



## DOJ Lawyers Attacking Louisiana Voucher Program Tied to Liberal Causes

Critics: DOJ trying to end voucher program in Louisiana

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Department of Justice attorneys pursuing the case against the Louisiana school choice program have a history of liberal advocacy, a fact that experts say calls into question the DOJ's contention it is not against school vouchers.

The DOJ said it is not opposed to the voucher program in a letter to Speaker of the House John Boehner (R., Ohio), insisting that it is only seeking information to ensure the state is in compliance with desegregation laws.

“We are neither opposing Louisiana’s school voucher program nor seeking to revoke vouchers from students,” the DOJ said. “When properly run, state and local voucher programs need not conflict with legal requirements to desegregate schools.”

Louisiana Gov. Bobby Jindal (R.) said the move was nothing more than a “P.R. stunt.”

“While attempting to rebrand its legal challenge as merely an attempt to seek information about implementation of the scholarship program, the administration’s real motive still stands—forcing parents to go to federal court to seek approval for where they want to send their children to school,” Jindal said in a statement.

The DOJ has not dropped the injunction against the program it filed on Aug. 22, blocking all new vouchers in the 2014 school year unless a federal judge approves them. The DOJ says the program reinforces segregation.

The lawyers behind the filing—Jocelyn Samuels, Anurima Bhargava, and Torey B. Cummings—each have histories of liberal advocacy, including support for desegregating schools based on religion, advocacy for affirmative action, and work to release terrorist detainees at Guantanamo Bay.

Samuels, the DOJ's Acting Assistant Attorney General for the Civil Rights Division, has background in the "equal pay for equal work" movement. She previously worked as a clerk for the Ninth Circuit Court of Appeals, and as labor counsel for the late Sen. Ted Kennedy (D.).

As Vice President for Education and Employment at the National Women's Law Center (NWLC), Samuels called the memoirs of Supreme Court Justice Clarence Thomas an "angry, bitter book."

Samuels said Thomas has held African Americans back for his stance against affirmative action in a blog post entitled, "Who's Keeping Who In Their Place?"

His views "have served simply to perpetuate the cycles of discrimination, disadvantage and poverty to which minorities and women have been disproportionately subject," Samuels said.

Samuels has also contributed nearly \$8,000 to President Barack Obama's campaigns. Prior to joining the administration in 2009, she contributed \$3,000 to Obama for America, according to the Federal Election Commission.

She has continued to donate as a DOJ attorney, giving \$4,900 to the Obama Victory Fund since 2011.

Anurima Bhargava, Chief of the Educational Opportunities Section in the Civil Rights Division, has advocated for schools to be desegregated on the basis of religion.

As Director of the Education Practice at the NAACP, Bhargava told the United Nations Forum on Minority Issues that the U.S. needed to rigorously promote diverse schools.

"Efforts to promote integration and social cohesion should be conscious of and properly take account of race, language, immigration status, religion, caste and other factors that have underlied segregation," she said in December 2008.

Bhargava is also an advocate of affirmative action, camping outside the Supreme Court for a case in 2006.

Torey Cummings, a DOJ Trial Attorney in the Civil Rights Division, previously was part of the Guantanamo Bay Bar Association while working for the law firm Nixon Peabody, LLP. Nixon Peabody successfully advocated for the release of a Libyan national, Mohammed Rimi, in 2006, who was a member of the Libyan Islamic Fighting Group and associated with al Qaeda.

While with DOJ, Cummings helped craft a settlement agreement between the Southern Poverty Law Center (SPLC), the National Center for Lesbian Rights (NCLR), and a Minnesota school district in 2012 for alleged bullying at their schools.

The consent decree set up an "AntiBullying/Anti-Harassment Task Force" for the district and required them to conduct an "Anti-Bullying Survey" once a year.

Bhargava has touted her division at the DOJ for placing a priority on desegregation, taking on approximately 200 cases. “But many do not resemble traditional desegregation cases,” she said.

The lawyers in the motion filed against Louisiana said the school choice program is impeding desegregation because some voucher recipients were in the racial minority at their failing school.

In one example, they criticize the program for allowing six black students to leave a failing school because it reinforced the “school’s racial identity as a white school.” Jindal contends the program is “race blind” because it is run by lottery.

“Failure to grant the injunction will result in irreparable injury,” the lawyers warned in August.

However, in a supplement to the motion filed on Monday, Samuels, Bhargava, and Cummings said they were “not seeking to take vouchers away” from students.

“Rather, the United States is simply seeking this Court’s assistance in ensuring that the information Louisiana collects in connection with its school voucher program is provided to the United States in a timely fashion.”

Critics of the DOJ say that the goal is to get rid of voucher programs.

“Unfortunately, the DOJ is being disingenuous,” said Jason Bedrick, a policy analyst at the Cato Institute. “While their lawsuit would not have revoked vouchers that the state had already distributed, it would have blocked all future vouchers to students in districts under desegregation orders without federal permission.”

“In other words, rather than leaving the choice of school in the hands of parents, parents would have to beg the federal government to allow their children to escape from failing government schools,” he said.

Requests for comment from the DOJ were not returned.