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CONSTRUCTIVE IDEAS FOR CHALLENGING TIMES

At a recent Manhattan Institute forum, author and former White House speechwriter David Frum discussed his new book *Comeback: Conservatism That Can Win Again*. We were flattered when David began his talk by noting that “the challenge of conservatism in the current age, in which everyone is feeling a bit beleaguered, is to get on the ground and come up with practical, pragmatic solutions to real-world problems, and the Manhattan Institute has built its reputation by doing exactly that.”

We appreciate David’s comments because they perfectly encapsulate what the Manhattan Institute seeks to do: supply substantive ideas that transcend partisanship and ideology to address real-world concerns. Of course, the Manhattan Institute does have a core set of values that guide our thinking—we remain committed to the classically liberal principles of free markets, personal responsibility, limited but effective government, and the rule of law—but our focus is always on offering constructive ideas, rather than promoting a particular political or ideological agenda.

These are challenging times. The strain of war, financial-market turmoil, and discontent on domestic matters such as health care and education have led two-thirds of Americans to tell pollsters that the country is “on the wrong track.” It is worth remembering, however, that the Manhattan Institute was founded in 1978 during another difficult era for both New York and the nation. We are proud of our record of accomplishment over the past three decades, and with your help, we will continue to offer the kind of practical, constructive ideas that can make a difference.

THE RULE OF LAW VS. THE RULE OF LAWYERS

When our Center for Legal Policy first started issuing its line of *Trial Lawyers, Inc.* reports several years ago, the plaintiffs’ bar was widely regarded as an unassailable defender of justice, the David versus the Goliath of corporate America. Over the years we’ve worked hard to debunk this perception by lifting the veil from the machinations of the litigation industry—and it appears that our message is finally breaking through.

“For so long they were regarded as white knights by many who wrote about them; they were held up as a great force for the integrity of the system.” That is how senior fellow Walter Olson was quoted in an article on the front page of the *New York Times* business section describing the fall from grace of several of the nation’s best-known trial lawyers. The article discussed how Melvyn Weiss, Richard Scruggs, and other high-profile trial lawyers who once “humbled entire industries” have now pled guilty to federal bribery and conspiracy charges. “It’s certainly not good for the environment,” noted the head of another large plaintiffs’ firm active in class-action securities litigation. Score one for the rule of law over the rule of lawyers.

The recent scandals among the plaintiffs’ bar have prompted many to take a fresh look at the nation’s civil justice system. An April *Washington Post* editorial called for “a
sober discussion about how best to achieve a fairer, more balanced legal system through comprehensive tort reform.” In the months ahead, the Manhattan Institute will work to build on the momentum that has been created on the civil-justice reform front through a number of important initiatives.

A new Trial Lawyers, Inc.: Asbestos report exposes the business model underlying asbestos litigation—one that uses sophisticated marketing to attract thousands of claimants, generates cases with flimsy medical diagnoses, and packages claims to overwhelm defendants and courts. The Institute is also pleased to announce that Marie Gryphon has joined our Center for Legal Policy as a senior fellow. Marie holds a J.D. from the University of Washington School of Law and is a Ph.D. candidate in public policy at Harvard University; she worked formerly for the Cato Institute as a policy analyst. Marie will undertake an important study looking at the cost of frivolous lawsuits and how adopting “loser pays” rules in civil litigation could benefit our economy and enhance the integrity and functioning of our justice system.

EDUCATION: INFLUENCING POLICY AND ENCOURAGING DEBATE

Manhattan Institute scholars have a reputation for producing paradigm-shifting works that tangibly change the policy landscape. Senior fellow Jay Greene is a prime example. A few years ago, his research on the efficacy of school choice was cited four times in the Supreme Court’s landmark Zelman v. Simmons-Harris decision affirming the constitutionality of school vouchers. Now, Jay has once again directly influenced education policy by changing the way the federal government calculates high school graduation rates.

In 2002, Jay released a pathbreaking study describing how school districts often overstate their high school graduation rates, and offering a methodology for calculating more accurate rates. The study sent shock waves through the education establishment and prompted a national reevaluation of how graduation rates are determined. The most important education-related periodical in the nation, Education Week, changed its method of calculating graduation rates based on Jay’s work and listed the report as one of the ten most influential education studies of all time. Then, last month, the coup de grace occurred when Secretary of Education Margaret Spellings announced that the federal government would now require states to report their high school graduation rates using a uniform formula consistent with Jay’s methodology. Yet another example of Jay turning intellect into influence.

We are also pleased to report that Marcus Winters, Jay’s longtime research associate, has been promoted to Manhattan Institute senior fellow. Marcus has moved from Jay’s shop at the University of Arkansas to New York City in order to take a closer look at the reforms being undertaken by Mayor Michael Bloomberg and Schools Chancellor Joel Klein, and he has already published a number of important op-eds on the city’s efforts to reform teacher tenure and initiate merit pay.

Jay and Marcus have also just released an important study showing the positive effect that Florida’s McKay special-education voucher program has had on the quality of education public schools provide to special-education students. The study received widespread media coverage, including a three-part series of op-eds in the Washington Times arguing that the McKay program should serve as a model for reforming the federal Individuals with Disabilities Education Act so that special-education dollars go directly to parents, rather than school systems.
C-SPAN also devoted an hour of its *Washington Journal* program to interviewing Jay and Marcus on the study’s findings and implications.

Earlier this year, *City Journal* contributing editor Sol Stern published an article titled “School Choice Isn’t Enough.” Sol, a longtime school-choice proponent, suggested that education reformers have focused too much attention on “incentivist” efforts designed to create choice and competition in the education marketplace and not enough on “instructionist” reforms that deal with curriculum and pedagogy. We knew that Sol’s piece would generate much debate, but we had no idea how much. Immediately, education experts from across the country began debating Sol’s thesis, including Jay Greene, who argued strongly that choice and competition are key to bringing about educational improvement.

While some think tanks might have kept this debate internal, the Manhattan Institute saw it as an opportunity to have an open and honest discussion on education policy. *City Journal* organized a symposium on its website that saw many of the nation’s top education scholars post thoughtful essays. Several commentators praised the Manhattan Institute for having the courage to open up debate on this issue. Daniel Casse in *The Weekly Standard* noted that “it is both astonishing and refreshing to find in *City Journal* a vibrant and bracing exchange about the future of the school-reform movement. It is a must-read for anyone who has any interest in the future of education policy.”

School choice, standards and accountability, merit pay, teacher training, curriculum reform—the Manhattan Institute will continue to take a hard look at all these approaches to improving education, measuring them by one simple standard: what works best for kids.

**KEEPING THE PEACE IN THE CITY OF ANGELS**

When the Manhattan Institute’s good friend William Bratton was appointed chief of the Los Angeles police in 2002, we were thrilled that our Broken Windows theory of proactive policing would be planting its flag on the West Coast. Since then, Chief Bratton has cut serious crime in LA by more than a third and has used Broken Windows policing to help bring order to many formerly chaotic and crime-ridden areas. Until recently, however, ACLU lawsuits had stymied Chief Bratton’s efforts to clean up LA’s notorious Skid Row, a 50-square-block area that Bratton once described as “the nation’s largest homeless encampment and open-air drug market.” In late 2006, the LAPD brokered a compromise with the ACLU and launched its “Safer Cities” initiative in Skid Row, which combines stepped-up law enforcement with increased social services outreach.

This January, the Manhattan Institute partnered with the Milken Institute to examine the LAPD’s Skid Row initiative with a conference titled “Policing Skid Row: Is the Safer Cities Initiative the Right Approach?” The discussion included presentations by senior fellow Heather Mac Donald, whose recent *City Journal* story “The Reclamation of Skid Row” received widespread attention, as well as senior fellow George Kelling, the architect of the Broken Windows theory, who has served as a consultant to Bratton in Boston, New York, and now Los Angeles. Chief Bratton closed the event by describing how serious crime has plummeted since the Skid Row initiative began and how the LAPD is working with social-service providers to help the genuinely homeless find the housing and other assistance they need.

“If you believe that the criminal justice system is racially biased, you need to know Heather Mac Donald.

“She’ll mess with your mind and make you either up your politico-cultural game or admit you were wrong. What worries me is that so few on ’our’ side can, or bother to, go toe to toe with her. Just about every one of her pieces is a statistical and analytical tour-de-force, while we liberals tend too often to mouth liberal pieties like inside jokes.”

—Debra Dickerson at the Mother Jones blog

In addition to the cleanup of Skid Row and traditional policing issues, the Manhattan Institute is also working with
the LAPD to help the department tackle its new post-9/11 responsibilities as “first preventers” of terrorism. Shortly after 9/11, the Manhattan Institute responded to a request from New York City police commissioner Ray Kelly to help create the NYPD’s counterterrorism unit, now considered the world’s finest. Chief Bratton then asked us to come to Los Angeles to help him build up the LAPD’s counterterrorism capabilities. We’ve been assisting Chief Bratton and his team for the past few years, and we are pleased to report that the centerpiece of our work—a new National Counter-Terrorism Academy—recently opened in Los Angeles.

On March 11, Chief Bratton, Los Angeles mayor Antonio Villaraigosa, and Manhattan Institute vice president for policy research Howard Husock welcomed the first class of the Academy, which will train police on the latest counterterrorism concepts and tactics. The Academy will serve not only the LAPD, but also police officials from across the United States. The Institute’s Center for Policing Terrorism played a major role in the development of the Academy, including helping to develop the curriculum and hire the personnel. We are proud to have created an institution that will allow the broad dissemination of our ideas and help the nation’s 700,000 state and local police officers adapt to their new role as “first preventers” of terrorism.

HEALTH CARE: PRESCRIPTIONS FOR REFORM

Health care continues to be the most hotly debated public policy issue of the 2008 presidential race. Earlier this year the Manhattan Institute hosted a forum for Oklahoma senator Tom Coburn, who offers a unique perspective on the health care issue as a practicing physician, a former business owner, and a two-time cancer survivor. “We are at a critical juncture in our nation’s history as to how we are going to handle health care,” noted Senator Coburn. The senator discussed his own comprehensive health-care reform package, and the Institute plans to work with him in the months ahead to make the case for reforms that emphasize individual choice and markets to spur medical innovation, improve consumer choice, and offer better health outcomes at a lower cost.

Manhattan Institute senior fellows David Gratzer, Regina Herzlinger, Paul Howard, and Ben Zycher have been busy outlining what is at stake in this election and analyzing each of the candidates’ proposals for reform. For example, David Gratzer has taken a close look at John McCain’s health-care plan and found much of value regarding its focus on creating an individual-based health-insurance market in the United States, but also much to criticize regarding its plans to promote the “re-importation” of prescription drugs.

The Institute is pleased to announce the addition of Dr. Thomas Stossel as a senior fellow at our Center for Medical Progress, where he will lead the CMP’s efforts to examine the FDA’s regulation of drugs and medical devices and suggest how the process can be streamlined and improved. Stossel is a graduate of Princeton University and Harvard Medical School. He is currently director of the Division of Translational Medicine at Brigham & Women’s Hospital and a professor of medicine at Harvard Medical School.

We are also pleased to report that the New York State Health Foundation asked MI’s Center for Medical Progress to join a prominent consortium of think tanks and universities examining how to expand coverage to New York’s uninsured. As a result, Manhattan Institute adjunct fellow Tarren Bragdon prepared a special report, “Rx NY: A Prescription for More Accessible Health Care,” which detailed potential market-based approaches to extending health-insurance coverage. The report received serious attention from policymakers, and Columbia University is now including it in an important economic-modeling project to study the potential effects of our ideas on the availability and cost of health insurance in New York. In
addition, the Institute organized two conferences with the New York State Health Foundation, where MI scholars offered a market-friendly perspective as a counterpoint to New York policymakers’ assumption that the only way to help the uninsured is to expand government programs like Medicaid.

THE EMPIRE CENTER: OFFERING IDEAS IN A MOMENT OF CRISIS

It is often said that one can measure a person’s character by how well he handles a moment of crisis; the same is true of think tanks. When Governor Eliot Spitzer resigned earlier this year, instead of focusing on the sordid details of the story, MI turned the spotlight to the many serious challenges facing New York, and used the crisis as an opportunity to draw attention to our reform agenda. Senior fellows E. J. McMahon, Steven Malanga, and Nicole Gelinas all penned important op-eds that highlighted the crucial issues facing New York’s future—and it appears that New York’s new governor, David Paterson, has been paying attention.

Governor Paterson recently gave a speech before the Association for a Better New York in which he called New York’s budget “too big and too bloated,” described how high taxes were forcing businesses and residents to flee in droves, and suggested that New York needs to be “far more fiscally sound and prudent.” The speech led one prominent Democratic consultant to suggest that it “could have been written by the Manhattan Institute.” The Institute is pleased that Governor Paterson has picked up on many of the themes we’ve been advocating for some time, and we’re redoubling our efforts to offer substantive, constructive policy proposals that can create a better, more prosperous New York.

In association with E. J. McMahon’s Empire Center, senior fellow Max Schulz recently released an important study titled “NY Unplugged?,” which detailed several specific measures the state could undertake to address its growing energy needs and lower costs. The study resulted in op-ed placements in the Albany Times Union, the Buffalo News, and the New York Post, which also ran a related editorial suggesting that Governor Paterson listen to Max’s ideas. The governor did indeed listen—his staff called our office the next day to set up a meeting with Max. (Max’s work is also making waves in California. An adapted version of his City Journal article “California’s Potemkin Environmentalism” ran in the Wall Street Journal and is drawing a great deal of attention from pundits and policymakers.)

As E. J. noted in a recent Wall Street Journal op-ed, the words “New York State government” seldom appear in print without the modifier “dysfunctional.” E. J. and his team at the Empire Center have decided that it is high time that New York’s government stopped being the butt of jokes and started serving the people of the

NEW BOOK BY CITY JOURNAL CONTRIBUTING EDITOR GUY SORMAN

“Guy Sorman gives a human face to brutal oppression in today’s China. He introduces us to the daily suffering of many individual human lives: students thrown into exile for signing their names to political leaflets, pregnant women beaten for being pregnant without the authorization of the state, peasant families enduring the long, slow sufferings of AIDS brought to them by unsanitary blood transfusions in public clinics. Sorman has long been a promoter of a realistic form of democracy in China and of a ‘barefoot capitalism’ that would begin to diminish the huge number of those who suffer.”

—Michael Novak
As a result, the Empire Center will soon launch an important new government-transparency project that will shine a bright light into the dark recesses of “Albany, Inc.” The centerpiece of this effort will be a new website the Empire Center is creating that will make information on budgets and contracts widely available to citizens and journalists. Through this effort, as well as important forthcoming studies on property taxes and exploding pension costs, E. J. and the Empire Center will work hard to engage Governor Paterson and his administration in order to bring an end to the business-as-usual practices in Albany.

SPECIAL EVENTS & NEW LEADERSHIP

The Manhattan Institute lost a great friend and America lost one of its great public intellectuals with the death of William F. Buckley, Jr. this past February. For over 50 years, no one had more influence on the world of ideas; Buckley was America’s authoritative conservative voice. The afternoon of the moving memorial service for Buckley at Saint Patrick’s Cathedral, the Manhattan Institute and National Review held a symposium titled “William F. Buckley, Jr.: A Continuing Impact” in which conservative luminaries Myron Magnet, Jay Nordlinger, Richard Lowry, George Will, Roger Kimball, and Charles Kesler discussed Buckley’s intellectual legacy. The event was covered by C-SPAN and can be viewed at the Manhattan Institute’s website.

The Institute also hosted a forum with Vice President Dick Cheney when he was in New York this April. The vice president discussed the need to pass the Colombian free trade agreement and renew the Foreign Intelligence Surveillance Act, and described the progress being made in Iraq. He also offered some kind words for the Institute, noting that “the scholars and fellows of the Institute have built one of the most impressive think tanks in the country. And you do more than dwell in the world of ideas—you know how to build a case for reform and how to set events on a new track.”

MI hosted its first movie premiere when our Center for the American University joined the Moving Picture Institute to screen the documentary

An editorial in the Wall Street Journal reported on a John M. Olin Foundation matching grant to the Manhattan Institute’s Veritas Fund for Higher Education Reform.

“Using as a model Princeton’s James Madison Program in American Ideals and Institutions, Veritas looks for professors with ideas for bringing intellectual diversity to campus. Veritas has already disbursed $2.5 million to programs like Boston College’s Center for the Study of Constitutional Democracy, the University of Colorado’s Center for Western Civilization, and Cornell’s Center for the Foundations of Free Societies. The money that Veritas is getting from Olin comes in the form of a “matching gift,” meant to encourage other donors to keep up the good work…”

—Wall Street Journal, April 23, 2008
Indoctrinate U. Some 500 Institute friends and supporters attended and saw this hard-hitting exposé of the intellectual intolerance that is all too prevalent at many American universities. Afterward, senior fellows John Leo and David DesRosiers discussed the film and the Center for the American University’s efforts to restore intellectual pluralism at American colleges. Toward that end, the John M. Olin Foundation recently announced its final grant: a $1 million matching donation to the Center for the American University’s Veritas Fund for Higher Education Reform, which supports professors at top-tier universities who are working to bring serious scholarship and free inquiry back to college campuses. The Wall Street Journal wrote about the Olin matching grant in an editorial titled “Parting Gift” and noted that “the Olin board could not have picked a more fitting way to say goodbye.”

On Tuesday, April 22, the Manhattan Institute held its annual fund-raising gala, the Alexander Hamilton Award Dinner. The 2008 honorees were Herman Badillo, former U.S. congressman, deputy mayor of New York City, and Bronx borough president, who was introduced by former mayor Rudolph W. Giuliani; and Maurice R. “Hank” Greenberg, chairman and CEO of C. V. Starr & Co., Inc., who was introduced by former U.S. secretary of state Henry A. Kissinger. In accepting their awards, both Badillo and Greenberg offered stirring and substantive remarks. Badillo spoke about the importance of quality education, which has enabled generations of immigrants, from Alexander Hamilton to himself, to succeed in the United States; Greenberg discussed how America must remain committed to Hamilton’s vision of a global economy and reject the false promises offered by protectionism and isolationism.

The Hamilton Dinner also gave the Institute the opportunity to say thank you to our departing chairman and vice chairman, Dietrich Weismann and Byron Wien, and to formally welcome the Institute’s new leadership team, board chairman Paul E. Singer and vice chairman Dr. Michael Fedak. Singer also served as dinner chairman of our record-breaking 2008 Hamilton Dinner.

MANHATTAN INSTITUTE  
HOSTS VICE PRESIDENT DICK CHENEY

“If there’s one thing I could bring [back to Washington] with me from this city, it would be a good supply of the common sense and the fresh thinking of the Manhattan Institute. The scholars and fellows of the Institute have built one of the most impressive think tanks in the country. And you do more than dwell in the world of ideas—you know how to build a case for reform and how to set events on a new track. Your influence has made the difference in fields from welfare reform and crime reduction to education policy and the fight against terrorism. You’re able to persuade policy makers because you state clear principles, gather solid evidence, and bring to the dialogue a spirit of good will and unyielding standard of intellectual honesty.”
In the first half of 2008, MI fellows made television and radio appearances more than twice a day—with TV appearances at least four times a week and radio appearances at least ten times a week.

Highlights include: Regina Herzlinger’s appearance on a CNN health care special with Dr. Sanjay Gupta; Sol Stern’s discussion of his City Journal article about Bill Ayers on Fox News’ Hannity and Colmes; and Marcus Winters and Jay Greene’s appearance on C-SPAN’s Washington Journal discussing their new report on school vouchers for special-ed students. When David Gratzer critiqued a New Jersey legislative proposal for universal health care in the opinion pages of the Newark Star-Ledger, he was invited to debate Congressman Vitale, who authored the proposal, on Inside Trenton, broadcast throughout the tri-state area.

As ever, our scholars’ widely published work establishes a publicly recognized expertise that makes them valued commentators in the electronic media. They regularly appear on the nation’s leading opinion and news outlets offering thoughtful analysis on policy issues in the daily news cycle.

Senior fellow Nicole Gelinas has offered incisive analysis of the credit crisis and the appropriate level of government intervention through her writing in the Wall Street Journal and elsewhere, and we will work hard in the months ahead to continue to provide sound policy advice on this crucial issue.

Lawrence Mone
President
### Manhattan Institute Fellows’ Expertise

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<tr>
<th>Name</th>
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<tr>
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<td>William Andrews</td>
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<td>Herman Badillo</td>
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<td>Michael Knox Beran</td>
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<td>Hope Cohen</td>
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<td>Timothy Connors</td>
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<td>James R. Copland</td>
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<td>Theodore Dalrymple</td>
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<td>Randolph P. Eddy</td>
<td>Adjunct Fellow, Center for Policing Terrorism</td>
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<td>Nicole Gelinas</td>
<td>Scarle Freedom Trust Fellow, Contributing Editor, <em>City Journal</em></td>
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<td>Edward Glaeser</td>
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<td>Regina E. Herzlinger</td>
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<td>Paul Howard</td>
<td>Senior Fellow and Director, Center for Medical Progress</td>
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<td>Managing Editor, Medical Progress Today</td>
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<td>Peter W. Huber</td>
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<td>Center for Energy Policy and the Environment</td>
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<td>Howard Husock</td>
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<td>Kay S. Hymowitz</td>
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<td>Edmund J. McMahon</td>
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About the Manhattan Institute

For 30 years the Manhattan Institute has been an important force in shaping American political culture. We have supported and publicized research on our era’s most challenging public policy issues: taxes, health care, energy, the legal system, policing, crime, urban life, education, race, culture, and many other topics.

We have won new respect for market-oriented policies and helped make reform a reality. We have cultivated a staff of senior fellows and writers whose provocative books, reviews, interviews, speeches, articles, and op-ed pieces communicate our message and influence the debate.

From our founding, support for books has been a unique feature of the Manhattan Institute’s approach. We ensure that our authors meet the rigorous intellectual and editorial standards demanded by major publishers, and we promote the books to the media, opinion leaders, and the general public.

Our most successful books have opened new intellectual frontiers and given impetus to whole movements for political and social reform. Most recently, David Gratzer and Regina Herzlinger received wide acclaim for their books articulating solutions to the problems confronting the U.S. health-care system, *The Cure* and *Who Killed Health Care?* Herman Badillo’s controversial *One Nation, One Standard* challenged the received wisdom of liberal social policy, asking Hispanics to embrace self-reliance and assimilation in order to achieve prosperity.

Peter Huber’s and Mark Mills’s *The Bottomless Well* was one of Bill Gates’s top five books for 2005. Huber and Mills argue against the naysayers of energy policy and show that technology is making energy supplies inexhaustible. We can also point to the acclaimed landmark study of race in the United States, *America in Black and White: One Nation, Indivisible*, by Stephan and Abigail Thernstrom; Walter Olson’s provocative and much-discussed *The Excuse Factory: How Employment Law Is Paralyzing the American Workplace;* and *Someone Else’s House: America’s Unfinished Struggle for Integration*, by Tamar Jacoby.

Our quarterly, *City Journal*, is a cutting-edge magazine about culture, urban affairs, and civic life. Through subscriptions, citations, reprints, and its website, *City Journal* commands the attention of the people who seriously think about the state of American cities and urban policies. To date, 17 compilations of *City Journal* essays—on topics ranging from immigration to marriage to education—have been released as books and received wide acclaim.

The Manhattan Institute’s program of luncheon forums, conferences, and publications reaches a broad, diverse audience. As a result, our ideas are taken seriously—even by those who disagree with us. And our prescriptions are often put into practice. Some of the country’s most innovative mayors, governors, and policymakers have acknowledged a debt to the Manhattan Institute, as have many influential writers, journalists, and authors.

Combining intellectual seriousness and practical wisdom with intelligent marketing and focused advocacy, the Manhattan Institute has achieved a reputation for not only effectiveness, but also efficient use of its resources. Through a continuing emphasis on quality, we hope to sustain and augment our record of success.

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