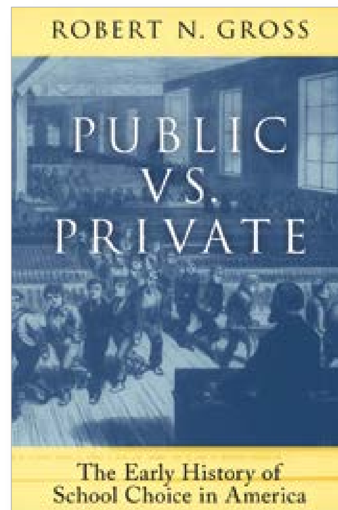
Choice When the Public School Was Born

Unrelenting political challenges are nothing new



Public vs. Private: The Early History of School Choice in America
by Robert N. Gross

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As reviewed by Paul E. Peterson

The public school is *not* as American as apple pie. For the entire colonial period and well into the first decades of the 19th century, schooling was the responsibility of churches, private tutors, and fee-paid, itinerant schoolmasters like Washington Irving's Ichabod Crane. The hodgepodge worked pretty well. In 1840, Alexis de Tocqueville reported to his French readers that the American people "appear to be the most enlightened community in the world."

But even as Tocqueville was penning these words, Bostonians were becoming obsessed by an invasion of Irish and German Catholics into the heart of Massachusetts. "Those now pouring in upon us, in masses of thousands upon thousands, are wholly of another kind in morals and intellect," lamented a joint committee of the Massachusetts state legislature. In response, Horace Mann, the renowned public-school advocate, designed what he hoped would become a Prussian-style system of state-sponsored secular education. Local and religious authorities fought back, but in 1852, the public-school lobby, eager to destroy what they saw as popery and other forms of orthodox religious bigotry, crowned their considerable achievements by passing the first state law compelling children to go to school.

The public school nonetheless remained a contested concept—especially in urban areas into which waves of Catholic immigrants continuously flowed. Robert Gross describes sympathetically and carefully the struggles of Irish, German, Polish, Italian, and other immigrants from southern and eastern Europe to form schools that met their religious, cultural, and linguistic needs. Catholic religious revivals on both sides of the Atlantic intensified the commitment to create an alternative to the Protestant-dominated public school. Bishops John Hughes, John Purcell, Bernard J. McQuaid, and others "dedicated immense resources to building Catholic schools within their dioceses" beginning in the 1840s and continuing "through the decades following the Civil War." Especially significant was the Third Plenary Council, which met in Baltimore in 1884 and saw schools as central to their effort to meet the challenges facing American Catholicism. The council issued a decree stipulating that "every Catholic Church must organize a school, and [with some exceptions] . . . every parent [must] send their child to it." Local parishes held bingo parties to supplement the modest tuition Catholic schools asked parents to pay. Most importantly, young Catholic women took vows of poverty to devote their lives to the classroom. Out of such limited resources, Catholics built a system that the renowned University of Chicago sociologist James Coleman would find to be as good as—or perhaps better than—the public schools funded by taxpayer dollars.

The political challenges were unrelenting. Protestants, secularists, and public-school advocates proposed (and sometimes enacted) regulations that charged children with truancy if they attended Catholic schools; levied taxes on Catholic school property; instituted bans on private schools that taught children in a language other than English; and proposed constitutional amendments forbidding the use of public dollars to support even the secular instruction provided by a Catholic school.

Catholic immigrants fought back by punishing at the ballot box those who threatened their schools. Maine senator James Blaine came within a vote of securing the two-thirds Senate majority required to pass a federal amendment that would have banned all aid to nonpublic schools. The amendment failed nationally but was written into many state constitutions, where it still resides today. Catholics got their revenge when Grover Cleveland defeated Blaine in a closely contested presidential race in which the Catholic vote was decisive. At the state level, Wisconsin and Illinois Republicans suffered substantial electoral defeats during the 1880s, when Catholic and Lutheran voters joined forces against legislators who voted for laws that cramped parochial-school operations and forbade

instruction in any language other than English. At the local level, Catholics had a financial card up their sleeves. As a Kansas City superintendent noted in the midst of these disputes, "in my city it would require an increase of fifteen percent in the taxes to provide accommodations in the public schools for all the [parochially educated] children."

In 1925, the U.S. Supreme Court struck down an Oregon law that compelled all children to attend a public school, thereby guaranteeing the right of parents to send their child to the school of their choice.

Given these political and fiscal realities, a quiet détente was realized, Gross argues. The public-school lobby tolerated non-public schools in exchange for Catholic acquiescence to minimal state oversight of Catholic-school practices. That détente was enshrined in constitutional law in 1925, when the Supreme Court handed down *Pierce v. Society of Sisters of the Holy Names of Jesus and Mary.* In this decision, the court struck down an Oregon law that compelled all children to attend a public school, thereby guaranteeing the right of parents to send their child to the school of their choice. However, it did not deny the right of the state to oversee the education of its citizens, leaving open the question as to just how much regulation could be imposed on private schools—or, later, on homeschoolers. According to Gross, the decision "affirmed on constitutional grounds the regulated educational marketplaces of American states."

Gross illuminates the Catholic struggle to create an alternative school system in sober, academic language free of the hysteria surrounding much of the contemporary debate over school choice. He even leaves out the hilarious incident when Blaine sabotaged his own campaign by failing to condemn immediately a supporter who called Democrats the party of "Rum, Romanism, and Rebellion." Gross's account of the politics of choice is authoritative for the time period (roughly from 1840 to 1925) he covers. Still, the author misses a step in a cursory introductory account of education at the time of the founding of the American republic. He misinterprets Jefferson's education proposals as a "state-driven plan" and quotes James Madison and Benjamin Rush to similar effect. Further, he suggests that Congress provided support for "standardized, articulated public school systems" when it reserved sections of lands in the Northwest Territory "for the maintenance of public schools." But as I discuss in *Saving Schools*, Jefferson did not envision a system of government-operated schools but only said that students should be "entitled to receive tuition gratis, for the term of three years, and as much longer, at their private expense, as their parent, guardians or friends think proper." When Benjamin Rush proposed "free public schools," he said that each "scholar" should "pay the schoolmasters." Free and public only meant that the school was open to all. When Congress set aside land for education as part of its plan for the Northwest Territory, it justified its policy as follows: "Religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." The public-school proposals offered during the founding period did not imply government-operated, secular monopolies.

The short epilogue is disappointing. It does not do justice to the politics of the educational marketplace during the Great Depression; the education explosion of the postwar period; the tenure of a Catholic president; Lyndon Johnson's compromise, which provided federal aid to Catholic schools serving students from low-income families; and the modern school-choice movement. Perhaps Gross is saving that story for a second volume. If so, it will be worth the wait.

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As a matter of fact, there *is* a penalty for guessing.

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