



## Campaign Finance Reform Must Recognize Workers' Rights

by Robert Hunter

### Summary

As Congress considers various “campaign finance reform” proposals, it should incorporate into any final legislative package the rights of workers not to be forced into paying for their unions’ political agendas. “Paycheck protection,” which requires unions to obtain up-front written permission before spending dues on political activities, is one way to safeguard workers’ rights.

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As Congress sifts through various campaign finance reform proposals, it will be squandering a golden opportunity if it fails to incorporate the rights of workers affirmed by the 1988 U.S. Supreme Court decision, *Communication Workers v. Beck*. A legislative package that leaves some unionized employees in the position of being forced to pay for political causes and candidates they personally oppose should get a well deserved thumbs-down.

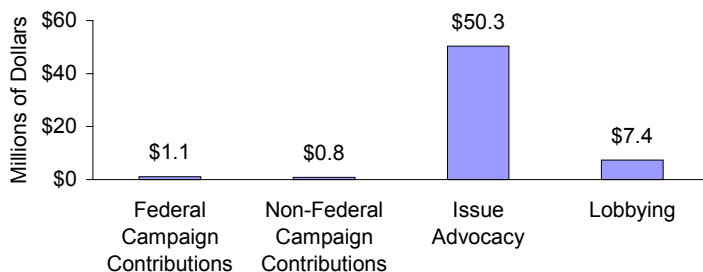
If the goal is to eliminate abuses in the political process, then it’s essential that legislators address the vast and corrupt—yet largely hidden—system of political financing employed by organized labor. Union officials routinely take dues money from both members and nonmembers at unionized work sites—money that is supposed to be spent on legitimate union business such as collective bargaining—and divert it to political activities of all sorts.

The Beck decision declared that workers are entitled to know what portion of their money goes for politics and, if they object, to get that money refunded to them. As it turned out, no more than 21 percent of the dues and fees required of plaintiff Harry Beck were “expended on collective bargaining matters.” Almost 80 cents of every dollar Beck was forced to pay to his union, the Communication Workers of America, was used for political, partisan, or social causes and was therefore refundable.

In another U.S. Supreme Court ruling that had its origins in Michigan, the Court found in favor of James Lehnert, a professor at Ferris State University and a member of the Michigan Education Association (MEA), the state’s largest union of cooks, janitors, bus drivers, and teachers. The MEA maintained that only 20 percent of Lehnert’s union payments went to its political and non-bargaining efforts, but as in the Beck case, the Court found that the figure was closer to 90 percent. Unfortunately, unions won’t

### Unions Spend Millions of Dollars in Forced Dues on Politics

*In the 1997-98 election cycle, the AFL-CIO spent members’ dues money on...*



*Source: Data from the Annenberg Public Policy Center, Center for Responsive Politics, Common Cause, and Federal Election Commission*

Much of the money unions such as the AFL-CIO spend on promoting their political agenda is coercively taken from the paychecks of workers who may personally oppose that agenda.

voluntarily notify their members of these rulings or their rights, and most politicians have been afraid to follow up the Supreme Court's rulings by actually enforcing them.

Every month, almost 9.5 million U.S. private-sector workers—over 660,000 of them in Michigan—pay their dues to labor unions. About 91 percent of those workers belong to a union and the remainder are dues-paying nonmembers who have exercised their right not to join, though they must still pay “agency fees” to a union. A large portion of those funds continues to be spent on union partisan politics without the consent of those workers who are forced to pay dues in order to work.

The highly touted McCain-Feingold bill purports to “reform” the campaign financing system by putting Beck rights into the law, but it does so in a way that is not only inadequate, but harmful to the interests of America's workers. Here's why:

- The bill leaves out millions of workers who are not covered by the National Labor Relations Act, including airline and railroad workers and state and local government employees;
- The bill denies workers access to the federal courts, which they enjoy now, and instead forces them to take complaints against their unions to the National Labor Relations Board, a body dominated by Clinton appointees who have shown hostility to workers' Beck rights; and
- The bill eliminates current union financial disclosure requirements that allow workers to decide whether or not they wish to pursue a complaint.

As an alternative, President Bush is insisting on “paycheck protection,” a proposal long advocated by the Mackinac Center that would give all workers forced to pay union dues the right to say yes or no in writing before their money is used for political purposes they find objectionable.

Paycheck protection is the answer to McCain-Feingold's shortcomings because it respects each employee's individual right to decide if he wants money deducted from his paycheck for non-workplace union activities. Paycheck protection does not inhibit a union's ability to solicit political contributions voluntarily. All it does is require that whatever workers decide to give to their union for such activities, they give it of their own free will.

Any union that finds itself unable to persuade members to voluntarily provide funds for political participation should ask itself whether it is truly acting in the best interests of workers. And any bill that purports to be “campaign finance reform” but doesn't enforce Beck rights leaves too much abuse in place to be worthy of the name.

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**(Robert Hunter, a former member of the National Labor Relations Board, is director of labor policy for the Mackinac Center for Public Policy in Midland, Michigan. More information on labor reform is available at [www.mackinac.org](http://www.mackinac.org). Permission to reprint in whole or in part is hereby granted, provided the author and his affiliation are cited.)**

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