



Executive Alert



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ALL THAT'S NEW IN THE WORLD OF IDEAS

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NCPA Senior Fellow Bruce Bartlett, Sen. Jack Kemp, Sen. Rod Grams, and NCPA Policy Chairman Pete du Pont called for major tax cuts during the NCPA's June 8th tax briefing on Capitol Hill.

Government Work?

Government workers' unions are a rising power in American politics. Workers for state, local and federal government now account for almost half of all union members. Thirty-seven percent of government workers belong to unions, compared to about 10 percent of private-sector workers.

The government workers' unions have reaped windfalls for their members because politicians often find it easier to give away tax dollars than to resist the demands of well organized interest groups. At the same time, the unions have often prevented the firing of goldbricks and incompetents, and have opposed changes to improve efficiency or productivity.

■ Harvard researcher Caroline Hoxby found that a reduction in the power of teachers' unions led to less spending per student but higher levels of student

achievement.

■ The Michigan Education Association spent 13 years fighting the firing of a gym teacher for molesting female students; and after he murdered his wife and went to prison while the case was pending, the union got him an award of \$200,000 in back pay.

■ Each postal worker costs almost \$50,000 per year in pay and perks, leading former Postal Rate Commissioner John Crutcher to call postal workers "the highest-paid semi-skilled workers in the world."

■ An investigation of the New York City Police Department four years ago found that the Patrolmen's Benevolent Association, the police union, "often acts as a shelter for and protector of the corrupt cop."

The adverse effects of unionism are not limited to teachers, mailmen and police, but are also pervasive in the

federal bureaucracy. One abuse, estimated to cost taxpayers more than \$300 million a year, is a practice known as "official time" that allows employees to spend time on union work while on the job.

■ The Inspector General of the Social Security Administration found that 145 employees of the agency were working full-time for unions and another 1,600 were devoting up to 75 percent of their work time to union activities.

■ A trial lawyer in the Department of Housing and Urban Development notified her bosses that she would be spending 100 percent of her time on union "representational" business, then filed an unfair labor practice complaint when asked to move from her window-view office to the office the agency provided the union in the same building.

Source: James Bovard, "Good Enough for Government Work?" The American Spectator, September 1998.

Is Class Size Important?

A number of states have embarked on ambitious programs to reduce the number of students in classrooms, believing this will improve student achievement. However, there is no evidence that smaller class sizes improve achievement in any grades except kindergarten.

- Pupil-teacher ratios fell nationally by 35 percent between 1950 and 1995, but available performance indicators such as scores on the National Assessment of Educational Progress did not go up.
- Six international tests in math and science given between 1960 and 1990 showed the possibility of a slight correlation between larger class sizes and improved performance.
- Statistical investigation of 277 separate estimates of the effect of class size on performance under a wide variety of circumstances showed no relationship between class size and student performance.

Much of the current enthusiasm for reductions in class size is based on an experimental program in Tennessee in the mid-1980s. Students were randomly assigned to small classes (13 to 17 students) or large classes (21 to 25 students) and kept in those classes from kindergarten through third grade. Their achievement was then measured.

- At the end of kindergarten, children in small classes scored better than those in large classes.
- However, the achievement gap did not widen through the third grade, and remained essentially unchanged through the sixth grade, even though the students from the small classes had returned to larger classes beginning in the fourth grade.

Considerable evidence shows that by far the largest differences in student achievement relate to differences in the quality of teachers.

Source: Eric A. Hanushek, "The Evidence on Class Size," Occasional Paper No. 98-1, February 1998, W. Allen Wallis Institute of Political Economy, University of Rochester, Rochester, N.Y. 14627.

Are School Vouchers Constitutional?

School choice programs that provide tax-funded tuition vouchers for use at any private school, including any religious school, are being challenged before state supreme courts in Ohio, Vermont, Arizona and Maine. On June 10, the Wisconsin Supreme Court became the highest court to declare that tax-funded school vouchers are constitutional.

The question will continue to arise until the U.S. Supreme Court delivers a definitive decision. But recent decisions by that court suggest that well-crafted school choice programs will survive constitutional scrutiny.

- In *Mueller v. Allen* (1983), the Court upheld a state income tax deduction for educational expenses, even though most deductions were used for religious school expenses, because the independent choices of taxpayers rendered the aid "indirect."
- In *Witters* (1986), it unanimously upheld the use of college benefits by a blind student at a divinity school, and in *Zobrest* (1993) it allowed the use of a publicly funded interpreter by

a deaf student in a Catholic high school — because the funds were used at sectarian schools only as a result of the private decision of individual students or parents.

- In *Rosenberger* (1995), it approved the direct funding of a religious student publication because other non-religious activities were funded as well.
- In *Agostini* (1997), it allowed the use of public schoolteachers to provide remedial instruction inside religious schools — saying the program was neutral toward religion.

The Court's rulings have indicated that to meet constitutional requirements a voucher plan must have a secular legislative purpose; its principal or primary effect must neither advance nor inhibit religion; and it must not create excessive entanglement between government and religion.

Source: Clint Bolick, "Are School Vouchers Constitutional?" Brief Analysis No. 272, July 10, 1998, National Center for Policy Analysis, 12655 N. Central Expressway, Suite 720, Dallas, Texas 75243, (972) 386-6272; and CEO America, 901 McClain Road, Suite 802, Bentonville, Ark. 72712, (501) 273-9362.

Paperwork and Federal Funds

The U.S. Department of Education estimates that it takes about 48.6 million hours per year — the equivalent of almost 25,000 employees working 40 hours a week for a full year — to complete the paperwork involved in administering federal education programs. A disproportionate part of this cost is borne by the states. For example:

- In 1990, Ohio calculated that more than 50 percent of the state's paperwork burden was related to federal education programs, although only 5 percent of its education revenues came from federal sources.
- Florida Education Commissioner Frank T. Brogan told the House Education and Workforce Committee that ad-

ministering a federal dollar required six times as many people as a state dollar.

- According to Georgia's superintendent of schools, Linda Schrenko, 93 of her department's 322 employees worked full-time administering the federal programs in the 1996-97 school year, although only 6.4 percent of the education budget came from federal sources.

A bill being considered by the House Education and Workforce Committee would block grant to the states the funding for 35 federal education programs. No more than 5 percent of the money could be used for paperwork and administration.

Source: Nina H. Shokraii, "Education Dollars Are Spent Best in the Classroom, Not on Bureaucracy," Backgrounder No. 1193, June 16, 1998, Heritage Foundation, 214 Massachusetts Avenue, N.E., Washington, D.C. 20002, (202) 546-4400.

ClintonCare in Maryland

Since Maryland adopted the Health Care and Insurance Reform Act, modeled on President Clinton's failed health care plan, in 1993, the state's health care costs have risen — and so have its numbers of uninsured people.

Maryland is the only state with an agency that sets the rates hospitals may charge for medical services, regardless of market conditions. And the bureaucracy is poised to impose a government fee schedule on doctors in the private sector next year similar to the federal Medicare fee schedule.

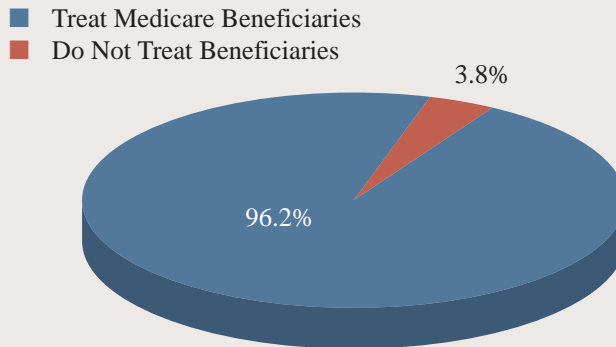
- In 1996 alone, the cost of a hospital stay in Maryland increased 4.5 percent, almost twice as fast as the national average of 2.3 percent.
- Outpatient surgery can now cost twice as much at a hospital as at a free-standing surgery center not covered by the set rates.
- Yet under Maryland's complicated price-fixing system, 15 of the state's 52 hospitals lost money during the second half of 1997.

Besides the rate setting, health care mandates — coverage that plans must include — have contributed to the increases in insurance rates and the number of uninsured persons.

- Blue Cross/Blue Shield recently estimated that the legislature has imposed at least 42 health care mandates — and perhaps as many as 54, depending on the nature of the mandate and the type of insurance plan targeted.
- The mandated benefits add 22 percent to the cost of a typical health benefits package, according to a recent U.S. General Accounting Office report.
- The number of uninsured persons in the state has climbed from approximately 570,000 in 1992 to more than 700,000 today and is climbing still.

Despite the consequences of its policies, the Maryland Legislature continues to add layers of regulation to the health care system. During the 90-day session in early 1997, for example, the state Senate passed 43 new health care related bills and the House of Delegates passed 45. (Some

PHYSICIANS AND MEDICARE*



* Excludes pediatricians.
Source: American Medical Association: Medicare Involvement Among Physicians. 1994-96 (Sept. 30, 1997).

Medicare and Private Contracting

Under current law, a doctor cannot charge a patient more than Medicare reimburses for the services it covers, nor can a patient contract privately with a physician by paying out of pocket for the entire cost of a procedure — unless the physician is willing to refuse any Medicare reimbursements for two years.

Since about 96 percent of all doctors receive some income from Medicare, few are willing to contract privately. Thus the law effectively denies seniors the freedom to spend their own money on health care.

Sen. Jon Kyl (R-Ariz.) and House Ways and Means Chairman Bill Archer (R-Texas) have introduced a bill to eliminate the two-year exclusion period and permit private contracting.

Opponents object that doctors would take advantage of patients if private contracting were allowed. However:

- Medicare only pays, on average, about 70 percent of what physicians normally charge for a service.
- Physicians can charge 15 percent more if they “refuse assignment” (that is, do not accept Medicare's reimbursement rate), but only about 20 percent do so.

Seniors on Medicare may pay out of

were companion bills.) Many of the bills call for changes in medical treatments or procedures that sponsors hope to mandate in every private plan.

Source: Dale Snyder, “Building Bureaucracy and

pocket for items and services such as prescription drugs, screenings and other specifically designated procedures. However, there are many services Medicare normally covers but may refuse to if the Health Care Financing Administration (HCFA) deems them unnecessary.

If a physician believes Medicare may not cover a service or procedure, he can ask the patient to sign an Advanced Beneficiary Notice, which means the patient may be responsible for payment. But if Medicare declares the service unnecessary, this could raise questions in the patient's mind about the physician's judgment. Further, if the HCFA Office of Inspector General determines that a physician is requesting a disproportionate share of unnecessary claims, the physician can be subject to fines of up to \$10,000 and/or expulsion from Medicare.

Opponents of private contracting have gone out of their way to convince people that restrictions on private contracting are an attempt to control physicians, not patients. But the real issue is who controls seniors' health care — the seniors or the Medicare bureaucracy.

Source: Merrill Matthews Jr., “Answering the Critics of Medicare Private Contracting,” Brief Analysis No. 268, June 4, 1998, National Center for Policy Analysis, 12655 N. Central Expressway, Suite 720, Dallas, Texas 75243, (972) 386-6272.

Invading Patient Privacy: Maryland's Health Care Regulations,” Backgrounder No. 1168, April 16, 1998, Heritage Foundation, 214 Massachusetts Avenue, N.E., Washington, D.C. 20002, (202) 546-4400.

Privatizing Social Security

The U.S. Social Security system does not have the assets to pay promised benefits. Unless the system is fundamentally changed, solvency will require either massive tax increases for future workers or draconian cuts in benefits for future retirees.

Social Security is also treating the vast majority of people who are working and paying taxes very badly. For example:

- Eighteen-year-olds entering the labor market today and earning only an average income can expect to accumulate more than \$700,000 in tax payments by the time they reach age 65.
- Yet they can expect to withdraw from the system just over \$140,000 in benefits (discounted to age 65) — a fraction of what they will have paid in.
- And receipt of even those benefits will be uncertain — since it likely will require that future workers face 50 percent higher payroll tax rates than now exist.

Some defend the current system on the grounds that it is progressive, providing a needed safety net for those who might otherwise be unable to maintain a decent standard of living in retirement. Although it has done much good, the system takes a bigger share of the lifetime income of the poor than of the rich.

- Virtually all groups born since World War II can expect to pay more in taxes than they will receive in benefits, but this burden is not distributed equitably.
- Those who fare the worst are the middle class, who face a burden (as a percent of lifetime income) that is several times higher than that of the highest earners.
- The burden for the top tenth of the income distribution is not only lower than for those in the middle, it is only one-half that of the bottom tenth.
- Because of their shorter life expectancies, blacks do worse than whites.

■ And those without a college education do worse than those with college degrees.

Even if Social Security keeps all of its promises, the vast majority of working taxpayers will get a return on their contributions far below what they could have earned by investing those same tax dollars in the private capital market. For example:

- Baby boomers will get a real rate of return of less than 2 percent.
- Generation Xers will get less than 1 percent.
- Today's newborns will get a rate of return close to zero.

Fortunately, there is a better way. One approach is the Personal Social Security (PSS) plan. This plan would provide that contributions and benefits under the disability and survivors insurance portions of Social Security stay as they are now. That portion of the payroll tax now used to pay for Social Security retirement benefits (about 70 percent of the total) would be replaced by mandatory contributions of equal size to private ac-

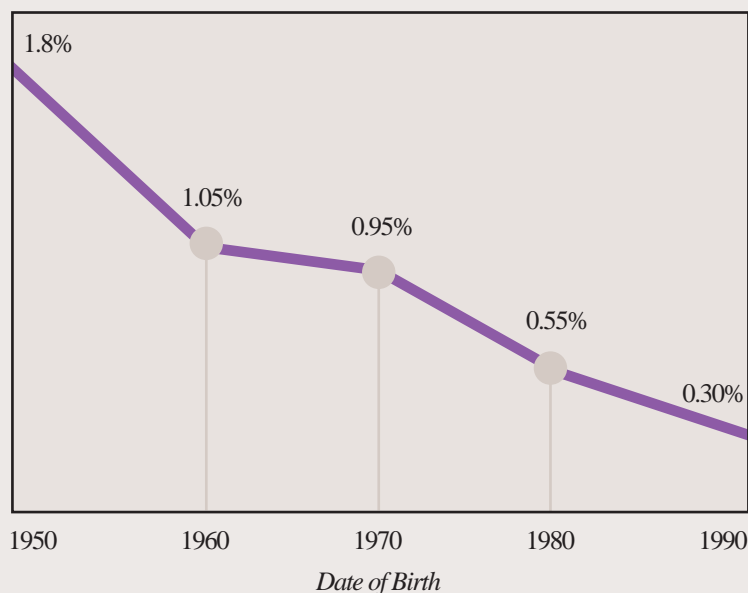
counts earning the rate of return paid by the international capital market. The federal government would match PSS contributions of low-income contributors on a progressive basis so they could accumulate proportionately more savings than they otherwise would.

Near the time of retirement, account holders would convert their investments into annuities providing a retirement income larger and more secure than that promised by Social Security.

During the transition to an entirely privatized system, Social Security retirement benefits and the government's PSS contribution match would be financed by a federal business cash-flow tax that would operate like a value-added tax. This approach would resolve Social Security's long-term funding problem. Computer models indicate that, over time, it would also increase the economy's output by roughly 15 percent and the capital stock by roughly 40 percent.

Source: Laurence J. Kotlikoff, "Privatizing Social Security," Policy Report No. 217, July 1998, National Center for Policy Analysis, 12655 N. Central Expressway, Suite 720, Dallas, Texas 75243, (972) 386-6272.

REAL RATES OF RETURN UNDER SOCIAL SECURITY BY AGE GROUP



Too Many Rules

The Congressional Review Act allows Congress to review each new rule proposed by federal agencies and consider a joint resolution of disapproval to overrule it. But in the two years since the act was passed, only a few such resolutions have been introduced and none have come close to a floor vote — with the result that not one new rule has been disapproved.

One problem is that federal agencies craft a large number of rules while Congress employs only a handful of people to monitor federal regulatory activity.

- The current federal regulatory system encompasses more than 50 federal agencies and more than 126,000 workers, spending \$14 billion each year.

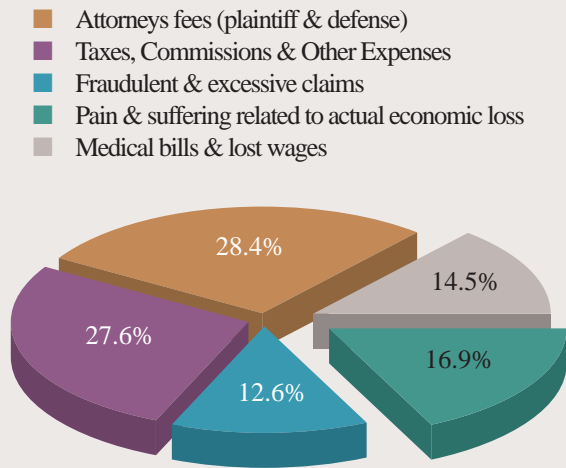
- Between April 1, 1996 — when the U.S. General Accounting Office began to track the final rules issued by federal agencies under the Congressional Review Act — and April 30, 1998, Congress received 8,675 new final rules for review.

- Of the 8,675 rules, 126 qualified as “major” rules, meaning each would cost the American economy at least \$100 million a year.

In many cases, the only information available to Congress on a new rule is provided by the agency promulgating the rule. The limited information that currently exists about the costs and benefits of regulation, and the sheer volume of final rules issued, have led several members of Congress to propose establishing a Congressional Office of Regulatory Analysis to monitor the federal regulatory system.

Source: Angela Antonelli, “Two Years and 8,600 Rules: Why Congress Needs an Office Of Regulatory Analysis,” Backgrounder No. 1192, June 26, 1998, Heritage Foundation, 214 Massachusetts Avenue, N.E., Washington, D.C. 20002, (202) 546-4400.

DISTRIBUTION OF BODILY INJURY PREMIUMS



Source: Joint Economic Committee calculations and Insurance Information Institute data.

AutoChoice

AutoChoice is a proposed structural reform of car insurance practices that would unbundle the economic and noneconomic components of state auto tort law. Much of the increase in the cost of auto insurance in recent years is due to the cost of litigating injury claims for noneconomic damages — “pain and suffering.”

Under the proposed reform, motorists would have two options:

- Buying “personal protection coverage,” a type of no-fault insurance covering medical costs, lost wages, rehabilitation expenses and other out-of-pocket accident costs — the economic component — without having to buy the noneconomic coverage.

- Buying “tort maintenance coverage,” which like current policies would allow recovery of damages for pain and suffering.

Under both options, motorists whose economic damages exceeded their policy coverages could sue negligent drivers for all of their uncompensated economic losses. Under both, state laws defining negligent conduct would continue to fully govern.

The current auto insurance system pays lawyers almost twice as much money as it pays all injured parties for their economic losses:

- While 28.4 percent of insurance premiums for bodily injury goes to lawyers’ fees, only 14.5 percent goes to actual medical bills and lost wages.

- Persons opting out of coverage for pain and suffering will, on average, reduce their personal injury premiums by 45 percent, according to a study by the RAND Corporation.

- This makes available to consumers more than \$35 billion in annual premium savings — an average of \$184 per vehicle.

Unsurprisingly, auto insurance rates have gone up more than one and one-half times as rapidly as the cost of living. Households in the bottom fifth of income nationally average paying 16.3 percent of their income for car insurance.

Source: Michael Horowitz, “Putting Drivers in the Driver’s Seat,” Brief Analysis No. 274, July 13, 1998, National Center for Policy Analysis, 12655 N. Central Expressway, Suite 720, Dallas, Texas 75243, (972) 386-6272.

Economic Freedom And Equality

Research has shown a positive relationship between economic freedom and growth. As one would expect, the better property rights are protected, the more of their incomes individuals get to keep, and the fewer the restrictions placed on entrepreneurial activity, the more growth-producing economic activity takes place.

Some economists also have theorized that the more economic growth there is, the more unequally income's distributed — suggesting a conflict between growth and equality. However, recent data on income distribution in 102 countries present a different picture when measured on the Fraser Institute's Index of Economic Freedom, which is based on the relative degree of personal choice, protection of private property and freedom of exchange in countries around the world. According to the data:

- The more a country increased its economic freedom between 1975 and 1985, the higher the level of income equality around 1985, with trade liberalization and financial deregulation having the most effect.
- In the short run, some increases in economic freedom — for example, lowering tax rates — increased inequality, but over a 10-year period increasing economic freedom resulted in a greater degree of equality.
- Grouping countries by income per capita, this was not only true for developed, higher-income countries, but was especially true for low-income, less-developed countries.
- The higher level of equality came primarily through relatively faster growth in the gross incomes of poor people, on average.

Source: Niclas Berggren, "Economic Freedom and Equality: Friends or Foes?" forthcoming, *Public Choice*.

The Burden of Taxation

GROWTH-MAXIMIZING TAX RATES AND ECONOMIC GROWTH FOR VARIOUS COUNTRIES

Country	Optimal Tax Rate	Marginal cost of Taxation
United States	21.8%	\$3.44
Denmark	18.5%	5.70
United Kingdom	25.2%	3.34
Italy	20.8%	1.59
Sweden	16.6%	4.20
Finland	18.9%	1.76
New Zealand	19.7%	3.43
Average	20.2%	3.35

Source: Gerald W. Scully, "Taxation and Economic Growth in New Zealand," Revised IRD Working Paper No. 14, Inland Revenue, Wellington, New Zealand, March 1996; and author's calculations.

Taxes for a certain amount of public goods and services — such as infrastructure, protection of property and education — can make private economic activity more productive. But beyond some point, especially when taxes are used mainly to redistribute income, they reduce incentives enough to lower the rate of economic growth. Then, reducing private goods by a dollar yields less than a dollar increase in total output.

An economic model shows that, for the 46-year period from 1950 through 1995:

- The growth-maximizing tax rate for the United States would have been 21 percent of gross domestic product (GDP), a tax rate that would have produced average annual real economic growth of 4.8 percent.
- However, taxes took 24.2 percent of GDP in 1950 and kept rising, and as a result the actual growth rate averaged only 3.4 percent.
- The additional 1.4 percentage points of growth would have resulted in workers now producing (measured in 1992 dollars) \$107,900 in per capita output instead of \$54,100.

Each additional dollar of tax collected above 21 percent of GDP during 1950-95 caused a loss of \$3.44 of GDP (output that was never produced) — the marginal cost of taxation.

A tax rate well above the optimal rate is common among other industrialized nations as well.

- On the average, the growth-maximizing tax rate is about 20 percent of GDP among developed countries — ranging from 16.6 percent for Sweden to 25.2 percent for the United Kingdom.
- Current levels of taxation, however, range from 34.1 percent in the United Kingdom to 51.6 percent in Denmark.
- The marginal cost of taxation for each unit of local currency in the countries examined averages \$3.35.

Source: Gerald W. Scully, "Measuring the Burden of High Taxes," Policy Report No. 215, July 1998, National Center for Policy Analysis, 12655 N. Central Expressway, Suite 720, Dallas, Texas 75243, (972) 386-6272.

U.S. and Antidumping

The United States has some of the harshest antidumping statutes in the world and prosecutes antidumping cases at an astounding rate. To impose duties, the law under which most antidumping cases are brought requires only a finding that an imported good has been sold below cost or below the price in the home market, and that material injury has resulted. This law helps the competing U.S. industry but hurts the economy as a whole. No similar restrictions are placed on the pricing behavior of domestic firms in the U.S. market.

- From 1991 to 1995, the average antidumping duty imposed by the United States was 56.8 percent — a rate higher than that of any other country except Mexico.
- The average extra duty imposed has nearly tripled since the early 1980s.
- The United States initiated an average of 49 antidumping cases a year from 1991 to 1995 — about 20 percent of the world total.
- Only five other countries averaged as many as 20 cases a year — and just eight averaged as many as 10.

The United States had 294 antidumping measures in effect in 1995 — more than twice as many as any other country and 35 percent of the world total. Only 87 measures were in effect against American companies at that time. A large fraction of the U.S. measures are in effect permanent — lasting 10.6 years on average.

The International Trade Commission has estimated that antidumping and countervailing duty orders in 1991 cost the economy about \$1.6 billion. Trade analysts say that, while such activities shield firms from foreign competition, they bring only harm to consumers.

Source: Bruce Arnold, "Antidumping Action in the United States and Around the World: An Analysis of International Data," June 1998, Congressional Budget Office.

Misunderstood Trade Deficit

America's annual trade deficit, already large by historical standards, could reach a new record in 1998, fueling protectionist sentiment. However, contrary to popular perception, there is no connection between trade deficits and industrial decline.

- Industrial production in the United States grew 24 percent between 1992 and 1997, at the same time the U.S. trade deficit was increasing from \$39 billion to \$114 billion.
- On the other hand, industrial production in Japan grew just 8 percent and in Germany less than 1 percent during this period, while both countries were running big trade surpluses with the U.S.

It is sometimes inferred that if one country is running a trade deficit, its trading partner must be protec-

tionist. But most countries with which the U.S. is running a trade deficit are no more protectionist than those with which we are running a surplus.

Nor do trade deficits affect the number of American jobs; the number is influenced primarily by labor supply and monetary growth. When the trade deficit expanded in the 1980s, unemployment fell, and when the deficit shrank during the 1990-91 recession, the unemployment rate rose.

Since 1980, economic growth has averaged 3.1 percent in years during which the trade deficit increased but only 2 percent in years in which the trade deficit declined from the previous year.

Source: Daniel T. Griswold, "America's Maligned and Misunderstood Trade Deficit," Trade Policy Analysis No. 2, April 20, 1998, Cato Institute, 1000 Massachusetts Avenue, N.W., Washington, D.C. 20001, (202) 842-0200.

Unilateral Sanctions Costly

Unilateral trade sanctions restrict the access of American companies and goods to 40 percent of the world's population. Yet unilateral sanctions have become the foreign policy weapon of choice in recent years:

- Since 1993, the United States has imposed more than 60 unilateral foreign policy sanctions covering 35 countries.
- And the trend is growing, with 26 new unilateral sanction measures introduced in the current Congress.
- To further complicate the matter, state and local governments are enacting their own trade restrictions. These sanctions aren't aimed just at obvious "rogue" regimes like Iraq and Libya, but in a growing number of cases target mainstream U.S. trading partners, including Mexico, Indonesia, Turkey and even Switzerland.

Yet there is a wealth of evidence that these sanctions rarely achieve their goals and are frequently counterproductive.

- In 1995 alone, between 200,000 and 250,000 U.S. jobs were lost due to unilateral U.S. trade sanctions, according to a study by the Institute for International Economics.
- Unilateral sanctions reduced U.S. exports to 26 target countries by an estimated \$15 billion to \$20 billion annually.
- A 1994 Council on Competitiveness report found that just eight instances of unilateral sanctions cost the U.S. economy \$6 billion in annual sales and 120,000 export-related jobs.

Trade accounts for more than 30 percent of U.S. gross domestic product. And more than 12 million jobs depend on U.S. exports and access to global markets.

Source: Donald V. Fites, "From Isolation to Engagement: The Case Against Unilateral Sanctions," CEO Series Issue No. 18, November 1997, Center for the Study of American Business, Washington University, Campus Box 1027, One Brookings Drive, St. Louis, Mo. 63130, (314) 935-5630.

