

# Bright Start offer: Some got head start

Treasurer's staffers  
urged to tell friends  
about \$250 match

By **JODI S. COHEN**  
Tribune reporter

Some friends and family members of Illinois treasurer's office employees received early notice of a contribution-matching promotion that added extra cash to college savings accounts, a deal that quickly ran out of funds, the Tribune has learned.

Treasurer's office employees received an email May 31 about the Bright Start "Save and Match" program, and a few of them forwarded it to family members and friends, according to documents requested under the Freedom of Information Act.

The promotion offered up to a \$250 matching contribution to the first 2,500 participants who put money into their 529 tax-advantaged accounts in June. Letters touting the promotion were mailed to account holders on May 31 from New Jersey, and the contribution limit was reached by midafternoon June 3. The website touting the pro-



SCOTT STRAZZANTE/TRIBUNE

Treasurer Dan Rutherford said the email to workers about the \$250 match was not appropriate.

gram wasn't updated until a day later, however, and during that time contributions were made to another 6,037 accounts by people who likely thought they got the match.

Already dealing with those angry customers, the treasurer's office now faces new criticism about employees getting an early heads-up.

Officials said they did not realize how popular the deal would be and hoped the email would get employees to spread the word about the matches, for which they were not eligible.

"We strongly encourage

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# Emails let some get a head start

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you to tell your family and friends about the promotion," the email said. But, in doing so, employees gave those people an advantage.

Treasurer Dan Rutherford said he didn't learn about the employee email until the Tribune began asking questions about it last week.

"I do not think that is an appropriate thing to have happened. It will not happen again," Rutherford told the Tribune on Tuesday. "I know the intent was to have people become aware. I will make sure that if we do it again, nobody sends anything out like that again. I think it is a bad perception."

Rutherford said he is disappointed that what was supposed to be a feel-good promotion has had the opposite effect. This was the first year that scholarship funds controlled by the treasurer were given to Bright Start investors.

The promotion began unraveling when the limit was reached June 3 but the website wasn't updated to reflect that until a day later. Many of the investors who contributed during that time period said they felt duped. Other families have said they didn't get notice in the mail until after the limit was reached — or not at all — so they were effectively disqualified.

A notice about the promotion had been put on the website May 27, but few people have reason to check the site regularly.

Bridget Byron, director of college savings programs at the treasurer's office, acknowledges numerous flaws in the program and said that, in retrospect, letters should have been mailed well in advance of the promotion start date.

"Did they get a head start? They did. But that was not the intention," Byron said. She said that if everyone had received the letter by May 31, or if the promotion hadn't run out so quickly, it wouldn't have

been a problem for employees to get the early heads-up.

"I wish the whole promotion was done differently and we weren't having this conversation," she said.

Byron declined to say how many account holders who were forwarded the early alert from treasurer's office employees got matching contributions, citing privacy concerns. Documents show that at least three employees forwarded it from their office email accounts to a total of about 25 people. Others may have spread the word through private email accounts.

"We personally looked at the list. There is nothing we came up with that we felt we needed to follow up on or be concerned about," Byron said.

There are about 100,000 Bright Start account holders. Those who contributed online prior to the website being updated, or mailed checks that were received by June 10, are now eligible for a refund without being subject to the standard fees and penalties for withdrawing money for noneducational purposes. About 200 people have requested refunds so far, said treasurer's office spokeswoman Melissa Hahn.

Doran Phillips, who has a savings account for his 3½-year-old son, said he still hasn't received the promotional letter and feels cheated out of \$250.

"It was just a screw-up, but still it had a bad consequence," said Phillips, of Palos Park. "They are giving away this money and couldn't give it away in a fair and responsible manner. They devised a method of giving it away that was totally unfair unless you happen to be one of the lucky people."

The \$625,000 for the promotion came from Oppenheimer Funds, which manages Bright Start, as part of its contract with the state to pay for scholarships. Oppenheimer was responsible for mailing the letters

## Illinois Bright Start contributions

By date processed and type of contribution

DATE	CONTRIBUTIONS OF EXACTLY \$250	TOTAL CONTRIBUTIONS	CONTRIBUTIONS RECEIVED BY MAIL
June 1	77	561	305
June 2	70	325	123
June 3	1,555	1,978	8
June 4*	5,205		6,037 0

\*Contributions received before website was updated

SOURCE: Illinois treasurer's office

TRIBUNE

and updating the website, treasurer's office officials have said.

The promotion was open to existing account holders who made a one-time special contribution. Account holders who coincidentally made a donation at the start of the month, even if it was unrelated to the promotion, received the match.

Sen. Michael Frerichs, D-Champaign, said he is concerned about the poorly managed promotion.

"It raises some serious questions about the management that would give dollars out to insiders before the general public," said Frerichs, who has an account for his daughter. "Even though I doubt it was malicious, it is disappointing to the public who already thinks Illinois government engages in self-dealing and preferential treatment."

Frerichs said the poor

execution shows "a lack of foresight."

"If you have 100,000 people and only enough money for 2,500, it wouldn't take that much thought to realize there is potential for that money to run out very quickly," he said.

Byron, who started at the treasurer's office in the beginning of May, says emphatically that this was not an insider deal. Nobody from Rutherford's hometown received the match, for example, she said.

She pledged to come up with a better plan next year.

"The point of this was to give back to account holders," she said. "The spirit will not change. The way we do it will."

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# Sen. Durbin goes to bat for children of illegal immigrants

**DREAM ACT | Critics say legislation too broadly written**

BY ERIN KELLY

WASHINGTON — Sen. Dick Durbin (D-Ill.), trying to revive the legislation that has been under consideration by Congress for a decade, on Tuesday urged his Senate colleagues to work to pass the Dream Act.

The Dream Act, which would allow some children of illegal immigrants to become legal residents and eventually citizens if they attend college or serve in the U.S. military, has never passed both chambers in the same session.

Durbin presided Tuesday over the first public Senate hearing the bill has ever had.

"I ask my colleagues to consider the plight of these young people who find themselves in a legal twilight zone through no fault of their own," Durbin said. "They are willing to serve our country if we would only give them a chance."

Ola Kaso, who graduated from high school this month in Warren, Mich., said she

was brought to the U.S. from Albania when she was 5, has been accepted into the pre-med program at the University of Michigan and dreams of becoming a cancer surgeon. But she faces possible deportation in less than a year because she is not a legal resident and is not eligible to become one.

"I am American in my heart," Kaso told members of the Senate Judiciary Committee. "There are thousands of other dreamers just like me. All we are asking for is a chance to contribute to the country we love."

Chances are slim that the current Congress will pass the Dream Act, which House leaders have denounced as a form of amnesty for illegal immigrants.

Critics said the legislation is too broadly written and could encourage more illegal immigration by parents hoping their children would get the same break. Although the bill would limit eligibility to young immigrants already here, critics believe there would be pressure to pass the law over

and over again to help future waves of immigrants.

"What parent would not be tempted to come illegally in the hope that, if not them, at least their children could get the gift of American citizenship?" said Sen. John Cornyn (R-Texas).

Cornyn also accused Democrats of cynically pushing the Dream Act to gain favor with Latino voters in advance of the 2012 elections.

"I'm sympathetic to these students, but I'm frustrated that the issue has

been wielded as a political club," he said.

The legislation would allow immigrants under age 35 at the time of the bill's passage to obtain conditional legal status if they can prove they were 15 years or younger when they came to the United States, have lived here continuously for at least five years, have displayed good moral character, have never been convicted of a felony, and have graduated from a U.S. high school or been accepted into a college or university.

*Gannett News Service*



Dick Durbin

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## Dream Act Would Generate Jobs and \$1.4-Billion in Revenue, Secretary Duncan Says

June 28, 2011, 3:57 pm

The students who would benefit if Congress approves the Dream Act would fill 2.6 million jobs, and the measure would bring in \$1.4-billion more in revenue than it would cost over the next 10 years, Education Secretary Arne Duncan said today in a U.S. Senate hearing. The Dream Act, which would provide a path to citizenship for undocumented college students, faces an uphill battle to win approval. It failed in the Senate last year, and Republican senators who attended today's hearing expressed skepticism about the the bill.

This entry was posted in [Uncategorized](#). Bookmark the [permalink](#).

**STATE FUNDING**

## **Extension offices close to adapt to budget cuts**

CHARLESTON (AP) — University of Illinois Extension Service offices in some locations around the state are closing and their operations are being consolidated as part of a budget-cutting plan announced more than a year ago.

The office in Coles County in eastern Illinois, for instance, will now also serve Cumberland, Douglas, Moultrie and Shelby counties, The Journal-Gazette in Mattoon reported.

The Extension has cut about 130 jobs as it has adapted to losing \$8 million in state funding, said Jim Looft, Coles County's Extension director.

The Extension Service says it has tried to make cuts in ways that avoid hurting its four primary programs: the 4-H program and its 260,000 participants, programs aimed at helping farmers, community and economic development, and nutrition.

"As far as 4-H was last year, the fairs, projects and interactions will remain unchanged," Looft said.

The Extension announced plans to combine offices and cut some jobs in the spring of 2010 in the wake of Gov. Pat Quinn's state budget.

County director positions around the state, which were reduced from almost 80 to about 25, were among the deepest cuts.

WORKERS' COMPENSATION REFORM

# Quinn touts bill during visit to Kraft plant

But area Republican lawmakers criticize new legislation, call it 'watered down'

By TOM KACICH  
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CHAMPAIGN — A workers' compensation reform bill approved Tuesday will save Illinois employers \$500 million to \$750 million a year and allow them "to hire workers and improve their plants and improve their exports," Gov. Pat Quinn said at a bill-signing re-enactment at Champaign's Kraft Foods plant.

But area Republican lawmakers ridiculed the legislation, calling it "watered down" and saying that the doctors, hospitals and others in health care will shoulder increased costs.

"Reform" is probably the most popular word used in Springfield," said state Rep. Jason Barickman, R-Cham-

paign. "I don't think the bill that passed brings any substantial reform to the business community that needs it and has been demanding it.

"The medical community took the brunt of this legislation, directly and negatively."

Barickman and Sen. Shane Cultra, R-Onarga, said the reform bill (HB 1698) makes no changes to the causation provisions of the workers' compensation laws.

"The extremely watered-down measure lacks the much needed causation provisions that any meaningful workers' compensation reforms would contain," Cultra said. "To significantly reduce workers' compensation costs, we would need to stipulate that the primary cause of injury must be related to a work site."

But Rep. John Bradley, D-Marion, who sponsored the bill in the House, said "we ruffled feathers and that's probably a good thing because that's how you get things done, and it's usually a pretty good sign that you

did it right."

Representatives of two major business groups who accompanied Quinn to Champaign on Tuesday praised the bill and the governor.

"There are critics of this bill ... who say this didn't go far enough," said Greg Baise, president of the Illinois Manufacturers' Association. "But it improves the system, it will save money and it will make Illinois a better place for great companies like Kraft, and that's what we're supposed to be about when we're in Springfield."

David Vite, president of the Illinois Retail Merchants Association, said Quinn and the Legislature this spring "took the dysfunction out of Illinois government."

He said employers will save 10 to 20 percent on workers' compensation premiums as a result of the bill, which cleared the Senate with bipartisan support but was opposed in the House by all but one GOP lawmaker.

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## QUINN

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On other issues, Quinn:

— Was noncommittal about a proposed casino in Danville.

"I like Danville. I like Vermilion County. I know the people there. I've been coming down there doing petition drives for many years. The people in Danville helped us start the Citizens Utility Board," he said. "There are a lot of ways to grown an economy. I think that we should be careful that we don't just focus on one thing."

He told Sen. Mike Frerichs, D-Champaign, on Tuesday that he would be willing to meet

with a group of supporters of the Danville casino at his Chicago office in July.

— Said he'll sign the state budget on Thursday, the day before the start of the new fiscal year. He indicated he'll ask lawmakers to budget more money for elementary and secondary state aid. "They cut that pretty badly," he said.

— Hinted he will not approve a bill sponsored by Frerichs that extends existing state health care contracts, including one with Urbana-based Health Alliance, for two more years. Signing the bill would undo recent reforms to state procurement laws.

"I follow the procurement code," Quinn said.

**FREEDOM OF INFORMATION**

# News-Gazette files new bid for officers' names

Request comes after  
Champaign says it  
won't comply with  
state advisory opinion

By **PATRICK WADE**  
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CHAMPAIGN — The News-Gazette has refiled a Freedom of Information request, asking the city of Champaign for names of police officers against whom citizens have filed complaints during the past five years.

It is the newspaper's next step in what has become a nearly 15-month-long process to obtain the records. The fresh records request was filed on Tuesday, a week after the city informed the newspaper that it would not comply with an advisory opinion from the state's public access counselor.

The process started when the newspaper submitted the original request on March 31, 2010. Just more than two weeks later, the city released five years' worth of citizen complaints against its police officers, the dates and circumstances of the complaints and their dispositions, but the city redacted the names of the officers against whom the complaints were filed.

The News-Gazette asked the state's public access counselor to review the city's partial denial.

The public access counselor, whose

office was created to enforce the state's open records and open meetings laws as well as review government agencies' denials of records requests, spent nearly a year investigating the matter.

In March 2011, the office determined that the city did not prove the information to be exempt from disclosure under the law and that city officials must release the officers' names.

City officials had been discussing how to address the public access counselor's opinion and, in a June 21 letter, informed The News-Gazette that they would not be releasing the records despite the state ruling in the newspaper's favor.

"In this case, the city disagrees with the PAC's interpretation of the FOIA and has decided not to comply with the advisory opinion of the PAC," Deputy City Attorney Trisha Crowley wrote in her letter.

Crowley wrote that releasing complaints filed against officers who were later found to have done their jobs properly could have serious implications for the individual officers and the department as a whole. Those complaints could be used against officers who have, in reality, done no wrong, and it could create a perception of the department as the oppressor rather than the protector, she wrote.

"Because of these conflicting impacts, the more open and easy the City makes

**Please see FOI, B-2**

# FOI

## Continued from B-1

the process of filing a complaint, the more we need to be concerned with releasing the names of officers against whom complaints have been filed," Crowley wrote.

"Our efforts recently have been to try to make the process easier for people to file complaints. That, it seems to me, means we also have to make the process of releasing the names against whom complaints have been filed more limited, while complying with any requirements of the FOIA."

According to the records the city released last year, 291 complaints had yielded a decision in the previous five years. Of those, 81 complaints were "sustained," meaning the officer had acted improperly to varying degrees, from apply-

ing excessive force to using profanity.

Because of the time lapse between the newspaper's asking for a review and the public access counselor's ruling, the opinion issued in the newspaper's favor was advisory and did not bind the city to any specific action. According to the law, binding opinions must be issued within 60 days of the initiation of the review.

"We don't think it happens very often that a public body doesn't comply with a PAC decision," said Natalie Bauer, spokeswoman for the public access counselor.

The office's first 18 months in existence was significantly focused on educating public officials on the intricacies of the law, Bauer said.

"I would generally say that most public bodies want to comply with the law, but most

of the time it's a lack of awareness," she said.

A revision to the law, which has been approved by the Legislature, should help the office out from under a pile of requests and allow officials to focus more time on issuing binding opinions, which compel a government agency to release records it had previously denied, Bauer said.

She said that if a public body initially disregarded a ruling, the public access counselor may be more inclined to issue a binding opinion the second time.

The clock started ticking on the new request for the officers' names Tuesday, and the city has up to five business days to respond to the newspaper. Should city officials deny the request, the newspaper may ask for a new review from the public access counselor.

**VOICE OF THE PEOPLE**

### **Student debt**

There has recently been a lot of congressional blame and news coverage directed at for-profit colleges and their contribution to student-loan default rates, including the article "Class act or just a course to failure? Lawmakers, students question value amid high loan defaults, inability to land jobs" (Business, June 21). While the marketing practices of the for-profit institutions contribute to the growing student-loan default rates, the primary blame lies elsewhere. Whose fault is it if a student majoring in art, with limited expectations for a high-paying job, borrows \$150,000 in student loans: the college that offered the courses, the student who knowingly took on the obligation, or the federal government that guaranteed loans that no private loan officer would ever have approved? Of the three choices, the one that is least to blame is the college -- the one being attacked by Congress and the press.

The story that really needs exposure is the exploding student debt obligation under federal policies that make unlimited loans available to everyone, without regard to a student's ability to repay. Despite tough penalties, many students will have no choice but to default on these excessive loans and the taxpayers will once again be left on the hook.

— *Greg Taylor, Chicago*



## News

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### Dealing With the Depressed or Dangerous

June 29, 2011

SAN FRANCISCO — How far can colleges go to stop students who are threatening to commit suicide?

It's a fundamental question for college and university officials who work in the fields of student affairs, counseling and mental health — and for the lawyers who may have to deal with the aftermath, and sometimes see mental health issues as a minefield of potential litigation.

At a session Tuesday here at the annual meeting of the National Association of College and University Attorneys, experts in legal affairs and mental health urged colleges to do all they can to get students who are threatening to harm themselves into treatment, or to get them off campus if the situation continues to deteriorate.

In the past decade, the number of college students with severe mental health issues has climbed. The development is often attributed to better early intervention and psychiatric drugs that enable students to function normally and attend college who wouldn't have been able to do so in the past. "That's a wonderful thing," said Paul Lannon, an outside lawyer for several New England colleges who moderated the session.

But the increase has also been accompanied by several high-profile lawsuits, and the conclusion colleges and universities draw from those could be "damned if you do, damned if you don't."

After a Massachusetts Institute of Technology sophomore, Elizabeth Shin, committed suicide by setting her dorm room on fire in 2000, her family sued MIT for \$28 million. They argued that the university's counseling system failed Shin, who had a documented history of depression and threats before she killed herself. The suit was eventually settled confidentially.

In 2006, Jordan Nott, a former student, sued George Washington University, claiming that he had been forced to withdraw from the university after seeking help for depression. Nott also reached a confidential settlement.

The federal government has intervened in some similar cases through complaints students filed with the Department of Education's Office of Civil Rights, which has come out against universities who force students to leave campus because of mental illness, including a case at Bluffton University, in Ohio, in 2004.

In their presentation, three legal and mental health experts emphasized that a tough approach could have its place, as long as due process procedures are followed. Their advice included suggestions for ways to make sure students get needed care on campus, and for procedures university officials can follow if they believe a leave of absence is in the student's, or the institution's, best interest.

They cited as an example the University of Illinois at Urbana-Champaign, which instituted a suicide-prevention program in the 1980s after a study of 19 students who had killed themselves between 1977 and 1984. Most had previously worked with psychologists or psychiatrists, but not on the campus, and had a history of suicide attempts, said Paul Joffe, a clinical psychologist at the university's counseling center.

The program required reporting of any suicide threats or attempts to the counseling center. The students who had made the threats, or who had tried to kill themselves, were required to attend four "assessment sessions," arranged through the campus counseling office. Students who did not comply could be withdrawn from classes.

The result shifted the followup on suicidal behavior from the mental health system into the judicial affairs system. Students weren't punished for being suicidal, but the university set the expectation that they would seek help and try to improve the situation, including attending the required assessment sessions, Joffe said. A mental health court was created to deal solely with suicidal threats and attempts, and students were given due process rights and sanctions if they did not comply with the assessment requirement. "In an instant, everything changed, as soon as we mentioned consequences," Joffe said.

In the 21 years that followed, the suicide rate dropped 45 percent, and those students who killed themselves did so "out of the blue," with no recorded previous attempts or threats.

From the legal perspective, litigation is far more likely in cases of students who threaten or attempt to commit suicide before actually doing so, as was the case with Shin at MIT, Joffe noted in a written handout distributed to attendees. "Out of the blue" suicides are far less likely to lead to lawsuits because they are less foreseeable. And requiring students to do something to help themselves, such as attending counseling, is less likely to lead to litigation than is withdrawing the students from classes, he said. A clear policy with requirements, like the assessment sessions, also puts institutions on more solid legal ground if they choose to force a student to withdraw.

Joffe disputed the common description of suicide attempts as a "cry for help," recasting it as a type of violence where a university zero-tolerance policy should apply. Before the 1984 study and the assessment requirement, suicide had been considered in a different category from other problems with students, he said. In cases like campus drinking, the university didn't hesitate to look at the individual students and the context, or to apply expectations for future behavior and next steps, he said.

But suicidal students were treated as victims, and they weren't given any expectations for how they should behave to improve the situation. "Is it in anyone's interest to do that?" he said. The new procedures gave students more responsibility.

Few students were withdrawn because of the University of Illinois policy. For campuses with a less-thorough prevention system, Linda Schutjer, the senior associate legal counsel for the Colorado State University System, offered advice on dealing with students who pose immediate problems and are less forthcoming.

"You've got to do what you've got to do," said Schutjer, who was an associate general counsel at George Washington University when Nott was withdrawn. (She did not discuss that case during the session.) Even if a student doesn't want to leave campus, or if parents are adamant that they don't want the student to come home, the university should force the issue if officials believe it will save the student's life, she said.

She provided the college lawyers in the audience with an overview of due process proceedings for students who could be sent home for mental health reasons. Students whose psychological problems can't be helped through "reasonable accommodation" can be withdrawn from school, she said, but they must be notified and have an opportunity to respond. Minimal due process can be taken under exceptional circumstances, she said.

"It may well be, unfortunately, that someone is in a psych ward in the hospital, and you have to deliver a letter to someone who's in the psych ward to say, 'We're going to put you out involuntarily,'" she said, adding that the student might have 24 hours after release to respond.

Universities should seek as much information about students' mental states as they can, she said. But in cases when documentation is incomplete or students refuse to have the records released, officials can make a decision with the information they have.

When students are asked to leave, there should be a clear process for determining when they are ready to return, said Richard Kadison, chief of mental health services at Harvard University. The more specific and individualized those requirements are, the more likely they are to succeed, Schutjer added.

All three members of the panel emphasized that as many officials as possible should play a role in getting students psychological or psychiatric help when they need it, but that sometimes that help might not take place on campus. "Academic institutions aren't designed to be halfway houses and partial hospital programs," Kadison said.

— Libby A. Nelson

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## U. of Texas Releases Updated Data on Faculty Pay and Workload

June 28, 2011, 10:50 pm

The University of Texas System on Tuesday released an updated set of data that includes information about how much professors across the system's nine campuses earn and how many courses and students they teach. The information is posted on the university system's Web site, along with some cautionary notes about how it should be interpreted. The release of preliminary data several weeks ago angered many faculty members, who felt it didn't give an accurate picture of the work they do. Some groups said the data showed that the university could save money by requiring professors to teach more students, while others said such critiques miss the mark and suggest that administrators who teach are among the least productive faculty members.

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The New York Times

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## Room for Debate: A Running Commentary on the News

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### Car Clash: Europe vs. the U.S.

Europeans are working hard to discourage drivers, cars and parking in their cities. Why is American city planning different?

## Moving Out in Madrid

Updated June 28, 2011, 11:46 PM

*Robert Bruegmann is a professor of art history, architecture and urban planning at the [University of Illinois at Chicago](#) and the author of "Sprawl: A Compact History."*

The notion that European cities are different from American cities because they discourage automobile use in certain places obscures larger similarities.

It is true, for example, that because of policies favoring pedestrian streets, fewer parking spaces, resident-only permit zones and a battery of other measures, it is much more difficult to drive through central Madrid than it used to be. These measures have widespread support within this immediate area because central Madrid, like many European cities, has experienced a dramatic surge of gentrification.

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In many European cities, the population on the periphery has boomed.

The core, with its very high land prices, is increasingly home to affluent residents, high-end businesses, government officials and tourists who are willing to walk, use taxis and transit and forgo the use of their cars for short daily trips because any inconvenience is vastly outweighed by the benefits of restricting noise and pollution along old, narrow streets and, not incidentally, stemming the tide of automobiles owned by working class suburbanites who must commute into the central city.

However, central Madrid occupies only a small and diminishing part of the urban area. As is the case with virtually all European cities, as population at the core has dropped, population in the periphery has boomed. Between the censuses of 1991 and 2001, for example, the population of the central city dropped over 2% while the five suburban rings increased by 19% to 90%. Along with that shift toward lower densities and single family houses went a dramatic increase in automobile ownership and use. Between 1995 and 2001 alone car ownership rose from 372 automobiles per 1,000 residents to 478. Because of the construction of a vast new system of subways and superhighways, however, average vehicle speeds actually increased.

Concentrating on pedestrian zones at the center and ignoring the new freeways at the periphery obscures one of the real differences between American cities and European cities: the Europeans' willingness to pay for new public infrastructure of all kinds. Whether it has spent too much is another issue.

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