MICHELLE MALKIN / *Times editorial columnist* 4/28/98

Piercing the popular myth of 'paycheck protection'

George Will fell for it. So did William Safire, Steve Forbes, the Wall Street Journal, National Review, Heritage Foundation and a galaxy of GOP pundits in the other Washington.

They are aflush over "paycheck protection" gislation, the vaunted law pioneered here Washington state requiring unions to tain written permission from members fore spending their compulsory dues on litical activities. California voters will cide the fate of Proposition 226, a pay-eck-protection mandate modeled after our itiative 134, on June 2.

The Golden State is getting national tention just for considering this "trend-tting" — but ultimately futile — cam-ign-finance reform fix. Republicans are ling all over themselves in the media rth-making gold rush. Never mind that I-4 has been easily thwarted by our state's ion leaders for the last six years. Conser-tive conventional wisdom says Califor-'s Prop. 226 is an "infectious idea" that lmost certainly will radically reduce un-is' political muscle" (Will). Passage will ark a "prairie fire" that will "spread rough a score of states and consume mocratic control of union coffers" (Sa-e).

The hype-prone backers of paycheck otection cite Washington state's exper-ice as proof positive that the regulatory ategy will liberate millions of union mem-rs forced to contribute dues for labor itics.

"If the experience in Washington state ds," the Wall Street Journal recently ated, "the 'paycheck protection' move-nt has the potential of enacting that rare enomenon: a campaign finance reform t is genuinely popular, easily understan-dable and workable all at the same time."

Workable? Try work-around-able. As the paycheck-protection bandwagon tirelessly reminds us, there was a precipitous drop in the number of public school employees who willingly contributed to the political action committee of the state teachers' union after Initiative 134 passed here in 1992. But the rest of the story — the story the other Washington has conveniently ignored — isn't so rosy. No longer able to collect dues for political purposes without consent, but still able to compel general dues collection, the state teachers' union simply redefined its "political" program as a "Community Outreach Program" and — voilà! — $924,000 in political contributions began pouring into its coffers as of April 1993.

That's 60 percent *more* in annual political funding than the union collected before I-134 passed. Some protection.

If the experience in Washington state holds, unions across the country will have an easy time — on members' dime — inventing new and improved ways to divert compulsory dues to fund campaign activities. And state law-enforcement officials will support them. In a recent toothless settlement, Washington state attorney general Christine Gregoire ordered the Washington Education Association to return a paltry portion of illegally collected and spent dues to teachers — but allowed the union to continue extracting and spending general funds on politics as long as the group's "primary" purpose is not political.

Paycheck-protection pushers want to replicate I-134-type legislation in all 50 states. Even if the rest of the country were blessed with state attorneys general who enforced the law strictly and unions that followed both letter and spirit, the proposed laws would still only have a marginal effect on overall Big Labor political spending. The state mandates wouldn't do a thing to reduce massive union expenditures on lobbying, party-building (guess which party) and soft-money issues advocacy.

True, unions may no longer be able to subsidize political ads that say "Vote for Sen. Patty Murray, a true friend of public schools." But under a paycheck-protection regime, they could use unlimited dues to fund ads that urge viewers to "Call Sen. Patty Murray and thank her for supporting increased federal spending for public schools." That's not political, see. It's educational.

The real trailblazers for paycheck protection are toiling away in the courts. Two lawsuits are in the discovery stage. One, by the Olympia-based Evergreen Freedom Foundation, challenges the attorney general's interpretation of paycheck protection. The other is a federal class-action suit on behalf of nearly 3,000 Washington state educators. The case eschews futile regulatory tangos. Instead, it directly challenges the constitutional grounds for collecting automatically deducted dues spent on all types of politics and non-collective bargaining activities.

Jeff Leer, a Sedro-Woolley gym teacher who spearheaded the federal action, has been threatened by the union; two other pioneering teacher-plaintiffs from Washington state, Barb Amidon and Cindy Omlin, have been slapped with a ludicrous "trademark infringement" lawsuit. Meanwhile, the union continues to collect some $60,000 a month in mandatory Community Outreach Program dues — some of which, no doubt, will find its way to fund "educational" attacks on the very teachers trying to protect members' pocketbooks.

The unsung results of our experience with paycheck-protection legislation are clear to anyone who will take the time to look: smaller paychecks. Bigger campaign war chests. Continued harassment. A fleeting sense of security. Stefan Gleason of the National Right to Work Legal Defense Fund, which represents the teachers pro bono, notes: "As long as union officials have the power to seize union dues involuntarily, legislative schemes attempting to regulate the coercion will invariably fail."

This isn't inflamed Beltway punditry. It's the wet-blanket truth.

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