

Lueders: Dollars grease skids for school choice (column)

Filed Under WDH Opinion

May 24, 2013 |

wausaudailyherald.com

Wisconsin has long played a pivotal role in the national movement to redirect taxpayer dollars to private, often parochial schools. And money — much of it from out-of-state — has played a huge part in that process.

Wisconsin Democracy Campaign, a nonpartisan watchdog, recently reported that “wealthy campaign contributors and shadowy electioneering groups” spent nearly \$10 million in Wisconsin over the past decade to back parental school choice.

Choice supporters gave \$2.8 million in donations to state candidates and spent another \$7 million on electioneering activities such as ads and mailings during political campaigns, the group said. Nearly two-thirds of the direct donations came from other states.

Leading the pack was Gov. Scott Walker with \$2.3 million in support, mostly during last year’s recall election. This included \$1.1 million in outside spending by the national American Federation for Children.

Walker’s first biennial budget expanded school choice from Milwaukee to Racine. His current budget, for 2013-15, would increase state voucher spending by \$94 million over the next two years, and potentially allow nine new districts to participate.

The changes face strong opposition, especially since new data show that choice students in Milwaukee and Racine lag behind their public school counterparts in math and reading scores.

Some GOP lawmakers oppose expanding the voucher program; others tie their support for the budget to its inclusion. Among the latter is state Sen. Rick Gudex, R-Fond du Lac, who won a tight race last fall to oust Democratic incumbent Jessica King.

The American Federation for Children, in a recent report titled “2012 Election Impact Report,” said it spent more than \$325,000 to help Gudex topple King. Gudex has conceded that the group’s efforts “didn’t hurt” his chances.

In fact, the AFC’s report (later removed from its website) said it spent \$2.4 million in Wisconsin last year, a third of its national total, to “elect candidates ... who will work to enact, expand and strengthen educational choice.” It “invested heavily” in Wisconsin “to ensure educational choice majorities in both chambers of the Legislature.”

But AFC, in filings with the state, reported spending just \$145,000 on the Gudex-King race and \$345,000 on all Wisconsin elections last year. The Democracy Campaign has filed a complaint with the state Government Accountability Board, saying the group underreported its electioneering spending by at least \$2 million.

“They told their funders one thing and state election authorities a totally different story,” said Democracy Campaign executive director Mike McCabe. “Judging from the content of this outfit’s ads, they told their funders the truth and lied to election officials.”

Former state Assembly Speaker Scott Jensen, now a lobbyist for AFC (in the 2011-12 legislative session, he and his firm were reportedly paid \$76,000 for 77 hours of lobbying), referred a request for comment to other group officials. That yielded a statement in which AFC attorney James Bopp contended, “Our report to donors (includes election-related) activity that is not required to be reported in Wisconsin.”

McCabe calls for enforcement of an existing state rule regarding disclosure of election activity that is “susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate.”

But Jonathan Becker, ethics division administrator for the Government Accountability Board, says the agency has applied the rule in past cases and determined that other election-related spending “did not meet the definition” that it set forth. In 2012, for instance, it ruled that an advocacy group’s online “Voter Guide” could be reasonably interpreted as an effort to provide information.

Moreover, Becker notes, the U.S. Supreme Court has directed regulators to focus on “the communication’s substance, rather than on amorphous considerations of intent and effect.”

So even a group’s public admission that it set out to win elections and dominate legislatures may not be a factor that regulators could consider.

Bill Lueders is the Money and Politics Project director at the Wisconsin Center for Investigative Journalism (www.wisconsinwatch.org).