

# OPEN SHOP GAZETTE

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Columnist Martin Wisckol had a column in the July 5, 2010, *Orange County Register* and as usual, dealt with the current political climate.

“Meg Whitman is trying her hand at a manner of union busting – and her degree of success will help determine whether she’s elected governor in November.

Several major labor unions have launched campaigns to elect Democrat Jerry Brown, with the California Nurses Association taking a particularly aggressive tack. Even before the primary, a delegation from the union was dogging billionaire Whitman at public events, dressing up in Whitman wigs and featuring its own Queen Meg. A sampling of its satirical slogans: “Only The Rich Deserve Health Care.” “Rich Enough to Rule.” “We can’t afford our democracy so why not try a monarchy?”

The nurses union has set up a Facebook page. It’s bought ads on Spanish-language radio, reminding Latino voters of her strong “no amnesty, no driver licenses, no sanctuary cities, no state universities for illegal immigrants” language during the primary. It is also planning to launch a campaign targeting women voters.

Whitman has struck back by setting up her own website for nurses. She points out that only 1 in 4 nurses here belong to the statewide union. She has done two mailings so far to California nurses. Her poll of nurses shows Whitman and Brown in a statistical dead heat (the nurses union counters that the poll methodology was rigged).

“The radical union leadership doesn’t represent the views of the average California nurse,” said Whitman spokeswoman Sarah Pompei.

One thing both sides acknowledge is that former eBay Chief Executive Whitman will swamp Brown

when it comes to campaign spending. While unions are unlikely to level the financial playing field, they can decrease the slope – and supply considerable volunteer manpower.

“There’s no question these unions are playing a critical role in the re-election of Gov. Brown,” said Pompei, whose partiality to words “re-election” and “Gov. Brown” reflect the Whitman campaign characterization of him as an old-time politician. “His campaign is very dependent on their efforts.”

In turn, the union portrays Whitman’s outreach to nurses as an extension of an imperial campaign.

“Whitman is acting like a bored billionaire who thinks her enormous wealth will enable her to buy the votes of nurses, while seeking to destroy their collective voice, just as she thinks she is entitled to own the governor’s office,” said Deborah Burger, co-president of the nurses union.

The political landscape of the dispute is simple: The unions expect to get better treatment from Brown than from Whitman. Besides the nurses, unions working to defeat Whitman include the California Labor Federation, the California Federation of Teachers, the California Correctional Peace Officers Association, the California State Employees Association and the Service Employees International Union.

But things get squishy when it comes to specific issues. The nurses union criticizes Whitman for saying she’d “strongly encourage” California’s attorney general to challenge the new federal health overhaul law. But it also claims she would fire nurses and cut back on patient care, and cut \$7 billion from educational spending.

Whitman says she supports current nurse staffing levels. She has made no public comment – includ-

ing when asked directly – if education funding would be affected by her proposed \$15 billion in cuts, saying only that she will get more money into the classroom.”

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The following editorial appeared in the *Orange County Register* on July 2, 2010.

“Battle lines are being drawn in the legal challenge by the county Board of Supervisors to the constitutionality of retroactive pension enhancements for county public safety workers. Jerry Brown, the State Attorney General and Democratic candidate for governor; announced his opposition to the board’s lawsuit; a major California legal watchdog group, meanwhile, pledged its support for the suit.

The intervention in the case of Sacramento-based Pacific Legal Foundation demonstrates to us the importance of the case and its potential implications for pension reforms among many levels of government and public workers in California and beyond. Jerry Brown’s position only seems to point out that here he is out of touch with voters, who are unhappy at these costly deals.

The board in 2001 voted, wrongly in our view, to include past service when boosting pension benefits for public safety workers. The retroactive benefits were conferred upon public safety officers and retired public safety employees in 2002. Basically, the decision gave workers a raise for work they had already done and by doing so, placed a new \$100 million burden on taxpayers. A later group of supervisors, led by John Moorlach, filed suit, contending that the retroactive increase amounted to an illegal gift of public funds.

On Tuesday, PLF and the Fullerton Association of Concerned Taxpayers announced they had filed a court brief in support of the board’s lawsuit. The brief contends taxpayer rights were violated because voters were not given a chance to approve the pension boost. The foundation’s attorney, Harold

Johnson, said in a statement that “the California constitution says local governments can’t encumber taxpayers with long-term public debts or liabilities without asking voters’ approval.”

If Mr. Johnson is right, and the benefit is overturned, it would be a major victory for taxpayers and a blow to public unions.

PLF’s involvement signals the national importance of the challenge and the precedent a victory might set. Such an outcome would likely precipitate more challenges, such as to the county’s 2004 retroactive pension spike for other county employees.

Mr. Brown has criticized the supervisors’ suit. Deputy Attorney General Hiran Patel said, “If this court adopts the county’s unprecedented claim that permitting enhanced pension benefits based on prior years of public service is unconstitutional, statutory schemes spanning 97 years will be rendered invalid, and the bargained-for pension benefits of at least 947,000 state and local public employees and their families could be adversely affected.” As Register Watchdog reporters also noted, his brief in opposition to the board lawsuit called it “radical.”

What is really radical is the \$3.7 billion unfunded pension gap the county faces, of which the retroactive pension spike accounts for about \$100 million. Mr. Brown, supported for governor by a number of public worker unions, discounted the lavish benefits given to county workers. We’d like to hear what he would do about the runaway pension situation.”

