



SUMMER 2016

Viewpoint

THE QUARTERLY MAGAZINE OF WASHINGTON POLICY CENTER



THE REBECCA FRIEDRICHS STORY

HOW ONE TEACHER BECAME A LEADER
TO END FORCED UNIONISM

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Viewpoint

THE QUARTERLY MAGAZINE OF WASHINGTON POLICY CENTER

SUMMER 2016

Dear Friends,

It's hard to believe how quickly 2016 is flying by! The 2016 regular and special legislative sessions have come and gone, and there is much to celebrate and much to continue to work toward.

Washington Policy Center was hard at work during the sessions on several key areas, including charter schools. After the state supreme court overturned the voter-approved law, we immediately launched an extensive "Save Charter Schools" project. During the session, a bill fixing the law to protect the future of our public charter schools was passed with bi-partisan support by the Senate and the House. In the end, the governor neither signed nor vetoed the bill, allowing it to become law and protecting this important public education choice for families.

As part of our three-year strategic planning process that guides our organization, we are excited to announce a new research arm: The WPC Initiative on Agriculture. This new policy area will be led by a full-time research director beginning this summer, who will focus on agriculture and farming issues across our state. You can read more about this exciting, new project and its mission on page four.

In this issue, you will find pieces written by our policy experts including one on the Affordable Care Act now at the six-year mark; as well as an article about Rebecca Friedrichs, a teacher and lead plaintiff in the landmark *Friedrichs v. California Teachers Association* lawsuit, who spoke at our recent Solutions Summit policy conferences.

I am also excited to announce that our Eastern Washington Annual Dinner will be held at the Davenport Grand Hotel in Spokane on September 20th while our Western Washington Annual Dinner events, including our Young Professionals Dinner, will be held at the Hyatt Regency in Bellevue on October 7th. You can find more information on our website about these popular events that always sell out, and stay tuned for our speaker announcements.

We hope you enjoy this issue of *Viewpoint* and find the news and analysis valuable and informative. As always, we invite you to share it with your friends, family and at your office.

Very truly yours,



Dann Mead Smith
WPC President



Viewpoint is the quarterly magazine of Washington Policy Center, an independent Washington state-focused think tank.

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Cover photo: WPC's Erin Shannon interviewing Rebecca Friedrichs at Solutions Summit

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Agriculture on the agenda

Washington's National Rank In Ag Production



Apples
1st

Potatoes
2nd

Lentils
3rd

Wheat
4th

Milk
10th

FIFTY-ONE BILLION DOLLARS of the state's yearly economic output comes from Agriculture (Ag). It's an economic output that deserves focus and Washington Policy Center is committed to making that happen.

WPC recently announced expansion of its research team into the area of Agriculture. Currently, WPC focuses on six areas of research: Education, Environment, Government Reform, Health Care, Small Business & Labor Reform, and Transportation.

This summer, we'll be adding a seventh research arm to focus on Ag – its impact on the state, the regulatory burden facing farming families, the importance of water availability and much more.

An Agricultural Policy Research Director will join the WPC research team in the coming weeks and will be working with WPC's Environmental Center Director Todd Myers.

Some of the state's top lawmakers have already praised WPC's plans to expand its work.

"Having a research organization like WPC committed to studying these issues will be critical to finding common sense solutions," explained State Senator and orchardist Linda Evans Parlette of Wenatchee.

WPC's Ag director will provide citizens and state and local lawmakers with practical ideas for improving the state's Ag climate, eliminating barriers to success, protecting resources and strengthening the future of Washington's important Ag sector through in-depth research, Policy Briefs, Opinion-Editorials and events. Our first study, *Agriculture: The Cornerstone of Washington's Economy*, was released this spring.

Washington state ranks 14th nationally in overall commodity production and is in the top five in the nation in many categories (see chart).

Our state's agricultural landscape is as diverse as its topography. In fact, more than 300 different crops are grown in the state – a diversity of production second only to California.

Washington state leads the country in apple production, with a yearly value that can exceed \$2 billion (2013). No other state comes close to Washington's apple yield, which comprises more than 66 percent of total U.S. production. The other states among the top five – New York, Michigan, Pennsylvania and California – all lag well behind Washington.

While Idaho is known for famous potatoes, Washington is also a top producer. Nearly 20 percent of total U.S. production comes from our state, compared to 24 percent from Idaho.

Among all agricultural commodities, the red raspberry market is where Washington state produces the largest share – more than 90 percent of the nation's production.

While most of the state's crops are grown in sun-drenched Eastern Washington, dairy farms are scattered across more than two dozen counties, particularly in Yakima, but also in Western Washington. The output of Washington's dairies is impressive: the state ranks 10th in total U.S. milk production and 4th highest in milk production per cow.

All of the statistics show why Washington agriculture is such a critical part of our state's economic success and why solid research by WPC will be important in the years to come.

"I appreciate the good work done by the Washington Policy Center at the state and national level, and I'm pleased to hear about this expansion of the organization's critical work," explained Congresswoman Cathy McMorris Rodgers, who grew up on a farm in Colville.

Though Washington state is known for advanced technology and airplane production, the number of people working in both the growing and food processing industries surpasses 160,000 – more than Microsoft and Boeing employment combined.

"Washington's farm families and food processors do much more than provide a huge economic benefit to the state," said WPC Environmental Center Director Todd Myers. "They provide us with food security. Our new research arm aims to keep it that way."

Deceptive Photo Shows “What’s Upstream” Billboards are All Hat, No Cattle



by Todd Myers, Director,
Center for the Environment

This blog appeared as an
Op/Ed in The Grant County
Journal



www.bigstock.com · 2287137

Are Amish cows invading Washington state? A close look at some new billboards indicates that might be the case.

Pitting farmers against salmon, billboards showing cattle standing in a stream have appeared in Washington state asking the question “What’s Upstream?” The billboards claim “Unregulated agriculture is putting our waterways at risk.”

The Capitol Press has focused on the fact that the billboards were funded illegally – using a grant from the EPA that doesn’t allow political advocacy. They note, “A What’s Upstream billboard in Olympia came down Wednesday, and a second one in Bellingham was expected to be removed, a day after the Environmental Protection Agency said the media campaign was an inappropriate use of federal funds that were awarded to a tribe for public education.”

There is another aspect of the billboard that hasn’t been emphasized: the picture isn’t in Washington state.

The billboard features a photo of three cows standing in a stream, the implication being that farms upstream are violating water quality standards and harming salmon. The billboard claims such activity is “unregulated.”

That, however, is simply false. There are strict rules governing impact to streams. Washington state has strict regulation on the impact of livestock on water for this very reason. As the Department of Ecology notes, “There are many laws and regulations that apply to nonpoint sources of pollution, including from livestock operations. Washington State’s Water Pollution Control Act (RCW 90.48) makes it illegal to cause or contribute pollution to streams.”

Maybe that’s why the public relations firm hired to create the billboard used a stock photo that isn’t from Washington state. In fact, the photo used in the billboard is labeled “Amish Cows” on the stock photo site Bigstock. Compare the stock photo on the left with the billboard on the right. They are the same photo.

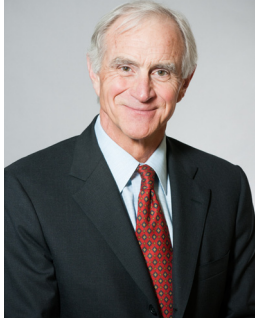
Put simply, rather than finding an actual example of a violation, the designers found a deceptive, stock photo from Amish country and passed them off as being “upstream” in Washington state.

Salmon recovery is contentious. There has been a good working relationship between groups on the Salmon Recovery Council. Pitting farmers against salmon, however, is a losing strategy. Using phony photos only makes it harder to find sustainable environmental solutions.

Sadly, this is what you get when you hire a downtown Seattle public relations firm who doesn’t understand farming and cares more about politics than the facts. One more example that some Seattle environmentalists are all hat and no cattle. 🏔️



Six Years On – Assessing the Affordable Care Act



*by Roger Stark, MD, FACS
Center for Health Care analyst*

Americans have lived with the Affordable Care Act (ACA), or Obamacare, for six years. Success or failure of any government program can be measured in different ways. The most accurate measure is to compare the goals promoted by the law's supporters with actual results.

As background, elected officials in the majority party passed the ACA with no minority party votes. Health care is extremely important and accounts for 18 percent of the U.S. economy. In my view, the partisan vote on the ACA represented irresponsible and undemocratic governing at its worst. Multiple polls, both before and after passage, show that a majority of Americans dislike all or significant parts of the ACA and that they did not want it to become law.

The most important stated goal of the ACA is to guarantee that every American have health insurance. When the law passed in 2010, roughly 50 million citizens had no health insurance. To date only 40 percent of the uninsured have received health insurance through the ACA.

Ten million of these people are insured through the state and federal health exchanges, where the vast majority receive taxpayer subsidies. The other ten million are enrolled in the Medicaid entitlement, a dismal health insurance plan that, except in very specific cases, has been shown to provide no better clinical outcomes than having no insurance at all.

The second important goal of the ACA is to slow the ever-increasing cost of health care. The nonpartisan Congressional Budget Office (CBO) originally estimated that the cost of the ACA would be \$940 billion over ten years. Updated CBO estimates vary from \$1.2 trillion to \$1.7 trillion, but have all been higher than the original estimate.


The ACA is paid for by an increase in taxes and significant financial cuts to Medicare. Many taxpayers have experienced their taxes increasing and seniors are now at risk of losing timely access to health care. On a personal level, individuals, families and employers have all seen their health insurance premiums increase much higher than the cost-of-living or inflation.

The third goal of the ACA was to allow people to keep their existing health insurance. The president told Americans repeatedly that, "if you like your current health insurance plan you can keep it." In Washington state, government officials admit that at least 290,000 people lost their insurance and were forced to purchase ACA-approved plans. National estimates of people who lost their insurance range from three million to eleven million.

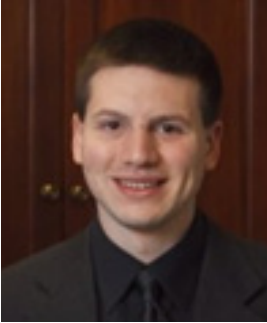
The ACA has clearly not met the goals that supporters promised. Instead it has placed a huge new tax and regulatory burden on Americans. Some taxes, such as the tax on high-value insurance plans, or the "Cadillac Tax," and the tax on medical devices, have been delayed. Yet many taxpayers have already seen a significant increase in their payroll and capital gains taxes.

To date government officials have added over 20,000 pages of new regulations associated with the law. Most of these regulations adversely impact individuals and employers and, in various ways, restrict their health care choices.

The ACA was imperfect from the beginning. The Galen Institute has documented 70 policy changes that essentially have created a totally different law. Of these 70 changes, the Obama administration made over 40 without the required input of Congress. This suggests that either the law was badly written and subject to interpretation, or that the administration has acted illegally. Congress made an additional 24 changes which were signed into law by the president. The U.S. Supreme Court made three significant changes or interpretations.

There is no question that the ACA has helped some people. Unfortunately, those people have received government assistance at an extremely high financial and high freedom cost to the rest of Americans. As Obamacare enters its sixth year, more and more people are looking for alternatives, ones that take a fresh approach to health care reform using patient-centered principles, not more government central planning. 

Capital gains taxes are too unreliable to fund education



by Jared Walczak, Policy Analyst,
Center for State Tax Policy,
The Tax Foundation, D.C.

This Op/Ed appeared in
The Tri-City Herald

Jared was a featured speaker at WPC's two-day Solutions Summit Conference in Bellevue and Tri-Cities. Jared highlighted the problems a capital gains income tax would create for Washington if imposed.

"Economics is a subject that does not greatly respect one's wishes," former Soviet Premier Nikita Khrushchev grumbled. Many an attractive idea has clashed with economic reality — and the harsh realities of the dismal science tend to win out.

Funding public education through a tax on capital gains is superficially appealing. Rather than taxing all income (prohibited by Washington's constitution), recent proposals would tax only a species of income commonly equated with wealth. The stereotype does not always hold true: senior citizens paying capital gains taxes on retirement income, for instance, do not conjure up images of idle wealth.

The most glaring flaw in such tax proposals, however, is this: Some years, capital gains are a pipe dream. Even in the depths of recession, most people are drawing paychecks, and thus paying individual income taxes. They are making purchases subject to the sales tax. Assessed property values may decline, but property taxes continue to flow.

Capital gains are different. In a poor year they all but vanish, making taxes on them remarkably unstable.

The realization of capital gains slid 71 percent between 2007 and 2009, and previous recessions were little better: capital gains slipped 55 percent in 1987 and 46 percent in 2001. Large swings in capital gains are not uncommon, making them a particularly risky tax base. Nationwide, they are the single largest culprit behind state revenue forecasting errors.

Relying on such a volatile revenue source to boost educational expenditures is risky. A revenue stream that can decline this rapidly is not one that can be relied upon to support meaningful long-term investments in public education.

The individual income tax systems adopted in many other states have significant volatility, but much of it is concentrated in capital gains. New York's State Budget Crisis Task Force concluded that overall adjusted gross income declined by 18 percent during the Great Recession, substantially driven by capital gains income, which plummeted 75 percent. "Capital gains are the most erratic, as they depend not only on stock market performance but also on taxpayers' choices about whether and when to sell assets," the study concluded.

Researchers at the Chicago Federal Reserve Bank said much the same thing, writing (as only economists would) that "(t)he cyclical volatility of capital gains tends to have a disproportionate effect on state income tax revenues" and that capital gains "have made state revenues more responsive to the business cycle since the mid-1990s." Economics does not respect one's wishes.


Forty-one states tax capital gains income. In all cases, it is captured by the state's individual income tax and not by a discrete tax on capital gains. Indeed, all states currently treat capital gains as income. Proposals to label a Washington tax as an excise on buying and selling stock, designed to elide constitutional restrictions, fall apart when one considers that the "excise" is imposed on realized gains less losses (that is, income), and not on total share value or financial transactions.

Effective budgeting requires revenues to be predictable and relatively stable, yet the capital gains tax reliability problem is so acute that Massachusetts now prohibits any budget from relying on more than \$1 billion in capital gains revenue. When Washington Gov. Jay Inslee's last budget included a capital gains tax, the S&P rating agency highlighted the difficulty of forecasting revenues from such a tax. In this, they echoed the state's own fiscal analysts, who cautioned that "[c]apital gains are extremely volatile from year to year" and warned that revenue forecasts "could be greatly over- or understated."

Foregoing an income tax is the Washington tax system's competitive advantage, an inducement to individuals and entrepreneurs alike. And make no mistake, a capital gains tax is a form of income tax. Every tax system has its selling point, and this is Washington's — one that could be seriously undermined by capital gains taxation. More importantly, such a tax could undermine the very programming it is designed to fund.

The ability to foresee that some things cannot be foreseen is, as Rousseau once observed, a very necessary capacity. That no one can reliably foresee what capital gains taxes will raise in a given year is the one thing about them that we can foresee.

Can Washingtonians afford to tie education spending to such an unstable tax? 



Legislature acts to save Washington's public
CHARTER SCHOOLS

“What matters is making access to a quality public education a reality for every child.”

- WPC’s Education Director Liv Finne



CELEBRATIONS ARE BEING held at public charter schools across our state following the legislature’s bi-partisan action this legislative session to save the popular option supported by families.

Last month, in Spokane, WPC’s Chris Cargill had the opportunity to emcee the celebration for PRIDE Prep and Spokane International Academy - currently the only two public charter schools in Eastern Washington.

Parents, students, teachers and lawmakers attended the celebration. The program included recognition of and thanks to the men and women who put in countless hours, traveled to and from Olympia numerous times and made dozens of phone calls during the legislative session to urge lawmakers to save public charter schools.

Celebrations were held at other public charter schools throughout the state, that WPC’s Liv Finne was invited to attend.

In 2012 voters passed one of the best charter school laws in the country. Since last fall, eight charter schools serving over 1,000 school children have opened in the communities of Seattle, Tacoma, Highline, Kent and Spokane. The bill passed by the legislature allows 32 additional charter schools, including three charter schools already approved by the state, Summit Atlas in West Seattle, Willow Charter in Walla Walla, and Green Dot Charter in Seattle.

Charter schools are popular because they provide access to a quality education to children living in

communities that are underserved by traditional public schools.

On April 1st, teachers, parents and students across the state were relieved to learn that Governor Inslee had decided not to veto a bi-partisan bill to save Washington’s public charter schools. The Governor didn’t sign the bill either. In a rarely-used procedure, he said he would allow the bill to become law without

his signature. As the constitutional deadline for vetoing bills passed on midnight Saturday, child advocates and school reformers across the state breathed a collective sigh of relief.

Governor Inslee’s action (or inaction) overturned a controversial state supreme court decision that sought to close charter schools. The surprise court decision, announced after the school year had already started, set off a furious seven-month scramble to save these innovative public schools. They made it, by the skin of their teeth.

The sad news is the governor couldn’t bring himself to sign a bill supported by families across the state. This is a bad sign, because the governor didn’t endorse the work of legislators of both parties in passing the bill. It’s a worrying signal that charter schools may again need help against future attacks by the union.

The WEA union tried to close charter schools and failed. Governor Inslee’s concern about the power of the union is understandable, but it would have been better if our state’s top elected leader could have stood up for children and signed the bill.

Still, as we saw last month, the sun is shining on Washington’s public charter schools. 

The Rebecca Friedrichs story: why she is a hero

LAST MONTH WPC took its policy show on the road with the 3rd Annual Solutions Summit events in Eastern and Western Washington. The back-to-back events in Kennewick and Bellevue drew hundreds of attendees; and many of them showed up just to hear Rebecca Friedrichs talk.

So who is Rebecca Friedrichs and why do so many people want to hear what she has to say?

Rebecca Friedrichs is the name behind one of the most important, and potentially game-changing legal cases in recent history. *Friedrichs v. California Teachers Association* was filed in the U.S. Supreme Court by Rebecca and nine other public school teachers who believe the agency fees and union dues they are forced to pay violate their First Amendment rights.

Rebecca shared with WPC and Solutions Summit attendees her story of how she went from a teacher who simply wanted to educate children, to the lead plaintiff in one of the most important legal cases of our time.

A 29-year veteran of elementary-school classrooms in Orange County, Friedrichs has spent nearly three decades battling the politics and policies of the union she is forced to pay to represent her. After years of opting out of the union (but still forced to pay the union “agency fees”) and being shunned, ostracized and labeled a “radical right winger” by the union, Rebecca decided to try make her voice heard and change the union from within.

She became a full union member and served on her union’s executive board as secretary for her local. Even representing the concerns of other teachers, she was stonewalled. The final straw for Rebecca came in 2009 when the Great Recession forced the district to eliminate some teaching positions. Based



on the union's "last in, first out" policy, which prioritizes seniority over effectiveness, a number of outstanding new teachers were going to lose their jobs. Rebecca said these newer teachers had already established themselves as top-notch educators, increasing their students' reading levels and boosting test scores.

Rebecca and the other teachers she represented in the union agreed that losing those teachers would be a great disservice to the students who were benefitting from their tutelage. They decided to offer to take a 3 percent pay cut in order to save their colleagues' jobs—not only would it save those jobs, it would serve as a show of solidarity with the working families in the community who had suffered pay cuts or lost jobs because of the Great Recession. The teachers in the Orange County school district are among the highest paid in California; Rebecca and the teachers she represented believed that reducing their salaries by 3% was the right thing to do.

Rebecca relayed the generous offer to her union, and asked them to survey other teachers in the district to determine if they would join the effort to save those jobs. She said if 51% of the teachers disagreed, then she would drop the issue.


The union refused to even ask the other teachers in the district, instead telling Rebecca not to worry about those teachers losing their jobs and

reassuring her that the union would take care of them. The union's idea of taking care of the teachers from whom they forcibly extract \$1,000 every year to supposedly represent them? The union planned to offer a seminar on how those teachers could obtain unemployment benefits.

"I was shocked. I said are you kidding me? They've been paying \$1,000 a year to this union and that's all we're going to do for them?" asked Rebecca.

That was the final straw for Rebecca. She again opted out of the union and become an agency fee payer. "I knew from personal experience that no matter how hard I tried I couldn't make a difference, even with a voice," said Rebecca.

Rebecca's story is compelling—a woman who just wanted to provide the best education for kids was bullied by the labor union she was forced to pay to represent her. And she says there are thousands of teachers who agree with her but are too afraid to speak out. She says intimidation and public castigation is how the union keeps its members in check.

That's what makes Rebecca a hero that everyone wants to hear speak. Despite the union bullying and intimidation, she has stood her ground. She has no political agenda and no axe to grind; she just wants to do what is best for teachers and their students. 





WPC'S 2016 SOL

"You have to know where you're going. You have to lay out a solution. And that's why Washington Policy Center is so important...that's what they do..."

-George Pataki, former Governor of New York

***Great policies start with great ideas!
Another successful Solutions Summit...***

In May, we held our 3rd annual statewide Solutions Summit events!

We kicked off the policy conference in Tri-Cities with a full room to hear from local and national policy experts. After a keynote breakfast with Hon. George Nethercutt on civility and civic duty and breakout sessions focusing on transportation, labor reform, the environment, health care, government reform and education. The half-day event concluded with former New York Governor George Pataki keynoting the lunch.



Gov. George Pataki



Education session

...thank you for the tremendous work that you do every single day; and it's not an exaggeration to say this, if [WPC] didn't exist, we would have to create this organization...to provide well-thought-out policies for the benefit of the legislature and government officials, but more importantly, for the state..."

-Bobby Jindal, former Governor of Louisiana



SOLUTIONS SUMMIT

The following day, we held the Solutions Summit in Bellevue, where more than 400 attendees enjoyed a Starbucks tasting lead by John Kelly, Starbucks VP of Global Responsibility, Community and Public Policy and heard from Rebecca Friedrichs at the breakfast session, who also spoke in the Tri-Cities.

Following breakfast and the breakout sessions in Bellevue, former Louisiana Governor Bobby Jindal headlined the luncheon. He addressed the crowd regarding the importance of education and health care reform. He also remarked, "I think one of the great things about your conference is...we do need to be focused on solutions. That's why I'm so impressed with what WPC has done...especially with the fight for charter schools."

If you missed our Solutions Summit this year - you can watch many of our sessions by visiting our website: www.washingtonpolicy.org.



Environment session

Be a part of this exclusive membership club at Washington Policy Center!



WPC's Patron Membership Circle

Starting at \$1,000 annually, WPC's Patron members provide significant funding to the important work we do in our state and in return, receive exclusive membership benefits.

We at Washington Policy Center depend on the support of our Patron Members to continue to make a positive impact in our state. Contributions go towards advancing our key projects for 2016 and beyond, including:

- Continue to advocate for charter schools and support giving parents a choice in their child's education and enact other education reform ideas such as education savings accounts
- Improving the state's business climate through much-needed and long-overdue labor reforms
- Engage, empower and educate the next generation of free market leaders through WPC's Young Professionals program and campus clubs
- Launch our new research initiative focused on Agriculture, water and farming issues

Membership benefits include:

- All regular membership benefits including policy update mailings and emails, subscription to our quarterly *Viewpoint* magazine and invitations to WPC events
- **PLUS...** invitations to private, exclusive events including our Annual Donor Appreciation Luncheon
- Quarterly updates from our President, Dann Mead Smith
- Exclusive WPC membership lapel pin

Please consider increasing your support of WPC to \$1,000 or more in 2016. One way many Patron Members give to our mission is through WPC's Monthly Giving Program – sign up on the enclosed reply envelope to give \$85 or \$100 per month and become an immediate Patron Member!

**For questions or if you would like to discuss your support of Washington Policy Center, please contact WPC's Development Director,
Sydney Jansen at (206) 937-9691 or sjansen@washingtonpolicy.org.**

ANNUAL DINNER 2016

Get ready for an unforgettable evening...



Davenport Grand Hotel, Spokane

Sept. 20, 2016

Reception 6:00 Dinner 7:00

Hyatt Regency, Bellevue

Oct. 7, 2016

Reception 6:00 Dinner 7:00

WPC's Annual Dinner is now one of the largest gala policy events in the *country*, attracting more than 2,000 elected officials, business leaders, community members, and policymakers from throughout our state to gatherings in Bellevue and Spokane.

Stay tuned for exciting announcements about this year's national keynote speaker and WPC Young Professionals and college student component of the Dinner event.

Learn more and register now at washingtonpolicy.org/events



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