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THE SPECIAL COMMISSIONER OF INVESTIGATION
FOR THE NEW YORK CITY SCHOOL DISTRICT

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**POWER, POLITICS, AND PATRONAGE:
EDUCATION IN COMMUNITY SCHOOL DISTRICT 12**

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I. BUYING A PRINCIPALSHIP

In the early afternoon of March 23, Virginia Noville sat with Community School Board 12 member Edward Cain in his 1982 Cadillac De Ville on Houston Street near Katz's Delicatessen on Manhattan's Lower East Side. "I'm gonna give you two today," she said as she prepared to make the second installment on a bribe designed to obtain the principalship at CS 214 in District 12. She took a wad of money from her purse and counted it with Cain. She laughed as she passed him the money, "I told my friend back there I was giving you the résumé for the job." Cain finished counting the money -- it was \$2,000. "You just bought yourself a principalship," Cain told Noville, and she was obviously pleased. Before she left the car, Noville told Cain she was anxious to get started. "Some of these schools out here are struggling, and they need help."

Noville did not know that Cain was cooperating with our office at the time. She was also unaware that Cain's car was fitted with a hidden video camera, which was recording the event. She did know that she wanted to be a principal, however, and the effort to bribe Cain was one of the last steps in a plan she had been working on for months.

Virginia Noville had achieved some notoriety as an educator once before, as the principal of PS 224 in Brooklyn's District 19. In 1989, she was dubbed the "cookie monster" after a report by the Board's Auditor General found that she sold junk food to her students, whose families averaged incomes below the poverty line, at a considerable profit. She was forced to resign her job as a principal in District 19, but in December 1992, the State Education Department determined she could retain her

license as a supervisor. This set the stage for her return as a principal in the New York City public schools.

Just as she was clearing up her licensing problems, Noville was hired by District 12 Superintendent Alfredo Mathew, now deceased,¹ to do consulting work for the district. Noville was assigned to CS 214. The interim acting principal at the school was a woman named Montrose Spencer, but a permanent principal had yet to be appointed. The official selection process was set to begin in the spring of 1993. Noville immediately went to work, her sights set on the permanent appointment.

Noville's quest began quietly enough, as she sought to develop ties with the parents and staff. Noville was proud of how she had ingratiated herself to people at the school. "I gave them all those Christmas gifts," she told Cain. "And the teachers, and I gave the PTA people those gifts....So I did that kind of groundwork while I was there...perfume and stuff."

Even with the groundwork laid, Noville knew it would take more than perfume to finish the job, so she then turned to Parents Association (P.A.) president Lavern Williams. Williams would be critical in getting the P.A. to support Noville at the first stage of the selection process.² Williams, a single mother of three without a job, was desperately poor. Noville gave Williams a \$300 "loan" to secure her allegiance. According to Noville, Williams promised her support and told Noville she would make sure that she got the "right parents" to be on the screening committee. "I told her, 'you let me know, one hand washes the other,'" Noville later explained to Cain in a taped conversation. "I'm sure she'll be back and she'll be calling me and telling me and keeping me informed what is going on there."

¹Mathew was found dead in an Albany hotel room on January 6. His death was ruled a suicide.

²The principal selection process is described on p. 14.

Noville's loan to Williams looked to be a sound investment. Williams promised to get supportive parents on the screening committee and worked closely with Noville in planning the process. Noville's conversations with Cain make clear that Williams was keeping her informed each step of the way. Further, she could count on Williams to keep quiet about their plans. Noville told Cain during a phone conversation, "I talked to her about, you know, how I think, you know, she should go about things. You know, keep things confidential and uh, just, you know continue to work with the parents." Noville stressed the need for confidentiality. "I had said, you know, it's better that this, you know, not be discussed with anyone." When Cain expressed concern that Noville's giving money to Williams may get things "messed up," Noville assured Cain, "no one saw me really talking with her."

As for Williams, she was supremely confident that she could control the parents on the screening committee. "It is up to me to twist their arms when the time comes, if you get what I'm sayin'," Williams told Cain. "If I say swim, they gonna swim. If I say sink, they gonna sink."

Even with Lavern Williams leading the charge with the parents, Noville would need a good deal more help. Before being selected, she would need the support of the superintendent and the Board. For that, she sought Cain's help. As she later told Cain, she got the idea when she first interviewed for the consulting position with Alfredo Mathew. Mathew called Cain to introduce him to Noville. "The way I read that...", Noville explained to Cain, "was that you would be the, you would kind of become my godfather in the district."

Noville was determined to get the principal's slot. She recalls that when she first spoke with Cain, she told him that she would do anything necessary to get the job. "I told you, you know, that, you know, whatever is needed for the job." Noville

was concerned that Cain would have enough money to take care of whomever needed to be taken care of. "But I want to give you," Noville told Cain over the phone, "you know, ample, you know, to you know, whatever you need to work with...you know what I mean?"

On March 1 Noville met Cain in a parking lot outside the White Castle restaurant at 1677 Bruckner Blvd. As they sat in Cain's car, she paid the first installment of \$1,000 on a bribe they agreed would range from \$8,000 to \$10,000, depending on what Cain would need to get the necessary support.

From there, she carefully guided her plan on its course. She told Acting Superintendent Robert Henry that she was applying for the principal's position at CS 214. She kept up regular contact with Williams regarding her work with the parents. She queried Cain on the progress he was making. She even backed off a claim she had made that the district had not paid her correctly for her consulting work, because she did not want to antagonize anyone in the district, she told Cain. Noville was going all out to make sure things went smoothly. On March 12, she told Cain, "I want to stage everything for, you know, mid-April, something like that for me."

When Cain and Noville spoke on the phone again on March 18, they set up the meeting outside Katz's delicatessen for the following week. Noville was a bit impatient. "We're moving as fast as we can," she told Cain, referring to her efforts with Lavern Williams. "Just have them [the Board] get the process over with and put me there."

Noville was more at ease when she joined Cain in his car on Houston Street on March 23. Apart from looking around from time to time to see if anyone was watching, she seemed relaxed and confident. Noville told Cain she had lined up the support of other important people at the school, including Joan Salvatore, who as

head of the district's early childhood programs had considerable influence at the school. She paid Cain \$2,000 in hundreds and twenties, and told him she would have more in two weeks.

As they sat in the car, Cain asked Noville how she knew to offer him money for a principal's job. Noville sighed. "Look," she said, "I've been around a long time, you know. It's nobody said it. Nobody said it. But you know, it's just I've been around a long time, and I know a lot of board people, you know, across the City." Cain expressed concern for his reputation, and Noville assured him that she would not tell anyone about their arrangement. "All this is highly confidential stuff," she assured him.

Before Noville left Cain's car, she told him how sure she was that she would be a better principal than Ms. Spencer. "She is very traditional in her thinking," Noville complained. "And this is the 1990s, and she does not want to give up the way she used to do things. It doesn't work. Our kids are different today."

Cain and Noville met for the last time on April 15, again in Cain's car in the White Castle parking lot. She gave him another \$1,000 installment, bringing the total in bribes to \$4,000. "When I get the letter and everything for the interview," she said referring to the formal notice of her screening committee interview, "I'll give you the balance."

With the Community School Board elections rapidly approaching, Noville wanted to finish the selection process soon. Her investment was with the current board, and she did not want to take any chances on the next one.

Noville: ...you know, you want to do all this before the new Board gets in there.

Cain: Oh, yeah.

Noville: Oh, please.

Cain: Yeah, oh yeah.

Noville: Anything can happen with that Board.

As Noville left Cain's car, she asked him for directions to the District 12 office, so she could file some paperwork needed for her application. Noville walked to her car, parked nearby in the same lot. She drove out of the lot and headed toward the district office, confident that she would soon be the principal of CS 214.

The official selection process at CS 214 is just beginning as this report is released. We have referred the evidence of bribery to the office of District Attorney Robert M. Morgenthau for prosecution. We recommend that the New York State Education Department revoke Noville's license as a supervisor. Additionally, we have asked the Board to discontinue any consulting contract it has with Noville and to list her as permanently ineligible for employment.

II. OVERVIEW OF INVESTIGATION

A. THE LANGUAGE OF EDUCATION IN DISTRICT 12

When Virginia Noville told Edward Cain that she hoped he would be her godfather in the district, she demonstrated command of the language of District 12. The terms "godfather" and "godmother" are commonly used to refer to Board members who obtain principalships for people. If Noville had gotten the position, she would have been referred to as Cain's "piece." This disturbing terminology is as telling as it is demeaning. Being a board member's piece means being under the board member's control. This language is universal in the district. Every person we spoke to in the district knew what a "godfather" is and what it means to be a "piece."

Though Noville's bribe was the only case that we were able to document of someone paying money for a principalship, "pieces" often get their positions by doing political work for board members. Just as important, however, is the expectation that the piece will "deliver the votes" from his or her school in future elections.

The concept of board members controlling pieces, however, is hardly limited to principals. Indeed, our investigation determined that in District 12, virtually every position is viewed as a piece for board members to control. It is commonplace to hear board members refer to schools, federal and state-funded programs in the district, paraprofessionals, and secretaries as their pieces. As former board member Lucy Cruz testified, in District 12, "Everything is a piece."

If "godfathers" and "pieces" seem out of place in an educational setting, it is because these terms are not part of the language of education. They belong to the

language of power, the language of politics. And it is that language, not the language of education, that is heard in debate in District 12.

This language reflects a certain perspective, a way of looking at things that is far different from the way a parent or an ordinary citizen looks at them. Where most people see a school as a place where children are educated, many board members see schools primarily as places where votes can be generated.

The concept of "pieces" as used in District 12, though many-faceted and complicated, is ultimately grounded to the production of votes. Any piece can play a role in obtaining votes for a board member. A piece is someone who can be counted on to gather petition signatures, work a phone bank, or hand out leaflets. Some pieces have particular roles to play. Someone working in the printing office can print campaign literature free of charge. A secretary at the district office is well situated to distribute fundraiser tickets and collect money from those who sell them.

Listening to all the talk about pieces in District 12, the overall effect is of board members playing a game -- acquiring pieces, losing pieces, trading pieces -- all in an effort to improve their position in the game. The game can be played fiercely, as our investigation demonstrates, and it is played on a political board. Education is at best a minor consideration when godfathers and godmothers get together to talk about their pieces.

B. SUMMARY OF INVESTIGATION

This report is based on 16 months of investigation.³ During that time, we

³As we release this report, the Chancellor's Office is in the midst of an ongoing battle with Community School Board 12 about the district's fiscal mismanagement. Among the problems the Chancellor's Office has been trying to rectify are "hundreds of thousands of dollars misspent," "contracting procedures not observed," "improper personnel assigned to district office and to schools," and a host of other financial irregularities.

obtained the cooperation of many sources in the district. These include members of Community School Board 12, administrators, educators, non-pedagogical staff, and parents. We interviewed dozens of district employees, taking sworn testimony from many of them. We examined thousands of district records, as well as relevant documents from the central Board of Education.

Some of the most revealing insights come from conversations recorded by board member Edward Cain. Cain recorded hundreds of conversations with board members, other political officials, educators, and parents. These conversations, taken together with dozens of hours of debriefing sessions with Cain, provide an intimate insider's view of the political workings of the district.

Raul Cruz, another member of School Board 12, cooperated with our office briefly in the late winter/early spring of 1992. While we later stopped working with Cruz when it became clear he was not being entirely candid with us, he nonetheless recorded, under our supervision, some critical conversations with then superintendent Alfredo Mathew.

C. A DIFFERENT KIND OF SCHOOL BOARD

"Nobody in their right mind is gonna send their kids to District 12. I didn't send mine to District 12. I ain't afraid to admit it...and I wouldn't send a kid to District 12 now. I had one in [IS] 116, and I pulled him out....Uhn-uh, you're not retarding my children."

-- Community School Board 12 member Randy Glenn. [Secretly recorded by Ed Cain, 3/26/93.]

What emerges from our investigation is the image of a school board far removed from the ideal of a community-based, education-driven group of local leaders. Two board members have been removed by Chancellor Joseph Fernandez for not even living

in the district. Why would someone with no children in the district's schools, or someone who does not live in the district, run for an elected office that pays \$125 per month? Virginia Noville was willing to pay a board member \$8,000 to \$10,000 for a principalship, although that was the only case we could document of money changing hands.

The motivation we found most often is the acquisition and expansion of political power. At the school board level, the ability to hand out jobs generates enormous influence, particularly in a community where jobs are hard to come by. It also brings a member into contact with other elected officials, the seductive world of political conferences, and the promise of higher office. For example, many of the events discussed in this investigation played against the backdrop of board member Lucy Cruz's successful campaign for the City Council. In District 12, these forces have combined to form a political patronage mill, where virtually every hiring decision is based on the impact it will have on the personal and political fortunes of the board members.

Politics generally requires money -- money for campaign literature, money for staff, and money for office space. Not in District 12. District 12 board members, rather than spend their own money, give out jobs. The people who get these jobs are counted on to do political work for the board member. They do not need to be paid because the Board of Education pays them. When more jobs and promotions become available, board members dole them out to reward those who have performed their political service faithfully. Because jobs are the key to this whole process, the competition to hand out the district's limited number of jobs is fierce.

This report focuses first on the selection of principals and assistant principals in the district. While parents and most community people view school administrators as

important educational leaders, our investigation found that in District 12, principalships and assistant principalships are viewed as the most important patronage plums because principals can play a critical role in delivering the votes from the parents at their schools. In summer 1991, when an unprecedented number of vacancies resulted from an early retirement incentive offered by the Board of Education, the power forces on the board met in secret to divide up these "pieces" long before the official selection process had even begun. Our discussion of the summer 1991 meetings begins on p. 14.

We then discuss the manipulation of the official selection process to ratify the deals made in secret. The most disturbing aspect of this manipulation is the way board members exploit the poverty of parents in the district. Parents at the school can pose a stumbling block for the back-room deals. Board members get around this by offering jobs and sometimes even bribes to get recalcitrant parents in line. Manipulation of the selection process is discussed in section IV of the report.

Next, we turn to non-pedagogical hires, which because they have few educational and licensing requirements, are ripe for patronage. We found that in District 12, an ordinary person off the street could not even get a proper job application for these positions. These jobs were saved for those who came with a board member's recommendation. On p. 52, we examine how state and federal programs are used as a "job bank," as Acting Superintendent Robert Henry described it to us.

An inevitable result of the patronage system is extraordinary pressure on educators and all employees to do political work in order to advance their careers. District 12 employees even perform humiliating personal favors, such as chauffeuring board members and tending to their yards, in an effort to get promoted. We examine

this pressure, and its demoralizing effect on the district's staff, in detail in section VI of the report.

Fundraising plays a critical role in district affairs. Board members hold fundraisers to raise money for their campaigns, and in the case we examined in detail, to line their own pockets. That fundraiser, described in section VII of our report, demonstrates how a patronage network can perform virtually every task necessary to raise money -- from printing tickets to selling them -- without any overhead.

The negative impact patronage has on the education system is enormous. Less qualified and sometimes incompetent people are hired. Hiring decisions are skewed toward positions that are "patronage-friendly." Teaching positions, for reasons discussed in section VIII, are not easily awarded as patronage. As a result, the district spends its money elsewhere. District 12 ranks 31st among New York's 32 school districts in per capita spending on teachers. Patronage also skews incentives in the direction of politics. An educator looking to become a principal in District 12 is more likely to advance his career by spending his spare time collecting petition signatures than by working on innovative lesson plans. Demoralization, when educators have their professionalism undermined by political pressure, inevitably takes its toll. While it would be unfair to blame patronage entirely for the dismal educational performance in the district, it is clear that a school district with such low achievement is the last place we can afford to be hiring any but the most qualified people.

A momentary bright spot in this bleak picture is Acting Superintendent Robert Henry. Henry, who was named acting superintendent after the suicide of Superintendent Alfredo Mathew, has labored to open up the hiring process and stop the back-room deals, with some success. This has earned him no points with the district's power brokers, and as a result, Henry is not considered to have a chance at

getting a full contract.

We have referred all evidence of criminality to the office of Robert M. Morgenthau, District Attorney of New York County. Mr. Morgenthau's office was instrumental in this investigation.

Recommendations for systemic change to address corrupt hiring practices are discussed in section VIII of this report. With respect to District 12, we recommend to Chancellor Fernandez that he supersede the Board for all hiring practices. We further recommend the removal of three members of the Board -- Raul Cruz, Pablo Ortiz, and Veronica James -- for their role in the subversion of the selection process and other improprieties. Edward Cain was removed from the Board by Chancellor Fernandez for residing outside the district. Cain was appealing the decision, but by pleading guilty to a conflict of interest under the City Charter, he has forfeited any rights to his seat.

III. BACK-ROOM DEALS: THE REALITY OF SELECTING PRINCIPALS IN DISTRICT 12

A. THE SECRET MEETINGS OF SUMMER 1991

The summer of 1991 presented a great opportunity to improve the education of the children of District 12. The Board of Education offered an early retirement incentive to supervisors, and 46 vacancies for principals and assistant principals opened in the district.⁴ With the district's long history of poor academic performance, these vacancies promised new creative energy and vitality in the district. Instead, the opportunity was wasted as local school board members conspired with the district superintendent and former board members to divide up the vacancies as patronage plums -- rewarding campaign workers, friends, and in at least one case, a lover.

Our investigation was afforded an insider's view of the deal-making from one of the participants, Edward Cain. Cain's description of the back-room deals that summer is corroborated by conversations he taped with former District 12 Superintendent Alfredo Mathew, other school board members, and district educators. These sources provide a window into the day-to-day functioning of a school board that is far removed from the ideal of a education-driven, child-focused group of concerned local citizens. Emerging instead is a picture of greedy politicians who look at principals as patronage spoils rather than educational leaders. The educational abilities of the prospective principals barely merit comment as board members jockey to use the vacancies to

⁴Sixteen principals took advantage of the early retirement incentive. Although 30 assistant principals did not vacate their positions, the superintendent deemed it necessary to increase the number of assistant principals in the district, so he assigned 30 interim acting assistant principals.

secure or expand their power bases. The important role of former board members, tainted by past improprieties and immune from disciplinary actions or elective pressure, is also illuminated by our investigation.

B. THE SELECTION PROCESS: THEORY

To fully understand the significance of the back-room deals cut in District 12 that summer, it is first necessary to understand how the principal selection process is supposed to work. Because of fears of the sort of patronage we found, the Chancellor's regulations carefully prescribe the roles of the superintendent and school board members in the selection of educational supervisors.

The process, set out in Chancellor's regulation C-30, establishes three stages, or levels, to the selection of principals and assistant principals. At Level I, a screening committee made up of parents of children at the school, with representation by educators in the district, chooses a minimum of five candidates to be passed along to the next level. At Level II, the district superintendent chooses at least two of these to be considered at Level III. It is only at this third level, after parents, teachers, supervisors, and the district's chief educator have carefully sifted through the candidates, that the school board members are involved. They choose the principal to be appointed permanently from the Level II finalists.

C. THE SELECTION PROCESS: REALITY

The reality in District 12 turns out to be something quite different. This reflects the misguided perspective many board members have on principals. The community sees a principal as an educational leader. Unfortunately, to an elected official, a principal can also be seen as a source of free political labor. Board members capitalize

on this valuable asset. The promise of a principal's job has led many educators in the district to slave away on political campaigns.⁵

But board members see a principal's job as far more than a reward for *past* political service, as Cain explained. There is much a principal can do in his new position to help a board member politically in the *future*. The principal is in the best position to deliver the votes of parents in the school. "You have access to parents," Acting Superintendent Robert Henry explained. "Those are the people that vote." Principals can also help raise funds by selling fundraiser tickets to staff and parents.⁶

When the retirement incentive resulted in dozens of supervisory vacancies, the political import of principals and assistant principals won out over their educational purpose. Our investigation found that long before the C-30 process began, most of the positions were already in effect filled as a result of secret meetings between Mathew and the "caucus"⁷ of powerful current and former board members who controlled the Board's official votes. Board members outside the "caucus" knew nothing about these meetings. Parents and unconnected educators were kept completely in the dark.

Those chosen at these meetings would be assigned as interim acting principals at the schools with vacancies, where they would function in their supervisory role until the selection process was completed. Their selection at Levels II and III of the C-30

⁵The pressure on educators to do political work to get ahead is explored in depth in section VI , at page 73.

⁶See Fundraiser section at p. 94.

⁷Caucus is a term understood universally in the district to mean a majority of five or more board members allied together. With a guaranteed majority, the caucus need not consult with the other board members to get their initiatives passed.

process was already agreed to by Mathew and the caucus. Thus, to be appointed permanently, those chosen in the caucus's secret meetings needed only to finish in the top five candidates at Level I of the process. Since in the interim acting role, they would be at the school cultivating relationships with the parents and teachers who would form the screening committee, this presented a minimal obstacle. If the parents did cause trouble, Mathew and the caucus had a host of ways of circumventing them.⁸

The secret meetings at which the principals and assistant principals were chosen were the culmination of several months of jockeying by the factions that controlled the district's affairs. The strategy sessions began almost immediately after the retirement incentive was announced. As Cain told us, no one needed to be told the significance of that many principalships coming available at once. Because principals could be so important in delivering the vote, controlling principals was critical to board members who were seeking to secure or expand their political bases. Forty-six vacancies at once was a "bonanza," as Robert Henry put it.

D. THE FACTIONS

Edward Cain was a member of the "A-Team," a group of board members consisting of Kenneth Drummond, Veronica James, and Cain. The A-Team is often referred to as the "black faction" of the board, and in fact Drummond, Cain, and James are African-American. That view is simplistic, however, as alliances in the district often shift as individual members seek to strengthen their own positions. Still, the A-Team generally stuck together and was united in approaching the vacancies resulting from the retirement incentive.

⁸See "Leaping the Last Hurdle: Subverting the Parent/ Teacher Screening Committee," at page 33.

Kenny Drummond was the unquestioned leader of the A-Team, and his word was taken as representing that of Cain and James. Drummond maintained his power despite being removed from the Board in 1989 because he did not live in the district. He was able to maintain his power because of his intelligence, charisma and detailed knowledge of political affairs. "Kenny knew, he knows the district," Cain explained. "He knows where the votes comin' from." Drummond, 49, has a checkered history, stemming from his stewardship of the Dr. Martin Luther King Jr. Health Center from 1978 to 1987.

The A-Team would be vying for the supervisory vacancies with another faction headed by then board member, now City Councilperson Lucy Cruz.⁹ According to Cain and many other people we interviewed in the district, the Cruz faction was far more powerful than the A-Team. Cruz's group was often referred to as the Hispanic faction, but again this is an oversimplification. Cain was allied with Lucy Cruz at one point, as was Randy Glenn, who replaced Drummond and who is also African-American. Two other Hispanic board members, Lydia Velez and Eugenia Irizarry, were not part of the Cruz faction, and were left out of the summer deals. Ms. Cruz did have three other members in her faction that summer, however, Raul Cruz (no relation, according to Mr. Cruz), Pablo Ortiz, and Nilda Muñoz.

E. THE STRATEGY

The A-Team's strategy on the summer 1991 vacancies was shaped by its relative weakness. With Drummond no longer on the board, they had only two votes. Further,

⁹Virtually everyone we spoke to knew Lucy Cruz to be the leader of the Hispanic faction. One high-level administrator referred to her as the district "powerhouse." When we told Cruz that she was viewed as the faction's leader, she responded, "I have to say I'm flattered. I don't believe that to be so."

the district was primarily Hispanic, as were the six other board members. (Drummond's seat was still vacant.) Cain describes the strategy: "We didn't want to give away any schools, you know," he said. Additionally, they wanted to get in as many assistant principals as possible, Cain told us.

There was another key element to the A-Team's strategy. They wanted control of the district's Community Special Education (CSE) Program. While CSE's mission is the education of disabled children in the district, it was not this that attracted the A-Team. They wanted CSE because they could use it to hand out jobs to their friends and supporters, Cain explained. To get control of CSE, the A-Team was willing to trade as bargaining chips some of the principalships it wanted.

Drummond masterminded the strategy. It was developed in numerous meetings between Drummond, James, and Cain held at the office of Drummond's tax business, New Ventures Tax at 1302 Boston Road in the Bronx, and at Cain's apartment. In these strategy sessions, they talked over the candidates for the coveted supervisory jobs. It was understood that principals and assistant principals chosen by the A-Team would be expected to get involved in political activities supporting the group, such as fundraisers and petition drives. On one occasion, in fact, Drummond asked one of the candidates for money to print fundraiser tickets in the same conversation in which he told him that the A-Team was considering him to get one of the principalships.

In developing his strategy, Drummond knew that the schools were not interchangeable. The most important schools are those with the largest potential voter turnouts. Since the schools with large student bodies are likely to have large numbers of parents, these are very important. That is just the start of the analysis, however. Elementary schools are more important because the parents of younger children are more likely to accompany their children to school. This gives the principal more of a

chance to cultivate a relationship, and consequently to harvest a vote. Schools with programs for children with special needs are valuable for the same reason. Similarly, schools with "latchkey" programs where parents from that school and others can leave their children after school, are important because they offer access to parents of children at *other* schools.

The political maze in District 12 is complicated, and grasping it is a key to longevity in the district's political mix. Cain attributes much of Drummond's success to his mastery of these intricacies. As Cain explained, "That's Drummond's specialty -- where black votes comin' from, where Hispanic votes comin' from." Drummond knew that success meant not controlling simply schools with large voter turnouts, but schools with large turnouts of voters who would probably vote for *him*. Thus, a school near one's home, or with a favorable ethnic makeup, was critical.

F. SECRET MEETINGS

Once the A-Team had completed the list of "schools we wanted," as Cain put it, Drummond arranged a meeting to discuss the vacancies with Alfredo Mathew. This meeting took place at Cain's house. Cain said Mathew brought former board member George Gonzalez with him.

Gonzalez, who had faced embarrassing allegations as a board member,¹⁰ was not up for re-election to the board in 1989. Nevertheless, he was a key player in the

¹⁰While on the board in 1987, Gonzalez was asked to leave a conference, paid for with district funds, at a Southampton resort because he spent so little time in attendance. In December 1988, allegations were made that he and Evelyn Hey, his girlfriend and then an acting principal in the district, had been seen loading school supplies into Gonzalez's van and driving away. The Board of Education's Inspector General's office, now defunct, began investigating the allegations, but stalled in the turmoil following the Gill Commission's investigation of school corruption.

summer negotiations. Gonzalez functioned as an effective mediator, according to Cain, because he got along well with both Mathew and Drummond. Mathew corroborates this. "He's been a lubricant with the blacks," Mathew said about Gonzalez in a conversation that was secretly recorded by board member Raul Cruz, "and you don't understand that he can bring the blacks to the table. He's always done it." Gonzalez's motive for helping Mathew was obtaining one of the principalships for his girlfriend Evelyn Hey, according to both Cain and Raul Cruz.¹¹

Drummond, as usual, was the spokesman for the A-Team at the meeting in Cain's apartment. He gave Mathew a list of the schools he wanted and told Mathew the names of the principals and assistant principals he wanted to put in. "We called names and [Mathew] wrote it down," Cain said. "Some he liked and some he didn't." Mathew had apparently met already with Lucy Cruz, and he had with him a list of the schools Ms. Cruz wanted. He told Drummond that he would not get as many schools as he wanted. Drummond accepted this as inevitable, given the A-Team's relative weakness, but he pushed for control of CSE. Mathew agreed to raise the question of CSE with the Lucy Cruz camp.

The next step was for both the A-Team and the Lucy Cruz faction to meet and to hammer out the details of an agreement. This meeting took place later in the summer in Raul Cruz's law office at 1253 Commonwealth Avenue in the Bronx. Drummond, Cain, and James were there for the A-Team, while Lucy Cruz, Raul Cruz, Pablo Ortiz, and Nilda Muñoz attended for the Cruz faction. Al Mathew also attended, but George Gonzalez was not present. Cain explained that Gonzalez was not well liked

¹¹Hey eventually became principal at CS 234, even though the screening committee ranked her last of the 14 candidates it interviewed. How Hey obtained the position in spite of her dismal rating at Level I is discussed in section IV, at page 42 .

by Lucy Cruz and Raul Cruz, a fact evident from this office's discussions with Mr. Cruz. Eugenia Irizarry and Lydia Velez were not told of the meeting. "They was left out in the cold," Cain said, because, "They wasn't goin' to get anything."

One by one, the schools where vacancies existed were put on the table as both sides stated their positions. According to Cain, Lucy Cruz was pushing hard to reward people who had worked hard on her political campaigns. "She said she's gonna get her pieces for her people -- 'cause they worked hard for us, got us elected,"¹² Cain said.

A struggle ensued over CS 47, illustrating how politics shape educational issues in the district. With 1,160 students, CS 47 is one of the largest elementary schools in the district. According to Cain, Lucy Cruz draws a lot of votes from the parents at CS 47. Furthermore, it is the voting place for the Bronxdale houses, where Ed Cain draws a large number of votes. Thus, for both Cain and Cruz, it was an opportunity to protect their voting bases and to eat into that of their opponents. Cain was therefore very anxious to "keep" CS 47, which had an African-American principal before the retirement incentive.

But once again, the stronger Cruz faction held the upper hand. "We tried to drive a hard bargain with Lucy," Cain told us, "but you know how it is, you ain't gonna win." Ira Victor, who was running Lucy Cruz's City Council campaign and had also worked on her school Board and (unsuccessful) State Assembly campaigns, would become principal at CS 47. That he had only one and a half years of experience as an assistant principal was not seen as a hindrance to awarding him one of the largest elementary schools in the district.

¹²Cain ran on Lucy Cruz's slate in 1989, but shortly after they were elected, he left the Cruz faction to join the A-Team.

In the end, though, part of Drummond's strategy seemed to pay off. Drummond offered to let Lucy Cruz have the schools she wanted if the A-Team got control of CSE. Lucy Cruz agreed, according to Cain. The A-Team would get the principals at six schools, as well as eight assistant principals. Though they would have a net loss of 11 principalships and assistant principalships by Cain's calculation, as compensation they would gain the special education and dropout prevention programs.

For Lucy Cruz, these deals worked splendidly. She was true to her word in rewarding her campaign workers. Besides Victor, she was able to place Louis Coriminas, who had run her school board campaign, in IS 116. Joan Salvatore, who by all accounts worked hard on the campaign, was made Director of the Early Childhood Program. Carmen Sonia Colon had also worked hard on the campaign and was given the principalship at CS 44. According to Cain, in fact, all the principals Cruz sponsored had worked on her campaign.¹³

G. LUCY CRUZ DENIES DEALS WERE MADE

Lucy Cruz, with her attorney present, testified before this office on April 23, 1993. Her testimony corroborated Cain's in most respects, with one critical difference. She said that while there was a meeting with Mathew and the A-Team in Raul Cruz's office to discuss the vacancies, no deals were struck and no commitments were made. Some board members merely made recommendations to Mathew, she said.

In her testimony, Lucy Cruz was initially unable to recall any meetings about the vacancies other than official board meetings.

¹³ Victor's testimony before this office confirmed Cain's characterization of his work on the campaign. Victor told us that he, Salvatore, and others working on the campaign worked so hard that they regularly stayed overnight in Cruz's apartment.

Q: Were there any meetings other than executive or open meetings at which you got together with other board members to decide on supervisory appointments?

Cruz: No.

Q: OK. Were there any meetings in the summer of 1991 at all where you got together with other board members to decide upon these supervisory appointments?

Stanley Schlein [Cruz's attorney]: What kind of meetings-- board meetings or--

Q: I'm asking, Ms. Cruz has told me that there were board meetings, both open and executive. I'm asking now whether there were any other meetings other than those types of meetings at which appointments were discussed.

Cruz: I can't remember.

A few moments later, Cruz asks for a clarification of the question.

Q: You need a clarification?

Cruz: Please.

Q: OK. I'm asking whether there were any meetings during the summer of 1991 where you met with other board members to discuss who to place in these upcoming supervisory vacancies, other than official executive board meetings and open board meetings?

Cruz: OK.

Q: Is that clear?

Cruz: Yes it is, and I think I answered. I said I didn't recall.

Lucy Cruz did say that recommendations were made by all members regarding the interim acting positions, but that because these were only temporary, she did not see this as at all improper.

Toward the end of the 90-minute interview, she admitted that the meeting in Raul Cruz's office had occurred, but denied that commitments were made. She corroborated Cain's testimony that she recommended Ira Victor, Nilsa Gonzalez, Louis Corominas and Diana Caracciollo, but denied recommending Colon.

Q: Did you ever get together in Raul Cruz' office in the summer with Kenny Drummond and the caucus and Alfredo Mathew to discuss the interim acting positions?

Cruz: Yes.

Q: Who was there?

Cruz: You just told me, Mr. Drummond, and Mr. Mathew, since we were in Raul's office, I would have to say Raul Cruz.

Q: Was Nilda [Muñoz] there?

Cruz: I can't remember.

Q: Do you know if Ed Cain was there?

Cruz: Yeah, I'd say he might have been there.

Q: Were any final decisions made there as to who would be interim acting at the end of the summer? In that meeting at Raul Cruz' office?

Cruz: Absolutely not.

But conclusive corroboration that deals on the principalships were in fact closed in Raul Cruz's office comes from a somewhat surprising source -- the now deceased superintendent Alfredo Mathew.

H. ALFREDO MATHFW DESCRIBES THE SUMMER MEETINGS

Ironically, it may have been a bit of political treachery by the Lucy Cruz camp, or

at least perceived treachery, that led to the definitive confirmation that the principalships had been sewn up in secret deals.

After the summer meetings, the A-Team members quickly came to the conclusion they had been hoodwinked on the deal that was to bring them the chairperson of CSE. Lindra Troncoso, their choice for the position, was not chosen. Rightly or wrongly, the A-Team felt this was engineered by Lucy Cruz. Ms. Cruz admitted that Troncoso's appointment had come up at the meeting at Raul Cruz's office, and said that she had opposed it. She denied, however, doing anything to undermine the appointment.

The A-Team was, in any event, bitter over what they saw as a betrayal, and complained loudly to Mathew. Mathew saw this dispute as serious enough to bring it up to Raul Cruz the following spring, during the brief interval in which Cruz was cooperating with our office. In the course of telling Cruz why the A-Team was so upset, Mathew lays out the summer commitments in detail.

Alfredo Mathew and Raul Cruz had breakfast at the International House of Pancakes at 5655 Broadway near 232nd Street in the Bronx on April 8, 1992. Cruz was wearing a concealed tape recorder. Early in their discussion, Mathew mentions that the A-Team was upset that Lindra Troncoso was not named chairperson of CSE.

Mathew: Listen, one of the things that [inaud] the blacks very very annoyed...

Cruz: That what?

Mathew: That has the blacks very annoyed, because they, uh, suspect that, that Lucy had something to do with Troncoso...

Cruz states that Drummond is "paranoid," but Mathew returns to the topic a short time later.

Mathew: But anyway, that's what VJ [A-Team member Veronica James] and Drummond are saying...

Cruz: Yeah, that, that we...

Mathew: That we had an agreement last summer, and that out of that agreement they got nothing.

Thus Mathew, who at no point was cooperating with this office, confirms that there had been an agreement about Special Education that summer and that the A-Team felt they had been "double-crossed" by the Lucy Cruz faction.

Mathew corroborates Cain's description in even more detail in another breakfast meeting with Cruz at the IHOP two days later. At one point in the meeting, Cruz complains about George Gonzalez's influence, saying that Gonzalez got to choose the principals at three schools. Mathew first says "that's bullshit," but in a reference to CS 234, where Gonzalez's girlfriend Evelyn Hey had been named interim acting principal, Mathew concedes, "first of all, 234 -- it might be the only one."

Raul Cruz stumbled into more than he bargained for when he agreed to tape his conversations with Mathew. As he continues to discuss how Hey got to be the principal of CS 234, Mathew confirms not just the deal that was struck the previous summer, but also how and why the deal was struck. He corroborates Cain's assertion that Gonzalez was an important mediator the previous summer.

Mathew: No, 234 maybe...

Cruz: So now...

Mathew: But that was a commitment we made last summer, and we, you know, we sit down and make commitments, and I'd like to honor those commitments...

This must have made Cruz, who told us he was an innocent victim of the

corruption of others, uncomfortable. Cruz tries to dispute his involvement, but Mathew, somewhat irked, insists.

Cruz: You, you made the commitments.
Mathew: No, no, we made it as part of the agreement, you forgot that we did not have a majority last summer...

Cruz: Uh huh.
Mathew: In order to bring that majority about, to bring the blacks in we had to negotiate, and we had many meetings with Kenny and whatever...

Cruz: Yeah.
Mathew: And that's how that evolved, and I know we can't turn around and forget that...

Cruz: Uh huh.
Mathew: Because if you do that then you do, causing problems with Eddie [Cain] and with VJ. VJ right now feels she got shafted on Troncoso, and that you and Lucy engineered that...

Mathew, doubtless confused why Cruz cannot seem to remember the meetings that Cruz himself had attended, goes on to confirm the location of the meeting where the principalships were divided.

Mathew: But anyway, uh, with this [inaud] we held a meeting, we sat with Lucy in your office, all of us, and we sat there and we talked about various places where people could be put.

At the close of the meeting, Mathew corroborates that the appointments of Victor, Corominas, Salvatore, and Sonia Colon were made to satisfy the Cruz camp as part of the summer agreements. When Cruz complains to Mathew that he has not benefited from any of the deals made in the district, Mathew contradicts him by listing

the Cruz camp members who had received principalships. When Cruz dismisses those as Lucy Cruz's people, Mathew tells Cruz that he thought that he and Lucy Cruz were working together at the time.

Cruz: ...I haven't got crap out of here, right.

Mathew: Ira Victor...

Cruz: That's not, come on.

Mathew: Come on.

Cruz: That's not [inaud], all right, but any...

Mathew: Ira Victor, Lou Coriminas...

Cruz: What? those are my people?

Mathew: I did some for you.

Cruz: [inaud] just say I want this person here right, I should have done that, I, I...

Mathew: I thought you were part of something with Lucy and we worked it out, and Ira's a qualified guy.

The Mathew-Cruz conversations of March 8 and March 10, 1992, corroborate in virtually every material respect Cain's description of the summer 1991 meetings. They confirm that the meetings were held, where they were held, and that commitments were made. Specifically, they corroborate several commitments: Lucy Cruz was given principalships for campaign workers Ira Victor, Louis Coriminas and Carmen Sonia Colon and the Early Childhood Program for Joan Salvatore; Gonzalez was given CS 234 for his girlfriend Evelyn Hey; and the A-Team was given, in theory at least, Community Special Education, where Lindra Troncoso was to be appointed. They also confirm the dispute over the Troncoso appointment, and that the A-Team believed that Lucy Cruz

engineered Troncoso's rejection.

I. THE A-TEAM MEETS WITH ITS NEW PRINCIPALS

The A-Team wasted no time making certain that their candidates knew how they got their positions and what would be expected of them. Shortly after the agreements had been reached, the A-Team met with those it had successfully sponsored for principalships -- Althea Serrant, Jewel Moolenaar, William Bell, Jean Keizs, and Marietta Tanner. James Parker was invited, but he did not attend.

The meeting occurred at IS 158, according to Cain, and the purpose was both to congratulate the assignees and to talk to them about the need for fundraising for the upcoming elections.¹⁴ Drummond conducted the meeting, and spoke with the prospective supervisors for about an hour. Apparently, it struck no one as unusual that someone who was not a board member was holding a meeting to congratulate principals before the selection process had even commenced. The message of the meeting was clear, however: you got your job because of the A-Team, so the A-Team expects your support. This message would be underlined regularly, for instance when the A-Team sought out the new supervisors to sell tickets to its fundraiser that November.¹⁵

J. AN OPPORTUNITY WASTED

The back-room deals made by Mathew and the caucus made a mockery of what

¹⁴Elections were scheduled for the following spring. They were later postponed for one year, to May of 1993.

¹⁵See Fundraiser section at p. 94.

should have been a fair and open selection process before that process even began. Instead of parents, educators, the superintendent, and board members all playing an important role in meeting this extraordinary educational challenge, Mathew and some powerful board members, and at least two people who were not even on the Board, usurped all the authority to themselves. Instead of all qualified applicants having a fair chance, only those who had gained the favor of the right board members were chosen. Instead of merit as the primary criterion, political service -- past, present, and future -- took center stage.

Cain told us that merit typically went out the window when the Board appointed principals. "Eighty percent are not good principals, but they are put through because it's political," he said. While it is far too early to thoroughly review the academic performance of those who got principalships from the summer 1991 deals, there are some disturbing signs.

Carmen Sonia Colon, who had worked on Lucy Cruz's council campaign and had obtained a principalship at CS 44, was forced to leave after numerous complaints from parents at the school. Cain, quoting Mathew's opinion of Colon, said, "She was dirty, she smelled, she didn't know what she was doing." Cruz herself, who admitted that Colon worked on her campaign but denied sponsoring her, said that rumors abounded that Colon was "an eyesore" and had "hygiene problems." According to Cain, even Mathew laughed when he told the ATeam in the summer that Lucy Cruz wanted Colon to get a principalship, saying Colon was "a joke."

Cain was not much easier on his own candidates. Jewel Moolenaar, who was made interim acting principal of CS 129, was removed from her school after an investigation by this office revealed that she had callously interrogated a third grade student who been raped by a custodial worker. When asked his opinion of her

competence, Cain said with a laugh, "Forget Moolenaar, don't even mention Moolenaar."

Marietta Tanner was another of Cain's pieces in the summer deals. Shortly after she was appointed interim acting principal, a registration review team found the intermediate school to be a "school in crisis." The report found students "roaming the halls aimlessly," teachers who were chronically absent or late, and a severe lack of leadership. "The adults have lost control of the building," the report reads.¹⁶ After the report was issued, Tanner was removed from her position. Cain told us that he knew that Tanner was not fit to be principal of the school. "Tanner was good in one way, but not in no school like that," he said.

The summer meetings were a success. Of the 46 interim acting principals and assistant principals who were decided on behind closed doors, only four will definitely not be permanently appointed. Twenty-eight already hold the permanent positions and 12 are still interim acting, awaiting permanent appointment.¹⁷

Reading and Math scores at most of the 17 schools where principals were selected in the secret meetings have plummeted.¹⁸ Again, it would be unfair to attribute this solely to the poor performance of these supervisors. Nonetheless, when selections are made secretly without a fair opportunity for all to compete for these

¹⁶"Registration Review Report" of IS 167, October, 1991.

¹⁷The remaining two were Tanner, who was removed after the release of the education review panel's report, and Valentino Acabeo, an interim acting assistant principal who relocated to another district.

¹⁸Of the 17 schools, only five -- CS 211, IS 158, IS 116, CS 234, and IS 98 -- did not suffer a decline in scores from 1991-1992. The scores at CS 134, CS 129, CS 44, CS 57, CS 150, CS 102, CS 47, CS 6, and CS 50 fell at a much faster rate than the city-wide average. For example, citywide reading scores dropped 3.3% from 1991-1992. In contrast, reading scores at CS 44 dropped 15%, at CS 134 they dropped 13.7%, and at CS 129 they dropped 13.2%. IS 193 suffered only a small decrease in scores.

positions, the community is entitled to hold the Board strictly accountable for the results.

IV. LEAPING THE LAST HURDLE: SUBVERTING THE PARENT/TEACHER SCREENING COMMITTEE

Once the deal to fill the supervisory vacancies with the superintendent and the caucus members in agreement had been closed in Raul Cruz's office, the only real hurdle was to get the "pieces" through the first stage of the official hiring process, the Level I screening committee. For the board members it is vital that the screening committee include their "piece" among the top five candidates it recommends to the superintendent. This way the superintendent can simply pass along the pre-selected candidate to the Board for final appointment.

With so much riding on the screening committee, the Board and former superintendent Mathew had no intention of entrusting their carefully negotiated deals to the vagaries of a merit-based selection by concerned parents. Our investigation documents how Mathew, the Board, and other interested parties bought parents with job offers and cash. The evidence also demonstrates how they rigged Level I by stacking the screening committee with parents favorable to their candidate, writing the screening committee's selection criteria, shaping the interview questions, and even strategizing with parents on how to rank the various applicants so that their candidates emerged among the top five. Also evident is the role the superintendent designee played in tilting the process to favor the pre-selected candidate.¹⁹ While our evidence

¹⁹Perhaps as effective, even if not as overtly corrupt, Board members also lobby parents on the screening committee directly or through strategically placed liaisons at the schools. When Cain asks George Gonzalez how to get a candidate through the C-30 process, George tells him on tape, after "making a commitment, you have to be there, you have to spend some time here, deal with the parents. Parents get impressed when they see you here. See, when I was a board member they used to get

in this section focuses on the deals made in summer 1991, it is clear the practice of exploiting parents to subvert the process continues to this day.

When the screening committee, despite the manipulation, failed to pass along the desired candidate, Mathew simply disbanded the screening committee or held up the appointment indefinitely, using as leverage the parents' desire to have a principal for their children's school.

The manipulation of the C-30 process, particularly the exploitation of parents at Level I, is one of the most troubling findings of this investigation. Level I was devised specifically to guard against patronage. It gave parents and teachers, whose lives would be most affected by the appointment of a principal or assistant principal, an independent voice in the hiring process. It was believed that political patronage would be unlikely to affect parents, since they would naturally have their children's best interests at heart.

A. INTERIM ACTING -- INCUMBENT ADVANTAGE

Even before Level I begins, the pre-determined candidate is given an advantage by being assigned to the school as an interim acting principal or assistant principal pending the official selection process. As several supervisors and one highly placed administrator in the district office have testified, being an "interim acting" gives an incumbent, a unique opportunity to court the parents on the screening committee.²⁰

Furthermore, as is clear from the testimony of three principals, Alan Brandt, Jewel Moolenaar, and Mary Marquez, interim actings are normally involved to some

impressed -- 'Oh George's here!,' and I'm always on their side."

²⁰While incumbency can work against an interim acting who is doing a poor job, it gives an obvious advantage among two equally qualified candidates.

degree with the Level I process, thus giving them further opportunity to ingratiate themselves with the screening committee members. For example, several interim actings were asked by the district office in fall 1991 to set up the initial meeting to select the parent members of the screening committee, and to act as a liaison between the district and the screening committee on several other matters.

B. COMMUNITY SCHOOL BOARD MEMBERS EXPLOIT POVERTY

The most disturbing method Community School Board 12 members use to subvert the selection process is the cynical exploitation of the district's poverty. A majority of parents in the district are at or below the poverty line, and 89% of the district's school children qualify for free lunches.

The parents' desperate need for money is exemplified by Lavern Williams, the president of the PTA at CS 214, whom Virginia Noville paid off in her quest to buy the principalship at that school. During the course of Easter weekend, Williams telephoned Cain four times to ask for \$30 to get her through Easter, Cain reported.²¹

A few days earlier Williams had called Cain to ask him to accelerate the processing for her district job because she urgently needed the money:

I need, I got to get a job. You know what I'm saying.Being a single parent, not only with one kid, but three and with Easter coming up and stuff -- the kids don't have nothing for Easter. Not even a Easter basket, you know, and I sometimes say, 'Boy, if I was working, you know, at least, you know, maybe at least I could buy them some church outfits or something.' ...I need a job.

Board members and the superintendent exploit this desperate need for jobs and

²¹In a telephone conversation with Cain shortly after he gave her the \$30, Williams makes clear how much she needed it. "I felt kind of bad asking you," she said, "but it was like I had no choice, you know what I'm saying?....I really needed it. I went to the supermarket right away and I took care of business."

money to buy the parents on the screening committee in order to push their own candidates to the next level.

When Jim Gelbman, an assistant principal at CS 44 who is cooperating with our investigation, asks Kenny Drummond and Veronica James how they will secure a principalship they had promised him,²² James tells Gelbman, who is recording the conversation, that they will "buy" the parents if necessary:

Gelbman: I put in an application, but how do I get selected?

James: How do you get --

Gelbman: Selected.

James: Selected? Oh, whatever it is that we have to do. I, we have to go over there and buy 'em, like when your boss²³ came through, then that's what we have to do. Go over there and buy 'em, right?

Gelbman: Give 'em jobs?

James: Huh?

Gelbman: Give 'em jobs?

James: That's the way you, um, you know, that's the way. I see that's how Brenda [Carasquillo Silen] got hers."

As Gelbman observes, "In that neighborhood, to offer money or a job is hard to resist." The extent to which this leverage can be used to compromise the screening

²²As will be discussed later, Drummond promised Gelbman a principalship at CS 57 in return for Gelbman's working on his 1993 community school board campaign.

²³By "your boss," James is referring to Antonio Padilla, the principal appointed at CS 44 in August 1992. Alfredo Mathew bought off the screening committee, which did not initially want Padilla, by giving jobs to the president and vice president of the PTA, as will be further discussed below.

committee is demonstrated by the fight for the principalship at CS 44.

C. BIDDING FOR PARENTS: CS 44

The A-Team and the Lucy Cruz faction each battled to appoint their respective "pieces" as principal of CS 44 in fall 1991. A virtual bidding war developed, with each faction trying to offer better jobs and favors to the key parents. The A-Team won the first round, and systematically rigged Level I to ensure its candidate was ranked first among the top five.

CS 44 presents us with a unique view of a corrupted selection process because our evidence comes from the assistant principal directly involved, Jim Gelbman, and from Kenny Drummond, who describes subverting the process in secretly recorded conversations with Gelbman. Gelbman also taped conversations with one of the teachers and the PTA president on the screening committee, who were both party to the rigging of Level I.

Like the other District 12 schools whose principals retired in June 1991, CS 44 was doled out as a "piece" during the summer meetings. Cain testified that the A-Team assumed that CS 44 would be "a Drummond piece" because it had been traditionally a "black school." In fact, at the A-Team meeting with Mathew at Cain's house that summer, Mathew had voiced no objection to giving the A-Team this school, according to Cain.

On August 26, however, Mathew assigned Carmen Sonia Colon, Lucy Cruz's candidate, as the interim acting principal at CS 44. Mathew listed Colon as one of

Lucy Cruz's candidates in a conversation secretly recorded by Raul Cruz,²⁴ which was quoted above. Cain testified that, by dealing secretly with Mathew, Lucy Cruz "snatched" CS 44 from the A-Team.

Jim Gelbman testified that he had expected Lucy Cruz, once his sponsor on the Board, to give him the interim acting principalship at CS 44. When Cruz awarded the position to Colon instead, Gelbman aligned himself with Kenny Drummond and began to work for his school board campaign in fall 1991. As Colon was still an interim acting, Gelbman believed he had a chance to forestall her permanent appointment by making sure that the screening committee recommended him, and not Colon, to the superintendent. Gelbman stated that, in return for his political support, Drummond agreed to help him wrench the principalship from Colon, which entailed subverting Level I.

The two factions -- Mathew, Lucy Cruz, and Colon pushing for Colon on one side, versus Gelbman, Drummond, and Veronica James pushing for Gelbman on the other side -- were poised for battle over the parents and teachers at CS 44. Gelbman stated that, with some of the teachers already on his side, he made the first move by lobbying the parents against Colon. Colon then quickly retaliated by offering jobs to the PTA president, Van Smith, and the PTA vice-president, Hazel Robinson, as Robinson then informed Gelbman. Robinson confirmed in a recent telephone

²⁴Lucy Cruz denied to this office that she had sponsored Colon. However, her testimony was not credible. First, it is belied by Mathew's statement to Raul Cruz on tape. Second, Lucy Cruz had a motive to want to distance herself from Colon, who she admitted to us was an "eyesore," and had problems with hygiene and with her "dress code." Further, Colon testified that she specifically worked for Lucy Cruz's 1991 City Council campaign during the summer of 1991 in order to improve her chances to get a promotion. Lastly, in a taped conversation with Gelbman, one of the teachers on the screening committee at CS 44, Alice Johnson, says that it is well known in the district that Lucy Cruz was Colon's "godmother."

conversation recorded by Gelbman that Colon had offered her a job. When Gelbman refers to her refusal to take Colon up on her job offer, Robinson replies, "You mean the job that Colon was tryin' to give me?," implicitly acknowledging the offer.

Gelbman testified that he came back to Robinson with a counteroffer -- an even "better paying job" as a paraprofessional in another district where he had connections. The job was to become available a few months from then. Gelbman testified, "There came a time when I thought, 'If things are being bid, then I can bid also.'"

To be sure to win Robinson to his side and to tide her over until the paraprofessional job became available, Gelbman testified that he offered to pay her phone bill and to write employment reference letters for her husband, who had been recently incarcerated. Gelbman did both promptly, and Robinson chose his offer over Colon's.

D. STACKING THE SCREENING COMMITTEE

With Robinson, the strongest leader among the parents, on his side, the other parents were taken care of, Gelbman said. The way was cleared to rig Level I.

Gelbman testified that Drummond arranged two meetings in his N.V. Tax Office to discuss how to subvert Level I. At the first meeting he met with Gelbman to discuss how to "make sure that the C-30 process went in the correct way, meaning supporting me," Gelbman testified. Gelbman recalled Drummond saying, "The Chancellor's Regs have to be carefully read and make the, uh, make the whole system work for you."

At the second meeting, Drummond summoned Gelbman, two teachers who would sit on the screening committee, Beryl Williams and Alice Johnson, and Robinson and Smith, who would also serve on the screening committee. Drummond discussed stacking the screening committee with the "right people" -- words echoed by Virginia

Noville in her efforts to rig the process at CS 214. Gelbman testified that Drummond gave this responsibility to Robinson and Smith, who, as heads of the PTA, could take charge of the selection of parents on the screening committee.²⁵

Gelbman attended the meeting at which the parents for the screening committee were to be selected. Gelbman testified that Robinson brought along a large contingent of parents whom, she assured Gelbman, she had lobbied beforehand on his behalf. Gelbman testified that Colon, apparently also bent on stacking the committee, brought her own group of parent supporters to the meeting.²⁶ Colon's group was smaller than Gelbman's, however, and Robinson and Smith took complete charge of the selection, choosing from the many parent volunteers only those whom they knew would support Gelbman. Colon had lost the first battle.

At the meeting in his tax office, Drummond had also suggested that the screening committee's selection criteria be "tailor-made" to highlight Gelbman's strengths and to diminish Colon's. Gelbman testified that the he, Drummond, James, the two teachers, Smith, and Robinson "all had a part in framing... what the criteria should be."

Corroborating Lucy Cruz's interest in CS 44, Gelbman testified that when he met her in fall 1991, Cruz warned him not to "mess" with Colon. He said that Cruz indicated that negative repercussions would follow if he did so. Consistent with her

²⁵While there are no set rules about how screening committee parents are to be selected, C-30 requires the meeting at which screening committee parents are selected be advertised and to be made open to all parents at the school in order to ensure the most democratic process possible.

²⁶Gelbman stated that it was clear certain parents were Colon's supporters: they arrived at the meeting with Colon, they sat down with Colon, huddled together and spoke among themselves.

interest in seeing Colon appointed, Cruz testified that when she heard that Gelbman was undermining Colon, she "may have" discussed this with Alfredo Mathew. She continued that she "would have" questioned the superintendent about Gelbman's attempt to sabotage Colon. Still, it is hard to see her going to Mathew to protect someone with Colon's many problems unless Cruz was pushing her.

While Lucy Cruz conceded that certain general Level I activities were being reported to her, it is clear Drummond's camp had more detailed information since they controlled the screening committee. Gelbman said that throughout Level I, he, Drummond, and James were constantly kept apprised of the committee's activities -- "there were telephone calls between all of us," including the two parents and two teachers on the screening committee, he said. Drummond went so far as to instruct Robinson and Smith whom to include and whom not to include in the screening committee's top five nominees and how to rank them. Gelbman stated that Drummond instructed the two parents not to include a Hispanic name in its top five recommendations. Drummond confirms this in a recently taped conversation with Gelbman: "I warned first in this office, 'Careful when you're making your recommendations. Put Jim Gelbman up there, okay, another black, okay, and three other whites. Don't put a Hispanic there, just in case it's a trap, okay?'"

Predictably, Gelbman emerged from Level I as the clear winner. The screening committee did not include Colon among its top five candidates, but the committee ignored Drummond's advice and put an Hispanic, Antonio Padilla, in the top five. This proved fatal to Gelbman's chances.

While Drummond tried to promote Gelbman with Mathew at Level II, Lucy Cruz, whose camp outnumbered the A-Team, apparently blocked Gelbman's appointment, as Drummond later told Gelbman on tape. Cruz denied blocking the appointment. In any

case, a stand-off resulted between Mathew and the screening committee parents, who fought furiously for Gelbman for nearly six months.²⁷

The controversy was resolved by yet another bidding war for the key parents. This time Mathew offered the "better" jobs and Robinson and Smith accepted them, ending Drummond's command over the Level I ranks. Cain stated that Mathew gave Robinson and Smith jobs to "keep quiet." Drummond confirms this in a secretly recorded conversation with Gelbman. "We know what happened with Hazel. She got a job," he tells Gelbman. Alice Johnson, one of the teachers on the committee, further confirms in a telephone conversation recorded by Gelbman that the reason Gelbman did not get the principalship was that Robinson and Smith sold out to Mathew.

But somehow, you know, we allowed Hazel and Van to go and do what they did... Mathew danced, did a dance over the C-30 process. And we would write letters and, what happened? Nothing happened. Not a thing happened. In fact, they couldn't bother because we would counteract whatever they were doing and we didn't show fear because, you know, we were there to guide Hazel Robinson and then Hazel Robinson went into all different directions.

Gelbman's position had weakened earlier when he discovered that Robinson did not qualify for the paraprofessional job he had hoped to get for her, setting the stage for Mathew's ploy. He desperately tried to keep Robinson on his side, even buying her books so that she could study for the high school equivalency diploma she needed. Mathew prevailed, however, by presenting her and Van Smith with jobs around August 1992. From that moment, Robinson and Smith were never heard again complaining or

²⁷On April 16, Mathew demanded that the screening committee submit five additional names. This was his way of undermining screening committees that did not submit to him the pre-arranged candidates. Robinson and Smith refused to comply with Mathew's request and continued to insist on Gelbman's appointment. By this time Colon had been removed because the parents were not pleased with her.

fighting on behalf of Gelbman as they had for so many months before. Almost simultaneously, Antonio Padilla was appointed as permanent principal of CS 44.

E. VARIATION: DISBANDING THE SCREENING COMMITTEE AT CS 234

CS 234 illustrates that, when manipulation of Level I did not produce the outcome he desired, Alfredo Mathew simply swept the process aside by disbanding the screening committee.

In summer 1991, Mathew promised George Gonzalez the interim acting principalship at CS 234 for his girlfriend, Evelyn Hey, as a reward for Gonzalez's mediation role in the summer 1991 deals, as explained earlier.

To get Evelyn Hey through Level I, Mathew used his superintendent designee, Marion Maizes, to influence the screening committee. Maizes admits that she played a part in getting Hey through Level I in a taped telephone conversation to Cain. While refusing to go into detail, Maizes tells Cain that getting Hey through the screening committee "had to do with Alfredo . . . and his designee," referring to herself.²⁸ Indeed, as the person chosen by the superintendent to "oversee" the process, the superintendent designee is ideally situated to manipulate it.

The advantage that Maizes gave Hey was clear from the start. Maizes met with Hey before and after almost every screening committee meeting, as four screening committee members we interviewed independently testified, the two teachers, David Safra and Junellen Schleiffer; the CSA representative, Jose Segarra; and one parent, Maria Alvarez.

²⁸Cain had two conversations with Marion Maizes in which he asked how to rig Level I and referred to the CS 234 screening committee she sat on. While acknowledging vaguely that she had a role, she refused to explain what she did.

Maizes appears also to have tried to eliminate Hey's most threatening competition, Judith Blume, by trying to prevent her from being interviewed, according to the independent testimonies of David Safra, Junellen Schleiffer and Jose Segarra. Judith Blume, the witnesses stated, was truly outstanding, and the screening committee told Maizes that they wanted to invite her for an interview. Maizes, however, never notified Blume. After several weeks had passed without a reply, David Safra eventually contacted Blume himself. Blume confirmed this to our Office. When she was finally interviewed, Blume was ultimately ranked first by the screening committee. She was the only candidate whom Maizes did not notify regarding the interview.

Mathew and Gonzalez also tried to lobby at least two of the screening committee members before and during Level I. Segarra stated that throughout the Level I process, Gonzalez would approach him at school and ask, "How is Evelyn doing?" Mathew also tried to lobby him before the process even began. Segarra testified that Mathew summoned him to his office to tell him that he wanted Hey to be appointed. Maria Alvarez also stated that PTA President Evelyn Tirado, who could not sit on the committee because of other obligations, kept trying to push her to give high points to Hey. Notwithstanding this manipulation,²⁹ the screening committee ranked Hey last --

²⁹Mirroring the subversion of Level I at CS 44, Hey attempted to stack the screening committee at CS 234 with favorable parents. Hey apparently had Evelyn Tirado on her side. According to our witness, Tirado and Hey handpicked the parents to sit on the screening committee. Maria Alvarez said that the parents who were ultimately selected to be on the committee were not voted on or randomly picked out of a hat. Rather, Tirado simply announced to Alvarez that she would be on the committee. Jose Segarra stated that, while many parents volunteered to sit on the screening committee at the meeting at which members were to be selected, the finalists had been chosen by Hey and one or two other parents, including Evelyn Tirado, in the privacy of Hey's office after the meeting. David Safra and Junellen Schleiffer similarly reported that they observed that the relatively large list of parent volunteers at the meeting was whittled down to a much smaller, final list by the following morning. Hey had trouble

14th out of 14.

Segarra resisted Mathew's and Gonzalez's lobbying, refusing to give high marks to a candidate he did not believe to be the best choice. Alvarez, also resisting the pressure applied by Evelyn Tirado, gave Hey low marks because she did not believe that she was qualified to be a principal. The screening committee submitted seven candidates, two more than required, to Mathew on Friday, March 6, 1992. On Monday, March 9, Mathew wrote a memorandum demanding that the screening committee provide him with two additional names for his consideration at Level II. Under C-30, the superintendent is technically permitted to do so, provided he gives reasons.

Mathew was set on Hey, and would not consider other candidates, regardless of their ability. A few weeks after Mathew made his initial demand for more names, Raul Cruz informed our Office that Mathew had told him that he would continue demanding additional names until the screening committee submitted Hey's name to him. Further corroborating Mathew's intention, Jose Segarra, the CSA representative on the screening committee, testified that at a meeting in Mathew's office in fall 1991, Mathew had specifically told him that Hey had to be appointed and pushed through in a package deal before December 31, 1991, when Lucy Cruz would be resigning to serve on the City Council. Similarly, Maria Alvarez said it "was obvious" that Mathew wanted the committee to submit Hey's name to him.

In what was to be the beginning of a 20-day stand-off between the superintendent and the screening committee, as documented in memoranda and

controlling the committee, though, because Evelyn Tirado and various other parents so selected were unable to sit on the screening committee.

correspondence, the screening committee refused to submit additional candidates to Mathew unless he provided reasons. Mathew, however, refused to provide reasons.

After Marion Maizes made three abortive attempts to reconvene the screening committee on behalf of Mathew, the screening committee appealed to the Department of Human Resources. Marie DeCanio, Deputy Executive Director of Staffing and Employee Services, responded with a letter informing Mathew that he needed to give reasons for rejecting the committee's choice.

Just two days after receiving DeCanio's letter, Mathew disbanded the screening committee, using as a pretext bogus accusations of impropriety against the committee.³⁰ He had not raised any of these allegations in his threat to disband the committee days earlier. However, DeCanio, who met with Mathew in the Chancellor's office and reviewed his decision to disband the committee one month later,³¹ said that it was clear that Mathew disbanded it because it had not recommended Evelyn Hey. She said Mathew was "distressed" that the Level I process "didn't turn out the way he wanted."

In a recent taped conversation with Cain, George Gonzalez corroborated that

³⁰The list included an accusation that one teacher attempted to "physically menace" Marion Maizes. Three members of the screening committee stated that this, like the other allegations, was fabricated. As is evident from our witnesses accounts and from the notes taken by one witness of the encounter, the teacher, David Safra, merely walked around a table to Maizes in order to point out to her the relevant paragraph of the C-30 regulation. Marie DeCanio testified that it was "ironic" that it was Maizes who was responsible for several of the irregularities Mathew alleged since she was "the Super's person." The implication of this, according to DeCanio, is that if the Super does not get the candidate he wants, he can have his own representative create irregularities to justify starting the process again.

³¹A meeting was called in the office of Joe Saccente the Chancellor's chief executive for school monitoring, in April 1992 to review Mathew's actions regarding Level I at CS 234 and 102, as will be discussed.

Mathew disbanded the committee because the parents would not do Gonzalez's and Mathew's bidding.

You see, if I give you a job, it's for you to do my number, and that's what we need to be concerned. . . . All those parents, cause they gonna say to the principal, 'We love you. We gonna support you 100 percent,' and when the time, when time's there to put numbers, you don't win. 'Cause I went through that already. I went through that. And we had to stop the whole process.

While Gonzalez does not refer to CS 234 by name, the implication is clear.

Upon Mathew's instructions, a new screening committee was selected, which the teachers and the CSA boycotted. There were allegations again that this committee was handpicked by Hey and bought off. Indeed three parents on this screening committee or their spouses were given jobs in the District.³² The second time around, PTA President Evelyn Tirado, who had been unable to sit on the previous screening committee, sat on the committee.

The new committee ranked Evelyn Hey first. She was appointed on August 8, 1992.

F. VARIATION: HOLDING UP APPOINTMENTS INDEFINITELY: CS 102

CS 102 further demonstrates the lengths to which Mathew went to circumvent a "troublesome" screening committee.

During summer 1991, Mathew gave the principalship of CS 102 to Lourdes Estrella on behalf of Nilda Muñoz, as he told board member Eugenia Irizarry in a conversation she secretly recorded. So opposed to Estrella were the CS 102 parents

³²Carmen Chacon got a job at CS 57; Evelyn Tirado's husband got a job as a custodial worker at 167; Maria Vasquez got a job as a family worker.

and teachers that the screening committee did not even grant her an interview, let alone rank her among its top five. Estrella did not even satisfy the committee's selection criteria.

After unsuccessfully trying to make the screening committee interview Estrella, Mathew sought to disband it, as he had the CS 234 committee. However, he was prohibited by the Chancellor's Office, which found no reasons to justify such action.³³

Mathew nevertheless continued to resist the screening committee, devising ways to start the process anew or to change its membership. As he told Irizarry in October 1992, he was thinking about "reorganizing" CS 102 by dividing it into two schools so that the former screening committee would be irrelevant. Mathew was even willing to sacrifice the education of the children for his political agenda. He tells Irizarry:

When I find out that they're willing to [consider Estrella] as a candidate, I may compromise and let the panel vote. Otherwise I'll continue, you know, holding back and maybe waiting for a reorganization of the school But that will take some time and that probably will not happen until the spring. So you know, in one way I'm penalizing everybody.

G. SUBVERSION OF LEVEL I IS AN ONGOING PLOY

Virginia Noville, in her quest for the principalship at CS 214, demonstrates that buying the parents and rigging the Level I process is an ongoing strategy used to secure an appointment. To buy support at Level I, Noville gave a \$300 "loan" to Lavern

³³Mathew alleged various improprieties in the Level I process at CS 102, as he had at CS 234. Marie DeCanio testified that Mathew was furiously looking for a reason to disband the screening committee. "If Mathew had got the person he wanted, these irregularities would have been irrelevant," she stated.

Williams. She also gave Christmas gifts to other PTA parents and teachers, as she tells Cain.

In return, Williams used her influence to promote Noville with the parents. As Noville tells Cain:

I went over to see Mrs. Williams and we had a good talk. She got me up to date with what's going on. She's supporting me. She is trying to be very sophisticated about it because she does not want things to get messy. But she's pretty alert. She's a very smart lady. She understands. I talked to her about how I think to go about this. Keep everything confidential and continue to work with the parents.

Williams also agreed to stack the screening committee with the "right parents" and to make sure to "screw things up" for the interim acting principal at the school, as Noville reported to Cain.

While Noville spent money on several parents, Williams was her primary focus since, as the PTA president, she had "a strong voice" with the other parents, as Noville assured Cain. Confirming Noville's judgment, Williams tells Cain that the parents will do as she says and that she can "twist their arms."³⁴

By buying the parents and teachers, rigging the Level I process, and, if that does not work, disbanding it or holding it up Board members, the superintendent, and other interested parties disenfranchise the very people whose lives are most closely affected by the principal or assistant principal who is hired. When Gelbman asked Drummond last month how he will get him through Level I at CS 57, where he has promised him a

³⁴Board members frequently devote time to courting PTA leaders. For example, Board members manipulating Level I at CS 44 and CS 234 focused primarily on influencing the PTA president or vice president. Similarly, this year, when Drummond assures Jim Gelbman that he will secure him a principalship at CS 57, he makes clear that he first needs to find out "who's in charge over there." His next step, he says, is to send Veronica James to work on that person.

principalship, Drummond makes clear that parents are so insignificant they are not even a factor:

See, I hate to take advantage of the system. But you got to take advantage of the system. Maybe you just have to do it in a positive way. And if I'm sitting there, I'm gonna make sure everybody jumps through the same hurdles and that you just have to jump higher than others and land in the five, and that's it...I don't see any difficulty, not with the parents in this district...I have somebody there. See, I know how to play that.

The futility and loss of morale this creates among those who are disenfranchised is echoed in the words of Alice Johnson, a teacher on the CS 44 screening committee who supported Gelbman. She tells Gelbman on tape: "And then you take [the résumés] to them and, what's going to happen, they're gonna put in who they want to anyway."

H. PACKAGE VOTING: ENFORCING THE DEAL

Once Mathew and the board got its people through the Level I process, nothing stood in their way. With the superintendent and the caucus already in agreement of the decisions made, Levels II and III of the C-30 process were merely a pro forma ratification of previous commitments. The only real risk to the back-room deals was that the alliance that made them might fall apart.

At one point, that risk seemed real indeed. In November 1991 Lucy Cruz was elected to the City Council, forcing her to step down from the Community School Board on December 31.³⁵ As a lead player in the summer 1991 hiring deals, Lucy Cruz

³⁵While Lucy Cruz was actually elected to the City Council in November 1991, her election and subsequent resignation from the Community School Board were already considered likely after she won the Democratic primary in September.

was necessary to sustain the slim majority that would vote for those agreed appointments.

As discussed in our June 1992 report about misconduct in District 12 entitled "An Investigation into the Integrity of the Supervisory Selection Process for Six Schools in Community School District 12," Cruz's imminent departure from the Board prompted a frantic attempt by Mathew to rush the official hiring process in order to appoint as many of the pre-ordained candidates as possible before the December 31 deadline. This investigation places those findings in a larger context, as it is now clear that Mathew was facing the prospect of a summer's worth of deal-making coming undone.

The pressure of a crumbling alliance on 46 vacancies makes it easier to understand Personnel Director Angel Villarreal's willingness to submit forged documents to make his way through the selection process. With time running short, Levels II and III were frantically hurried through.³⁶ Interviews at Level II for the six schools, as discussed in our previous report, were sporadic, disorganized, and in two cases, nonexistent. No interviews were held at Level III. The pre-ordained candidates were appointed in a single roll-call vote.

This "package voting" method was key to enforcing the summer commitments.

³⁶For example, at CS 234, Jose Segarra, David Safra, and Junellen Schleiffer testified that Marion Maizes, the superintendent designee, was constantly trying to rush the screening committee along. Segarra testified that Mathew even told him privately that they had to rush the process in order to make the December 31st deadline.

Numerous interim acting principals who testified to this office commented on the rush. Very little time elapsed between their being notified that they had been selected from Level I for consideration at Level II to their final appointments by the Board. One principal even complained about being bothered over the Christmas holidays.

Raul Cruz testified that Board Members vote in packages because they do not trust each other to keep their commitments. Lucy Cruz confirmed this District 12 custom, testifying that the Board votes for "package" appointments in order "to keep everybody honest."

The vote on the December 31 package was chaotic, in part because with Ms. Cruz's imminent departure, there was no guarantee that any of the other candidates agreed upon in the previous summer would make it through. Nonetheless, the alliance held and, the package squeaked through.

Ultimately, Mathew was able to string together another alliance, and most of those agreed to the previous summer were appointed. Most of the appointments were made in the district's customary package deals.

V. HIRING OF NON-PEDAGOGICAL EMPLOYEES: THE JOB BANK

Just as current and former Community School Board members use principalships and assistant principalships to advance their personal and political interests, the plethora of non-pedagogical (nonpeds) jobs in the district serves as an important layer of the power base that Community School Board members build. We have found that members of Community School Board 12, with their warped vision of the school district, do not view the nonpedagogical positions as opportunities to hire committed, experienced community members who will ably tend to student needs. Instead, they see the district's budget for nonpedagogical salaries as an opportunity to return political favors, to station political soldiers in strategic places, and to distribute gifts to friends and relatives. Indeed, when we asked Ed Cain why he joined the Community School Board, he responded, "I did it 'cause I could get people jobs."

The ranks of "nonpeds" include paraprofessionals who assist teachers in the classrooms, school aides who monitor halls and work in the lunchrooms, community associates and school neighborhood workers who act as school-community liaisons, family workers who visit homes and encourage family participation in school activities, and Substance Abuse Prevention and Intervention Specialists (SAPIS) who coordinate activities and lead discussion groups for children to prevent drug and alcohol abuse.³⁷

³⁷These nonpedagogical titles are "noncompetitive," which means that applicants do not have to pass a standardized test as a prerequisite for employment. Other nonpedagogical employees, such as school secretaries, must pass a standardized Board of Education test. For the purposes of this section, we are concerned only with noncompetitive titles. Because applicants do not have to pass a test for these titles, these are the jobs that are most often given out on a patronage basis. Hereinafter, "nonpeds" will refer to noncompetitive titles.

District 12 has approximately 660 noncompetitive nonpeds working throughout the district.

Nonpedagogical workers are a vital component of school district management. Job opportunities in the local school district encourage parents and community members to get involved in their children's education. Nonpeds perform many important functions, from accompanying students on class trips to providing clerical assistance in the district office. Nonpeds such as school neighborhood workers, family assistants, and SAPIS workers are particularly important in districts like Twelve, where attendance is low and the use of illegal drugs is high.

As we discussed in section IV above, most of the families in District 12 live below the poverty line. The same economic pressure that board members use to coerce parents to do their bidding in the principal selection process is used to build a political patronage network of beholden employees, who do all types of political work for the board members who sponsor them.

In order to understand how Community School Board members have the power to dole out nonpedagogical jobs, it is necessary to understand how nonpeds are hired. With the exception of educational paraprofessionals ("UFT paras"), who work directly in the classroom, all nonpeds are hired at the district's discretion. UFT paras must have a high school diploma and they must be hired off of a central "subpara registry," a list of candidates awaiting placement as UFT paras.

The rest of the nonpedagogical positions have varying degrees of education and experience requirements. For most nonped positions, such as school aides or family workers, no education or experience is required. A few nonped positions, such as SAPIS jobs, require a high school diploma. The local district may hire whomever it pleases, provided the prospective employee meets the minimum requirements and

passes a fingerprint check by the central Board of Education.

A. PROGRAMS AS "PIECES" OF THE DISTRICT 12 PIE

Many nonpeds are hired through programs that are run out of the district office, such as Community Special Education, which evaluates and serves children with special needs; the Latchkey Program, which tends to children during after-school hours; and Attendance Improvement and Dropout Prevention (AIDP), which counsels students who are at risk of dropping out. Thus in order to dole out jobs, Community School Board members secure programs as their "pieces."

When a board member gets a program as his "piece," he puts his person in as the Program Director, and he is sure to get jobs for the giving, our conversations with board members and district personnel have revealed. "I put a person in there, I could send somebody there for a job that she could hire," Cain explained to us. "That's the way it's supposed to work." Acting Superintendent Robert Henry further explained why current and former board members want to place their "pieces" in as program coordinators. "Coordinators have access to money," he explained. "They control a budget. So when I put you in that position and you're my piece, you'll find a way of providing [for] me." Henry added that programs which are funded by state and federal money have flexible budgets, so positions can be invented as needed. "That's how the job bank is created," he said.

The language of those who run District 12 clearly indicates that programs, just like principalships, are considered "pieces." Throughout the scores of conversations we surreptitiously taped, current and former school board members refer to programs in the possessive, indicating ownership. For example, in January, when former Community School Board member Nilda Muñoz was reaching out to form alliances with candidates

and scoping out opponents, she warned Ed Cain that Lucy Cruz and Raul Cruz were trying to snatch her program. "They want my drug program," she said. Muñoz referred to Ana Selia Delgado, the drug program's director, as "my person." Indeed, Robert Henry described Muñoz's control of the drug prevention program as a "relay race." "The baton gets passed on" from one person to the next, Henry analogized. "First she anointed Marion [Maizes]," he said. "Then Marion anointed, through Nilda, Ana Selia Delgado."

The late superintendent Alfredo Mathew expressed concern over this ownership mindframe to Raul Cruz, evidently because he feared that Lucy Cruz had wrested too much control with her hold over the Early Childhood program. In reference to Joan Salvatore, the program's director, he tells Raul Cruz, "By the way, Joanie, you know, part of the problem that I had in the district is that people said that they had programs that they said were theirs. She still has that mentality...The Early Childhood program is not hers, it's ours." Mathew then warns, "She is not going to budget out that thing" and make hiring decisions without informing the superintendent.

In District 12, programs are valued for much the same reasons as are schools. The more votes a school can supply, the better the school. Similarly, a piece is judged by the degree of parental involvement (read: votes) it engenders. For example, Early Childhood Education and Community Special Education are two prime "pieces" because parents with young and special-needs children tend to spend more time at the school with their kids, Cain explained. The program director can function much like the principal functions in a school, getting to know the parents and securing votes.

Programs are also judged by the size of their budgets. "What would make things a big piece is where the big money's coming in," Cain told us. A big budget enables board members to give out more and better paying jobs. "The more the jobs

pay, the better, because you can get people big salaries," he said.

A good piece is also one that enables its director to act as a "spy" for his or her "godfather." Cain said, "See, what the thing about the board is, when you put a person in there, they're supposed to report to you or something. That's how it works."

For example, Drummond told James Gelbman that he wanted to make him Director of Funded Programs, where he would have access to the district's budget records and he would know when jobs opened through any of the programs. Drummond refers to this position as the "plum of the plums." In anticipation of the power he would gain if he put Gelbman in that spot, Drummond described the position to Gelbman.

I mean that person is, she's like a god, boy -- she's like a god! You have to kiss that ring. That person is so powerful the superintendent wouldn't even think of moving in that direction. That's what we want. So you've got the brainpower, and I'm not shy in sayin' that. That's what we want.

Indeed, Robert Henry testified that when he first became Acting Superintendent, Drummond "made overtures to pull me into his web, so to speak." Corroborating how important it is for people like Drummond to have inside knowledge of district operations, Henry said that the former board member was looking for "information" about budgets and personnel. The Acting Superintendent knew what information Drummond was seeking, but he declined to provide it. "Information would have been good enough," Henry explained, "because if he knew that a budget existed and if he knew that, you know, vacancies existed -- those kinds of things -- then he would obviously deal with the people who can make that kind of decision, which would not be me."

Given the potential political value of these district-run programs, it comes as no

surprise that programs -- just like schools -- were bargained for during the summer '91 meetings. Indeed, the A-Team's goals for that summer extended beyond keeping as many supervisory positions as they could. "What we were trying to do was get in a position where we could get a lot of jobs for people," Cain said. "Any kind of jobs we could get." While some programs were already spoken for, a few were put on the bargaining table. "Early Childhood was Joanie [Salvatore], and that was Lucy," Cain said. "So we didn't touch anything of Lucy's." Cain also told us that Nilda Muñoz "had" SAPIS (referring to the District's drug program).

In addition to Community Special Education (for a discussion of the A-Team's bargaining for CSE, see p. 19), the A-Team wanted AIDP, the dropout prevention program, which Cain described as "a big piece." When you have AIDP, Cain said, "you know you can run and control." Cain described for us how it came about that he got AIDP. "Well, I wanted a piece...Kenny suggested that I take ADIP [sic] because he said the drug program and the ADIP had the most money in it...and people wouldn't get laid off. You could get more jobs through that." Cain told us that he wanted AIDP because he believed that workers hired through AIDP, such as SAPIS workers, Community Associates, and School Neighborhood Workers, get paid more than school aides.³⁸ So Cain included AIDP on the A-Team's list of people whom they wanted, which they gave to Mathew. "First it was the ADIP [sic] program I was going to ask him," Cain told us.

Cain recommended a woman named Wanda Smith to be director of AIDP -- even though, by his own admission, he had never met her. The fact that Cain had trouble

³⁸Cain's assumption was correct. In 1992, AIDP hired 17 DC 37 paraprofessionals, which include family workers, community associates, and the like, and only 6 school aides, who are relatively lower paid.

recalling Smith's name when we asked him whom he recommended as AIDP coordinator indicates that Cain -- and very likely the others who attended the summer 1991 meetings -- were not squabbling over principalships and programs because they had outstanding educators in mind to fill those positions. Instead, the players wanted to acquire the "pieces," and then distribute jobs to people who had done or would do their political and/or personal bidding.

B. CASHING IN ON "PIECES"

No matter which program's budget they are paid from, all nonpeds are hired through the district personnel office. Because its director knows when jobs become vacant, Personnel is a good "piece" in and of itself. "Personnel is a good piece," Cain told us. "Personnel, you know what's going on...that was a main piece."

The value of having one's "piece" in personnel is illustrated in the case of Jewel Moolenaar, an A-Team supporter who works in the personnel office.³⁹ When we released our investigation into Moolenaar's mishandling of a rape complaint, she was temporarily removed from her position as principal of CS 129 pending a permanent decision by the board as to whether or not to discipline her. She was assigned to the personnel office, where she processes applications for employment of nonpeds. On March 2, 1993, the day the school board was set to vote if they would prefer charges

³⁹In September, 1992, this office released a report entitled "Treating the Victim as the Accused: Interim Acting Principal Jewel Moolenaar's Serious Mishandling of the Complaint of a Sexually Abused Child at CS 129X," which documents Moolenaar's attempt to cover up a sex scandal at her school. An eight-year-old girl reported to her principal, Moolenaar, that a custodial worker raped her in the school auditorium. Instead of contacting authorities, Moolenaar conducted her own botched investigation. She brutally questioned the girl and her parents, alerted the custodial staff to the allegation, and then attempted to organize an amateur lineup so that the girl could identify her abuser.

Even after extensive public scrutiny, Community School Board 12 failed to discipline Moolenaar. Chancellor Fernandez superseded the board's decision, and appointed three trustees to handle the matter. The trustees voted unanimously to begin a disciplinary hearing for Moolenaar.

against Moolenaar, Cain called Moolenaar at the personnel office. He had sent the son of a family friend to the personnel office to apply for a school aide position, and wanted to know if the young man had gotten the job.

At Cain's request, Moolenaar looks for the application and cannot find it. She tells Cain that the young man probably did not come to the office to apply for the job.

Moolenaar offers to call the young man at home to tell him to come in, but Cain says he will call him and tell him to go to the district office. "All right. Tell him to come over for the school aide position, because I do have one," Moolenaar says to Cain. Then she quickly turns to the subject of that evening's vote. School board member Pablo Ortiz, she says, has assured her that he will vote in her favor. "So I hope that I have five votes for me," she tells Cain. The conversation concludes with a grateful Moolenaar assuring Cain that she'll "take care" of his friend.

Moolenaar: All right. Well, send him over, and I'll take care of him now because I'm going to be here. All right? Thanks ever.

Cain: OK.

Moolenaar: Thank you ever so much again.

The young man, Harry Whaley, reported to work as a school aide at on April 14. Whaley, because he was recommended by Cain, began work less than six weeks after he applied for the job. Although there are no requirements for school aides, it is clear that Whaley got the job only because Cain sponsored him.

Cain also called on James Wilson to get a job, this time for his son. James Wilson, once a District 12 community associate, was promoted to Latchkey Coordinator in part because he helped secure a deal between Cain and Mathew in which Cain would get a principalship for Barbara Broadnax⁴⁰ in exchange for supporting

⁴⁰Broadnax has since been appointed principal of CS 134.

Mathew on a number of issues, such as voting to appoint Ana Amaez as principal of CS 6, Cain told us. Mathew gave Wilson a promotion for being the middleman in the deal, Cain said. Indeed, Debbie Bokser, who served as the Director of Personnel under Mathew, said that it was difficult to get Wilson approved as a coordinator, and she did it as "a favor" to Mathew. Before she was hired, Bokser said, no one in the personnel office could create a job description for Wilson's position that would match one of the Board of Education's official job classifications. At Mathew's request, Bokser told us, she wrote a job description that could be classified, and Wilson was promoted.

Once Wilson was approved as coordinator, Cain called him to get a job for his son, Darryl, who had been arrested in October 1991 for possessing drugs.

Wilson: Your son that you want to work in the school system, has he ever been arrested?

Cain: Uh, he's been arrested but no concern. Never, you know, nothing ever happened.

Wilson: What it was?

Cain: Huh?

Wilson: What was it?

Cain: Um, hanging on the street.

Wilson: Okay, all right, what you gotta do, okay, he's in good shape, gonna give him 4 hours a day, okay?

Cain: All right.

Wilson: Depending on, he's still gotta be fingerprinted...

Clearly, Wilson has absolutely no regard for the safety of the children in his care. That he would offer to hire a man whom he knows has been arrested but has absolutely no idea why is beyond reprehensible. Fortunately, Darryl Cain failed the Central Board of

Education's criminal history check, and thus could not be hired by District 12.

C. ALFREDO MATHEW TRIES TO INSTITUTIONALIZE PATRONAGE

A memorandum that the late superintendent Alfredo Mathew issued on July 30, 1992 forbade any hiring of nonpeds unless the prospective employee had a recommendation from him. Given the board members' undue control over hiring of nonpeds, this would seem like sound policy. While on the surface this procedure appears to diminish the Board's power to dispense patronage, in reality it merely centralized the job bank under Mathew's control. Patronage hiring continued unabated. The only thing that changed was that board members had to check with Mathew before getting their pieces in.

Talking with board member Eugenia Irizarry, Mathew makes clear that he also wanted to keep an appearance of merit-based selection without actually changing the way business was done. When Irizarry asked Mathew if he should be concerned about this Office's investigation into District 12 hiring practices, Mathew quelled her fears by telling her that board members should not go to the director of personnel to get people hired. "It's all gonna come through me and I can explain whatever I do," he told her. "I have a contract, we evaluate people, and we got a lot of people, we got a lot of qualified people," he said, in an effort to justify his actions.

By all accounts, Mathew was a supreme politician. He acted as the mediator between the Board's factions, facilitating deals among board members. The evidence reveals that he was continually jockeying for support, trying to get enough votes to renew his contract. Examples of the late superintendent's political maneuvering abound. Mathew's presence at the summer 1991 meetings demonstrates his interest in

seeing that the deals were cut to everyone's satisfaction. His activity during that time -- collecting lists of "pieces" wanted from each faction and then discussing the lists with the opposing factions -- places him at the center of the political deal-making.

Mathew's attempt to institutionalize patronage enabled him to regulate, to some extent, the number of jobs each board member got. Mathew could keep the players who did not have "spies" relatively weak by not giving them jobs, and he could cut deals with the stronger players, or the ones who had inside knowledge of job vacancies. Indeed, current superintendent Robert Henry explained that Mathew "influenced some that I guess, you know, were considered maybe weak in terms of their sense or knowledge of the system...but others did in fact, I feel, had a greater control on him."

Mathew's role as described by Henry played out in what happened with Cain's AIDP "piece." About three months after Wanda Smith started working as the AIDP director, Cain tried to call upon his "piece" to pay her dues. "I went and asked about some jobs," he said. But Cain, who was at that time a relatively new board member, said that since Mathew "took control" of hiring, he could not get Smith to hire anyone.

As time went on, though, Cain learned to use his "spy." In September or October 1992, Cain used information provided by Smith to persuade Mathew to give a job to a woman named Gloria Dinkins, whom he hoped would carry petitions for him for the upcoming Community School Board election (For a detailed explanation of how Cain got the job for Dinkins, see p. 64).

Evidently, Mathew made a practice of political dealing. Cain told us that in one deal he had with Mathew, he agreed to vote to give Judy Tavares the ninth board seat.

In return, Mathew gave Cain a para job. Cain calls this type of deal "a piece for a vote."

D. BOARD PROTOCOL ON JOBS: "SHARE AND SHARE ALIKE"

While Board members acquire jobs through their programs, or, while Mathew was alive, through individual deals with the superintendent, there is a certain protocol that board members are expected to follow. Specifically, board members are supposed to share the available jobs, Cain told us. This is where having "spies" comes in handy, to keep an eye on how many jobs other players are giving out. In fact, according to Cain, one of the summer 1991 meetings was convened to discuss Nilda Muñoz's "greediness," because she was hiring more than her share of SAPIS workers. Indeed, of all the district-run programs, the state drug program hires the most SAPIS workers. In 1992, 16 SAPIS workers were paid for through the drug program's budget, as opposed to three SAPIS workers hired through AIDP. Thus, Cain, Drummond, Mathew, Gonzalez, and Mathew's brother Manny met at White Castle to discuss Muñoz's virtual monopoly on SAPISSs. We asked Cain about this meeting.

Q: What was this meeting about?

A: About, I think it was an argument about, Lucy was trying to take everything. Lucy and Nilda was trying to-- and Drummond was pissed.

Q: What did you discuss at this meeting?

A: About some of the things Nilda was taking and Lucy was taking, and uh, told Al he had to give us more.

Q: What were Lucy and Nilda taking?

A: Nilda was hiring a lot of SAPIS people. We had found out that she had put about 4 or 5 new SAPISSs in. At that time we didn't have-- I know I didn't have a SAPIS worker.

Q: So Kenny was upset?

A: Yeah he was upset.

Q: Why?

A: Because they didn't split the jobs, the SAPIS jobs.

Q: So that was what they were supposed to do, they were supposed to split them?"

A: Yeah, you know, share and share alike.

Cain went on to explain that the members of the "caucus," or the temporary majority in control of the board, are the ones who share the jobs.

E. THE HIRING PROCESS: "MERIT GETS THROWN OUT THE WINDOW"

The hiring system in District 12 secures the board members' undue power and confirms the importance of a recommendation. Ideally, when a position opens, someone would review applications to find the best candidate, using merit-related measures such as education, experience, commitment, and personality. But in District 12, no one is charged with the task of reviewing applications, said Debbie Bokser, nor is a waiting list adhered to. "It was irrelevant whether someone had better qualifications than someone else, because the Superintendent wasn't looking at that," she told us. Instead, people are hired on the basis of whom they know. "Everything is based on who wants who, it's not who's the best qualified," Bokser said.

Bokser testified that she would meet sporadically but often with Mathew and his Deputy Superintendent, Marion Maizes, to brief them on job openings. Mathew and Maizes would then tell her whom they wanted hired. In one instance, Mathew gave Bokser a written list of 17 people whom she should hire, with the words "Master List" written as the heading at the top of the page. Three of the names on the list have the initials R.G. next to them, indicating that board member Randy Glenn wanted

them to be hired. One of the people, Lesbia Bernardez, was hired as a word processor in December 1992, evidently one of the "secretarial pieces" Glenn referred to as his in a conversation with Ed Cain. Two other people on the "Master List" -- Maria Vasquez and Sara Lebrault -- are parents who served on the CS 234 screening committee that voted Evelyn Hey as its number one choice. Clara McFadden served on the screening committee that chose Jewel Moolenaar as principal of CS 129. McFadden and Vasquez began work on October 20, 1992 and February 9, 1993, respectively, as school aides.

The name Gloria Dinkins also appears on the Master List. Dinkins was recommended for a job by Cain, because Cain was under the impression that Dinkins knew how to help get people elected, Cain told us. According to Cain, Mathew told him that no positions were available. But Cain had his "person," Wanda Smith, as director of AIDP, and he told Mathew that he knew there was a position open through that program. Cornered, Mathew agreed to give Cain a job for Dinkins. Thus, her name appeared on the "Master List." Dinkins was hired as a family worker on October 20, 1992.

When it comes to hiring, a referral can be a good criterion, especially when personality and ability to relate to schoolchildren is often not quantifiable. But in District 12, the referral becomes the only criterion. Without the all-important referral from a board member or otherwise influential sponsor, an applicant has precious little chance of getting a job. As Debbie Bokser explained, many good community people are probably left out because they don't know a board member. When applicants came in without a recommendation, Bokser gave them a one-page preliminary application, but she said that she knew they would never get jobs.

Marty Fuchsman, who worked in the personnel office with Debbie Bokser from

September to November 1992, described the application process as a "facade." He testified that he, too gave applicants the preliminary application, but withheld the 9954 form (which prepares the applicant for processing at Central Headquarters) unless the applicant came recommended. Fuchsman said that he gave unrecommended candidates the one-page preliminary application as a front, to make it seem like they were being considered for a job. "Just in case," said. "I don't know, maybe you're an investigator." Like Bokser, Fuchsman told us that he knew that people who came in without a recommendation would never get a job. "I can say to them, 'Thank you, have a nice day,' but I was thinking in my mind, 'You poor sucker.'"

While nonreferred people were given only the preliminary application, "If Marion or someone came in with the person, you gave them the full application," Fuchsman told us, referring to the 9954 form. Bokser despised the fact that she had to tell community people who were seeking jobs that if they wanted a job, they should get a recommendation from the superintendent. "And do you know how bad that sounds?" she asked Irizarry. "If someone heard me say that you need a recommendation to get a job in this district, that is patronism [sic]...That is out and out patronism." Indeed, Bokser felt that this closed hiring system may be cutting off the best people for the jobs. "There may be a lot of qualified people out there, but I don't know because I'm not allowed to accept applications without a recommendation from Mathew," she told us.

Acting Superintendent Robert Henry confirmed that under Mathew, the applicant pool for nonpedagogical jobs was closed to select people. "What I inherited was a situation where unless a board member, you know, in fact, brought somebody into this pool, they would not have a chance," he said. Unless somebody had a recommendation from a board member, he said, "it would be a very slim, slim chance"

that he would get a job in the district. "I don't even know how they would have gotten to apply, because the system was not open to that," he said, confirming the testimonies of both Bokser and Fuchsman.

Since Henry was appointed Acting Superintendent, he has tried to dismantle the patronage mill by opening the hiring process to every applicant. He has had some success in opening up hiring, but as Harry Whaley's experience demonstrates, board members still get their people through. Further, all indications are that Henry's refusal to "play ball" with district power brokers has all but ruled out any chance of his becoming superintendent. According to Drummond, Henry is "out" on June 30, because "It's not in nobody's best interest to give him a one-year contract," he told Gelbman. With Henry's departure, chances of fair and open hiring are slim.

F. REWARDING POLITICAL WORKERS

The District 12 truism that aspiring pedagogues cannot get ahead unless they play the political game applies to nonpeds as well. Indeed, Ed Cain told us he would not get elected without the power to dole out jobs to his political supporters. "That's the way you get elected," Cain said. "You get people jobs and stuff like that. Come election time, you ask people to look out for you." Cain told us that people hand out flyers, help with the phone banks, and carry petitions in the hopes of getting rewarded for their hard work. "They want promotions, and if I get elected, I can get them jobs or stuff," he said. It pays to use District 12 employees or people who are looking for a job for campaign help, Cain explained, because rather than pay them cash (people charge anywhere from \$10 to \$25 a day to hand out flyers), he can reward them with a job or a promotion.

Indeed, this January, Bokser anticipated that the school board elections would

precipitate a frenzy of hiring recommendations. "I think that things are only going to get worse," she told her friend Irizarry. "With the board elections coming up, they are going to be looking hard now to get the support of the community so they want to be getting people jobs."

Much as the generals strategize to place principals and assistant principals in tactically smart places, so do they place nonpeds in schools. When election time rolls around, candidates call upon people for whom they have gotten jobs. Louis Reese is a longtime A-Team supporter who works as a community associate at CS 44. Drummond told Jim Gelbman, the assistant principal of CS 44, that he is counting on him and Reese to get Veronica James at least 150 votes from the parents at CS 44. "See, Louis I gotta tell him, 'Those boxes open at CS 44, VJ gotta have 150 in there. She has 150, she's well on her way to victory,'" Drummond told Gelbman.

Conversations between Reese and Gelbman, or Drummond's two "soldiers," shed light on the cyclical, exploitative relationship between school board incumbents and district employees.⁴¹ On February 11, Gelbman and Reese went to Drummond's office to drop off petitions they had gotten signed for him. The talk among the three revolved around nonpeds' salaries and how Drummond is going to use his power once he gets elected to the board. "Poor people, I guess they really need their money," Drummond comments. "Everybody's down," Reese agrees. "That's why when you get back in, if you don't give me a big raise I'm gonna burn this place down myself." Reese goes on to say that of all the community associates, he earns the least annual salary. Drummond pledges to rectify this inequity. "They better hope I don't get in there boy, I'm gonna straighten all that out," he warns.

⁴¹Although Kenneth Drummond is not currently on the board, he is, for all intents and purposes, an incumbent. Even though he was kicked off the board, he has since controlled two votes on the board and has been acting, in his own words, as a "shadow board member."

Gelbman and Reese met again on March 22. During that conversation, Reese tells Gelbman that in 1989, when Drummond was elected to the board, he promised Reese that "next time" he would get a promotion. Reese says that the only reason he is out electioneering for the A-Team is because he wants a raise. He vows never to work for the A-Team again if they do not come through for him this time.

A conversation between Veronica James and Cain provides yet another example of the mutually perpetuating relationship between board members and school district employees. James and Cain are discussing their support corps when James asks Cain if she "has" the "white ladies now," referring to two people who owe their jobs to the A-Team. James spells out why she expects their support.

James: 'Cause, you know, Kenneth gave them their--

Cain: Their jobs?

James: Uh-huh. Yeah, years ago.

As yet another example of this exploitation, Drummond told Gelbman that he might call up for duty a community associate who owes his job to Drummond. "Maybe I'll go dig up Bill Robinson," he said. Bill Robinson, who has a drug record, works at CS 102. Drummond himself admitted that Robinson is a drug addict. In a conversation with Gelbman, Drummond described his frustration at another drug addict he knows who refuses to seek help. "OK, and you don't want to get help, you want to walk around like Bill Robinson..."

Responding to allegations that Robinson is a "no-show," and curious as to how a known drug addict performs as a community associate, we surveilled him on April 1. Robinson showed up at work, but left shortly thereafter to go to a building that houses a methadone clinic on 125th Street in Manhattan. He then returned to school. After

school, Robinson went to the corner of Morris Park and Lebanon Avenues, a well-known drug corner, where he appeared to buy drugs. He spoke to a male Hispanic, about 30 years old, and then disappeared into an alleyway for approximately 30 seconds. The next day, the Bronx Narcotics unit conducted a drug bust at that very same location.

It is well known in District 12 that board members use their power to return political favors. Alex Castillo, a hopeful for the superintendent's position, offered to support Cain's candidacy, knowing that in return Cain would get him jobs for people. "So when I need a paraprofessional job for me, I want to come straight to you, Eddie, and say, 'I need a para job,'" he told Cain.

G. NEPOTISM

In the case of Evelyn Hey, we have seen how those in power get supervisory positions for their loved ones. This happens on a much larger scale with nonpeds, for, while supervisors must have a license, virtually anyone qualifies for a nonped position. Thus, relatives and friends of school board members appear all over the nonpeds payroll. Chancellor's Regulation G-110 requires that two-thirds of the school board approve the hiring of a board member's relative. In District 12, though, when at least a majority of the board has demonstrated that their votes are inevitably tied to ulterior motives, the two-thirds vote does not serve its intended purpose. Evidently, board members agree to hire others' relatives so that in turn, their own relatives will be approved.

At a meeting on September 22, 1992, Community School Board 12 approved -- in a package vote, of course -- the hiring of Pablo Ortiz's daughter as a family assistant,

Raul Cruz's sister as a paraprofessional, and Ed Cain's son as a school aide. Maria De Jesus, Ortiz's daughter, and Judith Espinal, Cruz's sister, were put on the payroll. Darryl Cain, as discussed above, could not be hired because he did not pass the central Board of Education's fingerprint check.

The sheer number of board members' relatives working in District 12 testifies to this complicit agreement. In addition to De Jesus and Espinal, Ed Cain's daughter, Lori Robinson, is a SAPIS. Pablo Ortiz's son is a health aide at CS 150. Raul Cruz's brother, Eric Espinal, works at CS 98. Lydia Velez's sister, Migdalia Maldonado Velez, is a family worker at CS 150. Randy Glenn's foster son was working in the Latchkey program, but was fired because he stopped showing up.

Nepotism in District 12 did not begin with the current board. Drummond's wife, Ester Edwards, is a health aide working as a secretary. George Gonzalez's wife, Rebecca, was working as a community associate at CS 234, until she was moved to another school by Evelyn Hey. His daughter Juanita also works in the district. Former board member Jose Cruz had two brothers working in District 12, Israel and Eladio. While Nilda Muñoz was on the Board, her daughter and her niece both worked in the district office. Ex-board member Manuel Herrera's wife and daughter both work in District 12. Miguel Diaz's daughter Cynthia works at CS 47. As well, Angela Pacheco's two sisters work in the district.

Aside from bringing incompetents like Randy Glenn's foster son into the school system, District 12's extensive nepotism breeds a dangerous attitude of favoritism. According to Drummond, school board members have a tacit agreement regarding family members. Last month, Drummond's wife, who has been a health aide in District 12 since September 1991, wanted to take a leave of absence, but failed to get the required approval. When Drummond heard that James Wilson was trying to find out

why his wife did not follow required procedure, he became angry. "You know the rule we have," he told Cain. "We don't mess with family." Indeed, Bob Henry testified that Mathew told him that Drummond withdrew his support for Henry because Henry would not help Edwards get a job.

This would seem to be the case across the board. It is well known in the district that Ed Cain's daughter Lori Robinson, who is employed as a SAPIS at CS 61 and CS 134, is a "no-show." Even Cain himself admits that his daughter rarely shows up for work. Yet Lori still works in the district. Lori's job depends on her father's power, Drummond makes clear to Hazel Robinson as he discusses a dispute he is having with Cain. Miffed at Cain for not cooperating with the A-Team, Drummond says, "And this whole thing with Eddie and his daughter is going to come back to haunt him. Unless he gets his act together. I'm telling you." Referring to Cain again later in the conversation, Drummond says, "When he's off the board, then his daughter's at everybody's mercy."

VI. PRESSURE TO GROVEL: THE REALITY OF POLITICAL PATRONAGE

This investigation demonstrates that in District 12 promotions are doled out on the basis of people's political and personal support to board members. Educators see that those who have worked extensively on campaigns are promoted, while those who have not are left behind. This puts pressure on school employees to seek out benefactors on the Board and to put themselves at their beck and call. The evidence we have gathered shows that employees do this, not because they want to, but because they have no choice. They need a patron to get ahead, and they need to be at his or her service to stay alive professionally. We have examined this pressure from the view of the educator to demonstrate its effect on those closest to the classroom. We show what it is like for an educator to deal with godfathers or godmothers on the Board and the demeaning and demoralizing tasks they must endure.

A. POLITICAL PATRONAGE CLOSES IN ON SCHOOL EMPLOYEES

Educators see the reality of patronage in the rise of those who give their all to the campaigns of their Board benefactors. For example, all of those whom Lucy Cruz admitted recommending for interim acting positions in summer 1991 were involved in her campaign.⁴² Employees also see the flip side of patronage in the professional

⁴²While Cruz only admitted that she recommended only four interim actings, Cain states that she recommended at least 11. Interestingly, at least nine of those whom Cain said that Cruz recommended were involved in her campaigns.

stagnation of those who do not enter politics. The result is that "merit gets thrown out" of hiring decisions, as assistant principal Martin Fuchsman stated, and professionals are left weary and demoralized. As Robert Henry testified, "people can get very frustrated from the standpoint that they see progress made by those who are considered pieces."

This is demonstrated clearly by Ira Victor, currently the principal of CS 47, whose career skyrocketed when he began to work for Lucy Cruz's campaigns. Victor, who began working in District 12 in 1969,⁴³ aligned himself politically with Lucy Cruz in 1988. He worked for her 1988 State Assembly campaign, her 1989 School Board campaign, her 1991 City Council campaign, and Raul Cruz's brother's 1991 campaign for City Council in Queens. Victor testified that his work for Lucy Cruz included working in phone banks, helping with fundraisers, planning speeches, going on bus tours, and calling parents and community residents to come out and vote. Victor worked so hard on Ms. Cruz's 1991 City Council campaign that she let him stay overnight at her house on Morrison Avenue in the Bronx when he was working too late to go home.⁴⁴ Lucy Cruz admitted inviting Victor to sleep at her house when he was working late on her campaign.

Paralleling his flurry of political work, Victor was quickly promoted in 1990 to interim acting assistant principal at CS 47; in July 1991 to assistant principal; and less than four weeks later, in August 1991, to interim acting principal. CS 47 is the most desirable school from a board member's viewpoint because it is one of the schools in

⁴³In 1987 Victor was promoted from teacher to administrative assistant to the principal.

⁴⁴Victor stated that he spent a total of about 30 nights at Cruz's house. Victor added, and Cruz confirmed, that several other supervisors who were working on her campaign also spent the night at her Bronx house.

the district which brought in the highest number of parent votes. Eugenia Irizarry stated that Lucy Cruz was responsible for the meteoric rise in Victor's career. Cruz conceded that she recommended Victor for his promotion as interim acting principal.

Board members can use their network of "pieces" to enhance their stature with other elected officials. Candidates need campaign workers, and board members "have" them. This leaves the candidate indebted to the board member whose influence is thereby expanded. For instance, Ira Victor testified that he, together with "dozens" of aspiring pedagogues associated with Lucy Cruz, worked on the 1991 Queens Council campaign of Raul Cruz's brother. Judy Rothschild, the assistant principal at CS 57, makes plain that she was drafted by the Lucy Cruz camp to work for Raul Cruz's brother's campaign. Rothschild tells Gelbman, "We weren't brought in till very late." By "we" Rothschild is referring to Lucy's "army."

Carmen Sonia Colon was named interim acting principal at CS 44 in summer 1991. Colon told us that she too worked hard on Lucy Cruz's 1991 City Council campaign. She and her 16-year-old daughter handed out flyers, bought over \$200 worth of fundraiser tickets, and helped with Cruz's phone banks. Colon said she devoted three nights a week to distributing literature and working the telephones. Judy Rothschild, an assistant principal who also worked on the Cruz campaign, told Jim Gelbman over the telephone in March 1993 that Colon "was out there constantly, constantly, at every function. She got a lot of signatures in her neighborhood."⁴⁵ Lucy Cruz accordingly recommended Colon for an interim acting principalship at CS 44,

⁴⁵Colon described the pressure to enter politics. She stated that she worked hard for the campaign even though she is a diabetic, has high blood pressure, was "uncomfortable" working, and felt it caused a strain on her family. Notwithstanding her feelings, she was convinced that her "chances would have been more by working, not only for Lucy Cruz's campaign, but for any politician." She said she believed political work was necessary to get ahead. "If I have to make a contribution for a dinner, I'll do the contribution. If I have to make a phone call, I'll make the phone calls," she said.

despite the fact that Colon had serious personal problems, which Cruz herself acknowledged.⁴⁶ As a result of her problems, Colon had to leave the school about three months after being appointed.

Gelbman, who was also vying for the post, did not work for Lucy Cruz's 1991 campaign. He testified that when Alfredo Mathew told him in May of 1991 that he would probably be the next principal at CS 44, he "arrogantly" believed that he did not need to work for her campaign. Gelbman stated that had he not been so sure of his professional ability, he would have gotten involved. Gelbman's understanding that he was not promoted because he had "stopped playing the game" was reinforced by Raul Cruz. When Gelbman asked Cruz in fall 1991 why he had not been promoted, Gelbman said that Cruz replied, "Where were you?" Referring to Gelbman's absence during the campaign, Cruz said, "We missed you."

The case of Louis Corominas, currently the principal of IS 116, further illustrates patronage in the district. As long as Corominas was heavily involved in Lucy Cruz's campaigns, such as her 1988 State Assembly campaign and her 1989 School Board campaign, he was duly promoted.⁴⁷ However, when he sought to break off the relationship with Cruz in 1991 because he had become "disillusioned" with her and believed that she gave politics more attention than education, he was pressured to continue working and then punished for giving only token support. Corominas testified that two people closely associated with Lucy Cruz's camp, Raul Cruz and Ira Victor, approached him to get involved in Lucy's 1991 City Council campaign. He

⁴⁶This is elucidated on pp. 31 of this report.

⁴⁷Corominas described himself as heavily involved in these campaigns. Lucy Cruz confirmed his involvement. In 1990 Corominas was promoted from assistant principal to unofficial co-principal, as the former principal was still at the school. Then, in fall 1991, Corominas was officially assigned to be interim acting principal.

testified that he told them that he did not want to get involved: "I had set my mind, I was not going to be actively or heavily involved in the campaign. I only support people that I feel I'm committed to, who I believe in, and I wasn't prepared to do this at this time."⁴⁸ Lydia Velez testified that Corominas had told her that Raul Cruz and Victor conveyed threats from Lucy Cruz that, if he did not get involved, he would have to pay the consequences. Corominas admitted speaking to Velez about the pressure from Lucy Cruz's camp, but said he claims that he may have gone "overboard" in describing the pressure. He admitted being afraid of "negative repercussions" from his meager work on the City Council campaign.

Perhaps because of this, Corominas twice visited Lucy Cruz during her hospitalization in fall 1991. He even brought her a "get well" cup, though he admitted that he "did not enjoy" the visits. Corominas said he visited Ms. Cruz because he felt sorry for her, but it seems more plausible that he did not want to burn his bridges with the board member who could ensure a principal's appointment.

After these token gestures, Corominas, at one point slated to become the interim acting principal of CS 47, one of the largest schools in the district in terms of parent votes, was given IS 116 instead, which brought in fewer votes. This appointment to a less desirable school was widely seen as punishment for not being involved in Lucy Cruz's campaign during the summer. Eugenia Irizarry and Lydia Velez each testified to that impression.

B. THE PRESSURE TO ENTER POLITICS: JAMES GELBMAN

Everywhere they look, educators see "pieces" being promoted, the gains of

⁴⁸Victor admitted talking to Corominas about the campaign. Victor confirmed that Corominas had become disillusioned with Lucy Cruz and wanted to remain independent.

political work, and the risks of not "playing the game." The inevitable result is pressure to obtain a benefactor on the Board, a "godfather" or "godmother" in district parlance.

James Gelbman was recruited for the 1993 Community School Board campaign by Kenneth Drummond.⁴⁹ Gelbman said that Drummond telephoned him at school on October 9, 1992 and summoned him to his tax office. Gelbman testified that at this meeting, Drummond gave him a "sell job" to enlist him for his 1993 school campaign. Drummond told Gelbman he wanted him to help elect Veronica James, who was running with him.⁵⁰ Gelbman stated that Drummond told him that he could have "anything he wanted," including a deputy superintendency, if he got James 150 votes.

Gelbman testified that at this meeting, Drummond discussed with him the work he would be required to do. It included registering parent voters at CS 44, canvassing the community around the school to register voters, helping to carry petitions, instructing people on how to work with petitions, and bringing the people they had registered out to vote on election day.

Gelbman agreed to work on Drummond's campaign. At about the same time, he also agreed to tape his subsequent conversations with Drummond for this Office. These taped conversations afford us an extraordinary insight into how Board members, intent only on amassing power and being elected, see educators in terms of their political utility.

⁴⁹Gelbman had approached Drummond to work on his 1992 School Board campaign the previous fall. In return for Gelbman's political support, Drummond was to secure for Gelbman the principalship at CS 44. However, the 1992 school board election was postponed before Gelbman could fully prove his worth.

⁵⁰Although Gelbman was actually working to get Veronica James elected, since Drummond is running her campaign, Drummond refers to Gelbman as working for him and for his campaign.

The tapes confirm what Gelbman had told us -- that in fall 1991, Drummond had agreed to help him get a principalship as a quid pro quo, in exchange for political support on his 1992 school campaign. Referring to the work he did for Drummond's 1992 campaign, Gelbman tells him, "I went through this before last year. And the whole year, every day, was a battle for me. And what I got out of it was zero. Total zero. I don't want that to happen again." Drummond reassures him, "It won't happen."

The second time around, Gelbman wanted to make sure that his political work would pay off. In November 1992 Gelbman asked Drummond over the telephone, "What's in it for me...?" Drummond replies, "I don't want to say over the telephone. But you could just write that down....You could just about write your own meal ticket, because what you are saying is, you are talking about coordinating half the field there," indicating that if Gelbman gets half the votes Drummond needs to win, he will be handsomely rewarded.

In another conversation at Drummond's office on December 22, Drummond dangles an extravagant array of positions before Gelbman:

You just name it....You know, we know that a principalship is open. I mean, you've got to be the first person to be put up on the table. And, everything is up in the air. Deputy, principal, superintendent, whatever you want to call them -- director of programs.

He reassures Gelbman that this time he will make sure that he gets a promotion: Once the lineup is done on May 15, the deal is put right up on the table. Okay, certain people are walking on water. [If] they're not walking on water, all hell will be paid. So we work that out before we take office on July 1st.

Drummond hints that he is thinking about giving Gelbman a principalship.

That's the direction I look at you, Jim. Principalship is fine. I mean, you know, if that's what you want, that's what we're committed to. All right, because a principalship means a bigger paycheck, and everybody needs a bigger paycheck in their pocket.⁵¹

At another meeting at N.V. Tax, Drummond stresses that Gelbman's political work will be rewarded.

You know, Jim has gotta be standing there with all the medals and everything else that has to do with him because he paid his dues....But you stand right there on July 1st and direct (inaudible) and get your pins....Cause that's the name of the game, and that's the way we're gonna play it.⁵²

Again making explicit that he will pay Gelbman back for his political support, Drummond spells out the basis of their relationship. "All you gotta do, is do what you gotta do, and you're in," he tells Gelbman: "This is gonna pay off for you, Jim."

Drummond makes clear that he can help Gelbman only if he is elected, just in case Gelbman needs additional incentive to work hard. In their meeting at N.V. Tax on January 25, Drummond tells him, "Jim, we're working together. My attitude only changes if I lose, of course." "And for us to do what we gotta do, uh, we have to have me and Veronica in."

Referring to the back-room deals where principalships in the district are

⁵¹Gelbman then takes up the notion of a principalship at their next meeting at N.V. Tax on January 25, when he brings up a potential opening at CS 57. Gelbman asks Drummond whether he sees him working at that school. Drummond says he does.

⁵²Drummond has apparently made promises to James Parker as well, who is also working for him. He tells Gelbman, "I'm supposed to be working with James Parker....But I told James, 'you want a big position, it's got to fit what you can do.'"

customarily meted out, Drummond promises to have Gelbman's position secured by the second time the new Board meets after it takes office on July 1, 1993.

Because everybody I talked to said, 'You want to make a deal?'....Things got to be done the first two meetings. I like to do everything at the first meeting, but you can't get it all done on July 1st. That meeting after July 1st, everything's got to be in place.

Indicating how commonplace it is for principalships and assistant principalships to be doled out on a political basis, Drummond tells Gelbman that, unlike other board members who are "walking around with a briefcase full of" names, he is "working with a small group." He tells Gelbman that he has only "a couple of people to push."

C. PAYING THE PRICE OF A PROMOTION: A SET NUMBER OF VOTES

School employees in District 12 have to pay for their jobs, if not in large sums of cash as Noville did, then in votes, fundraiser tickets, and political support. Drummond sums up his priorities at a meeting with Gelbman at his office. "I have the score sheet.

My wife standing there and they open the box -- that's all I want to know is how many 'ones' came out," he says.⁵³

Consistent with this view, Drummond set a price that Gelbman would have to pay for a principalship: 150 votes. "If you get 200, that's like 'whoopie', so we'll settle for 150," he tells Gelbman around the beginning of his campaign. Drummond repeats this target number several times in different conversations during the six months Gelbman works for him. In January he tells Gelbman, "You gotta get the 100 votes, you know, you know you're gonna get 150." In March he stresses it another

⁵³By "ones," Drummond is referring to votes on school board election day.

time over the telephone: "It is critical that Veronica get that 150 votes up there at 44."

He also hones it in again at a meeting in March: "These boxes open up at CS 44, VJ [Veronica James] gotta have 150 in there."

Judy Rothschild, currently an assistant principal at CS 57, who has worked in District 12 for more than 30 years, indicates that the board members' practice of awarding jobs based the number of votes garnered is not a new phenomenon, nor is it particular to Kenny Drummond. She recalls the custom of previous Boards:

[T]he old Board, you know, you did what you were supposed to, and you got him the 50 votes, or whatever votes you were supposed to get, and they honored you, and honored everything, and they, you know, and their commitment to you, and that was it. Everybody always said it was much easier working for them because you always knew where you stood.

That an assistant principal should long for the days when a deal was a deal, regardless how corrupt, reflects on how deeply entrenched political patronage is in District 12.

To get the number of required votes, Gelbman worked numerous evenings after school and several weekends over a six-month period.

D. EDUCATION IS USED AS A FRONT FOR PATRONAGE

In a district where patronage is pervasive, education is rarely if ever mentioned. In fact, when educational platitudes are spouted off, the purpose, as Drummond makes clear, is to cover up the real politicking that goes on. Drummond specifically warns

Cain on how to "deal" with Robert Henry, the acting superintendent:

You gotta try to keep everything up on the educational feel, okay? You get off the educational feel, Robert, you know -- one thing you knew about Al [Mathew], see, Al was a beast. We all knew that. He was a cutthroat. And cutthroats usually don't tell on each other.... Robert

could be working for the CIA for all you know. That's where you got to be very, very careful.

Drummond tells Gelbman why he wants to have him on his team:

At least you make it seem like you are about taking care of some serious educational business, but you're not a fool either, okay. You gotta play when you have to play.

Drummond wants Rothschild and Victor to work on his campaign for the same reasons.

"At least they make it seem, you know, like they're trying to do something, you know. And they get involved when they have to. They do what they gotta do, you know."

E. THE DESPERATE NEED TO FIND A PATRON: JUDITH ROTHSCHILD

Judy Rothschild is currently an assistant principal at CS 57 and a close associate of Lucy Cruz. She worked on several of Lucy Cruz's campaigns as well as on Raul Cruz's brother's 1991 City Council campaign in Queens. Gelbman secretly taped several telephone conversations with Rothschild from January to March 1993.

Judy Rothschild's conversations with Gelbman demonstrate the critical importance of working for a politician in order to survive professionally let alone to advance. In January 1993, Raul Cruz told Rothschild that he would probably not stand for re-election to the Board. With Lucy Cruz already off the Board for over a year, and with Raul Cruz about to leave, Rothschild laments her predicament: she needs to work for one of the contenders to remain a "viable candidate" in the district. However, Lucy Cruz tells her to wait before joining anyone else's ranks in case Raul Cruz changes his mind. If Raul Cruz runs, Rothschild tells Gelbman that she must naturally "get a team up to go support him." Everything, she says, is "contingent" on whether Raul runs.

In her telephone conversations with Gelbman in January 1993, Rothschild is

upset because, if Raul Cruz does not run, she does not think she could work for anyone else. She does not believe in anyone's candidacy, and moreover cannot work for anyone who opposes her friend, Brenda Carasquillo-Silen, who rose to become the deputy superintendent in the power shuffle following Alfredo Mathew's suicide. Implicit in her distress is a strong conviction that she needs to prove herself politically to her new benefactor.

Once Raul Cruz's decision to stay out of the race is finalized, Rothschild tells Gelbman that she has allied herself with Carasquillo-Silen. Since Carasquillo-Silen is aligned with Bard member Lydia Velez, Rothschild was going to work for Velez, Gelbman told us. However, when Velez was disqualified from the elections for missing the petition filing deadline, there was no one else Rothschild felt comfortable working for. Rothschild laments that, while she "might stand a chance with Kenny on a trade-off," she could not bring herself to work for him. She tells Gelbman that she could not live with herself if she worked for any candidate seeking to oust Carasquillo-Silen. This excludes all existing contenders.

Rothschild wearily tells Gelbman that she does not want to play politics any longer because she has to live with herself. She moans that, because there is no one for whom she could bring herself to work, her career is over:

That's why I'll never be anything more than I am now....Because I'm not gonna go feed in against my friends....It's just that there were choices that I had that I couldn't do, the same way is I can't go and say, 'Sure, Jeff [Litt], I'll go out campaigning for all the people who are looking to kick Brenda out,' That's just -- I can't do it. Which makes me a non-viable person for any jobs, politically or otherwise. 'Cause, I guess the word is, I'm not a fuckin' hooker.

She tells Gelbman, "I'm not selling my soul."

However, regardless of what her feelings were then, the bottom line is that she was promoted to an interim acting assistant principalship at CS 57 in fall 1991. Rothschild acknowledges, "I have to thank Lucy for being as much as I am."

F. EXPLOITING EDUCATORS FOR PERSONAL AND POLITICAL FAVORS

An educator's relationship with a "godfather" or "godmother" often involves performing personal as well as political favors. These tasks are often menial and demeaning, but just as with political work, educators do them to get ahead. Their resentment at being used is manifest in our evidence.

Working for Lucy Cruz: Installing Chandeliers, Packing Boxes, and Planting Flowers

In spring 1990 Jim Gelbman testified that Lucy Cruz telephoned him on several weekends, once even waking him up, to ask him on separate occasions to check the electrical wiring at her Westchester house, put up a chandelier there, and buy and install a dimmer switch. Gelbman, who has experience with electrical work, testified that Cruz also called him at school to have him fix a light fixture in her Bronx house and pack and move boxes when her tenant there was moving out, which required several long weekday afternoons.

Although he responded to Cruz's requests promptly, Gelbman strongly resented having to do these errands. He testified, "I really didn't want to be there. I had to do the job for Lucy, because Lucy wanted it done. I had no choice. I had to do it." "What was I gonna say, 'No?'"

Gelbman stated that in summer 1990 Lucy Cruz was calling him at least four or five times during the school day asking him when he could put up her pool. Gelbman

reached his limit. "I just couldn't do it anymore. It was demeaning, it was unprofessional, I was being used. I got tired of being demeaned." Gelbman did not put up the pool that summer and did not work on her political campaign the following summer.

Lucy Cruz corroborated the work Gelbman did for her in her testimony before this Office, but insisted the work was done voluntarily. When we asked her whether she ever asked any BOE employee to install her pool, she replied,

Let me say for the record when you talk about BOE employees, I feel very uncomfortable with the terminology -- 'BOE employees.' I have friends who happen to be employees of the BOE. That I might have asked someone to come and give us a hand -- absolutely. I might have done that....

Q: Did you ever ask anyone to give you a hand in putting up a chandelier?

A: Yes.

Q: A BOE employee?

A: A friend, yes, as a matter of fact, he volunteered.

Q: Who was that?

A: His name was Gelbman.

...

Q: Did anybody help you with light fixtures at your Morrison Avenue house?

A: I believe the same person that might have -- and he never installed anything -- but because he was an electrician and he volunteered -- was Jim Gelbman.

Q: Did Jim Gelbman, did you ask Jim Gelbman or did he volunteer to help you pack boxes?

...

A: The day he was putting up a fixture he might have been, but -- for

him to come specifically -- No, I don't think I would have asked Mr. Gelbman to pack boxes for me.

...

Q: Clarify your answer, please.

A: And I said, if it happened at the time that he may have been helping me with an electrical fixture, then he packed boxes. But I never brought Mr. Gelbman to exclusively pack boxes for me.

The use which Lucy Cruz made of her subordinates is further demonstrated by Ira Victor, who testified that he chauffeured her around during her campaign.⁵⁴ When Lucy Cruz was asked whether she asked any BOE employees to chauffeur her around, she replied,

First of all you need to know that I have my own car. I've always had my car and I don't need a chauffeur. Again, I have to tell you I do have friends. If I'm going someplace, I don't have a chauffeur, I might catch a ride with someone. No, I never asked anyone to chauffeur me and I never asked anyone to plant. Your commentations imply to me that when I asked a board member, it was kind of, 'you don't have a choice.' People volunteered to help me. If they knew I was going to do something they would volunteer. If they had a handle on it or had experience, they volunteered, and I accepted it, absolutely.

Judy Rothschild also told Gelbman over the telephone that Lucy Cruz used her for personal favors. Rothschild stated that she planted flowers for Ms. Cruz around her Westchester house. Rothschild also tells Gelbman that she "chauffeured" Cruz around during her campaign, as she says did two other supervisors.

Lucy Cruz denied that she had ever asked a school employee to plant flowers for her, but admitted that planting had been done:

Q: Did you ask any BOE employee to plant flowers in your

⁵⁴Victor further testified that when Cruz was hospitalized in fall 1991, he visited her almost every day. On one visit he brought a girl from CS 47, "Little Miss Puerto Rico," to entertain and sing for her.

Westchester home?

A: No.

Q: Did someone volunteer to plant flowers at your Westchester home?

A: Yes. And I wish you'd be specific 'cause you're leading around the pole and I don't like it. If you ask me a direct question, 'Did someone help you plant? Did someone volunteer to plant bushes for you? The suggestion is strictly from Ms. Rothschild, I would say 'Yes. She did. She had a green thumb and would buy flats.'

Gelbman certainly made it clear to this Office that he did not volunteer for these chores. Further, it seems unlikely that educators like Gelbman and Rothschild would want to install swimming pools and chandeliers, pack boxes and plant flowers out of affection for Lucy Cruz. Giving Ms. Cruz every benefit of the doubt, however, and assuming they had volunteered, at a minimum she had to know that by having the work done, she was exploiting the aspirations of her subordinates.

Cruz insisted her subordinates all volunteered for her political campaign as well. When asked how it was that school employees in District 12 came to be involved in her campaigns, she stated,

A: They fell in love with Lucy Cruz -- it happens.

Q: Are you saying they volunteered?

A: Yes, absolutely. Let me put that on the record. BOE employees came and volunteered. No pressure. No hassle. No forcing. Um, no quid pro quo. I want to put that on the record.

Q: Did you ever approach any one to help you on your campaign -- BOE employees?...

A: I don't recall.

However, contrary to Ms. Cruz's testimony, our evidence demonstrates that, far

from liking the personal and political work they have to do, school employees resented it. Discussing the campaign work she's done for Cruz over the years, Rothschild makes clear she did not do political work because she liked it. She tells Gelbman in a recorded telephone conversation:

My job in the Council elections -- since I hated doing all of that shit -- was I spent a couple of nights on Fordham Road in the couple of days during the summer.

Rothschild adds that she also "cleaned petitions" -- made sure they conformed to election regulations -- and chauffeured campaign workers for the City Council campaign. She tells Gelbman:

[My] major job was taking people to post and making sure they got there, which is fine by me. I sat in my car and I went around and I disappeared in between, you know, I wasn't stupid. I was not stupid.

She tells Gelbman that, as far as Lucy Cruz is concerned, "I put in my fair share."

Working for Kenny Drummond: Writing a Business Plan

Jim Gelbman testified that as part of his relationship with Kenny Drummond he was asked to write Drummond's personal and business letters. Gelbman said that Drummond's first request was that he write three letters advertising N.V. Tax to three organizations. Next, Gelbman said that at a meeting at his tax office on December 22, Drummond asked him to prepare a business proposal for N.V. Tax. Gelbman tape-recorded the meeting. When Gelbman is about to leave, Drummond casually asks him, "I want you to write a plan, a business plan for me, okay?" "It's a letter of proposal that should last somewhere between three to six pages.... I'm gonna give you all the facts and you just write out it in nice form." In March, Drummond called Gelbman up

at school to ask him to write a letter to the district office to help his wife, Ester Edwards, straighten out a problem she was having with her employer. Gelbman called Drummond back from his home and was given explicit instructions, which he recorded: "You go over that with Ester," Drummond directed him before putting his wife on.

Other Personal Favors: Loans and Chauffeurs

Martin Fuchsman testified that Angela Pacheco,⁵⁵ his sponsor on the Board in the mid-1980's, requested him to make her "loans" for around \$30. The bottom line, however, is, as Fuchsman stated, that had it not been for the A-Team, he would never got to where he is today.

Nilda Muñoz also used Gelbman to chauffeur her. Gelbman said that in fall 1991, after he had not been made principals of CS 44, he reached out to Muñoz to discuss his professional future. He testified that she took advantage of the occasion to have Gelbman chauffeur her around different districts in the Bronx so that she could drop off her applications for principalships at various schools.

G. PRESSURE TO STAY INVOLVED: PUNISHMENT AND SENTENCING

Even after professionals have "paid their dues" and achieved success, they need to continue to do political and personal work for their patrons on the Board because they have the power to make their lives miserable if they defect. As Cain states, professionals know that "they gotta do something because if not, they gonna go down -- they gonna lose their job."

Employees fear retaliation from Board members for defecting from their camps or

⁵⁵Pacheco was removed from the Board for failing to attend meetings. She was a self-admitted drug addict, which may help explain her borrowing money from Fuchsman, as he suggests.

simply supporting a person they do not approve of. Drummond warns Gelbman in a meeting at N.V. Tax, "just like you can get up, you can come back down." As Drummond explains,

I mean a principal be out there, minding his business, trying to do a good job. But if a superintendent or his deputy who's in charge of principals is not supportive of you, you know, hey, you don't get textbooks, you don't get little grants,... or you don't get your conferences, your seminars. You know all the little things that can be done to principals. Your life can be made very, very miserable. The paycheck is rolling in, and you're not being threatened, but I mean your life can be miserable.⁵⁶

The fear Board members create among school personnel is implicit in much of the testimony we have gathered. When Raul Cruz announced that he would not be running for the Board, the supervisors associated with Lucy Cruz's camp were left unprotected and in danger because she had resigned from the Board in 1993 to sit on the City Council. "Everything that Lucy put into play...is gonna be blown out of the water," Drummond tells Gelbman.

For these pedagogues, joining one of the remaining camps is the best way to increase their chances of survival. Drummond is on the lookout. As he tells Gelbman, "Lucy has a few little pieces out there that I think could be helpful." He is interested in Judy Rothschild, Ira Victor, and Joan Salvatore.

He asks Gelbman to reach out to Rothschild, who, he believes, "knows a couple of people that she can put a little team together like you, you know." He says that there is plenty of work she could do for him: "You get three of four people, you go out and spend the money on your own, do whatever you got to do, and...you just drag 'em

⁵⁶Board members do not fire people because that could "close a line," as Drummond tells Gelbman, thus eliminating an opportunity for patronage. The practice therefore is to transfer unfavored people. As Drummond tells Gelbman about Hazel Robinson after her failure to help him get Robert Henry out, "We're gonna take her out of there [IS 200] and put her in CS 102. Send her to Siberia."

out." He tells Gelbman that she has to work if she is to survive professionally: When you do that type of work, then before you get sentenced to oblivion, you know, you gotta take that into [account]. You know, that's better than lip service, you know, "I'm not gonna stand in Kenny Drummond's way." No, no, no. We gotta win here.

The same applies to Joan Salvatore, the early childhood coordinator associated with Lucy Cruz. Drummond tells Gelbman, "When Joanie gets sentenced you know, if she's out there ringing doorbells for Ken Drummond, I'll take that into consideration. Maybe her sentence won't be as harsh."

An example of educators without protectors being threatened with transfers is that of Roy Rivera and Alan Brandt, both closely associated with ex-board member Nilda Muñoz and current board member Blanca Feliciano. With the power shuffle that resulted after Alfredo Mathew's suicide, they were threatened with transfers in January 1993. The transfers were at least partially aborted, however, when Muñoz staged a parent demonstration with the help of a politician's son and Feliciano threatened Henry.

What allows this pressure to exist is the power caucus members on the Board exercise over educators' jobs. They hold the keys to jobs, promotions, per session contracts, and a host of other benefits. At the same time, they can withhold bonuses and have employees transferred. School personnel merely strengthen the caucus's hold over them by opting into their "game." The fact that the superintendent, not the caucus, technically does the hiring for many district positions is irrelevant since in practice the caucus controls the superintendent, as explained above.

H. MAKING THE ROUNDS:
TURNOVER AMONG GODEATHERS AND GODMOTHERS

The need to find a patron appears to be universal in District 12. Turnover on the board is high, however, as members go on to higher office or are removed for corruption or living outside the district. Professionals are thus obliged to go from courting one board member to courting another.

Jewel Moolenaar is an example of a pedagogue who went through a particularly long list of patrons over the course of her career in the district. She lays them out for Ed Cain:

Maybe I started begging too late. In the beginning I was proper. I was not with Mr. Drummond, I was with [Miguel] Diaz. It was Diaz who introduced me to Drummond....Then I was with [Samuel] Snapes. Then to Drummond and Veronica and you.

Gelbman stated that he went from Alex Castillo to Lucy Cruz to Kenneth Drummond, doing political and personal favors for each.

Judy Rothschild, as she tells Gelbman, sought out Jose Cruz when he was a board member. When he asked her if she would help him, she told him: "If you need me to help you write stuff, I'll help you write stuff. That's what I can do the best."⁵⁷ After Jose Cruz was removed from the Board after being indicted in 1989 for bribery in connection with school district matters, Rothschild approached Lucy Cruz. When she first met Ms. Cruz, she tells Gelbman, "I made reference to the fact that I did some writing." "I thought maybe I would be getting involved with something and everything. I said, 'If I can be of help, let me know.' You know, I don't go after people. If they want me, let 'em tell me."

⁵⁷Gelbman said that Rothschild's principal sponsor was Lucy Cruz and any work she may have done for Jose Cruz was far less than what she did for Lucy Cruz.

I. THE COST OF PATRONAGE

The result of patronage on educators is weariness and defeat. Professionals who are involved in politics are so beholden to their sponsors that "they've sold their souls," as Robert Henry observed.

Educators know that their professional survival depends on their finding a godfather or godmother to whom they can "grovel a little bit," as Gelbman says. Without this, as Judy Rothschild sadly acknowledges to Gelbman, one must resign oneself to defeat. Unable to find a school board candidate she can support in good conscience, Rothschild tells Gelbman, "I know my career has gone about as far as it can go." The sun, she says, "may shine on you, but uh, I'm finished." Gelbman tries to lift her spirits, "Well 'finished' is kind of a final word." Unmoved, Rothschild replies, "Yeah, well I'm not stupid. I learn my lessons well. I know how this district works, and I know Kenny's arm is, you know, he's got a very long reach."

VII. THE A-TEAM FUNDRAISER

On November 1, 1991, the A-Team held a political fundraiser to raise money for the 1992 Community School Board election, to be held in May.⁵⁸ The party was sponsored by Veronica James, Ed Cain, and Kenny Drummond. The A-Team fundraiser is a textbook example of how patronage works. The fundraiser demonstrates how the A-Team, a powerful force on the Community School Board, tapped its extensive political network in the District to arrange the event and to solicit contributions. Aspiring pedagogues felt pressured to sell tickets because they perceive -- and with just reason -- that in District 12, political work is the only way to advance one's career. Beholden employees were approached to pay their dues for jobs they held by working for the fundraiser.

Adding insult to injury, the three sponsors skimmed the profits for their personal gain. Although the amount that Drummond, James, and Cain stole was probably less than \$10,000, what is so outrageous about this scheme is the fact that they stole the money from the very people they pressured to contribute. The A-Team further maximized its profits by using Board of Education equipment, materials, and personnel to complete tasks they otherwise would have had to pay for.

Our evidence about the fundraiser is based on the testimony of Edward Cain; James Gelbman, who sold tickets for Drummond; Marty Fuchsman, who sold tickets for Cain; taped conversations with school employees; and bank records. Notably, Cain,

⁵⁸In January 1992, the 1992 election was postponed until 1993 because of the possibility that a bill pending before the state legislature would pass, which would redraw the community school district lines.

Gelbman, and Fuchsman paint similar pictures of how professionals were obliged to support the A-Team in order to protect their careers.

A. THE INITIAL DISCUSSIONS

Kenny Drummond first broached the subject of the ATeam fundraiser at a meeting with Cain and Veronica James at his N.V. Tax Office in January or February 1991, according to Cain. Drummond told them that they should hold a fundraiser to raise money for the elections -- then scheduled for May 1992 -- and that they would pocket the remainder, which he believed would be ample. Drummond, who was in charge, promised to split the profits with his collaborators. Cain described Drummond's plan:

We have a fundraiser. We should, you know, get a lot of people, and we pay our expenses and still have some money for your pockets....As soon as the party's over, count up the money and, uh, split it.

B. EXPLOITING THE NEW INTERIM ACTING SUPERVISORS

From the beginning, Drummond plotted to take advantage of the new interim acting principals and assistant principals who would be assigned over the summer, Cain said.⁵⁹ The ATeam knew that the interim acting supervisors would be easy prey, because while they awaited permanent appointment, they would be at a precarious point in their careers. "They would show up and work. They wanted to get that appointment," Cain told us.

Seizing this unforeseen opportunity, Drummond timed the fundraiser for the fall, when the interim acting principals would just have been assigned. Cain explained that

⁵⁹There were 46 interim acting supervisors assigned to District 12 in Summer 1991.

he did not want to hold it before the old supervisors retired because, since they were leaving, they would have little incentive to support the A-Team, whereas the "new people -- you know they would be anxious," he said.

Cain said that Drummond further suggested holding the fundraiser in "honor" of the interim acting principals and assistant principals. Giving the party this theme would (and indeed, did, as will be discussed) virtually guarantee their contribution. Although no tickets remain to this date, witnesses said that they read in substance, "The A-Team welcomes all interim acting principals and assistant principals to District 12."

C. CASHING IN ON THE A-TEAM NETWORK

The A-Team used its political support network -- people who had received jobs or promotions with its help -- to put the fundraiser into motion. The tasks to be delegated included printing tickets, selling tickets, collecting money, keeping track of who bought and sold tickets, and taking attendance and money at the door on the evening of the event. The use that the A-Team made of its various employees demonstrates the importance to board members of having their soldiers stationed at various sites throughout the district. By tapping into its network, the A-Team was able to throw a party, promote itself politically, and raise money without much expense. Indeed, the evidence suggests that the only expenses incurred were for food, drink and a disc jockey.

Promoting the "fundraiser" and selling tickets was no problem to someone like Drummond, according to Cain.

If a person like a board member, or a person like Drummond, gonna give a party, it's not that hard to know how you gonna get rid of the tickets. See, 'cause you got people close by you. You got people like James

Parker⁶⁰ close by....It's nothing', you know, you just say, "Well, I'm gonna have a party," and, uh, get the people to sell tickets.

D. ENLISTING SOLDIERS FOR THE ARRANGEMENTS

Drummond, Cain, and James each had their own soldiers stationed throughout the district whom they would enlist to complete the various tasks required for the fundraiser. Drummond, with the largest legions by far, enlisted people to take care of virtually every facet of the fundraiser. Gelbman told us that he thinks Drummond used Clark Jones, an employee in the district office printing room, to print the fundraiser tickets on school equipment. James Parker confirmed to Cain that Clark Jones usually does Drummond's printing work,⁶¹ although it is not certain that Jones printed tickets for the 1991 fundraiser in particular. Significantly, when Cain, on our instructions, told Parker that he needed tickets printed for a fundraiser, Parker responded, "Oh man, all right, I'll talk to Jones, see what I can do.... Ok, [unclear] we have to be very quiet about it."

Roselyn Johnson, a long time A-Team beneficiary and at the time also a secretary at the district office, was placed in charge of bookkeeping.⁶² The A-Team used Johnson and her centrally located office as their front from which to distribute tickets and collect money during work hours. Johnson, along with Louis Reese, a community associate at CS 44 who has been working for Drummond's political campaigns since 1978 or the early 1980s (See p. ~~XX~~), also collected tickets at the door

⁶⁰James Parker, whom Drummond "put up" as interim acting principal of CS 50, sold tickets for the fundraiser.

⁶¹This Office has also received allegations that another employee in the district office printing room regularly does the Hispanic faction's printing work.

⁶²Johnson is currently running for the Community School Board on Drummond's slate.

the night of the event.

The people who sold tickets were instructed to pick up their envelopes of tickets to sell from Johnson at the district office.⁶³ Gelbman, for instance, testified that shortly after he discussed the fundraiser with Drummond in his tax office, Veronica James called him at school and instructed him to pick up his tickets from Johnson. Johnson's right desk drawer was full of vertically stacked, white, business-sized envelopes. She handed him one with his name on it containing ten numbered tickets. Gelbman noted that Johnson then either wrote down or checked off his name on a letter-sized list of names, presumably of other ticket sellers, also kept in her drawer. Fuchsman also noted that Johnson wrote down or checked off his name on a list of ticket sellers. Various other A-Team supervisors, including Sandra Nichols and Ernest Gregg, admit in taped conversations with Cain that they picked up their tickets from Johnson at the district office as well. Thus, while Johnson was supposed to be discharging her secretarial duties, the A-Team had her busily handing out envelopes of fundraiser tickets to those enlisted to sell.

Johnson was additionally charged with collecting cash and keeping records of those who bought tickets. Cain said that Drummond told him to have all monies collected given to Johnson. Confirming this procedure, Fuchsman testified that Drummond called him at school one week before the event and instructed him to bring the money he had collected to Johnson. Fuchsman brought Johnson cash as well as a list of the people who bought tickets from him, which she placed in her desk drawer. The evidence also indicates that the ATeam kept records of people who bought tickets. Gelbman and Fuchsman independently confirmed that they handed in the

⁶³Apparently Drummond sometimes also directly approached supervisors with tickets to sell, as in the case of Ira Victor, discussed below.

names of people who bought tickets from them.⁶⁴ Gelbman recalls that he gave his cash and list of buyers to Drummond directly, so as to better "impress" him.

E. EDUCATORS AS TICKET-SELLERS

To sell tickets for the fundraiser, the A-Team members cashed in on their political support network, especially the new interim acting principals whom they had promoted. About one month before the fundraiser, Drummond told Cain and James that they had to start approaching people to "get rid of tickets."

Evidence from Cain's taped conversations with various A-Team supervisors demonstrates that Drummond and James asked people to sell envelopes of ten tickets each for \$20 a piece.⁶⁵ The A-Team drew heavily from its own interim acting candidates to sell tickets, as is demonstrated by the number of large checks they wrote to the A-Team PAC (political action committee) account.⁶⁶ Jewel Moolenaar, then an interim acting A-Team principal, spelled out the procedure. "We were all asked to sell some tickets, that's all," she told Cain this year when he asked her if she sold tickets for the 1991 fundraiser. "We were given ten tickets to sell for the affair last year." All of the A-Team supervisors with whom Cain taped conversations said that they sold tickets. Only Althea Serrant, now the principal of CS 61, denies that she was asked to

⁶⁴While neither Gelbman nor Fuchsman remembered being specifically instructed to compile such a list, each assumed Drummond wanted to know.

⁶⁵That there were ten tickets in each envelope is amply supported by the evidence. Fuchsman and Gelbman testified that their respective envelopes also contained ten tickets. Even though he never checked, Cain believed that each of the three envelopes Drummond gave him to distribute to ticket-sellers contained ten numbered tickets each. While some supervisors told Cain in taped conversations that they sold fewer than ten tickets, this may have been because they were unable to sell them all.

⁶⁶Moolenaar gave \$200; Good, \$200; James Parker, \$200; Jean Keizs, \$100; Charles Dunn, \$100; Sandra Nichols, \$60; Marietta Tanner, \$60; William Bell, \$60; and James Carter, \$20. Of course, as the bulk of the contributions were made in cash, these checks represent only a small portion of the entire proceeds.

sell tickets. However, her denial and general reluctance to talk openly about fundraisers on the telephone may have been prompted by her fear that her "phone is bugged," as she warned Cain.

The A-Team threesome knew that school employees would work for the fundraiser because "they want[ed] to get up higher," Cain said. By helping their benefactors on the Board politically, they were helping themselves professionally. When Cain told Ernest Gregg, an A-Team supervisor, that he wanted to hold a fundraiser for the 1993 election, Gregg indicated that he understood how things work in District 12. "Anything I can do to help, 'cause if I help you, I help me," he told Cain.

Community School Board members are not apologetic about pressuring subordinates. "I mean, you know, we're making 125 [dollars] a month, and they're making all this big money, they can do something when we're putting their names up," Cain said. Indeed, we have found that implicit in virtually every promotion, every job offer, every per session appointment is a demand for political support. Cain confirms that the pressure felt by professionals is not imaginary. Board members aren't "putting [them] up just to put [their] name up," he told us. "They know that down the line...they gotta get out there and do some work. They gotta do something because if not, they gonna go down -- they gonna lose their job." Cain's attitude it makes clear that board members expect something in exchange for supporting school administrators.

Like Cain, Drummond was well aware that he was exploiting vulnerable people. He made this clear earlier this month, when Cain told Drummond that he was planning to throw a fundraiser. Aware that our Office was investigating the November 1991 fundraiser, Drummond advised Cain that this time the A-Team should plan the event

together with some Hispanic board members. Drummond suggested this, he explained, so that our Office would not "zero in on you and I and Veronica, boy. You know, where it look like we trying to use the influence of the incumbents to beat up on the teachers to shove money in our pockets and all that."

Drummond was suggesting to Cain how they could cover up what they had done for the 1991 fundraiser, and most likely planned to do again. Interestingly, Drummond uses an image of physical force to describe for Cain how he got Jean Keizs, then the A-Team interim acting principal at IS 158, to sell tickets for the 1991 event. "I went over there and banged her over the head," he says. Although Drummond no doubt meant this figuratively, his choice of words is not without meaning. His terminology indicates that he did, in a sense, "beat up on the teachers" for political support.

Cain's description of how he approached Interim Acting Principal Marietta Tanner and Assistant Principal Marty Fuchsman⁶⁷ to sell tickets for the 1991 fundraiser illustrates how the pressure put on aspiring principals and assistant principals by Board members assumes different forms, depending upon the individuals and their employment situations.

Marietta Tanner

Cain set the stage for approaching Marietta Tanner by letting her know that he had put her name up for an interim acting principalship in the summer. He explained to us: "When you get people in, word gets around the district, you know, 'Ed Cain looks

⁶⁷Cain put up Tanner as an interim acting principal in summer 1991. Fuchsman was a long-standing A-Team supporter who was not promoted largely because, according to Cain, he had a bad reputation and according to Fuchsman, because he did not do enough politically.

out for you.'" Cain believed that he had duly impressed Tanner. "She didn't believe I had that much power," he said.

Nonetheless, it was clear that Tanner did not want to do political work for the A-Team. Cain testified that when he went to look for Tanner at her school, IS 167, she was in a meeting in her office. Cain walked in, sat down, placed her envelope on her desk and pushed it over to her side. Tanner silently "shoved it back" toward him, Cain stated, and continued with her meeting.

Cain thought that Tanner "probably didn't want to be bothered" with the fundraiser and may have been embarrassed to take the envelope in front of other people. Cain nevertheless remained in her office until she finally picked it up and impassively placed it in her drawer. Neither Tanner nor Cain opened the envelope or commented on selling the tickets. They both understood.

Marty Fuchsman

Marty Fuchsman, on the other hand, had not been put up by the A-Team as an interim acting principal in the summer. Cain knew Fuchsman would be disappointed. Cain admitted that he deceived Fuchsman to get him to sell tickets, leading him to believe that he would help him out in the future. "I said I'd look out for him," Cain told us. The truth was, the A-team was just "stringing him along," Cain said. Neither Cain nor Drummond ever intended to promote Fuchsman.

Corroborating Cain, Fuchsman testified that when Cain handed him his envelope at CS 6, he said, "I'm gonna take care of you." Fuchsman said that he "understood the implications" and accepted it. He knew the envelope contained tickets for him to sell because he had been approached many times over the years with similar envelopes for A-Team events. Fuchsman said that he did not really want to sell tickets, but he

believed that the A-Team was his only hope for advancement. "Unfortunately, you learn by experience how to play the game," he said. "And you play the game, because that's the only game in town." Cain knew this and took advantage of Fuchsman's misplaced hopes to make him work for the A-Team.

Fuchsman said he sold the tickets on school premises during school hours. He bought one ticket for himself, sold four or five, and gave one away (for which he paid out of his own pocket). Fuchsman said that he approached people with caution, making sure no one else was around.⁶⁸ "You approach people whom you know you can approach," he told us. Most of the people to whom he sold were looking to get ahead through the A-Team.

The pressure inherent in Cain's approaching Tanner and Fuchsman is unmistakable. Cain told Tanner that she owed her interim acting assignment to him. Tanner had to believe Cain that if she wanted the permanent position, she should sell tickets. Cain told Fuchsman he would advance his career if he sold tickets. In both cases, it was clear they had no real choice.

Of course, school employees should be allowed to exercise their democratic rights by supporting whichever candidates they please. Indeed, it may be argued that professional educators, as the people who are most likely to care about educational issues, would want to participate in school board campaigns by supporting the candidates of their choice. But their political activity must be voluntary. Indeed, to protect public employees from pressure to participate in political campaigns, the City and State have declared it a crime for a school board member to even ask a subordinate to participate in a political campaign.⁶⁹ Cain pled guilty to a misdemeanor for

⁶⁸Gelbman describes approaching people in a similar fashion.

⁶⁹Under City Charter, §2604(b)(9)(b), it is a misdemeanor for a public servant to request a subordinate

requesting Fuchsman to sell tickets, the first such conviction under the city charter provisions.

As Gelbman points out, many aspiring educators, dependent on board members for career advancement, see entering politics as an opportunity to "impress" their "godfathers." Thus, often board members do not even have to request political help. The amount of pressure a board member exerts on a school employee to enter politics varies according to the personalities involved. Thus, some situations are criminal, others are not.

The central issue here should not turn on criminality, however. Educators should be free to concentrate their energies on education and to succeed based on their classroom success. Pressure to perform political favors, whether express or implied, destroys that freedom.

James Gelbman

James Gelbman's involvement with the fundraiser illustrates the implicit pressures of patronage are and how easy it is for board members to capitalize on them, even without technically breaking the law by asking school employees for support. While Gelbman, by his own admission, approached Drummond at his tax office in fall 1991 and offered to help him with his election, he did so because he thought Drummond was his last hope to get ahead. Indeed, according to Gelbman, the

to participate in a political campaign where such participation is unrelated to the subordinate's duties. Under §2604(b)(11)(a), it is a misdemeanor for a public servant to request a contribution from a person in exchange for securing an advantage in that person's career. Under § 2604(b)(11)(c) it is a misdemeanor for a public servant to request any subordinate to pay a contribution. Under § 17-156 of the Election Law, it is a class A misdemeanor for a public employee to induce a public servant to pay a political assessment. While these laws apply to Cain and James, who are public employees, they do not apply to Drummond, because he is not a board member.

discussion of what Drummond would do for him professionally was "intertwined" with what he could do for Drummond politically.⁷⁰ When Drummond mentioned the fundraiser, Gelbman offered to sell tickets. "This is an implied thing, that if you want to help, you don't just buy a ticket. You sell," Gelbman told us, indicating that board members do not have to ask. The implicit pressure is real enough.

Perhaps another reason why Gelbman approached Drummond is that because he is neither black nor Hispanic, he would not be identified as someone who would naturally help one side or the other. As he was explaining that pedagogues have no chance of advancing unless they work politically, regardless of how good they are, he mentioned that racial politics may also weigh into a pedagogue's success. "If you're not in the [political] process, then regardless if your name is John Dewey and Plato and Aristotle rolled into one, chances are you will not [move up]," he said. "It might help your chances a tiny bit, the fact that you're a minority, and they might try and recruit you into something," Gelbman continued.

Gelbman said that he did not really want to work politically, but he felt that he had to. "You're supposed to call up and ask and grovel a little bit," he said. Gelbman testified that he felt he had to "prove" himself to Drummond. Unable to sell more than five or six tickets, Gelbman swallowed the cost of the rest, worth \$80 or \$100. His explanation of why he did this conveys the strain upon him to demonstrate political support. "There was no way that I was going to hand back any tickets," he said. "Whether I sold any or not, he was gonna get his money." Gelbman did not sell tickets because he believes in the A-Team's cause, but rather because he knew that political activity was his only hope for a promotion. "There was no way that I could ever

⁷⁰To help Gelbman get a principalship, Drummond was going to get him through the parent/ teacher committee, as discussed earlier.

expect anything if I did not sell those tickets," he said.

Judith Rothschild illustrates how educators must pay for their jobs -- even if not in hard cash. She told Gelbman over the phone in March that she will buy fundraiser tickets for one of the current candidates for Community School Board because she recognizes that it is a price she must pay. "If it's gonna cost me a hundred dollars for a job," she said, "I'll be happy to pay it with tickets." Marty Fuchsman called the money he puts down for fundraiser tickets his "overhead" for being an assistant principal. In the same vein, when the A-Team approached Robert Henry for a contribution, he did not understand the implications. Henry told us that he called a District 12 veteran, James Parker, who explained to him, "That is a tax you must pay for being in certain positions."

Drummond, for his part, capitalized on Gelbman's hopes in order to have him "work." Gelbman testified that Drummond told him, "You throw down with us, the sky's the limit." This was all Gelbman needed to hear to give himself to Drummond's campaign.⁷¹

F. THE PRICE OF NOT BUYING TICKETS

Aware that the A-Team's conduct during the promotion of the 1991 fundraiser was illicit, Drummond advised Cain this year to avoid the appearance of pressuring school employees for political support. "And you know you just really, really got to be very, very careful when approaching these teachers and these principals, boy," he warned Cain, when Cain told him that he was planning a fundraiser for this year.

⁷¹The conversations Gelbman taped with Drummond during the past few months fully corroborate Gelbman's testimony. Drummond tells Gelbman what he needs him to do for next week's election, and promises him that his political work will "pay off" for him in the form of a promotion.

"They'll say, 'Eddie Cain over here, you know, tried to shake me down for \$200. People be running after you, Eddie.'"

But it is clear that with regard to pressuring employees, Drummond is concerned with appearances only. Indeed, Cain confirmed that there would be consequences to pay for those who did not attend the fundraiser.

Kenny would have gotten pissed with...some of the big people that was in the district that didn't show up or somebody that he got jobs for or something. But whoever didn't...probably called him and told him, "I bought a ticket, but I'm not going."

Buying a ticket was the minimum a person could do to be in the A-team's good graces. Cain tells us, "If there was certain people who didn't buy tickets, Drummond said he was goin' to get them."

As if that was not bad enough, educators had to worry that if they did attend the fundraiser, the Hispanic faction would punish them. This would explain why many people may have bought tickets for the A-Team fundraiser but did not attend.

Gelbman explains the political cross-fire educators are forced to endure:

People were afraid to go. You have people who are not appointed, who don't want to antagonize the A-Team, so they'll buy. But they don't want to antagonize the Hispanics by showing up, so they won't show up, and maybe, by the grace of God, no one will find out that they bought an A-Team ticket.

G. KEEPING SCORE:
BOARD MEMBERS RECORD EDUCATORS' POLITICAL PERFORMANCE

The lists the A-Team kept of who bought and sold tickets added to the pressure felt by aspiring educators. Aware that their political participation was being noted,

aspiring pedagogues had virtually no choice but to show support for the A-Team by either going to the fundraiser or by selling tickets for it. Sandra Nichols, one of the A-Team's interim acting supervisors, made sure that Roselyn Johnson knew that she sold tickets for the A-Team fundraiser. As she tells Cain, "I told her [Johnson], ya know, these are from [me], you know, 'cause I made sure she knew that, ya know, I was doing my tickets." Employees know that the A-Team keeps careful watch over their political activity. "You know you have to go because you knew they took attendance - - if not on paper, then in their heads," Fuchsman testified, indicating the acute awareness that the A-Team was watching him. "They have a list of names. Come on, they know who buys tickets, they know who's coming," he said. Consistent with this sense of enforced obligation, our sources confirm that all interim acting supervisors but three attended the fundraiser -- and two of those three sold tickets anyway.⁷²

H. A-TEAM FUNDRAISER DRAWS ON ALL INTERIM ACTING SUPERVISORS

Drummond capitalized on the district's political instability to get the participation of interim acting supervisors associated with the Hispanic faction. Lucy Cruz, whom Robert Henry described as the "powerhouse" of the Hispanic faction, was scheduled to leave the Board in January, 1992 to take her seat on the City Council. This threatened the alliance the interim acting supervisors would need to get appointed. At the very least, it was no time to alienate the A-Team. Drummond

⁷²Marty Fuchsman could not attend for personal reasons but sold tickets. Marietta Tanner had been removed for incompetence just before the fundraiser began, but sold tickets. Carmen Sonia Colon was the only interim acting supervisor who was not invited, perhaps because Drummond had already decided that the A-Team would not vote to permanently appoint her, no matter how hard she worked politically.

directly approached at least one of Lucy Cruz's candidates, Ira Victor, with tickets.⁷³

Victor testified that Drummond "came up to" him on the street.

[Drummond] physically handed me the tickets and said, 'Other principals are selling, are you?' I said, 'No. If it's to honor myself, I will just take one for myself.'

Although Victor had practically run Cruz's City Council campaign, he nevertheless did Drummond's bidding. He wrote a check for \$60 to the A-Team PAC account, suggesting that he bought or sold at least three tickets.

Checks to the ATeam account from other interim acting supervisors aligned with the Hispanic faction, such as Miguel Silen for \$200, Maria Figueroa for \$100, Judith Rothschild for \$100, and Evelyn Hey for \$60, suggest that they may have been enlisted to sell tickets. Smaller checks from Ethel McCree for \$20 and Mary Marquez for \$20 suggest that other Hispanic-aligned supervisors bought one ticket each.

The November 1991 "fundraiser" was not an isolated event, all sources confirm. In a recorded conversation last month, Cain asked Althea Serrant if she would sell tickets to a fundraiser he said he was planning. Her response typifies the plight of District 12 educators:

I go to this. I go to that. I couldn't afford the one they had in January, but, and I mean I try to bring my friends with me, you know. So just give me a few tickets and I will sell my tickets. But, you know, don't feel you have to. No, don't worry yourself. This is what you do, give me a ticket and [if] I know anybody else who wants to go, I'll ask you for more tickets.

Our evidence demonstrates that board members' use of political patronage

⁷³As discussed above, Mathew, in a taped conversation with Raul Cruz, states that he gave Victor to Lucy Cruz and Raul Cruz.

networks to throw fundraisers is not limited to the A-Team. Ira Victor testified that when Lucy Cruz held a fundraiser for her 1989 Community School Board campaign, he collected tickets at the door and took attendance as people came in. For Cruz's 1991 fundraiser, Victor testified, Nellie Torres, a teacher aligned with the Cruz camp, "was in charge of selling tickets."

I. THE EVENT

The fundraiser, held at the Side Street Lounge on Blondell Avenue in the Bronx, began around 4:00 p.m. on Friday, November 1, 1991 and lasted until 10:00 p.m. People streamed in and out throughout the evening. All sources confirm that Drummond, Cain, and James gave speeches to thank people for supporting the A-Team and to request their continued support in the upcoming elections. The theme of honoring the interim acting principals and assistant principals was tangential. Indeed, of all our witnesses, only Ira Victor stated that the interim acting supervisors were even mentioned. Rather, in keeping with the event's clear political emphasis, Drummond honored Veronica James and Fanny Lomeyer, a key Drummond supporter in the 1989 election and a paraprofessional at CS 50.

J. PROFITS

After pressuring educators to contribute and using them to "work" for the event for free, the A-Team split the profits among themselves and pocketed the money. Drummond took the lion's share for himself and gave \$1,000 to Cain in two installments: \$500 in cash three weeks after the event, and a \$500 check in March 1992 from N.V. Tax, signed by James. Cain additionally received a money order for \$40 and a check for \$20 from Marietta Tanner, who had sold tickets for him.

Cain stated that Drummond told him they had made a \$3,000 profit and that Veronica James also received \$1,000. However, Cain testified that he believes that the profits were higher and that Drummond kept most of it for himself. The evidence indicates the profits may have been as high as about \$6,500, though a precise figure is impossible to calculate without the A-Team's records.⁷⁴

Significantly, Drummond's own words, taped by Cain, indicate that Drummond did not want anyone to know how many tickets the A-Team sold. Drummond advised Cain on how they should go about giving a fundraiser this year.

We got to be very, very careful, you know. When Veronica gets here and talks with Roselyn [Johnson] and a couple of the other people, we have to decide whether we're gonna give a fundraiser, and if we are, believe me, those tickets are definitely gotta be sold undercover. You know, the IG [referring to this Office] is running around all over the place. We may opt to just finance everything out of our pocket and do a fundraiser afterwards.

⁷⁴Arthur Ramos, the manager of Side Street, met with Drummond a month before the fundraiser, and agreed that based on an attendance of 100 people, Ramos would charge \$7 per person for one free drink and a buffet dinner. Thus the A-Team would profit \$13 for each person who attended. The only other expenses were \$150 for a disc jockey.

Our sources estimate that between 100 and 200 people attended. These alone, not counting those who bought tickets but did not attend, would account for profits of from \$1,150 to \$2,450.

However, many people who bought tickets did not attend, allowing the A Team to pocket the full \$20 per ticket. Gelbman testified that Drummond told him this while they were having a drink at the bar. "He told me that uh, it was, uh a fair crowd but a lot more bought than showed up," Gelbman said. If an additional 100 to 200 people bought tickets but did not attend, this would add a full \$2,000 to \$4,000 to the profit.

Compelling evidence supporting Cain comes from Drummond himself, when he let slip to Cain on tape that they made in the range of \$5,000 to \$10,000. Worrying out loud that Alfredo Mathew might have told our Office about their 1991 fundraiser, Drummond tells Cain, "Hey, you know -- God only knows what Al told -- but Al didn't even know we made five, ten thousand dollars. You know he was there, but... everybody was shoving money under the table, Drummond boy, you know and you and Eddie made off like bandits! I don't know what Al-- that was so long ago, Al probably forgot about it." Drummond, apparently realizing he had given Cain only \$1,000, suddenly backtracks, telling Cain, "you know we took in around three grand, 3,500 or whatever."

K. WHERE THE PROFITS WENT

Cain admitted spending at least part of his money on personal expenses. He used some of the money to pay his attorney to represent him in his residency dispute with the Board of Education. Drummond told Cain that he used his money to pay his wife's rent. At any rate, Drummond clearly did not save the money to use for the upcoming election. Having cleared out the \$1,890 worth of checks to the A-Team that had been deposited in the PAC account, Drummond closed the account on November 8th, just seven days after the fundraiser. This was also well before rumors had begun to circulate that the election would be postponed.

In addition, in a taped conversation with Gelbman, Drummond stated that he and James would use some of Drummond's personal money for the 1993 fundraiser, and would wait until after the elections to hold a fundraiser to pay it off. If he had saved the money from the 1991 fundraiser, he could have used that. Drummond also told Cain that they really needed a fundraiser for the current election, indicating that no money from the 1991 fundraiser remained for political use.

A further indication that they planned to steal the money is that the A-Team let it be known that it preferred cash, undoubtedly because it could not be easily traced. When Gelbman asked Drummond whether he would accept cash, Drummond curtly responded, "cash only," Gelbman testified. Fuchsman stated that it was well known that the A-Team preferred cash contributions. Consistent with this, the bulk of the funds raised were cash, not checks, as can be deduced from the fact that most of the people who we were told attended did not write checks. Also, the money Fuchsman and Gelbman raised from selling tickets was all cash.

L. WHAT LAWS WERE BROKEN

By converting the profits from the fundraiser to their personal use, which is prohibited by election laws, the A-Team members committed the crime of larceny. By requesting subordinates to participate in or contribute to the fundraising, James and Cain committed a misdemeanor in violation of the City Charter's Conflict of Interest provisions.

Finally, the A-Team violated election law provisions regarding Community School Board election fundraising. No filings were made with the Board of Elections. The A-Team never disclosed the identity of its contributors, their addresses, or the amounts they contributed, as is required by New York State Election Law. Indeed, although the A-Team had taken attendance and compiled lists of the people who bought and sold tickets, this information was never given to the Board of Elections. To comply with the election law, the A-Team should have filed with the Board of Elections within five days of the date the fundraiser was held, again well before rumors that the election would be postponed had even started to circulate.

VIII. THE TOLL OF PATRONAGE ON ACADEMICS

District 12 has a dismal record of academic performance. In 1992 it ranked 31st out of New York's 32 school districts in math and tied for 30th in reading. Although performance declined across the city in the past year, in District 12 both math and reading scores plummeted at an even faster rate. It is impossible of course to determine precisely the role the district's patronage mill played in its poor performance. Nonetheless, by hiring on a political rather than merit basis, by skewing its hiring in the direction of "patronage-friendly" positions, and by demoralizing its educators, the board has surely hurt the district's children.

"What gets promoted is not necessarily your professionalism and your efficiency and, you know, your innovativeness," Robert Henry testified in a sad description of the state of District 12. "That seems to take a secondary role to what is considered to be the lifeblood of that district," he continued, referring to political activity. "That is a way of life in that particular place, and I don't know how the cycle can be broken."

Some jobs are more prone to patronage than others. How patronage-friendly a position is depends on many factors, including educational and licensing requirements, hiring flexibility, the local board's role in appointments, and any role the Central Board might play. Job requirements limit the pool of applicants who can qualify for positions. The more flexible the hiring for a given position, the more the board members can stack it with patronage hires. Where the local board has the power to approve appointments, it has direct control and can make applicants beholden to their good graces. When the district is forced to hire from a central list, the district's ability to award patronage is impaired.

Teachers are considered poor patronage positions, for example. To become a teacher, a person must meet the central board's educational requirements and have a teacher's license. There are only so many people in the community who meet these requirements. Furthermore, the local board does not approve teaching appointments. Assistant principals, in contrast, are ripe for patronage. Like teachers, assistant principals must meet educational and licensing requirements. But there will always be a pool of qualified educators working in the district who are anxious to get these appointments. They must be approved by the local board, and the district can be flexible in hiring, putting multiple assistant principals in the same school. Not coincidentally, District 12 ranks second to last among New York City school districts in per capita spending on teachers, but first for assistant principals. "When the early retirement program became known, there was this delusion that we needed to have more APs," Robert Henry told us. "But it was really just a way to add additional pieces." Indeed, 36 interim acting assistant principals were assigned, even though fewer than 36 positions opened as a result of the early retirement incentive.

Another problem with patronage is that it tends to bloat administration. These jobs have the fewest educational and licensing requirements, and the district has a great deal of flexibility in hiring levels. Even where the board does not have approval power over these positions, it uses its leverage over the superintendent to hire the people it wishes. District 12 ranks sixth overall in administrative hiring. While many of these jobs are important to the district's functioning, it is a source of obvious concern that a district with such a poor academic record has a large administrative staff while ranking last in teacher to pupil ratios.

Educational effort is similarly skewed. If people see that politics is the way to get ahead, they are more likely to spend their free time doing political work than

educational study. Acting Superintendent Robert Henry's testimony to this Office made this sad reality clear.

Q: Let me just ask you sort of a hypothetical question. If you were an educator in the district, a teacher who had aspirations to become a principal, say. And, you're basically willing, you've decided that you're willing to put in some hours after work striving for that, um, for that goal. Would you say that if you had a choice between spending those hours trying to formulate innovative lesson plans or means of improving discipline or performance at a school, on the one hand, or, on the other hand, spending those hours carrying petitions or running a phone bank for a politician in the district, if your goal was simply to attain the position of principal, what is the best way to spend that time?

A: In District 12, it is very simple. It's the second scenario that you've depicted that would get the greater mileage for this individual.

Q: And that is working on politics for someone?

A: Yup.

The demoralizing effect of political pressure on the district's educators should not be underestimated. We have discussed throughout this report the demeaning way in which educators are treated by board members, from being referred to as pieces to being compelled to perform political favors. It undermines the professional ethic to compel educators to do such demeaning work as carry petitions for board members, not to mention planting their flowers or putting up their swimming pools. This cannot help but damage their performance in the classroom.

Finally, a school district is probably the last place one wants a patronage mill working. It is hard to imagine positions more important to any community than its educators, and all the more so in a poor community. These children are entitled to the most talented people available. They are entitled to have every decision in the district made with their best interests in mind, not those of elected officials. This is simply not

possible where a patronage mill flourishes.

IX. RECOMMENDATIONS

A. RECOMMENDATIONS FOR SYSTEMIC CHANGE

There is at this time an extraordinary and intense debate over school reform in the City of New York. Intelligent and creative plans have been circulated by Governor Cuomo, Mayor Dinkins, Borough Presidents Ruth Messinger and Claire Shulman and others. It is impossible to know what will emerge from this debate, but it presents both great opportunity and great risk.

We are convinced that the prevention of corruption in hiring practices must play a central, not peripheral, role in that debate. Corruption in hiring is not just an integrity issue, or an image issue, as some would have it. Corruption is an education issue, because by promoting those of lesser merit, by demoralizing committed parents and educators, and by skewing resource allocation, corrupt hiring practices damage the education of our children.

Decentralization was designed to attract and involve concerned members of a community -- parents and others -- in the education of the community's children. It is clear that local boards do attract such people throughout the city. But we cannot ignore that boards have also attracted some with very different interests, who would use the extraordinary power over jobs and budget to benefit themselves personally and politically. It should be the goal of any rational reform to encourage and empower those current and prospective board members whose primary interest is education, and

deter those for whom personal interests are paramount.

This investigation focused on corruption in hiring practices. We found horrific abuses, which have translated, and will continue to translate, into lower quality education for the district's children. Some will say corruption is just a District 12 problem, or a problem in poor districts. But anyone familiar with the corruption found by the Gill Commission in District 27, a very different district, knows that is incorrect. To obtain the benefits we should from decentralization, we must acknowledge that the current system is open to, and in some ways encourages, the kind of corruption we found.

Existing laws can and must be used aggressively to fight corruption. For this reason, we used for the first time the criminal provisions of the City Charter relating to public servants seeking political favors from their subordinates. In doing so, we are saying to all school employees -- teachers, administrators and secretaries -- that if their superiors seek to recruit their involvement in political activities unrelated to their duties, those superiors have committed a crime. We feel strongly, however, that existing laws are not enough. Fundamental changes must be made if we are to obtain the merit-based hiring our children deserve.

We address our recommendations specifically to the hiring process on which this investigation focused. In doing so, we do not diminish the significance and merit of other recommendations for educational reform. Nor do we underestimate the many and varied issues unrelated to corruption that must be addressed. Further, without knowing what type of school system will emerge from the current reform debate, we cannot anticipate what adjustments would need to be made to meet the needs of that system.

The corruption in hiring we found occurred when board members went outside

their statutorily-defined role. Thus we believe that whatever hiring role is prescribed for board members, it must be clear that they cannot interfere in the process beyond that role.

* **RECOMMENDATION:** The Education Law should specifically state that the intentional interference in the hiring process by a board member, beyond the statutorily-defined role, is misconduct that can lead to suspension or removal from office.

We found corrupt board members too often use their extensive appointment powers to acquire "pieces" to advance their personal and political agendas. We accept the judgment of those who feel these powers are beyond what is necessary for the Board to have appropriate input into the day to day functioning of the district.

***RECOMMENDATION:** The hiring power of Community School Boards be limited to the hiring of the superintendent.

Accountability is central to the proper functioning of a decentralized school system. The private sector has achieved success when decentralizing, by giving true autonomy and power to autonomous divisions. This autonomy comes with accountability, however, and if results are not produced, corporate response can be swift and harsh. Accountability in the education context can lie either with the electorate, or with the Chancellor, or with a mixture of both.

Currently, accountability is lacking. The confusing elective process benefits those who engage in corrupt hiring practices. Corrupt hiring allows a board member an enormous advantage in assembling a campaign staff and marshalling the voting strength of individual schools. The proportional voting procedure plays into this

corruption by discouraging interested voters. Thus, with the consequent low turnouts, corrupt hiring denies the electorate its right to turn out officials who have failed in their duty.

Further, corrupt hiring often occurs when Community School Boards use their leverage over the superintendent to impact hiring decisions far beyond their hiring powers.

***RECOMMENDATION:** Proportional voting should be eliminated. The timing of the election should be moved to November, provided that upon adequate review, it is determined that this move would not further politicize the system.

***RECOMMENDATION:** The Chancellor should have the authority to reject, upon a written statement of reasons, candidates for superintendent submitted by the Community School Boards.

Board members whose efforts are focused on children rather than politics are often discouraged by corruption. They find themselves outmaneuvered by those who have made it their business to manipulate the system. These board members -- the type decentralization was designed to attract to school board service -- should know their rights and responsibilities. We should give these board members the knowledge and power they need.

***RECOMMENDATION:** Community School Board members should receive mandatory training in their rights and responsibilities.

The C-30 process, which is well structured to include the involvement of parents, educators and board members, has nonetheless proven subject to manipulation. Particularly disturbing is the exploitation of the poverty of some parents.

The superintendent's designee, who admittedly plays an important role in ensuring an efficient and orderly process, was shown in District 12 to slant the selection in the direction of pre-selected candidates. Further, concerted efforts were made to stack the screening committees with parents who would support a particular candidate. Finally, the interim acting assignments were deliberately used to give unfair advantage to chosen candidates. These problems need addressing, but we are also mindful that it is important not to burden the process with unnecessary regulation.

***RECOMMENDATION:** We recommend that the Chancellor review our findings and the C-30 process to determine if improvements can be made commensurate with the need for fair and efficient selection of supervisors.

B. RECOMMENDATIONS SPECIFIC TO COMMUNITY SCHOOL DISTRICT 12

We found that Community School Board 12 operated district hiring as a patronage mill, almost entirely without reference to the merits of individual applicants. This included the hiring of supervisory and non-pedagogical personnel.

With respect to the hiring of supervisors resulting from the early retirement incentive of 1991, we find that then board members Lucy Cruz, Pablo Ortiz, Nilda Muñoz, Raul Cruz, Veronica James, and Edward Cain, along with then superintendent Alfredo Mathew and past board members Kenneth Drummond and George Gonzalez, compromised the integrity of the selection process in violation of Chancellor's regulations. Lucy Cruz, Kenneth Drummond and George Gonzalez are not currently employees of the Board of Education. Alfredo Mathew is deceased. With respect to the hiring of non-pedagogical hires, we found that the above individuals, as well as board member Randy Glenn, participated in patronage hiring in violation of Chancellor's regulations.

***RECOMMENDATION:** We recommend that the Chancellor remove all hiring functions from Community School Board 12, until such time as fair and proper hiring procedures can be ensured.

***RECOMMENDATION:** We recommend that the Chancellor remove board members Raul Cruz, Pablo Ortiz, and Veronica James. Board member Edward Cain was previously removed by Chancellor Fernandez and has forfeited his right to appeal through his criminal conviction. We ask that the Chancellor take disciplinary action against board member Randy Glenn, which could appropriately include removal from office, based on his review of the evidence.

We found that Board members Veronica James and Edward Cain asked subordinates to perform political work in connection with the A-Team fundraiser held in November 1991. We found that James, Cain, and Kenneth Drummond stole the proceeds of that fundraiser. We found that former district employee Roselyn Johnson operated the bookkeeping for the event from her desk at the district office, during school hours. Johnson handed out tickets, collected money, and kept records of those who were buying and selling tickets.

***RECOMMENDATION:** We recommend that the Chancellor remove board member Veronica James. Cain, again, has been removed from the Board and has forfeited his rights to appeal. We recommend that the Chancellor place Roselyn Johnson on the permanently ineligible list for hiring.

Other individual improprieties, including the appointments of individual supervisors, are under review and recommendations will be made on a case-by-case basis.