



New Conservative Strategies to Weaken America's Public Sector Unions

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Following big gains in state legislatures across the country, Republican lawmakers have teamed up with conservative organizations to launch new strategies to curb the capacities of labor unions, especially in the public sector. By challenging the last bastion of union strength, these strategies threaten the very existence of organized labor in the United States. My research pinpoints the who, why, and how of current legal assaults on public sector unions.

Public Employee Unions as Longtime Liberal Mainstays

With U.S. private sector union membership sharply reduced, the right is training fire on public sector unions, seen as critical rivals. Prominent in many states since the 1970s, public sector unions have delivered a one-two political punch – helping to elect liberal Democrats to state and local offices and then pushing those officeholders to expand public services like health care and education. Even at their heyday, most private sector unions struggled to have much impact in state politics, so by undercutting unionized public employees conservatives can weaken their most powerful adversary, clearing the way for legislatures and governors to achieve right-wing priorities such as tax cuts, sharp reductions in social spending, and the elimination of regulations.

Weakening public sector labor unions is a top priority for three intertwined conservative policy networks operating across and within states:

- The **American Legislative Exchange Council** (called “ALEC”) is an association of state lawmakers, private sector firms, and conservative advocates that drafts and promotes model bills across all fifty states and enjoys considerable clout, especially in GOP-run legislatures. Since its inception in 1973, ALEC has always targeted public sector unions and in recent years it has ramped up efforts to promote bills that weaken the ability of public sector unions to organize, collect dues, and participate in politics.
- ALEC’s legislative proposals are buoyed outside of state legislatures by the activities of the **State Policy Network**, an association of over sixty free-market oriented think-tanks and policy communications operations with at least one affiliate in each state. Member organizations produce policy reports, OpEds and interviews for the media, and testimony before legislative committees in support of ALEC bills intended to stymie public sector labor unions.
- A final part of the conservative state policy trifecta is **Americans for Prosperity**, a centrally-directed federation operating as part of the political network organized by Charles and David Koch, two very wealthy libertarian brothers. State directors and staffers lobby, run media advertisements, and mobilize conservative activists to defeat Democrats, counter and replace moderate Republicans, and pursue ultra-conservative priorities, including measures to disable public sector labor unions.

In their quest to weaken unions, the conservative troika of networked organizations is usually assisted by business-backed groups such as the national, state, and regional Chambers of Commerce. Conservative activists and mainstream business groups may be at cross purposes in other policy fights, such as disputes over infrastructure funding or Medicaid expansion, but they tend to push in the same direction when it comes to measures to hobble labor unions.

New Battlegrounds and Initiatives

The conservative troika is pushing hard for rules changes and wage and benefit cuts affecting public sector unions not only in conservative “red” states where the labor movement has historically been weak, but also in moderate and liberal “blue” states, including former labor strongholds such as Michigan, Wisconsin, and

Pennsylvania. In such states, many moderate Republicans used to join Democrats in accommodating or supporting labor unions. When right-wing networks deploy against labor in such states, they proceed in phases, operating from a common playbook:

- Conservative groups often begin by proposing legislation to curb the ability of public sector labor unions to collect dues from members – pushing bills called “paycheck protection” that would, in effect, allow public employees to use union services without paying for them. As right-wingers have learned, such proposals can garner more support from moderate Republicans and conservative Democrats than frontal, all-out attacks on the rights of public sector unions to collectively bargain over wages and benefits.
- After initial pushes to undercut union dues collections, conservatives leverage many coalition participants to mount more expansive attacks on the legal rights of public sector employees to organize and bargain with government. Early in this phase, GOP lawmakers may play divide and conquer, attempting to minimize political backlash by targeting some public employee unions but not others. They may, for example, propose to eviscerate union rights for teachers, while leaving alone at first the rights of other unionized public employees (such as firefighters, police, and prison guards) who more often vote for Republicans. This approach was successfully used in Wisconsin.
- If they run into roadblocks, conservative union opponents often move seamlessly to alternative tactics. In Pennsylvania, for instance, the right-wing troika has pursued a constitutional amendment after veto threats from the state’s Democratic governor blocked anti-union bills in the legislature.

A High Stakes Battle

What remains of union clout in America centers in the public sector, because about half of all U.S. workers still enrolled in unions are employed by government agencies. Conservative attacks on public employee unions thus pose a visceral threat to the labor movement, and such attacks must be blunted and defeated if unions are to expand – or even just hold their own. So far, however, progressives have not had much success at defending public sector unions – in large part because, since 2010 and 2014, Democrats find themselves holding historically low numbers of seats in state legislatures where rights for public unions are decided. Liberals tend to focus on national politics and campaigns for the presidency, but clearly state governments are equally important arenas – above all for fights over public employee unions that are likely to influence the future balance of power between liberals and conservatives in American politics overall.