

Episode 82 Milton Friedman's Day in Court

The push for private school vouchers reaches the Supreme Court (again!)

Jennifer Berkshire Welcome to a special Supreme edition of Have You Heard, I'm Jennifer Berkshire.

Jack Schneider And I'm Jack Schneider and I really want you to open our shows with an Oyez Oyez from now on. Jennifer. That's my, that's my wishlist.

Berkshire You to keep doing what you've always been doing, which is do you insist on recording wearing a black robe? That would be, you know, an academic style robe, not a bathrobe.

Schneider That's right.

Berkshire And I always thought it was kind of weird, but today it really feels fitting.

Schneider I'm also wearing the mortar board today and I think that that is what's really pulling the whole outfit together. I can never figure out which side the tassel goes on though. I think I have it on the right side.

Berkshire Well, you certainly wear it well, Jack. I'm sure as everyone has guessed, we're going to be talking about the Supreme Court and a big school choice case that was just argued before the court. But Jack, I want to go back in time, let's see, a little bit more than four years ago.

Schneider That's not back... You know, you're talking to an education historian.

Berkshire I know, I know. So Donald Trump is running for office and I don't think really many people would have guessed just how sort of fervently he would turn out to be an ambassador for school choice, but also kind of tearing down the wall between church and state. And I just came upon a great piece in *Rolling Stone* about a meeting that Trump did with Christian leaders in September of 2016 and he goes down a whole list of various kinds of policy promises he's going to deliver for them. And a lot of them are things that you would expect there, you know, about curbs on, on abortion and about, you know, transgender and bathrooms. And then there's this little thing about religious schools and how, you know, he's not going to allow the federal government to discriminate against religious schools. And everyone's sitting around and nodding and you know, I read that, you know, like now four years into his term and I was like,

wow, it's been there all along. Right? Because I'm sure I'm not alone in having been kind of surprised by what a focus this has turned out to be, not just for Trump himself, but for his Department of Justice, his Department of Education.

Schneider Yeah, absolutely. And you know, I think that one way of framing this is to talk about something that we've discussed previously on the show and that's just how savvy Betsy Devoss is. That I think a likely explanation for Trump's commitment here is that Devoss has really educated him - I use that word quite carefully - and that Trump has found that if he just speaks the Devossian talking points to conservatives and particularly to religious conservatives and free market oriented conservatives that he has the right talking points with them. And I think that helps explain some of her longevity compared with other of his advisors and his cabinet.

Berkshire So we're going to be talking about a specific case today and that would obviously be the Montana school choice case that was just argued before the SupremeC, but there's actually a lot going on. The docket is full as they say.

Schneider You're so proud of yourself.

Berkshire I am. I took one con law class in college and so I know, I know four words. I'm going to try to work penumbra into our conversation. But so all this is to say that there are a bunch of cases sort of lined up and we need a tour guide.

Schneider If only we knew someone who had expertise in the law and legal history, but who was also an education historian and who also worked on policy matters.

Berkshire Are you talking about yourself, Jack?

Schneider I don't do legal history. I don't know that at all. So I'm out. Who could we get?

Berkshire Well, fortunately you happen to have a friend who was available.

Schneider That's right. We're going to be bringing on Ethan Hutt who is an assistant professor of education at the university of North Carolina.

Berkshire So that means we're having not just one education historian on the show, but two. And one of the things that I just, I just love this so much. I was looking up Ethan's bio so we could see how to introduce him and he has this little statement about his background and how he's a product of California public schools and how as a kid he was absolutely fascinated by how schools were organized. And I just imagined how, well I bet little Jack Schneider was very similar and that the two of you in your respective homes playing with like little school buildings.

Schneider Well you know how schools are organized, Jennifer. We were thinking more systemically than that. We weren't building little school buildings. We were drawing organizational hierarchy charts there.

Berkshire Okay. First just a brief refresher on Montana vs Espinoza. In 2015 Montana passed a law encouraging people to donate to a scholarship organization that helps families pay for private schools. But Montana has what's known as a no aid clause and its constitution prohibiting the use of public dollars for religious schools. And because in Montana, like in most states, private schools are pretty much religious schools. Well, you see where this is going. Montana got rid of its tax credit program after which parents sued citing discrimination and here we are today. Now I should just say that our interest in this case has less to do with the weeds than with a big picture. How does Montana vs. Espinoza fit into the raging debate we've been having since, well forever about the relationship between church, state and schools? That's why we needed somebody smart to help us make sense of all of this. Ethan Hutt, take it away.

Ethan Hutt This is part of a series of cases in which you basically see courts trying to figure out, okay, you know it's not the 19th century anymore. We're in the 20th century and states are increasingly having programs where public money is going to non-traditional public schools. So you have voucher programs, you have choice programs. And so there's been a series of questions and cases over the course of now 20 years where people are asking courts to figure out what is allowed and what is not. So in 2002 there was a case called Zellman where Ohio had set up a voucher program and had permitted that, that voucher money to go to religious schools. And it was one of the first challenges of saying, well is this public support for religious education? And they said, no, it's kind of indirect. It's a voucher. It's okay for a state to set up this kind of system.

Berkshire In other words, what's different about the Montana case has less to do with the same old back and forth over church and state than what's happened to public education over the past few decades.

Hutt It's a series of cases that's very much related to kind of our current ed reform moment where increasingly you have vouchers, you have choice programs, and you have public money kind of moving in many non[traditional ways.

Berkshire So Jack, I thought Ethan's point there was so interesting, that it's not just that we're having this really old debate that goes back to the beginning of time, but that what makes it so complicated is that the educational landscape has changed so much. And you have all these different kinds of schools. You saw like right away, like within minutes after the arguments before the Supreme Court were done, people were speculating about, well gosh, does this mean that, could you essentially have like religious charter schools being authorized? And well of course you could! You know, in fact you already have charter schools that are kind of, you know, kind of religious. I'm thinking of the classical charter schools that are so popular in places like Michigan and North Carolina.

Schneider The landscape has definitely changed and if we just look at the major change since the 1980s we can see just how complicated this decision is going to be for the Supreme Court. And that major change is chartering. Charter schools have absolutely blurred the line between public and private and that is not me mounting a privatization criticism of charter schools. Rather it's to say that there are elements of charter schools which are well accepted and which are completely legal and which really do look a lot like private school voucher programs. And so this line between public and private, which prior to 1980 was pretty clear, has now become pretty fuzzy.

Berkshire And just as you have this increasingly complicated, even convoluted school landscape, the line between where money can and can't go well, it's looking pretty blurry these days as well. We asked Ethan to help us understand what the courts have said in recent years about public money and private schools.

Hutt Well, the courts have already said that like certain kinds of money can follow students to religious schools. So transportation, books, things that the federal government is doing to support individual students. Courts have said that those monies can follow students and support their education without, without triggering any questions about establishment of religion or any issues like that. And so, especially around voucher programs and tax credits, which are a favorite way of school reformers for supporting non public education under the name of choice where, you know, giving people families options and it's the status of those cases that has really gotten the attention of courts.

And so, like I said, you know, voucher programs when the money, when the states allow it to go to private schools, the court has said that that's allowed. It seems almost certain that the court

now is going to say if you have a tax credit you are not going to be able to... if you have a tax credit that involves private schools, states are not going to be able to make a distinction between private schools that are secular and private schools that are not secular. If you make a benefit available probably by voucher or by tax credit, then any school should be allowed to accept that money provided it meets all the other criteria. And so it's, it's, yeah, I mean it's, it's the court sort of updating its jurisprudence for our new sort of school ecosystem.

Berkshire We talked about how much more complicated the school landscape is. Well, there's another shift that I think we really need to think about and that is the idea that the money should follow the child is really now, you know, like close to universally accepted. And that's another example where there's, you start out with a kernel of an idea on the right and you watch it get become more and more mainstream over time. There was a telling moment at the very end of the argument before the Supreme court where a lawyer for the plaintiff makes the case that if you're going to put the decision, the education

decision in the hands of the parent, you can't put limits on where the money goes. And it's like, Oh wow. That's where we were headed all along.

Schneider Absolutely. And you can see that the concept of the money following the child is something that spreads across public education today. So it isn't just with regard to charter schools, it's also something like intra-district school choice where students can then take the money that would have gone to their local public school and attend school in another district under certain circumstances. But this is something that federal legislation actually supported. Um, and so it raises questions about, uh, you know, what's wrong with doing this with a private school if it's actually something that has been supported by the federal government, uh, allowing a child to move from one public school to another with the money following them.

Berkshire Now back to Montana versus Espinosa and to our jurors prudence expert who is helpfully standing by. If you followed the coverage of the case, you may have noticed that there was fairly significant disagreement over how big of a deal this decision will turn out to be. You heard people like AFT president Randi Weingarten predicting a quote virtual earthquake if the court sides with school choice advocates. Well, lots of other folks pointed out that states that want voucher programs, well, they've already figured out how to get around any legal prohibition. We asked Ethan where he falls on the reaction spectrum and he says that even if

this particular case results in a narrow ruling, the court's conservative justices made it pretty clear that they have their sights set on something bigger.

Hutt If you're going to fund public education, why can't religious schools make a claim to public school funding? Now there's some answers to that, you know, you might say, well, you know, all the judges seem to suggest that no one was saying that you have to fund private schools, but once you open the door for funding, not just your traditional public schools, then the argument becomes a lot more complicated. So people that I think are really worried that, you know, that you have justices who were obviously, I mean, just to give their own educational history. I think five of them went to Catholic schools at one point. And so that they are really sympathetic to private school families, you know, families that send their kids to, sectarian schools. That they should be supported just the same.

I mean, so it's a pretty long trope in American history that, you know, people who send their kids to religious education are being double taxed because they're paying for a public school system that they can't use because of the values of those systems. And so there's a burden there. Now the courts have not read that burden to require the funding of private education. But you can see how people see justice as kind of wondering about this traditional separation and begin to see if there's not, you know, in another 20 years whether we haven't chipped away more at that, at that traditional barrier.

Berkshire Okay. So you've got the part about how this is a case about our increasingly messy and fractious school choice landscape, and that we may have a little bit of a slippery slope problem with this whole money follows the child thing. Then there's the particular way that this court's conservative members view what they call religious freedom. But before we get into this, we need somebody to bring us up to speed on those no aid clauses known as Blaine amendments that are on the books in Montana and roughly three dozen other states. Now obviously having dueling education historians on the program presents a challenge because you know, when I have a question, I don't know who I should ask.

Schneider Not dueling, dueting historians.

Berkshire Well Jack, I have a solo for you. Can you give us just a quick refresher on Blaine amendments?

Schneider I really, I'm like completely honest. I thought you were going to ask me to say Oyez, Oyez. And I was going to like do my best there.

Berkshire No Oyez.

Schneider Okay. Blaine amendments. Absolutely. Yeah. The quick refresher on Blaine amendments or baby Blaine's as they are sometimes known is that Republican Congressman, James Blaine in 1875 proposed an amendment to the U S constitution that passed overwhelmingly in the house of representatives but failed narrowly in the Senate and that amendment would have outlawed the channeling of public tax dollars that had been earmarked for public education to any institution that is governed by a religious sect. After it failed, it then was taken up in a number of states. Actually a majority of states where, you know, these so-called baby Blaine amendments to state constitutions were overwhelmingly taken up.

Berkshire Thank you Jack. Now back to our other education historian. The claim at the center of this case is that because Montana ended its voucher program, it was discriminating against parents who wanted to use that money at religious schools. The conservative justices seemed very sympathetic to that claim.

Hutt The analogy that they're trying to draw, the historical analogy is to Prince Edward County in Virginia where after desegregation, the school board basically said rather than desegregate, we're just going to disband the school and the court said you can't do that. And so they were trying to um, draw that historical analogy and, and sort of make it a simple, well in the same way that you couldn't, you know, shut down a school simply because of the race of the people or you couldn't shut down a program because of the race of the people who are using it. Just because it's religious folks that are using this or religious schools that are benefiting you can't do, you can't just shut it down. It was a clever line of reasoning and I think it will get them as far as as to strike down the sort of no aid provisions that though you know, if you're going to make a benefit available...

And this is the other case here, it happened two years ago. It's called Trinity Lutheran, where a school was excluded from a Missouri program that allowed for the resurfacing of playgrounds. And the school was basically told they couldn't participate. They weren't eligible for the money because they were a religious school. The distinction the court made in that case was that because it was a playground, Roberts said, you know, this is about recycled tires and scraped

knees, this isn't about religious instruction. That it didn't raise the questions that you get to in this case, which is about, you know, is it state supported religious education. But you know, you can see how there's like a slow, slow creep here. So I don't think the race one is gonna cause the whole wholesale destruction of the traditional divide between public schools and private schools in terms of money. But it was, you can see what the conservative justices are trying to do and probably will continue to try to do in these lines of cases that this is, this is ranked discrimination. And if it was a different group, not religious minorities, but racial minorities, we wouldn't stand for it. And that's why we have to, we have to intervene here.

Schneider Justice Cavanagh noted during oral argument that Blaine amendments were certainly rooted in grotesque religious bigotry against Catholics. That was the clear motivation. He said, if we acknowledge that the history of these baby Blaine amendments is rooted in anti-Catholic sentiment, and if the no aid provision is really something that is designed to thwart the spread of a particular religion, but if people have forgotten that, and if that ceases to be the motivation, which really seems to be the case, right? People don't really know that history. And while I find the history to be fascinating, I wonder if it ceases to be meaningful if a law remains on the books and people develop a new motivation or rationale for it. Um, because it seems to me that the, the motivator for it has changed. That if you ask people why there is no aid to religious schools in their States, that they wouldn't say, Oh, well this is because, you know, 150 years ago we decided to discriminate against Catholics and we continue to do that today. They would say, listen, public monies shouldn't be channeled to private religious education or anything else that is both private and religious.

Hutt Partly you're raising a question of constitutional interpretation and should we, how much should we care about what the original intent was versus the sort of evolved meaning or the vault understanding of it?. I mean, Justice Kagan raised in the oral argument, you know, that there are many reasons why it's hard to, you know, especially again i in the immediate case of Montana where they rewrote their constitution. So they had a, they had a thoughtful process exactly like you're saying, where they said 'well we know there's a past here, but there's still contemporary reasons why we might want that policy in place and we might, we might not want our, our government supporting religious education. We might want the money to be directed just to public education to ensure the integrity of that system or not to be entangled in religious questions.' And so yeah, I think there's at least a strong argument and you saw the liberal justices trying to make it that that history, whatever it is, doesn't define the sort of meaning and

operation of the amendment in the present. It's hard to argue against the, you know, and you have a moment where you have history being relevant. It's hard to be like, this is actually one time where we want to take a pass on history being relevant.

Berkshire Ethan: There is another case working its way through the pipeline involving a voucher program in Maryland. Maryland is the only state that tells private religious schools that if you're going to take the money, you have to follow certain rules. In this case you can't discriminate against students who are gay or transgender. The school said that this is discrimination against our religious beliefs and the Trump department of justice and education are siding with them. This seems like a perfect example of the kind of entanglement that you were just talking about and a case study of the slippery slope problem that this whole episode has been about.

Hutt States and courts are going to get entangled in these questions about what's allowed, what's not allowed. And, you know, how far can a state go in articulating sort of all the requirements for receiving public money without religious schools saying, well, this is coded discrimination. You know, this is just, you know, you know that object to this and yet, and yet this is the only requirement for receiving funds. This is targeted at us. So, you know, it's a long way to go. More more, um, precedent would have to fall. But you can kind of see why people are anxious about this increasing availability of public money for, for vouchers and tax credits and things like that.

Berkshire The Supreme court will hand down its decision in June, in the middle of presidential campaign season. Ethan says that while he'll be keeping a close watch on the court, it's really at the state legislative level where this battle over religious school choice is going to be playing out.

Hutt People who support public education and are concerned about the encroachment or the chiseling away of the sort of foundation of our traditional public schools by all of these programs. You know, there's a, there's a plausible history where this is the high watermark of this kind of thing where the state says, you know, the Supreme court rules in Espinosa that if you're gonna make a, if you're going to make a benefit available through a tax credit through a voucher, then you really can't pick and choose from that. Except in the broadest sense. I mean, Kavanaugh says it right? He says, this is a school that, that fulfills the state compulsory school law. You know, how are you going to say that this school is not worthy of public support when you've already blessed it at some sort of high level? You know, so you could imagine a sort of a

legislative response to sort of voter response saying, well, we just thought we were creating vouchers.

We didn't really realize sort of all the implications that might come with it. And especially with a conservative court, what we want to do is we want to shut down these programs. We want to make sure that they are, you know, very small that they are, you know, very, uh, limited and kind of what they support or how much, I mean, in Montana this scholarship is \$150. This is not a very large amount of money. And so I think the better, the better way to avoid it is for people to really push on their legislatures and try to ratchet back maybe now understanding the full implications of this sort of, you know, it's not just giving people extra options.

So I never thought it was about that anyway. But you know, now when you're saying, well those options include, you know, money going to schools that are not going to allow daycare or something like that. You know, it has a different, it has a different resonance. And so I think that's probably a better way than to try to figure out how the court's gonna like kind of navigate its own, its own jurisprudence.

Berkshire That was Ethan Hutt. He's an assistant professor of culture curriculum and teacher education in the school of education at the university of North Carolina. And Jack and I will be right back with a few bold predictions about the Montana case, private school choice and well, other futurey stuff.

[Music]

Berkshire So Jack, one of the things that to me is so fascinating about this Montana debate is that even as we're having this abstract conversation about things like church and state and Blaine amendments, the actual debate is playing out in real time. In states like Ohio, this is exactly what we just heard Ethan talking about, that you know, like these voucher programs are exploding in Ohio is case number one. Ohio has lots of different kinds of voucher programs and because a state Senator slipped something into a budget bill that basically changed the state's accountability system, suddenly the number of schools that are considered voucher eligible has just exploded.

Now, my particular interest in this is seeing how Republican constituents are objecting to this, right? So I've spent a lot of time interviewing rural superintendents in these places where the schools are really at the center of the community and they're trying to figure out, Oh my gosh,

you know, how, what are we going to do now that we're expected to pay for kids who've never attended public schools to go to the local Catholic schools? And so I think this is a story that people should pay much more attention to because we're going to be seeing it everywhere. It interests me deeply with its 2020 relevance. But then I thought, well, gosh, this has a Jack angle too. This is about accountability.

Schneider Well, and it's also about history. Um, I was actually just thinking like, remember the time machine, I should, I should go in the time machine and go back to 1990 in Milwaukee because I think that's really important for understanding why people are starting to get upset about these voucher programs. The first school voucher program was in Milwaukee, was created in 1990 and vouchers were offered only to students living in poverty. These were predominantly African American students, um, living in predominantly concentrated poverty neighborhoods. And at that time Americans were generally resistant to voucher programs. Ronald Reagan had fairly recently had a big defeat, uh, over what was then a fairly small voucher that he had proposed at the federal level. But the Milwaukee program, because it was really tightly bounded passed political muster. It seemed less like a Milton Friedman free market scheme and more like an effort to address inequality.

And so lots of voucher programs as they've expanded, have actually slightly altered these rules. Right? So kind of adopted that logic. We saw it in Cleveland shortly after the Milwaukee voucher program was created. And we've seen it in places like D C but we've also seen these rules change around who qualifies and it has become less about race and income, which of course makes it even less about structural inequality and more about quote unquote access to good schools. And this of course raises a question, what's a good school? And that's a much more difficult question to answer than a question like who's living in concentrated poverty. And the problem they've recently run into in Ohio is that according to the existing rules, there are over a thousand low performing schools in the state.

So this is like Milton Friedman's dream and this is an intentional shift. This is not an accident. This is not like an oops, we, you know, misplaced a comma. And, you know, now we have an issue that's going to the Supreme Court, sort of obliquely referring to a dairy trucking case, I think. Sorry about that. But you know, free market acolytes believe that competition is essential. They want every school to be included in a voucher program because they want to see schools operating more like businesses competing against each other, closing down, expanding. But that runs counter to what many Americans have always believed about public education and to

the kinds of attachments they have towards local public schools. We could talk through all of the reasons why Americans have been historically resistant and so we can really see that there's been this slippery slope over time and people are finally beginning to tune into this and to realize how far we've come with regard to something like a voucher program to these school choice efforts that have gone well beyond the original stated intention of addressing inequality. However problematic that approach may have been to addressing inequality, to serve historically underserved communities has often been an aim that people supported, even as they broadly maybe did not support something like the programs that we see today.

Berkshire Well, so when I mentioned that I've been interviewing these rural superintendents in, in Ohio and it's been fascinating cause you know, I talked to them and they give these sort of, you know, full throated defenses of their, like the role that their schools play in their communities. Right? That they're, uh, they're typically the largest employer. They're, you know, they're the cultural center. And then when I'm done, when I'm off the phone, I go and I look at the vote totals. I look at, see how the counties voted. And the counties are all deep, deep red. They voted for Trump, they voted for the Republican governor. The ones that are, you know, like in the part of the state where the fiercest voucher advocate lives voted for him. And so I'm really interested in exploring this - what seems to me to be a big disconnect between what, how people envision their schools and now is that you really see the momentum picking up for this free market vision of education. That seems like a, that seems like a disconnect that's ripe to be exploited.

Schneider Absolutely. So, as we have talked about previously on this show, one of the things that we are going to see is a kind of showdown between the free market, right. That has worked for decades on this project and is really at a kind of inflection point with regard to enacting a just a longstanding, a decades old generations old vision for remaking public education. Basically unmaking public education, a fight between them and people who don't see particular aspects of that vision as necessarily being threatening but who are beginning to see the overall picture and how the various puzzle pieces fit together.

Berkshire Well, Jack, we've done it once again. We've managed to give people nearly 30 minutes of gloom and doom.

Schneider And while you were talking Jennifer, I did what I usually do, which is completely zone out. And I looked up the case and it's actually a Maine dairy, not a Wisconsin dairy. And if

people want that story, they can look up Oxford comma dispute is settled as Maine drivers get \$5 million

Berkshire But not settled in the podcast studio.

Schneider Okay.

Berkshire I feel the need for 60 seconds of sunshine.

Schneider Oh great idea!

Berkshire Every episode we like to highlight something great that's happening in our schools. We call it 60 seconds of sunshine and this installment features Boston teacher Kimberley Koolasakeren whose students have profound disabilities that make even basic communication a challenge. Kim and her colleagues at the William E. Carter School have been using adaptive technology to help their students master what she calls cognitively demanding literacy instruction. And just a reminder that if you have an idea for 60 seconds of sunshine, reach out to us on Twitter @haveyouheardpod or at haveyouheard.com/sunshine. Now here's Kim Kulasakeren.

Kim Kulasakeren It is so rewarding and the very quick things you can add into a child's life and make such a huge impact. And I mean nothing is more vital than communication to any human. And it's really what has, um, it's changed the lives of our students and, and their families so they can actually become participants in their own life, um, in their school environment, in their instruction. Whether that's literacy, communication, physical therapy. Um, it's been, it's been really powerful for us and it's driven us to want to learn more. So we are, we're presenting at a national conference next week. We are, you know, digging through research on how do you teach pre-literacy skills to students, adolescent students with complex needs. Um, and how do you really, you know, move that needle so that they can, they can become literate, they can read and write and we more than ever believe that to be possible. So it's, it's a really exciting time for our students.

Berkshire So as our regular listeners know, we rely on your support to keep the podcast going and to occasionally send one of us out into the world. I'm headed next to Texas where I'm going to be listening to Republican office seekers talk about public education. We rely on Patreon. If you go to Patreon and search for Have You Heard pod, you'll find us and you'll find all the cool extras you can get that allow you to dig deeper into all the topics we talk about on this show. We do a reading list and we give you access to a backstage area that we like to call in the weeds.

Schneider Your support enables the kind of on the ground work that Jennifer does on the show. And it also enables us to have a show that sounds, you know, like semiprofessional, uh, with real production and real equipment. Uh, a semi real studio. Um, and you know, I'm thinking back to the first time that I toyed around with a podcast and how clunky and teeny and horrible it was.

It was not good. Um, and so, you know, your support is really critical. That said, there are lots of ways to support the show and uh, if you aren't going to throw some change our way, we equally appreciate when you share the show, uh, via links or word of mouth with friends, colleagues, uh, family members, and when you go on and give us a review, it helps people find the show wherever you are getting your podcast. Finally, we've got a Twitter handle, uh, where we really enjoy seeing your engagement with the show. Uh, Jennifer and I often when we're in need of a pick me up during the day, we'll like poke our heads in to the Twitter verse and see what's going on on the podcast handle. Um, and we've often gotten some good ideas for shows there.

Berkshire And if you want to head into the weeds with us today, we're going to be talking about the unraveling of the Obama education reform vision. And Jack's going to offer up some helpful suggestions about how to think about accountability. Doesn't that sound exciting? Sounds exciting to me. Until next time, I'm Jennifer Berkshire. This is, have you heard.