
REFLECTIONS

The Agony of Public Education

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The tragedy at Columbine High School in Colorado has spurred another round of soul-searching on public education and yet another wave of reform proposals ranging from the hackneyed (more spending) to the whimsical (posting the Ten Commandments). The premise of all this concern is, of course, that public education can be fixed—that if the right changes were made, it could be an effective and esteemed national institution. At first glance, this hope does not seem unreasonable, for public education used to be effective and esteemed. Furthermore, government education appears to be succeeding in other countries: indeed, policy-makers in this country seek to emulate the systems of Japan, France, and Germany. America's troubles seem to be an accident, a running off the rails caused merely by a badly set switch and therefore repairable.

This hope needs to be reexamined. The failures of public education in the United States do not seem to be, at bottom, the result of fixable flaws. To be sure, public education has suffered from its share of inept managers and wrongheaded approaches. But beyond those shortcomings is an enduring problem that is built into the nature of democratically controlled education. This problem is emerging today because only recently has a significant degree of real democratic representation in school governance developed. Therefore, the American system should not be seen as “falling behind” the systems of other countries. It is the leader of a trend, revealing difficulties with public education that will overtake other countries as they catch up to our level of openness and popular control.

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The frustrations with public education point up a larger question of political theory: In a fully democratic context, can government manage public services in an effective, confidence-inspiring way? Many modern supporters of government programs automatically assume that it can, but in their zeal they have rushed past an elementary logical gap in the theory of democracy.

Democracy rests on the premise that government is answerable to the people. Officials have no right to take money from citizens by force unless citizens agree to the levy, and officials have no right to spend those funds as they wish. They are obliged to spend tax money as the people want it spent. Jonathan Swift expressed this axiom of modern political theory in 1725 (in connection with English rule over Ireland): “Government without the consent of the governed is the very definition of slavery” (quoted in Neville 1997, 119). Or, as the American revolutionaries said a few generations later, “Taxation without representation is tyranny.”

Though highly beneficial from the standpoint of humanizing government and limiting its use of force, taxation with representation has a glaring flaw that the civics books overlook. It is all very well to say that millions of people have the right to be represented in government, but what do you do when they actually show up? What happens when those millions try to crowd into hearing rooms and board meetings? You cannot tell them to go home, that government “by the people” is an unworkable fiction. You have to try to give everyone a say. As a result, real democracy becomes a cockpit, a formula for maximizing conflict over the provision of a public service. As the story of public education shows, this conflict means that the democratic provision of a public service is likely to be both mistrusted and inefficient.

Which Religion Wins?

The remarkable thing about the strife over the public schools in the United States is not that it has occurred, but that it took so long to develop. Education, after all, bears on vital questions of values, religion, morality, and culture. When education is put under the authority of a democratic government, therefore, one creates a struggle of cosmic proportions. Citizens—both parents and taxpayers—have the right and the duty to involve themselves in every aspect of education. They have the right and the duty to form an opinion about, to petition over, and to try to change what subjects are taught, what shall be said about them, what books shall be used, which teachers should be hired, and all the more mundane issues such as school bus routes, cafeteria policies, and dress codes. In theory, a public school should be an ungovernable chaos in which every prejudice, taste, ideology, and religion in the community contends with every other.

For a long time, American education largely escaped such conflict. There were rumblings, such as the Scopes trial in 1925, which dealt with teaching the theory of evolution in public schools, but for the most part politics did not enter the schools in a highly visible way. Principals had almost autocratic powers, and teachers were given

great latitude to run their classes as they saw fit. Parents, taxpayers, and even school boards hung back, awed by the authority and expertise of school officials, afraid to “make a stink” by publicly protesting some wrong. In effect, democratic representation was not really working, and as a result the schools got along rather well.

Over the course of the twentieth century, the reserve of parents and taxpayers broke down—sooner in some places than in others, of course, but by the 1960s, most schools had become the political battleground that was their democratic destiny. One of the first conflicts to disrupt the public schools was religion. Up through the 1950s, most schools were incorporating certain watered-down Christian rituals—prayers, Bible reading—as a way of satisfying the sentiments of Christian majorities in their districts. Those practices angered agnostics, atheists, and Jews, who argued that they should not be forced to pay taxes to support religious observances contrary to their feelings. The dispute made its way to the Supreme Court, which sided with the protesters, notably in the cases of *Engel v. Vitale* (1962) and *School District of Abington Township v. Schempp* (1963).

Instead of settling the issue, the Supreme Court’s decisions created new points of friction. In effect, they directed administrators to root out all spiritual symbols from their schools: the crèche at Christmas time, prayers at graduation, the Bible in the school library. When they played religious policeman, administrators earned the scorn of those who revered the forbidden symbols, but when they tried to preserve this or that religious custom, they became the targets of complaints and legal action.

The problem went deeper than the spat over religious symbols. The effort to purge the schools of any trace of religion, many finally realized, itself amounted to a religion, a creed of “secular humanism” that said religion was an unimportant, if not downright silly aspect of life and learning. The devoutly religious were therefore prompted to mount a political campaign to “bring religion back” into the schools, a campaign that has included efforts to adopt a national constitutional amendment providing for prayer in public schools. This movement has alarmed the secularists, who have cranked up their direct-mail fundraising machines, issuing dire warnings about “religious coercion in public schools,” as the People for the American Way web site puts it (People for the American Way 2000).

Participants in this vexing struggle assume that a workable solution could be reached if only pressure groups and demagogues would get out of the way. They are mistaken, for the conflict is insoluble. The religious fundamentalists have paid their taxes and therefore have a right to have the schools run as they think fit, with prayers twenty-four hours a day if that is what they want. By the same logic, the secularists are entitled to try to make the schools an atheist’s heaven. In just such a way, unfortunately, does a democratically provided service evolve. It becomes an arrangement by which everyone tries to manipulate the political process to force his neighbor to pay for what he thinks is right. Neither side can eliminate the other; all the contenders can do is continue fighting, turning the public service into a war zone.

The Battle of the Books

What books should children read in the public schools? Books contain ideologies and opinions about which citizens are bound to disagree. Because the books are purchased with tax money and used in tax-funded schools, democratic theory dictates that all citizens have the right to try to influence the selection of the books.

In recent decades, this issue has become a major battleground. A typical illustration of the ensuing harm of these conflicts comes from Bay County, Florida (Delfattore 1992, 101–12). In 1985, Mowat Junior High School had a model, innovative English program. The school was the only junior high in Florida to be designated a Center of Excellence by the National Council of Teachers of English, and the reading scores of its students were two grade levels higher than the scores in the other junior high schools in Bay County.

A grandmother of one student objected to one book used in the program—*I Am the Cheese*—because of its vulgar language and sexual references. After several hearings and meetings, the school board ordered that the book be dropped from the program. The teachers were appalled. High-spirited and idealistic—just what we would want teachers to be—they battled back. The dispute tore the school system apart. The child's grandfather sent a letter to parents complaining of the book's "obscene language," and he gave a newspaper interview decrying the English program's use of "these filthy little books." The school board adopted a complex, five-step procedure for accepting books; the teachers objected, trying to protect their right to choose books. Stormy school board meetings ensued, dozens more books were excluded from use, and the teachers filed a suit against the school board in federal court.

After three years, court proceedings finally wound their way to a negotiated settlement that provided for a complex book-selection process that involved a sequence of hearings, reviews, and appeals. One of the many burdens it laid on the teachers was the requirement that they submit a complete written justification for every book in their classroom, including books informally available for student reading. For each book—and some classrooms had hundreds—the teacher was supposed to summarize the plot, explain its value, and detail how it would be presented.

In political terms, the Bay County book dispute was a heartening display of taxation with representation. The protesting grandmother was doing exactly what Thomas Jefferson and the framers of the U.S. Constitution had in mind. But her efforts led to an educational disaster. The teachers were embittered by the public hostility, and they resented the ponderous bureaucratic directives that resulted from it. Eventually, all eleven of the English teachers at Mowat school left, and the program lost its designation as a Center of Excellence.

Every year, hundreds of such disputes erupt in schools around the United States, leaving teachers demoralized, parents irate, and administrators defensive. Conflicts over intellectual content also precipitate an ever-growing delta of red tape. Public-school textbooks are now subject to hundreds of pages of regulations specifying their

content. In Milwaukee public schools, one of the announced aims is that “students will project anti-racist, anti-biased attitudes through their participation in a multi-lingual, multi-ethnic, culturally diverse curriculum” (Sykes 1995, 31). Wisconsin—the dairy state—has imposed the requirement that students study the “health values of dairy products and their importance for human diet” (Cibulka 1996, 8).

After government departments of education check the books for compliance with the guidelines, state boards hold hearings in which the pressure groups—left, right, and center—plead for changes favorable to their cause. Should homosexuality be mentioned? Should it be approved or condemned? Should the textbook say that Franklin Roosevelt’s New Deal saved America or destroyed it? And so on. The state board then orders publishers to make the hundreds of changes needed to steer around the scientific, social, and religious controversies raised by the pressure groups. How could a textbook with any originality or soul emerge from such a process? But such is the system toward which taxation with representation tends.

Keeping Bad Apples

Another area in which democracy has harmed the schools is discipline. Education cannot proceed efficiently unless students are obedient and polite. To maintain respectful attitudes, tools of discipline are necessary, especially the ability to expel students who are disruptive or who are otherwise unmatched to what the school can offer. In a private school, this problem tends to take care of itself. Parents and schools enter into a voluntary arrangement, and either side is free to withdraw from it when it proves unsatisfactory. Parents can say, “Your school is not right for our child, so we are taking him elsewhere”; and the school can say, “We cannot serve your child, so you need to find another provider.”

This sensible logic cannot apply to public schooling. Parents have been forced to pay for the school against their will, and therefore they feel they have a right to its services. When a child is suspended or expelled, that right is being denied, and parents protest. Naturally, principals, superintendents, and school boards want to avoid the time-consuming hearings, litigation, and embarrassing publicity that disciplinary situations generate. Such aversion makes them inclined to sweep disciplinary problems under the rug. When the teacher recommends that Johnny be suspended for swearing at the teacher, officials are likely to reject the recommendation, so Johnny is back in the class the next day—with a smirk—and the teacher has to live with the fact that she has lost control of the classroom.

Or, to take another type of typical disciplinary problem, suppose Johnny turns up with his hair dyed green. The rest of the children are fascinated by the audacity of that challenge to authority. What will the principal do? He calls a meeting with the parents to discuss the problem, and when they walk into his office, he discovers that they also dye their hair green! No solution is possible within the democratic context. The principal cannot dispute the parents’ taste: the public school is the school of

“all the people.” How can the child be expelled from the school that his parents are being forced to pay for? But, on the other hand, if the disruptive hairstyle is allowed, it may send a “do your own thing” message to the entire school.

The inability of public schools to control their clientele may be their greatest weakness, for every successful institution needs the ability to reject unsuitable participants. In Montgomery County, Maryland, a review of expulsion policies in 1996 found that of a student body of 120,000, only 3 students had been expelled, even though teachers and principals had recommended 1,090 for expulsion. Students who had “assaulted staff, committed arson, and thrown students through plate glass windows” were allowed to continue going to school (Beyers 1997, B1). Compelled to retain unruly students, schools have had to devote extra effort to providing for physical safety. They hire guards (the New York City Board of Education employs 3,000 security guards in the schools), attempt to limit weapons with searches and metal detectors, and tightly regulate movement. In tone and appearance, the school comes to resemble a jail.

Distant Helpers Bring Ruin

Democracy is inherently meddlesome. The doctrine of taxation with representation gives everyone—even outsiders—the right to reach into tax-funded entities and “improve” them. The problem is that distant outsiders have little grasp of the intricate relationships in a successful institution. They are like doctors attempting to conduct brain surgery over the telephone. Their intervention is bound to do more harm than good. Worse still, the distance that makes their intervention inept and harmful prevents them from realizing that it is inept and harmful. The telephone surgeons cannot see the blood being spilled, so they keep ordering deeper incisions.

The public schools have been bedeviled by the well-meaning meddling of far-off authorities. In the last half of the twentieth century, legislators, administrators, and judges have imposed on local public schools a staggering burden of requirements and demands. At first glance, most of those requirements look helpful, but in the complex reality of each school they have often played out as diabolical schemes to disgrace and destroy public education.

The fate of Dunbar Public High School, as recounted by economist Thomas Sowell (1999), illustrates the tragic pattern. For eighty-five years, from 1870 to 1955, the school was an outstanding black-led institution serving the black community in Washington, D.C. Its idealistic, demanding teachers and principals ran a strong academic program that was open to any youngster in the city with enough motivation to meet its demands. As evidence of its high standards, it had a better record of attendance and less tardiness than D.C. high schools with a predominately white student population. A majority of its graduates went on to higher education; it was the alma mater of more black Ph.D.s than any other high school in the country. The first black

person to graduate from West Point came from Dunbar, as did the first black full professor at a major university (the University of Chicago) and the first black federal judge.

Practically overnight, this educational lighthouse was snuffed out by high politics. Through legal and political complexities too involved to recount here, the 1954 Supreme Court decision in *Brown v. Board of Education* propelled the District of Columbia school board to make Dunbar a “neighborhood” school. Although a seemingly innocent decision, it doomed Dunbar. The school had thrived by attracting serious black students from all over the district, but now was forced to serve only the children in its immediate slum neighborhood. Sowell explains what happened.

When Dunbar became a neighborhood school, the whole character of its student body changed radically—and the character of its teaching staff changed very soon afterward. In the past, many Dunbar teachers continued to teach for years after they were eligible for retirement because it was such a fulfilling experience. Now, as inadequately educated, inadequately motivated, and disruptive students flooded into the school, teachers began retiring, some as early as 55 years of age. Inside of a very few years, Dunbar became just another failing ghetto school, with all the problems that such schools have, all across the country. Eight-five years of achievement simply vanished into thin air. (Sowell 1999, 3)

Ultimately, Dunbar’s problem was that it did not control its own destiny. Being dependent on the tax system, it was dependent on those who represented taxpayers—in this case, federal judges and the city school board. Those far-off outsiders made decisions that, quite unintentionally, caused the school great harm.

Dunbar was not the only public school to suffer the side effects of the battle over racial integration. School districts all around the country were drawn into a protracted controversy known as “forced bussing.” In an effort to achieve a desired racial balance in each school, federal judges ordered that students from one neighborhood be bussed to a school elsewhere. That policy has now been largely abandoned—leaving schools still racially imbalanced—but the controversy left a legacy of bitterness and wasted energies.

In 1975, Congress thought of a way to help children with disabilities: it required local school districts to give them special educational services. Moreover, it required that those services be given in the regular classroom, alongside the other children. Not only has this measure been expensive, but it has also at times had a disruptive, demoralizing effect on teaching. Some students classified as disabled present discipline problems: often their disruptiveness is their “disability.” The children with such disabilities might set fires, hit other children, or swear or spit at teachers. Yet teachers are forced by federal law to accommodate them in their classrooms. In effect, the education of several dozen children is sacrificed in

the attempt to give one child with a disability the equal education that the doctrine of taxation with representation requires.

How Does It Feel to Work for “Idiots?”

The theory of democracy is strangely silent about the role of government employees in the policy process. It is apparently assumed that they will carry out whatever the majority wants, as that majority's will is reflected through the political system. If the school board tells teachers to read the Bible all day, then they should cheerfully do so, and if a week later another faction gains control of the school board and tells teachers to burn every Bible in school, then they should follow that command with equal enthusiasm.

But teachers have their own ideas. They resent being jerked around by the edicts of far-off politicians who, as the teachers see it, know next to nothing about the school's real problems. Dedicated teachers dislike being told what book they cannot assign, what children they cannot discipline, and what religious sources they cannot use, and they resent the burdensome paperwork and arid legalism that democratic control entails. Their attitude toward the political authorities—school boards and superintendents—is seldom respectful, let alone servile. One Florida teacher, writing about her dispute with local school authorities, approvingly quoted Mark Twain: “First God created idiots. That was for practice. Then he created school boards” (Johnson 1994, 28).

The hostility of teachers toward their democratically elected superiors is inevitable. Politics makes for short-sighted decisions, grandstanding, and the evasion of responsibility. As a result, a democratic assembly is an inept boss, one that can be neither admired nor trusted. In the public schools, employee frustration has led to the formation of militant teachers' unions. The teachers have said, in effect, we need somebody to battle the irresponsible “idiots” who rule our lives. Although an understandable response, the development of teachers' unions has further injured public education. Unions turn disagreements over teaching methods and intellectual freedom into major public struggles that harden positions and generate burdensome red tape.

Union demands for reduced loads and higher pay make them natural enemies of taxpayers, whose good will is, in the long run, essential for healthy school funding. The struggle for increased benefits often leads to strikes that, of course, deprive children of the educational services parents have paid for. Union clauses limiting layoffs and transfers undermine the ability of administrators to use personnel effectively (Liebmann 1998, 23).

Legal mechanisms to protect teachers from dismissal, developed largely at union insistence, today make it virtually impossible to fire incompetent teachers in many states. In one rare effort to do so, it took the Grossmont Union School District in southern California thirteen years and \$312,000 in legal costs to fire one teacher for incompetence (Colvin 1995, A1).

Exiting from the System

The preceding review of public school problems covers only a small fraction of the conflicts that have thrown the public schools into turmoil. Phonics, ebonics, bilingual education, sex education, condom distribution, new math, self-esteem training, policies on pregnant teens—virtually endless is the list of issues that the doctrine of taxation with representation compels parents, teachers, and taxpayers to fight about. Inevitably, the overall result of this contentiousness is a disappointing school system. Academic standards are unsatisfactory: students of comparable backgrounds are an entire year behind their contemporaries in private schools (Coleman, Hoffman, and Kilgore 1982). The struggle has been expensive in economic terms as well: tax-funded schools cost at least twice as much per pupil as comparable private schools (Chan, Garet, and Sherman 1995). And, perhaps most frustrating of all, the system has stifled the creative energy of the reformers who have sought to bring innovations and diversity to the educational scene.

All of these problems have created pressure to move to alternatives that do not have the baggage of taxation with representation. One avenue is for parents to educate their children themselves, apart from the government system. Although laboring under an enormous legal and financial cloud, home schooling has been growing rapidly. In the past five years, the number of students being home schooled has tripled, to an estimated 1.2 million students (Matthews 1999, A11). “We just think the public school system in this country is really pathetic in a lot of cases, and we know we can do a better job,” said a leader of a Maryland home-schooling group (Shen 1998, A1).

Another alternative to tax-funded schools is private schooling. Even though entailing the same financial disadvantage as home schooling—parents are forced to pay for educational services they are not using—private schools have increased enrollment somewhat in recent years, to 5.8 million, or just a little more than 11 percent of total school enrollment (U.S. Department of Education 1997, Supplemental Table 44-1).

One interesting development in the movement away from public education is the private-voucher movement. Private philanthropists donate money to enable low-income inner-city youngsters trapped in poor public schools to move to private schools. Begun in 1991 in Indianapolis, private-voucher programs now support more than 13,000 students in forty-one cities, and new programs are being set up at the rate of six a year (Children’s Educational Opportunity Foundation 1999).

Perhaps the most significant effort to bypass the political burdens of the public schools is the charter-school movement. In this arrangement, parents, teachers, and educational reformers set up an independent school to their liking, which receives a “charter” from the local or state school authority and tax funds. The purpose is to free these schools from deadening rules, regulation, and political supervision. Since the movement began in 1991, more than 1,200 charter schools have been opened, with

more than 300,000 students, and new ones are being formed at the rate of nearly 200 a year (Center for Education Reform 1999).

It is important to realize that, at bottom, the charter-school movement is a repudiation of the principle of taxation with representation. After all, the regulations that encumber ordinary public schools are the product of the democratic process. They reflect what the community wants in its schools, as those wants have been churned through the existing system of political representation. Charter-school reformers want to turn their backs on the crazy-quilt of interests, demands, and ideologies, and to run their own schools as they think fit. “I tried everything,” says California charter-school leader Yvonne Chan, who pulled out of the Los Angeles public school system after twenty-five years of trying to make it work. “But they handcuff your hands with so many policies, so many rules and regulations. If your toilet seat is broken, tough luck; you wait till everybody’s gets fixed” (Traub 1999, 30).

Though charter schools reject the principle of democratic representation, they still rely on taxation, and this reliance creates a politically unstable situation. There are reasons to suspect, however, that most charter schools will move away from tax funding in the long run. Even in their beginning stages, most charter schools rely on a considerable degree of voluntary support in the form of donations from private businesses and philanthropists, fund-raising efforts, and volunteer workers. They are, in effect, half privately funded and half tax-funded institutions.

What will happen in the future if tax monies become tight, as cost and tax trends suggest they will? The public school establishment will retain the lion’s share of the money to fund its ponderous bureaucracy and built-in inefficiencies, starving the charter schools. At the same time, the bureaucracies, unions, and pressure groups will attempt to gain more control over charter schools, as they have every right to do under the principle of taxation with representation. Facing these threats and pressures, going without the tax money will look increasingly attractive to charter-school leaders.¹

Conclusion

The woes of the public schools are but one manifestation of the predicament that afflicts modern government as it tries to deliver a vast range of goods and services: How can it please everyone? When citizens and their pressure groups are alert, active, and demanding, it becomes increasingly difficult for government to provide a community service that satisfies all customers. And, in the process of trying to respond to all demands, the service becomes costly and bureaucratic. In the long run, it seems, such problems will increasingly lead citizens to look to the private provision of public services.

1. Editor’s note: For additional discussion of the “school-choice choices,” see the article by John D. Merrifield in this issue.

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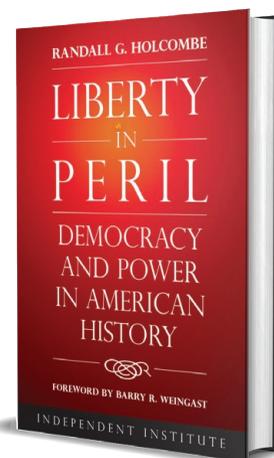
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