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High stakes in school aid case

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Legend has it that in 1832, a miffed President Andrew Jackson, upset over a U. S. Supreme Court ruling, responded: "(Chief Justice) John Marshall has made his ruling, now let him enforce it."

As the argument over the constitutionality of the cuts in state aid to local school districts ordered by Gov. Chris Christie makes its way through the court system, speculation has focused on the potential reaction of the administration if the ruling finds the reductions violated several Supreme Court decisions holding that the state is required to provide poor school districts with a larger slice of the aid pie.

Christie seems to be of a personality that the Jacksonian response would appeal to him should the court rule against him.

He has drawn the ire of legal purists by refusing to renominate a sitting associate justice — a first in the state's modern era — and by hinting on several occasions that he intends to remake the court to a political philosophy of considerably greater judicial restraint.

Accusations that the court has acted more like a legislative body than an arbiter of constitutional questions are not new, of course. But the dispute over aid to education has been the focus of the criticism almost since the day in 1972 when the court ruled that students in less-wealthy districts were being denied their constitutional right to a "thorough and efficient" education because of a badly flawed aid formula.

The issue has been in and out of the court in the 40 years since. Over that time, the court has enraged critics by ordering — among other steps — that preschool be offered to 3- and 4-year-olds, and billions be spent to construct new schools or renovate and refurbish others.

In its latest iteration, the Education Law Center — plaintiffs since the beginning — repeats its contention that any reduction in state support is a constitutional violation and casts aside a long history of precedent.

The administration response is equally as straightforward — revenue was insufficient to fully fund the aid program, and spending cuts were necessary in virtually every area of state government to close a

multibillion-dollar deficit and enact a budget that met the constitutional imperative of being balanced.

Previous governors and legislatures, when confronted by a Supreme Court order to correct what the justices ruled were inequities in the aid program, grumbled and groused but always complied, usually by increasing appropriation levels.

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the funding issue be settled at long last, the result would be a sea change of enormous proportions and generations-long impact.

As he awaits the court decision, will the governor — if the ruling is not in his favor — consider reaching back 179 years and bring his unique style to Andrew Jackson's reaction?

In the interest of historical accuracy, the Jackson comment has since been debunked as a myth. It was more than likely that the line was thought up and tossed off by a White House press secretary and seized upon by an eager press corps.

Too bad. It's a terrific story.

Carl Golden is a senior contributing analyst with the William J. Hughes Center for Public Policy at Stockton College.