

## COMMENTARY

### Political calculus aside, listen to petitioners

GEORGE AYOUB, APRIL 29, 2024

Even though speech, religion, press and assembly usually claim top billing on the First Amendment marquee, the right to petition, to ask for a “redress of grievances,” must remain undiminished.

All of which gives me pause when Secretary of State Bob Evnen — as of this writing — is considering whether to pull a referendum from the ballot after 117,000 Nebraska voters signed a petition that landed it there in the first place.

That’s a lot of redressing to let slide.

I write of the alphanumeric salad of legislative laws concerning something called “opportunity scholarships,” a subset of programs under the umbrella term “school vouchers,” which essentially funnel public money into private schools.

While no one wants schoolchildren to be deprived of a quality education, surely we can find a better way to help struggling schools than taking money from the pot that funds them.

Legislative Bill 1402 passed at the end of the recent session of the Legislature and will replace LB 753, which passed during last year’s session. While LB 753 allowed for scholarship donors to receive tax credits, the new version, LB 1402, calls for the State Treasurer’s Office to disburse up to \$10 million to distribute to qualified students.

Tax credits vs. direct disbursement, while different, seem beside the point of the successful petition drive for voters to decide in an exercise in direct democracy the real issue: Can the state use public funds for private schools?

The political gymnastics of all this, aside from the possibility that petitioners may get shut out completely, is that even if the referendum remains on the ballot, its success there would undo LB 753, not LB 1402. Make no mistake, LB 1402 is a clear political dodge, an intended consequence to stymie the petition process.

Add to those complications the reality that some legal opinions believe that the state simply can’t be giving money to private schools, wherever our hearts and minds are when it comes to helping children.

Wait, there’s more: To these hiccups we must consider the results of research into the efficacy of voucher programs across the country. At best, the results are mixed, with meta analyses of the research about evenly split between positive and negative results.

I found most troubling a study from the Harvard Kennedy School’s Shorenstein Center on Media, Politics, and Public Policy, whose analysis indicated that while academic gains were made early in the history of voucher programs, scores have flattened since and in some cases decreased, even while in some areas graduation rates at private schools were higher among “choice” students.

None of the available research seemed to make a strong case one way or the other. Certainly not strong enough to derail a petition process or channel tax money to schools that do not accept all students.

The history of petitions goes back to the Magna Carta, which gave barons a mechanism to present grievances to the king. That's eight centuries of some process that allows the aforementioned redressing.

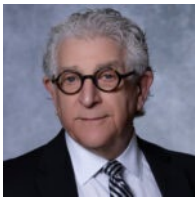
Although it has become somewhat of a political punching bag, lobbying, at its core, is petitioning. Into that stew we could add political action committees, SuperPacs, even that letter you write regularly to your representatives in Lincoln and Washington. Sometimes distinguishing speech from petitioning on the freedom spectrum is a difficult exercise, but, generally, we should never detract from what's most important: the message.

Petitioning has also given many marginalized groups including women, Blacks, gay and lesbian communities a positive means through which they could add power to their voices and a seat at the table in the political process.

Obviously, any direct democracy that results from the petition process differs from representative democracy because the power of one person, one vote is offset by a slower and more methodical pace of governing. Still, even though representative democracy is designed to quicken the making of public policy in comparison with direct democracy, we should never dismiss the petitioning of government as inferior to other processes or freedoms.

Keep the referendum on the ballot, even though it addresses a now-defunct piece of legislation. A vote will reflect how Nebraskans feel about spending public money in private schools — despite the calculus LB 1402 used to avoid the vote in the first place.

Meanwhile, instead of the Legislature wasting time in the trenches of culture wars over book titles, bathrooms and pronouns, it should use whatever clout or power or bully pulpit or wisdom it has to transform any public school from which parents might pull their children into places where students can thrive.



## **GEORGE AYOUB**

George Ayoub filed nearly 5,000 columns, editorials and features in 21 years as a journalist for the Grand Island Independent. His columns also appeared in the Omaha World-Herald and Kearney Hub. His work has been recognized by the Nebraska Press Association and the Associated Press. He was awarded a national prize by Gatehouse Media for a 34-part series focusing on the impact of cancer on families of victims and survivors. He is a member of the adjunct faculty and Academic Support Staff at Hastings College. Ayoub has published two short novels, "Warm, for Christmas" and "Dust in Grissom." In 2019 he published "Confluence," the biography of former Omaha World-Herald publisher and CEO John Gottschalk.