Educ-
Vouchers

April 9, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Elena Kagan

SUBJECT: DPC Weekly Report

Education -- Florida School Reform bill: On March 24, the Florida House passed an education reform bill reflecting policies that Gov. Jeb Bush pushed in his campaign and considers his top legislative priorities. The House bill calls for annual testing in grades 3-10; a prohibition on social promotion, ratings for public schools; tougher standards for teacher certification and extra money for those who score well; monetary rewards for excellent and improving schools; freedom from regulations for the top-rated schools; changes to fix failing schools, and -- most controversially -- allowing students attending failing schools to either attend a better-rated public school or use a state voucher to attend a private school (including religious schools). Last Tuesday, the Florida Senate -- all the Democrats, joined by several Republicans -- voted to limit the voucher provision to the lowest-performing students (bottom quartile) in failing schools. The Senate also voted to place more demands on any private schools that accepts state vouchers -- such as insisting that teachers have at least a bachelor's degree, three years of teaching experience or expertise in a special area. The Florida Senate was expected to approve its plan by last Friday. Bush is eager to have the Senate provision limiting vouchers to low-performing students removed. Commentators expect the House to succeed in stripping many of the Senate provisions in conference, next week. The bill would make Florida the first with a statewide offering of tuition vouchers. As you requested, we are preparing a memorandum for you that goes into more detail on this proposal.

December 11, 1996

MEMORANDUM FOR GENE SPERLING

FROM: PAUL DIMOND PD

SUBJECT: POST-SECONDARY EDUCATION VOUCHERS

CC: LAURA TYSON
BRUCE REED
KEN APFEL
BARRY WHITE

I hereby appeal from the public execution by you of me on this topic last evening. I apologize if my unartful elocution leading up to your tentative decision was inadequate to present the basic issues for decision. So, I'll try one more time.

Undisputed Facts:

- All Americans regardless of Age or working status. The more flexible, mandatory Pell Grant (with the three proposed modifications and increase in amount), the Hope Scholarship, the Education Tax Deduction and Pay-As-You-Earn student loans will -- if enacted in a balanced budget reconciliation agreement -- guarantee for a generation to come that every American student, worker, and dislocated worker has access to a substantial federal financial "voucher" to invest in the education and training they choose to earn a better standard of living through learning more to engage in more rewarding work. *This is the means to achieve the fundamental legacy so eloquently articulated by the President: to empower every American with the key to unlocking the door to the greater rewards and challenges of upward mobility and rising middle-income living standards in the information age at the dawn of the new century.* As a result, this is fight worth making -- and winning -- whether called a "new mandatory investment" or "a new entitlement." As you so rightly noted, that's the kind of fight we should relish in the context of achieving fundamental agreement on a framework for balanced budget.

- Dislocated and Disadvantaged Workers. Achieving this historic Presidential legacy through such a balanced budget reconciliation agreement will *also assure a flow of federal funds through such individual purchasing power -- "Skill Grants" if you please -- to "unemployed and underemployed workers" in amounts that dwarf the comparatively small appropriated dollars that can be achieved if we secure the authorization and appropriation of the $2600 federal Skill Grant that was the sole presidential centerpiece in his proposed G.I. Bill for America's Workers.* Stated

another way, the need for passing a G.I. Bill for America's Workers to provide "Individual Skill Grants" for dislocated and disadvantaged workers is rendered moot if we achieve what we are proposing in a balanced budget agreement.

Basic Tactical Issues on G.I. Bill for America's Workers:

- Whether and How Declare Victory. If we don't need an authorization and appropriation to achieve the President's legacy of "individual Skill Grants" for "unemployed and underemployed workers," then we need to decide whether and, if so, how we should declare victory on this front if we achieve the balanced budget reconciliation. That is the only reason I suggested a Hope Skill Credit (or a mandatory Skill Grant) for dislocated workers -- to gain support among the organized labor constituency and to broaden public recognition of the universal nature of the President's legacy. If there are more adroit ways to broaden political and popular support and to declare victory for the President's legacy, *I will gladly defer*.

- Relevance to DoL Training Appropriations. *Whether or not such a mandatory* Dislocated Worker Skill Credit or Skill Grant is added to the mandatory budget reconciliation, John Kasich -- like most others -- will quickly grasp two things: (1) our mandatory proposal provides post-secondary education and training vouchers for everyone (including dislocated and low-income workers), and (2) any other federal budget support for other post-secondary training is either (a) largely redundant or, worse, (b) will serve to continue what all parties have already agreed is a largely ineffective, crazy-quilt pattern of federal categorical post-secondary education and training services contracted by states or localities. I can't believe that the President, Vice-President, or even the resigning Secretary of Labor will ultimately see the matter any other way: because these three leaders -- *particularly the President* -- initiated, led, and fought the fight for an individually empowering, market transformation of all federal assistance for post-secondary education and training.

- Relevance to achieving Balanced Budget Reconciliation Agreement. Thus, the only issue concerning a G.I. Bill for America's Workers is whether we should propose it again as part of the *tactics* to achieving the President's real legacy of assuring individual purchasing power for all Americans through the mandatory budget reconciliation. I don't claim to understand or know the answer to this issue, but I hope that your deeper understanding of the budget, media, congressional, constituency, and public support will enable you to do so -- *once you focus on this issue*.

All other issues in the G.I. Bill for America's Workers -- labor market exchange, labor market information, state-local-private sector roles, vocational education, out-of-school youth, School-to-Work, achieving literacy or earning a high school diploma that means something -- can be considered and resolved once you help the President decide the prior and paramount issue: *how best to achieve the President's historic legacy of assuring that every American worker, student and family has direct access to federal assistance to invest in the post-secondary education and training they choose*. Please don't be misled by my unartful elocution or the self-interested, knowing or unintended obfuscation of anyone else.

Educ — Vouchers

Private school in Philadelphia shows vouchers worth the fight

PHILADELPHIA — The taxi pulled up in front of a 1920s vintage red-brick school in one of this City of Brotherly Love's toughest neighborhoods. Maleeca Bryant, an 8th-grader wearing a plaid skirt and blue sweater, rushed to open the back door.

"Welcome to Gesu," she said with a shy smile, escorting her guest to the school entrance.

More than 100 community leaders, activists and parents that day visited Gesu — Italian for Jesus — a thriving inner-city school run by Jesuit priests and Immaculate Heart of Mary nuns. They came for a symposium on the critical but controversial issue of school choice.

Commentary

By Richard Benedetto

School choice proposals would provide low-income parents with government vouchers or tax credits to allow them to send their children to tuition-charging private or parochial schools.

Proponents see schools like Gesu as models. Of its 8th-grade graduates, 95% earn high school diplomas, and 70% go on to college. This in a neighborhood where the public school dropout rate is 65%, and crime and drugs are pervasive.

Most of Gesu's 420 K-8 students live in the neighborhood: 98% are black, 82% non-Catholic, 65% from single-parent households and 55% from households with incomes below $25,000.

Moreover, Gesu does the job at an annual cost of $3,100 per pupil, less than half of the $6,500 per pupil spent each year by Philadelphia's public schools. The $1,525 annual tuition is paid in part by scholarships for the poorest families and by struggling parents who work hard and save to give their children a better education.

What makes Gesu special? A dedicated cadre of religious and lay teachers, administrators, community volunteers and benefactors who demand high academic standards for every student. They teach in a nurturing atmosphere of common spirit and values. And they stress faith and service in the Judeo-Christian tradition.

"We begin our day with prayer," says the Rev. George Bur, president of Gesu. "But we don't pray for the success of our religion. We pray for divine help in building human relationships."

The school's mission, he says, is "rescuing our children in time of crisis."

Who could be against that?

No one, when put in those terms. But a lot of people are opposed to the idea of using public money to help parents send their children to schools like Gesu.

Some, like the National Education Association, the largest teachers union, say vouchers would take money away from public schools, especially those where the cash is needed most. With teachers' jobs at stake, the union fights vouchers fiercely.

Others, like People for the American Way and the American Civil Liberties Union, argue that giving public money to church-based schools violates the constitutional separation between church and state.

But the GI Bill for veterans and Pell Grants for needy college students allow federal vouchers to be used at Holy Cross and Notre Dame, as well as public colleges. Parents are allowed to use federal day-care vouchers at church-sponsored centers as well as private ones. And Medicare patients are not restricted from using church-sponsored hospitals.

Voucher supporters got a boost last month when the Supreme Court refused to hear a suit brought against Milwaukee, where a school voucher plan has been in effect for four years with considerable success.

But they suffered a setback in July when President Clinton vetoed tax breaks for parents who send their children to private or parochial schools. Republicans generally support vouchers; Democrats for the most part do not.

Barbara Moses, a retired Philadelphia public school teacher, is now principal of a new Mennonite high school serving inner-city youth. She says a political fight over school choice is worth having: "Vouchers will create equity and give people who deserve it a good life. What's wrong with that?"

Richard Benedetto's column appears Mondays. Past columns are on USA TODAY Online at www.usatoday.com

Today's debate: Limiting health care

HMOs restrict treatment using flawed guidelines

OUR VIEW **They're overused, sometimes rooted in bad science and secret.**

In 1995, a Birmingham, Ala.-based managed care company began limiting its payments for anesthesia provided to pregnant women at two northern California hospitals. Under the policy, MedPartners would cover the costs of epidural pain relief administered for only five hours of childbirth, although many women's labor pains last upward of 20 hours.

MANAGED CARE CHECKUP
An occasional series

MedPartners officials say they now use different payment guidelines for epidurals. But doctors cite the former policy as an example of how patients suffer when HMOs set arbitrary limits on medical care.

When denying medical procedures or limiting treatment options, most HMOs base their decisions on practice guidelines. HMOs use these secret, highly detailed directives to decide everything from how long a patient should be hospitalized after bypass surgery to the precise symptoms a woman must have before undergoing a hysterectomy.

HMO use controversial

According to Milliman & Robertson, the nation's largest guidelines publisher, 50 million Americans are affected by the practice guidelines produced by more than one dozen companies.

And the guidelines are the basis for many of the most controversial coverage decisions made by HMOs — including "drive-through deliveries" (in which women were discharged from hospitals within 24 hours of giving birth) and outpatient mastectomies.

HMOs defend their use of practice guidelines, saying they provide a scientific way of pinpointing the most effective and appropriate medical treatments.

Often though, studies show that the practice guidelines used by HMOs aren't grounded in science but are cookbook recipes devised by actuaries intent on reducing health care costs. Some recent examples:

▶ A National Cancer Institute study released in June found that women receiving outpatient mastectomies face "significantly higher" risks of being rehospitalized and an increased risk of surgery-related complications, including embolisms and infections.

▶ A 1997 study published in the *Journal of the American Medical Association* showed that babies discharged within a day of birth face increased risk of developing jaundice, dehydration and dangerous infections.

▶ Although most HMOs strictly limit when hysterectomies are allowed, a June study by researchers at Rand and the University of Michigan found little agreement among scientists to justify ironclad practice guidelines for the procedure.

Supporting science lacking

Ironically, practice guidelines were originally intended to get rid of capricious medical practices, not to increase the arbitrary nature of health care. During the rocket growth of HMOs in the 1980s, they were touted as a way to identify unnecessary, ineffective — and potentially dangerous — medical treatments.

In theory, the idea is enticing. It suggests that by identifying which procedures are scientifically valid, health plans can rein in lax or profiteering physicians whose freewheeling habits expose patients to unnecessary and expensive risks.

But guidelines don't work as promised unless they're supported by solid medical research. And most of the practice guidelines currently used by HMOs aren't. At least that's the opinion of guideline experts with the American Medical Association and federal Agency for Health Care Policy and Research.

But doctors and patients would never know since they are rarely allowed to see an HMO's practice guidelines or the supporting science for those guidelines. HMOs claim such secrecy is needed to keep doctors from designing their medical diagnoses to meet the guideline criteria. But by using secret standards, HMOs defeat a central premise of legitimate practice guidelines — educating doctors about the best practices and most effective medical treatments.

Conflicting guidelines

Another flaw: Because HMOs use guidelines as a proprietary tool for controlling costs, they can vary significantly from plan to plan. In Michigan, for instance, Dr. John E. Billi says one HMO requires doctors to prescribe Pravastatin for patients with high cholesterol. Another wants doctors to use the drug Simvastatin.

To combat such dueling guidelines, Billi, a dean at the University of Michigan Medical School, is pushing the Michigan Medical Society and the state's HMOs to agree on standard guidelines. That could encourage HMOs to be more accountable for the guidelines they use, as would legislation before Congress that guarantees patients the right to appeal arbitrary medical-treatment denials by HMOs.

Openness needed

But if practice guidelines are going to fulfill their purpose as tools that teach doctors which medical practices are most effective, they must be easy for the public to obtain and review. That's the idea behind a national guideline clearinghouse being set up on the Internet in December, through the efforts of the AMA, the American Association of Health Plans and the federal government.

Of course, the Web site won't list the majority of guidelines used by HMOs as cover for denying appropriate medical care. They don't meet the clearinghouse's criteria, including requirements that portions of the guidelines be made public along with the supporting research.

And that's too bad. Until all HMOs' practice guidelines can stand up to public scrutiny, patients have no way of knowing whether science — or cost savings — are dictating their health care.

Fact - Vouchers

PRESIDENT WILLIAM J. CLINTON
STATEMENT ON SCHOOL VOUCHER VOTE
SEPTEMBER 30, 1997

In the 21st century, our children must have the best education in the world. I am committed to making sure every eight-year old can read, every 12-year old can log on to the Internet, and every 18-year old can go to college. And we have made significant progress to improve and strengthen public education.

But as Congress continues to debate the Education Bill this fall, it's become very clear that there some who are waging a multi-front war against our public schools.

First, the Senate has passed an amendment that would virtually kill the Department of Education and abolish some of its most successful efforts to expand public school choice, to bring computers to every classroom, to create more safe and drug-free schools.

Second, the House of Representatives has voted to prevent America from setting the high national standards of academic excellence ~~that we must have~~ to ensure every child masters the basics with voluntary national tests in reading + math.

I have vowed to veto ~~both pieces of~~ any legislation to undermine our public schools. And I am pleased that 43 Democratic senators have announced their intention to support high national standards and sustain my veto.

Third, in a vote to occur today, some in Congress would diminish our country's commitment to public education by siphoning badly-needed funds away from our public schools into a voucher program that would support private education for a small number of students. Ninety percent of America's children attend public schools. Our public schools are already facing a host of challenges with very limited funds. Instead of abandoning them, we must continue to support proven reform efforts -- making schools safer, getting parents more involved, raising standards and improving teaching.

Education has always been a public enterprise in America. Public schools are the cornerstone of American democracy. Throughout history, we have always recognized our common responsibility for preparing all our young people for the challenges of the future and the duties of citizenship. I call upon Congress to challenge, reform and boost our public schools, not walk away from them.

THE WHITE HOUSE

WASHINGTON

File: Educ – Vouchers

MEMORANDUM FOR SYLVIA MATHEWS

FROM: Michael Williams

RE: Representative Major Owens

Major Owens engaged the President in conversation about school construction and vouchers. He contends that while he and a majority of the Congressional Black Caucus do not support school vouchers, proponents of the measure have started a grassroots effort in their districts. Representative Owens feels this effort could possibly cause some CBC members to change their view on school vouchers. He told the President that a commitment to school construction funds could alleviate much of the pressure CBC members are receiving at home. With an increase in school construction money, Members would be able to make an argument for improving existing schools rather than abandoning them.

In subsequent discussions with Mr. Owens, he expressed his appreciation for the Administration's efforts to secure educational funding in the FY98 budget and for the school INTERNET access program. However, he feels more can be done and the upcoming legislative session will be the right time to continue the good work.

01/20/98

Please copy for:
→ Bruce Reed
→ Janet Murguia
→ Minyon Moore
→ Rahm

FYI
Smart

Educ - Vouchers

March 10, 1997

Mr. Ira Glasser
Executive Director
Washington Office
American Civil Liberties Union
122 Maryland Avenue, N.E.
Washington, D.C. 20002

Dear Ira:

I enjoyed reading your article regarding school vouchers. Your articulate defense of public schools and the importance of safeguarding their funding reflects my own opposition to tuition vouchers for private elementary and secondary schools, whether funded at the local, state, or federal level.

As your article notes, vouchers would divert critical dollars from neighborhood public schools that are already short on resources in order to send a few selected students to private schools -- schools that are not publicly accountable. In addition, voucher proposals may distract long-term attention from the hard work of reform needed to change failing schools into good schools and good schools into outstanding schools.

I believe that we should move beyond this divisive debate and work together to ensure that every student, no matter where he or she lives, can attend a public school that is safe and academically challenging. This means higher expectations for all of our students. It means that teachers and principals must be accountable for student performance, and that states and communities should have the ability to intervene effectively in failing schools. And it means that we must build strong partnerships among schools, families, and communities that make education everybody's top priority.

I'm truly grateful for your commitment, and I have shared your article with my staff in the Domestic Policy Council.

Sincerely, BILL CLINTON
BC/LIJ/RLM/lynn-ckb (Corres. #3389301)
(3.glasser.i)
cc: Mike Cohen, 218 OEOB
cc: Scott Michaud, 94 OEOB
cc: Bruce Reed, 2FL/WW, w/copy of incoming
cc: Maria Echaveste, 2FL/WW, w/copy of incoming
Xeroxed copy of personally signed original to NH through
Todd Stern
CLEAR THRU TODD STERN
PRESIDENT TO SIGN

to Bruce Tuesday
JIM DORSKIND:

Please coordinate the reply.
Leanne,
pls handle JK 2-21

THE PRESIDENT HAS SEEN
2-20-97

LIBERTY

Maria E/ Publication
Brent - FYI
good guy - we should work with him sometimes to a meeting
BS

by Ira Glasser, ACLU Executive Director

September 8, 1996

School Vouchers and False Promises

Need my review

The new look in educational fashion this season is "choice."

A powerful movement has developed to push the idea that parents ought to be able to send their children to any school they choose -- public or private -- and that the government ought to pay for that choice by giving parents vouchers worth, say, $3,000, which they can use to pay tuition at any school they choose.

Thus if parents choose to send their child to a private school, the government would be obligated to pay part of the tuition. This would constitute a new and huge government expenditure. Where will this money come from at a time when government spending is being cut and candidates everywhere are proposing to lower taxes and reduce aid to education? There is only one place it can come from: the existing public school budget.

Government support for parents who pay private school tuition inescapably means less government money for the already-struggling public schools. There is little question that the growing movement to have the government pay for private school tuitions will result in weakening the public school system. And once it is weakened, the flight from public schools will accelerate, assisted by government dollars, until the public school system itself is mortally wounded.

So what, some say. Supporters of vouchers and the shift toward private schools argue that the competition to attract students, and therefore government dollars, among schools both public and private will improve education and result in improved academic performance, particularly for poor, minority students who currently attend inner-city schools. Such students will be better off, so the argument goes, if they can go to the same private schools where wealthy parents send their children.

There are some factual problems with this argument:

1. There is no credible evidence to support the belief that poor children, given public money to go to private schools, actually do better in math and reading than

comparable children in public school. An experiment to test precisely this proposition has been going on in Milwaukee, Wisconsin since 1990. The study's conclusion shows no difference, so far, in math and reading scores. (A second study by a different team of researchers recently concluded the opposite -- that the children in private schools did better than those in public schools. But the study failed to take account of differences in family background, a critical methodological error. There is no way to measure the difference a school makes if you don't compare children with similar advantages or disadvantages.)

2. Unlike public schools, private schools are not required to accept everyone. Therefore they tend to avoid students with the most problems, a luxury public schools do not have. If you pick your students right, your school's results will look good. Moreover, the notion that under a voucher system, parents will be able to choose "the best school" for their child is a fantasy if "the best school" can refuse to admit the child. That is precisely what will happen to many parents, thereby making the reality of choice something less than promised. If the voucher system is supposed to benefit the most disadvantaged children, how will that happen if those children are denied admission by "the best schools?"

3. No voucher system that has been passed or proposed pays the entire tuition at private schools. The bill that passed the House of Representatives in late 1995 provided vouchers worth $3,000. But according to the National Association of Independent Schools, the median tuition bill for their schools was $10,300 in 1995; that means half the schools charged more than $10,300. In New York and New Jersey, the median tuition was $12,500. Even in the Southeast, it was $7,200. So in order to be able to use the $3,000 government voucher, a parent would have to come up with the rest -- in New York that would mean $9,500 more; nationally it would mean $7,300 more.

Where will poor, inner-city parents get that money? Indeed, where will the average middle-class parent get $7,300 per child per year to supplement the $3,000 government voucher?

The fact is that if such a $3,000 voucher were available, it would primarily provide assistance to the affluent and the wealthy, to parents who already send their children to private schools or to parents who could afford $7,000 but not $10,000.

The voucher plan cannot help those it is intended to help -- poor, minority, inner-city children. They will be left behind in the public schools while wealthier children flee. And those public schools will have less money because part of their budgets will have been skimmed off to pay for private school tuition of more affluent children. The public schools will deteriorate further, leaving the children who most need the schools trapped there.

The voucher plan is a scam designed to benefit the wealthy and destroy public education. It holds out hope for inner-city children -- poor minority kids in Washington, D.C. should be able to go to the same private school where President Clinton sends his daugher, so the argument goes -- but the reality is that

practically no poor, inner-city parent will be able to use the voucher because they won't be able to come up with the difference between the value of the voucher and the tuition actually charged.

4. Religious schools normally charge less than non-sectarian private schools. Thus a major consequence of a $3,000 voucher plan will be to direct tax-raised government money away from public schools and into church schools. This raises severe constitutional questions. If a major and foreseeable consequence of voucher plans it to funnel most of the money into church schools because the value of the voucher is set to coincide with what church schools charge, then this is precisely what the founders of this country sought to avoid: money raised from everyone's taxes used to support sectarian religious institutions.

The idea of choice sounds good to parents who naturally want the best for their child. And the idea that goverment would give parents vouchers to use at the school of their choice sounds attractive. But unless government is willing to pay the entire tuition bill and require private schools to admit students on the same basis as public schools, there will be no choice, certainly not for parents of modest means.

The voucher movement promises choice but cannot deliver it. The idea sounds good, until you look at the actual bills being proposed and think carefully about how it would actually work. Then you see the voucher movement for what it is: a cynical attempt to grab tax dollars for the relatively wealthy and for church schools at the expense of public school budgets.

No fair-minded American should support these voucher bills. And most poor and middle-class Americans will not benefit from them. To be certain, the public school system that has been an engine of opportunity for generations of poor and middle-class Americans will be destroyed, and with it the promise of economic mobility for those who need it most.

Education – Vouchers

DRAFT
10-7-96
2:50 PM

Regarding private school vouchers, there is nothing new in the President's position as presented last night.

The President supports giving families and students more choices in public education and the best example of that is funding for charter schools (3000 in his balanced budget over 7 years).

But the President opposes the use of Federal funds for private school vouchers.

For other than Federal funds, these are state and local decisions; but he personally would not support a voucher plan that either was unconstitutional or that would shift funds from public schools to private schools. In 1993 in California, he said: "... if I were a citizen of the state of California, I would not vote for Proposition 174, The Private Voucher Initiative."

That was his position before the debate, during the debate, and that is his position after the debate.

We help poor children regardless of where they go to school -- in Title I and the school lunch program. We stood up against the Republican Congress when they took funds away from those program.

The President has made improving elementary and secondary education and financial aid for students to attend college a high priority during his entire Administration and is continuing to work on these critical issues.

Draft - do not circulate

School Vouchers

President's Position [Result of 10/7/96 conversation between POTUS, Secretary Riley, and Chief of Staff]
The President supports giving families and students more choices in public education and the best example of that is funding for charter schools.

The President opposes the use of Federal funds for private school vouchers.

For other than Federal funds, these are state and local decisions; but he personally would not support a voucher plan that either was unconstitutional or that would shift funds from public schools to private schools. In 1993 in california, he said: "...if I were a citizen of the state of California, I would not vote for Proposition 174, the Private Voucher Initiative."[Remarks by President to AFL-CIO convention in San Francisco, 10/4/94]

Does the President Support or Oppose the Milwaukee Voucher Program?
The Milwaukee voucher system provides $3,209 in state aid that would have gone to the Milwaukee Public Schools, to private schools chosen by the parents.[Milwaukee Journal Sentinel, 4/5/96.] While the State of Wisconsin and the City of Milwaukee are free to decide to operate a voucher system, this program takes public funds away from public schools and puts them in private schools. On these grounds, the President is opposed to this approach.

Hasn't the President written and spoken favorably about the Milwaukee plan in the past?
In October 1990, Governor Bill Clinton wrote to Wisconsin Representative Polly Williams about her school voucher proposal for Milwaukee. The letter said (in its entirety):

> "I read Don Lambro's recent column about your version of the school choice bill in Milwaukee. I am fascinated by that proposal and am having my staff analyze it. I'm concerned that the traditional Democratic Party establishment has not given you more encouragement. The visionary is rarely embraced by the status quo.
> Keep up the good work."

Governor Clinton's letter did not endorse the voucher proposal -- he made clear he had not yet analyzed it -- but did provide encouragement in general for innovative thinking about education reform. [according to a 10/1/96 draft memo to POTUS from Bruce Reed, Gene Sperling and Leslie Thornton, the '92 campaign position was that Clinton did not endorse the proposal, but merely supported creative thinking and innovative approaches to education reform.]

In a 1992 TV interview, the President said, with regard to the Milwaukee private school voucher plan, "I think that ought to be a local decision based on evidence in a particular place that it's really needed. I do not believe the national government should be out there advocating that, because most public school systems are not overfunded, given the problems they have. [interview with WKYC-TV, Cleveland, 10/31/94].

This statement too is simply a recognition that under the Constitution, the policy decision regarding school vouchers should be made locally. It also recognized that the federal government should not advocate for a voucher system, and that local communities should strongly consider the impact of a voucher approach on funding public schools.

Why did President Clinton oppose Proposition 174 in California?
In his speech to the AFL-CIO in California, the President stated clearly why he was opposed to proposition 174, the California private school voucher initiative. In particular, he said:

> " This bill would start by taking $1.3 billion right off the top to send a check to people who already have their kids in private schools, and who didn't need any government money to do it, and taking it right off the top away from a school system that doesn't have enough money to educate the kids it's got in it in the first place."

What is President Clinton's view of the new school voucher program in Cleveland?
Cleveland's school voucher program provides vouchers worth up to $2,250 of tax money per child for students to attend both secular and religious private schools. The State of Ohio funds this program with "$5.2 million carved from the Cleveland system's budget, which finished the last fiscal year $152 million in debt." [Boston Globe 9/1/96].

Because President Clinton is personally opposed to local voucher programs that shift public funds to private schools, he would be opposed to the Cleveland program on these grounds alone. In addition, the courts are still determining if the use of vouchers for religious schools meets Constitutional standards. Without prejudging the outcome of the legal process, it is important to note that the President would also be opposed to any voucher plan that was unconstitutional.

Bruce - FYI & reaction

Mike

MEMORANDUM FOR SECRETARY RILEY

FROM: **MIKE COHEN**

SUBJECT: **VOUCHERS AND FAILING SCHOOLS**

Here are some thoughts on how you could talk about ways to help kids who are in failing schools, and respond to those who argue that we have to give kids vouchers in order to help them escape failing schools:

- Relying on vouchers to permit a few kids to escape from bad schools is a shortsighted answer. It may help a few students, but it does nothing for those left behind, or for those younger children who will attend the same school in the future. We need a strategy that takes care of all of the children, not just a few.

- My opposition to vouchers for private schools, and my support for public schools, does not extend to excusing or accepting schools that are failing. We should not accept or tolerate public schools that are doing a poor job.

- The right thing to do is to fix the bad schools and give the kids who attend them, and who need it, extra help. Parents and students should know with certainty that if a school is persistently failing, education officials will intervene and, if necessary, close down the school and reopen it as a public charter school. Instead of sending students out, we should be bringing in to the school teachers with vision, energy and commitment to excellence, give them the tools and the flexibility they need to make the school work, and allow them to keep it open only as long as it is succeeding in helping its students learn.

- Working to quickly and dramatically improve the school is necessary but not sufficient. At the same time, every student who needs it should receive extra help and tutoring -- in school, after school, weekends and/or summers -- so they can catch up.

- While improving all schools, especially those with the lowest achievement, is a state and local responsibility, the President and I are ready to help. Any state or school district that is willing to take these steps can take advantage of our Charter Schools program to get start-up funds for new charter schools. Title 1 and Goals 2000 funds can be used for after school programs. And the President's America Reads challenge proposal will help provide the tutors and specialists needed to give elementary school children who need it extra, after-school help in reading.

I believe we ought to consider an initiative that would go beyond the use of the bully pulpit to provide incentives to states and local school districts to intervene in schools that are plainly failing. I would see this as something that would build upon, not replace, the program improvement requirements already in Title 1. Title 1 requires states and districts to identify schools that aren't making progress, have them develop improvement plans, and, if that doesn't work, take some additional steps to more forcefully intervene.

What I sketch out below would not alter the Title 1 requirements. It would be designed to provide an incentive for states to take the initiative to intervene in the worst schools sooner and more forcefully than Title 1 requires. Roughly 15 states have legislation providing for state intervention in failing schools, such as South Carolina's EIA. This initiative would encourage those states which already have the authority to intervene in failing schools to do so vigorously, and to encourage states without intervention authority to put something like that in place.

Here is roughly what I have in mind:

- **Building on his remarks at the Palisades Education Summit, the President should challenge states and local school districts to close failing schools (schools with low performance levels and which have not shown improvement over the past 2-3 years, despite some outside intervention/assistance), create new charter schools in their place, and allow parents in these schools to send their kids to the new charter or to any other public school in the state/district. He should back up this challenge by offering any state or district that agrees to take this approach:**

  - **Funds to help support the start up of the charter schools** (perhaps from a set-aside we can build into the existing charter schools program);

  - **Additional funds to be used specifically for providing the kids in the failed schools with extra help and tutoring after school.** There should neither be a requirement nor an expectation that this extra help would be provided by the school and its staff. Nor should this be designed to reward failing schools with extra resources. Rather, this should be designed to focus on kids rather than on the schools, and should be an invitation for local government, community-based organizations, the private sector, higher education and employers to all pitch in. The message here is that if the state/district seriously steps up to the plate to fix the school, the federal government will provide financial support for extra help for the kids, so they can catch up to their peers while their school is being turned around.

    This component would require some modest funding, Since only a handful of states and districts are at the point of meeting the proposed challenge, and then only for a handful of schools each, the initial funding requirements

would not be large. For elementary schools, these funds might be provided as part of the America Reads program.

- **Assistance in using federal funds to support the intervention, assistance and choice strategy.** The Administration should be prepared to help states, school districts and schools use all available federal resources to support these efforts. For example, if a new charter school wants to have an after school program for recreation, counseling, and social services, we ought to help them determine and access the sources of funds they are eligible for, and provide easy access to needed waivers, to consolidated applications, or other approaches that will reduce bureaucratic burdens to getting the new school launched effectively.

  If the failing schools are Title 1 schools and the kids are Title 1 eligible (in most situations, this will be the case), Title 1 funds should follow the kid to the new public school, whether it is the charter school or a different public school of the family's choosing.

  This last component may at times be at odds with our efforts to better target Title 1 funds to the schools with the largest concentration of disadvantaged students. However, in general we have been willing to waive this requirement if the state or school district has a compelling reform strategy and needed to use Title 1 funds to support it. I think the approach I have proposed here would meet that test.

This approach has the advantage of building on our support of public school choice and charter schools, and of focusing explicitly on concrete and practical steps that can be take to help kids who need it. I believe that one of the ways in which we are vulnerable on the voucher debate is that we come across as having nothing to offer kids who are stuck in failing schools except the promise of long term reform, while voucher proponents offer a seemingly easy escape to other settings. The fact that vouchers will undermine public schools while helping only a small proportion of the kids who need it is not as compelling as a response which also provides immediate and direct help to kids.

Education – Vouchers
Copy to Mike Cohen + return

October 2, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: LESLIE T. THORNTON

SUBJECT: VOUCHERS/SCHOOL CHOICE

I. YOUR POSITION ON VOUCHERS/SCHOOL CHOICE

The difference between your position on vouchers and school choice and Senator Dole's might be summarized as the difference between a comprehensive plan to improve public education and help *all* students versus a plan that can by its own terms only help a few chosen students. In 1989, as Governor, you proposed and signed into law a bill allowing parents to choose any public school in any school district – making Arkansas among the first states to have such a law. As President, you won passage of legislation – the reauthorization of the Elementary and Secondary Education Act – to help establish charter schools to expand parental choice and competition. In 1995, you announced grants to provide start-up funds for charter schools in 11 states including Minnesota, Michigan, California, Texas, and Massachusetts. You reformed the Title I education program (funding to improve the basic skills of children from disadvantaged schools) to specifically list as an option for local communities "the creation of charter schools." Your 1997 budget more than doubles funding for charter schools to $51 million and increases funding over the next five years to fund start-up costs for up to 3,000 new charter schools. [OMB, FY97 Budget, 3/96].

You have opposed federal government support of public vouchers for private schools because they take much needed funds away from public schools and do not help all children. A recent commentary in *U.S. News & World Report* entitled Why Vouchers Won't Work (Tab 1) presents a concise explanation of the best arguments against vouchers generally and Senator Dole's plan specifically (other articles are attached at Tab 2).

II. PUBLIC OPINION ON SCHOOL CHOICE ISSUES

The public supports *your* position on public school choice and vouchers. That is, there is strong public support for *public* school choice but the public is opposed to providing public funds for private education. Nationally, 69% of the public favors letting parents choose the public school their child attends, while 28% are opposed. [Gallup/Phi Delta Kappan, 1995]. A strong majority of the public remains opposed to "allowing students and parents to choose a private school to attend at public expense" (61% to 36% in 1996), but support has increased since 1993 when only 24% favored the idea. [Gallup/Phi Delta Kappan, 1996]. **Also in 1996, the Gallup/Phi Delta Kappan poll found that a sizable majority (60%) of private school parents are in favor of private school choice at public**

expense -- the first time the annual Gallup poll has shown a majority of any demographic group in favor of this idea.[1]

Opinion on vouchers is mixed, but Americans are strongly opposed to replacing the current public school systems with a spot s system of private schools funded by vouchers. Over two-thirds of American oppose the idea of replacing the public schools with "a system of private and church-related schools with parents selecting from among these non-public schools, using vouchers paid for by the government." Parents of private school children also rejected this idea (57% opposed compared to 37% in favor) [Gallup/Phi Delta Kappan, 1996]. And, parents' preferences for public versus private schools vary across polls and appear to depend on the wording of the survey question. [2]

III. SENATOR DOLE'S EDUCATION PLAN

In a recent stump speech [September 9, St. Petersburg, Fla], Senator Dole pledged to make education "the centerpiece of keystone" of his administration, while also promising to abolish the Department of Education. The thrust of Senator Dole's education agenda is his "Opportunity Scholarship." His plan would give a minimum of $1,000 per child in K-8 schools ($500 federal/$500 state), and $1,500 per child in high school ($750 federal/$750 state). The maximum family income for eligible children would be determined by the participating state. The politics of Senator Dole's voucher plan represents an appeal to Catholic voters; however, the rhetoric implies that Dole's plan will help poor, minority children and that we are opposed to it. Indeed, when Senator Dole announced his plan, he called it "the civil rights movement of the nineties."

IV. DOLE ATTACKS ON YOUR POSITION ON VOUCHERS

The mainstay of both Senator Dole's education agenda *and* his attacks on your education initiatives is vouchers. He made his most personal attack on your position on vouchers in his GOP convention acceptance speech when he said "[t]here is no reason why those who live on any street in America should not have the same right as the person who lives at 1600 Pennsylvania Avenue -- the right to send your child to the school of your

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[1]A spring Joint Center study showed that a majority of African-Americans polled support federally-funded vouchers for private schools. This study was reported on in the national press.

[2]You might note, however, that a recently released survey by the *Washington Post*, Harvard University and the Henry J. Kaiser Family Foundation designed to measure what voters know about the presidential candidates reveals that many voters have your position on vouchers reversed with that of Dole's. **That is, about 4 in 10 voters incorrectly believe you are the candidate who prefers government vouchers that would help parents send their children to private or parochial schools.** [The *Washington Post,* September 29, 1996, A 12, Tab 3.

choice. [Acceptance Speech, 8/15/96] (the suggested response to this attack is in your briefing book.) He also charges that the reason you are against vouchers is because the NEA opposes them. Aside from outlining his opportunity Scholarship plan, however, he has not been specific either about his real differences with you on education policy or how he will pay for his Opportunity Scholarship without cutting popular education programs. He does, however, point to a May 1996 Gallup poll which showed nearly half of parents with children in public schools think government should provide funds for students to attend private schools. He also uses the recent Harvard University study of schools participating in the Milwaukee, Wisconsin school choice program which shows that students in the program scored 12 percent higher in math skills and 5 percent higher in reading skills than similar children attending the city's public schools to support his position (NBC *Nightly News* reported on this study on September 3, 1996). However, the methodology of this study has been strongly criticized.

Senator Dole also attacks you for flip-flopping on the issue of school vouchers, arguing that you supported Polly Williams' voucher plan in Milwaukee. You may remember that on October 15, 1990, you wrote Representative Polly Williams, the author of Wisconsin's original voucher legislation a letter (Tab 4) on the program. You appear to have been responding to Donald Lambro's September 27, 1990 column "Political Shifts on Education's Battlefield." Your letter was raised in the 1992 campaign. The campaign's response in 1992 was that you did not indicate support for private school vouchers. Rather, you were supporting creative thinking and innovative approaches to education reform. Your letter indicated you would have your staff analyze the proposal. The campaign also reminded voters that under your leadership, Arkansas was among one of the first states to allow parents to choose among public schools and that you did not support vouchers because they drain needed funds from public schools.

V. CONCLUSION

A recent survey conducted by the *Washington Post* found that 62% of respondents worried "a great deal" that "the American educational system will get worse instead of better." You should use any question related to education, including a tough question on vouchers, to remind the American people of your demonstrated commitment to education. You should talk about education in terms of values and opportunity making direct links from your initiatives to these themes, and look for ways to comfort Americans' concern about our educational system and why they should stick with you on this issue rather than take a chance on Dole.

1

COMMENTARY

Why vouchers won't work

Bob Dole says his school plan will force the public system to get better. In truth, the candidate's program would hurt more kids than it would help

First grader Jorge Arturo Tellez stands inside Milwaukee's Bruce-Guadalupe Community School sucking on a green popsicle, serenely unaware that he's in the midst of a rapidly escalating national debate over whether to pay private-school tuition with public moneys.

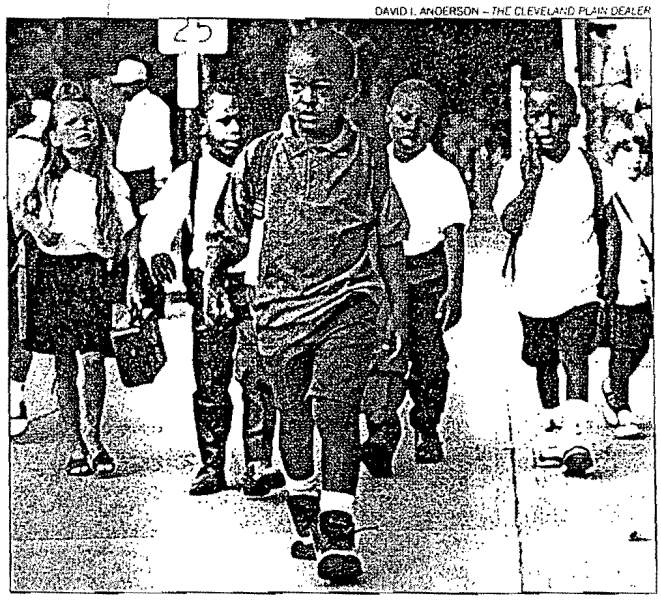
Since Bob Dole pledged a couple of months ago to spend up to $15 billion over four years on the sort of vouchers that pay Jorge's tuition at Bruce-Guadalupe, vouchers have become a central issue in the presidential race. The politics of the issue are pretty straightforward: Dole, who includes parochial schools in his scheme, is playing mostly to the many Catholic swing voters in the key electoral states of the Northeast and Midwest; Clinton, who rejects vouchers in favor of more choices for parents within public education, is appealing to public-school defenders, including teacher unions. But is Dole's proposal for voucher systems in up to 15 states smart public policy? In a word, "No." The system Dole proposes would offer a minority of students greater opportunities but would leave many more behind in the public system with depleted resources.

In the early 1960s, free-market economist Milton Friedman reasoned that if parents were allotted tax dollars to shop around for education, competition would force public schools to ratchet up their performance. But the voucher concept, as put forward by Friedman and embraced by Dole, is flawed: A large chunk of Dole's voucher money likely would end up in the hands of private-school parents, essentially subsidizing those who already have fled the public system, instead of creating incentive for public-school reform. Cleveland last month joined Milwaukee as the only school systems with vouchers. But 27 percent of the 1,864 low-income kids in the Cleveland program were already in private schools.

A voucher system also won't work if kids who want to leave public schools have no place to go, as many won't. Voucher supporters claim new private schools will spring up to meet new demand. But this may be wishful thinking. Many private schools believe government money means government regulation and don't want to take it, says Joe McTighe, executive director of the Council of American Private Education. Nor are vouchers of $1,000 (Dole's minimum) likely to spur school construction. Why aren't new private schools sprouting up in Washington, D.C., where the public schools are much criticized, existing private schools have long waiting lists and lots of people can afford private schooling? Because new schools are pricey. In Milwaukee, a handful of new schools have opened since the advent of vouchers, but hundreds of voucher students remain on waiting lists.

Dole says his voucher plan would level the educational playing field for poorer families. But under his plan, private schools could select which voucher students they wanted. Harvard doesn't dominate the higher-education marketplace by admitting bottom-rung students, and private schools won't prosper by doing so either. No one would be surprised if the private schools drew from public education's prodigies, leaving tougher-to-educate kids behind in the public schools. Indeed, the success of many Catholic schools – touted by Dole and others as the salvation for inner-city kids – can be partly attributed to their ability to pick their students. The 1,700-student Milwaukee program, in contrast to Dole's, does not allow private schools a say in student selection.

DAVID L. ANDERSON – THE CLEVELAND PLAIN DEALER



FIRST DAY. Voucher students at Cleveland's Hope Ohio City Academy are at the center of the debate over school reform. Dole's plan would create voucher systems in up to 15 states.

Would Dole's vouchers buy students and taxpayers better schooling? The evidence from the six-year-old Milwaukee plan is mixed. Voucher parents praise the schools their children attend. But attempts to compare voucher-school test scores with those of the city's public schools have resulted in lots of psychometric sound and fury but no solid evidence that the private schools raised student achievement. And it's hardly comforting that three of 17 schools in Milwaukee's voucher program last year folded because of financial woes. Directors of two of those schools face voucher-related fraud charges.

Perhaps most important, there are other ways to shake up the public schools. Students in East Harlem, N.Y., for example, are among the nation's most impoverished. But a decision by officials to force the East Harlem public schools to compete for enrollment has led to innovative programs and higher test scores. In Milwaukee, young Jorge is attending Bruce-Guadalupe only because there weren't enough seats in a specialized public school that his mother liked. In East Harlem, every public school is a specialized school. ■

BY THOMAS TOCH WITH WARREN COHEN IN MILWAUKEE

Notes

LEVEL 1 - 4 OF 4 STORIES

 Chicago Tribune

March 13, 1996 Wednesday, NORTH SPORTS FINAL EDITION
SECTION: COMMENTARY; Pg. 15; ZONE: N--

LENGTH: 796 words

HEADLINE: REALITY CHECK ON SCHOOL VOUCHERS

BYLINE: Clarence Page.

DATELINE: WASHINGTON

BODY:

President Clinton says he will veto a Republican-backed bill that would provide financial vouchers to District of Columbia parents who want to send their children to private schools. The decision, undoubtedly, will haunt him this election year. After all, his own daughter is enrolled in Washington's prestigious Sidwell Friends Academy. But, if the president is looking for reasons to be skeptical about the virtue of these vouchers, he need look no further than that great voucher laboratory, Milwaukee.

More than five years have passed since Milwaukee became the nation's first lab for vouchers under the strong urging of Wisconsin's Republican Gov. Tommy Thompson and state Rep. Annette "Polly" Williams, a Milwaukee Democrat. Williams, an outspoken African-American advocate for the poor, has become a national hero of the voucher movement.

Vouchers allow parents to send their children to private schools at state expense.

Free-market conservatives have made lavish promises in the name of school vouchers. Public schools actually would benefit, they said, from healthy competition. Public school classes would get smaller. Needy students would get more attention. Everyone would learn more. No need for cumbersome bureaucracies or state regulations. Let the magic of the marketplace decide.

So, how are vouchers doing? Unfortunately, the marketplace produces disasters along with miracles. After five years, the results have been mixed.

Since January, two of the 17 private Milwaukee schools participating in the voucher program have gone out of business, leaving students stranded and parents scrambling to find another school. Two more have been put on the critical list with severe financial troubles.

The director of one school, Exito, which closed in January, was charged with writing $47,000 in bad checks. A state audit in February found the two closed schools may have exaggerated enrollments enough to overbill the state of Wisconsin as much as $390,000. The audit also found that of the 1,476 children attending voucher schools this school year, about 200 students have dropped out of those institutions since September.

On the positive side of the ledger, there have been numerous encouraging, heartwarming anecdotes of individual success stories. When I visited voucher students in Milwaukee a few years ago, teachers at independent schools pointed with pride to students who were making A's and B's after having been given up as lost causes by teachers and principals in public schools.

Despite such encouraging anecdotes, Milwaukee's vouchers have yet to meet the grand promises of advocates who claimed they would unleash competition between public and private schools and would markedly improve overall student achievement and test scores.

Now, even staunch voucher advocates like Williams are calling for more state oversight. Among the proposals being discussed are measures that would allow the Wisconsin Department of Public Instruction to certify the skills of school managers and enable it to order closings, improvements, new management or state takeover of troubled private schools that are in the voucher program.

In other words, the more you use public money for private schools, the more state regulations and bureaucracy follow--and the more private schools begin to look like public schools. Tough break, but that appears to be the trade off to reduce the risk of financial failure in a private school that is supposed to rescue students from an academically failing public school.

Yet, voucher advocates say the program is still--Still!--too young for us to draw major conclusions from it.

It's time for a reality check. Everybody is looking for a simple, easy-to-grasp solution to the nation's public school woes. Vouchers sound simple but involve more risk than initially meets the eye.

Vouchers tend to be earmarked only for those schools on which the middle-class public has given up, schools whose performance appears to have gone over the brink, seemingly producing little more than dropouts or graduates who can't read their own diplomas.

Vouchers, then, are less a panacea than a last resort. They offer a triage approach. They offer the educational equivalent of combat medics who must perform the grim task of deciding who can be saved and who cannot. Vouchers cream off the most fortunate of the least fortunate, the students who have the brightest minds and the most conscientious parents, and leave behind the rest to fend for themselves.

That's a way out for some students, and that's a blessing for them. But don't call it a cure for the nation's educational woes, President Clinton has good reason to be skeptical about vouchers. So do the rest of us.

LANGUAGE: ENGLISH

LOAD-DATE: March 13, 1996

The Denver Post

July 28, 1996 Sunday 1ST EDITION

SECTION: PERSPECTIVE; Pg. D-04

LENGTH: 801 words

HEADLINE: Dole touches nerve with federally funded school vouchers

BYLINE: David Broder

BODY:

With his proposal last week for federally funded school vouchers to expand parental choice in education, Republican presidential candidate Robert J. Dole has put a significant issue into play in a campaign that has been lamentably shy of serious content. But the idea, as he described it, skirts as many problems as it purports to solve.

When Mario A. Brossard, a Washington Post colleague, described the Dole idea to a group of young marrieds outside Dayton last week, their previous indifference to Dole vanished and they immediately jumped into a lively debate on the issue. Clearly, Dole has found something that touches a nerve.

Americans of all ages have been expressing strong concern about the schools their children or grandchildren attend - and for good reason. Everything we know about the changing economy shouts that education will be even more critical to personal fulfillment in the next century than in the past.

President Clinton, an early leader in the education reform movement in Arkansas and the nation, properly has kept education as a priority item in his budget battles with Congress. Polls show he is strongly favored over Dole when it comes to that issue.

But the failures that are far too common, especially in our urban school systems, have created widespread doubts about public schools. And Dole has latched onto one possible remedy in suggesting that vouchers might improve the situation by offering families an alternative to the neighborhood schools. As Joseph P. Viteritti of New York University writes in the summer issue of the Brookings Review, the words "separate and unequal" still apply to too many schools, with de facto segregation the norm and both facilities and test results worse for minority children. Several states have launched experiments with school vouchers for needy families, and the Supreme Court has opened

the door to use of such vouchers in private and parochial schools.

Dole's "Opportunity Scholarships for Children" would provide annual stipends of $ 1,000 per child in elementary grades and $ 1,500 per child in high school, with the cost split between federal and state governments. To limit the budget impact, he would start it as a pilot program in the District of Columbia and 14 states.

"Some families already have school choice," he said in the Milwaukee speech introducing the plan. "They have it because they happen to be wealthy. I'm glad they have that choice. It's the right thing for their children. And if it's right for them, it's right for low-income and middle-income families, too."

That's good, populist-sounding rhetoric. And it places Clinton and Vice President Gore - who have sent their own children to private schools in Washington - on the defensive. Democrats get massive financial and political support from the teachers unions, which are adamantly opposed to any scheme that sends public funds to private and parochial schools.

Dole's plan, however, raises some very large problems.

First, it could put a double whammy on the states. He proposes to pay for the federal share by cutting existing education spending, most of which is funneled to the states. And, while participation is voluntary, the requirement that states pay half the cost of the scholarships is a classic unfunded mandate from Washington, something Dole says he is against.

Second, the scholarships in question are too small to pay tuition at all but a handful of private or parochial schools. Many poor families would still find the doors to those schools closed.

Third, Dole evades the question of who would qualify for the grants by leaving the eligibility test to each state. His thinking appears to be muddled. He says his proposal is based on Pell Grants for college costs, which are strictly means-tested, and on the GI Bill, which was a universal entitlement.

Finally, he doesn't discuss the question of geographical boundaries, a vital issue. In Ohio, whose program he cited as an example, Republican Gov. George Voinovich was stymied in his quest for a voucher program for Cleveland schools until he agreed to the legislature's insistence that no Cleveland student could use the money to transfer to a suburban school district. Many advocates of "choice" don't want poor, minority children coming into their affluent, white schools.

Dole's plan could end up as a subsidy to middle-class parents who want out of

the public schools, while leaving most of the poor and minority kids trapped in failing schools with even fewer funds.

But Democrats who refuse to budge on this issue should take no comfort. A showdown is surely coming between the demands of the teachers unions and the needs of the youngsters those Democrats claim to cherish. David Broder writes on national political affairs for the Washington Post.

Vouchers Undermine Public Education, Divide Communities

Marshall S. Smith

While we have many miles still to go before reaching our ambitious National Education Goals, Americans may be pleasantly surprised to learn that, in some crucial areas, our schools are actually improving. Dating back to the 1983 report, A Nation at Risk, States and local school districts have engaged in the most sustained school improvement effort in U.S. history, and we have taken some important strides as a result:

- The proportion of high school graduates taking the core courses recommended in A Nation At Risk (4 years of English, 3 years of social studies, 3 years of science, 3 years of math) increased from 14 percent in 1982 to 52 percent in 1994.

- Between 1978 and 1992, performance on the National Assessment of Educational Progress (NAEP) in mathematics improved for all three age groups tested, with the largest gains made by 9- and 13-year-olds. The improvement was equivalent to at least one grade level. Likewise, NAEP science performance rose from 1982 to 1992 in all three age groups.

- In the latest international assessment of reading, American 4th graders outperformed students from all other participating nations except Finland.

- The combined verbal and math scores on the SAT increased 17 points from 1982 to 1995, while at the same time the numbers and diversity of test-takers increased.

Americans should be especially encouraged that these gains have occurred while U.S. schools are serving more students from more diverse backgrounds than ever before. In 1950, much of the country had legally segregated schools, and barely more than one-third of adults had a high school education, while many students with disabilities were shut out of school altogether. By 1994, however, the overall drop-out rate for 16- to 24-year olds had fallen to 10.5 percent and over 80 percent of adults had completed four years of high school or more schooling. Today fifty-seven percent of youth with disabilities are competitively employed within five years of leaving school, compared to only 33 percent of older people with disabilities, the latter having had more limited educational opportunities growing up.

Despite these successes, everyone agrees we need to accelerate progress dramatically; a world-class education is more important than ever before in today's competitive, high-tech economy. That's why the Clinton Administration has worked so hard to help states and school districts raise academic standards, make schools safe and disciplined, get parents more involved in their children's education, support high-quality, well-trained teachers, and better integrate technology into the classroom. But one proposed "solution" would put our Nation's progress in real jeopardy: quick-fix voucher schemes that use taxpayer funds to pay for private elementary and secondary school tuition.

The Clinton Administration has strongly supported increasing competition and options for parents within public education, through expanding public school choice, magnet schools, and charter schools. In fact, we have awarded grants for seed capital to start innovative new public charter schools in eleven states, and states can also use funds under the Goals 2000: Educate America Act for this purpose. Using public funds for *private school vouchers*, however, is the wrong way to go:

- Voucher controversies polarize communities and distract them from working together on common-sense reforms to improve our public schools.

- Vouchers siphon off taxpayer dollars from the neighborhood public schools that serve the vast majority of America's schoolchildren, diverting them instead to private schools that can pick and choose whom to admit. Indeed, under some voucher schemes, millions of dollars could pay tuition for students *already attending* private schools, creating a massive drain on public funds without a single child changing classrooms. This is especially troubling given that public school enrollments are projected to rise dramatically through the turn of the century, part of the "Baby Boom Echo."

- Vouchers erode the critical role that public education traditionally plays in this country, bringing together a diverse nation and instilling common democratic values. Rather than building community, vouchers foster balkanization.

- Vouchers diminish the independence of private and parochial schools, making them less private and less parochial. Private schools are an important part of our national heritage, serving the same percentage of schoolchildren (just over 11%) in 1994 as they did in 1889. However, if public funds are used to support the basic costs of such schools, we will see increased calls for private schools to become regulated and more directly accountable to public officials, fundamentally altering the nature of private schooling.

The Clinton Administration has made an unprecedented commitment to supporting grassroots, State and local efforts to strengthen all of our Nation's schools; it is this commitment that has won the President overwhelming support among educators nationwide. And it is consensus education improvements, such as higher expectations, greater accountability, and more choice within public schools, *not* divisive voucher schemes, that can help secure the future for our children.

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Letters

What's right about education in America today

Maggie Gallagher's July 23 column ("School choice, not an echo," Commentary) was an insightful and encouraging analysis of the potential advantages of a government education-voucher program. However, I was disappointed by her rhetorical question that if after 12 years of schooling, a student cannot read, write, think or understand the basic elements of America's constitutional republic, "what good will two more years of school do . . . ?"

Today's community colleges do much more than just provide credit courses for future transfer students. Many community colleges require students to undergo diagnostic testing to determine the extent of their basic skills, after which they are enrolled in an appropriate program to learn, improve and practice standard college reading and writing.

Most community colleges offer tutorial programs in the basic skills, and some offer tutoring in advanced areas such as the sciences, foreign languages and computers. After just one semester in a tutor-assisted program, and students can show remarkable improvement in their ability to read, write and solve mathematical problems, and students who continue for up to two years can achieve a basic skills level similar to that of their peers entering four-year universities.

At community colleges, students with learning disabilities can be tested and placed in programs designed to minimize or even help them overcome their difficulties. Students can also learn about the U.S. political system through internships, guest speakers and campus events.

Finally, community colleges not only bestow associate degrees, but also provide career counseling, job information service, resume- and essay-writing workshops, certificate programs in several professional areas and a wide selection of non-credit course for personal knowledge and self-improvement.

If Ms. Gallagher were to ask any community-college student who has taken advantage of the services offered today if these two years did any good, she would hear strong support for public proposals such as the president's to "make two years of education after high school just as universal as a high school education is."

MARK CROATTI
Washington

■ *Mr. Croatti is the coordinator of the IMPACT tutoring center at the Takoma Park Campus of Montgomery College.*

— The Editor

There are a lot of problems with Maggie Gallagher's July 23 column on school choice ("School choice, not an echo," Commentary), but the most telling indicator of how far off the mark she is is her charge that "Mr. Clinton has mostly ignored the current public school crisis."

President Clinton has spent a good portion of the first three years of his administration focusing on improving our public schools. While Ms. Gallagher moans and wails about Goals 2000, the truth is that Goals 2000 is the first federally funded education initiative to ask of states the very thing we all want to see in our public schools — higher standards for our children. It does this without any new regulations or mandates as it helps states and communities raise the standards to which our children learn and our teachers teach.

School districts in 48 states are actively participating in Goals 2000. All over the country, teachers and principals who are using Goals 2000 funds to support their own local efforts attest to both its flexibility and its importance in their drive to better their schools.

School districts are also benefiting from Mr. Clinton's efforts to ensure safe and disciplined schools, get computers in every classroom and enhance family and community involvement in the education of our children. Both as governor and as president, he has championed some of the most progressive efforts to date to better our public schools. Mr. Clinton has also waged a critical battle to provide adequate investments within his balanced-budget plan. The fight continues, but after two GOP-prompted government shutdowns over budget priorities, it became clear even to the Republicans that Americans believed Mr. Clinton's commitment to public education reflected the views of the American people.

The fight has included Mr. Clinton's support for school choice. Ms. Gallagher admits that most parents, given a choice, prefer their neighborhood public school. The Clinton administration has aggressively promoted expanding public-school choice. In 1993, Mr. Clinton proposed new seed money to help parents, teachers, businesses and others start up charter schools to provide more choice, competition and opportunity within public education. Enacted in 1994, this fund is helping to start up charter schools in 11 states. Since the president's State of the Union appeal for more public school choice, five states have enacted laws authorizing charter schools. Mr. Clinton requested $40 million dollars in 1997 for charter schools, but the House has cut his request by more than half.

Ms. Gallagher is also wrong when she says Bob Dole's voucher proposal will simply and cheaply "liberate American kids from some of our worst schools." With 89 percent of America's children attending public schools, Mr. Dole's proposal will only divert much-needed funding from public schools without giving parents any real ability to fully fund a private-school education. For most private schools, it's just not enough money.

Further, the very poor, working-class minority student Mr. Dole says he supports with his proposal my actually be made worse off by it. Recent events in Ohio, whose program Mr. Dole held up as an example of how his proposal could work, prove the point. Before Gov. George V. Voinovich could get his legislature's support for his voucher program, he had to agree that inner-city Cleveland students would not be permitted to use the money to transfer to suburban school districts. What kind of choice is that?

It seems to me that at least two things need to happen as we have this debate. First, while everyone agrees that our public schools face challenges, we need to stop beating up on them and try to find ways to better them. Together. Inner-city and suburban. Rural and urban. Poor, middle-class and affluent. With 89 percent of our children being educated by public schools, it's a pretty safe bet that public schools aren't going away. And we're all affected by their success or failure.

Second, we need to think seriously about the consequences of our ideas when we raise them and when we support them. Because, at least for the poor community in Cleveland Mr. Dole purports to help, the voucher program he supported may turn out to be a real bust.

Mr. Clinton has long known there are no quick fixes to the challenges facing our schools. We should follow his lead and work together to raise standards — for students and teachers — increase family and community involvement and help *all* of America's children find the way to a promising future.

LESLIE T. THORNTON
Deputy Chief and
Counselor to the Secretary
U.S. Department of Education
Washington

Notes

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A12

Many Voters Not Yet Paying Attention

29% Aren't Sure Perot Is a Candidate; Clinton-Dole Stands Reversed

By Richard Morin
and Mario A. Brossard
Washington Post Staff Writers

With the presidential election five weeks away, most—but not all—voters know that Bill Clinton and Robert J. Dole are running for president.

Despite that promising start, a new survey by The Washington Post, Harvard University and the Henry J. Kaiser Family Foundation designed to measure what voters know about the presidential candidates suggests that many are not yet paying close attention to the race.

One out of four voters does not yet know whether Ross Perot is running for president or that Al Gore is Clinton's running mate on the Democratic ticket. And almost four in 10 cannot name GOP hopeful Dole's vice presidential choice, Jack Kemp.

On most major issues, about half or more of the voters surveyed knew where Clinton and Dole stood. Still, many reversed the candidates' positions or acknowledged that they didn't know them.

About four in 10 voters incorrectly believe Clinton is the candidate who prefers government vouchers that would help parents send their children to private or parochial schools. An equal proportion believes wrongly that Dole wants to make smaller cuts in future Medicare spending than Clinton proposes.

Such confusion at this point in the campaign may be understandable. While the presidential race has captivated political insiders and the national media for months, a majority of voters said they are only paying "some" or "very little" attention to news about the campaign.

The survey found that Clinton holds a 52 percent to 37 percent lead over Dole among those most likely to vote, with 5 percent favoring Ross Perot and the remainder undecided. Those results suggest that Clinton is up slightly from earlier this month, when a Washington Post-ABC News poll found Clinton with an 11 percentage-point lead among certain voters.

A total of 1,144 registered voters were interviewed Sept. 20-26 for this survey, including 954 who said they were "certain" to cast ballots. The poll is the latest in a series of surveys by the Post, Harvard and the Kaiser Family Foundation measuring how much Americans know about public affairs.

Even though four voters in 10 said they need more information about the candidates before making a final voting decision, the survey suggests that support for each candidate is solidifying.

Large majorities of those interviewed described themselves as "firmly committed" to their current choice for president, a view held by 80 percent of Dole voters and 74 percent of those now supporting Clinton.

Perot voters are more likely to stray: Half of his supporters say they are firmly behind their current choice, with another one-fourth indicating they probably would vote for him and an equal proportion voicing only light commitment to Perot.

The survey results suggest that most people are paying at least some attention to the presidential campaign—but few people are following it closely. According to the survey, 15 percent of those voters interviewed said they were paying a "great deal" of attention to news stories about the presidential campaign, while an equal proportion said they were ignoring campaign news.

Most voters know the very basics, the survey found. More than nine out of 10 voters knew that Clinton is the Democratic presidential candidate, while 8 percent said they did not. Nearly as many—88 percent—knew that Dole is the GOP nominee. Perot is more of a mystery man: Twenty-nine percent of those surveyed said they did not know that he is a candidate for president.

The survey suggests that voters are at least noticing Democrats' efforts to raise doubts among voters about Republican plans for Medicare. More than half of these voters said they already had seen a political ad mentioning Medicare and, by a 2-1 ratio, they said the advertisement supported the Democratic Party or a Democratic candidate.

Voters were less successful in matching issues with the candidates. For some issues, they were extremely accurate but on others they were less successful, perhaps attributing their own view on the issue to their presidential choice.

The large majority of both Clinton and Dole voters know it is Clinton who supports affirmative action efforts in hiring, contracting and college admissions, favors increased federal funding for job-training programs, and supports expanding family leave.

Majorities of both groups of voters also are aware that it is Dole who favors making it harder for women to obtain an abortion, supports a greater increase in defense spending and has proposed eliminating the Department of Energy. Overall though, Dole voters are more knowledgeable than Clinton voters about the candidates' campaign positions.

A plurality of Clinton voters say wrongly that he is the candidate of the balanced budget amendment: Four in 10 say incorrectly that Clinton favors a constitutional amendment to allow voluntary school prayer in public schools.

Medicare spending is the only issue where a substantial proportion of Dole voters are misinformed. Half of registered voters planning to vote for Dole in November think that between the two major party candidates Dole favors smaller reductions in future Medicare spending. But three-quarters of Dole voters know he backs a constitutional amendment to balance the federal budget, and two in three know he backs a "Star Wars" missile defense system.

The survey also revealed that most Americans would like the media to step aside and let the candidates explain their stands. Eight in 10 said they would like to see more news devoted to candidates "themselves giving their positions" rather than "reporters explaining where a candidate stands." A majority of voters also wanted fewer or no surveys that only report which presidential candidate is ahead—the "horse-race" polls.

FOR MORE INFORMATION

For around-the-clock campaign coverage, click on the above symbol on the front page of The Post's World Wide Web site at http://www.washingtonpost.com

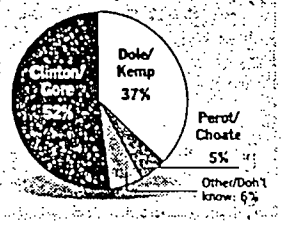
A12

KNOWING THE CANDIDATES

WASHINGTON POST/KAISER FOUNDATION/HARVARD UNIVERSITY POLL

Prospective Dole and Clinton voters were asked their candidate's stand on several issues. Perception did not always match reality. (The correct answer to each question is in italics.)

Q: If the 1996 presidential election were being held today, for whom would you vote? *(asked of likely voters)*



Q: Thinking about the presidential election, which candidate, Clinton or Dole, favors:

Making it harder for women to obtain abortions?	*Dole*	*80%*	*84%*
	Clinton	12	10
Smaller reductions on federal government spending on domestic social programs?	Dole	43%	46%
	Clinton	*45*	*43*
A greater increase in defense spending?	*Dole*	*58%*	*73%*
	Clinton	28	19
A smaller reduction in future Medicare spending?	Dole	36%	49%
	Clinton	*55*	*38*
Government vouchers to allow parents the choice of sending their children to public, private, or parochial schools?	*Dole*	*36%*	*57%*
	Clinton	48	26
A constitutional amendment to balance the federal budget?	*Dole*	*38%*	*74%*
	Clinton	43	13
A constitutional amendment to allow voluntary prayer in public schools?	*Dole*	*45%*	*74%*
	Clinton	39	11
The government maintaining affirmative action efforts in hiring, contracting and college admissions?	Dole	13%	18%
	Clinton	*74*	*68*
Expanding family leave?	Dole	7%	19%
	Clinton	*84*	*65*

NOTE: Percentages may not add up to 100 because the responses of those with no opinion have been omitted.

The results of this Washington Post/Kaiser Family Foundation/Harvard University survey are based on telephone interviews with 1,144 randomly selected registered voters and 954 likely voters nationwide. The survey was conducted Sept. 20-26, 1996. The margin of sampling error for the results based on registered voters is plus or minus 3 percentage points. Sampling error is but one source of many potential errors in this or any other opinion poll. Interviewing was done by Chilton Research of Radnor, Pa.

COMPILED BY MARIO A. BROSSARD—THE WASHINGTON POST

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Notes

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STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
State Capitol
Little Rock 72201

Bill Clinton
Governor

OCT 2 8 1990

October 18, 1990

Representative Polly Williams
State Capitol
Room 18 West
P. O. Box 8953
Madison, Wisconsin 53708

Dear Polly:

I read Don Lambro's recent column about your version of the school choice bill in Milwaukee. I am fascinated by that proposal and am having my staff analyze it. I'm concerned that the traditional Democratic Party establishment has not given you more encouragement. The visionary is rarely embraced by status quo.

Keep up the good work.

Sincerely,

Bill Clinton

Bill Clinton

BC:ddaird

16TH STORY of Level 1 printed in FULL format.

The Washington Times

September 27, 1990, Thursday, Final Edition

SECTION: Part G; COMMENTARY; Pg. G4

LENGTH: 901 words

HEADLINE: Political shifts on education's battlefield

BYLINE: Donald Lambro; THE WASHINGTON TIMES

BODY:

When Wisconsin state Rep. Polly Williams arrived here last week to celebrate her long but victorious struggle to enact a school choice program for her poor Milwaukee constituents, this town's leading conservatives turned out to greet her as a conquering hero.

It was a scene that would have been politically unimaginable not too many years ago.

Yet as this fiery and highly articulate black Democratic lawmaker, who served as the Rev. Jesse Jackson's 1988 state campaign chairwoman, looked out over the Capitol Hill crowd that cheered her, she must have been struck by the irony of this overwhelmingly right-wing audience warmly embracing her cause.

Despite her dramatic legislative feat which allows children in her poor inner-city district to have the option of attending local private schools, no liberal Democratic leaders were present at the gathering to proclaim their support for her remarkable achievement.

She wasn't surprised. Indeed, she won enactment of her school choice program in the face of bitter opposition from the educational establishment, scorn from liberal white Democratic lawmakers, deep hostility from the local news media and benign neglect from her national party.

The NAACP certainly wasn't there. Her local NAACP chapter teamed up with the teachers unions to try to kill her program. Liberal congressional Democrats like Massachusetts Sen. Edward Kennedy, who profess such compassion for poor minorities, have similarly ignored her efforts. Nor has Democratic National Chairman Ron Brown shown any interest in highlighting her proposal as a model for other inner cities.

The reason: By giving the parents of 1,000 academically eligible black children the choice of entering local private schools to improve their education, her program will inject competition into America's deteriorating public school system. The teacher unions want none of that and the politicians who tow their line aren't going to touch it with a 10-foot pole either.

The Washington Times, September 27, 1990

But along the way her little program - which is now being considered by 14 state legislatures - has won the enthusiastic support of the politically conservative school-choice crowd. And it was this gang that showed up at last week's gala reception, sponsored by the Heritage Foundation and the Landmark Legal Foundation for Civil Rights, to sing her praises and applaud her program as the best way to lift inner-city minorities out of poverty. Vice President Dan Quayle served as honorary chairman of the event.

The list of those who were there to profess their political support for Mrs. Williams' program read like a Who's Who of the Republican right. Among them: former Delaware Gov. Pete du Pont, Wisconsin Sen. Bob Kasten, Rep. Steve Bartlett of Texas, Heritage President Ed Feulner, Robert Woodson, president of the National Center for Neighborhood Enterprise, and Paul Weyrich of the Free Congress Foundation.

On the left, only Brookings Institution scholar John Chubb is an enthusiastic supporter, though some support is now being heard from the Democratic Leadership Council whose Mainstream Democrat magazine features a piece on Polly Williams' plan.

But the loudest cheers have been on the right where conservatives are regrouping for a new parental choice assault on the educational establishment. With achievement scores continuing to decline, and our inner-city schools in a state of paralysis, no one could disagree with Landmark president Jerald Hill's remarks: "We have failed our children for too long. Particularly in our inner cities [where] public schools have been in a seemingly irreversible spiral of failure. Education choice is a way to save our schools and our children."

The day of Polly Williams' celebration, Sept. 17, marked the third week of the program in which 440 poor Milwaukee kids have chosen an alternative school other than the public school to which they had been assigned. The plan will ultimately provide up to 1,000 low-income students with $2,500 each in state funds to attend a private, non-sectarian school of their choice, and more are signing up each day.

The local education bureaucracy has fought the plan in the courts - though last month a Wisconsin Circuit Court upheld its constitutionality - and is prepared to take their challenge all the way to the Supreme Court if necessary. Wisconsin Superintendent of Public Instruction Herbert Grover, who is leading the opposition, is roundly condemned by Mrs. Williams' supporters as "the Darth Vader of the educational establishment." And with good reason.

He and the teachers unions argue that the Williams plan to help inner-city children will destroy the public schools. But she sees her legislation providing the kind of competition that is needed to force the public schools to improve the services they provide.

"People say we're anti-public school, but we're not," she told her supporters. "We're just leveraging the public schools by telling them that if you don't improve, there will be more choice schools. We're just giving them a little motivation."

Still, while her movement is growing, millions of parents remain unaware of Polly Williams and her idea. It's time she received the national attention she

deserves.

Donald Lambro, chief political correspondent of The Washington Times, is a nationally syndicated columnist.
GRAPHIC: Photo, Polly Williams

LANGUAGE: ENGLISH

Educ - Vouchers

Florida Gives Kids An Alternative To Failing Schools

By Jeb Bush

Today Florida will take a giant stride forward in ensuring that schools serve children and their families when I sign into law the Bush/Brogan A+ Plan for Education. The plan puts the educational needs of every student above the bureaucratic needs of the system. Here's what it does:

• *Assesses student learning.* For the first time, Florida students in grades three through 10 will be tested annually on their progress. Each student's test results will be sent home to his parents.

• *Raises standards by ending "social promotion."* No longer will students advance to the next grade without mastering the skills of their grade level. At the same time, the state is dramatically increasing its funding for remediation efforts.

• *Grades schools.* Florida will rank every public school on an A-to-F scale, based primarily on student learning. The grades will be sent home to parents and posted on the Internet.

• *Rewards educational success.* Schools that move up a grade and schools that receive an A will receive a bonus of $100 per student.

• *Helps failing schools.* Schools that receive a D or F grade will receive state and local assistance to turn around quickly.

• *Provides an alternative for students in failing schools.* If a school receives an F for two years, all children in that school will receive an Opportunity Scholarship that will allow them to attend another school of their choice—public, private or parochial. This first-in-the-nation statewide accountability measure will ensure that kids are no longer trapped in chronically failing schools. In order to receive the scholarships, private schools will have to accept all students who apply, must meet health and safety standards, and accept the value of the scholarship as full tuition.

Defenders of the status quo have argued that Opportunity Scholarships will destroy the public education system. But early reports demonstrating quite the opposite. In Fort Lauderdale, the Broward County school superintendent is preparing for the A+ Plan by assigning experienced principals and assistant principals to serve as advisers to schools with lagging test scores. Broward County schools have also begun a pilot program to improve the skills of students who read far below grade level.

In Miami, two high schools have added more classes. Miami High will become the first school in Dade County to require all students to take eight 90-minute classes instead of six two-hour classes. And a representative of the Hillsborough County public schools told the Tampa Tribune that the school board is "working on a plan to help schools with marginal grades, so that none ends up failing."

Local school officials have been remarkably candid about the reason for their sudden interest in the plight of poor-performing students and schools. An associate superintendent told the Miami Herald: "No one wants to see their schools get on the list." In Gainesville, a school board member told her local paper that "I'm going to work very hard to make sure that none of the parents in Alachua County need a voucher."

This fall, children at two chronically failing elementary schools in Pensacola will be the first students to receive Opportunity Scholarships. Four of Pensacola's five Catholic elementary schools are ready to accept students. More than 100 parents recently attended an informational meeting regarding their new educational options. One mother's comments hauntingly captured the apathy of the present system: "I had three older children who went to Bibbs [Elementary School], and they're not doing exceptionally well. If this had been around years ago, maybe they wouldn't have fallen through the cracks."

Opportunity Scholarships arrived too late for this mother's three older children. But no other child should ever have to fall through the cracks.

Mr. Bush, a Republican, is governor of Florida.

THE WALL STREET JOURNAL

MONDAY, JUNE 21, 1999

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MONDAY, JUNE 21, 1999

Banning Ads Just Got Harder

Rule of Law

By Daniel E. Troy

A unanimous Supreme Court just invalidated a federal ban on radio and TV ads for casino gambling. In states where casino gambling is legal, the court ruled, it is an infringement of free speech to prohibit anyone from advertising it. If you can buy it, you can advertise it.

Although the court stated the holding in relatively narrow terms, the rationale of *Greater New Orleans Broadcasting Association Inc. v. U.S.* has dramatic implications for the regulation of alcohol and tobacco, two legal products that are even more controversial than gambling. In addition, the ruling highlights the difficulties of attempts to regulate media violence, a topic that's on Congress's mind right now in the wake of Columbine.

The case was brought by broadcasters in Louisiana, where casino gambling is legal, who argued that the ban violated their free-speech rights. The government argued that the ban was legal because it protected a vulnerable population—compulsive gamblers; the lower court agreed.

When it comes to free speech, commercial speech, especially advertising, is usually the poor stepsister. Other kinds of speech—political, artistic, scientific—are all used to getting a higher level of constitutional protection. And so the principle underlying the court's decision in *Greater New Orleans* is an important one: The speaker and the audience, not the government, should be left to assess the value of accurate and nonmisleading information about lawful conduct.

The court recognized that the content of the proposed casino ads wasn't misleading and concerned lawful activities. The court presumed that the casino ads would benefit consumers by disseminating accurate information as to the operation of market competitors—such as pay-out ratios—which can benefit listeners by informing their consumption choices and fostering price competition.

Why shouldn't the same rationale apply to tobacco? Tobacco is a lawful product similarly the subject of intense public debate, and consumers would presumably benefit from more information about facts such as tar and nicotine content. More to the point, the government's sole rationale for a ban on tobacco advertising is the concern that cigarettes aren't good for people. *Greater New Orleans* suggests that the sole reason ads may be restricted is to ensure that they aren't misleading.

Of course, tobacco may not lawfully be consumed by minors. But most states don't let minors gamble in casinos either. Moreover, the fact that minors can't consume alcohol didn't stop a unanimous court in 1996 from invalidating a Rhode Island ban on price advertising of alcoholic beverages.

This isn't to say that the current ban on the broadcast of cigarettes ads is about to go away, even if the rationale of *Greater New Orleans* says it should. Courts don't always follow the logic of their own decisions, and they are especially unprincipled when it comes to tobacco, thinking it unique. Moreover, tobacco manufacturers have just cut a deal with state attorneys general in which they agreed to forego advertising in many media. Nevertheless, paternalistic regulation of ads is in trouble.

Greater New Orleans may also cripple government attempts to restrict ads justified by the need to protect children. The court held that government restrictions on speech must be a last response—even when they are intended to benefit a vulnerable group. In the case of the casino ads, it found that Congress had failed to consider many other forms of regulation that could address the problem of compulsive gambling. It could have prohibited gambling on credit, for example, or limited the use of cash machines on casino premises. Similarly, there are other forms of regulation the government could adopt that could more directly and effectively address underage tobacco and alcohol use, such as enforcing laws against underage access or depriving minors caught smoking or drinking of their driver's licenses.

Greater New Orleans will hamstring the impulse to restrict speech to protect children in another way as well: It requires the government to have a consistent and coherent policy before it tries to limit communication. The court said it was irrational to ban ads for private casino gambling at the same time that ads for Indian casinos were allowed. So any attempt by the FCC, for example, to ban ads for spirits but not for wine and beer (which FCC Chairman Bill Kennard has threatened to do) would likely be invalidated as plainly irrational, given that minors tend to drink wine and beer and that a bottle of beer contains no less alcohol than a shot of whiskey.

> *When it comes to free speech, commercial speech, especially advertising, is usually the poor stepsister.*

Greater New Orleans also illustrates the hurdles Congress faces in trying to solve social problems, such as youth violence, by restricting speech. First, the ruling doesn't bode well for the creation of a new category of communication—i.e. "violent obscenity"—that would be subject to the lower First Amendment protection.

Although the Supreme Court has found that certain categories of speech about sex such as obscenity and indecency may be limited, it has never found a similar exception for speech with violent content except for speech that imminently threatens violence, such as an exhortation in a street demonstration to attack right away. There are many reasons for not creating such a new category including the lack of a tradition of restricting violent content, the ubiquitous nature of violence in art and literature, and the fact that any attempt by government to judge the context and appropriateness of violence would involve potentially arbitrary judgments frowned upon by the First Amendment.

Second, *Greater New Orleans* refers to a body of case law requiring the government to prove that its restriction will directly advance the stated interest. It's not at all clear that the government could prove to a court's satisfaction that restrictions on a limited class of violent content would, in fact, achieve the goal of reducing youth violence.

In *Greater New Orleans*, the Supreme Court didn't go as far as many (including this author) would have liked. It didn't commit to view restrictions on ads with the same skepticism that it uses in approaching limits on other types of speech. At this stage, only Justice Clarence Thomas has endorsed such an approach. For the second time in three years, however, the court has confirmed that government at all levels must tread warily in limiting any kind of truthful communication, especially where the state is asserting that it knows best.

Mr. Troy is a Washington lawyer and an associate scholar at the American Enterprise Institute. He submitted an amicus brief on behalf of the American Advertising Federation in Greater New Orleans Broadcasting Association Inc. v. U.S.

Educ — Vouchers

Today's debate: School vouchers

Eager response to offer of private scholarships raises fears, hopes

OUR VIEW **1 million parents apply, making this a key voucher experiment.**

Forget the Powerball lottery. This week, 1 million low-income parents are competing for the chance to win a different type of jackpot: scholarships that will partially fund four years at a private school.

On Wednesday, the Children's Scholarship Fund, a private, philanthropic group, will announce the recipients of its national offer to provide 40,000 educational vouchers worth $170 million for students in kindergarten through eighth grade.

This isn't the first time a group has offered to pick up the private school tuition tab for low-income students. But it's by far the biggest such give-away. And the fact that so many families applied guarantees controversy.

Voucher opponents will see it as a precursor to publicly funded voucher programs that could starve public schools of financial and parental support. Voucher supporters will point to the 1 million applicants — including nearly 70,000 who faxed or called on the last day — as proof that urban schools are failing students. They'll say vouchers are needed to force public schools to make needed changes.

But there's a less incendiary way to view these private scholarships: They offer a low-risk way to gather much-needed research on vouchers without committing scarce public education dollars.

To date, research on small-scale publicly funded voucher experiments and private scholarship programs fails to answer a basic question: Will either reduce the learning gap between rich and poor kids?

Public voucher experiments under way in Milwaukee and Cleveland aren't shedding much light. In Cleveland, educational results are muddled. And in Milwaukee, data showing significant math gains for children in their fourth year of the program are disputed.

What's needed is a high-quality research study, with scientifically selected control groups. So far, that kind of research base is being gathered only in New York City for an existing private scholarship program. The first-year results there show modest gains in the early grades, more significant gains among the upper elementary grades.

With this scholarship offer, the New York research will continue, and other research will be started in Washington and Dayton, Ohio.

Vouchers have come to symbolize the end of public schools as we knew them, which is why they draw outsized controversy. But as a school-reform option, they are unlikely to live up to their supporters' wildest dreams or their opponents' worst fears.

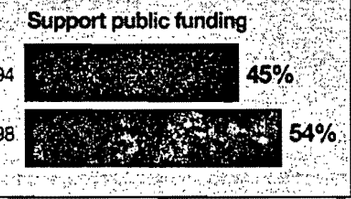
For starters, there aren't enough seats in low-tuition private schools to turn voucher programs into anything more than a niche reform in urban districts with failing schools — an escape hatch for determined students.

Given that reality, it is more likely vouchers will become a bit player alongside larger-scale reforms, such as the push by states to raise public school standards, the formation of public charter schools and the effort to turn failing public schools over to independent contractors.

But before that happens, this week's national award of private tuition vouchers provides a welcome chance to settle an important question: Do vouchers work?

School options

Public opinion polls show that a growing number of Americans support giving parents a choice of publicly funded education options, including public charter schools and private schools. Here's a look at how support for public funding of school choice has grown:



Don't look now, but a friend may be spying on you

By James Bovard

Governments are recruiting more and more people to "drop a dime" on their fellow citizens by becoming informants — including, perhaps, the co-worker you chatted with about your tax returns, the lawn-obsessed guy who lives next door and the kid who sits behind your child in school.

Just a few examples:

▶ The Internal Revenue Service is paying more and more to people who accuse others of dodging taxes. In 1996, it handed out $3.5 million in rewards, almost double 1995's total; this past year, 708 informants got $6.66 million.

▶ The Clinton administration recently sponsored pep rallies in 31 cities to encourage the nation's 39 million Medicare recipients to become informants. Seniors who attended received "Medicare fraud fighters kits" with magnifying glasses, highlighters, note pads, bumper stickers and refrigerator magnets. Those who accuse their doctors of fraud are eligible for $1,000 bounties.

▶ Schools from Oregon to Ohio to South Carolina are offering students cash payments for reporting other students for smoking, drinking alcohol, using drugs or violating other school rules.

▶ The Fairfax County, Va., government is recruiting homeowners to report such zoning offenses as too-tall grass or cluttered yards. Volunteers would send unsigned letters on civic association letterheads; suspected violators who didn't cooperate would be reported to the government.

Relying on snitches

▶ The percentage of federal search warrants relying exclusively on unidentified snitches nearly tripled between 1980 and 1993 to 71%, *The National Law Journal* found. The proliferation fuels police perjury. As the *Journal* noted, "From Atlanta to Boston, from Houston to Miami to Los Angeles, dozens of criminal cases have been dismissed after judges determined that the informants cited in affidavits were fictional." People have died during raids at wrong addresses launched solely on a hunch by confidential informants. And snitch pay can be good: The feds paid one informant in a drug money laundering case more than $2 million.

▶ Drug Abuse Resistance Education (DARE) and other school-based drug programs have been engulfed in scandals after well-taught children summoned police to their homes to handcuff and haul away their parents for marijuana or other drug violations.

▶ The Clinton administration has almost tripled federal funds for private organizations to snare Realtors, landlords, banks and others into violating fair housing laws. Much of what these groups do amounts to institutionalized, federally funded entrapment with not a trace of due process.

Other informant schemes call for people to turn in others for not wearing seatbelts, for telling ethnic or racist jokes and for failing to recycle their garbage properly.

Using an old trick

The decency of our society cannot be measured by how many people kowtow to politicians' latest edicts. Increasingly, it is government itself that is disturbing the peace through one foolish, unnecessary or harmful law after another. To accept any government edict as the final word on right and wrong is to be one definition away from servitude.

The proliferation of informant programs is subverting domestic tranquility. Maximizing distrust among the people is an old trick among authoritarian governments, but an unworthy tactic for any government claiming to be a democracy. Allowing law enforcement to use any means to boost arrest statistics ensures that people will be sacrificed to whatever methods maximize the number of false accusations.

Progress cannot be measured by the rising number of citizens willing to take the government's money to turn in their neighbors. The proliferation of informant programs is a national disgrace that must be stopped.

James Bovard's new book is Freedom in Chains: The Rise of the State and the Demise of the Citizen.

USA TODAY · MONDAY, APRIL 19, 1999

Edu Vouchers

A Laudable Conservative Effort to Help Poor Kids

THE WALL STREET JOURNAL
THURSDAY, APRIL 15, 1999

Compassionate conservatism, like tight-fisted liberalism or lunch-pail Episcopalianism, is an oxymoron or political silly putty, a cliché that can be molded to almost any purpose. And then along comes Ted Forstmann.

Mr. Forstmann, the billionaire senior partner of a leveraged buyout firm, is certainly conservative. He has embraced major conservative Republican politicians, was the founding chairman of the Jack Kemp-Bill Bennett-Vin Weber think tank, Empower America, has rarely said anything good about government and espouses a less progressive tax system.

Politics & People

By Albert R. Hunt

But he's a man of real compassion when it comes to kids. He personally has helped thousands of children in war-torn Bosnia, has worked tirelessly to assist street kids in South Africa—two of whom he's adopted—and co-founded two camps for chronically ill children.

Next Wednesday he's going to launch his most ambitious act of compassion, the Children's Scholarship Fund. With $50 million apiece put up by Mr. Forstmann and John Walton of the Wal-Mart fortune, and matched by $70 million of other contributions, 40,000 poor children, most of them from inner cities, will get scholarships to attend private schools.

These stipends, which build on Mr. Forstmann's program last year in Washington, D.C., for 1,002 kids, will range from $600 to $1,600 a year for students entering kindergarten through eighth grade. The scholarships will be for four years; winners will be selected by lottery. And, while Mr. Forstmann won't disclose details, there apparently was a tidal wave of applicants.

The Wall Street tycoon—with the support of more than a few bona fide liberals—wants to do nothing less than reform the entire American educational system. "Education is a monopoly today and nothing will change until that is changed," he argues. He rattles off impressive statistics about how in New York the public schools spend more than twice as much per pupil as the parochial schools but don't perform nearly as well.

There are, of course, lots of good public schools in the U.S., but precious few of them are in big cities, where the overwhelmingly African-American and Hispanic kids get shafted. These schools too often are marked by arrogant bureaucrats, incompetent teachers, inadequate facilities and kids who either drop out or aren't prepared for anything. Only 26% of urban eighth graders score above the 50th percentile nationally in reading and only 29% score that high in math.

The aim of the Children's Scholarship Fund is to stun the public school monopoly and force radical change. With more choice, Mr. Forstmann contends, rather than bureaucrats and teachers running the schools, "parents will be responsible for their kids' education."

Critics claim anything that takes resources away from public schools—taxpayer vouchers in places like Milwaukee and Cleveland or private efforts like the Forstmann-Walton initiative—is a bad idea in a country where 90% of kids are educated in the public-school system. This, the teachers unions and defenders of the status quo charge, will "cream" off the better students to private schools and reduce funding for beleaguered school systems.

Also, if money doesn't matter, as Mr. Forstmann's parochial-school example suggests, why then do the most prestigious private schools cost the most? (A $1,500 stipend won't cover much at a school where tuition is ten times that.) As Isabel Sawhill of the Brookings Institution says: "There would be something wrong with an educational system where money doesn't matter."

Yes, it is insane to throw more money into rotten big-city school systems. But true educational reform, particularly in urban areas, isn't going to work without more resources. And the public school situation, as awful as it is, isn't hopeless; look at what Mayor Daley and his brilliant school chief, Paul Vallas, are doing in Chicago, shaking up what Bill Bennett said was the worst school system in America.

Ted Forstmann

What's needed is a multiplicity of efforts—genuine public school reform, more charter schools, more experimental voucher systems and private efforts like the Forstmann-Walker initiative. Ms. Sawhill believes the private vouchers have produced "modest positive results" and that Mr. Forstmann "should be commended for stirring up the pot and hopefully shaking up the system." Similarly, Frederick Hess, a professor of education and government at the University of Virginia, says while there are tradeoffs with these private initiatives, "on balance good will come out of it."

Even more striking are the views of some certified liberals. George Miller, one of the most influential liberals in the House and the second ranking Democrat on the Education Committee, is fed up: "For too long, we've been willing to accept mediocrity and give the educational establishment a pass; we have to ask them what are we getting for the money we invest." While skeptical about taxpayer-supported vouchers for private schools, the California Democrat, who has never met Mr. Forstmann, says what he's doing "is a great idea. This will help bring about some competition which will result in more accountability."

Andy Young, the great civil rights leader and former mayor of Atlanta, sits on the Children's Scholarship Fund board. "I believe in public education," he says, noting that his children all went to public schools, "but any monopoly gets stagnant and it takes competition to wake it up." That's what the Forstmann initiative, he thinks, will do, and he's laudatory of his new conservative friend: "He's a guy genuinely dedicated to success and he's a guy who particularly cares about children."

Mr. Forstmann, who is as sincere as he is committed in this venture, believes that what he is doing is a moral imperative. "The worst case is that we save 40,000 kids' lives" he says about his scholarship fund. "The best is that we move the moral middle in America."

He recalls he got into this area right after serving on a committee looking at overhauling the nation's tax system, an issue dear to his heart. "But I realized that kids and education are more important than taxes. They are the most leveragable points in American life—the relative damage done by the lack of a good education and the good that can be done if it's changed."

When a billionaire buyout king says that kids and education are more important than taxes, that's not just compassionate conservatism; that's genuine enlightenment.

The Greedy Hand in a Velvet Glove

By AMITY SHLAES

If you're looking for a name to attach to your tax troubles this year, try this one on for size: Beardsley Ruml.

Ruml was treasurer at R.H. Macy & Co. during World War II. He was also an academic and chairman of the New York Federal Reserve Bank's board of directors, a polymath so glittering that he stood out even in that era of big talkers. Ruml was so well known for his dinner party expositions that we are told Alexander Woollcott made him a model for the lead character in "The Man Who Came to Dinner."

But it is Ruml's role as New Deal spinmeister that keeps him in our thoughts today. He devised the legislation that gave us withholding as we know it. Today, Americans give up more money in federal taxes than at any time when the country wasn't at war: 20.7% of the economy. Without withholding, it would be difficult to envision this scale of taxation persisting in a land born of a tax revolt. Without withholding, the outsized government we have today would be hard to imagine.

'Mass Tax'

The Ruml tale is worth recalling. In those years Washington was busy marshaling the forces of the American economy to halt Japan and Germany. In 1942 lawmakers raised income taxes radically, with rates that aimed to capture twice as much revenue as in the previous year. They also imposed the income tax on tens of millions of Americans who had never been acquainted with the levy before. Chroniclers of the period say that the "class tax" became a "mass tax."

But even in this most patriotic of moments, it was not evident that Americans were willing to pay the new tax. In those days, taxpayers sent one big check to the government. And as spring arrived in 1943, it became clear that many citizens might not ante up and file returns. Henry Morgenthau, the Treasury secretary, confronted colleagues about the nightmarish prospect of mass tax evasion: "Suppose we have to go out and arrest five million people?"

Enter Ruml, man of ideas. Like other retailers, he had observed that customers didn't like big bills. They preferred installment payments, even if they had to pay interest to relieve their pain. So Ruml devised a plan, which he unfolded to his colleagues at the Fed and to anyone who would listen in Washington. The government would get business to do its work, collecting taxes for it. Employers would retain a percentage of taxes from workers every week and forward the money directly to Washington's war chest. No longer would the worker ever have to look his tax bill square in the eye. He need never even see the money he was foregoing. Thus withholding as we know it today was born.

No longer would the worker ever have to look his tax bill square in the eye. He need never even see the money he was foregoing. Thus withholding was born.

To tame resistance to the new notion, Ruml offered a powerful sweetener: The federal government would offer a tax amnesty for the previous year. It was the most ambitious bait-and-switch plan in America's history.

Ruml advertised his project as a humane effort to smooth life in the disruption of the war. He noted it was a way to help taxpayers out of the habit of carrying income-tax debt, debt he characterized as "a pernicious fungus permeating the structure of things."

Ruml's genius did not lie in inventing withholding, already a known, if largely untried, tax concept. His genius lay in packaging so clever it provoked envy from his peers. Randolph Paul, a tax authority at Treasury, wrote distastefully that Ruml seemed to have convinced taxpayers he had found "a very white rabbit"—a magic trick—"which would somehow lighten their tax load." Ruml called his program not "collection at source" or "withholding," two technical terms that might put voters off. Instead he chose a zippier name: "pay as you go." And most important of all, there was the lure of the tax amnesty.

The policy thinkers of the day embraced pay-as-you-go. This was an era in which John Maynard Keynes dominated economics, and Keynesians placed enormous faith in government, which they thought could end depressions, bring world peace and build economies. The Ruml Plan would give them the wherewithal to have their projects. The Keynesians also held that high taxes were crucial to controlling inflation.

Conservatives played their part in this drama. From a junior post at Treasury, a young economist named Milton Friedman helped plan the details of withholding. Later, Mr. Friedman called for the abolition of the withholding system. In their memoirs, "Two Lucky People," Mr. Friedman and his wife, Rose, write that in the 1940s "we concentrated single-mindedly on the promotion of the war effort. We gave next to no consideration to any longer-run consequences. It never occurred to me at the time that I was helping to develop machinery that would make possible a government that I would come to criticize severely as too large, too intrusive, too destructive of freedom. Yet, that was precisely what I was doing." One can almost hear Mr. Friedman sigh as he writes: "There is an important lesson here. It is far easier to introduce a government program than to get rid of it."

While withholding was supposed to be a war measure, by 1945 it was clear there was a certain inexorability to the project. Even as the nation girded for V-J Day, the big thinkers were laying out justification for expansive taxation in the postwar period. In 1945 Ruml himself published a book, "Tomorrow's Business," that described future national tax policy. Taxes, he said, were important "as an instrument of fiscal policy to help stabilize the purchasing power of the dollar" and "to express public policy in the distribution of wealth and of income, as in the case of progressive income and estate taxes."

Beardsley Ruml

Early on, while the nation was still recovering from the shock of the war, there were several famous resisters. In the late 1940s, a Connecticut cable-grip maker named Vivien Kellems actually tried to create a movement to protest withholding. She refused to withhold for the hundred-odd employees of her company, and challenged the Internal Revenue Service collectors in federal court. She even wrote a breathless volume of protest, titled "Toil, Taxes and Trouble."

"Under the hypnosis of war hysteria, with a pusillanimous Congress rubber-stamping every whim of the White House, we passed the withholding tax. We appointed ourselves so many policemen and with this club in our hands, we set out to collect a tax from every hapless individual who received wages from us." Her protest earned her a modicum of respect in serious quarters. The journalist Harry Reasoner compared her battle to that of Gandhi and Martin Luther King. Most people, though, depicted her as a kook, and she spent her waning years until her death in 1975 holding forth at the soirees of the far-right fringe.

The feisty Adolph Coors family also tried to protest. The papers reported that Coors wanted to show workers the scope of the government take. It gave them their full pay—without withholding—for two months. In the third month it took out three months' worth of withholding. Yet Coors too soon abandoned its withholding experiment.

Window Dressing

In recent decades it has become clear that Keynesianism is only window dressing for big government, and most policy leaders have ceased to see taxation as the principal monetary tool. From time to time, lawmakers, always Republicans, have questioned withholding. Ronald Reagan talked about challenging state withholding in his campaign for California governor—but did not follow through while in office. In this decade, House Majority Leader Dick Armey has pushed a plan to end withholding with his flat-tax proposal. Instead of the annual 1040 reconciliation, Americans would send the government a check every month, "rather like a monthly car payment."

Still, withholding prevails, a testament to the force of Mr. Friedman's wistful insight. We may have turned away from big government, the welfare state and spending as a way of managing inflation, but our voluminous Washington bureaucracy and our bewildering tax code remain as unwieldy artifacts of an earlier era. It is a breathtaking contradiction, and one that might not exist but for the powerful marketing skills of a wartime package man.

Miss Shlaes is a member of the Journal's editorial board. This article is adapted from her book, "The Greedy Hand: How Taxes Drive Americans Crazy and What to Do About It" (Random House, March 1999).

Journal Link: To read Chapter 1 of "The Greedy Hand" by Amity Shlaes, see The Wall Street Journal Interactive Edition at **http://wsj.com**

THE WALL STREET JOURNAL

THURSDAY, APRIL 15, 1999

Educ-Vouchers

FLORIDA TO ALLOW STUDENT VOUCHERS

State to Pay Tuition of Some Whose Schools Are Failing

A1

By RICK BRAGG

MIAMI, April 27 — In a move that critics say will cause an exodus from struggling inner-city schools but that advocates believe will save them, Gov. Jeb Bush and leaders in the Florida Legislature have agreed on a plan to let children in the state's lowest-rated schools attend private schools with state-paid tuition.

The plan, a cornerstone of Mr. Bush's campaign for governor, would make Florida the only state to pay for vouchers for students to attend private schools, including religious schools. It is expected to be approved by the House and Senate as early as Wednesday.

Leaders in the state House and Senate, both controlled by Republicans, negotiated an agreement on Monday on a bill that the Republican Governor will sign "with a smile on his face," said Nicolle Devenish, press secretary to Mr. Bush.

The plan, which would also pay for children in failing schools to attend higher-rated public schools, will assign every state public school a grade, A, B, C, D or F, based on scores on new standardized tests. As many as 160 of the state's 3,000 schools could get a failing grade, said Representative Alex Diaz de la Portilla, a Republican from Westchester in Miami-Dade County, and one of the plan's strongest proponents.

Students who attend schools rated F can, at their parents' request, be awarded vouchers of some $4,000 — called "opportunity scholarships" — no matter what an individual student's grades happen to be.

It is an issue that has consumed much of Mr. Bush's first weeks in office, as he put the issue ahead of all other business.

"Half our kids graduate from high school," Mr. Bush said. "Half are reading below basic levels in the fourth grade. This is vital for our long-term competitiveness as a state, vital for restoring our civil society. It pushes the resources and attention where it needs to be. It will improve public schools."

The plan, which would begin this coming school year with a pilot program of four schools that have tested poorly and be gradually increased over the years to affect all 3,000 public schools. It is seen by proponents as a bold initiative to reform a system that they say has been held in stasis by teacher unions and administrators afraid of change, making it virtually impossible for many students to get a quality education.

"Every child in a failing school will now have the option to go to a school where he or she can learn," Mr. Diaz de la Portilla said.

Critics of the plan said it violates the constitutional division of church and state, and even proponents expect legal challenges. The Maine Supreme Court has ruled that using vouchers for religious schools would be unconstitutional.

And here in South Florida, where many inner-city schools are expected to score low in the standardized testing, those critics say it would worsen those schools by taking their best students and the state financing that goes with them.

"What you will have is a massive exodus of students leaving the public schools," said Representative James Bush, a Miami Democrat whose district, which includes Liberty City, Overtown and Opa-Locka, is the poorest in the state.

"You're going to lose teachers," as enrollment drops and tax dollars dwindle, said James Bush, who is no relation to the Governor.

Other states, including Texas and Pennsylvania, are considering such a plan, and some cities, including Milwaukee and Cleveland, already have such systems in place, said Jeanne Allen, president of the Center for Education Reform, a nonprofit research group based in Washington. Maine and Vermont have longstanding voucher programs for a small number of students in rural areas who do not live near a public school.

Other school systems, including New York City's, have considered using vouchers.

"What makes this unique," Ms. Allen said, "is that it is not a simple program that pulls kids out of school. It puts schools on notice that they will lose their good students unless they are quality schools."

It is the first time a state has laid down "immediate consequences for pitiful results," she said.

While state officials are unsure how many of Florida's two million students would be affected, "this could potentially be in the tens of thousands or hundreds of thousands," Ms. Allen said.

In cities that have voucher programs, anywhere from 5 percent to 30 percent of eligible students take advantage of the program, said Brewser Brown, chief of staff for Lieut. Gov. Frank Brogan.

There would be no appropriation for the vouchers, just a re-distribution of state tax money from district to district.

"The money follows the child," Mr. Brown said. If a private school's tuition is less than the amount earmarked — about $4,000 — that money goes back into the state treasury.

Under the legislation, public school students from the third through the tenth grades would be tested annually under the vigorous new Florida Comprehensive Assessment Test, and the cumulative scores would be used to rate the school.

Miami-Dade County may have as many as 40 failing schools, Mr. Diaz de la Portilla said. Critics said it could cripple public education in such areas, but Mr. Diaz de la Portilla said it could save the students.

"Why do educational bureaucrats want to condemn these children to failing public schools?" he said.

But Sam J. Yarger, Dean of the School of Education at the University of Miami, said the plan was "very viable, politically," but broke down in the realities of society.

"If you allow vouchers," he said, "the students who voucher out of public schools will be those whose parents care about them," because they will have to provide transportation and make other arrangements for their children, Mr. Yarger said. "The kids who are left behind are the kids who are poor, whose parents don't have the concern. They will be left in the school. That residual student body will demonstrate more failure."

Representative Bush said it was unfair to grade all schools by the same standards. "Traditionally, most inner city schools don't receive the resources that they should to catch up with schools that have adequate books and computers and support staff and those things that give some schools an upper hand," he said.

Small schools, which hold a warm place in the history of their communities, would just disappear, he said.

But Governor Bush said another aspect of the deal — $500 million to tutor students in schools at risk of receiving a failing grade — would make the eventual implementation of the program in inner cities and rural areas more fair.

Because it will be at least a few years before schools like those in Miami-Dade County are affected, state-financed tutors will have time to help students there and elsewhere, advocates of the program said.

Both critics and advocates of the plan said it was far from being implemented statewide.

In the coming school year, only four low-performing schools — one near Orlando, one outside Tallahassee and two in Pensacola — will be affected. In the next two years, as many as 200 schools will be included in the program, and over time, it will be expanded to include all 3,000.

The bill would allow parents to take their vouchers to any school, public or private, that accepts them, a drastic change from the system that rigidly held students to the school districts in which they live.

Schools can refuse such students, but, if the voucher students are enrolled, the schools cannot require them to pray or take part in religious instruction, under the plan.

With the battle over the plan raging largely along party lines, some private school principals have said they do not know if they will have room for all the extra students or if the $4,000 voucher would cover tuition.

Another obstacle could be its legality. Ms. Allen, of the Center for Education Reform, said "this will definitely end up in court." But provisions barring mandatory prayer could help the plan pass a court challenge. "This is about choice, not about religion," Ms. Allen said.

The New York Times

WEDNESDAY, APRIL 28, 1999

NATO Chief Admits Bombs Fail to Stem Serb Operations

A1

By CRAIG R. WHITNEY

BRUSSELS, April 27 — The military commander of NATO acknowledged today that five weeks of intensive bombing had failed to reduce the size of the Serbian force in Kosovo or its operations against Albanians.

At a news briefing, NATO's Supreme Allied Commander, Gen. Wesley K. Clark, insisted that the bombing had crippled the air defenses of President Slobodan Milosevic of Yugoslavia and was wearing away the resources that the Yugoslav army and police forces needed for their attacks.

But General Clark said persistently unfavorable weather conditions had kept the bombing from having full effect on the Serb forces.

"He's bringing in reinforcements continually," General Clark said of Mr. Milosevic. "If you actually added up what's there on any given day, you might actually find out that he's strengthened his forces in there. And that's going to be a phenomenon until we can further cut the lines of supply and go more intensively against his forces."

The briefing seemed to confirm the limitations of the allied strategy, reaffirmed at the weekend NATO summit in Washington, of using bombs but not ground troops to try to stop a sweeping "ethnic cleansing" by the Yugoslav army, police and irregular paramilitary forces. The bombing continued today, with at least 20 civilians reported killed in a NATO attack on the southern city of Surdulica. [Page A10.]

At his news conference, General Clark said the Serbian forces number around 40,000, about as many as before the bombing. He said, however, that when NATO planes were flying over their positions, the Serbian forces hunker down.

Since the allies started bombing on March 24, General Clark said, the Serbians have driven out 700,000 ethnic Albanians from Kosovo and left an additional 820,000 homeless in their own country. And the Serbs show no signs of stopping their operations.

"They have been reinforced in the last three or four days by an influx of newly mobilized reservists to replace combat casualties, and they've also been reinforced by the continuing assistance and movement of elements of the Yugoslav Second Army, which is based in Montenegro and has been fighting from across the border," the general said. "We are systematically taking apart President Milosevic's structure and power. I can't give you a prediction on how long he's going to endure this kind of punishment."

That punishment has been mitigated by bad weather, including spring storms, rain and low cloud cover, that has made the allies cancel more than 50 percent of all planned bombing missions on 20 of the 35 days. At times, missions were canceled because of weather that would have made the planes fly at lower altitudes, increasing their vulnerability.

As the weather clears, General Clark said, the attacks will step up. "It's been only a fraction of what is to come," he said.

Claiming more success in attacking strategic targets that underpin Mr. Milosevic's hold on power through the army and police, General Clark said 4,423 bombing missions had rendered Yugoslav air defenses "ineffective," with more than 70 aircraft destroyed and 25 to 40 percent of the surface-to-air missile batteries destroyed.

Bad weather has not kept the allies from attacking large fixed targets like the television tower on atop the 23-story headquarters of Mr. Milosevic's Socialist Party in Belgrade that finally crumpled today after the second air attack in a week.

Nor has the weather kept NATO from launching guided missiles and guided bombs against roads and bridges that the Serbian army and police need to move around. Those include the bridge across the Danube at Backa Palanka that General Clark said was destroyed today.

But military communications had so many backup systems, the general said, that it had suffered only "moderate to severe damage."

Although the bombing has destroyed virtually all of Yugoslavia's ability to refine crude oil, General Clark added, military analysts believe that the campaign has managed to destroy only about one-third of the army's fuel reserves for military operations.

To choke the flow of fuel further, the alliance's military authorities submitted detailed plans today to NATO political decision makers on how allied warships would enforce an embargo on petroleum sent to Yugoslav ports in Montenegro.

Allied defense ministers in Washington commissioned plans last weekend for what they called a "visit and search regime" that would allow allied navy ships to intercept and interrogate merchant vessels bound for Bar and other Montenegrin ports about their loads.

The 15 European Union countries called on European oil companies last week to halt all oil deliveries to Yugoslavia. But in the absence of a United Nations Security Council embargo, some allies, principally France, do not see how NATO can impose a blockade on all such shipments from other countries.

"Any visit-and-search regime, of course, has to have the appropriate rules of engagement to be able to use the threat of force," General Clark said. "It has to be an enforcement regime. This will be, if it's approved."

Whether France and the other allies would approve was not a foregone conclusion, allied diplomats said. One said France was also concerned about the effects of crippling or cutting off the principal port of Montenegro, which, although it is part of Yugoslavia, has distanced itself from Mr. Milosevic and his actions in Kosovo.

For General Clark, the main goal is to stop what he said were as many as 10 tankers a day that were unloading fuel and other supplies in Bar around the clock.

"There's going to be an effort to make it a cooperative regime," he said. "We're going to encourage shippers to contact us for preclearance. But essentially a naval regime like this is precisely what it suggests. We intend with any authority granted to us to stop the onward flow of oil to Serbia."

The New York Times

WEDNESDAY, APRIL 28, 1999

Under Vouchers, Status Quo Rules

In a Decade, Programs Haven't Improved Public Education or Ruined Its Finances

By Kenneth J. Cooper
Washington Post Staff Writer

It seems like the perfect parable for advocates of school vouchers: A wealthy benefactor offers to pay private school tuition for any pupil wishing to flee "the worst public school" in Albany, N.Y. In response to the exodus of one in five of its students, the school hires an energetic new principal and adopts a curriculum reputed to help low-income students.

School voucher advocates have been quick to point to Giffen Elementary School as evidence that their market-oriented approach will unleash competitive forces that stimulate public schools to improve. According to the theory, failing public schools will lose students, and with them tax revenues, prompting them to become better and more efficient in order to survive. Giffen represents "the first time we've seen wholesale changes in response" to vouchers, said Brian Backstrom, who administers the Albany program.

But Giffen, it turns out, makes a poor case study in educational competition. Because of a New York state law placing a floor on state aid for each district, Giffen didn't lose any money as a result of the voucher program. In addition, Giffen, which has long had high student turnover, already has gained more students through families moving into the neighborhood than it lost through the voucher program. Officials at the school say its efforts to improve aren't a result of competitive pressure but a response to the embarrassment of being named the city's worst school.

The school vouchers movement gained momentum earlier this week when Florida Gov. Jeb Bush (R) signed into law the first statewide program aimed at improving failing schools. And yesterday the Ohio legislature voted to restore a Cleveland program that had been struck down on a technicality by the state supreme court last month.

But a decade into school voucher experiments in cities across the country, there is still little evidence to support the underlying theory—first articulated by Milton Friedman in the 1950s—that economic competition will force public schools to get better. At the same time, there's also little evidence for voucher foes' prediction that the programs could destroy public school systems.

To date, experiments with public vouchers in Milwaukee and Cleveland and with privately funded programs in 40 other cities have been too small to cause the effects predicted by those on either side of the voucher debate. In addition, in cities such as Albany and Milwaukee, state laws or local politicians have prevented public schools from losing money to voucher programs, insulating the schools from the consequences—good or bad—of competition.

"There's not been enough of a mass movement out of a public [school] system to create change," said Fritz Steiger, president of CEO America, an Arkansas-based clearinghouse of private voucher programs.

"There's talk of big, significant change," said Frederick M. Hess, a University of Virginia professor who has studied voucher programs. "There's zero evidence of that in Milwaukee, Cleveland and Edgewood," an impoverished district in San Antonio with a private voucher program.

Private vouchers, generally funded by business leaders and usually called "scholarships," pay most of the tuition for low-income students in such cities as Albany, San Antonio and the District to attend any private school that will admit them. But so far private benefactors have donated enough money to lure only a tiny percentage of any district's students to private schools.

Sponsors of private vouchers recognize limits on the contributions available to support their programs and say their goal is to create models that could build a case for larger systems of government-financed vouchers. Virginia Gilder, for example, the New York benefactor who put up several hundred thousand dollars for the Albany scholarships, conceded that generosity like her own could never match government as a potential source to pay private school tuitions.

"You cannot have private philanthropy compete with that," Gilder said. "We can set an example."

Government voucher programs are more controversial because of legal disputes over the constitutionality of public funds going to religious schools and because they potentially could take more money away from public schools. Private vouchers reduce funding indirectly by reducing enrollment, which is one of the factors that determines state assistance; with government vouchers, the full state aid for each individual student follows him or her to the private school. (Public schools are also beginning to face economic competition from charter schools, which are public but are managed outside of local bureaucracies.)

But the government-funded voucher programs in Milwaukee and Cleveland are still relatively small in scope. Moreover, state officials have made efforts to prevent these programs from draining funds from public schools, resulting in a lack of evidence on the possible impact of educational competition. (Older government voucher programs in Maine and Vermont don't exert competitive pressure on public schools, because their purpose is to pay private school tuition for students in rural areas where there is no public school.)

The oldest and largest public voucher program with a market-oriented bent is in Milwaukee, where the number of students attending private schools at public expense jumped to 6,000 from 1,500 after the Supreme Court last year declined to review the constitutionality of the state allowing vouchers to be used for tuition at religious schools.

Even with the quadrupling of voucher students, Milwaukee's public school system lost fewer than 6 percent of its 106,000 students. The enrollment decline did cost the district $26 million, the amount of state aid delivered to private schools for tuition. But the district was let off the hook: The school board compensated for the financial loss by raising property taxes, not by cutting the budgets of schools that lost pupils.

And although Milwaukee doesn't keep track of which schools the voucher students have abandoned, it appears the program has drawn relatively small numbers of students from many of Milwaukee's 157 schools, diffusing the potential competitive impact on any one school.

"I don't think there's a predominant public school where they're coming from," said Sister Virgine, principal of Urban Day School, a popular destination for voucher students. "They come from all over the city. It's one here, one there."

In Cleveland, about 3,700 students used public vouchers to attend private schools in the last academic year, a decrease in public school enrollment that cost the district nearly $9 million in state funds. But a spokeswoman for the Cleveland schools indicated that the district absorbed the loss in its $600 million budget without major difficulties and noted the offsetting effect of overall district enrollment increasing from 74,000 to 77,000 since the voucher program began three years ago.

The Edgewood district in San Antonio does grudgingly acknowledge some competitive impact from its private voucher program, possibly because the anticipated loss of about $4 million in state aid this fall represents a larger proportion of its $86 million budget. To offset the loss, the district has delayed school roof repairs and begun to reduce staff by attrition.

Edna Perez-Vega, spokeswoman for the Edgewood schools, said the district has increased efforts to communicate with parents about academic offerings and accelerated implementation of a remedial program for underachieving ninth-graders.

"In some ways, we have became better marketers this year," Perez-Vega said. "It has encouraged us to pursue more aggressively our secondary reform program we had been working on."

But such steps have not impressed Steiger, who described the Edgewood school board as unresponsive and resistant to educational reform. "I think it's too early to see substantial changes, but I think you're going to see some as more students leave," he said. "Competitive forces are going to kick in."

Hess of the University of Virginia said that scale will ultimately make the difference in districts where a voucher program operates. "It has to be big enough to be actually threatening," Hess said. "You actually have to threaten people with extinction."

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Friday, June 25, 1999

Edu Vouchers

Guarding a Boundary, and Lives Too

Border Patrol Chief Fears for Illegal Crossers

By William Branigin
Washington Post Staff Writer

Early in his career with the U.S. Border Patrol, Gustavo De La Vina came across a scene that would still haunt him more than two decades later.

While patrolling near the Texas border town of Eagle Pass in the early 1970s, hecame across the campsite of a group of illegal border-crossers. Hidden in the brush was the body of a boy. He had apparently been robbed, possibly by smugglers who led the group across the border.

"He couldn't have been more than 12 or 13 years old," De La Vina recalled. "They cut his throat." The boy was never identified, and no one was ever charged with his murder.

"There are a lot of sad stories like that," he said. Since taking over as chief of the Border Patrol last year, De La Vina, 59, has worked to promote a border safety initiative aimed at reducing fatalities along the 2,000-mile U.S.-Mexican border—both from violence at the hands of smugglers or bandits and from exposure or accidents that occur while illegal crossers are trying to sneak into the United States. Such crossings break the law, says the soft-spoken former schoolteacher, but the penalty "should not be a death sentence."

The initiative, subject of a conference of U.S. and Mexican officials last week in San Diego, reflects the compassion that De La Vina wants the Border Patrol to embody along with its enforcement mission. In addition to identifying the most dangerous crossing points and putting up warning signs, Border Patrol agents are taking on search-and-rescue roles when illegal crossers venture into deserts or mountains without adequate water, food or protection from the elements.

"They're not totally aware of all the hazards they're confronted with," De La Vina said in a telephone interview from his headquarters in Laguna Niguel, Calif. "People are dying out there in the summer months. . ."

Critics of U.S. immigration controls attribute some of the deaths to another policy that De La Vina has helped to implement. Operation Gatekeeper was intended to divert illegal crossings away from urban areas. The idea was to deter illegal immigration by making it more difficult to cross the border. But crossings also became more dangerous as people were pushed into much rougher terrain.

The first Mexican American to head the Border Patrol and the highest-ranking Hispanic in federal law enforcement, De La Vina presides over an agency that has gone from fewer than 3,000 agents when he started to an increasingly high-tech, well-staffed operation. Infused with cash from a Congress alarmed by the flow of illegal immigrants and drugs across the southwestern border, the arm of the Immigration and Naturalization Service is in the midst of a technological and personnel build-up, acquiring an array of new equipment and boosting its strength to more than 8,000 agents.

One of De La Vina's main challenges these days is managing the agency's unprecedented growth.

"We have been given the tools do our job," he said. "Now it's time to put the strategy, the tools, the equipment, the personnel to work in bringing good levels of control across the southwest border."

Born and raised in Edinburg, Tex., De La Vina taught physical education in elementary schools for seven years. He joined the Border Patrol in 1970 to pursue an interest in federal law enforcement and was assigned to Eagle Pass on the Rio Grande. He held a number of different jobs, including positions as a Spanish teacher at the Border Patrol Academy and as an anti-smuggling agent before becoming director of the INS western region in 1995. De La Vina took over as chief of the Border Patrol in January 1998.

In his low-key way, De La Vina said it "felt good" to be the first Hispanic chief of the patrol, but that he prefers to "stand on my qualifications." The appointment, he said, "shows the fairness of the system."

A longtime friend and former agent, Silvestre Reyes, now a Democratic congressman from Texas, calls the deep-voiced, chain-smoking Border Patrol chief a "stereotypical Texan"—never without his cowboy boots and hat.

"I once saw Gus on the beach in swimming trunks with his boots on," Reyes said. When he asked his friend why he was wearing boots, Reyes recalled, De La Vina replied simply, "Because the sand is hot."

In discussing the evolution of the border situation over the years, De La Vina betrays a certain nostalgia for the simpler time two decades ago, when there were fewer illegal crossers, encounters with drug runners were rare and apprehensions generally followed an unwritten code. The crossers then were mostly farmhands and "mature" heads of households, he said.

When caught, "there was almost an understanding," De La Vina said. "They would greet us. We would greet them. . s . We'd often share our lunches."

Now, "the whole profile has changed," he said. The illegal crossers tend to be younger, and they often are led by professional smugglers who have much to lose if apprehended.

"It's more dangerous," De La Vina said, "not only for the entrants but for the agents."

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Educ - Vouchers

William Raspberry

School Options

If I find myself slowly morphing into a supporter of charter schools or vouchers, it isn't because I harbor any illusions that there's something magical about these alternatives. It is because I am increasingly doubtful that the public schools can do (or at any rate *will* do) what is necessary to educate poor minority children.

I hasten to say that a lot of public schools do manage to educate these youngsters—sometimes with extraordinary success. But most don't. And the people who run the schools and school systems can't seem to figure out why.

Oh, I hear what they *say*. They need more money, or more parental involvement, or newer facilities. And while they are saying it, the involved parents of the children they are failing are doing whatever they can to transfer their kids to schools with less money, shabbier facilities—and markedly better success rates.

It's not anti-public education to support the escape attempts of these frustrated parents. In fact, though, I'd rather support the efforts of the public schools to be more successful. The problem is, so few of them seem to be making a consistent effort to improve.

Is it because they don't know what to do?

A year ago, I talked to Sandra Feldman, Al Shanker's successor as president of the American Federation of Teachers. Feldman, then a newcomer to Washington, made this extraordinary offer: She was so certain that she knew how to improve the schools—and how to enlist the cooperation of parents and teachers in the process—that she would take over a floundering public school and set it on a solid academic course. No extra money, no new facilities—only the permission of the local union, the willingness of the local staff to try and the benign support of retired general Julius Becton, then de facto superintendent of the D.C. schools.

I called Becton to make sure he was aboard. He was, and would convey the offer to a meeting of school principals. And sure enough, he did. He told the principals that any one of them who wanted to take Feldman up on her offer was free to do so. It was at that same meeting that he announced his new administrative policy: Any principal found to be failing would be fired. Naturally nobody volunteered.

Becton himself has been replaced as unsuccessful.

Feldman won't like this, but her proposal, and the self-confidence behind it, echoes the conclusion that is driving the growing support of charter schools and vouchers: If the public schools aren't getting it done, many parents are saying, then give us the authority (charters) or the money (vouchers) to do it ourselves.

Charters and vouchers are not the only alternatives, of course. Much of what these devices might accomplish could be done by giving local principals broad new power to hire, fire, organize and set curricula—subject only to per-pupil budget restraints and academic testing for effectiveness. But wouldn't the unions object?

It would be enormously helpful if local principals could enforce pupil discipline by bouncing unruly youngsters as easily as their private or parochial counterparts. But wouldn't parents' groups object?

Didn't the public schools used to teach poor and minority children? The answer is yes, and it's no trouble at all to find retired teachers who are certain they could teach their frustrated young successors how to do it. But for that to work, it would have to be possible for teachers to ask for help without setting themselves up as losers. Besides, some of the present teachers will say, their predecessors may have had to deal with poor kids, but seldom with children born to unwed mothers who are themselves children with little understanding of discipline.

Something else has changed from those old days: A generation or two ago, it was enough to do ok— in school—to learn to read, write and do sums—and be willing to work hard. With no more qualification than that, young people could find work, support their families and live a reasonably good life. Now, when it takes a good deal more than that to be successful, thousands of our children are getting a good deal less.

Nor am I hopeful that the hot new alternatives of vouchers and charter schools will reach enough of the children who are most in need of help. My hope is that the public school leadership, instead of just opposing vouchers and charters, will figure out what they need to make the public schools work.

And if a part of the answer is that they need the rest of us, we'll just have to be ready to step up.

The Washington Post

FRIDAY, JUNE 26, 1998

No to the Line-Item Veto

THE SUPREME Court did the country a favor in striking down the line-item veto authority that the last Congress unwisely conferred on a willing president. The favor had to do with more than constitutional tidiness. The court found, 6 to 3, that the line-item legislation was a violation of the Constitution's presentment clause, which gives the president only two choices when confronted with a bill—sign or veto. But before this law was unconstitutional, it was senseless.

In the name of reducing the deficit, the legislation gave the president additional power at congressional expense. But the power was insufficient to affect the deficit, except symbolically and on the margin. What was strengthened instead was the power of the president to bargain with individual members, or groups of members, for their votes. The theory behind the measure was that Congress, as an institution, was too weak to exercise elementary fiscal discipline. The answer to the problem was to make Congress weaker still.

The line-item veto became a political symbol in the Reagan era. The deficit was rising; the question was what and whom to blame. The administration's contention was that the problem lay not with the president's tax cut or defense buildup but with the Democratic Congress's propensity for pork—domestic spending whose only purpose was the reelection of those who voted for it. Give him the line-item veto, and he'd cut domestic spending down to size, the president said, invoking a mythic view of government—where the money goes—that also suited his political purposes. The idea became Republican doctrine, and when the Republicans took control of Congress in 1994, they were stuck with it, even though they were then circumscribing their own power. They passed a bill, contriving only to delay its effective date until after the 1996 election, in hopes that they might recapture the presidency.

The legislation gave the president the third choice, when presented with a bill, of signing it but then rescinding particular items, which could only be reenacted over his veto. Congress gave up the packaging power whereby it could force him to accept items he didn't like by embedding them in bills he generally did. He could sign the bill, then in effect rewrite it and kill such items with the concurrence of only one-third plus one of either house. That's what Justice John Paul Stevens's opinion said the Founders hadn't had in mind. The biggest winner may be the seeming loser, the Congress whose misguided handiwork the court set aside.

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Art and the First Amendment

THE QUESTION posed by the case of *National Endowment for the Arts v. Finley* is crystalline: Can the government, when deciding what art to fund, consider a proposed project's decency? The Supreme Court's decision in the case—handed down Thursday—is anything but crystalline. Though eight justices voted that the NEA's decency standards did not violate the First Amendment and only Justice David Souter dissented, the court's holding is a muddle beneath its surface.

The case arose following the protracted uproar over the NEA's funding of artists whose work deals with explicit sexual themes. In 1990 Congress required the NEA to judge applications on the basis of artistic excellence, "taking in consideration general standards of decency and respect for the diverse beliefs and values of the American public." In response, performance artist Karen Finley and others sued, arguing that this restriction violated the First Amendment. Muddying the waters is the fact that the NEA does not interpret this particular provision as a requirement to screen out lewd proposals but argued, rather, that it was more general and was satisfied merely by having diverse panels judge the applications. Under that reading, the NEA contended, the law does not discriminate on the basis of an artist's viewpoint at all.

Justice Sandra Day O'Connor, writing for herself and five of her colleagues, agreed that the law's language is "advisory" and therefore held it constitutional. She also intimated that a law more directly excluding indecent material could run into First Amendment problems. But then, to make matters more confusing, she added a passage that seems to cut in entirely the other direction—a passage that Justice Ruth Bader Ginsburg declined to sign: "[A]lthough the First Amendment certainly has application in the subsidy context, we note that the Government may allocate competitive funding according to criteria that would be impermissible were direct regulation of speech or a criminal penalty at stake."

Meanwhile, Justice Antonin Scalia blasted the majority for "sustain[ing] the constitutionality of [the law] by gutting it." According to Scalia, writing for himself and Justice Clarence Thomas, the law "establishes content- and viewpoint-based criteria upon which grant applications are to be evaluated. And that is perfectly constitutional." We get, in other words, three clearly distinct positions: Justice Scalia's view that the government, when paying for art, gets a say in its content; Justice Souter's contention that such interference is unconstitutional; and the nebulous position of the majority that contains elements—unclearly articulated—of both theories.

In our view, it is not impermissible censorship for the government to consider decency in arts funding, though it is generally a bad idea. And as a political matter, this might be the message the court has sent. It has, simultaneously, upheld the vague standards Congress wrote into law and warned legislators that it might look askance at any restriction more direct than the one it judged.

Educ-Vouchers

Jeb Bush Goes One Up On His Brother

Republicans suddenly have a governor from a large Southern state who is the son of a former president and is passing bold reforms.

Too bad his first name is Jeb.

Florida's new governor, a.k.a. the Other Bush, has hit the ground sprinting by passing the nation's first statewide school-choice reform. Meanwhile, big brother George, supposedly our next president, is watching his Texas agenda stall against Democratic opposition. Maybe Republicans need a Bush primary to make sure they're running the right sibling.

Jeb Bush

It's not a crazy thought. Before he lost his first governor's race in 1994 to Social Security demagoguery, Jeb was the hotter political talent. He had his father's charm but Reagan's conviction. Had he won and his brother lost, the national media would now be trekking to Tallahassee instead of Austin.

Which only makes it more poignant that Jeb is having more legislative success this year, when George is the brother who really needs it. One of George W.'s selling points is that he's a popular, savvy executive who can get conservative things done. Steve Forbes and Dan Quayle will talk about tax cuts and school choice, but Mr. Bush wants to say he made them happen.

Except that so far this year he hasn't. His $2.6 billion tax cut keeps shrinking, as legislators find they'd rather spend the state surplus. As for his other top priority, education, Democrats are pocketing his bribe of higher spending while ditching Mr. Bush's pilot choice plan. "I'd give it less than a 10% chance" to pass, says Texas state Rep. Mike Krusee.

This looming school-choice failure is especially telling because it helps fill in the blank slate of what George W. really cares

Potomac Watch

By Paul A. Gigot

about. As one Republican puts it, Mr. Bush is ahead in the polls now mainly because he is ahead in the polls. Republicans hear he's got talent, and they're desperate to win, so they pile their hopes onto his poll numbers. But no one yet knows what he's willing to fight for.

School choice is the acid test of education reform because it most directly threatens the bureaucratic status quo. Its potential to find political and moral common cause with poor Americans makes it a natural centerpiece of Mr. Bush's "compassionate conservative" theme. Of course, this is also why it's the hardest education reform to pass. It's never succeeded without a governor willing to spend political capital.

Jeb Bush refused to let his choice reform be separated from the other parts (such as money and testing) of his overall education plan. He also rallied his coalition behind it, including an event with CEOs from 20 top Florida companies. He wrote op-eds and spoke at rallies, to the point that he won over die-hard liberals at the Miami Herald.

Even admirers say George W. hasn't put the same political muscle behind his far more modest choice measure. He did mention it in his State of the State address, which would seem to be a minimum obligation, but has infrequently spoken up since. He has left the impression that his plan to end automatic "social promotion" is a higher priority, which is easier since even President Clinton now favors that.

"You don't hear about him calling people into his office to twist arms," says Jeff Judson, a choice advocate and Bush ally on most matters at the Texas Public Policy Foundation. Mr. Judson says the governor declined to show up at a public rally of 800 mostly minority parents for choice earlier this year. "It was real demoralizing to people in the movement," he says. (A Bush aide thinks a scheduling conflict intervened.)

Amid such signals, Texas Democrats have concluded they can get away with blocking the two-thirds majority needed to get a floor vote for choice in the state senate. Worse, they are moving their own bill that would stop even Texas's charter-school program cold.

Mr. Krusee, the GOP state legislator, says Mr. Bush can't be faulted because unions are implacable, Democrats are determined and the Texas governorship is a weak office. And it's true that Democrats still narrowly control the Texas house, while Jeb has the luxury of two GOP-run chambers.

But Texas is also a conservative state, trending GOP, in which Mr. Bush has just won a 69% landslide. If he thinks Texas liberals are partisan, wait'll he meets Al Gore and Barney Frank.

One worry is that Mr. Bush has prospered politically in Texas more because of his personal charisma than his ability to sell ideas. Everyone likes him, even Democrats, and that helped him in his first term and re-election. But now that the stakes include the presidency, charisma isn't enough.

The governor's presidential opponents may remind primary voters that another George Bush made the mistake of thinking politics was mainly personal. But Democrat George Mitchell chopped that Bush presidency into kindling over a measly capital-gains tax cut that Bill Clinton was only too happy to sign. Republicans deserve to know, in short, if George W. Bush the politician is like his father, or more like his mother and brother.

The Texas legislature still has a month to meet, so a final accounting remains. Meantime, maybe George can ask his kid brother for some pointers.

THE WALL STREET JOURNAL
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REVIEW & OUTLOOK

'A Good Deal for Milosevic'

Americans have borne the heaviest costs and risks of waging war on Serbia for its massive atrocity against two million Kosovars. Now, it appears, the Germans and Russians will dictate the terms of a peace. Bill Clinton's generosity with American authority apparently knows no bounds.

"G-8" foreign ministers agreed yesterday in Bonn to the "general principles" of a political solution for Kosovo. Slobodan Milosevic must agree to the deployment of an "effective international, civil and security presence" in the ravaged Serbian province. Refugees must be allowed to return.

Slobodan Milosevic

All this would be supervised, not by NATO, which is conducting the bombing, but by the United Nations, which will be asked to draft a resolution setting out the terms.

The President of the United States was at the Bonn meeting, but the man of the hour was Viktor Chernomyrdin, the onetime Russian Prime Minister and good pal of Al Gore. It was he who somehow persuaded the NATO countries at the meeting to soften the terms of a proposed settlement. And most likely the "Special Envoy" from whoever is running Russia these days will be the one to take those terms to Belgrade to give Milosevic a chance to bargain them down further. German Foreign Minister Joschka Fischer, a stalwart of the left-wing Green Party, had the honor of announcing the peace offer.

This all has a familiar ring. We'll call it Dayton-II. Once again the NATO allies are proposing to let Slobodan Milosevic off the hook. The man Mr. Gore likened to Hitler will again be spared just when he is in a deep jam. He will be delivered from the harsh punishment of NATO and consigned to a kinder, gentler mentor, the U.N. Security Council, where at least 40% of the permanent members are on his side. The U.N. can be expected to behave toward the rehabilitation of Kosovo the way it did all those years when it was wringing its hands at the slaughter of Bosnians by Slobo's minions.

The American President still is often referred to as the "leader of the Free World." Certainly, when Europe suffers an outbreak of mass violence, Americans are invited to do the dangerous work of damping it down. But the current American President is not exactly a man for all seasons. He has been willing to employ America's still-formidable military force to punish Milosevic, but not to lead NATO in the task most necessary to future European security, a ground war that would rid Serbia of Milosevic and his paramilitary killers. Rather he has felt it necessary to protect the tender sensibilities of the German left and Russia's unreformed Communists.

In other words, the politics of accommodation, a Bill Clinton trademark, have once again come into play. Mr. Clinton traveled to Germany ostensibly to buck up Chancellor Gerhard Schroeder, who has been under attack from the left wing of his own party and the Greens for supporting the NATO bombardment of Serbia. But it was the German soft-liners who got more nearly what they wanted.

It is an example of the breathtaking disconnect in this Presidency between rhetoric and policy that the agreement was struck just after Mr. Clinton told troops in Germany, "We must stand for the community of every breathing, living person on this continent." His gift for airy rhetoric was also on display when he promised the Kosovar refugees that "you will go home again." One is reminded of the Bosnian refugees who were promised the same thing, but many of whom have resisted because of their fear that peacekeeping forces cannot, in fact, protect them.

Mr. Fischer, in announcing the agreement at Bonn, admitted that there are still "different opinions" about whether NATO troops would be a part of the peacekeeping forces in Kosovo. Nor was there agreement on when or how the bombing would end. In other words, a few little loose ends were left, presumably for the United Nations to tie up in its own efficient way. But the statement issued certainly suggested the direction the wind is blowing by making no mention of NATO.

Yet another clue was the reaction of Mr. Chernomyrdin, who said that the G-8 proposal was a "good deal for Milosevic." Certainly it is a far better deal than the gallows he no doubt deserves. For this he can thank the likes of Mr. Chernomyrdin. But he can also thank his lucky stars that his criminal career has been conducted in an era when the American Administration was guided more by expediency than principle. If the initiative launched at Bonn proceeds along predictable lines, the problem of Slobodan Milosevic could be with us for quite awhile longer and the future of all those tragic and homeless Kosovars will remain in doubt.

THE WALL STREET JOURNAL
FRIDAY, MAY 7, 1999

Pro-Vouchers

As Test of Vouchers, Milwaukee Parochial School Exceeds Expectations

By Jon Jeter
Washington Post Staff Writer

MILWAUKEE, Aug. 31—Anticipating a jump in enrollment, administrators at Messmer High School here converted their choir hall into a classroom. And they were smart to do so.

On the first day of class here today, 366 students showed up at the door, boosting the student body by nearly 20 percent in a year. Another 30 students are still trying to get in, which means that, for the first time in its 72-year history, this Catholic school needed a waiting list.

Everything and nothing has changed at Messmer. Teenagers today fumbled with their lockers, searched for new homerooms and misplaced class schedules. But what is different is that, for nearly half of the students attending this private religious institution, taxpayers—not parents—will pay the bill.

The familiar sounds and monotonous hum of a new school year at Messmer represent the extraordinary debut of the nation's most ambitious effort to retool urban education by allowing poor children to attend religious schools using state-funded vouchers.

"Welcome to the beginning of a new era in education in Milwaukee," said Gov. Tommy G. Thompson (R) in an address to students today in Messmer's auditorium. "Instead of busing our kids all over town to a public school that just doesn't measure up, we're going to give parents the chance to send their kids to a school right down the street," Thompson said. "And if that school is private, so be it."

Messmer's growth spurt stems largely from a ruling by the Wisconsin Supreme Court in June that cleared the way for more than 110 parochial and private nonsectarian schools to receive public stipends—or vouchers—to teach students previously enrolled in Milwaukee's public schools. Rejecting an appeal by opponents of school vouchers, the court ruled that the program violates neither the state's constitution nor the First Amendment, barring laws that promote religion.

At $4,900 annually per student, the city's voucher program will pay for as many as 15,000 low-income schoolchildren to attend private schools. Since the money comes from the public school system's budget, civil rights groups and teachers unions have opposed the program, arguing that the subsidy will siphon resources from already troubled public schools.

City schools opened last week, and officials say that enrollment, based on applications, has increased slightly from 103,000 pupils last year. Still, they say it typically takes a few weeks for administrators to get an accurate head count, and state officials estimate that nearly 6,000 children will participate in Milwaukee's voucher program this year.

People for the American Way, a District-based civil rights organization, estimates that will cost Milwaukee's public schools more than $29 million in this school year alone.

"It's a recipe for flight from the public schools," said Elliot Mincberg, an attorney and vice president of People for the American Way, which today appealed Wisconsin's decision to the U.S. Supreme Court.

Messmer is among the first parochial high schools to open this year and is considered ground zero for Milwaukee's voucher enterprise, perhaps the city's primary beneficiary of the new program. Located in a toughened, overwhelmingly black neighborhood on the city's north side, Messmer draws heavily from the surrounding community.

And while Wisconsin's voucher program does not require children to attend neighborhood schools, proponents believe it will reduce long cross-town commutes.

Academically, the Catholic school has fared significantly better than most of the city's high schools. Messmer's graduation rate is 98 percent—more than double the city's rate—and 85 percent of its graduating seniors go on to college.

The school does not require school uniforms, but it is demanding. Students cannot chew gum, wear caps or swear, and the school's president, Brother Bob Smith, a Capuchin Friar, can expel anyone he wants without a hearing. Expulsions still are rare. The absentee rate is 3 percent daily, on average.

But before they can settle in, the new children will need to find chairs. Expecting an influx of students, Ann Szekely grabbed a few extra chairs from another classroom. It still wasn't enough; 18 kids crowded into her classroom today, and some had to sit on the floor until a few more desks could be retrieved.

"I've never had so many kids wanting to get into my class before," said Szekely, a teacher for six years, the last four at Messmer. "Usually they're trying to get out."

But most faculty members here are enthusiastic about vouchers and Messmer's growth. "It's exciting to me," Szekely said. "I feel like I'm on the cutting edge of education."

Aisha James, 16 and opinionated, attended a city school last year and is glad her mother suggested she transfer this year.

"You can learn better here," she said. "People listen to the teacher. At Madison [a public high school], they don't teach you [anything]. The kids fight all the time, and the principal don't try to help people. If there's a problem, he would just suspend you."

Deseree Gordon said she couldn't imagine sending her two daughters to a public school now that vouchers are available. "There's just too many kids in gang trouble or involved with violence," she said. "The kids can actually learn something when they don't have to deal with all that."

Wisconsin began experimenting with school vouchers in 1990, but legal appeals blocked the state's plans to expand the program to religious schools in 1995. The state's efforts represent the largest voucher program in the country and the only one where children are allowed to attend religious schools.

Milwaukee Mayor John Norquist (D), who like Thompson was an advocate for the city's use of school vouchers, appeared with Thompson at Messmer today to commemorate the shift in educational policy. He acknowledged the acrimonious and lingering resentment over the issue in speaking to reporters afterward about his appearance.

"I don't think it would have been appropriate to celebrate school choice at any of the public schools," Norquist said. "There are still some pretty raw feelings."

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NSF Chief Cuts A Fresh Course

Crossing Disciplines Comes Naturally

By Curt Suplee
Washington Post Staff Writer

This year's big buzzword in federal science is "crosscuts," signifying the invention of novel interdisciplinary approaches to research questions. And this year's most conspicuously determined cross-cutter is Rita Rossi Colwell, the diminutive woman who is poised to have a very large impact on American science.

As the newly installed director of the National Science Foundation, with an annual budget of $3.5 billion, the 63-year-old former head of the University of Maryland Biotechnology Institute is expected to be a feisty and aggressive innovator.

Colwell, who speaks with a fast-paced, effervescent enthusiasm in a voice that sounds like she's always about to clear her throat, is no stranger to innovation. She's the first woman to head the NSF and the first biologist to do so in 25 years. She is also an outspoken proponent of studying what she calls "biocomplexity—the complex chemical, biological and social interactions in our planet's systems." That crosscut focus is one she comes by naturally. "My PhD was done on understanding the ecology and systematics of marine bacteria. Back in the dark ages [the 1950s], little was understood," she said last week, "and I wrote the first computer program to analyze the data. I've worked with computers my whole life and I'm a molecular biologist and I have worked at the molecular level and therefore have been saturated with chemistry—sometimes more than I wanted."

Moreover, she noted, "I'm married to a physicist. I cannot see how we can understand biocomplexity without mathematics, physics, biology, chemistry, material science, engineering, and even social behavioral sciences."

Her own continuing research on the cholera bacterium is largely interdisciplinary, exploring questions about how environmental changes might affect the pathogen, and how it might be thwarted by modifying human behaviors. One project is studying the possibility that Indian women could eliminate much of the bacteria by straining water through sari cloth. (Ironically, the work is supported by the National Institutes of Health: "I'm probably the first NSF director to have an NIH grant," Colwell said.)

Her goal of "a merging of scientific activities" may be difficult at the NSF, an agency probably best known for its support of math and the "hard" physical sciences, and one in which separate departments traditionally have operated as independent fiefdoms and sponsored individual investigators who work alone. But she's accustomed to encouraging institutional change: She was, she said, the first woman admitted to Washington's formerly all-male Cosmos Club.

So it's not surprising that she welcomes NSF's likely new role in developing next-generation computer systems to facilitate information technology in the 21st century. A presidential advisory commission last month recommended that NSF be made the lead agency in a $1 billion, five-year effort to develop long-term research projects in hardware, software and data transfer.

The White House has not yet acted on the proposal or made a budget request. But Colwell is characteristically bullish. "I think the nation needs to make this investment," she said. "I see this in a way as the social equivalent of the Manhattan Project.... the NSF net evolved into the Internet and was spun out into industry, there's a tremendous amount of basic research that's been done and is being done" that will shape "the kind of heavy duty computing that we're envisioning" for coming decades.

If that sounds like "applied" research, as opposed to the "basic" research that NSF has customarily sponsored, Colwell doesn't mind. The distinction between the two is "really a red herring," she said. "What is happening today is that the time needed for translation of a discovery into an application has shortened." It often seems that as soon as scientists find a way to, say, make an enzyme work at high temperatures, "it's in Procter & Gamble's soap practically at the same time that it's on the cover of a structural biology journal!"

Colwell—who succeeds physicist Neal Lane, now the presidential science adviser—is less sanguine about prospects for public education in science and technology. NSF spends about $600 million a year on education efforts in a nation where widespread scientific illiteracy and unconcern have proven obstinately durable.

"I'm a sailor, you know," said Colwell, who with her husband races small boats on the Chesapeake Bay. "And if the race is going on, and you get in a hole, you tack and you try to find new wind. Sometimes you can cross the finish line way ahead of everybody else because you've got a new direction.

"Similarly, I think we've focused a lot on teaching and we need to focus on learning. And I think it would be excellent to go to a department at NIH and to have programs that look at different ways of learning and different behavioral patterns. We don't all learn the same." As for modifying agency educational efforts, "that's where I'll have to fall back and say, 'Give me some time.' I've only been here three weeks."

But that's enough to have come up with some unusual ideas. For example, "I'd like to see perhaps a national program that does the following. Graduate students come in to get their PhD in molecular biology or engineering or mathematics," and enter a program "jointly proposed by the school district and the university nearby. The graduate student would get his or her tuition covered and a stipend just as they do [for assisting in university instruction]. But their teaching time would be put in the elementary school or the middle school or the high school. Even kindergarten. And they would be mentored by those teachers who know the pedagogy, the teachers who know you know how much you can put into an hour for a 5-year-old. You'd have this exuberance, you know, this tremendous combustion."

(In part, this may seem appealing because Colwell and her husband were so successful in communicating enthusiasm to their two daughters. One is now an physician working on a PhD and planning to do post-doctoral studies at Harvard; the other has a PhD in evolutionary biology and works at the University of Washington, where Colwell got her doctorate.)

New initiatives, of course, typically require new money. Colwell is a proven producer. She learned to work with the Maryland state legislature—which ponied up plenty for the $40 million biotechnology institute—and had a key role in getting federal, state and private funding for the new Christopher Columbus Center in Baltimore devoted to marine biotechnology. She has dealt with Congress numerous times over the years in various capacities as president of the American Association for the Advancement of Science and the American Society of Microbiology, as well as six years' tenure on the National Science Board that oversees NSF.

But as NSF chief, she will face not only congressional committees, but indwelling skepticism about the value of science spending. "We need to work hard on showing the return [that citizens get] on investment," Colwell said. "We haven't made that case ... as properly as we should and it is a very convincing case that can be made."

The Washington Post
Tuesday, September 1, 1998

Edu-Vouchers

Speaking with reporters a few days after reaching his fifth anniversary as Whitewater counsel, Starr said that his final report on the long-running inquiry would be complete and factual but he did not say when it might be filed.

"We are trying to move forward very, very rapidly in that respect and we are doing so," he told reporters in Atlanta at a conference of the American Bar Association. "I would anticipate that the final report will come at the earliest practicable moment."

He dodged questions on whether he might seek to indict the president either before or after Clinton leaves the White House.

"It would be inappropriate for me to be commenting at all about the future of the investigation," he said.

Legal experts said that it is unclear whether a sitting president could be indicted but there has been speculation that Starr might bring charges once Clinton becomes a private citizen in January 2001.

Starr said that his report will cover all aspects of the investigation, including the Clintons' Whitewater land transactions in Arkansas in the 1980s and the president's affair with former White House intern Monica S. Lewinsky.

The Lewinsky scandal led to Clinton's impeachment by the House last fall and his acquittal after a Senate trial earlier this year.

"It would need to be a comprehensive final report that is factually straightforward, that does not engage in characterization," Starr said of the document.

"It's clear that the Congress did not want a final report to be an avenue for alleging that one or more individuals engaged in criminal conduct," he said.

Meanwhile, in a taped interview shown Monday on NBC-TV's "Today" show, Starr spoke of his frustration over the president's early denials about Lewinsky, his shock over Congress's handling of his Lewinsky report and his endorsement of a federal judge's recent sanction imposed on Clinton.

Legal authorities said that Starr's decision to speak out was not surprising, considering his public "vilification," which Starr himself acknowledged. And with the independent counsel statute having expired June 30, and Congress unwilling to extend it, Starr may leave office soon for a position at a law firm or law school, turning over completion of his final report to subordinates, according to some former associates.

In the television interview, Starr said he was chagrined that Clinton had not been forthcoming at an early date about his sexual relationship with Lewinsky.

"Why couldn't we just have the truth, deal with the truth and get it on the table?" he asked.

Starr repeated his criticism of House leaders for making public all the salacious details of his impeachment report on the Lewinsky matter.

"The Congress, for better or for worse, chose to make this public in an extraordinary way, including putting it on the Internet and the like, without any screening," he said. "I was horrified."

Shouldering some of the blame, Starr said that he should have done a better job in warning lawmakers that his report contained "sensitive material."

A former appellate court judge himself, Starr praised a recent ruling by U.S. District Judge Susan Webber Wright that Clinton must pay $90,000 in penalties for lying in his civil suit deposition last year about his relationship with Lewinsky.

The Arkansas jurist said that the sanction was to cover some legal expenses of plaintiff Paula Corbin Jones as well as "to deter others who might consider emulating the president's misconduct."

"I thought it was very strong language," Starr said of Wright's ruling. "This is a very distinguished judge who looked at the facts and came to these conclusions. And I would just add that the system did, in fact, work."

Starr hinted that the public has grown weary of his long-running investigation, which he noted has exposed him to "vilification" by many critics.

Florida's School Voucher System To Be Closely Watched
By Mike Clary
Los Angeles Times

PENSACOLA, Fla. A single mother of three, Brenda McShane felt trapped. She knew her neighborhood schools were failing because her kids were failing. "We dreamed of private school," she said, "but couldn't afford it."

Then McShane won the lottery. Her 6-year-old daughter, Brenisha, was one of 62 students picked at random to receive an "opportunity scholarship" a voucher to attend private school. She is to enter first grade at the Montessori Early School on Aug. 16, and the state will pay the $3,400 tuition. Thus begins the States' first statewide school voucher plan, the hotly debated centerpiece of what promises to be the largest experiment in education reform ever conducted in the nation.

A hearing is pending in a lawsuit challenging the constitutionality of the plan, which will funnel public money into both private and religious schools. The suit has been filed by a coalition of groups, including Florida's teachers unions, the NAACP, the Florida PTA, the American Civil Liberties Union and the American Jewish Congress.

One teachers union has likened the use of vouchers to "bleeding a patient to death," charging that conservatives are bent on privatizing all education. Others fear vouchers will skim off the best students from bad schools, leaving only the poorest behind.

In Florida, as around the nation, lawmakers' votes on voucher plans generally reflect political affiliation. Republicans are for them, Democrats are against.

Yet even some career educators admit that years of dismal test scores call for a drastic response. "The old methods are not working. One size won't fit all," said David Mosrie, director of public schools for the state Education Department. "And if education is not working, there is no good excuse."

Indeed, in a nation where six out of 10 low-income fourth-graders cannot read, many people are eager to gauge the effectiveness of giving almost 400 poor-performing Florida public schools an ultimatum improve or risk losing your students. Among those watching:

Researchers: "This is the large-scale experimentation we need to look at," said Paul E. Peterson, director of Harvard University's program on education policy and governance. "This has the potential to be extremely interesting."

Education reformers: "If this works in Florida, it will prove that vouchers are not a radical concept, and school choice will eventually become a no-brainer," said Jeanne Allen, president of the Washington-based Center for Educational Reform, which favors school choice.

Other states: Legislatures in Pennsylvania, Texas, New Mexico and Arizona all considered and rejected school-choice plans this year. But supporters vow to bring those proposals back.

Perhaps most interested to see if the plan works are parents.

"It's been a nightmare," said McShane, 43, referring to the public school experiences of one son who is two grades behind in high school, and another who at 22 is a dropout stuck in a dead-end job. "They are not learning. I'm frustrated. So I hope this will be a great awakening."

The state's voucher program is starting here in this Deep South city of 56,000 because two public elementary schools both in low-income, predominantly black neighborhoods became the first in Florida to receive failing grades on standardized tests for a second time in four years. The parents of all 842 students were invited to apply for vouchers good for as much as $3,400 tuition at five cooperating private schools, four of them Catholic.

Ninety-two parents signed up for a chance at 62 spots. All the lottery losers, along with any other students attending the two elementary schools, were offered a transfer to another Escambia County school.

Not all of those parents who entered the lottery saw their children failing in public schools. "My kids made the honor roll last year, but I just want to see if they can do better," said Shalinda McAroy, explaining why she'll use a voucher to send Tanisha, 10, and Kisha, 8, to St. John the Evangelist this fall.

And Dermita Merkman said that her daughter Jessica, 5, will begin kindergarten at the Montessori school rather than at a closer public elementary "because if it's a failing school, I don't want to risk it. ... You have to get the kids off to a good start."

Polls show that parental dissatisfaction with public education is fueling support for school choice nationwide. When a private philanthropic group, the Children's Scholarship Fund, last spring offered low-income families a shot at 40,000 vouchers, more than a million parents applied.

Florida Gov. Jeb Bush's wide-ranging plan to improve school performance helped catapult him to an easy election victory in November. And in a state that last year ranked in the bottom-third nationally in student reading and math proficiency, the Legislature quickly gave the go-ahead.

Evidence that vouchers work to improve education is scant. Small-scale experiments in Cleveland and Milwaukee have provided inconclusive results. Peterson said, however, that a study of 2,000 New York City elementary students half of whom use vouchers has shown a rise in math and reading scores by the fifth grade.

NGELES TIMES

edition) Page 1 for Tuesday, Aug. 10, 1999:

Top of page:

Col 1: National newsfeature. Moving later with art.

Cols 2-4: Thirteen people are killed in the predawn darkness when their crowded farm van, operated by an unlicensed driver with a record of traffic violations, slams into a tractor-trailer on a remote road in southwestern Fresno County, Calif., authorities say. (with art) (FARMWORKERS, moved).

Cols 5-6: President Boris N. Yeltsin for the first time identified his preferred political heir, the colorless and little-known head of the main successor to the KGB, signaling the end of an internal Kremlin struggle and the apparent start of a campaign by Yeltsin loyalists to keep power in next year's election. (RUSSIA-TIMES, moved).

Above fold:

Cols 2-3: A state appeals court ruling opens the way for cheaper but less nutritious milk to be sold in California, offering consumers the prospect of more choices and a price break in what has been the most expensive milk in the nation. (MILK, moved).

Col 6: The question long troubling Russia has been whether Boris N. Yeltsin would go gently into the good night of retirement next year, or continue to rage against the fading of his powers and try to stay in the Kremlin at all costs; in effect, Yeltsin said he'd go but he wants to do it in his own way. (RUSSIA-ASSESS, moved).

Below fold:

Col 3: Foreign newsfeature. Moving later with art.

Bottom of page:

Cols 1-2: In their quests for the White House, Al Gore, Bill Bradley and George W. Bush are finding a political climate within the entertainment industry that is generous yet wary. (CAMPAIGN-HOLLYWOOD, moving Tuesday).

Cols 5-6: National newsfeature. Moving later with art.

Clinton Urges GOP to Act on Judicial Nominations
By Sam Fulwood III
Los Angeles Times

ATLANTA President Clinton on Monday linked upholding civil rights and racial diversity to his plea that Republican congressional leaders act swiftly on his judicial nominations, which have been stalled for months for political reasons.

Speaking to the American Bar Association, Clinton lambasted GOP leaders who have blocked Senate confirmation of his judicial nominees, creating what he called a "mounting vacancy crisis in the courts."

Clinton said that more than half of his pending appointments are women or racial minorities. But in order for this diverse group of jurists to serve, he said, "they must be confirmed. And recent experience shows this can be an unnecessarily long and grueling process that I believe serves neither the judiciary nor our nation."

Clinton has nominated 61 federal judges this year, but only 11 have been confirmed by the Senate. White House staffers said 50 nominations are stalled in the Senate, including 30 nominees who are women or members of racial minorities.

"Despite the high qualifications of my nominees, there is a mounting vacancy crisis in the courts," Clinton said, adding that his picks for the federal bench have received collectively the highest ABA ratings in 40 years. "We simply cannot allow political considerations to keep our courts vacant."

Clinton avoided criticizing any GOP leaders by name, but made it clear that, until the Republicans blocked his nominations, he was on course to eliminate the number of judicial vacancies earlier in his administration. "The progress came to a screeching halt in 1996, a presidential election year, when judges became grist for the mill of partisan politics," Clinton said. "In that year, only 17 judges were confirmed, and for the very first time in 40 years, not a single circuit court judge was confirmed by the Senate."

The delay has been attributed in part to a standoff between the White House and Senate Judiciary Committee Chairman Orrin G. Hatch, R-Utah, who refused to move on some nominees until Clinton nominated Hatch's friend and chief of staff to Utah Gov. Michael O. Leavitt, Ted Stewart, to the federal bench in Utah.

In a letter to Clinton Sunday, however, Hatch said action on judicial nominations is moving forward "in a balanced and thorough manner," and that more than a dozen judicial nominations have been made in the last two months.

In his half-hour remarks Monday, Clinton made no mention of his own legal troubles, which consumed much of his attention during the past year and which some critics contend have been a factor in what they describe as the president's less than aggressive campaign on behalf of his judicial nominees.

As part nomination process, presidential judicial appointments are vetted by an ABA committee that determines their qualifications for federal judgeships. An unfavorable rating often dooms a potential candidate's chances of securing Senate confirmation.

Responding to Clinton's appeal for help from the ABA to press Senate leaders for action on his nominees, five former association presidents signed a letter to Senate leaders urging them "to act to fill the remaining judicial vacancies by rapidly considering nominees, voting on their nominations in the Committee on the Judiciary and promptly ensuring floor votes in the Senate."
The letter was addressed to four senators including Hatch, Senate Majority Leader Trent Lott, R-Miss., Senate Minority Leader Thomas Daschle, D-S.D., and Judiciary Committee Ranking Minority Leader Patrick Leahy, D-Vt.

The letter, released Monday to coincide with Clinton's speech, also pointed out that minority and female judicial nominees "have been disproportionately affected by the delay."

Clinton seized advantage of being in Atlanta, the cradle of the nation's civil rights struggle. He attempted in his remarks to link the need for confirmation of his appointees to the cause of racial diversity and healing. Pointing to civil rights leaders in his audience, Clinton said he was proud to have appointed more women and minorities to the bench than any previous president.

Starr Says He Is Trying to Expedite End of Clinton Probe
By Robert L. Jackson
Los Angeles Times

WASHINGTON Independent counsel Kenneth W. Starr said Monday that he is moving as quickly as possible to conclude his investigation of President Clinton, promising to finish his work before first lady Hillary Rodham Clinton's possible run for the Senate next year.

ourt intervention, what's happening in Escambia County could be a template for Florida's future. According to the st scores, 78 public schools, including 26 in Miami, received es this year. If they fail again, up to 13,000 students in Miami e could qualify for vouchers as early as the fall of 2000.

"Parents are shocked. They thought their kids were at a great school," said Patrick Heffernan, a lobbyist who helped promote the voucher plan. "This is going to serve to shake up our educational system."

But critics contend that the reform plan merely penalizes schools in poor, minority communities by enticing the best students to transfer out while undermining the morale of teachers. Critics also see racial implications, since most of those schools identified as failing are in black and Latino neighborhoods. And in Pensacola, only the Catholic diocese and one small Montessori school agreed to take vouchers. In an area rich with fundamentalist Christian schools, many religious leaders expressed concern that accepting vouchers could invite the state to regulate the curriculum.

"It is very telling that 95 percent of students (in the two F-rated schools) don't have any choice of a private school," said Andrew Kayton of the ACLU in Miami. "And most of those who do have a choice get to choose a Catholic school."

Staff at Failing Schools Say Grading System Is Not Fair
By Mike Clary
Los Angeles Times

PENSACOLA, Fla. In Pensacola, school administrators and teachers are angry and embarrassed at having two of their schools labeled the worst in Florida.

"It's not fair," said Judith O. Ladner, principal of A.A. Dixon Elementary. "One test, at one grade level, can't tell you what's happening, especially when our kids come in two years behind in language and reading skills."

The correlation between poverty and poor academic achievement is well-documented. And most of those who live in the small, wood-frame homes that surround A.A. Dixon and Spencer Bibbs Elementary are poor. A majority of students live with single moms, or with relatives other than their parents. Low household incomes qualify nearly every student for free or reduced-price breakfast and lunch at school. "More than half my kids don't have telephones in their homes," said Ladner, a teacher and administrator for 26 years.

Both Ladner and Linda Scott, principal of Spencer Bibbs, described arriving kindergartners and first-graders as woefully unprepared. "They have no knowledge of the alphabet, they don't know colors, have delayed language skills," Ladner said. "Show them a picture of an elephant, and they have no idea what it is."

In relative terms, Escambia County school officials insist, the students at Spencer Bibbs and Dixon do learn making annual leaps in test scores greater than one grade level. Yet on the all-important test of fourth-graders, on which a school's letter grade is based, both schools flunked in all three areas reading, writing and math.

To come off the failing list, this year's fourth-graders only have to pass one of the three tests. So the pressure is on on Scott, Ladner and especially the fourth-grade teachers. If the schools fail again, each could be closed, and all but the few students who win a school voucher would then be bused to one of the 36 other Escambia County elementary schools.

Dixon and Spencer Bibbs began classes on July 19 in a school year extended by 30 days.

"We almost cry every day," said Ladner, 48, talking about the daily struggle during an interview in her office. Stuck to a wall near her desk is a sign: "Failure is an opportunity to begin again."

Ladner, Scott and a delegation of Escambia County school officials traveled to Tallahassee in June to present Florida Gov. Jeb Bush and his Cabinet with a proposal for improvement. Along with the longer school year, the schools will require teachers to hold monthly meetings with parents or guardians. The two schools also will share $75,000 in state-administered grants to fund mandatory remediation programs.

"I believe we are going to come off the list," Scott said. "But it is demoralizing to think you're being judged by things that are out of your control."

Traffic Accident Claims Lives of 13 Farm Workers
By Carl Ingram, Bettina Boxall and James Rainey
Los Angeles Times

FIVE POINTS, Calif. Thirteen people were killed in the predawn darkness Monday when their crowded farm van, operated by an unlicensed driver with a record of traffic violations, slammed into a tractor-trailer on a remote road in southwestern Fresno County, authorities said.

Only two of the van's 15 occupants survived after the beige 1983 Dodge crashed into two empty sugar beet trailers being pulled by a big-rig truck a few miles from this tiny Central Valley farming town. A man and a teen-age girl, both critically injured, were flown to University Medical Center in Fresno by emergency helicopter.

Thirteen of the van's 15 occupants were seated on carpeted wooden benches without seat belts. It is legal in California for certified farm vehicles to carry workers without seat belts, and the van had last been certified in 1997.

The combination of packed vans and long, grueling work days makes fatal car crashes involving farm laborers a sadly common feature of life in the rural San Joaquin Valley.

In Monday's accident, CHP Officer Eric Erickson said a preliminary investigation showed that the crash occurred when the eastbound van struck the second trailer as the big rig was making a U-turn.

"The van took evasive action, locked up its brakes and moved into the westbound lane and struck the big rig at the right front wheels of the second trailer," Erickson said.

CHP officers estimated the van was traveling between 50 and 55 miles per hour, the legal limit in the area. "But at that speed, I'm sure the van didn't get slowed down much (by jamming on the brakes). It left 50 to 80 feet of skid marks," Erickson added.

The truck driver, Adrian Erazo, 44, was not injured. He had pulled off the side of the road to sleep and was turning the rig around when the 5:10 a.m. crash occurred.

The van driver, a Fresno man, was among the dead. He was not identified, but Erickson said he was not licensed in California and had several traffic violations on his record, including driving without a seat belt and driving without a license.

His license had been automatically suspended five years ago when he was arrested on suspicion of drunken driving, the CHP said, but records do not show if he was convicted of the charge.

The 13 victims were killed instantly. The bodies of the driver and a front seat passenger remained wedged in the wreckage hours after the collision.

The van's occupants, 10 men and five women from Fresno, boarded the van after working the graveyard shift on mechanical tomato harvesters for Terra Linda Diversified Farming. They left the fields at 4:30 a.m.

Jose Luis Ayala knew some of the dead. "These are good people who come here to work," he said. "They come to send money home to their family. They are no different than other people who work in the field."

Jesus Martinez, another laborer at the farm, moaned, leaned his head against a car, and shook his head when asked about the tragedy. "Oh God. How terrible," he repeated over and over.

Farm worker advocates complain that the ride to the fields is a dangerous, expensive one for laborers, who can be charged $5 to $10 per round trip.

"This is such a major problem," said Dolores Huerta, secretary-treasurer of the United Farm Workers of America.

"For the farm workers, this is often the only way to get to their jobs and then they charge them these high fees, and often charge them for food and water as well," she said. "The workers are really captive to this whole system and it's just so unfair."

According to a Los Angeles Times computer analysis of state statistics, the number of fatal accidents in Fresno County involving trucks rose from 13 in 1994 to 28 in 1998. The number of people killed in truck accidents statewide during the same period declined from 451 to 395.

Based on the number of miles driven by trucks, Fresno County's death toll is twice as high as the rate in Los Angeles County, the statistics show.

The traffic accidents tend to cluster in the months of July and August, when the heat and long hours of the harvest make driving from the fields to home a special challenge, and again in the winter months, when the fog turns every intersection of rural road into a blind corner.

Standing as a kind of mute testimony to these dangers are the makeshift memorials handmade wooden crosses draped with plastic Virgin Marys and plastic roses that dot the dusty landscape. Spanish radio stations try to remind the campesinos of all the usual measures to keep awake after a long day in the fields, including drinking coffee, employing a backup driver and avoiding alcohol.

Most Day Traders Wind Up Losing Big, Report Says
By Walter Hamilton

Los Angeles Times

The vast majority of individual investors who "day trade" stocks lose money and the day-trading industry is rife with "widespread" abuses such as deceptive advertising, illegal loan schemes and improper bookkeeping, according to a study released Monday by state securities regulators.

In a sampling of traders at one firm, the report by the North American Securities Administrators Association found that seven of 10 lost money and only one in 10 had the "ability" to trade successfully.

The study repeats many of the charges that state regulators have lodged against day-trading brokerages over the last year, as the popularity of such rapid-fire, high-risk trading has surged among small investors.

The report is expected to put further pressure on the industry. It comes less than two weeks after day-trader Mark O. Barton went on a shooting spree at two Atlanta day-trading firms where he was a customer.

The report which suggests that regulators step up their oversight and enforcement actions against day-trading firms paints a picture of an industry that seeks to lure newcomers with misleading claims of profit potential. The firms earn money by offering training programs and by charging commissions on each trade clients execute.

To keep the commissions coming, some firms arrange for losing customers to borrow money to keep trading, the report said.

"It seems that too many of the firms in the day-trading industry suffer from poor compliance (with securities laws) and lax supervision," said David Shellenberger, a Massachusetts securities regulator and primary author of the report.

Using specialized computers, day traders try to profit by darting in and out of stocks dozens or even hundreds of times a day. They favor volatile stocks, such as those of Internet companies, with the goal of making small profits on each of a large number of trades each day.

As estimated 5,000 individuals trade out of boutique brokerage offices that have popped up around the country in recent years, and thousands of others work out of their homes.

Yet regulators worry that day-trading brokerages vastly underplay the risks involved, and that most small investors lose large sums of money.

"There is a difference between telling a prospective customer he may lose his money vs. telling him he will probably lose all his money," Shellenberger said.

The Securities and Exchange Commission has been conducting on-site examinations of day-trading firms for potential improprieties. And the National Association of Securities Dealers, the brokerage industry's self-regulatory organization, recently proposed that day-trading firms be required to extensively screen potential customers to ensure they're suited to the tension-filled trading style.

Day-trading firms roundly criticized the North American Securities Administrators Association study on Monday, saying it exaggerates the problems and draws conclusions on trading profitability based on scant evidence.

"The NASAA people have hyped this as being a problem beyond any recognition," said Saul Cohen, an attorney representing the day-trading industry trade group.

NASAA's analysis of customer profitability covered 26 traders in Watertown, Mass., office of All-Tech Investment Group over a 10-month period in 1997 and 1998. The average tenure of each trader was four months. (All-Tech was one two firms involved in Barton's shooting rampage).

The report showed that 18 of the 26 traders lost a total exceeding $675,000 in the period. Of the eight people who made more than $420,000, several were profitable solely because of a single winning trade. And the most successful trader "had limited short-term trades and no day trading," the report said, indicating that the profits stemmed from longer-term investing.

Day-trading firms said the study was far too small to depict profitability throughout the industry.

"We've got thousands of accounts and he looks at (26), and that's supposed to be a representative sample?" said Linda Lerner, All-Tech's general counsel. "It's a piece of trash. It's very poorly done."

Day-trading firms acknowledge that most customers lose money in their first few months of trading, but say that profitability improves with experience.

Data supplied by two firms have suggested that 55 percent to 60 percent of people lose an average of $8,000 in their first five months of trading, Cohen said. After five months, about two-thirds make $25,000 to $30,000 a month while others lose $6,
$8,000
a month, Cohen said.

Grand Jury Probe of Lockheed Foreign Sales Under Way
By John O'Dell
Los Angeles Times

LOS ANGELES A unit of aerospace giant Lockheed Martin Corp. is the focus of a Los Angeles federal grand jury probe of possible long-term illegal kickback activities involving sales of defense radar systems to foreign governments, according to a filing with the Securities and Exchange Commission.

Lockheed disclosed in a recent SEC filing that it received a federal subpoena on July 15 seeking documents relating to the 1990 sales of radar systems by its New Hampshire-based Sanders unit.

Neither the company nor the U.S. attorney's office in Los Angeles would elaborate on Lockheed's disclosure in the Aug. 4 SEC filing.

But a source with knowledge of the subpoena's contents said the grand jury is seeking information that spans a much greater period involving sales that may have begun before Lockheed purchased Sanders in 1986 and that may have continued long past 1990.

The jury also wants to know if the alleged illegal commissions kickbacks paid a foreign agent in order to obtain a sale involved more than one client.

Officials at Bethesda, Md.-based Lockheed Martin "do not believe we have violated any laws or regulations, and we continue to cooperate fully with the U.S. attorney's office" in the probe, spokesman Lee Whitney said.

While U.S. defense companies have cleaned up their acts considerably in the 1990s, paying kickbacks was a widespread, although illegal, practice in the 1980s, when foreign governments were avidly purchasing aircraft and weaponry and bribes were sometimes the only way a vendor could get a foot in the door.

Litton Industries Inc. recently pleaded guilty to federal charges of conspiring to defraud the U.S. and Taiwanese governments by concealing more than $126 million in commissions paid to obtain ship building contracts from the two governments. And Lockheed itself paid a then-record fine of $24.8 million in 1995 after pleading guilty of paying a $1 million bribe to a member of Egypt's Parliament in 1998 in return for her influence in helping Lockheed sell three C-130 Hercules transport planes to Egypt.

"There were a number of situations that developed in the go-go '80s," said John Kutler, president of Quarterdeck Investment Partners Inc., a Los Angeles defense consulting firm. It was often done unknowingly, he said, as companies took an "I don't know about it and don't tell me about it" position.

"Nowadays, with government and military oversight, the controls are a lot more stringent and companies are extremely sensitive" to kickback arrangements, Kutler said. "I've seen many companies walk away from deals because they just didn't smell right. It's a whole new world these days."

Shares of Lockheed Martin rose 94 cents Monday to close at $35.19 on the New York Stock Exchange.

A Mad Dash for Diversity (Hollywood)
By Greg Braxton
Los Angeles Times

HOLLYWOOD Wendy Davis has portrayed many people a grief-stricken probation officer in the police drama series "High Incident." A detective in the gritty street saga "EZ Streets." A femme fatale in the upcoming BET movie, "Rendezvous."

But even with her curly hair, blinding smile and striking features, imagining Davis as a Swedish scientist has to be considered a stretch for the black actress.

Swedish scientist, however, was suddenly what Davis found herself in the running for in a recent audition for an upcoming TV movie and proposed series called "Y2K." Davis, who was not getting many calls for work just a few months ago, says these days her phone won't stop ringing, and the days that she's not auditioning are rare.

Her experience illustrates how fortunes and opportunities have dramatically increased for ethnic actors in the wake of the recent controversy surrounding the lack of diversity in the new fall season's prime-time shows. After initially unveiling their dramas and comedies in the spring the major networks faced a tidal wave of criticism and have been in a mad scramble to quickly insert a black face here, a Latino or an Asian American face there in what was an almost completely white landscape of characters.

Education - Vouchers

Florida pupils teach nation about vouchers

State's system called a 'money-back guarantee'

By Tamara Henry
USA TODAY

PENSACOLA, Fla. — Children in the Sunshine State not only are studying history this school year, they're making it.

Florida is raising the curtain on the first statewide attempt at vouchers, which hand tax money to parents to send their children to private schools, even religious ones, if they want. The idea has been a lightning rod for controversy wherever it has surfaced, but even the most ardent opponents here are seeing some good things coming out of the initiative.

Tamila Hicks, 23, uses the taxpayer-supported aid to pay tuition at a Montessori program that keeps her 6-year-old son, Jerome, busy and excited about learning.

Last year, she was distraught over Jerome's kindergarten and not at all surprised by the school's F rating, which qualified all the parents for vouchers.

Yet, at the same school, John Rigsby, 28, rejected vouchers for his two children. Instead, he has rallied the community to support efforts to boost the school's curriculum, train teachers, mentor students and require school uniforms.

"I see the whole plan around vouchers as a fire," Rigsby says. "You have two choices: Either you burn up, or you allow it to purify you."

If that's the case, there are more fires burning around the country as the voucher movement gains footholds and visibility. Consider:

▶ Parent groups Tuesday night were scheduled to hold candlelight vigils nationwide for school choice. They gathered in Winston-Salem, Raleigh, Durham and Greensboro, N.C.; Washington, D.C.; Escambia County, Fla.; Mackinac, Mich.; and Milwaukee to rally for a voucher program in Cleveland that appears in jeopardy.

COVER STORY

▶ Milwaukee's 10-year-old voucher program has about 8,000 low-income students in private schools.

▶ Children's Scholarship Fund, created by millionaires Ted Forstmann and John Walton, is sending 40,000 students to private schools this fall. A lottery for the vouchers generated a nationwide fever — 1.2 million applications for the available slots.

▶ CEO America says 48,668 students got financial help from the groups it created to award vouchers.

Even with all this activity, all eyes are on Florida, where the difference is that vouchers are available not just to low-income kids, but to all in a failing school.

Clint Bolick of the pro-voucher Institute for Justice characterizes the program as "the first money-back guarantee in the history of public education."

Florida Gov. Jeb Bush's plan, called A+ Plan for Education, gives up to $4,000 in "opportunity scholarships" to children in failing schools whose parents want to transfer them to parochial or other private schools or to public schools in another district. Schools are graded A to F, based on tests of fourth-graders in reading, writing and math. A failing school is one that has low test scores for two years out of four. Pensacola's A.A. Dixon Elementary and Spencer Bibbs Advanced Learning Academy were the only schools receiving an F this year, and many more are predicted for next year.

"Reputation is a big part of what we're trying to change in Florida's education system," says Lt. Gov. Frank Brogan, noting that Florida ranked in the bottom third nationally in reading and math proficiency. "When you talked about Florida's education system outside the state, our reputation, sadly, preceded us."

Even as Florida's plan unfolds, others around the country are looking to see whether vouchers are the answer to school performance woes:

▶ New York Mayor Rudy Giuliani has called for school vouchers based on school performance, as in Florida. Although details are scant, the idea has drawn fire from voucher opponents.

▶ In Lansing, Mich., a group called Kids First! Yes! is trying to collect the 302,711 signatures needed by November 2000 to amend the state constitution to allow direct and indirect public aid to religious entities. Officials want vouchers of up to $3,100 for children in districts where a third of the students drop out before graduation.

▶ Legislatures in Pennsylvania, Texas and New Mexico this year rejected school-choice plans. Supporters vow to continue fighting for such programs.

▶ Washington, D.C., may be the site for another voucher battle. President Clinton last year vetoed a scholarship program to give 2,000 low-income students in the city vouchers worth up to $3,200.

Florida's role-model status may be short-lived, as the constitutionality of the program is being challenged by education and civil rights groups. Supporters are clearly worried because last week in Ohio, U.S. District Judge Solomon Oliver Jr. issued an injunction against Cleveland's 4-year-old program, which provides vouchers of up to $2,500 to about 4,000 children. Days later, however, Oliver reversed himself, restoring the vouchers for children who were in the program last year but barring new students.

Despite the court vacillations in Ohio, it is Florida that might be the test case the U.S. Supreme Court decides to consider, predicts Bolick, the litigation director for the Washington, D.C.-based Institute of Justice.

"I think it's the best-designed education-reform package in America. It's the first school-choice program to have a direct link with public school accountability," Bolick says. "One of the delicious ironies, from our perspective, is that if the teachers unions want to keep vouchers from occurring in Florida, what they have to do is offer a quality product. If no public schools fail, there are no vouchers."

Both major teachers unions — the National Education Association and the American Federation of Teachers — traditionally have joined voucher opponents, such as the NAACP, the American Civil Liberties Union, People for the American Way and Americans United for Separation of Church and State, in court challenges.

"I'm not against public education," says Tracy Richardson, whose daughter Khaliah Clanton, 8, is attending Montessori Early School on a vouch-

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er. "That really didn't matter to me whether she went to a private school or another public school, as long as it was a better school. I think everybody should be given their choice."

Although Florida's program is widely lauded for its benefits, there are some problems that may offer lessons for future voucher programs.

For instance, only four Roman Catholic schools and one other private school agreed to participate, opening their doors to the 58 students who won scholarships in a lottery. While all 860 parents at Dixon and Spencer Bibbs were eligible for vouchers, 92 parents signed up. Seventy-eight students, including some who weren't selected for the lottery for vouchers, moved to higher-performing public schools in other districts.

The program could get bigger next year. About 79 schools are rated F, including 26 in Miami with 13,000 students. They have a year to boost their grade. But officials estimate as many as 150 schools risk failure because of fears that D schools will slip in fall 2000.

Under the program, public transportation is provided only to those students attending public schools in other districts. Private school students must find their own way to school. Also, the students must provide their own lunches at most of the private schools, although most of them either get free or reduced-price lunch at public schools.

Barbara Frye, spokeswoman for the Escambia County School District, says lack of transportation may have been the reason why some parents refused the vouchers. She adds, "Many are happy with the school and recognize their children are making progress.

"The issue arises: What happens if there are 100 schools eligible for vouchers? Will the Department of Education be able to give all those schools the same priority (of school placement)? Probably not. Right now, we're only dealing with two schools and a low number of children. You can make just about anything work at that point.,"

Frye says: "The problem in why these schools would get an F goes much more deeply than what money can provide."

Many of the children come to kindergarten at the developmental level of a 3-year-old, she says. Last year the academic gains were about [illegible] years, though still below the mandated state level.

"I really don't know what to think about the voucher. It's so confusing," says Patricia Wilkins, who decided to send her third-grader to another public school near the middle school of her older son. She tried to use a voucher for her sixth-grader but was later told he was not eligible.

The first few days of school, the bus sent by the school district to pick up her third-grader was the same one that picks up special-education students. Her complaints fell on deaf ears. "I feel this is singling out these children so they can be teased or picked on because of this voucher thing," says Wilkins, who is driving her son so he can escape ridicule.

Brogan, the lieutenant governor, thinks more and more private schools will participate. "It's a little bit like my first eighth-grade dance. The first song or two, most of us just stood around the wall and watched. Slowly, during the course of the evening, we all started to meld in. I believe what's happening is somewhat understandable. Many of the private schools are sitting out the first dance. Many schools are concerned or are questioning what the relationship will be with the state."

While supporting vouchers, the state says it's not abandoning public schools that are having troubles. The program makes money available to the failing schools to hire extra teachers, intensify staff training and overhaul the curriculum.

Both Spencer Bibbs and Dixon list a host of changes, including a special focus on reading, writing and math and hiring teachers who specialize in those areas. The school year has been extended from 180 to 210 days, students are offered tutorials after school and on Saturdays, and new textbooks and other resources are being used.

"We're going beyond teaching to the test," Spencer Bibbs principal Linda Scott says. "We've gone beyond remediation. We need to accelerate them, work on test-taking skills."

Although pleased with the voucher, Richardson says the help for public schools is "something that should have been done to start with. These schools did not just get this way. It's been like this for a while. The one question I have is, why are all of the failing schools in the predominantly black areas? Why are all the schools in the lower-income areas?"

The same questions plague Rigsby. "This whole voucher plan allows you to talk about education without talking about socioeconomics. You can't talk about educating children without talking about the family situation, the family condition. There are a lot of social ills that we're dealing with here."

And then there's the issue of whether the inner-city children can succeed in the private schools. Sister Mary Caplice, superintendent of schools for the Roman Catholic Diocese of Pensacola-Tallahassee, acknowledges that "many (teachers) are afraid the children won't want to work, but they are eager." She tells the story of one young student who arrived at school on the first day with four book reports, instead of the required three.

"I see it as a benefit to everybody," says Caplice, who points to Catholics' "long history of supporting voucher legislation. . . . Children are ready to learn. It's a benefit all the way around."

Goodbye to Ideology

And good riddance. Politics must stop at the school door.

By Bob Chase, President, National Education Association

Don't be distracted by all the huffing and puffing. Yes, folks on the political extremes are still targeting public schools as ground zero in their "culture war." And yes, politicians who favor tuition vouchers continue to push their panacea. But the real story in American public education is that — after decades of turmoil and disruptive experimentation — a highly purposeful peace is breaking out.

In states and school districts across America, policymakers are turning to proven, pragmatic solutions: small class sizes in the early grades; tougher academic standards; more rigorous professional standards for teachers; a truce in the absurd mini-war between phonics and whole-language in the teaching of reading.

Common-sense consensus

In short, the era of big experiments is over. This certainly doesn't mean that teachers are hostile to new ideas and new ways. But today's most urgent "new ideas" are things like ensuring that every child who graduates from third grade is a competent reader, and pushing ninth-graders to take algebra instead of watered-down "general math."

"The most important result of this prolonged debate on education has been the widespread conviction that children of all social classes are now expected to learn academic material," says Harvard professor Patricia Albjerg Graham. "The idea that educational achievement is for everybody is revolutionary. That's real progress."

Best of all, this triumph of common-sense pedagogy is producing results. According to a National Education Goals Panel report released last month, students in 14 states are now achieving at "world class" levels in science, while math scores are improving in 28 states.

However — two days before Election Day — the unanswered question is: Do the politicians get it? Do they grasp this fundamental transformation taking hold within U.S. public education? More to the point, do they have the wisdom to rally behind this transformation in a nonpartisan — and non-ideological — fashion?

> *"For public schools, the era of big experiments is over."*

Certainly, voters have left no doubt about what they consider to be Issue Number One: "It's the schools, stupid!" And there is evidence that candidates are listening.

In a number of races this fall, politicians who previously emphasized hard-edged, ideology-driven issues such as private school tuition vouchers are at pains to communicate that they *really* support public schools. This time around, they are emphasizing hiring more teachers, reducing class size, and stiffening academic standards.

Election-year conversion?

This ideological cooling is most remarkable in Congress. Not so long ago, the new majority came to Capitol Hill as "revolutionaries," hell-bent on razing the Department of Education, slashing federal spending on public schools, and passing tuition vouchers. The fevers were still raging earlier this year, when lawmakers on two occasions voted to give tax breaks to private school parents.

But with Election Day only two weeks away, Congress passed a final budget on October 21 that says nothing about private school vouchers or tuition tax credits. Instead, it includes a $1.2 billion "down payment" on an ambitious plan — you guessed it — to hire 100,000 additional teachers and reduce class size.

Heeding our 'better angels'

Pundits have attributed Congress's about-face to skillful end-of-session bargaining by White House negotiators. Skeptics have called it an election-year conversion. But I prefer to think that members of Congress finally are listening to the better angels of their nature — to that voice of moderation that says: public schools are on the right track, they are making tangible progress, and they deserve to be supported, not abandoned.

Voters, too, must listen to those better angels. Kids can't vote. It is up to us to put aside ideology and cast our ballots in their best interest. There is no shortage of candidates, Republicans and Democrats, with strong records in support of public education. These candidates deserve our support — and our vote on Tuesday.

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