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The Changing Landscape of US Unions in Historical and Theoretical Perspective

Michael Goldfield and Amy Bromsen

Department of Political Science, Wayne State University, Detroit, Michigan 48202; email: m.goldfield@wayne.edu, a.bromsen@wayne.edu

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Abstract
In certain states, most notably Wisconsin and Ohio, attempts have been made to eliminate public sector collective bargaining. Although the all-out attack on public sector unions is relatively new, it is best seen in the context of long-term trends. These include the long-standing assault on private sector unions; the ongoing conservative political critique of the public sector; and neoliberal policies that contract government services, deregulate virtually all economic activities, and privatize many government programs, as well as decreasing workers’ wages and benefits (allegedly to make them more globally competitive). The racial and gender dimensions of these trends are worthy of note and at times central to the narrative. We discuss these issues in detail, within the broader context of the role of unions in modern society and the history of labor organization in both the private and public sectors in the United States.
INTRODUCTION

The 2010 elections gave conservative Republicans control of a large number of state legislatures and governorships.1 In many of these states, most notably Wisconsin and Ohio, attempts have been made to pass legislation to eliminate public sector collective bargaining. Proponents of such legislation argue that governmental employee unions have been a major contributor to state and local budget deficits owing to their unreasonably high pay, lavish pensions, and health care benefits. Furthermore, they claim unions are a major roadblock to resolving these deficits because of their unwillingness to make concessions. Unions and their allies have fought back against these attacks, so far with mixed results.

The relatively new pressure on public sector unions is best seen within the broader context of the role of unions in modern society, and as an escalation of long-term trends in the history of labor organization in both the private and public sectors in the United States. This context includes long-standing employer opposition to private sector unions and their many-decades decline; the ongoing conservative political critique of the public sector itself; and related policies of deregulation of economic activity, reduction of government services, and outsourcing and privatization of remaining government programs, as well as decreasing workers’ wages and benefits—under the rubric of neoliberalism. The racial and gender dimensions of these trends are noteworthy and at times are central to the narrative.

LABOR ORGANIZATION IN THE UNITED STATES

Union membership has risen and fallen through numerous peaks and valleys for almost two centuries. These cycles are not unique to the United States but have certain national peculiarities.

Origins of Private Sector Unions

Labor protests and strikes began in the early colonial period, including a mutiny by a group of fishermen off the coast of Maine whose wages had been withheld (1636), strikes by journeymen tailors (1768), New York printers (1778), Philadelphia seamen (1779), New York shoemakers (1785), and printers and carpenters in Philadelphia (1786). The first generally recognized union (i.e., continuous organization) of wage earners was the Federal Society of Journeymen Cordwainers (shoemakers), formed in Philadelphia in 1794. Early unions, like later ones, fought for higher wages, shorter hours, and better working conditions. Despite wide support of their right to organize, based on the right to assembly enshrined in the First Amendment to the US Constitution—a right championed on their behalf by Jeffersonian Democrats—courts consistently ruled their activities to be “criminal conspiracies” throughout the nineteenth and early twentieth centuries [Dulles & Dubofsky 1993 (1984), p. 30; Orren 1991; Gregory & Katz 1979].

The growth and decline of unions were highly cyclical. They virtually disappeared during the contractions of 1819, 1837, and 1877 and expanded with the exponential growth of industry in the decades after the Civil War. US society was wracked by widespread labor upheavals and episodic organization: the railway workers’ insurrectionary strikes of 1877, the rise of the Knights of Labor in the 1880s; the Homestead steel strike of 1892 (put down by an army of steel company thugs and police); organization among steel, iron, and coal workers; and the 1894 Pullman railway strike. Federal troops were sent to defeat the Pullman strike despite the explicit orders of Illinois

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1As of 2011, Republicans controlled the governorships and both houses in 21 states; in contrast, Democrats had such control in only 11 states (National Conference of State Legislatures 2011).
Governor John Peter Altgelt, who had declared the strikers peaceful and the state forces adequate, not requiring federal intervention. Other labor uprisings were also met and often crushed by federal troops and company-employed private police, such as the Pinkertons and coal and steel company police, through the 1920s, or Henry Ford’s private army of thousands of spies and thugs who served to intimidate workers at the immense Ford River Rouge auto complex until the United Auto Workers victory in 1941.2

The industrial expansion during World War I sparked union organizing, with membership rising from barely 2 million members in 1914 to over 5 million in 1920, including key southern industries (e.g., textile, tobacco, coal, and longshore; Douty 1946) as well as industries in the North. The end of the wartime prosperity and labor shortages helped cut union membership almost in half by 1923. A stagnation of union growth continued until 1933, when the largest union growth in US history began, achieving more than a fivefold increase by 1945 and a union density of 35%, approximately 14 million members (Goldfield 1987). The Congress of Industrial Organizations (CIO) period (roughly 1933–1941), when basic industry was largely organized, marked the general acceptance of trade union legality by US employers. This was a result of union organization on a national scale and the demonstrated ability of workers to disrupt major sectors of the economy to voice their demands. The massive strike upheavals, measured in statistics, documented in contemporary and historical accounts, and recorded in congressional hearings, led to the passage and upholding of a series of labor laws, establishing trade union legality for most private sector workers in the United States (Goldfield 1989a, 1990).3 From 1945 to 1953, union density was relatively stable, with 1945 and 1953 both representing peaks.

The establishment of the National Labor Relations Board (NLRB) in 1935 (upheld by the US Supreme Court in 1937) was the legal component of this union recognition. As such, it was an important turning point in the history of industrial relations in the United States (see Gross 1974). This was, however, only the beginning of de facto recognition in major industrial areas. Trade union legality in the United States (in contrast to many other economically developed capitalist societies) has never been complete. Opposition to union organizing and functioning has continued in parts of the country, and statistically it seems to have continually increased in general since the 1950s (Goldfield 1987, 2008).

Although trade union legality marks a major change in the day-to-day relations between workers and employers, the scope of that change is mixed. Under the legal trade union compromise, workers gain the means to obtain some improvements through collective bargaining. They gain more strength in the labor market, legal protections limiting employment-at-will, and the possibility of strengthening the influence of informal work groups and local militants. Employers agree to provide organizational stability for the union and some consistency in wages, benefits, and working conditions; in return, the union agrees to limit workforce disruption for a set period of time and to help the employers discipline the workforce. The contradictory nature of trade unions arises from their dual role as joint upholders of the class compromise of the “legal industrial order” and as democratic representatives of the demands of their members [Gramsci 1968 (1920)]. Particular to the United States is the framework of the National Labor Relations Act, based in the designation of an "appropriate bargaining unit,” exclusive representation, and the NLRB representation election, which some analysts suggest is currently a major obstacle to worker self-organization (Brody 2004).

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2On repression, see Goldstein (1978); for descriptions of Ford’s “Service Department,” Preis (1964) and Meier & Rudwick (1979); for a concise overview, Dulles & Dubofsky (1993); for classic detailed labor histories, Commons et al. (1918) and Foner (1947–1994).

3Agricultural and household workers were excluded from coverage because these were the predominant occupations of African-American women and men in the South.
However, trade union legality strengthens a number of conservative trends among trade union leaders. Absence of a broad social vision among labor leaders in the United States exacerbates their tendency to identify with the employers rather than their constituents, even engaging in corrupt behavior. It has long been recognized that, following trade union acceptance, leaders tend to abandon their democratic responsibilities toward those who elected them. Many industrial relations pluralists view this positively as maturity (see e.g., Lester 1958). Those who consider labor relations inherently conflictual view this development less sanguinely.

Decline of Private Sector Unions

Since around the mid-1950s, the United States has been the only economically developed country with a continuous decline in union density (see Goldfield 1987). From 35% in 1953, overall union density declined to 11.3% by 2012. The decline in private sector union membership has been even more dramatic, a phenomenon partially masked by the rapid growth of public sector unions in the 1960s and 1970s. Private sector union density went from roughly 43% in 1953 to 6.6% in 2012, with public sector union membership rising from ~10% to almost 40% today (for 1930–1976, see US Department of Labor (1980), table 165, p. 412; for 1977–2011, Hirsch & Macpherson 2012).

A variety of hypotheses have been put forward to explain private sector union decline. A sectoral shift away from employment in some historically highly unionized industrial sectors (most notably manufacturing), combined with a major shift toward the historically little-unionized service sector, is a prominent explanation (e.g., Bluestone & Harrison 1982, Troy & Shefflin 1985). Yet, studies have consistently shown changes in the structure of the labor force account for at best a small fraction of union decline (Goldfield 1987). These shifts also cannot explain the loss of union density in previously highly unionized sectors. For example, deregulation in the 1980s impacted large trucking and warehouse companies, almost completely unionized between the 1930s and the 1960s. Today, small and medium-sized companies paying minimum wage or hiring independent contractors (who often drive 80–90 hours per week) have dropped unionization rates below 10% (Belzer 2000, Goldfield 2008). Similarly, globalization of production and outsourcing jobs to low-wage regions have reduced workers’ leverage, forcing unions to make major concessions and making nonunion workers more hesitant to take the risks of organizing for what are now perceived as more limited benefits. In a counterargument, Piven & Cloward (2000) suggest that globalization, with its more complicated supply chains and just-in-time delivery of components, has made corporations more vulnerable to worker organizing and pressure, if workers and their organizations would develop newer “repertoires” of struggle.

Although globalization has complicated union organizing, it does not account for the difficulties of many tens of millions of workers in “landlocked” industries, including construction, trucking, mining, health care, and the public sector. In addition, the hegemonic control of neoliberal philosophy has resulted in deregulation, privatization of government services, and extensive outsourcing (see Goldfield 2008 and Harvey 2005). These policies have hurt unions (and also many companies), most prominently in the trucking and airline industries. Privatization of government services, usually to nonunion companies, has been extensive (Warner 2009)—spanning local garbage collection, food service preparation in the military, computer support in government agencies, and even security and prisoner interrogation in Iraq—though not always cost effective.

Despite the importance of the factors discussed above, the longstanding decline of union density in the private sector is largely a result of private sector unions’ inability to organize sufficient numbers of workers (in little-unionized industries or regions) to make up for the loss of jobs and members in unionized workplaces, the growth of the labor force, and the increase in jobs in new enterprises or nonunion environments (see Goldfield 1987, pp. 78–81 for a stock flow
model that specifies this process). Most private sector unionization takes place through the NLRB (see Goldfield 1987, pp. 82–84 for a discussion of various venues for private sector organizing). In the mid-1950s, unions could bring ∼750,000 workers to election (and win a sufficiently large portion) to maintain union density. That number had dropped to 500,000 in 1980; to the 200,000 range through 2001; to below 100,000 in 2007; and to <70,000 in 2009 (NLRB 1936–2009).

The primary reason for this decline, in our opinion, has been employer opposition and the inability of unions to successfully counter it. This opposition is evident from both a large variety of quantitative measures and a rich historical accounting (Kleiner 2001, Bronfenbrenner 2009). Statistically, one finds a decline in consent elections; increasing delays between the time of filing for an election and the actual election (due largely to employer-initiated administrative and legal actions); and increases in discharges of union organizers and prounion workers (measured by the growing size of settlements and the number of discharges found to be illegal by an often unsympathetic board) (see Table 1). Other measures quantify large amounts of money spent by companies in hiring antiuml union consulting firms, whose actions are in some cases illegal, and track an increase in previously illegal antiuml union tactics accepted by recent boards, such as the frequency of captive audience meetings. (See Goldfield 1987, pp. 195–204 for a detailed statistical analysis of these measures up to the mid-1980s.) Unions and their leaders have not been able or willing to mobilize the resources, nor to use more militant tactics, to confront this situation.

In addition, there have been many high-profile defeats of unions, orchestrated by large-scale, often coordinated employer opposition. Virtually all analysts argue that the firing of striking air traffic controllers by President Ronald Reagan in 1981 was a defining moment and escalation in the attack on unions (Northrup 1984, Farber & Western 2002; see McCartin 2011 for the definitive treatment). However, detailed analysis of post-PATCO (Professional Air Traffic Controllers Organization) data suggests that decreased union organizing successes were probably a continuation of trends that began in 1978 and 1979 (Farber & Western 2002). Although government opposition to unions is certainly a barrier to organizing, it is not nearly as severe today as it was before the 1930s.

One defeat that helped stall union organizing momentum was the failure of unions to organize much of industry in the South, the region that remains the least unionized and where state-level legislation on unions is most restrictive. (For information on unionization by state, see US Department of Labor 2013, table 5; for states with “right to work” laws, see Table 2.) This failure was a turning point for US union growth and decline. The inability to prevent Congress from overriding President Truman’s veto of the 1947 Taft-Hartley Act, which banned many of the tactics labor had used most effectively to organize, including mass pickets and secondary boycotts, led to further legal restrictions on unions.

Despite certain important successes, including the 1997 Teamster strike at United Parcel Service, the 2000 strike by 20,000 Boeing engineers, and the 2008 successful organizing of Smithfield Foods (a major pork producer) in North Carolina by the United Food and Commercial Workers, the list of demoralizing defeats for unions in the 1980s, 1990s, and 2000s is long. It includes failures at Greyhound, Phelps-Dodge Copper, and Caterpillar, as well as numerous newspaper strikes, even in such union-friendly areas as Detroit and Chicago (Bacon 1996). Moreover, organizing and strike victories often lead to employer restructuring to again reduce the power of the union (Levi 2003).

We believe that the institution of two-tier employee plans (where many new hires are given inferior benefits and substantially lower wages than existing employees while doing the same work) has had a negative effect on unions and their already-weakened abilities to organize nonunion employees. Studies have found lower-tier employees much less supportive of their unions (Martin & Peterson 1987, Cappelli & Sherer 1990, Martin & Heetderks 1990). Two-tier plans were
Table 1  Employer opposition to unions as reflected in unfair labor practice cases, 1939–2010

<table>
<thead>
<tr>
<th>Year</th>
<th>Section 8(a)(1)</th>
<th>Section 8(a)(3)</th>
<th>Offered Reinstatement</th>
<th># Backpay cases (from employer)</th>
<th>Amount employ backpay $000</th>
</tr>
</thead>
<tbody>
<tr>
<td>1939</td>
<td>4,618</td>
<td>2,671</td>
<td>31,000</td>
<td>6,213</td>
<td>NA</td>
</tr>
<tr>
<td>1940</td>
<td>3,934</td>
<td>2,995</td>
<td>23,475</td>
<td>5,181</td>
<td>924</td>
</tr>
<tr>
<td>1942</td>
<td>4,967</td>
<td>3,221</td>
<td>8,251</td>
<td>5,925</td>
<td>1,226</td>
</tr>
<tr>
<td>1950</td>
<td>4,472</td>
<td>2,111</td>
<td>2,259</td>
<td>1,078</td>
<td></td>
</tr>
<tr>
<td>1952</td>
<td>4,306</td>
<td>1,801</td>
<td>2,734</td>
<td>1,345</td>
<td></td>
</tr>
<tr>
<td>1955</td>
<td>4,362</td>
<td>1,275</td>
<td>1,836</td>
<td>785</td>
<td></td>
</tr>
<tr>
<td>1956</td>
<td>3,522</td>
<td>1,841</td>
<td>1,955</td>
<td>3,322</td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>3,655</td>
<td>922</td>
<td>1,457</td>
<td>515</td>
<td></td>
</tr>
<tr>
<td>1958</td>
<td>6,068</td>
<td>1,067</td>
<td>1,168</td>
<td>679</td>
<td></td>
</tr>
<tr>
<td>1959</td>
<td>8,266</td>
<td>4,278</td>
<td>1,521</td>
<td>793</td>
<td></td>
</tr>
<tr>
<td>1960</td>
<td>7,723</td>
<td>1,885</td>
<td>3,110</td>
<td>1,041</td>
<td></td>
</tr>
<tr>
<td>1963</td>
<td>9,550</td>
<td>3,478</td>
<td>6,965</td>
<td>2,749</td>
<td></td>
</tr>
<tr>
<td>1964</td>
<td>10,695</td>
<td>4,044</td>
<td>5,142</td>
<td>3,000</td>
<td></td>
</tr>
<tr>
<td>1965</td>
<td>10,951</td>
<td>1,875</td>
<td>3,110</td>
<td>2,699</td>
<td></td>
</tr>
<tr>
<td>1966</td>
<td>10,902</td>
<td>6,187</td>
<td>15,466</td>
<td>8,911</td>
<td></td>
</tr>
<tr>
<td>1967</td>
<td>11,259</td>
<td>4,274</td>
<td>13,936</td>
<td>3,286</td>
<td></td>
</tr>
<tr>
<td>1972</td>
<td>17,733</td>
<td>5,407</td>
<td>6,741</td>
<td>6,570</td>
<td></td>
</tr>
<tr>
<td>1973</td>
<td>17,361</td>
<td>3,555</td>
<td>6,800</td>
<td>5,989</td>
<td></td>
</tr>
<tr>
<td>1974</td>
<td>17,978</td>
<td>4,778</td>
<td>7,405</td>
<td>9,158</td>
<td></td>
</tr>
<tr>
<td>1978</td>
<td>27,056</td>
<td>5,533</td>
<td>8,623</td>
<td>13,439</td>
<td></td>
</tr>
<tr>
<td>1979</td>
<td>29,026</td>
<td>5,837</td>
<td>14,627</td>
<td>16,538</td>
<td></td>
</tr>
<tr>
<td>1980</td>
<td>31,281</td>
<td>10,033</td>
<td>15,566</td>
<td>32,136</td>
<td></td>
</tr>
<tr>
<td>1981</td>
<td>31,273</td>
<td>6,463</td>
<td>2,529</td>
<td>37,617</td>
<td></td>
</tr>
<tr>
<td>1982</td>
<td>22,545</td>
<td>10,905</td>
<td>18,434</td>
<td>39,120</td>
<td></td>
</tr>
<tr>
<td>1983</td>
<td>23,045</td>
<td>12,714</td>
<td>18,090</td>
<td>35,086</td>
<td></td>
</tr>
<tr>
<td>1984</td>
<td>24,075</td>
<td>11,886</td>
<td>16,413</td>
<td>44,444</td>
<td></td>
</tr>
<tr>
<td>1985</td>
<td>26,244</td>
<td>6,603</td>
<td>26,197</td>
<td>61,530</td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>22,095</td>
<td>4,549</td>
<td>30,590</td>
<td>107,963</td>
<td></td>
</tr>
<tr>
<td>2001</td>
<td>21,512</td>
<td>4,138</td>
<td>27,582</td>
<td>208,900</td>
<td></td>
</tr>
<tr>
<td>2002</td>
<td>23,036</td>
<td>1,689</td>
<td>15,925</td>
<td>51,560</td>
<td></td>
</tr>
<tr>
<td>2003</td>
<td>21,765</td>
<td>2,393</td>
<td>23,320</td>
<td>90,413</td>
<td></td>
</tr>
<tr>
<td>2004</td>
<td>19,946</td>
<td>3,496</td>
<td>30,784</td>
<td>205,352</td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>18,304</td>
<td>2,008</td>
<td>31,358</td>
<td>83,421</td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>16,887</td>
<td>2,926</td>
<td>26,824</td>
<td>107,982</td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td>16,291</td>
<td>1,771</td>
<td>29,559</td>
<td>123,526</td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>16,179</td>
<td>1,839</td>
<td>17,204</td>
<td>64,275</td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td>16,541</td>
<td>1,549</td>
<td>14,554</td>
<td>75,734</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>17,145</td>
<td>1,634</td>
<td>17,244</td>
<td>82,464</td>
<td></td>
</tr>
</tbody>
</table>

Source: Annual Reports of the National Labor Relations Board. Table 2, “Types of Unfair Labor Practices Alleged, Recapitulation”; Table 4, “Remedial Actions taken in Unfair Labor Practice Cases Close.” \[http://nlrb.gov/annual-reports\]
Table 2  States with right-to-work (RTW) legislation and collective bargaining legislation

<table>
<thead>
<tr>
<th>State</th>
<th>RTW (private sector)</th>
<th>Collective bargaining (public sector)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>1953</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>Arizona</td>
<td>1946</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>Arkansas</td>
<td>1944</td>
<td>–</td>
</tr>
<tr>
<td>Florida</td>
<td>1944</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>Georgia</td>
<td>1947</td>
<td>–</td>
</tr>
<tr>
<td>Idaho</td>
<td>1985</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>Indiana</td>
<td>1957 enacted, 1964 repealed, 2005 enacted</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>Iowa</td>
<td>1947</td>
<td>–</td>
</tr>
<tr>
<td>Kansas</td>
<td>1958</td>
<td>–</td>
</tr>
<tr>
<td>Louisiana</td>
<td>1976</td>
<td>–</td>
</tr>
<tr>
<td>Maine</td>
<td>–</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>Michigan</td>
<td>–</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>Minnesota</td>
<td>–</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>Mississippi</td>
<td>1954</td>
<td>–</td>
</tr>
<tr>
<td>Missouri</td>
<td>–</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>Nebraska</td>
<td>1946</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>Nevada</td>
<td>1951</td>
<td>–</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>–</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>New Jersey</td>
<td>–</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>North Carolina</td>
<td>1947</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>North Dakota</td>
<td>1947</td>
<td>–</td>
</tr>
<tr>
<td>Ohio</td>
<td>–</td>
<td>limits overridden by referendum</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>2001</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>–</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>South Carolina</td>
<td>1954</td>
<td>–</td>
</tr>
<tr>
<td>South Dakota</td>
<td>1973</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>Tennessee</td>
<td>1947</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>Texas</td>
<td>1947</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>Utah</td>
<td>1955</td>
<td>–</td>
</tr>
<tr>
<td>Virginia</td>
<td>1947</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>–</td>
<td>limits or forbids</td>
</tr>
<tr>
<td>Wyoming</td>
<td>1963</td>
<td>–</td>
</tr>
</tbody>
</table>


common throughout the airline industry by 1985 (Cappelli 1987). More recently, these plans have had a harmful effect in the auto industry. Although it has always been tiered, with workers at supplier companies traditionally making 70% less than workers at the Big Three (General Motors, Chrysler, and Ford), the trend has greatly accelerated with increased outsourcing. For example, in 1977 only 17% of workers in auto were low wage, by 1990 40%, and today well over half. Two-tier plans were introduced as major component manufacturers were sold or spun off after 2000, including GM spinoffs American Axle in 2000 and Delphi in 2003 (Slaughter 2003, 2005).
Caterpillar, after record profits in 2005, forced the union to accept a more extreme two-tier plan (Soloman 2005). And, with the 2007 GM contract setting the tone, the Big Three became two tiered, with new hires making far less than workers in some nonunionized transplants (Feeley & Ten Eyck 2007; Slaughter 2009, 2010).

THE GROWTH OF PUBLIC SECTOR UNIONS

Pre-1960 Governmental Unionism

Prior to 1960, very few municipalities had stable collective bargaining agreements. Many cities had histories of strikes and union organizing, but as in the private sector during the era of trade union illegality, much organizing proved episodic, ending most often not merely in the defeat of unions but in their complete destruction.4 Perhaps the most important exception was Philadelphia. The city government in 1957 signed a contract with the American Federation of State, County, and Municipal Employees (AFSCME), which represented all 18,000 nonsupervisory employees in the city. New York City had some important collective bargaining, as did New Haven, Connecticut, and Cincinnati, Ohio. In addition, the International Association of Fire Fighters (IAFF) has had stable organization and bargaining across the country for decades. At the state level, only Wisconsin had extensive organization and collective bargaining. Thus, public sector unions at the state and local levels were primarily characterized by their absence.

At the federal level, union organization was more prevalent. Postal workers, the largest segment of civilian government employees, had been well organized at least since the 1930s, with an earlier history of struggle (Spero 1924, Godine 1951). Organization also existed in several smaller, atypical government agencies and departments, including the Tennessee Valley Authority; the Government Printing Office; the St. Lawrence Seaway; the Oak Ridge, Tennessee, nuclear facility’s >40,000 workers; and among trade workers in naval yards, munitions facilities, and government construction units, often in the Department of the Interior (Schneider 1964, p. 100).

Public Policy

Public policy prior to 1960 was in general opposed to unions among government employees. Opposition was based on the sovereignty principle, an argument with enormous popular and legal hegemony. The government was supposedly sovereign, the highest authority in the land, and represented the interests of the whole people; pressure on the sovereign by hired public servants was considered illegitimate. Presidents Theodore Roosevelt and Taft issued gag orders from 1902 to 1912, denying federal employees the right even to petition Congress over grievances. These orders, aimed primarily at postal workers, were eventually overturned in federal court (Hart 1961, p. 18). The principle of sovereignty, however, remained intact. As then–Massachusetts Governor Calvin Coolidge stated during the 1919 Boston police strike, “There is no right to strike against the public safety by anybody, anywhere, at any time” (Ross 1969, p. 15). These sentiments were not confined to Republicans and conservatives; Franklin Delano Roosevelt’s 1937 reply letter to Luther Stewart, then president of the National Federation of Federal Employees and one of his supporters, stated: “The process of collective bargaining . . . cannot be transported into the

4 Maier (1980, 1987) provides detailed accounts of unionism in New York City (a highly studied locale). Godine (1951, p. 8) describes the 1946 teachers’ strike in Buffalo, New York as “the greatest strike of school teachers in the nation’s history.” Although teachers there strongly supported their union and the strike, the struggle was defeated and their organization destroyed.
public service. The employer is the whole people who speak by means of laws enacted by their representatives in Congress...."

The 1947 Taft-Hartley Act made it illegal for federal employees to strike; to strengthen this provision, Public Law 330 was passed in 1955, making it a felony not merely to strike, but to assert the right to strike or even to belong to an organization that asserted the right to strike. The situation at the state level was hardly any better. In the aftermath of the 1946 Buffalo teachers’ strike, New York State passed the Condon-Wadlin Act, making public sector strikes felonies with lengthy mandatory jail sentences. New York City Mayor O’Dwyer characterized it as “totalitarian” (Goldfield 1989c), and Sterling Spero said it was “the most drastic and spectacular state legislation in this [antistrike] field” (Sussna 1958, p. 528), although it was by no means atypical. Ironically, in liberal New York City no public official dared to ask for the law to be enforced. Courts, of course, were not so remiss (e.g., 1945 Railway Mail Association v. Murphy, 180 Misc. at 875). New York City, however, extended bargaining rights to public sector workers in 1958, in part owing to the strong support of private sector unions (Ahlquist 2012).

Opposition to government employee collective bargaining was shared even by many leaders of established unions. In a statement that infuriated the AFSCME leadership, the Executive Council of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) announced in 1959 that “government workers have no right beyond the authority to petition Congress . . . a right available to every citizen” (Kramer 1962, p. 41).

By the 1960s, there was a change in public policy. At the federal level, in 1962, President Kennedy issued Executive Order 10988, the first of a series of executive orders and laws that encouraged, facilitated, and regulated the recognition of federal employee unions. Under President Nixon, formal legislation was passed as well. In 1959, Wisconsin had become the first state to pass strong, state-level collective bargaining laws (with an administrative apparatus set up in 1962). By 1977, 29 states had passed similar laws, with Illinois and Ohio enacting laws in the 1980s. During the 1960s and 1970s, the majority of states passed surprisingly uniform, strong public sector collective bargaining legislation, in order to legalize and structure increasingly contentious labor-management relations. A question much discussed in the literature is what caused these laws to be passed, and conditions in particular states made them more likely to be enacted.

Both the upsurge in union growth and the widespread changes in public policy took most industrial relations experts by surprise. The rapid growth in union membership was “largely unanticipated” by scholars, occurring at a time when private sector union density was falling (Goldfield 1987, pp. 15, 17). Most analysts prior to 1960 gave convincing reasons why governmental workers would never organize: government workers considered themselves professionals, had greater job security than private sector workers had, and faced severe penalties for organizing and especially striking.

Most of the growth of public sector unions took place during the 1960s and 1970s (Draper 2000). Governmental unions at the federal, state, and local levels grew from 903,000 members in 1960 (10.8% union density) to almost six million members in 1976 (40.2%) (Troy & Shefflin 1985, pp. 3–20, 3–31). State and local unions achieved the most dramatic growth, climbing from 307,000 members (5% union density) in 1960 to 4.8 million members (39.9%) in 1976. The public sector, thus, went from being a bastion of the unorganized to being a stronghold of US unions (Hirsch & Macpherson 2012).

For the inadequacies of the 1959 law, and the degree of labor-management conflict that followed it, see Krause (1965).
Burton (1979) discusses these arguments. Exceptions to this virtual consensus were Spero (1924) and Dunlop (1959); the latter predicted large future growth for AFSCME.
What Private and Public Sector Unions Do

As Freeman & Medoff (1984, p. 136) showed three decades ago, “Workers covered by collective bargaining agreements have higher wages, better fringes, better seniority protection, better grievance systems, and greater voice in determining the conditions of their employment than do other workers. They quit less frequently than other workers.”

The wage premium of private sector union members in 2011 was almost 29%, when controlling for other variables. For women it was almost 35%; for African-Americans almost 30%. For Latinos, belonging to a union led to 56% higher wages. In the public sector, the union premium was 36% at the local level and 22% at the state level; no premium exists at the federal level (US Department of Labor 2012b,c). These differences deserve some explanation. First, unions help raise the wages of nonunion employees in the same industry, providing an impact greater than these figures suggest. Federal employee unions have indirectly raised wages at the federal level, but the result is uniform wages for employees at various pay grades, regardless of their union affiliation, hence the lack of a union premium. The greatest differences among public sector employees are at the local level, where wages for employees (teachers, fire fighters, police) can differ greatly by locale, affecting the size of the union wage premium. Unions also decrease the wage dispersion, raising the wages of those at the bottom more than those at the top (the classic study is Farber & Saks 1980; see also Firpo et al. 2009a,b). Women and minorities, because they tend to be in lower wage classifications, have their wages raised more, hence the larger union wage premium for them (perhaps explaining why they appear more prounion when surveyed). Latinos are an extreme case. They comprise 44% of the workforce in landscaping; in hospitality, they make up 40% of dishwashers, cooks, maids, and housekeepers; and in construction, they are 43% of laborers, 47% of roofers, and almost 60% of drywallers. Roughly 50% of agricultural workers are Latinos (approximate figure calculated by combining a number of weighted subclassifications in US Department of Labor 2012a). Because of their heavy concentration in very low-wage jobs, unionization gives Latinos especially striking wage increases.

The union/nonunion differential in terms of benefits is even more extreme, with unionized workers paid 1.96 as much as nonunion workers. They receive 50% more paid leave and 300% more money for health insurance ($4.91 to $1.89 per hour—and are more likely to have their employer pay for it). They are paid over three times as much in retirement benefits ($2.85 to $0.84 per hour). None of these differences, however, are meant to deny the fragility of many benefits for unionized workers, whose pensions are often small (although greater than nonunion workers’) and whose health care often disappears when they retire, they are laid off or terminated, or the company closes or moves. This precarious position is in part due to the decisions by US unions to rely on contractual gains rather than fighting for these benefits for all citizens, as well as the resilience of welfare capitalism plans over the past century (Lichtenstein 2002). Social benefits in the United States are divided between private and publicly sponsored benefits. The existence of contractually negotiated benefits leaves a growing divide between the unionized and nonunion workforce. With the decline in union density, that cleavage has expanded, and support for the unionized workers who continue to have these benefits has decreased (Hacker 2002, Klein 2003; for the definitive exploration of the private nature of the US health insurance industry, see Quadagno 2005).

The relationship between unionization and safe workplaces is complicated, and assertions in the literature are contradictory. The Bureau of Labor Statistics, which collects workplace statistics on injuries, illnesses, and fatalities, does not differentiate union and nonunion workplaces. In the case of coal mine safety, where statistics are broken down by union/nonunion, unionized mines appear to be more safe. The literature on the role of negotiated contractual rights, such as contractual safety improvements and the right to refuse unsafe work, remains controversial (for
a careful review, see Morantz 2009). What has been reliably measured empirically is the higher levels of OSHA (Occupational Safety and Health Administration) complaints and enforcement in unionized workplaces. Unions provide workers “voice” by calling upon OSHA with less threat of management retaliation. Unionized workplaces capture a larger percentage of OSHA inspections (a probability of a complaint inspection of 0.51 compared to 0.06 for nonunion workplaces); unions exercise their right to “walk around” with OSHA inspectors and be present at pre- and postinspection meetings (48% in union, but only 3% in nonunion workplaces) (Weil 1991, pp. 25, 28; Gray et al. 1998). Morantz’s (2013) study of union impact on health and safety in coal demonstrates the possibilities for definitive findings when comprehensive statistics are available. Morantz is consistent with the findings of Weil (1991) and Gray et al. Myers (1998).

In general, unionized workers have more democratic rights and consequently more dignity. The seniority that is written into virtually all union contracts regarding job promotions, job rights, layoffs, and vacations, despite its flaws, gives unionized workers certain protections from arbitrary actions of management. One only has to read the stories of workers before industrial unions—the type of favors done to obtain and keep a better (easier, cleaner, higher paying) job, to get toilet breaks, to avoid being laid off—to understand the importance of seniority. In many workplaces, bringing the foreman a bottle of liquor, mowing his lawn or washing his car on a weekend, or submitting to sexual violation were regular occurrences. Seniority diminishes such indignities (Stepan-Norris & Zeitlin 1996, pp. 54, 58; Bromsen 2011, Meyerowitz 1985, pp. 240–41; Korstad 1993, pp. 294–95).

The idea, put forward by many free-market theorists (including “right to work” advocates), that individual workers have more freedom to deal with and negotiate with their employers, is unconvincing. Unionized workers not only have more bargaining power but are able to be more assertive. In many nonunion workplaces, workers are often illegally discharged for filing complaints to government agencies (OSHA or the Equal Opportunity Employment Commission), filing for legally guaranteed workman’s compensation when injured, or even just complaining, much less advocating unionization.7 The greater voice unionized workers have in the workplace is undoubtedly reflected in the lower turnover rates compared to nonunion workers (Hirschman 1970; Freeman & Medoff 1984, pp. 103–7).

Unions, however, remain inherently contradictory. A union’s ability and willingness to fight for greater benefits and to democratically represent the aspirations of its members depend on an aroused and vigilant membership to keep the organization and its leaders from continually narrowing their focus, and from accommodating further and further with the employers. On the other hand, unions are also the most powerful force counterbalancing the unrestrained rule of business in all aspects of modern society, including the political arena. It is only labor upheavals that have brought workers the eight-hour day, the National Labor Relations Act, and other benefits. And it was the strength and militancy of unionized West Virginia coal miners in 1970 that forced the expansion of coal mine safety, first on the state government and eventually on Congress and the Nixon White House (Fry 2010, pp. 7, 177, 248, 275).

Paradoxically, it is only in the context of extensive union organization that broad forms of solidarity and class struggle are able to emerge. Unions give workers more self-assurance in speaking out, defying authority, and engaging in collective action, even when their leaders are hesitant. This capability is especially apparent in times of crisis. For example, the mobilizations in 2011 in

7In 2007, a worker who just voted for a union had a one in seven chance of being discharged (assuming that those who voted against the union would not be illegally discharged). Thus, workers who spoke for the union publicly or who actively organized for a prounion vote have a good chance of being illegally discharged in an organizing campaign.
Madison, Wisconsin were not begun by spontaneous individuals. The University of Wisconsin–Madison Teaching Assistants Association (TAA), a prominent, militant, engaged, trade-union organization of teaching assistants, and the local American Federation of Teachers (AFT) chapter initiated the first mobilizations, demonstrations, and occupations of the capital buildings. The visible and vocal solidarity of the firefighters—whose acquiescence was supposedly bought by Wisconsin Governor Scott Walker by excluding them and police from the anti–collective bargaining legislation—inspired many, and their organized bagpipe band also lent esprit de corps to the crowds. Organized sheet metal workers, who came not as isolated individuals but as group participants with their union jackets and hardhats, provided some of the muscle for keeping the occupation of the capital alive.

WHY LABOR UNIONS ARISE AND WHAT THEY DO

The Origins of Trade Unions

Although trade unions exist in noncapitalist economic systems and certainly have antecedents in the preindustrial era, they are most basically the inevitable product of labor relations in capitalist societies. Three very different theoretical paradigms have been used to view unions: free market theory, industrial pluralism, and the conception of labor relations as inherently conflictual.

The free market approach views wages and working conditions as largely determined by the market, with individuals getting their due based on the demand for and usefulness of their skills. Unions tend to distort the market; those with less valuable skills and resources receive special advantages (which they do not deserve), taking resources away from those who should be gaining more. In distorting the market, unions make the economy less efficient for everyone (Hicks 1963, p. 146; Friedman 1962, pp. 19, 144, passim; Hayek 1944). In the public sector, union growth can be attributed to lack of market competition for public sector services and the power public sector unions wield against undisciplined politicians (Farber 2005).

While seeing no essential conflict of interest between workers and their employers, industrial pluralists see differing interests and hence recognize workers’ need for organizations to represent them. Workers sometimes organize around their interests so they can more effectively bargain with employers. Unions are therefore pluralist interest groups whose members decide as individuals, usually by a rational choice (weighing the costs and benefits of union membership at any particular time). This pluralist approach has dominated modern industrial relations research in the United States (Almond 1958, p. 278; Barbash 1987, pp. 171–77; Budd 2004). Strikes and conflict are at times necessary, if only to test the strength of the contending parties, but mature bargainers tend to minimize them and act more cooperatively.

Although both these perspectives contain valid perceptions, they are, in our opinion, insufficient for understanding basic elements of how trade unions function, as well as how they rise and decline. A third paradigm sees labor relations as inherently conflictual. Businesses produce goods or services for a profit. Although they may lose money in the short term, in the long run they must turn a profit or disappear. The woes of J.C. Penney and Sears, the formerly world-dominant Research in Motion (makers of Blackberry), and various financial firms underscore this reality. Under competition, businesses must both produce a superior product and lower costs. Reduction in labor costs is an essential component of this strategy, especially in the absence of major perceived differences in product quality. Employers push whenever possible for more work and less pay. For the labor-intensive textile industry, for example, this may mean fleeing higher-wage venues to employ the most impoverished and vulnerable wherever they may exist in the world. In the less mobile health care industry, doctors are pressured to see more patients in less time and perhaps to
minimize the use of costly procedures (although the economic incentives for hospital physicians may work against this). Even the most profitable companies, however, with perceived superior products, tend to look for labor cost savings by pressing workers into lowering their wages and working in poorer conditions (on Apple, see, e.g., Zielenziger 2012; for Caterpillar, e.g., Occupy London Ontario 2012).

Although all three paradigms view the pressures as fundamentally economic, workers feel them not only in terms of pay and benefits but also in pace of work, dignity, and self-worth. Except under certain circumstances, usually determined by rare, profitable skills and alternative ways of making money (as with star National Football League quarterbacks, or computer science and business school finance professors), most workers as individuals are highly vulnerable, whatever the personal attitudes of their employers. Thus, most workers, at one time or another, attempt to resist these pressures by organizing unions and bargaining collectively rather than individually. Non-economic factors, including culture, social attitudes, and demographic characteristics, may at times play an important role but are usually secondary. Those who emphasize these issues often take their focus away from the more compelling variables.

The history of labor organizing, especially in the United States, is replete with examples of groups of workers (often defined by their race, ethnicity, and gender) who were considered unorganizable but later became militant, solidly unionized constituencies. There was a time when Black workers were considered too submissive to be good union members. At least since the 1930s, however, they have been among the most solidaristic of labor union supporters (see, e.g., Spero & Harris 1966, pp. 360–64, 375–76, passim; Goldfield 1987, pp. 134–35). Similarly, many commentators have regarded immigrants’ lack of “Americanization” and their ethnic, often peasant, roots as a roadblock to unionization. In 1910, Socialist Party leader Morris Hillquit described the recently immigrated Jewish cloak workers of New York City as “long-suffering, meek, and submissive. . . . The cloak workers were long the despair of professional and union organizers. . . . They seemed hopelessly unorganizable on a permanent basis” (Hillquit 1934, pp. 130–31). After the 1911 Triangle Shirtwaist Fire in which 146 young female workers died, the Jewish cloak workers, along with hundreds of thousands of other Jewish garment workers in New York City and elsewhere, eventually became the most staunch of union stalwarts and a bastion of support for Socialist and Communist politics (Greenfield 2005). Similar claims were later made about Eastern European immigrants during the Great Steel Strike of 1919, although these workers acquitted themselves well, and during the 1930s they were considered a solid constituency for union organization (Interchurch World Movement 1920).

Women workers were once thought to be much less organizable than men. Many prominent industrial relations researchers were vehement on this point. Dunlop (1948, p. 84), just after World War II, wrote about their lack of commitment to the workplace: “One of the problems of organizing women arises from the fact that they expect only a short working life and then plan to retire to the more arduous duties of the household” (see also Bell 1954, p. 235). Barbash (1964, p. 105), a prominent pluralist writer, asserted: “Women workers, with notable exceptions, are not the material out of which strong unions are typically built.” One widely used labor economics text even argued that the decline in union membership could be explained by the rising percentage of women in the workforce (Ehrenberg & Smith 1985, p. 373). With the rise of public sector unions whose constituents are disproportionately female, such assertions have diminished, although not entirely disappeared. Women workers today are more likely to be pro-union than men (Goldfield

An exception to this near unanimity is Bernstein (1961, p. 150); see Goldfield (1987, pp. 135–37) for a fuller discussion and references.
1987, pp. 135–37). These examples should give pause to those who primarily emphasize cultural and demographic characteristics in accounting for the success or failure of unionization.

**Explaining the Rapid Public Sector Union Growth in the 1960s and 1970s**

Why, as private sector unions began their long decline, did public sector unions grow so rapidly? Hypotheses have included the rapid expansion of public employment since World War II, the changing demographics of government employees (younger, darker, more female), and the impact of the civil rights and antiwar movements, among others. However, the most popular explanation at the time and the hegemonic one today is that changes in public policy were the main causes of union growth (see Freeman & Ichniowski 1988 p. 3; Moe 2011).

**Changes in Public Policy: The Laws Hypothesis.** The laws hypothesis is attractive for two reasons. First, it appears that laws and executive orders were enacted at around the time that public sector union growth was “taking off.” This correlation is occasionally borne out in the simplest ordinary least squares statistical models. Second, the laws hypothesis seems an elegant, straightforward explanation that avoids a series of complicated variables whose constellation is not easily ordered or measured. Still, the models must be supplemented both by historical evidence and a precise timeline of when public policy actually changed and why.

In our opinion, the laws hypothesis is greatly overstated. First, it is based on simplistic statistical models that make unwarranted assumptions about how union growth takes place. In particular, it does not adequately theorize the historical processes by which unions take off and grow, and it fails to examine historical descriptions of how public sector organizing actually began its ascent (Goldfield 1989b, see also Devinatz 2012).

Comparing the years that laws were passed and the level of organization at the time raises a further objection. At the federal level, the Presidential Task Force that wrote Executive Order 10988 is pertinent (Hart 1964, p. 206). Their report documents dramatic increases in organizing across almost every federal executive department (especially Defense) before the EO was issued. The EO was in large part designed to control and provide order to this situation. Most accounts of the 1962 EO also suggest that in the first several years, it was weak and unenforced (see e.g., Hart 1964, p. 212; Burton 1979, p. 15; Gregory & Katz 1979, p. 600). The upsurge at the federal level seems clearly to have preceded public policy.

Of the states that passed collective bargaining laws in the 1960s, many had explosive union growth in the public sector before any state laws were passed, including Indiana, Iowa, New Hampshire, and Michigan. In addition to Illinois and Ohio (often cited as anomalies by laws hypothesis analysts), numerous states that had not passed collective bargaining laws by 1977 already had substantial organization of school teachers (a group for which data is more readily available). These states included Nebraska (80%), Utah (78%), Colorado (65%), and Wyoming (65%).

At the state and local levels, teacher unionism was both the pacesetter and barometer for public sector union growth. The importance of the November 1960 New York City strike of 50,000 teachers is uncontested in the many accounts of the growth of teacher unionism. This successful strike led to a bargaining breakthrough in early 1961 and the subsequent take-off of teacher unionism in major cities across the country. Before the strike, the AFT was limping along in only two cities, New York and Chicago, and the National Education Association (NEA)

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9Supplemented by an interview by one of the authors with Ida Klaus (1985), who by most accounts effectively ran the Task Force and wrote the executive order.
was still a professional organization, dominated by school administrators and opposed to collective bargaining. Within months after the strike, not only was the New York AFT a strong representative of New York City teachers, but the AFT was being built in dozens of large cities. The initial take-off in growth in 1961, as well as the recorded increase in membership several years later, occurred, however, considerably before the passage of any strong state teacher bargaining laws except Wisconsin’s.

**Unionization as an Unnatural Act: Free-Market Analysis.** Why, then, do so many careful researchers tend to look to the laws as the cause of growth in public sector unions (or private sector unions, for that matter)? The reason, we believe, is ideological. Free market analysts and their rational choice offspring view unionization as an unnatural process. When workers join unions or express strong preferences to do so, important explanatory variables (usually economic) are required to explain this (e.g., Ashenfelter & Pencavel 1969). Why do workers break with their normal patterns of life and “preference maximization”? Why do they take risks that involve potentially high costs to join a union, become active, or go on strike, acts that may cost them their jobs and livelihood (e.g., Olson 1965)? These seemingly plausible questions put overwhelming emphasis on the calculation of costs and benefits by individual workers. Though the paradigm includes important elements of truth, the search for continuously active covariates, which are supposedly necessary to sustain the process of union growth, is, we would argue, ultimately misplaced.

**Natural Development: Organizational Barriers to Take-off.** The alternative paradigm, which views labor–management relations as inherently conflictual, better explains the process (see, e.g., Goldfield 1987, pp. 62–63; Hyman 1975). If conflict is endemic, workers usually want and almost always need organization, except in the most unusual situations of labor market shortage, the possession of rare sets of skills, etc. The question within this paradigm is not why workers organize but what holds them back when they do not. And when periodic bursts of organization do take place, the most important question is not necessarily what sustains the process but rather what allowed it to take off.

Two interrelated factors hold back the growth of unions. First, the initial development of unions is often thwarted by resistance from employers and the government. Second, the effectiveness of opposition to unions is enhanced by the structural characteristics of union organizations. As some analysts have noted, unions are different from most other voluntary organizations (see, e.g., Wilson 1973, p. 117) because they must capture, represent, and maintain the support of the overwhelming majority of their workplace constituency. To do this, they must often prove their ability to engage in strikes, usually facing intense opposition from employers (see, e.g., Piven & Cloward 2000, pp. 415–16). Even with overwhelming positive sentiments of their potential constituency, new union organizing generally has problems breaking through the threshold barriers. If it succeeds, growth often occurs more or less automatically.

Although other organizations (e.g., business organizations, neighborhood groups, political parties) often have threshold problems too, especially in their initial attempts to attain legitimacy, overwhelming majoritarian status is not a life-and-death requirement for them. This organizational difference is a major part of what accounts both for the initial delay and the subsequent, often explosive, growth of unions. Labor movements usually grow and spread through a series of tremendous surges and leaps whose contours are only indirectly related to short-term economic and background conditions (Dunlop 1982). Hobbsbawn (1964, p. 150) notes that the “periodic and sudden expansions in the size, strength, and activity of social movements” are almost always “jumpy” and “discontinuous.” Often the combustible material—the stock of grievances—accumulates over a long period. Although the factors are usually empirically identifiable, they are
not always easily correlated with the timing and size of the leaps. Attempts to apply a cost/benefit analysis to the involvement of workers in these upsurges rarely give a compelling causal explanation. When they seem to work, it is often a result of fortuitous and ad hoc factors. [For example, Ashenfelter & Pencavel’s (1969) famous cost/benefit model of union growth was dramatically unable to predict union decline in the private sector from the 1970s on. For an extended critique, see Goldfield (1987), pp. 159–62.] Equally important, as Hobsbawm (1964) stresses, is the lack of useful indices for important factors that affect working-class behavior, including the intensity and discomfort of work and the disrespect and arbitrariness of management. At best, one has only partial indicators.

Seeing the development of unions as a natural process with severe threshold problems changes what part of union growth is most important. If unionization is a natural process held back by structural and oppositional constraints, then it is not the cost/benefit analyses of individuals that one wants to understand but the process of take-off itself.11 These theoretical issues are discussed in by Hyman (1975) and Goldfield (1987, especially ch. 4).

The growth of public sector unions can best be understood as a time-dependent process (i.e., time itself is the main, explanatory, independent variable). Before take-off begins, there is a store of accumulated grievances, desires, and pressures. The upsurge of unionization uncaps a large amount of pent-up social energy. A series of initial shocks—successful strikes, victories—starts the process forward, leading to imitation in other geographic areas and in other sectors. The post-take-off period can be modeled as one of binary diffusion12 (having certain similarities to the spread of contagious diseases), although public sector union growth was continually propelled and occasionally set back by new shocks. Growth eventually levels off as a result of the exhaustion of the movement, the saturation of the most organizable arenas, drastic changes in the background conditions (e.g., higher unemployment, budget cuts, etc.), or large-scale negative shocks (major defeats). We would argue that this same model aids in understanding the explosive period of private sector union growth, especially from 1933 to 1945 in the United States (for explanations that emphasize the laws in private sector union growth, see Tomlins 1985 and Lovell 2003).

The impetus for public sector organizing was enhanced by the great increases in government budgets at all levels after World War II (US Census Bureau 2010), paralleled by an expansion in the size of administrative units, including that of public education. Large, concentrated employment units lend themselves more readily to union organization and militant actions (Goldfield 1987, pp. 149–50). Saltzman’s (1985, p. 346) careful analysis of teacher unionization confirms this for public sector union growth in the 1960s and 1970s: “…39% (37 of 95) of the large and very large school systems (those with full-time equivalent instructional staffs of more than 2,500 in 1977) and 55% of the teachers in those systems (325,000 out of 594,782), started bargaining before the enactment of bargaining legislation.” In very large school systems (i.e., those with 5,000 or more teachers), the figure increases to 69%. Thus, the bellwether role of New York City teachers may not be entirely fortuitous.

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10Ashenfelter & Pencavel’s (1969) famous cost/benefit model of union growth was dramatically unable to predict union decline in the private sector from the 1970s on. For an extended critique, see Goldfield (1987, pp. 159–62).

11Qualitatively, take-off stands for the gathering of forces and the beginning of a new surge or spurt in union growth. More quantitatively, it can somewhat arbitrarily be defined to have begun when a potential constituency reaches 10% organizational density, and its rate of change in density (or slope) is increasing. Although the precise dating of take-off is not always easy, it is not usually necessary. In most cases, the changes in membership levels and slopes are dramatic enough to leave little doubt that take-off has occurred.

12For discussions of diffusion processes as applicable to social phenomena, see Griliches (1957), Hamblin et al. (1973), and Mahajan & Peterson (1985).
THE RECENT ATTACKS ON PUBLIC SECTOR UNIONS

Until recently, public sector unions seemed, if not immune, then certainly removed from the more aggressive opposition; that has changed. In 1981, as mentioned above, President Reagan fired 11,000 striking air traffic controllers in what was then seen as a watershed in opposition to unions. But when the new controller workforce voted for a new union in 1987, the Reagan administration had no qualms about negotiating with them. For several decades, the impact of the PATCO firing was on the private, not public, sector, signaling to private sector firms that the government condoned a wide range of strong union avoidance strategies. The long-term decline in private sector union density had a twofold effect, setting the stage for the later attack on the public sector unions. Public unions that had been strongly organized after World War II were centered in areas where private sector unions were strong. They gained support from solidarity efforts and local politicians’ reliance on the union vote for reelection. The benefits gained by public sector workers reflected private sector unions’ previous strength (Fletcher & Gapasin 2008, Ahlquist 2012). The loss of private sector union jobs—even when replaced by similar nonunion jobs at lower pay—has shifted public opinion against public sector worker benefits, workers, and their unions. With few transferable skills, former private sector union members have seen their standard of living eroded and their homes devalued or lost, and face a future with higher costs for health care and education (Ahlquist 2012). Private sector workers have been transformed from solidarity union members to voters and taxpayers, often with little affinity for public employees who have retained those rights.

Of course, collective bargaining rights also sometimes depend on the political administration. In 2001 and 2002, when the Transportation Security Authority (TSA) was established, Republicans argued that its workers should not be allowed to unionize because this would jeopardize security, a policy the Bush administration accepted. However, when the Obama administration took over, TSA employees were granted rights to unionize and did so.

Most right-to-work laws were enacted between 1940 and 1960, with only a few additions in succeeding decades. In 2005, this started to change (Freeman & Han 2012). It began with Indiana: a highly unionized manufacturing state that occasionally elected Democrats at the state level, but also a state with a legacy of strident conservatism, especially on racial issues. Reflecting this contradictory history, Indiana passed right-to-work legislation in 1957, repealed it in 1964, and reenacted it in 2005 under newly elected Republican Governor Mitch Daniels. On his first day as governor, Daniels reversed a 16-year-old executive order that had established public sector bargaining in the state. He also froze pay for state employees for several years and began large-scale outsourcing to private companies of government functions. “State employment per capita fell to the lowest level in the country” (Freeman & Han 2012, p. 5). State employee union membership dropped from >16,000 members in 2005 to <1,500 in 2011. In Missouri, newly elected right-wing Republican Governor Mel Blunt followed the same course in 2005, getting rid of the state board that ran state employee union elections.

With the sweep of state offices in 2010 by conservative Republicans, attacks escalated against both private and public sector unions. As in New York City during the 1970s budget crisis, the Great Recession and the severity of state budget crises provided a unique opportunity to roll back unions, despite their willingness in virtually every state to make broad concessions. In 2011 alone, 20 states introduced bills creating or amending existing right-to-work laws. However, only New Hampshire initially passed a bill, and the Governor’s veto was upheld in 2012. By early 2012, however, in a lame duck session, Michigan seems to have followed suit. Similarly, although 14 states introduced bills impacting private sector unions’ ability to collect dues, they passed only in Alabama and Arizona, two early right-to-work states.
Public sector workers faced the most pressure. Legislation eliminating or reducing the scope of public sector collective bargaining passed in 13 of the 25 states in which it was introduced. Of the 13, only 5 (Florida, Indiana, Nebraska, Oklahoma, Tennessee) were right-to-work states. In 3 more (Michigan, Minnesota, New Hampshire), anti–public sector unionism bills passed, but right-to-work laws were defeated. Public sector unions came under attack in 379 bills in 41 states; restrictions on dues and agency fees, 79 bills in 29 states; and political activities and contributions, 33 bills in 19 states (Freeman & Han 2012).

The Arguments and Facts About the Wages and Benefits of Governmental Workers

It is our view that the attacks on public sector unions are the most recent extension of the long-standing attempts to curtail private sector unions and the public sector itself. To justify the attacks, public sector workers have been portrayed as vastly overpaid in comparison to private sector workers, not working very hard, living off suffering tax payers’ money, and not having to make any sacrifices while the rest of the population’s conditions worsen. Typical of this approach are the advertisements that were run in Wisconsin by the right-wing Club for Growth. One advertisement said that while unionized workers in the private sector have made huge concessions and lost jobs, “state workers haven’t had to sacrifice. They pay next to nothing for their pensions, and a fraction of their health care. It’s not fair” (Yates 2010, pp. 72, 291, fn 47). Many of the comparisons are ill informed if not actually dishonest. There is also an academic literature that makes these same points, albeit in a more circumspect manner. In a well-researched analysis of the deficit crisis, Crotty (2011) identified a “Great Austerity War,” the outcome of which would determine the group on whose shoulders the burden of fixing it would fall.

The claim that public sector workers have higher wages and salaries than those in the private sector can be made only if one does not control for education and years of service (the essential ingredients of the neoclassical human capital argument). Public sector workers tend to have more education and experience than private sector workers. When the analysis controls solely for level of education, public sector workers are paid far less than private sector workers in all 50 US states. When one adds in benefits, especially pensions and health care, the gap narrows a bit. Nevertheless, in only a few states (most notably California) do public sector workers do better for their whole compensation package (and here only by a small amount) than private sector workers.13

The overwhelming majority of state and local pension plans were solvent before the financial crisis, and their current problems are due largely to the collapse of the stock market (Baker 2011, Lewin et al. 2011). A minority of such plans were in trouble because they were (perhaps illegally) underfunded beforehand. Of the two types of pension plans, defined benefits and defined contributions, the former have been the ones attacked by conservatives and represent a declining percentage of existing pension plans. It turns out, however, that these plans are far better for both the employer and the employees (Baker 2011, Lewin et al. 2011). Thus, the attacks on local, county, state, and federal defined-benefit plans would seem to be without substance.

THE RESPONSE TO THE ATTACKS

The most far-reaching initial response to the attacks on public sector unions took place in Wisconsin and Ohio. In Wisconsin, massive popular protests were led by a coalition of militant groups,

13The best research on this question is reported by Keefe (2010) and Lewin et al. (2012). The whole debate is summarized by Lewin et al. (2011). See also US Department of Labor (2012d).
official unions, and the Democratic Party (see Yates 2010, especially the essays by Donegan (2010), Sernatinger (2010), Sustar (2010), and Emspak (2010), for the best accounts of events in Wisconsin) Governor Scott Walker’s “Budget Repair Bill” stripped bargaining rights from all public sector employees except the uniformed police and fire services. The Teaching Assistant Association protest against budget cuts unexpectedly drew crowds estimated at 25,000–50,000 to 100,000–150,000. Notwithstanding their exemption, the police and fire service employees demonstrated in the Capitol; building trades and other private sector unionists turned out in force.

Despite the excitement generated within labor, the demonstrations had less and shorter impact on the public policy process than was hoped. First, despite the size of the crowd and length of occupation, the events were barely covered by the mainstream media (see media expert McChesney’s comments in his forward to Yates 2010, pp. 10–11). Democratic Party legislators and union officials played mixed roles, at times giving logistical support but more often channeling the energy into a campaign to recall several Republican senators and Governor Walker. The movement lost momentum as it split: the union leadership restricted its demands to merely supporting collective bargaining (since the unions had already agreed to many of the proposed concessions). Against this position, a coalition called “Kill the Whole Bill” demanded rescinding not only the antiunion legislation but also cuts in salaries, school support, and the new voter ID law. The recall election of August 16, 2011, the main focus of the Democratic Party and union officials, had mixed results. None of the Democrats was recalled, and only two of the Republicans were recalled, falling one short of the number necessary to give Democrats a majority in the state Senate. Surprisingly, although union members voted overwhelmingly for the recall of Republican state senators, many nonunion members of union households did not.

For a while the demonstrations gave renewed energy to other popular groups and arguably were an inspiration to Occupy Wall Street and other Occupy groups. On May Day, 2011, Voces de la Frontera (Voices of the Frontier), an immigrant rights group that had already held five yearly demonstrations, had by far its largest turnout ever in Milwaukee, an estimated 100,000 strong, cosponsored by the state AFL-CIO. On June 6, 2011, demonstrators shut down a Madison bank that had been a major supporter of Walker. Without organized leadership, however, the demonstrations eventually subsided, and much of the energy was eventually channeled into the failed recall of Governor Scott Walker.

In Ohio, Republican governor John Kasich’s successful legislative proposals were even more draconian: elimination of organized labor in public schools, a ban on strikes, and elimination of arbitration for public employees, including police and fire services; an end to union negotiation on health care and pensions; and allowing union-represented government workers to opt out of paying union dues and agency fees. A union-initiated coalition of Ohio groups called “We Are Ohio” collected 1.3 million signatures to place Kasich’s statute on the 2011 ballot. The antiunion legislation was overwhelmingly repealed, 61% to 39%. Despite this rebuke, Kasich and others claimed they would present further antilabor legislation (Freeman & Han 2012, pp. 8–9).

These ad hoc coalitions formed in reaction against public policies designed to destroy public sector unions, but they suffered from a lack of leadership and a failure to build permanent coalitions. Union leadership continued to make drastic concessions in the public sector, and private sector unions became more concerned with preventing passage and signing of right-to-work legislation. In Michigan, the push for a state constitutional amendment guaranteeing the right to bargain collectively was decisively defeated in November 2012. Unfortunately, all these actions have been reactive and centered on the electoral process. None of these examples became labor’s “Lazarus moment” (Ahlquist 2012). Private and public sector bargaining continued, separate and unequal. The mass demonstrations were not part of the collective bargaining process. Because most of these states had Republican governors and legislatures, union leaders did not have to face what would
become clear: Democratic Party governments had also embraced austerity and attacked public sector unions.

The role of the Democratic Party with respect to public sector unions, especially teachers, was made clearer in the events leading up to the September 2012 teachers’ strike in Chicago. Democratic Mayor Rahm Emanuel (with his obvious close ties to the Obama administration, as the president’s former chief of staff) and his appointed school board launched an austerity program, part of whose goal was to undermine the rights of public school teachers and their unions. Despite studies showing little relationship between teacher quality/effectiveness and student test scores (no less between the tests and student learning), the mayor and school board proposed making them the basis of not only teacher evaluation but even teacher retention. They also proposed longer hours with no increase in pay. They had a program for closing large numbers of schools and turning many of them over to for-profit corporations as charter schools. Teachers laid off at the closed schools would lose their recall rights, whatever their seniority. These were fundamental attacks on the unions and on teacher job security and seniority.

Thus, it was in Chicago, not Madison or Columbus, that a union returned to its ultimate source of strength: the ability to strike and shut down the school system while maintaining the public support it had spent the summer building. In a Chicago Tribune poll, 85% of Chicago residents, and 92% of parents of Chicago schoolchildren, agreed that teachers should be paid more for working longer hours; overall, 40% of respondents supported the Chicago Teachers Union (CTU) and only 17% supported Emanuel (Paul 2012). Three days into the strike, the CTU still enjoyed broad public support, often joined on the picket lines by parents with their school-aged children. Parents of public school children backed the strike 66% to 31%, including 63% of African-Americans and 65% of Latinos. Public opinion was, however, divided by race on certain issues. African-Americans and Latinos most strongly backed teachers’ opposition to being evaluated based on student test scores; these groups overwhelmingly blamed Mayor Emanuel for the strike (Miller 2012).

The 26,000-member CTU struck over smaller class size, better funding for school programs and services, investing resources in schools serving the population with the greatest need, fair pay for increased work hours, and job security (CTU 2012). The strike settlement, while containing concessions, preserves the basic pay structure; contains a raise in base pay to partially compensate for longer hours—16% over three years—which cannot be canceled because of budget shortfalls; maintains most rights of laid-off teachers; includes hiring social workers and school nurses; does not increase the state minimum of 25% of evaluations based on student test scores; and provides 600 additional teachers for art, music, world languages, and physical education as part of the longer school day (Sustar & Maass 2012).

It is, we believe, fair to say that the Democratic Party certainly is not today—if it ever was (see Greenstone 1969, Dark 2001)—a supporter of union rights. Although Democrats do not generally push blatant attempts to eliminate public sector bargaining, as proposed by many Republicans, they do propose to eviscerate many of the traditional bases for union strength and membership rights. Around education reform, there appears to be little difference. Both parties even showed the antiunion film “Won’t Back Down” at their national conventions (Moran 2012). The Democratic Convention highlighted Obama’s commitment to the controversial Race to the Top program, part of a corporate reform agenda to privatize public schools. It requires states to evaluate teachers based on student standardized test scores, and emphasizes charter and “turn around” schools to replace “failing” public schools, permitting discharge of 50% of teachers. Democrats also support “parent trigger” laws allowing a simple majority of parents in a school to have the administration fire the teaching staff, turning the school over to private for-profit charters (Moran 2012).

The stance of the Democratic Party at its convention, and Mayor Emanuel’s agenda in Chicago, add a new dimension to the failure of the ad hoc coalitions in Wisconsin and Ohio. Focusing on
recall of Republicans (and election of Democrats), and the sole issue of collective bargaining rights, prevents many unions from viewing the role of the Democrats more clearly.

CONCLUSION AND SUGGESTIONS FOR FUTURE RESEARCH

Currently, there are sharp attacks on public sector budgets and public sector unions in numerous states. Although the intensity of these attacks is new, they are best understood in historical and theoretical perspective. Historically, the attacks on public sector unions must be seen in the context of (a) the long-standing pressure on private sector unions and their decades-long decline; (b) the ongoing conservative critique of the public sector itself; and (c) the worldwide dominance of neoliberal ideology. Theoretically, we have suggested that union growth is a natural process, largely inherent in capitalist labor relations. This process has been cyclical in all countries throughout history, with multiple peaks and valleys. We have argued that laws affecting union legitimacy and collective bargaining rarely play a major role in the dramatic increases in union membership (i.e., the peaks) either in the public or private sectors, although restrictive legislation during periods of stasis may have an important dampening effect.

Although the advance and decline of private and public sector unions are often examined separately for reasons of clarity (as we have largely done here), these phenomena are intertwined. Public sector unions originally lagged their private counterparts, but many that were solidly in place before they were legal were located in or near bastions of private sector union strength. Further research needs to explore the relationship in both geography and time between the development of private and public sector unions, and the correlation between deunionization in the private sector and the force of the attacks on the public sector.

Although there is intense opposition in many states to attacks on public sector unions (and perhaps unions in general), it is clear that this opposition is not universal. Which categories of people support these attacks and which categories oppose them? Public opinion polls, whose questions by Gallup go back to the 1930s, indicate majority but somewhat declining support for unions; we find these suggestive and in need of further exploration (Gallup Politics 2011). Reports that a large percentage of members of union households in Wisconsin supported the retention of Governor Scott Walker is another important signpost to explore further.

Much more research is needed to examine the degree to which attacks on the public sector and public sector unions are racially and gender motivated. The attack on welfare (especially Aid to Families with Dependent Children) by President Reagan, characterizing recipients as “welfare queens,” was clearly racial, and was used as a stalking horse to attack a broader array of governmental programs. Many programs scheduled to be eliminated today clearly disproportionately affect poor and minority members of the population. In addition, the employees of the public sector are disproportionately female and African-American. More careful research is needed, not only on the disproportionate impact of antiunion policy on women and minorities, but also on whether this is part of a conscious strategy by its proponents.

The union/nonunion differentials are extraordinarily large for Latinos as a group and Latina women in particular. This issue needs to be explored more fully, and the authors plan to take it up.

The spread of two-tier wage plans is not only divisive within businesses but also sends a negative message to nonunion workers. To what degree do these plans make unions less attractive to nonunionized workers in the current climate?

The use of austerity as a solution to budget deficits, to shrink the public sector and to undermine the wages and benefits of unionized governmental workers, is a tactic that is being followed by allegedly pronion Democrats as well as Republicans. It also appears to be a worldwide phenomenon, which needs to be researched further in the broadest possible context.
There is a growing trend (perhaps most pronounced in Michigan) for state takeovers of cities and municipalities in the name of austerity or solving local financial crises. The targeted areas are disproportionately nonwhite. In effect, these takeovers allow state administrators to overrule local democratic input and to break existing union contracts. The initial template was, of course, New York City during the 1970s fiscal crisis, but the current takeovers of city government are, in many cases, much more comprehensive. What is their impact, and how much do they undermine both democratic control and union rights?

Finally, the international dimensions of attacks on unionism are extensive. These comparative issues, too, need to be explored more fully.

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