

People For the American Way vs. School Choice

Is It “The American Way” to Oppose Educational Freedom?

By Kelly Naku

Summary: *People for the American Way portrays itself as promoting tolerance, equality and other liberal values. But its intransigent opposition to freedom of choice in education is difficult to square with “the American Way.”*

They were popping the corks over at People for the American Way last June 28.

The Colorado Supreme Court just declared unconstitutional the state’s Opportunity Contract Program, an education voucher plan that would have given low-income students in poor public schools a chance to attend qualified private schools.

In 2002 the U. S. Supreme Court ruled that voucher programs did not violate the U.S Constitution’s “establishment of religion” clause. But by a narrow vote of 4 to 3, Colorado’s Supreme Court found that the Opportunity Contract Program violated its state constitution. The court struck the program down on the narrow grounds that it ran counter to a state constitution provision that gives local school boards control over public school funding. (Four other state constitutions have similar provisions.)

Serving as co-counsel with other school choice opponents was People for the American Way (PFAW). It took a bow for months of hard work fighting Colorado’s program. In fact, defeating education vouchers and tuition tax credit programs is one of PFAW’s major goals.

That raises the question: Is opposition to freedom of choice really “the American way”?



Children who received vouchers to attend private schools scored eight percentile points higher than their peers in public schools on the reading and math sections of standardized tests.

Lobby for Liberalism

PFAW portrays itself as an advocate for American equality. It also claims to be a nonprofit, nonpartisan group dedicated to “reducing social tension and polarizations.” However, its actions demonstrate that PFAW is one of the most aggressively partisan liberal activist groups in the nation.

Search the word “Bush” on the PFAW Web site and what do you find? “The Right-Wing Affiliations of Bush Administration Officials”; “Bush’s Marriage of Convenience with Anti-Gay Extremists”; “Bush’s Immigration Proposal a Gift to Corporations”; “Bush’s Judicial Threats”; and “Over 35,000 Demand Bush Drop Haynes Nomination.” The last two titles

refer to PFAW’s polarizing campaign against one of President Bush’s nominees to the federal courts. It accuses Pentagon general counsel William Haynes, a Bush

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OrganizationTrends

nominee to the 4th Circuit Court of Appeals, of responsibility for the mistreatment of Iraqi prisoners. "Nonpartisan" PFAW also conducted a voter mobilization drive in Florida targeting traditionally Democratic constituencies.

A close look at PFAW reveals that it is actually two groups.

People for the American Way claims to be a "nonpartisan nonprofit group representing 300,000 members." It is classified by the IRS as a 501(c)(4) "social welfare" group. That means it may lobby for the passage or defeat of legislation. However, being a (c)(4) also means that a donor to PFAW cannot take a tax deduction on his contribution.

A frugal contributor who wants to give to PFAW but also receive a tax deduction can give instead to PFAW's sister nonprofit, People for the American Way Foundation (PFAWF), a 501(c)(3) "public charity." That tax-exempt status means it is supposed to conduct nonpartisan research and education or provide public services.

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However, as Patrick Reilly noted in the October 2002 issue of *OrganizationTrends*, PFAW and PFAWF advertise together on a joint website. They also share facilities, staff members and officers/directors, according to the 990 tax forms of People for the American Way Foundation. Their relationship is anything but "arm's length."

Besides lobbying, PFAW also donates money to political campaigns.

In the 2004 election cycle it has been generous to Democratic Party candidates and/or liberals in the ideology/single issue sector, according to the Center for Responsive Politics (CPR). CPR reports that, as of mid-summer 2004, PFAW donated \$48,475 to individuals and political action committees in the 2003-2004 election cycle. About 22 percent of its contributions went through a separately organized PFAW political action committee, or PAC. The rest went through the People for the American Way Voters Alliance, which contributed directly to political candidates like Senators Tom Daschle (D-SD, \$2,500), Barbara Mikulski (D-MD, \$1,000) and Patty Murray, (D-WA, \$1,000). Despite the group's claim to nonpartisan status, PFAW contributed 98 percent of its donations to Democrats/Liberal candidates and PACs, according to CPR.

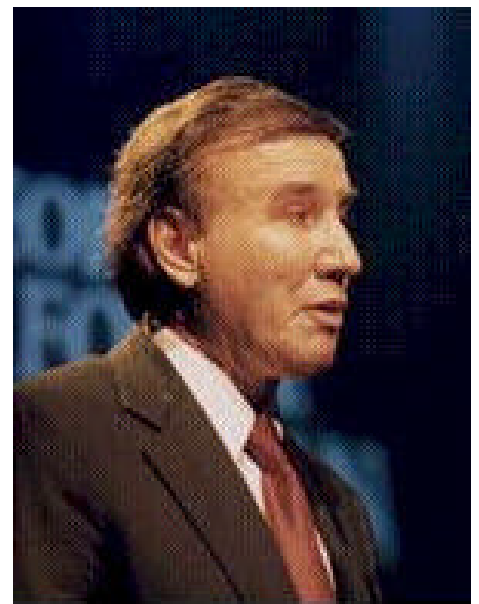
PFAW has an extensive history of supporting and working with other left-wing individuals and organizations. For instance, PFAW has forged a long-term alliance with the NAACP and Partners for Public Education, two groups strongly opposed to school choice. It has worked closely with the ACLU and AAMIA (African American Ministers in Action), also opponents of school choice, and with the Alliance for Justice, a major opponent of Bush judicial nominees.

Education or Polarization?

Research on school choice shows that inner-city minority children stand to benefit most from school vouchers that allow them to leave failing public school systems. Vouchers give low-income parents the same opportunity as wealthy parents to select their kids' schools. Vouchers also reduce social and racial polarization

when parents can be sure their kids have an equal opportunity to receive a good education.

Equal opportunity? Social harmony? Those are goals that PFAW says it wants to achieve. Yet PFAW has allied itself with teacher unions, the NAACP and other militant interest groups opposed to giving poor and minority parents this kind of choice. For example, last year PFAW sided with the NAACP in attacking the new school voucher system passed by Congress for the District of Columbia. (See *Organization Trends*, September 2003.)



PFAW President Ralph Neas

Let us count the ways PFAW says school choice is wrong.

1. A PFAW report titled "Voucher Veneer" finds all voucher programs distasteful and accuses them of representing a "deeper agenda." School choice programs, says the report, are simply part of a long-term goal "...to make all schooling an activity supplied by private sources: for-profit management companies, religious organizations and home schools."

But voucher supporters reply that school choice improves the quality of public education by forcing it to compete with private schools. A 2003 study by Manhattan Institute scholars Dr. Jay Greene and Marcus Winters examined

Florida's A+ Program, which gave vouchers to students in failing public schools. They found that Florida's low-performing public schools improved in proportion to the threat they faced from voucher competition. Failed schools where students were eligible for vouchers improved by 10.1 points for reading, as measured by Florida's official standardized test for assessing academic performance, and 9.3 on math.

Regrettably, on August 16, 2004 the Florida Court of Appeals ruled 2-1 to uphold a lower court decision and strike down the country's first state-wide voucher program. The Court affirmed that the voucher law violated the "no aid" clause of the state constitution, which holds that public funds can't be used to aid sectarian institutions. PFAWF—along with the Florida Teaching Profession-NEA, the ACLU, the American Jewish Congress and other groups—had sued challenging the constitutionality of the voucher program. Ralph Neas, president of PFAWF, characterized this anti-choice ruling as "a great victory for the students, parents and taxpayers of Florida."

2. PFAW claims the public is "unreceptive" to school voucher programs. Not true. A poll by the First Amendment Center found that 62 percent of Americans support a school voucher program that provides more educational options. This finding supports similar polls by the Washington Post, the Pew Research Center and NBC News, among others.

PFAW responds by saying, "There are good reasons to believe that the public—if it were made fully aware of the deeper agenda that many leading voucher advocates have—would oppose taking the first step toward privatizing the educational system." What those "good reasons" are, however, is not entirely clear.

3. PFAW and other opponents of school choice also claim that vouchers undermine the Bill of Rights' guarantee of separation of church and state. Of course, many legal scholars and the U.S. Supreme Court disagree. They say the voucher contract exists between the government and

the parent, not between the government and a church.

As Chief Justice William Rehnquist explained in his 2002 ruling that Cleveland, Ohio's school voucher program is constitutional: Such programs are "neutral in respect to religion [because they] provide assistance directly to a broad class of citizens, who, in turn, direct government aid to religious schools wholly as a result of their own genuine and independent private choice."

American children in New York City. He found that children who received vouchers to attend private schools scored eight percentile points higher on the reading and math sections of standardized tests than their peers in public schools.

The American Way?

The Colorado and Florida court rulings are an unfortunate step backwards because the demand for school choice is at its peak. As Chip Mellor, then president and general counsel of the Institute for

Research on school choice shows that inner-city minority children stand to benefit most from school vouchers that allow them to leave failing public school systems.

In other words, voucher programs allow parents—not the state—to choose where to use a voucher to send their children to school.

4. PFAW also charges that voucher programs discriminate on religion, disability, gender, English language proficiency and academic performance. In reality, vouchers may lead to more racially integrated schools. According to Gary Orefield at Harvard University, "more than 70 percent of the nation's black students now attend predominately minority [public] schools." A voucher program would allow more minority students to have access to predominately white private schools.

5. Finally, PFAW denies that school vouchers improve academic success. But "The ABC's of School Choice," a report by the Milton and Rose Friedman Foundation, observes, "Almost all studies in states and areas with school voucher programs show that vouchers help students on standardized tests." The Friedman report cites studies of voucher programs in Cleveland, Milwaukee, New York, Dayton and Charlotte showing improved test scores for students who receive vouchers.

Dr. Paul E. Peterson, director of Harvard University's Program on Education Policy, also published a major study in 2002 that assessed the impact of a private scholarship program on African-

Justice, noted shortly after the Colorado ruling, "Nationwide, more than 31,000 children currently exercise school choice, and more than a thousand in the District of Columbia are set to join them this fall through a new program in the nation's capital. The demand and support for choice has never been greater."

That's why even some liberal Democratic politicians such as Washington, D. C. mayor Anthony Williams endorse voucher programs. Said Williams, "At the very least, we should experiment with choice in the city. If people are afraid to at least experiment, that tells me there is some self-interest in this motive." When PFAW president Ralph Neas denounced Williams for backing school choice, the mayor shot back that true "people for the American way" would know "part of democracy is a free exchange and competition of ideas."

Which sums up the core contradiction of People for the American Way. Its name is a misnomer: PFAW is not interested in competition and merit, principles central to "the American way." Rather, its political interest is in serving the public school bureaucracy and maintaining the failed educational status quo.

Kelly Naku, a student at Holy Cross College, prepared this article while serving as a Summer Research Fellow at the Capital Research Center.

The Battle for School Choice in Arizona

Parents Fight the Public School Lobby

By Vicki Murray

By 1997, “public education” in Arizona had become a contradiction in terms. Only 24 percent of 4th graders were proficient in reading, while a mere 15 percent of 8th graders were competent in math. And with their failure to learn came despair: almost one-third of 9th graders were dropping out before reaching the 12th grade.

Fed up, Arizona taxpayers demanded alternatives to the failed public system—and got them.

Today “charter schools” educate nearly ten percent of Arizona schoolchildren. With statewide “open enrollment,” Arizona parents may now send their kids to any public school, regardless of what district they happen to live in. But the most revolutionary education reform occurred on April 7, 1997, when Arizona became the first state to adopt a scholarship tax credit.

However, these pioneering reforms have come in the face of a powerful, entrenched state education lobby bitterly opposed to freedom of choice in education. These groups stand united against charter schools, vouchers, tax credits and virtually all other education choice programs in the state. The major players include:

- the Arizona Education Association (AEA), the state’s largest teachers union. With 30,000 members and 150 local chapters statewide, AEA is the state affiliate of the National Education Association (NEA), the country’s largest teachers union, which has 2.2 million members;
- the American Federation of Teachers (AFT), the second largest teachers union nationwide, with more than 3,000 local affiliates across the country, 43 state affiliates and over 1.3 million members;
- the Arizona School Boards Association (ASBA). ASBA is the state affiliate of the National Schools

Boards Association (NSBA), representing 95,000 local school board members who govern nearly 15,000 local school districts with more than 47 million public school students;

- and, at the national level, People for the American Way (PFAW). (See the cover article in this issue.)

The teachers unions alone constitute a formidable lobby. As of 2001, combined total membership in the NEA and AFT was about 3.7 million, and their combined local, state and national revenues were estimated to exceed \$1.5 billion, excluding political action committees, foundations and other organizations. Even in “right to work” states like Arizona, teachers unions wield tremendous political power. As AEA Executive Director Timothy McCluskey put it, “There is only one reason to belong to the NEA or its affiliates—it’s power.”

Unions have used that power to impede efforts to allow school choice, whenever and wherever they could. From 1999 to 2004 Arizona legislators failed to pass five separate voucher measures designed specifically to assist low-income and special needs students, as well as students in failing, overcrowded or unsafe schools. This year a voucher for special needs students died in committee, and a universal voucher proposal, amended to assist low-income children exclusively, also failed to pass.

So the victories by parents over the entrenched public education lobby on issues such as tuition tax credits have been hard won. And the history of the school choice battle in Arizona offers object lessons for other parents nationwide, who will have to face such lobbies and unions in their own states.

Vouchers and Charter Schools

1994 was a seminal year for school choice advocates in Arizona. It was the year in which they proposed reforms on two fronts: education vouchers and charter schools.

That year, then Representative Lisa Graham (Keegan), backed by former Governor Fife Symington, proposed a pilot Parental Choice Grant Program that would have made education vouchers, worth up to \$1,500 each, available to a limited number of low-income families.

The proposal garnered broad-based backing. The Hispanic community was especially supportive given high drop out rates and low achievement scores of Hispanic children in Arizona. The *Phoenix Gazette* noted that Hispanic leaders “want change regardless of who they have to cross to get it, including a sea of Democrats, the 27,000-member Arizona Education Association and nearly every other education organization.”

Nevertheless, due to the effective lobbying efforts by the public education lobby, the voucher proposal failed in the legislature—by one vote. A subsequent proposal was turned back by an even wider margin.

Four years later, Arizona Superintendent of Public Instruction Lisa Graham Keegan proposed another statewide voucher program, this time for low-income students. If enacted, it would have been the first statewide voucher program in the country. The measure passed the Arizona House and the Senate Education Committee, but—again due to pressure from the public school lobby—it died in the Senate.

But while voucher proposals failed, other reforms had a better legislative reception. Arizona’s School Improvement Act of 1994 implemented “open enrollment” and “charter schools.” (Charter schools are public institutions, but privately run.) Widely viewed as the strongest charter school law in the country, the measure left educators free to start schools wherever the need is greatest. Chartering a school is simple, and charters are granted for 15 years. Since they receive only 80 percent of traditional public school per-pupil funding from the state, charter schools are compelled to do more with less.

And they have. According to research by Harvard University economist Caroline M. Hoxby, "Charter competition induced [Phoenix-area] public schools to improve their productivity and achievement." Without spending a penny more, "traditional public schools facing charter competition raised their annual improvement...by 1.4 percentile points in fourth grade reading and math." Hoxby's studies suggested that if competitive open enrollment were to be exercised more fully in Arizona public schools, they could increase efficiency by 10 percent and student achievement by three to six percentile points, while cutting spending almost eight percent.

Despite this impressive record, the Arizona education bureaucracy has resisted charter schools. During 1997 legislative debates over school choice proposals, Jack Peterson—then executive director of the state School Boards Association—insisted that charter schools, like tax credits, "are all back-door vouchers." Dismissing the need for greater educational choice, then AEA vice president John Wright said "parents do make a choice about where their children go to school, when they pick a neighborhood to live in." Of course, this assumes all parents can afford to live in neighborhoods with the best schools.

But vouchers, open enrollment and charter schools were merely an overture for Arizona's most radical school choice innovation: education tax credits.

From Vouchers to Tax Credits

Under the state's landmark Scholarship Tax Credit program of 1997, residents received a dollar-for-dollar tax credit up to \$500 against their state income taxes for donations to approved school tuition organizations (STOs). (In November 2000, the credit amount was increased to \$625 for married couples.) STOs are tax-exempt, non-profit organizations under Section 501(c)(3) of the I. R. S. Code. STOs may be founded by individuals or by organizations, with or without religious affiliations.

Each STO establishes its own scholarship award criteria, and by law, schools eligible to accept the scholarships cannot discriminate on the basis of race, color, handicap, familial status or national origin.

Most STOs use financial need as an award criterion, as well as letters of recommendations and academic merit. They must allocate at least 90 percent of annual revenue for scholarships and make them available to more than one private school.

Here's how the program works.

Let's say Ms. Jones owed \$700 on her 2003 state tax return, and made a \$500 charitable tax donation to one of Arizona's 47 STOs before December 31, 2003. That contribution would go toward a scholarship to help a student attend private school of his or her parents' choice during the 2004-2005 school year. Under the tax credit program, Ms. Jones would owe only \$200 when she filed her state income tax in the spring of 2004. Moreover, because all STOs are designated non-profit 501(c)(3) organizations by the I. R. S., she can also itemize her \$500 donation on her federal income taxes.

Desperate to find quality education for their children, parents have eagerly embraced the scholarship tax credit program.

Another example. As a married couple, Mr. and Mrs. Smith may contribute up to \$625. If they owed \$1,000 in state taxes, their \$625 contribution would reduce the amount they owe in state taxes to \$375. They could also claim that contribution on their federal income taxes.

Desperate to find quality education for their children, parents eagerly embraced the program. Between 2001 and 2002 contributions grew by 6 percent, despite the economic downturn. From 2002 to 2003, taxpayer donations increased by more than 11 percent, and the number of scholarships awarded grew 21 percent. In all, one out of twenty Arizona taxpayers participates in the program, raising more than \$84 million for scholarships. According to the Arizona Department of Revenue, since 1998, taxpayers have made 230,000 contributions funding 77,000 scholarships for children to attend private schools.

Perhaps the best testaments to the program's success are letters from parents describing how the program has changed their children's lives. A parent of scholarship students, who earns less than \$20,000

annually, also makes a tuition co-payment of \$1,000. "Two of my children will go to the math Olympics," she writes. "I am proud of my four children, and I thank you for making this possible. I [will] tell them to give money to this program...after they become professionals to give a chance to other poor children like they were once."

So popular is the program that a 2003 survey of STOs by the Goldwater Institute found that more than 5,700 additional students are on waiting lists for scholarships. One STO serving low-income children reports that 56 percent of the 2,000 families on its waiting list have been there at least three years, while another 14 percent have been waiting for more than 5 years. "I am a single mom of two boys and I cannot afford better education or rent [in] an area [with] a better school," writes a parent earning less than \$30,000 per year, explaining why she is on

the scholarship waiting list. "My son gets bored and is unchallenged in his current school."

To meet this demand, in 2003 Arizona policymakers proposed a new corporate scholarship tax credit program for low-income children, modeled after successful programs in Pennsylvania and Florida. Had it been adopted, it could have generated approximately 22,500 scholarships worth \$2,000 each by 2007. The plan also would have saved Arizona taxpayers an estimated \$53 million by 2007. But though the measure passed in the House, it failed in the Senate.

In 2004 two more corporate scholarship tax credit measures were proposed, also exclusively for low-income children. Arizona business leaders such as Kirk Adams of the National Federation of Independent Businesses support corporate scholarship tax credits. "What a great way to maximize freedom in education," he says. "Businesses large and small have a stake in education. We rely on an educated workforce to grow our businesses and our economy...It's clear that the antiquated system of education funding needs a shot in the arm."

However, not even a simple booster shot could make it out of the legislature last session. The two corporate scholarship tax credit proposals were stymied during budget negotiations. So was a proposed amendment that would have removed the “marriage penalty” under the tax credit program, enabling married couples to contribute \$1,000 to the program rather than \$625.

The Education Lobby Digs In

These additional reforms were blocked, not in spite of their popularity with taxpayers, but precisely because of it. Arizona’s model of “school choice” has aroused understandable terror within the public school establishment, within that state and nationwide.

In May 1997, just one month after the scholarship tax credit program passed, a coalition of opponents headed by the AEA tried to overturn the law by referendum.

“We will challenge voucher programs on whatever grounds are available — from lofty principles to Mickey Mouse issues,” said NEA’s chief legal counsel.

Voicing fears of wholesale competition in the educational marketplace, they called the tax credit plan a “Pandora’s box” that mustn’t be opened. However, they failed to garner even one-sixth of the 56,481 signatures required to get it on the ballot.

Continuing to defy the public will, the AEA then joined the Arizona School Boards Association and the American Federation of Teachers in a lawsuit to try to stop the program. Their argument was based on the Constitutional grounds of “separation of church and state.” As former AEA president Kay Lybeck framed the issue, the tax credit was a “stealth voucher statute” that was “taking away taxpayer funds and giving them to religious schools.”

Ultimately the AEA’s case wound up before the Arizona Supreme Court. On January 26, 1999, in *Kotterman v. Killian*, the court rejected their arguments. The justices ruled that the scholarship tax credit program was neutral toward religion, and helped poor families who have been “coerced into accepting public education.”

Writing for the majority, Chief Justice Thomas A. Zlaket specifically repudiated the AEA’s argument that the program “circumvents the U. S. Constitution” because it “reroutes tax money before it lands in the state treasury.” That line of reasoning presumes that government has a prior rightful claim to taxpayers’ money. But tax credits simply allow taxpayers to keep their own money before it is even taxed; prior to being taxed away, it remains private property—not “public funds” being “rerouted.” The “primary beneficiaries of this credit,” Justice Zlaket wrote, “are taxpayers who contribute to the [school tuition organizations], parents who might otherwise be deprived of an opportunity to make meaningful decisions about their children’s education, and the students themselves.”

Kotterman v. Killian even opened the door for a possible future voucher program. Clint Bolick, president of the Al-

for the scholarship tax credit program while “public schools remain on a starvation diet.”

But far from being on a “starvation diet,” state education funding has been growing rapidly. Inflation-adjusted spending per pupil rose 36 percent from 1995 to 2005, or nearly \$3,000. This includes a 0.6 percent sales tax hike for education, approved by a November 2000 ballot initiative, Proposition 301, which also approved increases for teachers’ base pay and performance pay.

In truth, the state government collected \$26 million less in taxes in 2002 as a result of the tuition tax credit. But that represents only one side of the ledger. State and local governments also save money when a student who otherwise would have been enrolled in a public school uses a scholarship to transfer into a private school. Absent the tuition tax credit program, roughly 4,000 students would have to enroll in Arizona public schools at a cost of \$18.7 million. That brings the net cost of the program down to only about \$7.5 million—a mere one-tenth of one percent of the state’s general fund revenues for fiscal year 2005. In fact, the program is nearing the break-even point, after which it will become a net revenue saver.

Furthermore, no matter how many students transfer from public to private schools as a result of the tuition tax credit, funding for Arizona’s public schools cannot be “siphoned off.” Proposition 301 was designed so that schools would be funded according to specific, per-pupil weighted formulas that are voter-protected and inflation-adjusted. By law, Arizona public schools are financially protected if their student count declines by as little as 5 percent, all the way up to 100 percent during any budget year. School capital financing is also guaranteed.

Another favorite argument of tax credit opponents is that the program really favors only the wealthy. “Make no mistake about it,” declared the AEA, “the beneficiaries of this measure will not be low-income parents, but those already wealthy enough to pay for private schools for their children.” Ralph G. Neas, president of the liberal activist group People for the American Way, issued a report stating that

Arizona's tax credit program "primarily benefits those who can already afford to send their children to religious and other private schools." Likewise, Glen Y. Wilson of Arizona State University's Education Policy Research Unit claimed that, "Overall, the evidence strongly suggests that lower income students are not benefiting from this program."

These critics assume that because many current scholarship students already attend private schools, they must not be truly needy. But in December 2003 the Goldwater Institute released two reports on the tuition tax credit program, based in part on a survey of Arizona STOs. These studies reveal that all but one of the responding organizations used financial need as a criterion for distributing scholarships. Absent the tax credit program, the Institute estimated that roughly 20 percent of students would be forced to return to the public school system, which charges taxpayers twice as much per-pupil than average private school tuition.

Organizations like the Arizona Civil Liberties Union and the Arizona School Boards Association (ASBA) have used confusing, fiscally inaccurate arguments to oppose adoption of a corporate scholarship tax credit. In March 2004, ASBA lobbyist Janice Palmer insisted, "It's public monies going to private schools.... Rather than investing money into private schools, we should put money into public schools and work to make them better and to ensure that there is public accountability for public tax monies that are going into the program."

Yet that same month, the Arizona Department of Revenue released its first annual report on the tuition tax credit program. It documented a resounding success. In 2003 Arizona taxpayers made over 57,000 contributions totaling \$29 million so that in 2004 19,778 scholarships were awarded to help children attend the private schools of their choice. STOs helped children attend 317 Arizona private schools in 2003. Students receiving scholarships from one STO alone, the Arizona School Choice Trust, which distributes scholarships solely to low-income children, attended 116 private schools statewide.

And unlike their public school counterparts, these private alternatives have trained students to meet more rigorous academic standards. For example, according to a statewide private school survey conducted by the Goldwater Institute this year, approximately 93 percent of Arizona private schools administer standardized tests annually, such as the Stanford 9 exam, the Iowa Basic Skills Test, the PSAT, SAT and the ACT exams.

The Case for Competition

Introducing greater competition into the educational marketplace would not only benefit those attending private schools: it would elevate the performance of those in public schools, as well. Research by Harvard University economist Caroline M. Hoxby indicates that if open enrollment were fully exercised in Arizona public schools, the resulting competition could increase their efficiency by 10 percent, student achievement could be roughly three to six percentile points higher, while spending could be almost eight percent lower. Hoxby's research is supported by findings from Columbia's Clive Belfield and Henry Levin, and SUNY-Stoney Brook political scientists Paul Teske and Mark Schneider, who confirm that school choice provides incentives that improve student performance.

But opponents of private schools, and the competition they introduce, are not ultimately swayed by factual research. The CATO Institute's David Salisbury and Education Policy Institute chairman Myron Lieberman conclude: "Through strong-armed political tactics and hefty

financial and in-kind support to candidates who support teacher union positions, the unions are a virtually insurmountable obstacle to reforms that are essential to educational improvement." Likewise, the Hoover Institution's Koret Task Force considers teachers unions one of the public education establishment's most "powerful forces of inertia" against genuine education reform.

Confusion over how tuition credits are financed—coupled with the public education lobby's false claim that tax credits will come at the expense of public schools—causes many voters to hesitate in supporting full educational freedom. So in Arizona and elsewhere, the battle for full school choice continues. And the public school lobby continues to rely upon what National Education Association chief legal counsel Robert Chanin refers to as the litigation "toolbox." He even admits, "We will attack on any grounds":

Our objective is not to establish loftily principles of constitutional law or to advance the state of constitutional jurisprudence...[T]he legal battle will not end. We will continue to challenge voucher...programs under state constitutions on whatever grounds are available to us, from lofty principles to church, state separation to Mickey Mouse issues....

More than ten years ago, the enemies of school choice in Arizona predicted the sky would fall if parents were allowed to choose their children's schools. It never happened. Perhaps that's why they have shifted from using Chicken Little scare tactics to raising "Mickey Mouse" objections in court.

They will succeed only if parents and taxpayers in Arizona, and nationwide, let them get away with it. For at stake is nothing less than the minds and futures of **their own children.** OT

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BrieflyNoted

In spite of efforts by green groups, the environment played “no significant impact in this year’s election for the White House,” analysts for the **National Center for Policy Analysis (NCPA)** reported October 19. “While polls consistently show most people consider themselves environmentalists, they also consistently rank the environment lower than almost every other issue,” said NCPA Senior Fellow **H. Sterling Burnett**. “And because the environment is not a critical issue for swing voters, the candidates haven’t spent a lot of time discussing it.” The NCPA noted that in his “Plan for America,” **John Kerry** listed the environment seventh — behind national security, the economy and jobs, health care, energy independence, homeland security and education. Perhaps that’s because a Gallup Poll last summer found that just 24 percent of voters thought the environment was an “extremely important” issue, tied (with energy) dead last among 15 issues.

An October 17 feature in *The Washington Post* on organized efforts to rally young voters against President Bush dutifully mentioned **MoveOn.org**, “**Rock the Vote**” and the celebrity “**Vote for Change**” tour. But it also surveyed some lower-profile outfits, including “**Biking Against Bush**,” “**Bowling Against Bush**,” “**Karaoke for Kerry**,” “**Downtown for Democracy**,” “**Moonlight Yoga for Change**” and a satirical street theater group, “**Billionaires for Bush**.” However, regarded as the most “hip” (though not overtly pro-Kerry) was something called “**Votergasm.org**.” The group’s “mission,” summarized publicist Michelle Collins, was to “get young people to vote and have sex.” It solicited supporters to sign pledges that they would withhold sex from nonvoters or have sex with voters.

In a 2001 consumer protection lawsuit, a San Francisco judge ordered credit card company **Providian** to pay \$105 million, supposedly to benefit card holders charged excessive fees and penalties. But not all the cash reached customers. Recently \$5.9 million was awarded to 16 advocacy groups, including foundations run by left-wing trial lawyers. The taxpayer-funded **Employment Law Center**, which sues on behalf of employees and illegal aliens, and fights anti-affirmative action ballot initiatives, received \$400,000. The **Lawyers Committee for Civil Rights Under Law**, which opposed a California constitutional amendment outlawing racial preferences in state government, received \$600,000. The money reached these advocacy groups through misuse of a legal doctrine known as *cy pres*, which directs court awards to a related “charity” when they can’t reach intended recipients. But in this case the judge let **Lieff Cabraser law firm** divert *cy pres* donations to the Employment Law Center and the Lawyers’ Committee. It turns out these groups previously had helped the law firm sue employers, and the Lawyer’s Committee had been headed for many years by the law firm’s own partner, **Richard Seymour**.

As noted in the September issue of *Foundation Watch*, **Capital Research Center** president **Terrence Scanlon** told the July 22 *Chronicle of Philanthropy* that the **American Civil Liberties Union** was “phony” for accepting grants from the **Ford Foundation**, while simultaneously protesting antiterrorism language in Ford’s grant agreement. (The agreement says grant recipients “will not promote or engage in violence, terrorism, bigotry or the destruction of any state.”) “If [ACLU] has strong objections, it shouldn’t take the money,” said Mr. Scanlon. Apparently the appearance of hypocrisy stung the ACLU. The October 19 *New York Times* reports that “at a contentious meeting” ACLU decided to turn down \$1.15 million from the Ford and **Rockefeller foundations**, rather than agree to such language. “This administration and its war on terror have created a climate of fear that...threatens the civil liberties of all Americans,” ACLU complained in a bitter public statement.

