

DUES AND DEEP POCKETS: Public-Sector Unions' Money Machine

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EXECUTIVE SUMMARY

At first glance, public-sector labor unions are just one of many types of organizations that participate in the political process. However, these unions differ significantly from other interest groups made up of individual citizens (such as the NRA or the Sierra Club) or non-labor organizations (such as the Chamber of Commerce or the Motion Picture Association of America). Because their members' interests are tied to government policy, these unions are more focused and vigilant in their drive to influence policy than other groups are. And they have immense financial resources to deploy: in 25 U.S. states, laws guarantee unions both members and revenue.

The unions are assured of members by "agency shop" laws, which require workers covered by collective-bargaining agreements, even if they decline to join the union involved, to pay an "agency fee" for its representation. The effect of agency-shop laws is to push workers to join unions. Only a small minority of workers, who oppose joining on principle, are left outside the union fold.

Public-sector unions are assured of funds by "dues checkoff" rules, which require governments to withhold union dues from their employees and pay the money directly to their unions. This guarantees an abundant and reliable source of money, sparing unions the need to spend resources on recruitment, retention, and fund-raising.

As a result, public-sector unions bring vast resources to their political activities at the federal, state, and local levels. They make direct donations to candidates and parties, fund issue ads in parallel campaigns, provide get-out-the-vote ground operations, run campaigns for and against ballot measures, and engage in extensive lobbying efforts.

Public-sector unions also differ from most interest groups in their allegiance to a single party and a single agenda in debates about the role of government. They are focused on a few key issues relating to the government jobs of their members: more government employment and thus higher taxes and more government services. They consistently favor referenda that increase taxation and government spending. And public-sector unions give money, volunteers, and other support almost exclusively to candidates of the Democratic party.

A number of states are currently struggling with controversies over public-sector unions' impact at the bargaining table on matters such as health-care costs, pensions, performance pay, and worker flexibility. But unions may have more impact on public policy—and the costs of government—through their uniquely powerful tools for electioneering and lobbying. Today's debates should expand their focus from collective-bargaining issues to take into account these facts about public-sector unions as political actors.

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DUES AND DEEP POCKETS: PUBLIC-SECTOR UNIONS' MONEY MACHINE

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INTRODUCTION

In Wisconsin last year, public-sector labor unions spent over \$25 million in political campaigns to derail reform of collective-bargaining arrangements for government employees. With a recall election this year aimed at the architect of the reforms, Governor Scott Walker, unions are poised to spend millions more to align the state's politics with their interests. In Ohio, meanwhile, opponents of a similar reform raised over \$42 million for a successful referendum campaign to repeal that state's new law. Most of that money came from public-sector unions (with teachers' unions alone providing some \$9.7 million). In these and other states, attention has focused on how collective-bargaining agreements affect governmental operations. But how unions influence political outcomes is equally, if not more, important. Public-sector unions are not simply one more interest group, jostling with others in Madisonian competition to be heard. The American public-sector union is an interest group unlike any other, engaged in lobbying, advocacy, and campaign work (almost always for Democrats) with a unique money supply.

Recent union-related political battles in Wisconsin, Ohio, California, New York, New Jersey, and Illinois have offered many reminders that public-sector unions are among the most powerful players in American politics. For instance, many interest groups oppose school voucher programs, which would allow parents to spend public education funds in schools of their choice, public or private. Yet whenever voucher measures have appeared on the ballot (either

statewide, as in California, or in local school district elections), virtually all the money spent to defeat them has come from teachers' unions.¹ As the Wisconsin and Ohio battles illustrate, government unions have immense amounts of money at their disposal; in many states, this income is practically guaranteed by law. That money supply is the key source of unions' remarkable political power—power that may well have more impact on government operations than the collective-bargaining arrangements that have been the focus of reform efforts.

Public-employee unions are so active because government workers have a direct stake in many aspects of public policy. Their day-to-day lives are affected directly by what government does and how it does it. Most other citizens don't feel the impact of government policy in the same way. So, while taxpayers and businesses give fleeting attention to many issues, public-sector unions have a powerful incentive to remain mobilized, vigilant, and prepared to invest major resources in politics.

To become such political powerhouses, government unions need more than focus: they need members and money. Their special ability to access these resources, the source of their exceptional political power, is the subject of this report.

THE "FREE RIDER" PROBLEM

Any interest group (the National Rifle Association, for instance, or the Sierra Club) must overcome the individual citizen's incentive to "free ride"—to let others pay the costs of an organization, while enjoying the benefits that that organization provides.² For example, we all benefit from breathing clean air. Therefore, we all have some incentive to form an organization to promote air quality. However, those who let others rent the office space, hire the staff, and otherwise do the work will benefit from clean air without having to spend any of their own time or money.

To counteract this incentive, interest groups proffer some combination of solidarity ("we're all in this

noble cause together"), ideology ("we must act on our beliefs"), and economic incentives ("we get these concrete benefits for joining").³ These groups must then devote considerable resources to spreading their message, recruiting members, and getting money from them. That's the job of staff skilled at identifying people who care intensely enough about gun rights and the environment to join the NRA or the Sierra Club and donate money. Without this ceaseless work, the normal American interest group would fold.

In 25 American states, public-sector unions operate without this imperative. Instead, they use the law to *require* all workers in a bargaining unit to join unions or at least pay something to support them.⁴ Under the laws of these states, by a majority vote, government employees can force all their colleagues to make a union their "exclusive representative." Even employees who refuse to join the union can be legally obligated to contribute money. In addition, public-sector unions employ all the standard interest-group methods to attract members, adding additional incentives on top of the legal pressure to sign up. (Indeed, many public servants tell pollsters that they joined their union mainly for concrete benefits, such as extra insurance.)

Two legal provisions confer this unique advantage on public-sector unions.

THE AGENCY SHOP

The first provision is the "agency shop," which stipulates that because a union represents all workers in collective bargaining, nonunion workers must pay "agency" fees to the union. Often, these fees are very close to the amount paid by members as union dues. In some jurisdictions, nonunion workers may recoup some of their agency fees, on the grounds that they should pay only for collective-bargaining services, not the union's other activities.⁵ But exercising this "clawback" is often laborious, and the amounts returned can be quite small.

Employees, who know that they will be charged fees comparable with dues, have little motive to avoid joining the union—especially since members, for the

same payments, also get tangible benefits, such as dental insurance or legal services. The few workers who refuse are those who are strongly opposed on principle. Yet there is evidence that these stubborn holdouts have many colleagues who would join them if the rules were not rigged. Indeed, the contrast is striking between agency-shop states and the 23 other states whose right-to-work laws ban the practice. In nearly every state that permits agency fees, more than 90 percent of teachers belong to unions. In states that don't allow agency fees, only 68 percent of teachers are unionized. Political scientist Terry Moe has found that the presence of agency fees made it 20 percent more likely that teachers would join a union.⁶ Results are similar for other public servants.

Of course, public employees have, and should have, the constitutional right to join organizations that give them a voice and represent their interests. Even in right-to-work states, many public employees still voluntarily join unions. Indeed, it is possible to be a right-to-work state with collective-bargaining laws, whose unions have only voluntary members. Such states include Florida, North Dakota, and Nebraska. Even in Virginia and Texas, where agency shops and collective bargaining with government workers are prohibited, some workers still voluntarily join unions. In the states with agency-shop laws, however, all workers in unionized workplaces end up giving material support to unions, regardless of their personal wishes.

DUES CHECKOFF

The second legal provision that benefits public-sector unions is the “dues checkoff,” where the government withholds a portion of public employees’ salaries to pay union dues or agency fees. With a dues checkoff, workers never actually see the money that goes into union coffers. Unions have long argued that this eliminates free-riding (workers benefiting from union representation without paying for it), but it also eliminates workers’ choices about how to spend that portion of their pay.

In the absence of a dues checkoff, workers might, for example, elect to remodel their homes or take

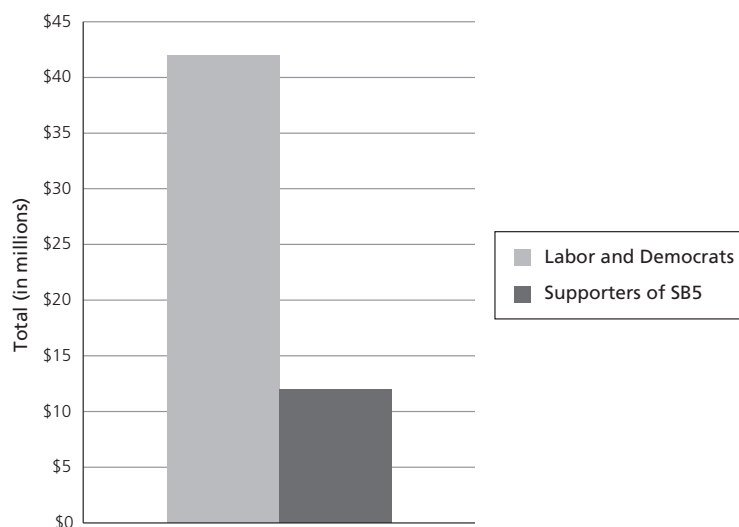
the family to Disneyland. Before recent changes in Wisconsin law ended the dues checkoff for public-employee unions, teachers there paid as much as \$1,100 a year in union dues.⁷ According to Joseph Tanner, city manager of Vallejo (a city of some 116,000 people northeast of San Francisco), in 2007 each of the city’s 100 firefighters paid \$230 a month in dues, and each of the 140 police officers paid \$254 a month. Hence, unlike other interest groups, the firefighters’ union had a guaranteed annual revenue stream of \$276,000, and the police union was assured of \$426,720 a year. This funding base made both groups powerful forces in the politics of the city.⁸ In 2008, Vallejo, faced with soaring public-employee compensation costs and falling revenue, declared bankruptcy.

Where they can rely on dues checkoff, public-sector unions need spend very little on fund-raising—a staffer or two is sufficient to process checks from the government. Resources are thus available for politics that equivalent groups would devote to identifying supporters and persuading them to give money.

Unlike other interest groups, public-sector unions enjoy a uniquely reliable revenue stream to support their political activities. Unsurprisingly, some of the resulting political power has been mustered to preserve the dues checkoff. Unions are right to consider any proposed reform as a threat to their interests. George Will reports: “After Colorado in 2001 required public employees unions to have annual votes reauthorizing collection of dues, membership in the Colorado Association of Public Employees declined 70 percent. In 2005, Indiana stopped collecting dues from unionized public employees; in 2011, there are 90 percent fewer dues-paying members. In Utah, the end of automatic dues deductions for political activities in 2001 caused teachers’ payments to fall 90 percent. After a similar law passed in 1992 in Washington State, the percentage of teachers making such contributions declined from 82 to 11.”⁹

The advantages that public-sector unions gain through agency shops and dues checkoffs were on display in last year’s highest-profile political battles over collective bargaining by government employees. In Wisconsin and Ohio, Republican-majority legislatures

Chart 1. Money Raised for Issue 2 in Ohio



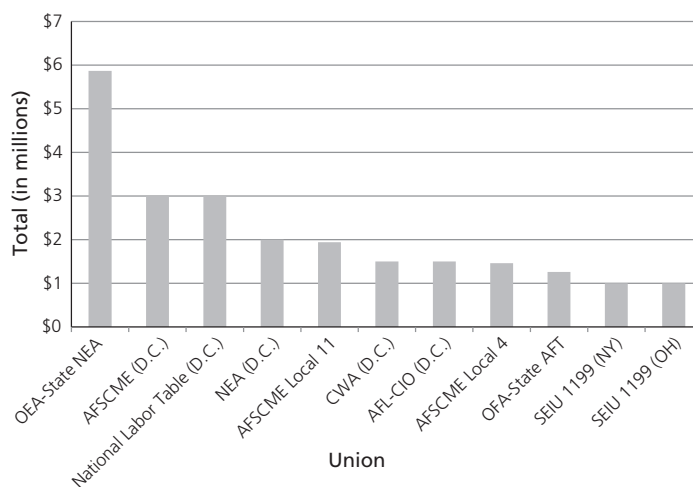
Source: *Cleveland Plain Dealer*, Ohio Secretary of State

passed, and governors signed, legislation reforming government labor relations. Among the specific provisions, the measures sought to restrict the subjects of collective bargaining for most public workers and eliminate government's collection of union dues.

In response, the public-sector unions—throughout the United States, not just those in Wisconsin and Ohio—summoned vast resources in an effort to stop the legislation, and, after that failed, to repeal it. In Ohio,

opponents of the legal changes spent an impressive \$42 million in a referendum campaign to overturn the newly minted law (SB5) (Chart 1).¹⁰ They succeeded, having outspent supporters three-to-one and having fielded a stronger get-out-the-vote operation on Election Day. Most of the money to fuel this political muscle came from unions. Indeed, 98 percent of the anti-SB5 campaign cash in some reporting periods came from unions (both public-sector and private-industry), rather than from individuals. The teachers' unions alone gave

Chart 2. Union Spending: Ohio Issue 2



Source: Ohio Secretary of State, <http://thathero.com/2011/10/28/they-arent-ohio/>.

over \$9 million, which is half of what Governor John Kasich spent on his entire 2010 election campaign (Chart 2).¹¹ In contrast, the supporters of SB5 were a blend of individuals and business interests.

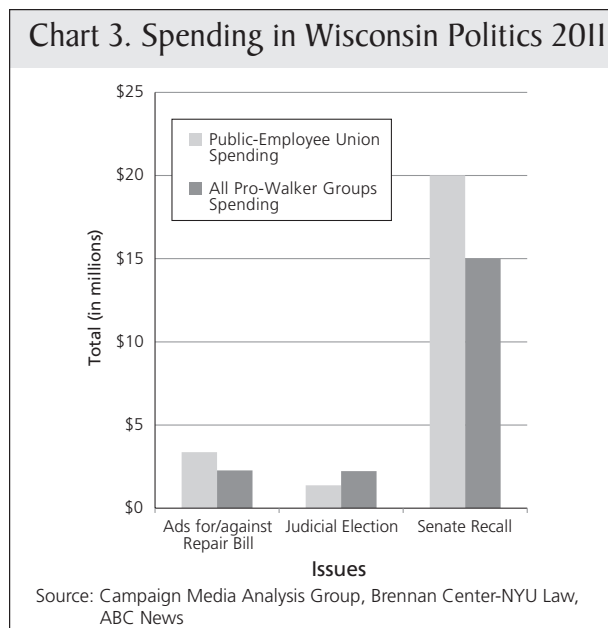
In Wisconsin, the unions and their allies first sought to stop the bill's passage by mounting massive protests in Madison and a major advertising campaign in which they outspent supporters for the "budget repair bill" \$3.37 million to \$2.26 million.¹² After the bill passed, opponents sued to stop its implementation. In connection with their legal strategy, they spent another \$1.5 million on a state supreme court election in hopes of improving the high court's reception of their case.¹³ This approach failed: the incumbent, whom they correctly presumed would vote to uphold the law, won reelection, and the state's supreme court dismissed the suit. Unions then spent over \$20 million trying to recall six state senators in order to retake control of the upper chamber (Chart 3).¹⁴ (The amount that the unions spent on the six recall elections was more than half the amount spent on all state senate elections in 2010.) Since the law's implementation, unions have continued their electoral attack by enlisting 30,000 organizers to collect a million signatures supporting an election to recall Governor Walker.¹⁵ They are now gearing up for a bruising electoral battle, when they will spend millions in an effort to unseat the governor.

MONEY IN POLITICS

As Wisconsin's and Ohio's recent histories vividly demonstrate, a large and secure revenue stream turns public-employee unions into potent political organizations. Union political efforts take place at all three levels of government: federal, state, and local. They make direct donations to candidates and parties, fund issue ads in parallel campaigns, provide get-out-the-vote ground operations, run campaigns for and against ballot measures, and engage in extensive lobbying efforts. They overwhelmingly support Democratic candidates and consistently favor referenda that increase taxation and government spending. It is important to measure how much money public-sector unions have for political action and precisely where that money is spent.

Labor unions are required to divulge their revenue streams in financial reports that they must file with the U.S. Department of Labor. In 2010, the American Federation of State, County and Municipal Employees (AFSCME) reported an income of \$211,806,537; the National Education Association (a major teachers' union) received \$397,953,771; and Service Employees International Union received \$318,755,793.¹⁶ Unions are not required to detail how they spend their income, making it difficult to assess how much of any given union's revenue it devotes to lobbying and electioneering. Some unions, however, have issued their own estimates of how much of their dues they spend on political activities that advance their interests. From such statements, one rough but reasonable rule of thumb is that public-sector unions tend to spend about 20 percent of their dues on lobbying and electioneering. This estimate is derived from what unions say on disclosure forms to their members, what union leaders say publicly, and what various analysts have calculated.¹⁷

Using this estimate, we can arrive at some rough metrics by calculating the total number of union members and agency-fee payers and the average paid by each worker. Consider all of California's public-sector unions combined: they have about 1 million workers, with an estimated annual average dues per person of \$500.¹⁸ If they spend 20 percent



of those funds on politics, they have about \$120 million to devote annually to influence federal, state, and local politics.

Where does that money go? Spending on lobbying is not easy to track at the federal level, and even more difficult at the state and local levels. Furthermore, while there are good data on federal and state elections, most watchdog groups do not track *local* elections, where unions have the most at stake (because the majority of union members are employed by local governments). In addition, it is often hard to identify clearly the source of donations that have been funneled through Political Action Committees and similar organizations. Finally, government unions make many in-kind contributions, such as phone banks, office space, and volunteers, that are hard to quantify (and easily understated).

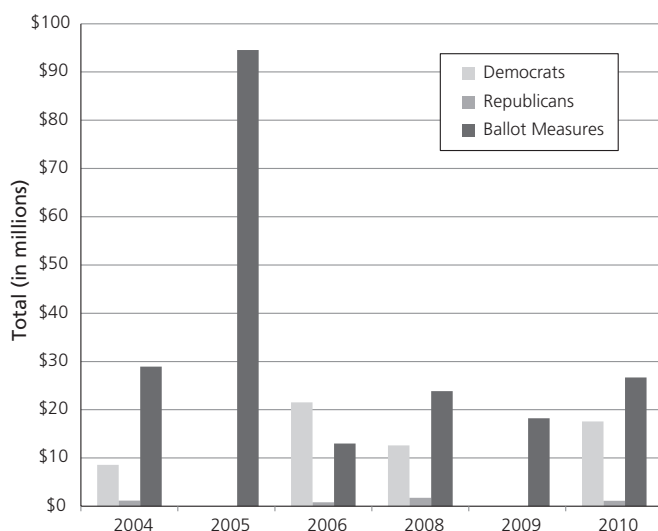
On the other hand, some forms of political spending can be quantified: unions are required to spell out the amounts they give directly to state and federal candidates, as well as money they spend on issue ads and expenses devoted to lobbying. The National Institute on Money in State Politics data show that in 2010, across all states, public-sector unions spent about \$150 million—up from \$130 million in 2008 and \$118 million in 2006. In 2010, unions gave Democratic candidates \$86,641,325 and spent \$53,663,888 on ballot

measures; the rest (less than 10 percent of the total) went to Republicans and third-party candidates. This means that public-sector unions were in the top five biggest-spending interest groups trying to influence politics at the state level.

Public-sector union spending is highly uneven across the states, reflecting the difference between agency-shop jurisdictions and those without these laws. Public-sector unions were the third-largest spender in California's state elections (\$45,730,777), after Meg Whitman, the Republican nominee, who self-financed her gubernatorial campaign, and electric utility companies, which spent \$50,949,029.¹⁹ Labor unions (mostly public but some private) spent \$23,791,657 on independent expenditures during the campaign cycle—far more than any other group. California permits agency shops and has a strong public-employee collective-bargaining law.

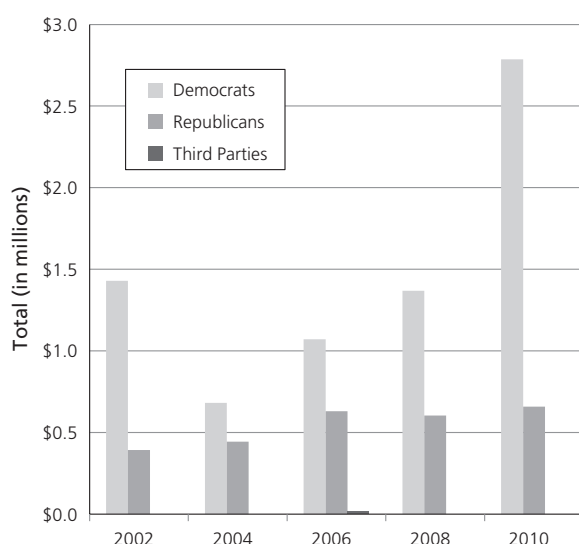
In contrast, Texas prohibits collective bargaining in the public sector and is a right-to-work state. There, in 2010, public-sector unions did not even rank in the top 15 largest contributors, and labor in general spent only \$97,624 on political action. Florida is somewhere between California and Texas: it allows collective bargaining in government but forbids agency shops. There, public-sector unions were the fourth-largest

Chart 4. Public-Sector Unions Election Spending in California



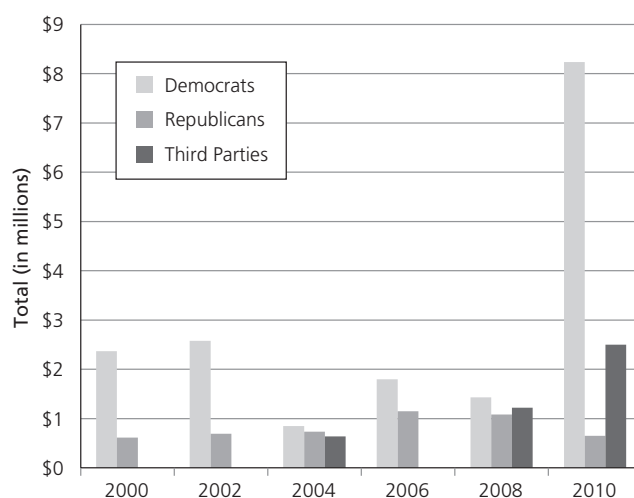
Source: National Institute on Money in State Politics, www.followthemoney.org.

Chart 5. Public-Sector Unions Election Spending in Texas



Source: National Institute on Money in State Politics, www.followthemoney.org.

Chart 6. Public-Sector Unions Election Spending in Florida



Source: National Institute on Money in State Politics, www.followthemoney.org.

spenders (\$11,362,386) after self-financing candidates, trial lawyers, and real-estate and insurance groups. Florida labor's independent expenditures were a modest \$1,638,101. (See Charts 4–6 for patterns of giving in California [2004–09], Texas [2002–10], and Florida [2000–2010].)

The 2002 Florida gubernatorial election is an instructive example of the political clout that derives from

abundant and secure sources of money. That year, Jeb Bush had finished his first term as governor and, along with the Republican legislature, had enacted an innovative education program, authorizing vouchers and creating new ways to hold teachers accountable for results. The Florida Education Association (FEA) responded by campaigning successfully to deny former U.S. attorney general Janet Reno the Democratic gubernatorial nomination, winning it instead for

the group's preferred candidate, political neophyte Bill McBride. In the general election, the FEA spent millions of dollars and its political operatives actually ran McBride's campaign. Not surprisingly, McBride's platform was to roll back Bush's education reforms. McBride lost. But the fact that he had, with no previous political experience, become a major-party candidate challenging a popular incumbent from one of the nation's great political dynasties is a testimony to the power of public-sector unions—even in Florida, whose labor laws are not strongly pro-union.²⁰

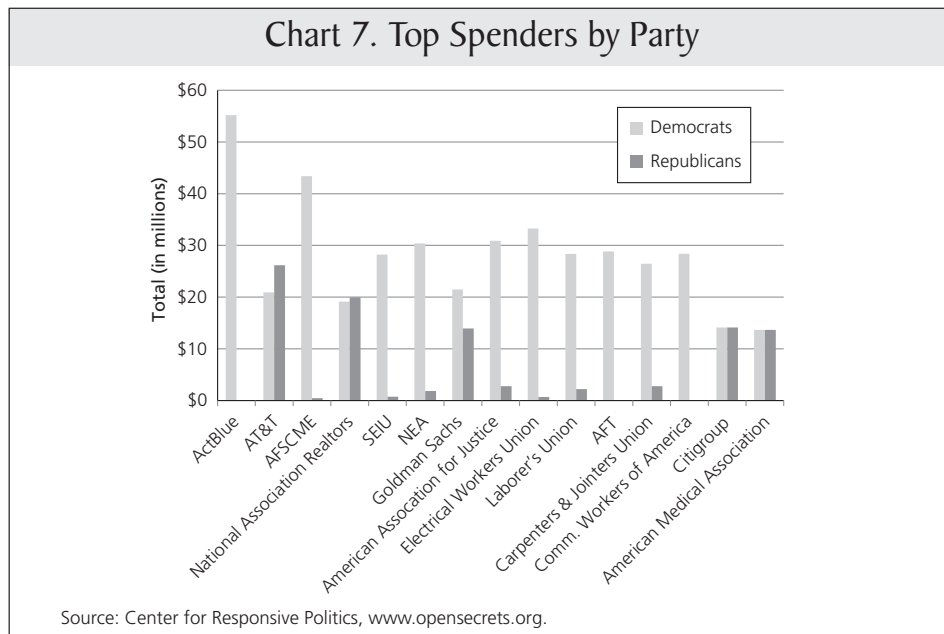
A look at the federal level provides another way to appreciate the scope and magnitude of government unions' political activity. Most public-sector unions represent state and local workers—state and local officials, not members of Congress, make most policies affecting them. Nonetheless, six of the top 15 biggest donors to federal political campaigns from 1989 to 2012, according to the Center for Responsive Politics, were government workers' unions or unions with large number of public employees (Table 1). AFSCME was the third-largest donor, and SEIU, half of whose 2.2 million members are public employees, was fifth on the list. The NEA ranked sixth, and the American Federation of Teachers (AFT) 11th. The

Communications Workers of America, with about 20 percent of its membership in government workers, was 13th.²¹ It is important to note that on most policies related to government spending and taxation, all these unions are allies, not competitors. In contrast, business groups' interests in tax and spending policy vary considerably and occasionally conflict.

At the federal level, as in individual states, public-employee union political spending is closely aligned with the Democratic Party (see Charts 4–7). Some 98 percent of AFSCME donations and 95 percent of SEIU donations went to Democrats, unlike other big contributors, such as AT&T, the National Association of Realtors, or Citigroup, which split their contributions nearly evenly between Republicans and Democrats. The partisanship of union contributions helps explain Democrats' advantage over Republicans in contributions from the biggest donors: \$1.3 billion to \$844 million over the last 20 years. In general, Democrats tend to be much more reliant on large donors, including unions, than their Republican opponents, who collect far more in small individual donations. In the 2002 campaign cycle, 64 percent of individuals contributing less than \$200 to federal candidates, parties, or leadership PACs gave their

Table 1. Top 15 Donors, 1989–2012

Rank	Organization	Amount	%Dem	%Rep
1	ActBlue	\$57,470,970	99%	0%
2	AT&T Inc	\$48,025,567	44%	55%
3	AFSCME	\$46,382,548	94%	1%
4	National Association of Realtors	\$41,403,426	47%	49%
5	SEIU	\$37,829,428	76%	2%
6	NEA	\$37,197,739	82%	5%
7	Goldman Sachs	\$36,344,887	60%	39%
8	American Association for Justice	\$35,200,054	88%	8%
9	Electrical Workers Union	\$34,637,147	97%	2%
10	Laborers Union	\$32,213,700	88%	7%
11	American Federation of Teachers	\$31,883,616	90%	0%
12	Teamsters Union	\$31,507,378	89%	6%
13	Carpenters & Joiners Union	\$31,309,258	85%	10%
14	Communications Workers of America	\$30,422,596	94%	0%
15	Citigroup Inc	\$28,932,667	50%	49%
Public-employee unions or unions with substantial numbers of public employees in their ranks are in bold. Source: Center for Responsive Politics				



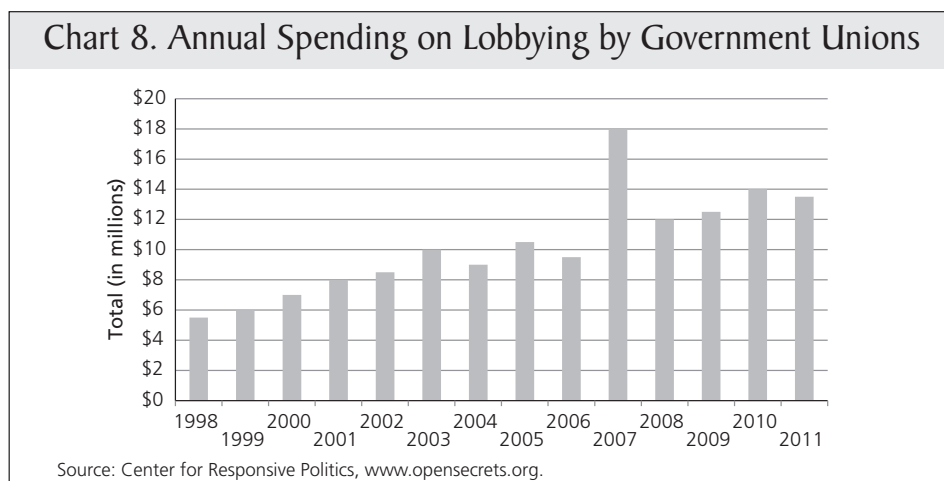
money to Republicans. In contrast, those contributing \$1 million or more gave 92 percent to Democrats.²²

In addition to direct donations to candidates, public-sector unions finance issue ads in parallel campaigns in federal elections. The SEIU tops the chart of independent spenders, with \$70,479,179 over the last 20 years, followed by the NRA (\$58,619,585), AFSCME (\$53,447,240), and the AFL-CIO (\$40,664,851).²³ These figures do not include further spending in parallel campaigns for state and local offices. Making an aggregate measure, *The Wall Street Journal* and *The New York Times* reported that AFSCME spent \$91 million during the 2010 election cycle, while SEIU

spent \$44 million and the NEA \$40 million.²⁴ This was more than the biggest Republican donors—the Chamber of Commerce and the Crossroads GPS PAC—combined.

Between elections, public-sector unions also lobby federal, state, and local officials. The Center for Responsive Politics estimates that public-sector unions spent \$144 million from 1998 to 2011 on lobbying the federal government (Chart 8).

The SEIU spent \$60 million to help elect Barack Obama in 2008. Perhaps not surprisingly, Obama's most frequent visitor during his first six months in



office was SEIU president Andy Stern. The political director of SEIU's Local 1199 in New York City was appointed to be the White House political director, and an SEIU lawyer was named to the National Labor Relations Board. These examples provide a sense of just how entwined public-sector unions are with Democratic Party politics and how much influence they can exercise.

CONCLUSION

Analysts and activists have focused too narrowly on the effects of unions' collective bargaining on government policy. It may well be that public-sector unions have achieved more of their goals—increased wages and benefits, more government employment, and more government spending—by their work in the political arena than at the bargaining table. Automatic members and reliable money for political activity are the key advantages that public-sector unions have over most other interest groups, which underscores the importance of the agency shop and the dues checkoff to their ability to defend their interests. Where an agency shop is permitted or compulsory, economist Henry Farber finds, public-sector employees' earnings are 10 percent higher.²⁵

Public-sector unions' political power rarely leads them to get everything they want—even if they can get a lot.²⁶ However, they have been highly successful at blocking efforts to reform the way government delivers

services.²⁷ For example, the teachers' unions have staunchly opposed competition in the form of vouchers and charter schools, transparency, and performance pay, while assiduously protecting underperforming teachers. There is little doubt that these political stances have an impact on government's effectiveness and efficiency. For example, Stanford University economist Eric Hanushek found that replacing the bottom 5 percent of American teachers with merely average instructors would catapult the United States to the top of the international educational rankings.²⁸

Even if agency-shop provisions were eliminated, public employees' First Amendment rights would remain intact. They could still band together to press for better pay, benefits, and working conditions—as they do in such states as Texas and Virginia. But like other interest groups, they would have to persuade people to join voluntarily and would have to solve the free-rider problem for themselves, rather than counting on the government to do it for them.

To level the playing field between government-employee unions and taxpayers, elimination of dues checkoff and the agency shop are possible steps to take. In fact, these may be more politically palatable, and ultimately more effective, avenues of reform than are restrictions on collective bargaining. Eliminating the public-sector union's money advantage would let workers retain their right to negotiate with their employers but put them on a level playing field in the political arena. It is the way to restore fairness to the process.

ENDNOTES

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4. In *National Labor Relations Board v. General Motors*, 373 U.S. 734 (1963), the Supreme Court determined that workers cannot be forced to join unions and outlawed the "closed shop." However, the Court held that it is still constitutional for unions to require contributions to their coffers, even if they cannot require contributing workers to become union members.
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18. AFSCME's members pay, on average, \$390 a year in dues per member. But the dues for teachers are often as much as \$1,000 per year. So \$500 a year seems fair. See Brody Mullins and John McKinnon, "Campaign's Big Spender," *Wall Street Journal*, October 22, 2010.
19. See http://www.followthemoney.org/database/state_overview.phtml?y=2010&s=CA.
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