

MOMENTUM BUILDING FOR SCHOOL CHOICE

By Rick Hinshaw

"Courts no longer see religion as an allergen in the body politic." That's how Kevin Hasson, president of the Becket Fund for Religious Liberty, viewed the June 10 ruling by the Wisconsin Supreme Court upholding inclusion of religious schools in Milwaukee's school voucher program. Some might see such exuberance as a bit premature. The ruling will surely be appealed to the U.S. Supreme Court, and the powerful opponents of school choice—led by entrenched public school interest groups and self-appointed guardians of separation of church and state—are not going to give in without a fight.

Yet momentum is now clearly on the side of school choice. According to the Heritage Foundation, in 1997 "nearly 32 states considered a school choice program of some kind," and "at least 45 governors stated their support for different degrees of school choice or charter schools." Charter schools, public schools exempted from some of the regulations and union controls that can stifle innovation, offer parents a limited public school option. Vouchers offer a much wider latitude for parental choice, giving parents the right to designate which school—public or private—will receive the government funds allocated for their child's education. Four other states—Arizona, Maine, Vermont and Ohio—currently have voucher cases pending before their state Supreme Courts.

Some voucher plans, however, pointedly exclude religious schools, fearful of raising constitutional church-state issues. That's what makes the Wisconsin case so significant. "The robed justices in one of our more liberal states," wrote Maggie Gallagher in the *New York Post*, "solemnly declared: Religion doesn't have cooties, after all."

Government resistance to vouchers—or their exclusion of religious schools—have spawned an outpouring of private grants for school choice. By the end of 1997, Heritage notes, there were over 35 privately sponsored programs providing vouchers for nearly 20,000 low-income children—and over 40,000 parents had put their names on waiting lists for these scholarships. Sol Stern and Bruno Manno report in the Manhattan Institute's Summer 1998 *City Journal* that a group of philanthropists led by venture capitalist Ted Forstmann and Wal-Mart heir John Walton have "announced a \$200 million national fund" to provide education vouchers for 50,000 low income children. The success of many of these private initiatives has subsequently spurred more state and local governments to action.

Emblematic of the surge in support for school choice was the conversion of Long Island's *Newsday*, long an ardent foe of anything that even hinted at public support for religious education. In a June 21 editorial endorsing a trial for targeted vouchers in low-income communities, the paper embraced inclusion of religious schools. The editorial focused on some of the central issues cited by Heritage as fueling the drive for school choice: low test scores, level of safety, and lack of accountability among inner city public schools.

"Let's face it," *Newsday's* editors wrote. "City public school systems around the nation have shown they are not up to the challenge. If you examine the performance of public schools in most older urban centers, you will find decades of disaster and precious few success stories. From New York to Chicago to East St. Louis, Ill., urban schools have fallen smack on their faces when confronted with the poorest children."

In contrast, the paper cited St. Luke's (Catholic) Elementary School in a South Bronx area "where the median income is \$8,644 a year, where scores of children live in foster care and shelters, where upheaval and violence are a common feature of daily life." With a student body which is 77 percent Hispanic and 23 percent African American, "last year, 59

percent of St. Luke's third graders tested at or above the state minimum in reading, and the story gets better in later grades," *Newsday* noted. "Last year, 68 percent of its sixth graders were reading at or above the state minimum—compared with 40 percent at PS 65," the neighboring public school.

Clearly, the failures of inner city public schools account in great measure for the snowballing support for school choice among minority groups. A 1997 poll by Phi Delta Kappa, a professional education association, found that while 49 percent of the general population favor school choice, the figure is 62 percent among African Americans.

Yet a hunger for spiritual values is also evident—witness the outpouring of community support for the Bronx public school teacher fired for leading her class in a prayer. Profiled recently in the *Boston Globe*, theologian Thomas Groome, a foremost authority on Catholic education, cited such spiritual substance as the key to the popularity of Catholic schools among Catholics and non-Catholics alike.

"In general, as a system of education," Groome stated, "there is probably no more successful system in the history of humankind." While noting a wealth of empirical evidence that Catholic schools outperform public schools—particularly in educating children in low income communities—he says that the real strength of Catholic education is its emphasis on developing the student's soul and character, as well as intellect.

While academic and spiritual concerns have thus forged a strong school choice coalition, opponents remain adamant and formidable. It is "unconscionable," American Federation of Teachers president Sandra Feldman said of the Wisconsin ruling, "to give public funds to private religious schools for just a few students, when those same tax dollars could be put into proven, public school programs that would benefit every child in Milwaukee."

Newsday, agreeing “on principle” with that sentiment, nevertheless concluded that “something must be done to jolt failing schools from their complacency; vouchers for the poorest are worth a try.” Rather than “destroy public education,” a targeted voucher program “if it’s done right...could force the public system to pull itself together.” Milwaukee Mayor John Norquist recognized the value of competition in improving education, predicting that the city’s voucher plan would improve the quality of its public schools because “the district won’t be able to take kids for granted.”

Ms. Feldman’s suggestion that religious schools would serve “just a few students” hinted at the old canard that parochial schools are elitist. In fact, statistics consistently show that the demographics of most Catholic schools are consistent with those of the communities they serve—predominantly poor students in poor communities, middle income students in middle class areas, etc. And it is precisely the public school monopoly on tax dollars that prevents more poor families from choosing parochial schools. The Choice Scholarship program in New York City, columnist Cal Thomas noted, receives 22,000 applications each year for the 1,000 slots available, while there were 7,000 applicants last year for the 1,000 scholarships available through a similar program in the nation’s capital.

The real private school elitists, then, are those who use their affluence to send their children to private school, while imposing government policies which deny poor parents the opportunity to make that choice.

Anti-Catholicism is an undeniable element of opposition to school choice. A glaring example was the June 20 letters page of the *Wisconsin State Journal*. Most of the letters attacking the pro-voucher court ruling were tinged with anti-Catholic bias. The most egregious, under the headline, “Turning state Capitol into Catholic Church,” found it “ominous” that the majority of members on the state Supreme Court are Catholic,

and castigated "Wisconsin's Catholic governor, Tommy Thompson," for having "appointed so many Catholics to positions of power that the statehouse resembles a Catholic Club."

More subtle, but just as hostile to religious freedom in education, are those who invoke church-state separation. "Taxpayers shouldn't be forced to pay for religious schools," said Barry Lynn, executive director of Americans United for Separation of Church and State. "We are not throwing in the towel," he said. Phil Baum, executive director of the American Jewish Congress, saw a critical choice between preserving "the principle that the Constitution imposes stringent and special restrictions on government financing of religion," and "an uncharted course" which would "put at risk the religious liberty Americans enjoy."

Groome would differ. "When you look at the Constitution, at the Declaration of Independence, they presume great spiritual values" he told the *Boston Globe*. "The Founding Fathers presumed that the educational system would be grounded in great spiritual values."

It should be noted that American college students are already permitted to use government assistance for religious schools if they wish; and last time we checked, the Constitution was still intact. Beyond that, it is simply hard to fathom how allowing people to choose to educate their children according to their religious beliefs threatens their religious freedom. It would seem that the opposite is true: creating a public school monopoly on taxpayer funds for education deprives many people of modest means of the freedom to make religion an integral part of their children's formal education.

As the momentum for school choice grows, so do organizations working in each state to make it a reality. United New Yorkers for Choice in Education (PO Box 4096, Hempstead, NY 11551-4096; 516-292-1224) typifies such statewide efforts.

UNYCE works to pull together a diverse school choice coalition—Catholic school parents, other religious groups, inner city parents and community activists, and those who see competition as essential to academic excellence. While trying to promote school choice through various educational projects, UNYCE has also drafted a proposed voucher pilot program, similar to Milwaukee's, which would target several low-income communities.

A national organization of particular interest to Catholics is the Blum Center for Parental Freedom in Education (Marquette University, Brooks Hall, 209, PO Box 1881, Milwaukee, WI 53201-1881; 414-288-7040). The Blum Center is named for the late Father Virgil C. Blum, S.J., founder of the Catholic League, who was fervently devoted to the cause of parental choice in education.

Other national organizations who were instrumental in the Wisconsin victory were the Institute for Justice and the Landmark Legal Foundation.