

February 7, 2012

Bill Kristol says it is not just about the economy.

... focusing a campaign only on the economy is risky. The economy is unpredictable, and may end up doing well enough in 2012 that it doesn't automatically help the Republicans—even if the nominee is someone who can boast of his success in the private sector and knowledge of how business works. ...

... Over the last couple of weeks, we've seen how Obama-care threatens freedom of religion (see Jonathan V. Last's [piece in this issue](#)). We've been reminded of Eric Holder's pathetic and ideological mismanagement of the Department of Justice (see Mark Hemingway's [editorial](#)). We've seen several instances of this president's weakness in foreign policy (see Elliott Abrams's [editorial](#)). We've had reminders from the Congressional Budget Office of the looming entitlement and budget disaster and of the Obama administration's gross irresponsibility on that front.

So there's plenty besides the economy for the GOP to call attention to, to shout about, to use to illustrate the short and long-term dangers of Obama administration policies. A successful Republican presidential candidate will have to be about far more than the economy, narrowly understood, in order to win the election and to lay the groundwork for successful governance. Ronald Reagan famously asked at the end of the 1980 campaign whether we were better off than we had been four years before. But he had spent his whole campaign laying the predicate for that question by explaining why the Carter administration's foreign and domestic policies had failed, not just economically but socially, and not just at home but in the world. He was also able to explain why liberal policies would continue us on a downward path. Reagan never left any doubt that the fundamental problem wasn't just a few quarters of subpar economic performance. The problem was the arrogant destructiveness and wrongheaded fecklessness of modern liberalism. It still is.

Mark Steyn says Komen didn't have it coming.

As Sen. Obama said during the 2008 campaign, words matter. Modern "liberalism" is strikingly illiberal; the high priests of "tolerance" are increasingly intolerant of even the mildest dissent; and those who profess to "celebrate diversity" coerce ever more ruthlessly a narrow homogeneity. Thus, the Obama administration's insistence that Catholic institutions must be compelled to provide free contraception, sterilization and abortifacients. This has less to do with any utilitarian benefit a condomless janitor at a Catholic school might derive from Obamacare, and more to do with the liberal muscle of Big Tolerance enforcing one-size-fits-all diversity.

The bigger the Big Government, the smaller everything else: In Sweden, expressing a moral objection to homosexuality is illegal, even on religious grounds, even in church, and a pastor minded to cite the more robust verses of Leviticus would risk four years in jail. In Canada, the courts rule that Catholic schools must allow gay students to take their same-sex dates to the prom. The secular state's Bureau of Compliance is merciless to apostates to a degree even your fire-breathing imams might marvel at.

Consider the current travails of the Susan G. Komen Foundation. This is the group responsible for introducing the pink "awareness-raising" ribbon for breast cancer – as emblematic a symbol of America's descent into postmodernism as anything. It has spawned a thousand other colored

"awareness-raising" ribbons: my current favorite is the periwinkle ribbon for acid reflux. We have had phenomenal breakthroughs in hues of awareness-raising ribbons, and for this the Susan G. Komen Foundation deserves due credit.

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But not if you're a liberal enforcer. Sen. Barbara Boxer, with characteristic understatement, compared the Komen Foundation's Nancy Brinker to Joe McCarthy: ...

Jennifer Rubin has Komen comments too.

... You might agree or not but the presumptuousness of liberal members of Congress who believe it is within their purview to bully private charities suggests that the left really does not understand the important distinction between public policy and private, voluntary civil institutions. (See my colleague Greg Sargent's piece on the letter that two dozen members sent to the Komen Foundation.) ...

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And to members of Congress, let me say: Butt out. Don't you have enough to handle not doing your own jobs without hectoring charities to do your bidding?

Ross Douthat wonders why the media is so blind about abortion.

IN the most recent Gallup poll on abortion, as many Americans described themselves as pro-life as called themselves pro-choice. A combined 58 percent of Americans stated that abortion should either be "illegal in all circumstances" or "legal in only a few circumstances." These results do not vary appreciably by gender: in the first Gallup poll to show a slight pro-life majority, conducted in May 2009, half of American women described themselves as pro-life.

But if you've followed the media frenzy surrounding the Susan G. Komen for the Cure foundation's decision — which it backpedaled from, with an apology, after a wave of frankly brutal coverage — to discontinue about \$700,000 in funding for Planned Parenthood, you would think all these millions of anti-abortion Americans simply do not exist.

From the nightly news shows to print and online media, the coverage's tone alternated between wonder and outrage — wonder that anyone could possibly find Planned Parenthood even remotely controversial and outrage that the Komen foundation had “politicized” the cause of women's health.

Steven Malanga writes in the Journal about the court that has broken New Jersey. *When he decided against running for president last fall, New Jersey Gov. Chris Christie said he had lots more to do to fix his "broken" state. Certainly true on spending and taxes, where Mr. Christie has made significant progress. But there's another issue he's only begun to take on: the New Jersey Supreme Court.*

Last month Mr. Christie nominated two new members to the court, easily one of the most activist in the nation. His appointments could reshape the seven-member panel, which over the past half-century has transformed the Garden State, seizing control of school funding and hijacking the zoning powers of towns and cities, among other moves.

"I don't think the supreme court has any business being involved in setting the budget of the state government," the governor complained last year. Yet it is, extensively.

New Jersey's supreme court is the product of the state's 1947 constitution, which jettisoned the unwieldy 16-member Court of Errors and Appeals. The new court established in its place was shaped by Arthur Vanderbilt, a former dean of New York University's law school who served as the court's first chief justice. Vanderbilt is best remembered for persuading President Dwight Eisenhower to appoint to the U.S. Supreme Court William Brennan, who then led that court's liberal activist wing for more than three decades.

The New Jersey court was power-hungry from its inception, but its ambition began bearing serious fruit, especially regarding education policy, in the 1970s. ...

Politico has the story of Dick Armey dispensing with Newt. *Former House Majority Leader Dick Armey (R-Texas), head of FreedomWorks, said Sunday presidential candidate Newt Gingrich won't have another comeback.*

"I don't think Newt will be able to replicate that magic moment," Armey said, adding he believes Gingrich's peak in South Carolina was a momentary surge and he has "played that string out."

"I feel bad for him. I think he's digressed; taking a second-rate campaign into a first-rate vendetta," Armey said of Gingrich's attacks on GOP front-runner Mitt Romney.

Weekly Standard

It's Not (Only) the Economy . . . and We're Not Stupid

by William Kristol

"It's the economy, stupid," was a useful slogan for the 1992 Bill Clinton campaign. Of course, it wasn't really true. The Clinton campaign was about much more than the economy. It was about "ending welfare as we know it," for example, and putting government on the side of those who "work hard and play by the rules"—all of this part of a broader redefinition of the Democratic party away from the failed liberalism of Walter Mondale and Michael Dukakis. And the collapse of the Bush administration in 1992 was also, as it happens, about much more than the economy, which was in fact coming back strong in the fall of that year.

Since then, we've seen an epic Republican collapse in 2006. That happened despite pretty good economic growth in the preceding two years. Its cause was some combination of the Bush attempt to institute private Social Security accounts, Hurricane Katrina, Harriet Miers, Tom DeLay, Donald Rumsfeld, immigration, and God knows what else—but not particularly the economy. The repudiation of the Democrats in 2010, for that matter, was fundamentally about Obamacare, the size and scope of government, and particular Obama policies like the stimulus and cap and trade. It wasn't primarily a referendum on "the economy, stupid."

Nonetheless, the slogan has become a talisman, evoked by unimaginative political consultants and reached for by cautious candidates, in pursuit of an easy, safe, cookie-cutter campaign strategy. But it's not safe. The belief that voters react in a simple-minded way to their current economic well-being leads campaigns and candidates to counterproductively dumb their message down. It's also condescending, and voters often see it as such.

What's more, focusing a campaign only on the economy is risky. The economy is unpredictable, and may end up doing well enough in 2012 that it doesn't automatically help the Republicans—even if the nominee is someone who can boast of his success in the private sector and knowledge of how business works.

In addition, even if voters say, as they do today, that the economy is the most important issue for them, that doesn't mean it will be the only issue on which most voters base their decision. You can tell a pollster the economy is your No. 1 issue, but you can also be uncertain as to which candidate will handle that issue better, so you might well then vote on the basis of another issue. You can even mildly prefer one candidate to another on your No. 1 issue (the economy, say), but decide to vote on the basis of another issue where the contrast between the candidates is starker or more salient.

Over the last couple of weeks, we've seen how Obama-care threatens freedom of religion (see Jonathan V. Last's [piece in this issue](#)). We've been reminded of Eric Holder's pathetic and ideological mismanagement of the Department of Justice (see Mark Hemingway's [editorial](#)). We've seen several instances of this president's weakness in foreign policy (see Elliott Abrams's [editorial](#)). We've had reminders from the Congressional Budget Office of the looming entitlement and budget disaster and of the Obama administration's gross irresponsibility on that front.

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Republican presidential candidate will have to be about far more than the economy, narrowly understood, in order to win the election and to lay the groundwork for successful governance. Ronald Reagan famously asked at the end of the 1980 campaign whether we were better off than we had been four years before. But he had spent his whole campaign laying the predicate for that question by explaining *why* the Carter administration's foreign and domestic policies had failed, not just economically but socially, and not just at home but in the world. He was also able to explain why liberal policies would *continue* us on a downward path. Reagan never left any doubt that the fundamental problem wasn't just a few quarters of subpar economic performance. The problem was the arrogant destructiveness and wrongheaded fecklessness of modern liberalism. It still is.

Orange County Register

Komen has its awareness raised

The breast-cancer-fighting foundation could not be permitted to get away with disrespecting Big Abortion.

by Mark Steyn

As Sen. Obama said during the 2008 campaign, words matter. Modern "liberalism" is strikingly illiberal; the high priests of "tolerance" are increasingly intolerant of even the mildest dissent; and those who profess to "celebrate diversity" coerce ever more ruthlessly a narrow homogeneity. Thus, the Obama administration's insistence that Catholic institutions must be compelled to provide free contraception, sterilization and abortifacients. This has less to do with any utilitarian benefit a condomless janitor at a Catholic school might derive from Obamacare, and more to do with the liberal muscle of Big Tolerance enforcing one-size-fits-all diversity.

The bigger the Big Government, the smaller everything else: In Sweden, expressing a moral objection to homosexuality is illegal, even on religious grounds, even in church, and a pastor minded to cite the more robust verses of Leviticus would risk four years in jail. In Canada, the courts rule that Catholic schools must allow gay students to take their same-sex dates to the prom. The secular state's Bureau of Compliance is merciless to apostates to a degree even your fire-breathing imams might marvel at.

Consider the current travails of the Susan G. Komen Foundation. This is the group responsible for introducing the pink "awareness-raising" ribbon for breast cancer – as emblematic a symbol of America's descent into postmodernism as anything. It has spawned a thousand other colored "awareness-raising" ribbons: my current favorite is the periwinkle ribbon for acid reflux. We have had phenomenal breakthroughs in hues of awareness-raising ribbons, and for this the Susan G. Komen Foundation deserves due credit.

Until the other day, Komen were also generous patrons of Planned Parenthood, the "women's health" organization. The Foundation then decided it preferred to focus on organizations that are "providing the lifesaving mammogram." Planned Parenthood does not provide mammograms, despite its president, Cecile Richards, testifying to the contrary before Congress last year. Rather, Planned Parenthood provides abortions; it's the biggest abortion provider in the United States. For the breast cancer bigwigs to wish to target their grants more relevantly is surely understandable.

But not if you're a liberal enforcer. Sen. Barbara Boxer, with characteristic understatement, compared the Komen Foundation's Nancy Brinker to Joe McCarthy: "I'm reminded of the McCarthy era, where somebody said: 'Oh,' a congressman stands up, a senator, 'I'm investigating this organization and therefore people should stop funding them.'" But Komen is not a congressman or a senator or any other part of the government, only a private organization. And therefore it is free to give its money to whomever it wishes, isn't it?

Dream on. Liberals take the same view as the proprietors of the Dar al-Islam: Once they hold this land, they hold it forever. Notwithstanding that those who give to the Foundation are specifically giving to support breast cancer research, Komen could not be permitted to get away with disrespecting Big Abortion. We don't want to return to the bad old days of the back alley, when a poor vulnerable person who made the mistake of stepping out of line had to be forced into the shadows and have the realities explained to them with a tire iron. Now Big Liberalism's enforcers do it on the front pages with the panjandrums of tolerance and diversity cheering them all the way. In the wake of Komen's decision, the Yale School of Public Health told the Washington Post's Sarah Kliff that its invitation to Nancy Brinker to be its commencement speaker was now "under careful review." Because God forbid anybody doing a master's program at an Ivy League institution should be exposed to anyone not in full 100 percent compliance with liberal orthodoxy. The American Association of University Women announced it would no longer sponsor teams for Komen's "Race for the Cure." Sure, Komen has raised \$2 billion for the cure, but better we never cure breast cancer than let a single errant Injun wander off the abortion reservation. Terry O'Neill of the National Organization for Women said Komen "is no longer an organization whose mission is to advance women's health." You preach it, sister. I mean, doesn't the very idea of an organization obsessively focused on breasts sound suspiciously patriarchal?

As Kate Sheppard, the "reproductive rights" correspondent of Mother Jones, tweeted triumphantly, "Overheard in the office: 'Come at Cecile Richards, you best not miss.'"

Indeed. If you strike at the King, you must kill him. If you merely announce that, following a review of grant-eligibility procedures you're no longer in a position to make your small voluntary donation to the King, your head will be on a pikestaff outside the palace gates. By Friday morning lockstep liberalism had done its job. All that was missing was James Carville to declare, "Drag a hundred-dollar bill through an oncology clinic awareness-raising free mammogram session, you never know what you'll find." After 72 hours being fitted for the liberals' cement overcoat and an honored place as the cornerstone of the Planned Parenthood Monument to Women's Choice, Komen attempted to chisel free and back into the good graces of the tolerant: As Nancy Brinker's statement groveled, "We want to apologize to the American public for recent decisions that cast doubt upon our commitment to our mission of saving women's lives."

Congratulations! Planned Parenthood certainly raised Nancy's awareness. I wonder what color ribbon that comes with? Black and blue?

The Wall Street Journal's James Taranto was unimpressed by the liberal protection racket (Nice little charity you've got there; be a shame if anything were to happen to it). As Taranto pointed out, in a real-life protection racket, the victim never pays voluntarily: "The threat is present from the get-go." By contrast, Komen's first donations to Big Abortion were made voluntarily. A prudent observer would conclude that the best way to avoid being crowbarred by Cecile Richards is never to get mixed up with her organization in the first place.

It's not like she needs the money. Komen's 2010 donation of \$580,000 is less than Ms. Richards' salary and benefits. Planned Parenthood commandos hacked into the Komen website and changed its slogan from "Help us get 26.2 or 13.1 miles closer to a world without breast cancer" to "Help us run over poor women on our way to the bank." But, if you're that eager to run over poor women on the way to the bank, I'd recommend a gig with Planned Parenthood: the average salary of the top eight executives is \$270,000, which makes them officially part of what the Obama administration calls "the one percent." In America today, few activities are as profitable as a "nonprofit." Planned Parenthood receives almost half a billion dollars – or about 50 percent of its revenues – in taxpayer funding.

A billion dollars seems a lot, even for 322,000 abortions a year. But it enables Planned Parenthood to function as a political heavyweight. Ms Richards' business is an upscale progressives' ideological protection racket, for whom the "poor women's" abortion mill is a mere pretext. The Komen Foundation will not be the last to learn that you can "race for the cure," but you can't hide. Celebrate conformity – or else.

Right Turn

[Susan G. Komen Foundation vs. Planned Parenthood bullies](#)

by Jennifer Rubin

In a somewhat confusing [news release](#) responding to the firestorm concerning the decision to cut off grants to Planned Parenthood, the Susan G. Komen Foundation announced that it is backing off its decision not to defund groups under investigation, as is Planned Parenthood for allegations of illegally using federal money to pay for abortions. ("We will amend the criteria to make clear that disqualifying investigations must be criminal and conclusive in nature and not political. That is what is right and fair.") But what is not clear is whether an alternative justification for the cut-off, namely that Planned Parenthood doesn't actually provide breast cancer services, only referrals, will result in a cut-off of future funds.

It's remarkable, when you think about it: One private foundation decides not to give money to a charity but instead to pursue its core mission through other entities. And for this, a storm of vitriol descends on the foundation from elected officials and elite opinion-makers. If it were any other issue (e.g., pet rescue, education, save the whales), it would be unthinkable for members of Congress to weigh in. I mean a private charity kind of gets to decide where to spend its money, while its donors can continue to give or not as they see fit, right? Ah, but when the topic is abortion, all rules go out the window.

[Megan McArdle](#) wrote earlier on the flap over the decision to cut off funds to Planned Parenthood, saying that it is "absurd to pretend that abortion is somehow incidental to Planned Parenthood's services, and since money is fungible, giving them money is probably helping to fund abortion provision. Since I think this is a very tough issue on which reasonable people can disagree, I can see why the federal government, and private foundations, would decline to fund their operations." She continued:

While most people think that abortion should be legal, most people don't support the current state of abortion law; polling seems to suggest that the majority either wants abortion to be illegal in all cases, or legal only in the first trimester — and even then, possibly only in the case

of rape, incest, and the life of the mother. A majority of people polled say that abortion is morally wrong. And pro-life identification runs neck-in-neck with pro choice. In that environment, you can see why an organization that does not itself have a mission to support abortion access would want to pull back from funding Planned Parenthood, even for related services. Unfortunately, while they easily could have declined to fund PP without much backlash, de-funding them sends an extremely explicit message that is probably going to cost them significant public support. Which is a pity, because early detection and treatment of breast cancer is a mission that we should all be able to agree on.

You might agree or not but the presumptuousness of liberal members of Congress who believe it is within their purview to bully private charities suggests that the left really does not understand the important distinction between public policy and private, voluntary civil institutions. (See my colleague [Greg Sargent's piece on the letter](#) that two dozen members sent to the Komen Foundation.)

[The Post](#) interviewed Susan G. Komen Race for the Cure CEO Nancy Brinker and President Elizabeth Thompson on Thursday. At that time, they confirmed that their group wants to stick to its core mission and not simply funnel funds through another entity that doesn't itself provide breast cancer screening. ("We have decided not to fund, wherever possible, pass-through grants. We were giving them money, they were sending women out for mammograms. What we would like to have are clinics where we can directly fund mammograms.") We don't know [whether that rationale is now null and void](#).

Pardon me, but this is nuts. Planned Parenthood can raise its own money (which it did in spades in the wake of the flap). Those who want to give to a breast cancer charity can donate with the peace of mind that their money will be used to fight breast cancer. (Donors did so generously as a result of the controversy.) Now Planned Parenthood's bosses have every right under current law to do what they do and raise money to fund their organization. But shame on them for intimidating other groups that might contemplate the same move as the Susan G. Komen Foundation made.

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NY Times

The Media's Abortion Blinders

by Ross Douthat

IN the most recent [Gallup poll](#) on abortion, as many Americans described themselves as pro-life as called themselves pro-choice. A combined 58 percent of Americans stated that abortion should either be "illegal in all circumstances" or "legal in only a few circumstances." These results do not vary appreciably by [gender](#): in the first Gallup poll to show a slight pro-life majority, conducted in May 2009, half of American women described themselves as pro-life.

But if you've followed the media frenzy surrounding the Susan G. Komen for the Cure foundation's decision — which it backpedaled from, with an apology, after a wave of frankly

brutal coverage — to discontinue about \$700,000 in funding for Planned Parenthood, you would think all these millions of anti-abortion Americans simply do not exist.

From the nightly news shows to print and online media, the coverage's tone alternated between wonder and outrage — wonder that anyone could possibly find Planned Parenthood even remotely controversial and outrage that the Komen foundation had “politicized” the cause of women's health.

“That ubiquitous pink ribbon ... is sporting a black eye today,” Claire Shipman announced on [ABC News](#) Thursday, while Diane Sawyer nodded along. On MSNBC, [Andrea Mitchell](#) dressed down the Komen foundation's founder, Nancy Brinker: “I have to tell you,” Mitchell said, “this is shocking to a lot of your longtime supporters. ... How could this have taken place?” In story after story, journalists explicitly passed judgment on Komen for creating a controversy where none need ever have existed.

Conservative complaints about media bias are sometimes overdrawn. But on the abortion issue, the press's prejudices are often absolute, its biases blatant and its blinders impenetrable. In many newsrooms and television studios across the country, Planned Parenthood is regarded as the equivalent of, well, the Komen foundation: an apolitical, high-minded and humanitarian institution whose work no rational person — and certainly no self-respecting woman — could possibly question or oppose.

But of course millions of Americans — including, yes, millions of American women — do oppose Planned Parenthood. They oppose the 300,000-plus abortions it performs every year (making it the largest abortion provider in the country), and they oppose its tireless opposition to even modest limits on abortion.

It's true that abortion is only one of the services Planned Parenthood provides. (Although mammograms, it should be noted, are not necessarily among them: the group usually provides referrals, but not the mammogram itself, which is [one of the reasons](#) Komen's founder had cited for discontinuing the grant.) But abortion is hardly an itty-bitty and purely tangential aspect of its mission, as many credulous journalists have implied.

Planned Parenthood likes to claim that abortion accounts for just 3 percent of its services, for instance, and this statistic has been endlessly [recycled in the press](#). But the [percentage of the group's clients](#) who received an abortion is probably closer to 1 in 10, and Planned Parenthood's [critics have estimated](#), plausibly, that between 30 and 40 percent of its health center revenue is from abortion.

By way of comparison, the organization also refers pregnant women for adoption. In 2010, this happened 841 times, against 329,445 abortions.

For the minority of Americans who have no moral qualms about using surgery or chemicals to put an end to a growing embryo or fetus, there should be nothing troubling in these numbers. And if you think abortion rights are more important to female health and flourishing than the nearly \$2 billion the pink ribbon has raised for breast cancer research, Komen deserved your scorn and Planned Parenthood deserves your donations.

Mayor Michael Bloomberg just pledged [\\$250,000](#) to Planned Parenthood; that's obviously his right. Before Komen backtracked, the Yale School of Public Health said its invitation to Brinker to speak at commencement was "[under careful review](#)"; that's certainly any school's prerogative.

But reporters have different obligations. Even if some forms of partiality are inevitable, journalists betray their calling when they simply ignore self-evident truths about a story.

Three truths, in particular, should be obvious to everyone reporting on the Komen-Planned Parenthood controversy. First, that the fight against breast cancer is unifying and completely uncontroversial, while the provision of abortion may be the most polarizing issue in the United States today. Second, that it's no more "political" to disassociate oneself from the nation's largest abortion provider than it is to associate with it in the first place. Third, that for every American who greeted Komen's shift with "anger and outrage" (as Andrea Mitchell put it), there was probably an American who was relieved and gratified.

Indeed, that sense of relief was quantifiable: the day after the controversy broke, Komen reported that its daily [donations had risen](#) dramatically.

But of course, you wouldn't know that from most of the media coverage. After all, the people making those donations don't exist.

WSJ

[New Jersey's Judicial Road to Fiscal Perdition](#)

For decades the state supreme court has forced unwanted spending on the Garden State.

by Steven Malanga

When he decided against running for president last fall, New Jersey Gov. Chris Christie said he had lots more to do to fix his "broken" state. Certainly true on spending and taxes, where Mr. Christie has made significant progress. But there's another issue he's only begun to take on: the New Jersey Supreme Court.

Last month Mr. Christie nominated two new members to the court, easily one of the most activist in the nation. His appointments could reshape the seven-member panel, which over the past half-century has transformed the Garden State, seizing control of school funding and hijacking the zoning powers of towns and cities, among other moves.

"I don't think the supreme court has any business being involved in setting the budget of the state government," the governor complained last year. Yet it is, extensively.

New Jersey's supreme court is the product of the state's 1947 constitution, which jettisoned the unwieldy 16-member Court of Errors and Appeals. The new court established in its place was shaped by Arthur Vanderbilt, a former dean of New York University's law school who served as the court's first chief justice. Vanderbilt is best remembered for persuading President Dwight Eisenhower to appoint to the U.S. Supreme Court William Brennan, who then led that court's liberal activist wing for more than three decades.

The New Jersey court was power-hungry from its inception, but its ambition began bearing serious fruit, especially regarding education policy, in the 1970s.

That's when several plaintiffs argued that New Jersey's method of financing schools through local property taxes—which allowed wealthy districts to spend far more than their less affluent counterparts—violated the state constitution's guarantee of a "thorough and efficient system of free public schools" for all residents.

The court agreed and ordered the state to spend extra in poor districts (which came to be known later as "Abbott districts," so named for a series of court cases beginning with *Abbott vs. Burke*). When the legislature didn't comply quickly enough, the court shut down the public schools in 1976 until the legislature instituted an income tax to fund the education spending.

The chief justice at the time was Richard Hughes, who had previously been governor and tried fruitlessly to enact a tax for education spending. "They didn't want the income tax then?" Hughes told the press in 1976. "Well, they'll want one now."

But merely mandating new funding wasn't enough to satisfy the court. In 1985, it ruled the state had to fund education in urban districts at a level commensurate with wealthy suburban districts. And it said that the state had to add yet more "supplemental" spending to poor districts to help offset the "additional disadvantages" that students in those areas faced.

There was more. In 1998, the court ordered the state to fund preschool classes for all 3-year-olds and 4-year-olds in Abbott districts. That cost \$500 million annually—even though no research shows that such widespread pre-K has lasting benefits.

Since 1998 alone, the state has sent more than \$40 billion to Abbott districts. Asbury Park leads the way, spending an astounding \$29,797 per student. Camden spends \$23,356, while Newark spends \$21,895 and Jersey City \$20,366.

All this has prompted a massive redistribution of wealth. Of New Jersey's nearly 600 municipalities, 166 get back 10 cents or less in education spending for every dollar their residents send to Trenton in income taxes, according to data compiled by state Sen. Mike Doherty. Thus taxpayers in much of the state effectively support many school districts at once—their own, through property taxes, and the Abbott districts through income taxes.

The tens of billions spent on Abbott districts have yielded almost no educational gains. A 2011 study of federal test scores in math and reading showed that the gap separating whites and Hispanics is roughly the same in New Jersey (where half of all minority students live in Abbott districts) as it is nationally. According to a similar study from 2009, the reading gap between whites and blacks in fourth grade was virtually the same in New Jersey as in the nation, and by eighth grade Jersey's black students were further behind.

Then there's the court's effect on housing policy. This too began in earnest in the 1970s, when the NAACP sued the town of Mount Laurel, charging that its zoning laws—which set minimum lot and dwelling sizes for new residential construction—were illegal because they excluded the development of high-density, low-income housing.

The court ruled in 1975 that affordable housing was essential to the general welfare of the Jersey population and was therefore a necessary concern of government. This, in turn, forced municipalities to alter their zoning laws to ensure that they had a "fair share" of affordable housing.

The court went further several years later when it created a "builder's remedy," empowering developers to sue towns to force compliance with the affordable-housing decrees. Within two years of that decision, builders sued 140 Jersey municipalities. Quiet towns became sprawling suburbs. In West Windsor, a tiny township near Princeton, a single lower court decision increased the number of residences by 15% when it approved a 1,100-unit development.

In 2002, the state government's Council on Affordable Housing determined that after nearly 30 years and 45,000 units of affordable housing built under mandate, municipalities still needed to build an additional 73,000 homes to satisfy the high court. The estimated future cost to taxpayers of building all those homes: \$10 billion.

And so state supreme court directives help leave Jersey taxpayers groaning under the nation's highest tax burden. Hence the importance of Gov. Christie's appointments. His first, corporate lawyer Anne Patterson, took her seat last year.

To join her, the governor has nominated Bruce Harris, an African-American Republican who's currently mayor of Chatham Borough, an affluent suburb. The governor's second nominee is Phil Kwon, a Korean immigrant who worked under the governor when he was the U.S. attorney for New Jersey.

Neither nominee has served on the bench, so they have no record of decisions. But Mr. Christie has said that he is intent on appointing judges who would interpret the law, not legislate from the bench. That might put him on a collision course with the Democratic-controlled state Senate. The state's future depends on its outcome.

Mr. Malanga is a senior editor at City Journal. A longer version of this article appears in City Journal's Winter 2012 issue.

Politico

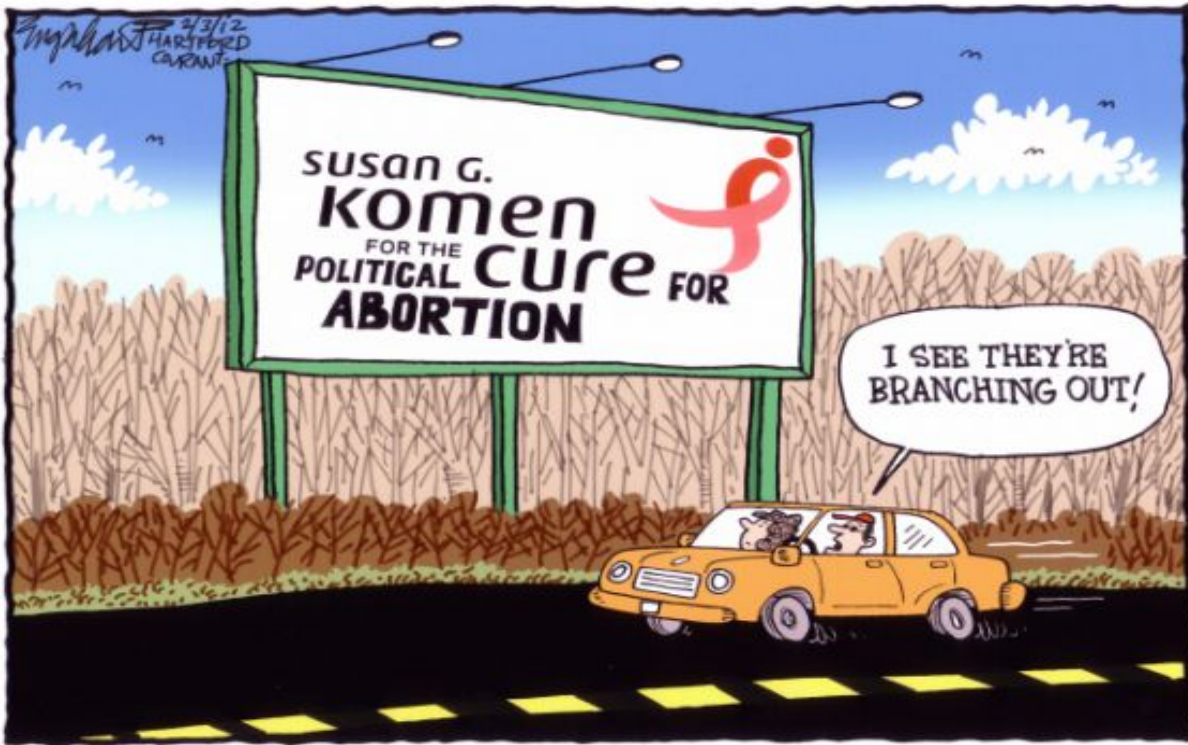
Dick Armey: Newt's surge over

by Anna Palmer

Former House Majority Leader Dick Armey (R-Texas), head of FreedomWorks, said Sunday presidential candidate [Newt Gingrich](#) won't have another comeback.

"I don't think Newt will be able to replicate that magic moment," Armey said, adding he believes [Gingrich's peak in South Carolina](#) was a momentary surge and he has "played that string out."

"I feel bad for him. I think he's digressed taking a second-rate campaign into a first-rate vendetta," Armey said of Gingrich's attacks on GOP front-runner [Mitt Romney](#).



"AWWW! SIX MORE MONTHS OF OBAMA!"

