

# WI

APRIL 2013

WISCONSIN INTEREST

## Time to Confront Crackpots

BY CHARLES J. SYKES

## The Left's Last Hurrah

BY RICHARD ESENBERG

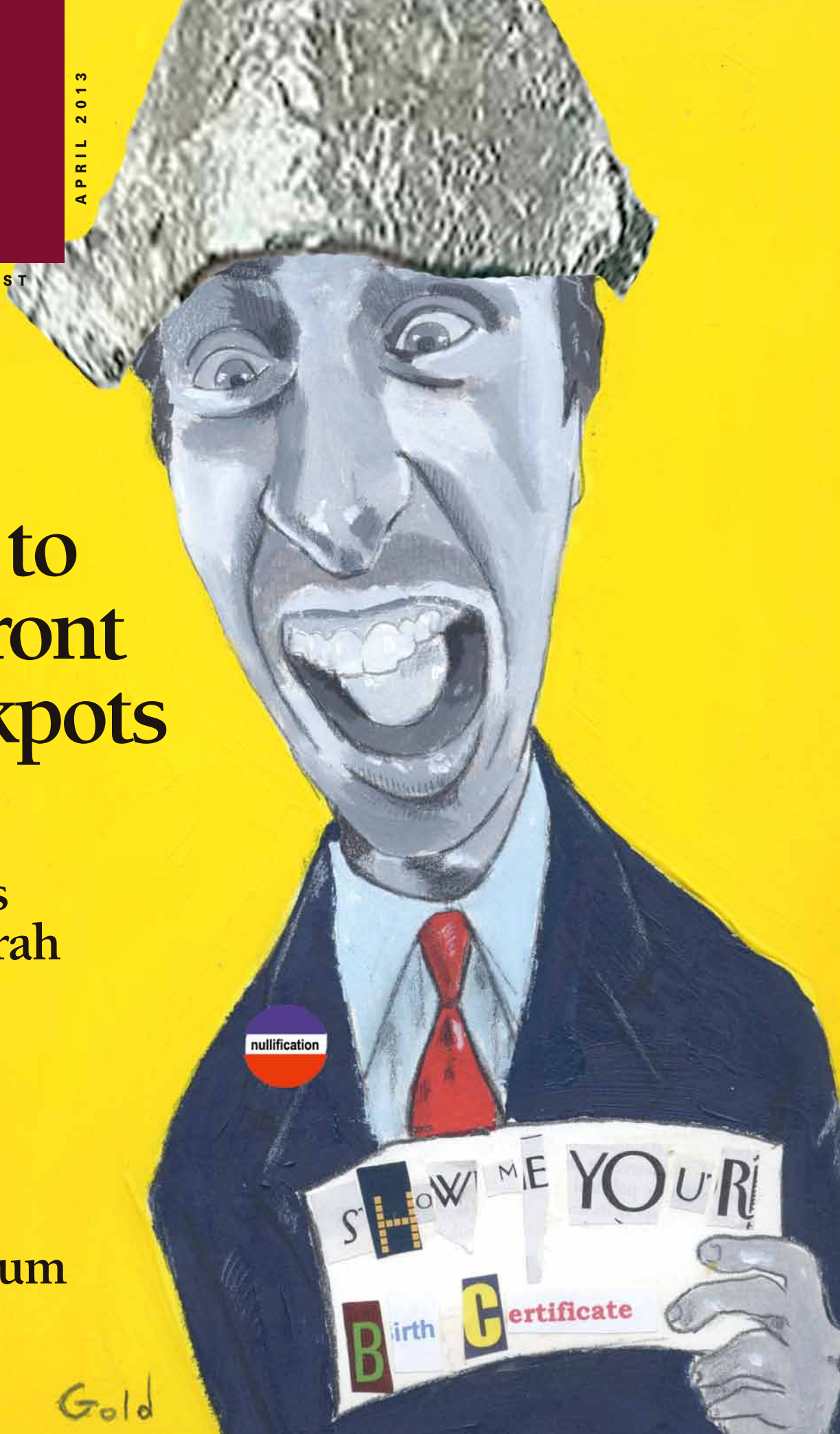
## Mining Success

BY MIKE NICHOLS

## Latino Conundrum

BY AARON RODRIGUEZ

Gold





Editor > CHARLES J. SYKES

## Smart can win

In the wake of November's election, national Republicans conducted an autopsylike review of their failures. As Wisconsin's own Reince Priebus noted, there was "no one reason we lost. Our message was weak; our ground game was insufficient; we weren't inclusive; we were behind in both data and digital; our primary and debate process needed improvement."

Other than that, Mrs. Lincoln, how was the play?

Our cover story suggests one place that conservatives might start: by acknowledging and confronting the problem of crackpots. As I write: "Smart can win. Weird almost always loses."

This edition also includes a detailed look by Aaron Rodriguez at the challenge

conservatives face to win over Hispanic voters. Rick Esenberg looks back on April's victory for conservative Supreme Court Justice Patience Roggensack, while Christian Schneider, in explaining why the judiciary matters so much here in Wisconsin, examines how activist Dane County judges have upended the rules of lawmaking.

We also include a timely account by Mike Nichols of how Wisconsin's booming frac sand industry is lighting up the economy and may even help reduce global warming. As Nichols notes: "The emergence of an entire frac sand industry has been both astonishingly rapid and a testament to local decision-making."

And in spring, hope is always a good thing.

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WPRI  
P.O. Box 382  
Hartland, WI 53029

# WI

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#### Publisher:

Wisconsin Policy Research Institute, Inc.

#### Editor:

Charles J. Sykes

#### Managing Editor:

Marc Eisen

#### Art Direction:

Stephan & Brady, Inc.

#### Contributors:

Richard Esenberg  
Mike Nichols  
Aaron Rodriguez  
Christian Schneider  
Sunny Schubert  
Charles J. Sykes

#### Board of Directors:

##### CHAIRMAN:

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Timothy Sheehy  
Gerald Whitburn  
Edward Zore  
George Lightbourn (President)

#### Contact Information:

##### ADDRESS:

P.O. Box 382  
Hartland, WI  
53029

##### PHONE:

262.367.9940

##### EMAIL:

[wpri@wpri.org](mailto:wpri@wpri.org)

##### WEBSITE:

[www.wpri.org](http://www.wpri.org)



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Filmmaker  
Dan Hayes

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Mexican Fiesta at the Summerfest grounds





# Walker's spring roll

## Conservative hopes brighten with the new season

*"You can cut all the flowers," observed Pablo Neruda, "but you cannot keep spring from coming." Spring brings us many gifts this year, including a relatively lengthy hiatus from our endless round of elections. April's election was by our standards a tepid affair, with the left more or less going through the motions in its attempts to flip control of the state Supreme Court. It lost. Again. But liberals were able salvage some solace from the re-election of state Superintendent of Public Instruction Tony Evers, yet another cautionary tale of the price of running flaky candidates on the right.*

## Breaking their hearts

The year is yet young, but Gov. Scott Walker appears to be on something of a roll. The endless John Doe investigation ended with a whimper, breaking liberal hearts across our fair state.

"It's hard for most people to imagine just how much the left in this state had invested in this John Doe investigation," wrote columnist James Wigderson. "To Wisconsin left-wingers, this was Watergate and the Dreyfus affair all rolled into one. They counted on the investigation to defeat Walker in two elections, and they were hoping that the investigation would make a third election unnecessary. Now all they have left is praying to St. Russ to come and rescue them in 2014."

Democratic Party spokesman Graeme Zielinski was so distraught that he tweeted comparisons of Walker to mass murderer Jeffrey Dahmer, which turned out to be a smear too far. Although he remained on the payroll, Zielinski was stripped of his role as spokesperson and banned from social media.

Meanwhile, Walker announced that he's writing a book, *Unintimidated: A Governor's Story and a Nation's Challenge*, which served to further juice up the presidential buzz. Given the profile of his recall campaign, there is probably no big-dollar GOP donor in the country who is not familiar with and/or a supporter of Walker's campaign. But, of course, he has to win re-election next year first.



## Fear the nuggets

The great Sequester Freak Out failed to freak out the public, but Rep. Gwen Moore certainly did her part to stir up fear over the modest budget cuts. In February, Moore warned that "when you're a mom putting chicken nuggets on the table you wouldn't be able to be sure they were inspected by FDA agents."

It would be nitpicking to point out that the Food and Drug Administration does not inspect nuggets, but we were still puzzled why the good congresswoman was willing to embrace a food that is undoubtedly under the interdict of our nanny-in-chief, the first lady.

## Yeah, it's still the law

Let's see if we can provide a bit of clarification here. Even though a Dane County judge has ruled that Act 10 is unconstitutional, the collective bargaining law is still in force for the rest of the state. After an appeals court denied a motion to stay that ruling, Atty. Gen. J.B. Van Hollen said that "it also was very clear that Judge Colas' order does not have statewide application and does not apply to any nonparties."

## Wisconsin's choice

Walker has a major fight on his hands over his proposal to expand school choice. The idea is opposed by the usual suspects, of course. But Walker also faces opposition from some fellow Republicans.

The *Wall Street Journal* noted that state Sen. Mike Ellis has promised to block the expansion of choice:

"This is phase one of a wide-open school voucher program for the state,' Mr. Ellis moans.

"But what would be wrong with that? According to the School Choice Demonstration Project, 94 percent of students who have received vouchers in Milwaukee graduate from high school, compared to 75 percent from the Milwaukee public schools. They're also more likely to go to college."

Meanwhile, a Marquette University Law School Poll found that a majority of Wisconsinites favor a major expansion of choice.

## A majority of Wisconsinites favor a major expansion of school choice.

### Moocher update

We heard a lot about “makers vs. takers” last year. So how’s that working out for us?

Over the last five years, the number of nonworkers in the U.S. economy has risen by 14.3 million, while the number of duly employed workers has fallen by 5.3 million. This means that about 142 million workers somehow have to support about 102 million nonworkers. This doesn’t imply that all of those not in the labor force are moochers, but it does give a quick snapshot of the ratio of those employed versus those supported by the efforts of others.

As analyst Tim Wallace notes, the demographic numbers are sobering: “In the year 2000, there were 1.78 workers for every nonworker. Now there are only 1.39 workers for every nonworker. Meanwhile, food stamp usage is up from 17.2 million to 46.6 million, and medical costs are soaring.”

### Free money

For the second time in his tenure, Walker defied conventional political wisdom by turning down “free” federal money. In 2010, Walker rejected cash for the high-speed train boondoggle; this year he turned down “free” Medicaid money. Reactions were predictable. Left-wing activists warned that people would die because of Walker’s move. The editorial board of the *Milwaukee Journal Sentinel* opined:

“The governor’s plan would force about 87,000 adults now in the Medicaid program onto the new federal insurance exchanges. That will make way for about 82,000 additional people to receive Medicaid who do not now qualify. Walker claims his plan will allow 224,600 more people to receive coverage....”

Wait.

*Walker’s plan will add 82,000 to Medicaid who don’t qualify now?*

Since his plan limits Medicaid to people who are below the poverty line, this suggests that there were 82,000 poor people who were denied Medicaid... by whom?

As it turns out, Jim Doyle. The former governor tried to expand the state’s medical assistance programs. But Doyle imposed enrollment caps on the Badger Care Core Plan because he didn’t have enough money to meet faster-than-expected enrollment.

Walker’s plan eliminates those caps, allowing thousands of poor individuals who had been blocked by the Doyle caps to receive health coverage under Medicaid.

Our Google search engine is apparently not powerful enough to find any prominent liberals suggesting that Doyle’s artificial cap would result in any deaths. But we’ll keep looking.

### Speaking of boondoggles

A new study by the Wisconsin Policy Research Institute found that the state law requiring more renewable energy like wind and solar will cost Wisconsinites \$788 million between now and 2017.

“Legislators might want to pause and consider the economic impact the RPS [Renewable Portfolio Standard] is already having on homeowners and businesses before moving any further down the road,” said WPRI President George Lightbourn. “Renewables significantly increase electricity costs, and that has a real impact on individual Wisconsinites’ pocketbooks and the overall economy.”

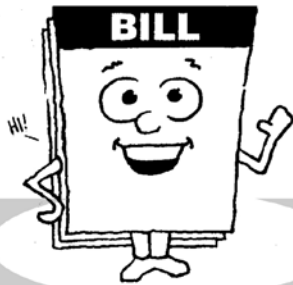
### Unexpectedly

Finally, a national group of actuaries issued a report in March suggesting that Obamacare could cause health care insurance claims to jump by 80 percent in Wisconsin by 2017.

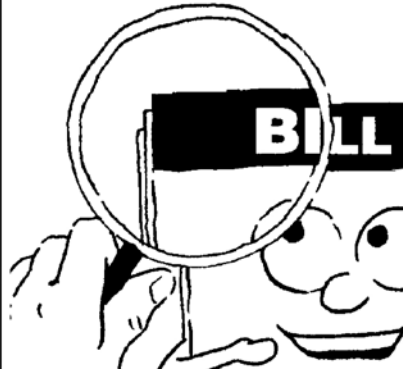
As surely as June follows our wet, chilly spring, we can look forward to a steady flow of similar consequences from the health care reform law. And, of course, all of them will be “unexpected.” ■

# How a Bill Becomes a Law

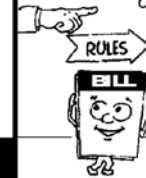
A BILL MAY BE INTRODUCED IN EITHER THE ASSEMBLY OR SENATE, WHERE IT IS READ BY THE CHIEF CLERK--FIRST READING



A COMMITTEE STUDIES THE BILL AND OFTEN HOLDS PUBLIC HEARINGS ON IT.

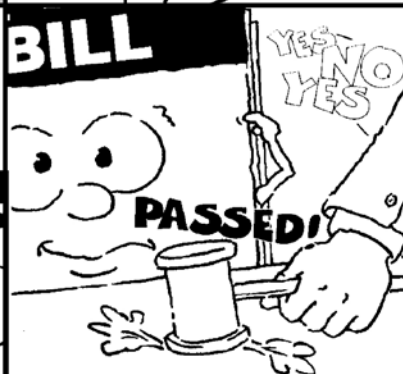


THE COMMITTEE VOTES AND REPORTS THE BILL OUT OF COMMITTEE. THE BILL IS THEN MOST OFTEN REFERRED TO THE RULES COMMITTEE.

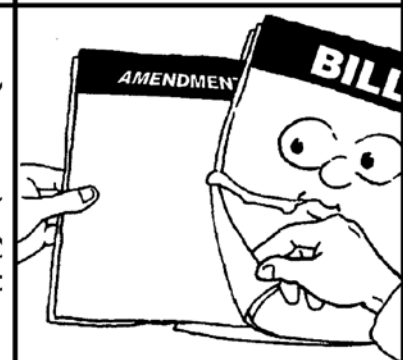


THE RULES COMMITTEE CAN EITHER PLACE THE BILL ON THE CALENDAR FOR SECOND READING AND DEBATE BEFORE THE ENTIRE ASSEMBLY, OR TAKE NO ACTION.

AT THE SECOND READING A BILL IS SUBJECT TO DEBATE AND AMENDMENT BEFORE BEING PLACED ON THE CALENDAR FOR THE THIRD READING AND FINAL PASSAGE.

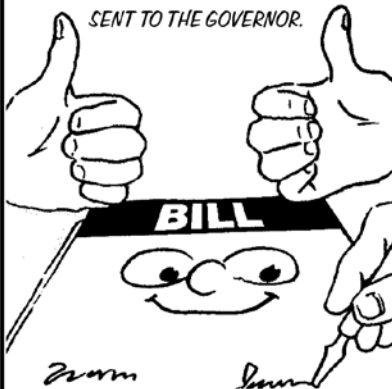


AFTER PASSING ONE HOUSE, THE BILL GOES THROUGH THE SAME PROCEDURE IN THE OTHER HOUSE.

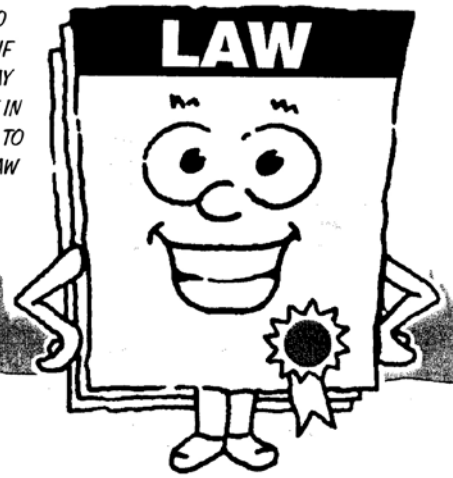


IF AMENDMENTS ARE MADE IN ONE HOUSE, THE OTHER HOUSE MUST CONCUR.

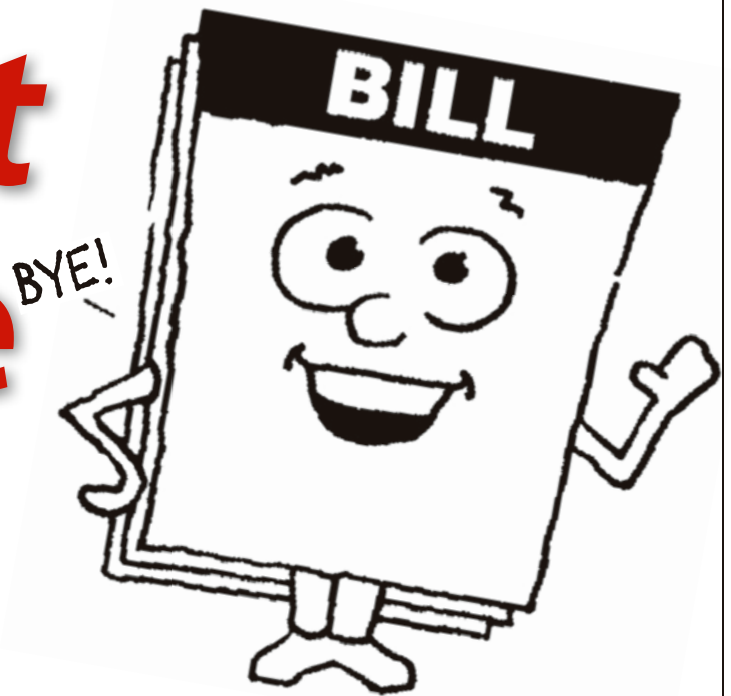
WHEN THE BILL IS ACCEPTED IN BOTH HOUSES, IT IS SIGNED BY THE RESPECTIVE LEADERS AND SENT TO THE GOVERNOR.



THE GOVERNOR SIGNS THE BILL INTO LAW OR MAY VETO ALL OR PART OF IT. IF THIS HAPPENS, THE LEGISLATURE MAY OVERRIDE THE VETO WITH A 2/3 VOTE IN EACH HOUSE. IF THE GOVERNOR FAILS TO ACT ON THE BILL, IT MAY BECOME A LAW WITHOUT A SIGNATURE.



# How a bill *does not* become a law



BY CHRISTIAN SCHNEIDER

## An activist Dane County court has brashly upended the rules of lawmaking

Every two years, the Wisconsin Assembly issues an activity book for schoolchildren. The book includes a cartoon called “How a Bill Becomes a Law,” which details the happy life of an ebullient piece of legislation named Bill.

Bill leads a simple life — all he wants to do is one day earn the governor’s signature on his belly and become law. The cartoon follows his traditional journey, from hearings held on his merits, to committees voting him out, to both houses of the Legislature passing him before sending him to the governor to become law.

Such has been the legislative process since Wisconsin’s inception in 1848. Yet in recent years, Bill’s

celebration upon being signed by the governor would be a bit premature. Having lost control of the Legislature and the governorship, Wisconsin Democrats have added another step: To become law, Bill must first pay a visit to the Dane County Circuit Court.

Dane County has the distinction of not only being the home of state government; it is also indisputably one of the most politically liberal counties in America. And despite being only one of Wisconsin’s 69 state circuit courts, it has essentially become a second legislature.

Our friend Bill may have earned the imprimatur of legislators elected from all over the state and the



# The Dane County Veto

signature of a governor elected by a majority of Wisconsin voters, but a single Dane County judge can derail Bill's attempt to find a cozy home within the pages of the state's statute books.

This is a problem not just for poor Bill, but also for the unfortunate citizens around Wisconsin who elect Republicans to the state Assembly, Senate and governorship. The ballots of millions are counteracted by the vote of one robed master elected by a strongly progressive electorate, whose elevated position is not earned by any specific legal skill or expertise, but instead his or her proximity to State Street. In fact, until recently, any lawsuit against the state of Wisconsin had to be filed in Dane County, giving its Circuit Court an elevated importance over any other local court in the state.

And thus, the Dane County Circuit Court has become a legal ATM for the state's progressives: Insert a court challenge, and out comes a favorable opinion that will cost your opponents buckets of cash to appeal.

So-called “venue shopping” like this isn’t all that

new. For instance, the federal court in Marshall, Texas, has been traditionally known to be friendly to those seeking money for patent infringements, and large companies from around the nation typically end up in this small Texas town. Quick trials and plaintiff-friendly juries are the norm in Marshall (as is its annual Fire Ant Festival), making

it a popular vacation spot for lawyers.

Of course, picking a friendly federal appeals court is tricky, given that you have to predict what the lower courts are going to do. But those looking for anti-business outcomes are generally served well by filing cases in the jurisdiction of the notoriously liberal 9th U.S. Circuit Court of Appeals, which covers nine western states. In 2011, the U.S. Supreme Court either reversed or vacated 19 of the 26 cases it reviewed from the 9th Circuit; two years earlier, the supremes shot down 94 percent of its cases.

The Dane County Circuit Court has proven itself another great haven for liberal venue shoppers. In March 2011, it found itself in the middle of a national controversy when Dane

County District Attorney Ismael Ozanne filed a lawsuit attempting to block implementation of Gov. Scott Walker's new law restricting public sector collective bargaining. Unable to prevail legislatively, Democrats attempted to sink the bill in the courts. And they found a very sympathetic ear in Dane County Circuit Judge Maryann Sumi.

It was important that Democrats get a lawsuit moving quickly; on April 5, Supreme Court Justice David Prosser was up for election in a race that would decide the high court's ideological balance. Having a case pending in a state court would bolster the impression that the Prosser election was really an election about whether Walker's

The ballots of millions are counteracted by the vote of one robed master elected by a strongly progressive electorate.





broadside to the public unions would stand.

On March 16, seven days after the Wisconsin Senate passed the collective bargaining bill, Ozanne filed a lawsuit seeking not to overturn the law, but to prevent it from being published in the first place.

Two days later, Sumi heard one day's worth of testimony, issued a temporary restraining order stopping publication of the law and quickly left town on a weeklong family vacation.

On his blog, Marquette University law professor Rick Esenberg said he was "astonished" at Sumi's ruling, noting that in 1943, the state Supreme Court held that judges may not enjoin the publication of a law on the basis that it is or might be unconstitutional. "A bill, in the court's view, is not enacted until it is published such that

publication is part of the legislative process with which courts may not interfere," noted Esenberg.

On April 5, Prosser narrowly defeated his liberal challenger, JoAnne Kloppenburg. On May 25, attorneys at the state Department of Justice sent Sumi a letter indicating that they might seek her recusal. The very next day, Sumi issued her opinion striking down the law in its entirety.

Within months, the state Supreme Court assumed its role as the state's legal janitor and cleaned up the mess Sumi had made. (She ruled that the state Senate violated the open-meetings law, but failed to acknowledge the pertinent exemption for legislative

actions.) In a contentious decision that led to accusations of justices choking each other, Prosser excoriated Sumi, writing, "In turbulent times, courts are expected to act with fairness and objectivity. They should serve as the impartial arbiters of legitimate legal issues. They should not insert themselves into controversies or exacerbate existing tensions."

While the Supreme Court vacated Sumi's decision, the pro-union litigants were not done. On Sept. 14, Dane County Circuit Judge Juan Colas once again struck down Walker's law, this time based on a challenge

from Madison schoolteachers and Milwaukee city employees. The ruling blocked the law from being applied to school and local government workers, but it remains in effect for state workers and employees of the University of Wisconsin System. The case is being appealed.

Yet another case of "Walker nullification" took place when Dane County Circuit Judge David Flanagan,



*The state Supreme Court overturned Circuit Judge Maryann Sumi's pro-union ruling.*

# The Dane County Veto

who had signed the recall petition against Walker, struck down a Walker-approved law requiring photo identification to vote. Inexplicably, Flanagan did not disclose that he had signed the petition

While the U.S. Supreme Court upheld a similar voter-identification law in Indiana, Flanagan ruled that his opinion should effectively trump the Supreme Court because the Indiana law allows a voter 10 days after casting a provisional ballot to produce identification, while the Wisconsin law allows only three days.

## The fact that Dane

County always got the first crack at adjudicating lawsuits against the state clearly irritated Republicans, who in 2011 passed a law allowing plaintiffs suing the state to pick venues other than Dane County. Legislative Republicans took advantage of this new law during the Walker recall process, when they sued the state Government

Accountability Board in Waukesha County, which they considered a friendlier venue.

This new law, however, does nothing to stop liberal groups from filing suits in Dane County. Esenberg noted that constitutional challenges to enacted legislation are “nothing new,” and that challenges aren’t always illegitimate. But he notes that cases filed by

Democrats in Dane County have become uniquely problematic, given that Dane is a “company town.”

“You have exceptionally politically charged cases being brought in a county which has this sort of this toxic combination of being both politically homogeneous and politically aroused,” said Esenberg.

“You had these pieces of legislation coming before elected judges in a county where people were marching in the streets, pretty much all in opposition to these things, which raises questions about the political pressures that may be brought to bear on a judge who finds himself or herself in that situation.”

And while the ability of circuit courts to strike down state laws is not new, the recent hyper-partisan way in which the courts are being asked to function will have long-lasting impacts on Wisconsin law. Scott Walker and the GOP Legislature may only be with Wisconsin for the span of a few years; the precedent of litigating

everything as a political weapon may be with the state forever.

## Those ideological pressures placed on circuit

courts will likely boil up again now that the Legislature has passed a much-discussed bill to allow an iron ore mine in northern Wisconsin. Environmental groups are



*Courts should act with “fairness and objectivity,” Supreme Court Justice David Prosser wrote.*

expected to file suit at some point to block the mine. And that move for an injunction will almost certainly be filed in Dane County.

Some judicial observers have argued that it doesn't matter where cases like this begin, as long as the Supreme Court is there to serve as a backstop to Dane County. For conservatives, this reasoning is problematic.

First, while the makeup of the court currently leans conservative, the court is usually only one April election away from switching ideologies. Liberals need but a single seat, in other words, to turn the court from a stop sign to a green light for Dane County opinions.

One thing is certain — the more the lower courts are seen as mere political arms, the worse it is for the reputation of the Supreme Court. Some conservatives have grown frustrated that the Supreme Court hasn't yanked jurisdiction away

from the appellate courts and struck down Flanagan's photo identification ruling, for example.

But as one justice told me, that's not at all how the Supreme Court should work. The court, instead, should almost always let the process work itself out. Setting a precedent of clutching politically expedient cases away from appellate courts could be terrible for the right, especially if liberals regain control of the Supreme Court.

In the wake of the recent Dane County decisions, the Republican Legislature has also proposed changes to how cases are handled. One proposal, for instance, would have prevented circuit courts from blocking duly enacted laws. Esenberg believes this would be a mistake, not only given that some laws should be

invalidated, but also because politics are cyclical, and one day Republicans will need lower courts to block the actions of a Democratic governor.

Esenberg proposed a potential remedy for over-politicization of the courts: If a circuit court wants to issue an injunction to block a state statute, the party opposing the injunction has 10 days to appeal. According to Esenberg's proposal, if the ruling isn't appealed in 10 days, the stay is lifted and the injunction is effective. If the ruling is appealed, the stay would remain in place, and the appeals court would have to lift it. If both the appeals court and circuit court agree on the injunction, then it stays in place.

But regardless of what reforms might pass, Republicans will not be able to legislate Dane County out of existence. Challengers to Scott Walker's agenda will continue to look to the Dane County courts to block the will

of the people. And liberal judges will continue to garner awards like Sumi's for being the State Bar of Wisconsin's "2011 Judge of the Year."

And this will be bad news for our good friend Bill, who will have to routinely pack his bags for Dane County. Maybe the state can get him some Badger football tickets to make his frequent stays more pleasant. ■

Some conservatives have grown frustrated that the Supreme Court hasn't yanked jurisdiction away from the appellate courts.

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*Madison freelance writer Christian Schneider recently wrote on Michigan's economic travails for City Journal. He is co-authoring a book on campaign managers to be published in spring 2014.*





# The left's last hurrah

*Ed Fallon's failed Supreme Court challenge will mean continued conservative dominance*

BY RICHARD ESENBERG

So what are we to make of the 2013 race for the Wisconsin Supreme Court? That Justice Patience Roggensack easily defeated challenger Ed Fallon is unsurprising. In the history of Wisconsin, a justice who has been elected to the court (as opposed to merely appointed) has failed to win re-election only twice.

In 1855, Samuel Crawford was defeated by Orasmus Cole. Crawford's mistake was to follow then-regnant U.S. Supreme Court precedent and vote to uphold the constitutionality of the Fugitive Slave Act. We didn't like slavery. In 1967, Chief Justice George Currie was defeated by Milwaukee County Judge Robert Hansen. Currie's sin was to vote with a 4-3 majority to lift an injunction against the Milwaukee Braves' move to Atlanta. We like baseball.

This suggests that the bar to re-election is not high, and we ought to be careful about making too much of the fact that something that almost never happens did not happen again. Circumspection is further warranted by the curious theme of the Fallon campaign, which was to blame Roggensack for discord on the court without explaining why she was responsible or why his election would end it.

To be successful, even fundamentally unfair political

narratives need a whiff of plausibility. This one was inert.

**Nevertheless, I wrote an article for National Review Online** entitled "The Left's Last Hurrah in Wisconsin" and, at least as it pertains to opposition to the collective bargaining reform, I think this is the case. It is not that there will continue to be a "conservative" majority on the court inclined to "Republican" rulings. It is that there will not be

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*Not all problems have  
a constitutional solution.  
It is not for judges to  
right every wrong.*

---

a majority of "progressive" judges who regard the law not as a fairly circumscribed set of rules to be interpreted and applied, but as a source of amorphous values to be identified and developed.

In our time, the legal left is largely given over to a post-modern view of the law. The text and history of constitutional provisions and statutes is thought to be vague and “undetermined.” Because the law is seen to be highly malleable, its meaning is not fixed and is not, as judges like to say, “found.” Rather, interpreting the law is not readily distinguished from “making” it.

In the progressive view, judging is less an effort to apply standards that have been chosen by others than it is to discern “community values” and figure out what standards will serve them. Thus, liberal judges and academics speak less of the First Amendment (“Congress shall make no law abridging the freedom of speech...”) and more of “First Amendment values,” i.e., why is speech good and what forms of speech serve those good purposes.

The approach was unwittingly demonstrated by U.S. Supreme Court Justice Anthony Kennedy in recent oral arguments regarding same-sex marriage. He wondered “what the court should say” to children of gay and lesbian couples who might want their parents to be married.

For conservatives, this is the wrong question. Unless the text and original public understanding of relevant constitutional provisions can be found to confer a constitutional right to same-sex marriage, it is not for the courts to “say” anything to particular constituencies desiring a particular policy. Not all problems have a constitutional solution, and it is not for judges to right every wrong (if you believe the traditional view of marriage is wrong).



*Blaming Justice Roggensack for the court's discord was both curious and unsuccessful.*

### So what does this have to do with Act 10?

By precedent and traditional canons of legal interpretation, there is no right to collective bargaining. It is a privilege conferred by the Legislature, and it may be eliminated — or modified — as it sees fit. To say, as one Dane County judge did, that collective bargaining is restricted in a way that individual bargaining is not is only to restate the received view. Only by adopting nontraditional — and somewhat novel

— views of equal protection or other constitutional guarantees, can one conclude that Act 10's restriction of collective bargaining is unconstitutional.

Even with a change in the composition of the court, it was unlikely that a majority of the justices would adopt such a view. Now it is almost certain that they won't.

Following the court's 2005-'06 term, there was a widespread outcry — among the public and within the legal community — regarding the then-liberal majority's seeming abandonment of traditional tools of judicial restraint in favor of more

progressive modes of interpretation.

In the five elections since then, the conservative candidate has won four times, and no member of the conservative majority will stand for election until 2017. At least for now, this was also the left's last hurrah on the court.

This spring's election might have been a forgone conclusion made more inevitable by a stillborn challenge, but it was no less significant for that. ■

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*Richard Esenberg is president of the Wisconsin Institute for Law & Liberty and an adjunct professor of law at Marquette University. He blogs at [sharkandshepherd.blogspot.com](http://sharkandshepherd.blogspot.com)*

# MINING



# SUCCESS



# Wisconsin's booming frac sand industry is lighting up the economy and may even help reduce global warming *By Mike Nichols*

*Josh and Greg Clements grew up in Bloomer atop the seemingly bottomless troves of sand that everyone knew were underfoot but never gave a second thought.*

*“Played in it my whole life,” says 38-year-old Greg, sitting in a conference room beside the brand new, \$50-million Superior Silica Sands processing plant he manages just outside Barron in northwestern Wisconsin. For as long as anyone can remember, it was just plain old sand, the same stuff kids shoveled into buckets in their sandboxes and farmers used as bedding for their cows.*

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“Anywhere up here, where there is a hill, there is sand in it,” says Josh, Greg’s 32-year-old brother and the manager of an only slightly older Superior Silica Sands plant in New Auburn, about 25 miles away.

It’s always been easy to take for granted. Little rounded beads of unusually hard quartz, Wisconsin silica sand is literally older than the hills. University of Wisconsin geologists surmise that, starting about 500 million years ago, gargantuan mounds of it were pushed and shaped by ancient seas that once covered the entire state.

Silica sandstone formations are really just

“coalescing beaches” and offshore sandbars deposited on an uneven sea floor long, long ago, according to a 1971 paper by then-associate state geologist Meredith Ostrom. Often buried beneath a thin veneer of what the excavators call “overburden” — topsoil or subsoil composed of silt, loam or clay — it is easily reached. And, it turns out, it is perfect for use in hydrofracking — the process of pumping silica sand, water and small amounts of chemicals under extreme pressure into fissures in the earth, and propping the fissures open to help release so-called “tight” deposits of oil and natural gas.

People like Josh and Greg Clements have come to realize that the stuff they tromped around in as kids is now worth as much as \$200 a ton in places like Ohio, North Dakota and Texas. Suddenly, the primordial bounty left by long-ago tides has metamorphosed into thousands of Wisconsin jobs, hundreds of millions of dollars in tax revenue and more than a billion dollars in state income in 2012 alone.

While Wisconsin remains mired in a long fight over an iron mine that could create 700 jobs, the sand industry has already directly produced three times that number — and with what proponents convincingly argue is relatively minimal environmental cost.

Indeed, while critics raise concerns about the impact of the frac sand industry on the air and water, and even raise the specter of cancer, proponents have repeatedly convinced local boards such fears are either overstated or downright false — and more than a little myopic. As old “ghost towns” slowly come back to life alongside rebuilt rails, there is increasing evidence that the sands — or, more accurately, the revolutionary hydrofracking they make possible — aren’t just helping the economy.

Hydrofracking may be helping the global environment as well.

**Wisconsin silica sand has been used for** hydrofracking for more than 40 years. However, it wasn’t until recently that technological advances in horizontal drilling and seismic imaging made it feasible to use the process to extract previously unreachable reserves of natural gas and oil.

Nowhere else in the world is frac sand both so abundant and so accessible as it is in Wisconsin. The state once known as America’s toolbox is now recognized as its sandbox. And considering how long the Legislature debated even the possibility of approving a new iron mine, the emergence of an entire frac sand industry has been both

astonishingly rapid and a testament to local decision-making.

So many frac sand mines and processing plants are suddenly operating in western Wisconsin that even the state Department of Natural Resources has a hard time keeping track of the exact number.

There are at least 40 active plants and 75 mines that have DNR permits, according to Thomas Woletz, a senior manager in the DNR’s Water Division. But an unknown number of older industrial sand-mining operations, which have long unearthed silica sand for mortar, concrete and glass, have also quietly started selling to the frac sand market. All told, there may be more than

**The emergence of the frac sand industry has been both astonishingly rapid and a testament to local decision-making.**

100 mines supplying frac sand to much of North America.

“To put the growth in perspective,” wrote Woletz in an e-mail to *Wisconsin Interest*, “two and a half years ago we had five frac sand mines and five processing plants.”

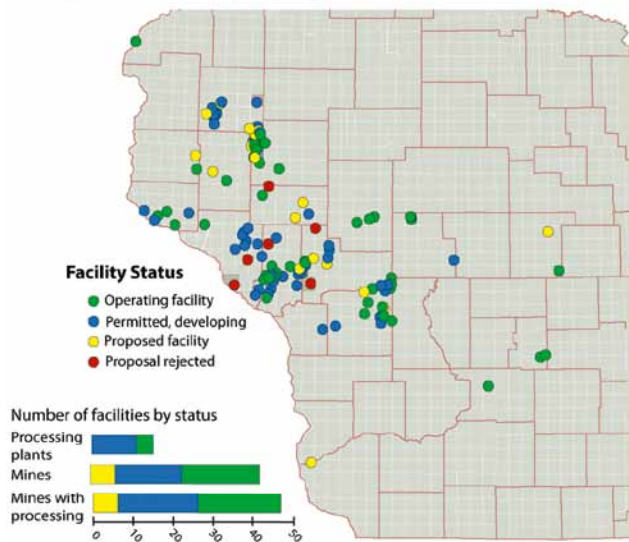
The economic impact of hydrofracking is impressive. By 2012, the so-called unconventional oil and gas industry produced 19,760 jobs in Wisconsin — a number that will grow to more than 33,000 jobs by 2020, according to an IHS Global Insight study supported partly by the petroleum and natural gas industry.

About 2,000 of the existing jobs are in the frac sand business, according to Mohsen Bonakdarpour, an official with IHS. Other jobs are

in the supply chain for the hydrofracking industry or are so-called “expenditure-induced” jobs made possible by the spending of people with new

### Growth of the frac sand industry in Wisconsin

Map shows mines and processing plants



Credit: Kate Pengaman/Wisconsin Center for Investigative Reporting

incomes. The increase in Wisconsin income hit \$1.2 billion in 2012, according to IHS. In turn, the new wealth generated significant amounts of new government revenue: approximately \$590 million in added personal and corporate taxes.

Though not without significant opposition.

**No one can deny that the sand mines have an** impact on the Wisconsin landscape beyond the appearance of the processing plants that dry and sift the sand.

“I have lived in the area for 37 years and moved here specifically because we love the hills,” says Nancy Weise, a resident of the Barron County Township of Dallas, where a mine was briefly considered. “So when we find out our neighbor is going to mine 160 acres away, it breaks our heart. It is essentially like strip mining.”

The mine Weise feared never came to fruition, but it prompted her to help found an opposition

group named Hills Angels.

Weise concedes an essential argument in favor of letting the miners buy up property from farmers and others who need the money or just want to live a better life.

“The people who are for [the mines] say, ‘People own their own land, and they can do whatever they want with their land,’” says Weise. But, she adds, “I don’t think there is enough evidence to show the mines are safe for surrounding families. I think the impact of silica dust could be very much like asbestos.”

There is, to be sure, a need for oversight. Fifteen companies have been issued notices of violation of regulations, according to the DNR. Most appear to be relatively minor violations regarding storm water permits, although at least two have been referred to the Department of Justice.

The Wisconsin Center for Investigative Journalism recently reported that “nearly a fifth” of 70 active mines were cited for environmental violations in 2012, including a handful that resulted in fines and nine that did not involve fines because the violations “were largely either paperwork problems or other easily corrected issues” The WCIJ story also noted that Gov. Scott Walker proposed adding two new DNR positions in the budget to help monitor the sand industry.

Allen Ferber, who lives up a long driveway across Highway 8 from the Town of Clinton processing plant, has his own concerns. Ferber has lived in his home for decades and is upset with both Superior Silica and the local Town Board. He says the Town Board was supposed to have a moratorium in place, like some other communities do. He worries about air quality and the environment, and he complains that trains carrying the sand run late into the night.

“They lied through their teeth about so many things they don’t know which one they told first,” he says of the company and town officials.

Others see it quite differently.



Mining and processing plants, to be sure, bring train whistles and noisy trucks to long-quiet country roads, and more than one view of the bucolic countryside has been lost at least until the mines are closed and the land is restored to what might be a somewhat flatter tableau. But those same quiet roads have also long been a way out for rural and small-town Wisconsinites who can't find jobs.

"All these little towns are almost ghost towns," says Larry Peterson, a Town of Clinton supervisor. "People need jobs," and the ones in the sand industry are good jobs that often pay more than \$17 an hour plus benefits.

When Superior Silica held a job fair at Barron High School last summer, a local newspaper reported that more than 700 people showed up. The Superior Silica Sands processing plant has already created 27 jobs and is expected to add a lot more — and that's just in the plant. Canadian National, which now prefers to be called CN, just sunk \$35 million into rebuilding a local rail line that hadn't seen a train for years. Local gas stations and restaurants are benefitting as well, and pretty soon, hopes Peterson, some of those well-paid Superior Sands workers might just start buying land and building houses.

Yes, there was talk of a mining moratorium at one point, says Peterson, but that was before the Town Board did its research and wrung economic concessions out of the company — including a promise to pay local homeowners for any loss in value that they might suffer over the next five years.

Even the staunchest proponents concede — given the amount of sand being processed — a need for stringent safeguards and monitoring. After all, the cavernous, 500-foot-long Superior Silica Sands plant that opened last fall outside Barron is capable of drying, sifting and shipping more than 2 million tons of sand per year all by itself.

But, they argue, those regulations and safeguards are in place partly because of the admonitions of members of local government boards who want to make sure their own families and neighbors are safe and protected.

The facility is essentially a wide-open, 500-foot-long warehouse of sorts with huge piles of sand at one end, an enormous "drier" in the middle and myriad sifting machines at the other. In addition, it has a computerized operations room and a quality control lab.

Among the safeguards for air quality: a 12-by-25-by-35-foot steel "bag house" with 784 air filters connected to the drier that heats and dries the sand, and another similar bag house connected to the plant's dust collection system. Superior Silica employees stress that the air is tested and monitored regularly, just like groundwater near the mines themselves that the DNR keeps a close eye on.

Perhaps the most formidable critic of the facility was Midwest Environmental Advocates (MEA), which is based in Madison. In a five-page critique,



the environmental group criticized everything from plans for monitoring or containment of emissions to potential impacts on health and quality of life. MEA argued that the DNR should have conducted either an environmental assessment or impact statement — both are lengthy, potentially costly analyses — to evaluate the impact of both the Town of Clinton facility and "cumulative impacts from other frac sand mines in the area."

In essence, they and other critics complain that there needs to be more regulation, more deliberation and more assessment of negative impacts.

The DNR — an agency that lots of folks in rural Wisconsin say already stands for “Damn Near Russia” for its sometimes big-brotherish oversight — demurs in this case.

The agency has concluded that it is not necessary to regulate silica as a hazardous air pollutant, and that “very little conclusive information exists regarding sources, controls or levels of silica present in ambient air.” In its response to the environmental group regarding the Superior Silica plant, the agency also said that Superior Silica Sands is meeting all monitoring and emissions requirements and, under Wisconsin law, there is no need for an environmental assessment or impact statement, a response that in no way placates MEA.

The group’s attorney, Sarah Williams, said in an e-mail long after the processing plant opened that “many of our concerns still remain” and noted that there are at least 12 other frac sand mines or processing facilities in Barron County, “all of which contribute to air pollution.”

Superior Silica managers simply disagree.

“There is no danger,” says Duane Wilke, Superior Silica Sands’ environmental health and safety manager. Emissions “are well below the EPA standards. Nobody is going to get silicosis from these processing plants. I just can’t say enough about how safe it is.”

Critics, says Wilke, “are just not going to listen.”

**To be sure, there is a committed opposition that** will never be placated, and some hearken back to an age-old complaint that the people who profit most aren’t Wisconsinites; they’re outsiders like the Texas private equity company that owns Superior Silica.

But that is a simplistic argument that

conveniently overlooks the good-paying jobs created for local people like Josh Clements. He was an electrician who helped build one of the Superior plants before he was hired to run it. And the outsiders-are-profiting argument also ignores the creation of local businesses like Midwest Frac,

**The economic impact of hydrofracking is impressive. By 2012, the industry produced 19,760 jobs in Wisconsin.**

a mining company that processes its sand through the Superior Silica Sands plant in Barron.

Matt Torgerson, owner of Midwest Frac, employs up to 40 people in the Town of Arland. He cites the economic boost that mining provides other Barron County businesses, from electrical firms to sand-blasting companies. “You look at their sales ... and it has just been amazing,” he told the Barron County Board last November. Pointing to the county’s growing tax base, he said, “There are only positives that we see moving forward.”

For their part, local government leaders see the sand — and the rebuilt railroad — connecting them to the promise of a broader world. That closed rail line that CN bought from Wisconsin Central in 2001 now connects Barron County with the CN network leading to ports in New Orleans in the south, Vancouver to the west and Nova Scotia to the east — and, from there, to the rest of the globe.

Economic impacts of the larger hydrofracking industry, of course, extend well beyond Wisconsin, and the politicians have already positioned themselves to take credit. President Obama has promised to help create 600,000 natural-gas-related jobs in the next decade. Some

commentators saw this as the president's embrace of the industry as an economic driver as well as his acceptance of the argument that fracking can be done responsibly.

**The benefits of dramatically cheaper natural gas**, in fact, aren't just economic. They're also environmental.

The Environmental Protection Agency reported in February that emissions of greenhouse gases

### Canadian National just sunk \$35 million into rebuilding a local rail line that hadn't seen a train for years.

from U.S. power plants decreased 4.6 percent from 2010 to 2011. And U.S. energy-related carbon dioxide emissions in the first quarter of 2012 — during the high-demand winter months — were the lowest since 1992, a time when there were nearly 60 million fewer Americans using energy, according to the U.S. Energy Information Administration.

The reduction is due at least partly to the abundance of relatively clean natural gas and to utilities consequently burning far less coal.

David Victor, a professor at the University of California-San Diego and author of *Global Warming Gridlock*, estimates that the shift from coal to natural gas has reduced carbon dioxide emissions by 400 to 500 megatons per year — a “ballpark estimate” that he confirmed to *Wisconsin Interest* is twice the total reductions of the Kyoto Protocol throughout the rest of the world.

Victor believes that the jury is still out on whether the reduction in carbon emissions is enough to slow climate change, and he cautions

that the United States needs to be vigilant about environmental impacts of fracking. But “if best practices are used, then fracking looks very safe,” the graduate of Harvard and the Massachusetts Institute of Technology wrote in an e-mail. He added that “questions surrounding methane leakage still need careful monitoring.”

Victor's bottom line: Natural gas can be a bridge to a future with lower carbon emissions.

Such statements lend credence to the arguments of fracking proponents that the relatively low risks are worth taking given the potential rewards of energy self-sufficiency, economic growth and even cleaner air.



“As the [Obama] administration and EPA has made clear, natural gas has a central role to play in our energy future, and this important domestic fuel source has extensive economic, energy security and environmental benefits,” the EPA said in December.

Even some environmentalists, acknowledging



the benefits of natural gas, have come out in support of fracking. In September, Mark Brownstein, the Environmental Defense Funds' chief counsel, explained the group's support for fracking of natural gas, when properly regulated, as a way to help America wean itself from coal.

"Natural gas production can never be made entirely safe; like any intensive industrial activity, it involves risks," he wrote. "But having studied the issue closely, we are convinced that if tough rules, oversight and penalties for noncompliance are put in place, these risks become manageable."

**Local governing boards have largely welcomed** the new industry. Not only did the Town of Clinton Board give Superior Silica Sands the green light, the Barron County Board voted overwhelmingly to approve the zoning change that made the plant possible as well.

In the end, they've decided that farmers have a right to get rich by selling their land, and the younger generation should at least have a shot at sticking around and getting a job — especially since health concerns are overstated.

This is sand, after all. Not nuclear waste.

"When your children were young, did you go get an old tire and fill it with sand for a sandbox? There's no difference," says Peterson. "Sand is sand."

Sure, there are concerns about the risks that come with any big life-changing endeavor. But the critics, who bicker over minutia or don't like the look of a processing facility or the sound of a train passing by at night, fail to see a larger picture, at least in the minds of the folks who sit on the all-important local boards.

In the end, the local boards are the ones with the power — so much so that people like Weise have come to realize the importance of who sits on them.

Local races in the towns of Vance Creek, Sumner and Dallas, where she lives, all focused on the frac

sand issue in April, with mixed results. In Sumner, for instance, a town chair who voted against a mine proposal was re-elected — but so were incumbents on the other side. In Dallas, Weise herself ran and, like other mine opponents in the county in the past, lost.

**Even the staunchest proponents concede — given the amount of sand being processed — a need for stringent safeguards and monitoring.**

Support for mining on the Barron County Board itself, meanwhile, remains almost unanimous. And overall, there remains strong sentiment at the local level that the area needs to do what it can to be part of an industry of the future.

Some warn that the natural gas boom has already played itself out. But there is substantial evidence to the contrary. There are enough recoverable natural gas resources in the continental United States and Canada to supply current rates of consumption for another 100 years, according to IHS, and plenty of reasons to use them.

"This plant will be here for 100 years, as long as they keep fracking," says Josh Clements.

And after fracking runs its course? Maybe, some think, the engineers and scientists will discover another use for the common old silica sand that people around here still see as a cheap way to make their kids happy — now and down the albeit slightly noisier road. ■

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

# LATINO CONUNDRUM



*St. Anthony's in Milwaukee is solid testament to the Hispanic demand for school choice.*

**BY AARON RODRIGUEZ**

Shortly after November's presidential election, America's pundit class was flush with theories about how President Obama could win every battleground state but one, despite presiding over four long years of an anemic economic recovery. Exit polls provided more evidence of what many conservative Latinos had feared for years: The GOP can't find genuine and tangible ways to connect with Latino voters, and the party may fade into irrelevance as a result.

Take Rudy Garay, an El Salvadorian immigrant and self-described independent voter who lives in Milwaukee. This past summer, he played in a five-on-five soccer tournament where he and his family enjoyed free skirt steak and beverages, compliments of the Obama 2012 campaign. He didn't think much about it at the time, but remarked that he couldn't imagine Republicans running such an event. "They're just not around," he said with a shrug.



# *The GOP can't attract this seemingly natural constituency. What can be done?*



I asked Garay for his first impressions of the word “GOP.” He said, “I see a party grounded in religious [family] values, but they come off anti-immigrant and anti-student.” Asked to elaborate, Garay said that Republicans claim they’re about families, but promote enforcement policies that tear them apart. What can the party do to make things right? “They should be thinking about creating

more opportunities for immigrants,” Garay told me.

He hit on one of the keystones absent in the GOP Hispanic outreach plan — the party’s actual outreach. There is none. It’s reflected in GOP policies and embedded in GOP language. Even in areas where Republican policy is overwhelmingly popular in the Hispanic community — school choice, for instance — Republicans don’t

even know how to promote it to minorities.

If you're explaining to low-income Latinos that the greatness of school choice comes from its "free market" principles like "competition" and how they need to escape "big government education," you might as well be Charlie Brown's teacher. They won't understand it, let alone give Republicans credit for pushing it. Hispanics don't care about a free market education; they care about having parental rights in their children's education. They want a say in curricula. They want a safe school environment.

This leads to the second keystone of how the GOP can rebrand itself to the Hispanic community. If you want to change the Hispanic perception of the GOP as just a bunch of white guys promoting the interests of wealthy businessmen, then you need to do something about what Hispanic children are taught in school. The foundational blocks of education need to be depoliticized so children can learn the non-empirical sciences such as history and literature in an unbiased environment.

Republicans have their work cut out for them, but there is a path to securing Hispanic votes.

**As far back as the 1960s, Democrats have** enjoyed high voter turnout ranging from 56 percent to 85 percent among Hispanics in presidential elections. These results have persistently puzzled a Republican Party that still firmly believes what Ronald Reagan said long ago: "Latinos are Republican; they just don't know it yet."

In 2004, President George W. Bush received 44 percent of the Hispanic vote, the highest level of

support of any Republican presidential candidate on record. In 2008, that number dropped like a brick to 31 percent. In 2012, Republicans fell even farther, to 27 percent. The downward spiral had prompted the Wall Street Journal to ask, "How many other nonwhite groups can the GOP lose and still consider itself a national party?"

Although immigration isn't the only issue that cost GOP presidential candidate Mitt Romney Hispanic votes, it would be naive to think that the notion of "self deportation" wasn't repellant to Hispanic

support. For context, let's review how Ronald Reagan's 1980 convention platform addressed immigration. It reads:

"Republicans are proud that our people have opened their arms and hearts to strangers from abroad, and we favor an immigration and refugee policy which are consistent with this tradition. We believe that to the fullest extent possible those

immigrants should be admitted who will make a positive contribution to America and who are willing to accept the fundamental American values and way of life.

"At the same time, United States immigration and refugee policy must reflect the interests of our national security and economic well-being. Immigration into this country must not be determined solely by foreign governments or even by the millions of people around the world who wish to come to America. The federal government has a duty to adopt immigration laws and follow enforcement procedures which will fairly and effectively implement the immigration policy desired by the American people."







report states, “Support for a larger government is greatest among immigrant Latinos. More than eight in 10 (81 percent) say they would rather have a bigger government with more services than a smaller government with fewer services. The share that wants a bigger government falls to 72 percent among second-generation Hispanics and 58 percent among third-generation Hispanics.”

The aim of welfare liberalism — what conservatives commonly identify as liberalism — is to use government to emancipate people from the fear of hunger, unemployment, ill health and a failure to flourish in an industrial age, according to the *Companion to Contemporary Political Philosophy*. If this view of modern liberalism were truly adopted by the Hispanic community, we wouldn't see a growing preference for smaller government with each subsequent generation.

I would suggest to all the Mac Donalds out there that it's important to know whom you're reaching out to if you want to change their voting behavior.

I looked at five decades of voting trends in presidential elections for clues. First, fluctuations in Hispanic voting patterns correspond to a candidate's personal appeal. Second, Republicans have never reached more than 44 percent of the Hispanic vote in

any given presidential election. Although there have been notable shifts in Hispanic voting patterns for Republicans, the general range rarely breached the 25 percent to 40 percent range. In the last election, Romney shot for 38 percent of the Hispanic vote but was lucky to get 27 percent.

Hispanics tend to support individuals who “get them.” My grandmother, a Texan of Mexican-American descent, was a longtime Democrat

until George W. Bush came along. He was a fellow Texan who could speak Spanish and held traditional Christian values. For her, that connection was enough. For the first time ever, Lucia Rodriguez cast a ballot for a Republican. Not every Republican candidate can be from Texas or speak Spanish, but Hispanics need a point of connection.

As to my second and more important observation, the GOP can no longer be satisfied with a modest goal of 38 percent of the Hispanic

vote. The question must be asked: What are the GOP's long-term plans to grow the Hispanic vote?

To begin with, the GOP needs to know its opponents.

**Consider Voces de la Frontera, a Latino worker** rights group active in Wisconsin politics. Voces has filed two substantial lawsuits against the state — one against statewide redistricting and the other against

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requiring voter identification. Legal prowess aside, Voces' ground game is nothing short of impressive: The group has one leg planted in Milwaukee and the other in Racine. These are two areas with dense Hispanic populations.

With the help of the teachers union, Voces has considerable influence in the Racine Unified School District and has an active youth arm called YES (Youth Empowered in a Struggle). In January, YES caught media attention in Racine for advancing a student "bill of rights" seeking, among other things, to establish a right to protect their schools from privatization (school choice), to "equal power dynamics in the classroom," "a school environment where all teachers and staff have the right to collectively bargain," and the right to resolve issues "by mediation" instead of using the police — a right they describe as the "restorative justice model." Sounds like some pretty advanced stuff for a group of high school students, right?

Unfortunately, student activism hasn't translated into student academic achievement in the Racine district. The high schools where YES are most active (Horlick, Case and Park) are classified by the state Department of Public Instruction as failing to meet expectations — the lowest of the five categories in assessing academic achievement. Horlick, Case and Park scored lower than 27 other Racine schools, but the consolation — if the School Board allows it — is that they get to use a restorative justice model to resolve school fights.

Just as revealing is YES' support of collective bargaining for teachers. It suggests that the lobbying

of the teachers union is shaping student opinion.

**To attract Hispanic voters, conservatives need to** couple community visibility with education reform. Traditionally, school choice has been sold on the merits of fostering competition and leading to academic gains. A study by economist Caroline Hoxby, then with Harvard University, now with Stanford, found that voucher schools helped improve the educational productivity of public schools.

In her 2003 book, *The Economics of School Choice*, Hoxby said, "Overall, an evaluation of Milwaukee suggests that public schools have a strong, positive productivity response to competition from vouchers. The schools that faced the most potential competition from vouchers had the best productivity response. In fact, the schools that were most treated to competition had dramatic productivity improvements."

The improvements have not gone unnoticed. The Milwaukee Parental Choice Program has become an indispensable resource for the Hispanic community in Milwaukee. St. Anthony's School in Milwaukee, a partner in the school choice program, grew from 400 to 1,400 students in just seven years. The school enrollment is almost entirely Latino, and it is now the largest choice school in the country. Of the 1,650 current students, 99 percent enroll via the school choice program. St. Anthony's striking enrollment growth is not happenstance; it's a solid testament to the market demand for school choice in the Hispanic community.

Polling conducted by the American Federation for Children, a national school-choice advocacy group,



Mexican Fiesta features Hispanics in the military.

showed that 91 percent of Latinos in Arizona, Florida, New Mexico, New Jersey and Nevada support vouchers or scholarship programs for their children. Wisconsin Republicans should take note.

Choice schools are vitally important to the Latino community.

According to OpenSecrets.org, the National Education Association — the largest teachers union in the country — spent 91 percent of its 2008 political contributions on the Democratic Party, which strongly opposes school choice. In the same year, the American Federation of Teachers — the second largest teachers union in the country — spent 99 percent of its political contributions on Democratic candidates.

Here is my question: Can parents reasonably expect their children to learn about American history and American government without hearing the political biases of dues-paying members of these labor unions?

I think not.

**Consider the collective bargaining battle in Madison** last year. I spoke with a parent whose child was attending Victory School for the Gifted and Talented in Milwaukee. The parent said that on two occasions her child came home asking about Gov. Scott Walker.

A second-grade foreign language teacher at Victory reportedly asked her second grade class for a show of hands to see whose parents had planned to vote for Walker in the recall. On another occasion, the teacher reportedly told the class she would

protest in Madison because the governor wanted to cut her pay. Surely, the reader is wondering why a foreign language teacher is conducting a political survey of second graders. One might also think that 7-year-olds are a bit young to understand the intricacies of collective bargaining.

I contacted Victory School for comment. The school would not put me in contact with the teacher,

but sent me a copy of school policy that states: “Political advertising/ advocacy shall not occur in school buildings or upon school premises during work hours in the presence of students.”

The notion that unions influence how teachers practice their craft appears to be a very well-kept secret. I’ve consulted “philosophy

of education” essays produced by the world’s best academic minds. They endlessly scrutinize the philosophical problem of how a single public school system can address multiculturalism borne of a pluralistic society (for instance, Robert Fullinwider, *Public Education in a Multicultural Society*), but appear entirely unaware that the ideological leanings of labor unions could shape classroom instruction.

Consider Mexican-American studies taught in Tucson, Arizona. At the request of a student, Superintendent of Public Instruction John Huppenthal sat in on an ethnic diversity class in Arizona and witnessed a teacher talk about the oppression of people of color by “Caucasian power structures.”

According to Huppenthal, the teacher distilled America’s history as a conflict between civilizations





where race became an overarching theme. What had not gone unnoticed was a poster of Che Guevara on the classroom wall, which, to Huppenthal, romanticized the well-documented violent history of Cuban Communism.

Former Gov. Tommy Thompson, meanwhile, has talked of his schoolteacher wife banned from the teachers lounge. Her crime? Being married to him. Such experiences don't exactly scream coexist.

I interviewed Kenosha high school teacher Kristi Lacroix, who became an overnight sensation after appearing in a pro-Walker ad describing the Democratic-driven recall as "sour grapes." For being on the "wrong" side of the union issue, she says she was regularly humiliated, harassed and intimidated by her union colleagues.

In a phone interview, she gave me at least 15 examples of repercussions characterized as disinvites by colleagues, a double standard in the application of school rules, intimidation and shunning. She said the tactics sent a clear message to colleagues that joining her in civil dissent would translate into similar treatment.

I asked Lacroix if she thought liberalism was actively taught in the classroom. Her retort, "They don't need to. It's embedded in the curricula." She said it showed up even in math word problems where kids were asked to solve problems involving the redistribution of wealth.

Admittedly, it is easy to second-guess any curricula.

Generally, the areas of controversy tend to lie less with the empirical areas of learning like math and science and more with the interpretive fields like history, the social sciences and the humanities. Whether liberalism seeps into government curricula is certainly subject to debate, but labor unions have a vested interest in this fight.

The GOP can try to curtail the influence of teachers unions across the country, but there's no guarantee that such reforms will make government schools a more politically neutral environment for learning. In a society as pluralistic as ours, it makes sense that Americans should have the parental liberty to choose their own schools using their own taxpayer dollars.

The Hispanic community needs that choice. In the words of the great economist Milton Friedman, "We believe, and with good reason, that parents

have more interest in their children than anyone else and can be relied on to protect them and to assure their development into responsible adults."

Let Hispanic parents choose their children's schools, and the GOP will see a change in how Latino voters view the Republican Party. Reversing the downward trend in the Hispanic vote may just be that simple. ■

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*Aaron Rodriguez contributes to El Conquistador, a Milwaukee Latino newspaper, and blogs at <http://www.jsonline.com/blogs/purple-wisconsin/the-red-fox.html>*

# Worthy of honor

*A Wisconsin filmmaker who chronicled WWII vets takes their life lessons to heart*

*The day that changed his life started out badly for filmmaker Dan Hayes.*

*He woke up from a troubled sleep after breaking up with his girlfriend the day before.*

*And then his father, Stephen Hayes of Wauwatosa, called him in Washington, D.C., to say a bunch of old veterans from Wisconsin were in D.C. visiting war memorials and that Dan should go talk to them.*

*The younger Hayes remembers rolling his eyes at his father's suggestion. But, because he had nothing better to do, he picked up a video camera and headed over to the World War II Memorial.*

*It was November 2009.*



The first vet he found was Theodore Gurzynski, and Hayes remembers asking him a softball question like “Hey, how’s it going?”

Gurzynski looked at Hayes, blinked back tears, and said “I could die a happy man now that I’ve made this trip.”

And Hayes was hooked.

As the veterans prepared to leave the monument on a chartered bus, one of them suggested Hayes join them. He did.

“I shot seven-and-a-half hours of film that day — the best, most inspiring stuff I’ve ever shot,” he says. “It completely changed my life.”

The film Hayes shot that day would eventually become part of the movie “Honor Flight,” which premiered in Milwaukee last summer before the largest movie audience ever assembled: 28,442 people jammed into Miller Park.

And it’s a pretty good bet that there were few dry eyes in the house when the film ended and the credits rolled.

**Hayes’ film tells the story of Wisconsin’s Honor Flight program**, which takes World War II veterans to Washington, D.C., to visit the memorial that opened in 2004 in their honor. It recounts the stories of the volunteers who organize and finance the flights and those who accompany the vets on their trip. All are mindful that time is running out because 900 WWII vets die every day. (Similar honor programs operate in almost every other state.)

But more importantly, “Honor Flight” chronicles the stories of the vets themselves: the 16 million young Americans who went to war when their country asked them to, and how, in the words of the film, “they saved the whole world.” And how they came home and went to work and seldom told anyone about what they’d seen and suffered through.

One such Wisconsin vet is a Port Washington man

named Joe Demler. He was captured by the Nazis during the Battle of the Bulge and sent to a prison camp. By the time he was rescued, he weighed less than 75 pounds. Life magazine published his picture and called him “the human skeleton.”

Hayes says the film is about “freedom, but it’s about perspective, too. How a lot of the things we worry about and care about are nothing compared to what these guys lived through.”

**Hayes, 30, grew up in Wauwatosa, graduating** from that city’s East High School in 2001. He then

earned a degree in mass communications at Miami University in Oxford, Ohio. After graduation, he made a film about the university glee club and sent it to Reason TV, which produces libertarian films. They offered him a job in Washington making short documentaries.

Hayes says politically he’s more libertarian than

conservative. “One summer in high school I discovered Milton Friedman and Friedrich Hayek, and that pretty much settled it,” he says.

No doubt he absorbed some conservative ideology just sitting around the kitchen table: His older brother is Stephen Hayes, a columnist for the conservative Weekly Standard and the author of a biography of Dick Cheney.

The younger Hayes edited those first few hours of film about the Honor Flight into a five-minute video, which he posted on Reason TV’s website. It got 35,000 views and generated more e-mail than he’d ever received before.

But the Honor Flight story wasn’t done with him yet. He couldn’t stop thinking about the veterans, about how impossibly young most of them were when they marched off to war. “We knew we had something cool,” he says.

Eventually, Hayes told his friend Clay Broga: “I gotta quit my job and make this movie.” Broga agreed to do

*Hayes says the film is about ‘freedom, but it’s about perspective, too. How a lot of the things we worry about are nothing compared to what these guys lived through.’*



the same.

They formed a new company, called Freethink Media, along with a third friend, Kmele Foster. They shot more film over the course of two years and combed through World War II archives looking for old pictures.

They found sponsors to pay the bills while the film was in production. They didn't ask the Honor Flight organization for money, believing it was more important for that group to focus on its mission of getting vets to Washington before time runs out.

The film's theatrical release took place on Dec. 7, 2012 — not coincidentally, the 71st anniversary of the Japanese attack on Pearl Harbor. The Washington, D.C., audience that night contained many members of the Wisconsin congressional delegation.

It is still playing in theaters around the country, usually for just a night or two, but audiences keep growing.

To learn when it will be in a theater near you, go to [www.honorflightthemovie](http://www.honorflightthemovie) and click on "see the movie." You can also sign up to host a viewing of the film through [tugg.com](http://tugg.com).



Hayes says the film will soon be available for home viewing through various video-on-demand sites such as Netflix and Hulu.

**The filmmakers submitted the film for consideration** in the Best Documentary category of the Academy Awards, but it didn't make the cut. That's perhaps not

surprising, given the accusations that Hollywood shuns patriotic themes after "Zero Dark Thirty" director Kathryn Bigelow was snubbed by the Academy in the Best Director category.

The five documentaries that received nominations

*He couldn't stop thinking  
about how impossibly young  
most of the veterans were  
when they marched off to war.*

are pretty predictable: two films critical of Israel's treatment of the Palestinians, one critical of the U.S. military's handling of sexual assaults, one about AIDS activism and one about an American folksinger few Americans have ever heard of.

Critical reviews of "Honor Flight" have been mixed. *The New York Times* was particularly brutal, calling the film "a barrage of weepy sentiment" and pretty much saying that World War II vets had been honored enough already.

But moviegoers don't seem to share the *Times'* weary disdain for an oft-told tale and often applaud as the credits roll, appearing to agree more with the *Los Angeles Times*, which called the movie "enormously moving."

Hayes says the experience of making the film is still teaching him things, particularly about the privilege of living in a free country.

"The 'freedom' theme is in the movie, but it's embedded," he says. "It's not gonna hit you over the head."

These days, in addition to promoting the film, Hayes and his co-workers are casting about for their next project. Talk shows? Comedy? Anything's possible, he says.

Oh, and he's back with his girlfriend. Life is good. Different — but good. ■

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



# Time to Confront Crackpots

BY CHARLES J. SYKES

## *Fringe causes are undermining conservatism's broad appeal*

It was the otherwise estimable John Stuart Mill who observed that “Conservatives are not necessarily stupid, but most stupid people are conservatives,” and the taunt has stuck. However wrong-headed and unfair, the slur has been a source of comfort to the left and annoyance to the right for generations.

So when Louisiana Gov. Bobby Jindal recently invoked the old libel, his comment was designed to get under the skin of conservatives.

Declared Jindal:

“We have to stop being the stupid party; it’s time for a new Republican party that talks like adults. It’s time for us to articulate our plans and our visions for America in real terms. It’s no secret we’ve had a number of Republicans damage our brand this year with bizarre and offensive comments. I’m here to say we’ve had enough of that.”

Unfortunately, this was too obvious to be controversial. The GOP had squandered



## Buckley understood that conservatism would never be viable if it was associated in the public mind with crackpotism.

opportunities to win Senate seats in Indiana and Missouri after candidates made inept comments about rape (and in the case of Missouri's Todd Akin, refused to pull out of the race). Just two years earlier, two other Senate seats and their six-year terms were sacrificed on the altar of ideological purity: in Delaware, where Christine O'Donnell declared, "I am not a witch," and in Nevada, where Sharron Angle lost an almost unlosable race against the doddering incumbent Harry Reid after she took too many trips to Crazytown.

But Jindal was wrong. The problem that dogs conservatives is not stupidity; it is crackpotism.

### Inside the bubble

Crackpotism is not incompatible with intelligence and it is not a matter of ideology alone. Crackpots, whose views are fiercely held as a matter of conviction, may be educated and credentialed. As they will often earnestly point out, their views are supported and reinforced by unique research and logic — the sort that flourish in the hothouse environment of the Internet.

Within their own bubble, the crackpots' ideas can seem plausible and insightful. Supporters praise one another for daring to embrace overlooked truths.

But ideas that win plaudits and huzzahs within the ideological bubble often turn out to be

disqualifying for the general electorate. When crackpots venture out of the bubble, their notions are often exposed as eccentric and daft.

Worst of all: They make it harder for the substantive and thoughtful conservative critiques of these issues to break through the media

clutter. Of course the left has its own cadre of oddities, but the playing field is not a level one. Because the stupidity and extremism of the right remains its operating assumption, the mainstream media are more than eager to let the wacky displace and overshadow the sensible. Unfortunately, this is compounded by an understandable tendency amongst battered and besieged conservatives to launch embarrassing

defenses of inappropriate candidates.

So perhaps the time has come to review the history of excommunication in the conservative movement.

### Buckley's purge

In the early 1960s, conservatives faced a daunting challenge. Liberalism was the regnant ideology, and the GOP establishment was ideologically tepid and lifeless. But even as conservative ideas began to gain traction at the grass roots level, the right faced a problem on its fringes. At the time, William F. Buckley, the founder and editor of *National Review* magazine, was the intellectual



*William F. Buckley, founder and editor of National Review magazine*



leader of the right in exile.

It fell to Buckley to deal with the rise of the John Birch Society. The anti-communist group was growing, and its profile and influence posed a challenge to the right. The head of the group was one Robert Welch, who claimed that former president Dwight D. Eisenhower was a “dedicated, conscious agent of the communist conspiracy,” and that the government of the United States was “under operational control of the Communist Party.”

Welch’s “influence was near-hypnotic, and his ideas wild,” Buckley later wrote. The conservative editor regarded Welch’s claims as “paranoid and unpatriotic drivel.”

Conservative icon Russell

Kirk was even blunter. He thought Welch was “loony and should be put away.”

But the Birchers were a force to be reckoned with and posed a real problem for soon-to-be presidential candidate Barry Goldwater, whose uphill battle against the GOP establishment would be hindered by any lingering associations with the Birchers.

Kirk saw a broader problem for conservatives. By making outlandish claims that Eisenhower had been a secret agent of the communists, Welch “was a great weight on the back of responsible conservative political thinking.”

So the decision was made to take on the

Birchers directly. Perhaps only Buckley, with his impeccable conservative, anti-communist credentials, could have gotten away with it.

In February 1962, *National Review* published a lengthy dissection of Welch’s bizarre theories and concluded, “his distortions disqualified him from

effective services as an anti-communist leader.”

“The fact of the matter is [our long analysis concluded] that Mr. Welch, by what Russell Kirk has called ‘an excess of zeal, intemperance and imprudence,’ promotes a split in the conservative movement — by asking for the tacit support of men who cannot in good conscience give it, who, moreover, feel that to give it is to damage our chances of success. ‘Cry wolf often enough,’ Mr.

Kirk wrote to Mr. Welch, ‘and everyone takes you for an imbecile or a knave, when after all there are wolves in this world.’ If we are to win the war against communism, we have no less a task before us than to change national policy. Nothing is clearer than that Mr. Welch is not succeeding in doing anything of the sort. Mr. Welch, for all his good intentions, threatens to divert militant conservative action to irrelevance and ineffectuality.”

The story of Buckley’s excommunication of the Birchers has been resurrected in recent months and misused by critics on the left, who suggest that the GOP should similarly purge the Tea



Former head of the John Birch Society, Robert Welch

## Last year's lost Senate seats are a cautionary tale about the high price of candidate zaniness.

Party. But this misses the point almost altogether. Buckley's excommunication of the Birchers was not a repudiation of anti-communism, nor was it an attempt to bolster the GOP establishment or make the GOP a less conservative party. (At the time it was Goldwater who was the "anti-establishment gadfly.")

In fact it was precisely the opposite: Buckley understood that conservatism would never be viable as long as it was associated in the public mind with crackpotism.

Goldwater, who grasped the larger challenge to the movement, took the opportunity to distance himself from Welch. "We cannot allow the emblem of irresponsibility to attach to the conservative banner," Goldwater wrote.

Ultimately this was not enough to save Goldwater, who later declared: "Extremism in the defense of liberty is no vice. And moderation in the pursuit of justice is no virtue." The line won cheers in the convention hall, but cemented the public's suspicion that he was embracing or at least flirting with the kind of "extremism" practiced by the Birchers. It was a suspicion enthusiastically fed by much of the political media.

But as Buckley later observed, "The wound we... delivered to the John Birch Society proved fatal over time. Barry Goldwater did not win the presidency, but he clarified the proper place of anti-communism on the right, with bright prospects to follow."

His point: the purge of the Birchers paved the way for the robust anti-communism of Ronald Reagan.

### Shut up about rape

But an obvious question nags. If Buckley had launched his excommunication in the current political environment, would he have been labeled an ACINO (anti-communist in name only)?

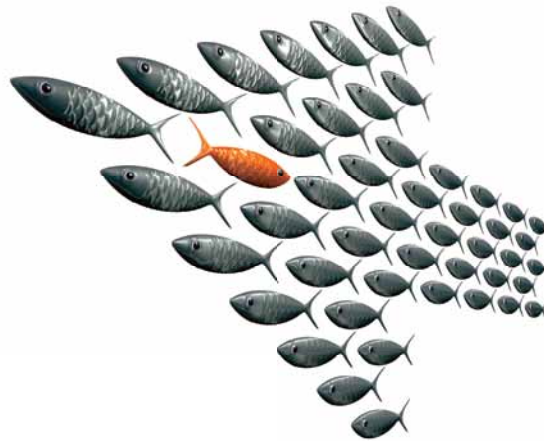
There are now far more outlets for the voluble

defense of crackpotism and denunciations of their critics. Talk radio — and this pains me to admit it — too often succumbs to the temptation to defend candidates who are in the process of immolating themselves.

This was, unfortunately, illustrated in the Senate races of Christine O'Donnell, Sharron Angle, Todd Akin and

Richard Mourdock. Akin's bizarre notions about "legitimate rape" provided unnecessary fuel to the left's claim that the GOP was waging a "war on women." Mourdock's comment that pregnancy from rape was "something that God intended" simply made things worse.

Both Akin and Mourdock were widely criticized by other Republicans, but both had enough support to remain in the race and go down to defeat. In 2012, the GOP ended up losing Senate seats in an election in which it was expected to gain several seats and perhaps even take control of the upper chamber.



Two years earlier, Delaware's Christine O'Donnell became a punch line, and Nevada's Sharron Angle squandered a chance to unseat the eminently beatable Harry Reid. As unfair as much of the criticism was — and much of it was quite unfair — Angle made it easy to characterize her as ridiculous with her position on the fluoridation of water and support for Church of Scientology-run Criminon drug treatment programs.

Then there was Michele Bachmann, who briefly led the pack of GOP presidential contenders until she shared her Internet-gleaned wisdom about the dangers of a vaccine for human papillomavirus (HPV). Her unsubstantiated claim that the vaccine was linked to mental retardation reinforced the narrative that Republicans were hostile to science.

### Wisconsin's own

By and large, Wisconsin conservatives have been free of such temptations and blunders. But earlier this year, we learned that nine members of the Legislature had told a fringe Tea Party group that they supported legislation that would allow police to arrest federal officials who tried to implement Obamacare in Wisconsin.

Reported the Journal Sentinel: "Rep. Chris Kapenga (R-Delafield) is one of the nine from Wisconsin who told the Campaign for Liberty he would back legislation to declare Obamacare illegal and allow police to arrest federal officials who take steps to implement it in Wisconsin."

Suffice it to say that his position is, to quote our own Bob Uecker, "juuuust a bit outside...."

Many of the same conservatives also endorsed "legislation that would allow TSA agents to be

charged with sexual assault if they use invasive 'pat-down procedures.'"

That is not, unfortunately a misprint or even a misunderstanding. The legislators also went 19th century by embracing the principle of "nullification," an idea that has enjoyed pretty much complete obscurity since the Civil War. (The idea, repeatedly rejected by the courts, is that states can nullify federal laws they deem unconstitutional.)

**The John Birch Society  
considered Eisenhower  
to be a secret agent of the  
Communist Party.**

The problem here, of course, is that it is one thing to oppose the implementation of Obamacare state exchanges and quite another thing to

begin channeling your inner John C. Calhoun and embrace the rhetoric of the 1830s. Frankly, it is hard to imagine a less effective way to make the case for opposition to an overweening federal government than to adopt positions that fit every caricature of the retrograde right that the left/media could ever imagine. As if this were not bad enough, there was also some buzz about secession, despite the fact that we fought a war over that, which, as you might recall, ended badly for the advocates.

Conservatives need to be aware of the optics. And here, they could hardly have been worse.

Unfortunately for the cause of educational reform, Don Pridemore, who would go on to be the only conservative challenger to incumbent Superintendent of Public Instruction Tony Evers in this spring's election, was one of the nine legislators to embrace the eccentric agenda. Not surprisingly, he lost that election.

My sense is that the vast majority of principled conservatives share the dismay over the parade

## Principled conservatives share the dismay over the parade of bizarre effusions, but many are reluctant to speak out for fear they will be flamed.

of bizarre effusions that have sunk so many opportunities, but that many are reluctant to speak out or are cowed by the fear that they will be flamed by the defenders. For example, after I pointed out on Facebook the unwisdom of talking about secession, one commenter flamed back:

“You call yourself a conservative, Charlie Sykes? It’s ‘conservatives’ like yourself who have allowed this country to grow to the extreme sizes that it is and allowed government to run amok. We are just trying to clean up your mess.

“Your brand of conservatism is the crackpotism and extremism.”

So genuine conservatism now means embracing the Confederacy? Whatever.

**The right’s critique of social democratic policies is not strengthened by calling Obama a communist or questioning his birth certificate.**

### The road ahead

So what must be done? First we have to define what the problem is and what it is not.

Conservatism does not have a problem of intelligence. Compare any passing remarks of Paul Ryan’s on the country’s fiscal crisis to Nancy Pelosi’s deepest thought; weigh the intellectual heft of Charles Krauthammer against the left’s Ed Schultz on any given day. Nor is the problem the Tea Party.

The failures of O’Donnell, Angle, et al., need to be juxtaposed with the successes of candidates like Florida’s Marco Rubio, Pennsylvania’s Pat Toomey, New Hampshire’s Kelly Ayotte, Utah’s Mike Lee, Texas’ Ted Cruz, South Carolina’s Nikki Haley and newly minted senator Tim Scott, Kentucky’s Rand Paul, and Wisconsin’s Ron Johnson.

Smart can win. Weird almost always loses.

And that brings us back to crackpotism and the challenge that William F. Buckley faced in the 1960s.

Last year’s flame-outs are a cautionary tale about the high price of zaniness and a reminder that conservatives have a special obligation to be prudent or at least careful in their use of language. As Buckley recognized in deciding to speak out against the fringes, the credibility of the right sometimes depends on the right’s willingness to engage in quality control.

That’s still a good lesson. The right’s critique of social democratic policies is not strengthened by calling Obama a communist or questioning his birth certificate; nor does it help the fight against the regulatory over-reach of the government to indulge





in conspiracy theories about black helicopters.

Going forward, the problems are both substantive and tactical.

On substance, conservatives win when they sound like the party of common sense. They lose when they get trapped in their own ideological bubbles. Some of the loudest voices on the right seem to think that only the most strident and consciously offensive formulations should be regarded as “genuine conservatism.”

But conservatives can be anti-elitist without being anti-intellectual or worse, anti-intelligent.

On tactics, conservatives need to know that they won't win by being reckless. Victory is seldom achieved by impaling oneself on the spears of a superior enemy. In fact, the enemy actually likes it. When your opponent has a larger army and bigger guns and controls the high ground, direct frontal assault is probably not the smartest strategy. Gallipoli and Pickett's Charge are not, after all, considered models of military brilliance.

This was the burden of Paul Ryan's speech at the *National Review* summit over the winter, when he laid out the case for “prudence” in the age of the Obama ascendancy. Ryan told his fellow conservatives they couldn't allow themselves to get “rattled.”

“We won't play the villain in his morality plays.

“If we play into [Obama's] hands, we will betray the voters who supported us — and the country we mean to serve,” Ryan said. “We can't let that happen. We have to be smart. We have to show prudence.”

**Conservatives can be anti-elitist without being anti-intellectual or worse, anti-intelligent.**

Invoking “prudence,” of course is not without risk for Ryan. It's hardly a leg-tingling clarion call to rally the conservative ranks for the fight ahead. Many activists are understandably skeptical of the term, because prudence can easily morph into timidity and even the surrender of principle.

And it is easily mocked: Recall Dana Carvey's classic spoof of the first President Bush: “Not gonna do it. Wouldn't be prudent.”

So what did Ryan mean?

He defined prudence as “good judgment in the art of governing,” quoting Lincoln who called it “one of the cardinal virtues.”

“We have to find the good in every situation — and choose the best means to achieve it. We have to make decisions anchored in reality — and take responsibility for the consequences.”

Ryan argued that conservatives need to be both intelligent and modest in their goals. They could mitigate the worst of Obamaism and advance good alternatives when possible. But they could not expect to sweep their opponents before them or win historic victories.

The mandate for conservatives then is this: Limit the damage. Isolate the crackpots. Articulate your principles forcefully, but be smart about it. Do no harm. Win when you can, wait when you have to. And no more talk about rape, nullification, birth certificates, Kwanzaa or secession. Ever. ■

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*Charles J. Sykes is the editor of Wisconsin Interest. He is the author of seven books and hosts a daily radio show on AM-620 WTMJ in Milwaukee. His new project is RightWisconsin.com, a distribution channel for conservative ideas and discussion.*



## Walker or Ryan?

*Here's the early line on their chances in the 2016 presidential race*

Every now and then, two major talents emerge in close proximity. In 2011, Ryan Braun and Prince Fielder of the Milwaukee Brewers finished first and third, respectively, in the National League's Most Valuable Player voting. Twelve times, two actors (including, in one case, three) from the same movie have been nominated for Oscars for Best Actor. (The most recent was 1984, when F. Murray Abraham and Tom Hulce were both nominated for "Amadeus." Abraham won.)

In politics, Wisconsin is experiencing such an embarrassment of talent. Virtually every other part of the country is honored to have one elected official with the chops to be considered presidential material. Yet in the Dairy State, the only debate is over which of its two top Republican stars would make a better commander in chief.

So who has the better chance? Gov. Scott Walker or Congressman Paul Ryan?

Walker and Ryan grew up within a car drive of one another. Ryan lived in Janesville, while Walker was raised 20 miles away in Delavan. Each considers Ronald Reagan a key figure in his political development. And both dominated national news in 2012 on their way to becoming national GOP stars.

Ryan, of course, had his taste of a presidential run, having served as Mitt Romney's capable vice presidential sidekick. While the party faithful initially worried about how Ryan's aggressive plans to scale back Medicare and Social Security would play with voters, it appears that Ryan may have been a net boost to the Romney campaign. While Romney lost the election by a wide margin of electoral votes, his slim margins of defeat in key states like Ohio, Virginia and Florida show those states ended up being closer than the polls indicated before the Ryan pick. He

most certainly didn't harm his status with the party faithful, who now know Ryan can stand up to the pressures of a nationwide campaign.

Yet with congressional Republicans faring so poorly nationwide, many party faithful think it is time to look for a governor like Walker. He's taken his licks and won a recall election by a larger margin than he won his first gubernatorial contest; his toughness is appealing to a party that currently lacks it.

Of the two, Ryan is the better public speaker. His 14 years in Congress have honed his skills; he can speak knowledgeably and extemporaneously, no matter how arcane the topic. Walker has improved as a speaker, but he is cautious and more reserved than Ryan. His appeal is immense with Republicans, but he still makes progressives scream at their televisions.

## The governor appears to be the more ambitious of the two.

Walker has history on his side. The only president elected directly from the House to the presidency was James Garfield in 1880 — a singular event that solidified Garfield's status as either the best campaigner or worst president of all time, depending on one's perspective. Governors, on the other hand, routinely ascend to the presidency, as voters appear to see their executive experience on the state level as a plausible dry run.

Of the two, Walker also appears to be the more ambitious. Following the November election, Walker went on an aggressive speaking tour around the country and has coyly avoided ruling out a run in 2016 (assuming he is re-elected in 2014).

Conversely, despite being a key player in the "fiscal cliff" negotiations, Ryan has disappeared from the public eye and has uniformly downplayed his desire for higher office. He genuinely seems to enjoy policy over politics.

For Wisconsin Republicans, it is an impossible choice. Eventually, it may be up to the other 49 states to decide for them. ■

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*Christian Schneider writes for The Milwaukee Journal Sentinel, National Review and other national outlets.*

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