

EDUCATION REPORTER

NUMBER 311

THE NEWSPAPER OF EDUCATION RIGHTS

DECEMBER 2011

Student Loan Bailout Drags Down Economy, Stimulates Obama Reelection Campaign

President Obama's student-lending reforms promise dramatic changes to the way students pay for college. And while some believe the new system will help the millions of students and graduates whose student loan debt now outpaces national consumer credit card debt, others are wary of the legal, social, and financial consequences of the President's reforms.

President Obama told students at the University of Colorado in Denver last month that a 2010 law, which offers un-

precedented repayment options "for new borrowers on and after July 1, 2014" will be enacted "next year, because our economy

needs it right now and your future could use a boost right now."

Far from stimulating the economy, as the President claims it will, the new student loan plan will add \$1 trillion in federal spending over the next ten years by eliminating private lenders' involvement in federal loan programs, by capping student loan payments to 10% of a borrower's "discretionary income" — defined as the difference between the

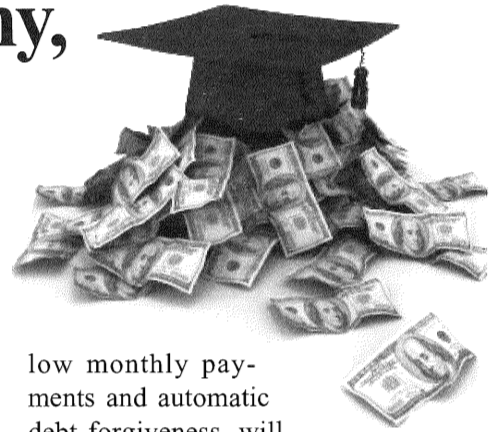
borrower's adjusted gross income and 150% of the federal poverty line — and by forgiving any remaining debt after twenty years. The original 2010 law had capped student loan repayments to 15% of discretionary spending, and guaranteed loan forgiveness after 25 years.

There are a number of problems with this approach, not least of which is the legality of what the President has promised. The 2010 law is clear when it states that the new repayment option will be offered in 2014. What is unclear is whether President Obama intends to change the timeline for implementing the existing law through an executive order, which may be illegal given the regulatory category under which the new rules fall, or whether the rules will require "negotiated rulemaking" by a government panel. Capitol Hill staff say the panel option would not leave enough time to enact the promised rules by next school year.

Many are concerned that the new program gives borrowers little or no incentive to repay their loans. With relatively low payment maximums based on each borrower's changeable income, regardless of loan amount, many loans will easily outstretch the twenty year maximum President Obama has called for. It is easy to imagine a long series of scenarios in which borrowers wait out their loan terms

while repaying as little as possible, and emerge debt-free with minimum effort or financial expenditure, leaving taxpayers to foot the bill.

When asked why borrowers would want to repay their loans under the new terms, Secretary of Education Arne Duncan simply said, "people want to do the right thing." This answer ignores the fact that student loan default rates have been increasing for nearly a decade, and are now at an all-time high of 8.8%, indicating that millions of students routinely borrowed more than they could afford to repay even before the new system encouraged that practice. Existing student loan debt approaches \$1 trillion, making it the largest form of debt in the United States today. The new repayment options will have no effect on this existing debt, but will only kick in for new borrowers. These new borrowers, lulled by the promise of



low monthly payments and automatic debt forgiveness, will have little incentive to change the financially unstable borrowing patterns that caused the crisis in the first place. Additionally, jobless rates for Americans with at least a Bachelor's degree currently stand at 5.1%, their highest since 1970. The stagnant economy makes it appear unlikely that that number will improve any time soon. Even those who choose not to take advantage of the President's supposed benevolence may find themselves unable to pay back what they have promised.

(See Student Loan Bailout, page 4)



Colorado Cuts Education Funding, Rejects Union Sneak Attack

Colorado voters recently rejected a \$2.9 billion income and sales tax increase ostensibly designed to compensate for ongoing cuts in education funding. Proposition 103 would have temporarily raised Colorado's sales tax to 3% from 2.9%, and would have raised the income tax rate to 5% from 4.63%. The new funds would have been earmarked for K-12 and college education, which make up over 40% of the state's general fund budget despite a series of ongoing budget cuts.

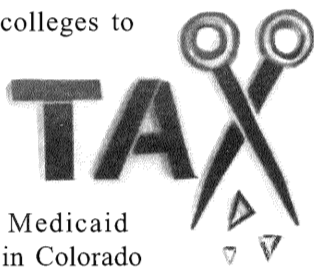
Had the proposed tax increase passed, it would have allowed education union officials to bypass the state's landmark Taxpayer Bill of Rights (TABOR), a measure adopted in the 1990s to help slow the growth of government by capping the state budget to the growth of population and inflation. TABOR mandates that any state revenue above this cap be sent back to tax payers. Union officials hoped to erode these spending caps by exempting education spending and by funneling new tax revenues to schools. Colorado voters rejected these efforts by a nearly 2 to 1 margin.

Colorado Governor John Hickenlooper's 2012 budget proposal reduces education spending by \$89 million for K-12 schools

and another \$60 million for public colleges to make way for huge increases in state Medicaid spending. Medicaid enrollment in Colorado has gone up about 72% in the past six years, while general fund revenue is still low compared to pre-recession numbers. Medicaid spending accounts for \$185.6 million of the \$227.1 increase in the 2012 Colorado general fund.

Henry Sobanet, the governor's budget director, says the increased Medicaid spending is inevitable: "The weak economy means more people qualify for this program. It's a federal entitlement, and so people show up for the program, we are obligated to pay those bills."

Schools and higher education have been prime targets for budget cuts in recent years because they take up such a large percentage of general fund. Tuition at public colleges has increased, and some schools have had to lay off teachers, increase class sizes, and operate on a four-day-a-week schedule.



Sequestration Impact Exaggerated, Say Analysts

The congressional Super Committee's failure to reach an agreement on trimming \$1.2 trillion from the deficit last month will trigger spending cuts that may impact federal education funding. But while Department of Education officials are up in arms concerning what some have called the largest federal education cuts since the Reagan administration, others argue that the upcoming cuts will have minimal impact — if they happen at all.

The expected cuts, called sequestration, are currently set to take effect in the early months of 2013, with an estimated 7.8% across-the-board cut in funding to the Department of Education. Department officials say this could equal as much as a \$3.5 billion drop from their 2011 discretionary budget, affecting nearly all federally-funded education programs. The National Education Association (NEA) estimates that at least 24,000 elementary and secondary education jobs will be eliminated, School Improvement Grants intended to help failing schools will lose an estimated \$41.7 million, and Head Start pre-school programs, aimed at low-income families, will lose a significant portion of their funding.

Opponents of the cuts are quick to point out that sequestration comes on top of numerous state spending cuts, claiming the combined loss of money will stifle reform efforts, eliminate hundreds of thousands of jobs, crowd classrooms, and impact hundreds of vital school programs. Enrollment is up nationally by about

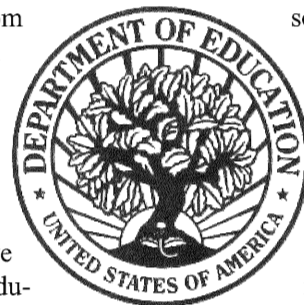
260,000 students, and education officials say these students will be hurt unless something is done to halt sequestration. Low-income students and families are said to be most negatively affected.

Analysts, however, say such claims are exaggerated. With a year remaining before budget cuts take effect, there is still time for lawmakers to offset or modify the education cuts. Sequestration would cut defense spending as well as education, so it's likely they will try to do so. The New America Foundation's Jason Delisle doubts the planned cuts will ever be made reality:

Even if Congress and the president don't turn off sequestration (they could do so on any piece of legislation), these cuts aren't likely to happen — at least not how people imagine them.

The across-the-board cuts are set to occur only a few months after the start of fiscal year 2013, so it is possible that Congress will set fiscal year 2013 funding without regard to the pending sequestration, and then watch that funding get cut January 2013. But that's highly unlikely . . . the supercommittee failure probably won't so much retroactively cut funding as it will shrink the size of the overall pie for fiscal year 2013 appropriations. How much does the pie shrink? Congress will have \$953 billion to divvy up across all agencies . . . Any more than that and funding

(See Sequestration, page 4)



EDUCATION BRIEFS

A federal court judge ruled last month that administrators at Live Oak High School in Morgan Hill, California had the right to send home students whose clothing showed the American flag. Two students were sent home last May when they refused to change their shirts after being told that the American flag image might attract violence from the school's Mexican-American students on Cinco de Mayo, a Mexican holiday. The students sued the Morgan Hill Unified School District, claiming the directive violated their right to free expression. The judge threw out their suit, stating that school officials had the right to take action if they thought student safety was at stake.

In Michigan, Gov. Rick Snyder signed a school anti-bullying law that threatens to silence religious and moral beliefs. "Matt's Law," named after an East Lansing teen who killed himself in 2002, requires Michigan school districts to adopt anti-bullying policies. After a firestorm of criticism by pro-gay and pro-Muslim lobbyists, the bill deleted a Republican-sponsored provision stating that school anti-bullying policies may not "prohibit a statement of sincerely held religious belief or moral conviction of a school employee, school volunteer, pupil, or a pupil's parent or guardian."

Officials at Patrick Henry High School in San Diego, California are refusing to back down from their decision to allow the nomination of a lesbian couple to homecoming court. San Diego Unified School District Superintendent Bob Kowba has called those who object to the nomination "adult bullies" who are demonstrating "a lack of tolerance and are presenting such a negative role model for children with their hateful comments."

A national study has found that nearly half of 7th to 12th graders experienced sexual harassment during the last school year. The American Association of University Women surveyed a nationally representative group of 1,965 students, asking whether they had experienced "unwelcome sexual behavior that takes place in person or electronically." 56 percent of girls and 40 percent of boys surveyed said they had been harassed.

Education Reporter (ISSN 0887-0608) is published monthly by Eagle Forum Education & Legal Defense Fund with editorial offices at 7800 Bonhomme Ave., St. Louis, MO 63105, (314) 721-1213, fax (314) 721-3373. Editor: Rachel Motte. The views expressed in this newsletter are those of the persons quoted and should not be attributed to Eagle Forum Education & Legal Defense Fund. Annual subscription \$25. Back issues available @ \$2. Periodicals postage paid at Alton, Illinois.

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"Racist Bake Sale" Highlights Affirmative Action Dangers

U.C. Berkeley's College Republicans (BCR) drew national attention when they hosted a bake sale on September 27. The "Increase Diversity Bake Sale" advertised baked goods priced according to each buyer's race and gender. Cupcakes and cookies were sold to white men for \$2, Asian men for \$1.50, Latino men for \$1, black men for 75 cents, and Native American men for 25 cents. Women of all races were offered an additional 25 cent discount.

The sale, which was carried out peacefully despite the fact that many of the organizers had been threatened with violence before the event, caused quite a stir on campus and in the media. Associated Students of the University of California President Vishalli Loomba spoke for many U.C. Berkeley students when she said, "As a woman of color, when I first saw the event, I was appalled . . . not only a different pay structure, but also to rank the races. It trivializes the struggles that people have been through

and their histories."

Students weren't the only people to turn out for the high-profile event. Long time anti-affirmative action activist Ward

Connerly joined the BCR's table in support of the bake sale.

Other attendees included Michael Delacour, a local liberal activist and veteran of the 1969 People's Park riots in Berkeley. Mr. Delacour

reportedly tried to block the BCR's table for a full hour, all the while insisting "I am an elder! You must respect me!"

Berkeley College Republicans president Shawn Lewis admitted that the sale would offend some, and pointed out that, while students were rightly taken aback by his group's satirical sale, they ought to direct their outrage at the parallel results of the passing of California Senate Bill 185, which was then awaiting Governor Jerry Brown's signature.

SB 185 would have authorized the University of California and the California

(See *Affirmative Actions*, page 4)



MALLARD FILLMORE / by Bruce Tinsley



Undercover Investigators Give Commercial Colleges a Failing Grade

A recent study by the Government Accounting Office (GAO) has determined that you don't need a high school degree to enroll in some commercial colleges. You don't even need to be a real person — and you may be able to pass your classes without doing any work.

Undercover investigators from the GAO spent the past year testing online introductory courses at fifteen popular commercial colleges. Twelve of the colleges allowed investigators to enroll online using a fake high school diploma, or a diploma from a high school that had closed. Most of the schools either violated their own policies on cheating and grading, or failed to offer federally mandated exit counseling for those with student loans.

Investigators tested academic policies by failing to log in to required classes, completing assignments incorrectly or not at all, and engaging in obvious plagiarism. One undercover student submitted pictures of celebrities in response to essay questions and failed to participate in required chat sessions, yet still passed the class. Another

received an A on an assignment that was never submitted. After failing two multiple choice quizzes, another student was encouraged to cheat. Since the correct answers were displayed at the end of each quiz, the instructor told the investigator, "it's not hard to get a 100 percent on the second try; just jot down the correct answers and take the quiz again."

Senator Tom Harkin, chairman of the Senate Health, Education, Labor, and Pensions committee, requested the investigation as part of his ongoing examination of commercial sector practices.

"The fact that many of the schools accepted incomplete and plagiarized work — sometimes for full credit — leads me to question whether for-profit college students are truly receiving the quality education they are promised to prepare them for a good job," he said in a statement. "Coupled with sky-high tuition costs, alarming dropout rates, poor job placement services and the many other troubling practices that we've uncovered in the HELP Committee's investigation, it is obvious that Congress must step in to hold this heavily federally subsidized industry more accountable."



Book of the Month



Don't Let the Kids Drink the Kool-Aid, by Marybeth Hicks, Regnery Publishing 2011, 224 pages, \$24.95.

The culture wars, says Marybeth Hicks, are over.

In her estimation, we lost. An entire generation of young socialists has come of age, and few parents have even noticed.

Hicks aims to remedy this ignorance with a book that tells parents just what they're missing as their kids grow up amidst the never-ending onslaught of liberal indoctrination that takes place in the public schools and in the media.

Don't Let the Kids Drink the Kool-Aid: Confronting the Left's Assault on our Families, Faith, and Freedom takes a close look at the Left's influence on school curricula, teacher training, science teaching, and even youth sports. She also examines America's increasing secularization, and the myriad ways in which the media has been used as a tool of indoctrination. Young Americans, she argues, have been fed a steady diet of socialism almost since birth, and it is this diet that we must counteract if the United States is to remain great.

Hicks bolsters her arguments with real-life examples from families and school districts across the country. There's the West Virginia family who lost custody of their daughter when the courts determined that the girl's babysitters were her "psychological parents." Or the move to "dismantle institutional heterosexism" in the public schools, and the fact that unrepentant domestic terrorist Bill Ayres helps decide what your child should learn in school. Hicks' research is thorough and detailed, making this a valuable resource for anyone who wants to learn who and what are at work behind the transformational changes in our culture.

A 2010 Pew Research Center study found that Millennials — those born after about 1980 who came of age in the early 2000s — are more liberal than any previous generation on record. If Hicks' research is any indication, the Millennials' younger siblings will be even more inclined to the socialist viewpoints and habits that are eroding "Our Families, Faith, and Freedom."

What is to be done about all this? Hicks believes socialism is best combated with an infusion of civic virtue:

The civic virtue of our Founders, themselves imperfect beings, still serves as the example and ideal for the development of moral citizenship in America today. Imbuing our children with virtues for personal conduct, public conduct, and civic leadership will restore America to the next generation. This is the key to revitalizing our republic, and to reigniting the love of freedom in the hearts of our youngest citizens.



FOCUS: Blame Our Failing Schools for 'Occupy Wall Street'

By Bruce S. Thornton

Having taught in a state university for thirty years, I'm not surprised by the ignorance on display among the Occupy Wall Street protestors. From kindergarten to university, for decades our schools have abandoned the teaching of basic facts and foundational thinking skills, and replaced both with leftist received wisdom and stale mythologies, all the while they have anxiously monitored and puffed up students' self-esteem.

This lack of critical understanding and ignorance of simple fact characterize the main theme of the protests, that the wealthy "1%" of Americans have gamed the system to enrich themselves at the expense of everybody else, an analysis redolent of Scrooge McDuck cartoons or Frank Capra's portrait of Old Man Potter in *It's a Wonderful Life*. But these caricatures are woefully uninformed about how a global, free market economy works. For example, the protestors rail about growing "income inequality," but they forget that this expansion of the wealth of top earners has been accompanied by that same cohort's paying more and more of the total federal tax bill, so that today nearly half of tax-filers pay nothing. Nor do they consider the issue of income mobility: from 1999-2007, about half of households in the bottom quintile had moved up the income ladder, while nearly half of households in the top quintile had moved down.

As for those greedy "millionaires" who refuse to pay their "fair share," in this same period, half were millionaires only once, and only 6% were millionaires for the whole nine years. Indeed, as the Treasury Department reports, among the top 1/100 of 1 percent in 1996 — the group *Mother Jones* demonized for obscenely increasing their wealth over the last 30 years — only 25% remained in this group in 2005, and the median real income of these taxpayers declined over this period. Finally, according to the Treasury Department, "Median incomes of all taxpayers increased by 24 percent after adjusting for inflation. The real incomes of two-thirds of all taxpayers increased over this period [1996-2005]. In addition, the median incomes of those initially in the lower income groups increased more than the median incomes of those initially in the higher income groups." No doubt things have gotten worse for many because of the recession, but there are plenty of people to blame beyond the "1%" and Wall Street villains, from the federal appointees running Fannie Mae and Freddie Mac, to the home buyers lying on mortgage applications.

This obsession with income inequality, moreover, reflects profound ignorance of capitalism's revolutionary genius. To the protestors, the fact that top earners increased their income more than others did is prima facie evidence of capi-

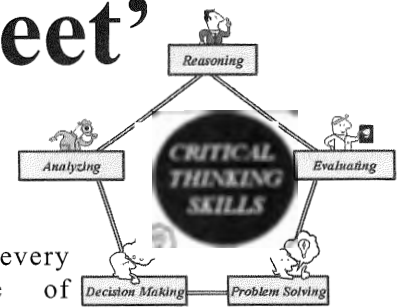
alist skullduggery. They seem to think that a Steve Jobs or a Bill Gates has a zillion dollars because they somehow purloined money that in a just world other people would have had. Of course, in reality Microsoft and Apple have created hundreds of thousands of jobs and enriched others at the same time the corporations enriched themselves. That's how capitalism works: it creates wealth that indeed spectacularly benefits the few, but that also raises the living standards of the many by creating jobs. More important, it is a dynamic, open system,



one that creates opportunities for the clever and hardworking. And it has been wildly successful, so much so that today, young people who in the past would have started work at 16, can now spend several years of extended adolescence in colleges and universities, where they can earn impecunious degrees in subjects like Medieval French Poetry or Postcolonial Literature, and then loaf about lower Manhattan protesting the evil system that has rescued them from the drudgery of farm labor or factory work, and given them nutritious cheap food, healthy bodies, straight white teeth, and gadgets like Xboxes and iPads.

But to the therapeutic sensibility and the entitlement mentality cultivated by the schools, this success in spreading wealth

to historically unprecedented numbers of people is not as important as the system's failure to measure up to utopian standards and equally enrich *everybody* no matter how lacking in virtue or talent. The "creative destruction" of capitalism — which promises not wealth and success for everybody, but the *opportunity* for everybody to strive for success and wealth through their talents and virtues — is an intolerable injustice, one that must be remedied by the coercive power of the state. Hence according to a survey conducted by Democrat pollster Douglas Schoen, 65% of the Manhattan protestors believe that "government has a moral responsibility to guarantee all citizens access to affordable health care, a college education, and a secure retirement — no matter the cost." Of course, that attitude is exactly what has created the looming economic crisis fueled by runaway entitlement costs that if not reined in, will double by 2050 and consume every dollar of federal tax revenues. The protestors are also ignoring the federal government's role in creating the housing crisis by coercing and enabling banks to issue sketchy mortgages. And let's not forget the fed's role in inflating via federal subsidies the higher education bubble that has doubled tuition every nine years, and saddled so many of the protestors with the "injustice" of student loan debt, which since 1999 has increased 511%, and now totals \$1 trillion. In the protestors' desire to empower the federal government even more, we see how the ignorance of history enables such delusional utopianism. For underlying these demands is the necessity for redistributing income in order to advance the idea of radical egalitarianism, and *that* is a notion whose resultant tyranny and bloody failure is documented



on every page of history, from the French Revolution to the Soviet gulags. But how would the protestors know that history? What passes for history in most schools today is a melodrama of Western wickedness against the oppressed "other," accompanied by feel-good romances about the achievements of marginalized minorities. It reminds me of Jane Austen's satiric *History of England*, in which she says her purpose is to "vent my spleen *against* & shew my hatred *to* all those people whose parties and principles do not suit with mine, & not to give information." The result is the sensibility we see among many of those camping out in Manhattan's Zuccotti Park: a penchant for decrepit ideas that are seductive to immature and undeveloped minds steeped in a sense of entitlement and an arrogant assurance of their own righteousness.

Bruce Thornton is a professor of classics and humanities at Fresno State University. He is also a National Fellow at the Hoover Institution. He is the author of eight books, and his numerous essays and reviews have appeared in both scholarly journals and magazines such as The New Criterion, Commentary, National Review, The Weekly Standard, and The Claremont Review of Books. This essay originally appeared in Front Page Magazine, the online publication of the David Horowitz Freedom Center, and is reprinted here by permission.

Vanderbilt Discrimination Signals a National Trend

Four Vanderbilt University Christian groups may soon be kicked off campus for requiring their members and leaders to conform to long-held standards of belief and behavior. Vanderbilt's Christian Legal Society, Fellowship of Christian Athletes, Graduate Christian Fellowship and the Christian fraternity Beta Upsilon Chi came under fire last year when the fraternity removed a member from leadership after he revealed he was involved in a homosexual relationship. School administrators responded to the removal with a review of the constitutions of all official student groups, and eleven groups were found to have violated the school's non-discrimination policy. Today, only the four Christian groups are still under scrutiny. Administrators have forbidden the groups to require leaders to agree to statements of faith

or to require participation in specific activities, stating that no group is permitted to restrict its own membership.

Beth Fortune, vice chancellor for public affairs, said in a written statement, "In order to be a registered student organization — which means using the Vanderbilt name, having the opportunity to apply for funding from student activity fees and access to university resources — opportunities for membership must be accessible to all."

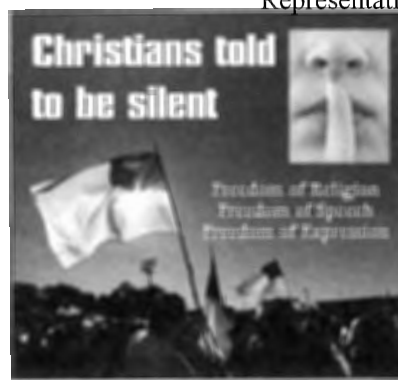
Representatives from the Vanderbilt groups are negotiating with school officials, but so far they have reached no agreement. InterVarsity Christian Fellowship has also been unsuccessful at negotiation attempts, and has appealed to Vanderbilt alumni in an attempt to pressure the school into

rethinking its actions. In October twenty-three congressmen joined the InterVarsity campaign with a letter sent to Chancellor Nicholas Zeppos asking him to reconsider the school's treatment of religious groups. Even so, Jim Lundgren, InterVarsity's director of collegiate ministries, is not optimistic about the chances of reaching a satisfactory agreement: "We all see the handwriting on the wall."

Justin Gunter, president of Vanderbilt's Christian Legal Society, says he is dissatisfied with the University's response to negotiation attempts:

"This has been an ongoing issue for six months and we have yet to receive any real response despite complying with everything they've asked of us... A policy that limits religious groups' ability to have religious leaders and activities decreases religious diversity... Vanderbilt should ensure its non-discrimination policy does not undermine the university's religious diversity."

(See Vanderbilt, page 4)



Student Loan Bailout *(Continued from page 1)*

Irresponsible borrowing practices aren't the only problem that will be magnified by President Obama's new plan. The rising cost of a college education already far outpaces inflation, and easy access to federal funds has historically encouraged this trend. Heritage Foundation education analyst Lindsay Burke writes,

... increases in federal subsidies over the decades have not reduced college costs. Even though federal subsidies like Pell grants have increased 475 percent, the cost of attending college has increased 439 percent since 1982 — faster than the rate of health care increases.

Increases in federal subsidies give students increased purchasing power, which incentivizes colleges to raise tuition, in turn leaving students scrambling for more student loans. It's a vicious cycle that does nothing to mitigate the cost of attending college.

The average student graduates from a four-year private school with about \$28,000 in debt today, while those who attend less expensive state schools can expect to owe about \$22,000. Students are still taught that a college degree is a necessary prerequisite to entering the job market, and thanks in part to the United States' mediocre K-12 public education offerings, this is often true. But as federal funds have already made even the most expensive colleges and Universities relatively accessible, the real value of the education many students receive has become less and less certain. As the *Wall Street Journal's* William McGurn has pointed out,

... the more costly a college, the less likely it will require a demanding core curriculum ... the problem is not so much the liberal arts as the fluff that too often passes for it ... more than a third of seniors leave campus having shown no improvement in critical thinking, analytical reasoning, or written communications over four years. Worse, the majors and programs often thought most practical — education, business and communications — prove to be the least productive.

The President has said that his new repayment plan will save borrowers "hundreds" of dollars each month by lowering required monthly payments. This may prove true for a few borrowers — analysts are still hashing out the numbers and some believe the bulk of borrowers will

benefit by as little as \$10 per month — but in any case the qualifying pool is small. Many borrowers will be helped only minimally or not at all, and the stimulating effect that President Obama has promised for the U.S. economy is unlikely to manifest itself. First of all, only direct federal loans and government-guaranteed private loans qualify for the new repayment option. Second, only future students and some current students are eligible. Those who default on their loans before choosing the alternate repayment plan are disqualified. *The Atlantic's* Daniel Indiviglio writes,

To be sure, this rule will provide some relief to the handful of borrowers who qualify. But due to the limiting criteria of who can actually take advantage of this program, it's hard to see how moving up the implementation date to 2012 instead of 2014 would provide much immediate stimulus to the U.S. economy.

Even if the new loan plan did have a stimulating effect, it would be difficult to outpace the \$575 million a year that the Congressional Budget Office estimated the original 2010 law would cost taxpayers. The plan is expected to have a stimulating effect on President Obama's reelection chances, however. *Education Week's* Michele McNeil wrote recently that President Obama is using his "record of education — and that of congressional Republicans — as a political weapon as Campaign 2012 heats up ... playing up the deadlock in Congress and rolling out education initiatives his administration can do on its own."

Stephen Burd of the blog *Higher Ed Watch* admitted that "The Obama administration sees student aid as an opportunity to spell out the political differences between them and the Republicans in Congress."

Republican candidates and lawmakers have also had plenty to say about the student loan plan. "I just think this is a mistake," Rep. John Kline, chairman of the House Education and the Workforce Committee, said on "Fox and Friends" on October 31. "I've talked to a lot of people about what the president's proposal is, and it's very difficult to figure out ... All of it, in fact, is going to encourage more borrowing, and I'm afraid it's going to leave taxpayers holding the bag." U.S. Rep. Michele Bachmann stated at a recent debate sponsored by the College Board that "There is a morality in keeping our financial promises, and I don't think we should push that off onto the taxpayer. The individual needs to repay and be responsible for repaying their student loan debt."

Affirmative Actions *(Continued from page 2)*

State University to consider factors including race, sex, and ethnicity in the college admissions process. Such considerations have been illegal since 1996, when Proposition 209 amended the state constitution to prevent affirmative action measures. Governor Brown vetoed the bill on October 8, but not without acknowledging his support for the spirit of the measure:

"I wholeheartedly agree with the goal of this legislation ... [However] Our constitutional system of separation of

powers requires that the courts — not the Legislature — determine the limits of Proposition 209 ... Signing this bill is unlikely to impact how Proposition 209 is ultimately interpreted by the courts; it will just encourage the 209 advocates to file more costly and confusing lawsuits."

Similar bake sales have taken place in the past at Bucknell University in Pennsylvania, The College of William and Mary in Virginia, the University of California, Irvine, and at Southern Methodist University in Texas.



Sequestration *(Continued from page 1)*

will be automatically cut by the sequestration formula a few months into fiscal year 2013. It would be silly for the president to propose one level of funding knowing that under current law it will be altered by a formula so full of exemptions and limits that is nearly impossible to know what ultimate funding level the president actually proposed for specific programs.

Mary Kusler, manager of federal advocacy for the NEA, admits that even unmodified sequestration plans are not the worst case scenario — at least, not yet:

We're very concerned about the sequester but we don't want to be in a position where a deal was made just for the sake of having one ... The clock is ticking. We have a year to encourage Congress to come up with a balanced deal that puts significant revenue on the table while not harming the

children who need the most assistance.

If the unmodified cuts do take place, a 7.8% decrease in funding is relatively low given that education spending has increased by 57% in the last decade. Sequestration would not even undo the spending increases of just the past two years: in 2009

President

Obama

increased the

Education

Department's

funding by

nearly \$100

billion as part

of the stimu-

lus act, and last

summer Congress

awarded them another

\$10 billion through

the "edujobs" bill. The

Department of Edu-

cation retains the third

largest discretionary

budget of any federal

agency, and it's

not likely to lose that

rank anytime soon.



Vanderbilt *(Continued from page 3)*

Carol Swain, professor of law and political science at Vanderbilt, has also taken issue with the University's response. "This hastily conceived policy has the potential to destroy every religious organization on campus by secularizing religion and allowing intolerant conflict," Swain wrote in a September 14 column in *The Tennessean*. "Carried to its logical extension, it means that no organization can maintain integrity of beliefs." In a phone interview with the *Hustler*, a Vanderbilt campus newspaper, Swain said the university was attempting to secularize religion on campus: "From my perspective, (the policy) goes too far ... I felt this issue does affect alumni and donors and they need to know what the university is doing."

The Vanderbilt case is just one of dozens playing out all over the country. InterVarsity reports that last year, only two of their campus chapters came into conflict with administrators over decisions to choose or remove leaders based on their

beliefs. This year, fifteen chapters have been cited in violation of campus nondiscrimination policies. As a precaution, InterVarsity sent several staffers to an evangelical student conference in Poland earlier this year in order to learn about ministry strategies from groups in countries where Christian organizations are forbidden to meet on college campuses. A report detailing their findings was sent to all InterVarsity chapters.

David Cortman, senior counsel with the Alliance Defense Fund, has also noted the uptick in campus religious discrimination:

"The university is supposed to be the marketplace of ideas, but it ends up being the storefront of censorship ... Rather than being wide open to all

viewpoints, including some you may disagree with, [administrators] want you to agree with liberal orthodoxy just to maintain equal status on campus."

Two cases in particular, one decided in the high court last year, and one that may be decided there next year, are redefining religious rights on campus. *CLS v. Martinez*, in which a chapter of the Christian Legal Society came in conflict with administrators at Hastings Law School in California, was decided in the school's favor. Campus groups at Hastings Law School are now forbidden to hold to membership restrictions of any kind.

ADF v. Reed will help determine whether religious organizations can maintain their status as official school groups. The Alliance Defense Fund plans to ask the high court to consider the California

case after the Ninth Circuit Court of Appeals ruled that the California State University system could prohibit membership restrictions based on certain criteria. Unlike Hastings Law School, the California State

system does not have an existing "all-comers policy," and the Supreme Court decision in *CLS v. Martinez* does not apply to private schools.

Robert Sibley of the Foundation for Individual Rights in Education (FIRE) worries that the Supreme Court's handling of *ADF v. Reed* may be damaging to religious groups "by specifically setting out the principle that religious groups can be discriminated against when it comes to being told that they can't require certain beliefs of their members." He warns,

"And so people who are involved with Christian groups who have beliefs that require that the other people in their groups share their beliefs, I think they are under a serious threat from the legal climate and the cultural climate on today's college campuses."

