May 25th Pickings featured a long article by Kevin Williamson seeking to answer the question of why the government always screws up. Now Noemie Emery has an essay that could be a companion piece as she traces all the bien pensants, convinced of their wisdom, who erect an edifice of government coercion. They had a dream. For almost a hundred years now, the famed academic-artistic-and-punditry industrial complex has dreamed of a government run by their kind of people (i.e., nature's noblemen), whose intelligence, wit, and refined sensibilities would bring us a heaven on earth. Their keen intellects would cut through the clutter as mere mortals' couldn't. They would lift up the wretched, oppressed by cruel forces. Above all, they would counter the greed of the merchants, the limited views of the business community, and the ignorance of the conformist and dim middle class.

Out of sorts and out of office after 1828, when power passed from the Adamses to the children of burghers and immigrants, they had begun to strike back by the 1920s, led by the likes of George Bernard Shaw, H. G. Wells, H. L. Mencken, Herbert Croly, and Sinclair Lewis. Their stock in trade was their belief in themselves, and their contempt for the way the middle class thought, lived, and made and spent money: Commerce was crude, consumption was vulgar, and industry, which employed millions and improved the lives of many more people, too gross and/or grubby for words. "For the American critics of mass culture, it was the good times of the 1920s, not the depression of the 1930s, that proved terrifying," says Fred Siegel, whose book The Revolt Against the Masses describes and eviscerates this group and its aspirations. In their dream world, "intellectuals, as well as poet-leaders, experts, and social scientists such as themselves would lead the regime," as Siegel tells us. "It was thus a crucial imperative to constrain the conventional and often corrupt politics of middle-class capitalists so that these farseeing leaders might obtain the recognition and power that was only their due."

Attitudinal rather than doctrinaire in their judgments, they leaned Democratic because of their loathing of business, but they judged people largely by mores and manners, and men in both parties would earn their contempt. Harry Truman, as Siegel notes, "had triumphed not only over Republicans and business, but also over Henry Wallace and the supporters of the Soviet Union on the left, and Strom Thurmond and the Dixiecrat segregationists of the right." Truman was also a businessman whose small men's-wear store had gone bankrupt, and for this Arthur M. Schlesinger Jr., a solon whose influence would span half a century, called him "a man of mediocre and limited capacity." Schlesinger, who also complained about the "Eisenhower trance" and described the race between Gerald Ford and Jimmy Carter as "Babbitt vs. Elmer Gantry," would find his true soulmate in Adlai E. Stevenson, a fellow snob and two-time loser in the race for the White House, whom Michael Barone has described as "the first leading Democratic politician to become a critic rather than a celebrator of middle class American culture." Schlesinger famously fell for John Kennedy and Franklin D. Roosevelt, less for their politics, which were in the end not too different from Truman's, than for their personal glamour and aura of privilege, which set them apart from the multitude. But even those two, and their successors, fell short. Kennedy shunned Schlesinger's counsel. Bill Clinton was a wonk but also a Bubba, who never completely outgrew the Hot Springs experience. All three had middlebrow tastes when it came to the culture, sympathized with the middle class, and tried to promote and not stifle prosperity and upward mobility. And thus the elites had to wait for the man of their dreams.

When they found him, he was a rare breed: a genuine African American (his father was Kenyan) who thought and talked like the academics on both sides of his family, a product of the faculty lounge who dabbled in urban/race politics, a man who could speak to both ends of the liberals' up-and-down coalition, and a would-be transformer of our public life whose quiet voice and low-key demeanor conveyed "moderation" in all that he spoke and did. Best of all, he was the person whom the two branches of the liberal kingdom—the academics and journalists—wanted to be, a man who shared their sensibilities and their views of the good and the beautiful. This was the chance of a lifetime to shape the world to their measure. He and they were the ones they were waiting for, and with him, they longed for transcendent achievements. But in the event they were undone by the three things Siegel had pegged as their signature weaknesses: They had too much belief in the brilliance of experts, they were completely dismissive of public opinion, and they had a contempt for the great middle class. ...

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But that doesn't mean that we cannot draw some conclusions about them and their class and their kind. One is that they were perhaps not as good as they thought they were, and perhaps deserved to be not that much listened to. Another is that the people who shine in the faculty lounge ought to stay in it, that novelists have not been good judges of political horseflesh, and that if you really believe you belong to an aristocracy of the intellect, you most likely do not. The intellectual salons include a whole lot of windbags, and would have excluded a number of very effective real-world practitioners, such as Truman and Reagan and Ike.

"It is actually harder to do some of these things in reality than we thought when we put it down on paper," a book review in the Washington Post quoted a former Obama health care adviser as saying. This can stand as the last word for the great aspiration, and the people who held it. They wanted their chance, and they got it. They had it. They blew it. They're done.

James Geraghty posts on one of these bien pensants, Michelle Nunn who is running on the Dem ticket for Georgia's senate seat. Michelle has spent her whole life in non-profits. She merged the one she started into G. H Bush's Points of Light Foundation and in four years her pay went from \$120,000 to \$322,000. At the same time the number of employees dropped from 180 to 70. Another demonstration of how you can get well by doing good.

Georgia Democrats are quite excited about their candidate for Senate, Michelle Nunn.

Here's how her campaign describes her work in the nonprofit sector:

"Seeing a need in Atlanta for a vehicle by which young people could engage in service to solve problems in their own communities, Michelle and a group of friends got together to create Hands On Atlanta, with Michelle as its first Executive Director. Over the next decade, Michelle grew volunteerism across Georgia, and eventually throughout the country, through Hands On Network, a national outreach of volunteer-service organizations. Michelle was selected for a three year Kellogg Foundation Fellowship that gave her an opportunity to travel the globe and work with civic and religious leaders to help them translate the common ground of their faith and ideals into building better, more productive communities and services.

In 2007, Hands On Network merged with the Points of Light Foundation, President George H.W. Bush's organization and legacy. After leading a successful merger, Michelle became the CEO and President of Points of Light, now the largest organization in the country devoted to volunteer service."

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<u>Huffington Post</u> has a bit on another fraud hoisted on the public - barefoot shoes. From snake oil to supplements, Americans keep falling for shaky claims about health products. Blame our obsession with finding shortcuts to better health and fitness, and the many companies ready to take advantage of it.

In the latest example, Vibram, the maker of those \$100 running shoes that look like feet, recently said it would settle a multimillion-dollar lawsuit alleging it made baseless claims that its FiveFingers shoes improve foot health, balance and muscles. Vibram is the latest in a line of shoemakers and other purveyors accused of hawking products with questionable health claims. It likely won't be the last.

"Everyone is looking for that magic bullet that's going to give them that extra edge," said Cedric Bryant, the chief science officer at the American Exercise Council. "In most cases, if it sounds too good to be true, it probably isn't [true]."

Companies make billions capitalizing on our desires for quick fixes and improved athletic performance. The Federal Trade Commission <u>has accused at least four companies just this year</u> of marketing "unfounded promises" of weight loss simply by using a cream or food additive. Weight-loss products accounted for the largest share of fraud claims submitted to the FTC in 2011, <u>according to The New York Times</u>. ...

Weekly Standard
They Had a Dream
Rule by experts comes a cropper
by Noemie Emery

They had a dream. For almost a hundred years now, the famed academic-artistic-and-punditry industrial complex has dreamed of a government run by their kind of people (i.e., nature's noblemen), whose intelligence, wit, and refined sensibilities would bring us a heaven on earth. Their keen intellects would cut through the clutter as mere mortals' couldn't. They would lift up the wretched, oppressed by cruel forces. Above all, they would counter the greed of the merchants, the limited views of the business community, and the ignorance of the conformist and dim middle class.

Out of sorts and out of office after 1828, when power passed from the Adamses to the children of burghers and immigrants, they had begun to strike back by the 1920s, led by the likes of George Bernard Shaw, H. G. Wells, H. L. Mencken, Herbert Croly, and Sinclair Lewis. Their stock in trade was their belief in themselves, and their contempt for the way the middle class thought, lived, and made and spent money: Commerce was crude, consumption was vulgar, and industry, which employed millions and improved the lives of many more people, too gross and/or grubby for words. "For the American critics of mass culture, it was the good times of the 1920s, not the depression of the 1930s, that proved terrifying," says Fred Siegel, whose book *The Revolt Against the Masses* describes and eviscerates this group and its aspirations. In their dream world, "intellectuals, as well as poet-leaders, experts, and social scientists such as themselves would lead the regime," as Siegel tells us. "It was thus a crucial imperative to constrain the conventional and often corrupt politics of middle-class capitalists so that these farseeing leaders might obtain the recognition and power that was only their due."

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lounge who dabbled in urban/race politics, a man who could speak to both ends of the liberals' up-and-down coalition, and a would-be transformer of our public life whose quiet voice and low-key demeanor conveyed "moderation" in all that he spoke and did. Best of all, he was the person whom the two branches of the liberal kingdom—the academics and journalists—wanted to be, a man who shared their sensibilities and their views of the good and the beautiful. This was the chance of a lifetime to shape the world to their measure. He and they were the ones they were waiting for, and with him, they longed for transcendent achievements. But in the event they were undone by the three things Siegel had pegged as their signature weaknesses: They had too much belief in the brilliance of experts, they were completely dismissive of public opinion, and they had a contempt for the great middle class.

From the beginning, they made it clear that the Obama regime would be different from all others that had come before. The damaged economy was the critical issue, but the creation of jobs took a back seat to boutique left-wing causes. The stimulus, costing more than a trillion dollars, came and went leaving nothing behind it, unlike the spending of FDR's era, which at least for a while gave jobs to real people, and left behind things like bridges and dams and parks. "Climate change" had become an obsession, symbolized by the refusal to act on the Keystone pipeline proposal, which would have created jobs in Middle America, but which Obama's Hollywood backers denounced as unclean.

But nothing did so much as the historic, transcendent health care proposal to contradict David Brooks's contention, in the summer of 2009, that the president "sees himself as a Burkean" and "understands complexity and the organic nature of change." Social Security had been large, but made no change in the structure of government, and the Welfare Reform Act of 1996 (signed by Bill Clinton at the Republicans' urging) was based on successful experiments at the state level conducted by governors of both parties. The Affordable Care Act looked for advice to academics, not governors, and proposed the state takeover of an industrial complex responsible for one-sixth of the gross national product based not on what had been proved to work through experience, but on what some intellectuals had guessed might work. If a camel is a horse designed by a committee, this camel was a 2,801-page non-bestseller filled with labyrinthine riddles that nobody seemed to know how to solve. To insure approximately 18 million out of 300-plus million Americans (they confessed the plan would still leave 20 million uninsured), they proposed to spend trillions on a reengineering of the entire system that would in time cause 80 to 100 million of the currently insured to lose and to seek new insurance.

"This system requires coordination of over 288 policy options . . . each with three or more levels of coverage, while simultaneously calculating beneficiary income, tax credibility, subsidy levels, deductibles, not to mention protecting applicant privacy, insuring web security and managing a host of other data points," the *New York Times*'s Thomas B. Edsall informed us, adding that all this had to be coordinated with numerous state and federal departments and public and private bureaus and agencies that were not well equipped to assist in these ventures. Apparently, the possibility that the agencies that these experts assumed would coordinate easily with the new health insurance bureaucracy and with each other would not in reality be able to do so did not occur to the experts. They planned to move millions upon millions of people from one set of doctors and networks to new ones heedless of the fact that people form relations of trust with their doctors and would resist losing them. They imposed health-insurance mandates on companies that employed 50 or more people with little consideration that this might apply a strong brake to the expansion of businesses and move millions of people into part-time employment. They levied taxes on companies that manufactured the medical devices that improved and saved lives, with no idea this would lead to fewer inventions. They heaped new

levels of regulation and paperwork onto the shoulders of doctors and hospitals, with no idea that this would lead many to think about early retirement. When the practical effects of their theories ran into the realities of human nature, the market, and the political imperative to appease constituents, the result was a blizzard of waivers, exemptions, and extensions of deadlines. At this point, there is barely a deadline that has not been erased or extended, a rule that hasn't been excised or rewritten to make its impact less lethal, and even the most frantic of changes hasn't made the system work well.

As Edsall asked, "Is the federal government capable of managing the provision of a fundamental service through an extraordinarily complex system?" The answer is probably no, and even if it is yes, it's abundantly clear that the uber-class of super-professionals aren't the people to do it. Their faith in academics and experts had failed this new class of liberals, as would soon become obvious. Their related belief that the opinion of the less-elite classes should not be important would soon fail them, too.

Doubtless, Obama and crew had fully expected their project to be popular, owing to two tenets of liberal theory—that a crisis always makes people more open to large and expansive federal government and that people never turn away from free stuff. But this assessment was drawn from the New Deal experience, when the crisis was much graver, government was much smaller and had more room to grow, and examples of what could occur when government became too big and expensive were not yet in anyone's mind. Even at that, FDR waited to introduce Social Security until well after the financial panic was quelled, while Obama introduced his big, expensive, and far more complex program while the crash had not yet abated.

Polls at the time showed that people resented having the emphasis switched from the economic recovery to the health care proposal, and when the details started to leak out during the spring and summer of 2009, they began to resent it still more. Over that summer, Obama's poll numbers steadily descended from the astronomical highs he had reached upon taking office, protests broke out in large public rallies, and Democrats coming from purple and red states and districts began hearing from angry voters. An FDR would most likely have pulled back a little, tried to reassure his constituents, reached out to some centrist Republicans, and crafted a bill with broader backing. But Obama was no FDR. He came from the school that maintained the country quite often didn't know its own interests. Mencken had called the people "ignorant peasants," and Stevenson, when told that "all thinking Americans" had voted for him, replied, "Yes, but I need a majority."

There would be no backing off. The Obamacare debate appeared designed to create opposition where it never existed, and provoke it where it had already occurred. The Democratic leadership bent many arms and even broke a few to push the first draft of the bill through the House, winning no votes from the Republicans while losing 34 of their own. In November, Virginia and New Jersey, which had gone for Obama by 6- and 15-point margins, elected Republican governors in vote swings of 18 and 12 points. In December, Democrats muscled the bill through the Senate as a Christmas Eve present, having spent millions to bribe their own members to defy their constituents. In January, Massachusetts, in a special election to fill the seat of Ted Kennedy, elected Scott Brown, who had run on a pledge to be "the 41st vote" against Obamacare.

With public resistance now unmistakable, Obama exploited a loophole in the Senate rules to negate the will of the country. Meanwhile, Nancy Pelosi thought it a good idea to provoke the crowds by any means possible, striding through the Capitol grounds with an enormous grin and a gavel the size of a Louisville slugger, surrounded by Black Caucus members who tried to

replay the bridge scene at Selma and later charged the protesters with flinging racial slurs at them, which no one else ever seemed to have heard. Having been provoked, and then slandered, the protesters became even more angry. It's no surprise that anger was key to the 2010 midterms, in which Democrats lost 63 House seats, and much of their chance to make any more mischief. Public opinion did count, after all.

"Sinclair Lewis's 1920s never went away," says Fred Siegel, citing Obama as the first American president to campaign against Main Street, in word, thought, and deed. There was "you didn't build that!" said to every entrepreneur who imagined that his business had been his creation, and the comment on those clinging to guns and to God out of bitterness. But all that was just a prelude to the targeted attack on the middle class in his single and signature legislative creation. Last October, amid the troubled rollout of the HealthCare.gov website, some six million Americans who had purchased their plans on the individual market were stunned to find out that their plans were being canceled, and the new ones would not only cost them hundreds or thousands more but in many cases cause them to lose their own doctors and enjoy a less comprehensive level of care.

Obama had reassured them again and again that if they liked their plans and their doctors, they would be able to keep them, but this proved inaccurate. For the first time in American history the cost of a massive social program would be concentrated on a small slice of the populace that was not rich, and in some instances, could not afford it. Those costs came in many different dimensions: Parents found they could not take sick children to the same hospitals they had used before. People with complex chronic conditions found that the teams of doctors who had worked together to treat them had been broken up. For the people who had been insured through the individual market the elites had little compassion. Cancer patients who took their complaints to the press (and to the Republicans) were "fact checked" and then viciously attacked by the Democrats, among them Harry Reid, who called them all liars. "We have to pass the bill, so that you can find out what's in it," Nancy Pelosi infamously said. People had finally found out and they were furious.

In February 2010, in the midst of the row over Obamacare's passage, 80 highly credentialed experts in health care, graduates of and teachers in the best schools in the country, sent an open letter to the president and the leaders of Congress insisting the bill be passed. The Affordable Care Act, they maintained, would "cover more than 30 million people who would otherwise have gone uninsured. . . . Provide financial help to make coverage for millions of working families. . . . Strengthen competition and oversight of private insurance. . . . Provide unprecedented protection for Americans living with chronic illness and disabilities. . . . Make significant investments in community health centers, prevention, and wellness. . . . Increase financial support to states to finance expanded Medicaid insurance coverage, eliminate the Medicare prescription drug donut hole . . . provide a platform to improve the quality of the health care system . . . [and] reduce the federal budget deficit over the next ten years and beyond."

They were not alone. "Historians will see this health care bill as a masterfully crafted piece of legislation," wrote Jonathan Chait in the magazine Herbert Croly cofounded. "The new law untangles the dysfunctionalities of the individual insurance market while fulfilling the political imperative of leaving the employer-provided system in place. . . . They put into place numerous reforms to force efficiency into a wasteful system. They found hundreds of billions of dollars in

payment offsets, a monumental task in itself. And they will bring economic and financial security to tens of millions of Americans who would otherwise risk seeing their lives torn apart."

It did none of these things. It did not fix the dysfunctions of the individual market; it destroyed it. It did not save money; it squandered billions. It did not bring peace and security to tens of millions of people; it took it away from them. The best and the brightest had made their predictions. They were wrong.

Today, Obamacare is a technical mess and a public relations disaster, a bomb that has been radioactive to all who come near it. Thus far, it has terminated the careers of almost 70 national Democrats, given the Republicans control of 26 states, and brought in a new crew of GOP leaders inspired by fighting it, just when it seemed that the well had run dry. It has overwhelmed Obama's presidency, destroyed any chance to build a center-left coalition, or to pass any other big bills. As it was four years ago, it is the central issue in the midterm elections, and the reason the Democrats may lose big again. Obama did win reelection, but it is now widely understood it was because the bill's main provisions were designed not to go into effect until a year after that election.

Supporters of the president profess themselves thrilled with the progress since last fall. True, Obamacare is still alive, but it is on life support—hooked up to IV drips of varied descriptions in the intensive care unit and worlds away from being that jewel in the liberal crown that they imagined in 2009, a historic achievement for which the country would be forever grateful. In Kentucky, the Democrats' senatorial candidate and a rising star in the party celebrated her win over her primary rivals last week by blowing off her president and all of his doings, and refusing to say that she would have voted for his historic and signature act. As even the *New Republic* admitted, the launch was "a fiasco that could haunt progressives for years to come." Also, "Liberalism has spent the better part of the past century attempting to prove that it could competently and responsibly extend the state into new reaches of American life. With the rollout of the Affordable Care Act, the administration has badly injured that cause." One could say also that for the better part of the past century intellectual liberals had been attempting to prove they had superior judgment, and that hadn't gone too well, either. But to note that it was a setback for their belief in themselves and their wisdom might have been a little too much to expect.

But that doesn't mean that we cannot draw some conclusions about them and their class and their kind. One is that they were perhaps not as good as they thought they were, and perhaps deserved to be not that much listened to. Another is that the people who shine in the faculty lounge ought to stay in it, that novelists have not been good judges of political horseflesh, and that if you really believe you belong to an aristocracy of the intellect, you most likely do not. The intellectual salons include a whole lot of windbags, and would have excluded a number of very effective real-world practitioners, such as Truman and Reagan and Ike.

"It is actually harder to do some of these things in reality than we thought when we put it down on paper," a book review in the *Washington Post* quoted a former Obama health care adviser as saying. This can stand as the last word for the great aspiration, and the people who held it. They wanted their chance, and they got it. They had it. They blew it. They're done.

Noemie Emery is a contributing editor to The Weekly Standard and a columnist for the Washington Examiner.

National Review

Michelle Nunn's Lucrative Years Running a Nonprofit Organization

by James Geraghty

Georgia Democrats are quite excited about their candidate for Senate, Michelle Nunn.

Here's how her campaign describes her work in the nonprofit sector:

Seeing a need in Atlanta for a vehicle by which young people could engage in service to solve problems in their own communities, Michelle and a group of friends got together to create Hands On Atlanta, with Michelle as its first Executive Director. Over the next decade, Michelle grew volunteerism across Georgia, and eventually throughout the country, through Hands On Network, a national outreach of volunteer-service organizations. Michelle was selected for a three year Kellogg Foundation Fellowship that gave her an opportunity to travel the globe and work with civic and religious leaders to help them translate the common ground of their faith and ideals into building better, more productive communities and services.

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Sounds good, right? When Nunn was running Hands on Network, <u>she was making \$120,000</u> -- a lot of money to most folks, but <u>not that much more than the average of a CEO or executive director of a nonprofit in the Southeast</u>. (In 2012, the average was \$111,693.)

Except that when Hands On Network and Points of Light Foundation merged, they eliminated a lot of jobs. *A lot.* From 2007 to 2010, the staff dropped from 175 to 80 employees. By itself, that would hardly be a scandal; when two nonprofits merge, there are often a lot of duplicative positions and inevitably, some people get let go. The economy took a severe tumble during those years, of course, and so it's reasonable to conclude the hard times hit the nonprofit as well.

It's just that after the merger . . . Nunn's salary went up. A lot.

In 2008, Nunn received \$250,000 as CEO of the Points of Light Foundation, according to the organization's Form 990.

In 2009, Nunn received \$197,506 as CEO of the Points of Light Foundation, according to the organization's Form 990, and the same in 2010. (Form 990)

In 2011, Nunn received \$322,056 in total compensation, with a base compensation of \$285,533 as CEO of Points Of Light Foundation, according to the <u>Form 990</u>.

Her personal financial disclosure lists her 2012 salary as CEO Of Points Of Light Foundation as \$270,770 and her 2013 salary as \$214,231.

Who knew there was so much money to be made in encouraging other people to do volunteer work?

The explanation from Nunn to Politico was that she made less than her predecessor.

The public usually yawns at <u>executives making enormous sums while running non-profit</u> institutions . . .

In its analysis of 3,929 charities, the charity research group found that 11 nonprofits paid their CEOs more than \$1 million in annual salary and bonuses in 2011. CEOs at 78 of the charities were paid between \$500,000 and \$1 million.

But they may not be quite so forgiving of a nonprofit executive who's laying off staff and enjoying a higher salary *simultaneously*.

Huffington Post Why We Fell For 'Barefoot' Shoes

by Jillian Berman

From snake oil to supplements, Americans keep falling for shaky claims about health products. Blame our obsession with finding shortcuts to better health and fitness, and the many companies ready to take advantage of it.



In the latest example, Vibram, the maker of those \$100 running shoes that look like feet, recently <u>said it would settle a multimillion-dollar</u> lawsuit alleging it made baseless claims that its <u>FiveFingers shoes</u> improve foot health, balance and muscles. Vibram is <u>the latest in a line</u> of shoemakers and other purveyors accused of hawking products with questionable health claims. It likely won't be the last.

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Weight-loss products accounted for the largest share of fraud claims submitted to the FTC in 2011, according to The New York Times.

The FTC's website even has a video warning consumers about how companies "prey on our desire for a quick cure and then bombard us with savvy marketing."

While Vibram FiveFingers and other unique shoes don't sell weight loss, their claims of improved performance and muscle-building still tap into our need for a product that can do the work we don't want to do ourselves.

Before Vibram, there were other companies that tried to convince us of the transformative power of a magic shoe. <u>Skechers</u> and <u>Reebok</u> both agreed to fork over money to customers who realized that simply walking around in an unusual shoe wouldn't give them the butt and thighs of a celebrity.

"The whole sports category is both aspirational and inspirational," said Matt Powell, a sneaker analyst at Sports One Source, a sporting industry trade publication. "It's intended for people to think their game is better -- whether it's running or golf or whatever -- if they just get this new kind of equipment."

To bolster such claims, companies rely on <u>dubious company-sponsored studies</u> or individual testimonials that can mislead, as many customers think one person's experience applies to most users. Bryant noted that if a company's testimonials feature a college-aged athlete, middle-aged men often want to assume the product will work for them -- even though it probably won't.

Vibram claimed to offer runners an easier route to improve foot health and strengthen muscles in the feet and lower legs. But in order for the shoes to work properly, users have to train themselves to run in a style that's unnatural to many of us, according to John Porcari, the director of the University of Wisconsin's program in Clinical Exercise Physiology. Porcari said FiveFingers shoes require the runner to start with the ball of his or her feet -- rather than heel first, as most people typically run.

In a <u>2011 study of the Vibrams</u>, Porcari and his colleagues found that even with training, about half of people didn't change their running style, putting them at a higher risk of injury.

Vibrams did not respond to a request for comment on its shoes or the recent settlement.

Chris McDougall, who is credited with bringing the barefoot running phenomenon to the mainstream, said the Vibram controversy indicates that people are too focused on using the shoes to achieve their desired results.

"The conversation keeps always coming back the shoes, and shoes are the least important part of the conversation," said McDougall, the author of *Born To Run: A Hidden Tribe, Superatheletes and the Greatest Race the World has Ever Seen.* "Running form is what's important."

The Vibram settlement and similar scandals should serve as a "cautionary tale" for brands, said Powell of Sports One Source.

"If you're going to make claims, you really better be able to back them up strongly, and maybe be a little bit careful what claims you do make," he said.

Still, some customers remain loyal despite the bad press. Vibram's argument that its shoes can lessen the risk of injury by helping runners mimic a more natural style of running seemed intuitive to Jenny Ryan, a 36-year-old photographer who was plagued by running injuries. She decided to try out barefoot running after reading about its benefits online and in running magazines.

"It just made sense," Ryan said. "Of course it makes sense, it's nature, I guess."

Since she started using the FiveFingers two years ago, Ryan said her shin splints and back and hip pain have largely disappeared. Now she swears by the shoes, buying them exclusively for her workouts and runs she does multiple times a week.

"I think it's kind of ridiculous," Ryan said of the lawsuit against Vibram. "People don't want to do their homework and people don't want to do what they're supposed to, and they get all upset when it doesn't it work."



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