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State of the Unions

Should you pay for someone else's opinions? A teachers union thinks so.

BY STEPHEN MOORE

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SPOKANE, Wash.--Teachers unions are supposed to promote the financial interests of, well, teachers--but not in Washington state. Here, the Washington Education Association is fighting some 4,000 nonmember teachers who don't want their paychecks raided each year and used for political activities that they don't believe in. "The right of free speech is being trampled" by the union political spending, complains Scott Carlson, a business teacher in Spokane. "And that's a right I hold very precious."

Too bad the unions don't. The WEA derisively refers to teachers like Mr. Carlson who want their money back not as free-speech advocates but "dissidents." The goal is to squash these dissidents by overturning Initiative 134, a law--approved by 72% of Washington voters in 1992--that requires unions to obtain written approval from teachers before dues are spent on campaigns or candidates. Back in March, the unions got a surprising assist from the state Supreme Court, which ruled that the paycheck protection law places "too heavy" a burden on the free-speech rights of the union.

The case has now been bumped up to the U.S. Supreme Court, which will hear oral arguments in January--in what could be the most important First Amendment decision in years.

At issue is whether workers have the right to effectively declare themselves conscientious objectors to the unions' multimillion-dollar political war games. "All we are saying is that no one has the right to take our money and spend it on causes we don't believe in," insists Cindy Omlin, a recently retired speech teacher in Spokane. "If you want my money, ask for it, like private charities, political candidates and businesses do." Ms. Omlin was one of 250 teachers who successfully sued the WEA in 2002 to get half their dues refunded after a Washington superior court found the union guilty of "intentional violations" of the paycheck protection law.

The union retaliated with lawsuits and other intimidation tactics to shut her up. It's one reason she's not teaching anymore. "We're constantly called 'freeloaders' and 'enemies of public education,'" she notes with a mix of frustration and resentment. Another nonunion teacher in Seattle, who asked to remain anonymous for fear of reprisals, says that the WEA openly invites retaliation by widely distributing lists of the outcasts: "Believe me, sitting in the faculty lounge is no picnic. You always have to look over your shoulder."

The actual money at stake for these 4,000 teachers is relatively modest--ranging from \$50 to \$200 in rebated annual dues--which makes their crusade all the more principled. But it's a boatload of dollars to the unions. Since 2000, the WEA has spent nearly \$10 million on political campaigns, PAC contributions and lobbying, according to the state's public disclosure commission. The union's political war chest ranks in the top five in the state in terms of money raised and spent.

The Washington Supreme Court defended its ruling by arguing that the benefit to the individual teachers was trivial compared to the "heavy administrative burden" that complying with paycheck protection would impose on the union. That attitude incenses Jeff Leer, who for 10 years has been a phys ed teacher outside Seattle. In an interview, Mr. Leer fumed: "I wonder how these justices would feel if I reached into their pockets and took \$200 to support causes they don't believe in." He told me that when he investigated the candidates that his union dues were going to support, "it was nearly 100% opposite of the way I voted. How is that fair?"

Mr. Leer is by no means alone. Nationally, about one-third of union workers voted Republican in recent elections, but more than 90% of the union campaign cash that is forcibly extracted from their checks goes to help elect Democrats. The unions also know all too well that when members are given the right to opt out of paying dues for political causes, they do. In the year before Prop. 134 was enacted in Washington, 48,000 teachers made "voluntary" contributions, but in the last election cycle that number dwindled to 4,537, according to a study by the Evergreen Foundation, which has been involved in this legal tussle for about a decade. In Colorado and Utah, similar rules requiring unions to get affirmative consent from members for political activities led to a 70% to 90% reduction in dues collections. Giving workers the freedom to choose is a dose of arsenic to the union political agenda.

What shouldn't be a close call is the outcome of this case. The Washington law states unambiguously that a union may not use dues "for political purposes without the affirmative consent of the nonmembers from whom the excess fees were taken." The Washington Supreme Court somehow twisted these words to mean that the unions can spend as they wish unless workers object and affirmatively opt out. That's a big distinction, because the unions make it as time-consuming and cumbersome as possible to get the money back once they snatch it.

The Supreme Court also has an opportunity to define what the First Amendment "right of association" means. What it ought to mean is that both parties voluntarily agree to associate and that Americans have a constitutional right to *not* associate. The unions are arguing for the right to collect dues coercively from every instructor who stands up in front of a public school classroom.

In Washington and many other states where paycheck protection is under debate, the teachers unions pass out signs and bumper stickers to their members that read: "Let Teachers' Voices Be Heard." In California last year they waved these signs at public forums while they shouted down teachers who got up to explain why they didn't want to fund the union's leftist politics. The irony was evidently lost on the union helpers. The Supreme Court can now ensure that the First Amendment means that every teacher's voice must be heard--whether they are in a union or not.

Mr. Moore is a member of The Wall Street Journal's editorial board.

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