

DOJ's treacherous school choice suit

By Christian Schneider

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As a presidential candidate in 2007, Sen. Barack Obama unequivocally expressed his solidarity with public employee unions. "If American workers are being denied their right to organize and collectively bargain when I'm in the White House, I'll put on a comfortable pair of shoes myself," Obama told a group assembled in Spartanburg, S.C. "I'll walk on that picket line with you as president of the United States."

Of course, that vow lasted until precisely the moment that the public sector union battle in Wisconsin became a losing cause. Then Obama refused to change his shoes for Tom what's-his-name in that state between Illinois and Minnesota.

Yet last week, Obama planted a kiss on the public school teachers union that was so indecent even Miley Cyrus probably cringed. Obama's Department of Justice, headed by Attorney General Eric Holder, filed a lawsuit challenging the State of Louisiana's parental school choice program, which allows parents of children in "failing" school districts to send their kids to private schools with taxpayer funds.

Since Hurricane Katrina literally wiped the New Orleans school system off the map, the state has been implementing novel programs to give a reduced pupil population a better chance at a quality education. This includes a school "voucher" program, which began in 2008.

But Obama's DOJ believes the voucher program has "impeded the desegregation process," and it has petitioned for the program to be overturned in 13 public school systems that are under desegregation orders dating back decades. In its filing, the DOJ actually claims that "the loss of students through the voucher program reversed much of the progress made toward integration."

Nonsense, says Howard Fuller of the Black Alliance for Educational Options, who called the DOJ lawsuit "one of the most treacherous documents I've ever seen."

Fuller believes that the invocation of desegregation law in order to limit education options for minority parents in Louisiana is a "gross injustice." He points out that a landmark 1975 decision cited by the DOJ in its case (*Brumfield vs. Dodd*) was meant specifically to prevent schools from being formed that excluded African-American children. Now, DOJ is twisting logic to accomplish the exact opposite — it is invoking the case to prevent black kids from attending higher-achieving schools.

"When people talk about taking the long view of history, ultimately you have to understand what is happening at different moments in time," Fuller said. "What the Department of Justice's problem is, in my opinion, is that they're looking at a remedy for something that occurred 45 years ago and simply imposing it on another historical period."

"And what is the primary problem facing us today? It is not integration. Even if those numbers were significant, I would argue (DOJ is) fighting the wrong battle at the wrong period in history."

Further, the argument that school choice in Louisiana exacerbates segregation is specious, at best. Jason Bedrick of the Cato Institute ran the numbers: Of the two schools specifically cited in

DOJ's lawsuit, one lost five white students to a private school, while the other lost six black students to the program.

Bedrick estimates that this moved the first school from 29.6% white to 28.9% white, while the second school moved from 30.1% black to 29.2% black due to the program. Yet the DOJ claims that these minuscule shifts signal a march back to the days of segregation. (In fact, a bucket load of studies exist demonstrating that school choice almost always reduces segregation, as it moves minority children out of inner city schools and into schools with whiter populations.)

According to the Louisiana Federation of Children, 91% of participants in the school choice program are minority and 86% are black. Yet if the DOJ has its way, rules meant to deter segregation will be used to trap these kids in failing schools.

This apparently sits well with the Louisiana teachers' unions, who operate on the "if it can't help everyone, it should help no one" theory. "We need all the resources we can get to make improvements for all children," said Meladie Munch, president of the Jefferson Federation of Teachers, to a local television station. "It should not be just a few children."

Ironically, Obama himself had the chance to attend a tony Hawaiian private school due to scholarships and hardworking grandparents, who toiled at extra jobs to make sure their grandson had a top-notch education. Yet now, Obama appears willing to pull up the ladder and deny black children in a ravaged public school system the same opportunity.

In education, the status quo is the most pernicious interest group. Maybe one of the children in Louisiana will go on to become president and erase the mistakes Obama has made.