VIEWPOINT

What Does Paycheck Protection Protect?

By BOB ADAMS

California's Campaign Reform Initiative promises to end Big Labor's statewide forced-dues-for-politics operation. But the measure offers only false hope to frustrated workers forced to fund Democratic Party politics.

Proposition 226 would make union bosses seek written approval before spending workers' compulsory union dues on campaigns. Voters will decide the merits of the idea June 2. Upon closer scrutiny, the protections promised to California's workers don't amount to a hill of beans.

In fact, after listening to the glowing predictions of CRI's proponents, you'd never know that the initiative is effectively impotent. It does not — indeed, *cannot* — affect union dues spent on federal candidates. It only skims Big Labor's massive soft money campaign. And it excludes a multitude of other non-bargaining activities.

The Federal Election Campaign Act, amended by Congress in '74 and upheld by numerous federal court decisions, "supersedes and pre-empts any provisions of state law with respect to election to federal office."

As such, CRI will only affect those compulsory union dues funneled to Big Labor's favorite state politicians. That means Al Gore, Sen. Dianne Feinstein, D-Calif., and Sen. Barbara Boxer, D-Calif., will still reap the benefits from workers' paychecks.

And CRI only skims Big Labor's soft money campaigns. True, the measure does cover campaign literature, phone banks and in-kind donations. But it *excludes* voter registration drives and cannot track compulsory dues used as seed money for campaigns.

What's more, CRI does not cover a multitude of other non-bargaining activities. To name just a few: lobbying, union organizing drives, bankrolling foreign political movements and hiring criminal defense attorneys to defend corrupt union bosses. Workers are protected from these abuses by several U.S. Supreme Court decisions, such as Lehnert vs. Ferris Faculty. But these decisions are enforced sporadically.

Workers also are entitled to an independent financial audit of how their dues are spent. But few are aware of this right. CRI fails to include any of these vital constitutional protections.

Still, CRI backers hype the cause by pointing north to the supposed success of Washington state's political spending referendum. But again, the truth just doesn't follow the labeling.

Before the Washington measure passed in '92, the Washington Education Association collected nearly $600,000 in dues for politics. After it passed, the WEA raised its take to more than $900,000, just by changing the way it collected compulsory union dues from workers' paychecks.

Washington's attorney general, Christine Gregoire, has given Big Labor her blessing. The state's top lawyer reads the law to allow union officials to spend general funds freely on politics. The Evergreen Freedom Foundation is suing the state to enforce the law.

But if Big Labor got around the law in Washington, it will find a way to get around it in California.

Prop. 226's backers insist that their measure is a small step in the right direction. But it's really a setback. By taking steam out of the legislative pressure cooker, true and meaningful reform could be set back for years. And CRI legitimizes the state and federal sanction of compulsory unionism.

Worse yet, House Speaker Newt Gingrich, R-Ga., and Senate Majority Leader Trent Lott, R-Miss., want to take this disastrous cause national. That bodes ill for workers demanding true freedom from the abuses of compulsory unionism through right-to-work legislation. Colorado, for example, may be only a governor away from a state right-to-work law.

No matter what the outcome of Prop. 226, Big Labor will score a victory in the long run.

If it is passed, California workers — cruelly bombarded with false hopes for months — can only conclude that union political spending is a thing of the past. This false sense of security buys organized labor years to extract even more forced dues for politics.

And if CRI loses, organized labor achieves a public relations coup, energizing its activists and convincing lawmakers that they'll be steamrolled if they cross Big Labor.

Forget the initiative process. A national right-to-work law — which would strike language from the National Labor Relations Act and the Railway Labor Act — is the solution for workers trapped under the thumb of unionism.

Two good right-to-work bills are languishing in Congress right now. A vote there — placing House and Senate members on record — would show American workers once and for all who their friends really are.

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