

success possible. But it's worth noting that while some of the highest scores in Boston belonged to charter schools, some of the very lowest ones did, too. Charter schools have a lot to offer in the hard fight to make education better, especially in the places where it now is most clearly failing. But this fledgling movement faces some very real barriers, and still has an awful lot to figure out.

Reality Bites

As highlighted by the Oakland Charter Academy experience, the lack of facilities, and of public funding for buildings, will combine to put sharp limits on the number of new schools. Although some states hold charter schools to more lenient standards than other

schools on building safety, few offer much in the way of funding for charter school buildings. (Regular public schools, by contrast, are generally supported by government bond issues.) The result is that even when suitable buildings can be found—often a tall order in the inner city—the charter school must either get the building for free or find a deep-pocketed donor if it hopes to avoid cutting deeply into instructional funds. For the Edison Schools, one of the largest operators of charters in the country, the facilities problem poses the No. 1 challenge. “Finding and financing, that combination is a gigantic barrier,” says Joe Keeney, Edison’s vice president for real estate. Even where parents and school boards are ready to start a school, he says, “we walk away from some deals because we can’t make

Who's Who

BY SUSAN THREADGILL

According to *The Hill's* “Open Secrets” column, Sen. **Bob Graham** removed himself from **Al Gore's** vice presidential list when he accused **Bill Clinton** of lying by promising Graham that the feds would not use a night-time raid to snatch **Elian Gonzalez**. (For other Democratic vice-presidential possibilities, see page 8 of this issue.) On the Republican side, Sen. **Fred Thompson** is said to have hurt his vice-presidential chances when his name was linked romantically to that of **Margaret Carlson**. The *Time* columnist and “Capital Gang” regular is reportedly too liberal for **George W. Bush**. Thompson’s standing was not enhanced when gossips said he was simultaneously involved with another woman.

Dick Cheney, who served as secretary of defense under **Daddy Bush** and White House chief of staff under **Gerald Ford**, is leading *W's* vice-presidential search. Former Secretary of State **Warren Christopher** is playing the same role for **Al Gore**. Christopher did it for Bill Clinton in 1992, offering the job first to another senator and then, when he turned it down, to Gore.

We may have done **George W. Bush** an injustice when we suggested (see “Who’s Who,” April 2000) that he was attracted to the Gin and Tonic society at Yale because of his proclivity for partying. A Yale of that era tells us that Gin and Tonic was one of a number of alternative societies formed in rebellion against the elite networking that Skull and Bones and other traditional secret societies represented. The name, he explains, was intended as a parody, as was that of another alternative society called Crotch and Armpit.

Al Gore is an exercise freak. “He travels with a set of dumbbells that are so heavy a 6-foot-7-inch advance man has trouble lugging the canvas bag they are packed in,”

reports **Bob Davis** of the *Wall Street Journal*. “The Secret Service sometimes cordons off a hotel’s gym so Gore can work out alone. Other times the vice president asks that his hotel room have a treadmill and a weight bench.” All of this and his tight clothes, Republicans say, is to appeal to female voters. “The biggest swing vote is women,” GOP strategist **Scott Reed** told the *Journal*. “If Gore has to wear t-shirts, he’ll do it.” Some in the Gore camp say that their candidate is just a “regular guy who is clueless about his appearance,” but one aide compares him to **Teddy Roosevelt**, “who posed barrel-chested in photos to project virility and vitality.”

Steve Largent, the former pro football star who is now a Republican congressman from Oklahoma, recently compared the tax code to a wife. Speaking on the floor of the House, Largent said, “What we’re saying is the tax code is like a wife. It’s so ugly, you know you can do better.”

Bill Clinton has been poking fun at himself recently. In case you haven’t heard the latest round of jokes, at the radio and television correspondents’ dinner, he said his

it work." Absent the facilities problem, he added, "we would be able to do a lot more and we'd be able to serve a lot more children." That fact alone should chasten anyone who envisions cities suddenly transformed by a raft of startup charter schools. And even among charter schools now open, one in three reports having an inadequate facility.

Perhaps more important, from an academic standpoint at least, is the fact that a ticket out of a dysfunctional bureaucracy is not the same as a free pass to educational nirvana. Like awkward new hatchlings, many young charter schools are struggling to get on their feet, and students at these nascent schools are not always doing better than their counterparts in the schools they left. In places where education is working

most poorly—the inner cities and the poor rural areas—charter schools are demonstrating just how tough it is to create educational excellence. Yes, there are wonderful examples of what can be done with the most careful planning and the most creative, demanding leadership. And yes, many charter schools in tough areas have achieved victories in non-academic areas such as safety. But in journalistic, academic, and other reports from the field, one account after another demonstrates the difficulty of trying to make new curricula and new ways of sharing power work—all in a brand-new school that is figuring out for the first time how to keep track of attendance; instill discipline; feed children; salve their illnesses and wounds; respond to parent complaints; clean, maintain, and secure a building; file for state and

favorite slogan for the **Al Gore** campaign was "Al Gore—because there's a 22nd Amendment." Then at the White House correspondents' dinner in late April, he told the crowd, "I'm not concerned with my memoirs—I'm concerned with my resume. I've been getting a lot of tips on how to write it, mostly from my staff. They really seem to be up on this stuff. They tell me I have to use the active voice. You know, things like: 'Commanded U.S. armed forces,' 'Ordered air strikes,' 'Served three terms as president.'" [Pause.] "Everybody embellishes a little."

What else? "Designed, built and painted bridge to 21st Century," Clinton continued. "Supervised vice president's invention of the Internet." And finally: "Generated, attracted, heightened, and maintained controversy."

Who's creating this material? We hear it's a speechwriter named **Mark Katz**.

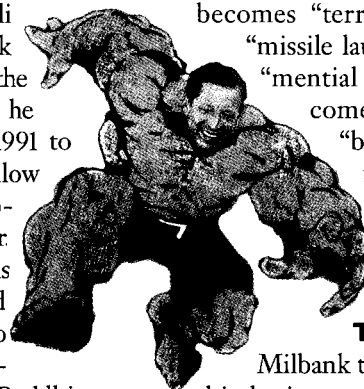
What kind of fellow is **Al Gore's** foreign policy advisor, **Leon Fuerth**? He has a passion for anonymity—he says his goal is to be "nameless, faceless, and odorless." He is definitely pro-Israel. "During Mr. Gore's unsuccessful bid

for the Democratic nomination for president," writes **Elaine Sciolino** of *The New York Times*, "Mr. Fuerth helped him formulate an uncritical pro-Israeli line." He is a hawk and usually urges the hard line, as when he advised Gore in 1991 to break with fellow Democrats to support the Gulf War. His political sense is not keen—he told Gore it was okay to attend that fundraising luncheon in a Buddhist temple. But Gore likes him—a lot. Even though he has a rule against naming his future White House advisers, he told Sciolino, "If I were to break that rule for anybody, it would be for Leon."

Dana Milbank of *The Washington Post* may have discovered the secret of **George W. Bush's** speak. There's a part of the brain called Broca's area that Milbank says "directs the production of clear and intelligible speech." The wires between the Broca's area of the governor's brain and his mouth may be twisted or crossed or perhaps both. Whatever the

reason, it is clear that Bush's Broca's area is not getting its message across in the intended form. Thus "tariffs and barriers" becomes "terriers and bariffs," "missile launches" turns into "mental losses," "viable" comes out "vile," and "balkanize" is transformed into "vulcanize." Bush aides aren't worried. Spokeswoman **Mindy Tucker** assures Milbank that it's all "because his brain works faster than his mouth does."

If you felt **Al Gore** was pandering in urging that the **Elan Gonzalez** case be resolved in Family Court, consider that he resisted the advice of his chief guru, **Tony Coelho**, and lieutenant gurus, **Bob Shrum** and **Carter Eskew**, who recommended that Elan immediately be granted permanent residency in the U.S. Coelho has knocked off rivals **Jack Quinn**, **Ron Klain**, **Peter Knight**, **Mark Penn**, **Craig Smith**, and **Marla Romash**. Insiders say Gore might be the next to go.



federal funds and write grants; translate each memo into a second language; set up computers; balance a budget, and do all those other myriad tasks people don't think about when they imagine running a school is easy. And remember that unless they win special grants (which fortunately are becoming more plentiful), charter schools have no way to pay their staff for the extensive, crucial planning before the school opens. Without such extra time, educators fall back on what they already know, and a remarkable opportunity for innovation is lost.

Charter schools also face special challenges that they create for themselves—for all the right reasons—over who exactly is in charge. Frequently, especially in the inner city, parents and teachers, fed up with an unresponsive, hierarchical bureaucracy, combine to build their own school. Only in the later stages do they hire a “professional” principal (sometimes termed a “site director” or “administrator”) to “run” the program. But typically the school has its own board, which theoretically holds ultimate power, and the parents and teachers, especially those who founded the school, also expect and get plenty of authority. When tough decisions on money and on hiring and firing have to be made, the question of who's really in charge can lead to chaos, disillusionment and major turnover in families and staff.

In the relationship between charter schools and the larger system, charter schools also have yet to achieve the goals envisioned for them. First, there are questions about whether charter schools are being held to that favorite educational buzzword, accountability. In kicking off charter schools week, President Clinton said this month that “charter schools must set and meet the highest standards, and they can remain open only as long as they do so.” But in her highly critical and controversial 1998 study on 17 California charters, University of California, Los Angeles researcher Amy Stuart Wells reported that, generally, the schools were not held accountable for achieving the academic goals and standards they set in their charters. In a finding that mirrors criticisms of school districts, Wells reported that financial problems might get a charter school in trouble, but academic shortfalls generally won't. (So far, only 59 charter schools, or 4 percent of the total, have closed for any reason.) Wells also found that there's not much of a mechanism right now for innovations from charter schools to make their way to regular public schools, and that the sense that charters have unfair advantages has inhibited regular schools' willingness to “compete.” It comes as little surprise, then, that researchers have found only about a quarter of school

districts changing vigorously in response to the advent of charter schools in their area.

Making A Good School

So what is to be done? The challenge places itself squarely before the many politicians who are making charter schools central to their electoral platforms. It seems sometimes that by uttering the two-word mantra, politicians believe they have taken care of their constituents' most urgent and complex concern. That's not good enough. Charter schools face hurdles that will limit their growth, preventing them from being a large-scale solution anytime soon. Moreover, as appealing as it may sound, it's simply false to suggest that cutting educators loose from bureaucracy is all that it will take to create excellent schools. It will require time and attention to make these schools the models of public education success that they ought to be.

Currently, policy makers are exhorting the schools to compete, but sending charters to the race hobbled. How does a school like Oakland Charter compete when it cannot buy books or pay its teachers even the pittance they would make at the school down the street? How does a charter school develop an innovative curriculum and a cohesive structure if the first dollar arrives only after the children do? The federal government has taken good steps toward resolving this quandary, giving away \$100 million last year in grants to charter schools; for next year, Clinton is asking for \$175 million. That's a start, but if we are to accept the language of competition, it's not enough to level the playing field. States ought to make facilities funding available to charter schools as they do to any other school.

But such generosity should not be a gift to charter schools. In return for improved funding, charters should be expected to produce evidence of excellent planning. It should not be the case—as it sometimes seems now in certain states—that only a grossly incompetent charter gets rejected. Making a good school takes deep forethought, creative ideas, and vigorous teachers supported by high-quality, continual training. Charters ought to be held to tough standards, just as children should, with revisions required until the plan is extensive and solid. If giving such discretion to school boards lets anti-charter boards just say no to everyone, governors can create a fair-minded state board of charter appeals. And if a tougher process holds down the total number of new charters, perhaps that's not a bad thing. Lest charter advocates cry foul, they should remember that they are the ones hurt worst by lousy charter schools—worst, that is, after the kids. ●

Reasonable Doubts

*Crime's down but the system's broken:
The Monthly's guide to criminal justice reform*

BY STEPHEN POMPER

CRIME MAY BE DOWN BUT THE CRIMINAL justice system remains something of a mess. If you've ever spent time on a jury, if you've worked in a criminal court, or if you caught even 10 minutes of the O.J. trial on TV, you've seen some of the problems. The system has an Alice-in-Wonderland quality: The guilty are over-protected, the innocent are under-served, and much of the time the public interest simply fails to enter the picture. Jurors spend days in court dozing through endless delays and witnesses who dare come forward find their lives imperiled. When all is said and done, too many violent and dangerous felons wind up with Get-Out-of-Jail-Free cards and too many non-violent and just-plain-innocent people wind up doing time.

How do we make it better? Read on for the *Monthly's* guide to criminal justice reform.

Get the Truth Out

Courts are supposed to be finders of fact. Yet there's an awful lot about the criminal justice system that keeps them from ever getting to those facts. Some of the obstacles are straight-forwardly bad laws. Others are more a question of resources and oversight. We could help our courts get past some of these obstacles and here's how:

1. *End "Two Wrongs Make a Right" Criminal Procedure:* The judicial system labors under rules crafted by the Warren Court, which protect defendants even if it's at the expense of the truth. In a 1997 law review article, University of Minnesota law professor Michael Stokes Paulsen casts this as the "Dirty Harry" problem. In the movie of the same name, Detective Harry Callaghan gets increasingly violent

as he goes after a serial murderer named "Scorpio." He busts into his place without a warrant, nabs the murder rifle, and savages Scorpio until he spits out the location of a kidnap/rape/murder victim. But here's the kicker: Although Scorpio is a monster, and Harry does some monstrous things, neither of them is actually punished. Scorpio goes free because all the evidence against him is tainted by Harry's antics, and Harry slides by because cops get away with stuff.

Decades later, this lose-lose approach is still at the heart of criminal procedure. To be sure, the failing has noble origins. Back in the Civil Rights era, the Supreme Court, concerned about segregationist states deploying policemen to harass and imprison minorities, developed a set of constitutional principles that stopped them from doing that: Ill-gotten evidence was treated like fruit from a poisoned tree and had to be discarded. If the police ransacked your car without a warrant, the resulting evidence could not be produced at trial.

But the days of officially-sponsored police racism are over. And while there's still racism and police abuse on a different scale, it's hard to see why they are best dealt with by excluding otherwise helpful evidence. It's one thing to say that forced confessions should not be considered: That protects innocent people who might be beaten into confessing crimes they did not commit. But what kind of protection does an innocent person get from an "exclusionary rule" that prevents a court from considering ill-gotten evidence? If Harry busts into an innocent person's apartment and doesn't find anything to seize, then there won't be any evidence for a court to exclude, and there won't be any negative consequence for the police. Not that exclusion is such a negative consequence anyway: when police are evaluated in cities like New York, the emphasis is on the number