, although he seems to regard this as an increasingly unfortunate residue of our national evolution.

Thus, we have traditionally carved out areas of individual liberty and placed structural limitations on the exercise of government power. Beyond such constitutional limitations, much of the opposition to the Obama agenda reflects the fact that many of “us” are not happy with what “we, the government” is up to.

We can all agree with the president’s observation that not all government is “inherently bad.” But in rejecting, as he is so fond of saying, the false choice between no government and limitless government, he misses the real choice. He quotes Abraham Lincoln’s observation that “the role of government is to do for the people what they cannot do better for themselves.”

The “change” that has so upset the public — what has created, in Michael Tomasky’s words, the first “right-wing street-protest movement” in our history — is the president’s rather capacious view of what government can do better than the people themselves.

It is a reaction to an unprecedented peacetime increase in the size of the federal budget, state ownership of iconic American corporations, and substantial federalization of the provision of health care. It is collective disgust at a stimulus package that was turned into a riot of pent-up demand for Democratic Party gewgaws and indulgences without evident economic impact.

**This is the debate we are having. It is very much** about “big government” and “small government.” While the president says that this debate “doesn’t really fit the times in which we live,” many of “us” do not agree.

Even the president’s humor reflects an inability — or unwillingness — to see that the issue is not simply whether government is bad, but whether government ought to be doing what he wants it to do.

He is amused by a sign that said “Keep Your Government Hands Out of My Medicare!” For him this is irrational. It is essentially saying “Keep Government Out of My Government-Run Health Care Plan.”

So it does. But it says something else as well. The Obama health plan proposes substantially increased government involvement in managing the standards of care for Medicare patients.

It is one thing to say that government — which is very good at transferring money from one pocket to another — ought to help senior citizens pay for their health care. It is quite another to believe that the federal government can

**Even the president acknowledges that skepticism of government is in our national DNA, but he seems to regard it as unfortunate.**

“bend the cost curve” by attempting to determine — for everyone and everywhere — what forms of care are cost effective.

That was a clumsy sign (we can assume its author did not make the *Harvard Law Review*), but maybe a more nuanced message than the president is willing to allow.

In his University of Michigan address, he went on to suggest that we listen to the other side and that we participate in civic affairs. Good advice — for both inside and outside the Beltway. ■

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# Justice Decried

By Mike Nichols

Using bitingly personal language, the seven justices of the Wisconsin Supreme Court spent much of the current term arguing over, among other things, when and whether they could be forced out of cases before the court.

Given how few cases have actually been resolved as the term winds toward its August end, skeptics might ask a different question: When might they actually consider a few?

As both ideological and deeply personal disputes become increasingly public, the court's members are issuing fewer opinions than any other Wisconsin Supreme Court in decades, according to their own statistics. The opinions they are working on, moreover, appear destined for release in a spastic flurry at the very end of the term.

Meanwhile, a long-term trend continues unabated: Fewer and fewer citizens feel it's worthwhile to even petition the high court for justice.

Well-chronicled verbal jousts among the justices

— including comments that opposing arguments are “ridiculous,” “incoherent” or politically motivated — are not entirely new. They echo the very public battles Chief Justice Shirley Abrahamson waged with other justices 10 years ago. This time, though, there is reason for more serious concern.

Former Justice William Bablitch, who retired in 2003 but still practices law, does not track the statistics but is well aware of the court's inner workings. And he is blunt.

Acrimony “can't help but be impeding the way the court is supposed to function,” he says. “The personality rifts are extensive and deep, and it seems sometimes the decisions are more an expression of will than law.”

The “acrimony certainly has to affect the way you listen to your colleagues,” he adds. “The conservative bloc, after being called name after name, cannot help but not listen as well to the liberal bloc, and vice versa.”

Not everyone agrees the court's performance has suffered from the strife. Greg Pokrass spent almost 25 years as a Supreme Court commissioner before leaving





# Discord has split the state Supreme Court, damaging its productivity and reputation for fairness

in 2005. The level of acrimony was “pretty bad” then, he says, and appears even worse now. But “if someone were to say, ‘This is all bullshit and they are turning out crap,’ I would say, ‘No. I don’t think so.’”

Others see it differently. Prominent attorneys on both ends of the political spectrum use words like “sloppy” and even “horrendous” to describe recent opinions, and some justices themselves have openly speculated that political considerations are influencing what should be strictly legal issues.

Many attorneys declined to talk on the record, but veteran Madison attorney Lester Pines appears to speak for a broad segment of the Wisconsin Bar when he says, “We would like to think that judges on a collegial court can bridge whatever differences they have and focus on the legal issues before them.”

He adds: “We...want to believe that the arguments we are making are being considered on their merits and are not subject to personal disputes among justices on the court.”

There is worry, Pines admits, “that one justice might instinctively react to another and shut off debate of a legal analysis because of personal animosity.”

**There was a time when observers attributed court** conflicts to old-school misogyny. For her first 17 years on the court, Abrahamson was the only female justice. Today, there are more female justices — Abrahamson, Patience Drake Roggensack, Ann Walsh Bradley and Annette Kingsland Ziegler — than male. Gender, though, is about the only thing some of them have in common.

There are deep ideological differences, to be sure. Abrahamson and Bradley are the two liberal stalwarts, and the court’s longest-serving justices. According to data compiled by the *Wisconsin Law Journal*, they are also virtual clones. They agreed with each other in 98% of all cases in the 2008-09 term.

Roggensack anchors the other end of the spectrum. The conservative jurist, first elected to the court in 2003, concurred with Abrahamson in only 60% of decisions in



# 'The personality rifts are extensive and deep,' says former Justice Bablitch.

the last term, according to the *Law Journal*, and in less than half of the torts and insurance cases. The court's two newest and youngest justices, Annette Ziegler and Michael Gableman, sided with Roggensack 94% of the time, the *Law Journal* found, while David Prosser concurred with her 86% of the time.

Though perceived as increasingly liberal, Justice Patrick Crooks concurred with Roggensack almost as frequently as Prosser did — although not always on the same issues and certainly not on one that has consumed much of the court's time and energy: recusal, which is when a judge must remove himself or herself from hearing a case because of perceived bias or a conflict of interest.

There are, in fact, numerous recusal issues that have proved to be uniquely divisive — partly because they raise very personal questions about judicial impartiality but also because they feed into broad ideological conflicts that starkly play out in judicial elections.

Recusal first became a high-profile issue when Ziegler ran for the court three years ago. She was pilloried — and eventually made the subject of a long, drawn-out ethics inquiry — for not, as a Washington County Circuit Court judge, recusing herself from pro forma rulings in cases that involved a bank for which her husband served on the board.

Apparently deeply stung, she later removed herself from a Supreme Court case involving the Wisconsin Realtors Association because the group had given her campaign \$8,625. However, she declined to step aside in a different case involving Wisconsin Manufacturers & Commerce, which independently spent \$2 million supporting her election.

## **The two groups (as well as the League of Women**

Voters) eventually filed petitions with the court asking for clarification on when recusal is appropriate — something that, in turn, prompted lobbying by other organizations, including the Brennan Center for Justice at New York University and a group known as Justice at Stake.

Both groups describe themselves as nonpartisan proponents of improving democracy and justice. But at a public hearing last fall, Prosser made it clear he thinks they have goals far beyond stricter recusal rules. He pointedly suggested that they are subtly pushing for appointed, rather than elected, justices — a goal most often sought by the left side of America's legal community.

After quizzing the executive director of the Wisconsin

chapter of Justice at Stake about the group's alliances with liberal organizations, Prosser asked whether it has any conservative partners and alluded to the fact that hedge-fund billionaire George Soros, a key supporter of liberal causes, provides funding to Justice at Stake through his Open Society Institute.

In response to a question from *Wisconsin Interest*, OSI issued a statement saying the organization does "not take a position as to which method of judicial selection — election or appointment — is best" but added that it is concerned about the influence of special interests and does include "merit selection" of judges and public financing as possible solutions.

Representatives of both the Brennan Center and Justice at Stake deny advocating for appointed jurists — although a look at Justice at Stake's website as recently as late May gives credence to Prosser's question.

The site featured a *New York Times* commentary written by former U.S. Supreme Court Justice Sandra Day O'Connor, who believes judges should be appointed based on merit, and only after they are on the bench for a time, take part in elections. It was entitled, "Take Justice off the Ballot."

O'Connor has a long Republican pedigree, which demonstrates that the debate over elected-versus-appointed judges does not clearly break down along political lines. But liberal lawyers, aware that conservative judges often fare better with voters, are generally more apt to prefer appointments.

The issue has particular resonance in Wisconsin, where the three longest-serving justices are the most liberal, and have seen conservatives take over the court through elections in recent years. There is much more at issue than how justices get on the court, however. There are questions, also raised during recusal debates, about what they are doing once they get there.

## **A majority of justices — Prosser, Ziegler, Gableman**

and Roggensack — eventually sided with WMC and the Realtors on recusal, adopting a rule that endorsements, campaign contributions and independent ads cannot alone constitute grounds for removing a justice from a case.

The debate, though, brought to the forefront yet another contentious dispute — charges and countercharges that cases or motions are not being dealt with as quickly as they should be, and impeding the pursuit of justice.



During a recusal discussion last December, Abrahamson charged that some of her brethren were delaying the release of their written work merely because they didn't like a dissenting opinion.

Roggensack was plainly incredulous. "What are you talking about?" she asked Abrahamson. "I have no idea what case you are talking about."

The chief justice herself, Roggensack argued that day in December, had not only held a case for "month after month after month after month" but was making confidential inner workings of the court public in order to "pose for holy pictures."

Roggensack added that as a result of Abrahamson holding a case known as *State v. Allen*, the court had received "repeated motions from other defendants in criminal cases."

Allen, she said, "should have been decided back in April, before we left for the term last summer."

"Well, speaking about revealing confidences....," said

Abrahamson.

"Well, you started it, kiddo," retorted Roggensack. "I mean, you opened the door."

Both Roggensack and Abrahamson were referring to cases involving recusal motions, but Bradley suggested that "other things" were also being held up. She declined an interview request, so it's not clear what she was suggesting.

What is clear, though, is that the court's deliberations have seriously slowed.

### The median release date for opinions in the mid-1990s

was April or May, according to statistics compiled by a lawyer deeply interested in the court's workings. Nowadays, it's June — and the delays seem to be getting worse. The court, in the current term, had released a grand total of only eight opinions on civil and criminal cases by May 1, down from 19 at that point in the previous term.

In the last term, moreover, the court issued only 64

opinions in civil and criminal cases and only 87 total (including attorney discipline cases handled largely by court commissioners), according to court statistics.

As recently as 2004, by comparison, the court resolved a total of 141 cases (including discipline issues) through opinions. The year 2004 was particularly busy, but the court has never issued fewer than 100 opinions in any 12-month period, according to statistics going back to 1990.

The court is simply taking fewer important cases. In calendar years 2001 and 2002, the court accepted around 70 petitions for review of Appeals Court decisions, for instance. In calendar years 2003 and 2004, they accepted more than 100. During the 2008-2009 term, the court granted only 47, according to its

annual statistical report. There are many possible statistical measures, but all suggest similar decreases in productivity.

The number of petitions for review of Appeals Court cases filed, in

the meantime, has also dropped steadily from more than 1,000 per year in calendar years 2000, 2001 and 2002 to 777 during the 2008-2009 term.

No one claims the justices are lazy. If anything, the justices are fully engaged in the cases they do take — maybe too fully, some suggest. They just don't seem to be able to let anyone else have the last word.

"I think that many [Supreme Court opinions] have gotten longer — in my opinion way too long — and there is no question that the dissents and the concurring opinions have grown since I have been there," says former Justice Janine Geske.

Verbosity creates practical problems. Long opinions with lots of dissents or concurrences (and myriad conferences) are time-eaters. Instead of clarifying the law, a long opinion can sprout all sorts of tendrils that muddle the import of the decision — and raise issues in unintended ways.

Lumping all the justices together in this regard would be unfair.

The real goal of liberal activist groups, said Justice Prosser, is an appointed judiciary.





# Conservatives took over the court through elections in recent years.

In the *Wisconsin Law Journal* article, Catherine Rottier, president of the Civil Trial Counsel of Wisconsin, said she was “pleasantly surprised” by the opinions of the newest member, Michael Gableman.

“He was unknown to most of us before joining the court. Whether you agree with the results or not, the opinions were well-crafted and easy to follow,” she added.

Other members of the court, conversely, needed 142 pages of dueling opinions in *State v. Allen* to essentially state that Gableman — whom Allen contended revealed bias against criminal defendants during his campaign against Louis Butler — could remain on the case. That’s 131 pages more than the Warren Court used to issue its landmark desegregation ruling *Brown v. Board of Education*.

## **The Allen opinions were notable mostly for name-calling.**

But Prosser used the occasion to further lament what the conservative justices seem to see as a liberal offensive to thwart the court’s conservative majority from exercising its judgments.

“The Wisconsin State Public Defender’s office has invited the entire defense bar to file recusal motions against one of the justices in criminal cases,” he wrote in reference to Gableman. “The number and savagery of the motions is unprecedented and amounts to a frontal assault on the court.”

Gableman is, of course, also the subject of a complaint filed by the Judicial Commission over a highly publicized commercial he ran that inaccurately suggested that Butler, when he was a practicing attorney, was responsible for the release of a defendant who went on to molest a child — a complaint that Gableman’s fellow justices must rule on.

The court is not merely divided on recusal issues or, perhaps, the fate of Michael Gableman, however.

“This is a deeply divided court, at a very philosophical level concerning how a state supreme court should function,” wrote Roggensack in that same *Allen* case.

The remark, it appears, was a less-than-subtle dig at Abrahamson. How a court operates is primarily a reflection of the chief justice, who controls a lot of the little stuff like scheduling and the length of conferences, and administrative minutia like who gets invited where.

It is the chief — who did not respond to interview requests for this story — who also sets much of the tone both administratively and in deliberations, those who have worked inside the court say.

## **Conservatives who have worked with Abrahamson**

concede she is smart, even brilliant. But their criticisms go beyond the age-old conservative lament that liberal jurists are too willing to discard legal precedent in search of end results they personally favor.

Bablitch, himself far from conservative, points to a long history of conflicts. Way back in the mid-1980s, the *Milwaukee Journal* quoted an unnamed justice as saying Abrahamson gave colleagues the finger in conference and ridiculed their opinions in her dissents. Long before Abrahamson was trading barbs with Prosser and Roggensack, she was locked in a public battle with Justice Roland B. Day. In 1999, four justices, including Bablitch, tried to convince voters to oust her — and failed. Abrahamson, who’s won four statewide races including an easy reelection in 2009, has been a durable voter favorite through it all.

Still, there has been consistent criticism of her management style. One lawyer who has worked in the court calls her style “toxic” and compared dealing with her to chewing tinfoil. In short, Abrahamson may be brilliant, but her critics say she doesn’t countenance other perspectives or much care about consensus or conciliation. She doesn’t look to the past, or precedent, so much as the future and opportunity, it is suggested.

The same lawyer remembers Abrahamson, more than once, gently ribbing a more conservative justice about something she didn’t agree with, saying something akin to, “Once you leave, don’t count on that one being around.”

She would say it like a joke, he said. Only it never much seemed like one.

Others on the court are not immune from criticism, and conservatives who are critical of Abrahamson can, of course, have agendas of their own. But such criticism has never been strictly ideological. Bablitch, after all, one of the four who publicly opposed her 11 years ago, was in some ways a legal soul mate.

A “good deal” of the responsibility for the acrimony, says the man who was a Democratic Senate Majority leader before he joined the court, “goes to her.”

Not everyone, to be sure, is critical of the court or its individual members. Chief Appeals Court Judge Richard Brown says, for example, that the cases the Supreme Court is reviewing are important ones.

“From my observation, it appears that, while there are a few exceptions, the Supreme Court is taking only those cases that have the potential for marking the trend of

the law in Wisconsin — a law-declaring function. I don't consider that to be a bad thing. I think it's a good thing," he says.

Some lawyers and judges, moreover, are not convinced that the court's diminished caseload is necessarily a bad thing. Others, though, wonder openly what important legal issues are being ignored.

U.S. Supreme Court Justice John Roberts famously asserted that a judge's job is to call balls and strikes. The truth is that judges also decide which pitches can even be thrown. On April 30, 2010, for instance, the Wisconsin Supreme Court announced it had accepted one new case. That very same day, the justices also denied review of 57 others — including one known as *S.C. Johnson v.*

*Morris*, a case in which the Racine-based consumer-products maker successfully sued the defendants for taking part in a civil conspiracy to overcharge for transportation services.

Franklyn Gimbel, a former state bar president who represented one of the defendants on appeal, says he was "devastated" by the Supreme Court's decision not to consider important Fifth Amendment and evidentiary issues at stake.

"All I know is I have been practicing law for five-oh — 50 — years, and if there was ever a case with extraordinary issues that should have been reviewed by the Supreme Court it was this one," he says.

"I am concerned," he adds, "that the internal strife may have played a role in the denial of the review of this case."

Asked to elaborate, he says that Abrahamson and Bradley "are people, I have at least heard on the street, who are segregated" on the court. The liberal justices both indicated they wanted to take the case, but did not have the third vote they needed.

That sort of public dissent on denial of petitions — once rare — has in recent years become common. Abrahamson, in this term alone, had by May 1 publicly



Justice Gableman's decisions were praised as 'well-crafted and easy to follow.'

indicated that she wanted to take 33 different cases that were denied. When the balance of power was different in the 2007-2008 term, it was the conservative Roggensack who publicly dissented 28 times on denials of petitions.

Among the justices there are fundamental differences of opinion, it is clear, even regarding which cases to accept.

**The trends are not abating. By the end of April, the last month for which statistics were available, the court had accepted roughly the same number of cases as last year but appeared to be delaying the substantive ones — the civil and criminal matters — for release until the very end of the term.**

Meanwhile, the number of petitions filed for review of Appeals Court decisions by May 1 was down 6% compared to the prior term.

There could be a variety of reasons for that drop, everything from

the increasing cost of litigation, to fewer appellate court decisions due to a rise in mediation, to better-reasoned decisions at the Appeals Court level that litigants are willing to accept.

Bablitch, though, raises another reason. "It is also possible that the acrimony on the court is causing the lawyers to give a second thought to whether they want to go up there and roll the dice," he says.

Whatever the reason for the seeming loss of faith in the court, if Wisconsinites fear that justice is subject to politics and to personal grudges, they will turn their backs on it. That is why the court, while it should never pander to public opinion, is right to worry about it.

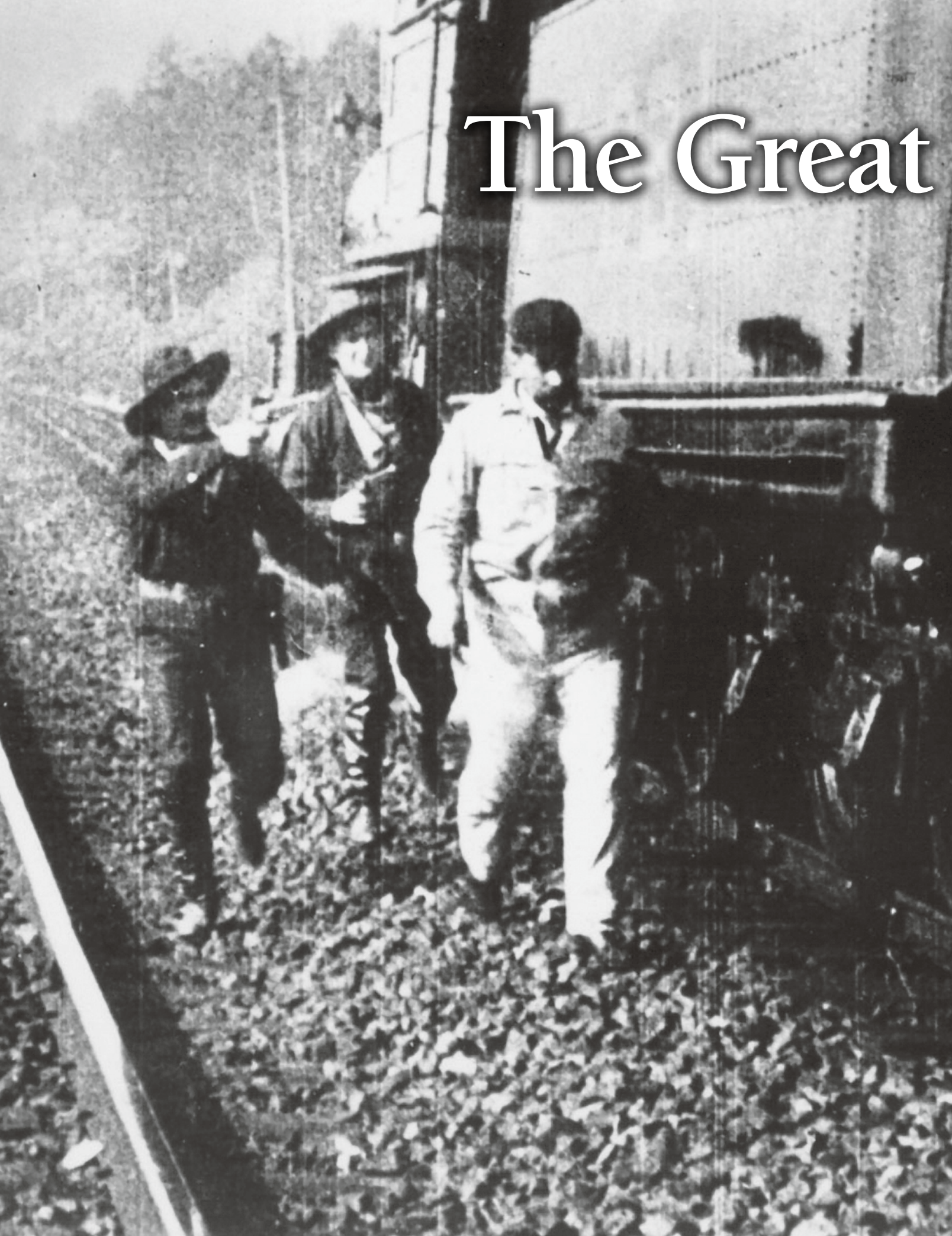
"I am not bashing Abrahamson," says Pokrass, "but I think the chief is the one in an institutional way who has to be a conciliator and leader and keep the acrimony to a minimum." ■

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*Mike Nichols is a senior fellow at the Wisconsin Policy Research Institute.*



# The Great





# Train Robbery

## Hold on to your wallet: The state's big federal grant is anything but free

By Patrick McIlheran

Business, it is said, clamors to zip by train between Milwaukee and Madison. Business, we're told, needs high-speed rail and its \$810 million in federal funding to get it built.

Well, not all business. You have to figure John Meier is an exception.

Officially, Meier says his family's company, Badger Coaches, is willing to work with any new entrants into its bread-and-butter market. One must surmise the unspoken phrase: *...even if that includes a state-sponsored, richly subsidized train that's meant to squash me.*

The train, say backers, will offer a fast, convenient alternative to driving between Madison and Milwaukee. This, as Meier points out, is what Badger already offers, six times a day each way. (Competing Greyhound offers another three round trips.)

Badger carries about 120,000 people a year between the two cities. The state's plans for passenger train service are premised on 380,000 riders annually.

Meier, a Madison native who grew up in the business his grandfather founded, is baffled about where the state thinks all those riders will come from.

Some will certainly come from his buses. The proposal estimated that 71,000 rail passengers are people who would have taken the bus.

So the state itself is figuring on its tax-subsidized option taking away customers from a private, tax-paying business that, as Meier put it, has "had not one tax dollar given to us." The future of Meier's company, then, may be part of the price of launching a Milwaukee-Madison train.

Too bad for John Meier. Consider him a casualty of progress.

**Don't take the \$810 million price tag for Milwaukee-to-Madison service seriously.**

The full tab will be far, far larger. This is why rail's backers have offered such a drumbeat about how necessary high-speed rail is for business. It's meant to hint that \$810 million — the start-up costs to which the state will admit — is not expense but investment. It's to suggest that smart businesspeople don't worry about price, however shocking it turns out to be, so you shouldn't either.

The money is part of \$8 billion being passed out by the Obama administration in grants to spur new high-speed passenger trains nationwide. Wrapped into the much larger Obama stimulus package, the money is a product of Washington's lowered inhibitions when it comes to getting value for the taxpayer dollar.

Wisconsin's grant specifically was part of a scheme to tie Midwest cities to Chicago. Backers speak of trains displacing short-haul flights — so instead of us changing planes in Chicago, we'll change trains there, or we'll just do business there and forget about traveling on to St. Louis or Singapore.

Rail backers say the Madison-Milwaukee service should be considered an extension of existing Milwaukee-Chicago trains. Imagine, as one typical pitch put it, the convenience of biking from Madison's west side to the light rail station, zipping to the train station, and taking that train to Chicago, where your client's Loop office is steps away.

You clinch the sale, e-mail the good news from your seat on the homebound leg, decide to celebrate by stopping off for dinner at Roots and a show at the Rep, then glide in traffic-free bliss back to Madison.

The example suggests the idea's limits.

# Train Robbery

**Notice that the train won't make it quite to you.** Early on, the state planned to put the station at Madison's airport, six miles from downtown, to make it easier for eventual trips to the Twin Cities. After months of trying to sell around this obvious defect, the state now plans to bring trains to a station at the Monona Terrace Community and Convention Center, a couple blocks from the Capitol.

That move has trade-offs of its own, such as the trouble of bringing lots of supposedly fast trains through some 50 at-grade street crossings in a dense part of Madison chock-a-block with people who regard protest as a hobby.

But even when the train stops in downtown Madison (or Milwaukee), passengers will have to get to or from it. That's why that dream trip involves a train to the train. The \$220 million cost of Madison's planned light rail system is not included in the high-speed train's cost. Nor is the \$100 million cost of the downtown trolley that Milwaukee Mayor Tom Barrett wants to ferry people from the train station.

And even with that kind of extra money, the fact is that most trips either start or end somewhere other than near the train. Clients incorrigibly move their offices out to the University Research Park, seven miles west of Monona Terrace. Or you move to Franklin.

All this crimps the speed advantage of a

train when you add the time it takes to wait for the light rail, to ride it, to transfer to the big train, to wait for the big train to leave.

**Interestingly, buses have the advantage here.** Meier, whose nostalgia appears limited to having found and bought a 1957 GMC model his company once used, notes that Badger used to have a depot in downtown Madison. Not anymore: It was scarcely used, so the company closed the depot and took customers where they wanted to go.

"That's one of our advantages as a bus," says Meier. With tires instead

of tracks, "if a stop isn't very popular, we can stop going there" and instead go directly where people prefer. "We can adjust."

And about the trains' planned speed: Even assuming your trip starts and ends right next to a station, the trains will move between them at 79 mph max until at least 2016. After more track work, the diesel-powered trains will top out at 110 mph, though they'd reach that on only a few stretches. The trip would average about 68 mph.

That's not high-speed rail. On European networks, 125 mph is unremarkable. High-speed trains in France, Germany, Japan and Spain reach 180 mph routinely.

Then there's the ongoing cost. The state itself says its trains will need a \$7.5 million subsidy annually. Other calculations put the figure closer to \$10 million.

Not to mention the future: A little of the federal grant is to plan the extension of "high-speed" trains to Minneapolis-St. Paul. Just putting 110-mph trains along the route of existing Amtrak service could cost about \$2 billion. (Yes, with

*Badger Bus, which provides low-cost service and flexible scheduling, will face heavily subsidized competition.*



## Money, money and more money

a B, as in “brace yourself.” Go on, look at the numbers in the sidebar).

And 110 mph won't do for long. The Midwest High Speed Rail Association, a big-name lobby, is campaigning for real bullet trains at French speeds. That's where it gets really expensive.

**For one thing, the trains won't be diesel any more.** Nearly every train in the world going over 125 mph is electric, something environmentalists want anyhow, and stringing power lines over tracks costs heaps.

Nor will existing tracks do. The curves are too sharp, and over 125 mph, laws and good sense prohibit any at-grade crossings. Every junction with any road will have to become a bridge. In fact, nearly every bullet train worldwide runs on entirely new, exclusive rail routes, since fast trains cannot safely share tracks with freight or slower passenger trains.

Add it all up and you're talking roughly \$3.6 billion for real bullet-train service just to Madison.

That's where the state's plans lead to. But even the starter version doesn't make much sense: \$810 million to duplicate existing bus service with a train that shaves only 20 minutes off the trip, costs about twice as much per ticket and that lacks the buses' flexibility.

And why?

Because, backers say, business demands it.

**You'll find people in business writing essays in newspapers** saying we need a train. There was one lately in the *Milwaukee Journal Sentinel* from an Oliver Hauck calling it “an important first step...to catch up with Europe and Asia.”

Hauck, by the way, runs Siemens Mobility USA, which builds and sells high-speed rail equipment.

Otherwise, stories about rail plans usually manage to round up some law firms to make affirmative sounds. “This is going to be used significantly by our people,” said the head of Quarles & Brady when Wisconsin's federal grant was unveiled. His people would appreciate getting work done during the trip, which the trains, due to be Wi-Fi equipped, would permit. Other law firms, too, said that, sure, as long as you're going their way, and as long as there's light rail on the other end....

As stunning as it is to realize the state is about to spend \$810 million of money borrowed from your kids to build a middling-speed train to Madison, that figure is just the start.

Take the cost of actually running the trains. The state reckons that if it draws 380,000 passengers and if they pay \$44 to \$66 per round trip, the train will still lose enough money to need a \$7.5 million subsidy annually.

That guess may be low. Nearly all Amtrak lines already lose money. The Milwaukee-to-Chicago trains lose \$26 on every passenger, according to figures from the Pew Charitable Trusts' Subsidy Scope initiative. It's one of the lower per-ride subsidies on Amtrak.

Assume the trains from Madison can do even that well — dubious, considering it's a much smaller destination than either Milwaukee or Chicago — and it implies a subsidy of \$9.6 million a year.

Then there's the future. The trip to Madison is part of a grander scheme to extend “high-speed” trains to Minneapolis-St. Paul. They may follow the route of existing Amtrak service, so you'd think it wouldn't take much to buff up the tracks. But remember, 46 miles of the Madison-Milwaukee service is also over rails now used by Amtrak.

Upgrading just that stretch for the state's middling-speed trains will cost \$286 million. At that rate, that's about \$1.9 billion to fix up tracks all the way to the Twin Cities, assuming everything goes right and the state doesn't decide to route the trains through Eau Claire instead over tracks that will need a lot more work.

The state also plans to extend trains to Green Bay. There are no passenger trains to Green Bay now and haven't been for decades. Those tracks, too, will need a lot of costly repair. Those trains will lose money on each passenger, too.

Don't think that's the limit: 110 mph won't do for long. The Midwest High Speed Rail Association already is complaining, justly, that 110 mph is pathetic by world standards. (Steam trains in the 1930s crossed Wisconsin at about that speed.)

(cont.)



# Train Robbery

That explains a lot about how sober, bean-counting businessmen come to say nice things about the train. Go get a billion of someone else's dollars and offer service at subsidized rates from one office to another, and anyone would be a fool not to take you up on it.

If you look through the public debate, the striking thing about business support for high-speed rail is how much of it amounts to public officials and interest-group guys talking up trains in business' name. They are no doubt sincere.

One indefatigable example is Tom Still, who heads the state-created Wisconsin Technology Council, charged with promoting high-tech industries. Still tirelessly backs high-speed rail specifically as being good for business. He makes the excellent point that, far from Milwaukee being the ultimate destination, the train really would link Madison to Chicago and the Twin Cities. This lets biotech entrepreneurs get to and fro without having to drive or fly.

That's valuable. It's probably productive for high-cost help to be riding and sending e-mails instead of keeping their eyes on I-94.

But is it worth \$26 a ride, minimum, in taxpayer subsidy? Plus the \$810 million to build it? Plus whatever else we're on the hook for later? For that price, couldn't they all take Meier's bus?

**Those buses have an excellent on-time record, Meier** points out. They never run out of space, since he can add an extra easily. They have Wi-Fi. They have power outlets. You can reserve online, and a surge of competition from new low-cost lines in recent years has led the entire intercity bus industry to similarly upgrade its equipment, service and schedules.

*But it's a bus.* That's the most honest answer. "We get some attorneys who will go back and forth a little bit," said Meier,

but for the most part, his business is transporting people who do not have recourse to a Lexus.

In the end, what a train would bring to Madison-Milwaukee travel is the fact that it's not a bus. It would be public transportation with sufficient panache for executives and professionals.

If we build faster passenger trains because we believe it's

good for business, it means rail is a shovel-ready form of corporate welfare. The nation would spend vast sums not to provide an alternative to driving but to marginally improve on existing alternatives. Trains would be almost as fast as airplanes (at least for downtown-to-downtown trips) and would lack the

hassle of security lines. They'd be a bit faster than buses and way cooler.

Such incremental benefits do not fuel political passions. Rail backers obviously see other benefits from trains — more motivating to them but less publicly salable, which is why they're using the business-wants-it story.

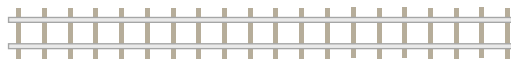
Lame-duck Gov. Jim Doyle enthusiastically pursued that federal grant and signed a no-bid contract to buy the trains. For Doyle, who otherwise raised taxes and served as a reliable draft horse for Democratic Party constituencies, the rail line would constitute a legacy.

After the governor decided the station would go near the Capitol, Madison Mayor Dave Cieslewicz enthused that the terminal ought to be named for Doyle. That kind of ego bump can fuel a lot of passion for trains.

**Of course, trains also appeal to environmentalists.** They use less fuel per passenger mile than cars. But buses use even less, at least according to studies using federal figures on actual passenger loads. But, again, buses utterly flop on the romance meter.

As Meier points out, buses can go where people move to. That's a flaw for the sorts of progressives who call suburbia

*Don't take the \$810 million price tag seriously. The full tab will be far larger for the Milwaukee-Madison route.*



“sprawl.” If train stations are hard to move, the reasoning goes, they’ll become permanent attractions downtown. People, wanting to be near them, will abandon suburbia, something appealing to big-city mayors like Barrett.

Besides, buses like Meier’s aren’t government-run. The intercity bus business is a business, while high-speed rail would be state-owned. As progressives’ hearts beat faster at the thought of an expansive, provident state, this alone explains why train dreams have such support from the political left, while buses are scorned.

But why would an expansive state appeal to business? Aren’t they all Republicans?

Maybe, but they’re Republicans who need customers. Hauck, the Siemens guy, in touting rail as a fine public-private partnership, plainly saw the government as a big, fat customer.

Other businesses do, too, in all sorts of areas. If the public is going to spend billions on railroads, there’s money to be made. Passenger trains are an attractive opportunity for would-be contractors.



Besides, it’s someone else’s money the public is spending. Or, unless you’re the poor sap whose bus company may well get squashed, someone else’s livelihood. That alone makes you a little less skeptical about what the state is dreaming up. ■

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*Patrick McIlheran is an editorial columnist for the Milwaukee Journal Sentinel.*

(cont.)

Going faster means the trains, like nearly every bullet train in the world, will have to run on new exclusive rail lines. Right now, Europeans spend about \$40 million to \$80 million per mile to build such bullet-train lines.

The low-end number is what engineers used when the Midwest High Speed Rail Association hired a consultant to study what it would cost to build real bullet-train service

## *The Milwaukee-to-Chicago trains lose \$26 on every passenger.*

across the ideal terrain between Chicago and St. Louis. Their estimate: \$11.5 billion, for one 305-mile line.

Assume a middle-range figure and truly fast service from Milwaukee to Madison would cost \$3.6 billion before inflation. Going to the Twin Cities would be about \$15 billion.

This full cost is especially important in light of how the train’s backers are selling it. When two men running for the Republican nomination for governor, Milwaukee County Executive Scott Walker and former congressman Mark Neumann, both said they’d halt the train project, their presumptive Democratic opponent, Milwaukee Mayor Tom Barrett, scolded them.

The state already will have sunk \$57 million into the project by inauguration day, Barrett said, so “it would be a huge mistake for us to stop construction.”

The fallacy is plain: If the entire project is a bad bargain, it makes more sense to regard it as a \$57 million lesson in prudence than to let it become an \$810 million sinkhole. But the good-money-after-bad reasoning misleads people all the time. It’s why lost travelers keep heading the wrong way.

And it is why backers feel it’s so important to get the middling-speed train built: It isn’t just an alternative way to reach Madison. It’s a down payment that will be used to justify a much costlier, much larger network.

— P.M.

# UW-Madison's





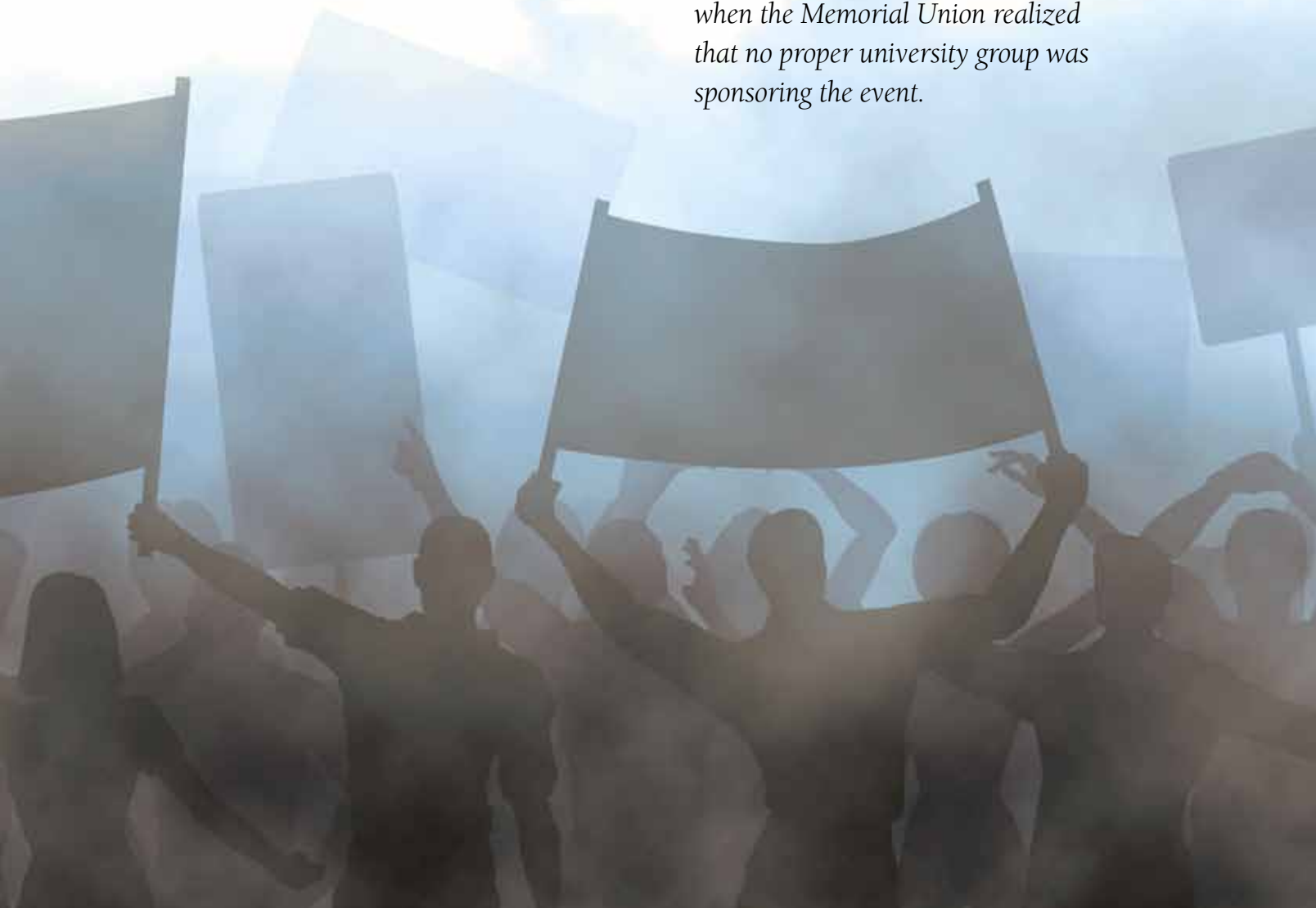
# diversity problem

It isn't racial, but intellectual. The Havens Center's leftist tilt is a troublesome example.

BY DAVID BLASKA

*Remember Cindy Sheehan, the anti-war stalker of President George W. Bush?*

*The poor lady's 15 minutes of fame expired a good two years ago when even Democratic presidential candidate Barack Obama kept his distance. Yet, here she was this past April primed to speak on the University of Wisconsin-Madison campus when the Memorial Union realized that no proper university group was sponsoring the event.*



Up to the plate, at the 11th hour, stepped the Havens Center to offer its sponsorship.

The Havens Center? In its account of the Sheehan snafu, *The Capital Times* described the Havens Center as “dedicated to promoting critical intellectual reflection and exchange, both within the academy as well as between it and the broader society.”

That naive puffery from Madison’s self-proclaimed progressive voice was too much even for UW student Jack Craver, a liberal who blogs for *Isthmus*, the Madison weekly.

“Talk about vague language,” Craver marveled. “The Havens Center is essentially a left-wing think tank.”

Then again, Cindy Sheehan is essentially a left-wing crank. As such, she has no trouble finding champions on the Madison campus, while conservatism, despite much progress in the last 20 years, remains an exotic species. It is a campus that devotes thousands of faculty hours compiling action plans in the pursuit of that holy grail of diversity in such ephemera as gender, race, and ethnicity — but not in the one important trait at a research and teaching institution: intellectual diversity.

While the taxpayer-funded Havens Center, housed in the Sociology Department, boasts of its radical left-wing political activism, there is no exact equivalent on the other end of the political spectrum.

Indeed, not that long ago minority conservatives and their more mainstream allies with a libertarian bent, both students and faculty, won a 10-year-long battle for, of all things, the right of free speech on campus.

Now the victors of that battle are struggling, as one professor puts it, to “build up the tiny chorus” of conservative counter-voices to the liberal hegemony.

**The irony is that the 50 students and faculty picketing** at the Memorial Union Theater in Madison one evening in October 2007 were the beneficiaries of that free-speech fight. The picketers had a special message for 19-year-old Sara Mikolajczak as she entered:

“Racist, sexist, anti-gay / right-wing bigot go away.”

The UW political science major was the target of the reactionary rhyming because, as chair of the College Republicans, she brought in conservative David Horowitz to speak about the mistreatment of women in Middle East dictatorships.

“I’ve been called names before,” Mikolajczak recalls.

The problem with the Horowitz event, sponsored by the UW-Madison College Republicans, “was the death threats and the rape threats.”

Not from Muslim students but from the liberal-progressive contingent. A month later, Chancellor John Wiley sent the college student a \$1,300 bill for the police security she required. (For the Cindy Sheehan appearance, the

university picked up the tab.)

At least Mikolajczak didn’t get beer and urine poured on her, as allegedly did sophomore LaVonne Derksen and other college Republicans when they protested the use of student fees to bring Michael Moore in 2004.

The left-wing filmmaker had just completed his anti-George W. Bush film *Fahrenheit 9/11* and was speaking outdoors on the Union Terrace, where Moore “unleashed a profane tirade against Bush sympathizers,” according to the *Badger Herald* student newspaper. The timing? Just two weeks before the 2004 November presidential election.

“We really wanted to bring [Moore] in with the political scene heating up. We were approached by his agent,” the director of the Wisconsin Union Directorate’s



Activist Cindy Sheehan addressing the crowd.

Distinguished Lecture Series told the *Herald*.

The Distinguished Lecture Series Committee, funded through student segregated fees, has brought to Madison conservatives Dinesh D'Souza, author of *Illiberal Education*, and former Republican National Committee chair Ken Mehlman.

But their kind are outnumbered by the likes of PETA co-founder Ingrid Newkirk, slavery-reparations advocate Randall Robinson, unsafe-on-any-podium Ralph Nader, sex-advice columnist Dan Savage, Richard Dawkins on *The God Delusion*, race huckster Al Sharpton, and the late Howard Zinn, author of the progressive perennial, *The People's History of the United States*.

Inside the classroom the liberal hegemony is enforced with more subtle tools.

Jordan Smith's sophomore journalism class in 2004 was assigned to read *What Liberal Media?*

by lefty favorite Eric Alterman. Her professor disavowed any political bias even as he denigrated President Bush during that campaign season.

"It is a shame the university is so blatantly biased toward liberal views," says Stephen Duerst, a junior majoring in political science and history. He says he's developed a survival sense about what will play and not play with his liberal professors.

Mikolajczak makes the same point: "I knew when to hold my tongue and when my comments would be welcome, which was infrequently."

Retired UW-Madison music professor Bill Richardson observes: "Students today who are conservative are the rebels, the counterculture." Richardson came to academia from his own counterculture, the Marine Corps Band.

## Though housed in the Sociology Department, the Havens Center boasts of its **radical** left-wing political activism.

That college campuses are dominated by liberals is a given for most observers. "We would not contest the claim that professors are one of the most liberal occupational groups in American society, or that the professoriate is a Democratic stronghold," write professors Neil Gross and Solon Simmons of Harvard and George Mason Universities, respectively.

Their 2007 paper, "The Social and Political Views of American Professors," found liberals outnumbered conservatives 62%-20% nationally, with 18% claiming to be middle of the road. That measure includes

the business schools, engineering, and medicine, where political perspectives are of little import.

This split is upside-down from the America that lives outside the ivy halls. The Gallup polling organization in October 2009 found that 40% of Americans describe their political views as conservative and 20% as

liberal, which is only slightly more than the 17.4% of social science professors who consider themselves Marxists.

Gary Sandefur, dean of the College of Letters and Science, says he did not have any statistics particular to UW-Madison but acknowledged that, nationally, those academic fields are dominated by liberals.

"In the social sciences and humanities there is no question the major institutions are tilted against conservatives," says UW-Madison political science professor Donald Downs.

### Tilted? How about locked and loaded?

Consider the A. E. Havens Center for the Study of Social Structure and Social Change. Housed in the Sociology Department, Havens operates as a kind of ACORN with tenure, a haven for — and enabler of —



the radical left.

If you're into identity politics — the theory that people are not causative agents but are the product of their skin color, or gender, or class — then you've found a haven at Havens. "Social justice," "greening the globe," and the "unequal gender division of labor" are all grist for the UW Havens Center mill.

Would it surprise you to learn that the home page of the Havens Center ([www.havenscenter.org](http://www.havenscenter.org)) uses the word "radical" five times?

In fact, it has its own Woodstock of leftist agitators, once known as "RadFest." Begun in 1983, the truth-in-advertising name was dropped in 2005. Its most recent leftist lollapalooza was held over three days in March 2008 at the Wonderland Camp and Conference Center in Kenosha County.

Now called "Midwest Social Forum," its agenda included "Building a Queer Left in the Midwest," organizing high school students to agitate for change, and demanding "justice for undocumented immigrants" (aka: illegal aliens).

The radical encampment employed trainers from, among others, the Urban Underground, the Liberty Tree Foundation for the Democratic Revolution, and something called the Ruckus Society.

According to the Center for Consumer Freedom, Ruckus was co-founded by the founder of Earth First! of 1980s tree-spiking fame. Ruckus' primary contributions to the activist agenda are its "action camps": weeklong boot camps for leftist protesters usually held a few weeks prior to a major organized demonstration. A few hundred young Ruckus recruits typically attend each camp, where they are trained in the finer points of "police confrontation strategies,"

"street blockades," "urban climbing & rappelling."

No one said community organizing was going to be easy.

### At Havens, Radfest is not a one-off.

In bestowing its Lifetime Achievement Award on the geriatric anarchist Noam Chomsky this April, Havens Center director Eric Wright told the Orpheum Theater crowd that the Havens Center was founded in 1985 to "bridge the world of activism and academia in order to advance the progressive ideals of social justice."

"Social justice" is code for socialism.

"The Role of the Radical Intellectual" was a crowd-pleaser. Chomsky, who once said "If the Nuremberg laws were applied, then every post-war American president would have been hanged," filled the Orpheum Theater's 2,200 seats.

A previous Havens Lifetime Achievement awardee is Frances Fox Piven, co-author of the 1982 book *The New Class War*. Havens credits her with developing the strategy that led to the explosion of the welfare rolls in

the 1960s that created a generation of government dependents, with its attendant pathologies. Piven could hang her Havens plaque next to the Eugene V. Debs Foundation Prize she won in 1986.

Notice has been taken at the other end of State Street. A couple of years ago, state Rep. Steve Nass, a member of the Assembly Education Committee, persuaded the lower house to delete Havens' 2008-09 school year \$131,700 taxpayer subsidy, only to have the Assembly-Senate Conference Committee restore the funding.

"Developing strategies for progressive social, economic, and political change...shouldn't be funded with tax dollars," Nass argued.

Repeated requests for comment made to Sociology Department chair Doug Maynard, associate chair Ivan Ermakoff and Havens Center director Wright were not



*Dean Gary Sandefur couldn't think of one conservative among the 39 sociology faculty members.*

acknowledged.

But the dean of the College of Letters and Science stepped up to the plate, while eliding a frontal defense. “The Havens Center existed before I became dean,” says Sandefur, himself a member of the sociology faculty. I asked if such a creature existed as a conservative sociologist.

“Oh, certainly,” he responds.

“Here?” I ask.

“I don’t know of any one that would tell you they are conservative.”

That’s out of 39 faculty in the nationally ranked UW-Madison Sociology Department.

#### **The status of traditionalists**

has improved on the University of Wisconsin’s flagship campus since the 1960s, when the campus was patrolled by National Guardsmen in an atmosphere heavy with tension, tear gas, and leftist terrorism.

“There is some anecdotal evidence that some of the new faculty in the social sciences are less activist in their orientation, more concerned with advancing their careers,” says former journalism chair James Baughman. “Some of the liberal hires get it. ...They truly appreciate ideological diversity. Others are quite intolerant. Some of these folks championed or justified the speech codes.”

Ahh, the speech codes.

It is a cherished monument to free speech and inquiry: a bronze plaque at the entrance to Bascom Hall, the seat of university governance that sits on top of the hill looking down State Street at the State Capitol. A gift of the UW Class of 1910, it informs those who enter:

*“Whatever the limitations which trammel inquiry elsewhere, we believe the great state University of Wisconsin should ever encourage that continual sifting and winnowing by which alone, truth can be found.”*

The language was taken from a ruling of the Board of Regents in the 1890s when it refused public demands to dismiss a pro-labor faculty member. How ironic, a century later, having survived McCarthyism, that the attack on free speech should come from within.

All that pent-up radicalism from the days of rage had been codified by 1989 into an official campus speech code. Harvard civil liberties lawyer Alan Dershowitz would come to denounce the faculty speech code as “the worst speech code in the country.”

“Unfortunately, the university bought into political correctness lock,

stock, and barrel,” remembers Ken Thomas, who retired in 2002 as a professor of rehabilitation psychology and special education. “It took intelligent, courageous and thoughtful professors like Don Downs, Lester Hunt, and W. Lee Hansen to put the brakes on some of that nonsense.”

As a defender of freedom of thought and intellectual diversity, few stand taller than Downs, who is professor of political science, law, and journalism.

“I do take conservative ideas seriously,” he says. “Some departments would have trouble with me,” Downs chuckles over pasta at the same State Street eatery that once employed one of the Army Math Research Center bombers.

It took a full decade until the speech code was overturned; “I got a lot of hate mail,” Downs recalls. But “we kept appealing to the sifting and winnowing thing.”

‘Students today  
who are conservative  
are the **rebels**,  
the counterculture,’  
says retired professor  
Bill Richardson.

### Downs did not come to the free speech side fully formed.

“I was influenced by several remarkable students in my seminar on criminal law and jurisprudence... who opposed the codes in principle,” Downs relates in his 2005 book, *Restoring Free Speech and Liberty on Campus*.



Prof. Don Downs, who led the successful speech code fight, says: ‘The problem of intellectual diversity remains.’

“That included an African-American student named Lee Hawkins who was considered to be a beneficiary of the codes but “came to consider the codes demeaning to minorities because they inherently underestimated minorities’ capacity to handle the rough and tumble of public discourse.”

Outnumbered on a hostile campus, the First Amendment champions found each other. In the summer of 1996, they formed the Committee for Academic Freedom and Rights; they were 30 strong, they occupied various perches on the ideological continuum, but it was the conservative Bradley Foundation of Milwaukee that provided needed funding, to the tune of \$100,000.

Dedicated to championing and defending academic freedom and constitutional rights on the UW-Madison campus and in Wisconsin, “there is no group like CAFR on any other campus in the U.S.,” Downs says.

“UW-Madison was the first university in the country to take back a speech code by a faculty vote rather than a court order,” Downs writes in *Restoring Free Speech*.

Political correctness may not be codified in a speech code anymore, but the “group think” that gave it form is still alive.

“The problem of intellectual diversity remains,”

Downs says.

That is why many of the CAFR members in autumn 2006 formed the Wisconsin Center for the Study of Liberal Democracy. The center was launched with \$67,000 in “seed money” from the Bradley Foundation. Downs is its director. Its website is [csl.d.wisc.edu/index.php](http://csl.d.wisc.edu/index.php).

The group’s mission is to take “ideas seriously that we believe have not always enjoyed sufficient respect on campus,” including the various threads of conservative and libertarian thought and the role of the military in American society and on campus.

“Step Two is to build up the tiny chorus expressing those dissenting viewpoints,” says Downs. “Maybe there should be affirmative action for conservatives.”

*The Report of the Equity and Diversity Committee of the College of Letters and Sciences, September 2007*, addresses ethnicity, gender, and race but not intellectual diversity.

I put this question to Letters and Science Dean Sandefur and Assistant Dean Lucy Mathiak: Does it not differ greatly whether the black academic you hire is Thomas Sowell or Cornell West? Are you getting the same “woman’s experience” from Nancy Pelosi and Anne Coulter?

Both seemed puzzled that political perspective — not partisan politics, but the intellectual grounding it represents — should be a factor in hiring faculty.

“We look at what is the quality of their research and critical thinking,” Mathiak insists.

Both express admiration for Downs. “He often points



Student Stephen Duerst complains of blatant bias toward liberal views.



out to the university when we stray. He has been a positive force within the university,” Sandefur says.

I ask if the UW had enough Donald Downs. “He is a really unique individual,” the dean allows, adding: “We don’t hire people based on their political ideology. He was hired because he was an excellent scholar.”

It was under Sandefur, in fact, that the Center for the Study of Liberal Democracy was approved. There are noticeable differences, however, with Havens.

Unlike Havens, the Downs center receives no university funding, and its board of directors includes liberal as well as conservative professors.

Its mission is the “investigation of arguments for and against liberal principles and institutions.” In other words, the center presents both sides. A February symposium, for instance, explored “Market Failure and Government Failure.”

**It is not as if there are no conservative intellectuals.** They just don’t tend to be on our college campuses. So they set up their own universe of independent think tanks.

Stanford’s Hoover Institution is the exception. Hoover houses such notables as national defense expert Richard Allen, constitutional law expert Clint Bolick, social observer Thomas Sowell, Russian specialist Robert Conquest, and former Secretaries of State Condoleezza Rice and George Schultz.

For the most part, conservative intellectuals had to circumvent the nation’s campuses by forming independent 501(3)(c) organizations. Consider such public opinion leaders as the Heritage Foundation, American Enterprise Institute, the Claremont Institute,

Federalist Society for Law and Public Policy Studies, the Manhattan Institute, the Hudson Institute, and, of course, the publisher of this magazine, the Wisconsin Policy Research Institute.

For all the one-sidedness of political discourse on the Madison campus, newly elected College Republican chair Stephen Duerst has enjoyed the challenge. Ditto for Sara Mikolajczak, who grew up in Waukesha

County. “Coming to the UW and to Dane County was best thing I ever did, politically,” she says.

The pervasive liberal culture forced her to dig deep, to use her education to marshal her arguments. “You have to be able to defend yourself,” she says.

That, of course, works both ways. Which

is the real tragedy of a one-party campus. Mikolajczak expresses pity for what she describes as the typical, tongue-tied liberal who bought into the content-free vapidness of “hope and change.” It is no wonder that they resort to sloganeering.

“I realized they have to come up with name-calling because they can’t defend their own ideas,” she says.

In *Restoring Free Speech*, Downs quotes Allan Bloom, author of *The Closing of the American Mind*, who says, “The most successful tyranny is not one that uses force to assure uniformity, but the one that removes the awareness of other possibilities.”

Downs reflects: “You’d be amazed at how many of my liberal students tell me they agree.” ■

**Political** correctness  
may not be codified in a  
speech code anymore,  
but the ‘group think’ that  
gave it form is still alive.

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*David Blaska blogs at TheDailyPage.com. He has a lot of “formers” in his life, including Capital Times reporter, Dane County Board member and aide to Gov. Tommy Thompson.*



# Rebel Without a Pause

*Our reporter spends 48 hectic hours with rising GOP star Paul Ryan. Just how far can his reform plans take him?*

BY CHRISTIAN SCHNEIDER

Wisconsin Congressman Paul Ryan is a verbal machine gun. Silence is the only thing he attacks with more ferocity than government-run health care. But when the topic turns to him, he hesitates.

"Being recognized in public isn't something I ever really wanted," Ryan says to me as he takes a sip from his Singha beer. We're at Washington, D.C.'s Talay Thai restaurant, which Ryan can see from his Capitol office window.

"It's really weird to have someone write about your life — it just seems so boring to me," he says as he picks at his plate of drunken noodles.

"I'm not trying to sell myself as a star," he says. I note that we could wallpaper the Capitol with the portraits of representatives whose names will never cross the lips of another human being. Ryan says he can only handle 10% of the 50 to 60 press inquiries he receives each day. So why is he getting so much attention?





"I think there's a vacuum of leadership," he says. "The Bush-Cheney generation of leaders is gone, and people are hungry for the next generation. They're hungry for what I call conviction politicians – people who believe in something, stand for it, and are able to articulate it," he adds.

Ryan has become the ultimate political oxymoron – a Republican national media darling. To conservatives, this is akin to seeing Sasquatch roller skating down the street smoking a pipe. It simply doesn't happen.

And yet there is Paul Ryan on a CNBC panel out-nerding all the high-paid TV financial analysts. And there is Paul Ryan on the Sunday network talk shows

explaining how America is in the midst of a slow-motion federal entitlement catastrophe. And there is Paul Ryan dismantling the health care bill at President Obama's sham "summit,"

while the president glares at him as if Ryan just told the Obama kids there's no tooth fairy.

Ryan is a throwback; he could easily have been a conservative politician in the era before cable news. He has risen to national stardom by taking the path least traveled by modern politicians: *He knows a lot of stuff.*

Few members of Congress have attained Ryan's mind-boggling velocity. Elected to Congress in 1998 at the tender age of 28, he is on everyone's watch list. *Fortune* has anointed Ryan as President Obama's foremost adversary. Conservative patriarch George Will has Ryan all but penciled in as the GOP vice presidential nominee in 2012. America's Cougar-in-Chief, Sarah Palin, listed Ryan as her favorite presidential candidate in 2012. The *London Daily Telegraph* ranked Ryan as America's ninth most influential conservative, ahead of Mitt Romney, George W. Bush and Supreme Court Chief Justice John Roberts.

In fact, rarely does Wisconsin's fiscal dreamboat give an interview these days when he's not asked if he's running for president in 2012; he steadfastly maintains that he will not. But why are people suddenly so excited by a congressman from Janesville, Wisconsin? In other words...

*What's so damn special about Paul Ryan?*

**At dinner, I mention to Ryan that he has essentially** become a talisman for Republicans: On the campaign trail, uttering the name "Paul Ryan" immediately brands you a serious thinker. Candidates like Senate hopeful Marco Rubio of Florida play up the connection.

"It's not about me, or my name, it's about the ideas that I'm pushing," Ryan protests. "What I say is what I do, and it's backed up with the numbers. I feel like it's a race against time to change the trajectory of the country."

He explains: "If we don't turn this thing around really fast, we're going to be a big welfare state. We will lose

the American Idea in a nanosecond relative to history if we don't step up fast and get the American people to help us take this thing back."

After dinner, we walk back to Ryan's office to begin a "telephone town

hall" with constituents in Rock and Walworth counties. Basically, Ryan stares at a computer that randomly auto-dials numbers and fields any questions the responders have. People can either ask him something or listen to others grill the congressman.

At 8:07 p.m., with the Longworth House Office Building virtually empty, he sits down at his desk and slides on his headset. "Good evening, this is Congressman Paul Ryan," he greets callers, instructing them to hold on the line if they have a question. I wonder if I would even have a question ready if my congresswoman called me. Apparently plenty of people do.

Ryan rolls through calls, one by one, speaking at lightning speed. It's almost as if he's invented a way of breathing while speaking, to eliminate wasteful pauses. All the callers are polite. The final one, who identifies himself as a union worker, urges Ryan to run for president. Ryan responds with his pat answer: "My head isn't big enough, and my kids are too small." (Ryan and wife Janna have three children – Liza, 8; Charlie, 6; and Sam, 5.)

When Ryan finishes, the computer says 5,895 constituents have participated. Many callers ask him

*He has risen to national stardom by taking the path least traveled by modern politicians: He knows a lot of stuff.*



about his pet issues. Several mention their concern about the national debt. One asks about the looming specter of inflation. It seems far-fetched that these issues are of concern to regular people, unless those regular people have the Prime Minister of the Congressional Nerd Brigade as their representative.

### **On the day Paul Davis Ryan was born in 1970,**

President Richard Nixon unveiled his record-setting \$200.8 billion federal budget proposal for the upcoming year – a budget that included a large increase in Social Security payments.

Ryan was raised as a fifth-generation Janesville resident. His father practiced law in the same building as future U.S. Sen. Russ Feingold's father. To differentiate Young Paul from Paul Sr., Ryan was nicknamed "PD." People often mistook this moniker for "Petey," which caused Paul to recoil.

One day, as a 16-year-old, Ryan came upon the lifeless body of his father. Paul Ryan Sr. had died of a heart attack at age 55, leaving the Janesville Craig High School 10th-grader, his three older brothers and sisters and his mother alone. It was Paul who told the family of his father's death.

With his father's passing, young Paul collected Social Security benefits until age 18, which he put away for college. To make ends meet, Paul's mother returned to school to study interior design. His siblings were off at college. Ryan remembers this difficult time bringing him and his mother closer.

Within months, Paul's maternal grandmother moved into the house. She suffered from Alzheimer's, and it often fell on young Paul to care for her, including brushing and braiding her hair. Ryan credits his father's death and the care of his grandmother as giving him firsthand experience as to how social service programs work.

Ryan excelled at school and was voted class president his junior year. He also served as Craig's school board representative. He ran track and played

soccer, but wasn't good enough to make the Craig basketball team, so he played Catholic league hoops.

Upon graduation, he headed to Oxford, Ohio, to attend Miami University. (Twenty-three years later, he would return to give the commencement speech.) His junior year, Ryan took an internship with Wisconsin Sen. Bob Kasten's foreign affairs adviser. Ryan says he spent more time opening mail than working on the study of Soviet containment, but it got his foot in the door when a real internship with Kasten's small-business committee opened up over the summer.

Ryan returned to classes in the fall for his senior year. Two weeks in, he got a call from Cesar Conda, Kasten's staff director. Conda confided that the committee's staff economist was leaving the following May. Would Ryan take the job after he graduated for one-third of

the salary?

Ryan wasn't sure...until Betty Ryan gave him a tongue-lashing. She feared her son was destined to become a ski bum. The Kasten post led Ryan to a job with two of the GOP's smartest thinkers, Jack Kemp and Bill Bennett, at Empower America, then as Sen. Sam Brownback's legislative director.

Ryan cites his time with Kemp and Bennett as the formative years that shaped his political outlook. However, he was homesick most of the time. He wanted to get back home, and he wanted to hunt more.

In 1998, Ryan's hometown representative, Mark Neumann, was gearing up to challenge Sen. Russ Feingold. He approached Ryan about running for his congressional seat. Ryan wasn't sure. At 27, even he thought he was too young. For advice, he turned to Bennett, who urged him to take the plunge. "I wanted to see if my running for Congress passed the laugh test," Ryan remembers.

**At 9 on Wednesday morning, Ryan comes bounding** into his office like a Labrador. He's wearing his ever-present iPod earbuds, which never leave his head during

*'If we don't turn this thing around really fast, we're going to be a big welfare state,' Ryan warns.*



the five minutes he's here. A warning to reporters: If Ryan doesn't know you well, don't ask what he's listening to — he'll tell you with a straight face, John Tesh.

Highly disciplined, Ryan was up at the crack of dawn performing a grueling fitness routine that requires 200 push-ups. Then, he joined a congressional Bible study group that meets on Wednesday mornings.

At 9:30, Ryan is off to a Fiscal Commission working group that is addressing discretionary spending. He has volunteered to serve on President Obama's newly formed commission to manage government spending and debt, and today is the first meeting.

Back in the Ryan office, his staff fields phone calls and attends to constituents who visit unexpectedly. Tom and Janice of New Berlin drop in, and ask to see "the next president."

Since Ryan is still at his meeting, they are given tickets to a Capitol tour and merrily go on their way.

Earlier in the day, I had shown Ryan's staff a copy of their boss' birth announcement, which I had found in the *Janesville Gazette*. They tell me they gave Ryan a copy, and that he was impressed. "And that was before he even had a press secretary," one of his staffers cracked.

Ryan returns at 11:30 and heads into his office to make phone calls before his Ways and Means Committee meeting at noon. At 11:36, he bolts from his office and hands me a sheet of paper. It's a breaking-news report from Politico.com that liberal Wisconsin Congressman David Obey has decided to retire.

Obey was first elected to Congress in April 1969 — nine months before Paul Ryan was born. But facing an energetic campaign from Ashland County district attorney and former "Real World" star Sean Duffy, the irascible Obey has decided to call it quits. Later, Ryan would tell me that he heard a rumor two weeks earlier about Obey retiring, but dismissed it as nonsense.

Ryan's press team huddled briefly to discuss what their boss should say regarding Obey's retirement. Regardless of political party affiliation, Wisconsin's congressional delegation is duty-bound to say *something* about Obey's interminable tenure in

the House. I suggest they issue a simple one-line statement: "Dave Obey has a beard." I am ignored.

I duck into the Obey's press conference to hear him declare that his district is ready for a new representative "who won't use an actor's ability to hide the fact that he is willing to gut and privatize Social Security and Medicare and abandon working people to the arbitrary power of America's corporate and economic elite."

Clearly, an unsubtle shot at both Sean Duffy and Paul Ryan.

### Eleven days after his 28th birthday, Paul Ryan

announced he was running for Congress in Wisconsin's 1st District. He began as a heavy underdog to Democrat Lydia Spottswood, who had narrowly lost to Neumann two years before. But Ryan cruised to victory, winning

57.2% of the vote. It would be the last time anyone got that close to Ryan — he won his next five elections averaging almost two-thirds of the vote.

Thinking back on his first election, Ryan believes Wisconsin voters prefer young politicians. "You just can't come across as an arrogant young know-it-all," he says. He tells me that back in those days he made a conscious effort to be overly lugubrious during speeches and debates, to counteract his youthful looks.

Ryan can turn on the humor behind the scenes. An ex-staffer told me of a gift exchange Ryan conducts with cantankerous Wisconsin Congressman Jim Sensenbrenner, who is considered only humorous when compared to an amputation. One year, Sensenbrenner bought Ryan a reindeer that defecated candy; Ryan returned the favor with a pair of nosehair trimmers packed in a Tiffany's box. Sensenbrenner then purchased Ryan some men's hair coloring gel. And on and on it went.

Ryan began to garner national attention in 2003, during the debate over President Bush's proposal to expand prescription drug benefits to seniors through Medicare. Ryan is proud of the free market programs he inserted into the final bill (Medicare Advantage, Health

Ryan would boldly reconfigure two of the sacrosanct programs in American politics — Social Security and Medicare.



## Ryan's bold reforms carry big political risks

There are plenty of reasons to suspect that Ryan's future may not be as bright as his boosters think. For one, Ryan is essentially Patient Zero when it comes to entitlement reform. No one really knows how a national audience would treat his bold proposals.

Ryan's critics have been hammering at a provision of his Roadmap that would fundamentally alter Medicare by injecting market forces into the program. Ryan would provide individuals under the age of 55 with a voucher worth \$11,000 per year when fully phased in. The voucher would then be indexed to inflation and be increased for those with lower incomes.

White House budget director Peter Orszag, while acknowledging Ryan's plan would address the nation's long-term fiscal problem, argues that health care costs will rise faster than the value of the voucher. Saying Ryan's plan only saves money by "shifting a lot of the risk and expected cost onto individuals and their families," Orszag believes too many policymakers – Republicans as well as Democrats – will find that solution objectionable.

Ryan calls this the most "fair and accurate" criticism of his plan, but says that it's impossible to keep funding health care expenditures at the current rate of increase. He says the Obama plan deals with the problem by rationing care. "My plan gives individuals control to put market pressure on providers to compete," he says.

Unrestrained health care spending, he warns, will "kill our economy – it crashes the system." So the choice, he says, is either "the Obama method of rationing care down, or doing a...consumer-directed system."

Given how suspicious seniors are to any changes in Medicare and Social Security, this is a politically risky idea for Ryan to advance. We already know how rank-and-file Republicans react to Ryan's plan – and it's not entirely positive.



When President Obama made an issue of the Roadmap, Republican House Minority Leader John Boehner emerged from his tanning bed long enough to deny he had ever heard of this "Paul Ryan" fellow.

Furthermore, so far the Roadmap only has 12 House co-sponsors – all from below the Mason-Dixon Line, save for Rep. Cynthia Lummis from Wyoming. No

Senate companion bill has been offered. It is clear that most Republicans believe that to explain Paul Ryan's plan, you actually have to be Paul Ryan.

Ryan has also caught flak from the right on some high-profile votes. Ryan voted "yes" on such toxic bills as the bank and auto bailouts. He defends these votes by saying they prevented an economic collapse, which in

turn would have prompted even more heavy-handed government regulation.

Whatever Ryan's problems are with Republicans, he more than makes up them for in crossover appeal with Democrats. In many ways, Ryan's tenure in the House has mirrored that of his mentor, Jack Kemp.

Kemp represented the blue-collar southtown area near Buffalo; Ryan's district includes heavily unionized Janesville, Racine and Kenosha. In 2008, while Obama was pulling 66% of the vote in Kenosha, 67% in Janesville, and 70% in Racine, Ryan received a solid 52%, 59%, and 45%, respectively, in those same cities.

The conventional wisdom holds that a member of the House doesn't have enough stature to make a serious run at the presidency. But the conventional wisdom also held that voters would never elect an African American president. Now it seems anything is possible

How can you rule out a well-liked 42-year-old candidate from the House? Can anyone say with certainty that the next president isn't currently a member of the Black Eyed Peas? I can't. I won't.

– C.S.



Savings Accounts), and believes those are the “seeds” of a future overhaul of federal entitlement programs.

When Ryan gave a well-received speech to the 2004 Republican Convention in New York, the “P” word began popping up. *Milwaukee Journal Sentinel* reporter Katherine Skiba compared Ryan, then 34, favorably to John F. Kennedy. When asked about Ryan in 2004, Bill Bennett said, “I keep telling him, ‘Run for president, run for Senate. Start the plan.’” (Ryan maintains Bennett was joking.)

In 2006, Ryan got another boost when Republicans were hammered at the polls, losing both the U.S.

Senate and House. A testy Ryan believed the Republican brand was damaged because of the “bad apples” in his party. “We don’t need a feather duster; we need a fire hose,” he said about purging the party of those unwilling to advance the Republican Party’s core ideals.

Arguing for change, Ryan campaigned among his fellow Republicans to be named the ranking member of the House Budget Committee. He won, beating out a dozen members with more seniority. “If we were going to just keep promoting the next person in line, then what’s the point?” he said.

After his promotion, he began codifying his thinking in a policy manifesto called the *Roadmap for America’s Future*, saying it took nearly a year and a half to get all the numbers right. His plan boldly calls for reforming the income tax code and would reconfigure two of the sacrosanct programs in American politics – Social Security and Medicare.

It was this plan that President Obama waved over his head on Ryan’s 40th birthday, at a House Republican Conference retreat in January. Obama said that he had read Ryan’s plan and called it “a serious proposal.”

However, Ryan is certain Obama shone the spotlight on his plan only as “a straw man that he could then knock down.” He said he fully expects Democrats to use the *Roadmap* as a “demagogic weapon” during the 2010 campaign season.

Ryan’s most dramatic tête-à-tête with Obama came at the famous “Blair House” health care summit, where both Republican and Democratic members of Congress convened around a table before a national television audience to debate Obama’s proposed health plan. With Obama presiding, Democrats attempted to minimize the differences between the two parties, trying to leave the impression that agreement was close.

By the time Ryan was scheduled to speak, he remembers he had gotten very upset with the Democrats’ attempts to portray the two sides as

nearly identical. “They kept rattling off all these incorrect numbers and bogus stuff,” Ryan says. “I think we knew the bill a lot better than they did themselves.”

So when cameras turned to Ryan, he began

systematically dismantling the Democrats’ rosy cost estimates. He pointed out that much of the cost was hidden, as it raised taxes for 10 years to pay for six years’ worth of spending. He exposed the fact that the \$371 billion “doc fix” (a plan to reimburse doctors more through Medicaid) had been separated from the bill and considered as standalone legislation to keep the price tag down. “Hiding spending does not reduce spending,” he said.

As Ryan spoke, the cameras would occasionally make their way back to President Obama, who was glaring icily at Ryan.

“I wanted to throw a match on this thing,” Ryan remembers thinking.

**During Obey’s retirement speech, Ryan met with** a Republican study committee, spent an hour with constituents in his office, and then caucused with Republican House leadership. At 4:15 p.m., he’s scheduled to conduct a live interview with MSNBC’s Dylan Ratigan.

I’m sitting on the stage with Ryan’s 25-year-old press secretary, Kevin Seifert, who has handed Ryan’s personal earpiece to the cameraman. Ryan supplies

Obama said that he  
had read Ryan’s plan and called it  
‘a serious proposal.’



his own TV earpiece, as the ones the networks provide generally fall out mid-interview.

Without a second to spare, Ryan darts into the media room and sits down in front of the camera. Ratigan, the interviewer, is in the MSNBC studio – we can see the show as it progresses on one of the large televisions behind us. Ryan plugs his earpiece in and seems legitimately thrilled that Mötley Crüe is now playing in his left ear. With about 10 seconds before the interview starts, he looks at Seifert and says – “what’s the topic?”

The topic happens to be the debt crisis in Greece, where government spending cuts have sparked deadly riots. He breezes through the interview. His appearance is flawless, although viewers with HDTVs can probably tell he’s developed the hint of a five o’clock shadow. His hair is perfect.

And oh, the hair! Some would consider it Ryan’s most recognizable feature. It is an astounding feat of modern architecture, with hairs taking off on one side of his head and landing safely on the other in perfect synchronicity. It often varies in length, but never lacks in durability.

**Soon, the clock hits 6:15, and Ryan has to make** his way to a conference of investment bankers at the Newseum, which is the print media’s new monument to its former glory. On the way out the door, Ryan looks at staffer Sarah Peer and growls about being hungry. “Do I get to eat?” he asks. “It’s not on the schedule,” she curtly replies.

Ryan drives himself, Seifert and me to the speech. We get to the Newseum and meet up with a group of the hosts, who show us to the sixth floor, where a packed conference room awaits.

Veteran politicians see crowds like this at hundreds of events. Different people each time, but in a way they all act the same. They hover, waiting for the right time to step in and shake Ryan’s hand. Finally, they get their 60 seconds to make an impression on one of politics’ rising stars – and then they’re gone, back to making

small talk over stuffed mushrooms.

Neither Ryan nor his staff have prepared any talking points, but Ryan dazzles the financiers with honeyed pentameter about capitalism and free markets. After the speech, we dart back to the car. I ask Ryan how it is he can be “on” 24 hours a day? (When I meet new people, I usually want to take my shoe off and start hitting them with it.) He shrugs and says, “I don’t really have any alternative.”

Back at the office we eat some carry-out Thai food, then it’s time to start another telephone town hall meeting. This time it’s with the people of Racine County.

He cracks open a can of Miller Lite, ambles over to his desk, and slides his headset on. His computer screen lights up.

*“Good evening, this is Congressman Paul Ryan....”*

**Forty years ago, on the day Paul Ryan was born, the** *Janesville Gazette* ran a cartoon mocking President Nixon’s handling of the economy. The cartoon shows Nixon in the passenger seat of a car dangling perilously off the side of a mountain, while telling the driver, “Now, put it in first gear and go ahead very slowly....”

Four decades later, Paul Ryan is facing the same predicament. He earnestly believes he has a plan to get America’s economy off that cliff and back on the road to prosperity. All that’s left to be settled is whether he will try to bring that change from a seat in Congress or from the Oval Office in the White House.

While we eat our second straight night of Thai food, the discussion turns to Ryan’s fans continually demanding he run for president. I recount Act I, Scene II of Shakespeare’s *Julius Caesar* — in which Caesar refuses the crown three times before his adoring fans force him to accept it.

Ryan smiles, pauses, and says, “And how’d that work out for him?” ■

*He fully expects Democrats to use the Roadmap as a ‘demagogic weapon’ during the 2010 campaign season.*

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*Christian Schneider, a former legislative staffer, is a fellow at the Wisconsin Policy Research Institute. His blog can be read at WPRI.org.*





**Schalmo escorting his students to lunch is part of the behavioral strategy at Milwaukee's Burbank Elementary School.**

ON THE FRONTLINES OF REFORM  
WITH WRITER SUNNY SCHUBERT

# Fresh take on urban schooling

Teach for America finds success in training nontraditional teachers like Tom Schalmo

It is just minutes before the bell rings to end Tom Schalmo's eighth-grade reading class at Milwaukee's Burbank Elementary School, and the first-year teacher is trying hard to keep the 29 kids in his room focused.

He is reviewing the answers to a test on the book *Holes* by Louis Sachar. But a warm breeze floats through the window, carrying the sounds of kids on the playground three stories below. Schalmo's students are restless, and he has to tell them to "Sit down" repeatedly. He does it firmly, without saying "Please," and without raising his voice.

A tall, gangly kid in the second row keeps getting to his feet and edging toward the door. In the third row, another boy and a girl poke and slap at each other. Schalmo holds his hand up and says in a flat, warning tone, "Five, four, three..." The kids settle.

"These grades are important to you," he says, holding a handful of test papers aloft. "I have recorded them. Now pay attention."

The students take turns answering the questions aloud, until Schalmo asks what offense Kissin' Kate Barlow had committed that caused her to be cursed. The answer: "She kissed a Negro." This causes about half the class — the black kids — to burst into giggles.

Schalmo ignores them.

The bell rings, but still Schalmo does not release his students. He orders them to straighten their desks. They

align them with military precision, then jostle out to the hallway, where they align themselves just as neatly: boys on one side, girls on the other.

And they wait, patiently, until Schalmo escorts them to the lunchroom.

It's a startling display of discipline, not what an observer accustomed to the free-wheeling chaos of a suburban Monona middle school expects to see in a Milwaukee Public School. The Milwaukee schools, after all, are among the worst in the nation, with a black-white achievement gap to match.

But Burbank Elementary is not typical. "Burbank has to be one of the best schools in the city," Schalmo says, even though the building itself is an ancient brick pile, and 80% of its 575 students are from low-income families. Still, it's located in a pleasant west-side neighborhood, right near the West Allis border.

Landing at Burbank was a lucky break for Schalmo, since, as a "Teach for America" teacher, he had just six weeks of teacher training under his belt when he walked through the doors last fall.

"I was mortified by my own ignorance in the beginning," he says, "but I've found I really like teaching."

**Teach for America was founded in 1990 by Wendy Kopp, a Princeton grad who was convinced that many**

young college grads wanted to make a contribution to society and would do so if a national teacher corps existed that would place them in inner-city schools.

Initially, TFA's emphasis was on choosing graduates from top-tier universities, especially those who had majored in math or science. But over the years, Teach for America's own research has proved that other attributes, including enthusiasm and organization, are just as important as subject mastery in the making of a good teacher.

The program, which operates under the auspices of AmeriCorps/VISTA, remains highly selective. Last year, TFA received more than 30,000 applications nationwide, including 854 from Wisconsin, but only 15% were selected.

Studies have found that TFA teachers are often more effective in the classroom than teachers trained in university programs. This may, in part, be because TFA teachers and their students are constantly being evaluated.

The students are monitored for academic progress, and the teachers are appraised for effectiveness, mentored and offered concrete suggestions on how to teach better.

TFA's focus on the craft of teaching is in contrast to the theory-heavy curriculum of most schools of education. The success of TFA's teachers is seen by many in the school-reform movement as an important chink in the monopoly on teacher licensure held by education schools.

Today, Teach for America has 7,300 teachers placed in inner-city schools across the country, including 38 in Milwaukee. This is the first year

TFA has operated in the often change-resistant MPS.

Schalmo has a second year to fulfill on his two-year contract. If he leaves education after fulfilling it, he would be bucking the trend: Nationwide, 63% of TFA's 17,000 alumni are employed full-time in education.

**Schalmo, 23, grew up in suburban Elm Grove, and majored in communications at UW-Madison. But with journalism jobs getting scarcer by the day,**

he began considering other options, and applied to Teach for America.

"I was up for a new challenge — and this certainly has been!" he says with a laugh.

His formal teacher training consisted of a week in a Milwaukee classroom, followed by five weeks in a Chicago

school. At the end of the summer, he was assigned to Burbank.

"I was under the impression I'd be teaching reading, but when I got here, they said I'd be teaching science and health, too," he says. He teaches his three subjects to sixth-, seventh- and eighth-graders, and has an eighth-grade homeroom.

This past fall, Burbank began operating under a new behavior system. For example, students line up and are escorted to lunch by their teachers. Schalmo likes the system a lot.

"It saves times and creates more order. It makes teaching easier and learning easier," he says.

Burbank teachers are also encouraged to get creative in devising ways to keep their students on task. In Schalmo's room, a big day-glo orange poster lists "Room 35 Rules of Themselves" for his eighth-graders.

*Teaching has been a life-changing event for Schalmo. 'When I go to bed at night, I think about my students, about what I can do to help them. They can all be successful — I know that.'*



“The kids wrote those rules,” he says proudly. “It was a day last fall when I was having a hard time getting them to settle down and work. Finally I said, ‘I’m going to leave the room and let you come up with rules that you think are important.’ And it’s worked!”

The rules are extensive and about what you would expect — “Listen” and “Pay attention” and “Don’t interrupt” — but a couple are aimed at specific students, as in “Jasmine and Andre have to shut up.”

Jasmine — not her real name — is one of the students Schalmo is particularly proud of.

“At the beginning of the year,” he says, “she just wouldn’t sit down and shut up. Her grades were terrible, and so was her behavior. To tell the truth, I didn’t have very high expectations for her.”

But, as a brand-new teacher, Schalmo was careful not to let his expectations determine his relationship with Jasmine. “I worked with her, the other kids worked with her, and she worked really hard, too,” he says.

As a result, her grades have improved dramatically, and so has her behavior, he says.

Another student, a boy, started the year with a grade-point average south of C, but he was determined to make the honor roll. “I remember thinking to myself ‘That’s not gonna happen,’ but I helped him, and he worked hard, and this quarter he made a 3.0 [B] average — good enough for the honor roll.”



**The year has been a life-changing experience for Schalmo as well as his students.**

“I’m surprised at how much I’ve changed as a person,” he says. “I’m more patient. When I go to bed at night, I think about my students, about what I can do to help them. They can all be successful — I know that.”

“I’ve learned to trust my instincts, and to be a part of the school — to help other teachers, to sign up for committees. The day doesn’t end when the

last bell rings. We have to be a community.”

He also has newfound respect for his fellow teachers.

“I have met a lot of good, talented, motivated people here,” he says of Burbank. “I don’t think we can blame the teachers for the mess in the Milwaukee schools.”

As part of his contract with Teach for America, Schalmo is working on a master’s degree from Marquette University. He’s enjoying the classes.

“I won’t pretend that a six-week crash course made me completely prepared to be a teacher. I have a lot to learn,” he says.

Schalmo hopes he will be back at Burbank in the fall, although it is not a sure thing. The Milwaukee School District has the right to place him in another school.

That would be a blow to Schalmo — and to Burbank Principal Angela Serio as well. “I just love Tom,” she says. “He has worked out so well, he’s so good, I wish I had a dozen like him.” ■

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*Sunny Schubert is a Monona freelance writer and a former editorial writer for the Wisconsin State Journal.*



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# Milwaukee's school experiment shows promise

*A researcher finds mixed but encouraging results*

*By Patrick Wolf*

On a rainy May morning in 2008, my research team assembled at the Italian Community Center in downtown Milwaukee for focus-group sessions with the parents of students enrolled in the Milwaukee Parental Choice Program.

After a long morning of listening to parents vent about the aspects of their children's schools that disappointed them, the tone of the meeting suddenly changed when we concluded with an "open mike" session.

"We may complain a lot about our children's schools," one of the parents told us, "but please, please, please don't take our school choice away."

Parents like this concerned mother have played a starring role in the long-running policy debate over the school-choice program, which enables parents to select a school for their child other than the assigned neighborhood public school. Charter schools, for example, offer choices within the public school system. School-choice programs like Milwaukee's notably include private schools and are often called voucher programs.

Begun in 1991, the Milwaukee program was the first — and is now by far the largest — urban voucher program in the country. In the 2008-09 school year, vouchers put 19,803 students in 127 private schools. A total of 59 public charter schools also operate within the city, enrolling 17,158 students last year. In addition, MPS students have the choice of magnet, community, open-enrollment, and inter-district school-choice options.

Indeed, when one thinks of school choice, Milwaukee has become the paradigm for the nation.

This poses a fiercely argued question for

scholars, advocates and policymakers: Has school choice been a godsend or a scourge for the city's children? Put another way, was that mother justified in pleading for Milwaukee's voucher program to continue?

**Fortunately, my research team launched a** comprehensive evaluation of the voucher program three years ago. In partnership with two other veteran school-choice researchers, John Witte of UW-Madison and Jay Greene of the University of Arkansas (and assisted by a bevy of bright young scholars), we have left no stone unturned to determine the effects of the school-choice program on students and on the public school system as a whole.

To date, our evidence indicates that these

**Every student who uses a voucher to attend a Milwaukee private school saves the state money.**

students are demonstrating rates of growth in achievement comparable to similar MPS students. At the same time, we have determined that competition from the voucher program is pressuring public schools to improve and that school choice saves Wisconsin taxpayers tens of millions of dollars per year.

However, we suspect that the most important findings lie just ahead, in the fourth and fifth years of the project, which is a longitudinal study of a representative sample of 2,727 voucher students carefully matched to a similar group of MPS students. The two groups began the study similar

to each other regarding important characteristics such as test scores, grade, race, and neighborhood.

Two years later, most of our statistical models showed the reading and math achievement gains of the voucher students to be similar to those of the MPS comparison

## All Milwaukee students are benefiting academically from the competitive pressures of the voucher program.

group. We plan to track the achievement of both groups for at least two more years, so either the voucher or MPS students could demonstrate superior gains once we get deeper into our study.

Compared to low-income urban students across the country, however, the performance of the voucher students is somewhat more impressive. The fourth-grade voucher students who took standardized tests scored substantially higher than the national average for low-income urban students in reading and science.

Eighth-graders, meanwhile, scored better than their low-income urban peers nationally in all categories — reading, math, and science.

This poses a question: Why might Milwaukee voucher students, who perform similarly to other MPS students, still achieve at rates higher than national norms for urban students?

**In a report last year, we concluded that pressure from the school-choice program since 1991 has caused the entire school system in Milwaukee to improve, leading to benefits for all students. The estimated size of the effect is modest, representing about 40% of the magnitude of the notorious black-white test-score gap.**

Our research suggests that the Milwaukee voucher program has produced a rising tide that is lifting all boats, but that tide has hardly been a tsunami.

A second system-wide effect of the school-choice program is that it saves money for Wisconsin taxpayers. The value of the Milwaukee voucher is capped at less than \$6,500. Significantly larger amounts of public money are spent on each MPS student. As a result, every student who uses a voucher to attend a Milwaukee

private school saves the state money.

We estimate that the taxpayer savings was about \$32 million in fiscal year 2008 and about \$37 million in fiscal year 2009. Due to anomalies in the funding system, the fiscal benefits of the choice program are realized exclusively by state taxpayers and property taxpayers outside of Milwaukee. Property taxpayers within Milwaukee actually pay more in taxes than they would if the choice program did not exist.

**So, should we believe the voucher parents who say that school choice should be preserved, even though the program isn't perfect?**

Midway through our longitudinal study there is reason for disappointment but also reason for assurance. We haven't uncovered clear evidence that choice students are learning at higher rates than other MPS students. We do know, however, that all Milwaukee students are benefiting academically from the competitive pressures of the voucher program.

## We suspect that the most important findings lie just ahead.

Next year, we will add another year of data to our study of test score gains and also launch our most important analysis — a study of the effect of the choice program on high school graduation rates.

Many scholars argue that educational attainments, measured through critical events such as high school graduation, are more important in the long run than educational achievement.

That is, long-term earnings and personal health are more closely related to whether you have a high school diploma or college degree than what your grade-point average was. In other words, how far you go is more important than how much you know.

Earlier studies based on limited data have suggested that Milwaukee choice students graduate from high school at higher rates than do other MPS students. Our study, with a more rigorous research design and stronger data, may or may not confirm those earlier findings.

Please stay tuned. ■





## Consider the humble candidates

*Who cares if they grew up eating dirt sandwiches?*

In an online ad, Republican congressional candidate Dan Kapanke wants you to know he's a real guy. "Having been born and raised on a dairy farm, I have a pretty good idea of what Wisconsin people value," says Democrat Ron Kind's challenger for the 8th District seat.

While it's a nice sentiment, it's meaningless. Growing up on a dairy farm doesn't teach anyone anything I value. It teaches a person to milk cows and shovel manure.

This is perhaps the most annoying aspect of campaign commercials by candidates of both parties — the "I'm from humble beginnings" talking point.

Of course, the second most annoying campaign commercial stunt is the "candidate walking through a factory wearing goggles and a hard hat" shot. It's meant to convey the candidate's connection to the hard-working commoner — as if the only jobs that really mean anything are jobs in factories.

But you know what a really hard job is? Being a stripper. Just once, I'd like to see a Russ Feingold for Senate commercial where an adult dancer on a pole works out her frustration with the bad economy to Mötley Crüe's "Kickstart My Heart," while Feingold stands nearby, looking concerned (and wearing a hard hat and goggles, of course).

Even more ridiculous than the "I feel the pain of the working man" candidates are the ones who pretend they grew up poor. You know, their parents took them to McDonald's, and all they could order was a large napkin and a small straw.

**Now it's true that there are things to be admired in coming from humble beginnings.** It teaches some people to value simple pleasures, and it gives them a sense of what manual labor is really like.

But let's face it, among people who grow up in trailer

parks, the number who end up taking paternity tests on the "Maury Povich Show" outstrips congressmen by about 1.2 million to one. Yet voters seem to associate growing up poor as evidence of character and accomplishment.

I, for one, don't really care about a candidate's life story. I care what's in his or her future. If a rich kid goes to really great schools, takes advantage of learning from the best teachers, and emerges a bright and energetic adult, that's a thing to be admired.

Yet you never see a campaign ad that begins with the words, "I overcame growing up rich...."

Should we discount Congresswoman Tammy Baldwin because she was raised in a well-educated household with two UW-Madison faculty grandparents? Should we think any less of Congressman Jim Sensenbrenner because his great-grandfather founded Kimberly-Clark? Is Sen. Russ

**John Edwards' moral credibility for growing up as 'the son of a mill worker' is not exactly convincing.**

Feingold any less electable because his father was a big-shot attorney?

Of course, the answer is no. In fact, the inverse is true, as well. When I

drive by a house with a car up on blocks in the front yard, it doesn't compel me to walk up to the guy in the wife-beater t-shirt on the front porch, hand him my wallet, and trust him to spend my money wisely.

**Here's a message to candidates: We don't care if you grew up eating dirt sandwiches.** We do, however, care if you understand economics, foreign policy and the limits of do-goodism.

If all else fails, candidates should consider the fearsome lesson of John Edwards, whose treacly claim of moral and political goodness because he grew up poor as "the son of a mill worker" was not exactly convincing.

The millionaire trial attorney proved himself to be a world-class scumbag when he fathered a child out of wedlock while his wife, Elizabeth, was battling breast cancer.

Maybe someday his fatherless two-year-old daughter can use her story of overcoming adversity to run for Congress herself. Or she could end up in a Russ Feingold stripper commercial. Let's hope she chooses the more admirable career path — and decides to strap on the heels and work the pole. ■

*Christian Schneider, a former legislative staffer, is a fellow at the Wisconsin Policy Research Institute. His blog can be read at WPRI.org.*

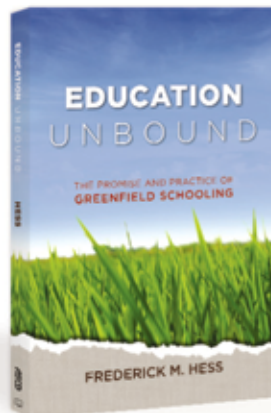
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