Grassroots Win Shootout In The West
by Phyllis Schlafly June 30, 2004
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Petitioners' trespass case dismissed
Downtown bus station: Activist calls decision victory for right to petition
Nevada just witnessed the political equivalent of Shootout at the OK Corral. On one side was the full power of the Nevada government, and on the other side was a grandmother armed with a pen, a petition and a clipboard.

Janine Hansen is one of the leaders of a grassroots effort to require public officials to obey the Nevada state constitution. Their petition drive has struck fear in Nevada public officials seeking higher taxes.

Imagine that — forcing public officials to obey the constitution! In 1996, Nevada voters amended their constitution to require a two-thirds vote of the legislature before a tax increase could become law.

The legislators and the governor tried to ignore this requirement, and the governor secretly obtained prior assurances from the Nevada supreme court that it would give judicial blessing to the deal to bypass the constitution.

Janine Hansen began gathering signatures on petitions to put the tax issue on the ballot so voters could have the last word. She took her effort to a large public bus station in downtown Reno known as the CitiCenter.

Built with taxpayers' money, CitiCenter is open to all except, apparently, those collecting signatures to hold government accountable to voters. Despite a 2001 law mandating that the facility allow petition drives for properly registered initiatives, the agency in charge had other plans.

"High noon" occurred during rush hour on Thursday, May 6th. Janine Hansen and her son were collecting signatures for a referendum to overturn the tax increase, and CitiCenter managers set out to stop her.

Less than two weeks earlier, officials had stopped the collection of signatures for this referendum at a Department of Motor Vehicles office in Reno while allowing petition gathering for a public school initiative. The governor's office later admitted it was improper to interfere with the tax referendum effort there.

But the Regional Transportation Commission, which runs CitiCenter, was determined to stop Mrs. Hansen at the bus station. Officers approached her and demanded that she cease and desist.

"They told us to stop gathering signatures," Mrs. Hansen said. "I told them their policy was a violation of state law."

Nevada Secretary of State Dean Heller had issued a letter explaining that petition signatures may be collected without notice at public facilities in accordance with state law. Mrs. Hansen explained, "We said we could, and weren't going to stop, so they arrested us. We weren't going to follow some illegal edict by a petty bureaucrat."

Photographers snapped pictures of an armed policeman handcuffing Mrs. Hansen's wrists behind her back. After all, if her hands were free, she might have been able to gather more names on her petition.

Next came the ride to the local jail, where Mrs. Hansen and her son were incarcerated with unsavory types in a community cell until one o'clock a.m. Mrs. Hansen was sustained during this demoralizing experience by knowing she was in the right.

The transportation center remained unapologetic, demanding the power to arrest all those who gather signatures unless they fill out a detailed government form, specify future dates for the petition activity, and obtain prior approval from a bureaucrat.

The Las Vegas Review-Journal asked, "Why are these people being harassed, and even jailed? ... You remember the Constitution, don't you, officers? It's that faded old document that charges you with protecting our liberties -- the reason citizens fund your paychecks."

The battleground then shifted to the courthouse. Finally on a level playing field, the grandmother routed her more powerful opponents.

After hearing exhaustive testimony and working late into the night, state district judge Kenneth C. Cory handed Mrs. Hansen total victory. He enjoined the transportation center, the director of Motor Vehicles and other public entities from "intimidating or preventing" Mrs. Hansen and her associates "from the full enjoyment of their constitutional rights to free speech and to obtain signatures of individuals on initiative and referendum petitions."

Judge Cory also extended the deadline for collecting signatures to qualify for the ballot. It now appears likely that the voters will be able to repudiate the massive tax increase that was rammed through the legislature.

A second referendum supported by Mrs. Hansen may also be put to the voters. Recognizing the problem of legislators who are also employed by state or local government, she seeks an independent legislature free from government bias.

When government employees also serve in the legislature or other elective office, that provides a powerful incentive to continue the cycle of tax-and-spend. Thanks to the valiant efforts of Janine Hansen, it looks like Nevadans will have the opportunity both to roll back a tax increase and to improve their system of government.