Let's Stop Judge-Ordered Tax Increases

by Phyllis Schlafly Sept. 22, 2004

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Our public school system is our country's biggest and most inefficient monopoly, yet it keeps demanding more and more money. Parents are shocked to learn how much public schools already consume in taxpayer dollars per student, as much as $18,700 per pupil per year.

Yet, many schools claim they are broke and, unwilling to streamline their bloated bureaucracy, they demand tax increases or bond initiatives to jack up the money flow. When taxpayers resist these raids on their pocketbooks, public schools look for easier ways to raise more money.

Where can free-spending liberals go? They run to lawyers and activist judges to get more money to spend, even though policy and spending decisions and especially tax increases should originate with the legislature.

Judges who relish their personal supremacy over other branches of government are happy to impose their own social theories even if it means overturning the will of the people. This sort of abuse inspired the Republican Platform just adopted in New York City to say: "The self-proclaimed supremacy of these judicial activists is antithetical to the democratic ideals on which our nation was founded."

On August 25, the Spokane Public School Board voted unanimously to demand court-ordered funding increases by joining a planned lawsuit with many other Washington State school districts. The school districts hired the law firm of Bill Gates' father, Preston, Gates and Ellis, to loot the taxpayers for millions of dollars.

Liberal legislators are inciting these lawsuits nationwide as a way to appease their constituency of teachers unions while avoiding accountability as elected officials. In Missouri, Democratic gubernatorial candidate Claire McCaskill says she won't raise taxes to fund her liberal proposals for education because she thinks the courts will likely do it for her.

Her opponent in the August primary, incumbent Governor Bob Holden, had admitted he would raise taxes for public schools, and Missourians responded by defeating him. Liberal politicians are learning the lesson: file a lawsuit and get an activist judge to raise taxes so the voters won't blame the politicians.

In New York State, 17 school districts have expressed interest in joining the lawsuit of the Utica City School District, filed on July 23, to demand that a judge order increased funding. A Utica official said that, without additional funding, 190 jobs would be eliminated.

Since when do judges have the authority to raise taxes in order to save teachers union jobs? Since when do judges have authority to raise taxes at all?

An astounding half of all states now face lawsuits by public schools demanding that judges increase their funding. While Bush-haters blame his No Child Left Behind law, most of these lawsuits arose for reasons having nothing to do with that federal legislation.

The judicial supremacists in Massachusetts continue to try to run the public school system. On April 26 this year, a Massachusetts superior court judge issued a 300-page advisory ruling to dictate the future of education and said that the court would retain jurisdiction to make sure its orders are obeyed.

On May 11 this year, a state district judge ordered Kansas to close all its public schools until the state obeys the court's demand to change the way the taxpayers' money is spent on education. This ruling is now on appeal.

None of these lawsuits will raise educational standards even if they do raise school income. In the long run, such forced revenues are likely to make the schools less effective because they will be less accountable to parents and the public.

Finally, one state supreme court reached the same conclusion that was expressed in the Republican Platform. Litigation to compel increased funding of public schools that stretched over 13 years took the Idaho high court to its breaking point.

In 2001, Idaho superior court Judge Deborah Bail had held that the funding for public schools was inadequate and unconstitutional. Liberal state legislators then passed an unusual statute authorizing judges to raise taxes for schools, an innovative device to enable the legislators to avoid the political consequences of voting to raise taxes.

Seven lawsuits were pending in Idaho asking judges to raise taxes that the voters would not approve. In late August this year, the Idaho supreme court finally stopped this racket by unanimously prohibiting judges from raising taxes for public schools.

Idaho Chief Justice Linda Copple Trout struck down the statute that created "a legislative process in which taxing authority is given directly to a separate branch of government -- the judiciary -- whose powers and purposes were not meant to involve the taxation of Idaho citizens."

Hooray for one court that recognizes that taxes are an issue to be decided by democratically elected representatives who are accountable to the voters, not by judicial supremacists. Other states and Congress should follow suit by forbidding judges to raise taxes anytime anywhere.