

Wrong, again

Marty Trillhaase/Lewiston Tribune

JEERS ... to Melaleuca President and CEO Frank VanderSloot. Unable to base his defense of the Luna laws on fact, he has now resorted to supposition.

At issue is the \$38 million in teacher merit pay state schools Superintendent Tom Luna is holding hostage against classroom teachers who have the temerity to stand up to this bully.

That money is part of the school overhaul package Luna inflicted upon Idaho's students, teachers, parents and taxpayers - until citizens rebelled and called for a referendum vote on Nov. 6.

Threaten Luna, repeal his laws and the merit pay goes away.

But he's been bobbing and weaving to make that self-serving story stick.

Initially, Luna said he couldn't release the dollars until Nov. 15, which would fall after the election.

Turns out the 2012 Legislature gave him authority to distribute the money anytime up to Nov. 15.

That's where VanderSloot entered the picture. With a series of full-page newspaper advertisements, he reiterated the argument that repealing the law on Nov. 6 would tie Luna's hands on Nov. 15.

Not so, said Republican Secretary of State Ben Ysursa, who noted the official canvassing and formal implementation of Prop 2 would not come until Nov. 21 - six days after Luna is legally compelled to turn the money over to Idaho school districts.

Last week, this page pointed that out to VanderSloot. He retorted with guesswork: Well, maybe, just maybe, somebody is going to get peeved when Idaho's 115 school districts distribute the merit pay checks and file a lawsuit.

"The legal question is whether the school districts will dare send out the checks if it's no longer allowed after Nov. 21," VanderSloot's Sunday advertisement suggested. "According to the legal experts we have talked to, this is a new area of law."

Hardly.

Since when do Americans change the rules of a game after it's been played? Teachers earned their money under a law on the books at the time. To withhold merit pay as VanderSloot suggests would be to penalize them retroactively.

In criminal cases, that's called ex post facto. The Founders found it so abhorrent they banned it in the Constitution. This constitutional principle of basic fairness is embedded elsewhere in such provisions as grandfathering existing uses when zoning laws are amended.

VanderSloot can argue otherwise, of course.

We'll stand with the Constitution.

JEERS ... again, to VanderSloot. Go back to the same Luna law ad in Sunday's paper.

See the picture of Tom Luna's truck, spray-painted with graffiti and its tires slashed?

Nobody has ever proved who vandalized Luna's truck in the midst of the 2011 legislative effort to pass his school overhaul bills. The Idaho Education Association condemned the vandalism at the time.

That hasn't stopped the insinuations that "union thugs" were behind it.

VanderSloot's ad is the latest example - although it carefully threads the needle of plausible deniability by never directly accusing anybody of anything.

It just prints the picture within an advertisement headlined: "Who ya' gonna believe the governor, the superintendent of schools and the state Legislature ... or the union?"

It merely reports: "And in typical union style, it got ugly."

Who's getting ugly here, Frank?

CHEERS ... to former Nampa School Superintendent Russell Joki. He's challenging the Idaho Legislature for shirking its constitutional duty to "establish and maintain a general, uniform and thorough system of public, free common schools."

After years of legislative neglect, local schools not only have turned to property taxpayers for help, but they've squeezed parents for everything from paying fees to play sports to covering field trips and art supplies or even science class equipment and class "dues." Joki's attorney, former Idaho Supreme Court Justice Robert Huntley, estimates Idaho's cash-strapped schools now raise \$2 million a year this way.

As the lawsuit contends, those fees are unconstitutional. But that's nothing new. In the late 1960s, schools charged students a textbook fee. A Minidoka family balked and in 1970 a unanimous Idaho Supreme Court found: "If the constitution said that all that was necessary was a 'free common school education' the case might be different, but the constitution instead demands 'free common schools.' The school and the entire product to be received from it by the student must be 'free.' "

Here's hoping Joki's lawsuit encourages others to hold the Legislature's disinvestment in public schools to account.

CHEERS ... to Randy Stapilus and Marty Peterson. Their new book, "Idaho 100: The people who most influenced the Gem State," makes it clear the 43rd state was not preordained. For instance, there's Wetxiwillis (No. 10), a Nez Perce woman who persuaded her tribe to spare Meriwether Lewis and William Clark.

"It's not a reach to suggest that what's now Idaho, and points west, might today be part of Canada if Lewis and Clark had not returned," they write.

Some names are obvious. Others are not. First place goes to Lloyd Adams, a Rexburg political boss who held sway for a half-century. Also on the list is Aryan Nations founder Richard Butler at No. 88 - two places ahead of former Idaho Gov. Phil Batt.

Published just as the state is poised to observe its sesquicentennial as a U.S. territory, "Idaho 100" makes you think about this place we call home.

JEERS ... to Washington's 9th Legislative District delegation - state Sen. Mark Schoesler, R-Ritzville, and state Reps. Susan Fagan, R-Pullman, and Joe Schmick, R-Colfax. No list of local politicians who have failed Project Vote Smart's Political Courage Test would be complete without mentioning them. The test is about leveling with voters, and most candidates are afraid of doing that.

What could frighten these three into silence? Aren't they running unopposed? - M.T.