

# Ethan Allen Institute

Newsletter – August 2019 (Printer Edition)

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## Top Story: 2019 “Liberty Camp” for kids a great success

The Ethan Allen Institute (EAI) hosted its third annual “Liberty Camp” for middle school kids in St. Albans this on July 23-25. The three day event offered a balance of instruction, entertainment and activities, each designed to teach some aspect of the ideological foundation of our country as laid out in the Declaration of Independence, the Constitution and the Bill of Rights.

“Our goal is to spark a curiosity about our history and our government that lasts several lifetimes, passed down from generation to generation,” said Rob Roper, EAI president. “Interestingly, a few days before Liberty Camp started a local paper ran an editorial lamenting that only one percent of adults surveyed could name all five rights guaranteed under the First Amendment. I’m happy to say that after three mornings with us, all of these middle schoolers can name and understand all five and have a pretty good grasp of the other nine amendments in the Bill of Rights as well!”

The first day of Liberty Camp focused on the early pilgrims and settlers, what they were seeking in the New World, what they were leaving behind in the old, what kind of values and characteristics they needed to survive in a rugged wilderness, and how these values came to shape the identity of our emerging country in the lead up to the Revolution.

Day two focused on the Declaration of Independence, particularly the concepts of “self-evident truths,” “inalienable rights,” “Life, Liberty, and Pursuit of Happiness,” “just powers,” “consent of the governed,” and the reasons why governments are set up, altered or abolished. The second half of the morning featured Skyler Bailey of Warner’s Regiment of Revolutionary War reenactors, who taught the kids about the rich Revolutionary War history in and around St. Albans, how soldiers in the Continental Army lived, and even shared some of the hard-tack in his mess bag with the warning that he had recently chipped a tooth on some.

Day three covered the Constitution, separation of powers and checks and balances as well as the Bill of Rights with the finally being a mock Constitutional Convention with each student taking on the role of a specific delegate, introducing themselves to the group and arguing why his or her state backed the Virginia Plan or the New Jersey plan, and then why they liked the compromise of the Connecticut Plan.

“This program really is the highlight of our year,” said Roper. “It was an inspiring week. We threw some pretty heavy concepts at these young patriots, and they responded with intelligence and enthusiasm, as well as some very insightful questions and observations. Thanks to their parents for allowing them to attend, and to all who helped make this program possible.”

## Commentary:

# Lake Cleanup's Skewed Spending Priorities

*By John McClaughry*

Under a directive from the Federal EPA, Vermont has spent \$66 million over the past three years to cope with serious phosphorus pollution in parts of Lake Champlain. State Auditor of Accounts Doug Hoffer has just released a Report on how that money is being spent, and the results obtained.

Before getting to Hoffer's findings – which are very significant – it's worth asking why the Champlain Basin has a serious phosphorus problem. Lakes surrounded by wilderness rarely exhibit such a problem. Naturally occurring phosphorus in the soil leaches into waterways and lakes, and arrives at an equilibrium without creating the blue green algae blooms that have seriously reduced Lake Champlain's water quality.

The problem arises when we humans add phosphate (usually from mines) to a watershed at a rate that nature can't accommodate without unhappy effects. Why are we bringing in phosphorus? Because it stimulates plant growth and improves nutrition of animals that eat the plants. According to the Auditor's Report, 54% of the phosphorus entering Lake Champlain originates with agriculture.

Farmers spread phosphorus fertilizer onto crop fields. The crops, along with purchased phosphorus-containing feed, are fed to dairy cows to maximize milk yield. Dairy farms return manure to the fields, including the phosphorus that doesn't leave with the milk.

As is often the case, we can thank the government for accelerating this process. Former Agriculture Secretary Roger Allbee reminds us that the Comprehensive Study of the Future of Vermont that was done after the 1927 flood stated that every farmer should apply at least 200 pounds of phosphorus per acre per year. In the 1950s the local agencies of the Federal Agriculture Department constantly promoted phosphorus addition to improve milk yields. Apparently nobody in that Department thought to ask where that phosphorus would end up.

Agriculture is, as noted, by far the biggest contributor to the problem. But homeowners and gardeners also make use of NPK fertilizer that finds its way into the Lake. So do dog owners. Phosphorus is a component of dog food (but curiously, not cat food). It would be prohibitively expensive and impractical to regulate or prohibit phosphorus usage by a hundred thousand homeowners, compared with hundreds of dairy farms and wastewater plants in the Basin.

The Auditor's Report notes that in the first three years since enactment of the Clean Water Initiative in 2015, the State spent “nearly \$100 million, more than two thirds of it in the Lake Champlain Basin.” The legislature wisely required that spending to “achieve the greatest water quality gain for the investment.”

Alas, it didn't. “Wastewater projects received the largest share of State clean water funding in the Basin even though the share of phosphorus pollution from this source is lowest by far. Wastewater projects account for 4% of phosphorus pollution, but wastewater projects accounted for 35% of expenditures.” The Report explains that two thirds of that spending was on low or no-interest loans from a revolving fund, and the remaining one third came from another fund “provided to help municipalities to pay back

... the loans.” That is, the State gives you the money to help pay back the loan you got from the State.

One hundred thousand dollars spent on reducing agricultural phosphorus migration into the Lake captures 18 pounds annually (Report p. 17. Not a misprint). This most cost-effective result is the removal of one medium-sized Thanksgiving turkey of phosphorus! The data is complicated for wastewater treatment, but it’s a reasonable estimate that its capture rate is far below that agricultural level. The Report continues: “95% of all state clean water expenditures did not yield *any* measurable reduction in phosphorus.” Ouch!

So why are we spending *any* money at all on such amazingly ineffective projects? A major reason is that municipal governments that operate sewage plants are always aggressively seeking funding for operation, maintenance, upgrades and extensions. They knew where to go for the money, and got there first with their hands out. Never mind the legislative mandate about cost effectiveness.

In a commentary that appeared in February 2015 I predicted this would happen: “The State response now races far beyond the original problem - reducing phosphorus runoff into Lake Champlain. Now it includes the entire enviro wish list of ecosystem restoration, *stormwater management*, *wastewater treatment*, nutrient management, erosion stabilization, buffer zones, highway maintenance, and much more. A program for “reducing phosphorus pollution in the Lake” has become an all- inclusive environmental improvement program, with a new taxpayer funding source.”

Is there a better way to reduce the phosphorus loading of Lake Champlain by 34% in 20 years, as EPA and the state have agreed to do? Probably, but Montpelier officialdom has made its choices, and cost effectiveness has not been a leading criterion.

- *John McClaughry is vice president of the Ethan Allen Institute*

## Commentary: Bernie’s Teachable Moment on the \$15 Minimum Wage

*By Rob Roper*

Bernie Sanders’ rhetoric on the \$15 minimum wage – rhetoric echoed by many politicians here in Vermont – just suffered a violent collision with economic reality.

For those who may have missed the story, Sanders pays his field staff minimum salaries of \$36,000 a year, which would amount to slightly over \$15 an hour for a forty hour work week. However, political campaigns are 24/7 operations, and staff members are putting in sixty hours a week or more, thus reducing their hourly wage to far less than \$15 an hour with no overtime. The staff is crying foul.

Sanders is, of course, a leading advocate for a national \$15 minimum wage and has made considerable political hay badmouthing employers like Walmart, McDonald’s, and Amazon with soundbites like, "The greed of companies like Walmart at the expense of working people will end." Well, now Bernie is the one being accused by his own employees of being the greedy skin flint, forcing them to live on “starvation wages,” unable to make ends meet. According to [The Hill](#), at least one individual has filed an unfair labor practices complaint against Sanders’ campaign.

So, what is the Sanders campaign to do?

Campaign manager Faiz Shakir pointed out that, the budget already being set, to raise the salaries for field workers would necessitate firing some of them. Sanders himself said the solution would be to cut back workers' hours and cap them at forty-two per week.

This is an example of what the Congressional Budget Office warned would happen if a national \$15 minimum wage went into effect: as many as 3.7 million low-wage jobs would disappear. Similarly, Vermont's Joint Fiscal Office [concluded](#) that if the policy were adopted statewide, it would result in a net annual long term "disemployment" rate of 2250 jobs from 2028-2050.

The reality Sanders faces is that a business (and a campaign is in many ways like a business) can't spend money it doesn't have, nor it can't make money appear out of thin air. If you pay some workers more, you have to pay some workers less – or nothing. You can increase the hourly wage by reducing total hours worked, but that's not a financial benefit to the worker (though they would have more leisure time), and it would be detrimental to the main mission of the campaign, which is to win an election. The campaign could spend less on advertising, events, direct mail, etc., but that also would be detrimental to the primary mission of the campaign.

Victory is what donors, the campaign's customers, are investing in. If you're not running a high-quality, competitive operation – or, in other words, you are not putting out as good a product as the other candidates in the race -- donors will go elsewhere and you'll have even less money to spend on salaries and benefits. Of course, if the campaign fails then everybody will be out of a job.

Sanders probably feels misused by these ungrateful employees, and it's hard not to sympathize with him on this score. After all, he is genuinely doing his best. \$36,000 a year for a political field worker isn't chicken feed. Plus, he's giving them full health benefits. He encouraged them to unionize. (In fact, the salary and benefits package now under formal complaint was collectively bargained by the United Food & Commercial Workers Local 400. Now the workers forced to live under the union agreement think they got screwed.) And, he is providing them with a valuable work experience/resume builder on an exciting national presidential campaign. In return, these folks publicly humiliated the very entity that is the genesis of all their incomes.

Many of the excuses Sanders floats are the same as those he scoffed at when it was him leveling the charges of unfair labor practices. His campaign says, "We know our campaign offers wages and benefits competitive with other campaigns, as is shown by the latest fundraising reports." True. Of course, McDonald's offers wages and benefits competitive with other fast food restaurants. That didn't keep Sanders from attacking.

One wonders if Bernie will have more empathy in the future toward businesses who, like he, are doing the best they can for their employees with the resources they have, even if that doesn't live up to "progressive" ideological standards. More importantly, will Bernie's followers in the Vermont legislature learn from this debacle and drop thoughts of passing a \$15 minimum wage in 2020?

*- Rob Roper is president of the Ethan Allen Institute. He lives in Stowe*

## Commentary: Returning Congress to Power

*By David Flemming*

Sen. Bernie Sanders (I-Vt.), Rep. Alexandria Ocasio-Cortez (D-N.Y.), and Rep. Earl Blumenauer (D-Ore.) recently introduced a joint resolution declaring climate change a [national emergency](#) in response to President Trump's "immigration emergency" in February. Sounds alarming right? The trouble is, American presidents have, in the past 50 years, piled on dozens of ongoing emergencies. Every successive emergency becomes a little more ironic, given the supposed focus America should have on each individual emergency.

I am not questioning the science or sincerity of those who believe climate change should supersede all other concerns. Rather, I would caution against following in the footsteps of Presidents Bush, Obama and Trump, who regularly declared emergencies independent of congressional permission.

It is a convenient fiction to believe that handing Trump the reigns of the presidency was the moment when Americans transferred the republic from Congress and the people to a President with tyrannical tendencies. In reality, Trump is the latest cog in the presidential machine to assume more power. Beginning in the 20<sup>th</sup> century, most US presidents insisted on "action," crowding out Congress' more balanced and deliberate constitutional role in drafting legislation to safeguard our civil rights and liberties. A cautious Congress increasingly deferred to the President's quick and decisive actions, especially during wartime.

So now, what are we left with? A stern but legally toothless resolution from some legislators, which more or less says "we are resigned to the fact that the President is declaring an emergency. So let's make it a climate emergency, rather than a border one, once we reclaim the presidency." Rather than seeking a return to constitutional government from the current unconstitutional one, these legislators hope to merely change its shape slightly.

I don't often agree with MSNBC heavyweight Rachel Maddow. But her 2008 book "Drift" is more [applicable](#) than ever: "this isn't a partisan thing-constitutionalists left and right have equal reason to worry over the lost constraint on the executive. Republicans and Democrats alike have options to vote people into Congress who are determined to stop with the chickencrap and assert the legislature's constitutional prerogatives..."

As it stands right now, the US has [31 ongoing "emergencies,"](#) including 20 from the G.W. Bush and Obama presidencies, and one ongoing emergency going back to the Carter administration. Nearly all of these were declared unilaterally by a president without consulting Congress.

In the past 120 years, Congress has surrendered at least [120 statutory powers](#), each of which can be triggered by a president's emergency declaration if certain conditions are met, according to the Brennan Center. Despite our 31 ongoing emergencies, most of the 120 have yet to be used. That is hardly comforting for a people wary of presidential power. Legal experts believe Trump has strong legal standing for using at least 2 of these 120 powers to assert his immigration policies. Part of the reason Americans feel so disenfranchised from their republic is that the American system of governance has evolved to depend on the uncertain actions of

one individual. If the President is misinformed, indecisive, or greedy, this can have catastrophic consequences. Even if the president is informed, decisive and benevolent, there is simply no way for 1 person to listen to the needs of 320 million Americans. That is precisely why we have 535 congressional representatives, who can listen to our specific concerns and pass laws deliberately. **Or even better:** transfer more power to address emergencies into the hands of our [7,383 state legislators](#).

Climate change is a major problem according to the majority of Americans. But simply declaring one emergency to be “morally superior” is not the way to restore confidence in our republic. Using wartime “emergency” language has a century-long track record of inadvertently trampling on the rights of individuals, be they immigrants or tenth-generation Americans. Immigration or climate change emergencies aren’t different in that regard. Such declarations inherently subvert the democratic process, and should be limited to extreme necessity.

Re-asserting the Constitutional supremacy of Congress over the White House by restricting the president’s emergency powers will be difficult, but it has been done before. During the twilight of the Nixon Administration, Congress passed the [National Emergencies Act](#). The Act ended four ongoing emergency proclamations and put some restrictions on future presidents from issuing emergencies at will. If the past decades are any guide, the Act did not go far enough. I would ask Sen. Sanders, Rep. Ocasio-Cortez and Rep. Blumenauer to resurrect the congressional select committee in order to restrain the current president and all future presidents from engaging in such hasty “emergency” actions.

*- David Flemming is a policy analyst for the Ethan Allen Institute.*

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## Events

**September 14.** The first annual "**Liberty Fest**" will take place from 10am - 4pm, at the Otter Creek Fun Center (1800 US Rt. 7, Danby, 20 miles south of Rutland.) Free and open to the public. There will be guest speakers from across the state and space for different organizations and groups to have a table and share their efforts and info. Plenty of food and beverage will be available as well. EAI president Rob Roper will be a featured speaker. For more information, contact [dave@blackpowder.farm](mailto:dave@blackpowder.farm).

To Schedule an EAI presentation in your community, please email [rob@ethanallen.org](mailto:rob@ethanallen.org).

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## News & Views

**Vermont’s Bond Rating Drops Again.** Fitch Ratings joined Moody’s in downgrading Vermont’s bond rating from a perfect AAA bond rating to AA+. Fitch has a

“lowered view of the state’s growth prospects and the state’s ability to raise revenue from its tax base,” according to employee Eric Kim. The principal reason cited being that Vermont’s labor force is “flat to declining” in the past decade.

**Vermont Ranked a Bad Place to Start a Business.** “The personal-finance website WalletHub today released its report on 2019’s Best & Worst States to Start a Business. Vermont ranked 43rd, as the Northeast in general and New England in particular ranked low compared to states South and West. Vermont also ranked low in the sub-categories of growth in new startups, length of work week and was dead last in workforce availability. Vermont ranked high in state incentives.” ([Vermont Business Magazine, 7/15/19](#))

**Seven Days Reporter Votes With His Feet – for Red State North Carolina.** Vermont’s leading progressive news publication, Seven Days, reported that one of their award-winning young journalists, Taylor Dobbs, “is moving to North Carolina with his wife, Tori, after years of trying to make it financially in Vermont.” Oh, the irony here.... Though he’s spent his career pushing progressive policies, Dobbs is now fleeing the effects of those policies and seeking more opportunity and a sane cost of living in a state that has, for the past decade, embraced dramatic, Republican-led tax reform. There’s a lesson for our legislators here about what really attracts (and repels) young professionals, should they choose to learn from it. – Rob Roper, [EAI Blog, 7/30/19](#)

**McKibben Calls for Civil Disobedience in Vermont.** “Join the Global Climate Strike on September 20! You can learn how to be a climate striker at two upcoming meetings, Sunday, August 18, 10am-4pm, Bugbee Center, White River Junction, and Saturday, September 7, 10am-4pm, Burlington. Co-sponsored by the Climate Disobedience Center and Extinction Rebellion.” “If you’d like to get involved in organizing strikes and actions in Vermont, contact Leif: [mobilize@350vt.org](mailto:mobilize@350vt.org). See you in the streets!” This is not the way to improve the quality of life for Vermonters.

**Dis-Union.** “Vermont union membership shrank for the third straight year, to just 10.5 percent of wage and salaried workers, from 12.6 percent in 2015—the highest union participation rate since the Bureau of Labor Statistics first published Vermont-specific data in 2000. Vermont’s decreasing union membership is part of a national trend: At 10.5 percent, the U.S. participation rate in 2018 was a little more than half of what it was 35 years ago.” Public Assets Institute

**Berkeley Leads the Way In Environmental War on the Poor.** The Berkeley CA city council, a left wing stronghold for years, is about to prohibit the use of natural gas in new homes, apartment and commercial buildings, as part of the city’s green campaign against fossil fuels. It will be replaced by supposedly non-fossil fueled electricity. “Electricity prices statewide have also increased 20% since 2014 due in part to increased reliance on solar and wind and are set to rise even higher as the state weans itself from fossil fuels. Berkeley doesn’t want to wait until state regulators ban new natural gas hook-ups, as environmentalists demand faster progress toward carbon neutrality.” (WSJ 7/22/19) Too bad if you’re poor.

**NH Senate Kills Plastic Bag Ban.** “A plastic bag ban is not right for New Hampshire,

says state Rep. Glenn Cordelli (R-Carroll). ‘NH is the ‘Live Free or Die’ state,’ Cordelli said. ‘Consumers now are free to use canvas bags to carry groceries without a government mandate or ban on plastics.’” (Heartland, 7/18/19) Actually, such bans are not right for anybody. Unfortunately, not every state has legislators with the common sense or humility of Senator Cordelli and his colleagues.

**Consequences of a Federal \$15 Minimum Wage.** The Congressional Budget Office (CBO) estimated that implementing a \$15 minimum wage nation-wide would increase pay for 17 million workers, but would also cost another 1.3 million workers their jobs. "The CBO's recent report used 11 studies of the minimum wage's impact on all workers. Eight out of the 11 studies found mild to severe negative employment impacts of the minimum wage." (Michael Farren, Mercatus, 7/19/19)

**Heat Wave in Perspective.** “Wisconsin has had 334 days since 1895 over 100 degrees, 93% of which occurred with CO2 below 350 PPM. On July 12, 1936, it was 113 degrees at Stanley, Wisconsin.” ([RealClimateScience.com](http://RealClimateScience.com) 7/8/19)

**More Canadians Line Up Against Carbon Tax.** “In a shocking turnaround, François Legault’s Quebec will intervene on behalf of Saskatchewan to challenge the federal carbon tax in the Supreme Court alongside Premier Scott Moe. Quebec would be the latest province to join Ontario, Manitoba, New Brunswick, Alberta and Saskatchewan to challenge the federal government’s levy as unconstitutional.” (Post-Millennial, 7/8/19)

**Money Talks and Climate Rhetoric Walks.** A June poll conducted by Reuters/Ipsos confirms what previous polls have shown: although many Americans say they are concerned about climate change and believe the government should take steps to combat it, they aren’t willing to pay much to fight it. The poll included responses from more than 3,000 interviewees. “Nearly 70 percent of Americans, including a majority of Republicans, want the United States to take ‘aggressive’ action to combat climate change...[but] only 34 percent of those surveyed said they would be “very likely” or “somewhat likely” to be willing to pay an extra \$100 a year in taxes to help to fight climate change.” (CCW #329 7/21/19)

**IPCC Hiding Truth.** Climate scientist John Christy (NASA-UAH) showed in 2017 testimony how the UN’s IPCC conceals the damaging truth in the failed computer projections it relies upon for its scary Assessments. Check out these two graphs and Dr. Christy’s explanation at [ethanallen.org/IPCC-hiding-truth](http://ethanallen.org/IPCC-hiding-truth).

**Ohio Bakery Serves College SJWs Just Desserts.** Gibson’s Bakery in Oberlin, Ohio apprehended a 19 year old black student shoplifting two bottles of wine under his jacket. A left wing student mob yelled “racism”. Oberlin College charged the bakery for “racial profiling”. The bakery sued for defamation. A jury awarded the bakery \$33.2 million in damages. Left wing college administrators, take notice. (WSJ 6/27/19)

**The Truth About the Green New Deal.** New York Congresswoman and Green New Dealer Alexandria Ocasio-Cortez’ chief of staff let the cat out of the bag recently when he confessed, “The interesting thing about the Green New Deal is it wasn’t originally a climate thing at all. Do you guys think of it as a climate thing? Because we really think of it as a how-

do-you-change-the-entire-economy thing.” Yup. It’s not about the environment. It’s an excuse for the government to seize the means of production.

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## Book of the Month

### **Nanny State**

*How Food Fascists, Teetotaling Do-Gooders, Priggish Moralists, and Other Boneheaded Bureaucrats are Turning America into a Nation of Children*

by David Harsanyi

New York: Broadway Books (2007) pp.234

This book, published in 2007, is an encyclopedia of Nanny State foolishness as it existed at that time. The author, in a Reason interview shortly after publication, encapsulated it thus: “It’s a book about the most basic aspect of freedom, free will. The right to make the ‘wrong’ choice. It’s about the rise of the babysitter state. It’s also about how intrusions – ones we may find piddling and sometimes humorous - when bunched together make for a dangerous movement.”

The author, a hardcore libertarian, denounces practically every intrusion of the state into the lives of its (adult) people, and especially the motivations of those who keep peddling new ways to boss ordinary people around. A composite of “busybody tyranny” would, in his view include of course alcohol and drug prohibition, (adult) pornography, junk food regulation, occupational licensing, smoking bans, obesity crusades, media obscenity control, sin taxes, prostitution prohibition, gambling regulation, lemonade stand control, hair braiding restrictions, playground equipment removal, and much, much more.

What set Harsanyi off on this crusade were the mandatory seat belt and motorcycle helmet laws of the 1980s. “There is no excuse for government to protect a mentally stable citizen from making his or her own choices.” Many of his examples are efforts that are ridiculous or futile or both. But – maybe I’m old fashioned here - I really don’t want children flooded with the f-word and the n-word, Amsterdam street sex, and druggies defecating on Main Street. I confess I don’t have a clear idea about the remedies, beyond restitution, ostracism and even exile.

If Harsanyi considered today’s Vermont, he would I hope be proud of the Senate for repeatedly – six times – killing primary seat belt enforcement, and the House for rejecting a penalty for not buying government-approved health insurance.. But Vermont still has an astonishing list of occupational licensing regulations that mainly keep the new entrants from cutting into the market share of established practitioners. We still have the jurisprudential Dooley Principle, which supports any regulation of liberty that might require the expenditure of public dollars (in that 1994 case, the motorcycle helmet law.) We have, thanks to Gov. Scott’s unexpected reversal, the 2018 gun control bill, with more on the way.

More dangerous today is the Vermont Public Interest Research Group, whose 2018 victory was persuading a nanny state-prone legislature to ban the sale of a long list of light bulbs and household appliances adjudged by VPIRG to be energy inefficient. This year it succeeded in banning one-use plastic bags because they’re made from fossil

fuel and end up in the trash. And of course VPIRG is leading the battle to tax out of existence any fuel containing made of carbon, other than wood, which even VPIRG hasn't figured out a way to prohibit.

Harsanyi's message, simply put, is "let mentally capable adults make their own choices, and be responsible for the consequences." There are, admittedly, some hard cases where bad choices threaten the life and liberty of others, and coarsen civil society, but we are well into the era of "too much, too far".

- Reviewed by John McClaughry, vice-president of the Ethan Allen Institute

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## The Final Word

### **August Survey: Taxpayer Bill of Rights.**

Vermont just announced a \$60 million budget surplus (which amounts to roughly \$100 for every Vermonter, man, woman, and child. Do we need a Taxpayer Bill of Rights (TABOR) which would mandate that the money be returned to the taxpayers, or should the state keep and spend it as it sees fit?

- Yes. Vermont needs a TABOR; it's the taxpayers' money and we should get it back.
- No. The state should keep and spend the money. They know best.

### **July Survey Results: 2019 Representative Satisfaction**

Did your elected representative(s) vote the way you liked during the 2019 legislative session?

- Yes, always. 4.55% (2)
- Yes, sometimes. 11.36% (5)
- About 50/50. 2.27% (1)
- No, seldom. 29.55% (13)
- No, never. 52.27% (23)