



# FACTS & OPINIONS

*On Public Interest Issues*

## Quotes

In a democracy, society must recognize that the individual has rights which are guaranteed, and the individual must recognize that he has responsibilities which are not to be evaded.

---Harry Woodburn Chase  
Former President,  
University of North  
Carolina

There are no morals in politics; there is only expedience. A scoundrel may be of use to us just because he is a scoundrel.

---V.I. Lenin

The greatest dangers to liberty lurk in the insidious encroachment by men of zeal, well-meaning but without understanding.

---Justice Louis Brandeis

## Obsessive Compulsion: The folly of mandatory high-school attendance

Jackson Toby

In all the commentary on the murders at Columbine High School in Littleton, CO, an obvious question has gone unraised: Why, if Eric Harris and Dylan Klebold were miserable at school, didn't they simply drop out? Why did they feel trapped? The answer is apparently that the stigma of dropping out of high school is so great in middle-class suburbs that it is unthinkable.

In all states, compulsory attendance laws forbid students to drop out until they turn 16 and sometimes until they turn 18 or even older. States have also imposed penalties on dropouts and their families, including reduced welfare benefits. West Virginia began in 1988 to revoke the driver's licenses of minors who drop out of school, and other states have since adopted this approach, even though it has had a negligible effect on the dropout rate in West Virginia.

Why is dropping out regarded as a terrible mistake? First, it is

assumed to be a personal mistake because, in a complex, information-oriented society, a high-school education is needed to avoid unemployment. The evidence about the comparative earnings of people with various levels of education seems to support this assumption. Second, it is assumed to be a social mistake.

Chester E. Finn, Jr., the education analyst and former Reagan-administration official, describes education as "something that a decently functioning society obliges people to get a certain amount of, even if they don't really want to."

But the case for coerced high-school education—so rarely questioned—really relies on ignoring certain facts and swallowing certain myths.

First, the facts:

Fact 1: Some students do not learn what school is supposed to

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## FACTS & OPINIONS

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**President**  
Dr. Don Racheter

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## What's New at Public Interest Institute?

Doug Strickler

Dr. Don Racheter, President of Public Interest Institute, and Dr. Richard Wagner, Chairman of PII's Academic Advisory Board, attended a book-signing party promoting their new book, *Limiting Leviathan*. The signing was held in Washington, D.C., on June 8 and was sponsored by the Cato Institute.

Jennifer Crull recently returned from Iowa Girls' State, a week-long program for high-school girls, sponsored by the American Legion Auxiliary. More than 300 young women from around the state attended, and participated in programs leading to a better understanding of state, county and local government. Jennifer served as Assistant Federalist Party Adviser.

Amy Frantz attended the Initiative and Referendum Institute's National Conference in Washington, D.C., in May.

In July, Arlan DeBlicke attended the Foundation for Economic Education Conference in New York.

Doug Strickler joined the staff of Public Interest Institute on May 12. He is nearing completion of his Ph.D. in sociology from the University of Notre Dame.

## Obsessive Compulsion

Jackson Toby

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teach them: reading and writing, history and geography, arithmetic and science. The reason may be lack of parental encouragement and help, which research has shown to be crucial in motivating children to learn; it may be that students have physical or psychological handicaps; it may be peer influences. Whatever the reasons, kids who don't understand what is going on in class are bored and disruptive when they attend at all. They become internal dropouts, still enrolled, but making no effort to learn.

Fact 2: The presence of these internal dropouts discourages teachers. They often wear high-school teachers down to the point that the teachers stop putting forth the effort required to put ideas into the heads of students. One consequence of burnout is enormous teacher-turnover rates, especially in inner-city high schools with large proportions of internal dropouts. But some teachers hold on grimly, taking as many days off as they are entitled to, including "sick" days (known in the trade as "mental-health" days). Of course, burned-out teachers lose effectiveness at teaching students who are in fact amenable to education; that

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## Obsessive Compulsion (continued from page 3)

Jackson Toby

*...education in any meaningful sense depends on a cooperative relationship between teacher and student*

probably is part of the explanation for the greater satisfaction of students and their parents with secular private schools, parochial schools, and charter schools.

Fact 3: Internal dropouts contribute disproportionately to fights and assaults, and probably to thefts, in public high schools. While occasional violence occurs in most schools, some schools in large systems such as those in New York and Washington, D.C., suffer chronic violence as the internal dropouts multiply while the more serious students flee to private or parochial schools or a school system in the suburbs.

Fact 4: In some other industrial countries where high school enrollment is voluntary, not compulsory, a significant proportion of young people enroll and graduate. Japan is particularly noteworthy because its high schools are not only voluntary, but a major expense. Yet a higher percentage of Japanese young people than American ones graduate from high school. The Japanese go to high school, and do much more homework than Americans, because they are convinced by their parents and the cultural values of their society that their futures depend on a good education.

The United States is surely not Japan, so we may not be able to convince as many of our young people to attend and graduate from school as the Japanese do. But persuasion is possible. We do not compel college attendance, yet the college attendance rate in America is still the highest in the world. Making high school voluntary and the courses tougher would affect perhaps 5 to 10

percent of students currently enrolled in public high schools. The majority will do whatever they must to graduate. So why do most people shrink from the conclusion that compulsory high-school attendance is unnecessary? On to the myths:

Myth 1: Adolescents can be educated whether they like it or not. Actually, education in any meaningful sense depends on a cooperative relationship between teacher and student. Unmotivated students do not learn enough to justify the effort to keep them enrolled. Laurence Steinberg of Temple University, Bradford Brown of the University of Wisconsin, and Sanford Dornbusch of Stanford University conducted a study of 20,000 students in nine public high schools in Wisconsin and northern California from 1987 to 1990. They concluded that about 40 percent of the students in these diverse education settings (suburban, rural, and inner-city) were “disengaged” from the educational enterprise. Here is how Steinberg put it in his book *Beyond the Classroom*:

*Disengaged students . . . do only as much as it takes to avoid getting into trouble. They do not exert much effort in the classroom, are easily distracted during class, and expend little energy on in-school or out-of-school assignments. They have a jaded, often cavalier attitude toward education and its importance to their future success or personal development.*

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## Obsessive Compulsion (continued from page 3)

Jackson Toby

*Instead of locking the high-school doors to prevent students from leaving, we ought to let those who do leave know that the doors remain open should they wish to return.*

Myth 2: The students who will leave school as soon as they can will generate a crime wave. Two studies exploded that myth a generation ago: a national study of adolescents conducted by researchers at the University of Michigan (*Dropping Out: Problem or Symptom?*) and a study of California youths conducted by criminologists Delbert S. Elliot and Harwin L. Ross (*Delinquency and Dropout*). Both studies followed students throughout their high-school years and beyond, gathering delinquency data covering the entire period. They independently reached the same conclusion: While it is true that high-school dropouts had a higher crime rate than other students, the higher delinquency rate preceded their dropping out of school and did not increase after they left.

Myth 3: Those who do not complete high school are doomed to live an economically and culturally impoverished life. What kind of job can a dropout get? How about flipping burgers for the minimum wage? Fast-food restaurants have a reputation for offering dead-end jobs, yet they are actually a major trainer of the poorly educated for jobs that lead into the middle class. McDonald's is more successful at training egocentric teenagers, including dropouts, to become good enough workers to move on to better jobs than most government training programs.

The surprising statistical finding of *Dropping Out: Problem or Symptom?*, which looked into the employment experiences of dropouts, is that on average they did at least as well as

high-school graduates who did not go on to college. Formal education is not the only path to responsible adulthood. It should also be remembered that deciding not to complete high school is a revocable choice. The former governor of New Jersey, Jim Florio, dropped out of school at 17, joined the Navy, realized that his lack of a diploma was a handicap, took the GED exam, and eventually completed college and law school. Instead of locking the high-school doors to prevent students from leaving, we ought to let those who do leave know that the doors remain open should they wish to return. The coercion of compulsory education hasn't worked well for a simple reason: Some people do not learn to tolerate school, much less like it. And some of them engage in desperate coping measures. There was little point in keeping Eric Harris and Dylan Klebold at Columbine High.

*Jackson Toby is professor of sociology at Rutgers University and was director of the Institute for Criminological Research there from 1969-1994.*

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## The Affable Despot

Michael W. Lynch

*As proof of good behavior, Kromberg said he hadn't confiscated a car in over a year.*

Jaws dropped at the Cato Institute yesterday. The amazed were hunkered down in the subterranean F.A. Hayek Auditorium for a morning conference on civil asset forfeiture reform. House Judiciary Committee Chairman Henry Hyde (R-Ill.) was on hand to outline the provisions of his forfeiture reform bill, which he had just introduced, and to speak more generally to the injustices of seizing people's property without a trial. Hyde has put together a bipartisan coalition that includes Reps. Bob Barr (R-Ga.), John Conyers (D-Mich.), and Barney Frank (D-Mass.) to battle Clinton's Department of Justice and the legion of state and local law enforcement organizations that get a cut of the more than \$338 million the government seizes from Americans each year. But it wasn't Hyde who amazed us.

It was Gordon Kromberg, the Assistant U.S. Attorney for the Eastern District of Virginia, one of two Department of Justice representatives present. By the time Kromberg made it to the microphone, Cato's Roger Pilon, Hyde, and Bo Edwards, an attorney who represents people whose property has been stolen by government agents, had already held forth. They'd explained the system: that property can be confiscated by government agents based on nothing more than probable cause; that the accused individual is considered guilty and must prove

otherwise to get his property back; that law enforcement agencies get to keep and use whatever they confiscate; and that this system, not surprisingly, often abuses innocents, especially minorities who, we all know, are more likely to fit law enforcement's definition of probable cause.

Kromberg, who'd grinned through a glass of water for the entire presentation, knew he had a tough case to make. "Thanks for having me as the designated piñata at this party," he opened wryly.

He then proceeded to a two-pronged line of argument. First, he denied there was a problem. Claiming the examples Pilon, Hyde, and Edwards cited were dated—most went back to the early '90s—he said the government had reformed itself. It had learned how to handle its new tool, which, after all, was put to serious use for the first time in the late 1980s. Playing to the anti-government sentiment of the Cato crowd, this crafty arm of Leviathan claimed Hyde's efforts were typical of our bumbling government. Mocked Kromberg, "Let's go reform what used to be." As proof of good behavior, Kromberg said he hadn't confiscated a car in over a year.

The shocking part came later. Explaining the two types of asset forfeiture—criminal, which emerges from

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## The Affable Despot (continued from page 5)

Michael W. Lynch

*He bluntly declared that people like him ought to be able to punish individuals they believe are guilty, even if they can't prove that guilt in a court of law.*

a criminal trial and conviction, and civil, which can transpire absent even an arrest of the property owner, let alone a conviction. Kromberg defended the latter in this way: Prosecutors are busy. Way too many bad guys are running around for them to help catch with stings and convict in court. Some outlaws are even pretty smart. He admitted that he currently had 10 money laundering cases in which he couldn't figure out how the people were washing the dough. But still, he knew these people were guilty and was certain they needed to be punished. Should we let these people get away, he asked, before answering in an illuminating way: Not if we can punish them through other means.

There you have it: Kromberg came clean, to employ a law enforcement cliché. He bluntly declared that people like him ought to be able to punish individuals they believe are guilty, even if they can't prove that guilt in a court of law. In essence, this affable despot sees nothing wrong with prosecutors serving as judges and juries. Different levels of punitive action deserve different levels of protection, he said. If you're not infringing on liberty, he said, punishment should require a lower standard.

Now two things are worth mentioning. I would argue that confiscating someone's car, their boat, or a large sum of money is in fact depriving

them of liberty—at least the liberty to drive around, go water skiing, and buy stuff. It's interesting that those in our government doing the confiscating don't agree.

Perhaps more important, however, is that the "lower standard" Kromberg invokes, probable cause, is barely a standard at all these days. In practice, this means a government agent can seize any money you may be carrying if a drug dog detects a bit of contraband on it. Since most of the U.S. money supply is contaminated, the government can basically empty out your wallet any time it wants. It is up to you, an American citizen who hitherto thought you had constitutional rights, to convince the government, either in an administrative procedure or later in court, at great expense and effort, that the money was in fact not the result of a drug transaction.

Kromberg sees nothing wrong with the probable cause standard. In fact, he loves it. This low standard, he explained, allows the government to rely on hearsay to confiscate property. If you tighten this standard, according to Kromberg, the government would have to go to trial—actually march into a real court where even people who aren't government agents have rights—to get its hands on someone's property. That's what's wrong with Hyde's bill.

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## Focus on Iowa Wesleyan College

Shelly Doak

### It was truly a Celebration of Dedication

*Shelly Doak is Public  
Relations Director at Iowa  
Wesleyan College.*

Retirement is a time to reflect on accomplishments and look to the future with anticipation. But for President Robert Prins it was a time of mixed emotions. As the longest serving president in the history of the college, he has developed a relationship with the Iowa Wesleyan community that will last a lifetime. It was this dedication over the past 13 years that made it only fitting to salute the man who accomplished so much.

Approximately 300 people attended the retirement celebration held in honor of President Prins and his wife, Ruth, on Friday, May 21. The "Celebration of Dedication" included dinner, entertainment, and featured speakers Dr. Byron Johnson '62, Dr. Robert Dodder '52, Dr. Lany Elgar '49, Dr. Ruth Keraus Hon. '88, John Badger '62, Dr. John Hartung, Carol Nemitz '56, and Dr. Gary Shaw '60. Even a representative from Prins' alma mater, Hope College, presented him with a gift acknowledging his success as a college president.

Throughout the evening stories of triumph and humor were told, along with a few sentimental tales. Dr. Ruth Keraus credited Prins with improvement to the campus and stated, "He's given us 13 good years. We haven't always agreed, but I have never doubted his commitment to the college. She presented him with several Wesleyan mementoes

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including a piece of the old gym floor, an IWC beanie, and the traditional Iowa Wesleyan watch that is presented to all college employees who have worked at the institution for at least 25 years. The watch given to Prins was broken, but that was okay since "Bob didn't reach 25 years."

John Badger, president of the Iowa Wesleyan Alumni Association, recalled many triumphs over the past 13 years. He noted how Prins led the campus through the reconstruction of Old Main after the fire in 1989. He also spoke of Prins' success in increasing the college endowment, and the creation of cultural diversity on campus by welcoming international students. Referring to the proposed student activity center, Badger stated "Your best triumph is yet to come."

Following a presentation of gifts, including the old Tiger mascot costume from members of the Student Senate, Prins attempted to express his appreciation for Iowa

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### **The Affable Despot**

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Said Kromberg: “When you want to change the burden of proof, you’re cutting the throat, eviscerating asset forfeiture as a tool.”

Precisely, Mr. Prosecutor.

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*Public Interest Institute has available, at a reduced price, a small quantity of copies of Limiting Leviathan, a new book edited by Dr. Racheter and Dr. Wagner. For more information, contact PII at (319) 385-3462.*

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### **...Celebration of Dedication**

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Wesleyan and the people associated with the college. A few tears were shed as he lived up to his reputation of being one of the more sentimental presidents in Iowa Wesleyan's history. These emotions were a true symbol of the sentiment that lies between Prins and the institution to which he has devoted his life's work.