

# PUTTING FAMILY CHOICE TO THE VOTE

Stephen Sugarman

Primary and secondary education should be organized around the principle of family choice of schools. So believe some American parents who have just organized a political campaign in California designed to revolutionize their state's educational scheme. If the effort is successful, education in California would no longer be provided in accordance with the 'bureaucratic' model that largely characterizes schooling in America and Britain today; instead, education would be based on the 'consumer' model.

The idea in a nutshell is that the state would no longer fund schools at all. Instead, every child would be entitled to a scholarship to be used at the school the family selected — whether private or public. Many have termed the scheme a 'voucher' plan, and that is a fair enough label; but it is important to understand that the California proposal contains provisions intended to assure that family choice furthers social justice. First, participating schools would have to take all applicants, selecting by lot if demand exceeded the space available. Second, participating schools would have to accept the scholarship in full payment of their fees. Finally, while there would be little regulation of participating schools, substantial disclosure would be required.

In short, the plan seeks to move education onto the informed consumer model on the ground that this is best for children. For a fuller explanation of this idea and the arguments for family choice see my article in *WHERE* 147.

## The people's initiative

Equally noteworthy, this proposal is being taken directly to the citizens of California through the device of the people's *initiative*.

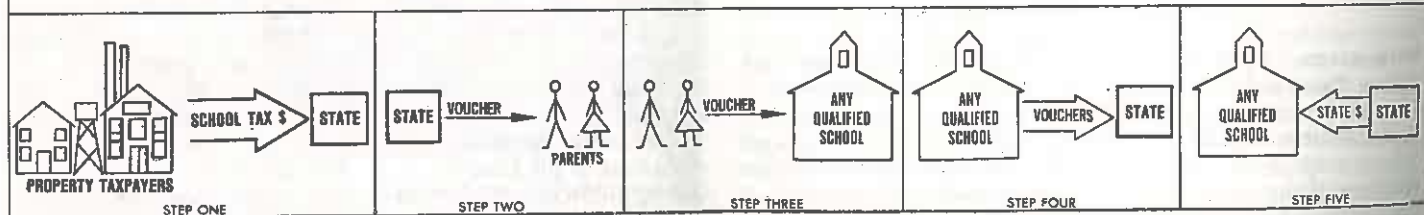
In America (as in Britain) the usual rule is that legislation is enacted by elected legislators. At the national level this is really the only rule; people elect Members of Congress who adopt the laws. At the state and local level, however (at least in a number of American states) there are two other mechanisms available. One is the referendum by which the state or local legislative body submits a matter to the voters directly. This happens quite frequently in a state like California where many tax levies and bond issues (including those intended to finance the building of new schools) must be approved by the voters, and where the state and many cities are continually seeking changes in their basic organic documents, the state constitution and

city charters respectively. It is the second device that is of more interest here — the people's initiative.

In California if a sufficient number of registered voters (now about 600,000 in a state with more than 20 million people) validly sign the proper petitions, nearly any kind of proposition must be put to a vote at the next general election. If the proposition is approved by a majority of those voting, it becomes part of the California constitution and as such cannot be changed except by a further public vote. Although used elsewhere in America, the initiative process is most clearly associated with California where its use for controversial matters has been most conspicuous.

## How it is used

Since the initiative is typically used after efforts at ordinary legislation have failed, it is not surprising that the process has been employed by the Left, the Right and those with no obvious political leaning. For example, some environmentalists have felt that the state legislature has not been concerned enough about problems of air, water and nuclear pollution or protecting California's magnificent coastline. As a result in



recent years environmental protection initiative propositions have often appeared on the ballot (some of which were passed). The initiative process has also been used by those who felt the government has gone too far in providing low income housing, in tolerating obscenity, and in permitting smoking in public places (successfully in the first case, but not in the latter two). In 1978 the Right scored what it felt to be a great triumph with the enactment of so-called 'Proposition 13'. This self-styled 'taxpayers' revolt' initiative both drastically cuts into state and local spending and makes future tax increases very difficult to enact.

### How democratic?

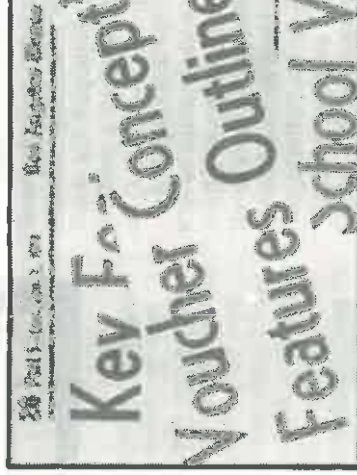
In recent years two important measures have been on the ballot that were specifically aimed at education (apart from Proposition 13 which is important to the funding of all public services, including schools). The first was an 'anti-bussing' measure designed to prohibit school authorities and the courts from requiring a child to attend a state school out of his neighbourhood. This passed, but it was emasculated by the judiciary. Indeed, many of California's successful initiatives have been robbed of their teeth by judicial 'interpretation'. Thus, what is claimed by some to be the most 'democratic' form of government is often undercut by what is said to be one of the least 'democratic' forms of government (although it is worth noting that California judges once appointed must stand for re-election every so many years). In the anti-bussing case, however, the initiative actually fell to the requirements of the national constitution, which no form of state law may violate.

The other recent education initiative was voted on this past fall. It sought, in general, to rid the state schools of teachers who are open homosexuals preaching the right of sexual freedom. It did not pass.

The group pushing the family choice

initiative is comprised of persons of quite different perspectives. The chairman of the group, called Education by Choice, is a black professional man. Its intellectual leader, John E. Coons, is a law professor, committed to giving the family renewed opportunities to have power over and to take responsibility for its children. Others in the group represent libertarian, feminist, and cost efficiency viewpoints. Some members have given up on the state schools; others see choice and competition as the route to their salvation. Religious school users are supporting the group; but church leaders seem divided.

While Education by Choice argues that a majority of voters will support its proposal, at present there is no chance that the state legislature will enact it. For



one thing virtually the entire state school establishment is against it — most importantly the two main teachers' unions which are now among the most powerful lobbying groups in the state. Hence the group must take the issue to the public.

Gathering 600,000 valid signatures takes free labour and money. The combination employed usually depends upon how much of the latter is available and what sort of impact the type of signature gathering campaign that is used is predicted to have on the eventual vote. For example, there are professional petition circulating organizations that work on the basis of something like 50p per valid signature. Thus, for something like £300,000 a small group could plausibly buy its way on the ballot. However, not

only is this approach likely to be harmful in the eventual campaign on the proposition, but also it would mean that the supporters would have no grass roots structure built for the campaign. Therefore, they would probably have to pour enormous additional sums into TV and other expensive advertising if they hope to win. Thus, in general, it seems desirable to attract into the signature drive as many interested citizens as possible. This is usually attempted through the formation of a coalition of both specially created and standing organizations that draw on volunteer labour. Through TV and radio appearances and public addresses, Professor Coons and others in the choice movement are now seeking to build such a coalition.

Initiative sponsors must also attend to the sources of money and labour they receive. As such things are public, a proposition's image can be affected this way. Thus, since the leaders of Education by Choice consider themselves either moderates or on the Left, they do not want to be dependent on money from the Right. Similarly, as the group does not see itself as leading a religious movement, it has to be concerned about how large a role Catholic school users will play in the signature drive. If the group is successful in obtaining the needed signatures, the measure will probably be voted on in June 1980.

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