



## The Civil Disobedience Charles Murray Wants Has Already Arrived

**Incidents like testing opt-outs and parent fury in Fairfax show people get Charles Murray's point about refusing to comply with stupid regulations.**

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While Charles Murray has been out [promoting measured civil disobedience](#) in an effort to restore individual liberty, thousands of parents and children have been acting upon the same concept. This spring has seen an extraordinary nationwide defiance movement aimed against standardized tests, thanks to Common Core. It could be, as Murray hopes for, yet another “thin edge of a wedge that can work to wonderful effect” in service of restoring self-government.

The federal do-gooders who framed No Child Left Behind back in 2001 never envisioned that parents would take exception to their mandate that every child in grades three through eight (and once in high school) face annual math and reading tests. So the law is entirely silent on what happens if, as is happening now for the first time, thousands of parents across the country pull their kids in protest.

It's hard to convey just how extraordinary this is. So here are a few snippets from just the past week's news. In Germantown, Wisconsin, [62 percent of public-school students are sitting out tests](#). The district has been a hotbed of Common Core opposition, with a local school board among one of the handful nationwide to reject Common Core and decide to run with its own, higher-quality, curriculum. [In Maine](#), “Cape Elizabeth saw 32 percent of its eighth-graders, 18 percent of its seventh-graders and 64 percent of its high school juniors opt out. There are many examples of high opt out rates across the state, but a reliable statewide tally isn't yet available.” A bill to secure parents' right to excuse their kids from mandatory tests [recently passed the Delaware House 36 to 3](#) after a blaze of opt-outs left local schools scrambling. “A wide-ranging bill that would eliminate [national Common Core] tests in Ohio and limit state achievement tests to three hours per year passed the House 92-1 on Wednesday,” [reported the Columbus Dispatch](#).

This is nowhere near a set of isolated incidents. In Washington state, every single junior at Nathan Hale High School (natch) [refused state tests this spring](#). Somewhere around 200,000 children refused tests this spring in New York and, contrary to race-baiting from U.S. Education Secretary Arne Duncan, [substantial numbers of these defiant parents were not white rich people](#). FairTest, a lefty organization not keen on rigorous data, nevertheless keeps [compiling an impressive number of similar news stories each week](#).

What does this mean? Does it matter? While the opt-out numbers are unprecedented in American history, they still represent a very small proportion of U.S. schoolkids. I think they do matter, and that they signal many Americans are ready for Murray's civil disobedience project. Here's why.

## **Pride Cometh Before a Fall**

Let's connect this story to another recent event that I think represents a watershed in U.S. education politics. The Fairfax County, Virginia school board recently voted unanimously to allow teachers and children who will not acknowledge their DNA to embed themselves in the bathrooms, locker rooms, and sports teams of their non-biological sex. This decision is far more significant (seven states have similar laws) because the board made its decision against the clear wishes of [a mob of parents who flooded the school board meeting in protest](#).

"People are very disturbed by what just happened," former school board member Mychele Brickner [told the Washington Times](#). "They didn't take parents into account. The fact that they passed a motion like this and created an additional protected class in the policy, and then they are going to let people see later what this means, that's ridiculous. That's exactly what happened with Obamacare."

Why? Board members said they had no choice: The feds were [threatening to yank \\$47 million](#), or 1.7 percent of the district's annual budget, if they did not comply with [the Obama administration's reinterpretation of Title IX](#), which demands completely outside statute that schools enable teachers and children whose parents are indulging them in the dangerous fancy that they can somehow convert themselves into a member of the opposite sex, against science, tradition, psychology, and sanity.

"The federal government has been very clear that they expect local schools to amend their policies," said John Foster, division counsel for Fairfax County Public Schools. This, by the way, is exactly the same pattern hundreds of local school boards, state school boards, and state legislatures have followed in the past several years when approached by desperate parents bearing evidence that Common Core does not actually provide for a quality curriculum: "Sorry, we can't drop Common Core, or the feds will reclaim the money they took from our citizens in the first place." Parents are getting sick of hearing that. What's the point of a local school board if it can't or won't make any decisions local voters want?

## **We Don't Need No Stinkin' Federal Bribes**

It's a good question. The explosion of the General Welfare clause has turned local governments into mere functionaries whose job is to implement national policy, as [James Buckley's recent book has grossly detailed](#). His book also ties into Murray's because it details how and why local government has attenuated as the regulatory state has grown.

Typically, local governments lose touch with their constituents by accepting federal grants through the administrative state. My husband, a native Montanan, laments the federal highway bribes that forced his state to lower speed limits, because Montana has cities separated by hundreds of miles of flat highway where no one is in danger of people driving 85 MPH. The more power the administrative state has, the more power the executive branch has to expand willy nilly into brute tyranny, as President Obama has done with abandon (and still essentially no remonstrance from Congress). Once local governments feel they depend on federal dollars, even if it's as small a portion of their budgets as the 1.7 percent in this Fairfax situation, local citizens are powerless to demand that their officials pay attention to the people who provide not just that 1.7 percent but also the other 98.3 percent.

Incidents like these testing opt-outs and the parent fury in Fairfax show that people are getting it. They're finding out what happens when the federal government is allowed to bribe local officials with the people's money. What's needed now is for those local officials to catch the "I refuse" fever from their constituents. Murray points out in a recent Cato Institute podcast that Colorado and Washington flipped the feds the bird by legalizing marijuana against federal law. Crunchy cons like me have also noticed similar sentiments growing among people who are finding ways to get around stupid raw-milk bans and regulations that attempt to obliterate our beloved midwives.

Maybe it's time for states to defy the feds over something a little more important than marijuana. It's time for a governor to say, "To heck with Congress's inability to send our federal education dollars back with fewer strings attached. The cost of compliance with federal regulations is higher than the funds we get back from the feds. They can keep our stinking money. We don't need the A-PLUS Amendment. We don't need federal education funds at all. We can run our schools better, on slightly less money, without federal micromanagement." Local school boards could do the same thing, especially those who don't get much or any federal funds.

Because what we're losing here is far more costly than the mere money we're gaining. A number of states worked out the cost-benefit of NCLB before it passed, and found it cost them more than it brought them. So we're losing both money and freedom. We're losing money and our dignity. We're sacrificing kids' spirits and futures to bureaucrats who have never taught a child and can't budget their way into the right amount to tip a waiter.

We're also losing the ability to truly love transgender kids by working out local policies that protect them during a vulnerable time while not sacrificing the sexual innocence and vulnerability of the other 99 percent of kids. We're losing the ability of teachers to actually look at and pay attention to the children in front of them instead of having to monitor the constant flow of mandatory testing data on an iPad. How can you count that in dollars and cents? You can't.

