

Dropout Nation

The Retrenchment Cannot Be Energized

By RiShawn Biddle
August 15, 2014

If you want to understand why a strong federal role is needed in advancing systemic reform of American public education — and why arguments for a so-called “energized retrenchment” or backsliding in that role from some conservative reformers like Andy Smarick of Bellwether Education are unconvincing — consider what happened in 1946 after the U.S. Supreme Court handed down its ruling in *Morgan v. Virginia*.

The case, which stemmed from the arrest of Irene Morgan, a Baltimore woman who had just gotten over a miscarriage, by Hayes Store, Va., police in 1944 for refusing to hand her seat on a Greyhound bus to white riders, would be one of the first blows against Jim Crow segregation. Under the ruling, the high court ruled that it was unconstitutional and illegal for southern states to segregate bus stations and other transportation hubs. For civil rights activists of the time, there was hope that southern states would obey the ruling and stop enforcing these set of Jim Crow laws.

This didn't happen. Southern states continued to enforce Jim Crow in bus stations and train terminals for another 15 years, ignoring the Supreme Court's ruling. Governors and state legislators, along with the Klansmen and *ancien régime* of plantation owners who backed them, there was no reason for them to end the segregation laws and policies from which they benefited politically, ideologically, and financially. More importantly, from where they sat, black people were not human, and thus, not deserving of equality under the law. *Morgan* would not be enforced until 1961, when U.S. Attorney General Robert Kennedy, in response to the violence against civil rights activists during the Freedom Rides, successfully pushed the Interstate Highway Commission to enforce the high court's order.

For civil rights activists of that time, and for school reformers of today, there are several clear lessons from the Morgan experience, several of which I have illustrated over the past few years. But one of those lessons is crystal clear: That without a strong, active, federal role, states will rarely do the right thing when it comes to addressing policies and practices that are damaging to blacks, Latinos, and other minorities (as well

as to poor whites). And that is especially true when it comes to American public education. Which is why arguments by Smarick and others for a less-active federal role don't square with reality. You can't be a reformer and think that you can do the right thing by all children by simply relying on activism at the nation's statehouses.

Why is this even a discussion? You can, in part, thank Smarick, who has done a service for reformers by writing a series of pieces on the role of movement conservative thinking in the school reform movement. In his latest essay, Smarick takes a wrong turn by arguing that it is time for what he calls an "energized retrenchment" that involves scaling back the federal role in advancing systemic reform embraced since the 1980s by Ronald Reagan and his successors. Anticipating that Republicans will capture control of the U.S. Senate, noting the disdain for expansive federal role among movement conservatives within the party's political base (especially with their opposition to everything the Obama Administration undertakes), and pointing to opposition to the implementation of Common Core reading and math standards, Smarick argues that the next wave of reform will feature less-active federal policymaking.

There are a number of problems with Smarick's argument. There's the assumption that the reforms undertaken by Obama, most-notably Race to the Top, haven't worked out. Tell that to the school choice activists who have successfully passed voucher measures in more than 13 states, the children who attend the 1,091 new charter schools opened between 2010 and 2013, and families in cities such as Adelanto, Calif., who have taken over failing schools using Parent Trigger laws passed as a result of the competitive grant competition. This isn't to say Race to the Top has been a qualified success — and it will be another few years before we know for sure. [Let's not even bother with the administration's waiver gambit.] But this big initiative, like the No Child Left Behind Act, has shown that big initiatives at the federal level lead to the success of smaller efforts spurred by it.

There's also Smarick's failure to acknowledge that the dissatisfaction among movement conservatives has far less to do with principles than with their disdain for the Obama Administration, and their desire to roll back anything associated with the Second Bush Administration. More than likely, a Republican president will embrace the reformer-in-chief role because they will understand, as Reagan and his successors did, the consequences of the nation's education crisis on its economy and society. The fact the federal government should hold states accountable for the subsidies they are given under No Child — part of the whatever government is doing it should do well that is an oft-forgotten tenet of modern conservatism — also forces it to take a more-prominent role in education policymaking.

But the biggest problem with Smarick's argument comes crystal clear in his declaration that scaling back the federal role in advancing reform doesn't mean "do-nothing-ism" that leads to "the most disadvantaged kids will be forgotten". That doesn't square with history, that stubborn thing that interferes with all elegant theories. What American history has long ago shown is that without strong federal action, state governments rarely do the right thing by poor and minority children. Especially black children and their communities.

As Ilya Somin of the libertarian Cato Institute points out in a recent policy analysis on federalism and liberty, the underlying reality is that without federal intervention, states would have continued policies such as slavery and state-sanctioned segregation. This is especially clear when you look at the history of American public education during the civil rights era.

After the Supreme Court handed down its 1954 ruling in *Brown v. Board of Education*, which ended segregation of public schools and the official refusal to provide equal financial resources to schools serving black and white kids, southern states refused to obey the law. Instead, states such as Virginia and Arkansas engaged in Massive Resistance efforts, shutting down school districts in order to defy the ruling, and even stopping districts such as Alexandria, Va., from engaging in their own school integration efforts. Other states would follow the letter of the law, but not the spirit, shutting down schools in black neighborhoods instead of providing what was then considered to be high-quality education.

Smarick is well-meaning. But he offers a misguided vision that will not serve the school reform movement well.

It took Lyndon Baines Johnson's successful passage of the Elementary and Secondary Education Act in 1965, the key civil rights law governing American public education, to finally force southern states to follow Brown in both letter and in spirit. But the law that is now the No Child Left Behind Act wasn't just geared to dealing with recalcitrant southern states. Districts in New England and Midwestern states such as Massachusetts and Indiana engaged in their own equally-pernicious forms of state-sanctioned segregation; thanks to this predecessor of No Child, civil rights activists were able to address those issues.

This isn't to say that the more-active federal role in education policymaking is perfect or always an unqualified success. The Obama Administration's debacle of an effort to eviscerate No Child's accountability provisions offer a cautionary example of what not to do. Nor is it to say that the federal government necessarily does the right thing on its own accord. As I noted earlier this month, federal intervention in civil rights matters, for example, only came after activists forced Eisenhower and then Kennedy to take action. Johnson's own laudable efforts to pass civil rights legislation, as much driven by his own morality as by political calculations about winning higher office, waned after he felt that Martin Luther King and others didn't cater enough to his prodigious-yet-fragile ego. And as Somin notes, we must keep in mind that the federal government itself helped perpetuate slavery and segregation thanks in part to senators and congressmen from southern states who held sway over Congress.

All that said, it is clear that the federal role is crucial to advancing reforms that help all children succeed. This is because it can be difficult for even the most reform-minded governors, with strong support for his efforts from activists and wonks on the ground, to overhaul public education. Because NEA and AFT affiliates, along with suburban districts, and university schools of education have often been the ones with the greatest influence and control over public education, they can resist systemic reform efforts.

Ultimately, it takes the imprimatur of the federal government, along with legislation and other policymaking inside the Beltway, to give reformers at the state level the tools needed to beat back traditionalists.

While it was southern state governors and chambers of commerce who began the first steps toward systemic reform during the late 1970s, it was the Reagan Administration's 1983 release of *A Nation at Risk* that pushed other states to make reform a priority; by 1986, some 250 commissions and panels were working on school reform, according to Susan Fuhrman (now president of Columbia University's Teachers College). Though states such as Florida began developing accountability regimes in the early 1990s, it was the steps taken by Bill Clinton with his successful reauthorization of ESEA in 1994, then George W. Bush's work in passing *No Child* nearly a decade later, that would spur the array of reforms that have proceeded in the past two decades.

Yet conservative reformers and their movement conservative brethren refuse to fully understand and accept this reality. But this isn't surprising. The first reason: Movement conservatism's penchant for relying on traditional institutions and ideas has always been as much a flaw as a virtue. The blind adherence to what my friend Jeremy Lott calls the democracy of the dead can often result in conservatives being unwilling to address injustice by those institutions even when it is morally and intellectually justified to do so. As a result, conservatives find themselves loyal to institutions and policies that may not deserve their loyalty as intellectuals or morally decent people.

This reliance on tradition also leads many conservatives to eschew systems thinking and fail to admit that structures can perpetuate policies and practices that damage the futures of children. Because of this, conservatives fail to appreciate that problems are often a result of bad structures that perpetuate human failings. Just as importantly, conservatives fail to realize that reliance on tradition can often be as senseless as technocratic thinking because it is based on limited human reasoning. As famed conservative philanthropist John M. Olin would likely note, because earlier generations don't have the benefit of data and knowledge that has come since they left this earth, the correct conclusions for their time may be incorrect today (and, with benefit of hindsight, may have been wrong even then).

Reason number two has to deal with modern conservatism's longstanding problem in dealing with the racialism that is America's Original Sin, which still perpetuates itself in American public education through policies and practices such as zoned schooling and overuse of suspensions and expulsions. As Claremont's William Voegeli noted in a 2008 essay, the conservative movement has still never fully reckoned with its shameful legacy of downplaying the need to end Jim Crow segregation during the civil rights struggles of the last century. And as *National Review's* Jonah Goldberg has noted, we who are conservative should admit this more often.

Because movement conservatives of that time such as William F. Buckley Jr., and Barry Goldwater didn't view state-sanctioned racism as the great moral question that it was, because their fetish for preserving tradition led them to believe that the federal government didn't have the obligation to address segregation, because of their concerns

about communism and the expansion of federal government, and because they viewed the civil disobedience by activists such as Martin Luther King (as well as their push to force social change) as an affront to the order they craved, they essentially gave succor to Jim Crow segregationists even if that wasn't their original intent. Most movement conservatives and many conservative school reformers still have never fully addressed or atoned for these mistakes, and in a lot of cases, compound them with insensitivity to the justifiable concerns of blacks and other minorities.

As civil rights activists learned after the *Morgan* ruling, reformers must realize that the federal government must play a strong role on behalf of poor and minority children.

A third reason lies with the fact that most conservative reformers — save for Smarick — work in movement conservative institutions where their thinking is unlikely to be strongly challenged. Because these institutions are either activist in nature, or as in the case of Heritage Foundation and the American Enterprise Institute, increasingly so, there's little opportunity to understand the underlying theories behind the viewpoints of fellow centrist and progressive Democrat reformers. [This, by the way, holds true for centrist and progressive counterparts in the reform movement.] As a result, movement conservatives and conservative reformers close themselves off to knowledge and ideas that may change or widen their thinking. The fact that many conservative reformers and movement conservatives no longer live in big cities and almost never live in suburbs with significant minority populations such as Prince George's County, Md., also means that they rarely have deep conversations with people who live in them or address their concerns in meaningful ways. [By the way: This is why the presence and work of the Manhattan Institute, one of the few conservative think tanks concerned with urban affairs, has to be so greatly appreciated, regardless of your ideological leanings.]

Sure, your editor greatly appreciates Smarick's efforts to give his progressive and centrist counterparts a much-needed (if at times, limited) primer on the underpinnings of movement conservative thinking. But this conservative reformer dares to say my fellow-travelers, including Smarick, and American Enterprise Institute contrarian Rick Hess, need to open their minds as well. They would do well to pick up Raymond Arsenault's *Freedom Riders: 1961 and the Struggle for Racial Justice* (a **Dropout Nation Top Eight** book in 2011) as well as read Aram Goudsouzian's *Down to the Crossroads: Civil Rights, Black Power, and the Meredith March Against Fear*, to start expanding their thinking. [For progressives and centrists, picking up Friedrich Von Hayek's *The Road to Serfdom* and Thomas Sowell's *A Conflict of Visions* would help them greatly.]

Finally, conservative reformers find themselves at a crossroads. The second wave of reforms needed to transform American public education involve supporting policies such as implementing Common Core that are considered anathema for many reasons by many of their movement conservative fellow-travelers. At the same time, conservative reformers are being challenged by their allies in the school reform movement on whether they will embrace the expansion of accountability regimes and other solutions that don't always square with movement conservative ideology. Meanwhile they must decide how far do they evolve their thinking or even to do so at all; while ideology may

die in the harsh sunlight of facts and data, it doesn't mean those who believe in them will let them go.

Centrist and progressive Democrat reformers have already spent the past two decades dealing with challenges to their thinking and efforts from both traditionalists within their ideological circles and from conservative reform allies, especially on matters such as school choice. Conservative reformers are facing the same challenge. As with centrist and progressive counterparts, conservative reformers must decide if their greatest concern is with building brighter futures for all children (and working in the big tent that is the reform movement), or with adhering to first principles that may not always match up with the reality of the education crisis (as well as disturbing the relationships they have with their ideological counterparts). That for some conservative reformers, most-notably school choice activists, the fact that they also benefit financially from their work also makes matters difficult.

This isn't to say that Smarick isn't well-meaning in his misguided argument for energized retrenchment. Like so many of my fellow conservative reformers, he does mean well. But on this matter, Smarick is off-target. Let's hope energized retrenchment on systemic reform never happens.