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2006 SESSION OUTLOOK

With the exception of the United States, most English-speaking countries have adopted a post-Christmas tradition known as Boxing Day. Some historians say the holiday developed because servants were required to work on Christmas Day, but took the following day off. As servants prepared to leave to visit their families, their employers would present them with gift boxes.

Here in Olympia, we can expect to deal with a few post-holiday surprises of our own when the 2006 Legislative Session convenes. Because it's an election year, more than the average number of bills will be introduced aimed at energizing the political base of both parties. Here is a taste of what we could see during the 60-day session.

Labor Policy

Big Labor has suffered a series of electoral defeats at the national level. The unprecedented disunion within their own membership has caused labor union leaders to become desperate to hold on to power and political influence, sacrificing rank-and-file members to do so.

In the private sector, union membership is declining, but in the public sector, it is increasing. Lawmakers beholden to labor money and votes are responding by attempting to meet the demands of labor bosses. These demands include increasing the number of union members by forcing many state employees to join the union or lose their jobs. Other demands would allow union officials to continue shielding income and expenditure information from union members and would protect their ability to continue removing money from employees' paychecks for politics against employee wishes.

The need for union accountability has never been greater. You can expect to see some members of the Washington legislature attempt to protect employees through various reforms, such as a Public Employee Bill of Rights. If this were to pass, all public employees covered by a union security clause would be given an equal right to choose contract negotiators and ratify their contract.

We may also see a substantial move toward a union financial disclosure requirement. When workers are forced to pay union dues as a condition of employment, this type of requirement would entitle them to full disclosure of how their dues are spent.

There will most likely be bills introduced to address teacher strikes. Although Washington courts have consistently ruled that teacher strikes are illegal, the WEA continues to gain concessions from school districts by holding children hostage with the threat of strikes.

While these bills will be introduced and progress will be made, the current legislative makeup in this state is highly favorable to Big Labor. Voters in this state will have to address this concern with their selection of candidates over the next few years. Which brings us to...

Election Reform

As demonstrated in the new democracies of the Ukraine, Iraq and Afghanistan, free and fair elections and the rule of law are the cornerstones of a free society. That is why EFF launched the Voter Integrity Project. We have issued detailed reports uncovering serious problems and offering the best practices for securing the integrity of our elections.

Unfortunately, Secretary Reed's new rules for 2005 turned back the clock on voter reform, leaving gaping holes for ballot fraud and human error. Some legislators will be working to revise these problematic rules, and

improve laws related to stronger voter ID requirements and proving citizenship prior to registering to vote.

Moving back the date of the primary to allow more time before the general election will likely be proposed again this year. We may also see a move to make vote-by-mail a statewide requirement, as a similar bill was very close to passing last year. This would be a very bad idea.

In reaction to voter challenges filed in King County just before the 2005 General Election, there may be a statewide push to ban such challenges for a certain window of time before each election cycle. In addition, there may be an attempt to re-write portions of the election contest statute to make special provisions for scenarios when the known margin of error is greater than the margin of victory for a particular election.

Education

Pending the outcome of an 18-month legislative study of K-12 funding, the WEA has a lawsuit waiting in the wings to challenge what union officials claim is "inadequate" education funding by the state. This will give us a chance to talk about how much money we are currently spending, where we are spending it, and the returns we are getting for those expenditures.

Governor Gregoire recently announced her plan to form a Department of Early Learning to come up with

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Disturbing questions

by Marsha Richards

I'm disturbed by the questions that weren't asked last month after state Superintendent Terry Bergeson admitted: "We can't hide the fact that we gave diplomas last year to kids who couldn't read." (Nearly sixty percent of our state's tenth-grade students failed at least one core subject on the WASL.) She plans to remedy this outrage with a new \$42 million, five-week summer program to teach basic reading, writing and math skills to high school students.

Here are some of the questions I think Superintendent Bergeson should answer:

1. How do you expect a five-week, \$42 million summer program to make up for the apparent failure of ten years of full-time schooling at a cost of billions?
2. You were leading the charge more than a decade ago in the state's major education reform efforts, which

promised that, by the year 2000, Washington's students would "leave grades four, eight and twelve having demonstrated competency over challenging subject matter, including English, math and science," and that at least 90 percent of our students would be graduating from high school. You have been the state's top education official for the last nine years. How do you explain these broken promises?

3. Your office commissioned a review of the tenth-grade WASL, which concluded that reading standards amount to 8th or 9th grade content nationally and math standards amount to 6th or early 7th grade content internationally. Why do you continue to claim this test is rigorous and these standards are high?
4. If our state's education reform efforts are still not working (as shown by a large majority of students

failing) after twelve years of implementation (an entire generation of students from kindergarten through high school), isn't it time to admit we may be headed in the wrong direction?

Our current public education system is failing. It stifles rather than cultivates the most important factors in student achievement: highly qualified teachers in every classroom; clear and rigorous academic standards; strong school leaders; local control for parents, teachers and administrators; and meaningful parental involvement.

You can't solve a problem until you acknowledge it exists, and you can't solve it with the same kind of thinking that created it. Change is uncomfortable, but failure to change in this case is unacceptable. It's time to do what works.

“Quote” of the month

“We don't like anybody messing with our dogs, our guns, our hunting rights, or trying to take property from us.”

—Alabama Senator Jack Biddle in the *Washington Post*. Biddle sponsored legislation to limit eminent-domain condemnations for private development.

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EFF's mission is to advance individual liberty, free enterprise and limited, accountable government.

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Letter from Lynn

by Lynn Harsh

LETTER FROM LYNN

Tony Blair was a black woman who ran for president

“Isaac Newton...he discovered a bomb...or maybe he made something.” That was the answer a college student gave Jay Leno when he asked her what she remembered about Isaac Newton.

Another student could name the second place finisher in a recent American Idol contest, but named Mondale as the second-place finisher in the 2004 presidential election.

“Tony Blair is the black woman who ran for U.S. president,” responded another woman.

I could laugh heartily (and perhaps sympathize) if I thought the absurd answers were the result of the tension that comes from being put on the spot by a famous person and asked information that is disconnected from the moment. Instead, I believe it is a reflection of the demeaning position in which history has been placed in our country’s education system for the past 40 years. History has given way to “current events” and “social studies;” both of which rely heavily on opinion and speculation, rather than on facts and context.

Ponder these statistics for a moment:

- One in seven Americans can’t locate the U.S. on a map (Gallup, 2004).
- 60 percent of Americans cannot name the president who ordered the nuclear attack on Japan (Gallup, 2001).
- America’s “top” 55 colleges and universities do not require graduates to take a course in American history (The American Council of Trustees Alumni, 2000).
- Most high school students cannot describe our system of checks-and-balances (NAEP, 2001).
- 57 percent of high school seniors scored below “basic” in U.S. History (NAEP, 2001).
- Of 556 randomly chosen seniors at 55 top-rated colleges and universities, only one of three students knew the name of the American general at Yorktown when given these choices: William Tecumseh Sherman, Ulysses S. Grant, Douglas MacArthur, or George Washington (reported by David Broder, 2000).

A teacher friend, Steve, tells me I should not be concerned about these statistics. He believes the ability of students to glean and absorb information, no matter what kind or from what era, trumps their lack of specific historical knowledge. This is the same man who refuses to be my Trivial Pursuit partner because I can’t answer much of anything in the pink category. (That would be entertainment, or some such thing.) Steve is also a social studies teacher, qualified to teach the subject, he says, by his minor in sociology.

So, he teaches his junior high students how to recognize and appreciate diversity in races, gender, religion and ethnicity. But does he teach them what it means to be a citizen of the United States? He says yes, because he teaches them to think critically about this country. Impossible, I counter, unless they have learned the undistorted American story, so they have a reservoir of thorough and accurate knowledge from which to draw their thoughts and conclusions. An education mostly untouched by history deprives them of this opportunity.

Currently he wastes time attempting to analyze the root causes of my “hostility” toward modern academia, while I routinely tell him I think he should be out of a job. Here’s why:

Historical literacy is indispensable...

- *If Americans are to hold and spread the notion that all human beings have the rights of life, liberty and the pursuit of happiness.* Most students, for example, believe slavery was practically invented in America. In reality, human bondage has been the norm throughout

history. Freedom, the exception to the norm, is an American legacy. We were forced to deal with slavery in our country when its existence was pitted against the “freedom” language and morality of our country’s governing documents. The remedy for slavery the world over is the American ideal of valuing the natural rights of all individuals. This protection touches other important areas, too, such as property rights, and who has the right to take a life, and under what circumstances.

- *If we intend to protect the right of people to have different points of view without suffering civil, economic or political injustice.* In the span of several generations, academia has embraced the notion that certain beliefs, ideas and words are so dangerous, they must be eliminated. Groups of people who hold those beliefs and ideas are suspect by academia. Even a logical discussion of the Patriot Act is impossible unless citizens have some historical literacy to help them appreciate the value of dissent, however annoying, disturbing or inconvenient

they will easily discard them as relics of the past instead of an essential foundation for the future.

The connection between our past and present is what allows us, in large part, to live beyond the moment; beyond the interests of our own time.

History has not always been taught honestly. But we have misapplied correction of the omissions and commissions of the past by advancing new half-truths and personal dogmas. Furthermore, we present history to students in a non-cumulative, unconnected fashion, failing to build chronology and context in a sequential fashion. This prevents students from understanding the tapestry of history and what it means to them today.

It is not unusual, for example, to discover teachers encouraging students to protest American foreign policy when the students have little political, economic and cultural knowledge about that which they are to protest. Worse, students are graduating from school without knowing the fundamentals of citizenship.

Public education officials in every state have developed K-12 standards for curriculum and assessment purposes. Our state has done this. In the subject of history, we recently received an “F” from a well-respected, award-winning American historian. The Fordham Foundation



“The connection between our past and present is what allows us, in large part, to live beyond the moment; beyond the interests of our own time.”

it might be. Throughout history, the prosecution of “dangerous” ideas has usually been the tool of tyranny.

- *If free enterprise is to survive and we are to live at peace with our neighbors.* Most Americans no longer understand where money comes from, how it moves around in a capitalist economy versus a non-capitalist economy. Far too many people believe the money supply is static, and that when one country becomes richer, other countries automatically become poorer. Some Americans believe capitalism itself is evil; therefore, we should not export it to other countries. Others love capitalism, but see it as a dangerous tool in the hands of other countries that might compete for our money and jobs. Both views demonstrate historical ignorance.

- *If we are to have civil, honest debate about the big issues that face our country.* A person who is illiterate about American history erroneously believes political disagreements about important policies are a modern phenomenon that will tear our country apart. This is only true if the citizens of this country—the sovereigns—are easily led astray because they are ignorant of the facts of various matters. Historical illiteracy contributes to short-view panic attacks by the electorate, and this creates terrible policy decisions.

- *If we are to retain our form of government.* When the majority of Americans do not understand the basic tenets of our governing structure—the rule of law, separation of powers, checks and balances, limited government—

commissioned Sheldon Stern, recently retired historian at Boston’s John F. Kennedy Library, to study the academic standards for social studies and, where offered, history, in the public schools in our fifty states.

Stern established three broad criteria:

- 1) *Comprehensive historical content*, meaning that the most important political, social, economic and cultural events that matter in our nation’s past are clearly delineated in K-12 curriculum.
- 2) *Sequential development*, so that a logical and coherent structure is created for all grades and is cumulatively reinforced grade to grade.
- 3) *Balance*, to avoid presentism, moralistic judgments, distortions, omissions and political posturing.

Stern says we have blown it here in Washington state. I concur, but you don’t have to take my word or his for it. See for yourself at www.k12.wa.us/CurriculumInstruct/EALR_GLE.aspx.

The response from the education establishment to Professor Stern’s work, including from my friend Steve, was the hackneyed, “Fordham is a right-wing institution.” Convenient, but untrue.

Higher standards, by themselves, guarantee nothing. Meeting high standards requires quality curriculum, teacher expertise and appropriate assessments. We don’t have most of those elements in place. But we could.

Continued on page 4

British Columbia enforces teacher strike law Are Washington officials paying attention?

by Ryan Bedford

The bane of illegal teacher strikes is not unique to Washington state. Many governments throughout the U.S. and beyond must confront this unlawful job action. In a shining example of strong enforcement this past October, the government of British Columbia stood firm against the coercive strike tactics employed by the teachers' union.

Riding a wave of tension in collective bargaining negotiations, 23,000 members of the British Columbia Teachers' Federation (BCTF) voted to strike on October 7, 2005. Members were protesting the provincial government's implementation of a contract and wage freeze through legislation after negotiations failed.

The key to the quick resolution of the B.C. strike—the strike lasted just two weeks—was strong enforcement of the law by authorities.

Strong Enforcement of Strike Law by the Court

Prior to the walkout, the British Columbia Labor Relations Board ruled the potential strike illegal. The legislature had designated education services "essential," prohibiting teachers from striking. The union appealed the ruling to the British Columbia Supreme Court, but Justice Brenda Brown upheld the decision. In a show of their disregard for the court, the BCTF authorized the strike anyway and walked out.

The play called by the BCTF was similar to those found in the Washington Education Association's (WEA) playbook. Despite a long line of court opinions holding teacher strikes illegal, the WEA continues to threaten strikes to wring concessions from district administrators. But the B.C. government had a different playbook than those of Washington administrators.

On October 9, 2005, the Court found teachers to be in contempt of the court order and gave the BCTF a few days to reconsider and comply. Four days later, the union's position had not changed, so the Court issued an injunction prohibiting the union from using its assets to support the strike. The Court even appointed a monitor to ensure the union's compliance.

When the BCTF continued to flout the law, the court imposed a \$500,000 fine in accordance with B.C. case law, which requires fines to be "proportionate to the conduct of the contemnor and the extent of its resources." The Court made its decision based on of the BCTF's 38,000 members, assets of more than \$30 million, as well as the two opportunities members had to comply with the court orders. It also indicated the fine was significantly mitigated because of signals teachers were going to end the strike soon.

While Washington courts have threatened and even imposed a few fines against the striking teachers' union, the \$500,000 fine imposed by the B.C. Supreme Court on the BCTF causes Washington's fines to pale in comparison. The B.C. government showed it meant business when it made teacher strikes illegal.

Strong Enforcement of Strike Law by Elected Officials

Because of the government's uncompromising stand and the courts strong enforcement, momentum began to shift in the government's favor. In the face of a crumbling campaign and teachers crossing picket lines, the BCTF called for and even threatened to enforce solidarity. It indicated it was willing to brow-beat teachers into submission. In the past, this has included fining teachers one day's pay for not following union job action.

Throughout the conflict, the government neutralized union coercion by promising to protect teachers who choose to return to work. "Illegal activity is not something someone can be forced to participate in," said Education Minister Shirley Bond.

The government also held fast against pressure from the public and sympathetic unions as it laid out clear and simple guidelines for negotiations with the teachers' union. B.C.'s labor minister said, "I want members of the union to know, the very day this union respects the Court, we will sit down and talk."

The Benefits of Strong Enforcement

The government found a way to end the standoff by assigning an arbitrator to assist in negotiations. The

government was able to quickly agree with the arbitrator's proposed settlement because BCTF members' salaries that went unpaid during the strike were more than sufficient to fund the settlement.

The BCTF also agreed to the settlement, but lost much more than it bargained for when it authorized the strike. The financial repercussions were steep. BCTF members, who are the third highest paid teachers in Canada, did not come out with the 15 percent raise they demanded. They also had to cover the costs of their own legal counsel, the cost of the court-imposed monitor, and pay the substantial fine.

Lessons for Leaders in Washington State

Just as in B.C., strikes by teachers in Washington state are illegal. Many public officials, including Governor Gregoire and Attorney General McKenna, have affirmed the fact and are backed by a long line of court opinions.

If anything can be learned by Washington state administrators, the B.C. teacher strike illustrated respect for the law is imperative. Union officials are not above the law. They cannot claim the moral high ground when holding parents and children and sometimes teachers hostage by threatening illegal strikes.

Respect for the law by government and school officials is no less important. These authorities have the responsibility to strongly enforce the law on all levels to ensure students' success and protect the interests of parents and taxpayers.

Letter from Lynn continued from page 3 . . .

For parents reading this article whose children are in public schools (and some private schools, too), perhaps your children have had an extraordinary and knowledgeable history teacher or two. The chances are they have not, and you will have to teach them American history yourselves. (Qualifications for a good history teacher have nothing to do with whether or not the teacher is nice or your children liked him or her. I hear this far too often.) Fortunately, many good resources are available now, including EFF's *Crossroads* curriculum.

I'm going to give this article to my friend Steve, who is determined to shape me in his own ideological image before he leaves this earth. Fat chance! I don't think it's O.K. for an American citizen to think Tony Blair is a black woman who wanted to be our president, and I think students ought to recognize Isaac Newton as one of the greatest scientists in history.

I chose the shape of my ideology deliberately—because of my nation's history and because of its promise. The past *is* the future.

Steve will read this and sigh, and then challenge me to another intellectual battle. His weapon of choice is a board game. Mine is conversation. He beat me at the last "knowledge" game we played by correctly knowing that almost half of all balding men think their hair loss affects their social life. This seems odd to me, since it's a false notion that the key to a great social life is more about what's on top of someone's scalp rather than what's under it. History should be under it.

Maybe that's how we'll have to sell it: "Know history. Have a great social life." Works for me!

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An election reform initiative: Sadly, it's time

by Jonathan Bechtle

Washington has a long history of using the initiative process to change laws and overturn legislative action. From time to time, it is important for the people of our state to correct the actions or inactions of our state legislature, and to remind state legislators that they work for us.

As a general rule, however, we at EFF think of the initiative process as a court of last resort. After all, we elect our state representatives to exercise their best judgment on the issues of the day. If we disagree with them, we have every opportunity to vote them out of office in the next election.

Some reforms are so clearly needed, however, that an initiative is justified to accomplish them. For example, we have been working for years to get meaningful performance audits. Government agencies should be held accountable, and audits are a basic element of that goal. Legislators failed to see the need for such a measure, and the voters stepped up to fill the gap. Just a few months ago they passed I-900, finally bringing meaningful performance audits to our state.

It looks to us like the same action is needed to reform our elections.

We would prefer that the legislature take seriously the breakdown in Washington's election system. New reform bills will be introduced in the 2006 Session beginning in January to ensure that Washington's election laws are clear, comprehensible and enforceable.

However, most of those will die from neglect, just as meaningful election reform was rejected by the majority in the 2005 Session.

This failure is not from lack of effort by citizens to work through the normal channels. Along with many other groups and individuals, after the 2004 election, we investigated what really happened and issued a call for election reform using a newly-formed project called Grassroots Washington.

Together we helped push a few reforms through the legislature (like voter ID and improved provisional ballot design). We greatly influenced the final report from the Governor's Task Force on Election Reform.

Through Grassroots Washington we made our voice heard in rallies, town halls, emails to concerned citizens, meetings with key officials, and earned media.

But the most important reforms were rejected by the majority in the legislature. The voter identification requirements legislators passed were laughable. And they did nothing to ensure that non-citizens and convicted felons were removed from the voting rolls. They certainly did nothing to require a full clean up of the voter registration rolls. All are essential reforms needed to restore integrity to our elections.

The Secretary of State's office, despite arguing that its new statewide voter database will clean up many

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problems, has no plans to conduct thorough searches for duplicate registrations. It just isn't a priority for Secretary Reed. Instead, he is relying on the new database to diffuse the obvious problems that still exist in the system.

Current state law, approved by the 2005 Legislature, is remarkably lenient in not requiring proof of citizenship or effective proof of identity in Washington elections.

Washington's new law requires new voters to check a box on their registration forms, under penalty of perjury, stating that they are U.S. citizens. No proof of that claim is required.

Proof of identity at the polls and when casting absentee ballots for the first time is no more complicated than showing a utility bill, which might have been stolen or “borrowed.” The opportunities for fraud should be clear.

But the state's elected officials are numb to the obvious.

As much as we would prefer our elected officials to stand up for what is right, it is clear they will not.

The initiative process is the only remaining alternative. An initiative must be run to remedy the failure of the state legislature to pass laws ensuring only citizens can register and only legal votes can be counted.

By one estimate, there are 30,000-40,000 illegal immigrants in the farm worker community alone. Under existing state law, those people are allowed to get a driver's license and, during that process, are asked if they want to register to vote. If they are not U.S. citizens, they should not be allowed to vote.

Mexico did it. Iraq did it. Afghanistan did it. Are we incapable in the state of Washington of ensuring that only citizens vote, and that citizens are only allowed to vote once? We don't think so.

The legislature is failing us. The secretary of state is failing us. The governor is failing us.

Nothing is more important to the integrity of our election system than the confidence the people of Washington have in it. Right now, we have no confidence.

Seattle was recently ranked by the American Center for Voting Rights (a nonpartisan election research group) as the third most corrupt election system in the country. People need to send a message to their elected officials that this is not acceptable. Something must be done to change Washington from the laughingstock of the nation to a model for election integrity. It has fallen to the people to do it.

It's time for an initiative. Watch for important news from us later this month.

Citizens do professional's job

by Victor Joecks

In the aftermath of the 2004 election disaster, Democrats claimed that illegal voter registrations should be challenged before, instead of after, an election. To that end, EFF and many concerned citizens have done their best during the past year to remove illegal registrants.

The latest effort came from Lori Sotelo, senior vice-president of the King County Republican Party. After months of waiting in vain for the King County elections office to remove illegal voters from their rolls, she took action.

Sotelo submitted a list of 1,944 voters she claimed were illegally registered, in most cases because they had used a private mailbox or storage facility as their residential address. Dean Logan and the elections office are obligated under state law to accept only registrations with a “complete valid residential address.” Allowing an individual to claim a post office box as a home address allows registrations at multiple post office boxes, the receipt of multiple ballots, and the casting of multiple votes. Election fraud—the silencing of a legal voter's voice—becomes as easy as registering for multiple post office boxes.

Sotelo's list did contain mistakes, but her mistakes, regrettable as they were, were correctable. If Logan had done his job, Sotelo would never have filed her challenges. He appears unconcerned with the fact that he and his office may have incorrectly registered more than 1,500 people. Proper registration matters in races big and small: that number is over ten times the margin of Governor Gregoire's victory and over 20 times the mar-

gin of victory in this year's 2005 King County Sheriff primary. Accuracy in our voter rolls matters in every election.

Only 199 of the challenged ballots were cast in the November election. The three members of the King County Canvassing Board, Dean Logan, Dow Constantine, and Dan Satterberg, recently heard those registration challenges. While the Canvassing Board accepted 58 of the challenges, they rejected the other 141. Many of the dismissals were by 2-1 votes.

Logan and Constantine (a Democrat on the County Council) comprised the majority and told Sotelo that she needed to provide evidence of improper registration and the challenged individual's current residential address—something not even needed to register to vote under Logan's watch.

The other member of the Canvassing Board, Satterberg (county prosecutor Norm Maleng's chief of staff) logically argued that providing a current residential address only applies to voter challenges where voters correctly provided a residential address on their original registration form. The requirement should not apply

here, because Sotelo was challenging the original registration. If Logan had done his job, the original application would have been rejected in the first place.

The work of concerned citizens, EFF, and many others committed to the integrity of our election process has kept this issue in front of elected officials. The GOP has taken an important step and a few politicians are finally responding. King County Prosecutor Norm Maleng has said he will pursue illegal registrations in King County. “It is not acceptable that these incomplete and illegal registrations are allowed to stand without being corrected.” To further the process, he has called on the state legislature, attorney general, and secretary of state for help. We can only hope they will meet the challenge.

Elected officials and citizens should not heed complaints of “partisan politics.” This is not about party politics, but about an honest and open look at the election process. EFF believes all individuals, politicians, and political parties have a stake in our pursuit to bring back free and fair elections.



Dean Logan, King County Elections Director

KATRINA LEGACY PROJECT

RELIEF, RECOVERY & REBUILDING



IMAGE SOURCE: FEMA

Churches Respond to the Katrina/Rita Hurricane Disasters

By Cynthia McMahon (edited by Kristen Mercier)

We heard many complaints regarding the slow state and federal responses to Hurricane Katrina victims. However, private organizations, churches and thousands of individual volunteers moved quickly to bring help to the devastated region. The following was written by one of those volunteers, Cynthia McMahon, wife of EFF board member Tim McMahon.

When disaster strikes, the generous spirit of America shines brightly. Churches and civic groups have led the charge to bring relief to those made destitute by hurricanes Katrina and Rita.

The utter devastation wrought by the hurricanes is difficult to fathom in spite of ongoing media coverage. Imagine arriving home from work to find your house and all your personal property missing or destroyed. The family Bible, your wedding photos, your child's toys—everything is gone. Imagine your place of employment is similarly damaged. Suddenly you have no job, no way to support your family. Your local fire and police departments, grocery stores, gas stations, hardware stores, banks, and schools are also destroyed. Now imagine your neighbors, coworkers, family, and friends have all suffered the same plight. There is no one to turn to for help.

This is a reality for 70,000 Mississippi families since hurricane Katrina struck the Gulf Coast on August 29, 2005.

Fortunately, churches across the nation have heard the Gulf Coast's cry for help. Not waiting for government agencies to handle the disaster, an army of Christians have responded to the overwhelming array of needs in Mississippi and Louisiana. Churches across the nation immediately started collecting offerings and gifts to help those in Katrina's path. Churches have sent health kits, school kits for children and medical supplies to the shelters. They have also mobilized and equipped teams of volunteers to do the hard work of clean-up and rebuilding through established private organizations.

One such organization was the Presbyterian Disaster Assistance program. Presbyterian nurses, college students, accountants, construction workers and lawyers arrived in the Gulf Region from all over the country. Some could only remain a few days, but many stayed for weeks. Volunteers slept in tents, church buildings and makeshift shelters. They worked in hot, dirty and humid conditions. New volunteers arrived daily.

One of the many areas where they are working is Bay St. Louis. Their mission is to assist residents who want to return to their homes. Volunteers remove debris, demuck the sludge left by receding flood waters and sanitize damaged homes. Then they remove drywall and wiring so rebuilding can begin. In addition, teams clean up home sites so that FEMA trailers can be brought in for temporary shelter during the rebuilding phase.

University Presbyterian Church in Seattle, WA, began sending volunteer teams as early as September and has sent teams weekly until the end of the year. One of the members of a team that recently returned, Roger Barber,

said the needs were overwhelming but the response from Christian volunteers was deeply moving. "Christians are everywhere!" he exclaimed. Roger saw crumpled houses pushed off their foundations, uprooted and broken trees, smashed vehicles, demolished appliances, and miles and miles of empty fields that were once busy neighborhoods. In an emotional remembrance of his trip, he said that what they need most are "helping hands."

The mainstream media has stated that the clean-up and rebuilding process along the Gulf Coast is a long endeavor. But Barber warns that this may give people the mistaken idea that immediate help is not vital. "This can be devastating because it can foster the idea that help can wait. Especially with winter coming, many more hands are needed to help get people out of their makeshift shelters and into their rebuilt homes as soon as possible."

"There is still plenty of work that needs to be done. Assistance of any kind is welcome because the need is so great," said Barber. Volunteers with a variety of gifts and talents are needed to help with administration, counseling, house-keeping, construction, and tool maintenance. Financial experts, insurance experts and others who can help cut through the legal red tape are also needed.

Habitat for Humanity, a Christian organization that builds safe, affordable housing for the needy, stated that "Homes-in-a-Box" are being prepared for shipment to Louisiana, Mississippi and Texas. Recognizing the need to provide long-term solutions to the housing needs of those families who have been affected and displaced by the hurricanes, Habitat for Humanity seeks to provide opportunities for those who seek permanent housing to rebuild their lives. The cost for one home is \$75,000, with much of the cost being defrayed by donations from churches and other individuals who donate their time and talent to build and assemble the homes.

In addition to the cleanup and rebuilding, hundreds of churches across the nation are assisting with relocating families who have chosen to leave. In Everett, WA, Greater Trinity Baptist Church is partnering with its

"FORTUNATELY, CHURCHES ACROSS THE NATION HAVE HEARD THE GULF COAST'S CRY FOR HELP. NOT WAITING FOR GOVERNMENT AGENCIES TO HANDLE THE DISASTER, AN ARMY OF CHRISTIANS HAVE RESPONDED TO THE OVERWHELMING ARRAY OF NEEDS. . ."



sister church, North Creek Presbyterian, to relocate and re-establish over 40 displaced families.

Many other well-known organizations such as Salvation Army, Church World Services, World Vision, Crista Ministries, Christian Relief Fund and Mercy Corps were the very first responders after the hurricanes hit and continue to offer ongoing assistance and relief. Heeding Jesus' proclamation, "Assuredly, I say to you, inasmuch as you did it to one of the least of these My brethren, you did it to Me" (Matthew 25:40), churches and Christian organizations have been among the first to respond to help those in need in the ravaged Gulf Coast region.



» Taxpayer dollars shouldn't fuel NASCAR track

by Victor Joecks

Sometimes we need others to tell us when we have gone too far. Parents pull their children away from hot stovetops, a referee tells an athlete if he has stepped out of bounds, and politicians need reminders when they want government to do more than it ought.

Like the allure of a hot stovetop to a child, many politicians seem drawn to spending money on projects outside the core purpose of government. For example, Washington is paying off \$591 million for Qwest Field (Seahawks), \$427 million for Safeco Field (Mariners), \$139 million for the Key Arena remodel (Sonics), \$200 million to retire the Kingdome debt, and \$168 million for freeway access improvements for Qwest Field (including interest). After that \$1.5 billion spending spree, Washington lawmakers have now been asked to consider forking over \$179 million to build a racetrack.

The International Speedway Corporation (ISC), aka NASCAR, wants the state to finance \$179 million of its anticipated \$345 million racetrack project by selling bonds, which will be paid back with interest. The ISC claims that the racetrack will benefit Washington by creating jobs. That sounds good. Who could be against job creation?

There is, however, one problem: It is not the government's role to create jobs. Government should never be deciding the economy's winners and losers. Big or small business should be rewarded by satisfying consumer demand, and the reward should be the dollars of the individuals who choose to purchase their products or services. This creates jobs in areas that produce things people want.

If the ISC does not think it can sell enough of its product to cover the expense of a track, what authority does the government have to force hard-working taxpayers to subsidize the racing business? Compelling other people to pay for the racetrack is contrary to the principles of the free-market, since consumers will then have less money to spend and invest in things they actually want.

If lawmakers want to promote businesses and jobs, they should pursue policies that remove regulatory roadblocks for entrepreneurs. Such policies could include uniformly reducing the state's regulatory and tax burden.

Whatever the merits of "job creation by subsidy," State Treasurer Mike Murphy identified the true tragedy of giving money to sports facilities: "We won't be doing

something else, because there are a limited amount of dollars." Rep. Sherry Appleton, D-Poulsbo, put it best: "ISC can build their track anytime they want if they use their money."



"If the ISC does not think it can sell enough of its product to cover the expense of a track, what authority does the government have to force hard-working taxpayers to subsidize the racing business?"

ISC is following this advice in New York City, where the corporation has asked for government approval of a similar \$600 million racetrack paid for entirely with private funds. Why is ISC not asking for public funds there? One reason is that George Steinbrenner, owner of the New York Yankees, is going to privately finance an \$800 million baseball stadium and ISC would look foolish asking for public funding. As Washington has given over \$1.5 billion in pro-sports subsidies, ISC half expected thanks for only asking for \$179 million.

Grant Lynch, racetrack project manager, said ISC "shouldn't be punished as outsiders when all we ask for is for the same treatment that's previously existed in Washington." Sen. Phil Rockefeller, D-Bainbridge, responded correctly to this argument: "We made a mistake then, we shouldn't repeat it."

The only way to change our free-spending reputation is to stop spending freely. There is no better time to change than the present.

Louisiana is now dealing with results of similar, misguided spending priorities. In 2001, then-Governor Mike Foster signed an agreement with Saints owner Tom Benson to keep the team in New Orleans. All the state had to do was give Benson \$186 million over ten years in cash subsidies. The state has already paid Benson \$67.5 million.

Then came Hurricane Katrina. As the world saw in the aftermath, spending priorities really do matter. \$67.5 million spent on emergency preparations could have saved hundreds of lives. To add insult to injury, the Saints are now considering moving to San Antonio.

Once again, Washington lawmakers have a choice. Will they remember that government has a very important, but very limited role, or will they reach for the hot stove? Just as parents warn their children about the consequences of reaching into areas where they shouldn't, the citizens of this state need to do the same with our elected officials. Otherwise, we are going to get burned, once again.

Waste Watchers

by Drew Gaut

At most jobs, on-the-job conduct that gets an employee arrested will usually stop the paycheck, at least for the duration of the incarceration. However, if that employee is a police officer sworn to uphold the law, the paycheck is delivered to the jail, it seems.

Michael Idland was on administrative reassignment and drew his full Washington State Patrol (WSP) salary during the 17 months he spent in the King County Jail for molesting women during routine traffic stops. Why did the agency that is supposed to enforce our state laws reward an officer for breaking those laws? That's a good question, and one worth asking the WSP.

When we asked for their policy on administrative reassignments, the WSP sent part of the regulations manual. This portion of their policy mentions paid leave for many complaints, but Chapter 12, Section D states that "when the complaint served upon an officer is of a criminal nature calling for the discharge of the employee, the Chief may immediately suspend the employee without pay pending a Trial Board hearing."

The collective bargaining agreement also suggests that Idland could have been suspended without pay until his discharge was decided. In the disciplinary section,

suspensions are repeatedly mentioned, and always without pay. Also, should a decision be appealed, it "will not stay the Chief's decision."

When asked about the continued pay, WSP spokesperson Jeffrey DeVere said it was the most efficient way to handle the situation. He said that Idland would have to remain on the payroll throughout the process of investigation, which seems to be out of line with the policies and guidelines outlined in both the WSP regulations manual and Idland's contract. DeVere made reference to property rights and an inability to fire someone without going through the proper investigation. He referenced the administrative investigation manual, which apparently must be followed before the regulations manual.

The evidence they had already uncovered was enough to strip Idland of his freedom, but not of his paycheck? What's wrong with this picture?

Not only did Idland continue drawing his salary, it actually increased while he was in jail. For the 2004 portion of his incarceration, he drew \$3,898 per month. In January 2005, it went up to \$4,132 per month, which lasted through June. In July, it increased again, this

time to \$4,289 per month. In September, it increased once more, and he drew \$4,426 that month. He stopped drawing pay at the end of October, in accordance with an agreement reached when he resigned (after entering a guilty plea, no less). All told, Idland earned approximately \$70,000 while sitting in jail.

Though the WSP dropped the ball, Judge Ronald Kessler showed that the court has no tolerance for abuse of power. He sentenced Idland to four years of probation, payment of \$24,850 for his incarceration, and \$15,600 in fines and court fees—all added to the 497 days he served in jail.

Of course, the amount Idland was told to pay doesn't compensate the state for the time he was drawing full salary while unable to work, nor does it even begin to address the damages the state may have to pay his victims. At least it sends the message that the court doesn't tolerate police officers who abuse their power and break the law.

As for the WSP, maybe they'll take a good look at their policies and start asking why it's so hard to fire an officer who's in jail for breaking the law.

New Year's budget resolutions

by Jason Mercier

As we begin a new year, I'm hopeful state officials will offer taxpayers a New Year's budget resolution. Namely, that they will not disregard the people's desire for meaningful tax and spending limits.

Thanks to the budget reforms adopted over the past few years, this should be an easy resolution for our elected officials to make. Easy, that is, if they have the willingness to integrate these reforms into a legally binding budget process by:

- ▶ Adopting a real spending limit to frame priority-based budgets. To encourage a truly prioritized state budget, a meaningful spending limit must be in place to frame the budget debate. Without such restrictions, little incentive exists to engage in a real prioritization of spending and to focus on program performance. We have developed model language for a tax and spending limit that would:
 - Cap state spending growth based on a three-year rolling average of population and inflation (based on IPD);
 - Apply the spending limit to all state spending and funds except for federal funds;
 - Base the spending limit solely on the fiscal growth factor (no ratchet effect);
 - Eliminate manipulation of the spending limit by removing the effect of fund transfers and supplemental expenditures;
 - Protect local governments from new unfunded mandates;
 - Create a protected five percent biennial emergency reserve fund;
 - Rebate excess revenue over the five percent emergency reserve fund in the form of a reduced state sales tax (tax holiday);
 - Require a two-thirds vote of the legislature for tax and fee increases or a simple-majority vote contingent on a referendum ratified by a vote of the people; and

- Require a two-thirds vote of the legislature and declaration of an emergency in order to temporarily exceed the spending limit without a vote of the people.

- ▶ Restructuring legislative committees around the adopted priorities of government. To ensure policies are considered within the context of the state's adopted priorities of government (POG), legislative committees should be restructured around these priorities. The Joint Legislative Audit and Review Committee (JLARC) made this recommendation in April 2004, but it was not implemented.
- ▶ Adopting a resolution at the beginning of budget writing sessions allocating to each POG committee a portion of the November revenue forecast. To help the new POG committees weigh policy decisions and exercise necessary oversight over program performance, each committee should be allocated a portion of the revenue forecast with which to approve bills. For example, POG committee X would be given a percentage of the revenue forecast and all the bills adopted could not cost more than the allocated revenue. This would allow those legislators with expertise in their POG area to help prioritize policy decisions within available revenue.
- ▶ Building the budget using a quantifiable, prioritized "buy" list. Before even starting a POG review, activities that are clearly not core functions of government (commercial in nature, corporate welfare, etc.) should be removed from consideration. The remaining programs and activities should then be prioritized to determine the most cost-effective purchases the state can make in order to meet a specific priority, creating an activity "buy" list. If true prioritization of activities has occurred, everything purchased is, by definition, a higher priority than those activities not purchased. For example, if, in a POG-based budget, art is purchased,

but not dental care for the poor, budget writers have determined by that action that art is a higher priority than dental care for the poor. This also means, if taxes are raised, it is done to purchase those activities that are at the bottom of the state's prioritized "buy" list—not the top.

- ▶ Putting performance indicators directly into appropriation bills. Though most agencies currently provide mission statements, goals and performance indicators to state budget-writers, these are not clearly spelled out in the final budget legislation. Including a clear description of the purpose for dollars allocated in the actual appropriation bills would allow better, fairer program evaluation; make legislative intent more binding; and make the process more transparent and accessible. By writing performance expectations directly into appropriation bills, a clear baseline to measure agency performance is created. This also helps focus the budget process on measurable outcomes instead of the traditional, input-focused indicators. There is no good reason why these common-sense budget reforms shouldn't be adopted. Responsible budgeting requires a clear connection between core governing functions, agency mission statements, goals and objectives, performance measures, performance evaluation, and the budget-writing process itself. Now is the time to take the next step and tie all the state's budget reforms together to provide legislators, citizens and the media with a more transparent and accessible budget. My New Year's resolution to you is to continue to work for these budget reforms. If you make it your resolution to encourage your elected officials to do the same, we may finally receive that transparent and accountable budget taxpayers deserve.

A.G. releases model public records rules

by Jason Mercier

Last year the state Supreme Court undercut Washington's public records law by ruling that public records requests could be denied for being "overbroad," and that agencies may claim a broad-based attorney-client privilege exemption to deny requests. The public outcry that followed this ruling prompted the legislature to unanimously enact legislation to overturn some of the court's decision. The new legislation (HB 1758) addressed the issue of requests being overbroad, but left intact the court's attorney-client privilege exemption. HB 1758 also directed the attorney general to adopt model rules to assist with the implementation of the state's public records law.

Last month, Attorney General Rob McKenna released a draft of his model rules.

The public is being invited to provide feedback on the proposed rules. A public hearing will be held on Thursday, Jan. 12, 2006, from 6 to 8 p.m. at the General Administration Building, 1st floor auditorium, 210-11th Ave. SW in Olympia.

According to one section of the draft rules: "The overall goal of the model rules is to establish a culture of compliance among agencies and a culture of cooperation among requestors by standardizing best practices throughout the state. The attorney general encourages

state and local agencies to adopt the model rules by regulation or ordinance."

This reinforces the law's declaration that:

"The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. The public records subdivision of this chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy."

A public hearing will be held on Thursday, Jan. 12, 2006, from 6 to 8 p.m. at the General Administration Building, 1st floor auditorium, 210-11th Ave. SW in Olympia.

Since opponents of public records reform will likely show up

in full force to criticize the attorney general's model rules, supporters of open and accountable government need to take the time to voice their support. If you can't make the January 12 hearing, you can still be heard by visiting this website and submitting your comments: <http://www.atg.wa.gov/records/modelrules/>

Sign up for Waste Watchers Update



SIGN UP FOR WASTE WATCHERS UPDATE

Taxpayers expect and deserve a government that operates efficiently, effectively and economically. These are the critical underpinnings of government accountability. So how are Washington's elected officials doing?

To help answer this question, we've launched a new website and will be releasing periodic "diet tips" for government, which highlight questionable uses of our tax dollars. When appropriate, we will also be sharing examples of elected officials who cut wasteful spending or otherwise save taxpayers money.

If you would like to receive our Waste Watchers e-mail update, please sign up at: <http://www.effwa.org/main/page.php?number=1>

All Waste Watchers e-mail updates will also be posted on this page: <http://www.effwa.org/wastewatchers>

Be informed about how your hard-earned tax dollars are being spent!
Sign up today!

For more information on the next steps for public records reform, please visit: http://www.effwa.org/main/article.php?article_id=1218&number=56

Legislators confirm emergency clause used to circumvent referendums

by Jason Mercier

A recent EFF legislative survey found that at least 28 legislators support a constitutional amendment to require a 2/3 vote to enact an emergency clause on legislation. Of our 147 legislators, 35 responded to the survey.

An emergency clause serves two purposes: 1) bills adopted take effect immediately, and 2) the people are denied their right of referendum due to the purported emergency addressed by the bill. Its use is supposed to be reserved for acts that are “necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions.”

During the 2005 legislative session, 98 bills were enacted with an emergency clause, including four bills amending initiatives previously approved by the voters. A recent Supreme Court case challenging the emergency clause on one of these bills resulted in a ruling essentially granting the legislature the authority to enact an emergency clause without restriction.

As a result of the Court’s unwillingness to protect the people’s right of referendum, constitutional reforms are

now necessary. In October 2005, EFF sent a survey to lawmakers to gauge their support for a constitutional amendment requiring a two-thirds vote of the legislature to enact an emergency clause.

The EFF Emergency Clause Survey reads in part:

To ensure the people’s right of referendum is secure, any enactment of the emergency clause should be limited to true emergencies. Constitutional reforms, such as the following model language, are now necessary to protect the referendum right:

Article 2, Section 1: (b) Referendum. The second power reserved by the people is the referendum, and it may be ordered on any act, bill, law, or any part thereof passed by the legislature, except such laws as declared by a vote of two-thirds of all the members elected to each house with full compliance with Section 12, Article III, of the Washington Constitution, may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions....

Should the legislature’s use of the emergency clause be reformed?

If yes, do you support a constitutional two-thirds vote threshold for enactment of an emergency clause?

Of the 35 legislators who responded, 28 favored constitutional reforms, while four said they were undecided. The remaining three chose not to provide an answer.

Those supporting constitutional reforms include Senators Benton, Carrell, Delvin, Finkbeiner, Honeyford, McCaslin, Morton, Mulliken, Parlette, Sheldon, and Stevens. Also in support are Representatives Ahern, Alexander, Buck, Buri, Condotta, Crouse, Dunn, Hinkle, Holmquist, McCune, Nixon, Roach, Schindler, Serben, Strow, Sump, and Talcott.

Undecided were Sen. Franklin and Representatives Appleton, DeBolt, and Kilmer.

It is likely bills will be introduced this session to reform the legislature’s use of the emergency clause. If emergency clause reform is important to you, now is the time to let your elected officials know your position.

To read the complete survey responses, please visit: <http://www.effwa.org/pdfs/ecr.pdf>.

Consumer Driven Health Care: The right choice for EFF

by Nathan Johnson

As a longtime advocate of far-reaching, free-market reforms within the health care industry, the Evergreen Freedom Foundation will soon be taking an important step in that direction. On January 1, 2006, EFF employees will start their own Health Savings Accounts in conjunction with a High-Deductible Health Plan.

This new consumer-driven approach is a definitive way of helping solve the very real problem of double-digit inflation caused by escalating costs in nearly every sector of health care. It is EFF’s belief that employees can benefit the most from coverage that allows them free, unhindered choice in this market, with an option to accumulate tax-deferred earnings toward future health needs. The concept of consumer-driven health care is new to most people, but it is gaining widespread appeal in numerous markets across our nation.

“Health Savings Accounts are changing the way we approach the cost of health care,” says David Preston of the Insurance Resource Group. In a recent seminar at Bellevue’s Evergreen Bank titled, “How to make HSAs work for you,” Preston outlined the concept of HSA accounts while presenting examples of their usage in the workplace. Often billed as the NEW 401(K), there are good HSA options for almost everyone from the self-employed individual to an employee in a large corporation.

HSAs are tax-deferred, interest-earning, trust accounts held by approved banks for health-related use. Funds are generally made available through debit cards or personal checks for use at the pharmacy, physician’s office or health care facility of one’s choice.

There are two necessary components of an HSA plan. The first is a High-Deductible Health Plan (HDHP) meant to cover serious illness or injury once the deductible has been met. The second and most important is the HSA itself, from which funds can be withdrawn to cover medical expenses until the deductible is reached. Each Health Savings Account is allowed contributions up to the total deductible amount on a yearly basis (a maximum of \$2,700 for an individual and \$5,450 for a family).

HSAs represent a health care option like no other—that is, a tax-deferred investment in one’s future and the ability to have more control over health care decisions. Benefits for the average HSA holder include: a significant savings on insurance premiums,

complete portability (job-to-job-to-retirement) of HSAs, and the ability to use funds after retirement for Medicare and other health-related expenses. Some proponents are calling HSA’s the best new tax shelter to hit the market—and they may be right. As with most retirement accounts, withdrawals that are non-health related are possible but carry a significant percentage surcharge, plus whatever income tax is due.

Consumer Driven Health Care in the form of Health Savings Accounts is a win-win situation for most employers and employees. Putting health care decisions back in the hands of patients and their doctors creates the unique opportunity to pursue adequate and cost effective solutions to health problems. Another result, unrealized by some, is the healthy living benefit. When individuals are given an economic incentive to exert control over their own well-being, healthier living is the natural result. People tend to avoid unnecessary medical expenses by eating right, participating in more physical activity, and pursuing general wellness.

Up to this point, the culture of our health care industry has discouraged, and sometimes prohibited, any real expansion into the realm of consumer choice. Patients were formerly grafted into the system knowing that every poor health decision would be supplemented by an expensive and heavy-handed health insurance plan. Eyes have been opened to the importance of personal initiative in pursuing overall good health through principled and informed decision making.

How it Works at EFF

To better understand the decision-making process that brought about HSAs at EFF, a brief background is necessary. Until now, EFF has provided its full-time employees with \$110 per month (minus taxes) to allow them to purchase a major medical policy. EFF has also reimbursed employees for out-of-pocket medical expenses between \$500.01 and \$2,500.00. A restrictive and over-regulated insurance climate prevented EFF from offering a more comprehensive, tax-advantaged plan. But recent legislative and insurance industry developments now allow EFF’s free-market philosophy to function.

The health care plan currently offered is an HSA-qualified, High-Deductible Health Plan. The plan’s deductible is \$2,500 for individual coverage and \$5,000 for families. EFF will pay 75 percent of the plan’s premium for eligible employees and dependents. Employees will pay the remaining 25 percent of the premium through an automatic, monthly payroll deduction. Eligible employees on an individual plan will receive an EFF HSA contribution of \$125 per month and those with family coverage will receive \$182.50 per month.

The following table illustrates average annual costs and benefits of insurance for EFF employees. The table does NOT take into account potential tax savings merited by an employee’s tax-deferred contribution to his/her own HSA account.

Sample Individual - \$2500 Deductible		Sample Family - \$5000 Deductible	
\$1,465.83	EFF pays 75% of policy	\$4,016.52	EFF pays 75% of policy
<u>\$1,500.00</u>	EFF puts \$125/mo. into HSA	<u>\$2,250.00</u>	EFF puts \$187.50/mo. into HSA
\$2,965.83	Total EFF	\$6,266.52	Total EFF
\$488.61	Employee pays 25% of policy	\$1,338.84	Employee pays 25% of policy
<u>\$1,000.00</u>	Employee puts \$83.33/mo. into HSA**	<u>\$2,750.00</u>	Employee puts \$229.17/mo. into HSA**
\$1,488.61	Total Employee	\$4,088.84	Total Employee
\$124.05/mo		\$340.74/mo	

**Employee contribution to HSA is optional. Employee writes after-tax check(s) to their HSA and takes an "above-the-line" tax write-off.

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state standards for preschool and day care certification. Unions are also looking for opportunities to unionize child care workers. Unfortunately, studies of the federal low-income preschool program (Headstart) show little or no long-term social or academic gain from the program. We eagerly await data to support the claims Gregoire is making.

This year's 10th grade class must pass the Washington Assessment of Student Learning (WASL) to graduate. Lawmakers are being pressured to lower standards, find alternative assessments, or remediate. This presents us with a good opportunity to talk about rigorous standards and effective student evaluation.

The federal No Child Left Behind Act requires that every classroom have a "highly qualified" teacher. Demographics show we will lose 40 percent of the teaching force nationwide to retirement and attrition in the next five years. This dynamic gives us an opportunity to make sure we have well-qualified teachers in our state. It is hard to speculate how the legislature will respond to these new national standards and the pending need for more teachers.

Open and Accountable Government

Last year, a bill was introduced to create an Office of Inspector General. Essentially, this reform would allow internal agency fraud investigators to do their job with-

out being hindered by agency directors. Expect to see a proposal similar to this one offered again this session.

A host of public records reform bills will be introduced on everything from creating a public records advocate to finally addressing the issue of the state denying records based on attorney-client privilege. Of course, opponents of public records disclosure are gearing up to roll back access to public records, so expect a fight or two over this

“Not only are these types of handouts inappropriate; they divert scarce funds away from true core functions of government like safety and emergency preparedness.”

matter during the upcoming session.

In response to last years 98 emergency-clause bills and the public backlash that soon followed, bills reforming the legislature's use of the emergency clause are in the works. This issue has turned in to a fundamental debate on whether or not the people have a protected right of referendum.

Budget and Taxes

The legislature will face a variety of budget and tax issues this session. Unfortunately, spending restraint, prioritized budgeting, and concern for the taxpayers were not the calling cards of last session's legislature. For example, Democrats successfully gutted Initiative 601 in an effort to instate another half a billion dollars in

tax increases. You can therefore expect that our state's \$1.45 billion emergency reserve will be quickly tapped as legislators discover "emergencies" that can't wait until the next budget cycle. Expect proponents of fiscal restraint to fight hard to undo these abuses.

Our legislature may also be asked for subsidies to help improve and/or build new facilities for multibillion dollar sports franchises, such as the Supersonics and NASCAR.

Those of us who believe it is not government's role to determine economic winners and losers must keep pressure on elected officials at all levels of government to resist these corporate welfare handouts.

Not only are these types of handouts inappropriate; they divert scarce funds away from true core functions of government like safety and emergency preparedness. This is of particular concern for us in Washington state, where we face earthquakes, volcanoes, tsunamis, forest fires, and are a key target for terrorists.

After the devastation faced by the Gulf Coast in the wake of Hurricane Katrina, we should see some major changes in the attention given to Washington's readiness. A true emergency can be averted if the legislature demands actual compliance with the state's emergency response requirements and makes a fundamental shift at a state level toward defining emergency preparedness as a core function of government. Ongoing discussions of providing more funding to these efforts indicate emergency response will receive special attention next session. EFF will be releasing details from our research on this particular issue this month.

Finally, we will more than likely see a forthright attempt by some of our representatives to undo legislation that reinstated the death tax last session. There will also be a people's initiative introduced this year designed to accomplish the same thing.

EFF will be following all of these issues very closely as they develop and will work nonstop to move the discussion of state policy toward principles of limited and accountable government because freedom matters! Visit our website (www.effwa.org) often and remember to check future newsletters for updates on these and many other efforts.

Texas Court Ruling

by Marsha Richards

Nearly all the states in our nation (all but five) have faced or are facing lawsuits challenging the adequacy, equality or constitutionality of their public education funding. Many of these lawsuits have ended with court-ordered increases in education spending, such as in the recent high-profile cases in Kansas and New York.

Our own state is under threat of another such lawsuit at the hands of the Washington Education Association (WEA), pending the outcome of a statewide K-12 funding study commissioned by the legislature.

At the heart of most of these lawsuits is the same wrong assumption: namely, that higher spending equals higher quality education. We all know it costs money to provide a quality education, but how that money is spent is just as important as how much. Unfortunately, too many people want an "easy fix" for an education system in crisis, and spending more money is less painful than changing the way they do business.

That's why a recent ruling from the Texas Supreme Court was so refreshing. The court's decision in a case challenging the constitutionality of the state's education funding illustrated some basic and important principles:

1. Courts should observe the proper limits to their own power.

"Our responsibility in this case is limited to determining whether the public education system is 'adequate' in the constitutional sense, not the dictionary sense. That is, we must decide only whether public education is achieving the general diffusion of knowledge the Constitution requires. Whether public education is achieving all it should—that is, whether public education is a sufficient and fitting preparation of Texas children for the future—involves political and policy considerations properly directed to the Legislature. Deficiencies and disparities in education that fall short of a constitutional violation find remedy not through the judicial process, but through the political process of legislation and elections."

"The judiciary's role, though important, is limited to ensuring that the constitutional standards are met. We do not prescribe how those standards should be met."

2. Schools need to spend current dollars more efficiently and effectively.

"The large number of districts, with their redundant staffing, facilities, and administration, make it impossible to reduce costs through economies of scale. Bigger is

not always better, but a multitude of small districts is undeniably inefficient. The justification offered for this situation is that as a matter of public policy, public schools should be locally controlled, although it has never been clear why the legitimate benefits of local control are so entirely inconsistent with efficiency in funding. Districts are firmly entrenched and powerfully resistant to meaningful change . . ."

"More money allocated under the present system would reduce some of the existing disparities between districts but would at best only postpone the reform that is necessary to make the system efficient. . . . We have not been called upon to consider, for example, the improvements in education which could be realized by eliminating gross wastes in the bureaucratic administration of the system. The Legislature is not so restricted. The Legislature may well find many ways of improving the efficiency and adequacy of public education . . . that do not involve increased funding."

3. Education funding should be based on outputs (results), not inputs.

"The defendants contend that the district court focused too much on 'inputs' to the public education system—that is, available resources. They argue that whether a general diffusion of knowledge has been accomplished depends entirely on 'outputs' the results of the education process measured in student achievement. We agree that the constitutional standard is plainly result-oriented. It creates no duty to fund public education an any level other than what is required to achieve a general diffusion of knowledge."

4. More money doesn't necessarily mean better results.

"While the end-product of public education is related to the resources available for its use, the relationship is neither simple nor direct; public education can and often does improve with greater resources, just as it struggles when resources are withheld, but more money does not guarantee better schools or more educated students."

5. Schools need to pursue proven reforms and best practices.

"There is substantial evidence. . . that the public education system has reached the point where continued improvement will not be possible absent significant change, whether that change take the form of increased funding, improved efficiencies, or better methods of education."

Consumer Driven Health Care continued from page 9. . .

As a longtime advocate for consumer-based reform in the health care industry, the Evergreen Freedom Foundation is delighted to see the potential for widespread benefit from HSAs. We are excited that employees of our organization will have the benefit of owning their own accounts, thus transferring resources and decision-making about health care back in their hands, where it belongs. Furthermore, the organization has the benefit of stabilized, predictable and affordable annual costs.

Because of the necessarily unique nature of every HSA plan, it is best for prospective companies and individuals to start by consulting with resources that promote consumer-driven health care. Some great places to look are:

Additional Resources:

HSA Insider
www.hsainsider.com
National Association of Health Underwriters:
www.nahu.org
Association of Health Insurance Advisors
www.ahia.net/consumer/guide_hsa.html
JLBGH Health – Get comparison quotes here!
<http://www.jlbghhealth.com/hsaquotes.php>

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Cordially, *Bob Williams*

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- Setting up a trust fund (reduce your income taxes);
- Establishing a Chair or Center (i.e. Wilson Budget Chair, Smith Education Chair – tax-deductible);
- Making in-kind contributions (also tax-deductible);
- Volunteering at our office (helps to reduce our expenses);
- and for Giving cash contributions (an old tax-deductible favorite.)

Don't forget that many companies offer matching contributions for their employees (and sometimes retirees too). Check with your employer to see if they will match your gift to charitable 501(c)(3) organizations like EFF!

All checks postmarked (and dated) after December 31, 2005, will count as 2006 contributions. To learn more about these or any other options, please call Juliana McMahan at (360) 956-3482.



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EFF Profiles

by Kristen Mercier

JONATHAN BECHTLE

Jonathan Bechtle is the director of EFF's Voter Integrity Project (VIP). He accepted this position in September 2005 after serving as the project's coordinator and legal analyst since April 2005. He says, "It has been eye-opening to see what the average American citizen thinks and knows about our election process. Many people don't see the importance of election integrity. But I enjoy working to improve something that is so foundational to our democracy."

Jonathan learned about the Evergreen Freedom Foundation through his friend, Mike Reitz, EFF's Labor Policy Center Director. They had previously worked together at the Home School Legal Defense Association (HSLDA) in Virginia. A native of Arizona, Jonathan jumped at the chance to move out west again. "Washington is beautiful. I love living near the mountains again," he says.

However, it appears Jonathan left his heart in Virginia. He recently became engaged to Melissa Mangione. She currently serves as HSLDA's membership and conference coordinator. "Missi (as she is called by her friends) has a way of making people feel comfortable around her; she always makes people laugh. She is bubbly and high-energy, yet easy-going, too," Jonathan glows. They are planning to hold their wedding in Grand Rapids, Michigan, in March, and are hoping to buy a house in Olympia in the near future.

In addition to his engagement last fall, Jonathan has another reason to celebrate: he recently passed the California bar exam. While working at HSLDA, Jonathan completed his juris doctorate at Oak Brook College. Since his teenage years, Jonathan

has been interested in law and politics, and he interned with various public officials. He found that becoming a lawyer seemed a natural fit for his talents and intellect. "I don't have any grandiose political aspirations; I prefer to be behind-the-scenes. If I end up in politics, it would probably be in a management position, not holding an office."

Jonathan also finds his work at EFF a good fit for his capabilities. "I am learning so much here. EFF has provided a wide range of experiences for me. One minute, I'm talking to a legislator on the phone, the next minute, I'm answering a member's question. Later I'm writing newsletter articles and editorials. I also enjoy learning from Bob and Lynn; they are always willing to share their knowledge and experience with us."

In his spare time, Jonathan likes watching football; he's a Colts fan and is ecstatic about their impressive season. (We have quite a few football fans here on staff; Lynn has recently decided she needs to learn more the game, and the guys are doing their best to help her out.) Jonathan is a military history buff. One of his goals is to write a non-fiction book one day, and military history just may be the topic. At some point, he hopes to go to Europe again, specifically Great Britain; he loves the history in that region of the world.

But for now, Jonathan would be happy just to see the Colts do well and to have a peaceful start to his new life with Missi. We're happy to have Jonathan as part of the EFF team.

YOU'RE INVITED TO ATTEND

EFF BUILDING DEDICATION & OPEN HOUSE

Friday, January 13, 2006

1:30 p.m. Dedication Ceremony

2:00 - 6:00 p.m. Open House

2403 Pacific Ave SE
Olympia, Washington

If you are able to attend,
please RSVP by January 6, 2006

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