

Enjoy the Game, but Turn Down the Sound

Useful history of school choice exaggerates threat to public education

The Death of Public School: How Conservatives Won the War Over Education in America

by Cara Fitzpatrick

Basic Books, 2023, \$32; 384 pages.

As reviewed by Jay P. Greene

CARA FITZPATRICK'S NEW BOOK does not deliver on the promise of its title, for it doesn't describe the death of public schools or even show that they have a nasty cough. Instead, this volume by a Pulitzer Prize-winning journalist recounts a history of the school-choice movement in which public education remains very much alive and well.

That history briefly includes arguments about whether the definition of public education necessarily includes direct government operation of schools or simply entails public funding for schools run either by the government or by private or nonprofit organizations. Arguments over what constitutes public education are as old as public education itself and have not been associated solely with the rise of school choice. The existence of competing understandings of what is essential to public education no more indicates the death of public schools than differing views about the filibuster, judicial review, or other non-majoritarian aspects of representative democracy signal the death of the republic. Robust debates over the appropriate structure of our civic institutions are a sign of their vitality, not their imminent demise.

Thankfully, *The Death of Public School* immediately retreats from its alarmist title. In fact, the first sentence of the book is "Public education in America is in jeopardy," which couldn't be the case if it were already dead. And the first sentence of the next chapter is "Public education was in danger," continuing the de-escalation of rhetoric by switching to past tense. By the last chapter of the book, public education is no longer even moribund but merely in flux: "The line drawn between public and private education in America for more than a hundred years had blurred, with millions of tax dollars flowing each year to educate students outside the traditional public school system."

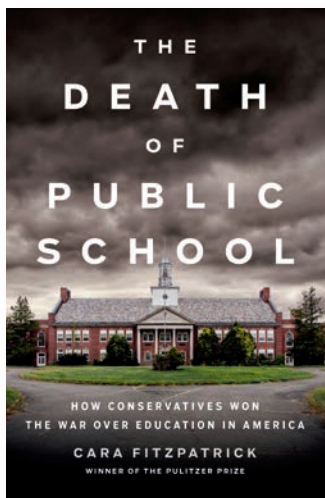
According to the U.S. Department of Education's Digest

of Education Statistics, more than 90 percent of all K–12 students in 2019 were enrolled in a public school, up slightly from 1995. Even if you embrace the unconventional definition of public schools as excluding charter schools, the share of students enrolled in "traditional public school" only drops to 85 percent, still quite large and thriving. According to the National Center for Education Statistics, public education received an average of \$17,013 per pupil in 2019–20, which, even after adjusting for inflation, is more than double the allotment per pupil four decades earlier in 1979–80. Total public-education revenue now exceeds \$871 billion, which certainly puts into perspective the "millions of tax dollars flowing each year to educate students outside the traditional public school system."

The continued dominance of traditional public education does not make a history of the school-choice movement unimportant or suggest that the remarkable growth in choice over the last few decades might not significantly alter the nature of public education in the future. It does, however, make the hyperventilating tone in Fitzpatrick's book a distraction from what is otherwise a useful history. The unwarranted alarmism about the threat to public education posed by school choice also reveals a clear bias that distorts

Fitzpatrick's narrative in both what it chooses to emphasize and how it interprets events.

Having lived through and directly experienced much of the school-choice history described in the book, I found Fitzpatrick's account to be accurate and well written, even if the interpretation of events was often distorted. Reading this book is a little like watching your favorite baseball team on TV with broadcast announcers from the other team. You get to see the game, and the play-by-play is not filled with lies; it is just spun in an irritating way that could only please fans of the other team. Effective journalists and historians learn how to write like national announcers for baseball



Cara Fitzpatrick

games, avoiding commentary that rallies the fans of one team while annoying the fans of the other. Fitzpatrick is more Harry Caray than Joe Buck.

Fitzpatrick's favoritism toward her team is evident throughout the volume. About a third of the book is devoted to trying to connect the idea of school choice to the effort to maintain segregation after the *Brown v. Board of Education* Supreme Court decision ended the practice. There were several proposals in Southern states to close public schools and replace the public-education system with one based on school choice, typically with racial restrictions embedded into the choice law, as a mechanism for avoiding desegregation requirements. Fitzpatrick accurately chronicles those plans in detail. But she dismisses the arguments by school-choice advocates, particularly Milton Friedman, that unfettered choice would facilitate integration, writing: "Friedman's view, however, seemed either naïve or willfully ignorant of the racial oppression in the South."

Whether private-school choice promotes segregation or integration is an empirical question that social scientists have been examining for decades. The bulk of that evidence suggests that Friedman was neither naïve nor willfully ignorant in predicting that choice would reduce segregation by allowing people to cross racially segregated housing patterns and school boundaries voluntarily to attend more-integrated schools. A 2016 report by the Friedman Foundation for Educational Choice, for instance, analyzed 10 studies that used "valid empirical methods to examine school choice and racial segregation in schools." The foundation reported that nine of the studies "find school choice moves students into less racially segregated classrooms. The remaining study finds school choice has no visible effect on racial segregation. None finds choice increases racial segregation." Fitzpatrick makes no mention of this research in the book.

Fitzpatrick does describe in passing how private schools offered integration during the same period that public schools were segregated by law, but she does not consider how this undermines her contention that choice was primarily segregationist: "Some Catholic schools in the South, including in parts of Tennessee, North Carolina, and Virginia, had started to integrate their schools both before and after the *Brown* ruling." Elsewhere in the book she notes that "lawmakers in Louisiana, for instance, excluded parochial schools from its voucher program *because they were desegregated*" [emphasis in the original]. The state was seeking to tailor choice to maintain segregation. If the lawmakers had not limited the voucher program to secular private schools, it might well have had a desegregating effect. Again, Friedman's argument was neither naïve nor willfully ignorant.

When discussing the origins of school choice in Milwaukee,

however, Fitzpatrick seems to abandon her negative opinion of segregation. She describes how state Representative Polly Williams wanted "a school district run by Black people for Black children," and that "she had taken the idea from Howard Fuller, a civil rights activist and her former classmate," who had co-written a "manifesto" that had "proposed an all-Black district." Derrick Bell, who is described by Fitzpatrick as a "civil rights activist and law professor at Harvard"—but not as an originator of Critical Race Theory—"penned an op-ed in favor of the plan in the *Milwaukee Journal*." As they realized the constitutional and practical difficulties with pursuing a separate, all-Black school district, Fuller and Williams joined forces with Republican Governor Tommy Thompson to see if they could achieve their goals through school choice. When Thompson sought to expand the choice program beyond secular private schools, Williams felt betrayed by the "unholy alliance" she had forged, because the inclusion of religious schools lessened the pro-

gram's focus on Milwaukee's Black students. Fitzpatrick clearly sympathizes with Williams, who felt the choice program had abandoned her goal to "have schools in our community that are run by and controlled by people that look like me."

Fitzpatrick describes white Southerners hoping to preserve racially separate schools as "hateful" and seeking to "defend the indefensible," ultimately by embracing a restricted school-choice strategy. Those advocating for racially separate schools in Milwaukee are described as "civil rights activists" who were seeking "the power and money to address chronic problems of low academic achievement," ultimately settling upon a restricted school-choice strategy to achieve their "social justice mission." It is unclear why she treats these cases so differently and is unwilling to condemn both.

The book also devotes a lot of attention to the court cases raised by school-choice programs and the legal arguments made by each side. Once again, she acts like the baseball announcer for one team in describing the main attorneys for each side. Clint Bolick, who defended school-choice programs in several pivotal cases, is not portrayed as negatively as a Southern segregationist, but he is described as a rascal who didn't necessarily play fair in order to win. She writes, "Bolick often waded into emotional arguments" and packed courtrooms with button-wearing supporters to sway the judges. But she describes Bob Chanin, the teachers union attorney who often challenged those programs, as shunning these unseemly tricks and preferring "to stick to the law."

Yet Fitzpatrick recounts Chanin telling the Wisconsin Supreme Court, as it was trying to decide whether school choice ran afoul of constitutional prohibitions on state establishment of religion, that the problems of urban education "cannot be resolved by schemes that skim off 5,000 or 10,000

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or even 15,000 students from highly motivated families and leave behind 85,000 or 90,000 other students. . . . Every child, not just a chosen few thousand, is entitled to a quality education.” But this was just an aberration for Chanin, Fitzpatrick explains, noting that he “had committed most of his professional life to defending public school teachers and, by extension, he felt, America’s public schools, had finally had enough.” The announcer for Chanin’s team was explaining that he was just brushing back the batter who was crowding the plate, not trying to bean him.

But then Fitzpatrick recounts that, during the U.S. Supreme Court arguments, “Chanin also told the justices the Ohio Supreme Court had ruled that the state wasn’t funding its public school system fairly, which disadvantaged students living in poorer school districts. He suggested that the state could look at funding as a solution for Cleveland.” Again, Chanin was making emotional policy arguments not directly related to the legal issues of whether these programs violated constitutional prohibition on state establishment of religion, just as Fitzpatrick accused Bolick of doing. It’s not clear that Bolick was any less focused on the law in dispute than Chanin. Maybe Bolick was just better at advocating for his clients than Chanin, which might help account for his greater success.

Despite all the useful detail on the role choice played in

efforts to evade desegregation and the later court cases over more respectable uses of school choice, there are some notable gaps in Fitzpatrick’s narrative. For example, she includes almost nothing on the anti-Catholic origin and purpose of Blaine Amendments adopted by many states that prohibited the use of public funds in religious schools and were often used by the teachers unions’ attorneys and political allies to block school-choice programs. There is little discussion of how “the system of common school for everyone” that she believes is endangered by school choice is largely a myth that almost never really existed. By Fitzpatrick’s own account, public schools in the South were clearly not “common schools for everyone” for most of their history. Catholics being forced to read the King James Bible in their public school might also question the idea of public education as “common schools for everyone.”

The best way to read *The Death of Public School* is to do the book-reading equivalent of turning the sound off on the game announcer’s commentary. You can still watch all of the at-bats and enjoy the game. And if the broadcast’s choice of camera angles misses a few things, you can supplement by watching the highlights on another channel. It’s still the baseball game, even if it is irritating, distorted, and incomplete.

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