



Union-Busting at the Ballot Box

It's unions vs. the Governor in another nasty ballot-proposition showdown

By [Bobbi Murray](#)

Governor Schwarzenegger got hit a couple of weeks back - only figuratively, as befits an action hero - but it did cause him a little explosion of bad PR. He showed up for a photo op with some firefighters working the annual wildfire in Topanga Canyon, and they later admitted it was only pressure from higher-ups that made them stop and smile. They would never have volunteered to cheek-by-jowl it with Schwarzenegger, they said, given what they see as his attacks on both their integrity and their family survivor benefits.

The bad press was the latest blowback from the months-long campaign by Schwarzenegger and his handlers to position public employees like firefighters and nurses as the No. 1 source of California's problems. The rank and file have in turn kicked the governor vigorously in the shins - especially nurses, who have dogged Schwarzenegger's appearances. These employee counterattacks have played well with the public and have contributed to Schwarzenegger's sinking standing in the polls, even as he campaigns aggressively for four ballot initiatives in the upcoming November 8 special election.

Of the two ballot measures pushed by the governor that would directly affect unions, Proposition 75 - dubbed "paycheck protection" by supporters - looks to be the money shot. If passed, the measure would force public-sector unions to go through an annual process to ask workers' permission to use dues for most political battles. That would force unions to spend millions on cumbersome reporting systems and hamstring efforts to respond quickly and efficiently in political fights. Critics point out that corporations use shareholders' funds to take political positions - indeed, they have funded initiatives on this fall's ballot - without having to ask similar permission.

A legal battle launched by the National Right to Work Legal Defense Foundation suggest what is at stake for anti-union groups. The foundation filed suit last month against the California Teachers Association (CTA) to block the union from using a \$60 dues hike to fight Schwarzenegger's initiative slate. Earlier this month, a judge ruled against the foundation efforts to get a temporary restraining order.

That foundation works hand-in-glove with the National Right to Work Committee, founded in 1955 to thwart workplace organizing. Other Washington-based conservatives have also indicated a keen interest in the California battles. Kevin de Leon, a CTA representative, reports that White House political adviser Karl Rove has convened chats about advancing the notion of "paycheck protection" and is keeping a close watch on California. "These guys are playing three-dimensional chess," says de Leon.

Representatives of the libertarian Cato Foundation testified on Capitol Hill in favor of an as-yet-unsuccessful bill that would make the dues restrictions a matter of federal policy. There is a similar initiative

balloon set to launch in Oregon. "I imagine we'll see an infusion in the 2006 elections if they're successful in California," says Kristina Wilfore of the Ballot Initiative Strategy Center in Washington, D.C.

The governor called the special elections, estimated to cost the state \$40 million, to push through measures he touts as "reform." Political observers note that all but the most conservative voters tend to ignore special elections - something that evidently figured into the governor's political calculus. While most of the measures trail in the polls (as does support for the election itself), Proposition 75 approaches 50-50. This is bad news for unions. And worse news lies in other polls that show the measure with a slight edge among union members themselves. The national labor federation, the AFL-CIO, might have ridden to the rescue in the past, but it's preoccupied with a historic rupture that took nearly half of its rank-and-file members and a big chunk of its budget.

The rest of the governor's initiatives are polling badly - but, with lots of cash moving around and only weeks to go, that could easily change. Remember 2004?

Another initiative Schwarzenegger champions, Proposition 74, has thrown him directly against California's teachers, a foe as formidable and popular as the nurses and firefighters.

Proposition 74 is aimed at fixing what supporters claim is the central flaw in California's struggling public school systems - a surfeit of bad educators protected by rules that make it impossible to fire them. The initiative would extend the probation period for new teachers from its current two years to five, and allow dismissal after two consecutive unsatisfactory evaluations. It would also eliminate the 90-day period now permitted for teachers to improve their performance.

Proponents call it the "Putting Kids First Act." Opponents have dubbed it the "Punish the New Teachers Act." As with most ballot propositions, a look at the supporters and opponents can tip off a voter to what it's really all about.

The CTA is the key opponent of Proposition 74 and a leading force in the labor coalition, the Alliance for a Better California. The CTA and the alliance claim Proposition 74 would likely lower wage and work standards for teachers overall, not just new ones. Longer probationary periods would make it easier for districts to fire teachers while their salaries were still low. Replacements would be more low-salaried probationers.

The ballot statement from the state of California's chief legislative analyst points out the pitfalls for teachers no longer on probation. "Due to the proposition's modifications to the dismissal process, school districts might experience greater turnover among permanent teachers," the statement says. That could save districts money in the short term. But the analyst warns that job insecurity may mean the districts have to offer more money to attract teachers, raising costs.

With all the challenges California public schools face - the state ranks 41st in per-pupil spending in the nation, while big-city districts like L.A. Unified have to cope with the effects of widespread poverty - opponents question why Proposition 74 designers came down hard on teachers.

Martin Ludlow, head of the County Federation of Labor, shakes his head in amazement. "It's like saying that the reason a 1960 vehicle is not running at top performance is because the guy driving it doesn't know how to drive," he says. "That's just outrageous. It's because you haven't kept the vehicle up."

Meanwhile, the website Joinarnold.com argues that unions "have created a maze of complex rules and requirements designed to protect poor-performing teachers from dismissal. In fact, California is one of only 10 states in the nation with such requirements."

Initiative supporters include corporations and individuals hostile to the notion of a public sector itself. The Proposition 74 campaign chair, Margaret Fortune, is a longtime champion of school vouchers, rerouting public-education money to subsidize private-school tuition costs. As idealized by conservative legislative think tanks like the Heritage and Cato foundations, vouchers would completely defund the public school system and turn education into a Wild West of free-market competition with little oversight. California voters rejected the notion at the polls in 1993.

Ideological issues aside, there is growing interest on Wall Street in so-called EMOs - educational maintenance organizations - private companies brought in to manage public schools. There are perhaps a half-dozen of them now nationwide. Education is the third largest non-privatized industry in the U.S., offering dizzying national potential even beyond California's \$50 billion school budget.

Donors to the Proposition 74 effort include the governor's California Recovery Team, which poured more than \$1.2 million into supporting the measure. The famously wage-squeezing Wal-Mart weighed in with \$100,000. Heir John Walton is a longtime voucher supporter. Jerrold Perenchio, billionaire founder of the Spanish-language TV network Univision, has kicked in \$1.5 million. His donations to voucher efforts in the past have topped \$1 million. Employees in his Fresno newsroom went on a hunger-strike in 2000 in an unsuccessful bid to resolve a contract dispute.

And then there is the governor's infamous ability to get nasty when the fight is really on. Look for more fireworks in the next two weeks.

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