

Class Dismissed: How Teachers Unions Killed D.C. Vouchers

By Timothy P. Carney

***Summary:** At the urging of teachers unions, the Democrat-controlled U.S. Congress has put the District of Columbia's pilot educational vouchers program on the fast track to extinction. This in spite of the fact that vouchers enjoy the support of several high ranking D.C. officials and important Democratic constituencies. How did the teachers unions acquire such clout? Timothy P. Carney, lobbying editor and columnist for the Washington Examiner, tells the story of the political struggle that created the vouchers program, and the backroom maneuvering that killed it.*

A \$14 million-a-year federal program to fund scholarships for low-income District of Columbia students to attend private schools was struck a likely fatal blow early this year. The assailant was the teachers union lobby.

The American Federation of Teachers (AFT) and the National Education Association (NEA) are two of the most powerful labor unions in Washington. They represent 4 million public school teachers, and oppose all efforts to assist private schools, whose teachers are rarely union members.

D.C. schools became the battleground for vouchers, as both the unions and voucher proponents saw that success in D.C. vouchers could give momentum to voucher programs elsewhere. This year, after a fierce lobbying effort, unions succeeded in pushing through Congress legislation that likely will bring the program to an end, either after the current school year, or in a few years, after



Shirley-Ann Tomdio, a graduating eighth grader from Sacred Heart School, speaks during the June 3 D.C. Opportunity Scholarship Program graduation ceremony at Archbishop Carroll High School, N.E. Her Opportunity Scholarship helped her to attend Sacred Heart and will enable her to attend Georgetown Visitation Preparatory School in the fall. (Catholic Standard photo by Rafael Crisostomo.)

the graduation of the last student currently enrolled.

The teachers unions have powerful lobbying forces in Washington, and their political action committees (PACs) are among the generous campaign contributors in the country. Nearly all of their campaign contributions go to Democrats, and nearly every Democrat in Congress has been funded by the PACs of the AFT and the NEA.

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The Fight for Vouchers

President George W. Bush ran for President in 2000 advocating school vouchers as part of his No Child Left Behind proposal. In 2001, voucher provisions—even pilot programs—were stripped from the bill before it passed.

As a second attempt, the Bush administration turned its voucher effort into a pilot program for the District of Columbia. In 2003, the proposal got a shot in the arm from then-Mayor Anthony Williams (D) who told D.C. students on May 1 of that year, “I fully and strongly support the initiative to bring [voucher] scholarships to this city. We will find that our regular public schools will end up in better shape.” Cardinal Theodore McCarrick, the Catholic archbishop of Washington at the time, also endorsed the measure.

This push came at a time when the teachers unions were struggling. The AFT was helping fund a lawsuit to kill Colorado’s voucher program, but the Supreme Court that summer upheld the constitutionality of that state’s vouchers. In D.C., the union was temporarily weakened by a financial scandal engulfing its local affiliate, the Washington Teachers Union.

Then-Rep. Tom Davis (R)—who chaired the government reform committee with jurisdiction over D.C. and whose Northern Virginia district was part of the D.C. metro area—sponsored a measure in June, 2003,

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Sen. Joe Lieberman is trying to bring D.C. vouchers back from the dead.

creating a \$14 million-a-year voucher program for D.C. students.

On September 5, 2003, Davis offered it as an amendment to the D.C. appropriations bill. During the voting, Democrats appeared to have the measure defeated, but at least one Republican changed his vote from No to Aye, and the amendment cleared by a 205 to 203 margin, with only four Democrats voting Aye.

Immediately, Delegate Eleanor Holmes Norton, who represents D.C. in the House but has no vote on the House floor, moved to strip Davis’s language, hoping to win on a second try because a few additional Republicans were now absent. But Republicans rounded up one more vote, pulling Rep. John Linder (R-Georgia) from his 61st birthday party, to secure a tie vote, which killed Norton’s amendment, 203-203.

AFT President Sandra Feldman blasted the Republicans in a press release, calling the vote “a shameful exercise of power.” She complained, “[T]he House Republican

leadership scheduled a vote on the D.C. private school voucher proposal when many Democratic House members were scheduled to attend a presidential debate sponsored by the Congressional Black Caucus. And in an unusual move to round up the necessary votes, the voucher proponents kept open the vote for 40 minutes, which gave them a one-vote margin. The lengths to which the voucher proponents had to go to secure passage sends a very important message to the Senate that private school vouchers have serious opposition.”

In the Senate, Democrats with the aid of then-Republican Sen. Arlen Specter (Pennsylvania) delayed the D.C. appropriations bill over the vouchers issue. Senator Mary Landrieu (D-Louisiana), traditionally a swing vote in the Senate, played a central role in the delay, offering a series of amendments to make D.C. vouchers more palatable to her by limiting the program or adding federal oversight.

The teachers unions leaned heavily on her. “We have telephoned her office over the

last three or four days and our affiliate, the United Teachers of New Orleans, has also communicated with her,” Fred Skelton, president of the Louisiana Federation of Teachers, told Landrieu’s local paper, the New Orleans *Times-Picayune*. The Senate eventually passed the bill without a vouchers provision.

In the joint House-Senate conference committee to iron out a final version, Republicans were able to insert a D.C. voucher position by winning over Democratic Senator Dianne Feinstein of California. Landrieu, whose children attend Georgetown Day, a tony progressive private school, called the vote “a sin” for offering “false hope” to D.C. children and parents. In her subsequent reelection, Landrieu received the maximum \$10,000 contribution from the NEA’s PAC.

The program finally became law in January of 2004 when an omnibus appropriations measure, including the D.C. bill passed in the fall, cleared both chambers and was signed by President George W. Bush.

The AFT immediately attacked, saying in a press release that “[t]he political maneuvering and strong-arm tactics it took to bring private school vouchers to the District of Columbia are proof that voucher supporters’ political goals take priority over students’ real needs.”

As passed into law, the bill created five-year program under which D.C. parents whose income was less than 185 percent of the poverty level (which comes out to about \$23,000 in 2009) could receive scholarships of up to \$7,500. The money could be used to pay tuition at a private school, including religious schools, within D.C.

The program began in the 2004-2005 school year, and was funded with an annual \$14 million appropriation from Congress.

Fertile Ground

Launching the pilot program in D.C. made sense, legislatively, policy-wise, and politically. Politically, it was a case of mostly white Republican congressmen handing money to poor black Democrats. A vast majority of the students enrolled have been

African American, and African American voters in D.C. voted 97 percent Democrat in the 2004 Presidential election. Nobody could seriously claim that this program was about perpetuating privilege.

Legislatively, D.C. was the natural place to launch a federal pilot program because Congress has legislative authority over the District. Policy-wise, D.C. was the municipality that could perhaps benefit most from such a scholarship program. As judged by the U.S. Department of Education’s National Assessments of Educational Progress, D.C. fares worse than all 50 states by a considerable margin.

In the 2007 fourth grade mathematics test, for example, the average score of a D.C. pupil was 213.7. The next worse average score was Mississippi with 227.6. Only 25 percent of D.C. students scored over 234.4, while less than 25 percent of Massachusetts students scored that low. Put another way, the 75th percentile in D.C. was lower than the 25th percentile in Massachusetts.

It was a similar story in 4th grade reading: D.C.’s average score, 25th percentile score, and 75th percentile score were significantly lower than those in any state. Comparing D.C. to other urban areas similarly shows D.C. to be the worst. The average eighth grader in D.C. scored in the 18th percentile nationally on the mathematics test in 2007. The same was true for the average D.C. 4th grader.

And many D.C. schools are violent. The first few months of the 2008-09 school year at Hart Middle School in Anacostia—the poor neighborhood across the Anacostia River from most of D.C.—saw a student charged with carrying a shotgun, assaults on three different teachers, and students shooting fire extinguishers around the hallways.

One parent described the school thus to the *Washington Post*: “Kids sitting on desks, coming into classrooms and knocking over books, cussing, running through the halls. . . . This isn’t a school I would recommend for anyone. You could have a perfectly normal child, and he would get flipped here like a pancake.”

This failure in D.C. did not result from a lack of resources: D.C. spends \$14,669 per student on education according to the U.S. Department of Education. The student-to-teacher ratio—lauded by teachers unions as the most important factor in education—is an astonishingly low 13.5:1.

But teachers unions argued that D.C. schools could be reformed with more money, scientifically created curriculum, and more teachers. The unions also set out to kill the D.C. voucher program.

Democratic Butchers

This year, with a Democratic president, strong Democratic majorities in both chambers of Congress, and the program’s initial authorization set to expire, D.C. vouchers were on the chopping block.

On February 23, Democrats in the House introduced the omnibus appropriations act for Fiscal Year 2009, incorporating the handful of appropriations bills that had not been passed into law before FY 2009 began on October 1, 2008. The District of Columbia portion of the bill included the following appropriation:

\$14,000,000 to provide opportunity scholarships for students in the District of Columbia . . . Provided . . . [t]hat use of any funds in this Act or any other Act for opportunity scholarships after school year 2009-2010 shall only be available upon enactment of reauthorization of that program by Congress and the adoption of legislation by the District of Columbia approving such reauthorization.

To translate: The bill wouldn’t kill the voucher program outright, but it would create two new hurdles to continuing it. First, Congress would need to pass a separate authorization bill. Second, D.C.’s city council would need to approve the authorization. This is a greater burden than most congressional discretionary spending faces—earmarks for far greater amounts than \$14 million are passed year after year with no authorization.

Two days later, the House passed the bill roughly along party lines, 245-178 (with only 16 Republicans voting Yea and 20 Democrats voting Nay), and the full Senate took it up, exactly as passed by the House. On March 5, the Senate began debate on the bill, with Democratic leadership determined to block all amendments so that they could pass an identical bill to the House measure. This would avoid the need for a House-Senate conference committee and expedite final passage.

That day, Senator John Ensign (R-Nevada) introduced his amendment to strike the conditions on the \$14 million, in effect, removing the hurdles to the voucher program's continuing past the 2009-2010 school year. The next day, NEA President Dennis Van Roekel wrote a letter to President Obama, stating that his organization was "concerned about an ongoing threat to public education in the District of Columbia and hope that you will use your voice to help eliminate this threat. Specifically, we urge you to call on Congress to end the District of Columbia pilot voucher program as scheduled this year and to oppose any efforts to extend this ineffective program."

Once Senate Majority Leader Harry Reid (D-Nevada) had assembled 60 votes on the omnibus bill—enough to break a filibuster—he brought the bill to the floor for a vote on March 10. Ensign proposed his amendment, and after some debate, it was voted down 39-58, roughly along party lines. Three Democratic senators—Robert Byrd of West Virginia, Mark Warner of Virginia, and Joe Lieberman of Connecticut—supported Ensign's measure. Four Republican senators voted Nay: Mike Crapo of Idaho, Lisa Murkowski of Alaska, Olympia Snowe of Maine, and Pennsylvania's Arlen Specter (who has since, of course, become a Democrat).

Lobbying filings show that both unions deployed lobbyists to Capitol Hill last year and this year to lobby on Fiscal Year 2009 appropriations for the District of Columbia, and the unions were open about their opposition to the program's continuation.

Union Clout

Understanding why Democrats would kill a fairly small spending program that directly aids poor black Democrats requires understanding the clout of the teacher unions. In 2008, the AFT spent more than \$960,000 on lobbying the federal government. In the first quarter of 2009, the union's lobbying tab was more than \$274,000. As of the AFT's April, 2009, filing the union employed seven in-house lobbyists.

AFT's registered lobbyists include Earl Hadley, former education program coordinator at the liberal 501(c)4 Campaign for America's Future. AFT lobbyist Derrick Figures campaigned for Hillary Clinton in New Hampshire prior to that state's primary last January. Fellow teachers union lobbyist William Cunningham was an aide to former Rep. Dan Rostenkowski (D-Illinois) who served as chairman of the tax-writing Ways and Means Committee.

Since 2001, AFT has also retained an outside lobbying firm—the Ickes and Enright group, run by former top staffers in the Clinton White House, Harold Ickes and Janice Enright. Ickes was Clinton's deputy chief of staff, while Enright is Ickes' longtime sidekick. Oddly, for the last two years, Ickes and Enright have reported no lobbying activity on the AFT's behalf while the union has paid the firm more than \$200,000. In that time Ickes and Enright have donated about \$40,000 to Democrats.

The NEA conducted a lobbying blitz in 2007, spending \$9.2 million on lobbying Washington. In 2008, the group spent a more typical \$1.5 million on lobbying. In the first three months of 2009, the NEA spent \$577,819 on lobbying, employing four outside firms in addition to its in-house lobbyists. Lobbyist Ellin Nolan, a Democratic donor and a former Senate staffer is the NEA's top outside lobbyist.

Until his nomination to Obama's cabinet, former Iowa Governor Tom Vilsack was a lobbyist working at the NEA. Current in-house lobbyists include former Democratic Senate staffer Alfred Campos.

In addition to a healthy lobbying effort, the

teachers unions have very active political action committees. In the 2008 election cycle, the AFT's PAC spent \$10.7 million, including \$2.3 million in contributions to candidates for House and Senate. Of the \$289,500 the union's PAC gave to Senate candidates, all but \$6,500 went to Democrats. The remainder was a \$5,000 check to the party-switching Arlen Specter, and \$1,500 to Senator Bernie Sanders of Vermont, a socialist who caucuses with Democrats. The PAC funded the Democrat in every competitive or even semi-competitive 2008 Senate race, giving the maximum \$10,000 to most candidates.

On the House side, the picture is similar. The AFT PAC spent \$2 million on congressional races, with only three Republicans—Florida Representatives Lincoln Diaz-Balart and his brother Mario Diaz-Balart and Representative John McHugh of New York—getting AFT money. The other 299 candidates getting AFT cash were Democrats.

The AFT also gave \$1 million to the committees organizing the Democratic National Convention in Denver last summer. Additionally, AFT's PAC gave \$30,000 each to the Democratic National Committee, the Democratic Congressional Campaign Committee, and the Democratic Senatorial Campaign Committee. There were no corresponding donations to Republican committees.

On the state and local level, AFT's PAC contributed about \$1 million to Democratic committees, and none to Republicans. On the presidential level, the PAC spent \$1.9 million in independent expenditures backing Hillary Clinton, and \$2.0 million backing Barack Obama.

The National Education Association's PAC was less active in the last election cycle, spending \$5.3 million, with 92 percent of its \$2.1 million in direct contributions funding Democrats, and only \$102,334 backing Obama. The NEA's biggest race was the Colorado Senate contest, where it shelled out \$400,000 in independent expenditures against former Representative Bob Schaffer (R) who had made education reform a priority of his three terms in the House.

These 2008 figures compare very favorably to the PAC spending of the industries notoriously dependent on government connections, whether you measure by total PAC spending or by donations to candidates. According to the Center for Responsive Politics, the AFT's PAC, in terms of total spending, was the ninth largest in the nation in the 2008 cycle, spending more than either the National Association of Realtors or the National Rifle Association.

On the narrower score of direct contributions, both the AFT and NEA PACs still spent more than any oil industry PAC. In fact, they each spent more than the top two oil PACs, combined. If you combine the two teachers unions' 2008-cycle direct contributions, it was more than the contributions of the top five oil PACs combined.

The two teacher union PACs both gave more in contributions than Lockheed Martin, Boeing, Raytheon, or Northrop Grumman—the top defense contractors. If you take total PAC spending, the two unions spent more than all four combined.

The End of Vouchers?

The 2009 omnibus bill did not directly kill the vouchers, but it put them on course for a likely expiration soon. On March 11, the day President Obama signed the omnibus bill, White House spokesman Robert Gibbs suggested the President would work to ensure that students currently enrolled in the program would be funded through their graduation. Gibbs said the President believed "It wouldn't make sense to disrupt the education of those that are in that system.... And I think we'll work with Congress to ensure that a disruption like that doesn't take place."

But Gibbs added: "The president doesn't believe that vouchers are a long-term answer to our educational problems and the challenges that face our public school system, where the vast majority of students are educated in this country."

In May, when Obama released a revised budget for Fiscal Year 2010, it proposed \$12.2 million for the scholarship program, and replaced the FY 2009 omnibus's au-

thorization requirement with the following language:

funds provided herein may be used to provide opportunity scholarships to students who received scholarships in the 2009-2010 school year: Provided further, That funds available under this heading for opportunity scholarships, including from prior-year appropriations acts, may be made available for scholarships to students who received scholarships in the 2009-2010 school year

To translate again: Were Congress to adopt this language as law, the program would continue as long as Congress appropriated the money for it every year. No new applicants would be accepted.

Senator Dick Durbin (D-Illinois), a close ally of the teachers unions and a chief opponent of vouchers, called Obama's proposal "a fair solution that I support." This signaled that teachers unions would not battle Obama's wind-down plan.

Former Rep. Tom Davis said of Obama's proposal "Practically speaking, President Obama's decision to end the program, while protecting those already in it, is about the best supporters could have reasonably hoped for. I am not sure that even Obama, had he wanted to save the program, would have been able to do so in the face of opposition from unions and Democrats in Congress."

But D.C. vouchers have an important ally in the Senate Democratic Caucus, who is currently fighting to reauthorize the program. Senator Lieberman—who calls himself an "Independent Democrat" because he won reelection in 2006 on the independent line after losing his primary to a more liberal challenger—is chairman of the committee with oversight over D.C., the Homeland Security and Government Affairs Committee.

On May 14, Lieberman held a hearing on the voucher program, and he invited both critics and supporters to testify. Lieberman invited the heads of the NEA and AFT, but neither of these voucher opponents attended. In fact, no critics showed up. The result was

a hearing with only praise for the voucher program, but one that inspired little confidence that they would be saved. Lieberman said, "There are some powerful forces allied against this program. We happen to have the facts on our side. We also have justice on our side."

The Washington Post paraphrased Lieberman as saying that he "has a commitment from Majority Leader Harry M. Reid (D-Nevada) to bring the matter to the floor for debate and a vote this year." But if previous votes are any indicator, that is a slender reed for D.C. voucher supporters and about 1,800 D.C. students from poor families to hang their hopes on.

Timothy P. Carney is the lobbying editor for the Washington Examiner. His book The Big Ripoff: How Big Business and Big Government Steal Your Money won the 2008 Templeton Enterprise Award.

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Many thanks,

**Terrence Scanlon
President**

LaborNotes

Maybe we should start an **Arlen Specter** Watch? Just before he flipped his party registration from Republican to Democrat in late April, the Pennsylvania senator also switched his position on the **Employee Free Choice Act**, known colloquially as card check, from “for” to “against.” When Specter switched parties, he said he wasn’t switching positions. Now, facing a possible primary challenge, he is wavering. Specter told Democrats at a June pro-card check rally in Pittsburgh, “I think you’ll be satisfied with my vote on this issue.”

Speaking of important votes, on June 6 the House of Representatives passed the **Federal Employees Paid Parental Leave Act**. If the Senate passes the same legislation, it would amend the **Family and Medical Leave Act** to require the government to pay for up to four weeks of time off -- in addition to vacation time -- for federal employees who have babies or adopt children. The **Congressional Budget Office** estimates the cost of this act for the first five years will be at least \$850 million.

While we’re on the subject of important legislation, on June 9 the **RAISE Act** was introduced in both houses of Congress. The brainchild of the **Heritage Foundation’s** Bradley Fellow in Labor Policy **James Sherk**, the legislation would allow unionized companies to raise wages for workers to reward performance without negotiating new rates with the unions.

That wasn’t the only notable contribution by James Sherk to labor policy. His white paper “What Unions Do: How Labor Unions Affect Jobs and the Economy” expands on themes from his contribution to Capital Research Center’s **2009 Summit on Labor Issues**. His findings:

- * Unions “function as labor cartels” that restrict “the number of workers in a company or industry to drive up the remaining workers’ wages...”
- * This cartelization can drive up prices if there isn’t much non-union competition in a sector. It hurts companies’ profits and, just as important, cuts into research and development budgets.
- * The union wage advantage has not been well understood. Just because the average union member has more take home pay than the average non-union member “does not mean that expanding union membership will raise wages.” In fact, “Few workers who join a union today get a pay raise.”
- * Union shops “do not go out of business at higher rates than non-union firms.” Instead, they “shed jobs more frequently and expand less frequently than non-union firms.”
- * There’s an apples-to-oranges problem in comparing union workers to non-union workers. It’s more expensive for unionized companies to employ workers, so they are often more selective with new hires. These hard-working new hires are usually first on the chopping block for layoffs.
- * This has real implications for an economy in deep recession. Unions “do not just happen to organize firms with more layoffs and less job growth: They *cause* job losses.”