

Christian Reconstruction

Isaiah 61:4

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BRUSH-FIRE WARS

by Gary North

The escalation of Federal and state pressure against the Christian school movement is reaching a crisis stage. Day after day, some pastor or headmaster is put under new bureaucratic regulations. No longer is the battle against the independent schools being left to amateur state attorneys. The big guns are being aimed at the schools, and even at the churches. Today, under 27% of the school children in the Los Angeles schools are white; four years ago, the proportion was about 40%. The busing of children across the city (and Los Angeles, geographically, is second in size only to Jacksonville, Florida, and has a huge population) has created an exodus from the public schools. Within a decade, the public schools of urban America will be overwhelmingly composed of minority students, whose academic talents will not be developed to maximum potential by the disintegrating academic standards of the humanists' educational philosophies.

To stem the bloodletting, the cities are desperate. Who will continue to vote for more bond issues, higher teacher salaries, and higher costs per pupil, when the majority of the taxpayers are sending their children to private schools? The tax revolt against the schools is predictable. Therefore, the independent schools are threatening the whole structure of modern humanism, and the Christian schools, because of the strong commitment by parents, and because of their more consistent anti-humanist programs, represent the greatest threat of all.

To stop the spread of these schools, the state officials will do almost anything. The most important tactic is legal harassment. It is expensive for tiny, struggling schools to hire top-flight legal talent. The state, on the other hand, is using the public's tax dollars to hire skilled lawyers who are doing their best to tie the independent schools in endless red tape and restrictions. How can a Christian school hope to win? How many trained, effective lawyers are there, especially those who are thoroughly familiar with the case-law precedents of the battle for the Christian school movement? Not many.

Decentralization

What we need, as always, is a program of decentralized schools and churches that are ready to fight. National organizations are too easy to infiltrate, or buy off, or sidetrack. The local church and local school are driving the bureaucrats crazy, precisely because they are like hornets. There are too many of them to fight effectively. The problem facing us is this: How can we gain the benefits of a centralized, well-paid organization,

but without the concomitant bureaucratization? How can we mobilize the fight, yet keep the troops in the field, constantly sniping at the state bureaucrats? How can we train local men to carry the battle to the local state officials, yet make sure that the local people are ready and able to fight a successful battle? We don't want precedents going against us in the courts. That's why there are so many cases being prosecuted by the state agencies: they are trying to get precedents.

Obviously, few churches can afford to hire a lawyer at \$50+ per hour. Besides, lawyers face the problems of specialization, just like the rest of us. They have to become familiar with so many precedents, and the arguments used by both sides, in case after case, state after state. There is no doubt today that a co-ordinated effort by Federal and state prosecutors is being established. The prosecutors know who the defending witnesses are, who the defense attorneys are, and which lines of reasoning the defense will take. There are no more easy cases, where the defense attorney can overcome an unprepared prosecuting attorney. The enemy has been well-armed in this battle. Our men are poorly armed, except when the very best, most prominent defense attorneys have been hired. There are only so many of them to go around.

Yet the enemy has problems, too. First, the religious traditions of this country stand against them. So do the legal traditions. Second, there are only so many top-flight prosecuting attorneys. The state's men, especially at the lower levels, are not usually the brightest, most effective graduates of the best law schools. If they were really good, they would be in private practice making three times the pay. Third, the states still face the threat of jury trials, and juries are composed of people who are being threatened by busing and other bureaucratic horrors. They are often ready to fight back by scuttling the state's bureaucrats. So the war is not over. The Christians and independent school supporters have the law and the principles on their side, but the statists have the organization and the money.

The court system is vulnerable. Courts are clogged up today. It is becoming very expensive to prosecute successfully these days, which is why plea-bargaining has become the way of life in criminal prosecutions. But the Christian pastors and headmasters are less willing to play this game. Therefore, we can tie up state resources by standing firm and not capitulating. If we can find a way to reduce our costs of self-defense, we can force the state to spend millions to shut us down. How, then, can we do it?

The Profit Motive

The best way to get something done is to convince a skilled worker that both principle and money are on his side. If you can show him how to do exceedingly well by doing right, you have probably enlisted a supporter.

Lawyers need good incomes to lure them away from the more lucrative ways to practice law. We Christians and independent school supporters have to ante up the cash, but we also want to get our money's worth. What do we need, and what should we be willing to pay for it?

Here is my list of needed services in order to defend successfully the independent school movement: 1) a lawyer who is a master of the field of education law 2) a man who can communicate this knowledge in usable forms; 3) a series of publications that enable us to defend our own cause; 4) a strategy geared to the mobilization of thousands of independent schools 5) a tactical program that will work at the local level. We need a motivator doing the research, and men at the local level willing to fight.

What if some bright lawyer could offer the following publication package? First, an **introductory** paperback book which offers some case histories of "horror stories" about the Christian school movement. It would also point to some successful defenses in order to motivate the reader. The inexpensive book would contain a tear-out page that would enable the reader to get information about a local defense program.

Second, the lawyer would publish a manual for self-defense. It would be a three-ring binder filled with reproductions of key precedents. It would provide a basic nuts-and-bolts strategy for the local headmaster and/or his lawyer: how to file protests, where to get procedural help, where to locate defense witnesses, which law firms specialize in this battle, which forms to fill out, where to get them, etc. It would be a layman's introduction, but it would also provide meat for a local lawyer who was getting his first introduction to the battlefield. Instead of paying a lawyer \$50 per hour to research the whole field, slowly and painfully, the local church or local school could put the manual in his hands and pay him to read it, not reinvent the wheel.

Third, the outfit would publish **updates** for the **manual**. New precedents, new approaches used by the prosecutors and defense lawyers, and so forth would keep the local lawyer up to date. The manual would be an ongoing source of income, year by year, for the enterprising writer. Everyone in the trenches would want to get a subscription if it could be kept cheap enough. If it would save the local lawyer three hours time, at \$50 per hour, the school could easily afford to pay \$100 a year for the updates.

Fourth, a monthly newsletter showing new horror stories. This could be sent out by subscription, or even as a non-profit educational device. It would give the readers lots of motivation to buy the whole package.

Think of the possibilities. The local school could pay \$100 or \$200 per year to get the original manual plus the updates. I can assure you, when the bureaucrats start pressuring the pastor

or headmaster, he will spend the money. The enterprising writer could sell the manual for \$200 and the monthly updates for \$100 per year. Would that be a bargain for an independent school? I think so. It would be an insurance policy. In any case, schools could buy the package any time the pressure went on. The newsletter could be sent out by subscription—enough to break even on printing and postage—in order to remind readers of the existence of the higher priced services sold by the publisher. The headmasters would know where to go in a crisis. The book, of course, would introduce the newsletter and other services to the headmasters.

Our tactic would be simple: clog the courts. We would have every challenge by the state or local governments met instantly by counter suits. We would make it impossibly expensive for the state to begin to prosecute a church or school. We could train a dozen pastors or headmasters in a region to come to the defense of any given school. We could teach them to demand our prosecution on the same grounds being used to single out the weakest school or church. The state is looking for precedents. If they can force a weak link to capitulate, it will make it far more difficult for the stronger links to defend themselves later on. We have to be able to keep those weak links from snapping. Force them to break all of us, but in a dozen expensive separate cases.

I have a dream, as another professional court-clogger once said. I have a dream of Christian school headmasters walking arm-in-arm with fearless laymen, whose training has been sufficient to equal \$1,400 worth of legal talent. I have a dream of avoiding the use of lawyers in 60% of the cases. I have a dream of being able to hold out until the last minute before having to hire any lawyer, and then paying him as little as possible to do his preliminary homework. I have a dream of making it so expensive for the humanists to take on a Christian school that they will spend more of their time prosecuting murderers, if only because they will spend less time, and have more success, in prosecuting murderers. I have a dream of desperate attorney generals, bogged down in a mountain of paper, trying to figure out how all these evils came upon them. I have a dream of judges wearily reading defense motions to dismiss, and being driven to distraction by defense lawyers who offer endless objections to everything the prosecution says. And I have a dream of being able to buy the tools to do all this for \$100, plus an annual subscription fee of \$100.

My dream would be the states' nightmare.

Conclusion

I hope you see the possibilities here. I am now in contact with several legal firms that specialize in defending the independent school movement. I will provide them with the names and addresses of individuals, churches, and schools that are interested in subscribing to such a legal defense service, if it could be produced for \$100 a year, plus the initial \$100 manual (one time only), please send a card to this effect to

Legal Defense Program

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