# A VICTORY FOR SOCIAL SCIENCE IN THE COURTS

One can hardly scan a professional journal or attend a conference focusing on educational financing today without confronting the holding and implications of the California Supreme Court's pioneering opinion in Serrano v. Priest, 5 Cal. 3d 584, 487 Pac 2d 1241 (1971), and the similar decision by a U.S. District Court in Minnesota in Van Dusartz v. Hatfield, October 12, 1971. Under the rule announced in both cases, a state is forbidden to permit either school district wealth or family wealth to determine spending for a child's publicly financed elementary or secondary education. The decisions offer a solution to the fiscal inequities and learning frustrations fostered by traditional state practices creating school districts of widely varying taxable property wealth per pupil and permitting these wealth variations to determine the levels of educational spending.

Condemning these traditional practices constitutionally as a violation of the equal protection clause of the Fourteenth Amendment and of the California Constitution, the court in Serrano held that fiscal freewill under the present financing system "is a cruel illusion for the poor school districts. . . . Far from being necessary to promote local fiscal choice, the present financing system actually deprives the less wealthy districts of that option." The Federal District Court in Van Dusartz found that basing distribution of public education on wealth placed the heaviest burdens on those poor families residing in poor districts who cannot escape to private schools. Positing that quality education endows its recipient with distinct economic advantage over his less educated brethren, Judge Lord concluded that "the inexorable effect of educational financing systems such as here maintained puts the state in the position of making the rich richer and the poor poorer."

These rulings are not yet the law of the land, since the Fourteenth Amendment issues that underlie them haven't been decided by the U.S. Supreme Court. While the doctrines of the cases might not be irrevocable, their legal, political, and educational repercussions have reached massive proportions.

What makes these events especially significant for the Law and Society Association is that they were the product of research undertaken by Professor John E. Coons of the *Review's* Editorial Advisory Board in conjunction with two former fellows of Northwestern University's Russell Sage Program in Law and the Social Sciences, Stephen Sugarman and William Clune. Their analyses of the constitutional foundations of school financing and the consistency of ongoing state programs with those foundations began at Northwestern in the mid 1960s, having arisen out of Coons's earlier studies of de facto segregation in Evanston and Chicago which appeared in the November 1967 issue of the *Review*. The publication of *Private Wealth and Public Education* (Cambridge: Harvard University Press, 1970) was the initial product of their collaborative effort. Briefs embodying their findings in the volume were filed in behalf of the plaintiff as friends of the court, and Coons and Sugarman argued the Serrano case before the California Supreme Court in conjunction with Sidney Wolinsky, an outstanding Legal Services attorney.

Rarely has the relevance of social science research to legal doctrine been so dramatically and successfully illustrated. Heightened receptivity to such empirical findings should encourage members of the Association to pursue their own professional interests in these spheres with even greater enthusiasm and should attract new generations of students to this interdisciplinary field in which idealism, creativity, and dogged effort can have a constructive impact on society.

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