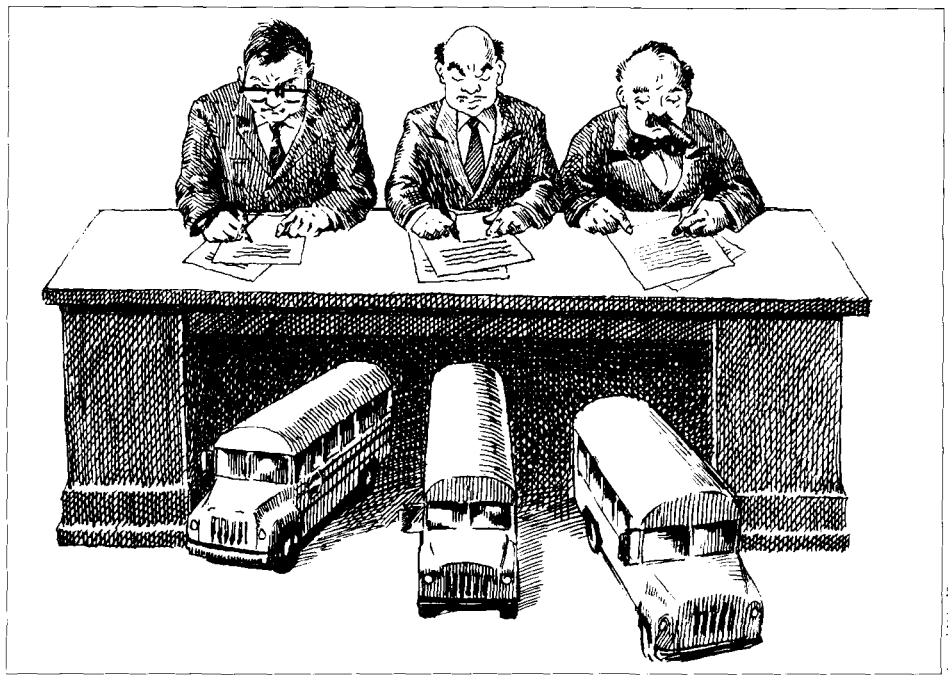
The Takeover of Our Schools

A Call to Action

by Joyce B. Haws



Anatol Wolff

It has become obvious that the majority of elected officials and candidates for public office are not qualified for their positions, and often stand in the way of attempts to institute the programs and diversity that are the hallmarks of modern society. Nonetheless, American voters, either because they are ignorant of what must be accomplished or because they are rebelling against social progress, continue to elect such unqualified persons at every level of government.

The judicial branch of the United States Government has therefore determined that, effective immediately, all governing bodies at the local, state, and federal levels will be appointed by federal judges. Court-appointed special masters will oversee all appointed governing bodies. Newspapers, TV and radio stations, and other media are ordered not to publish dissenting opinions on the new government. They will be monitored to ensure that any dissent is shown to stem from either racism or ignorance. All media are ordered to divert citizen attention and energies to matters which will not jeopardize the new government and to emphasize the establishment of successful programs which would have not been possible under representative government.

Particular and immediate attention will be given to public education. Elected school boards will be eliminated and programs will be established to train future generations in the judicial form of government. Students will be assigned to schools on the basis of race, nationality, socioeconomic status, sex, height, weight, etc., with the proportions of each determined by expert social engineers. No student will be assigned to any school within ten miles of his residence in order to avoid parental and community meddling in curriculum control and discipline. An appropriate combination of property, income, and sales taxes will be ordered to cover the costs of all programs.

It is so ordered.

Would a government notice like this, delivered to our door or posted in public buildings, shake us up? Or would we even bother to read it?

Before dismissing this "Government Notice," the reader might ask himself if any of it sounds familiar. In hundreds of major cities across our nation, "government by consent of the governed" has been replaced with government by judicial fiat. In those cities, any difference between reality and the message above is only one of degree.

The survival of representative government depends on the courage and determination of elected officials to defend our freedoms and of citizens to hold these officials accountable. But the greatest threat to representative government today is an increasingly arrogant and activist federal judiciary, which—in its quest for "social justice"—all too frequently ignores or nullifies existing state and local laws.

In no area of our lives has "government by judiciary" caused

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more devastation than in our public schools. Federal court takeovers of our school districts have eliminated our ability to monitor and control the education of our children, our most precious commodity and our nation's future. We must monitor closely what our children are taught, how they are taught, and where they are taught. We must control the tax money provided for their education, and a locally elected school board is the best means of such control.

As readers of *Chronicles* know, the citizens of Rockford, Illinois, are caught in a struggle for the control of their schools. A federal magistrate has taken over Rockford's schools and directs the actions and decisions of the elected school board, even ordering board members—under threat of contempt of court, fines, removal from office, and even jail—to vote for higher taxes, taxes that have been found illegal under state law. It is to the Rockford school board's credit that they have appealed many of the court orders, and they have been blessed with an appeals court whose judges (in particular Judge Richard Posner) show rare wisdom and understanding.

But despite these valiant efforts, Rockford's neighborhood schools have been destroyed by a "controlled choice" plan ordered by the court. While "controlled choice" superficially resembles a voucher program, allowing parents to choose to send their children to any school in the district, the reality is that a child is allowed to enroll in the school of his choice only if that child's presence would not disturb the court-prescribed ratio of majority to minority students in that school. A number of students are involuntarily assigned to schools outside their neighborhood. This court-ordered busing on the basis of race, ridiculously parading as "desegregation" and as a remedy for past racial discrimination, is being challenged in court by Parents Against Controlled Choice, a group led by Ron Manns (who is black) on behalf of black, white, and Hispanic students who were denied admission to their neighborhood schools on the basis of race.

But Rockford is not alone. Similar scenarios are playing out in hundreds of American cities, largely unreported beyond the city itself. Not content simply to order an end to any deliberate discrimination, for decades federal courts have been mandating racial control, the very thing they should have sought to end. The public has often been left frustrated and isolated, intimidated by vicious attacks for their opposition to the court mandates. To counter these attacks, the National Association for Neighborhood Schools (NANS) was incorporated in Denver, Colorado, in 1976 by opposition leaders in affected cities. NANS provides the public with accurate information on desegregation cases and suggests lawful ways to end racial, ethnic, and socioeconomic assignment of students, forced busing and the destruction of neighborhood schools, the misuse of taxpayers' dollars, the disenfranchisement of the public, and the use of public schools for social engineering.

At first, in the wake of *Brown* v. *Board of Education*, the courts mostly ordered direct racial assignment to "balance" existing schools, programs, faculty, and extracurricular activities. More recently, the courts have ordered the establishment of "magnet" schools with exotic curriculums and disciplines, selling them to parents by touting the "choices" students are able to make. With choices controlled by prescribed quotas, however, racial control continues even when direct racial assignment slows down. Once magnet schools are established, neighborhood schools rarely return, even when a court order ends.

In August 1996, the National Center for Policy Analysis reported that approximately 800 school districts were under federal "desegregation" orders, but no one seems to know exactly how many nor the status of the cases. The atrocities committed under the guise of "desegregation" in these cities would fill volumes. Federal judges have directed elected officials how to vote, imposed levies to pay for the programs they have ordered, and even stripped authority from elected officials.

On August 31, 1981, during the early days of the Cleveland, Ohio, desegregation order, a federal judge had the school board president and the treasurer led off to jail in handcuffs for objecting to a court-ordered expense. Two years ago, the federal judge stripped all authority from the seven-member elected school board—which consisted of six black members and one white member—and turned the district over to the state. One would have to question how such an action could be considered a remedy for past racial discrimination.

State legislators collaborated in the final demise of the elected school board by passing a law on July 22, 1997, allowing Cleveland's mayor to appoint the board and a CEO—a move that was taken some time ago in Chicago. But while the Windy City is praised nationally for the success of its mayoral control and site-based management, unhappy parents have learned that their wishes do not count. Despite their protests, Chicago school chief Paul Vallas has vowed to continue a controversial busing plan that would have children at bus stops by 6:00 A.M.

The editorial board of Cleveland's only daily newspaper, the *Plain Dealer*, still supports the court rulings that, over the course of two decades, have cost well over one billion dollars in state and local money and destroyed the once-excellent school system. The newspaper even declared that dissenting voices should not be heard, and urged readers to ignore the NANS affiliate in Cleveland. In fact, much of the local media have blamed elected school boards for the devastation of the district and praised the mayoral takeover.

But even the *Plain Dealer* could not be silent on the exorbitant legal fees. "Long gone are the days when anyone seriously thought the plaintiff lawyers were helping anyone but themselves," it editorialized on April 20. The lead plaintiff attorney charges $340 an hour, and the others charge only slightly less.

In 1967, Delaware received national acclaim as the first border state to remove all vestiges of a segregated school system. But in 1978, the Wilmington school district found itself under attack by an activist federal court. A federal judge abolished the Wilmington district and ten suburban districts and merged them into one. Children were bused all over New Castle County. Although the federal court relinquished control of the district in 1994, the busing order remains mostly intact—institutionalized. Over the 19 years of the scheme's implementation, the "achievement gap" between black and white students has *widened*—not an uncommon occurrence in desegregation cases.

Most people have heard about the Kansas City, Missouri, case in which a federal judge imposed taxes—over two billion dollars worth—to pay for his grandiose scheme of costly, elaborate magnet schools, a scheme that failed to lure white students to the district or increase academic achievement. Even with the court-imposed taxes, the plan could not be financed, but the court refused to end its involvement until the district was considered "financially viable." Despite massive budget cuts, reorganization, and school closings, the tax rate needed to re-

main at the court-ordered level.

Fearing that Kansas City residents would not approve continuing the high tax rate, the state government put the matter to a statewide vote, as an amendment to Missouri's constitution. In other words, the entire state of Missouri would decide what Kansas City residents would pay in property taxes. Outstate voters, weary of making payments for "desegregation" in Kansas City and St. Louis, approved the amendment.

U.S. District Judge Dean Whipple has now tentatively approved a two-year budget designed to end the era of multimillion-dollar "desegregation" subsidies. The budget reflects the loss of $100 million a year from state "desegregation" payments, several school closings, severe cuts to central administration, and significant reductions in busing as many of the elaborate and costly magnet schools are closed or turned into neighborhood schools.

Meanwhile, in St. Louis, Missouri, suburban districts had "volunteered" to become part of St. Louis's "desegregation" plan. They really had no choice: the federal court had made it clear that it would order them to take part anyway. Today, the court and the community are trying to reach a "settlement" in the St. Louis case. In the context of a desegregation lawsuit, a settlement usually means the continuation of forced busing. Even when school districts seem to regain their freedom, however, they often find that it is all too fleeting. Cincinnati, Ohio, had been quietly returning to neighborhood schools, to the relief of both black and white parents. Now the NAACP has filed for the case to be reopened, citing low black achievement scores.

The cases just seem to multiply, and no city learns from the mistakes others have made. Recently in Charleston, South Carolina, a group of businessmen paid Harvard professor Charles Willie $175,000 to conduct a "study" of the Charleston school district. Willie's recommendation? Implement "controlled choice"—the same program that has destroyed Rockford's neighborhood schools. Of course, the businessmen knew the results of Willie's study before they commissioned him—Willie has long been the administrator of Boston's "controlled choice" program. In *The Ivory and Ebony Towers*, Willie states, "I have never understood choosing schools for children based on neighborhoods." Indeed, Willie is much more interested in social engineering than in scholastic achievement. As he proclaims in his book, "If whites are to overcome their debilitating belief in white superiority, they must be tutored through prolonged association with blacks who can serve as mentors during their formative years."

Is it any wonder we are a nation at risk educationally? Is it any wonder our children are not learning when attention is focused on everything but education? When money meant for education is instead poured into the pockets of attorneys, special administrators, "masters," bus manufacturers, and petroleum companies? When there are no longer neighborhood schools to act as hubs of our communities? When race, ethnicity, socioeconomic status, and quotas take precedence over reading, writing, and arithmetic? When parental support and input is blocked or ignored? When elected school boards are pushed aside to make way for mayoral control, an appointed school board, or a state takeover?

Busing in order to achieve racial balance should not occur under any circumstances. Unfortunately, under current federal law, it may be ordered to remedy deliberate and intentional violations of the United States Constitution, even though the 1964 Civil Rights Act, Title IV ("Desegregation of Public Education"), Section 401, states:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Section 407 goes even further:

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance.

But the Civil Rights Act was modified by the Scott-Mansfield Amendment to the 1974 Equal Educational Opportunities Act, which added the phrase, "*except when pursuing violations of the 5th and 14th Amendments to the U.S. Constitution.*" Courts pursuing violations, then, could order racial balance.

NANS maintains that even under this existing law, state or local school authorities who bus or assign students to achieve racial balance in the absence of a finding of deliberate and intentional violations of the Constitution are violating the civil rights of those students. Moreover, school districts that are released from court control but continue to assign students to achieve or maintain racial balance are also, under existing law, violating the civil rights of students.

Recently, however, lawsuits have started challenging these court-ordered policies. The suit in Rockford by Parents Against Controlled Choice is only one. Challenges have taken place or are taking place in San Francisco, California; Arlington, Virginia; Jefferson County, Kentucky; Philadelphia, Pennsylvania; Montgomery County, Maryland; Troop County, Georgia; Durham, North Carolina; Houston, Texas; Boston, Massachusetts; and Charlotte, North Carolina.

The results have been mixed. On April 14, a wise judge ruled that the Arlington, Virginia, district was violating the Constitution by using racial preference to admit students. Meanwhile, in Massachusetts, Boston Latin School was sued last year by a white student denied admission under the school's quotas. The district modified its policy, and the matter was settled out of court. The new policy, which still involves racial quotas, was then challenged by another student. In May, the court ruled that the district had the right to consider race in its admissions policy in order to achieve and maintain diversity. The ruling is being appealed.

In 1969, the *Swann* v. *Charlotte-Mecklenburg Board of Education* desegregation case, backed by the U.S. Supreme Court in 1971, cleared the way for forced busing across the country. Like many cases over the last 30 years, the *Swann* "remedy" was built around controlled choice and magnet schools.

Last September, a suit was filed by a father whose daughter was denied admission to a magnet program because she is not black. The suit maintains that the race-based admissions policy violates the 14th Amendment and Title VI of the 1964 Civil Rights Act. A federal district court judge agreed in March to consolidate that suit with the *Swann* desegregation case. Be-

cause the school board argued that their magnet school quota policy was necessary under the desegregation order, the suit was then expanded in March to include a challenge to the entire desegregation plan, including mandatory busing.

In April, another group of parents formed COMPASS (Committee of Parents Supporting Students). They are challenging all race-based student assignment policies and seeking intervention in the case. In a sign that he may be eager to end the case, the federal judge has ordered school officials to determine whether Charlotte's public schools still suffer from the effects of intentional segregation decades ago. The school board says that it will argue that they do. While this may seem surprising, school boards in many cities are content to remain under court order, receiving funds that would end if they were released.

Court challenges are important to draw attention to the problem, but we must realize that we are appealing to the very entities that have caused the problem. How can we communicate the extent of federal court tyranny to the millions of Americans who are blissfully unaware? What will awaken the general public, many of whom do not even bother to vote? What can the people do?

The real solution lies in federalism and our system of checks and balances. Congress must assert its authority—under Article III, Section 2 of the Constitution—to rein in the federal courts. Court-limiting legislation should be proposed relentlessly in Congress until it passes. Such legislation must deal not only with court-ordered taxation, but with all of the arrogant court rulings that have stripped away representative government. Meanwhile, states should amend their constitutions (as Colorado did) to forbid racial balancing. The language of the 1964 Civil Rights Act, forbidding busing for desegregation, must be locked into state law. And finally, we must insist on locally elected school boards.

Almost 140 years ago, Abraham Lincoln declared, "The people of the United States are the rightful masters of both Congress and the courts, not to overthrow the Constitution, but to overthrow the men who pervert the Constitution." Those who respect the Constitution and defend neighborhood schools cannot rest until Congress and the courts are once again accountable to the American people.

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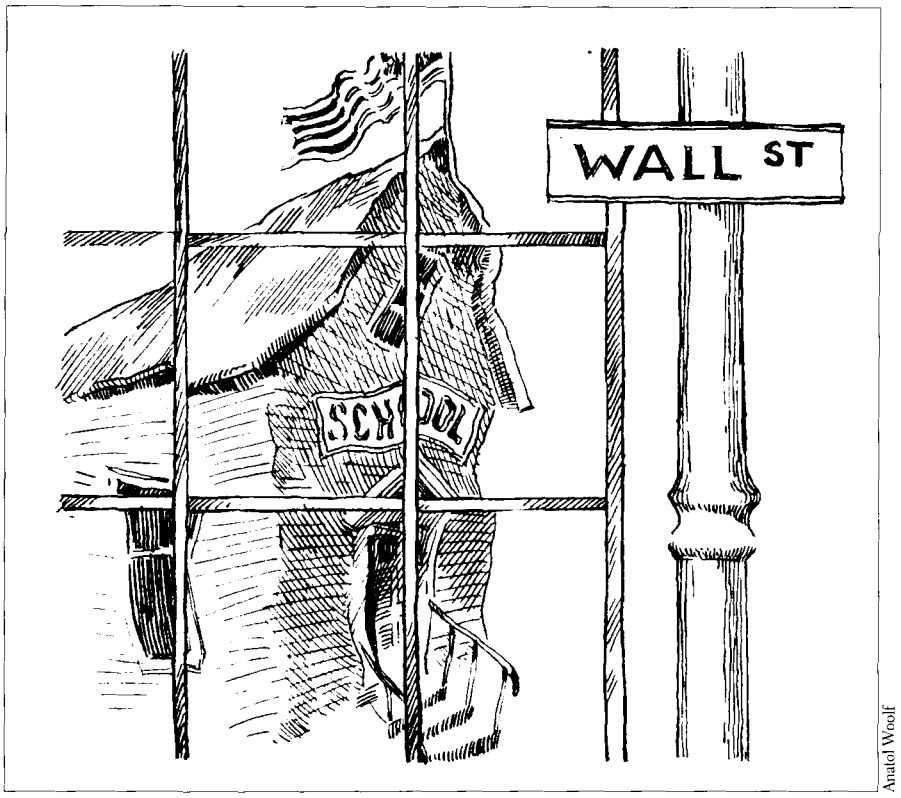
Funding Public Schools

The Michigan Model

by Greg Kaza



Anatol Woolf

The most telling moment in *The Agenda*, Bob Woodward's book on the Clinton presidency, occurs when the President-elect first realizes that Wall Street's bond markets wield more power than he does as Commander in Chief of the lone remaining superpower. "You mean to tell me," Bill Clinton screamed at his aides, his face turning red with anger and disbelief, "that the success of the program and my re-election hinges on the Federal Reserve and a bunch of f- - -ing bond traders?" Woodward does not say whether Clinton acted on his campaign promise to lower interest rates by going long on the 30-year U.S. Treasury bond for his own account. Presumably not; Hillary, after all, is the rainmaker in the Clinton family.

The subtext of Woodward's book is that the bond market and the Federal Reserve, in the form of Chairman Alan Greenspan, hold the real power. As the 21st century unfolds, all roads lead to Wall Street, even those associated with American education. Neoconservative policy wonks may fantasize about privatizing the little red school house or propose a "school choice" utopia that resembles nothing so much as the liberal dream of busing. But these think tank schemes, funded by non-profit foundations, are a sideshow; increasingly, the public education agenda is developed by corporations and implemented by politicians who need their campaign contributions.

The public education lobby is stronger, and more broadly-based, than many of its critics realize. It includes not only familiar neoconservative bogeys such as the teachers' union, but corporations that support scams such as those found in the George Bush-created Goals 2000 (like School-to-Work and Outcome-Based Education). Neoconservative mythology holds that the only bulwark against this state of affairs is the Republican politician. But in the real world, these politicians do not wield the real power.

Bush wanted to be known as "the Education President," and so does his successor. "Our number one priority," Clinton told the Michigan legislature last year, "must be to make our system of public education the best in the world." Clinton was invited to Lansing by Republican Governor John Engler, whose property tax cut/school finance plan, called Proposal A and passed by voters in 1994, is seen as a national model by, among others, the *New York Times* and *National Review*. "No challenge confronting our state or the nation is more urgent," Governor Engler told Clinton and lawmakers. "Where our children are concerned, our search is not strictly for a Republican solution or a Democratic solution—but an American solution."

Governor Engler invited Clinton to Michigan because the

State Representative Greg Kaza (Republican-Rochester Hills) represents Michigan's 42nd District.