

Howard Jarvis Taxpayers Association

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A Vile Weapon in the Hands of Public Officials

By Jon Coupal

Ivan the Terrible did it. So did Hitler and Stalin. We know that at least one American president — and probably others — did it, although for slightly less diabolical purposes.

Some did it with murderous intent, others to intimidate or silence opposition.

Yes, tyrannical rulers and politicians making lists of political enemies is nothing new, but a school district?

The Capistrano Unified School District (“CUSD”), which serves a string of idyllic Orange County communities, is accused of compiling lists of those parents who supported the recall of all seven school board members.

District officials, reported the *Orange County Register*, had in custody three spreadsheets listing the names of parents and teachers who had been in contact with the recall campaign. The lists included the neighborhoods in which the activists lived as well as their community affiliations and were annotated with comments like “NIMBY” and “outspoken.”

When CUSD Superintendent James Fleming was confronted over the lists, he first denied their existence and blamed the report on a “disgruntled” former employee. However, within days, Fleming sent a memo to district trustees saying the “mystery” had been solved.

According to the schools chief, the issue had

nothing to do with monitoring recall proponents. The spreadsheets had been innocently generated as part of a security check to see if anyone had hacked into school records. At least one observer wondered if the district had been seeking hackers with monikers like “NIMBY” and “outspoken.”

The recall had been triggered by issues relating to the misuse of school resources. For example, the trustees approved a new administrative center for themselves at a cost estimated to be as high as \$52 million, and a single high school costing more than \$100 million. However, the recent conduct of school officials, and further revelations, have made the issue much more Byzantine.

When the recall campaign turned in 177,000 signatures to the county registrar, school officials asked for and received permission, in violation of the law, to inspect the documents.

The registrar soon reported that the recall campaign had not submitted enough valid signatures to qualify for the ballot. This prompted an investigation by the board of supervisors into whether the registrar had helped CUSD avoid a recall through inappropriate statements about the cost of a recall election and through the mishandling of the signatures.

Additionally, evidence has come to light that trustees may have violated the Brown Act, requiring open meetings, by meeting in closed ses-

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sion to discuss issues like muzzling school board critics.

It has also been revealed that the son of the superintendent and the daughter of the school board president have been hired by firms doing millions of dollars worth of work for the CUSD.

So when, in the middle of August, Orange County district attorney's investigators raided district headquarters seizing at least one computer, poring over documents, and issuing subpoenas, few local residents were surprised.

Many prominent area elected officials have called for resignations. Dana Point City Councilman Jim Lacy said, "If the reports are true, the trustees have pretty much abandoned their oaths to 'preserve and protect' the Constitution of the United States. More likely they were protecting themselves from imminent recall."

And the dominoes are starting to fall. Fleming has announced his intention to retire and at least one board member has decided not to seek reelection in November.

Taxpayers will watch with particular interest as the investigations move forward.

All school officials have an obligation to derive maximum benefit for our children from the funds generously and, in most cases, willingly provided by taxpayers. It is extremely sad when their failure to do so compels recall and investigation.

Whether or not it turns out there has been criminal wrongdoing by CUSD officials, they should *never* have conducted business in a way that would cast the least bit of doubt on their integrity.

After all, saying — as one "enemies list" keeper famously said — "I am not a crook" is not

a substitute for ethical conduct.

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