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Regulating School Lunch

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Staff Writer

Public school students are the latest victims of corporate favoritism in national policy. Although policies on school lunch are advertised as beneficial to student health, in reality the only benefactors are the companies that won the contracts to provide lunch to millions of students across the country.

One such company is Aramark, a $13.95 billion foodservice company headquartered in Philadelphia, Pennsylvania. According to OpenSecrets.org, they paid Heather Podesta & Partners, a lobbying firm in Washington D.C., $100,000 last year. Their continuous lobbying may have contributed to the fact that they serve more than 500 school districts across the country including Houston, Philadelphia, and Chicago.

In Chicago's public schools, all the cafeteria's food comes from Aramark. That would surprise you if you read the City of Chicago's recent manifesto: *Eat Local Live Healthy*. The publication announces the creation of a taskforce to "Promote Healthy Eating and Smart Choices" and places healthy locally grown foods in public schools as part of an effort to provide healthier food.

It appears that the 23% of Chicago's public school children between ages 3 and 7 who are overweight are not benefitting from Aramark's $97 million contract, or the 75 million meals and 70 million units of milk they will provide next year.

According to a recent *Huffington Post* investigation, "[Southside Chicago] students have been fed 'disgusting' meals under Aramark." A teacher "claimed the children were repeatedly served rotten apples last spring and were given moldy bread last month." The violations have been egregious across the board. The *Huffington Post* report cites one account claiming an Aramark-sponsored cafeteria served spoiled broccoli. The article also brings up complaints about possible conflicts of interest between the Chicago school district and Aramark, noting two former employees of Aramark that have gone on to prominent positions in the Chicago school district's bureaucracy.

In 1946, Congress passed the National School Lunch Program in order to combat malnutrition in public schools, and to ensure that dairy farmers remained afloat despite dropping commodity prices. Indeed, the number one nutritional requirement the act listed was milk. According to the act, every student should have at least a half pint of milk, preferably 2 pints. If the school district could not meet this requirement the government would step in. The Secretary of Agriculture was authorized the "to use funds of the Commodity Credit Corporation to purchase sufficient supplies of dairy products at market prices to meet the requirements of any programs for the schools." The dairy farmers got paid and the lactose intolerant kids got sick.

The perverse incentives remain. In 2012, the federal government mandated that public schools provide "healthy lunches," filled with fruits and vegetables, and low in fat and sodium, to help combat childhood obesity. Pizza is categorized as a vegetable (because it has two tablespoons of tomato paste) under the mandate. Maybe that's because Schwan Food Co., a company with its own political action committee, makes 70 percent of school-lunch pizza.

Since about 32 million children eat school lunch and a third of American children are obese or overweight, it makes sense for the national government to be concerned about the one or two meals public schools can provide five days a week. However, school lunches demonstrate how corporate favoritism has triumphed over public health.

National bureaucracies such as the Department of Agriculture's Food and Nutrition Service, do little to improve the health of school children and end up hijacking local efforts to do so. Although the FNS administers several programs: the National School Lunch Program, the School Breakfast Program, the Child and Adult Care Food Program, the Summer Food Service Program, the Fresh Fruit and Vegetable Program, and the Special Milk Program, most of these programs result in healthier returns for select corporations rather than healthier students.

School lunch policy should be local: locally sourced, locally decided and locally accountable. If school lunches are to become healthier, it will take a community effort, not another piece of legislation or bureaucratic mandate.

Supreme Court Silent on Marriage Rulings

Taylor Elicegui | *Staff Writer*

On October 6th, the Supreme Court denied seven petitions for writs of certiorari to review same-sex marriage cases from three Courts of Appeals. In doing so, the Supreme Court refused to interfere with decisions that overturned bans on same-sex marriage in Virginia, Indiana, Wisconsin, Oklahoma, and Utah. The course charted by the Supreme Court allows lower courts to continue to address the issue.

As the Tenth Amendment states, "The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States respectively, or the people." The word marriage does not appear in the Constitution, leading one to conclude that the states can regulate it. However, what does appear in the Bill of Rights is the right to "equal protection of the laws." Excluding same-sex couples from marriage does not in itself violate the equal protection clause. But tax breaks, estate planning, social welfare benefits, and the marital communication benefit turn marriage into more than simply a social agreement. The lower courts that overturned the ban on same-sex marriage found that because marriage is also a legal institution, banning same-sex couples from the benefits violates the

equal protection clause.

Both opponents and supporters of the Supreme Court wanted the Court to grant the petitions. Ed Whelan wrote in *National Review* that "The Court's denial of review in all the pending cases strikes me as grossly irresponsible, as a huge abdication of duty on the part of at least six justices." However, the lower courts ruled consistently, giving the Supreme Court no compelling reason to take up the cases. The Supreme Court receives over 10,000 petitions for writs of certiorari yearly and only hears 75-80 oral arguments.

Four justices must agree to grant a writ of certiorari and put a case on the docket. When the justices do not grant a petition, though, they do not make a judgment on the lower court's ruling. Given the evenly divided nature of the Supreme Court, either the conservative or liberal bloc could have voted to take up the issue. However, it was in the best interest of both groups not to do so.

Allowing marriage equality to spread across the country slowly via lower courts follows the political philosophy of Justice Ruth Ginsburg, famous for criticizing *Roe v. Wade* as being "too fast, too far." Should the Court decide to take up the issue in the future, it will be less likely to invalidate the marriages of over 70,000 couples. The conservative justices also have little incentive to take up marriage equality. Considering that Justice Kennedy, the Court's swing vote, sided with the liberal bloc in *United States v. Windsor*, the conservative bloc could not be certain they had the votes to decisively rule. Without knowing the likely outcome of the case, the conservative justices did not want to risk a broad ruling.

As same-sex marriage advocates continue to challenge state laws across the country, the Supreme Court can continue to leave the decision up to the Courts of Appeals, assuming they continue to rule consistently. Marriage equality is on the docket twice in the Fifth Circuit, which is considered the nation's most conservative Court of Appeals. Should the Fifth Circuit rule in opposition to the other Courts, the Supreme Court will be much more likely to get involved. While the Supreme Court seems determined to stay out of the argument as of now, the Fifth Circuit could force their hand and make way for a groundbreaking decision.

Changes to AP U.S. History

Phil Parkes | *Staff Writer*

The College Board recently unveiled a framework for its Advanced Placement (AP) United States History exam that encourages the politicization of American History. The College Board claims that the extensive guide will be just one of many tools in the hands of teachers, who use the company's content guides to prepare students to pass the AP U.S. History exam. In reality, it stifles freedom of thought and prevents students from examining history from a variety of perspectives.

The new framework sidesteps important American founders like James Madison, Alexander Hamilton, and Thomas Jefferson and excludes crucial primary source documents like *The Federalist*. At the same time, it pays "special attention" to the concepts of "gender, class, racial, and ethnic" identity in American history. Everyone should support students learning about the entirety of American history and the various identities involved. However, teachers should also be concerned that selective emphasis on topics of current ideological interest necessarily redefines how students study the past.

In late September, three members of the five member Jefferson County, Colorado Board of Education (JeffCo) responded with changes of their own. They proposed changes to the AP U.S. History curriculum that would bolster classroom discussion that "promote[s] citizenship, patriotism, essentials and benefits of the free enterprise system, respect for authority and respect for individual rights." The proposal also "advises against materials that encourage or condone civil disorder, social strife or disregard of the law." Teachers and high school students proceeded to walk out of class in protest, with many students claiming to have been censored.

One student protestor told reporters "the school was going to change the whole [AP US History] curriculum." Another alleged that JeffCo had eliminated Thomas Jefferson from the curriculum, a change actually instituted by the College Board. Lost upon many outside observers was the fact that many teachers walked out due to dissatisfaction with newly implemented pension programs. An education policy analyst earlier this summer had called JeffCo "one of three school districts where union locals are in crisis" over pensions.

Both JeffCo, and the College Board claim to be teaching history as it should be taught. JeffCo's intention to "censor" civil disorder probably went too far. The JeffCo proposal asked whether or not "materials that may encourage or condone civil disorder, social strife, or disregard of the law [depict this] within the context of the U.S. Constitution." This proposal is not an attempt to cover up information, but rather an attempt to ensure that civil disobedience is venerated only where it contributed to the eventual formation of legal obedience and is discussed in proper context. Students are justified in warding off what might seem like attempts to feed them propaganda. Regardless, it is clear that a politically motivated testing agency and an ongoing pension war—not curriculum changes—partially explain the students' and teachers' angst.

For years, the College Board has been tasked with managing the interpretation of U.S. history for the most talented high school students. Its testing monopoly has survived, as Stanly Kurtz of *National Review* has said, because of "public trust" in its ability to remain impartial. By politicizing history, the College Board has violated that trust, and should be replaced or otherwise modified to allow more balanced historical perspectives to flourish.

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